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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

SENATE—Monday, May 21, 2012

The Senate met at 2 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our provider, give to our lawmakers provisions for their daily needs. Give them grace to keep Your commandments, to accept Your guidance, to stay on Your path, and to walk in Your light. Lord, give them stamina to run until they reach their goal and to be true to You until the very end. Make them this day wise with Your wisdom and strong with Your strength. Help them to believe in Your power so that they may be certain that You are able to do for them more than they can ask or imagine.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to Calendar No. 400, S. 3187.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 400, S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, we are now on the motion to proceed to the FDA user fees bill. At 4:30 the Senate will proceed to executive session to consider the nomination of Paul Watford to be U.S. Circuit Judge for the Ninth Circuit. At 5:30 there will be a cloture vote on the Watford nomination. If we are able to confirm his nomination, we should expect a second vote on the motion to proceed to the FDA user fees legislation.

OBSTRUCTIONISM REPEATED

Mr. President, this week the Senate must complete work on legislation that will enact crucial reforms that will prevent drug shortages and bring lifesaving medicines to market more quickly. Senators HARKIN and ENZI, a Democrat and a Republican, worked very hard to bring this legislation to the floor. I am cautiously optimistic that the spirit of bipartisanship will continue because Democrats cannot pass this legislation without the cooperation of our Republican colleagues. I certainly hope they will allow us to advance this bill this evening without additional delay caused by another filibuster. I would like Senators from both parties to be free to offer relevant amendments to improve a worthy bill, but before we can get to work on this

legislation in earnest, I urge my Republican colleagues to stop their filibuster. Americans living with cancer and other life-threatening illnesses are watching closely to see whether the Senate is capable of moving to quick action to ease shortages of crucial medicines or whether we will once more be paralyzed by Republican obstructionism.

Americans have seen that obstruction time and time again this Congress. They are frustrated with the slow pace of Senate action to reauthorize the Violence Against Women Act, Iran sanctions, and on legislation to stop interest rates from doubling on student loans. Earlier this month Republicans blocked an attempt to keep higher education affordable for 7 million students. But Democrats have not given up. I hope our Republican colleagues will come to their senses and allow us to prevent this crisis that affects 7 million young men and women before it is too late.

Republican obstruction and infighting has also stalled critical new sanctions on Iran. For 2 months Democrats have worked to resolve Republican objections to this bipartisan measure which passed out of the Banking Committee unanimously. The stakes couldn't be higher. Sanctions are a key tool to stopping Iran from obtaining a nuclear weapon, threatening Israel, and jeopardizing U.S. national security. We cannot afford more delays to putting stronger sanctions in place. I hope my Republican colleagues will see how important it is to advance these important measures and prevent Iran from obtaining a nuclear weapon.

Republicans have also needlessly blocked progress on reauthorization of the Violence Against Women Act. This helps law enforcement effectively combat and prosecute domestic crimes against women. Although both Chambers have passed a version of this legislation, House Republicans have refused to go to conference with the Senate. Their excuse—a hypertechnical budget issue called a blue slip—isn't much of a figleaf to hide their blatant obstruction. The truth is that they are looking

for any excuse to stall or kill this worthy legislation, but American women have not been fooled. If Republicans really want to give police the tools they need to prosecute domestic abusers, they will drop this facade. If Republicans really care about protecting women and families, they will abandon these hypertechnical objections and join us in conference.

There are differences between the House and Senate bills that could be worked out easily. American women and families are counting on our action. But in this Congress it seems the Republicans are more interested in inaction than action; they are more interested in blocking worthy legislation for partisan gain than in working together. Their infighting and partisan games have stopped reauthorization of the Violence Against Women Act, Iran sanctions, and the student loan fix—stopped them right in their tracks. These are just a few of their ways of stopping legislation, a few important measures they have stopped over the past few weeks. But the FDA bill, which will prevent drug shortages and make lifesaving medicines available more quickly, must not become another victim of this partisanship. I hope Republicans seize this opportunity to be cooperative rather than be combative.

Mr. President, would you announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The motion to proceed is now pending.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture votes which were scheduled this afternoon on Watford be vitiated, all of the provisions of that order remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

The PRESIDING OFFICER (Mr. COONS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor to lend my voice to asking my colleagues to vote for the motion to proceed to the FDA Safety and Innovation Act. Like the Presiding Officer, who is from Delaware, where its excellent private sector and public sector have been the hallmark of innovation, I represent a State that is absolutely critical to the innovation economy.

Those of us from Maryland know life science innovation is one of the important economic engines in our economy both today and in the future. We are the home to flagship government agencies such as the National Institutes of Health, the FDA, and iconic internationally branded universities that do research and move it into clinical practice at Johns Hopkins and the University of Maryland. There are also lots of thriving biotech companies and some medical devices. So for us life science is part of the lifeblood of the Maryland economy, and it is also part of the lifeblood of the American economy.

Think of what we do. We come up with new biological products, new pharmaceuticals, new medical devices that not only save and improve lives but also enable them to help people in our own country. Because they are FDA approved—the gold standard for safety and efficacy—they can sell these products around the world, often to countries that will never be able to afford an FDA.

We have worked very closely on a bipartisan basis to be able to create the legislative framework called PDUFA, the Pharmaceutical Drug User Fee Act, and there will be a lot of other UFAs, user fees, in this. As I said, we have worked together on a bipartisan basis to bring this legislation to the floor.

I note on the Senate floor at this moment is the ranking member of the Health, Education, Labor, and Pensions Committee, the Senator from Wyoming, Mr. ENZI, who has been a leader in fashioning legislation where we can continue the mission of what we want at FDA: safety and efficacy, moving drugs into clinical practice, regulations that are sensible, regulate but not strangle the innovation economy or the potential for saving and improving lives. The bill before us is integral to achieving this shared goal.

This is not new legislation. PDUFA was enacted in 1992. At that time we were almost facing a crisis in our country. There was an unduly long wait for patients to have access to new medicines and technologies. For FDA, it often took 2 or 3 years to review a drug application. Materials were submitted manually in a very costly fashion. It cost manufacturers to the tune of almost \$10 million a month.

So we decided to come together in the era when Bill Clinton said big government was over—not to make gov-

ernment to be bigger but for government to be smaller—and we came up with a public-private partnership called the PDUFA, the pharmaceutical user fee legislation. PDUFA supports drug review, so that those who make the products pay a fee to be able to have their drugs reviewed. They also expect their government to reduce the time it takes to move reviews expeditiously yet safely.

Let's be clear: This is a public-private partnership. For FDA, as it looks at its—remember, FDA has two jobs, which are food safety and then the safety of drugs and medical devices. More than 60 percent of funding for drugs and medical devices comes from industry fees—\$712 million. The remainder comes from Federal appropriations—\$473 million. So the private sector carries a big part of this responsibility. The kind of staffing, expertise, and modernization we have at FDA could not have happened without this public-private partnership. It has been a success.

More than 1,500 new medicines or technologies have been approved since 1992 for everything from the dread “C” words such as cancer or cardiovascular disease, to infectious disease, to the dread “A” words such as Alzheimer's, which we are working on, and others. It has allowed the FDA to have more scientists and staff, and for that it is giving value to the private sector to be able to decrease review times. We reduced review times from 2 years in 1992 to 1.1 years today.

We had excellent hearings. They were very civil, very content rich. But I also launched a listening tour in Maryland where I went out to the major biotech companies and heard from over 25 different companies about what they thought we needed to do. I asked them where their government helped them and where their government hurt them, where should their government get out of the way, and where did they need a more muscular government, meaning moving things ahead. They had great ideas. It was fantastic.

What I heard was we have to reauthorize PDUFA quickly, and we must make the improvements to the programs. We need to improve the drug review process; we need to increase communication in order to speed the drug review process. We have made sure we have increased a number of mandatory performance requirements between FDA and the life science product sponsors. I say life science because it is bio, it is pharma, it is medical devices, and some things that are both. PDUFA V, which this is—it is the fifth time—allows us to use biomarkers to decrease development time by helping to demonstrate therapeutic benefit more quickly. It requires FDA to develop a dedicated program for drug development and training of staff.

We face a turnover, and there are a lot of reasons for that which I will

come back to. But we want to make sure those young people who are so smart in science know how to work to have the science evaluated in a timely way. This is absolutely critical.

We have also incentivized the development of drugs for rare diseases. Particularly for parents of children with very unique and poignant, heart-breaking diseases, we would require FDA to develop guidance related to advancing and facilitating increased outreach to patient representatives, not only to the industry but to those who represent the patient advocacy groups. Again, we seek to develop training and certificate programs within FDA on how to review drugs for rare diseases.

I could go through the many benefits of PDUFA. We have done also in here MDUFA, the medical device act, and we do generic PDUFA. So there are several bills in this bill. But we have to act. There has to be a sense of urgency. This is a different bill than many others. If we don't reauthorize many other bills, they keep on going, but with the PDUFAs and the other user fee legislation, they actually will be sunsetted if we do not pass them by October. One might say, Well, we will wait until October. We will deal with it on the cliff.

We can't do that, because of the impact on both the people in the private sector and those in the public sector. Failure to reauthorize in a timely manner would have catastrophic effects on FDA's ability to carry out its important role. If the user fee agreement expires, patients, public health, and industry will suffer. This isn't Senator BARB speaking, this is what our leading business and public health advocates are telling us. If we don't reauthorize, the user fees sunset, so that means U.S. pharmaceutical industries, which support 4 million jobs, would be adversely affected. There would be no FDA to work with.

In 2010, Maryland private life science companies supported over 25,000 jobs. These companies are true innovators. On average, it takes a new medicine 10 to 15 years to develop. If we fail to reauthorize PDUFA, which ensures an efficient, consistent, and predictable regulatory environment, our private sector will lose out. We are going to lose out to Europe and we are going to lose out to China. China is stealing our patents as we speak. It will have a terrible consequence on patients as tens of millions of them rely on drugs and biologics and medical devices.

We know we have legislation that works, we have a legislative framework that works and now we need to get to work. If we do not pass this bill, and reauthorize these major programs, what will happen is we will need to send out RIF notices. We won't do it, but Dr. Mary Hamburg, the FDA CEO, the Commissioner, will have to, starting in July and August, send out RIF notices to 4,000 Federal employees at

FDA, from the Ph.D. and the M.D. to the important lab techs and others who keep FDA going. This is no fooling around, I say to my colleagues. This isn't: Let's wait for the cliff. We will come to the brink if we do not reauthorize. Think about the role of FDA. If one thinks one is going to lose their job, that is what they are going to be preoccupied with. They are not going to be occupied with looking at these clinical trials and moving their advances forward.

We have worked so hard on this legislation. The private sector has worked hard to find a sensible center, and so has Dr. Mary Hamburg and her team. Our committee has worked so well. We can do this. We have to have the will. If we want to stay ahead in the global economy, it has to include passing this legislation.

Everybody talks about stopping China. I don't know what China is going to do, but I know we can stop ourselves if we don't pass legislation that promotes innovation in our country and private sector jobs in a partnership with government.

I conclude by urging my colleagues to vote for the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Maryland, Ms. MIKULSKI, for her passion and understanding and intense work on this particular bill. Of course, she extends her passion and intense work on any bill she is involved in. I am so pleased this bill has gone to committee and has had the time for the committee to work on it. We have a very bipartisan approach on the bill and a very reasonable way to do it.

I rise to support S. 3187, the Food and Drug Administration Safety and Innovation Act of 2012, and I appreciate Senator MIKULSKI making the opening statement. This bill will reauthorize FDA's drug and medical device user fee programs, authorize new user fees for generic drugs and biosimilars, and make a small number of targeted bipartisan policy reforms at the same time.

This legislation represents over a full year of work by the HELP Committee. Fridays have been dedicated to coming up with solutions on this for over a year, and it has paid off. It reflects the information we have learned from hundreds of meetings with patients, with advocates, with stakeholders, with outside experts, and with the FDA. More importantly, it reflects both the ideas and the feedback we have gotten from every member of the HELP Committee and a lot of people outside the HELP Committee. The HELP Committee approved this bill by a voice vote on April 25 and reported the bill out of committee on May 7.

This bill will make important changes to how FDA does business.

Thanks to the efforts of Senators BURR and COBURN, the bill now includes new requirements that will make FDA more accountable and transparent. A fundamental principle of effective management is that one has to be able to measure performance if one wants to improve it. The ideas of Senators BURR and COBURN will help provide those measurements and, as a result, Americans are going to get better access to safe, innovative medical devices and medicines.

The bill will also modernize how the FDA inspects foreign facilities to better account for the global nature of drug manufacturing. It will allow FDA to prioritize and target riskier oversized facilities, which will help prevent the recurrence of the problems with drugs such as heparin.

It will also improve how FDA regulates medical devices. For the past several years, FDA premarket review of medical devices has involved significant delay and unpredictability. This has threatened American manufacturing jobs which have started to migrate overseas because of the unfavorable regulatory environment here in the United States. It has also threatened patient access to new therapies. I believe this bill will reverse those trends.

The bill reflects the concerns I have heard in my meetings with committee members regarding the current shortages of vital and lifesaving drugs. Senators BLUMENTHAL, ROBERTS, CASEY, ALEXANDER, BENNET, and HATCH should be thanked for all the work they put into the drug shortage proposal. The new notification and coordination requirements are important steps that will help prevent future drug shortages.

The bill also enjoys broad support. We have received numerous letters of support from industry, patient groups, consumer groups, and a whole raft of other stakeholders.

We also worked to guarantee that any mandatory spending generated by the bill would be fully offset. Over the past several weeks, we have developed offsets to pay for those provisions that produce mandatory spending. As a matter of fact, according to the Congressional Budget Office, this bill will reduce the Federal deficit.

Chairman HARKIN and I have worked very hard to make this bill as bipartisan and uncontroversial as possible. We tried to avoid controversy because we understand this bill needs to get done. If we don't reauthorize the drug and device user fee programs before they expire this fall, the FDA will be forced to lay off 2,000 to 4,000 key employees. This will cause FDA's review of new drugs and devices to grind to a halt. This, in turn, will threaten biomedical industry jobs, patient access to new medical therapies, and America's global leadership in biomedical

innovation. We are talking about 4 million jobs overall and 2,000 to 4,000 that will have to be chopped off because the money runs out when this bill expires, the previous bill expires, so it is critical that we get that done.

Another important thing with those 2,000 to 4,000 people who will have to be laid off at FDA is those are key technicians, scientists, informed people who have been working on this for a long time. If we lose this, they will still have jobs, it just will not be where we can get drugs on the market faster, devices on the market faster, generic drugs out faster, and all of the other things this bill covers.

So in conclusion, I would like to thank Chairman HARKIN and all the other members of the HELP Committee, FDA, industry, and many other groups for working with us on this important legislation.

I particularly want to point out the cooperation Senator HARKIN has provided, the leadership he has provided on the bill, and the way his staff members and mine have worked together for at least a year in regular meetings with all members of the committee. So I think a lot of the controversy that could come up with a bill like this has been taken care of. I am hoping it has so we can get this done expeditiously.

I thank the Chair and yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. KYL. Mr. President, what I would like to talk about this afternoon is a bit about the President's economic record. I am sure Americans have noticed the President barely mentions this economic record when he is out on the campaign trail, and I can well understand why. It is not a very impressive record, especially if you are a taxpayer or a business owner.

Our national debt creeps closer to \$16 trillion each day. It is now more than \$5 trillion more than it was when the President took office. It now adds up to about \$50,000 per person in the United States, and that is exclusive of interest payments. By way of contrast, the median yearly household income—in other words, all the people in the house—is less than \$50,000. It is \$49,445.

Unemployment recently dropped, but it did so for the simple reason that fewer people are searching for work.

The President's signature legislative items—the stimulus bill, ObamaCare, and Dodd-Frank—have not only been unhelpful in boosting growth, but they have left a trail of crushing debt, uncertainty, and new regulations in their wake. I want to make a few points about each of those bills because I think they paint a fair picture of the President's economic record.

First, let me talk about the stimulus. We have not forgotten about the stimulus, even though I suspect the President might like to—\$1.2 trillion. It, obviously, failed to achieve the promised results. An Associated Press reporter wrote shortly before it was signed into law:

They call it "stimulus" legislation, but the economic measures racing through Congress would devote tens of billions of dollars to causes that have little to do with jolting the country out of recession.

Of course, that is exactly what happened. It seemed more designed to shower taxpayer dollars on certain favored constituencies and pet interests than to actually jump-start the economy. Much of it was simply wasteful Washington spending. Many investors must have asked themselves why they should put their money to risk on new job-creating ventures when they have to compete with well-connected firms that can simply wring taxpayer-provided stimulus dollars out of Congress or the Obama administration.

A Washington Post poll released just last week showed that 48 percent of Americans have an unfavorable view of the stimulus—and this was, after all, the President's signature effort to spur the economy.

Indeed, as Jeffrey Anderson notes in a recent issue of the *Weekly Standard* magazine, the administration does seem to be downplaying the law. Not only has the stimulus failed to create robust growth, the costs have become more outrageous. He writes:

It has now been five months since the Administration last put out a report card on [the stimulus]. . . . the December report marked the sixth straight quarterly report showing that stimulus's cost per job is rising: In reports spanning January 2010 to December 2011, the stimulus's cost per job more than doubled, rising from \$146,000 (in January 2010) to \$317,000 (in December 2011). With each passing quarter, the stimulus has become an even worse deal for taxpayers.

So this is the administration's own report card on the stimulus, concluding in the last report, \$317,000 per job. Think about that for a moment. To create each job, the taxpayers shell out \$317,000.

Numbers like these remind me of a quip from writer Christopher Buckley. He said writing political satire these days can be difficult because it has to compete with reality—\$317,000 for one job under the President's stimulus.

Well, second, ObamaCare. The \$2.6 trillion bill is not aging very well. Since its passage, the act has imposed an estimated \$14.9 billion in private sector burdens, approximately \$7 billion in costs to the States, and 58.6 million annual paperwork hours, according to a weekly regulatory report.

The April Kaiser health tracking poll showed that more Americans have an unfavorable view of the law than favorable. It is 43 to 42 percent. More than half of Americans oppose its central

provision, the so-called individual mandate. All told, the new taxes in ObamaCare would add up to \$½ trillion over 10 years. Many of these taxes will coincide with the biggest tax increase in history—the one scheduled for the end of this year. So at the very time the income tax rates are scheduled to go up, the new taxes from ObamaCare will hit—\$½ trillion worth of new taxes over the next 10 years.

Finally, there is the Dodd-Frank financial regulatory reform bill. When it comes to financial regulatory reform, I think most Americans believe there should be two simple goals: preventing new crises from happening and making sure the taxpayers are not on the hook for Wall Street's mistakes.

Well, the Dodd-Frank bill did not achieve either goal. It is a complex web of regulations that institutionalized "too big to fail" and has served to increase uncertainty, increase moral hazard, and increase economic distortions, all the while adding 52.9 million paperwork hours since its passage.

So, as I said, President Obama does not seem to be running for reelection on this record of the stimulus package, ObamaCare, or Dodd-Frank regulatory reform. Instead, he is going to be sending—or maybe he has already sent it—to Congress a to-do list, things he would like for Congress to do, most of which are tax credits and other very short-term proposals that are not likely to have a big effect on jobs or growth because the business sector is not impressed with a one-time-only, short-term proposition. It wants to know that when it invests money, that investment is going to be for the long term. Apparently, he is going to campaign on this most recent list when he goes out to Iowa later this week.

Well, this happens to be Small Business Week, and one would think the President would turn to something that businesses have actually said they would like to do; that is, to prevent this tax tsunami coming at the end of this year—as I mentioned, the biggest tax increase in the history of the country, which automatically would take effect on January 1 of next year, unless Congress does something about it and the President can sign the legislation.

The NFIB, the National Federation of Independent Business, recently released a list of the top five uncertainties in the Tax Code that they say would harm small businesses. Let me just mention three of these uncertainties.

One is the pending increase in marginal tax rates, which will devastate the estimated 75 percent of small businesses that file as individuals. Every one of the five tax rates in the IRS Code will be increased as of January 1. Since most of the businesses now pay—especially small businesses—as individuals—so-called passthrough entities—these rate increases directly will impact small businesses.

Secondly, they are concerned about the death tax. That is going to ensnare 900 times more small business owners and 2,200 times more family farmers if the rate increases to 55 percent and the exemption falls to \$1 million, as is scheduled to occur on January 1.

Third is the alternative minimum tax which will hit 27 million more Americans—including many small businesses—if it is not patched or repealed. Well, small business cannot afford this, what has been called “taxmageddon” and its devastating consequences.

I would hope, instead of this to-do list the President is sending us, he would take up the cause of preventing this big tax increase at the end of the year and help the small businesses and families that need that help.

Finally, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a piece in National Review Online by Larry Kudlow dated May 17 called “Extend the Bush Tax Cuts Now.”

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. In this piece, Larry Kudlow, a noted economist, notes that with respect to this “taxmageddon”—the increase in everybody’s taxes at the end of this year—it is the uncertainty of it all that is preventing the investment by business which would create the jobs we would all like to see. I would just like to quote three paragraphs and a couple sentences in a fourth. He says:

The uncertainty over the Bush tax cuts already has caused a number of business leaders to threaten a hiring freeze and a dampening of investment until they can figure out the after-tax cost of capital and rate of return on investment. Hiring has slowed noticeably in recent months. And a number of Wall Street economists are marking down the anemic recovery even more, suggesting that the 3 percent growth at the end of last year, which faltered to 2 percent growth in the first quarter, could be even less in the period ahead.

Then he goes on to say:

A bunch of CEOs have even formed their own march on Washington. Eighteen of them just wrote to Treasury man Timothy Geithner, begging him to oppose tax-rate hikes on dividends—

Which would go from 15 to 45 percent—

and capital gains (from 15 to near 30 percent. . . .)

“Equity capital is the life blood of investment and job creation for U.S. companies.”

That is what these CEOs wrote in the letter to Treasury Secretary Geithner.

Kudlow goes on to say:

And they argued that the administration’s tax-hike plans would do great harm to American competitiveness and capital formation.

Then he quotes the Ernst & Young firm to say this:

. . . the top U.S. integrated tax rate on corporate profits and dividends is on course

to hit 68.6 percent, significantly higher than all other OECD countries—

Those are the developed countries of the world—

as well as Brazil, Russia, India, and China. Capital gains would rise to 56.7 percent.

In other words, he is pointing out that not only would these higher tax rates hurt the small businesses and the families because of the individual tax rate, marginal rate increases, but raising the dividends and capital gains taxes would be even more detrimental because we are asking companies in America to compete with firms all over the world, and their rate would be much higher with this tax increase than the rate in all of the other developed countries, as well as countries such as Brazil, Russia, India, and China. How can American businesses compete in that situation?

Then, finally, Kudlow notes the effect of all of this uncertainty on what matters most to most Americans; that is, the fact that they cannot get work. He says:

Bizarrely, some 25 million people have vanished from the labor force—from unemployment, underemployment, or simply dropping out all together. And half of U.S. households are now on some form of federal-transfer-payment assistance. So as we pay so many people not to work, we’re sapping the vitality of the economy.

This is absolutely true. With half of the people in the country on some form of Federal assistance, with 25 million people having just vanished from the labor force not even looking for work anymore, businesses sitting on the sidelines because they cannot calculate what kind of return on investment they could get because of the potential for the huge tax increase that is going to occur on January 1, it is no wonder we cannot move forward with an economic recovery.

So I would just say to President Obama that providing long-term tax rate certainty would go a long way toward establishing a sound economy in this country, putting Americans back to work, and, ironically, establishing a better record on which the President could run. A year and a half ago, the President actually proposed—and I think Congress was very happy to go along with—a continuation of the existing tax rates because, as he said at the time, not to do so would be very damaging to the economy. I would submit it is equally damaging for that to happen at the end of this year.

So I would ask the President, help give the American people and American businesses the certainty they need to invest, to create jobs, to advance our economic growth, and create prosperity for our future.

EXHIBIT 1

[From National Review, May 17, 2012]

EXTEND THE BUSH TAX CUTS NOW

(By Larry Kudlow)

House Speaker John Boehner is playing a heroic role right now. In his efforts to pre-

vent the Bush tax cuts from expiring, Boehner is aggressively taking on President Obama’s leadership ineptitude on the economy. In essence, Boehner is pushing a Republican policy to wrap up a debt-limitation bill and extend the Bush tax cuts in one fell swoop before the election—and before all the last-minute, crisis-oriented, political machinations that would come in a lame-duck Congress, threatening another credit downgrade and leading to a business-hiring freeze and plunging stock market, all of which happened last year.

Tax-cut certainty is so vital right now because the anemic economic recovery may be moving towards deflation. That’s the message of a gold price that has collapsed by near 20 percent, falling from around \$1,900 an ounce to the mid-\$1,500s. With a risk-averse economy at home, and with the Greek and European financial crises abroad, the demand for dollars seems to exceed the dollar supply printed by the Fed. This could be solved by more quantitative easing. But a better approach for a system already oversupplied with unused liquidity would be the extension of tax-rate growth incentives, not more monetary pump-priming.

The uncertainty over the Bush tax cuts already has caused a number of business leaders to threaten a hiring freeze and a dampening of investment until they can figure out the after-tax cost of capital and rate of return on investment. Hiring has slowed noticeably in recent months. And a number of Wall Street economists are marking down the anemic recovery even more, suggesting that the 3 percent growth at the end of last year, which faltered to 2 percent growth in the first quarter, could be even less in the period ahead.

A bunch of CEOs have even formed their own march on Washington. Eighteen of them just wrote to Treasury man Timothy Geithner, begging him to oppose tax-rate hikes on dividends (from 15 to 45 percent) and capital gains (from 15 to near 30 percent, taking the “Buffett Rule” into account). “Equity capital is the life blood of investment and job creation for U.S. companies,” they wrote. And they argued that the administration’s tax-hike plans would do great harm to American competitiveness and capital formation.

According to accounting firm Ernst & Young, the top U.S. integrated tax rate on corporate profits and dividends is on course to hit 68.6 percent, significantly higher than all other OECD countries, as well as Brazil, Russia, India, and China. Capital gains would rise to 56.7 percent.

And Speaker Boehner knows this. So he’s begun a valiant fight to get supply-side tax reform at the top of the congressional agenda well before the election. Similarly, House budget chairman Paul Ryan is suggesting at least a six-month extension of the Bush tax cuts, so as not to disrupt business. (By the way, the Ryan tax-and-spending-reform budget got 41 votes in the Senate, while Obama’s budget got none.)

In a recent interview, former top Obama economic adviser Larry Summers told me the U.S. recovery is going “ahead of schedule.” Really? But former Obama economist Austan Goolsbee gives a more realistic assessment by referring to a subpar 2 percent forecast that is way too slow to spark faster job creation.

Bizarrely, some 25 million people have vanished from the labor force—from unemployment, underemployment, or simply dropping out all together. And half of U.S. households are now on some form of federal-transfer-

payment assistance. So as we pay so many people not to work, we're sapping the vitality of the economy."

Mitt Romney recently gave a fine speech, blasting Obama's profligate spend-and-borrow policies. He described "a prairie fire of debt sweeping across Iowa and the nation," and he tied our newfound debt to the "tepid recovery."

But lower spending alone, while important, is not going to solve the economic-growth problem. Yes, moving spending to 20 percent of GDP from 24 percent will free up private resources. But lower tax-rate incentives on the extra dollar earned and invested is a more powerful economic-growth tool. Romney should push his 20 percent tax-rate-reduction plan. That would add liquidity to fight deflation, and would provide new economic-growth incentives.

As for John Boehner's goal of an early extension of the Bush tax cuts, it's going to be an uphill climb. Democrats want to raise taxes, not cut them. But at least the GOP will have a coherent growth-and-jobs message. They can tell the public how important it is to avoid falling off the massive tax cliff which looms ahead. Deflationary fears can ease. And they can make it plain to voters that the GOP has a growth message in these perilous economic times, while the Obama Democrats do not.

THE PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I was not here to hear all of my colleagues' remarks. I know there is a lot of concern about the end of the year and what might happen to try to balance our budget and give us a solid platform on which this economy could grow. But one of the things that is holding us up is the Republicans' refusal to put any new revenues on the table. They have been adamant and wrong and hard-headed and stubborn.

They have been very obstructionist in this way—by not being willing to put a penny of new revenue on the table. As a result, we have come to a standstill because the income coming into the Federal Treasury to support this government is at the lowest level since President Eisenhower was President. So they can come to the floor all day long and criticize the President, criticize the Democrats, but in the last 2 years Democrats have put over \$2 trillion of cuts and reductions to some very important programs on the table.

Some of us have even been willing to say, yes; we know we have to reform Social Security and Medicare and Medicaid. We have also been willing to speak those words which are not easy. Yet not one single Republican leader, not one on either side, the House or the Senate, not one has come to this floor in public. Now, I have heard them say it in private. I have been in meetings when they have said it. But not one has come to this floor to say: We are willing to put revenues on the table so we can match the cuts and move this country forward.

So I am a little tired of hearing them beat up on either President Obama or

the Democrats when they are more to blame for the situation we are in. The American people are getting tired of it too because they can understand it is not 100 percent President Obama's fault. In fact, when he took office, the Titanic had already hit the iceberg because they had run right smack into it with the economic philosophies and policies they had. The ship was already sinking. But all they want to do is—either MITCH MCCONNELL or JON KYL, one day the Senator from Arizona or the Senator from Kentucky—every day come to the floor and talk about how it is the President's fault there is no way forward, there is no sure path forward, when they are the ones who have put boulders in the way every day.

So I hope the people can see through it. I came to the floor to talk about something else, but I am getting a little tired of hearing it myself. So I am sure everyone else is as well.

Again, Democrats have put \$2 trillion of cuts before this body, and we have implemented some of them already. But we cannot run a government on 14 percent of the GDP. The average has been about 20 to 21 percent. So until they are willing to put some more revenues on the table, we are not going to get anywhere, and we are not going to be able to extend the tax cuts that cost people money.

I hope we can do something so we can extend some tax cuts to small businesses, which I came to talk about—and you, Mr. President, know this well. Instead of giving some of the biggest tax breaks to companies that are the biggest in the world and put all of their jobs overseas, I wish the Republicans would start talking about tax relief to businesses right here at home on Main Street. That is what I want to talk about today.

(The further remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET

Mr. WYDEN. Mr. President, I believe the development of the Internet, its networks, and the digital economy are one of the great achievements of our age.

The Internet links humanity together, facilitating economic growth, bringing education and health re-

sources to remote regions, reshaping societies and advancing human rights.

While networks foster innovation, job creation, and political and social progress, networks can also be used by actors with nefarious motives. It is in our national interest to deter, detect, and destroy real and viable cyber threats, to protect Americans and preserve the benefits of the Internet. Americans must not be afraid to go online.

The Internet works not just because it is open to all but because it is founded on the principle of trust. Users trust that their browsers are visiting real Web sites, not replicated ones. Internet commerce succeeds because people trust that their transactions are private and their financial information won't be shared with others. People trust the Internet because they believe their service providers work for them, not for their advertisers, not for scammers, and not for the government.

Congress's effort to develop a comprehensive approach to cybersecurity must not erode that trust. When Americans go online to consume digital services and goods, they must believe and know with some certainty that their privacy is adequately protected. The content that Americans consume must be at least as private as their library records, their video rentals, and book purchases in the brick-and-mortar world. Our law enforcement and intelligence agencies should not be free to monitor and catalog the speech of Americans just because it is online.

But the legislation passed by the other body, known as CISPA, would erode that trust. As an attempt to protect our networks from real cyber threats, CISPA is an example of what not to do. CISPA repeals important provisions of existing electronic surveillance laws that have been on the books for years, without instituting corresponding privacy, confidentiality, and civil liberty safeguards. It creates uncertainty in place of trust, it erodes statutory and constitutional civil rights protections, and it creates a surveillance regime in place of the targeted, nimble, cybersecurity program that is needed to truly protect our Nation.

Unfortunately, S. 2105, the bill before the Senate, shares some of these defects. Currently, Internet services and service providers have agreements with their customers that allow them to police and protect their networks and users. Rather than simply allowing these Internet companies to share information on users who violate their contracts and pose a security threat, the House and Senate proposals regretfully authorize a broad-based information-sharing regime that can operate with impunity. This would allow the personal data of individual Americans to be shared across a multitude of bureaucratic, military, and law enforcement agencies. This would take place

regardless of the privacy agreements individual Americans have with their Internet service providers.

In fact, both the House and Senate bills subordinate all existing privacy rules and constitutional principles to the poorly defined interests of what is called cybersecurity.

These bills would allow law enforcement agencies to mine Internet users' personal data for evidence of acts entirely unrelated to cybersecurity. More than that, they would allow law enforcement to look for evidence of future crimes, opening the door to a dystopian world where law enforcement evaluates your Internet activities for the potential that you might commit a crime.

In establishing this massive new regime, these bills fail to create the necessary incentives for operators of critical networks to keep their networks secure.

It is a fundamental principle of cybersecurity policy that any network whose failure could result in a loss of life or significant property should be physically isolated from the Internet. Unfortunately, many of our critical network operators have violated this principle in order to save money or streamline operations. This sort of gross negligence ought to be the first target in any cybersecurity program—not the privacy of individual Americans.

Congress could target this behavior with yet one more rule book and one more bureaucracy, creating a cybersecurity contractor full employment program. I am not, however, convinced this is a problem that requires that kind of solution.

At the same time, Congress should not allow our critical network operators to ignore best practices with impunity. It is vital they understand that any liability for a preventable cyber attack is their responsibility. There is not going to be a governmental bailout after the fact in the cybersecurity area. Shareholders and boards of directors must be vigilant and understand the risks to their investments. Executives must understand that ignoring critical cyber threats in the interest of cost savings and convenience will leave them personally exposed.

Internet providers and backbone operators clearly have a role in this fight. When they detect abnormal network activity or have a user violating their contract in a way that constitutes a cyber threat, they can and should inform our cyber defense officials. If it is necessary to grant them immunity to share this kind of information, the Congress could grant it—narrowly and with careful consideration.

Mr. President, there would be bipartisan support for the proposition that the Federal Government also has a significant role that does not necessarily require billing taxpayers for legions of

private cybersecurity contractors. The Department of Defense, the Department of National Intelligence, Homeland Security, and the Justice Department—four major parts of our government—all have cybersecurity specialists. The Congress ought to be promoting the cyber capabilities of these agencies and providing the resources that are needed to protect these networks. These Federal agencies should do a better job of consulting the private Internet companies to better understand the attacks that are occurring every day across the net.

Some of these steps may require legislation, but many can be carried out by responsible actors in the public and private sector without waiting for the Congress to act. However, the legislation before the Senate and the cybersecurity legislation that passed the other body leads our country away from the kind of commonsense approach to cybersecurity I have outlined this afternoon.

As they stand, these bills are an overreaction to a legitimate and understandable fear. The American people are going to respond by limiting their online activities. That would be a recipe to stifle speech, innovation, job creation, and social progress. I believe these bills will encourage the development of an industry that profits from fear and whose currency is Americans' private data. These bills create a cyber industrial complex that has an interest in preserving the problem to which it is the solution.

In terms of the process, the Senate ought to proceed in a way that is as open and collaborative as the Internet the Congress seeks to promote and protect. On substance, any cybersecurity bill must contain specific and clear descriptions of what types of data and when such data can be captured, with whom it can be shared, and under what circumstances. Anything not specifically covered ought to remain private. Privacy in the cybersecurity arena should be the default not the exception. Legal immunity to corporations that share information should be the exception not the rule and void if privacy protections or contracts are disregarded.

The Congress and the public must have the ability to know how any cybersecurity program that is established is to be implemented. That means routine public and unclassified reports and hearings to examine whether there were any unintended privacy or civil liberty impacts caused by the program. No secret law, Mr. President.

Bad Internet policy is increasingly premised on false choices. Earlier this year, during the consideration of the Protect IP Act and the Stop Online Piracy Act, the Congress was told again it had a false choice. The Congress was told it either could protect intellectual property or it could protect the integ-

rity of the Internet. This was a false choice. I and others said so at the time because achieving one should not and does not require sacrificing the other.

Now the Congress is being asked once again to make a false choice—a choice between cybersecurity and privacy—and I don't think these two are mutually exclusive. I think we can have both. Our job is to write a cybersecurity bill that protects America's security and the fundamental right to privacy of our people. There is no sound policy reason to sacrifice the privacy rights of law-abiding American citizens in the name of cybersecurity. It is my intent to fight any legislation that would force Members of the Senate to make that choice.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I rise today to talk about the Food and Drug Administration Safety and Innovation Act. I believe we are going to have a cloture vote on this bill tonight, and I am pleased that all early indications are it will pass tonight and we will move forward on this bill.

There has been considerable time spent drafting this legislation. It gained bipartisan support both in House and Senate committees, and it is moving through what I would call a regular process. We haven't seen too much of that in the last year and a half or so. This is the regular process. For those who say Congress can't get anything done, hopefully, with passage of this bill we will take a very significant step forward in terms of being able to provide and bring to patients, doctors, administrators, and others across the Nation new drugs, new treatments, and new medical devices that can ensure better health, prevent potential terminal situations, and provide better drug availability and device availability. So I think it is very important that this legislation goes forward.

I am pleased we have gotten to this point on a bipartisan basis. I think Senators HARKIN and ENZI deserve commendation for their work in the Senate, and those in the House as well for bringing the bill along on a parallel track.

The whole idea of this legislation is to continue to provide the safest, most effective and most efficient drugs and devices for American citizens and people around the world. These are two very important industries in which the United States has had the leading edge as providers and we don't want to lose that. It has meant a lot for our economy, and it has meant a lot of jobs for Americans. I think the passage of this bill will continue what has been a remarkable nearly three decades' worth of innovation that has taken place both in the biopharmaceutical industry as well as the medical device industry.

Part of this bill deals with drug shortages. I have talked to a number of doctors—my staff has been traveling the State talking to medical providers—and there is an alarming number of drug shortages in critical drugs, particularly those designed to deal with more rare instances of health problems and yet, obviously, important to those people who are suffering from those incidences of disease or health threats.

It was reported to me that last year FDA received a record number of drug shortage reports—more than 250—including critical drugs used in surgery, emergency care, and oncology. The problem continues today, but this bill addresses that and, hopefully, will move us forward significantly in terms of dealing with this current problem.

In Fort Wayne—my hometown in Indiana—Parkview Health's pharmacy director said nearly 80 percent of hospitals consistently face shortages in drugs needed for emergencies, including cardiac and diabetic prescriptions. This bill incorporates significant reporting requirements to the FDA that I hope will help mitigate this critical problem. I think we are going to need to figure out ways to further address this, but this can be an important first step.

The whole concept has been somewhat unique in the Federal Government; that is, the makers of the products essentially pay a fee to a regulatory agency for the regulatory agency to conduct the work necessary to gain approval to sell their drugs on the market. We have had a situation which is sort of a cornucopia of new innovations in drugs and medical devices. Yet they have been delayed by the bureaucracy or the inability of the FDA to move in an efficient, effective way to run this through the process.

The biopharmaceutical industry has basically said: Look, we are willing to put up between \$3.5 billion and \$4 billion in new user fees—I believe it is over a 5-year period of time—which will account for nearly 60 percent of the funding designated by the Center for Drug Evaluation and Research. In exchange for putting up those fees, the FDA has agreed to new performance goals and process improvements that will reduce the time it takes drugs to reach the market.

So the key is to provide the funds necessary to hire the right people and put the right procedures in place to expedite the study and approval of safe, effective, efficient drugs that have been sent to the FDA for approval so we can get them into the market. Of course, the ultimate goal is to get them not only into the market but use them to provide health and safety benefits for the American people.

The Medical Device User Fee Act is also part of this. In Indiana, we have not only a very large biopharma-

ceutical company and a number of affiliated companies, we also have a vibrant and dynamic medical device industry. That industry employs over 20,000 Hoosiers directly and many more indirectly with good-paying jobs. Many of these companies are right on the leading edge of new innovation and new developments. So included in the legislation that we will be voting on is a 5-year agreement known as the Medical Device User Fee Act that improves the regulatory pathway for medical devices.

This is the medical device equivalent of the pharmaceutical user fee. Device companies have worked with the FDA, again in an agreement where each side contributes. The medical device manufacturers will contribute user fees to go to the FDA that can be used to streamline—without compromising safety in any way—the regulatory process so the approvals can be made.

Why is this important? Well, it is important not only to getting these products into the marketplace so they can be used to safely improve the health of American citizens, but this is a dynamic export industry where America has been the leading exporter of medical devices. I have heard from so many medical device manufacturers throughout Indiana that they are faced with the dilemma of having to potentially think about moving overseas simply because of the delays and the time lapse that exists for approval. They can manufacture these products overseas and get approval overseas and sell them on a worldwide basis much more quickly, but they do not want to do that. The United States is their home and they want to produce here, but they have to compete with their competitors across the waters that are subjected to fewer delays in implementing approvals.

To counter that, we simply want to use this medical device user fee in a way that will help the FDA's review process and eliminate these unnecessary delays, unpredictability, and inconsistency of past practices.

I do want to thank the FDA for paying significant attention to our device users by coming to Indiana and listening to them—a forum that I convened. There has been interaction back and forth, whether it is FDA traveling to Indiana or device manufacturers traveling here to Washington. I am pleased that this bill contains some items that are the result of all those negotiations and all those exchanges between the two.

Let me mention one last thing before closing, and that is the medical device tax, which is not part of this bill. To pay for the so-called affordable health care law, the administration included a 2.3-percent tax on medical devices, which will begin in 2013. That tax essentially was imposed on an industry that is paying its full share of taxes,

contributing to the user fee, and yet it was slapped on as a way to pay for the costly health care bill. That has an enormous impact over a period of time on these device manufacturers and jeopardizes manufacturers' ability to remain based here in the United States rather than looking overseas.

There are a number of States in addition to Indiana—and my colleague from Minnesota is waiting to speak, and her State is also a major manufacturer and innovator of medical devices. California, Florida, Illinois, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Texas, and Wisconsin will all suffer potential job losses if this medical device tax is imposed.

We are not taking it up in this bill so as not to try to derail the bill. I understand an agreement has been made that it would be set aside. I know Senator HATCH, on our side, is looking for an opportunity to bring that up in another vehicle, and I want to support that. I encourage my colleagues to take a look at the impact of that fee on our ability as a nation to be the leader in innovation and export of medical devices.

I thank Senators HARKIN and ENZI for shepherding the Food and Drug Administration Safety and Innovation Act through the committee. I believe this legislation will help improve patients' access to new medical technology, and it will protect American jobs and improve the FDA so that America can remain a global leader in biomedical innovation. I encourage my colleagues in the Senate to support this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Indiana for his words.

We both are from States that have a lot of jobs involved in medical devices, and, in fact, this bill is something we worked on very hard. I am the cochair of the medical device caucus in the Senate. This has been our top priority, to try to move those FDA rules along, and this bill does that. It is an agreement—a rare agreement—between government and industry, which is something both parties want. We would like to move those approvals along for the patients, long-suffering patients who should have access to medical devices, and then also for the industry, where we have seen way too much venture capital money go to places such as Europe simply because that process moves faster. So this is a very good bill, and I am so pleased we have bipartisan support.

I see that the Senator from Wyoming, Mr. ENZI, has come into the Chamber, and both he and Senator HARKIN deserve a lot of praise.

I wish to focus today on one piece of this bill, something I have worked very

hard on, and it really came out of things I heard in my State, things I heard from pharmacists literally 2 years ago, things I have heard from patients. I got together with our staff. I see that our legislative director, Rose Baumann, and Andrew Hu, who did a lot of work on this bill, are here today. We went and talked to all kinds of people involved. We talked to pharmaceutical companies to try to figure out what was going wrong with drug shortages; we talked to the people who were suffering the most—the patients; we talked to the pharmacists, and we said: What would work here? And the FDA told us that, in fact, when they did get early notification from pharmaceutical companies that there was going to be some kind of shortage, it helped. They were able to avert that shortage. They have done it successfully over 100 times, and they have done it many times with some key drugs. And the earlier notice they have, the better it is for everyone because they can, in fact, then avert the drug shortage, and that is what this is about.

I will tell you that, for me, this whole bill and this whole provision really comes down to a little boy named Axel Zirbes, a young boy with bright eyes and a big smile. Because of leukemia, this little boy, when I saw him, had no hair on his head. He and his family were thrown into a panic about 1 year ago when they learned that an essential drug—cytarabine—was in short supply and might not be available for their son, who they had just found out was diagnosed with leukemia and was supposed to start treatment, and the doctor says: You know what, we don't know if you should start it—you should start it immediately, but we don't have this critical cancer drug, this critical leukemia drug.

They decided they would take Axel to Canada, where the drug was readily available, and just when they were making those plans to go there, they found out that some of the drug had been located and that Axel could come in for his treatments. Well, that should never have happened, not in the United States of America, not to a family of a little 4-year-old boy, both parents working hard to make sure their child could have health care and then this happens. It makes no sense.

There is the story of Mary McHugh Morrison, who joined me at a forum I held on this topic in Edina, MN. Mary is a woman whose cancer had, unfortunately, returned after a shortage of Doxil. That is a chemotherapy drug that had kept her ovarian cancer at bay. In fact, this shortage interrupted her chemotherapy regimen. Mary struggled to find remaining vials of Doxil and then struggled with the ethical dilemmas of using the drug she found when others would not be able to use it. She literally talked at the

forum about how she had personally called people, used connections, tried to find those vials, and she realized that when she got those drugs, other people wouldn't have them.

Again, this shouldn't be happening in the United States of America. She shared her experience with us. And because of a few delays in treatment, Mary's doctor told her that her tumor had, unfortunately, returned and that she was then no longer responding to that drug. This past February, CT scans, unfortunately, showed that Mary's tumor size had doubled. She was immediately accepted into a clinical trial at the Mayo Clinic and began treatment. Fortunately, she is so far responding well and her health is improving.

These shortages are happening all over this country. Every single Senator in this Chamber has heard about one of them. You heard Senator COATS from Indiana talking about what he had heard. So the fact that we heard this first in Minnesota I don't think is any surprise. We have an active State. We have people who believe you can still make a difference. We have pharmacists who are on the front line every day, and they came to us to get this bill introduced. We heard from emergency medical responders, who have told me that shortages have made it difficult to stock lifesaving drugs in their ambulances. I have listened to stories from parents whose children rely on drugs to help maintain their focus at school. I have seen firsthand how doctors and pharmacists have had to struggle to keep their patients alive as they look for these drugs.

These shortages have had significant impact on these patients' quality of life, oftentimes forcing them to pay hundreds more for expensive alternatives or risking their professional careers to adjust for their diseases and spending hours and days just trying to find a way to fill a prescription.

When we are dealing with so many costs and resource issues with health care, the last we want is for doctors and nurses and pharmacists to be wasting away hours trying to find drugs and then ultimately, in most cases, finding them, but this is no way to run a railroad. Across the country, hospitals, physicians, and pharmacists are confronting unprecedented shortages of these drugs.

So those are the stories, but here are the numbers.

The number of drug shortages has more than tripled over the last 6 years, jumping from 61 drug products—remember, there are thousands of shortages, but this is 61 different drug products in 2005 to more than 200 drug product shortages in 2011.

A survey by the American Hospital Association found that virtually every hospital in the United States has experienced shortages of critical drugs in

the past 6 months. More than 80 percent reported delays in patient treatment due to shortages.

For some of these drugs, no substitutes are available or, if they are, they are less effective and may involve greater risk of adverse side effects. The chance of medical errors also rises as providers are forced to use second- or third-tier drugs that they are less familiar with using.

A survey conducted by the American Hospital Association showed that nearly 100 percent of their hospitals experienced a shortage—100 percent. Another survey conducted by Premier Health System showed that 89 percent of its hospitals and pharmacists experienced shortages that may have caused a medication safety issue or an error in patient care.

It is clear that there are a large number of overlapping factors that have resulted in these unprecedented shortages. Experts cite a number of factors: market consolidation, poor business incentives, manufacturing problems, production delays, unexpected increases in demand for a drug, inability to procure raw materials, and even the influence of the gray market. Literally, people are trying to make money off of this now. They hear there is a shortage, and they buy up the supply and then sell it at a higher price. Financial decisions in the pharmaceutical industry are also a major factor. Many of these medications are in short supply because the companies have simply stopped production. They decided it didn't work for their profits to keep producing them. Mergers in the drug industry have narrowed the focus of product lines. As a result, some products are discontinued or production is moved to different sites, leading to delays. When drugs are made by only a few companies, a decision by any one drug company can have a large impact. That would make sense.

To help correct a poor market environment or to prevent gray market drugs from contaminating our medication supply chain, we must address the drug shortage problem at its root. Last year I introduced the Preserving Access to Life-Saving Medications Act with Senator BOB CASEY. We also have the support of Senator COLLINS and others. This is a bipartisan bill that would require drug manufacturers to provide early notification to the FDA whenever there is a factor that may lead to a shortage. We also had support from the Presiding Officer, as well as Senator BLUMENTHAL of Connecticut and many other people from across the Senate.

This bill will help the FDA take the lead in working with pharmacy groups, drug manufacturers, and health care providers to better prepare for impending shortages, more effectively manage shortages when they occur, and minimize their impact on patient care. And

that is why I am pleased that the early notification provision from my bill is included in the Food and Drug Administration Safety and Innovation Act, the one that Senator COATS and I were just discussing and that we are debating today.

I thank Senator HARKIN and Senator ENZI for their leadership on the HELP Committee in bringing this legislation forward and including my provision. In a bipartisan manner, the HELP Committee brought together several working groups to address a wide range of issues, from medical device innovation to drug shortages. In the drug shortage working group, we spoke with experts from patient groups, providers, drug manufacturers, and the FDA to try to find an appropriate solution.

Ultimately, the legislation now includes many policies that I believe will help address shortages. In addition to the early-notification requirement, again, the FDA is going to be able to look in our own country, and if they can't find something in our own country they can look at safe locations overseas. You simply can't keep these patients waiting for their treatment.

In addition, the bill directs the FDA to improve communications inside and outside its walls, requires more robust record-keeping and reporting, and asks for studies on how pricing factors impact drug shortages.

I believe this bill represents a step forward in our ability to prevent these shortages—a strong step forward. With manufacturers providing early notification, the FDA's drug shortage team can then appropriately use their tools to prevent shortages from happening. As I mentioned, in the last 2 years, the FDA, with more information, has successfully prevented nearly 200 drug shortages. Imagine the hundreds of thousands and millions of patients that has helped. So we need to extend it. That is what this bill does.

One such example is the recent shortage of methotrexate. This is a very common drug used in chemotherapy to treat cancers such as leukemia. For me, the most devastating part about the shortage is that I heard about it from the Zirbes family—the family of this little 4-year-old boy who had to suffer through the shortage of cytarabine earlier. Only this time, the FDA took quick action once it learned of this potential shortage and worked with other manufacturers to boost production and helped stop the bleeding before this became a major crisis. That is an example of what can happen with early notification. They are allowed to then go to other manufacturers and find the people who can make the drug to get it to the hospitals, to get it to the patients. And today, with strong cooperation between the FDA and pharmaceutical manufacturers, methotrexate is available for patients who rely on it just like that little 4-year-old boy Axel Zirbes.

Together with Senator CASEY, we were able to work with the HELP Committee and in a bipartisan manner come up with a solution that would give the FDA more tools to prevent drug shortages and ensure patients such as Axel or Mary have the drugs they need when they need them. Recent announcements by the FDA have proven that early notification and cooperation with manufacturers have helped reduce the number of drug shortages by over half. There have been 42 newly scarce drugs so far this year, compared to 90 in the same period last year. That is progress.

While I applaud the FDA in their efforts to address this crisis, 42 drugs in shortage is still 42 too many for me. That is why it is so important to pass this provision and give the FDA the tools it needs to get the number down to zero.

I understand that early notification requirements may be a short-term solution to a long-term problem. That is why I will continue to work with my Senate colleagues to come up with a broad permanent solution, one that includes methods to address the root causes of drug shortages.

It has been a long road to get to this point. Nearly 2 years ago I began hearing about this drug shortage issue, and when I first talked about it some of the doctors said: Really? I haven't heard about it. Now, 2 years later, they have all heard about it. That is why we introduced the Preserving Access to Life-saving Medication Act. That is why we came together to get an agreement in this legislation. That is why the President issued an Executive order that pushed for more voluntary notifications from manufacturers, and the FDA released an interim final rule that broadened the scope of the current notification requirement. That is why it is so important that we pass this legislation.

Patients such as Axel or Mary should not have to be burdened with the added stress and worry about whether they are going to have enough medication to get through their next treatment. They have enough on their minds. Let's get this done. It is a great example of people working across the aisle. When they heard something from their constituents, they were willing to listen and to put this bill together. Me, I would like to have gotten it done 2 years ago, but later is better than never. We can get it done this week.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, after many months of bipartisan negotiation, the Senate will proceed this evening to vote on the motion to proceed to consideration of the Food and Drug Administration Safety and Innovation Act of 2012. I hope it will receive an overwhelming vote so we can move ahead with it and dispense with the bill on the floor this week. This bill is the product of excellent bipartisan collaboration on the Health, Education, Labor, and Pensions Committee which I chair. All Senators on the committee have been involved. Going back almost a year, we set up working groups. Different Senators had different interests in different parts of the bill. They and their staffs on both sides were invited, Republican and Democrat, to be involved in those working groups to put this bill together.

The bill passed overwhelmingly out of our committee—actually by voice vote, with only two reserving their “no” votes. So it had overwhelming support on both sides in our committee.

This bill, of course, reauthorizes important FDA user fee agreements. It modernizes the FDA's medical product authority to help boost American innovation and ensure patients have access to the therapies they need. The backbone of this legislation is the user fee agreements that FDA has negotiated with industry. We must remember that a sizable part of FDA's budget comes from user fees that the industry agrees to pay, that allows the FDA to hire the personnel and get the equipment they need to more quickly review product applications. We need to reauthorize this bill to implement those agreements if we want to keep the FDA running at full steam, which is critical to preserving jobs at both the agency and in industry, and to ensuring that FDA has the resources to get safe medical products to patients quickly. Again, these agreements affect all of us by helping to maintain and create jobs in our home States. For example, in my own State of Iowa, these agreements will support our bioscience sector which is growing and is increasing employment in our State. Implementation of these agreements will continue to foster biomedical innovation and job growth throughout our country.

The bill before us reauthorizes the prescription drug user fee agreement, which is known in the nomenclature as PDUFA. The medical device user fee agreement is known as MDUFA. These will continue and improve the agency's ability to speed market access to both drugs and medical devices while ensuring patient safety.

We have a new part of the bill called the generic drug user fee agreement, which is expected to slash review times to a third of current levels—from 30 months to 10 months—and will improve the speed with which generic products

are made available to patients. This will generate significant savings in our health care system. In the last decade, from 2001 to 2010, it saved the U.S. health care system more than \$931 billion.

This agreement will ensure we continue to see those savings and that patients will have access to cheaper drugs when they need them. It also obviously means taxpayers will be saving money because many of these drugs come through both Medicaid and Medicare. By having generic drugs available more rapidly than they have been in the past, it will mean taxpayers will save a significant amount of money in the future.

This bill also authorizes another new section, the biosimilars user fee agreement, which will further spur innovation by shepherding the biologic industry as it matures.

These agreements are vital to FDA's ability to do its job, to the medical products industry's ability to survive some very challenging economic times, but, most importantly, to the patients who are the primary beneficiaries of this longstanding and valuable collaboration between FDA and industry. As I said, after months of negotiations with our staffs, with FDA, with the industry, and with consumer groups, I think they have crafted win-win agreements that they stand behind. So industry is behind this bill, the FDA is behind this bill, and hundreds of groups throughout this country have been supporting it. They have done their job and now it is time for us to do ours.

It is absolutely imperative that we authorize these user fee agreements before they expire. If we don't, the FDA will lose about 60 percent of its drug center budget and 20 percent of its device center budget. It will have to lay off nearly 2,000 employees, which would grind the drug and device approval processes to an unacceptably slow pace, with devastating consequences for patients, jobs, for the industry, and further innovations both in drugs and devices. We cannot let that happen, and that is why for more than a year we have worked very closely in our committee.

I see the ranking member, Senator ENZI, is here. We and our staffs have worked together. As I said, we set up these working groups in our committee. They were not divided along any kind of partisan lines. They were set up along interest groups so we had both Democratic and Republican Senators and their staffs working together for years.

I am sure I can speak for Senator ENZI when I say all along our aim has been to ensure that in addition to the user fee agreements and all the other things, this is the product of a consensus, bipartisan, policymaking process that we have had for the last year. It was an open and transparent process.

We had input not only from our members but other Senators were also involved as they had interest in this bill. Throughout negotiations on this bill the stakeholder community-at-large was involved.

Again, I can assure everyone that this legislation benefited greatly from all of the diverse input from Senators on both sides, industry stakeholders, consumer groups, and patient groups. It is a result of concerted efforts to define our common interests, and I believe these efforts will directly benefit patients and the U.S. biomedical industry.

Very briefly, I want to say as a broad stroke that this bill authorizes key user fee agreements for both drugs and medical devices. It streamlines the device approval process while again enhancing patient protections.

We do one other thing. We modernize the FDA's global drug supply chain authority so we have a better handle on and better information and knowledge of where our products are coming from. Of the drugs manufactured in this country, 80 percent of the ingredients come from abroad. In the past we have not had a tight handle on where they were coming from and what kind of manufacturing processes were involved. This bill closes that up. It gives the FDA much better authority over that and much better input from where the drugs come from to make sure they follow good manufacturing practices. It spurs innovation and incentivizes drug development for life-threatening conditions.

We reauthorized the pediatric trial program and improved it so we have specific trial programs for pediatric drugs. Children are not just small adults. What may work for an adult in terms of a drug, we don't just cut the drug in half and give it to a child. Sometimes it takes specialized, specific kinds of drugs for children that are not something an adult gets. So this reauthorizes and improves those trials for children.

Senator ENZI and I and others in our committee wanted to do something about preventing and mitigating drug shortages, so we have provisions in this bill that will do that and help prevent and mitigate these drug shortages by making sure the FDA gets timely information from manufacturers if there is going to be any interruption at all in the supply chain. Also I believe this bill increases FDA's accountability and transparency.

That is sort of a broad-brush stroke of what is in this bill. I will be over in the next day perhaps getting into some more of the specifics. It is imperative that we keep pace with and adapt to technological and scientific advances. Things move very rapidly in this area and we want to make sure we get the drugs and devices approved as quickly as possible, but always with keeping

patient safety foremost. That is the single most important aspect, to make sure that patient protections will remain key. Keeping pace with the biomedical landscape that changes so rapidly is the aim of this bill, to ensure the drugs coming from abroad are safe, and to take appropriate measures to protect our patients.

I believe we have a good compromise. Neither Democrats nor Republicans got everything they wanted in this bill. As I have said before, I didn't get all of what I wanted in this bill. I am sure others didn't either, but that is the process of a consensus. And where we could not achieve consensus, we didn't allow those differences to distract us from the important goal of producing a bill that everyone could support.

Again, it is a true bipartisan bill that is broadly supported by the patient groups and industry. I have letters from over 100 groups outlining their support. To name a few: the Pew Charitable Trust, Consumers Union, the Pharmaceutical Manufacturers Association, the Generic Pharmaceutical Industry, the Biotech Industry Organization, BIO, the American Academy of Pediatrics, Advanced Medical Technology Association, American Foundation for the Blind, and many more. Those are just a sampling of over 100 groups.

Mr. President, I ask unanimous consent that the list of those groups be printed in the RECORD at the conclusion of my remarks.

Mr. HARKIN. We are expecting that there will probably be some amendments to this bill, and that is fine. That is the way the Senate should operate. We expect all amendments to this bill will be relevant to the bill. I hope Senators on both sides of the aisle who want to see this bill passed expeditiously would keep that in mind. If there is a relevant amendment and Senators feel they want to bring that up, that is fine. That is the way the Senate should operate.

I hope nonrelevant amendments which have nothing to do with the bill will not be promoted on the Senate floor. That would only slow the bill down and put us into some untenable position on the Senate floor in terms of getting this bill expeditiously done.

We cannot allow unrelated, partisan disagreements or Presidential-election year politics to interfere with this bill and keep us from completing our job. So amendments that are offered must be relevant to the bill, and we must pass it now.

The clock is ticking. Everything ends by the end of this summer. We are out of here in August. We have the 4th of July break and Memorial Day break coming up. In order for us to go to conference with the House and work out whatever differences we may have and get this back here so we can finish it by late June or early July—I hope we

could even finish this by late June so there would not be any disruptions at all in the FDA and their planning for the future or in the industry itself.

I urge my colleagues to join in the bipartisan spirit of cooperation that we have witnessed in the HELP Committee over the last year. Let us come together to pass this legislation that is of critical importance to the American people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR PROVISIONS IN THE FDA SAFETY AND INNOVATION ACT

A. Philip Randolph Institute; Ablitech, Inc.; Academy of General Dentistry; Academy of Managed Care Pharmacy; Action Aids; Action CF; Advanced Medical Technology Association; AFL-CIO, Maryland and DC Chapter; AIDS Alliance for Children, Youth, and Families; AIDS Delaware; AIDS Foundation of Chicago; Alder Health; Alexion Pharmaceuticals; Allegheny Conference of Community Development; Alliance of AIDS Services—Carolina; Alzheimer's Association—Capital of Texas Chapter; Alzheimer's Association—Indiana Chapter; Alzheimer's Association; American Academy of Child and Adolescent Psychiatry; American Academy of Dermatology Association.

American Academy of Emergency Medicine; American Academy of Emergency Medicine Residential and Students Association; American Academy of Pediatric Dentistry; American Academy of Pediatrics; American Academy of Periodontology; American Association of Nurse Anesthetists; American Association of Oral and Maxillofacial Surgeons; American Association of Women Dentists; American Cancer Society Cancer Action Network, Colorado Chapter; American Cancer Society, Delaware Chapter; American Cancer Society, South-Atlantic Division; American College of Clinical Pharmacy; American College of Emergency Physicians; American College of Gastroenterology; American Council of the Blind; American Dental Association; American Foundation for the Blind; American Hospital Association; American Liver Foundation—Allegheny Division; American Medical Association.

American Pediatric Society; American Pharmacists Association; American Printing House for the Blind; American Psychiatric Association; American Public Health Association, Delaware Chapter; American Society for Gastrointestinal Endoscopy; American Society for Parenteral and Enteral Nutrition; American Society of Anesthesiologists; American Society of Clinical Oncology; American Society of Dentist Anesthesiologists; American Society of Health-System Pharmacists; American Society of Hematology; American Society of Pediatric Nephrology; American Thoracic Society; Amgen; Analtech; ARCA Biopharma; Arthritis Foundation; Association of Community Cancer Centers; Association of Medical School Pediatric Department Chairs; AstraZeneca Pharmaceuticals LP; Augmenta Biologicals.

Bayer Healthcare; BHGR Law; BIO; BioCrossroads; Biogen Idec; BioHouston; BioNJ; BioOhio; BioRelix, Inc.; Biotech Vendor Services; Black Mental Health Alliance of Massachusetts; Bleeding Disorders Alliance Illinois; Blood Bank of Delmarva; Bloomington Chamber of Commerce; Boehringer Ingelheim Chemicals, Inc.; Boehringer

Ingelheim Pharmaceuticals, Inc.; Boehringer Ingelheim Vetmedica, Inc.; Boehringer Ingelheim, Inc.; Bristol-Myers Squibb; Burlington Chamber of Commerce.

Cambridge Chamber of Commerce; CARA Therapeutics; Celgene Corporation; Central Connecticut Chambers of Commerce; Cerebral Palsy Association of Eastern Massachusetts; Chamber of Commerce of Eastern Connecticut; Child Neurology Society; Children's Defense Fund; Children's Hospital Association; Citizens Opposed to Additional Spending and Taxes (COAST); Cleveland Clinic; Coaches Against Multiple Myeloma; Coalition of Texans with Disabilities; Colorado Association of Commerce and Industry; Colorado Bioscience Association; Colorado Gerontological Society; Commerce and Industry Association of NJ; Community Health Charities of Iowa; Connecticut AIDS Resource Coalition; Connecticut Business & Industry Association (CBIA).

Connecticut Retail Merchants Association; Connecticut State Building and Construction Trades Council; Connecticut United for Research Excellence (CURE, CT's BIO); Consumers Union; Council of Pediatric Subspecialties; CT BEACON; Cubist; D'Souza and Associates; Delaware Academy of Medicine; Delaware AFL-CIO; Delaware Ecumenical Council on Children and Families; Delaware HIV Consortium; Delaware Technology Park; DelawareBIO; Denver Metro Chamber of Commerce; Des Moines Area Community College; Detroit Regional Chamber of Commerce; Develop Indy; Dun & Bradstreet.

East End Group, LLC; Easter Seals of Massachusetts; Economic Alliance Snohomish County; Eli Lilly and Company; Elizabeth Glaser Pediatric AIDS Foundation; Endocyte; Engineered BioPharmaceuticals; Epilepsy Foundation of Greater Chicago; Exemplar Genetics; Farmington Chamber of Commerce; Feed Energy Company; Fort Wayne Chamber of Commerce; Generic Pharmaceutical Association; GlaxoSmithKline; GlycoMimetics; Grand Rapids Area Chamber of Commerce; Greater Boston Chamber of Commerce; Greater Des Moines Partnership; Greater New Haven Chamber of Commerce.

HealthHIV; HealthCare Institute of New Jersey (HINJ); Hematology/Oncology Pharmacy Association; Hep C Connection; Hon. Edd Houck, Former Virginia State Senator; Hospira; Hudson County Cancer Coalition; IBI Scientific; Illinois BIO; Illinois Biotechnology Industry Organization (iBIO); Illinois Chamber of Commerce Healthcare Council; Illinois Manufacturers' Association; Illinois Science and Technology Coalition; Incyte; Indiana Association of Cities and Towns; Indiana Health Industry Forum; Indiana Manufacturers Association; Indiana Medical Device Manufacturer's Council; Indiana State Chamber of Commerce; Infectious Diseases Society of America.

Innovation NJ; Institute for Safe Medication Practices; Institute For Systems Biology; Integrated Laboratory Services—Biotech; Iowa Academy of Family Physicians; Iowa Biotech Association; Iowa Nurses Association; Johns Hopkins Medicine; Johnson & Johnson; Joy's House; Junior Achievement of Central Maryland; Junior Achievement of Delaware; Junior Blind of America; Juvenile Diabetes Awareness Coalition; Juvenile Diabetes Research Foundation; Kalamazoo Chamber of Commerce; Kidney Cancer Association; Kolltan Pharmaceuticals, Inc.

Lancaster General Health; Legacy Community Health Services; Leukemia & Lymphoma Society Iowa and Nebraska; Life Science Greenhouse of Central Pennsylvania; LifeScience Alley; Lighthouse International;

Lupus Alliance of America—Michigan Indiana Affiliate; Lupus Foundation of America—Illinois Chapter; Lupus Foundation of America DC/MD/VA Chapter; Lupus Foundation of America, Connecticut Chapter, Inc.; Lupus Foundation of America, DC/MD/VA Chapter; Lupus Foundation of New England; Lupus Foundation of Pennsylvania; Maetrics; March of Dimes; Maryland Chamber of Commerce; Maryland State Medical Society; Massachusetts Association of Mental Health; Massachusetts Biotechnology Council; Massachusetts Chamber of Commerce.

Mayors Committee on Life Sciences; MedCara Pharmaceuticals; Medical Device Manufacturers Association; Medical Imaging & Technology Alliance; Medical Society of Virginia; Mental Health America of Colorado; Mental Health America of Greater Tarrant County; Mental Health America of Illinois; Mental Health America of Indiana; Mental Health Association of Connecticut; Merck; Metro Denver Economic Development Corporation; MichBio; Michigan Chamber of Commerce; Michigan Council of the Blind and Visually Impaired; Michigan Manufacturers Association; Middlesex County Chamber of Commerce; Midwest Business Group on Health; Millennium, The Takeda Oncology Company; Morris County Chamber of Commerce; Mylan.

NAACP Columbus Chapter; NAMI Colorado; NAMI Indiana; NAMI NC; NAMI-IL; National Alliance for Mental Illness—Gulf Coast; National Alliance for Mental Illness—Metropolitan Houston; National Alliance for Mental Illness—Texas; National Alliance on Mental Illness; National Alliance on Mental Illness, Michigan; National Association of Chain Drug Stores; National Association of Manufacturers; National Association of Pediatric Nurse Practitioners; National Dental Association; National Federation of the Blind; National Kidney Foundation of Indiana; National Organization for Rare Disorders; National Parkinson Foundation; Central and Southeast Ohio Chapter; National Processing Solutions; National Research Center for Women & Families.

NC Autism Society; NC Bio NC Chamber; NC Psychological Association; Neurofibromatosis Mid-Atlantic; Neurofibromatosis of the Mid-Atlantic; Neurofibromatosis of the Mid-Atlantic; New Jersey Business and Industry Association (NJBIA); New Jersey Community Research Initiative; New Jersey Laborers' Union; New Jersey Life Science Vendors Alliance (NJLSVA); New Jersey State League of Municipalities; Newark Senior Center; NJ Healthcare Advocate Volunteer Effort (NJ Have); North Carolina Association for Biomedical Research; North Carolina Biotechnology; North Dakota Association of the Blind; North Hudson Community Action Corporation; North Texas Commission; Northwest Connecticut Chamber of Commerce.

Novo Nordisk Inc.; Nuclea Biotechnologies; NYU Langone Medical Center; Ohio Chamber of Commerce; Ohio Coalition of Concerned Black Citizens; Ohio Laborers' District Council; Ohio State Building and Construction Trades Council; One Southern Indiana; Ovarian Cancer National Alliance; PACT; Greater Philadelphia Alliance for Capital and Technologies; Parent Project Muscular Dystrophy (PPMD); Parkersburg Economic Development; Patient Advocates for Advanced Cancer Treatments; Pediatric Infectious Diseases Society; Pediatric Pharmacy Advocacy Group; Pennsylvania Bio; Pennsylvania Chamber of Business and Industry; Peoples Settlement Senior Center; Pew

Charitable Trusts; Pfizer, Inc.; PhRMA; Pittsburgh Life Science Greenhouse.

Pittsburgh Technology Council; Pittsburgh Venture Capital Association; Plymouth/Terryville Chamber of Commerce; Premier healthcare alliance; Prevent Blindness America; Prevent Blindness Mid-Atlantic; Prevent Blindness Ohio; ProteoTech Inc; Psychiatric Society of Virginia; Respiratory Health Association of Metro Chicago; Rib-X Pharmaceuticals; Rio Grande Valley Diabetes Association; Rocky Mountain Stroke Center; Rush To Live Organization; Rx Partnership; San Antonio AIDS Foundation; Sanofi; Seattle BioMed; Sequella, Inc.; Sheet Metal Workers Local 40.

Society for Adolescent Health and Medicine; Society for Pediatric Research; Somerset County Business Partnership; South Jersey Geriatric Care, P.C.; South Jersey Senior Marketing Group; South Shore Chamber of Commerce; Southwest Michigan Pharmacists Association; Spanish American Merchants Association (SAMA); Stanford Hospital & Clinics; Supercritical Fluid Technologies; Susan G. Komen, Denver Metro Affiliate; Susan G. Komen for the Cure Advocacy Alliance; Takeda Pharmaceuticals U.S.A., Inc.; Targeptics; Tech Council of Maryland; TECHQuest Pennsylvania; Teva Pharmaceuticals; Texas BioAlliance; Texas Health Care & Bioscience Institute.

The Arc of Connecticut; The Association for Corporate Health Risk Management; The Center for Health Care Services; Trinity Health—Novi, Michigan; Trust for America's Health; Union of Concerned Scientists; United Mitochondrial Disease Foundation; University City Science Center; University of Utah Health Care; University of Washington; Virginia Biotechnology Association; Virginia Chamber of Commerce; VisionServe Alliance; Visiting Angels; Washington Biotechnology & Biomedical Association.

Washington Global Health Alliance; Washington State Department of Commerce; Washington State University; Waterbury Regional Chamber of Commerce; We Work For Health; We Work for Health New Jersey; WellDoc, Inc.; Western Economic Council; Western Michigan University; Westside Health; Wolcott Chamber of Commerce; Worcester Chamber of Commerce; Wright Runstad & Company.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the chairman for his remarks and wish to be associated with them. It has been a very bipartisan process that has resulted in this bill coming to the floor, and I am hoping there will only be relevant amendments and that there will be few of those. Every amendment has the potential for disrupting the entire bill. This has been a very inclusive process that has led to this legislation.

Over a year ago staff began to meet with stakeholders on the policy issues that are addressed in S. 3187. Starting in the spring of 2011, staff from Republican and Democratic offices on the Health, Education, Labor and Pensions Committee began a series of standing meetings. The groups proceeded to meet every week for several months. They met with stakeholders and discussed policy solutions that each member thought would solve the problem. After much discussion of the benefits,

costs, and possible unintended consequences, members agreed to a list of policy concepts. If it was not a consensus on a particular policy, then it was not included. The chairman mentioned the importance of consensus, and that is what we worked on.

As this process progressed, my staff met with the Republican staff on the HELP Committee for at least 2 hours every week to keep them informed of everything that was happening. I personally met with the members of the committee before the markup to make sure I understood their priorities. No one office got the entirety of what they wanted. However, we did find the 80 percent of each solution we could all agree could help solve whatever policy the group was working on.

What we see before us now is the outcome of the hard work of these groups. The bill passed the committee by a voice vote. The bill reflects the work of every member of the Health, Education, Labor, and Pensions Committee. All of them have at least one provision included in this legislation, and many members of the committee worked with us to find consensus measures that addressed their priorities as well.

This legislation is a model for how the process can and should work no matter what the political environment. This went to committee, it was worked in committee, it is now at the Senate floor, and I hope my colleagues will join me in supporting this truly bipartisan provision that reduces the debt and ensures that the United States will maintain its leadership in the innovation of safe and effective biomedical product.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF PAUL J. WATFORD, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. I am glad we are finally able to debate and vote on the nomination of Paul Watford of California to fill a judicial emergency vacancy on the Ninth Circuit. As the distinguished Presiding Officer knows, it was 3½ months ago that we voted Mr. Watford

out of committee. We had not been able to get an agreement to debate or vote on this nomination since it was approved. So for the 27th time, the majority leader was forced to file cloture to get an up-or-down vote on one of President Obama's judicial nominations.

Thankfully enough, Senate Republicans came forward to say they are not going to delay a vote or to continue a filibuster. We ought to just have an up-or-down vote, which we always used to do. Hopefully, we will not vote to promote a filibuster, but vote up or down, and I thank those Republicans who came forward and said enough of the cloture votes, let's vote.

This nominee, Paul Watford, is highly qualified. In fact, he has the highest qualifications for the Ninth Circuit. He shouldn't be filibustered. He should not require a cloture vote. He is a nominee with impeccable credentials and qualifications. He served as a Federal prosecutor and is now a highly regarded appellate litigator in private practice. He served as a law clerk at the United States Supreme Court and at the United States Court of Appeals for the Ninth Circuit. The ABA Standing Committee on the Federal Judiciary gave Paul Watford the highest possible rating they could give and they gave it to him unanimously. He also has the strong support of his home State Senators, Senator FEINSTEIN and Senator BOXER. He has widespread support across the spectrum, including known conservatives such as two former Presidents of the Los Angeles chapter of the Federalist Society, as well as Judge Alex Kozinski, a conservative Reagan appointee who is now Chief Judge of the Ninth Circuit. By any traditional measure, Paul Watford is the kind of judicial nominee who should be confirmed easily by an overwhelming vote—a vote of both Republicans and Democrats.

I had hoped after the agreement between the Democratic and Republican Senate leadership to begin finally considering the backlog of judicial nominations from last year that the Senate was at last returning to regular order. The refusal of Senate Republicans to consent to a debate and vote on this nomination for more than 3½ months, however, again required the Majority Leader to file cloture to end another Republican filibuster.

Senate Republicans continue to apply what they have admitted is a "new standard" to President Obama's judicial nominees. From the beginning of the Obama administration, Senate Republicans abandoned the standards and arguments they used to say should apply to judicial nominations. During the administration of the last President, a Republican, they insisted that filibusters of judicial nominees were unconstitutional. They threatened the "nuclear option" in 2005 to guarantee up-or-down votes for each of President

Bush's judicial nominations. Many Republican Senators declared that they would never support the filibuster of a judicial nomination.

Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana. They tried to prevent an up-or-down vote on that nomination even though he was nominated by President Obama after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who strongly supported the nomination. Fortunately, the Senate rejected that unjustified filibuster and Judge Hamilton was confirmed with Senator LUGAR's support.

Senate Republicans previously engaged in misguided filibusters last year of Goodwin Liu's nomination to the Ninth Circuit and Caitlin Halligan's nomination to the D.C. Circuit. Each of those nominees is the kind of brilliant lawyer we should encourage to join the Federal bench. There were certainly no "extraordinary circumstances" for filibustering their nominations. Senate Republicans filibustered them anyway, setting a new and unfortunate standard for the Senate. Those filibusters demonstrated that any nominee can be filibustered based on concocted controversies and baseless claims. That was unfortunate and unwise. Senate Republicans have already succeeded in preventing confirmation votes on five of President Obama's judicial nominees who were blocked from a Senate vote after being voted out of the Senate Judiciary Committee.

Paul Watford is the kind of person we want in our Federal judiciary. This is the kind of person when we talk about the Federal courts, we can say here is a judge we can look up to and who can inspire others who seek to be judges. He is not a nominee against whom a partisan filibuster would be justifiable, and I thank some of those Republican Senators who called me this weekend who said they would oppose a Republican filibuster. I thank them for that, because what they are doing is what is best for the Senate. By allowing a vote, they are doing the best for the Ninth Circuit but, even more importantly, they are doing what is best for the independence of our Federal judiciary. Because if one is going to vote to try to block somebody as qualified as Paul Watford, one is basically saying they don't care who the nominee is, they are going to block it, and that is not the message we should send if we are going to have an independent Federal judiciary in this country.

He has a mainstream record. He demonstrates legal excellence and experience at the top of his profession. He clerked at the United States Supreme Court for Justice Ruth Bader Ginsburg and on the Ninth Circuit for now-Chief Judge Alex Kozinski, a conservative

appointee of President Ronald Reagan. Over his 17-year legal career, Paul Watford has worked on briefs in nearly 20 cases before the United States Supreme Court, and has argued numerous cases before the Ninth Circuit Court of Appeals as well as the California appellate courts. As a Federal prosecutor in the 1990s, Mr. Watford handled prosecutions involving immigration and drug offenses, firearms trafficking, and major frauds.

So he should be on the Ninth Circuit, and I am delighted, as I make a preliminary nose count, that he will be confirmed as a judge of the Ninth Circuit. When confirmed, he will be only the second African-American judge serving on the Ninth Circuit, joining Judge Johnnie Rawlinson of Nevada on the bench. And I will not be surprised when he is confirmed, because of his work as a tough but very fair prosecutor. It is no surprise that he had support from conservatives as well as liberals. The shock I had was that for a while, his nomination was being held up and we couldn't get a vote.

Two former presidents of the Los Angeles Chapter of the Federalist Society wrote to the Judiciary Committee in support of Mr. Watford. Jeremy Rosen wrote:

Everyone who knows Paul (whether they are conservative or liberal, or somewhere in between) recognizes that he possesses the qualities that are most needed in an appellate judge. While I find myself in somewhat frequent disagreement with the President on many issues (and an active supporter of one of his opponents), his nomination of Paul to the Ninth Circuit is a home-run and should receive bi-partisan support.

Henry Weissman, another former Federal Society chapter President, wrote that he has "never seen any hint of politics in Mr. Watford's lawyering", and that he has "every confidence that, as a judge, Mr. Watford would apply the law faithfully, objectively, and even-handedly."

Conservative law professor Eugene Volokh of UCLA Law and creator of the conservative Volokh Conspiracy blog, expressed his strong support for Mr. Watford to the Committee, writing:

He has all the qualities that an appellate judge ought to have: intellectual brilliance, thoughtfulness, fairness, collegiality, an ability to deal civilly and productively with colleagues of all ideological stripes, and a deep capacity for hard work. . . . Paul is the sort of moderate Democratic nominee that moderates and conservatives, as well as liberals, should solidly support.

Conservative law professor Orin Kerr of George Washington University Law, a former special counsel to Senator CORNYN, called him "extremely bright, a moderate, and very much a lawyer's lawyer," and concluded an online post saying, "I hope he will be confirmed."

In their letter of support, 32 of the clerks who served with him at the Supreme Court from the chamber of all

the other Justices concluded: "We are unanimous in our view that Paul possesses all the qualities of the most highly regarded jurists: powerful analytical abilities, a readiness to listen to and consider fairly all points of view, a calm temperament, and a prodigious work ethic."

A number of corporate general counsels from leading U.S. corporations have written us urging confirmation:

Mr. Watford has represented a broad spectrum of clients, both in private industry as well as in the public sector. In doing so, he has demonstrated an understanding of the legal and economic challenges faced in both spheres, and an appreciation for the importance of fair, consistent application of the rules of law that govern business.

The assistant general counsel of Mattel joins in this support, writing: "[I can] personally attest to his reputation for being remarkably intelligent, insightful and evenhanded. He is highly regarded within his firm, amongst his clients, and within the wider legal community for his exceptional skills as an appellate practitioner."

Daniel Collins, an Associate Deputy Attorney General during the administration of President George W. Bush, described Paul Watford as "incredibly intelligent and has solid integrity and great judgment." He concluded that this judicial nominee would not "approach the job with any kind of agenda other than to do what is right and consistent with precedent as he understands it."

I ask unanimous consent that copies of letters of support be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Paul Watford is far from an ideological, partisan selection. He shouldn't engender any serious objection; he is too good for that. He is the kind of nominee who, as my years here in the Senate demonstrate, normally receives unanimous support. It would usually not even require a roll call vote, because he has the qualifications, the judgment, and the ability. Maybe some were concerned that he was too well qualified or relatively young, and so some feared he might some day be nominated to a still higher court so they wanted to avoid voting on his nomination as they did when Elena Kagan was nominated to the D.C. Circuit by President Clinton, or when they delayed a vote as they did with Judge Sonia Sotomayor when she was nominated to the Second Circuit by President Clinton.

I strongly disagree with those who seek to nitpick this man's legal career. Since his service as a Federal prosecutor, he has worked at a highly respected Los Angeles law firm on a wide variety of matters. He has always represented his clients ethically and to the best of his legal ability.

The distinguished Presiding Officer, who has been an attorney general of his State, knows that lawyers are supposed to give their best counsel and their best effort to those whom they are representing. That is what lawyers are supposed to do. In my case, I defended criminals in private practice. I then prosecuted criminals as a prosecutor. In both cases, I knew what my role in the legal system was. As I said, that is what lawyers are supposed to do. Actually, that is what Republicans used to argue to defend the Federalist Society and corporate lawyers that were being nominated by a Republican President.

As Chief Justice Roberts noted during his confirmation hearing, lawyers represent clients. They do not stand in their client's shoes and they should not have their client's legal positions used against them.

Let's abandon the crude and inaccurate litmus tests being applied to President Obama's nominees. Let's stop the caricaturing. If not, no lawyer could ever be confirmed to the Federal bench. When we have a lawyer who has actually been active in his or her practice, of course they are going to represent some people others disagree with. Of course, they are going to represent some issues where others may, as individual Senators, feel they would rather be on the other side of the issue. But how quickly would our legal system break down if lawyers could only represent one side of an issue, or when a matter comes to court we can only hear from one side and not from the other? One of the most valued legal systems in the world would disintegrate.

As an attorney in private practice Paul Watford has advocated positions well within the mainstream of legal argument. There were only two cases on which he worked as a lawyer among the hundreds and possibly thousands in which he has been involved, that were criticized by Committee Republicans.

In one, the well-known law firm with which he is affiliated represented groups challenging the controversial Arizona immigration law, and won a preliminary injunction against certain provisions for violating the Constitution. In his role as an attorney he was consulted by others working on the case to review and edit their preliminary injunction motion. That motion contains arguments based on Federal preemption, due process, and other constitutional rights that are well within the mainstream of legal advocacy and that were raised, as well, by the U.S. Department of Justice in its filings. That a Senator might disagree with the position he assisted in developing on behalf of his firm's clients in this case is hardly a reason to oppose his nomination. I did not oppose Chief Justice Roberts' nomination because he helped and advised the challenge re-

sulting in *Bush v. Gore*. Paul Watford's legal work at Munger, Tolles was professional, principled and not out of the mainstream.

The other case on which critics have fastened as if to justify their opposition was his legal advocacy on behalf of clinical ethicists and critical care providers challenging a specific lethal injection protocol. He did not challenge the death penalty as unconstitutional. The legal challenge was to the manner in which it was being administered. In fact, in direct and express answers to questions from Senator GRASSLEY, the nominee wrote that he does not have any personal conviction or religious beliefs that would impact the way he would rule in a death penalty case and that he would have no difficulty ruling fairly and impartially in cases involving the death penalty. He also answered that he believes the death penalty an acceptable form of punishment and that he would have no difficulty faithfully applying the Supreme Court's precedent in that regard. How this record can be seen as justifying opposition is beyond me.

Our legal system is an adversary system that is predicated upon legal advocacy from both sides. No nominee should be disqualified for representing clients zealously. Go back in history. John Adams, one of the most revered Founders and later President of this country, wrote that his representation of the British soldiers in the controversial case regarding the Boston Massacre was "one of the most gallant, generous, manly and disinterested actions of my whole life, and one of the best pieces of service I ever rendered my country."

Did he agree with the British in holding the colonies subservient? Of course not. Did he agree with the efforts of us in this country to be free people—free from alliance with Great Britain? Of course he did. That is what he did when he helped and when he served as one of the Founders of this country and when he became President. But he also knew our whole system broke down if somebody within a court did not have adequate representation on both sides, and that is why he represented British soldiers in the case involving the Boston Massacre—not because he was supportive of what the British were doing and not because he wanted anything other than to have us as a free people, but because he wanted to make sure that in a free country, in a free United States of America, when someone goes before our courts, they are going to have representation on both sides, and that is the way it should be.

At his confirmation hearing to become the Chief Justice of the United States, John Roberts made the point:

[I]t's a tradition of the American Bar that goes back before the founding of the country that lawyers are not identified with the positions of their clients. The most famous ex-

ample probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about vindicating the rule of law.

Our Founders thought that they were not being given their rights under the British system to which they were entitled, and by representing the British soldiers, he helped show that what they were about was defending the rule of law, not undermining it, and that principle, that you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of the client, is critical to the fair administration of justice.

That has always been our tradition. I hope it always will be our tradition, but I am concerned that some feel it should change. This litmus test that would disqualify nominees because as a lawyer they represented a side in a case on which we disagree is dangerous and wrong. Almost every nominee who has actually been a practicing attorney who has had more than one client in their life is going to fail such a test. They are going to be disqualified, because if they are practicing law, if they are doing what they are supposed to do, if they are making sure that someone is adequately represented in court no matter how unpopular that case may be, then of course they are going to take on some cases we might not like. The distinguished Presiding Officer was the chief prosecuting officer of his State. I was the chief prosecuting officer of my county. I prosecuted some people whom I wanted to go to jail for as long as possible. But the last thing I wanted was for them not to have a good and adequate lawyer on the other side. I wanted them to have the best of counsel on the other side, because that way, society is protected. That way, our court system is protected. That way, it meant that if any one of us came in and were innocent and were being charged, we would know there was an example of always having representation.

Republican obstruction of this nomination is particularly damaging given the dire need for judges on the Ninth Circuit. With three times the number of cases pending as the next busiest circuit and twice the caseload of the judges on other circuits, the Ninth Circuit cannot afford further delay filling its emergency vacancies. The 61 million people served by the Ninth Circuit are not served by this delay. I have been asked for months that the Senate expedite consideration of this nomination and that of Justice Hurwitz of Arizona to fill these judicial emergency vacancies.

The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, wrote to the Senate months ago emphasizing the Ninth Circuit's "desperate need for judges," urging the

Senate to “act on judicial nominees without delay,” and concluding “we fear that the public will suffer unless our vacancies are filled very promptly.” The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly five months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit’s backlog of pending cases far exceeds other Federal courts. As of September 2011, the Ninth Circuit had 14,041 cases pending before it, far more than any other circuit.

When Senate Republicans filibustered the nomination of Caitlin Halligan to the D.C. Circuit for positions she took while representing the State of New York, they contended that their underlying concern was that the caseload of the D.C. Circuit did not justify the appointment of another judge to that Circuit. I disagreed with their treatment of Caitlin Halligan, their shifting standards and their purported caseload argument. But if caseloads were really a concern, Senate Republicans would not have delayed action on this nomination to a judicial emergency vacancy on the overburdened Ninth Circuit for more than 3 months.

There is no justification for refusing to address the needs of the Ninth Circuit. A few years ago the Senate was forced to invoke cloture to overcome Republican filibusters of President Clinton’s nominations of Richard Paez and Marsha Berzon to the Ninth Circuit. That obstruction is being repeated.

We did not engage in tit for tat when the presidency changed. During the Bush administration, the Senate proceeded to confirm seven of the nine Ninth Circuit nominees of President Bush. Four of President Bush’s Ninth Circuit nominees were confirmed during his first 4-year term: Judge Richard Clifton, Judge Jay Bybee, Judge Consuelo Callahan, and Judge Carlos Bea.

By contrast, Senate Republicans have been opposing our moving forward to consider and confirm Paul Watford and Andrew Hurwitz, who are both strongly supported by their home State Senators, to fill judicial emergency vacancies. Senate Republicans have already successfully filibustered the nomination of Goodwin Liu, who also had the strong support of his home State Senators.

I urge Senators to show that we can work together to reduce the vacancies that are burdening the Federal judiciary. Do what some of my friends on the Republican side of the aisle have said to me, which is to move forward to vote for this nominee. They should also help the millions of Americans who rely on our Federal courts who seek

justice. We can show we intend to do that. We can start right here by voting to confirm this good man, Paul Watford, who is a highly qualified nominee to the Ninth Circuit Court of Appeals, and say to the American people, we believe in justice for everybody here.

EXHIBIT 1

BARTLIT BECK HERMAN PALENCHAR
& SCOTT LLP,
Chicago, IL, April 30, 2012.

Re Paul Watford.

HON. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

HON. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, Washington, DC.

HON. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

HON. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS: We write to provide our enthusiastic support for Paul Watford’s nomination to serve on the United States Court of Appeals for the Ninth Circuit.

We have known Paul personally and professionally for nearly twenty years, having met him in 1994 when we served together as clerks to Judge Kozinski on the Ninth Circuit. One of us also spent a second year working with Paul during the year he spent as clerk to Justice Ginsburg at the United States Supreme Court.

During the crucible those intense years, we learned a lot about Paul’s approach to legal issues, his attitudes about legal rules and precedents, and perhaps most importantly his demeanor when confronted with competing views of what the law is or should be. Paul is intelligent, thoughtful, balanced and fair. He is moderate, not extreme, in his views. As a serious student of the law, his instinct is to look for the answer dictated by precedent, not his personal views. And even in the face of heated debate, he maintains an even keel, demonstrating a temperament that is well-suited to the act of judging.

Others can and no doubt will speak to Paul’s obvious qualifications, including his demonstrable intelligence and distinguished professional career. We can speak, from both sides of the political aisle (one registered Democrat, one registered Republican), to the personal qualities and temperament that make Paul not only qualified but uniquely well-suited to the position to which he has been nominated. We could go on (and on) with our praise for Paul, but the simple fact is that he will make an excellent judge.

We urge you to bring Paul’s nomination to a vote, and to vote to confirm.

Very truly yours,

SEAN W. GALLAGHER,
MARK S. OUWEELEN.

MAY 15, 2012.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL, We write in strong support of Paul Watford’s nomination to be a Judge on the United States Court of Appeals for the Ninth Circuit. All of us served as law clerks at the Supreme Court during the same year that Paul clerked for Justice Ruth Bader Ginsburg (the October 1995 Term of the Court). During that time, some of us worked with Paul directly in Justice Ginsburg’s chambers; others of us worked di-

rectly with Paul on cases that we were assigned to in common; and all of us got to know Paul as a colleague. Based on what we saw then, and what we know of Paul’s career in the years since, we believe that Paul is a superb choice to be a Judge on the Ninth Circuit. We encourage you to support his nomination and to bring it to a vote expeditiously.

Paul came to the Supreme Court after clerking for Circuit Judge Alex Kozinski, a Reagan appointee, and after attending UCLA Law School. His path to a Supreme Court clerkship reflected his work ethic and his legal acumen. At the Supreme Court, Paul brought those qualities to bear in analyzing difficult legal problems and finding ways to explain them clearly and sensibly. In so doing, Paul won respect from everyone he worked with. Paul invariably got along well with his peers, was always a superb listener, and treated everyone with kindness and respect. Those of us who clerked with Paul for Justice Ginsburg know that she praised his work as exemplary and that she is a tough judge of legal talent.

After leaving the Court, Paul has had a distinguished legal career in public service and private practice. At the United States Attorney’s Office in Los Angeles, Paul was a standout lawyer in the criminal division and appeared regularly before the Ninth Circuit. For many years, Paul has been a partner at Munger, Tolles & Olson, where he helps lead that firm’s appellate practice and has represented a wide range of commercial clients in important and complex appellate matters. Paul has been a lawyer representative to the Ninth Circuit Judicial Conference, and has achieved distinction in the profession. Given his experience as a law clerk, as a federal prosecutor, and as a lawyer in private practice, Paul has an ideal background for the position of a Circuit Judge.

The group below is composed of individuals with very different political viewpoints and represents clerks from the chambers of every Justice on the Supreme Court during the OT95 term. We are unanimous in our view that Paul possesses all the qualities characteristic of the most highly regarded jurists: powerful analytical abilities, a readiness to listen to and consider fairly all points of view, a calm temperament, and a prodigious work ethic. We respectfully request that the Senate bring Paul’s nomination to a vote and confirm him to the Ninth Circuit.

Sincerely,

Julia Ambrose, David Barron, Stuart Benjamin, Yochai Benkler, Steve Chanenson, Nancy Combs, Jeff Dobbins, Charlie Duggan, Ward Farnsworth, Lisa Beattie Frelinghuysen, Shawn Fagan, Sean Gallagher, Heather Gerken, Craig Goldblatt, Mark Harris, Julie Katzman, Joseph Kearney, Steve Kinnaird, Kelly Klaus, Laurie Allen Mullig, Eileen Mullen, Kate Moore, Jennifer Newstead, Gretchen Rubin, Kevin Russell, Maria Simon, Simon Steel, Ted Ulyot, Phil Weiser, Mike Wishnie, Michael Wong, Ernie Young.

Hon. HARRY REID,
Majority Leader, U.S. Senate, 522 Hart Senate
Office Building, Washington, DC.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S.
Senate, 433 Russell Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, 361A Russell Sen-
ate Office Building, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, 135 Hart Senate Office Build-
ing, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY
LEADER MCCONNELL, CHAIRMAN LEAHY, AND
RANKING MEMBER GRASSLEY: We write in
support of the nomination of Paul J. Watford
to the United States Court of Appeals for the
Ninth Circuit. Like Mr. Watford, we have all
clerked for the Honorable Alex Kozinski of
the U.S. Court of Appeals for the Ninth Cir-
cuit, and we wish to echo the strong support
that Chief Judge Kozinski has given to Mr.
Watford.

All of us believe that Mr. Watford has the
ability and character to be an excellent fed-
eral appellate judge. Mr. Watford has a stel-
lar reputation in the legal community. He is
known not only for his intelligence, but also
for his collegiality and even temperament.
For those of us who know Mr. Watford per-
sonally, his graciousness, sincerity and bril-
liance are immediately apparent.

Mr. Watford's legal career confirms that he
has the experience, skills and demeanor well-
suited for the bench. He clerked for two dis-
tinguished jurists, then-Judge Kozinski on
the U.S. Court of Appeals for the Ninth Cir-
cuit and Justice Ruth Bader Ginsburg on the
Supreme Court of the United States. He
served in the Department of Justice as an
Assistant United States Attorney in the Cen-
tral District of California. Mr. Watford is
currently a partner in the Los Angeles office
of Munger, Tolles, & Olson LLP, a well-re-
spected law firm. He also has taught a course
on judicial writing for prospective law clerks
at USC's Gould School of Law. In his experi-
ences in public service and private practice,
Mr. Watford has gained the respect and ad-
miration of his peers. At every stage of his
career, he has demonstrated a strong work
ethic, a judicious temperament, unquestion-
able integrity, a collaborative and respect-
ful manner, and a deeply thoughtful ap-
proach to each and every issue that has
crossed his desk.

As a close family of Kozinski clerks, we
share Chief Judge Kozinski's strong faith in
Mr. Watford's abilities. We believe he has the
necessary qualifications and characteristics
to make an exemplary federal appellate
judge. Based on his record and personality,
we have no doubt that Mr. Watford would ap-
proach each case with an open mind and
make thoughtful judgments based on the
law. Accordingly, we recommend him for
this position without hesitation or reserva-
tion.

Sincerely,

Jerry L. Anderson, Drake University Law
School, Judge Alex Kozinski (1986-1987); Fred
A. Bernstein, Judge Alex Kozinski (1996-
1997); James Burnham, Judge Alex Kozinski
(2009-2010); Steven A. Engel, Dechert LLP,
Judge Alex Kozinski (2000-2001); Justice An-
thony M. Kennedy (OT 2001); Kristin A.
Feeley, Judge Alex Kozinski (2009-2010); Stu-
art Banner, UCLA School of Law, Judge Alex
Kozinski (1988-1989); Justice Sandra Day
O'Connor (OT 1991); William A. Burck, Quinn
Emanuel Urquhart & Sullivan LLP, Judge
Alex Kozinski (1998-1999); Justice Anthony

M. Kennedy (OT 1999); Jacqueline Gerson
Cooper, Judge Alex Kozinski (1990-1991); Jus-
tice Anthony M. Kennedy (OT 1991); Susan E.
Engel, Kirkland & Ellis LLP, Judge Alex
Kozinski (2000-2001); Justice Antonin Scalia
(OT 2001); Victor Fleischer, Professor of Law,
University of Colorado, Judge Alex Kozinski
(1997-1998).

Troy Foster, Wilson Sonsini Goodrich &
Rosati, Judge Alex Kozinski (1999-2000); Sean
W. Gallagher, Judge Alex Kozinski (1994-
1995); Justice Sandra Day O'Connor (OT 1995);
Stephanie Grace, Latham & Watkins LLP,
Judge Alex Kozinski (2010-2011); Robert K.
Hur, Judge Alex Kozinski (2001-2002); Chief
Justice William H. Rehnquist (OT 2002); T.
Haller Jackson IV, Tulane University School
of Public Health & Tropical Medicine, Judge
Alex Kozinski (2009-2010); Theane Evangelis
Kapur, Gibson, Dunn & Crutcher LLP, Judge
Alex Kozinski (2003-2004); Justice Sandra
Day O'Connor (OT 2004); Scott Keller, Judge
Alex Kozinski (2007-2008); Justice Anthony
M. Kennedy (OT 2009); John P. Franz, Judge
Alex Kozinski (1996-1997); Daniel L. Geyser,
Gibson, Dunn & Crutcher LLP, Judge Alex
Kozinski (2002-2003); Leslie Hakala, Judge
Alex Kozinski (1997-1998); Justice Sandra
Day O'Connor (OT 1999); Eitan Hoenig,
Wachtell, Lipton, Rosen & Katz, Judge Alex
Kozinski (2010-2011); Robert E. Johnson,
Judge Alex Kozinski (2009-2010); Kevin M.
Kelly, Gendler & Kelly, Judge Alex Kozinski
(1989-1990); Justice Sandra Day O'Connor (OT
1990); Michael S. Knoll, Theodore K. Warner
Professor, Law School Professor of Real Es-
tate, Wharton School Co-Director, Center for
Tax Law, and Policy University of Pennsyl-
vania; Judge Alex Kozinski (1986).

Tara Kole, Gang, Tyre, Ramer & Brown,
Judge Alex Kozinski, (2003-2004); Justice
Antonin Scalia (OT 2004); Chi Steve Kwok,
Judge Alex Kozinski (2002-2003); Justice An-
thony M. Kennedy (OT 2003); C.J. Mahoney,
Judge Alex Kozinski (2006-2007); Justice An-
thony M. Kennedy (OT 2007); Chris Newman,
George Mason University School of Law,
Judge Alex Kozinski (1999-2000); Christopher
R.J. Pace, Weil Gotshal & Manges LLP,
Judge Alex Kozinski (1991-1992); Justice An-
thony M. Kennedy (OT 1992); Mark A. Perry,
Gibson, Dunn & Crutcher LLP, Judge Alex
Kozinski (1991-1992); Justice Sandra Day
O'Connor (OT 1993); David A. Schwarz, Irell
& Manella LLP, Judge Alex Kozinski, (1988-
1989); Kathryn H. Ku, Munger, Tolles & Olson
LLP, Judge Alex Kozinski (2003-2004); Joshua
Lipshultz, Gibson, Dunn & Crutcher LLP,
Judge Alex Kozinski (2005-2006); Justice
Antonin Scalia (OT 2006); Laura Nelson,
Judge Alex Kozinski (1985-1986); Mark
Ouweleen, Bartlett Beck Herman Palenchar
& Scott LLP, Judge Alex Kozinski (1994-
1995); Eugene Paige, Kecker & Van Nest LLP,
Judge Alex Kozinski (1998-1999); Justice An-
thony M. Kennedy (OT 2000); Kathryn Haun
Rodriguez, Judge Alex Kozinski (2000-2001);
Justice Anthony M. Kennedy (OT 2004); K.
John Shaffer, Stutman, Treister & Glatt PC,
Judge Alex Kozinski (1989-1990); Justice An-
thony M. Kennedy (OT 1990).

Steven M. Shepard, Judge Alex Kozinski
(2007-2008); Justice Anthony M. Kennedy (OT
2008); Elina Tetelbaum, Wachtell, Lipton,
Rosen & Katz, Judge Alex Kozinski (2010-
2011); Alexander "Sasha" Volokh, Assistant
Professor, Emory Law School, Judge Alex
Kozinski (2004-2005); Justice Sandra Day
O'Connor and Justice Samuel Alito (OT
2005); Christopher J. Walker, Assistant Pro-
fessor of Law, The Ohio State University,
Judge Alex Kozinski (2006-2007); Justice An-
thony M. Kennedy (OT 2008); Harry Susman,
Judge Alex Kozinski (1996-1997); Justice An-

thony M. Kennedy (OT 1997); Mary Ann Todd,
Munger, Tolles & Olson LLP, Judge Alex
Kozinski (1993-1994); Eugene Volokh, Gary T.
Schwartz Professor of Law, UCLA School of
Law, Judge Alex Kozinski (1992-1993); Justice
Sandra Day O'Connor (OT 1993).

THE GENERAL COUNSELS OF
FOUR LARGE BUSINESSES,

February 1, 2012.

Re Nomination of Paul J. Watford as Circuit
Judge of the U.S. Court of Appeals for
the Ninth Circuit.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate, Committee on the Judi-
ciary, Washington, DC.

Hon. CHUCK GRASSLEY,
Ranking Member, U.S. Senate, Committee on
the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEM-
BER GRASSLEY: We write to express our sup-
port for the nomination of Paul J. Watford
to the U.S. Court of Appeals for the Ninth
Circuit, and urge that the Committee
promptly and favorably act to send his nomi-
nation to the floor for confirmation. We are
General Counsels of a broad spectrum of
American businesses. Everything we know
about Mr. Watford, both from the direct con-
tact some of us have had to others who have
only seen his work, indicates that he would
be a superb addition to the bench.

For the last 11 years of private practice at
one of the nation's premier law firms, Mr.
Watford has represented a broad spectrum of
clients, both in private industry as well as in
the public sector. In doing so, he has dem-
onstrated an understanding of the legal and
economic challenges faced in both spheres,
and an appreciation for the importance of
fair, consistent application of the rules of
law that govern business. The jobs, goods
and services that constitute our economy re-
quire exactly that objective and impartial
approach to deciding the important legal
principles that come before a court such as
the Ninth Circuit. We have every confidence
that Mr. Watford has the right experience,
intellect and character for such an impor-
tant role in the judiciary.

It also is noteworthy that Mr. Watford's
experiences prior to joining private practice
demonstrate the same even-handed perspec-
tive. He served as a law clerk on the Ninth
Circuit and on the Supreme Court to jurists
who are known to come at issues from very
different places and often end at very dif-
ferent conclusions. Working closely with
such diverse intellects is emblematic of Mr.
Watford's own capabilities and tempera-
ment, and his legal talents are reflective of
their skills as well. He is a superb writer, a
keen intellect, a strong oral advocate, and
someone with a genuine appreciation for the
real interests on all sides. He is exactly the
kind of individual that any plaintiff or de-
fendant—person, business or government—
would welcome deciding their case, and
would trust would do so fairly.

We urge the Committee to swiftly and fa-
vorably act on Mr. Watford's nomination.

Respectfully,

Alan J. Glass, Vice President, General
Counsel & Secretary, CIRCOR Inter-
national, Inc.; Randal S. Milch, Execu-
tive Vice President and General Coun-
sel, Verizon Communications Inc.; Bob
Normile, Executive Vice President and
Chief Legal Officer, Mattel, Inc.; Kent
Walker, Senior Vice President and
General Counsel, Google, Inc.

MATTEL, INC.,

El Segundo, CA, January 31, 2012.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, 224
Dirksen Senate Office Building, Wash-
ington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee,
224 Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I write this letter in support of the nomination of Paul Watford to the United States Court of Appeals for the Ninth Circuit. I have known Paul on a professional basis for a number of years, and can personally attest to his reputation for being remarkably intelligent, insightful and even-handed. He is highly regarded within his firm, amongst his clients, and within the wider legal community for his exceptional skills as an appellate practitioner. More importantly, he is remarkably sincere and friendly, and working with him is always a pleasure.

Paul enjoys an exemplary record as an attorney: UCLA Law Review Editor, clerk to Judge Alex Kozinski of the Ninth Circuit, clerk to Justice Ruth Bader Ginsburg of the U.S. Supreme Court, Assistant U.S. Attorney in Los Angeles, and currently, a partner at the esteemed firm of Munger, Tolles & Olson. Paul has had significant, substantive involvement in bar association activities; most notably, he served as the Chair of the ABA Litigation Section's Appellate Practice Committee, and on the ABA's Amicus Curiae Committee. In addition, Paul shares his talent and time with the broader community, serving on the board of a non-profit legal services provider for low income clients and teaching upper-division legal writing at USC. Certainly, Paul's resume is testament to his stellar qualifications and his dedication to the law.

Paul has assisted Mattel with several appellate matters. His analysis, reasoning and writing is of the highest caliber. His performance as a "judge" on a moot court panel, however, is what stands out most in my mind. His questions went right to the core issues, his follow-up questioning was quick and insightful, and his discussion of legal nuances and distinctions came easily and naturally. As always, his demeanor was thoughtful, attentive and respectful. Paul has all the hallmarks of an excellent jurist, and I highly endorse his appointment to the Ninth Circuit.

Sincerely,

JILL E. THOMAS.

Mrs. BOXER. I rise today to support Paul Watford, a California nominee for the Ninth Circuit Court of Appeals whose nomination is before us today.

Mr. Watford has been nominated for a seat that is designated as a judicial emergency, which means that it is critical we move swiftly to confirm him.

I was pleased when President Obama nominated Mr. Watford to serve on the U.S. Ninth Circuit Court of Appeals. He has a wide breadth of experience, ranging from public service to the private sector, and he will make an excellent addition to the federal bench.

Let me say a few words about his background.

Mr. Watford was born in Garden Grove, CA. He is a graduate of the University of California at Berkeley, and received his law degree from the Uni-

versity of California at Los Angeles, where he graduated with honors and was an editor of the UCLA Law Review.

Following law school, he clerked for Judge Alex Kozinski on the Ninth Circuit Court of Appeals, then clerked for Justice Ruth Bader Ginsburg on the United States Supreme Court.

From 1997 through 2000, Mr. Watford served as a federal prosecutor in the United States Attorney's Office for the Central District of California, where he handled a variety of criminal trial and appellate matters for the office, including major fraud investigations.

After his tenure as a prosecutor, Mr. Watford entered private practice—first with Sidley & Austin, then with his current law firm, Munger Tolles, where he is a partner specializing in appellate casework and complex commercial litigation.

In addition to his record as a lawyer, Mr. Watford has served in bar associations and professional committees. He has served as Co-Chair of the American Bar Association's Appellate Practice Committee, and he is a member of the Central District Court's Magistrate Selection Panel.

The American Bar Association has given him their highest rating—unanimously well qualified.

Mr. Watford has earned the respect of attorneys who know his work. For example, Daniel Collins, who clerked for Justice Scalia and served as an attorney in both Bush administrations, said this about Mr. Watford:

He just embodies the definition of judicial temperament—very level-headed and even-keeled. . . . I don't think he'll approach the job with any kind of agenda other than to do what is right and consistent with precedent as he understands it.

And Jeremy Rosen, a partner at Horvitz & Levy and former president of the Los Angeles Lawyers Chapter of the Federalist Society, said Mr. Watford is a nominee many conservatives could support:

I know he has the respect of anyone who has come into contact with him. He is exceptionally bright and well qualified. . . .

I ask unanimous consent to have printed in the RECORD letters from Daniel Collins, Jeremy Rosen, Eugene Volokh and Henry Weissmann immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. BOXER. In conclusion, Mr. Watford is a talented lawyer who has earned the respect of his peers for his work in the public and private sectors. He will be a great addition to the federal bench, and I urge my colleagues to join me in voting for him today.

EXHIBIT 1

Los Angeles, CA, May 18, 2012.

Re Nomination of Paul J. Watford as Circuit Judge, United States Court of Appeals for the Ninth Circuit.

HON. HARRY REID,
Majority Leader, U.S. Senate, 522 Hart Senate
Office Building, Washington, DC.

HON. PATRICK J. LEAHY,
Chairman, U.S. Senate, Committee on the Judi-
ciary, 473 Russell Senate Office Building,
Washington, DC.

HON. MITCH MCCONNELL,
Republican Leader, U.S. Senate, 317 Russell
Senate Office Building, Washington, DC.

HON. CHUCK GRASSLEY,
Ranking Member, U.S. Senate, Committee on
the Judiciary, 135 Hart Senate Office Build-
ing, Washington, DC.

DEAR SENATORS: I write to express my strong support for the confirmation of Paul J. Watford to be a Circuit Judge on the United States Court of Appeals for the Ninth Circuit. Having known and worked with Paul for more than eight years at Munger, Tolles & Olson LLP in Los Angeles, I am confident that he has the skills, judgment, temperament, and integrity to be an outstanding appellate judge.

Paul and I come from opposite ends of the political spectrum. I have been a conservative Republican for my entire adult life, I am a member and supporter of the Federalist Society, and I served in the Justice Department in Washington, D.C. during the Administrations of both George H.W. Bush and George W. Bush. Despite our political differences, I can unreservedly support Paul's nomination because I believe that he understands and respects the crucial distinction between law and politics. I say that based on years of having observed how he approaches legal precedent and how he analyzes complex legal arguments.

During our time together at Munger, Tolles, I have frequently consulted Paul on many difficult legal issues, and he has served many times as a "moot court" judge helping me to prepare for oral arguments. Given Paul's brilliance and honesty, I know that I can always count on him to quickly spot the weak points in a legal argument and to give me a frank and professional assessment of the applicable case law. Few traits are more important in a Circuit Judge than a willingness to adhere faithfully to precedent, and I have always been impressed by the thoroughness, objectivity, and candor that Paul brings to bear in his evaluation of the relevant body of law in any given area.

I strongly agree that judges must respect the proper limits of their office and should not attempt to implement a personal or ideological agenda from the bench. I believe that Paul understands those limits. While he and I may differ on certain jurisprudential issues, I have always been impressed by the even-handed and measured approach he brings to bear in analyzing legal problems. I feel confident that, on the bench, he would do his level best to fairly reach the correct answer under the law as he sees it.

To my mind, another indication of Paul's fairmindedness, and of his ability to separate law and politics, is the wide range of the matters on which he has worked. Paul has gravitated to many of the most interesting legal matters in the firm, and that has unsurprisingly led him to work on important matters involving controversial issues that may generate strong reactions on one or the other end of the political spectrum. I do not think that Paul's work on these or any other cases can be viewed as suggesting that he

has an ideological agenda that would distort his approach to the law on the bench. Indeed, one of the more controversial cases that Paul worked on was *Mohamad v. Jeppesen DataPlan Inc.*, in which he and I represented the defendant company, which was accused by the plaintiffs (who were represented by the ACLU) of assisting the CIA in carrying out its alleged "extraordinary rendition" program. That Paul has shown a willingness to work, with great professionalism, on such a diverse set of important matters seems to me to dispel any concern that his approach to judging would be anything other than evenhanded. Paul has always struck me as a lawyer's lawyer and as refreshingly oblivious to "political" concerns. On the bench, he'd be a judge's judge.

Lastly, I would note that Paul has an outstanding disposition. Anyone who has met him for any length of time cannot fail to be impressed by his graciousness and professional demeanor. He is without guile. On the bench, he would epitomize judicial temperament.

I recognize the importance of the decision to confirm an individual to a lifetime appointment as a federal appellate judge. I am confident that Paul Watford has the talent, fairness, and integrity to be an excellent jurist, and I am pleased to support his confirmation.

Sincerely,

DANIEL P. COLLINS.

HORVITZ & LEVY LLP,
Encino, CA, January 26, 2012.

Re Nomination of Paul Watford.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I write this letter in support of the nomination of Paul Watford to the United States Court of Appeals for the Ninth Circuit. I have known Paul for over a decade, first as a colleague and then as a friendly competitor in the relatively small California appellate bar.

By way of background, I am a partner at Horvitz & Levy LLP, the largest civil appellate law firm in California. My practice primarily focuses on handling appeals in the Ninth Circuit and California appellate courts. At the outset of my career, I had the privilege of serving as a law clerk for a judge on the Ninth Circuit. I am also a member of the National Chamber Litigation Center's California Advisory Committee and past president of the Los Angeles Chapter of the Federalist Society.

While I find myself in somewhat frequent disagreement with the President on many issues (and an active supporter of one of his opponents), his nomination of Paul to the Ninth Circuit is a home-run and should receive bi-partisan support. As an appellate lawyer, I care deeply about our nation's appellate courts and see on a daily basis the important role they play in our society. For appellate courts to effectively serve the public, it is vitally important that brilliant, collegial, and fair-minded men and women serve as appellate judges. Paul Watford is such a person.

Paul graduated with honors from UCLA Law School and then served as a law clerk to two extremely distinguished judges (one Republican and one Democrat), Alex Kozinski and Ruth Bader Ginsburg. Paul then served

the public admirably as an assistant United States Attorney. Since 2000, Paul has been an extremely distinguished appellate lawyer in private practice where he has handled many complex and sophisticated appeals. Throughout his career, Paul has shown himself to possess excellent legal analysis and judgment. Indeed, there are few lawyers in California (or elsewhere) who are better prepared for the intellectual challenges of becoming an appellate judge.

Most lawyers who have achieved as much as Paul tend to be unpleasant egomaniacs. Not Paul. He is humble, polite and a good listener. I have no doubt that he will have collegial relations with the other judges on the Ninth Circuit. I also have no doubt that Paul will be fair-minded and will carefully apply the relevant legal precedent to each case he decides. Through his clerking experience, and his public and private practice, Paul has always demonstrated high integrity and ethics.

In short, everyone who knows Paul (whether they are conservative or liberal, or somewhere in between) recognizes that he possesses the qualities that are most needed in an appellate judge. Given the urgent need to fill vacancies in the Ninth Circuit, I would strongly urge the Senate to swiftly confirm Paul.

Very truly yours,

JEREMY B. ROSEN.

UNIVERSITY OF CALIFORNIA,
SCHOOL OF LAW,
Los Angeles, CA, January 30, 2012.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Wash-
ington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I am writing this to express my strong support for the nomination of Paul Watford to the United States Court of Appeals for the Ninth Circuit. I have long been extremely impressed by Paul, since I first met him almost 20 years ago, when my then-boss Judge Alex Kozinski (now Chief Judge) was interviewing him as a law clerk.

As you know, Paul had a stellar academic career, graduating very near the top of his class at UCLA School of Law and then clerking for Judge Kozinski and Justice Ruth Bader Ginsburg. He has also earned tremendous respect as a practicing lawyer, both as a federal prosecutor and an appellate lawyer. He has all the qualities that an appellate judge ought to have: intellectual brilliance, thoughtfulness, fairness, collegiality, an ability to deal civilly and productively with colleagues of all ideological stripes, and a deep capacity for hard work. If confirmed, he'll make a superb judge.

Let me turn then to the question of ideology. In the overwhelming majority of cases that an appellate judge faces, the judge's legal philosophy is entirely or almost entirely irrelevant: The cases are either straightforward applications of clear and well-settled law, or, even if less than clear, involve highly technical legal questions that relate little to high-level philosophical debates. For those questions Paul's intellect, care, and legal craftsmanship will yield results that both liberals and conservatives should applaud.

At the same time, there is no doubt that some small but important fraction of appellate cases consists of matters on which liberal judges and conservative judges will reach different results. That is inevitable:

Law is not mathematics. Some legal questions are unsettled and not answered by statutory or constitutional text, or binding precedent. And in the absence of a clear and obvious legal answer, different judges reach different results based partly on their philosophies. Paul is a moderate liberal; I am a moderate libertarianish conservative; I therefore expect that, if he is confirmed, there would be some future decisions of his with which I will disagree.

Yet our current President is President Obama, not Senator McCain. The American people spoke, and they elected someone who will not nominate judges with whom Republicans like me will always agree. So, respecting as I do the voters' choice in 2008 (though it was not my choice), I do not ask: Is this the sort of judge who shares my legal philosophy? Rather, I ask: Would he be the sort of judge whom I could respect intellectually? Would he be the sort of judge whom I could trust to be fair-minded and respectful of the legal rules that he is obligated to follow? Is he likely to be more on the moderate side rather than solidly on the left? For Paul, my answer to those questions is a definite yes.

When a Democratic President nominates a judge who is indeed well on the left, Republicans like me face a difficult question: Should we resist the nomination, or should we accept it so long as the judge appears to be excellent on the nonideological factors? I have not fully thought through this question.

But for the reasons I mentioned, that's a question that doesn't even come up for me in this instance. Paul is the sort of moderate Democratic nominee that moderates and conservatives, as well as liberals, should solidly support.

Sincerely,

EUGENE VOLOKH.

HENRY WEISSMANN,
Los Angeles, CA, May 3, 2012.

Re Nomination of Paul Watford.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Of-
fice Building, Washington, DC.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate, Committee on the Judi-
ciary, Russell Senate Office Building, Wash-
ington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Russell Senate
Office Building, Washington, DC.

Hon. CHUCK GRASSLEY,
Ranking Member, U.S. Senate, Committee on
the Judiciary, Hart Senate Office Building,
Washington, DC.

DEAR SENATORS REID, MCCONNELL, LEAHY AND GRASSLEY: I write in support of the nomination of Paul Watford to the United States Court of Appeals for the Ninth Circuit.

I am a partner of Mr. Watford's at Munger, Tolles & Olson LLP. Prior to joining Munger, Tolles, I had the honor of serving as a law clerk to Justice Antonin Scalia of the Supreme Court and Judge James L. Buckley of the United States Court of Appeals for the D.C. Circuit. I am also a past President of the Los Angeles Chapter of the Federalist Society and serve on the Executive Committee of its national Telecommunications Practice Group. Although I do not agree with President Obama on many issues, I completely agree with his nomination of Mr. Watford.

I have had the pleasure of working with Mr. Watford for over a decade in a variety of appellate matters involving large corporate clients. He is brilliant, developing effective arguments on matters of first impression. He

is efficient, producing top-quality work product quickly. He is respectful of his colleagues, his opponents, and the courts. Above all, he is a careful lawyer, applying precedent and common sense in a way that leads to moderate arguments. I have never seen any hint of politics in Mr. Watford's lawyering.

Mr. Watford is highly regarded not only within our firm, but also in the legal community at large. Lawyers from private practice, his former colleagues in the U.S. Attorney's office, clients, academics, and many others—including those from a wide range of political perspectives—hold Mr. Watford in the highest esteem.

I have every confidence that, as a judge, Mr. Watford would apply the law faithfully, objectively, and even-handedly. Mr. Watford would be an outstanding addition to the Ninth Circuit, and I support his nomination enthusiastically.

Sincerely,

HENRY WEISSMANN.

Mr. LEAHY. Mr. President, I ask unanimous consent that following the vote on the Watford nomination, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, but I ask unanimous consent that the time between now and the vote at 5:30 be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FDA REAUTHORIZATION

Mr. COONS. Mr. President, I rise today in strong support of the bipartisan legislation to which the Senate will move to reauthorize the Food and Drug Administration user fees and critical programs to ensure Americans have access to safe and effective medications.

Most of us do not think about the FDA on a regular basis. In fact, we rarely think about where our medicines come from, the scientists who invented them, the investments required to develop them, and the innovative, cutting-edge new treatments that are essential to keeping Americans healthy and safe or the regulators who make sure these pharmaceuticals, devices, and treatments work as they are supposed to. But when the moment comes that we face a health crisis and

our doctors prescribe us essential medication, we want those pharmaceuticals available right away, and we want them to work as promised.

One example of the many constituents who have contacted me about PDUFA is Virginia from Newark, DE, who recently sent a letter to my office. She volunteers with the National Brain Tumor Society and is concerned that without reauthorization of this legislation, safe and effective brain tumor therapies will be slower to be developed and made available to patients who need them. She wrote:

It has been too long since any new therapies have become available for brain tumor patients that significantly extend survival. Anyone can be diagnosed with a brain tumor, and they are the second leading cause of cancer death in children under twenty.

I say to the Presiding Officer, I am sure, like me, in your office, as a Senator from Connecticut, you regularly are visited by folks from around the country or around your State who are deeply concerned about continuing medical progress, discovery and development of the lifesaving treatments Americans have developed over the last two decades. It is my hope that the Senate will continue to clear the way. That is why we need this legislation.

This reauthorization helps take care of innovation and safety so consumers and patients do not have to worry. It permanently authorizes programs that have helped make medicines safer for millions of children. It upgrades the FDA's tools to police the global supply chain and helps reduce the risk of drug shortages of the kind we saw recently, which Senator KLOBUCHAR just spoke to earlier this afternoon, when supplies of critical cancer medications ran low.

This is a matter of great urgency. The current FDA authorization will expire in a few short months. If we allow that to happen, we put at risk patient access to new medications as well as America's ongoing global leadership in biomedical innovation.

Worst of all, failing to reauthorize would cost us thousands of jobs, and more pink slips is not what we need as our economic recovery gains strength. If new drug and medical device user fee agreements are not authorized before the current ones expire, the FDA must lay off nearly 2,000 employees. Because that does not happen overnight, layoff notices would start going out as early as July. The good news is we are moving forward with a timely reauthorization to save those jobs, save America's leading role in innovation, and ensure that the FDA continues to make progress.

This is an all-too-rare display of bipartisanship across both Chambers. This legislation was unanimously approved by the House committee and found strong bipartisan support in the HELP Committee here in the Senate, ably led by Chairman HARKIN and Ranking Member ENZI.

There is a reason Members of the House and Senate of both parties are in such strong support of this reauthorization.

The American economy has always been driven by innovation, and some of our most extraordinary innovations have come in the biomedical sector. In the years ahead, it is my faith, my hope, that we will see more and more narrowly targeted drugs created specifically for certain kinds of patients or very specific diseases. In the lifecycle of innovation, this is different than the last few decades when blockbuster medications were used and then developed on a very wide scale across the country or world. But it is an equally impressive feat of innovation that lies in the years ahead, and one that is only possible because of amazing advances in technology, the mapping of the human genome, the disassociation across many labs and small startup businesses, of the machinery, the mechanics, and the capabilities to innovate in the discovery and development of pharmaceuticals.

We have to continue to support and encourage this kind of innovation in order to stay competitive in the global economy. At the moment, the FDA continues to keep pace with many of our global competitors in terms of their review time for new drug applications, but we are at real risk of falling behind.

One recent example to which I paid close attention, the blood-thinning drug Brilinta, was manufactured by a company—was developed and discovered by a company—in my home State of Delaware, AstraZeneca. It was finally approved by the FDA in July 2011. But prior to that approval, 33 other countries, including the EU and Canada, had already approved the drug months or years before. This delay in review and approval in some certain cases can be bad for patients who rely on these medications and bad for the competitiveness of the United States. So I am glad this reauthorization clears away some of the conflict in the underbrush and will reauthorize and strengthen and streamline the review timeline for new pharmaceuticals.

Not only will this provide the kind of predictability and certainty any business needs to succeed, but it helps make sure the FDA's essential regulatory process keeps pace with scientific innovation. In my home State of Delaware, there are more than 20,000 jobs that directly rely on biomedical research and innovation. But around the country there are more than 4 million indirectly and more than 675,000 jobs that directly benefit from this area.

Frankly, it is also one of our strongest export areas of growth for the long term. So we need this reauthorization now. In my view, moving forward with this legislation also means finding the

fine balance between speed and safety, between getting treatments to patients without delay, and being certain these new drugs will be effective and safe.

In a recent editorial, the Washington Post noted:

This time around, the balance appears to be tilting slightly toward faster approval. That's good.

I agree. Safety is paramount, but with today's technology and the FDA's century of experience, I think we can move more quickly to put innovative treatments in the hands of patients who desperately need them. The Prescription Drug User Fee Act originally passed by Congress in 1992 and reauthorized every 5 years since is what allows the FDA to collect user fees from pharmaceutical manufacturers and provide a stable, consistent funding stream that has steadily decreased drug review times by nearly 60 percent since it was first enacted. It has provided access on a faster and more predictable timeframe to over 1,500 new medicines since it was first enacted and deserves to be reauthorized to help expedite approval for breakthrough medications to treat rare and widely experienced diseases.

In closing, the FDA is the oldest comprehensive consumer protection agency in the Federal Government. Its relevance has not decreased with age; in fact, quite the opposite. As our researchers and scientists have made major breakthroughs in care and technologies for treatment, the FDA has continued to serve as the conduit between innovators, physicians, and patients.

We face tremendous hurdles in treating devastating diseases of all kinds. In addition to ancient puzzles such as cancer that continue to elude us, there are new challenges cropping up every day. One example would be the need for new drugs to treat increasing cases of bacterial infections, greatly resistant to conventional antibiotics, so-called superbugs. That is why I have joined with the Presiding Officer and Senator CORKER as a cosponsor of the GAIN Act, to spur development of these specific types of drugs. This is one of many examples of the kinds of innovations that will solve the medical mysteries of the 21st century, ease the suffering of millions of Americans, secure high-wage and high-skilled jobs in the biomedical research field, and ensure our competitiveness globally.

So let's continue working in the bipartisan spirit that has carried this reauthorization thus far and proceed to pass it without delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, at 5:30 we will be voting on the nomination of Paul Watford for the Ninth Circuit Court of Appeals. I would like to say a few words about him at this time.

But before I do, I think Members might want to consider the fact that the Ninth Circuit is by far the busiest U.S. circuit in the Nation. It has over 1,400 appeals pending per three-judge panel. That is the most of any circuit. It is over two times the average of other circuits combined.

The Judicial Conference of the United States has declared each Ninth Circuit vacancy a "judicial emergency." So today we are, in fact, filling one of the seats which is a judicial emergency. The candidate is Paul Watford, a Ninth Circuit nominee with stellar credentials and support across the political spectrum. I am delighted that cloture was vitiated so the vote will be directly on his nomination, and it is anticipated that he will be confirmed without controversy.

Mr. Watford earned his bachelor's degree from the University of California Berkeley in 1989 and his law degree from UCLA in 1994 where he was editor of the UCLA Law Review and graduated Order of the Coif. After finishing law school, Mr. Watford clerked for Ninth Circuit Judge Alex Kozinski, an appointee of President Reagan's. He then clerked for Justice Ruth Bader Ginsburg on the U.S. Supreme Court.

Following his two clerkships, he spent a year in private practice at the prestigious firm of Munger, Tolles, and Olson and then moved into public service as an assistant U.S. attorney in Los Angeles in 1997. There he prosecuted a broad array of crimes, including bank robberies, firearms offenses, immigration violations, alien smuggling, and various types of fraud.

He later served in the major fraud section of the criminal division, focusing on white collar crime. Among his many cases, he prosecuted the first case of an online auction fraud on eBay in California. During his tenure as a Federal prosecutor, Mr. Watford appeared in court frequently, typically several times per week. He tried seven cases to verdict, and he worked on numerous Ninth Circuit appeals, arguing four of them.

In one such case, a cocaine dealer had already convinced the State court that a drug seizure had violated his fourth amendment rights. Mr. Watford prevailed on appeal in forcing the dealer to forfeit over \$100,000 in drug trafficking proceeds.

In 2000, Watford rejoined Munger, Tolles, and Olson where he is currently a partner. This is one of the premiere appellate law firms in California. Paul Watford specializes in appellate litigation at the firm. Like most major law firms, Munger's docket is dominated by business litigation. Thus the focus of Mr. Watford's work has been appellate litigation for business clients. For example, he represented Verizon Communications in a consumer class action case. He represented the technology company, Rambus, in two complex pat-

ent infringement cases. He also represented Shell Oil in an antitrust case.

Mr. Watford and his colleagues at Munger won a 9-to-0 reversal on behalf of Shell Oil in the Supreme Court. He has also represented numerous other American businesses, such as Coca-Cola and Berkshire Hathaway, as well as business executives and municipal government agencies.

In total he has argued 21 cases in the appellate courts, and he has appeared as counsel in over 20 cases in the U.S. Supreme Court. So he is well equipped.

His extensive experience as a prosecutor and private practitioner, including his specialty in appellate work, will serve the Ninth Circuit extremely well. Mr. Watford is also regarded by attorneys on both sides of the aisle, including conservative Republicans who praise him for his keen intellect and fair-minded approach to the law. He has been endorsed by two former presidents of the Los Angeles chapter of the Federalist Society.

One, Jeremy Rosen, says Watford is, "open-minded and fair," and a "brilliant person and a gifted appellate lawyer." The other, Henry Weissman, says that although he "do[es] not agree with President Obama on issues, [he] completely agree[s] with his nomination of Paul Watford." So that is a good thing.

Daniel Collins, who clerked for Justice Scalia and served as an Associate Deputy Attorney General in the Bush Justice Department, says Watford "embodies the definition of judicial temperament—very level-headed and even keeled."

Thirty-two Supreme Court clerks from the term when Watford clerked for Justice Ginsburg have written in support of the nomination. These include clerks from every Justice on the Court at that time, including all of Justice Scalia's clerks from that year, as well as several from Justices Rehnquist, Thomas, and Kennedy. I find that quite amazing.

A group of over 40 former clerks for Judge Kozinski have also written in support of Watford's nomination. This group includes numerous individuals with unquestionable conservative credentials. Many clerked for Justices Rehnquist, Scalia, Alito, and Kennedy. Several, such as Steve Engel, Charles Duggan, and Ted Ulyot also served in the Bush administration, including in the White House Counsel's Office and the leadership of the Justice Department.

Watford also has strong support in the business community. The general counsels of leading American corporations, including Google, Mattel, Verizon, and CIRCOR, have also written in support of Mr. Watford. They say Watford "is exactly the kind of individual that any plaintiff or defendant—person, business, or government—would welcome deciding their case."

In short, Paul Watford is truly both an excellent and distinguished choice for the Ninth Circuit. He is extremely bright. He is experienced at the trial and appellate level and in both civil and criminal cases. He is uniquely respected for his intellect and judgment, and he has broad support across the political spectrum and in the business community.

Maybe this is the reason cloture was vitiated. He is not filibusterable. I hope people see the fine and keen intellect this man is, and he should have a very large vote. If confirmed, he would be one of just two African-American active judges on the Ninth Circuit. The Ninth Circuit, by far the busiest circuit in the Nation, urgently needs him to begin his service.

As I said the Ninth Circuit is a judicial emergency. This will fill one vacancy. So I urge my colleagues to vote at 5:30, in 15 minutes, for Mr. Watford's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today we are going to turn to a nomination that the Senator from California has just referred to, Paul Watford, to be circuit judge for the Ninth Circuit. I am disappointed that the majority leader has brought this nomination to the floor.

The reason I say that is there are at least 10 nominations on the Executive Calendar that might fall into the category of consensus nominees. Six nominees on the calendar had significant opposition in committee and clearly are not consensus nominees. Mr. Watford falls into this category of not being a consensus nominee.

I will oppose Mr. Watford's nomination and ask my colleagues to oppose the nomination as well. My opposition to this nomination is based upon substantive concerns that I have regarding Mr. Watford's views on both immigration and the death penalty.

Mr. Watford partnered with the American Civil Liberties Union and the National Immigration Law Center in two cases to oppose Arizona's 2010 immigration bill. In the first case, Friendly House, a class action lawsuit, Mr. Watford served as cocounsel for most of the plaintiffs, including the class action representative Friendly House.

The Friendly House complaint attacks the Arizona law on a variety of grounds. He argued the law violates the Supremacy clause; that it violates the Equal Protection clause by promoting racial profiling; that it violates the first amendment by chilling the speech of non-English speakers; that it violates the fourth amendment; and that it violates due process by inviting racial profiling and employing vague definitions of "public offense" and other statutory terms.

In the second case, *United States v. Arizona*, Mr. Watford served as cocounsel on an amicus brief filed by the Friendly House plaintiffs. This brief covers most of the arguments raised in the Friendly House complaint. But in addition, it asserts that Arizona "fails to account for the complexities and realities of Federal immigration law" because individuals lacking immigration registration documents are put at risk of "constant and repeated criminal prosecution."

I do not believe an attorney should be held accountable for the legal positions he advocates on behalf of a client. Of course, there are some exceptions to that general rule; for instance, if the legal positions are far outside the mainstream of legal theory, are frivolous or indicate an unacceptable level of professional competence. However, in this case, Mr. Watford has not simply argued on behalf of a client, he adopted those legal theories as his very own. On July 14, 2010, Mr. Watford gave a speech analyzing the constitutionality of the Arizona law. His speech concentrated on "why S. 1070 is unconstitutional," and he recapped many of the arguments he made in the Friendly House case.

Moreover, despite the fact that he discussed his views on immigration publicly, he nonetheless declined to answer many of my questions during his hearing before the Judiciary Committee. For instance, I asked about an argument in his brief that the Arizona statute prohibiting illegal aliens from soliciting work somehow violated the first amendment. The nominee responded that it would be inappropriate for him to comment on questions related to whether illegal immigrants were entitled to constitutional protections other than those contained in the fifth, sixth and fourteenth amendments. Again, remember, he had already given a speech on this topic, so I was disappointed that he would not share his views on these important topics.

With regard to the death penalty, Mr. Watford assisted in submitting an amicus brief to the Supreme Court in *Baze v. Rees* on behalf of a number of groups that opposed Kentucky's three-drug lethal injection protocol.

In its plurality opinion, the Court rejected the arguments raised in the brief. Ultimately, Kentucky's three-drug protocol was upheld on a 7-to-2 vote in the Supreme Court.

At the hearing we had for Mr. Watford, in following up questions, Mr. Watford gave the standard response that he would follow Supreme Court precedent regarding the death penalty. Yet it is very curious to me that he would go out of his way to provide his services to a case that would undermine the death penalty.

Furthermore, his concession that he would give consideration to foreign or

international law in interpreting the meaning of the Cruel and Unusual Punishment clause makes me wonder how he would approach this issue.

I have other concerns based on positions this nominee has taken in his legal advocacy, as well as some of his presentations.

I am generally willing to give the President's nominees the benefit of the doubt when the nominee on the surface meets the requirements I have previously outlined. But I don't think this nominee meets these requirements.

Finally, Republicans continue to be accused of obstruction and delay when it comes to judicial nominations. This comes even as we have now confirmed 145 of this President's district and circuit court nominees. That, of course, is during a period when we also confirmed two Justices to the Supreme Court. The last President who had two Supreme Court nominees had only 120 confirmations. So this argument of obstruction, of delay, and of unfairness doesn't hold up.

I remind my colleagues on the other side of the aisle of the obstructionism, delay, and filibusters, which they perfected. The history of President Bush's nominees to the ninth circuit provides some very important examples.

President Bush nominated nine individuals to the ninth circuit. Three of those nominations were filibustered. Two of those filibusters were successful. The nominations of Carolyn Kuhl and William Gerry Myers languished for years before being returned to the President. A fourth nominee, Randy Smith, waited over 14 months before finally being confirmed after his nomination was blocked and returned to the President. After being renominated, he was finally confirmed by a unanimous vote.

President Obama, on the other hand, has nominated six individuals to the ninth circuit. Only one of those nominees was subject to a cloture vote. After that vote failed, the nominee withdrew. If confirmed, Mr. Watford will be the fourth nominee of President Obama nominated to serve on the ninth circuit. Those four confirmations took an average of about 8 months from the date of nomination.

For all of President Obama's circuit nominees, the average time for nomination to confirmation is about 242 days. For President Bush's circuit nominees, the average wait for confirmation was 350 days. Given this history that I have spelled out, one might wonder then why President Bush and his nominees were treated differently and so much more unfairly than President Obama's nominees.

Mr. Watford received his B.A. from University of California, Berkeley in 1989 and his J.D. from the University of California, Los Angeles (UCLA) School of Law in 1994. Upon graduation, he clerked for Judge Alex Kozinski on the

Ninth Circuit and then for Justice Ginsburg on the Supreme Court. In 1996, he began working as an associate in the Litigation Department at the Los Angeles law firm of Munger, Tolles & Olsen. From 1997–2000, Mr. Watford was an Assistant United States Attorney in the U.S. Attorney's Office for the Central District of California, in Los Angeles, handling a variety of criminal prosecutions, such as immigration, narcotics, firearms trafficking, bank robbery, computer fraud, mail and wire fraud, and securities fraud.

In 2000, Mr. Watford returned to private practice as an associate in the appellate practice group at Sidley & Austin's Los Angeles office. In 2001, he rejoined Munger, Tolles & Olsen as an associate, becoming a partner there in 2003. His practice focuses primarily on appellate litigation, specifically business and commercial disputes. Mr. Watford has also taught a course on Judicial Opinion Writing at the University of Southern California's Gould School of Law for three semesters (2007, 2008, and 2009).

The ABA Standing Committee on the Federal Judiciary unanimously rated him as Well Qualified for this position.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3187

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to Calendar No. 400, S. 3187, the Food and Drug Administration Safety and Innovation Act, be vitiated; that at 2:15 tomorrow, Tuesday, May 22, the motion to proceed be agreed to; that the Harkin-Enzi substitute amendment, which is at the desk, be agreed to, and the bill, as amended by the Harkin-Enzi substitute, be considered original text for the purposes of further amendment, and that the majority leader be recognized at that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, based on this, we will have a vote that should start in 5 minutes, which will be the only vote of the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I yield back all time and ask unanimous consent that the vote start now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, will the Senate advise and consent to the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—61

| | | |
|------------|--------------|-------------|
| Akaka | Graham | Murray |
| Alexander | Hagan | Nelson (NE) |
| Baucus | Harkin | Nelson (FL) |
| Begich | Inouye | Pryor |
| Bennet | Johnson (SD) | Reed |
| Bingaman | Kerry | Reid |
| Blumenthal | Klobuchar | Rockefeller |
| Boxer | Kohl | Sanders |
| Brown (MA) | Kyl | Schumer |
| Brown (OH) | Landrieu | Shaheen |
| Cantwell | Lautenberg | Snowe |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Casey | Lieberman | Udall (CO) |
| Collins | Lugar | Udall (NM) |
| Conrad | Manchin | Warner |
| Coons | McCain | Webb |
| Durbin | Menendez | Whitehouse |
| Feinstein | Merkley | Wyden |
| Franken | Mikulski | |
| Gillibrand | Murkowski | |

NAYS—34

| | | |
|-----------|--------------|----------|
| Ayotte | Enzi | Paul |
| Barrasso | Grassley | Portman |
| Blunt | Hatch | Risch |
| Boozman | Hoeven | Roberts |
| Burr | Hutchison | Rubio |
| Chambliss | Inhofe | Sessions |
| Coats | Isakson | Shelby |
| Coburn | Johanns | Thune |
| Cochran | Johnson (WI) | Toomey |
| Corker | Lee | Wicker |
| Cornyn | McConnell | |
| Crapo | Moran | |

NOT VOTING—5

| | | |
|--------|-----------|--------|
| DeMint | Kirk | Vitter |
| Heller | McCaskill | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

IRAN THREAT REDUCTION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and that the Senate proceed to its consideration; that the Johnson of South Dakota-Shelby substitute amendment, which is at the desk and is the text of Calendar No. 320, S. 2101, the Iran Sanctions, Accountability, and Human Rights Act, as reported by the Banking Committee, be considered; that a Johnson of South Dakota-Shelby amendment, which is at the desk, be agreed to; that the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and the Senate proceed to a vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection to the consent request?

Mr. MCCAIN. Madam President, reserving the right to object, and I will not object, I would like to thank both leaders for their hard work in getting what I believe is one of the more important sense-of-the-Senate resolutions achieved here. It is very difficult. I think words matter. The fact that this resolution points out that we need a comprehensive policy that includes economic sanctions, diplomacy in military planning, capabilities, and options; that this objective is consistent with the one stated by President Barack Obama in the State of the Union Address where he said, "Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal"—I think this is an important resolution. I thank the majority leader.

I also point out that the final part of it says that nothing in the act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

First of all, it is not an authorization. Second of all, I wonder if we ought to include Canada and maybe Brazil and other countries along with that since this resolution contemplates in no way anything concerning Syria, but I guess we could probably throw it in. However, I will not ask for a unanimous consent to amend to add Canada, although the Canadians are very upset because they have no teams in the finals of the National Hockey League Stanley Cup championship series.

Again, I thank both the Senate majority leader and the Republican leader for the work they did and also our friend Senator MENENDEZ, who was also an important factor in getting this done.

I do not object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, to the majority leader, well done. I think we are going to be able to voice vote a resolution that states the policy of our country and our President very clearly.

To the Senator from New Jersey, Mr. MENENDEZ, great job on the sanctions. I hope the Senator understands why I wanted to put in all options. I hope the sanctions will work. This is a clear statement by the Senate backing up our President that when it comes to Iran having nuclear capabilities, there will be more than sanctions on the table, and the Iranians need to know that.

I hope we can end this peacefully for Israel's sake, for our sake, and for the world's sake as we approach beefing up the sanctions with the Banking Committee, with Senator MENENDEZ's and Senator KIRK's leadership, and others, who have done a great job. If you are on the Banking Committee, you did a great job. I don't even know who is on it.

The bottom line is I think the sanctions were really well drafted and will enhance the President's hand, so to speak. We cannot leave this debate without making a very simple unequivocal statement that the goal is to get it right. And if sanctions can lead to getting it right, God bless. If the sanctions will not get us to where we want to go, everything is on the table, including the use of military force, because this country—Republicans and Democrats—is not going to allow the Iranian regime to develop nuclear capability that will put the world into darkness.

To everybody who negotiated this outcome, thank you very much.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2123) in the nature of a substitute is as follows:

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 2124) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The substitute amendment, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill as amended.

The bill (H.R. 1905), as amended, was passed.

Mr. REID. Madam President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements related to this matter be printed in the RECORD in the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, before we leave here this evening, I must mention the good work done by the Banking Committee. Senator JOHNSON of South Dakota has been stalwart in this issue. He and Senator SHELBY worked together. It has been very heartwarming.

I appreciate Senator MENENDEZ, who has been a loud voice in making sure we do something on this legislation about which he feels so strongly.

The most important thing for me is Iranians need to know we mean business, particularly with the next round of international negotiations taking place the day after tomorrow.

I am glad we resolved our differences and everyone realizes how important it is to advance these measures to prevent Iran from obtaining a nuclear weapon. They should be aware that there is still more we can do. I am very happy with what we have done at this time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Madam President, I rise to discuss today's unanimous, bipartisan approval of the Senate Iran Sanctions, Accountability and Human Rights Act. With this action, we are adding additional tough, targeted sanctions against the Iranian Government, making it clear to the Iranian Government that they must stop their illicit pursuit of nuclear weapons or face increased pressure on their economy.

Madam President, I ask unanimous consent that a longer statement of mine on the bill plus a summary be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JOHNSON. The bill the Senate adopted today passed the Banking Committee earlier this year by a unanimous bipartisan vote. Among its other provisions, this legislation will have important effects because it requires intensified targeting of Iran's Revolutionary Guard Corps, sanctioning energy and uranium mining joint ventures with Iran, and mandating sanctions for those who supply Iran with weapons and other technologies used to commit human abuses, including those used to impose an electronic curtain of censorship on Iran's citizens. In addition, this legislation gives the President additional authority to sanction the Asad regime in Syria.

Today the Senate has shown that we can still act in a bipartisan way on important priorities. I thank every Member for supporting passage of this bill today. In particular, I thank all the members of the Banking Committee for their work, including Ranking Member SHELBY and Senators MENEN-

DEZ, KIRK, SCHUMER, and BROWN. In addition, I thank Majority Leader REID for his determination to get this legislation through the Senate.

I look forward to working with my colleagues in the House to quickly come together on a final bill the President can sign soon. It is important that the Congress act swiftly so that we can continue to put pressure on the Iranian regime to end its illicit and illegal nuclear activity.

Again, I thank all my colleagues for their support on the Iran sanctions bill today.

EXHIBIT 1

TIGHTENING IRAN SANCTIONS

Mr. JOHNSON of South Dakota. Mr. President, the prospect of a nuclear-armed Iran is the most pressing foreign policy challenge we face, and we must continue to do all we can—politically, economically, and diplomatically—to avoid that result. The meetings here in Washington in March between Israeli Prime Minister Netanyahu and President Obama underscored the gravity of these issues, and the importance of an intensified, unified effort by the international community to further isolate Iran's leaders and compel them to abandon their illicit nuclear activities. Iran's willingness to sit down again with the P5 + 1 group—the five permanent members of the UN Security Council plus Germany—and begin to re-engage on the nuclear issues is a hopeful sign. But even after the first meeting, which both sides called "constructive," it remains to be seen whether Iran will actually be willing to work towards progress on the central issues at the negotiating sessions planned for Baghdad later this week, or whether these meetings will simply be another in a series of stalling actions to buy time to enrich additional uranium and further fortify their nuclear program.

As that process moves forward, today the full Senate is finally acting on an important bill to confront this very serious threat to our national security, to Israel and to our other allies in the Middle East and Europe. S. 2101, the Iran Sanctions Accountability and Human Rights Act of 2012, was approved by a unanimous bipartisan vote in the Senate Banking Committee. I am pleased that, with the help of ranking member Senator Shelby and other committee colleagues, we are presenting to the full Senate, as we did 2 years ago, this bipartisan bill to expand and tighten sanctions on Iran, along with a manager's amendment to address several issues that required updating to take into account recent events, and clarifications or additions that my colleagues sought to expand the reach and effectiveness of the bill, including changes requested by Senator Menendez to an amendment he offered in committee, section 503, to narrow its application while preserving his original intent to enable attachment of assets in which the government of Iran has an interest, to satisfy certain terror-related judgments against Iran.

In pressing this bill forward we recognize that economic sanctions are not an end; they are a means to an end. That end is to apply enough pressure to secure agreement from Iran's leaders to fully, completely and verifiably abandon their illicit nuclear program. The President has made clear that his policy is not to contain Iran once it has a nuclear weapon: it is to prevent Iran from achieving that goal in the first place. He is

deadly serious about that. At the same time, he is moving forward diplomatically, in consultation with our allies, to test Iran's willingness to come clean on its nuclear program, and resolve the international community's concerns on this front.

Let me describe where we have been on Iran sanctions, so that Senators may better understand where we're going. This has been the subject of heated rhetoric on the Presidential campaign trail, so I want to describe clearly the longstanding bipartisan approach we in Congress have taken. Since here in the Senate we sometimes cannot even agree to cross the street together, in today's hyperpartisan environment bipartisan agreement on this bill is notable. On Iran sanctions we have always worked in a bipartisan fashion; I hope that will continue.

In coordination with allies like the European Union, Japan, South Korea, Australia, Canada, and others, the Administration has taken its own steps to increase pressure on Iran's petrochemical industry, oil and gas industry, and financial sector. We acted in the Senate 5 months ago on an amendment by Senators Menendez and Kirk to sanction the Central Bank of Iran and other banks that deal with Iranian banks involved in nefarious activities. Shortly thereafter, Europe announced it will ban oil imports from Iran, starting in July. This will further increase pressure on Iran's economy and cut off other key sources of revenue for their nuclear program. Almost \$60 billion in energy-related projects in Iran have been put on hold or discontinued. Oil shipments have sharply declined due to sanctions. The Wall Street Journal recently reported that Iran's crude oil output has dropped to its lowest level in over 20 years, due largely to the tightening squeeze of sanctions. And, in the last few months, about half of the tankers booked monthly to load at the country's largest terminal didn't complete the voyages, according to brokers, company officials and ship-tracking data. It is clear Iran is losing oil sales to key customers in Europe, Asia, and elsewhere, and is having some of its biggest customers demand steep discounts to buy its oil. Some estimate the losses in Iran's oil revenues are approaching 40 percent of daily sales. Iran's oil exports have the potential to fall another 300,000 to 500,000 barrels a day or more when the European Union's embargo takes effect in July, according to a report this week by Barclays. That is a huge impact. A senior IRGC official acknowledged the effectiveness of sanctions recently, saying: "The regime is at the height of isolation and in the midst of a technological, scientific and economic siege. We are not in a situation of imaginary threats and sanctions. Threats and sanctions against us are effectively being pursued." These sanctions have had a more powerful effect than many thought possible.

Iran is also isolated diplomatically. The international community is lined up against their nuclear program, with progressively tougher UN sanctions imposed on them. Their most important ally, Syria, is collapsing into civil war. They are, as President Obama said, in a "world of hurt." Many believe the recent shift by Iran's leaders on the nuclear issue is the result of that pain, and the intense pressure of heightened sanctions. But while it is clear that existing sanctions are biting, they have not yet persuaded Iran's leaders to drop their nuclear ambitions. We must not let up now, as negotiations on these issues are continuing.

I believe that further progress in those negotiations depends on intensifying that pres-

sure on Iran's leaders, and that's what this bill is all about. With these new sanctions, including those targeted at the IRGC, we are forcing Iran's military and political leaders to make a clear choice. They can end the suppression of their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorist activities around the globe. Or they can continue to face sustained multilateral economic and diplomatic pressure, and deepen their international isolation.

Just as then-Chairman Dodd and Ranking Member Shelby did in 2010, Senator Shelby and I have incorporated ideas from many of our Senate colleagues into one Committee bill, including from S. 1048 sponsored by Senator Menendez. Senator Menendez has been a leader on these issues, along with Senator Kirk, and we acknowledge their many contributions. The bill also borrows and refines ideas from legislation developed by Senators Lautenberg, Gillibrand, Schumer, Kyl, Lieberman, Brown, and others. I will now touch on a few of the highlights of this bill and I will insert a more comprehensive and detailed summary into the record at the end of my remarks. Our legislation will: broaden the list of available sanctions, require intensified targeting of Iran's Revolutionary Guard Corps, require firms traded on US stock exchanges to disclose Iran-related activity to the Securities and Exchange Commission, sanction energy and uranium mining joint ventures with Iran, penalize US parent firms for certain Iran-related activities of their foreign subsidiaries, mandate sanctions for those who supply Iran with weapons and other technologies used to commit human rights abuses, including those used to impose an "Electronic Curtain" on Iran's citizens, and provide for other similar measures designed to increase pressure on Iran's government.

All told, when enacted the bill will significantly increase pressure on Iran's leaders, and that must be our goal as we move forward in this process. I hope and expect my colleagues will support this bill enthusiastically, and that we will be able to reconcile it with the House bill and move it forward quickly into law this year. I look forward to working with my House colleagues, including Chairman Ros-Lehtinen and Ranking Member Berman, who as former Foreign Affairs Committee Chairman has led the sanctions effort against Iran for many years, and played a key role in developing both CISADA and the House version of this measure, to get a bill enacted this year.

IRAN SANCTIONS, ACCOUNTABILITY AND HUMAN RIGHTS ACT OF 2012

SECTION-BY-SECTION SUMMARY

Sec. 1—Short Title, Table of Contents

Sec. 2—Findings

Contains a series of findings about the threat posed by Iran, the bipartisan understanding of the implications of its achieving a nuclear weapons capability, steps taken thus far by the US, its allies and the United Nations Security Council to counter that threat, and the need to intensify those efforts to counter that threat and deter Iran's nuclear ambitions.

Sec. 3—Definitions

Provides that the definitions of key terms ("appropriate congressional committees," "credible information," and "knowingly") will be those found in the Iran Sanctions Act (ISA) of 1996, as amended, and that the definition of "United States person" will be that found in the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA).

Sec. 101—Statement of Policy

Defines US policy to be to prevent Iran from (i) acquiring or developing nuclear weapons and advanced conventional weapons and ballistic missile capabilities, (ii) continuing its support for international terrorism, and (iii) engaging in other activities designed to destabilize its neighbors in the region. It also outlines the US policy of support for full implementation of all sanctions against Iran as part of multilateral efforts to compel Iran to abandon its illicit nuclear program.

Sec. 102—Expansion and Implementation of Multilateral Sanctions Regime

States the sense of Congress that expansion and vigorous implementation of bilateral and multilateral sanctions against Iran, and vigorous enforcement of all U.S. sanctions, is an effective way to achieve the goal of compelling Iran to abandon its efforts to achieve a nuclear weapons capability.

Sec. 103—Diplomatic Efforts to Expand Multilateral Sanctions Regime

Urges efforts by the US to expand the UN sanctions regime to include (i) imposing additional travel restrictions on Iranian officials responsible for human rights violations, the development of Iran's nuclear and ballistic missile programs, and Iran's support for terrorism; (ii) withdrawing sea- and airport landing rights for Iran Shipping Lines and Iran Air, for their role in nuclear proliferation and illegal arms sales; (iii) expanding the range of sanctions to which Iran is subject; (iv) expanding sanctions to limit Iran's petroleum development, imports of refined petroleum products and reduce its revenue from sale of petrochemical products, and (v) accelerating US diplomatic and economic efforts to help allies reduce their dependence on Iranian crude oil and other petroleum products. Requires periodic reporting to Congress.

Sec. 104—Imposition of Sanctions with regard to Iran

Declares the sense of Congress that efforts should be made to maximize the effects of sanctions and to preserve information-sharing.

Sec. 201—Sanctions with respect to Energy Joint Ventures with Iran

Extends ISA sanctions to persons knowingly participating in petroleum resources development joint ventures established on or after January 1, 2002 anywhere in the world, unless such ventures are terminated within 180 days of enactment, in which Iran's government is a substantial partner or investor, or through which Iran could otherwise receive energy sector technology or know-how not previously available to its government.

Sec. 202—Expands Sanctions on Providers of Goods and Services to Iran's Energy Sector

Requires imposition of ISA sanctions on persons who knowingly sell, lease, or provide to Iran goods, services, technology or support (including refinery construction or repair), or infrastructure predominantly used for the transportation of refined petroleum products, that could directly and significantly contribute to its petroleum resources development or refining programs, in single transactions of \$1 million or more or multiple transactions aggregating to \$5 million or more in any 12-month period. Requires imposition of at least three ISA sanctions to persons who knowingly sell, lease, or provide to Iran goods, services, technology or support for its petrochemical sector in a single transaction of \$250,000 or more, or multiple transactions aggregating to \$1,000,000 or

more in any 12-month period. In so doing, codifies the President's decision to extend US sanctions to Iran's petrochemical sector, adopting the standards, thresholds and petrochemicals list contained in Executive Order 13590.

Sec. 203—Sanctions with respect to Uranium Joint Ventures with Iran

Requires ISA sanctions to be imposed on persons who knowingly participate in joint ventures with Iran's government, Iranian firms, or persons acting for or on behalf of Iran's government in the mining, production or transportation of uranium anywhere in the world. Exempts such persons from sanctions if they withdraw from such joint ventures within 6 months after the date of enactment.

Sec. 204—Expansion of Sanctions Available under the Iran Sanctions Act of 1996

Expands the current menu of sanctions, available to the President under the ISA, to authorize exclusion from the United States of aliens who are corporate officers, principals or controlling shareholders in a sanctioned firm, and permits applicable ISA sanctions to be applied to the CEO or other principal executive officers (or persons performing similar functions) of a sanctioned firm, which could include a freeze of their US assets.

Sec. 205—Definitions

Defines "credible information" and "petrochemical product." "Credible information" includes public announcements by persons that they are engaged in certain activities, including those made in a report to stockholders, and may include announcements by the Government of Iran, and reports from the General Accountability Office (GAO), the Energy Information Administration, the Congressional Research Service, or other reputable governmental organizations. Defines "petrochemical product" consistent with Executive Order 13590.

Sec. 211—Sanctions for Shipping WMD or Terrorism-related Materials to or from Iran

Requires the blocking of assets of, and imposes other sanctions on, persons who knowingly provide ships, insurance or reinsurance, or other shipping services, for transportation of goods that materially contribute to Iran's WMD program or its terrorism-related activities. The sanctions apply to parents of the persons involved if they knew or should have known of the sanctionable activity and to any of their subsidiaries or affiliates that knowingly participated in the activity. Provides for Presidential national security interest waiver; requires a report to Congress regarding the use of such a waiver.

Sec. 212—Imposition of Sanctions on Subsidiaries and Agents of UN-sanctioned Persons

Amends CISADA to ensure that US financial sanctions imposed on UN-designated entities reach those persons acting on behalf of, at the direction of, or owned or controlled by, the designated entities. Requires the Treasury Department to revise its regulations within 90 days of enactment to implement the change.

Sec. 213—Liability of US Companies for Violations by their Foreign Subsidiaries

Requires the imposition of civil penalties under the International Emergency Economic Powers Act (IEEPA) of up to twice the amount of the relevant transaction on US parent companies for the activities of their foreign subsidiaries which, if undertaken by a US person or in the United States, would

violate US sanctions law. Subsidiaries are defined as those entities in which a US person holds more than fifty percent equity interest or a majority of the seats on the board, or that a US person otherwise controls. Covers activities under the current US trade embargo with Iran and would apply regardless of whether the subsidiary was established to circumvent US sanctions.

Sec. 214—Securities and Exchange Commission Disclosures on Certain Activities in Iran

Amends the Securities and Exchange Act of 1934 to require issuers whose stock is traded on US exchanges to disclose whether they or their affiliates have knowingly engaged in activities (i) in section 5 of the ISA (energy sector activity); (ii) in 104(c)(2) or (d)1 of CISADA (related to foreign financial institutions who facilitate WMD/terrorism, money laundering, IRGC activity, and other violations); (iii) in 105A(b)(2) of CISADA (related to those who transfer weapons and other technologies to Iran likely to be used for human rights abuses); (iv) with persons whose property is blocked for WMD/terrorism and; (v) persons in the government of Iran. Provides for periodic public disclosure of such information, and conveyance of that information by the SEC to Congress and the President. Requires the President to initiate an investigation into the possible imposition of sanctions as specified, and to make a sanctions determination within 6 months.

Sec. 215—Immigration Restrictions on Senior Iranian Officials and their Family Members

Requires the identification of and denial of visa requests to senior officials, including the Supreme Leader, the President, members of the Assembly of Experts, senior members of the Intelligence Ministry of Iran, and members of the IRGC with the rank of brigadier general or higher that are involved in nuclear proliferation, support international terrorism or the commission of serious human rights abuses against citizens of Iran. Also includes their family members. Provides for Presidential national security interest and UN obligations waiver; requires a report to Congress regarding the use of such a waiver.

Sec. 216—Sanctions with respect to the Provision of Certain Financial Communications Services to the Central Bank of Iran and Sanctioned Iranian Financial Institutions

States the sense of Congress that the President should intensify current diplomatic efforts to ensure that global financial communications services providers such as SWIFT terminate services to Iranian financial institutions designated for the imposition of sanctions pursuant to IEEPA. Requires the Comptroller General of the United States to submit a list, within 60 days of the date of enactment, of entities that provide financial communications services to or facilitate access to such services for the Central Bank of Iran or financial institutions described in 104(c)(2)(E)(ii) of CISADA (i.e., institutions whose property is blocked in connection with Iran's proliferation of WMD or its support for terrorism). Requires reporting by the Secretary of the Treasury within 90 days of enactment on the efforts of SWIFT to terminate the provision of services to the Central Bank of Iran and Iranian financial institutions designated for sanction. Authorizes the imposition of sanctions under CISADA or IEEPA with respect to a financial communications services provider, and the directors of, and shareholders with a significant interest in, a provider, that has not terminated such services to the Central Bank of Iran or designated Iranian financial institutions.

Sec. 217—GAO Reports on Iran's Energy Sector

Mandates regular reports from GAO on foreign investment in Iran's energy sector, exporters of refined petroleum products to Iran, entities providing shipping and insurance services to Iran, Iranian energy joint ventures worldwide, and countries where Iranian petroleum is produced or refined.

Sec. 218—Expanded Reporting on Iran's Crude Oil and Refined Petroleum Products

Amends section 110(b) of CISADA to require additional reporting on the volume of crude oil and refined petroleum products imported to and exported from Iran, the persons selling and transporting crude oil and refined petroleum products, the countries with primary jurisdiction over those persons and the countries in which those products were refined, the sources of financing for such imports and the involvement of foreign persons in efforts to assist Iran in developing its oil and gas production capacity, importing advanced technology to upgrade existing Iranian refineries, converting existing chemical plants to petroleum refineries and maintaining, upgrading or expanding refineries or constructing new refineries.

Sec. 301—Sanctions on Iran Revolutionary Guard Corps Officials, Agents, and Affiliates

Requires the President to identify, and designate for sanctions, officials, affiliates and agents of the IRGC within 90 days of enactment, and periodically thereafter; designation requires exclusion of such persons from the United States, and imposition of sanctions (related to WMD under IEEPA, including freezing their assets and otherwise isolating them financially). Also, outlines priorities for investigating certain foreign persons and transactions in assessing connections to the IRGC. Requires the President to report on designations and waivers.

Sec. 302—Sanctions on Foreign Persons Supporting IRGC

Subjects foreign persons to ISA sanctions if those persons knowingly provide material assistance to, or engage in any significant transaction—including barter transactions—with officials of the IRGC, its agents or affiliates. Requires imposition of similar sanctions against those persons who engage in significant transactions with UN-sanctioned persons, those acting for or on their behalf, or those owned or controlled by them. Provides for additional sanctions under IEEPA as the President deems appropriate. Requires the President to report on designations and waivers, as applicable.

Sec. 303—Rule of Construction

Clarifies that section 301 and 302 sanctions do not limit in any way the President's authority to designate persons for sanction under IEEPA.

Sec. 311—Extension of US Procurement Ban to Foreign Persons who interact with IRGC

Requires certification by prospective US government contractors (for contract solicitations issued beginning 90 days from the date of enactment) that neither they nor their subsidiaries have engaged in significant economic transactions with designated IRGC officials, agents or affiliates.

Sec. 312—Sanctions Determinations on NIOC and NITC

Amends CISADA to require the Secretary of the Treasury to determine and notify Congress whether the National Iranian Oil Company and the National Iranian Tanker Company are agents or affiliates of the IRGC. If found to be IRGC entities, sanctions apply to

transactions or relevant financial services for the purchase of petroleum or petroleum products from the NIOC or NITC only if the President determines that there exists a sufficient supply of petroleum from countries other than Iran to permit purchasers to significantly reduce in volume their purchases from Iran. Provides for an exception to financial institutions of a country that has significantly reduced its purchases of Iranian petroleum or petroleum products within specified periods which track those provided for in section 1245 of the FY 2012 National Defense Authorization Act.

Sec. 401—Sanctions on those Transferring to Iran Technologies for Human Rights Abuses

Imposes sanctions provided for in CISADA, including a visa ban and property blocking/asset freeze, on persons and firms which supply Iran with equipment and technologies—including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment—which the President determines are likely to be used by Iranian officials to commit human rights abuses. Requires the President to maintain and update lists of such persons who commit human rights abuses, submit updated lists to Congress, and make the unclassified portion of those lists public. Requires the President to report on designations and waivers, as applicable.

Sec. 402—Sanctions on those Engaging in Censorship and Repression in Iran

Requires imposition of sanctions as in section 401 against individuals and firms found to have engaged in censorship or curtailment of the rights of freedom of expression or assembly of Iran's citizens.

Sec. 411—Expedited Processing of Human Rights, Humanitarian, and Democracy Aid

Requires the Office of Foreign Assets Control (OFAC) of the Treasury Department to establish a 90-day process to expedite processing of US Iran-related humanitarian, human rights and democratization aid by entities receiving funds from the State Department; the Broadcasting Board of Governors; and other federal agencies. Requires the State Department to conduct a foreign policy review within 30 days of request submission. Provides for additional time for processing of applications involving certain specified sensitive goods and technology, and requests involving novel or extraordinary circumstances.

Sec. 412—Comprehensive Strategy to Promote Internet Freedom in Iran

Requires the Administration to devise a comprehensive strategy and report to Congress on how best to assist Iran's citizens in freely and safely accessing the Internet, developing counter-censorship technologies, expanding access to "surrogate" programming including Voice of America's Persian News Network, and Radio Farda inside Iran, and taking other similar measures.

Sec. 413—Sense of Congress on Political Prisoners

Declares that the United States should expand efforts to identify, assist, and protect prisoners of conscience in Iran and intensify work to abolish Iranian human rights violations. Directs the Secretary of State to publicly call for the release of political prisoners, as appropriate.

Sec. 501—Exclusion of Certain Iranian Students from the US

Requires the Secretary of State to deny visas and the Secretary of Homeland Security to exclude certain Iranian university

students who may seek to come to the U.S. to study to prepare for work in Iran's energy sector or in fields related to its nuclear program, including nuclear sciences or nuclear engineering.

Sec. 502—Technical Correction

Reaffirms longstanding US policy allowing the sale of certain licensed agricultural commodities to Iran by amending section 1245(d)2 of the National Defense Authorization Act to allow for continued payments related to such commodities.

Sec. 503 Interests in Financial Assets of Iran

Deems blocked assets of Iran seized or frozen in the US, and property interests of Iran in the United States, to include property held in book entry and related indirect forms, property held by securities clearing agencies and other intermediaries, and inchoate interests in funds transfers in the payment process through intermediary banks, regardless of federal or state law that might otherwise apply, if that property is an interest held for the benefit of Iran or if any intermediary holds the interest for the benefit of Iran and the status of the property is relevant to any attachment or proceedings in aid of execution, whenever issued, on judgments against Iran for damages for personal injury or death caused by torture, extrajudicial killing, aircraft sabotage, or hostage taking, or material support for such an act. Defines various terms used for purposes of the section, including "blocked asset," "clearing corporation," "financial asset," "security," and "securities intermediary."

Sec. 504—Report on Membership of Iran in International Organizations

Requires the Secretary of State to submit a report to Congress listing the international organizations of which Iran is a member and detailing the amount the US contributes to each such organization annually.

Sec. 601—Technical implementation; penalties

Provides the President with the necessary procedural tools to administer the provisions of this new law, drawing on relevant provisions of IEEPA, including ensuring that the Administration can require recordkeeping of certain persons, and has subpoena and enforcement authority for certain specified provisions of the bill.

Sec. 602—Applicability to Authorized Intelligence Activities

Provides a general exemption for authorized intelligence activities of the U.S.

Sec. 603—Termination

Provides for termination of some provisions of the new law if the President certifies as required in CISADA that Iran has ceased its support for terrorism and ceased efforts to pursue, acquire or develop weapons of mass destruction and ballistic missiles and ballistic missile launch technology.

Sec. 701—Short Title for Title VII

The "Syria Human Rights Accountability Act of 2012."

Sec. 702—Sanctions on Those Responsible for Human Rights Abuses of Syria's Citizens

Requires the President to identify within 90 days, and sanction under IEEPA, officials of the Syrian government or those acting on their behalf who are complicit in or responsible for the commission of serious human rights abuses against Syria's citizens, regardless of whether the abuses occurred in Syria.

Sec. 703—Sanctions on those Transferring to Syria Technologies for Human Rights Abuses

Requires the President to identify and sanction persons determined to have engaged in the transfer of technologies—including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment—which the President determines are likely to be used by Syrian officials to commit human rights abuses or restrict the free flow of information in Syria. Provides for exceptions where a person has agreed to stop providing such technologies, and agreed not to knowingly provide such technologies in the future. Requires the President to report on designations and waivers, where applicable, and to update the list periodically.

Sec. 704—Sanctions on those Engaging in Censorship and Repression in Syria

Requires the President to identify and report to Congress within 90 days of enactment those persons and firms found to have engaged in censorship or repression of the rights of freedom of expression or assembly of Syria's citizens, and impose sanctions under IEEPA on such persons. Requires periodic updating of the list, and public access via the websites of the Departments of State and Treasury.

Sec. 705—Waiver

Provides for Presidential national security interest waiver for Syria provisions; requires a report to Congress on the reasons for the waiver.

Sec. 706—Termination

Provides for termination of the Syria provisions if the President certifies that the Government of Syria is democratically elected and representative of the people of Syria, or a legitimate transitional government of Syria is in place. Certification required must stipulate that the government of Syria has released political prisoners, ceased the abuse of citizens engaged in peaceful political activity, ceased the practice of procuring sensitive technology to restrict the free expression rights of its citizens, ended support for terrorist organizations, ceased development of missile programs, is not engaged in the development or acquisition of biological, chemical or nuclear weapons, and agreed to allow the UN and international observers to verify such claims. Provides for suspension of sanctions for 1 year if a transitional government is in place, to provide time to develop the more detailed certification above.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, first let me thank the majority leader for his doggedness in making sure we could come to an agreement that sends a clear message to Iran before the P5+1 talks take place this week. His commitment made the difference.

I would also like to thank the chairman of the Banking Committee, Senator JOHNSON of South Dakota, who, in an agenda that is incredibly full with all of the challenges the Banking Committee is taking up, made sure the whole effort on Iran sanctions had a priority in the committee and worked to get the strong, bipartisan, unanimous vote that came out of the committee that gives us the foundation to move forward today. So I thank both of them.

Today the Senate sends a clear message to Iran as it prepares for the P5+1 talks in Baghdad, and basically that message is: provide a real and verifiable plan for completely dismantling your nuclear weapons program or Washington will further tighten the economic noose. The Obama administration is moving forward with full implementation of the Menendez-Kirk Central Bank sanctions, and the U.S. Congress is ready with additional measures, such as sanctions on the National Iranian Oil Company and Iranian energy joint ventures that will further isolate the regime.

I think Iran's Supreme Leader has a choice: Either come to Baghdad with a real plan to terminate Iran's nuclear program or we will make our own plan through sanctions and other necessary measures to ensure that Iran fails to achieve its nuclear ambitions.

And lest anyone think this is necessary, Madam President, as negotiators head to Baghdad this week for the P5+1 talks, this bill is another tool that will demonstrate to Iran that the United States is not backing down and that buying time and just thinking that you can go and talk without substantive, meaningful concessions here is just not going to work.

In case anyone has doubts as to the need for this legislation, the record is pretty clear. In recent weeks the International Atomic Energy Administration has been subject to Iranian delays and deception over access to the Parchin facility—a facility they claim has no connection to their nuclear program but which scientists believe may contain a blast chamber used to test explosives that can trigger a nuclear blast.

Combine that information with Iran's continued enrichment of uranium to 20 percent, development of new enrichment facilities, conducting of high explosives testing and detonator development to set off a nuclear charge, computer modeling of a core of a nuclear warhead, and the August 2011 IAEA inspection that revealed 43.5 pounds of a component used to arm nuclear warheads was unaccounted for in Iran, and that Iran is working on an indigenous design for a nuclear payload small enough to fit on Iran's long-range Shahab-3 missile, a missile capable of reaching Israel, capable of reaching some of our allies in Europe which we are committed to NATO to defend, there is a pretty clear picture of why this is in the national interest and security of the United States and what is going on in Iran.

The bill is intended to give Iran a pretty clear picture in return of what America's response to their posture would be. This includes sanctions on the national Iranian oil and tanker companies to terminate a work-around to the Central Bank sanctions; sanctions on satellite companies that pro-

vide satellite services to the Iranian regime but fail to prevent jamming by Iran of transmissions by other users of the same satellite service company; sanctions on financial messaging service companies that provide services to sanctioned Iranian financial institutions; imposition of liability on parent companies for actions of foreign subsidiaries; and sanctions on energy joint ventures with Iran related to the development of petroleum resources. Those are just some.

This is perfecting legislation to CISADA and I am so thrilled we are seeing it today.

Finally, I wish to also comment on one particular section of the bill to ensure there is no ambiguity about its intent. Section 503, as revised in the managers' amendment, preempts any conflicting Federal or State law, but only as they pertain to the eligibility for attachment and execution of certain blocked assets of the state of Iran, identified in the section, for judgments against Iran for the execution of terrorist acts, including the marine corps barracks bombing in Lebanon in 1983, which killed 241 U.S. servicemen, and the Khobar Towers bombing in Saudi Arabia in 1996 which killed 19 U.S. servicemen. Nothing in this legislation alters any other applicable law.

As someone who authored these provisions, I wanted to be sure that there was understanding on the record that Iran, in addition to stopping its nuclear weapons program, which is in the national interest and security of the United States, should not be able to avoid having its assets attached and pursued and executed upon as they killed Americans and having been part of killing Americans abroad.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

ORDER OF PROCEDURE

Mr. SCHUMER. Madam President, I ask unanimous consent to speak for 2 minutes; immediately thereafter, the Senator from Ohio, Senator BROWN, be permitted to speak for 5 minutes; and then the Senator from Kansas, Senator MORAN, be permitted to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I will be brief. First, I wish to thank our chairman, Senator JOHNSON of South Dakota, for being so steadfast in bringing this bill to the floor. He worked in tandem with Senator SHELBY, whom I thank as well. Senator MENENDEZ has been a true leader on these issues and has been the lead sponsor of many of the pieces of legislation to tighten the economic noose on Iran. I wish to thank my friend and colleague Senator GRAHAM from South Carolina as well for being so instructive on this issue.

We have had a lot of divisions between Democrats and Republicans, but

on the issue of making sure that Iran does not have a nuclear weapon, we are united. The threat, the specter of an Iranian nuclear weapon, will continue to bring Democrats and Republicans together. I hope the Iranian Government recognizes that, because we are going to continue to tighten and tighten and tighten restrictions so that Iran realizes that not just the United States but just about all of the civilized world is against her gaining a nuclear weapon. The Iranians can't talk about why they shouldn't have it when everyone else does. With the kind of saber rattling and verbiage that comes out of that regime about what they might do to Israel or other countries, it shows they are not a mature enough nation to be possessing this God-awful power.

The point I wish to make here tonight is this is another step forward. We are further tightening the sanctions. We will continue to tighten them so that the answer for Iran, if they persist with moving forward on producing a nuclear weapon, is economic chaos for the Iranian leadership and, unfortunately, for many of the Iranian people.

Let Iran beware. This is just another step. We will not stop. We are united as two parties, we are united as a Nation, and we are united as a family of nations to make sure we do everything we can to prevent Iran from becoming a nuclear power. That would represent a disaster to the nations of the world, and one we cannot tolerate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I wish to reiterate and underscore the words of my colleague, the senior Senator from New York, about how important the tightening of the Iran sanctions are to Israel, to the United States of America, and to the stability of the world. Allowing nuclear weapons in the hands of a country as unstable as Iran and which is hostile to so many of our values and which is hostile to most people in the world—not just the United States, not just Israel, not just the democratic world—how problematic this is for the entire world. That is why I am pleased with the work Chairman JOHNSON did, along with Ranking Member SHELBY, Senator MENENDEZ, Senator GRAHAM, and others, so that this continues to send an important message to Iran that we will continue to increasingly tighten sanctions threatening to Iran and the stability of its economy, and helping Iran to understand that this will create difficulties for that regime in having any support of its people with the economic consequences that could happen as we tighten sanctions.

As Senator MCCAIN said, we will take nothing off the table. We want a diplomatic solution with these sanctions. We want Iran to recognize it is in their interests not to have nuclear weapons.

That is the best thing for all of us, but, again, taking nothing off the table.

LEAD SMELTER SITES IN OHIO

Mr. BROWN of Ohio. Madam President, I rise to bring attention to a problem plaguing many aging communities in Ohio and throughout the industrial Midwest. We in this country have a rich manufacturing heritage, none richer than Ohio. We are the third leading manufacturing State in the country, trailing only in production, and trailing only States two and three times our size—Texas and California. We have built an infrastructure in this country that defined the landscape of the modern world.

At Ohio plants in places such as Middletown and Youngstown, Ohioans made steel beams that built America's skyscrapers, railroads, and bridges. And at lead smelter sites from Cleveland to Cincinnati, OH, workers processed metal to shore up the economic foundation of 20th century America. But as revealed in a disturbing series of recent reports in USA TODAY, former lead smelter plants have left behind a terrible legacy: elevated lead levels in the soil and in the air and surrounding playgrounds and schools, especially in poorer areas of our cities. Many of these potentially contaminated places are in underresourced, aging areas where homes are not necessarily in good shape and where neighborhoods are plagued with many other problems as well.

Yesterday I met with Angelina and Ken Shefton in Cleveland at a property that is within breathing distance of an old lead smelter site. What is even more troubling is that they didn't even know this existed. They are parents of five. One of their sons was recently diagnosed with elevated blood lead levels. They fear for the other four children also. Parents such as them and thousands of Ohioans living in communities with aging and abandoned industrial sites are worried about the health and safety of their families.

A national newspaper report found that lead levels in soil near this smelter plant in Cleveland exceed 3,400 parts per million. The average lead level in U.S. soils is only 19 parts per million.

As a father and grandfather, I am particularly disturbed by these reports. We know that lead is not broken down when it lingers in the ground. It can enter our groundwater and children can absorb it on the baseball diamond or while making mud pies in the yard.

For too long regulators have overlooked or neglected to fully investigate toxic sites in our communities. That is why I am urging the Federal Government to take action. I have called on the Senate Environment and Public Works Committee to hold a hearing on what we can do to address this issue. We need to prioritize testing our

schools and playgrounds in those neighborhoods close to abandoned sites.

I am asking the EPA to take immediate action to review sites that have not yet been tested. But that is not enough. After the results come in, we need to take action to clean up residual contamination.

Last week the CDC lowered by half the recommended allowable limit for lead exposure to young children, so we must ramp up our efforts to address the problem lingering in our soil. We need to address it now. Too many young lives are depending on our actions. Too many children in too many urban school districts suffer from behavior problems, suffer from intelligence problems, if you will, because they have had far too high lead levels in their blood which retard growth, restrict learning, and cause behavioral problems. It is a serious public health problem. It is the paint on the walls in these old homes, and it is the lead in the soil of the homes and neighborhoods and playgrounds. It does call for real action from State and Federal Governments and local communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

HONORING THE LIFE OF BOB BETHELL

Mr. MORAN. Madam President, I woke up this morning in Kansas with some sad news. One of our State legislators, Bob Bethell, a 13-year member of the Kansas House of Representatives, died in a car wreck late last night. The Kansas legislature has had a difficult session and finally concluded, I believe after 100 days of the legislative session, this year's work in Topeka, and one of our central Kansas legislators on the drive home from Topeka back to Alden, KS, was involved in a one-car accident, a fatality.

I rise tonight to pay respect to my friend and former colleague Bob Bethell, and express my respect and gratitude for his public service, and my care and concern, in fact my love, for his wife Lorene and his family and friends.

Bob Bethell was, I suppose you could call him, a great politician in the sense that his constituents loved and admired him. They respected him. They cared about him. He could be called a great politician because in Topeka he was someone whose voice was listened to. But nothing about Bob Bethell was a politician.

Bob Bethell was a person who was a Baptist minister in his small hometown. He loved God greatly. God was the focus of his life. He loved the people God created in his community and across Kansas. In fact, Bob became the administrator of a nursing home be-

cause of his care for senior citizens. It was that extension of his care for seniors that caused him to want to serve in the legislature. Bob wanted to extend that opportunity to make a difference in the lives of the people he cared for in his profession with public policy decisions that were important to them and their future and their families in Topeka, KS.

Again, I would say there is nothing political about Bob Bethell. He was respected and someone everybody enjoyed being around, but it wasn't because he as a politician calculated what the right answer was or how to get along with people or one who took a poll to discover what the issues were that people supported; it was just that Bob Bethell, in his love of God, had a love of human beings, of citizens of Kansas. So we would see Bob Bethell with a smile on his face at every parade, at every community meeting.

I think sometimes in our lives, when we see an elected official, we may see someone walk across the street sometimes to avoid the political conversation. But, again, there was nothing political about Bob; he was somebody who cared about people and it showed. He enjoyed being around people; loved the conversation. He worked hard at being a constituent-service-oriented member in the Kansas House of Representatives. It is so sad for us to lose such a person.

I hope Lorene and her family and friends in Alden find comfort in the belief that God will care for Bob Bethell in the life hereafter. They believe that in their lives. They demonstrated that to the people across Kansas, and their focus was a love of others. Bob is a role model for all of us to make certain we focus on the things that matter—not the public opinion polls and not the calculation of how to get along with people, but the idea that we in public service are given an opportunity to make a great difference in the lives of others, and it ought to be that motivating factor, the one that Bob Bethell exhibited throughout his life, that we should exemplify.

So Robba and I—my wife and I—extend our greatest sympathies and care and concern to the people across Kansas, but especially to the family and the folks who knew Bob so well in his home district, the 113th House of Representatives District in Kansas. Our prayers and thoughts are extended to them, and we praise God for the life well lived of one of His servants, Bob Bethell.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Mr. REID. Madam President, I rise today to recognize the Las Vegas Metropolitan Police Department's Hispanic American Resource Team's (H.A.R.T.) 10th Academy for their efforts to combat crimes against Hispanic-Americans, while building good will and trust between the city's police department and the Hispanic community.

For more than a decade, H.A.R.T. has fulfilled and exceeded its mission, "to build and maintain positive relationships between the Hispanic community and the police through compassion and innovative thinking." At its core, the H.A.R.T. program trains and places talented officers who are fluent in English and Spanish to work directly with Spanish-dominant community members. It is through language ability, cultural competence, and dedication that H.A.R.T. maintains public safety for the broader community regardless of language capability or immigration status.

A centerpiece of the educational services H.A.R.T. provides is the Hispanic Citizens Academy which offers an intensive 12-week training program in Spanish to non-English speaking community members to impart knowledge on how to navigate through routine law enforcement protocols, including knowing their legal rights and how to contact the police in case of an emergency. The Hispanic Citizens Academy helps strengthen the partnership between the Hispanic immigrant community and the Las Vegas Metropolitan Police Department. In fact, the National League of Cities recognized Las Vegas and the H.A.R.T. program as one of the top 17 U.S. police departments for good practices in a June 2011 report. H.A.R.T.'s work serves as a model for other police departments across the Nation to ensure public safety in immigrant communities by keeping them informed and engaged.

On May 23, 2012, H.A.R.T. will be celebrating the graduation of individuals serving in the 10th Hispanic Citizens Academy, a stage shared by more than 500 alumni of the program. I am a proud supporter of the H.A.R.T. program, and I applaud the leadership and

dedication law enforcement officers have demonstrated to the growing Hispanic population of my home State of Nevada. I ask my colleagues to please join me in congratulating the Las Vegas Metropolitan Police Department and its H.A.R.T. initiative as they celebrate the 10th Hispanic Citizens Academy. I wish H.A.R.T. continued success in their future endeavors.

TRIBUTE TO JAMES CECIL

Mr. MCCONNELL. Madam President, today I wish to honor Mr. James Cecil, who is believed to be the last living member of the 729th Platoon of the 2nd Marine Division, known as the Lexington Platoon. Mr. Cecil and 69 other men from the central Kentucky area formed the Platoon in 1942, 8 months after the Japanese bombing of Pearl Harbor. These young men went on to fight in some of the bloodiest battles of the Pacific, including in Okinawa, Saipan, Tinian, and Guadalcanal.

The Lexington Platoon was honored on Thursday, May 17 at the Lexington Urban City Council meeting, with Mr. Cecil being the only member present. Lexington Mayor Jim Gray proclaimed it James Cecil Day, and Councilman Jay McChord spoke about his interviews with Mr. Cecil while writing his 2010 book, *A Veteran's Legacy: Field Kit Journal*.

James Cecil grew up on a tobacco farm, and chose to join the Marines when the United States entered the war rather than being drafted. He was promoted from private to corporal after killing a Japanese officer and obtaining his map of artillery positions, and received a Purple Heart for injuries suffered during the battle of Saipan in June 1944.

Although Mr. Cecil was recommended for officer candidate school in August 1945, he never got the chance to attend, as in the weeks following, the United States bombed Japan, thus ending World War II.

After his service, Mr. Cecil moved to Ohio and became the owner of a successful trucking company. He moved back to Lexington after the death of his wife, Janet, in 1988. Today, Mr. Cecil is in good health and still often reflects on his wartime experiences. He says that he feels "honored and proud that [he] served [his] country."

I would like to ask at this time for my colleagues in the U.S. Senate to join me in recognizing Mr. James Cecil for his brave service to our Nation during World War II. There was recently an article published in the Lexington Herald-Leader highlighting Mr. Cecil's valorous service and his platoon's legacy. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Lexington Herald-Leader, May 15, 2012]

SOLE SURVIVING MARINES' LEXINGTON PLATOON MEMBER TO BE HONORED (By Tom Eblen)

Eight months after the Japanese bombed Pearl Harbor, hundreds of people gathered around the steps of the Fayette County Courthouse to honor James T. Cecil and 69 other local boys.

The recent graduates of Henry Clay, Lafayette and other central Kentucky high schools were forming the Lexington Platoon of the United States Marine Corps. Mayor T. Ward Havelly and other dignitaries spoke at the mass-induction ceremony. A young lady sang the Marine Hymn, and women and children wept, the Lexington Herald and Leader reported in late August 1942.

Platoon members left in buses that day for processing in Louisville and training in San Diego. From there, they joined some of the bloodiest battles of the Pacific Theater: Okinawa, Saipan, Tinian and Guadalcanal.

The Lexington Platoon will be honored again Thursday at the Urban County Council meeting. This time, Cecil, 88, will be the only platoon member present. "As best we can tell, I'm the only one left," he said.

Mayor Jim Gray will present a proclamation declaring James Cecil Day. Councilman Jay McChord will speak about how he met Cecil and other World War II veterans while writing and illustrating his 2010 book, *A Veteran's Legacy: Field Kit Journal*.

"We're losing so many of these guys every day, it's good any time we can honor them," McChord said. "We need to remind ourselves of who they are and what they did."

Cecil and Mitch Alcorn, his Lafayette High School buddy and the longtime Midway postmaster, began tracking down their fellow Lexington Platoon members several years ago, searching the Internet and running ads in veterans magazines.

By this time last year, the group had dwindled to the two of them and Elwood Watkins, who earned a Silver Star and three Purple Hearts in battle. Watkins died July 12. Alcorn, who earned a Purple Heart and later fought in the Korean and Vietnam wars as an Army officer, died February 18.

Cecil grew up on a tobacco farm off Nicholasville Road. "We didn't have any money, but we had plenty to eat," he said. "We had milk cows, chickens and a big garden."

When the war came, he decided to join the Marines rather than wait to be drafted. After training, platoon members were scattered to various units of the 2nd Marine Division, although Cecil served alongside Alcorn and a few others from Lexington. "We were just like a big family," he said.

As I talked with Cecil last week, he pulled out a small envelope. Inside was a portrait of a Japanese officer he killed, and money and a ration card he found in the officer's pocket. That wasn't all: The officer was carrying a map of artillery positions, a find that got Cecil promoted from private to corporal.

Cecil earned a Purple Heart for wounds suffered in the battle of Saipan on June 20, 1944. He survived several Japanese suicide attacks on his camps at night.

"The next morning you couldn't walk without walking on a dead Marine or a dead Japanese," he said.

At the battle of Okinawa, a Japanese suicide pilot hit the USS *Hinsdale* before Cecil's unit could land on the beach. Cecil spent 45 minutes in the cold water, watching for sharks, before a Navy destroyer rescued him.

"We had so many killed and wounded," Cecil said. "Every battle, you just didn't know who was going to be next."

Cecil's only trip stateside came in August 1945, when he was recommended for officer candidate school. Before he could begin, though, U.S. forces dropped atomic bombs on Japan, and World War II ended.

After the war, Cecil had a successful career as the owner of an Ohio-based trucking company. He moved back to Lexington after Janet, his wife of 52 years, died in 1998. In his apartment, he proudly displays photos of her, their sons and their grandsons.

Cecil's health is good, his mind sharp. He finds himself thinking a lot these days about his wartime experiences, including the occasional nightmare with Japanese soldiers "getting after me."

"I just felt honored and proud that I served my country," Cecil said. "Coming off a tobacco patch and going into battle, that was a hell of a change. We were just a bunch of brave boys."

ISHRA

Mr. JOHNSON of South Dakota. Madam President, earlier today the Senate passed by Unanimous Consent S. 2101, the Iran Sanctions, Accountability, and Human Rights Acts of 2012 (ISHRA). The bill significantly increases pressure on Iran's leaders and I thank my colleagues for their support of this important measure. As we begin negotiations with our counterparts in the House, I want to expand on my comments from my earlier statement. I do so in order to provide my colleagues some clarification regarding a few provisions in the bill.

First, section 201 of the Iran Sanctions, Accountability, and Human Rights Acts of 2012 will impose sanctions, for the first time, against entities involved in joint ventures to develop petroleum resources outside of Iran that are established on or after January 1, 2002. Those joint ventures which qualify are joint ventures which involve the Government of Iran as a substantial partner or investor, or through which Iran could receive technological knowledge or equipment not previously available to it that could contribute to its ability to develop domestic petroleum resources. Further, even if ancillary agreements to implement an existing pre-2002 joint venture are agreed to on or after January 1, 2002, sanctions are not authorized to be imposed against any third-party to that joint venture or against persons who provide goods, services, technology or information to such a joint venture, as a result of their participation in or dealings with such venture, by virtue of such ancillary agreements.

In addition, this legislation seeks to continue the long-standing tradition of ensuring that humanitarian trade, including agricultural commodities, food, medicine and medical products is specifically exempted by Congress from sanctions, on the condition that such trade be licensed by the Department of the Treasury's Office of Foreign Assets Control, or OFAC. It is becoming more apparent that U.S. financial sanctions

targeting Iran's banking sector are causing increased concern among businesses and banks of our allies. The fear is that engaging in humanitarian trade in the current sanctions environment might lead to sanctions for legitimately licensed humanitarian trade.

However, it is not and has not been the intent of U.S. policy to harm the Iranian people by prohibiting humanitarian trade that is licensed by the U.S. Treasury Department. OFAC consistently issues many licenses, both general and specific, for this type of trade. The practical financing difficulties arising today between banks and those engaging in licensed humanitarian trade can be best addressed by U.S. Government officials, who should do more to make it clear that no U.S. sanctions will be imposed against third-country banks that facilitate OFAC-licensed or exempted humanitarian trade. The Administration must make that clear in public statements, in private meetings with foreign financial institutions, and elsewhere as appropriate.

Misinterpretation of U.S. law by foreign financial institutions should no longer deny the people of Iran the benefit of OFAC-approved humanitarian trade.

I want to close by again thanking my colleagues for their support of ISHRA. I think this action sends an important message to the Iranians and the world that the U.S. will continue to increase sanctions until Iran verifiably abandons its illicit nuclear program. As we begin our work with the House, I will continue to press for the strongest and most effective sanctions legislation possible.

I yield the floor.

CUBAN INDEPENDENCE DAY

Mr. NELSON of Florida. Madam President, today I wish to commemorate the 110th anniversary of Cuba's independence. On May 20, 1902, after a series of rebellions against foreign rule, Cuba finally gained its freedom from the Spanish empire. I am honored to join with Cubans around the world in commemorating this day.

At the same time, we must remember that the island nation still remains under the tyranny of an authoritarian regime. We can never forget that the Castro regime continues to jail its political opponents, and it still holds an American hostage. Once again, I rise today to urge the Cuban regime in the strongest possible terms to immediately and unconditionally release Mr. Alan Gross.

Today, we reaffirm our solidarity with the people of Cuba. Now more than ever, the United States must continue policies that promote respect for the fundamental principles of political freedom, democracy, and human rights, in a manner consistent with the aspirations of the people of Cuba.

CITIZEN ENGAGEMENT BUILDING IN ETHIOPIA

Mr. BEGICH. Madam President, to mark the occasion of President Obama's Camp David G8 Summit focusing, in part, on the problem of food security in Africa, I want to take this opportunity to address the necessity for the United States to help foster stable and democratic nations as partners as we build multilateral coalitions to tackle global issues like hunger and poverty.

Alaska is a long way from Africa, but the citizens of my State are committed to a stable and prosperous Africa. Many Alaskans contribute their time and resources toward this goal.

A year ago in Deauville, France, President Obama joined other leaders of the G8 in reaffirming that "democracy lays the best path to peace, stability, prosperity, shared growth and development." As the events in North Africa and the Middle East have shown, supporting reliable autocrats who are helpful on matters of security and economics at the expense of human dignity, basic democratic rights, and access to economic opportunity is more perilous than ever to long-term U.S. national security interests.

It is for this reason that I make a few points about our reliable partner in the Horn of Africa, Ethiopia. Two weeks ago at the World Economic Forum, Ethiopian Prime Minister Meles Zenawi made hopeful remarks about the virtues of democratic society. I publically commit my continuing support for efforts to make such important principles a reality in Ethiopia. It is in the U.S. interest to match Ethiopia's progress in economic development and poverty reduction with movement toward economic opportunity, social justice and judicial independence. It has been said that basic human rights and free and fair elections are nothing but dreams for all except for the developed countries of the world. I do not believe that to be true; Ethiopia is ready to realize that dream. To foster the benefits of a diverse citizenry, the many political prisoners and journalists should be released, the Charities and Societies Act, as designed and as it is implemented, should be prevented from strangling peaceful civil society advocacy.

Beginning in 1903, President Theodore Roosevelt and Ethiopian Emperor Menelik II launched a long and mutually beneficial history of working together on important geopolitical and economic strategic partnerships that last to this day. Our friend and partner, Ethiopia, has been a champion with the United States during many critical times for almost 110 years. When Italy invaded Ethiopia, we refused to recognize the conquest. When the United States asked for help during the Cold War, Haile Selassie was ready to help. When the regime of Mengistu Haile-

Mariam failed, the United States came to Ethiopia's side with help to prevent violence in Addis Ababa, by facilitating Mengistu's departure. We gave this support for the mutual benefit and promise of democratization in Ethiopia.

Ethiopia's macroeconomic successes of rapid growth rates and better than average performance in poverty reduction have been celebrated at this past week's G8 Summit, and at the recent World Economic Forum. There Prime Minister Meles pondered aloud:

What is the substantive political thing that creates such an environment [of fair economic opportunity for all citizens]? The one [thing] that creates such an environment is an engaged citizenry that is able to create an environment where corruption and loot cannot happen at the lower level, at the mid-level, at the higher level, and that goes beyond elections every four and five years.

On the microeconomic level, aside from the lack of progress on land reform, this is good news indeed, given recent complaints about the poor state of economic opportunity for all of Ethiopia's citizens. We are hopeful this is a sign that Ethiopia's federal ministries are ready to engage and assist the local citizenry in issues that relate to their economic interests. Many observers are pessimistic, but I prefer to think of the glass as half full, and ready to be filled to the brim.

The Prime Minister's sentiments raise many issues, including: the nation's commitment to an environment conducive to free speech and citizen participation; a commitment to building an informed and engaged citizenry as a key to inclusive, long term economic development; a call for the quick and unconditional release of journalists and political prisoners as a measure of good faith; and commitment to a diverse and multi-party election in 2015, free from federal government interference.

Hopeful as I am, I urge my Senate and House colleagues to re-commit to assistance we have offered the people of Ethiopia and their government in the past.

Let us help build a national consensus on the value of the following goals in Ethiopia: robust public institutions that represent the diversity of perspectives in Ethiopia; free and fair political processes drawing legitimacy from broad citizen participation; an independent judicial system as outlined in Ethiopia's constitution; a press with institutional independence and legal protection to enable it to accommodate and a broad range of perspectives and ensure the free flow of information, ideas and opinions that are necessary in a democratic society, as outlined in Ethiopia's constitution; an environment where each citizen can take advantage of Ethiopia's economic success; and the security that comes with the assurance that universal rights are respected and protected.

Our international partnerships are stronger and more enduring when we share values of opportunity and freedom with our partners. A more democratic Ethiopia would represent a more stable and reliable partner for the United States and serve the long-term interests of peace and security in the Horn of Africa. A more democratic Ethiopia would ease the free flow of information, which would ease trade and ensure more informed investments. A more democratic Ethiopia would ensure that government policies are the result of broad national consultation with all segments of society.

Such are hallmarks of inclusive and sustainable economic growth, and they provide a return of accountability and transparency to both American taxpayers and Ethiopian citizens. Let's do what we can to help our fast and true friend, Ethiopia, extend opportunity and freedom to the majority of its citizenry.

CONGRATULATING THE SALVE REGINA UNIVERSITY MEN'S RUGBY TEAM

Mr. REED. Madam President, today I congratulate the Salve Regina University men's rugby team for winning the 2012 National Small College Rugby Organization's Division III National Championship on April 29, 2012, in Glendale, CO.

The Salve Regina Seahawks, ranked number one by the National Small College Rugby Organization, were undefeated this season with a record of 11-0. The team earned a spot in the national semifinals when it defeated Tufts University on November 13, 2011, in the New England Championship and then went on to defeat Molloy College on November 19, 2011, in the Northeast Region Championship.

Reestablished in 2007, the Salve Regina Seahawks men's rugby team has appeared in the final four of the National Small College Rugby Organization's Division III national tournament three times in the past five years. The Seahawks' 21-15 victory over the California Maritime Academy Keelhaulers in the championship match was the first national championship victory for Salve Regina University in any sport.

I am especially pleased and proud to share that the members of the Salve Regina Seahawks men's rugby team demonstrated great sportsmanship and represented both their school and the State of Rhode Island with distinction.

I would like to recognize the Seahawks head coach Michael Martin and his assistant U.S. Air Force Colonel Dan Lockert; team president Richard Casey; captains Paul Schacter and Jesse DiTullio; and members Andrew Baik, Jeffrey Bouley, Patrick Brown, Chris Buckman, Michael Burlingame, Brian Cronin, Christopher Dieselman, Matt Dougenik, Zachary Faiella, Brian

Goodridge, James Horn, Martin Kelliher, Alfred Knapp, John Kuchac, Shane Lange, Robert LaRiviere-Tougas, Stephen McEnery, Glen Miles, Zackary Moreau, Daniel Murphy, Troy Ochoa, Joshua Patterson, Nicholas Patti, Nicholas Pesce, Anthony Pesce, Russell Petrucci, Jacob Piazza, Nicholas Pinto, Evan Raiff, Rylan Richard, Nathan Rose, Kyle Russell, Justin Ryel, Carlos Santos, David Seguin, Colby Sherman, Ryan Shilalis, Connor Taub, Grant Thiem, Quinn Turner, Patrick Wendt, and Joseph Zoeller.

I would also like to acknowledge the contributions of Salve Regina's president Sister Jane Gerety, RSM, chancellor Sister M. Therese Antone, RSM, and athletic director Colin Sullivan. Once again, congratulations to the members of the Salve Regina Seahawks men's rugby team on this outstanding achievement and well-deserved championship.

ADDITIONAL STATEMENTS

REMEMBERING EDWARD MALLOY

• Mrs. GILLIBRAND. Madam President, today I wish to mourn the passing of Edward J. Malloy, who dedicated his life as a champion for hard working men and women in New York State and throughout the country.

Mr. Malloy was a tireless advocate for workers' rights, serving as president of the Building and Construction Trades Council of greater New York from 1992 to 2008 and as president of the New York State Building and Construction Trades Council from 1992 until his retirement earlier this year. Prior to his service in these capacities, Mr. Malloy served as president of the Enterprise Association of Steamfitters Local Union 638, where he began as an apprentice, rose to journeyman and was a longtime member. He was also a veteran of the U.S. Army.

Mr. Malloy was a driving force for private economic development and public infrastructure improvements throughout New York State. He was instrumental in promoting measures to contain construction costs and maximize employment opportunities for workers. His signature achievement in this regard was the advancement of project labor agreements for major public works projects, which are now widely used to deliver construction in a cost-efficient and timely manner.

Mr. Malloy was also a strong supporter of promoting opportunity and diversity in the construction industry's workforce, helping launch programs to provide access to careers in the building and construction trades for youth, veterans of the U.S. Armed Services, minorities and women. In particular, an organization that Mr. Malloy helped found has to date placed more than 1,300 youth, public housing residents

and other city residents into unionized apprenticeships, 89 percent of whom are African American, Hispanic, Asian and other minorities. The results of these efforts are evident today, with the majority of union apprentices and workers in New York City's construction industry being African American, Hispanic, Asian and other minorities.

Edward J. Malloy was respected by all who knew him as not only a tireless advocate for working men and women, but an advocate for our great city and State. His hard work and wit allowed him to pass easily from union halls to business board rooms and the chambers of government.

This dedication and personality served members of organized labor well for decades as he worked to promote job creation, economic development and fairness. His contributions are immeasurable and we owe him an enormous debt of gratitude for them. We extend our heartfelt condolences to his family on behalf of an entire industry. Mr. President, today, I ask all members of this esteemed body to join me in honoring Edward J. Malloy's lifetime of commitment to improving the lives of working men and women from around the country.●

CONGRATULATING THE UNIVERSITY OF TEXAS AT AUSTIN

● Mrs. HUTCHISON. Madam President, today, I want to congratulate and acknowledge the University of Texas at Austin's Department of History for creating an interactive website that offers a unique outlet for promoting information and enhancing understanding about U.S. and world history. This new site puts the expertise of the University of Texas world-renowned faculty at the service of the general citizenry, and provides a public forum for the discussion of historical and contemporary events.

The title of the website, www.notevenpast.org, "Not Even Past," (NEP) derives its name from William Faulkner's famous line that, "The past is never dead. It's not even past." It acknowledges the professional and ethical commitment to understanding history as a public conversation about the importance of the past for our actions, values, and beliefs in the present, and for the decisions we make today that will affect our lives tomorrow.

I would like to congratulate particularly the efforts of Professor Joan Neuberger, Chairman Alan Tully, the department's 60-person faculty, and the input of graduate students for establishing this project in 2010.

NEP brings together a diverse group of historians in every major historical field by using modern technology as a vehicle to share their perspectives on topics related to Texas, the United States, and world history. The website

allows people from around the world with an interest in history and historical events to take advantage of the University of Texas' new resource. This unique and innovative website offers book and film recommendations, movie clips, podcasts, links to historical documents and artifacts, as well as a fact-checker series and free virtual courses.

The development of NEP reinforces the reputation of the University of Texas Department of History. I believe this website is an invaluable resource of remarkable range and interest, and will advance the university's goal of undertaking programs of civil, educational and social services.

Since NEP was launched in January 2011, the website has enabled hosting and sponsoring events devoted to the history curriculum, organization of a book club with award-winning professors and students of history, accumulation of an extensive library of podcasts, short articles and recommended movies related to all aspects of history, and even virtual history courses that are offered through the University of Texas. In June 2012, NEP will also begin posting university, high school, and middle school students' history projects.

Congratulations to the University of Texas Department of History for creating this interactive website.●

TRIBUTE TO DR. LEWIS N. WALKER

● Mr. LEVIN. Madam President, today I, along with my Senate colleague from Michigan, Senator STABENOW, recognize Dr. Lewis Walker, a dynamic and forward thinking leader who has been a driving force behind Lawrence Technological University's growth and continued success. Dr. Walker retires in June after 18 years at Lawrence Tech, the last 6 as President and CEO.

Ensuring students acquire the skills necessary to meet the challenges of an ever-changing, global workplace has been a central tenet of Dr. Walker's work at Lawrence Tech. Since joining Lawrence Tech in 1994, Dr. Walker has sought innovative ways to expand the university's academic footprint. A hallmark of his tenure has been his commitment to broadening academic opportunities for students, pursuing international partnerships, and expanding the university's technological infrastructure.

This work led to the creation of a number of certificate and degree programs at Lawrence Tech, from the associate to the doctoral level, and notably includes programs in robotics, defense and sustainability. Impressively, during his tenure, the number of academic programs the university offers has expanded from 60 to more than 100 and more than 40 "fast track" certificate programs have been created to help dislocated workers transition to new career paths.

Dr. Walker also emphasized leadership, believing that "Our aim has been to imbue in our graduates the ability to have confidence in themselves." This focus is truly perceptive. Seeking to integrate leadership throughout the University experience, Lawrence Tech now includes leadership training as part of its undergraduate experience. Under Dr. Walker's leadership Lawrence Tech also forged a partnership with the Ferndale Public Schools to establish the University High School, a high school designed to challenge its students academically and expose them to the university experience. Its core focus is to prepare public high school students for success in college and beyond.

Dr. Walker has a distinguished academic background. He holds 3 degrees, including a Ph.D. in electrical engineering and has published more than 50 technical papers. Before joining Lawrence Tech, he served at the University of Hartford in various capacities, including dean of engineering and special assistant to the president. Earlier this year, he was awarded the 2012 Gold Award from the Affiliate Council of Engineering Society of Detroit for his outstanding work in science and engineering.

Throughout his professional career, Dr. Walker has worked tirelessly to find solutions to pressing concerns and to position Lawrence Tech to meet the challenges of tomorrow. The Lawrence Tech community is a better place as a result of his efforts, and we know his wife, Nancy and their children and grandchildren are proud of his many accomplishments over his long and illustrious career. We wish Dr. Walker and his family the best as he embarks on the next chapter of his life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, RECEIVED DURING ADJOURNMENT OF THE SENATE ON MAY 18, 2012—PM 50

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication continuing the national emergency with respect to the stabilization of Iraq. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2012.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

Recognizing positive developments in Iraq, my Administration will continue to evaluate Iraq's progress in resolving outstanding debts and claims arising from actions of the previous regime, so that I may determine whether to further continue the prohibitions contained in Executive Order 13303 of May 22, 2003, as amended by Executive Order 13364 of November 29, 2004, on any attachment, judgment, decree, lien, execution, garnishment, or other judicial process with respect to the Development Fund for Iraq, the accounts, assets, and property held by the Central Bank of Iraq, and Iraqi petroleum-related products, which are in addition to the sovereign immunity accorded Iraq under otherwise applicable law.

BARACK OBAMA.
THE WHITE HOUSE, May 18, 2012.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 18, 2012, during the adjournment of the Senate,

received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2072. An act to reauthorize the Export-Import Bank of the United States, and for other purposes.

H.R. 4045. An act to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on May 18, 2012, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4970. An act to reauthorize the Violence Against Women Act of 1994.

H.R. 5740. An act to extend the National Flood Insurance Program, and for other purposes.

The message further announced that the House agreed to the amendment to the Senate to the bill (H.R. 4849) to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 276I, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group: Mr. PETRI of Wisconsin, Mr. CRENSHAW of Florida, Mr. LATTA of Ohio, and Mr. ADERHOLT of Alabama.

The message further announced that pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), and the order of the House of January 5, 2011, the Speaker reappoints the following member on the part of the House of Representatives to the Public Interest Declassification Board for a term of 3 years: Admiral William O. Studeman of Great Falls, VA.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4970. An act to reauthorize the Violence Against Women Act of 1994.

H.R. 5740. An act to extend the National Flood Insurance Program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6161. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "MARPOL Annex V Special Areas: Wider Caribbean Region" ((RIN1625-AB76) (Docket No. USCG-2012-0187)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6162. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes to Standard Numbering System, Vessel Identification System, and Boating Accident Report Database" ((RIN1625-AB45) (Docket No. USCG-2003-14963)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6163. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Seagoing Barges—Correcting Amendment" ((RIN1625-AB71) (Docket No. USCG-2011-0363)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6164. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Zidell Waterfront Property, Willamette River, OR" ((RIN1625-AA11) (Docket No. USCG-2011-0254)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6165. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Pacific Sound Resources and Lockheed Shipyard EPA Superfund Cleanup Sites, Elliott Bay, Seattle, WA" ((RIN1625-AA11) (Docket No. USCG-2010-1145)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6166. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Wells, ME" ((RIN1625-AA01) (Docket No. USCG-2011-0231)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6167. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Subpart A—Special Anchorage Regulations, Newport Bay Harbor, CA" ((RIN1625-AA01) (Docket No. USCG-2010-0929)) received in the Office of the President of the Senate on May 9, 2012; to the

Committee on Commerce, Science, and Transportation.

EC-6168. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF" (ET Docket No. 10-235; FCC 12-45) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6169. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement For Children's Television Programming Report" (MB Docket Nos. 00-168 and 00-44; FCC 12-44) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6170. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turboprop Engines" (RIN2120-AA64) (Docket No. FAA-2010-0959) received in the Office of the President of the Senate on May 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6171. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Trimester 1 Longfin Squid Fishery" (RIN0648-XB145) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6172. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/processors Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XB174) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6173. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions Nos. 1, 2, and 3" (RIN0648-XB120) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6174. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BC02) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6175. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XC002) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6176. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XB176) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6177. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XB119) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6178. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2012 Atlantic Bluefish Specifications" (RIN0648-XA904) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6179. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Shrimp Fisheries of the Gulf of Mexico and South Atlantic; Revisions of Bycatch Reduction Device Testing Protocols" (RIN0648-BB61) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6180. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Final 2012 Summer Flounder, Scup, and Black Sea Bass Specifications" (RIN0648-XA795) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6181. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; 2012-2013 Northeast Skate Complex Fishery Specifications" (RIN0648-BB83) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6182. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Procurement, Defense-

Wide, account 97*0300 during fiscal years 2004 through 2010 and was assigned United States Special Operations Command case number—02; to the Committee on Appropriations.

EC-6183. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, (62) reports relative to vacancies in the Department of Defense, received in the Office of the President of the Senate on May 16, 2012; to the Committee on Armed Services.

EC-6184. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report entitled "Cooperative Biological Engagement Program (CBEP) Report to Congress Pursuant to Section 1303(a) (1) and (2) of the NDAA for FY 2012"; to the Committee on Armed Services.

EC-6185. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (44 CFR Part 64) (Docket No. FEMA-2012-0003) received in the Office of the President of the Senate on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6186. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment" (RIN1904-AC47) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Energy and Natural Resources.

EC-6187. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Transmission Planning Reliability Standards" (Docket No. RM11-18-000) received in the Office of the President of the Senate on May 16, 2012; to the Committee on Energy and Natural Resources.

EC-6188. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Trails System Act and Railroad Rights-of-Way" (RIN2140-AB04) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Energy and Natural Resources.

EC-6189. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Aging Management of Stainless Steel Structures and Components in Treated Borated Water" (LR-ISG-2011-01) received in the Office of the President of the Senate on May 16, 2012; to the Committee on Environment and Public Works.

EC-6190. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Filing a Renewed License Application" (Docket No. PRM-54-6; NRC-2010-0291) received in the Office of the President of the Senate on May 16, 2012; to the Committee on Environment and Public Works.

EC-6191. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled "OSRE-RCRA 9003(h) Corrective Action Model Unilateral Order for LUST Enforcement"; to the Committee on Environment and Public Works.

EC-6192. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the March 2012 Treasury Bulletin; to the Committee on Finance.

EC-6193. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Docket No. FDA-1999-F-0021) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6194. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use; Delay of Compliance Dates" (Docket No. FDA-1978-N-0018) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6195. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from at the Clinton Engineer Works in Oakridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6196. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Electro Metallurgical site in Niagara Falls, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6197. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Hangar 481 on the premises of Kirtland Air Force Base, Albuquerque, New Mexico, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6198. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Brookhaven National Laboratory in Upton, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6199. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Sandia National Laboratories in Albuquerque, New Mexico, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6200. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the ninth annual report for the Temporary Assistance for Needy Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC-6201. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to

law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6202. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2011 through March 21, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6203. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance Loan Program; Maximum Term for Disaster Loans to Small Businesses with Credit Available Elsewhere" (RIN3245-AG42) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Small Business and Entrepreneurship.

EC-6204. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards: Transportation and Warehousing" (RIN3245-AG08) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Small Business and Entrepreneurship.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services:

Special Report entitled "Inquiry into Counterfeit Electronic Parts in the Department of Defense Supply Chain" (Rept. No. 112-167).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL:

S. 3207. A bill to amend title 10, United States Code, to provide for relief in civil actions for violations of the protections on credit extended to members of the Armed Forces and their dependents; to the Committee on Armed Services.

By Mr. PORTMAN (for himself, Mr. UDALL of New Mexico, Ms. SNOWE, and Mr. WHITEHOUSE):

S. 3208. A bill to reauthorize the Multi-national Species Conservation Funds Semipostal Stamp, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER:

S. 3209. A bill to provide for the settlement of the water rights claims of the Fort Belknap Indian Community, and for other purposes; to the Committee on Indian Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. BURR):

S. 3210. A bill to amend title 38, United States Code, to modify the treatment under contracting goals and preferences of the Department of Veterans Affairs for small busi-

nesses owned by veterans of small businesses after the death of a disabled veteran owner, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNET:

S. 3211. A bill to authorize the President to determine the appropriate export controls of satellites and related items based on the national security and foreign policy objectives of the United States, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Mr. CASEY, and Mr. CHAMBLISS):

S. Res. 468. A resolution expressing the sense of the Senate with respect to childhood stroke and recognizing May as "National Pediatric Stroke Awareness Month"; considered and agreed to.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. PRYOR, Mr. LIEBERMAN, Mr. ENZI, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. CANTWELL, Ms. AYOTTE, Mr. RISCH, Mr. CARDIN, Mrs. HAGAN, Mr. RUBIO, and Mr. MERKLEY):

S. Res. 469. A resolution honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 20, 2012; considered and agreed to.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. PRYOR, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 507

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 507, a bill to provide for increased Federal oversight of prescription opioid treatment and assistance to States in reducing opioid abuse, diversion, and deaths.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1551

At the request of Mr. KIRK, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1551, a bill to establish a smart card pilot program under the Medicare program.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1749

At the request of Mr. WARNER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1872

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1878

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1878, a bill to assist low-income individuals in obtaining recommended dental care.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1910

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1910, a bill to provide benefits to domestic partners of Federal employees.

S. 1979

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 2047

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2047, a bill to authorize the Secretary of Education to make demonstration grants to eligible local educational agencies for the purpose of reducing the student-to-school nurse ratio in public elementary schools and secondary schools.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2116

At the request of Mr. CARPER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2116, a bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes.

S. 2138

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2138, a bill to establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Texas (Mr. CORNYN), the Senator from Virginia (Mr. WARNER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users,

and Federal agencies, and for other purposes.

S. 3048

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3048, a bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes.

S. 3188

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3188, a bill to increase the authorized number of Weapons of Mass Destruction Civil Support Teams.

S. 3199

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. RES. 435

At the request of Mr. CASEY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

AMENDMENT NO. 2107

At the request of Mr. MCCAIN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2107 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2108

At the request of Ms. MURKOWSKI, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2108 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2111

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2111 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TESTER:

S. 3209. A bill to provide for the settlement of the water rights claims of the Fort Belknap Indian Community, and for other purposes; to the Committee on Indian Affairs.

Mr. TESTER. Mr. President, water is the foundation for life. That is true in every community, but especially in American Indian Country. Water plays a particularly important role in Native American life—past and present—in history, culture and religion. That is why I am proud to introduce the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2012.

Not every issue relating to this important compact is resolved. I very much appreciate the perspective of those who say that changes are still needed. My goal in introducing this legislation is to get all interested parties to negotiate on the issues that must still be resolved. By introducing this bill today, the Ft. Belknap Indian community, surrounding counties and the State of Montana indicate to the United States that we are ready to negotiate in earnest. During that process, Montanans and I will work to gain support from the Department of the Interior, State of Montana, the Tribe, and local communities as we address individual concerns.

The current federal policy to determine Indian water rights is to negotiate, rather than litigate. Montana has had a similar policy since it created the Montana Reserved Water Rights Compact Commission in 1979. Both governments recognize that litigating every water right on Montana's vast Indian reservations is cost prohibitive and time consuming. Negotiated settlements are cheaper for everybody. They are much faster than litigation. They allow individuals to participate in the outcome. They provide a greater degree of certainty to everybody involved. Folks working on this settlement and I intend this legislation to fulfill the spirit of those policies.

Since the Supreme Court's 1908 decision in *Winters*, the United States has had a responsibility to provide water to the land it reserves for specific purposes, such as reservations for American Indian homelands. This legislation fulfills that responsibility. It will empower the Tribe to create jobs and stronger communities by improving critical infrastructure.

More importantly, it strikes the proper balance to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana between the State, the Tribe, and the United States for the benefit for the Tribe and allottees.

There is more work to do to ensure that all interested parties can support a final agreement. I understand that. However, hundreds of hours of deliberation over more than a decade have been put into shaping the terms of this Com-

pact and Settlement. Although we have made good progress during that time, we still have a lot of work left. I look forward to working with my tribal, local, state and federal partners to get this done. It is the right thing to do for the United States, the Tribe and the State of Montana.

In 2001, as a member of the Montana legislature, I was happy to support state ratification of the Fort Belknap Water Rights Compact. I look forward to assisting the parties in moving this Compact over the next hurdle—congressional authorization.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 468—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND RECOGNIZING MAY AS “NATIONAL PEDIATRIC STROKE AWARENESS MONTH”

Mr. BLUMENTHAL (for himself, Mr. CASEY, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 468

Whereas a stroke, also known as a cerebrovascular accident, is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas stroke occurs in approximately 1 out of every 4,000 live births, and the risk of stroke from birth through age 18 is nearly 11 out of every 100,000 children per year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas between 20 percent and 40 percent of children who suffer a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas between 50 and 85 percent of infants and children who have a pediatric stroke will have serious, permanent neurological disabilities, including paralysis, seizures, speech and vision problems, and attention, learning, and behavioral difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of pediatric stroke;

Whereas medical research is the only means by which the citizens of the United

States can identify and develop effective treatment and prevention strategies for pediatric stroke; and

Whereas early diagnosis and treatment of pediatric stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges May as “National Pediatric Stroke Awareness Month”;

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke;

(3) supports the work of the National Institutes of Health in pursuit of medical progress on the matter of pediatric stroke; and

(4) urges continued coordination and cooperation between government, researchers, families, and the public to improve treatments and prognoses for children who suffer strokes.

SENATE RESOLUTION 469—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK, WHICH BEGINS ON MAY 20, 2012

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. PRYOR, Mr. LIEBERMAN, Mr. ENZI, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. CANTWELL, Ms. AYOTTE, Mr. RISCH, Mr. CARDIN, Mrs. HAGAN, Mr. RUBIO, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 469

Whereas the approximately 27,500,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.5 percent of all exporters and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a “National Small Business Week” to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2012, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 20, 2012, as "National Small Business Week": Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 20, 2012;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the \$400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2113. Mr. INHOFE submitted an amendment intended to be proposed by him to the resolution S. Res. 466, calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko; which was referred to the Committee on Foreign Relations.

SA 2114. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table.

SA 2115. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2116. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2117. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2118. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2119. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2120. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2121. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2122. Mr. HARKIN (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2123. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 1905, to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.

SA 2124. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to amendment SA 2123 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill H.R. 1905, supra.

SA 2125. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table.

SA 2126. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2113. Mr. INHOFE submitted an amendment intended to be proposed by him to the resolution S. Res. 466, calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko; which was referred to the Committee on Foreign Relations; as follows:

In the preamble, strike the third and fourth whereas clauses and insert the following:

Whereas, as a result of the electoral fraud by which Prime Minister Viktor Yanukovych was declared the winner of the 2004 presidential election, the citizens of Ukraine organized a series of protests, strikes, and sit-ins, which came to be known as "The Orange Revolution";

Whereas the Orange Revolution, in concert with United States and international pressure, forced the Supreme Court of Ukraine to require an unprecedented second run-off election, which resulted in opposition leader Viktor Yushchenko defeating Mr. Yanukovych by a margin of 52 percent to 44 percent;

SA 2114. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. SUBPOENA AUTHORITY.

Section 702 (21 U.S.C. 372) is amended by adding at the end the following:

"(f)(1) The Secretary may conduct investigations as the Secretary deems necessary—

"(A) to carry out the authority of the Secretary under this Act or section 351 of the Public Health Service Act; or

"(B) to determine whether any person has engaged or is about to engage in any act that constitutes or will constitute a violation of this Act or such section 351.

"(2) For the purpose of any investigation conducted under paragraph (1), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of such witnesses, take evidence, and require the production of any books, papers, documents, or other materials that are relevant to the investigation.

"(3)(A) In case of contumacy or refusal to obey a subpoena issued under paragraph (2), the district court of the United States for the judicial district in which such investigation or proceeding is conducted, or in which the subpoenaed person resides or conducts business, may issue an order requiring such person to appear before the Secretary, testify, or produce books, papers, documents, or other materials that are relevant to the investigation. All process in any such case may be served in the judicial district in which such person resides or may be found.

"(B) Any failure to obey an order issued under subparagraph (A) may be punished by the court as contempt of court."

SA 2115. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

“(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is amended by adding at the end the following:

“(17) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

SA 2116. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.

Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

“(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

SA 2117. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. PRACTITIONER EDUCATION.

(a) EDUCATION REQUIREMENTS.—

(1) REGISTRATION CONSIDERATION.—Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended by inserting after paragraph (5) the following:

“(6) The applicant's compliance with the training requirements described in subsection (g)(3) during any previous period in which the applicant has been subject to such training requirements.”.

(2) TRAINING REQUIREMENTS.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended by adding at the end the following:

“(3)(A) To be registered to prescribe or otherwise dispense methadone or other opioids, a practitioner described in paragraph (1) shall comply with the 16-hour training requirement of subparagraph (B) at least once during each 3-year period.

“(B) The training requirement of this subparagraph is that the practitioner has completed not less than 16 hours of training (through classroom situations, seminars at

professional society meetings, electronic communications, or otherwise) with respect to—

“(i) the treatment and management of opioid-dependent patients;

“(ii) pain management treatment guidelines; and

“(iii) early detection of opioid addiction, including through such methods as Screening, Brief Intervention, and Referral to Treatment (SBIRT),

that is provided by relevant professional societies, as determined by the Secretary.”.

(b) REQUIREMENTS FOR PARTICIPATION IN OPIOID TREATMENT PROGRAMS.—Effective July 1, 2013, a physician practicing in an opioid treatment program shall comply with the requirements of section 303(g)(3) of the Controlled Substances Act (as added by subsection (a)) with respect to required minimum training at least once during each 3-year period.

(c) DEFINITION.—In this section, the term “opioid treatment program” has the meaning given such term in section 8.2 of title 42, Code of Federal Regulations (or any successor regulation).

(d) FUNDING.—The Drug Enforcement Administration shall fund the enforcement of the requirements specified in section 303(g)(3) of the Controlled Substances Act (as added by subsection (a)) through the use of a portion of the licensing fees paid by controlled substance prescribers under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SA 2118. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. PRESCRIPTION MONITORING PROGRAM.

Section 3990 of the Public Health Service Act (42 U.S.C. 280g-3) is amended—

(1) in subsection (d)(1), by inserting “(including prescribers of methadone)” after “dispensers”; and

(2) by striking subsection (n) and inserting the following:

“(n) APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2013 through 2017.”.

SA 2119. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle D—Prescription Drug Abuse Prevention and Treatment

SEC. 1141. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the “Prescription Drug Abuse Prevention and Treatment Act of 2012”.

(b) FINDINGS.—Congress makes the following findings:

(1) Nonmedical use of prescription pain relievers is a matter of increasing public health concern. According to the Substance Abuse and Mental Health Services Administration, the proportion of all substance abuse treatment admissions aged 12 or older that reported any pain reliever abuse increased more than 400 percent between 1998 and 2008, from 2.2 to 9.8 percent.

(2) In 2008, among the population of the United States aged 12 or older, nonmedical use of prescription pain relievers was the second most prevalent type of illicit drug use, after marijuana use.

(3) When used properly under medical supervision, prescription opiates enable individuals with chronic pain to lead productive lives. However, when taken without a physician's oversight and direction, opiates can cause serious adverse health effects, resulting in dependence, abuse, and death.

(4) As with any controlled substance, there is a risk of abuse of methadone and other opiates.

(5) Methadone is an extensively tested, federally approved, and widely accepted method of treating addiction to prescription pain relievers or opiates.

(6) For more than 30 years, this synthetic prescription drug has been used for pain management and treatment for addiction to heroin, morphine, and other opioid drugs.

(7) The efficacy and lower cost of methadone has resulted in its being prescribed for pain management.

(8) Prescriptions for methadone have increased by nearly 700 percent from 1998 through 2006.

(9) According to the Centers for Disease Control and Prevention, the number of poisoning deaths involving methadone increased nearly 7-fold from almost 790 in 1999 to almost 5,420 in 2006, which is the most rapid increase among opioid analgesics and other narcotics involved in poisoning deaths.

(10) The age-specific rates of methadone death are higher for persons age 35 to 44 and 45 to 54 than for other age groups. However, the rate of methadone deaths in younger individuals (age 15 to 24) increased 11-fold from 1999 through 2005.

(11) Deaths from methadone and other opiates may actually be underreported. There is no comprehensive database of drug-related deaths in the United States.

(12) The lack of standardized reporting by Medical Examiners precludes a uniform definition of “cause of death” on death certificates.

(13) The Controlled Substances Act (21 U.S.C. 801 et seq.) requires that every person who dispenses or who proposes to dispense controlled narcotics, including methadone, whether for pain management or opioid treatment obtain a registration from the Drug Enforcement Administration. Unfortunately there is no requirement as a condition of receiving the registration that these practitioners receive any education on the use of these controlled narcotics, including methadone.

(14) Current Federal oversight of methadone and other opioids is inadequate to address the growing number of opioid-related overdoses and deaths.

(15) Federal legislation is needed to avert opioid abuse, misuse, and death, without reducing patient access to needed care.

SEC. 1142. CONSUMER EDUCATION CAMPAIGN.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

“SEC. 506C. CONSUMER EDUCATION CAMPAIGN.

“(a) IN GENERAL.—The Administrator shall award grants to States and nonprofit entities for the purpose of conducting culturally sensitive consumer education about opioid abuse, including methadone abuse. Such education shall include information on the dangers of opioid abuse, how to prevent opioid abuse including through safe disposal of prescription medications and other safety precautions, and detection of early warning signs of addiction.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

“(1) be a State or nonprofit entity; and

“(2) submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(c) PRIORITY.—In awarding grants under this section, the Administrator shall give priority to applicants that are States or communities with a high incidence of abuse of methadone and other opioids, and opioid-related deaths.

“(d) EVALUATIONS.—The Administrator shall develop a process to evaluate the effectiveness of activities carried out by grantees under this section at reducing abuse of methadone and other opioids.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 1143. PRACTITIONER EDUCATION.

(a) EDUCATION REQUIREMENTS.—

(1) REGISTRATION CONSIDERATION.—Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended by inserting after paragraph (5) the following:

“(6) The applicant’s compliance with the training requirements described in subsection (g)(3) during any previous period in which the applicant has been subject to such training requirements.”.

(2) TRAINING REQUIREMENTS.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended by adding at the end the following:

“(3)(A) To be registered to prescribe or otherwise dispense methadone or other opioids, a practitioner described in paragraph (1) shall comply with the 16-hour training requirement of subparagraph (B) at least once during each 3-year period.

“(B) The training requirement of this subparagraph is that the practitioner has completed not less than 16 hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) with respect to—

“(i) the treatment and management of opioid-dependent patients;

“(ii) pain management treatment guidelines; and

“(iii) early detection of opioid addiction, including through such methods as Screening, Brief Intervention, and Referral to Treatment (SBIRT),

that is provided by relevant professional societies, as determined by the Secretary.”.

(b) REQUIREMENTS FOR PARTICIPATION IN OPIOID TREATMENT PROGRAMS.—Effective July 1, 2013, a physician practicing in an opioid treatment program shall comply with the requirements of section 303(g)(3) of the Controlled Substances Act (as added by subsection (a)) with respect to required minimum training at least once during each 3-year period.

(c) DEFINITION.—In this section, the term “opioid treatment program” has the mean-

ing given such term in section 8.2 of title 42, Code of Federal Regulations (or any successor regulation).

(d) FUNDING.—The Drug Enforcement Administration shall fund the enforcement of the requirements specified in section 303(g)(3) of the Controlled Substances Act (as added by subsection (a)) through the use of a portion of the licensing fees paid by controlled substance prescribers under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 1144. MORATORIUM ON METHADONE HYDROCHLORIDE TABLETS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on the date described in subsection (b), no individual or entity may prescribe or otherwise dispense a 40-mg diskette of methadone unless such prescription or dispensation is consistent with the methadone 40-mg diskette policy of the Drug Enforcement Administration as in effect on the date of enactment of this Act, except that such prohibition shall extend to hospitals unless such hospitals provide for direct patient supervision with respect to such methadone.

(b) ENDING DATE OF MORATORIUM.—The moratorium under subsection (a) shall cease to have force and effect—

(1) on the date that the Controlled Substances Clinical Standards Commission publishes in the Federal Register dosing guidelines for all forms of methadone, in accordance with section 506D(b)(1)(A) of the Public Health Service Act (as added by section 1146); and

(2) if, as part of such dosing guidelines, such Commission finds that 40-mg diskettes of methadone are safe and clinically appropriate.

SEC. 1145. OPERATION OF OPIOID TREATMENT PROGRAMS.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

“(i)(1) An opioid treatment program that is registered under this section, and that closes for business on any weekday or weekend day, including a Federal or State holiday, shall comply with the requirements of this subsection.

“(2) The program shall make acceptable arrangements for each patient who is restricted, by Federal regulation or guideline or by the determination of the program medical director, from having a take home dose of a controlled substance related to the treatment involved, to receive a dose of that substance under appropriate supervision during the closure.

“(3) The Administrator of the Substance Abuse and Mental Health Services Administration shall issue a notice that references regulations on acceptable arrangements under this subsection, or shall promulgate regulations on such acceptable arrangements.”.

SEC. 1146. ESTABLISHMENT OF THE CONTROLLED SUBSTANCES CLINICAL STANDARDS COMMISSION.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 1142, is further amended by adding at the end the following:

“SEC. 506D. ESTABLISHMENT OF THE CONTROLLED SUBSTANCES CLINICAL STANDARDS COMMISSION.

“(a) IN GENERAL.—The Secretary shall establish a Controlled Substances Clinical Standards Commission (referred to in this section as the ‘Commission’), to be composed of representatives from the Administration, the Centers for Disease Control and Preven-

tion, the Food and Drug Administration, the Pain Management Consortia of the National Institutes of Health, and other agencies that the Secretary may deem necessary, to develop—

“(1) appropriate and safe dosing guidelines for all forms of methadone, including recommendations for maximum daily doses of all forms as provided for in subsection (b)(1);

“(2) benchmark guidelines for the reduction of methadone abuse, as provided for in subsection (b)(2);

“(3) appropriate conversion factors for use by health care providers in transitioning patients from one opioid to another;

“(4) specific guidelines for initiating pain management with methadone that prescribing practitioners shall comply with in order to meet certification requirements set forth in part C of the Controlled Substances Act (21 U.S.C. 821 et seq.); and

“(5) patient and practitioner education guidelines for both methadone maintenance therapy and pain management that apply to safe and effective use and include detoxification.

“(b) GUIDELINES.—

“(1) PUBLICATION OF DOSING GUIDELINES.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Commission established under subsection (a) shall publish in the Federal Register—

“(i) safe and clinically appropriate dosing guidelines for all forms of methadone used for both pain management and opioid treatment programs, including recommendations for maximum daily doses of all forms, including recommendations for the induction process for patients who are newly prescribed methadone;

“(ii) requirements for individual patient care plans, including initial and follow-up patient physical examination guidelines, and recommendations for screening patients for chronic or acute medical conditions that may cause an immediate and adverse reaction to methadone;

“(iii) appropriate conversion factors for use by health care providers in transitioning patients from one opioid to another;

“(iv) specific guidelines for initiating pain management with methadone, that prescribing physicians or other clinicians shall comply with in order to meet Drug Enforcement Administration certification and recertification requirements; and

“(v) consensus guidelines for pain management with prescription opioid drugs.

“(B) UPDATING OF GUIDELINES.—Not later than 3 years after the publication of guidelines under subparagraph (A), and at least every 3 years thereafter, the Commission shall update such guidelines.

“(2) PUBLICATION OF BENCHMARK GUIDELINES.—

“(A) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Commission established under subsection (a) shall publish in the Federal Register—

“(i) the initial benchmark guidelines for the reduction of methadone abuse to be used—

“(I) by opioid treatment programs in providing methadone therapy; and

“(II) by entities in the initial accreditation or certification, and the re-accreditation and re-certification, of such opioid treatment programs;

“(ii) a model policy for dispensing methadone to be used by pharmacists that dispense methadone, which should include education and training guidelines for such pharmacists;

“(iii) the continuing education guidelines that all prescribers shall comply with in order to meet Drug Enforcement Administration certification and re-certification requirements, as set forth in section 303(g)(3) of the Controlled Substances Act (21 U.S.C. 823(g)(3)), which should include a minimum of 16 training hours at least every 3 years that include the integration of both addiction and pain management curricula; and

“(iv) patient education guidelines for both opioid treatment programs and pain management, including recommendations for patient counseling prior to and during opioid addiction treatment or treatment for pain.

“(B) UPDATING OF GUIDELINES.—Not later than 1 year after the publication of guidelines under subparagraph (A), and at least annually thereafter, the Commission shall update the guidelines published under clauses (iii) and (iv) of such subparagraph.

“(3) CONSULTATION.—In developing and publishing the guidelines under this section, the Commission shall consult with relevant professional organizations with expertise in the area of addiction, relevant professional organizations with expertise in the area of pain management, physician groups, pharmacy groups (including the National Association of Boards of Pharmacy), patient representatives, and any other organization that the Secretary determines is appropriate for purposes of this section.

“(c) WEBSITE.—Not later than 180 days after the date of enactment of this section, the Commission shall establish and operate a Commission website.

“(d) METHADONE TOOLKIT.—Not later than 1 year after the date of enactment of this section, the Commission shall establish, and distribute to practitioners that are registered to prescribe or otherwise dispense methadone, a methadone toolkit. The Commission shall make the components of the toolkit that are available in electronic form available on the Commission website.

“(e) PRACTITIONER EDUCATION PROGRAM.—The Commission shall develop a practitioner education program that shall be used for the practitioner education described in section 303(g)(3) of the Controlled Substances Act, and shall make such program available to providers of such practitioner education.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2013 through 2017.”.

SEC. 1147. PRESCRIPTION MONITORING PROGRAM.

Section 3990 of the Public Health Service Act (42 U.S.C. 280g-3) is amended—

(1) in subsection (d)(1), by inserting “(including prescribers of methadone)” after “dispensars”;

(2) in subsection (e), by adding at the end the following:

“(5) Subject to the requirements of section 543, the State shall, at the request of a Federal, State, or local officer whose duties include enforcing laws relating to drugs, provide to such officer information from the database relating to an individual who is the subject of an active drug-related investigation conducted by the officer’s employing government entity.”; and

(3) by striking subsection (n) and inserting the following:

“(n) APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 1148. MORTALITY REPORTING.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended

by section 1146, is further amended by adding at the end the following:

“SEC. 506E. MORTALITY REPORTING.

“(a) MODEL OPIOID TREATMENT PROGRAM MORTALITY REPORT.—

“(1) IN GENERAL.—Not later than July 1, 2012, the Secretary, acting through the Administrator, shall require that a Model Opioid Treatment Program Mortality Report be completed and submitted to the Administrator for each individual who dies while receiving treatment in an opioid treatment program.

“(2) REQUIREMENT OF STATES THAT RECEIVE FUNDING FOR THE CONTROLLED SUBSTANCE MONITORING PROGRAM.—As a condition for receiving funds under section 3990, each State shall require that any individual who signs a death certificate where an opioid drug is detected in the body of the deceased, or where such drug is otherwise associated with the death, report such death to the Administrator by submitting a Model Opioid Treatment Program Mortality Report described in paragraph (3). Such report shall be submitted to the Administrator on or before the later of—

“(A) 90 days after the date of signing the death certificate; or

“(B) as soon as practicable after the date on which the necessary postmortem and toxicology reports become available to such individual, as required by the Secretary.

“(3) DEVELOPMENT.—The Administrator, in consultation with State and local medical examiners, prescribing physicians, hospitals, and any other organization that the Administrator determines appropriate, shall develop a Model Opioid Treatment Program Mortality Report to be used under paragraphs (1) and (2).

“(b) NATIONAL OPIOID DEATH REGISTRY.—

“(1) IN GENERAL.—Not later than July 1, 2012, the Administrator shall establish and implement, through the National Center for Health Statistics, a National Opioid Death Registry (referred to in this subsection as the ‘Registry’) to track opioid-related deaths and information related to such deaths.

“(2) CONSULTATION.—In establishing the uniform reporting criteria for the Registry, the Director of the Centers for Disease Control and Prevention shall consult with the Administrator, State and local medical examiners, prescribing physicians, hospitals, and any other organization that the Director determines is appropriate for purposes of this subsection.

“(3) REQUIREMENTS.—The registry shall be designed as a uniform reporting system for opioid-related deaths and shall require the reporting of information with respect to such deaths, including—

“(A) the particular drug formulation used at the time of death;

“(B) the dosage level;

“(C) a description of the circumstances surrounding the death in relation to the recommended dosage involved;

“(D) a disclosure of whether the medication involved can be traced back to a physician’s prescription;

“(E) a disclosure of whether the individual was in an opioid treatment program at the time of death;

“(F) the age and sex of the individual; and

“(G) other non-personal information such as that included in filed National Association of Medical Examiners Pediatric Toxicology Registry case reports as required under the privacy standard for the de-identification of health information pursuant to the regulations contained in part 164 of title 45, Code of Federal Regulations.

“(4) AUTHORIZATION.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2013 through 2017 to carry out this subsection.

“(c) REPORT ON REGISTRY INFORMATION.—Not later than the January 1 of the first fiscal year beginning 2 years after the date of enactment of this section, and each January 1 thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the Secretary a report, based on information contained in the Registry described in subsection (b), concerning the number of methadone-related deaths in the United States for the year for which the report is submitted.”.

SEC. 1149. ADDITIONAL REPORTING.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 1148, is further amended by adding at the end the following:

“SEC. 506F. ADDITIONAL REPORTING.

“(a) REPORT ON METHADONE USAGE.—

“(1) IN GENERAL.—Not later than January 1 of the first fiscal year beginning 2 years after the date of enactment of this section, and each January 1 thereafter, the Administrator and the Commissioner of Food and Drugs shall submit to the Secretary a report containing detailed statistics on methadone usage for opioid treatment and pain management. Such statistics shall include—

“(A) information on the distribution of prescribed doses of methadone at federally qualified health centers, opioid treatment clinics, other health-related clinics, physician offices, pharmacies, and hospitals; and

“(B) information relating to adverse health events resulting from such methadone usage.

“(2) AVAILABILITY OF INFORMATION.—The Secretary shall make the reports submitted under paragraph (1) available to the general public, including through the use of the Internet website of the Department of Health and Human Services.

“(b) ANNUAL REPORT ON EFFECTIVENESS.—Not later than September 30, 2013, and annually thereafter until September 30, 2017, the Secretary shall submit to the appropriate committees of Congress, a report concerning the effectiveness of the methadone maintenance therapy program. Such report shall evaluate the success of efforts to reduce opioid addiction and methadone-related deaths, including the impact of health care provider and patient education.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2013 through 2017.”.

SA 2120. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11____. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

“(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is amended by adding at the end the following:

“(17) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

(c) CONFORMING AMENDMENT.—Section 221(b) of the Public Health Service Act (42 U.S.C. 213a(b)) is amended by adding at the end the following: “For purposes of paragraph (18) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Health and Human Services.”.

SA 2121. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following: “(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

(b) CONFORMING AMENDMENT.—Section 221(b) of the Public Health Service Act (42 U.S.C. 213a(b)) is amended by adding at the end the following: “For purposes of paragraph (18) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Health and Human Services.”.

SA 2122. Mr. HARKIN (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food and Drug Administration Safety and Innovation Act”.

SEC. 2. TABLE OF CONTENTS; REFERENCES IN ACT.

(a) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents; references in Act.

TITLE I—FEES RELATING TO DRUGS

Sec. 101. Short title; finding.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.

Sec. 104. Reauthorization; reporting requirements.

Sec. 105. Sunset dates.

Sec. 106. Effective date.

Sec. 107. Savings clause.

TITLE II—FEES RELATING TO DEVICES

Sec. 201. Short title; findings.

Sec. 202. Definitions.

Sec. 203. Authority to assess and use device fees.

Sec. 204. Reauthorization; reporting requirements.

Sec. 205. Savings clause.

Sec. 206. Effective date.

Sec. 207. Sunset dates.

Sec. 208. Streamlined hiring authority to support activities related to the process for the review of device applications.

TITLE III—FEES RELATING TO GENERIC DRUGS

Sec. 301. Short title.

Sec. 302. Authority to assess and use human generic drug fees.

Sec. 303. Reauthorization; reporting requirements.

Sec. 304. Sunset dates.

Sec. 305. Effective date.

Sec. 306. Amendment with respect to misbranding.

Sec. 307. Streamlined hiring authority of the Food and Drug Administration to support activities related to human generic drugs.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

Sec. 401. Short title; finding.

Sec. 402. Fees relating to biosimilar biological products.

Sec. 403. Reauthorization; reporting requirements.

Sec. 404. Sunset dates.

Sec. 405. Effective date.

Sec. 406. Savings clause.

Sec. 407. Conforming amendment.

TITLE V—PEDIATRIC DRUGS AND DEVICES

Sec. 501. Permanence.

Sec. 502. Written requests.

Sec. 503. Communication with Pediatric Review Committee.

Sec. 504. Access to data.

Sec. 505. Ensuring the completion of pediatric studies.

Sec. 506. Pediatric study plans.

Sec. 507. Reauthorizations.

Sec. 508. Report.

Sec. 509. Technical amendments.

Sec. 510. Relationship between pediatric labeling and new clinical investigation exclusivity.

Sec. 511. Pediatric rare diseases.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

Sec. 601. Reclassification procedures.

Sec. 602. Condition of approval studies.

Sec. 603. Postmarket surveillance.

Sec. 604. Sentinel.

Sec. 605. Recalls.

Sec. 606. Clinical holds on investigational device exemptions.

Sec. 607. Unique device identifier.

Sec. 608. Clarification of least burdensome standard.

Sec. 609. Custom devices.

Sec. 610. Agency documentation and review of certain decisions regarding devices.

Sec. 611. Good guidance practices relating to devices.

Sec. 612. Modification of de novo application process.

Sec. 613. Humanitarian device exemptions.

Sec. 614. Reauthorization of third-party review and inspections.

Sec. 615. 510(k) device modifications.

Sec. 616. Health information technology.

TITLE VII—DRUG SUPPLY CHAIN

Subtitle A—Drug Supply Chain

Sec. 701. Registration of domestic drug establishments.

Sec. 702. Registration of foreign establishments.

Sec. 703. Identification of drug excipient information with product listing.

Sec. 704. Electronic system for registration and listing.

Sec. 705. Risk-based inspection frequency.

Sec. 706. Records for inspection.

Sec. 707. Failure to allow foreign inspection.

Sec. 708. Exchange of information.

Sec. 709. Enhancing the safety and quality of the drug supply.

Sec. 710. Accreditation of third-party auditors for drug establishments.

Sec. 711. Standards for admission of imported drugs.

Sec. 712. Notification.

Sec. 713. Protection against intentional adulteration.

Sec. 714. Enhanced criminal penalty for counterfeiting drugs.

Sec. 715. Extraterritorial jurisdiction.

Sec. 716. Compliance with international agreements.

Subtitle B—Pharmaceutical Distribution Integrity

Sec. 721. Short title.

Sec. 722. Securing the pharmaceutical distribution supply chain.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

Sec. 801. Extension of exclusivity period for drugs.

Sec. 802. Priority review.

Sec. 803. Fast track product.

Sec. 804. GAO study.

Sec. 805. Clinical trials.

Sec. 806. Regulatory certainty and predictability.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

Sec. 901. Enhancement of accelerated patient access to new medical treatments.

Sec. 902. Breakthrough therapies.

Sec. 903. Consultation with external experts on rare diseases, targeted therapies, and genetic targeting of treatments.

Sec. 904. Accessibility of information on prescription drug container labels by visually-impaired and blind consumers.

Sec. 905. Risk-benefit framework.

Sec. 906. Independent study on medical innovation inducement model.

Sec. 907. Orphan product grants program.

Sec. 908. Reporting of inclusion of demographic subgroups in clinical trials and data analysis in applications for drugs, biologics, and devices.

TITLE X—DRUG SHORTAGES

Sec. 1001. Drug shortages.

TITLE XI—OTHER PROVISIONS

Subtitle A—Reauthorizations

Sec. 1101. Reauthorization of provision relating to exclusivity of certain drugs containing single enantiomers.

Sec. 1102. Reauthorization of the Critical Path Public-Private Partnerships.

Subtitle B—Medical Gas Product Regulation
Sec. 1111. Regulation of medical gas products.

Sec. 1112. Regulations.

Sec. 1113. Applicability.

Subtitle C—Miscellaneous Provisions

Sec. 1121. Advisory committee conflicts of interest.

Sec. 1122. Guidance document regarding product promotion using the Internet.

Sec. 1123. Electronic submission of applications.

Sec. 1124. Combating prescription drug abuse.

Sec. 1125. Tanning bed labeling.

Sec. 1126. Optimizing global clinical trials.

Sec. 1127. Advancing regulatory science to promote public health innovation.

Sec. 1128. Information technology.

Sec. 1129. Reporting requirements.

Sec. 1130. Strategic integrated management plan.

Sec. 1131. Drug development and testing.

Sec. 1132. Patient participation in medical product discussions.

Sec. 1133. Nanotechnology regulatory science program.

Sec. 1134. Online pharmacy report to Congress.

Sec. 1135. Medication and device errors.

Sec. 1136. Compliance provision.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE I—FEES RELATING TO DRUGS

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Prescription Drug User Fee Amendments of 2012”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Paragraph (7) of section 735 (21 U.S.C. 379g) is amended, in the matter preceding subparagraph (A), by striking “incurred”.

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

Section 736 (21 U.S.C. 379h) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(B) in paragraph (1), in clauses (i) and (ii) of subparagraph (A), by striking “subsection (c)(5)” each place such term appears and inserting “subsection (c)(4)”;

(C) in the matter following clause (ii) in paragraph (2)(A)—

(i) by striking “subsection (c)(5)” and inserting “subsection (c)(4)”; and

(ii) by striking “payable on or before October 1 of each year” and inserting “due on the later of the first business day on or after Oc-

tober 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section”; and

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking “subsection (c)(5)” and inserting “subsection (c)(4)”; and

(II) by striking “payable on or before October 1 of each year.” and inserting “due on the later of the first business day on or after October 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.”; and

(ii) by amending subparagraph (B) to read as follows:

“(B) EXCEPTION.—A prescription drug product shall not be assessed a fee under subparagraph (A) if such product is—

“(i) identified on the list compiled under section 505(j)(7) with a potency described in terms of per 100 mL;

“(ii) the same product as another product that—

“(I) was approved under an application filed under section 505(b) or 505(j); and

“(II) is not in the list of discontinued products compiled under section 505(j)(7);

“(iii) the same product as another product that was approved under an abbreviated application filed under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997); or

“(iv) the same product as another product that was approved under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”;

(ii) in subparagraph (A), by striking “\$392,783,000; and” and inserting “\$693,099,000;”; and

(iii) by striking subparagraph (B) and inserting the following:

“(B) the dollar amount equal to the inflation adjustment for fiscal year 2013 (as determined under paragraph (3)(A)); and

“(C) the dollar amount equal to the workload adjustment for fiscal year 2013 (as determined under paragraph (3)(B)).”; and

(B) by striking paragraphs (3) and (4) and inserting the following:

“(3) FISCAL YEAR 2013 INFLATION AND WORKLOAD ADJUSTMENTS.—For purposes of paragraph (1), the dollar amount of the inflation and workload adjustments for fiscal year 2013 shall be determined as follows:

“(A) INFLATION ADJUSTMENT.—The inflation adjustment for fiscal year 2013 shall be the sum of—

“(i) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(B); and

“(ii) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(C).

“(B) WORKLOAD ADJUSTMENT.—Subject to subparagraph (C), the workload adjustment for fiscal 2013 shall be—

“(i) \$652,709,000 plus the amount of the inflation adjustment calculated under subparagraph (A); multiplied by

“(ii) the amount (if any) by which a percentage workload adjustment for fiscal year 2013, as determined using the methodology described in subsection (c)(2)(A), would exceed the percentage workload adjustment (as so determined) for fiscal year 2012, if both such adjustment percentages were calculated using the 5-year base period consisting of fiscal years 2003 through 2007.

“(C) LIMITATION.—Under no circumstances shall the adjustment under subparagraph (B) result in fee revenues for fiscal year 2013 that are less than the sum of the amount under paragraph (1)(A) and the amount under paragraph (1)(B).”;;

(3) by striking subsection (c) and inserting the following:

“(c) ADJUSTMENTS.—

“(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year by the amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years; and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data, multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this paragraph.

“(2) WORKLOAD ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of human drug applications. With respect to such adjustment:

“(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph), efficacy supplements, and manufacturing supplements submitted to the Secretary, and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

“(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal

year that are less than the sum of the amount under subsection (b)(1)(A) and the amount under subsection (b)(1)(B), as adjusted for inflation under paragraph (1).

“(C) The Secretary shall contract with an independent accounting or consulting firm to periodically review the adequacy of the adjustment and publish the results of those reviews. The first review shall be conducted and published by the end of fiscal year 2013 (to examine the performance of the adjustment since fiscal year 2009), and the second review shall be conducted and published by the end of fiscal year 2015 (to examine the continued performance of the adjustment). The reports shall evaluate whether the adjustment reasonably represents actual changes in workload volume and complexity and present options to discontinue, retain, or modify any elements of the adjustment. The reports shall be published for public comment. After review of the reports and receipt of public comments, the Secretary shall, if warranted, adopt appropriate changes to the methodology. If the Secretary adopts changes to the methodology based on the first report, the changes shall be effective for the first fiscal year for which fees are set after the Secretary adopts such changes and each subsequent fiscal year.

“(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under this paragraph and paragraphs (1) and (2), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of human drug applications for the first 3 months of fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such process in excess of 3 months of such operating reserves, the adjustment under this paragraph shall not be made.

“(4) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, application, product, and establishment fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

“(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of human drug applications.”; and

(4) in subsection (g)—

(A) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “shall be retained” and inserting “subject to subparagraph (C), shall be collected and available”; and

(II) in clause (ii), by striking “shall only be collected and available” and inserting “shall be available”; and

(ii) by adding at the end the following new subparagraph:

“(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.”;

(C) in paragraph (3), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”; and

(D) in paragraph (4)—

(i) by striking “fiscal years 2008 through 2010” and inserting “fiscal years 2013 through 2015”;

(ii) by striking “fiscal year 2011” and inserting “fiscal year 2016”;

(iii) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2013 through 2016”; and

(iv) by striking “fiscal year 2012” and inserting “fiscal year 2017”.

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B (21 U.S.C. 379h-2) is amended—

(1) by amending subsection (a) to read as follows:

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report under this subsection for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.”;

(2) in subsection (b), by striking “2008” and inserting “2013”; and

(3) in subsection (d), by striking “2012” each place it appears and inserting “2017”.

SEC. 105. SUNSET DATES.

(a) AUTHORIZATION.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h-2) shall cease to be effective January 31, 2018.

(c) PREVIOUS SUNSET PROVISION.—Section 106 of the Prescription Drug User Fee Amendments of 2007 (Title I of Public Law 110-85) is repealed.

(d) TECHNICAL CLARIFICATIONS.—

(1) Effective September 30, 2007, section 509 of the Prescription Drug User Fee Amendments Act of 2002 (Title V of Public Law 107-188) is repealed.

(2) Effective September 30, 2002, section 107 of the Food and Drug Administration Modernization Act of 1997 (Public Law 105-115) is repealed.

(3) Effective September 30, 1997, section 105 of the Prescription Drug User Fee Act of 1992 (Public Law 102-571) is repealed.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 107. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic

Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2012.

TITLE II—FEES RELATING TO DEVICES

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Medical Device User Fee Amendments of 2012”.

(b) FINDINGS.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 202. DEFINITIONS.

Section 737 (21 U.S.C. 379i) is amended—

(1) in paragraph (9), by striking “incurred” after “expenses”;

(2) in paragraph (10), by striking “October 2001” and inserting “October 2011”; and

(3) in paragraph (13), by striking “is required to register” and all that follows through the end of paragraph (13) and inserting the following: “is registered (or is required to register) with the Secretary under section 510 because such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of a device.”.

SEC. 203. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Section 738(a) (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(2) in paragraph (2)(A)—

(A) in the matter preceding clause (i)—

(i) by striking “subsections (d) and (e)” and inserting “subsections (d), (e), and (f)”;

(ii) by striking “October 1, 2002” and inserting “October 1, 2012”; and

(iii) by striking “subsection (c)(1)” and inserting “subsection (c)”;

(B) in clause (viii), by striking “1.84” and inserting “2”; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “and subsection (f)” after “subparagraph (B)”;

(ii) by striking “2008” and inserting “2013”; and

(B) in subparagraph (C), by striking “initial registration” and all that follows through “section 510.” and inserting “later of—

“(i) the initial or annual registration (as applicable) of the establishment under section 510; or

“(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.”.

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

“(b) FEE AMOUNTS.—

“(1) IN GENERAL.—Subject to subsections (c), (d), (e), (f), and (i), for each of fiscal years

2013 through 2017, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), to generate the

total revenue amounts specified in paragraph (3).

“(2) BASE FEE AMOUNTS.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

| “Fee Type | Fiscal Year 2013 | Fiscal Year 2014 | Fiscal Year 2015 | Fiscal Year 2016 | Fiscal Year 2017 |
|----------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Premarket Application | \$248,000 | \$252,960 | \$258,019 | \$263,180 | \$268,443 |
| Establishment Registration | \$2,575 | \$3,200 | \$3,750 | \$3,872 | \$3,872 |

“(3) TOTAL REVENUE AMOUNTS.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

“(A) \$97,722,301 for fiscal year 2013.

“(B) \$112,580,497 for fiscal year 2014.

“(C) \$125,767,107 for fiscal year 2015.

“(D) \$129,339,949 for fiscal year 2016.

“(E) \$130,184,348 for fiscal year 2017.”.

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) (21 U.S.C. 379j(c)) is amended—

(1) in the subsection heading, by inserting “; ADJUSTMENTS” after “SETTING”;

(2) by striking paragraphs (1) and (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting before paragraph (4), as so redesignated, the following:

“(1) IN GENERAL.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2012, establish fees under subsection (a), based on amounts specified under subsection (b) and the adjustments provided under this subsection, and publish such fees, and the rationale for any adjustments to such fees, in the Federal Register.

“(2) INFLATION ADJUSTMENTS.—

“(A) ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—For fiscal year 2014 and each subsequent fiscal year, the Secretary shall adjust the total revenue amount specified in subsection (b)(3) for such fiscal year by multiplying such amount by the applicable inflation adjustment under subparagraph (B) for such year.

“(B) APPLICABLE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—The applicable inflation adjustment for a fiscal year is—

“(i) for fiscal year 2014, the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(ii) for fiscal year 2015 and each subsequent fiscal year, the product of—

“(I) the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(II) the product of the base inflation adjustment under subparagraph (C) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2014.

“(C) BASE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—

“(i) IN GENERAL.—Subject to further adjustment under clause (ii), the base inflation adjustment for a fiscal year is the sum of one plus—

“(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by 0.60; and

“(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by 0.40.

“(ii) LIMITATIONS.—For purposes of subparagraph (B), if the base inflation adjustment for a fiscal year under clause (i)—

“(I) is less than 1, such adjustment shall be considered to be equal to 1; or

“(II) is greater than 1.04, such adjustment shall be considered to be equal to 1.04.

“(D) ADJUSTMENT TO BASE FEE AMOUNTS.—For each of fiscal years 2014 through 2017, the base fee amounts specified in subsection (b)(2) shall be adjusted as needed, on a uniform proportionate basis, to generate the total revenue amounts under subsection (b)(3), as adjusted for inflation under subparagraph (A).

“(3) VOLUME-BASED ADJUSTMENTS TO ESTABLISHMENT REGISTRATION BASE FEES.—For each of fiscal years 2014 through 2017, after the base fee amounts specified in subsection (b)(2) are adjusted under paragraph (2)(D), the base establishment registration fee amounts specified in such subsection shall be further adjusted, as the Secretary estimates is necessary in order for total fee collections for such fiscal year to generate the total revenue amounts, as adjusted under paragraph (2).”.

(d) FEE WAIVER OR REDUCTION.—Section 738 (21 U.S.C. 379j) is amended by—

(1) redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(2) by inserting after subsection (e) the following new subsection:

“(f) FEE WAIVER OR REDUCTION.—

“(1) IN GENERAL.—The Secretary may, at the Secretary’s sole discretion, grant a waiver or reduction of fees under subsection (a)(2) or (a)(3) if the Secretary finds that such waiver or reduction is in the interest of public health.

“(2) LIMITATION.—The sum of all fee waivers or reductions granted by the Secretary in any fiscal year under paragraph (1) shall not exceed 2 percent of the total fee revenue amounts established for such year under subsection (c).

“(3) DURATION.—The authority provided by this subsection terminates October 1, 2017.”.

(e) CONDITIONS.—Section 738(h)(1)(A) (21 U.S.C. 379j(h)(1)(A)), as redesignated by subsection (d)(1), is amended by striking “\$205,720,000” and inserting “\$280,587,000”.

(f) CREDITING AND AVAILABILITY OF FEES.—Section 738(i) (21 U.S.C. 379j(i)), as redesignated by subsection (d)(1), is amended—

(1) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “shall be retained” and inserting “subject to subparagraph (C), shall be collected and available”; and

(ii) in clause (ii)—

(I) by striking “collected and” after “shall only be”; and

(II) by striking “fiscal year 2002” and inserting “fiscal year 2009”; and

(B) by adding at the end, the following:

“(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Sec-

retary in accordance with authority provided in advance in a prior year appropriations Act.”;

(3) by amending paragraph (3) to read as follows:

“(3) AUTHORIZATIONS OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount specified under subsection (b)(3) for the fiscal year, as adjusted under subsection (c) and, for fiscal year 2017 only, as further adjusted under paragraph (4).”; and

(4) in paragraph (4)—

(A) by striking “fiscal years 2008, 2009, and 2010” and inserting “fiscal years 2013, 2014, and 2015”;;

(B) by striking “fiscal year 2011” and inserting “fiscal year 2016”;;

(C) by striking “June 30, 2011” and inserting “June 30, 2016”;;

(D) by striking “the amount of fees specified in aggregate in” and inserting “the cumulative amount appropriated pursuant to”;;

(E) by striking “aggregate amount in” before “excess shall be credited”; and

(F) by striking “fiscal year 2012” and inserting “fiscal year 2017”.

(g) CONFORMING AMENDMENT.—Section 515(c)(4)(A) (21 U.S.C. 360e(c)(4)(A)) is amended by striking “738(g)” and inserting “738(h)”.

SEC. 204. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) REAUTHORIZATION.—Section 738A(b) (21 U.S.C. 379j-1(b)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2017”; and

(2) in paragraph (5), by striking “2012” and inserting “2017”.

(b) REPORTS.—Section 738A(a) (21 U.S.C. 379j 1(a)) is amended—

(1) by striking “2008 through 2012” each place it appears and inserting “2013 through 2017”; and

(2) by striking “section 201(c) of the Food and Drug Administration Amendments Act of 2007” and inserting “section 201(b) of the Medical Device User Fee Amendments of 2012”.

SEC. 205. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to submissions described in section 738(a)(2)(A) of the Federal Food, Drug, and Cosmetic Act (as in effect as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 206. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is

later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for submissions described in section 738(a)(2)(A) of the Federal Food, Drug, and Cosmetic Act received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 207. SUNSET DATES.

(a) **AUTHORIZATIONS.**—Sections 737 and 738 (21 U.S.C. 739i; 739j) shall cease to be effective October 1, 2017.

(b) **REPORTING REQUIREMENTS.**—Section 738A (21 U.S.C. 739j-1) shall cease to be effective January 31, 2018.

(c) **PREVIOUS SUNSET PROVISION.**—Section 217 of the Medical Device User Fee Amendments of 2007 (Title II of Public Law 110-85) is repealed.

(d) **TECHNICAL CLARIFICATION.**—Effective September 30, 2007, section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107-250) is repealed.

SEC. 208. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by inserting after section 713 the following new section:

“SEC. 714. STREAMLINED HIRING AUTHORITY.

“(a) **IN GENERAL.**—In addition to any other personnel authorities under other provisions of law, the Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint employees to positions in the Food and Drug Administration to perform, administer, or support activities described in subsection (b), if the Secretary determines that such appointments are needed to achieve the objectives specified in subsection (c).

“(b) **ACTIVITIES DESCRIBED.**—The activities described in this subsection are activities under this Act related to the process for the review of device applications (as defined in section 737(8)).

“(c) **OBJECTIVES SPECIFIED.**—The objectives specified in this subsection are with respect to the activities under subsection (b), the goals referred to in section 738A(a)(1).

“(d) **INTERNAL CONTROLS.**—The Secretary shall institute appropriate internal controls for appointments under this section.

“(e) **SUNSET.**—The authority to appoint employees under this section shall terminate on the date that is three years after the date of enactment of this section.”.

TITLE III—FEES RELATING TO GENERIC DRUGS

SEC. 301. SHORT TITLE.

(a) **SHORT TITLE.**—This title may be cited as the “Generic Drug User Fee Amendments of 2012”.

(b) **FINDING.**—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 302. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

“PART 7—FEES RELATING TO GENERIC DRUGS

“SEC. 744A. DEFINITIONS.

“For purposes of this part:

“(1) The term ‘abbreviated new drug application’—

“(A) means an application submitted under section 505(j), an abbreviated application submitted under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997), or an abbreviated new drug application submitted pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984; and

“(B) does not include an application for a positron emission tomography drug.

“(2) The term ‘active pharmaceutical ingredient’ means—

“(A) a substance, or a mixture when the substance is unstable or cannot be transported on its own, intended—

“(i) to be used as a component of a drug; and

“(ii) to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the human body; or

“(B) a substance intended for final crystallization, purification, or salt formation, or any combination of those activities, to become a substance or mixture described in subparagraph (A).

“(3) The term ‘adjustment factor’ means a factor applicable to a fiscal year that is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such index for October 2011.

“(4) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(5)(A) The term ‘facility’—

“(i) means a business or other entity—

“(I) under one management, either direct or indirect; and

“(II) at one geographic location or address engaged in manufacturing or processing an active pharmaceutical ingredient or a finished dosage form; and

“(ii) does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: repackaging, relabeling, or testing.

“(B) For purposes of subparagraph (A), separate buildings within close proximity are considered to be at one geographic location or address if the activities in them are—

“(i) closely related to the same business enterprise;

“(ii) under the supervision of the same local management; and

“(iii) capable of being inspected by the Food and Drug Administration during a single inspection.

“(C) If a business or other entity would meet the definition of a facility under this paragraph but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

“(6) The term ‘finished dosage form’ means—

“(A) a drug product in the form in which it will be administered to a patient, such as a

tablet, capsule, solution, or topical application;

“(B) a drug product in a form in which reconstitution is necessary prior to administration to a patient, such as oral suspensions or lyophilized powders; or

“(C) any combination of an active pharmaceutical ingredient with another component of a drug product for purposes of production of a drug product described in subparagraph (A) or (B).

“(7) The term ‘generic drug submission’ means an abbreviated new drug application, an amendment to an abbreviated new drug application, or a prior approval supplement to an abbreviated new drug application.

“(8) The term ‘human generic drug activities’ means the following activities of the Secretary associated with generic drugs and inspection of facilities associated with generic drugs:

“(A) The activities necessary for the review of generic drug submissions, including review of drug master files referenced in such submissions.

“(B) The issuance of—

“(i) approval letters which approve abbreviated new drug applications or supplements to such applications; or

“(ii) complete response letters which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The issuance of letters related to Type II active pharmaceutical drug master files which—

“(i) set forth in detail the specific deficiencies in such submissions, and where appropriate, the actions necessary to resolve those deficiencies; or

“(ii) document that no deficiencies need to be addressed.

“(D) Inspections related to generic drugs.

“(E) Monitoring of research conducted in connection with the review of generic drug submissions and drug master files.

“(F) Postmarket safety activities with respect to drugs approved under abbreviated new drug applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies) insofar as those activities relate to abbreviated new drug applications.

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(G) Regulatory science activities related to generic drugs.

“(9) The term ‘positron emission tomography drug’ has the meaning given to the term ‘compounded positron emission tomography drug’ in section 201(ii), except that paragraph (1)(B) of such section shall not apply.

“(10) The term ‘prior approval supplement’ means a request to the Secretary to approve a change in the drug substance, drug product, production process, quality controls, equipment, or facilities covered by an approved abbreviated new drug application

when that change has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the drug product as these factors may relate to the safety or effectiveness of the drug product.

“(11) The term ‘resources allocated for human generic drug activities’ means the expenses for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers and employees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under subsection (a) and accounting for resources allocated for the review of abbreviated new drug applications and supplements and inspection related to generic drugs.

“(12) The term ‘Type II active pharmaceutical ingredient drug master file’ means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

“SEC. 744B. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) ONE-TIME BACKLOG FEE FOR ABBREVIATED NEW DRUG APPLICATIONS PENDING ON OCTOBER 1, 2012.—

“(A) IN GENERAL.—Each person that owns an abbreviated new drug application that is pending on October 1, 2012, and that has not received a tentative approval prior to that date, shall be subject to a fee for each such application, as calculated under subparagraph (B).

“(B) METHOD OF FEE AMOUNT CALCULATION.—The amount of each one-time backlog fee shall be calculated by dividing \$50,000,000 by the total number of abbreviated new drug applications pending on October 1, 2012, that have not received a tentative approval as of that date.

“(C) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fee required by subparagraph (A).

“(D) FEE DUE DATE.—The fee required by subparagraph (A) shall be due no later than 30 calendar days after the date of the publication of the notice specified in subparagraph (C).

“(2) DRUG MASTER FILE FEE.—

“(A) IN GENERAL.—Each person that owns a Type II active pharmaceutical ingredient drug master file that is referenced on or after October 1, 2012, in a generic drug submission by any initial letter of authorization shall be subject to a drug master file fee.

“(B) ONE-TIME PAYMENT.—If a person has paid a drug master file fee for a Type II active pharmaceutical ingredient drug master file, the person shall not be required to pay a subsequent drug master file fee when that Type II active pharmaceutical ingredient drug master file is subsequently referenced in generic drug submissions.

“(C) NOTICE.—

“(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the drug master file fee for fiscal year 2013.

“(ii) FISCAL YEAR 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the drug master file fee established by this paragraph for such fiscal year.

“(D) AVAILABILITY FOR REFERENCE.—

“(i) IN GENERAL.—Subject to subsection (g)(2)(C), for a generic drug submission to reference a Type II active pharmaceutical ingredient drug master file, the drug master file must be deemed available for reference by the Secretary.

“(ii) CONDITIONS.—A drug master file shall be deemed available for reference by the Secretary if—

“(I) the person that owns a Type II active pharmaceutical ingredient drug master file has paid the fee required under subparagraph (A) within 20 calendar days after the applicable due date under subparagraph (E); and

“(II) the drug master file has not failed an initial completeness assessment by the Secretary, in accordance with criteria to be published by the Secretary.

“(iii) LIST.—The Secretary shall make publicly available on the Internet Web site of the Food and Drug Administration a list of the drug master file numbers that correspond to drug master files that have successfully undergone an initial completeness assessment, in accordance with criteria to be published by the Secretary, and are available for reference.

“(E) FEE DUE DATE.—

“(i) IN GENERAL.—Subject to clause (ii), a drug master file fee shall be due no later than the date on which the first generic drug submission is submitted that references the associated Type II active pharmaceutical ingredient drug master file.

“(ii) LIMITATION.—No fee shall be due under subparagraph (A) for a fiscal year until the later of—

“(I) 30 calendar days after publication of the notice provided for in clause (i) or (ii) of subparagraph (C), as applicable; or

“(II) 30 calendar days after the date of enactment of an appropriations Act providing for the collection and obligation of fees under this section.

“(3) ABBREVIATED NEW DRUG APPLICATION AND PRIOR APPROVAL SUPPLEMENT FILING FEE.—

“(A) IN GENERAL.—Each applicant that submits, on or after October 1, 2012, an abbreviated new drug application or a prior approval supplement to an abbreviated new drug application shall be subject to a fee for each such submission in the amount established under subsection (d).

“(B) NOTICE.—

“(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

“(ii) FISCAL YEARS 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(C) FEE DUE DATE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the fees required by subparagraphs (A) and (F) shall be due no later than the date of submission of the abbreviated

new drug application or prior approval supplement for which such fee applies.

“(ii) SPECIAL RULE FOR 2013.—For fiscal year 2013, such fees shall be due on the later of—

“(I) the date on which the fee is due under clause (i);

“(II) 30 calendar days after publication of the notice referred to in subparagraph (B)(i); or

“(III) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of submission of the application or prior approval supplement for which the fees under subparagraphs (A) and (F) apply, 30 calendar days after the date that such an appropriations Act is enacted.

“(D) REFUND OF FEE IF ABBREVIATED NEW DRUG APPLICATION IS NOT CONSIDERED TO HAVE BEEN RECEIVED.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any abbreviated new drug application or prior approval supplement to an abbreviated new drug application that the Secretary considers not to have been received within the meaning of section 505(j)(5)(A) for a cause other than failure to pay fees.

“(E) FEE FOR AN APPLICATION THE SECRETARY CONSIDERS NOT TO HAVE BEEN RECEIVED, OR THAT HAS BEEN WITHDRAWN.—An abbreviated new drug application or prior approval supplement that was submitted on or after October 1, 2012, and that the Secretary considers not to have been received, or that has been withdrawn, shall, upon resubmission of the application or a subsequent new submission following the applicant's withdrawal of the application, be subject to a full fee under subparagraph (A).

“(F) ADDITIONAL FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—An applicant that submits a generic drug submission on or after October 1, 2012, shall pay a fee, in the amount determined under subsection (d)(3), in addition to the fee required under subparagraph (A), if—

“(i) such submission contains information concerning the manufacture of an active pharmaceutical ingredient at a facility by means other than reference by a letter of authorization to a Type II active pharmaceutical drug master file; and

“(ii) a fee in the amount equal to the drug master file fee established in paragraph (2) has not been previously paid with respect to such information.

“(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

“(A) IN GENERAL.—Facilities identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce a finished dosage form of a human generic drug or an active pharmaceutical ingredient contained in a human generic drug shall be subject to fees as follows:

“(i) GENERIC DRUG FACILITY.—Each person that owns a facility which is identified or intended to be identified in at least one generic drug submission that is pending or approved to produce one or more finished dosage forms of a human generic drug shall be assessed an annual fee for each such facility.

“(ii) ACTIVE PHARMACEUTICAL INGREDIENT FACILITY.—Each person that owns a facility which produces, or which is pending review to produce, one or more active pharmaceutical ingredients identified, or intended to be identified, in at least one generic drug submission that is pending or approved or in a Type II active pharmaceutical ingredient drug master file referenced in such a generic drug submission, shall be assessed an annual fee for each such facility.

“(iii) FACILITIES PRODUCING BOTH ACTIVE PHARMACEUTICAL INGREDIENTS AND FINISHED DOSAGE FORMS.—Each person that owns a facility identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce both one or more finished dosage forms subject to clause (i) and one or more active pharmaceutical ingredients subject to clause (ii) shall be subject to fees under both such clauses for that facility.

“(B) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

“(C) NOTICE.—

“(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(1)(B).

“(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(D) FEE DUE DATE.—

“(i) FISCAL YEAR 2013.—For fiscal year 2013, the fees under subparagraph (A) shall be due on the later of—

“(I) not later than 45 days after the publication of the notice under subparagraph (B); or

“(II) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of the publication of such notice, 30 days after the date that such an appropriations Act is enacted.

“(ii) FISCAL YEARS 2014 THROUGH 2017.—For each of fiscal years 2014 through 2017, the fees under subparagraph (A) for such fiscal year shall be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

“(5) DATE OF SUBMISSION.—For purposes of this Act, a generic drug submission or Type II pharmaceutical master file is deemed to be ‘submitted’ to the Food and Drug Administration—

“(A) if it is submitted via a Food and Drug Administration electronic gateway, on the day when transmission to that electronic gateway is completed, except that a submission or master file that arrives on a weekend, Federal holiday, or day when the Food and Drug Administration office that will review that submission is not otherwise open for business shall be deemed to be submitted on the next day when that office is open for business; or

“(B) if it is submitted in physical media form, on the day it arrives at the appropriate designated document room of the Food and Drug Administration.

“(b) FEE REVENUE AMOUNTS.—

“(1) IN GENERAL.—

“(A) FISCAL YEAR 2013.—For fiscal year 2013, fees under subsection (a) shall be established to generate a total estimated revenue amount under such subsection of \$299,000,000. Of that amount—

“(i) \$50,000,000 shall be generated by the one-time backlog fee for generic drug applications pending on October 1, 2012, established in subsection (a)(1); and

“(ii) \$249,000,000 shall be generated by the fees under paragraphs (2) through (4) of subsection (a).

“(B) FISCAL YEARS 2014 THROUGH 2017.—For each of the fiscal years 2014 through 2017,

fees under paragraphs (2) through (4) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to \$299,000,000, as adjusted pursuant to subsection (c).

“(2) TYPES OF FEES.—In establishing fees under paragraph (1) to generate the revenue amounts specified in paragraph (1)(A)(ii) for fiscal year 2013 and paragraph (1)(B) for each of fiscal years 2014 through 2017, such fees shall be derived from the fees under paragraphs (2) through (4) of subsection (a) as follows:

“(A) 6 percent shall be derived from fees under subsection (a)(2) (relating to drug master files).

“(B) 24 percent shall be derived from fees under subsection (a)(3) (relating to abbreviated new drug applications and supplements). The amount of a fee for a prior approval supplement shall be half the amount of the fee for an abbreviated new drug application.

“(C) 56 percent shall be derived from fees under subsection (a)(4)(A)(i) (relating to generic drug facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States, including its territories and possessions, and those located outside of the United States and its territories and possessions.

“(D) 14 percent shall be derived from fees under subsection (a)(4)(A)(ii) (relating to active pharmaceutical ingredient facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States, including its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States and its territories and possessions and those located outside of the United States and its territories and possessions.

“(c) ADJUSTMENTS.—

“(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year, by an amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years multiplied by the proportion of personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years; and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this subsection.

“(2) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for human generic drug activities for the first 3 months of fiscal year 2018. Such fees may only be used in fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such activities in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

“(d) ANNUAL FEE SETTING.—

“(1) FISCAL YEAR 2013.—For fiscal year 2013—

“(A) the Secretary shall establish, by October 31, 2012, the one-time generic drug backlog fee for generic drug applications pending on October 1, 2012, the drug master file fee, the abbreviated new drug application fee, and the prior approval supplement fee under subsection (a), based on the revenue amounts established under subsection (b); and

“(B) the Secretary shall establish, not later than 45 days after the date to comply with the requirement for identification of facilities in subsection (f)(2), the generic drug facility fee and active pharmaceutical ingredient facility fee under subsection (a) based on the revenue amounts established under subsection (b).

“(2) FISCAL YEARS 2014 THROUGH 2017.—Not more than 60 days before the first day of each of fiscal years 2014 through 2017, the Secretary shall establish the drug master file fee, the abbreviated new drug application fee, the prior approval supplement fee, the generic drug facility fee, and the active pharmaceutical ingredient facility fee under subsection (a) for such fiscal year, based on the revenue amounts established under subsection (b) and the adjustments provided under subsection (c).

“(3) FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—In establishing the fees under paragraphs (1) and (2), the amount of the fee under subsection (a)(3)(F) shall be determined by multiplying—

“(A) the sum of—

“(i) the total number of such active pharmaceutical ingredients in such submission; and

“(ii) for each such ingredient that is manufactured at more than one such facility, the total number of such additional facilities; and

“(B) the amount equal to the drug master file fee established in subsection (a)(2) for such submission.

“(e) LIMIT.—The total amount of fees charged, as adjusted under subsection (c), for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for human generic drug activities.

“(f) IDENTIFICATION OF FACILITIES.—

“(1) PUBLICATION OF NOTICE; DEADLINE FOR COMPLIANCE.—Not later than October 1, 2012, the Secretary shall publish in the Federal Register a notice requiring each person that

owns a facility described in subsection (a)(4)(A), or a site or organization required to be identified by paragraph (4), to submit to the Secretary information on the identity of each such facility, site, or organization. The notice required by this paragraph shall specify the type of information to be submitted and the means and format for submission of such information.

“(2) REQUIRED SUBMISSION OF FACILITY IDENTIFICATION.—Each person that owns a facility described in subsection (a)(4)(A) or a site or organization required to be identified by paragraph (4) shall submit to the Secretary the information required under this subsection each year. Such information shall—

“(A) for fiscal year 2013, be submitted not later than 60 days after the publication of the notice under paragraph (1); and

“(B) for each subsequent fiscal year, be submitted, updated, or reconfirmed on or before June 1 of the previous year.

“(3) CONTENTS OF NOTICE.—At a minimum, the submission required by paragraph (2) shall include for each such facility—

“(A) identification of a facility identified or intended to be identified in an approved or pending generic drug submission;

“(B) whether the facility manufactures active pharmaceutical ingredients or finished dosage forms, or both;

“(C) whether or not the facility is located within the United States and its territories and possessions;

“(D) whether the facility manufactures positron emission tomography drugs solely, or in addition to other drugs; and

“(E) whether the facility manufactures drugs that are not generic drugs.

“(4) CERTAIN SITES AND ORGANIZATIONS.—

“(A) IN GENERAL.—Any person that owns or operates a site or organization described in subparagraph (B) shall submit to the Secretary information concerning the ownership, name, and address of the site or organization.

“(B) SITES AND ORGANIZATIONS.—A site or organization is described in this subparagraph if it is identified in a generic drug submission and is—

“(i) a site in which a bioanalytical study is conducted;

“(ii) a clinical research organization;

“(iii) a contract analytical testing site; or

“(iv) a contract repackager site.

“(C) NOTICE.—The Secretary may, by notice published in the Federal Register, specify the means and format for submission of the information under subparagraph (A) and may specify, as necessary for purposes of this section, any additional information to be submitted.

“(D) INSPECTION AUTHORITY.—The Secretary's inspection authority under section 704(a)(1) shall extend to all such sites and organizations.

“(g) EFFECT OF FAILURE TO PAY FEES.—

“(1) GENERIC DRUG BACKLOG FEE.—Failure to pay the fee under subsection (a)(1) shall result in the Secretary placing the person that owns the abbreviated new drug application subject to that fee on an arrears list, such that no new abbreviated new drug applications or supplement submitted on or after October 1, 2012, from that person, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(2) DRUG MASTER FILE FEE.—

“(A) Failure to pay the fee under subsection (a)(2) within 20 calendar days after the applicable due date under subparagraph (E) of such subsection (as described in subsection (a)(2)(D)(ii)(I)) shall result in the

Type II active pharmaceutical ingredient drug master file not being deemed available for reference.

“(B)(i) Any generic drug submission submitted on or after October 1, 2012, that references, by a letter of authorization, a Type II active pharmaceutical ingredient drug master file that has not been deemed available for reference shall not be received within the meaning of section 505(j)(5)(A) unless the condition specified in clause (ii) is met.

“(ii) The condition specified in this clause is that the fee established under subsection (a)(2) has been paid within 20 calendar days of the Secretary providing the notification to the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the drug master file fee as specified in subparagraph (C).

“(C)(i) If an abbreviated new drug application or supplement to an abbreviated new drug application references a Type II active pharmaceutical ingredient drug master file for which a fee under subsection (a)(2)(A) has not been paid by the applicable date under subsection (a)(2)(E), the Secretary shall notify the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the applicable fee.

“(ii) If such fee is not paid within 20 calendar days of the Secretary providing the notification, the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of 505(j)(5)(A).

“(3) ABBREVIATED NEW DRUG APPLICATION FEE AND PRIOR APPROVAL SUPPLEMENT FEE.—Failure to pay a fee under subparagraph (A) or (F) of subsection (a)(3) within 20 calendar days of the applicable due date under subparagraph (C) of such subsection shall result in the abbreviated new drug application or the prior approval supplement to an abbreviated new drug application not being received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

“(A) IN GENERAL.—Failure to pay the fee under subsection (a)(4) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

“(i) The Secretary shall place the facility on a publicly available arrears list, such that no new abbreviated new drug application or supplement submitted on or after October 1, 2012, from the person that is responsible for paying such fee, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A).

“(ii) Any new generic drug submission submitted on or after October 1, 2012, that references such a facility shall not be received, within the meaning of section 505(j)(5)(A) if the outstanding facility fee is not paid within 20 calendar days of the Secretary providing the notification to the sponsor of the failure of the owner of the facility to pay the facility fee under subsection (a)(4)(C).

“(iii) All drugs or active pharmaceutical ingredients manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(aa).

“(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(4) is paid or the facility is removed from all generic drug submissions that refer to the facility.

“(C) NONRECEIVAL FOR NONPAYMENT.—

“(i) NOTICE.—If an abbreviated new drug application or supplement to an abbreviated new drug application submitted on or after October 1, 2012, references a facility for which a facility fee has not been paid by the applicable date under subsection (a)(4)(C), the Secretary shall notify the sponsor of the generic drug submission of the failure of the owner of the facility to pay the facility fee.

“(ii) NONRECEIVAL.—If the facility fee is not paid within 20 calendar days of the Secretary providing the notification under clause (i), the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of section 505(j)(5)(A).

“(h) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2012, unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor (as defined in section 744A) applicable to the fiscal year involved.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for Type II active pharmaceutical ingredient drug master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(i) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for human generic drug activities.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—The fees authorized by this section—

“(i) subject to subparagraphs (C) and (D), shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

“(ii) shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of human generic drug activities (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$97,000,000 multiplied by

the adjustment factor, as defined in section 744A(3), applicable to the fiscal year involved.

“(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for human generic activities are not more than 10 percent below the level specified in such subparagraph.

“(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013 for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013, may be collected and shall be credited to such account and remain available until expended.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted under subsection (c), if applicable, or as otherwise affected under paragraph (2) of this subsection.

“(j) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(k) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in human generic drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

“(l) POSITRON EMISSION TOMOGRAPHY DRUGS.—

“(1) EXEMPTION FROM FEES.—Submission of an application for a positron emission tomography drug or active pharmaceutical ingredient for a positron emission tomography drug shall not require the payment of any fee under this section. Facilities that solely produce positron emission tomography drugs shall not be required to pay a facility fee as established in subsection (a)(4).

“(2) IDENTIFICATION REQUIREMENT.—Facilities that produce positron emission tomography drugs or active pharmaceutical ingredients of such drugs are required to be identified pursuant to subsection (f).

“(m) DISPUTES CONCERNING FEES.—To qualify for the return of a fee claimed to have been paid in error under this section, a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid.

“(n) SUBSTANTIALLY COMPLETE APPLICATIONS.—An abbreviated new drug application that is not considered to be received within the meaning of section 505(j)(5)(A) because of failure to pay an applicable fee under this provision within the time period specified in subsection (g) shall be deemed not to have been ‘substantially complete’ on the date of its submission within the meaning of section 505(j)(5)(B)(iv)(II)(cc). An abbreviated new

drug application that is not substantially complete on the date of its submission solely because of failure to pay an applicable fee under the preceding sentence shall be deemed substantially complete and received within the meaning of section 505(j)(5)(A) as of the date such applicable fee is received.”.

SEC. 303. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 7 of subchapter C of chapter VII, as added by section 302 of this Act, is amended by inserting after section 744B the following:

“SEC. 744C. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

“(b) FISCAL REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for human generic drug activities for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the generic drug industry.

“(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the generic drug industry on the reauthorization of this part, the Secretary shall—

“(A) publish a notice in the Federal Register requesting public input on the reauthorization;

“(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

“(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

“(D) publish the comments on the Food and Drug Administration’s Internet Web site.

“(3) PERIODIC CONSULTATION.—Not less frequently than once every month during negotiations with the generic drug industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

“(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the generic drug industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

“(6) MINUTES OF NEGOTIATION MEETINGS.—

“(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the generic drug industry.

“(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.”.

SEC. 304. SUNSET DATES.

(a) AUTHORIZATION.—The amendments made by section 302 cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—The amendments made by section 303 cease to be effective January 31, 2018.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this title, whichever is later, except that fees under section 302 shall be assessed for all human generic drug submissions and Type II active pharmaceutical drug master files received on or after October 1, 2012, regardless of the date of enactment of this title.

SEC. 306. AMENDMENT WITH RESPECT TO MISBRANDING.

Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

“(aa) If it is a drug, or an active pharmaceutical ingredient, and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744A(a)(4) or for which identifying information required by section 744B(f) has not been submitted, or it contains an active pharmaceutical ingredient that was manufactured, prepared, propagated, compounded, or processed in such a facility.”.

SEC. 307. STREAMLINED HIRING AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION TO SUPPORT ACTIVITIES RELATED TO HUMAN GENERIC DRUGS.

Section 714 of the Federal Food, Drug, and Cosmetic Act, as added by section 208, is amended—

(1) in subsection (b)—

(A) by striking “are activities” and inserting “are—

“(1) activities”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(2) activities under this Act related to human generic drug activities (as defined in section 744A).”;

(2) by amending subsection (c) to read as follows:

“(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are—

“(1) with respect to the activities under subsection (b)(1), the goals referred to in section 738A(a)(1); and

“(2) with respect to the activities under subsection (b)(2), the performance goals with respect to section 744A (regarding assessment and use of human generic drug fees), as set forth in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012.”.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 401. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Biosimilar User Fee Act of 2012”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 402. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after part 7, as added by title III of this Act, the following:

“PART 8—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

“SEC. 744G. DEFINITIONS.

“For purposes of this part:

“(1) The term ‘adjustment factor’ applicable to a fiscal year that is the Consumer Price Index for all urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items) of the preceding fiscal year divided by such Index for September 2011.

“(2) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(3) The term ‘biosimilar biological product’ means a product for which a biosimilar biological product application has been approved.

“(4)(A) Subject to subparagraph (B), the term ‘biosimilar biological product applica-

tion’ means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.

“(B) Such term does not include—

“(i) a supplement to such an application;

“(ii) an application filed under section 351(k) of the Public Health Service Act that cites as the reference product a bovine blood product for topical application licensed before September 1, 1992, or a large volume parenteral drug product approved before such date;

“(iii) an application filed under section 351(k) of the Public Health Service Act with respect to—

“(I) whole blood or a blood component for transfusion;

“(II) an allergenic extract product;

“(III) an in vitro diagnostic biological product; or

“(IV) a biological product for further manufacturing use only; or

“(iv) an application for licensure under section 351(k) of the Public Health Service Act that is submitted by a State or Federal Government entity for a product that is not distributed commercially.

“(5) The term ‘biosimilar biological product development meeting’ means any meeting, other than a biosimilar initial advisory meeting, regarding the content of a development program, including a proposed design for, or data from, a study intended to support a biosimilar biological product application.

“(6) The term ‘biosimilar biological product development program’ means the program under this part for expediting the process for the review of submissions in connection with biosimilar biological product development.

“(7)(A) The term ‘biosimilar biological product establishment’ means a foreign or domestic place of business—

“(i) that is at one general physical location consisting of one or more buildings, all of which are within five miles of each other; and

“(ii) at which one or more biosimilar biological products are manufactured in final dosage form.

“(B) For purposes of subparagraph (A)(ii), the term ‘manufactured’ does not include packaging.

“(8) The term ‘biosimilar initial advisory meeting’—

“(A) means a meeting, if requested, that is limited to—

“(i) a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product; and

“(ii) if so, general advice on the expected content of the development program; and

“(B) does not include any meeting that involves substantive review of summary data or full study reports.

“(9) The term ‘costs of resources allocated for the process for the review of biosimilar biological product applications’ means the expenses in connection with the process for the review of biosimilar biological product applications for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers employees and committees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, mainte-

nance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under section 744H and accounting for resources allocated for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(10) The term ‘final dosage form’ means, with respect to a biosimilar biological product, a finished dosage form which is approved for administration to a patient without substantial further manufacturing (such as lyophilized products before reconstitution).

“(11) The term ‘financial hold’—

“(A) means an order issued by the Secretary to prohibit the sponsor of a clinical investigation from continuing the investigation if the Secretary determines that the investigation is intended to support a biosimilar biological product application and the sponsor has failed to pay any fee for the product required under subparagraph (A), (B), or (D) of section 744H(a)(1); and

“(B) does not mean that any of the bases for a ‘clinical hold’ under section 505(i)(3) have been determined by the Secretary to exist concerning the investigation.

“(12) The term ‘person’ includes an affiliate of such person.

“(13) The term ‘process for the review of biosimilar biological product applications’ means the following activities of the Secretary with respect to the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements:

“(A) The activities necessary for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(B) Actions related to submissions in connection with biosimilar biological product development, the issuance of action letters which approve biosimilar biological product applications or which set forth in detail the specific deficiencies in such applications, and where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The inspection of biosimilar biological product establishments and other facilities undertaken as part of the Secretary’s review of pending biosimilar biological product applications and supplements.

“(D) Activities necessary for the release of lots of biosimilar biological products under section 351(k) of the Public Health Service Act.

“(E) Monitoring of research conducted in connection with the review of biosimilar biological product applications.

“(F) Postmarket safety activities with respect to biologics approved under biosimilar biological product applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on biosimilar biological products, including adverse-event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(14) The term ‘supplement’ means a request to the Secretary to approve a change in a biosimilar biological product application which has been approved, including a supplement requesting that the Secretary determine that the biosimilar biological product meets the standards for interchangeability described in section 351(k)(4) of the Public Health Service Act.

“SEC. 744H. AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—Each person that submits to the Secretary a meeting request described under clause (ii) or a clinical protocol for an investigational new drug protocol described under clause (iii) shall pay for the product named in the meeting request or the investigational new drug application the initial biosimilar biological product development fee established under subsection (b)(1)(A).

“(ii) MEETING REQUEST.—The meeting request described in this clause is a request for a biosimilar biological product development meeting for a product.

“(iii) CLINICAL PROTOCOL FOR IND.—A clinical protocol for an investigational new drug protocol described in this clause is a clinical protocol consistent with the provisions of section 505(i), including any regulations promulgated under section 505(i), (referred to in this section as ‘investigational new drug application’) describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for a product.

“(iv) DUE DATE.—The initial biosimilar biological product development fee shall be due by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(II) The date of submission of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application.

“(v) TRANSITION RULE.—Each person that has submitted an investigational new drug application prior to the date of enactment of the Biosimilars User Fee Act of 2012 shall pay the initial biosimilar biological product development fee by the earlier of the following:

“(I) Not later than 60 days after the date of the enactment of the Biosimilars User Fee Act of 2012, if the Secretary determines that the investigational new drug application describes an investigation that is intended to support a biosimilar biological product application.

“(II) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—A person that pays an initial biosimilar biological product development fee for a product shall pay for such product, beginning in the fiscal year following the fiscal year in which the initial biosimilar biological product development

fee was paid, an annual fee established under subsection (b)(1)(B) for biosimilar biological product development (referred to in this section as ‘annual biosimilar biological product development fee’).

“(ii) DUE DATE.—The annual biosimilar biological product development program fee for each fiscal year will be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

“(iii) EXCEPTION.—The annual biosimilar development program fee for each fiscal year will be due on the date specified in clause (ii), unless the person has—

“(I) submitted a marketing application for the biological product that was accepted for filing; or

“(II) discontinued participation in the biosimilar biological product development program for the product under subparagraph (C).

“(C) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product effective October 1 of a fiscal year by, not later than August 1 of the preceding fiscal year—

“(i) if no investigational new drug application concerning the product has been submitted, submitting to the Secretary a written declaration that the person has no present intention of further developing the product as a biosimilar biological product; or

“(ii) if an investigational new drug application concerning the product has been submitted, by withdrawing the investigational new drug application in accordance with part 312 of title 21, Code of Federal Regulations (or any successor regulations).

“(D) REACTIVATION FEE.—

“(i) IN GENERAL.—A person that has discontinued participation in the biosimilar biological product development program for a product under subparagraph (C) shall pay a fee (referred to in this section as ‘reactivation fee’) by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued).

“(II) Upon the date of submission (after the date on which such participation was discontinued) of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product.

“(ii) APPLICATION OF ANNUAL FEE.—A person that pays a reactivation fee for a product shall pay for such product, beginning in the next fiscal year, the annual biosimilar biological product development fee under subparagraph (B).

“(E) EFFECT OF FAILURE TO PAY BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT MEETINGS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), the Secretary shall not provide a biosimilar biological product development meeting relating to the product for which fees are owed.

“(ii) NO RECEIPT OF INVESTIGATIONAL NEW DRUG APPLICATIONS.—Except in extraordinary circumstances, the Secretary shall

not consider an investigational new drug application to have been received under section 505(i)(2) if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D).

“(iii) FINANCIAL HOLD.—Notwithstanding section 505(i)(2), except in extraordinary circumstances, the Secretary shall prohibit the sponsor of a clinical investigation from continuing the investigation if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee for the product as required under subparagraph (D).

“(iv) NO ACCEPTANCE OF BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS OR SUPPLEMENTS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), any biosimilar biological product application or supplement submitted by that person shall be considered incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

“(F) LIMITS REGARDING BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO REFUNDS.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) or (B), or any reactivation fee paid under subparagraph (D).

“(ii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any initial or annual biosimilar biological product development fee due or payable under subparagraph (A) or (B), or any reactivation fee due or payable under subparagraph (D).

“(2) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION AND SUPPLEMENT FEE.—

“(A) IN GENERAL.—Each person that submits, on or after October 1, 2012, a biosimilar biological product application or a supplement shall be subject to the following fees:

“(i) A fee for a biosimilar biological product application that is equal to—

“(I) the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for the product that is the subject of the application.

“(ii) A fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are not required, that is equal to—

“(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(iii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application.

“(B) REDUCTION IN FEES.—Notwithstanding section 404 of the Biosimilars User Fee Act of 2012, any person who pays a fee under subparagraph (A), (B), or (D) of paragraph (1) for a product before October 1, 2017, but submits a biosimilar biological product application for that product after such date, shall be entitled to the reduction of any biosimilar biological product application fees that may be assessed at the time when such biosimilar biological product application is submitted, by the cumulative amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(C) PAYMENT DUE DATE.—Any fee required by subparagraph (A) shall be due upon submission of the application or supplement for which such fee applies.

“(D) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a biosimilar biological product application or supplement was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver), the submission of a biosimilar biological product application or a supplement for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

“(E) REFUND OF APPLICATION FEE IF APPLICATION REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under this paragraph for any application or supplement which is refused for filing or withdrawn without a waiver before filing.

“(F) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A biosimilar biological product application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived under subsection (c).

“(3) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—

“(A) IN GENERAL.—Except as provided in subparagraph (E), each person that is named as the applicant in a biosimilar biological product application shall be assessed an annual fee established under subsection (b)(1)(E) for each biosimilar biological product establishment that is listed in the approved biosimilar biological product application as an establishment that manufactures the biosimilar biological product named in such application.

“(B) ASSESSMENT IN FISCAL YEARS.—The establishment fee shall be assessed in each fiscal year for which the biosimilar biological product named in the application is assessed a fee under paragraph (4) unless the biosimilar biological product establishment listed in the application does not engage in the manufacture of the biosimilar biological product during such fiscal year.

“(C) DUE DATE.—The establishment fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of such fiscal year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.

“(D) APPLICATION TO ESTABLISHMENT.—

“(i) Each biosimilar biological product establishment shall be assessed only one fee per biosimilar biological product establishment, notwithstanding the number of biosimilar biological products manufactured at the establishment, subject to clause (ii).

“(ii) In the event an establishment is listed in a biosimilar biological product application by more than one applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose biosimilar biological products are manufactured by the establishment during the fiscal year and assessed biosimilar biological product fees under paragraph (4).

“(E) EXCEPTION FOR NEW PRODUCTS.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a biosimilar biological product at an establishment listed in its biosimilar biological product application—

“(i) that did not manufacture the biosimilar biological product in the previous fiscal year; and

“(ii) for which the full biosimilar biological product establishment fee has been assessed in the fiscal year at a time before manufacture of the biosimilar biological product was begun,

the applicant shall not be assessed a share of the biosimilar biological product establishment fee for the fiscal year in which the manufacture of the product began.

“(4) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—

“(A) IN GENERAL.—Each person who is named as the applicant in a biosimilar biological product application shall pay for each such biosimilar biological product the annual fee established under subsection (b)(1)(F).

“(B) DUE DATE.—The biosimilar biological product fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of each such year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

“(C) ONE FEE PER PRODUCT PER YEAR.—The biosimilar biological product fee shall be paid only once for each product for each fiscal year.

“(b) FEE SETTING AND AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, the fees under subsection (a). Except as provided in subsection (c), such fees shall be in the following amounts:

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The initial biosimilar biological product development fee under subsection (a)(1)(A) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The annual biosimilar biological product development fee under subsection (a)(1)(B) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(C) REACTIVATION FEE.—The reactivation fee under subsection (a)(1)(D) for a fiscal year shall be equal to 20 percent of the amount of the fee established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(D) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—The biosimilar biological product application fee under subsection (a)(2) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(E) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—The biosimilar biological product establishment fee under subsection (a)(3) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug establishment for that fiscal year.

“(F) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—The biosimilar biological product fee under subsection (a)(4) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug product for that fiscal year.

“(2) LIMIT.—The total amount of fees charged for a fiscal year under this section may not exceed the total amount for such fiscal year of the costs of resources allocated for the process for the review of biosimilar biological product applications.

“(c) APPLICATION FEE WAIVER FOR SMALL BUSINESS.—

“(1) WAIVER OF APPLICATION FEE.—The Secretary shall grant to a person who is named in a biosimilar biological product application a waiver from the application fee assessed to that person under subsection (a)(2)(A) for the first biosimilar biological product application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

“(A) application fees for all subsequent biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business; and

“(B) all supplement fees for all supplements to biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business.

“(2) CONSIDERATIONS.—In determining whether to grant a waiver of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant.

“(3) SMALL BUSINESS DEFINED.—In this subsection, the term ‘small business’ means an entity that has fewer than 500 employees, including employees of affiliates, and does not have a drug product that has been approved under a human drug application (as defined in section 735) or a biosimilar biological product application (as defined in section 744G(4)) and introduced or delivered for introduction into interstate commerce.

“(d) EFFECT OF FAILURE TO PAY FEES.—A biosimilar biological product application or supplement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

“(e) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Subject to paragraph (2), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of biosimilar biological product applications.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year.

“(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of the process for the review of biosimilar biological product applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$20,000,000, multiplied by the adjustment factor applicable to the fiscal year involved.

“(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013, for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013 may be collected and shall be credited to such account and remain available until expended.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total amount of fees assessed for such fiscal year under this section.

“(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) WRITTEN REQUESTS FOR WAIVERS AND REFUNDS.—To qualify for consideration for a waiver under subsection (c), or for a refund of any fee collected in accordance with subsection (a)(2)(A), a person shall submit to the Secretary a written request for such waiver or refund not later than 180 days after such fee is due.

“(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in the process of the review of biosimilar biological product applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.”.

SEC. 403. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 8 of subchapter C of chapter VII, as added by section 402, is further amended by inserting after section 744H the following:

“SEC. 744I. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of

the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 401(b) of the Biosimilar User Fee Act of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all biosimilar biological product applications and supplements in the cohort.

“(b) FISCAL REPORT.—Not later than 120 days after the end of fiscal year 2013 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) STUDY.—

“(1) IN GENERAL.—The Secretary shall contract with an independent accounting or consulting firm to study the workload volume and full costs associated with the process for the review of biosimilar biological product applications.

“(2) INTERIM RESULTS.—Not later than June 1, 2015, the Secretary shall publish, for public comment, interim results of the study described under paragraph (1).

“(3) FINAL RESULTS.—Not later than September 30, 2016, the Secretary shall publish, for public comment, the final results of the study described under paragraph (1).

“(e) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for the process for the review of biosimilar biological product applications for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the regulated industry.

“(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Sec-

retary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.”.

SEC. 404. SUNSET DATES.

(a) AUTHORIZATION.—The amendment made by section 402 shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—The amendment made by section 403 shall cease to be effective January 31, 2018.

SEC. 405. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this title shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this title.

(b) EXCEPTION.—Fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as added by this title, shall be assessed for all biosimilar biological product applications received on or after October 1, 2012, regardless of the date of the enactment of this title.

SEC. 406. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2007, but before October 1, 2012, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 407. CONFORMING AMENDMENT.

Section 735(1)(B) (21 U.S.C. 379g(1)(B)) is amended by striking “or (k)”.

TITLE V—PEDIATRIC DRUGS AND DEVICES

SEC. 501. PERMANENCE.

(a) PEDIATRIC STUDIES OF DRUGS.—Subsection (q) of section 505A (21 U.S.C. 355a) is amended—

(1) in the subsection heading, by striking “SUNSET” and inserting “PERMANENCE”;

(2) in paragraph (1), by striking “on or before October 1, 2012,”; and

(3) in paragraph (2), by striking “on or before October 1, 2012,”.

(b) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.—Section 505B (21 U.S.C. 355c) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

SEC. 502. WRITTEN REQUESTS.

(a) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subsection (h) of section 505A (21 U.S.C. 355a) is amended to read as follows:

“(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Exclusivity under this section shall only be granted for the completion of a study or studies that are the subject of a written request and for which reports are submitted and accepted in accordance with subsection (d)(3). Written requests under this section may consist of a study or studies required under section 505B.”.

(b) PUBLIC HEALTH SERVICE ACT.—Section 351(m)(1) of the Public Health Service Act (42 U.S.C. 262(m)(1)) is amended by striking “(f), (i), (j), (k), (l), (p), and (q)” and inserting “(f), (h), (i), (j), (k), (l), (n), and (p)”.

SEC. 503. COMMUNICATION WITH PEDIATRIC REVIEW COMMITTEE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health

and Human Services (referred to in this title as the "Secretary") shall issue internal standard operating procedures that provide for the review by the internal review committee established under section 505C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355d) of any significant modifications to initial pediatric study plans, agreed initial pediatric study plans, and written requests under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c). Such internal standard operating procedures shall be made publicly available on the Internet website of the Food and Drug Administration.

SEC. 504. ACCESS TO DATA.

Not later than 3 years after the date of enactment of this Act, the Secretary shall make available to the public, including through posting on the Internet website of the Food and Drug Administration, the medical, statistical, and clinical pharmacology reviews of, and corresponding written requests issued to an applicant, sponsor, or holder for, pediatric studies submitted between January 4, 2002 and September 27, 2007 under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) for which 6 months of market exclusivity was granted and that resulted in a labeling change. The Secretary shall make public the information described in the preceding sentence in a manner consistent with how the Secretary releases information under section 505A(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(k)).

SEC. 505. ENSURING THE COMPLETION OF PEDIATRIC STUDIES.

(a) EXTENSION OF DEADLINE FOR DEFERRED STUDIES.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

“(B) DEFERRAL EXTENSION.—

“(i) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may grant an extension of a deferral approved under subparagraph (A) for submission of some or all assessments required under paragraph (1) if—

“(I) the Secretary determines that the conditions described in subclause (II) or (III) of subparagraph (A)(i) continue to be met; and

“(II) the applicant submits a new timeline under subparagraph (A)(ii)(IV) and any significant updates to the information required under subparagraph (A)(ii).

“(ii) TIMING AND INFORMATION.—If the deferral extension under this subparagraph is requested by the applicant, the applicant shall submit the deferral extension request containing the information described in this subparagraph not less than 90 days prior to the date that the deferral would expire. The Secretary shall respond to such request not later than 45 days after the receipt of such letter. If the Secretary grants such an extension, the specified date shall be the extended date. The sponsor of the required assessment under paragraph (1) shall not be issued a letter described in subsection (d) unless the specified or extended date of submission for such required studies has passed or if the request for an extension is pending. For a deferral that has expired prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act or that will expire prior to 270 days after the date of enactment of such Act, a deferral extension shall be requested by an applicant not later than 180 days after the date of enactment of

such Act. The Secretary shall respond to any such request as soon as practicable, but not later than 1 year after the date of enactment of such Act. Nothing in this clause shall prevent the Secretary from updating the status of a study or studies publicly if components of such study or studies are late or delayed.”; and

(C) in subparagraph (C), as so redesignated—

(i) in clause (i), by adding at the end the following:

“(III) Projected completion date for pediatric studies.

“(IV) The reason or reasons why a deferral or deferral extension continues to be necessary.”; and

(ii) in clause (ii)—

(I) by inserting “, as well as the date of each deferral or deferral extension, as applicable,” after “clause (i)”;

(II) by inserting “not later than 90 days after submission to the Secretary or with the next routine quarterly update” after “Administration”; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS”;

(B) in paragraph (1), by inserting “, deferral extension,” after “deferral”;

(C) in paragraph (4)—

(i) in the paragraph heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS”;

(ii) by inserting “, deferral extensions,” after “deferrals”.

(b) TRACKING OF EXTENSIONS; ANNUAL INFORMATION.—Section 505B(f)(6)(D) (21 U.S.C. 355c(f)(6)(D)) is amended to read as follows:

“(D) aggregated on an annual basis—

“(i) the total number of deferrals and deferral extensions requested and granted under this section and, if granted, the reasons for each such deferral or deferral extension;

“(ii) the timeline for completion of the assessments; and

“(iii) the number of assessments completed and pending.”;

(c) ACTION ON FAILURE TO COMPLETE STUDIES.—

(1) ISSUANCE OF LETTER.—Subsection (d) of section 505B (21 U.S.C. 355c) is amended to read as follows:

“(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit a required assessment described in subsection (a)(2), fails to meet the applicable requirements in subsection (a)(3), or fails to submit a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b), the following shall apply:

“(1) Beginning 270 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall issue a non-compliance letter to such person informing them of such failure to submit or meet the requirements of the applicable subsection. Such letter shall require the person to respond in writing within 45 calendar days of issuance of such letter. Such response may include the person's request for a deferral extension if applicable. Such letter and the person's written response to such letter shall be made publicly available on the Internet Web site of the Food and Drug Administration 60 calendar days after issuance, with redactions for any trade secrets and confidential commercial information. If the Secretary determines that the letter was issued in error, the requirements of this paragraph shall not apply.

“(2) The drug or biological product that is the subject of an assessment described in subsection (a)(2), applicable requirements in subsection (a)(3), or request for approval of a pediatric formulation, may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303), but such failure shall not be the basis for a proceeding—

“(A) to withdraw approval for a drug under section 505(e); or

“(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.”.

(2) TRACKING OF LETTERS ISSUED.—Subparagraph (D) of section 505B(f)(6) (21 U.S.C. 355c(f)(6)), as amended by subsection (b), is further amended—

(A) in clause (ii), by striking “; and” and inserting a semicolon;

(B) in clause (iii), by adding “and” at the end; and

(C) by adding at the end the following:

“(iv) the number of postmarket non-compliance letters issued pursuant to subsection (d), and the recipients of such letters.”.

SEC. 506. PEDIATRIC STUDY PLANS.

(a) IN GENERAL.—Subsection (e) of section 505B (21 U.S.C. 355c) is amended to read as follows:

“(e) PEDIATRIC STUDY PLANS.—

“(1) IN GENERAL.—An applicant subject to subsection (a) shall submit to the Secretary an initial pediatric study plan prior to the submission of the assessments described under subsection (a)(2).

“(2) TIMING; CONTENT; MEETING.—

“(A) TIMING.—An applicant shall submit an initial pediatric study plan to the Secretary not later than 60 calendar days after the date of the end of phase II meeting or such other equivalent time agreed upon between the Secretary and the applicant. Nothing in this paragraph shall preclude the Secretary from accepting the submission of an initial pediatric study plan earlier than the date described under the preceding sentence.

“(B) CONTENT OF INITIAL PLAN.—The initial pediatric study plan shall include—

“(i) an outline of the pediatric study or studies that the applicant plans to conduct (including, to the extent practicable study objectives and design, age groups, relevant endpoints, and statistical approach);

“(ii) any request for a deferral, partial waiver, or waiver under this section, if applicable, along with any supporting information; and

“(iii) other information specified in the regulations promulgated under paragraph (4).

“(C) MEETING.—The Secretary—

“(i) shall meet with the applicant to discuss the initial pediatric study plan as soon as practicable, but not later than 90 calendar days after the receipt of such plan under subparagraph (A);

“(ii) may determine that a written response to the initial pediatric study plan is sufficient to communicate comments on the initial pediatric study plan, and that no meeting is necessary; and

“(iii) if the Secretary determines that no meeting is necessary, shall so notify the applicant and provide written comments of the Secretary as soon as practicable, but not later than 90 calendar days after the receipt of the initial pediatric study plan.

“(3) AGREED INITIAL PEDIATRIC STUDY PLAN.—Not later than 90 calendar days following the meeting under paragraph (2)(C)(i) or the receipt of a written response from the

Secretary under paragraph (2)(C)(iii), the applicant shall document agreement on the initial pediatric study plan in a submission to the Secretary marked 'Agreed Initial Pediatric Study Plan', and the Secretary shall confirm such agreement to the applicant in writing not later than 30 calendar days of receipt of such agreed initial pediatric study plan.

"(4) DEFERRAL AND WAIVER.—If the agreed initial pediatric study plan contains a request from the applicant for a deferral, partial waiver, or waiver under this section, the written confirmation under paragraph (3) shall include a recommendation from the Secretary as to whether such request meets the standards under paragraphs (3) or (4) of subsection (a).

"(5) AMENDMENTS TO THE PLAN.—At the initiative of the Secretary or the applicant, the agreed initial pediatric study plan may be amended at any time. The requirements of paragraph (2)(C) shall apply to any such proposed amendment in the same manner and to the same extent as such requirements apply to an initial pediatric study plan under paragraph (1). The requirements of paragraphs (3) and (4) shall apply to any agreement resulting from such proposed amendment in the same manner and to the same extent as such requirements apply to an agreed initial pediatric study plan.

"(6) INTERNAL COMMITTEE.—The Secretary shall consult the internal committee under section 505C on the review of the initial pediatric study plan, agreed initial pediatric plan, and any significant amendments to such plans.

"(7) REQUIRED RULEMAKING.—Not later than 1 year after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall promulgate proposed regulations and issue proposed guidance to implement the provisions of this subsection."

(b) CONFORMING AMENDMENTS.—Section 505B (21 U.S.C. 355c) is amended—

(1) by amending subclause (II) of subsection (a)(3)(A)(ii) to read as follows:

"(II) a pediatric study plan as described in subsection (e)"; and

(2) in subsection (f)—

(A) in the subsection heading, by striking "PEDIATRIC PLANS," and inserting "PEDIATRIC STUDY PLANS,";

(B) in paragraph (1), by striking "all pediatric plans" and inserting "initial pediatric study plans, agreed initial pediatric study plans,"; and

(C) in paragraph (4)—

(i) in the paragraph heading, by striking "PEDIATRIC PLANS," and inserting "PEDIATRIC STUDY PLANS,"; and

(ii) by striking "pediatric plans" and inserting "initial pediatric study plans, agreed initial pediatric study plans,".

(c) EFFECTIVE DATES.—

(1) PEDIATRIC STUDY PLANS.—Subsection (e) of section 505B of the Federal Food, Drug, and Cosmetic Act (other than paragraph (4) of such subsection), as amended by subsection (a), shall take effect 180 days after the date of enactment of this Act, without regard to whether the Secretary has promulgated final regulations under paragraph (4) of such subsection by such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (b) shall take effect 180 days after the date of enactment of this Act.

SEC. 507. REAUTHORIZATIONS.

(a) PEDIATRIC ADVISORY COMMITTEE.—Section 14(d) of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amend-

ed by striking "Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007" and inserting "Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee".

(b) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.—Section 15(a)(3) of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by striking "during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007" and inserting "for the duration of the operation of the Oncologic Drugs Advisory Committee".

(c) HUMANITARIAN DEVICE EXEMPTION EXTENSION.—Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking "2012" and inserting "2017".

(d) DEMONSTRATION GRANTS TO IMPROVE PEDIATRIC DEVICE AVAILABILITY.—Section 305(e) of Pediatric Medical Device Safety and Improvement Act (Public Law 110 85; 42 U.S.C. 282 note) is amended by striking "\$6,000,000 for each of fiscal years 2008 through 2012" and inserting "\$4,500,000 for each of fiscal years 2013 through 2017".

(e) PROGRAM FOR PEDIATRIC STUDY OF DRUGS IN PHSA.—Section 409I(e)(1) of the Public Health Service Act (42 U.S.C. 284m(e)(1)) is amended by striking "to carry out this section" and all that follows through the end of paragraph (1) and inserting "to carry out this section \$25,000,000 for each of fiscal years 2012 through 2017".

SEC. 508. REPORT.

(a) IN GENERAL.—Not later than October 31, 2016, and at the end of each subsequent 5-year period, the Secretary shall submit to Congress a report that evaluates the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) and section 409I of the Public Health Service Act (42 U.S.C. 284m) in ensuring that medicines used by children are tested in pediatric populations and properly labeled for use in children.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) the number and importance of drugs and biological products for children for which studies have been requested or required (as of the date of such report) under 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) and section 409I of the Public Health Service Act (42 U.S.C. 284m), including—

(A) the number of labeling changes made to drugs and biological products pursuant to such sections since the date of enactment of this Act; and

(B) the importance of such drugs and biological products in the improvement of the health of children;

(2) the number of required studies under such section 505B that have not met the initial deadline provided under such section, including—

(A) the number of deferrals and deferral extensions granted and the reasons such extensions were granted;

(B) the number of waivers and partial waivers granted; and

(C) the number of letters issued under subsection (d) of such section 505B;

(3) the number of written requests issued, declined, and referred to the National Institutes of Health under such section 505A since the date of enactment of this Act (including

the reasons for such declination), and a description and status of referrals made under subsection (n) of such section 505A;

(4) the number of proposed pediatric study plans submitted and agreed to as identified in the marketing application under such section 505B;

(5) any labeling changes recommended by the Pediatric Advisory Committee as a result of the review by such Committee of adverse events reports;

(6) the number and current status of pediatric postmarketing requirements;

(7) the number and importance of drugs and biological products for children that are not being tested for use in pediatric populations, notwithstanding the existence of the programs under such sections 505A and 505B and section 409I of the Public Health Service Act;

(8) the possible reasons for the lack of testing reported under paragraph (7);

(9) the number of drugs and biological products for which testing is being done (as of the date of the report) and for which a labeling change is required under the programs described in paragraph (7), including—

(A) the date labeling changes are made;

(B) which labeling changes required the use of the dispute resolution process; and

(C) for labeling changes that required such dispute resolution process, a description of—

(i) the disputes;

(ii) the recommendations of the Pediatric Advisory Committee; and

(iii) the outcomes of such process; and

(D) an assessment of the effectiveness in improving information about pediatric uses of drugs and biological products;

(10)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonatal population (including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe); and

(B) the results of such efforts;

(11)(A) the number and importance of drugs and biological products for children with cancer that are being tested as a result of the programs described in paragraph (7); and

(B) any recommendations for modifications to such programs that would lead to new and better therapies for children with cancer, including a detailed rationale for each recommendation;

(12) an assessment of progress made in addressing the recommendations and findings of any prior report issued by the Comptroller General, the Institute of Medicine, or the Secretary regarding the topics addressed in the report under this section, including with respect to—

(A) improving public access to information from pediatric studies conducted under such sections 505A and 505B; and

(B) improving the timeliness of pediatric studies and pediatric study planning under such sections 505A and 505B;

(13) any recommendations for modification to the programs that would improve pediatric drug research and increase pediatric labeling of drugs and biological products; and

(14) an assessment of the successes of and limitations to studying drugs for rare diseases under such sections 505A and 505B.

(c) CONSULTATION ON RECOMMENDATIONS.—At least 180 days before the report is due under subsection (a), and no sooner than 4 years after the date of enactment of this

Act, the Secretary shall consult with representatives of patient groups, including pediatric patient groups, consumer groups, regulated industry, scientific and medical communities, academia, and other interested parties to obtain any recommendations or information relevant to the effectiveness of the programs described in subsection (b)(7), including suggestions for modifications to such programs.

SEC. 509. TECHNICAL AMENDMENTS.

(a) PEDIATRIC STUDIES OF DRUGS IN FFDCA.—Section 505A (21 U.S.C. 355a) is amended—

(1) in subsection (k)(2), by striking “subsection (f)(3)(F)” and inserting “subsection (f)(6)(F)”;

(2) in subsection (n)—

(A) in the subsection heading, by striking “COMPLETED” and inserting “SUBMITTED”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “have not been completed” and inserting “have not been submitted by the date specified in the written request issued or if the applicant or holder does not agree to the request”;

(ii) in subparagraph (A)—

(I) in the first sentence, by inserting “, or for which a period of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act has not ended” after “expired”;

(II) by striking “Prior to” and all that follows through the period at the end; and

(iii) in subparagraph (B), by striking “no listed patents or has 1 or more listed patents that have expired,” and inserting “no unexpired listed patents and for which no unexpired periods of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act apply.”;

(3) in subsection (o)(2), by amending subparagraph (B) to read as follows:

“(B) a statement of any appropriate pediatric contraindications, warnings, precautions, or other information that the Secretary considers necessary to assure safe use.”.

(b) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PROJECTS IN FFDCA.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “for a drug” after “(or supplement to an application)”;

(ii) in subparagraph (A), by striking “for a” and inserting “, including, with respect to a drug, an application (or supplement to an application) for a”;

(iii) in subparagraph (B), by striking “for a” and inserting “, including, with respect to a drug, an application (or supplement to an application) for a”;

(iv) in the matter following subparagraph (B), by inserting “(or supplement)” after “application”;

(B) in paragraph (4)(C)—

(i) in the first sentence, by inserting “partial” before “waiver is granted”;

(ii) in the second sentence, by striking “either a full or” and inserting “such a”;

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “After providing notice” and all that follows through “studies,” and inserting “The”;

(3) in subsection (g)—

(A) in paragraph (1)(A), by inserting “that receives a priority review or 330 days after the date of the submission of an application or supplement that receives a standard review” after “after the date of the submission of the application or supplement”;

(B) in paragraph (2), by striking “the label of such product” and inserting “the labeling of such product”;

(4) in subsection (h)(1)—

(A) by inserting “an application (or supplement to an application) that contains” after “date of submission of”;

(B) by inserting “, if the application (or supplement) receives a priority review, or not later than 330 days after the date of submission of an application (or supplement to an application) that contains a pediatric assessment under this section, if the application (or supplement) receives a standard review,” after “under this section.”

(c) INTERNAL REVIEW COMMITTEE.—The heading of section 505C (21 U.S.C. 355d) is amended by inserting “AND DEFERRAL EXTENSIONS” after “DEFERRALS”.

(d) PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.—Section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “or section 351(m) of this Act,” after “Cosmetic Act.”;

(B) in subparagraph (A)(i), by inserting “or section 351(k) of this Act” after “Cosmetic Act”;

(C) by amending subparagraph (B) to read as follows:

“(B) there remains no patent listed pursuant to section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act, and every three-year and five-year period referred to in subsection (c)(3)(E)(ii), (c)(3)(E)(iii), (c)(3)(E)(iv), (j)(5)(F)(ii), (j)(5)(F)(iii), or (j)(5)(F)(iv) of section 505 of the Federal Food, Drug, and Cosmetic Act, or applicable twelve-year period referred to in section 351(k)(7) of this Act, and any seven-year period referred to in section 527 of the Federal Food, Drug, and Cosmetic Act has ended for at least one form of the drug; and”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “FOR DRUGS LACKING EXCLUSIVITY”;

(B) by striking “under section 505 of the Federal Food, Drug, and Cosmetic Act”;

(C) by striking “505A of such Act” and inserting “505A of the Federal Food, Drug, and Cosmetic Act or section 351(m) of this Act”.

(e) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC ADVISORY COMMITTEE.—Section 15(a) of the Best Pharmaceuticals for Children Act (Public Law 107-109), as amended by section 502(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110-85), is amended in paragraph (1)(D), by striking “section 505B(f)” and inserting “section 505C”.

(f) FOUNDATION OF NATIONAL INSTITUTES OF HEALTH.—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking “for which the Secretary issues a certification in the affirmative under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act”.

(g) APPLICATION.—Notwithstanding any provision of section 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) stating that a provision applies beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007 or the date of the enactment of the Pediatric Research Equity Act of 2007, any amendment made by this title to such a provision applies beginning on the date of the enactment of this Act.

SEC. 510. RELATIONSHIP BETWEEN PEDIATRIC LABELING AND NEW CLINICAL INVESTIGATION EXCLUSIVITY.

(a) IN GENERAL.—Section 505 (21 U.S.C. 351) is amended by adding at the end the following:

“(w) RELATIONSHIP BETWEEN PEDIATRIC LABELING AND NEW CLINICAL INVESTIGATION EXCLUSIVITY.—The period of market exclusivity described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) shall not apply to a pediatric study conducted under section 505A or 505B that results, pursuant to section 505B(g)(2), in the inclusion in the labeling of the product a determination that the product is not indicated for use in pediatric populations or subpopulations or information indicating that the results of a study were inconclusive or did not demonstrate that the product is safe or effective in pediatric populations or subpopulations.”.

(b) PEDIATRIC STUDIES OF DRUGS.—Section 505A(m) (21 U.S.C. 355a(m)) is amended—

(1) by striking “(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—If a” and all that follows through the end of the matter that precedes paragraph (1) and inserting the following:

“(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICATION OR SUPPLEMENT UNDER SUBSECTION (C) OR (J) OF SECTION 505.—

“(1) 180-DAY EXCLUSIVITY PERIOD.—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month exclusivity period under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended from—”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and moving such subparagraphs, as so redesignated, 2 ems to the right; and

(3) by adding at the end the following:

“(2) 3-YEAR EXCLUSIVITY PERIOD.—The 3-year period of exclusivity under clauses (iii) and (iv) of subsection 505(c)(3)(E) and clauses (iii) and (iv) of subsection 505(j)(5)(F) are not available for approval of applications or supplements to applications based on reports of pediatric studies conducted under sections 505A or 505B that resulted, pursuant to section 505A(j) or 505B(g)(2), in the inclusion in the labeling of the product a determination that the product is not indicated for use in pediatric populations or subpopulations or information indicating that the results of an assessment were inconclusive or did not demonstrate that the product is safe or effective in pediatric populations or subpopulations.”.

(c) PROMPT APPROVAL OF DRUGS.—Section 505A(o) (21 U.S.C. 355a(o)) is amended—

(1) in the heading, by striking “SECTION 505(J)” and inserting “SUBSECTIONS (C) AND (J) OF SECTION 505”;

(2) in paragraph (1), by striking “under section 505(j)” and inserting “under subsection (b)(2), (c), or (j) of section 505”;

(3) in paragraph (2), in the matter preceding subparagraph (A), by inserting “clauses (iii) and (iv) of section 505(c)(3)(E) or” after “Notwithstanding”;

(4) in paragraph (3)—

(A) in subparagraph (B), by inserting “that differ from adult formulations” before the semicolon at the end; and

(B) in subparagraph (C)—

(i) by striking “under section 505(j)” and inserting “under subsection (c) or (j) of section 505”; and

(ii) by inserting “clauses (iii) or (iv) of section 505(c)(3)(E) or” after “exclusivity under”.

SEC. 511. PEDIATRIC RARE DISEASES.

(a) PUBLIC MEETING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall hold a public meeting to discuss ways to encourage and accelerate the development of new therapies for pediatric rare diseases.

(b) REPORT.—Not later than 180 days after the date of the public meeting under subsection (a), the Secretary shall issue a report that includes a strategic plan for encouraging and accelerating the development of new therapies for treating pediatric rare diseases.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

SEC. 601. RECLASSIFICATION PROCEDURES.

(a) CLASSIFICATION CHANGES.—

(1) IN GENERAL.—Section 513(e)(1) (21 U.S.C. 360c(e)(1)) is amended to read as follows:

“(e)(1)(A) Based on new information respecting a device, the Secretary may, upon the initiative of the Secretary or upon petition of an interested person, change the classification of such device, and revoke, on account of the change in classification, any regulation or requirement in effect under section 514 or 515 with respect to such device, by administrative order published in the Federal Register following publication of a proposed reclassification order in the Federal Register, a meeting of a device classification panel described in subsection (b), and consideration of comments to a public docket, notwithstanding subchapter II of Chapter 5 of title 5 of the United States Code. An order under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

“(B) Authority to issue such administrative order shall not be delegated below the Commissioner. The Commissioner shall issue such an order as proposed by the Director of the Center for Devices and Radiological Health unless the Commissioner, in consultation with the Office of the Secretary of Health and Human Services, concludes that the order exceeds the legal authority of the Food and Drug Administration or that the order would be lawful, but unlikely to advance the public health.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 513(e)(2) (21 U.S.C. 360c(e)(2)) is amended by striking “regulation promulgated” and inserting “an order issued”.

(B) Section 514(a)(1) (21 U.S.C. 360d(a)(1)) is amended by striking “under a regulation under section 513(e) but such regulation” and inserting “under an administrative order under section 513(e) (or a regulation promulgated under such section prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act) but such order (or regulation)”;

(C) Section 517(a)(1) (21 U.S.C. 360g(a)(1)) is amended by striking “or changing the classification of a device to class I” and inserting “, an administrative order changing the classification of a device to class I.”.

(3) DEVICES RECLASSIFIED PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—The amendments made by this subsection shall have no effect on a regulation promulgated with respect to the

classification of a device under section 513(e) of the Federal Food, Drug, and Cosmetic Act prior to the date of enactment of this Act.

(B) APPLICABILITY OF OTHER PROVISIONS.—In the case of a device reclassified under section 513(e) of the Federal Food, Drug, and Cosmetic Act by regulation prior to the date of enactment of this Act, section 517(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g(a)(1)) shall apply to such regulation promulgated under section 513(e) of such Act with respect to such device in the same manner such section 517(a)(1) applies to an administrative order issued with respect to a device reclassified after the date of enactment of this Act.

(b) DEVICES MARKETED BEFORE MAY 28, 1976.—

(1) PREMARKET APPROVAL.—Section 515 (21 U.S.C. 360e) is amended—

(A) in subsection (a), by striking “regulation promulgated under subsection (b)” and inserting “an order issued under subsection (b) (or a regulation promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the heading, by striking “Regulation” and inserting “Order”; and

(II) in the matter following subparagraph (B)—

(aa) by striking “by regulation, promulgated in accordance with this subsection” and inserting “by administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code”; and

(bb) by adding at the end the following:

“Authority to issue such administrative order shall not be delegated below the Commissioner. Before publishing such administrative order, the Commissioner shall consult with the Office of the Secretary. The Commissioner shall issue such an order as proposed by the Director of the Center for Devices and Radiological Health unless the Commissioner, in consultation with the Office of the Secretary, concludes that the order exceeds the legal authority of the Food and Drug Administration or that the order would be lawful, but unlikely to advance the public health.”;

(i) in paragraph (2)—

(I) by striking subparagraph (B); and

(II) in subparagraph (A)—

(aa) by striking “(2)(A) A proceeding for the promulgation of a regulation under paragraph (1) respecting a device shall be initiated by the publication in the Federal Register of a notice of proposed rulemaking. Such notice shall contain—” and inserting “(2) A proposed order required under paragraph (1) shall contain—”;

(bb) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(cc) in subparagraph (A), as so redesignated, by striking “regulation” and inserting “order”; and

(dd) in subparagraph (C), as so redesignated, by striking “regulation” and inserting “order”;

(iii) in paragraph (3)—

(I) by striking “proposed regulation” each place such term appears and inserting “proposed order”;

(II) by striking “paragraph (2) and after” and inserting “paragraph (2),”;

(III) by inserting “and a meeting of a device classification panel described in section 513(b),” after “such proposed regulation and findings,”;

(IV) by striking “(A) promulgate such regulation” and inserting “(A) issue an administrative order under paragraph (1)”;

(V) by striking “paragraph (2)(A)(ii)” and inserting “paragraph (2)(B)”;

(VI) by striking “promulgation of the regulation” and inserting “issuance of the administrative order”; and

(iv) by striking paragraph (4); and

(C) in subsection (i)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking “December 1, 1995” and inserting “the date that is 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act”; and

(bb) by striking “publish a regulation in the Federal Register” and inserting “issue an administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code,”;

(II) in subparagraph (B), by striking “final regulation has been promulgated under section 515(b)” and inserting “administrative order has been issued under subsection (b) (or no regulation has been promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)”;

(III) in the matter following subparagraph (B), by striking “regulation requires” and inserting “administrative order issued under this paragraph requires”; and

(IV) by striking the third and fourth sentences; and

(ii) in paragraph (3)—

(I) by striking “regulation requiring” each place such term appears and inserting “order requiring”; and

(II) by striking “promulgation of a section 515(b) regulation” and inserting “issuance of an administrative order under subsection (b)”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 501(f) (21 U.S.C. 351(f)) is amended—

(A) in subparagraph (1)(A)—

(i) in subclause (i), by striking “a regulation promulgated” and inserting “an order issued”; and

(ii) in subclause (ii), by striking “promulgation of such regulation” and inserting “issuance of such order”;

(B) in subparagraph (2)(B)—

(i) by striking “a regulation promulgated” and inserting “an order issued”; and

(ii) by striking “promulgation of such regulation” and inserting “issuance of such order”;

(C) by adding at the end the following:

“(3) In the case of a device with respect to which a regulation was promulgated under section 515(b) prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act, a reference in this subsection to an order issued under section 515(b) shall be deemed to include such regulation.”.

(3) APPROVAL BY REGULATION PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—The amendments made by this subsection shall have no effect on a regulation that was promulgated prior to the date of enactment of

this Act requiring that a device have an approval under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) of an application for premarket approval.

(c) **REPORTING.**—The Secretary of Health and Human Services shall annually post on the Internet website of the Food and Drug Administration—

(1) the number and type of class I and class II devices reclassified as class II or class III in the previous calendar year under section 513(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(e)(1));

(2) the number and type of class II and class III devices reclassified as class I or class II in the previous calendar year under such section 513(e)(1); and

(3) the number and type of devices reclassified in the previous calendar year under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e).

SEC. 602. CONDITION OF APPROVAL STUDIES.

Section 515(d)(1)(B)(ii) (21 U.S.C. 360e(d)(1)(B)(ii)) is amended—

(1) by striking “(ii)” and inserting “(i)(I)”;

and

(2) by adding at the end the following:

“(II) An order approving an application for a device may require as a condition to such approval that the applicant conduct a postmarket study regarding the device.”.

SEC. 603. POSTMARKET SURVEILLANCE.

Section 522 (21 U.S.C. 360l) is amended—

(1) in subsection (a)(1)(A), in the matter preceding clause (i), by inserting “, at the time of approval or clearance of a device or at any time thereafter,” after “by order”;

and

(2) in subsection (b)(1), by inserting “The manufacturer shall commence surveillance under this section not later than 15 months after the day on which the Secretary issues an order under this section.” after the second sentence.

SEC. 604. SENTINEL.

Section 519 (21 U.S.C. 360i) is amended by adding at the end the following:

“(h) **INCLUSION OF DEVICES IN THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.**—

“(1) **IN GENERAL.**—

“(A) **APPLICATION TO DEVICES.**—The Secretary shall amend the procedures established and maintained under clauses (i), (ii), (iii), and (v) of section 505(k)(3)(C) in order to expand the postmarket risk identification and analysis system established under such section to include and apply to devices.

“(B) **EXCEPTION.**—Subclause (II) of clause (i) of section 505(k)(3)(C) shall not apply to devices.

“(C) **CLARIFICATION.**—With respect to devices, the private sector health-related electronic data provided under section 505(k)(3)(C)(i)(III)(bb) may include medical device utilization data, health insurance claims data, and procedure and device registries.

“(2) **DATA.**—In expanding the system as described in paragraph (1)(A), the Secretary shall use relevant data with respect to devices cleared under section 510(k) or approved under section 515, including claims data, patient survey data, and any other data deemed appropriate by the Secretary.

“(3) **STAKEHOLDER INPUT.**—To help ensure effective implementation of the system described in paragraph (1)(A), the Secretary shall engage outside stakeholders in development of the system through a public hearing, advisory committee meeting, public docket, or other like public measures, as appropriate.

“(4) **VOLUNTARY SURVEYS.**—Chapter 35 of title 44, United States Code, shall not apply

to the collection of voluntary information from health care providers, such as voluntary surveys or questionnaires, initiated by the Secretary for purposes of postmarket risk identification for devices.”.

SEC. 605. RECALLS.

(a) **ASSESSMENT OF DEVICE RECALL INFORMATION.**—

(1) **IN GENERAL.**—

(A) **ASSESSMENT PROGRAM.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall enhance the Food and Drug Administration’s recall program to routinely and systematically assess—

(i) information submitted to the Secretary pursuant to a device recall order under section 518(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360h(e)); and

(ii) information required to be reported to the Secretary regarding a correction or removal of a device under section 519(g) of such Act (21 U.S.C. 360i(g)).

(B) **USE.**—The Secretary shall use the assessment of information described under subparagraph (A) to proactively identify strategies for mitigating health risks presented by defective or unsafe devices.

(2) **DESIGN.**—The program under paragraph (1) shall, at a minimum, identify—

(A) trends in the numbers and types of device recalls;

(B) the types of devices in each device class that are most frequently recalled;

(C) the causes of device recalls; and

(D) any other information as the Secretary determines appropriate.

(b) **AUDIT CHECK PROCEDURES.**—The Secretary shall clarify procedures for conducting device recall audit checks to improve the ability of investigators to perform these checks in a consistent manner.

(c) **ASSESSMENT CRITERIA.**—The Secretary shall develop explicit criteria for assessing whether a person subject to a recall order under section 518(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360h(e)) or to a requirement under section 519(g) of such Act (21 U.S.C. 360i(g)) has performed an effective recall under such section 518(e) or an effective correction or removal action under such section 519(g), respectively.

(d) **TERMINATION OF RECALLS.**—The Secretary shall document the basis for the termination by the Food and Drug Administration of—

(1) an individual device recall ordered under section 518(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360h(e)); and

(2) any correction or removal action for which a report is required to be submitted to the Secretary under section 519(g) of such Act (21 U.S.C. 360i(g)).

SEC. 606. CLINICAL HOLDS ON INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

“(8)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this paragraph as a ‘clinical hold’) if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

“(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is a determination that—

“(i) the device involved represents an unreasonable risk to the safety of the persons

who are the subjects of the clinical investigation, taking into account the qualifications of the clinical investigators, information about the device, the design of the clinical investigation, the condition for which the device is to be investigated, and the health status of the subjects involved; or

“(ii) the clinical hold should be issued for such other reasons as the Secretary may by regulation establish.

“(C) Any written request to the Secretary from the sponsor of an investigation that a clinical hold be removed shall receive a decision, in writing and specifying the reasons therefor, within 30 days after receipt of such request. Any such request shall include sufficient information to support the removal of such clinical hold.”.

SEC. 607. UNIQUE DEVICE IDENTIFIER.

Section 519(f) (21 U.S.C. 360i(f)) is amended—

(1) by striking “The Secretary shall promulgate” and inserting “Not later than December 31, 2012, the Secretary shall issue proposed”; and

(2) by adding at the end the following:

“‘The Secretary shall finalize the proposed regulations not later than 6 months after the close of the comment period and shall implement the final regulations with respect to devices that are implantable, life-saving, and life sustaining not later than 2 years after the regulations are finalized.’”.

SEC. 608. CLARIFICATION OF LEAST BURDEN-SOME STANDARD.

(a) **PREMARKET APPROVAL.**—Section 513(a)(3)(D) (21 U.S.C. 360c(a)(3)(D)) is amended—

(1) by redesignating clause (iii) as clause (v); and

(2) by inserting after clause (ii) the following:

“(iii) For purposes of clause (ii), the term ‘necessary’ means the minimum required information that would support a determination by the Secretary that an application provides reasonable assurance of the effectiveness of the device.

“(iv) Nothing in this subparagraph shall alter the criteria for evaluating an application for premarket approval of a device.”.

(b) **PREMARKET NOTIFICATION UNDER SECTION 510(K).**—Section 513(i)(1)(D) (21 U.S.C. 360c(i)(1)(D)) is amended—

(1) by striking “(D) Whenever” and inserting “(D)(i) Whenever”; and

(2) by adding at the end the following:

“(ii) For purposes of clause (i), the term ‘necessary’ means the minimum required information that would support a determination of substantial equivalence between a new device and a predicate device.

“(iii) Nothing in this subparagraph shall alter the standard for determining substantial equivalence between a new device and a predicate device.”.

SEC. 609. CUSTOM DEVICES.

Section 520(b) (21 U.S.C. 360j(b)) is amended to read as follows:

“(b) **CUSTOM DEVICES.**—

“(1) **IN GENERAL.**—The requirements of sections 514 and 515 shall not apply to a device that—

“(A) is created or modified in order to comply with the order of an individual physician or dentist (or any other specially qualified person designated under regulations promulgated by the Secretary after an opportunity for an oral hearing);

“(B) in order to comply with an order described in subparagraph (A), necessarily deviates from an otherwise applicable performance standard under section 514 or requirement under section 515;

“(C) is not generally available in the United States in finished form through labeling or advertising by the manufacturer, importer, or distributor for commercial distribution;

“(D) is designed to treat a unique pathology or physiological condition that no other device is domestically available to treat;

“(E)(i) is intended to meet the special needs of such physician or dentist (or other specially qualified person so designated) in the course of the professional practice of such physician or dentist (or other specially qualified person so designated); or

“(ii) is intended for use by an individual patient named in such order of such physician or dentist (or other specially qualified person so designated);

“(F) is assembled from components or manufactured and finished on a case-by-case basis to accommodate the unique needs described in clause (i) or (ii) of subparagraph (E); and

“(G) may have common, standardized design characteristics, chemical and material compositions, and manufacturing processes as commercially distributed devices.

“(2) LIMITATIONS.—Paragraph (1) shall apply to a device only if—

“(A) such device is for the purpose of treating a sufficiently rare condition, such that conducting clinical investigations on such device would be impractical;

“(B) production of such device under paragraph (1) is limited to no more than 5 units per year of a particular device type, provided that such replication otherwise complies with this section; and

“(C) the manufacturer of such device created or modified as described in paragraph (1) notifies the Secretary on an annual basis, in a manner prescribed by the Secretary, of the manufacture of such device.

“(3) EXCEPTION.—Paragraph (1) shall not apply to oral facial devices.

“(4) GUIDANCE.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final guidance on replication of multiple devices described in paragraph (2)(B).”.

SEC. 610. AGENCY DOCUMENTATION AND REVIEW OF CERTAIN DECISIONS REGARDING DEVICES.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 517 the following:

“SEC. 517A. AGENCY DOCUMENTATION AND REVIEW OF CERTAIN DECISIONS REGARDING DEVICES.

“(a) DOCUMENTATION OF RATIONALE FOR DENIAL.—If the Secretary renders a final decision to deny clearance of a premarket notification under section 510(k) or approval of a premarket application under section 515, or when the Secretary disapproves an application for an investigational exemption under 520(g), the written correspondence to the applicant communicating that decision shall provide a substantive summary of the scientific and regulatory rationale for the decision.

“(b) REVIEW OF DENIAL.—

“(1) IN GENERAL.—A person who has submitted a report under section 510(k), an application under section 515, or an application for an exemption under section 520(g) and for whom clearance of the report or approval of the application is denied may request a supervisory review of the decision to deny such clearance or approval. Such review shall be conducted by an individual at the organizational level above the organization level at which the decision to deny the clearance of the report or approval of the application is made.

“(2) SUBMISSION OF REQUEST.—A person requesting a supervisory review under paragraph (1) shall submit such request to the Secretary not later than 30 days after such denial and shall indicate in the request whether such person seeks an in-person meeting or a teleconference review.

“(3) TIMEFRAME.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall schedule an in-person or teleconference review, if so requested, not later than 30 days after such request is made. The Secretary shall issue a decision to the person requesting a review under this subsection not later than 45 days after the request is made under paragraph (1), or, in the case of a person who requests an in-person meeting or teleconference, 30 days after such meeting or teleconference.

“(B) EXCEPTION.—Subparagraph (A) shall not apply in cases that involve consultation with experts outside of the Food and Drug Administration, or in cases in which the sponsor seeks to introduce evidence not already in the administrative record at the time the denial decision was made.”.

SEC. 611. GOOD GUIDANCE PRACTICES RELATING TO DEVICES.

Subparagraph (C) of section 701(h)(1) (21 U.S.C. 371(h)(1)) is amended—

(1) by striking “(C) For guidance documents” and inserting “(C)(i) For guidance documents”; and

(2) by adding at the end the following:

“(ii) With respect to devices, if a notice to industry guidance letter, a notice to industry advisory letter, or any similar notice sets forth initial interpretations of a regulation or policy or sets forth changes in interpretation or policy, such notice shall be treated as a guidance document for purposes of this subparagraph.”.

SEC. 612. MODIFICATION OF DE NOVO APPLICATION PROCESS.

(a) IN GENERAL.—Section 513(f)(2) (21 U.S.C. 360c(f)(2)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(2) by amending subparagraph (A) to read as follows:

“(A) In the case of a type of device that has not previously been classified under this Act, a person may do one of the following:

“(i) Submit a report under section 510(k), and, if the device is classified into class III under paragraph (1), such person may request, not later than 30 days after receiving written notice of such a classification, the Secretary to classify the device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.

“(ii) Submit a request for initial classification of the device under this subparagraph, if the person declares that there is no legally marketed device upon which to base a substantial equivalence determination as that term is defined in subsection (i). Subject to subparagraph (B), the Secretary shall classify the device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). The person submitting the request for classification under this subparagraph may recommend to the Secretary a classification for the device and shall, if recommending classification in class II, include in the request an initial draft proposal for applicable special controls, as described in subsection

(a)(1)(B), that are necessary, in conjunction with general controls, to provide reasonable assurance of safety and effectiveness and a description of how the special controls provide such assurance. Requests under this clause shall be subject to the electronic copy requirements of section 745A(b).”;

(3) by inserting after subparagraph (A) the following:

“(B) The Secretary may decline to undertake a classification request submitted under clause (2)(A)(i) if the Secretary identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence under paragraph (1), or when the Secretary determines that the device submitted is not of low-moderate risk or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.”; and

(4) in subparagraph (C), as so redesignated—

(A) in clause (i), by striking “Not later than 60 days after the date of the submission of the request under subparagraph (A),” and inserting “Not later than 120 days after the date of the submission of the request under subparagraph (A)(i) or 150 days after the date of the submission of the request under subparagraph (A)(ii).”; and

(B) in clause (ii), by inserting “or is classified in” after “remains in”.

(b) GAO REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report on the effectiveness of the review pathway under section 513(f)(2)(A) of the Federal Food, Drug, and Cosmetic Act, as amended by this Act.

(c) CONFORMING AMENDMENT.—Section 513(f)(1)(B) (21 U.S.C. 360c(f)(1)(B)) is amended by inserting “a request under paragraph (2) or” after “response to”.

SEC. 613. HUMANITARIAN DEVICE EXEMPTIONS.

(a) IN GENERAL.—Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (A)—

(i) by striking clause (i) and inserting the following:

“(i) The device with respect to which the exemption is granted—

“(I) is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs; or

“(II) is intended for the treatment or diagnosis of a disease or condition that does not occur in pediatric patients or that occurs in pediatric patients in such numbers that the development of the device for such patients is impossible, highly impracticable, or unsafe.”; and

(ii) by striking clause (ii) and inserting the following:

“(ii) During any calendar year, the number of such devices distributed during that year under each exemption granted under this subsection does not exceed the annual distribution number for such device. In this paragraph, the term ‘annual distribution number’ means the number of such devices reasonably needed to treat, diagnose, or cure a population of 4,000 individuals in the United States. The Secretary shall determine the annual distribution number when the Secretary grants such exemption.”; and

(B) by amending subparagraph (C) to read as follows:

“(C) A person may petition the Secretary to modify the annual distribution number determined by the Secretary under subparagraph (A)(ii) with respect to a device if additional information arises, and the Secretary may modify such annual distribution number.”;

(2) in paragraph (7), by striking “regarding a device” and inserting “regarding a device described in paragraph (6)(A)(i)(I)”;

(3) in paragraph (8), by striking “of all devices described in paragraph (6)” and inserting “of all devices described in paragraph (6)(A)(i)(I)”.

(b) **APPLICABILITY TO EXISTING DEVICES.**—A sponsor of a device for which an exemption was approved under paragraph (2) of section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) before the date of enactment of this Act may seek a determination under subclause (I) or (II) of section 520(m)(6)(A)(i) (as amended by subsection (a)). If the Secretary of Health and Human Services determines that such subclause (I) or (II) applies with respect to a device, clauses (ii), (iii), and (iv) of subparagraph (A) and subparagraphs (B), (C), (D), and (E) of paragraph (6) of such section 520(m) shall apply to such device, and the Secretary shall determine the annual distribution number for purposes of clause (ii) of such subparagraph (A) when making the determination under this subsection.

(c) **REPORT.**—Not later than January 1, 2017, the Comptroller General of the United States shall submit to Congress a report that evaluates and describes—

(1) the effectiveness of the amendments made by subsection (a) in stimulating innovation with respect to medical devices, including any favorable or adverse impact on pediatric device development;

(2) the impact of such amendments on pediatric device approvals for devices that received a humanitarian use designation under section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) prior to the date of enactment of this Act;

(3) the status of public and private insurance coverage of devices granted an exemption under paragraph (2) of such section 520(m) (as amended by subsection (a)) and costs to patients of such devices;

(4) the impact that paragraph (4) of such section 520(m) has had on access to and insurance coverage of devices granted an exemption under paragraph (2) of such section 520(m); and

(5) the effect of the amendments made by subsection (a) on patients described in such section 520(m).

SEC. 614. REAUTHORIZATION OF THIRD-PARTY REVIEW AND INSPECTIONS.

(a) **THIRD PARTY REVIEW.**—Section 523(c) (21 U.S.C. 360m(c)) is amended by striking “2012” and inserting “2017”.

(b) **THIRD PARTY INSPECTIONS.**—Section 704(g)(11) (21 U.S.C. 374(g)(11)) is amended by striking “2012” and inserting “2017”.

SEC. 615. 510(K) DEVICE MODIFICATIONS.

Having acknowledged to Congress potential unintended consequences that may result from the implementation of the Food and Drug Administration guidance entitled “Guidance for Industry and FDA Staff—510(k) Device Modifications: Deciding When to Submit a 510(k) for a Change to an Existing Device”, the Secretary of Health and Human Services shall withdraw such guidance promptly and ensure that, before any future guidance document on this issue is made final, affected stakeholders are provided with an opportunity to comment.

SEC. 616. HEALTH INFORMATION TECHNOLOGY.

(a) **LIMITATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may issue final guidance on medical mobile applications only after the requirements under subsections (b) and (c) are met.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Commissioner of Food and Drugs, the National Coordinator for Health Information Technology, and the Chairman of the Federal Communications Commission, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that contains a proposed strategy and recommendations on an appropriate, risk-based regulatory framework pertaining to medical device regulation and health information technology software, including mobile applications, that promotes innovation and protects patient safety.

(c) **WORKING GROUP.**—

(1) **IN GENERAL.**—In carrying out subsection (b), the Secretary shall convene a working group of external stakeholders and experts to provide appropriate input on the strategy and recommendations required for the report under subsection (b).

(2) **REPRESENTATIVES.**—The Secretary shall determine the number of representatives participating in the working group, and shall ensure that the working group is geographically diverse and includes representatives of patients, consumers, health care providers, startup companies, health plans or other third-party payers, venture capital investors, information technology vendors, small businesses, purchasers, employers, and other stakeholders with relevant expertise, as determined by the Secretary.

(3) **OTHER REQUIREMENTS.**—

(A) **FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the working group under this section.

(B) **FFDCA ADVISORY COMMITTEES.**—The requirements for advisory committees under section 712 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379d-1), as amended by section 1121, shall not apply to the working group under this section.

TITLE VII—DRUG SUPPLY CHAIN

Subtitle A—Drug Supply Chain

SEC. 701. REGISTRATION OF DOMESTIC DRUG ESTABLISHMENTS.

Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “On or before” and all that follows through the period at the end and inserting the following: “During the period beginning on October 1 and ending on December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall register with the Secretary—

“(A) the name of such person, places of business of such person, all such establishments, the unique facility identifier of each such establishment, and a point of contact e-mail address; and

“(B) the name and place of business of each importer that takes physical possession of and supplies a drug (other than an excipient) to such person, including all establishments of each such drug importer, the unique facility identifier of each such drug importer establishment, and a point of contact e-mail address for each such drug importer.”; and

(B) by adding at the end the following:

“(3) The Secretary may specify the unique facility identifier system that shall be used by registrants under paragraph (1).”; and

(2) in subsection (c), by striking “with the Secretary his name, place of business, and such establishment” and inserting “with the Secretary—

“(1) with respect to drugs, the information described under subsection (b)(1); and

“(2) with respect to devices, the information described under subsection (b)(2).”.

SEC. 702. REGISTRATION OF FOREIGN ESTABLISHMENTS.

(a) **ENFORCEMENT OF REGISTRATION OF FOREIGN ESTABLISHMENTS.**—Section 502(o) (21 U.S.C. 352(o)) is amended by striking “in any State”.

(b) **REGISTRATION OF FOREIGN DRUG ESTABLISHMENTS.**—Section 510(i) (U.S.C. 360(i)) is amended—

(1) in paragraph (1)—

(A) by amending the matter preceding subparagraph (A) to read as follows: “Every person who owns or operates any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—”;

(B) by amending subparagraph (A) to read as follows:

“(A) upon first engaging in any such activity, immediately submit a registration to the Secretary that includes—

“(i) with respect to drugs, the name and place of business of such person, all such establishments, the unique facility identifier of each such establishment, a point of contact e-mail address, the name of the United States agent of each such establishment, the name and place of business of each drug importer with which such person conducts business to import or offer to import drugs into the United States, including all establishments of each such drug importer, the unique facility identifier of each such establishment, and a point of contact e-mail address for each such drug importer; and

“(ii) with respect to devices, the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such device in the United States that is known to the establishment, and the name of each person who imports or offers for import such device to the United States for purposes of importation; and”;

(C) by amending subparagraph (B) to read as follows:

“(B) each establishment subject to the requirements of subparagraph (A) shall thereafter register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.”; and

(2) by adding at the end the following:

“(4) The Secretary may specify the unique facility identifier system that shall be used by registrants under paragraph (1) with respect to drugs.”.

SEC. 703. IDENTIFICATION OF DRUG EXCIPIENT INFORMATION WITH PRODUCT LISTING.

Section 510(j)(1) (21 U.S.C. 360(j)(1)) is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(E) in the case of a drug contained in the applicable list, the name and place of business of each manufacturer of an excipient of

the listed drug with which the person listing the drug conducts business, including all establishments used in the production of such excipient, the unique facility identifier of each such establishment, and a point of contact e-mail address for each such excipient manufacturer.”.

SEC. 704. ELECTRONIC SYSTEM FOR REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended—

(1) by striking “(p) Registrations and listings” and inserting the following:

“(p) ELECTRONIC REGISTRATION AND LISTING.—

“(1) IN GENERAL.—Registration and listing”; and

(2) by adding at the end the following:

“(2) ELECTRONIC DATABASE.—Not later than 2 years after the Secretary specifies a unique facility identifier system under subsections (b) and (i), the Secretary shall maintain an electronic database, which shall not be subject to inspection under subsection (f), populated with the information submitted as described under paragraph (1) that—

“(A) enables personnel of the Food and Drug Administration to search the database by any field of information submitted in a registration described under paragraph (1), or combination of such fields; and

“(B) uses the unique facility identifier system to link with other relevant databases within the Food and Drug Administration, including the database for submission of information under section 801(r).

“(3) RISK-BASED INFORMATION AND COORDINATION.—The Secretary shall ensure the accuracy and coordination of relevant Food and Drug Administration databases in order to identify and inform risk-based inspections under section 510(h).”.

SEC. 705. RISK-BASED INSPECTION FREQUENCY.

Section 510(h) (21 U.S.C. 360(h)) is amended to read as follows:

“(h) INSPECTIONS.—

“(1) IN GENERAL.—Every establishment that is required to be registered with the Secretary under this section shall be subject to inspection pursuant to section 704.

“(2) BIENNIAL INSPECTIONS FOR DEVICES.—Every establishment described in paragraph (1), in any State, that is engaged in the manufacture, propagation, compounding, or processing of a device or devices classified in class II or III shall be so inspected by one or more officers or employees duly designated by the Secretary, or by persons accredited to conduct inspections under section 704(g), at least once in the 2-year period beginning with the date of registration of such establishment pursuant to this section and at least once in every successive 2-year period thereafter.

“(3) RISK-BASED SCHEDULE FOR DRUGS.—The Secretary, acting through one or more officers or employees duly designated by the Secretary, shall inspect establishments described in paragraph (1) that are engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs (referred to in this subsection as ‘drug establishments’) in accordance with a risk-based schedule established by the Secretary.

“(4) RISK FACTORS.—In establishing the risk-based schedule under paragraph (3), the Secretary shall inspect establishments according to the known safety risks of such establishments, which shall be based on the following factors:

“(A) The compliance history of the establishment.

“(B) The record, history, and nature of recalls linked to the establishment.

“(C) The inherent risk of the drug manufactured, prepared, propagated, compounded, or processed at the establishment.

“(D) The certifications described under sections 801(r) and 809 for the establishment.

“(E) Whether the establishment has been inspected in the preceding 4-year period.

“(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(5) EFFECT OF STATUS.—In determining the risk associated with an establishment for purposes of establishing a risk-based schedule under paragraph (3), the Secretary shall not consider whether the drugs manufactured, prepared, propagated, compounded, or processed by such establishment are drugs described in section 503(b).

“(6) ANNUAL REPORT ON INSPECTIONS OF ESTABLISHMENTS.—Not later than February 1 of each year, the Secretary shall submit a report to Congress regarding—

“(A)(i) the number of domestic and foreign establishments registered pursuant to this section in the previous fiscal year; and

“(ii) the number of such domestic establishments and the number of such foreign establishments that the Secretary inspected in the previous fiscal year;

“(B) with respect to establishments that manufacture, prepare, propagate, compound, or process an active ingredient of a drug, a finished drug product, or an excipient of a drug, the number of each such type of establishment; and

“(C) the percentage of the budget of the Food and Drug Administration used to fund the inspections described under subparagraph (A).

“(7) PUBLIC AVAILABILITY OF ANNUAL REPORTS.—The Secretary shall make the report required under paragraph (6) available to the public on the Internet Web site of the Food and Drug Administration.”.

SEC. 706. RECORDS FOR INSPECTION.

Section 704(a) (21 U.S.C. 374(a)) is amended by adding at the end the following:

“(4)(A) Any records or other information that the Secretary is entitled to inspect under this section from a person that owns or operates an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug shall, upon the request of the Secretary, be provided to the Secretary by such person within a reasonable time frame, within reasonable limits and in a reasonable manner, and in electronic form, at the expense of such person. The Secretary’s request shall include a clear description of the records requested.

“(B) Upon receipt of the records requested under subparagraph (A), the Secretary shall provide to the person confirmation of the receipt of such records.

“(C) Nothing in this paragraph supplants the authority of the Secretary to conduct inspections otherwise permitted under this Act in order to ensure compliance by an establishment with this Act.”.

SEC. 707. FAILURE TO ALLOW FOREIGN INSPECTION.

Section 801(a) (21 U.S.C. 381(a)) is amended by adding at the end the following: “Notwithstanding any other provision of this subsection, the Secretary of Homeland Security shall, upon request from the Secretary of Health and Human Services refuse to admit into the United States any article if the article was manufactured, prepared, propagated, compounded, processed, or held at an establishment that has refused to permit the Secretary of Health and Human Services to enter or inspect the establishment in the

same manner and to the same extent as the Secretary may inspect establishments under section 704.”.

SEC. 708. EXCHANGE OF INFORMATION.

Section 708 (21 U.S.C. 379) is amended—

(1) by striking “CONFIDENTIAL INFORMATION” and all that follows through “The Secretary” and inserting “CONFIDENTIAL INFORMATION.”

“(a) CONTRACTORS.—The Secretary”; and

(2) by adding at the end the following:

“(b) ABILITY TO RECEIVE AND PROTECT CONFIDENTIAL INFORMATION.—The Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law, any information relating to drugs obtained from a Federal, State or local government agency, or from a foreign government agency, if the agency has requested that the information be kept confidential, except pursuant to an order of a court of the United States. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in section 552(b)(3)(B).

“(c) AUTHORITY TO ENTER INTO MEMORANDA OF UNDERSTANDING FOR PURPOSES OF INFORMATION EXCHANGE.—The Secretary may enter into written agreements regarding the exchange of information referenced in section 301(j) subject to the following criteria:

“(1) CERTIFICATION.—The Secretary may only enter into written agreements under this subsection with foreign governments that the Secretary has certified as having the authority and demonstrated ability to protect trade secret information from disclosure. Responsibility for this certification shall not be delegated to any officer or employee other than the Commissioner.

“(2) WRITTEN AGREEMENT.—The written agreement under this subsection shall include a commitment by the foreign government to protect information exchanged under this subsection from disclosure unless and until the sponsor gives written permission for disclosure or the Secretary makes a declaration of a public health emergency pursuant to section 319 of the Public Health Service Act that is relevant to the information.

“(3) INFORMATION EXCHANGE.—The Secretary may provide to a foreign government that has been certified under paragraph (1) and that has executed a written agreement under paragraph (2) information referenced in section 301(j) in the following circumstances:

“(A) Information concerning the inspection of a facility may be provided if—

“(i) the Secretary reasonably believes, or that the written agreement described in paragraph (2) establishes, that the government has authority to otherwise obtain such information; and

“(ii) the written agreement executed under paragraph (2) limits the recipient’s use of the information to the recipient’s civil regulatory purposes.

“(B) Information not described in subparagraph (A) may be provided as part of an investigation, or to alert the foreign government to the potential need for an investigation, if the Secretary has reasonable grounds to believe that a drug has a reasonable probability of causing serious adverse health consequences or death to humans or animals.

“(4) EFFECT OF SUBSECTION.—Nothing in this subsection affects the ability of the Secretary to enter into any written agreement authorized by other provisions of law to share confidential information.”.

SEC. 709. ENHANCING THE SAFETY AND QUALITY OF THE DRUG SUPPLY.

Section 501 (21 U.S.C. 351) is amended by adding at the end the following flush text:

"For purposes of subsection (a)(2)(B), the term 'current good manufacturing practice' includes the implementation of oversight and controls over the manufacture of drugs to ensure quality, including managing the risk of and establishing the safety of raw materials, materials used in the manufacturing of drugs, and finished drug products."

SEC. 710. ACCREDITATION OF THIRD-PARTY AUDITORS FOR DRUG ESTABLISHMENTS.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

"SEC. 809. ACCREDITATION OF THIRD-PARTY AUDITORS FOR DRUG ESTABLISHMENTS.

"(a) DEFINITIONS.—In this section:

"(1) ACCREDITATION BODY.—The term 'accreditation body' means an authority that performs accreditation of third-party auditors.

"(2) ACCREDITED THIRD-PARTY AUDITOR.—The term 'accredited third-party auditor' means a third-party auditor (which may be an individual) accredited by an accreditation body to conduct drug safety and quality audits.

"(3) AUDIT AGENT.—The term 'audit agent' means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct drug safety and quality audits on behalf of an accredited third-party auditor.

"(4) CONSULTATIVE AUDIT.—The term 'consultative audit' means an audit of an eligible entity intended for internal purposes only to determine whether an establishment is in compliance with the provisions of this Act and applicable industry practices, or any other such service.

"(5) DRUG SAFETY AND QUALITY AUDIT.—The term 'drug safety and quality audit'—

"(A) means an audit of an eligible entity to certify that the eligible entity meets the requirements of this Act applicable to drugs, including the requirements of section 501 with respect to drugs; and

"(B) is not a consultative audit.

"(6) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity, including a foreign drug establishment registered under section 510(c), in the drug supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

"(7) THIRD-PARTY AUDITOR.—The term 'third-party auditor' means a foreign government, agency of a foreign government or any other third party (which may be an individual), as the Secretary determines appropriate in accordance with the criteria described in subsection (c)(1), that is eligible to be considered for accreditation to conduct drug safety and quality audits.

"(b) ACCREDITATION SYSTEM.—

"(1) RECOGNITION OF ACCREDITATION BODIES.—

"(A) IN GENERAL.—Not later than 2 years after date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to conduct drug safety and quality audits.

"(B) DIRECT ACCREDITATION.—

"(i) IN GENERAL.—If, by the date that is 2 years after the date of establishment of the system described in subparagraph (A), the Secretary has not identified and recognized

an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

"(ii) CERTAIN DIRECT ACCREDITATIONS.—Notwithstanding subparagraph (A) or clause (i), the Secretary may directly accredit any foreign government or any agency of a foreign government as a third-party auditor at any time after the date of enactment of the Food and Drug Administration Safety and Innovation Act.

"(2) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary—

"(A) a list of all accredited third-party auditors accredited by such body (including the name, contact information, and scope and duration of accreditation for each such auditor), and the audit agents of such auditors; and

"(B) updated lists as needed to ensure the list held by the Secretary is accurate.

"(3) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke, after the opportunity for an informal hearing, the recognition of any accreditation body found not to be in compliance with the requirements of this section.

"(4) REINSTATEMENT.—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

"(5) MODEL ACCREDITATION STANDARDS.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall develop model standards, including standards for drug safety and quality audit results, reports, and certifications, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section.

"(B) CONTENT.—The standards developed under subparagraph (A) may—

"(i) include a description of required standards relating to the training procedures, competency, management responsibilities, quality control, and conflict of interest requirements of accredited third-party auditors; and

"(ii) set forth procedures for the periodic renewal of the accreditation of accredited third-party auditors.

"(C) REQUIREMENT TO PROVIDE RESULTS AND REPORTS TO THE SECRETARY.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(B), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to provide to the Secretary, upon request, the results and reports of any drug safety and quality audit conducted pursuant to the accreditation provided under this section.

"(6) DISCLOSURE.—The Secretary shall maintain on the Internet Web site of the Food and Drug Administration a list of recognized accreditation bodies and accredited third-party auditors under this section.

"(c) ACCREDITED THIRD-PARTY AUDITORS.—

"(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.—

"(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under

subsection (b)(1)(B), the Secretary) shall perform such reviews and audits of drug safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the standards developed under subsection (b)(5), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or drugs certified by such government or agency meet the requirements of this Act.

"(B) OTHER THIRD PARTIES.—Prior to accrediting any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(B), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that party and conduct such reviews of internal systems and such other investigation of the party as the Secretary deems necessary, including requirements under the standards developed under subsection (b)(5), to determine that the third-party auditor is capable of adequately ensuring that an eligible entity or drug certified by such third-party auditor meets the requirements of this Act.

"(2) USE OF AUDIT AGENTS.—An accredited third-party auditor may conduct drug safety and quality audits and may employ or use audit agents to conduct drug safety and quality audits, but must ensure that such audit agents comply with all requirements the Secretary deems necessary, including requirements under paragraph (1) and subsection (b)(5).

"(3) REVOCATION OF ACCREDITATION.—

"(A) IN GENERAL.—The Secretary shall promptly revoke, after the opportunity for an informal hearing, the accreditation of an accredited third-party auditor—

"(i) if, following an evaluation, the Secretary finds that the accredited third-party auditor is not in compliance with the requirements of this section; or

"(ii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to determine compliance with the requirements set forth in this section.

"(B) ADDITIONAL BASIS FOR REVOCATION OF ACCREDITATION.—The Secretary may revoke accreditation from an accredited third-party auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(3) is revoked, if the Secretary determines that there is good cause for the revocation of accreditation.

"(4) REACCREDITATION.—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been revoked under paragraph (3)—

"(A) if the Secretary determines, based on evidence presented, that—

"(i) the third-party auditor satisfies the requirements of this section; and

"(ii) adequate grounds for revocation no longer exist; and

"(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body is revoked under subsection (b)(3)—

"(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (3), through direct accreditation under subsection (b)(1)(B), or by an accreditation body in good standing; or

"(ii) under such other conditions as the Secretary may require.

“(5) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES FOR COMPLIANCE WITH CURRENT GOOD MANUFACTURING PRACTICE.—

“(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(B), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic, document or certification, as the Secretary may require under this Act, regarding compliance with section 501. The Secretary may consider any such document or certification to satisfy requirements under section 801(r) and to target inspection resources under section 510(h).

“(B) REQUIREMENTS FOR ISSUING CERTIFICATION.—

“(i) IN GENERAL.—An accredited third-party auditor shall issue a drug certification described in subparagraph (A) only after conducting a drug safety and quality audit and such other activities that may be necessary to establish compliance with the provisions of section 501.

“(ii) PROVISION OF CERTIFICATION.—Only an accredited third-party auditor or the Secretary may provide a drug certification described in subparagraph (A).

“(C) RECORDS.—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor or any audit agent of such auditor to submit to the Secretary a drug safety and quality audit report and such other reports or documents required as part of the drug safety and quality audit process, for any eligible entity for which the accredited third-party auditor or audit agent of such auditor performed a drug safety and quality audit. The Secretary may require documentation that the eligible entity is in compliance with any applicable registration requirements.

“(D) LIMITATION.—The requirement under subparagraph (C) shall not include any report or other documents resulting from a consultative audit, except that the Secretary may access the results of a consultative audit in accordance with section 704.

“(E) DECLARATION OF AUDIT TYPE.—Before an accredited third-party auditor begins any audit or provides any consultative service to an eligible entity, both the accredited third-party auditor and eligible entity shall establish in writing whether the audit is intended to be a drug safety and quality audit. Any audit, inspection, or consultative service of any type provided by an accredited third-party auditor on behalf of an eligible entity shall be presumed to be a drug safety and quality audit in the absence of such a written agreement. Once a drug safety and quality audit is initiated, it shall be subject to the requirements of this section, and no person may withhold from the Secretary any document subject to subparagraph (C) on the grounds that the audit was a consultative audit or otherwise not a drug safety and quality audit.

“(F) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary under section 704.

“(6) REQUIREMENTS REGARDING SERIOUS RISKS TO THE PUBLIC HEALTH.—If, at any time during a drug safety and quality audit, an accredited third-party auditor or an audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

“(A) the identity and location of the eligible entity subject to the drug safety and quality audit; and

“(B) such condition.

“(7) LIMITATIONS.—

“(A) IN GENERAL.—An audit agent of an accredited third-party auditor may not perform a drug safety and quality audit of an eligible entity if such audit agent has performed a drug safety and quality audit or consultative audit of such eligible entity during the previous 13-month period.

“(B) WAIVER.—The Secretary may waive the application of subparagraph (A) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region or that the use of the same audit agent or accredited third-party auditor is otherwise necessary.

“(8) CONFLICTS OF INTEREST.—

“(A) ACCREDITATION BODIES.—A recognized accreditation body shall—

“(i) not be owned, managed, or controlled by any person that owns or operates a third-party auditor to be accredited by such body;

“(ii) in carrying out accreditation of third-party auditors under this section, have procedures to ensure against the use of any officer or employee of such body that has a financial conflict of interest regarding a third-party auditor to be accredited by such body; and

“(iii) annually make available to the Secretary disclosures of the extent to which such body and the officers and employees of such body have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(B) ACCREDITED THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

“(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

“(ii) in carrying out drug safety and quality audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

“(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(C) AUDIT AGENTS.—An audit agent shall—

“(i) not own or operate an eligible entity to be audited by such agent;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

“(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(d) FALSE STATEMENTS.—Any statement or representation made—

“(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

“(2) by an accreditation body, accredited third-party auditor, or audit agent of such auditor to the Secretary, shall be subject to section 1001 of title 18, United States Code.

“(e) MONITORING.—To ensure compliance with the requirements of this section, the Secretary—

“(1) shall periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

“(2) shall periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by

such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

“(3) may at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor, with or without the auditor present; and

“(4) shall take any other measures deemed necessary by the Secretary.

“(f) EFFECT OF AUDIT.—The results of a drug safety and quality audit by an accredited third-party auditor under this section—

“(1) may be used by the eligible entity—

“(A) as documentation of compliance with section 501(a)(2)(B) or section 801(r); and

“(B) for other purposes as determined appropriate by the Secretary; and

“(2) shall be used by the Secretary in establishing the risk-based inspection schedules under section 510(h).

“(g) COSTS.—

“(1) AUTHORIZED FEES OF SECRETARY.—The Secretary may assess fees on accreditation bodies and accredited third-party auditors in such an amount necessary to establish and administer the recognition and accreditation program under this section. The Secretary may require accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to carry out this section. The Secretary shall not generate surplus revenue from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

“(2) AUTHORIZED FEES FOR RECOGNIZED ACCREDITATION BODIES.—An accreditation body recognized by the Secretary under subsection (b) may assess a reasonable fee to accredit third-party auditors.

“(h) LIMITATIONS.—

“(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The drug safety and quality audits performed under this section shall not be considered inspections under section 704.

“(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.

“(i) REGULATIONS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this section.

“(2) PROCEDURE.—In promulgating the regulations implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(3) CONTENT.—Such regulations shall include—

“(A) requirements that, to the extent practicable, drug safety and quality audits performed under this section be unannounced;

“(B) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

“(C) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible

entity to be audited by such auditor, as described in subparagraphs (A) and (B).

“(4) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2).”.

(b) REPORT ON ACCREDITED THIRD-PARTY AUDITORS.—Not later than January 20, 2017, the Comptroller General of the United States shall submit to Congress a report that addresses the following, with respect to the period beginning on the date of implementation of section 809 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and ending on the date of such report:

(1) The extent to which drug safety and quality audits completed by accredited third-party auditors under such section 809 are being used by the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) in establishing or applying the risk-based inspection schedules under section 510(h) of such Act (as amended by section 705).

(2) The extent to which drug safety and quality audits completed by accredited third-party auditors or agents are assisting the Food and Drug Administration in evaluating compliance with sections 501(a)(2)(B) of such Act (21 U.S.C. 351(a)(2)(B)) and 801(r) of such Act (as added by section 711).

(3) Whether the Secretary has been able to access drug safety and quality audit reports completed by accredited third-party auditors under such section 809.

(4) Whether accredited third-party auditors accredited under such section 809 have adhered to the conflict of interest provisions set forth in such section.

(5) The extent to which the Secretary has audited recognized accreditation bodies or accredited third-party auditors to ensure compliance with the requirements of such section 809.

(6) The number of waivers under subsection (c)(7)(B) of such section 809 issued during the most recent 12-month period and the official justification by the Secretary for each determination that there was insufficient access to an accredited third-party auditor.

(7) The number of times a manufacturer has used the same accredited third-party auditor for 2 or more consecutive drug safety and quality audits under such section 809.

(8) Recommendations to Congress regarding the accreditation program under such section 809, including whether Congress should continue, modify, or terminate the program.

SEC. 711. STANDARDS FOR ADMISSION OF IMPORTED DRUGS.

Section 801 (21 U.S.C. 381) is amended—
(1) in subsection (o), by striking “drug or”; and

(2) by adding at the end the following:

“(r)(1) The Secretary may require, as a condition of granting admission to a drug imported or offered for import into the United States, that the importer electronically submit information demonstrating that the drug complies with applicable requirements of this Act.

“(2) The information described under paragraph (1) may include—

“(A) information demonstrating the regulatory status of the drug, such as the new drug application, abbreviated new drug application, or investigational new drug or drug master file number;

“(B) facility information, such as proof of registration and the unique facility identifier;

“(C) indication of compliance with current good manufacturing practice, testing results,

certifications relating to satisfactory inspections, and compliance with the country of export regulations; and

“(D) any other information deemed necessary and appropriate by the Secretary to assess compliance of the article being offered for import.

“(3) Information requirements referred to in paragraph (2)(C) may, at the discretion of the Secretary, be satisfied—

“(A) by certifications from accredited third parties, as described under section 809;

“(B) through representation by a foreign government, if such inspection is conducted using standards and practices as determined appropriate by the Secretary; or

“(C) other appropriate documentation or evidence as described by the Secretary.

“(4)(A) Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this subsection. Such requirements shall be appropriate for the type of import, such as whether the drug is for import into the United States for use in pre-clinical research or in a clinical investigation under an investigational new drug exemption under 505(i).

“(B) In promulgating the regulations implementing this subsection, the Secretary shall—

“(i) issue a notice of proposed rulemaking that includes the proposed regulation;

“(ii) provide a period of not less than 60 days for comments on the proposed regulation; and

“(iii) publish the final regulation not less than 30 days before the effective date of the regulation.

“(C) Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this subsection only as described in subparagraph (B).”.

SEC. 712. NOTIFICATION.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(aaa) The failure to notify the Secretary in violation of section 568.”.

(b) NOTIFICATION.—

(1) IN GENERAL.—Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

“SEC. 568. NOTIFICATION.

“(a) NOTIFICATION TO SECRETARY.—With respect to a drug, the Secretary may require notification to the Secretary by a covered person if the covered person knows—

“(1) of a substantial loss or theft of such drug; or

“(2) that such drug—

“(A) has been or is being counterfeited; and

“(B)(i) is a counterfeit product in commerce in the United States; or

“(ii) is offered for import into the United States.

“(b) MANNER OF NOTIFICATION.—Notification under this section shall be made in a reasonable time, in such reasonable manner, and by such reasonable means as the Secretary may require by regulation or specify in guidance.

“(c) DEFINITION.—In this section, the term ‘covered person’ means—

“(1) a person who is required to register under section 510 with respect to an establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a drug; or

“(2) a person engaged in the wholesale distribution (as defined in section 503(e)(3)(B)) of a drug.”.

(2) APPLICABILITY.—Notifications under section 568 of the Federal Food, Drug, and

Cosmetic Act (as added by paragraph (1)) apply to losses, thefts, or counterfeiting, as described in subsection (a) of such section 568, that occur on or after the date of enactment of this Act.

SEC. 713. PROTECTION AGAINST INTENTIONAL ADULTERATION.

Section 303(b) (21 U.S.C. 333(b)) is amended by adding at the end the following:

“(7) Notwithstanding subsection (a)(2), any person that knowingly and intentionally adulterates a drug such that the drug is adulterated under subsection (a)(1), (b), (c), or (d) of section 501 and has a reasonable probability of causing serious adverse health consequences or death to humans or animals shall be imprisoned for not more than 20 years or fined not more than \$1,000,000, or both.”.

SEC. 714. ENHANCED CRIMINAL PENALTY FOR COUNTERFEITING DRUGS.

(a) FFDCA.—Section 303(b) (21 U.S.C. 333(b)), as amended by section 713, is further amended by adding at the end the following:

“(8) Notwithstanding subsection (a)(2), any person who knowingly and intentionally violates section 301(i) shall be imprisoned for not more than 20 years or fined not more than \$4,000,000 or both.”.

(b) TITLE 18.—Section 2320(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) COUNTERFEIT DRUGS.—

“(A) IN GENERAL.—Whoever commits an offense under subsection (a) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

“(i) if an individual, be fined not more than \$4,000,000, imprisoned not more than 20 years, or both; and

“(ii) if a person other than an individual, be fined not more than \$10,000,000.

“(B) MULTIPLE OFFENSES.—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

“(i) if an individual, shall be fined not more than \$8,000,000, imprisoned not more than 20 years, or both; and

“(ii) if other than an individual, shall be fined not more than \$20,000,000.”.

(c) SENTENCING.—

(1) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(b)(2) of title 18, United States Code, as amended by subsection (b), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(B) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(C) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(E) make any necessary conforming changes to the sentencing guidelines; and

(F) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 715. EXTRATERRITORIAL JURISDICTION.

Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

“SEC. 311. EXTRATERRITORIAL JURISDICTION.

“There is extraterritorial jurisdiction over any violation of this Act relating to any article regulated under this Act if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.”.

SEC. 716. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this title (or an amendment made by this title) shall be construed in a manner inconsistent with the obligations of the United States under the Agreement Establishing the World Trade Organization, or any other treaty or international agreement to which the United States is a party.

Subtitle B—Pharmaceutical Distribution Integrity

SEC. 721. SHORT TITLE.

This subtitle may be referred to as the “Securing Pharmaceutical Distribution Integrity to Protect the Public Health Act of 2012” or the “Securing Pharmaceutical Distribution Integrity Act of 2012”.

SEC. 722. SECURING THE PHARMACEUTICAL DISTRIBUTION SUPPLY CHAIN.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter H—Pharmaceutical Distribution Integrity

“SEC. 581. DEFINITIONS.

“In this subchapter:

“(1) DATA CARRIER.—The term ‘data carrier’ means a machine-readable graphic that is intended to be affixed to, or imprinted upon, an individual saleable unit and a homogeneous case of product. The data carrier shall comply with a form and format developed by a widely recognized international standards development organization to ensure interoperability among distribution chain participants.

“(2) INDIVIDUAL SALEABLE UNIT.—The term ‘individual saleable unit’ means the smallest container of product put into interstate commerce by the manufacturer that is intended by the manufacturer for individual sale to a pharmacy or other dispenser of such product.

“(3) PRODUCT.—The term ‘product’ means a finished drug subject to section 503(b)(1).

“(4) PRODUCT TRACING.—The term ‘product tracing’ means—

“(A) identifying the immediate previous source and immediate subsequent recipient of a product in wholesale distribution at the lot level where a change of ownership of such product has occurred between non-affiliated entities, except as otherwise described in this subchapter;

“(B) identifying the immediate subsequent recipient of the product at the lot level when a manufacturer or repackager introduces such product into interstate commerce;

“(C) identifying that manufacturer and dispenser of a product at the lot level when

a manufacturer ships a product at the lot level, without regard to the change in ownership involving the wholesale distributor; and

“(D) identifying the immediate previous source of a product at the lot level for dispensers.

“(5) RXTEC.—The term ‘RxTEC’ means a data carrier that includes the standardized numerical identifier (SNI), the lot number, and the expiration date of a product. The standard data carrier RxTEC shall be a 2D data matrix barcode affixed to each individual saleable unit of a product and a linear or 2D data matrix barcode on a homogenous case of a product. Such information shall be both machine readable and human readable.

“(6) SUSPECT PRODUCT.—The term ‘suspect product’ means a product that, based on credible evidence—

“(A) is potentially counterfeit, diverted, or stolen;

“(B) is reasonably likely to be intentionally adulterated such that the product would result in serious adverse health consequences or death to humans; or

“(C) appears otherwise unfit for distribution such that the product would result in serious adverse health consequence or death to humans.

“(7) VERIFICATION.—The term ‘verification’ means the process of determining whether a product has the standardized numerical identifier or lot number, consistent with section 582, and expiration date assigned by the manufacturer, or the repackager as applicable, and identifying whether a product has the appearance of being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution. Verification of the RxTEC data may occur by using either a human-readable, machine-readable, or other method such as through purchase records or invoices.

“SEC. 582. ENSURING THE SAFETY OF THE PHARMACEUTICAL DISTRIBUTION SUPPLY CHAIN THROUGH THE ESTABLISHMENT OF AN RXTEC SYSTEM.

“(a) MANUFACTURER REQUIREMENTS.—

“(1) PRODUCT TRACING.—A manufacturer, not later than 4½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) apply RxTEC to the individual saleable units and homogeneous case of all products intended to be introduced into interstate commerce;

“(B) maintain change of ownership and transaction information, including RxTEC data that associate unit and lot level data for each individual saleable unit of product and homogenous case introduced in interstate commerce; and

“(C) maintain, where a change of ownership has occurred between non-affiliated entities or, in the case of a return from the immediate previous source, change of ownership and transaction information relating to a product, including—

“(i) RxTEC data;

“(ii) the business name and address of the immediate previous source, if applicable, and the immediate subsequent recipient of the product;

“(iii) the proprietary or established name or names of the product;

“(iv) the National Drug Code number of the product;

“(v) container size;

“(vi) number of containers;

“(vii) the lot number or numbers of the product; and

“(viii) the date of the transaction;

“(D) provide the following change of ownership and transaction information to the

immediate subsequent recipient of such product—

“(i) the proprietary or established name or names of the product;

“(ii) the National Drug Code number of the product;

“(iii) container size;

“(iv) number of containers;

“(v) the lot number or numbers of the product; and

“(vi) a signed statement that the manufacturer did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(E) upon request by the Secretary, other appropriate Federal official, or State official, in the event of a recall or as determined necessary by the Secretary, or such other Federal or State official, to investigate a suspect product, provide in a reasonable time and in a reasonable manner—

“(i) RxTEC data by lot; and

“(ii) change of ownership and transaction information pursuant to subparagraphs (C) and (D) necessary to identify the immediate previous source or immediate subsequent recipient of such product, as applicable.

“(2) VERIFICATION REQUIREMENTS.—A manufacturer, not later than 4½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) utilize RxTEC data at the lot level, as part of ongoing activities to significantly minimize or prevent the incidences of a suspect product in the pharmaceutical distribution supply chain, as applicable and appropriate, which—

“(i) may include responding to an alert regarding a suspect product from a trading partner or the Secretary, routine monitoring of a suspect product at the lot level while such product is in the possession of the manufacturer, and checking inventory for a suspect product at the request of a trading partner or the Secretary in case of returns; and

“(ii) shall take into consideration—

“(I) the likelihood that a particular product has a high potential risk with respect to pharmaceutical distribution supply chain security;

“(II) the history and severity of incidences of counterfeit, diversion, and theft of such product;

“(III) the point in the pharmaceutical distribution supply chain where counterfeit, diversion, or theft has occurred or is most likely to occur;

“(IV) the likelihood that such activities will reduce the possibility of the counterfeit, diversion, and theft of such product;

“(V) whether the product could mitigate or prevent a drug shortage as defined in section 506C; and

“(VI) any guidance the Secretary issues regarding high-risk scenarios that could increase the risk of a suspect product entering the pharmaceutical distribution supply chain; and

“(B) conduct unit level verification upon the request of a licensed or registered repackager, wholesale distributor, dispenser, or the Secretary, regarding such product.

“(3) NOTIFICATION OF PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 4½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a manufacturer, upon confirming that a product does not have the standardized numerical identifier or lot number, consistent with this section, and expiration date assigned by the manufacturer, or has the appearance of

being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this subsection may not be redistributed as a saleable product unless the manufacturer, in consultation with the Secretary, determines such product may reenter the pharmaceutical distribution supply chain.

“(4) LIMITATION.—Nothing in this section shall require a manufacturer to aggregate unit level data to cases or pallets.

“(b) REPACKAGER REQUIREMENTS.—

“(1) PRODUCT TRACING.—A repackager, not later than 5½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) apply RxTEC to the individual saleable unit and the homogenous case of all product intended to be introduced into interstate commerce;

“(B) maintain change of ownership and transaction information, including RxTEC data, that associate unit and lot level data for each individual saleable unit of product and each homogenous case of product introduced in interstate commerce, including RxTEC data received for such products and for which a repackager applies a new RxTEC;

“(C) receive only products encoded with RxTEC data from a licensed or registered manufacturer or wholesaler;

“(D) maintain, where a change of ownership has occurred between non-affiliated entities in wholesale distribution, change of ownership and transaction information relating to a product, including—

“(i) RxTEC data;

“(ii) the business name and address of the immediate previous source and the immediate subsequent recipient of the product;

“(iii) the proprietary or established name or names of the product;

“(iv) the National Drug Code number of the product;

“(v) container size;

“(vi) number of containers;

“(vii) the lot number or numbers of the product; and

“(viii) the date of the transaction;

“(E) provide the following change of ownership and transaction information to the immediate subsequent recipient of such product—

“(i) the proprietary or established name or names of the product;

“(ii) the National Drug Code number of the product;

“(iii) container size;

“(iv) number of containers;

“(v) the lot number or numbers of the product; and

“(vi) a signed statement that the repackager—

“(I) is licensed or registered;

“(II) received the product from a manufacturer that is licensed or registered;

“(III) received a signed statement from the manufacturer of such product consistent with subsection (a)(1)(D)(vi); and

“(IV) did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(F) upon request by the Secretary, other appropriate Federal official, or State offi-

cial, in the event of a recall, or as determined necessary by the Secretary or such other Federal or State official to investigate a suspect product, provide in a reasonable time and in a reasonable manner—

“(i) RxTEC data by lot; and

“(ii) change of ownership and transaction information pursuant to subparagraph (C) or (E) necessary to identify the immediate previous source or the immediate subsequent recipient of such product, as applicable.

“(2) VERIFICATION REQUIREMENTS.—A repackager, not later than 5½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) utilize RxTEC data at the lot level, as part of ongoing activities to significantly minimize or prevent the incidences of suspect product in the pharmaceutical distribution supply chain, as applicable and appropriate, which—

“(i) may include—

“(I) responding to alerts regarding a suspect product from a trading partner or the Secretary, routine monitoring of a suspect product at the lot level while such product is in the possession of the repackager; and

“(II) checking inventory for a suspect product at the request of a trading partner or the Secretary in the case of returns; and

“(ii) shall take into consideration—

“(I) the likelihood that a particular product has a high potential risk with respect to pharmaceutical distribution supply chain security;

“(II) the history and severity of incidences of counterfeit, diversion, and theft of such product;

“(III) the point in the pharmaceutical distribution supply chain where counterfeit, diversion, and theft has occurred or is most likely to occur;

“(IV) the likelihood that such activities will reduce the possibility of counterfeit, diversion, and theft of such product;

“(V) whether the product could mitigate or prevent a drug shortage as defined in section 506C; and

“(VI) any guidance the Secretary issues regarding high-risk scenarios that could increase the risk of a suspect product entering the pharmaceutical distribution supply chain; and

“(B) conduct unit level verification upon the request of a licensed or registered manufacturer, wholesale distributor, dispenser, or the Secretary, regarding such product.

“(3) NOTIFICATION AND PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 5½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a repackager, upon confirming that a product does not have the standardized numerical identifier or lot number, consistent with this section, and expiration date assigned by the manufacturer, or has the appearance of being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution such that it would result in serious adverse health consequences or death to humans, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this subsection may not be redistributed as a saleable product unless the repackager, in consultation with the Secretary, and manufacturer as applicable,

determines such product may reenter the pharmaceutical distribution supply chain.

“(4) LIMITATION.—Nothing in this section shall require a repackager to aggregate unit level data to cases or pallets.

“(c) WHOLESALE DISTRIBUTOR REQUIREMENTS.—

“(1) PRODUCT TRACING REQUIREMENTS.—A wholesale distributor engaged in wholesale distribution, not later than 6½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) receive only products encoded with RxTEC from a licensed or registered manufacturer, wholesaler, or repackager;

“(B) maintain, in wholesale distribution where a change of ownership has occurred between non-affiliated entities, change of ownership and transaction information, including—

“(i) RxTEC data by lot;

“(ii) the business name and address of the immediate previous source and the immediate subsequent recipient of the product;

“(iii) the proprietary or established name or names of the product;

“(iv) the National Drug Code number of the product;

“(v) container size;

“(vi) number of containers;

“(vii) the lot number or numbers of the product; and

“(viii) the date of the transaction;

“(C) provide the following change of ownership and transaction information to the immediate subsequent recipient of such product—

“(i) the proprietary or established name or names of the product;

“(ii) the National Drug Code number of the product;

“(iii) container size;

“(iv) number of containers;

“(v) the lot number or numbers of the product;

“(vi) the date of the transaction; and

“(vii) a signed statement that the wholesale distributor—

“(I) is licensed or registered;

“(II) received the product from a registered or licensed manufacturer, repackager, or wholesale distributor, as applicable;

“(III) received a signed statement from the immediate subsequent recipient of such product that such trading partner did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(IV) did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(D) upon request by the Secretary, other appropriate Federal official, or State official, in the event of a recall, return, or as determined necessary by the Secretary, or such other Federal or State official, to investigate a suspect product, provide in a reasonable time and in a reasonable manner—

“(i) RxTEC data by lot; and

“(ii) change of ownership and transaction information pursuant to subparagraphs (B) and (C), as necessary to identify the immediate previous source or the immediate subsequent recipient of such product.

“(2) VERIFICATION REQUIREMENTS.—

“(A) IN GENERAL.—A wholesale distributor engaged in wholesale distribution, not later than 6½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(i) utilize RxTEC data at the lot level, as part of ongoing activities to significantly

minimize or prevent the incidence of suspect product in the pharmaceutical distribution supply chain, as applicable and appropriate, which—

“(I) may include responding to an alert regarding a suspect product from a trading partner or the Secretary, routine monitoring of a suspect product at the lot level while such product is in the possession of the wholesale distributor, and checking inventory for a suspect product at the request of a trading partner or the Secretary; and

“(II) shall take into consideration—

“(aa) the likelihood that a particular product has a high potential risk with respect to pharmaceutical distribution supply chain security;

“(bb) the history and severity of incidences of counterfeit, diversion, and theft of such product;

“(cc) the point in the pharmaceutical distribution supply chain where counterfeit, diversion, and theft has occurred or is most likely to occur;

“(dd) the likelihood that such activities will reduce the possibility of counterfeit, diversion, and theft of such product;

“(ee) whether the product could mitigate or prevent a drug shortage as defined in section 506C; and

“(ff) any guidance the Secretary issues regarding high-risk scenarios that could increase the risk of suspect product entering the pharmaceutical distribution supply chain;

“(ii) conduct lot-level verification in the event of a recall, including upon the request of a licensed or registered manufacturer, repackager, dispenser, or the Secretary, regarding such product and recall;

“(iii) conduct verification of a returned product to validate the return at the lot level for a sealed homogenous case of such product or at the individual saleable unit of such product if the unit is not in a sealed homogenous case; and

“(iv) conduct unit level verification of a suspect product—

“(I) upon the request of a licensed or registered manufacturer, repackager, wholesaler, dispenser, or the Secretary, regarding such product; or

“(II) upon the determination that a product is a suspect product.

“(B) LIMITATION.—Nothing in this paragraph shall require a wholesale distributor to verify product at the unit level except as required under clauses (iii) and (iv) of subparagraph (A).

“(3) NOTIFICATION AND PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 6½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a wholesale distributor, upon confirming that a product does not have the standardized numerical identifier or lot number, consistent with this section, and expiration date assigned by the manufacturer, or has the appearance of being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this subsection may not be redistributed as a saleable product unless the wholesaler, in consultation with the

Secretary, and manufacturer or repackager as applicable, determines such product may reenter the pharmaceutical distribution supply chain.

“(C) CONFIDENTIAL DATA.—A wholesale distributor may confidentially maintain RxTEC data for a direct trading partner and provide access to such information to such trading partner in lieu of data transmission, if mutually agreed upon by such trading partners.

“(d) DISPENSER REQUIREMENTS.—

“(1) PRODUCT TRACING REQUIREMENTS.—A dispenser, not later than 7½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) receive product only from a licensed or registered manufacturer, repackager, or wholesale distributor;

“(B) receive only products encoded with RxTEC lot level data from a manufacturer, repackager, or wholesale distributor selling the drug product to the dispenser;

“(C) maintain RxTEC lot level data or allow the wholesale distributor to confidentially maintain and store the RxTEC lot level data sufficient to identify the product provided to the dispenser from the immediate previous source where a change of ownership has occurred between non-affiliated entities (if such arrangement is mutually agreed upon by the dispenser and the wholesale distributor);

“(D) use the RxTEC lot level data maintained by the dispenser or maintained by the wholesale distributor on behalf of the dispenser (if such arrangement is mutually agreed upon by the dispenser and the wholesale distributor), as necessary to respond to a request from the Secretary in the event of a suspect product or recall;

“(E) maintain lot level data upon change of ownership between non-affiliated entities and for recalled product; and

“(F) for investigation purposes only, and upon request by the Secretary, other appropriate Federal official, or State official, for the purpose of investigating a suspect or recalled product, provide the RxTEC data by lot and the immediate previous source or immediate subsequent receipt of the suspect or recalled product, as applicable.

“(2) VERIFICATION REQUIREMENTS.—Not later than 7½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a dispenser shall be required to conduct lot level verification of suspect product only.

“(3) NOTIFICATION AND PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 7½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a dispenser, upon confirming that a product is a suspect product or a product otherwise unfit for distribution, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this paragraph may not be redistributed as a saleable product unless the dispenser, in consultation with the Secretary, and manufacturer, repackager, or wholesaler as applicable, determines such product may reenter the pharmaceutical distribution supply chain.

“(C) LIMITATIONS.—Nothing in this section shall—

“(i) require a dispenser to verify product at the unit level; or

“(ii) require a dispenser to adopt specific technologies or business systems for compliance with this section.

“(e) ENSURING FLEXIBILITY.—The requirements under this section shall—

“(1) require the maintenance and transmission only of information that is reasonably available and appropriate;

“(2) be based on current scientific and technological capabilities and shall neither require nor restrict the use of additional data carrier technologies;

“(3) not prescribe or proscribe specific technologies or systems for the maintenance and transmission of data other than the standard data carrier for RxTEC or specific methods of verification;

“(4) not require a record of the complete previous distribution history of the drug from the point of origin of such drug;

“(5) take into consideration whether the public health benefits of imposing any additional regulations outweigh the cost of compliance with such requirements;

“(6) be scale-appropriate and practicable for entities of varying sizes and capabilities;

“(7) with respect to cost and recordkeeping burdens, not require the creation and maintenance of duplicative records where the information is contained in other company records kept in the normal course of business;

“(8) to the extent practicable, not require specific business systems for compliance with such requirements;

“(9) include a process by which the Secretary may issue a waiver of such regulations for an individual entity if the Secretary determines that such requirements would result in an economic hardship or for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the Public Health Service Act; and

“(10) include a process by which the Secretary may determine exceptions to the standard data carrier RxTEC requirement if a drug is packaged in a container too small or otherwise unable to accommodate a label with sufficient space to bear the information required for compliance with this section.

“(f) REGULATIONS AND GUIDANCE.—

“(1) IN GENERAL.—The Secretary may issue guidance consistent with this section regarding the circumstances surrounding suspect product and verification practices.

“(2) PROCEDURE.—The Secretary, in promulgating any regulation pursuant to this section, shall—

“(A) issue a notice of proposed rulemaking that includes a copy of the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(3) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2).

“(g) STANDARDS.—The Secretary shall, in consultation with other appropriate Federal officials, manufacturers, repackagers, wholesale distributors, dispensers, and other supply chain stakeholders, prioritize and develop standards for the interoperable exchange of ownership and transaction information for tracking and tracing prescription drugs.”

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 712, is further amended by inserting at the end the following:

“(bbb) The violation of any requirement under section 582.”.

(c) **SMALL ENTITY COMPLIANCE GUIDE.**—Not later than 180 days after enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) shall issue a compliance guide setting forth in plain language the requirements under section 582 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in order to assist small entities in complying with such section.

(d) **LIMITATIONS.**—

(1) **SAVINGS CLAUSE.**—Nothing in this subtitle or the amendments made by this subtitle shall preempt any State or local law or regulation.

(2) **EFFECT ON CALIFORNIA LAW.**—Notwithstanding any other provision of Federal or State law, including any provision of this subtitle or of subchapter H of chapter V of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), such subchapter H shall not trigger California Business and Professions Code, section 4034.1.

(3) **EFFECTIVE DATE.**—Subsection (c) and the amendments made by subsections (a) and (b) shall take effect on January 1, 2022, or on the date on which Congress enacts a law providing for express preemption of any State law regulating the distribution of drugs, whichever is later.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

SEC. 801. EXTENSION OF EXCLUSIVITY PERIOD FOR DRUGS.

(a) **IN GENERAL.**—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505D the following:

“SEC. 505E. EXTENSION OF EXCLUSIVITY PERIOD FOR NEW QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“(a) **EXTENSION.**—If the Secretary approves an application pursuant to section 505 for a drug that has been designated as a qualified infectious disease product under subsection (d), the 4- and 5-year periods described in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of section 505, the 3-year periods described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) of section 505, or the 7-year period described in section 527, as applicable, shall be extended by 5 years.

“(b) **RELATION TO PEDIATRIC EXCLUSIVITY.**—Any extension under subsection (a) of a period shall be in addition to any extension of the period under section 505A with respect to the drug.

“(c) **LIMITATIONS.**—Subsection (a) does not apply to the approval of—

“(1) a supplement to an application under section 505(b) for any qualified infectious disease product for which an extension described in subsection (a) is in effect or has expired;

“(2) a subsequent application filed with respect to a product approved under section 505 for a change that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

“(3) an application for a product that is not approved for the use for which it received a designation under subsection (d).

“(d) **DESIGNATION.**—

“(1) **IN GENERAL.**—The manufacturer or sponsor of a drug may request the Secretary to designate a drug as a qualified infectious disease product at any time before the submission of an application under section 505(b) for such drug. The Secretary shall, not later than 60 days after the submission of such a request, determine whether the drug is a qualified infectious disease product.

“(2) **LIMITATION.**—Except as provided in paragraph (3), a designation under this subsection shall not be withdrawn for any reason, including modifications to the list of qualifying pathogens under subsection (f)(2)(C).

“(3) **REVOCATION OF DESIGNATION.**—The Secretary may revoke a designation of a drug as a qualified infectious disease product if the Secretary finds that the request for such designation contained an untrue statement of material fact.

“(e) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this section.

“(2) **PROCEDURE.**—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(3) **RESTRICTIONS.**—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2), except that the Secretary may issue interim guidance for sponsors seeking designation under subsection (d) prior to the promulgation of such regulations.

“(4) **DESIGNATION PRIOR TO REGULATIONS.**—The Secretary may designate drugs as qualified infectious disease products under subsection (d) prior to the promulgation of regulations under this subsection.

“(f) **QUALIFYING PATHOGEN.**—

“(1) **DEFINITION.**—In this section, the term ‘qualifying pathogen’ means a pathogen identified and listed by the Secretary under paragraph (2) that has the potential to pose a serious threat to public health, such as—

“(A) resistant gram positive pathogens, including methicillin-resistant *Staphylococcus aureus*, vancomycin-resistant *Staphylococcus aureus*, and vancomycin-resistant enterococcus;

“(B) multi-drug resistant gram negative bacteria, including *Acinetobacter*, *Klebsiella*, *Pseudomonas*, and *E. coli* species;

“(C) multi-drug resistant tuberculosis; and

“(D) *Clostridium difficile*.

“(2) **LIST OF QUALIFYING PATHOGENS.**—

“(A) **IN GENERAL.**—The Secretary shall establish and maintain a list of qualifying pathogens, and shall make public the methodology for developing such list.

“(B) **CONSIDERATIONS.**—In establishing and maintaining the list of pathogens described under this section the Secretary shall—

“(i) consider—

“(I) the impact on the public health due to drug-resistant organisms in humans;

“(II) the rate of growth of drug-resistant organisms in humans;

“(III) the increase in resistance rates in humans; and

“(IV) the morbidity and mortality in humans; and

“(ii) consult with experts in infectious diseases and antibiotic resistance, including the Centers for Disease Control and Prevention, the Food and Drug Administration, medical professionals, and the clinical research community.

“(C) **REVIEW.**—Every 5 years, or more often as needed, the Secretary shall review, provide modifications to, and publish the list of

qualifying pathogens under subparagraph (A) and shall by regulation revise the list as necessary, in accordance with subsection (e).

“(g) **QUALIFIED INFECTIOUS DISEASE PRODUCT.**—The term ‘qualified infectious disease product’ means an antibacterial or antifungal drug for human use intended to treat serious or life-threatening infections, including those caused by—

“(1) an antibacterial or antifungal resistant pathogen, including novel or emerging infectious pathogens; or

“(2) qualifying pathogens listed by the Secretary under subsection (f).”.

(b) **APPLICATION.**—Section 505E of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to a drug that is first approved under section 505(c) of such Act (21 U.S.C. 355(c)) on or after the date of the enactment of this Act.

SEC. 802. PRIORITY REVIEW.

(a) **AMENDMENT.**—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 524 the following:

“SEC. 524A. PRIORITY REVIEW FOR QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“‘If the Secretary designates a drug under section 505E(d) as a qualified infectious disease product, then the Secretary shall give priority review to any application submitted for approval for such drug under section 505(b).’”.

(b) **APPLICATION.**—Section 524A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to an application that is submitted under section 505(b) of such Act (21 U.S.C. 355(b)) on or after the date of the enactment of this Act.

SEC. 803. FAST TRACK PRODUCT.

Section 506(a)(1) (21 U.S.C. 356(a)(1)), as amended by section 901(b), is amended by inserting “, or if the Secretary designates the drug as a qualified infectious disease product under section 505E(d)” before the period at the end of the first sentence.

SEC. 804. GAO STUDY.

(a) **IN GENERAL.**—The Comptroller General of the United States shall—

(1) conduct a study—

(A) on the need for, and public health impact of, incentives to encourage the research, development, and marketing of qualified infectious disease biological products and antifungal products; and

(B) consistent with trade and confidentiality data protections, assessing, for all antibacterial and antifungal drugs, including biological products, the average or aggregate—

(i) costs of all clinical trials for each phase;

(ii) percentage of success or failure at each phase of clinical trials; and

(iii) public versus private funding levels of the trials for each phase; and

(2) not later than 1 year after the date of enactment of this Act, submit a report to Congress on the results of such study, including any recommendations of the Comptroller General on appropriate incentives for addressing such need.

(b) **CONTENTS.**—The part of the study described in subsection (a)(1)(A) shall include—

(1) an assessment of any underlying regulatory issues related to qualified infectious disease products, including qualified infectious disease biological products;

(2) an assessment of the management by the Food and Drug Administration of the review of qualified infectious disease products, including qualified infectious disease biological products and the regulatory certainty of related regulatory pathways for such products;

(3) a description of any regulatory impediments to the clinical development of new qualified infectious disease products, including qualified infectious disease biological products, and the efforts of the Food and Drug Administration to address such impediments; and

(4) recommendations with respect to—
(A) improving the review and predictability of regulatory pathways for such products; and

(B) overcoming any regulatory impediments identified in paragraph (3).

(c) DEFINITIONS.—In this section:

(1) The term “biological product” has the meaning given to such term in section 351 of the Public Health Service Act (42 U.S.C. 262).

(2) The term “qualified infectious disease biological product” means a biological product intended to treat a serious or life-threatening infection described in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

(3) The term “qualified infectious disease product” has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

SEC. 805. CLINICAL TRIALS.

(a) REVIEW AND REVISION OF GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall review and, as appropriate, revise not fewer than 3 guidance documents per year, which shall include—

(A) reviewing the guidance documents of the Food and Drug Administration for the conduct of clinical trials with respect to antibacterial and antifungal drugs; and

(B) as appropriate, revising such guidance documents to reflect developments in scientific and medical information and technology and to ensure clarity regarding the procedures and requirements for approval of antibacterial and antifungal drugs under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(2) ISSUES FOR REVIEW.—At a minimum, the review under paragraph (1) shall address the appropriate animal models of infection, in vitro techniques, valid micro-biological surrogate markers, the use of non-inferiority versus superiority trials, trial enrollment, data requirements, and appropriate delta values for non-inferiority trials.

(3) RULE OF CONSTRUCTION.—Except to the extent to which the Secretary makes revisions under paragraph (1)(B), nothing in this section shall be construed to repeal or otherwise effect the guidance documents of the Food and Drug Administration.

(b) RECOMMENDATIONS FOR INVESTIGATIONS.—

(1) REQUEST.—The sponsor of a drug intended to be designated as a qualified infectious disease product may request that the Secretary provide written recommendations for nonclinical and clinical investigations which the Secretary believes may be necessary to be conducted with the drug before such drug may be approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in treating, detecting, preventing, or identifying a qualifying pathogen, as defined in section 505E of such Act.

(2) RECOMMENDATIONS.—If the Secretary has reason to believe that a drug for which a request is made under this subsection is a qualified infectious disease product, the Secretary shall provide the person making the request written recommendations for the nonclinical and clinical investigations which the Secretary believes, on the basis of infor-

mation available to the Secretary at the time of the request, would be necessary for approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) of such drug for the use described in paragraph (1).

(c) GAO STUDY.—Not later than January 1, 2016, the Comptroller General of the United States shall submit to Congress a report—

(1) regarding the review and revision of the clinical trial guidance documents required under subsection (a) and the impact such review and revision has had on the review and approval of qualified infectious disease products;

(2) assessing—

(A) the effectiveness of the results-oriented metrics managers employ to ensure that reviewers of such products are familiar with, and consistently applying, clinical trial guidance documents; and

(B) the predictability of related regulatory pathways and review;

(3) identifying any outstanding regulatory impediments to the clinical development of qualified infectious disease products;

(4) reporting on the progress the Food and Drug Administration has made in addressing the impediments identified under paragraph (3); and

(5) containing recommendations regarding how to improve the review of, and regulatory pathway for, such products.

(d) QUALIFIED INFECTIOUS DISEASE PRODUCT.—For purposes of this section, the term “qualified infectious disease product” has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

SEC. 806. REGULATORY CERTAINTY AND PREDICTABILITY.

(a) INITIAL STRATEGY AND IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall submit to Congress a strategy and implementation plan with respect to the requirements of this Act. The strategy and implementation plan shall include—

(1) a description of the regulatory challenges to clinical development, approval, and licensure of qualified infectious disease products;

(2) the regulatory and scientific priorities of the Secretary with respect to such challenges; and

(3) the steps the Secretary will take to ensure regulatory certainty and predictability with respect to qualified infectious disease products, including steps the Secretary will take to ensure managers and reviewers are familiar with related regulatory pathways, requirements of the Food and Drug Administration, guidance documents related to such products, and applying such requirements consistently.

(b) SUBSEQUENT REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on—

(1) the progress made toward the priorities identified under subsection (a)(2);

(2) the number of qualified infectious disease products that have been submitted for approval or licensure on or after the date of enactment of this Act;

(3) a list of qualified infectious disease products with information on the types of exclusivity granted for each product, consistent with the information published under section 505(j)(7)(A)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)(A)(iii));

(4) the number of such qualified infectious disease products and that have been approved or licensed on or after the date of enactment of this Act; and

(5) the number of calendar days it took for the approval or licensure of the qualified infectious disease products approved or licensed on or after the date of enactment of this Act.

(c) QUALIFIED INFECTIOUS DISEASE PRODUCT.—For purposes of this section, the term “qualified infectious disease product” has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

SEC. 901. ENHANCEMENT OF ACCELERATED PATIENT ACCESS TO NEW MEDICAL TREATMENTS.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds as follows:

(A) The Food and Drug Administration (referred to in this section as the “FDA”) serves a critical role in helping to assure that new medicines are safe and effective. Regulatory innovation is 1 element of the Nation’s strategy to address serious and life-threatening diseases or conditions by promoting investment in and development of innovative treatments for unmet medical needs.

(B) During the 2 decades following the establishment of the accelerated approval mechanism, advances in medical sciences, including genomics, molecular biology, and bioinformatics, have provided an unprecedented understanding of the underlying biological mechanism and pathogenesis of disease. A new generation of modern, targeted medicines is under development to treat serious and life-threatening diseases, some applying drug development strategies based on biomarkers or pharmacogenomics, predictive toxicology, clinical trial enrichment techniques, and novel clinical trial designs, such as adaptive clinical trials.

(C) As a result of these remarkable scientific and medical advances, the FDA should be encouraged to implement more broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases or conditions, including those for rare diseases or conditions, using a broad range of surrogate or clinical endpoints and modern scientific tools earlier in the drug development cycle when appropriate. This may result in fewer, smaller, or shorter clinical trials for the intended patient population or targeted subpopulation without compromising or altering the high standards of the FDA for the approval of drugs.

(D) Patients benefit from expedited access to safe and effective innovative therapies to treat unmet medical needs for serious or life-threatening diseases or conditions.

(E) For these reasons, the statutory authority in effect on the day before the date of enactment of this Act governing expedited approval of drugs for serious or life-threatening diseases or conditions should be amended in order to enhance the authority of the FDA to consider appropriate scientific data, methods, and tools, and to expedite development and access to novel treatments for patients with a broad range of serious or life-threatening diseases or conditions.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Food and Drug Administration should apply the accelerated approval and fast track provisions set forth in section 506 of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 356), as amended by this section, to help expedite the development and availability to patients of treatments for serious or life-threatening diseases or conditions while maintaining safety and effectiveness standards for such treatments.

(b) EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.—Section 506 (21 U.S.C. 356) is amended to read as follows:

“SEC. 506. EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.

“(a) DESIGNATION OF DRUG AS FAST TRACK PRODUCT.—

“(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a new drug, facilitate the development and expedite the review of such drug if it is intended, whether alone or in combination with one or more other drugs, for the treatment of a serious or life-threatening disease or condition, and it demonstrates the potential to address unmet medical needs for such a disease or condition. (In this section, such a drug is referred to as a ‘fast track product’.)

“(2) REQUEST FOR DESIGNATION.—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

“(3) DESIGNATION.—Within 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

“(b) ACCELERATED APPROVAL OF A DRUG FOR A SERIOUS OR LIFE-THREATENING DISEASE OR CONDITION, INCLUDING A FAST TRACK PRODUCT.—

“(1) IN GENERAL.—

“(A) ACCELERATED APPROVAL.—The Secretary may approve an application for approval of a product for a serious or life-threatening disease or condition, including a fast track product, under section 505(c) or section 351(a) of the Public Health Service Act upon a determination that the product has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit, or on a clinical endpoint that can be measured earlier than irreversible morbidity or mortality, that is reasonably likely to predict an effect on irreversible morbidity or mortality or other clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability or lack of alternative treatments. The approval described in the preceding sentence is referred to in this section as ‘accelerated approval’.

“(B) EVIDENCE.—The evidence to support that an endpoint is reasonably likely to predict clinical benefit under subparagraph (A) may include epidemiological, pathophysiological, therapeutic, pharmacologic, or other evidence developed using biomarkers, for example, or other scientific methods or tools.

“(2) LIMITATION.—Approval of a product under this subsection may be subject to 1 or both of the following requirements:

“(A) That the sponsor conduct appropriate post-approval studies to verify and describe

the predicted effect on irreversible morbidity or mortality or other clinical benefit.

“(B) That the sponsor submit copies of all promotional materials related to the product during the pre approval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, at least 30 days prior to dissemination of the materials.

“(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a product approved under accelerated approval using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for an informal hearing) if—

“(A) the sponsor fails to conduct any required post-approval study of the drug with due diligence;

“(B) a study required to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit of the product fails to verify and describe such effect or benefit;

“(C) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

“(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

“(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.—

“(1) IN GENERAL.—If the Secretary determines, after preliminary evaluation of clinical data submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant—

“(A) provides a schedule for submission of information necessary to make the application complete; and

“(B) pays any fee that may be required under section 736.

“(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

“(d) AWARENESS EFFORTS.—The Secretary shall—

“(1) develop and disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions of this section applicable to accelerated approval and fast track products; and

“(2) establish a program to encourage the development of surrogate and clinical endpoints, including biomarkers, and other scientific methods and tools that can assist the Secretary in determining whether the evidence submitted in an application is reasonably likely to predict clinical benefit for serious or life-threatening conditions for which significant unmet medical needs exist.

“(e) CONSTRUCTION.—

“(1) PURPOSE.—The amendments made by the Food and Drug Administration Safety and Innovation Act to this section are intended to encourage the Secretary to utilize innovative and flexible approaches to the assessment of products under accelerated approval for treatments for patients with serious or life-threatening diseases or conditions and unmet medical needs.

“(2) CONSTRUCTION.—Nothing in this section shall be construed to alter the standards of evidence under subsection (c) or (d) of section 505 (including the substantial evidence standard in section 505(d)) of this Act or under section 351(a) of the Public Health Service Act. Such sections and standards of evidence apply to the review and approval of products under this section, including whether a product is safe and effective. Nothing in this section alters the ability of the Secretary to rely on evidence that does not come from adequate and well-controlled investigations for the purpose of determining whether an endpoint is reasonably likely to predict clinical benefit as described in subsection (b)(1)(B).”

(c) GUIDANCE; AMENDED REGULATIONS.—

(1) DRAFT GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance to implement the amendments made by this section. In developing such guidance, the Secretary shall specifically consider issues arising under the accelerated approval and fast track processes under section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), for drugs designated for a rare disease or condition under section 526 of such Act (21 U.S.C. 360bb) and shall also consider any unique issues associated with very rare diseases.

(2) FINAL GUIDANCE.—Not later than 1 year after the issuance of draft guidance under paragraph (1), and after an opportunity for public comment, the Secretary shall issue final guidance.

(3) CONFORMING CHANGES.—The Secretary shall issue, as necessary, conforming amendments to the applicable regulations under title 21, Code of Federal Regulations, governing accelerated approval.

(4) NO EFFECT OF INACTION ON REQUESTS.—If the Secretary fails to issue final guidance or amended regulations as required by this subsection, such failure shall not preclude the review of, or action on, a request for designation or an application for approval submitted pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b).

(d) INDEPENDENT REVIEW.—The Secretary may, in conjunction with other planned reviews, contract with an independent entity with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs to evaluate the Food and Drug Administration’s application of the processes described in section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), and the impact of such processes on the development and timely availability of innovative treatments for patients suffering from serious or life-threatening conditions. Any such evaluation shall include consultation with regulated industries, patient advocacy and disease research foundations, and relevant academic medical centers.

SEC. 902. BREAKTHROUGH THERAPIES.

(a) IN GENERAL.—Section 506 (21 U.S.C. 356), as amended by section 901, is further amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by redesignating subsection (d) as subsection (f);

(3) by inserting before subsection (b), as so redesignated, the following:

“(a) DESIGNATION OF A DRUG AS A BREAKTHROUGH THERAPY.—

“(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a drug, expedite the development and review of such drug if the drug is intended, alone or in combination with 1 or more other drugs, to treat a serious or life-threatening disease or condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on 1 or more clinically significant endpoints, such as substantial treatment effects observed early in clinical development. (In this section, such a drug is referred to as a ‘breakthrough therapy’.)

“(2) REQUEST FOR DESIGNATION.—The sponsor of a drug may request the Secretary to designate the drug as a breakthrough therapy. A request for the designation may be made concurrently with, or at any time after, the submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

“(3) DESIGNATION.—

“(A) IN GENERAL.—Not later than 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a breakthrough therapy and shall take such actions as are appropriate to expedite the development and review of the application for approval of such drug.

“(B) ACTIONS.—The actions to expedite the development and review of an application under subparagraph (A) may include, as appropriate—

“(i) holding meetings with the sponsor and the review team throughout the development of the drug;

“(ii) providing timely advice to, and interactive communication with, the sponsor regarding the development of the drug to ensure that the development program to gather the non-clinical and clinical data necessary for approval is as efficient as practicable;

“(iii) involving senior managers and experienced review staff, as appropriate, in a collaborative, cross-disciplinary review;

“(iv) assigning a cross-disciplinary project lead for the Food and Drug Administration review team to facilitate an efficient review of the development program and to serve as a scientific liaison between the review team and the sponsor; and

“(v) taking steps to ensure that the design of the clinical trials is as efficient as practicable, when scientifically appropriate, such as by minimizing the number of patients exposed to a potentially less efficacious treatment.”;

(4) in subsection (f)(1), as so redesignated, by striking “applicable to accelerated approval” and inserting “applicable to breakthrough therapies, accelerated approval, and”; and

(5) by adding at the end the following:

“(g) REPORT.—Beginning in fiscal year 2013, the Secretary shall annually prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, with respect to this section for the previous fiscal year—

“(1) the number of drugs for which a sponsor requested designation as a breakthrough therapy;

“(2) the number of products designated as a breakthrough therapy; and

“(3) for each product designated as a breakthrough therapy, a summary of the actions taken under subsection (a)(3).”.

(b) GUIDANCE; AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance on implementing the requirements with respect to breakthrough therapies, as set forth in section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(B) AMENDED REGULATIONS.—

(i) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by this section to section 506(a) of the Federal Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(ii) PROCEDURE.—In amending regulations under clause (i), the Secretary shall—

(I) issue a notice of proposed rulemaking that includes the proposed regulation;

(II) provide a period of not less than 60 days for comments on the proposed regulation; and

(III) publish the final regulation not less than 30 days before the effective date of the regulation.

(iii) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing the amendments made by section only as described in clause (ii).

(2) REQUIREMENTS.—Guidance issued under this section shall—

(A) specify the process and criteria by which the Secretary makes a designation under section 506(a)(3) of the Federal Food, Drug, and Cosmetic Act; and

(B) specify the actions the Secretary shall take to expedite the development and review of a breakthrough therapy pursuant to such designation under such section 506(a)(3), including updating good review management practices to reflect breakthrough therapies.

(c) INDEPENDENT REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with appropriate experts, shall assess the manner by which the Food and Drug Administration has applied the processes described in section 506(a) of the Federal Food, Drug, and Cosmetic Act, as amended by this section, and the impact of such processes on the development and timely availability of innovative treatments for patients affected by serious or life-threatening conditions. Such assessment shall be made publicly available upon completion.

(d) CONFORMING AMENDMENTS.—Section 506B(e) (21 U.S.C. 356b) is amended by striking “section 506(b)(2)(A)” each place such term appears and inserting “section 506(c)(2)(A)”.

SEC. 903. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 712, is further amended by adding at the end the following:

“SEC. 569. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

“(a) IN GENERAL.—For the purpose of promoting the efficiency of and informing the review by the Food and Drug Administration of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, the following shall apply:

“(1) CONSULTATION WITH STAKEHOLDERS.—Consistent with sections X.C and IX.E.4 of the PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017, as referenced in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012, the Secretary shall ensure that opportunities exist, at a time the Secretary determines appropriate, for consultations with stakeholders on the topics described in subsection (c).

“(2) CONSULTATION WITH EXTERNAL EXPERTS.—The Secretary shall develop and maintain a list of external experts who, because of their special expertise, are qualified to provide advice on rare disease issues, including topics described in subsection (c). The Secretary may, when appropriate to address a specific regulatory question, consult such external experts on issues related to the review of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, including the topics described in subsection (c), when such consultation is necessary because the Secretary lacks specific scientific, medical, or technical expertise necessary for the performance of its regulatory responsibilities and the necessary expertise can be provided by the external experts.

“(b) EXTERNAL EXPERTS.—For purposes of subsection (a)(2), external experts are those who possess scientific or medical training that the Secretary lacks with respect to one or more rare diseases.

“(c) TOPICS FOR CONSULTATION.—Topics for consultation pursuant to this section may include—

“(1) rare diseases;

“(2) the severity of rare diseases;

“(3) the unmet medical need associated with rare diseases;

“(4) the willingness and ability of individuals with a rare disease to participate in clinical trials;

“(5) an assessment of the benefits and risks of therapies to treat rare diseases;

“(6) the general design of clinical trials for rare disease populations and subpopulations; and

“(7) demographics and the clinical description of patient populations.

“(d) CLASSIFICATION AS SPECIAL GOVERNMENT EMPLOYEES.—The external experts who are consulted under this section may be considered special government employees, as defined under section 202 of title 18, United States Code.

“(e) PROTECTION OF PROPRIETARY INFORMATION.—Nothing in this section shall be construed to alter the protections offered by laws, regulations, and policies governing disclosure of confidential commercial or trade secret information, and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such provisions would be applied to consultation with individuals and organizations prior to the date of enactment of this section.

“(f) OTHER CONSULTATION.—Nothing in this section shall be construed to limit the ability of the Secretary to consult with individuals and organizations as authorized prior to the date of enactment of this section.

“(g) NO RIGHT OR OBLIGATION.—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder. Nothing in this section shall be construed to alter agreed upon goals and procedures identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012. Nothing in this section is intended to increase the number of review cycles as in effect before the date of enactment of this section.”.

SEC. 904. ACCESSIBILITY OF INFORMATION ON PRESCRIPTION DRUG CONTAINER LABELS BY VISUALLY-IMPAIRED AND BLIND CONSUMERS.

(a) ESTABLISHMENT OF WORKING GROUP.—

(1) IN GENERAL.—The Architectural and Transportation Barriers Compliance Board (referred to in this section as the “Access Board”) shall convene a stakeholder working group (referred to in this section as the “working group”) to develop best practices on access to information on prescription drug container labels for individuals who are blind or visually impaired.

(2) MEMBERS.—The working group shall be comprised of representatives of national organizations representing blind and visually-impaired individuals, national organizations representing the elderly, and industry groups representing stakeholders, including retail, mail order, and independent community pharmacies, who would be impacted by such best practices. Representation within the working group shall be divided equally between consumer and industry advocates.

(3) BEST PRACTICES.—

(A) IN GENERAL.—The working group shall develop, not later than 1 year after the date of the enactment of this Act, best practices for pharmacies to ensure that blind and visually-impaired individuals have safe, consistent, reliable, and independent access to the information on prescription drug container labels.

(B) PUBLIC AVAILABILITY.—The best practices developed under subparagraph (A) may be made publicly available, including through the Internet websites of the working group participant organizations, and through other means, in a manner that provides access to interested individuals, including individuals with disabilities.

(C) LIMITATIONS.—The best practices developed under subparagraph (A) shall not be construed as accessibility guidelines or standards of the Access Board, and shall not confer any rights or impose any obligations on working group participants or other persons. Nothing in this section shall be construed to limit or condition any right, obligation, or remedy available under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or any other Federal or State law requiring effective communication, barrier removal, or nondiscrimination on the basis of disability.

(4) CONSIDERATIONS.—In developing and issuing the best practices under paragraph (3)(A), the working group shall consider—

- (A) the use of—
 - (i) Braille;
 - (ii) auditory means, such as—
 - (I) “talking bottles” that provide audible container label information;
 - (II) digital voice recorders attached to the prescription drug container; and
 - (iii) radio frequency identification tags;
 - (iv) enhanced visual means, such as—
 - (I) large font labels or large font “duplicate” labels that are affixed or matched to a prescription drug container;
 - (II) high-contrast printing; and

(III) sans-serif font; and

(iv) other relevant alternatives as determined by the working group;

(B) whether there are technical, financial, manpower, or other factors unique to pharmacies with 20 or fewer retail locations which may pose significant challenges to the adoption of the best practices; and

(C) such other factors as the working group determines to be appropriate.

(5) INFORMATION CAMPAIGN.—Upon completion of development of the best practices under subsection (a)(3), the National Council on Disability, in consultation with the working group, shall conduct an informational and educational campaign designed to inform individuals with disabilities, pharmacists, and the public about such best practices.

(6) FACA WAIVER.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

(b) GAO STUDY.—

(1) IN GENERAL.—Beginning 18 months after the completion of the development of best practices under subsection (a)(3)(A), the Comptroller General of the United States shall conduct a review of the extent to which pharmacies are utilizing such best practices, and the extent to which barriers to accessible information on prescription drug container labels for blind and visually-impaired individuals continue.

(2) REPORT.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to Congress a report on the review conducted under paragraph (1). Such report shall include recommendations about how best to reduce the barriers experienced by blind and visually-impaired individuals to independently accessing information on prescription drug container labels.

(c) DEFINITIONS.—In this section—

(1) the term “pharmacy” includes a pharmacy that receives prescriptions and dispenses prescription drugs through an Internet website or by mail;

(2) the term “prescription drug” means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)); and

(3) the term “prescription drug container label” means the label with the directions for use that is affixed to the prescription drug container by the pharmacist and dispensed to the consumer.

SEC. 905. RISK-BENEFIT FRAMEWORK.

Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: “The Secretary shall implement a structured risk-benefit assessment framework in the new drug approval process to facilitate the balanced consideration of benefits and risks, a consistent and systematic approach to the discussion and regulatory decisionmaking, and the communication of the benefits and risks of new drugs. Nothing in the preceding sentence shall alter the criteria for evaluating an application for premarket approval of a drug.”.

SEC. 906. INDEPENDENT STUDY ON MEDICAL INNOVATION INDUCEMENT MODEL.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into an agreement with the National Academies to provide expert consultation and conduct a study that evaluates the feasibility and possible consequences of the use of innovation inducement prizes to reward successful medical innovations. Under the agreement, the National Academies shall submit to the Secretary a report on such study not later than 15 months after the date of enactment of this Act.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The study conducted under subsection (a) shall model at least 3 separate segments on the medical technologies market as candidate targets for the new incentive system and consider different medical innovation inducement prize design issues, including the challenges presented in the implementation of prizes for end products, open source dividend prizes, and prizes for upstream research.

(2) MARKET SEGMENTS.—The segments on the medical technologies market that shall be considered under paragraph (1) include—

(A) all pharmaceutical and biologic drugs and vaccines;

(B) drugs and vaccines used solely for the treatment of HIV/AIDS; and

(C) antibiotics.

(c) ELEMENTS.—The study conducted under subsection (a) shall include consideration of each of the following:

(1) Whether a system of large innovation inducement prizes could work as a replacement for the existing product monopoly/patent-based system, as in effect on the date of enactment of this Act.

(2) How large the innovation prize funds would have to be in order to induce at least as much research and development investment in innovation as is induced under the current system of time-limited market exclusivity, as in effect on the date of enactment of this Act.

(3) Whether a system of large innovation inducement prizes would be more or less expensive than the current system of time-limited market exclusivity, as in effect on the date of enactment of this Act, calculated over different time periods.

(4) Whether a system of large innovation inducement prizes would expand access to new products and improve health outcomes.

(5) The type of information and decision-making skills that would be necessary to manage end product prizes.

(6) Whether there would be major advantages in rewarding the incremental impact of innovations, as benchmarked against existing products.

(7) How open-source dividend prizes could be managed, and whether such prizes would increase access to knowledge, materials, data and technologies.

(8) Whether a system of competitive intermediaries for interim research prizes would provide an acceptable solution to the valuation challenges for interim prizes.

SEC. 907. ORPHAN PRODUCT GRANTS PROGRAM.

(a) REAUTHORIZATION OF PROGRAM.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking “2008 through 2012” and inserting “2013 through 2017”.

(b) HUMAN CLINICAL TESTING.—Section 5(b)(1)(A)(ii) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A)(ii)) is amended by striking “after the date such drug is designated under section 526 of such Act and”.

SEC. 908. REPORTING OF INCLUSION OF DEMOGRAPHIC SUBGROUPS IN CLINICAL TRIALS AND DATA ANALYSIS IN APPLICATIONS FOR DRUGS, BIOLOGICS, AND DEVICES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall publish on the Internet website of the Food and Drug Administration a report, consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors’ confidential commercial information as of the date of enactment of

this Act, addressing the extent to which clinical trial participation and the inclusion of safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity, is included in applications submitted to the Food and Drug Administration, and shall provide such publication to Congress.

(2) **CONTENTS OF REPORT.**—The report described in paragraph (1) shall contain the following:

(A) A description of existing tools to ensure that data to support demographic analyses are submitted in applications for drugs, biological products, and devices, and that these analyses are conducted by applicants consistent with applicable Food and Drug Administration requirements and Guidance for Industry. The report shall address how the Food and Drug Administration makes available information about differences in safety and effectiveness of medical products according to demographic subgroups, such as sex, age, racial, and ethnic subgroups, to healthcare providers, researchers, and patients.

(B) An analysis of the extent to which demographic data subset analyses on sex, age, race, and ethnicity is presented in applications for new drug applications for new molecular entities under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), in biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262), and in premarket approval applications under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) for products approved or licensed by the Food and Drug Administration, consistent with applicable requirements and Guidance for Industry, and consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors' confidential commercial information as of the date of enactment of this Act.

(C) An analysis of the extent to which demographic subgroups, including sex, age, racial, and ethnic subgroups, are represented in clinical studies to support applications for approved or licensed new molecular entities, biological products, and devices.

(D) An analysis of the extent to which a summary of product safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity is readily available to the public in a timely manner by means of the product labeling or the Food and Drug Administration's Internet website.

(b) **ACTION PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after the publication of the report described in subsection (a), the Secretary, acting through the Commissioner, shall publish an action plan on the Internet website of the Food and Drug Administration, and provide such publication to Congress.

(2) **CONTENT OF ACTION PLAN.**—The plan described in paragraph (1) shall include—

(A) recommendations, as appropriate, to improve the completeness and quality of analyses of data on demographic subgroups in summaries of product safety and effectiveness data and in labeling;

(B) recommendations, as appropriate, on the inclusion of such data, or the lack of availability of such data in labeling;

(C) recommendations, as appropriate, to otherwise improve the public availability of such data to patients, healthcare providers, and researchers; and

(D) a determination with respect to each recommendation identified in subparagraphs (A) through (C) that distinguishes between product types referenced in subsection (a)(2)(B) insofar as the applicability of each

such recommendation to each type of product.

(c) **DEFINITIONS.**—In this section:

(1) The term “Commissioner” means the Commissioner of Food and Drugs.

(2) The term “device” has the meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) The term “drug” has the meaning given such term in section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

(4) The term “biological product” has the meaning given such term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(5) The term “Secretary” means the Secretary of Health and Human Services.

TITLE X—DRUG SHORTAGES

SEC. 1001. DRUG SHORTAGES.

(a) **IN GENERAL.**—Section 506C (21 U.S.C. 356c) is amended to read as follows:

“SEC. 506C. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIFE-SAVING DRUGS.

“(a) **IN GENERAL.**—A manufacturer of a drug—

“(1) that is—

“(A) life-supporting;

“(B) life-sustaining;

“(C) intended for use in the prevention of a debilitating disease or condition;

“(D) a sterile injectable product; or

“(E) used in emergency medical care or during surgery; and

“(2) that is not a radio pharmaceutical drug product, a human tissue replaced by a recombinant product, a product derived from human plasma protein, or any other product as designated by the Secretary, shall notify the Secretary, in accordance with subsection (b), of a permanent discontinuance in the manufacture of the drug or an interruption of the manufacture of the drug that could lead to a meaningful disruption in the supply of that drug in the United States.

“(b) **TIMING.**—A notice required under subsection (a) shall be submitted to the Secretary—

“(1) at least 6 months prior to the date of the discontinuance or interruption; or

“(2) if compliance with paragraph (1) is not possible, as soon as practicable.

“(c) **EXPEDITED INSPECTIONS AND REVIEWS.**—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a drug shortage of a drug described in subsection (a), the Secretary may—

“(1) expedite the review of a supplement to a new drug application submitted under section 505(b), an abbreviated new drug application submitted under section 505(j), or a supplement to such an application submitted under section 505(j) that could help mitigate or prevent such shortage; or

“(2) expedite an inspection or reinspection of an establishment that could help mitigate or prevent such drug shortage.

“(d) **COORDINATION.**—

“(1) **TASK FORCE AND STRATEGIC PLAN.**—

“(A) **IN GENERAL.**—

“(i) **TASK FORCE.**—As soon as practicable after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall establish a Task Force to develop and implement a strategic plan for enhancing the Secretary's response to preventing and mitigating drug shortages.

“(ii) **STRATEGIC PLAN.**—The strategic plan described in clause (i) shall include—

“(I) plans for enhanced interagency and intraagency coordination, communication, and decisionmaking;

“(II) plans for ensuring that drug shortages are considered when the Secretary initiates a regulatory action that could precipitate a drug shortage or exacerbate an existing drug shortage;

“(III) plans for effective communication with outside stakeholders, including who the Secretary should alert about potential or actual drug shortages, how the communication should occur, and what types of information should be shared; and

“(IV) plans for considering the impact of drug shortages on research and clinical trials.

“(iii) **CONSULTATION.**—In carrying out this subparagraph, the Task Force shall ensure consultation with the appropriate offices within the Food and Drug Administration, including the Office of the Commissioner, the Center for Drug Evaluation and Research, the Office of Regulatory Affairs, and employees within the Department of Health and Human Services with expertise regarding drug shortages. The Secretary shall engage external stakeholders and experts as appropriate.

“(B) **TIMING.**—Not later than 1 year after the date of enactment Food and Drug Administration Safety and Innovation Act, the Task Force shall—

“(i) publish the strategic plan described in subparagraph (A); and

“(ii) submit such plan to Congress.

“(2) **COMMUNICATION.**—The Secretary shall ensure that, prior to any enforcement action or issuance of a warning letter that the Secretary determines could reasonably be anticipated to lead to a meaningful disruption in the supply in the United States of a drug described under subsection (a), there is communication with the appropriate office of the Food and Drug Administration with expertise regarding drug shortages regarding whether the action or letter could cause, or exacerbate, a shortage of the drug.

“(3) **ACTION.**—If the Secretary determines, after the communication described in paragraph (2), that an enforcement action or a warning letter could reasonably cause or exacerbate a shortage of a drug described under subsection (a), then the Secretary shall evaluate the risks associated with the impact of such shortage upon patients and those risks associated with the violation involved before taking such action or issuing such letter, unless there is imminent risk of serious adverse health consequences or death to humans.

“(4) **REPORTING BY OTHER ENTITIES.**—The Secretary shall identify or establish a mechanism by which healthcare providers and other third-party organizations may report to the Secretary evidence of a drug shortage.

“(5) **REVIEW AND CONSTRUCTION.**—No determination, finding, action, or omission of the Secretary under this subsection shall—

“(A) be subject to judicial review; or

“(B) be construed to establish a defense to an enforcement action by the Secretary.

“(e) **RECORDKEEPING AND REPORTING.**—

“(1) **RECORDKEEPING.**—The Secretary shall maintain records related to drug shortages, including with respect to each of the following:

“(A) The number of manufacturers that submitted a notification to the Secretary under subsection (a) in each calendar year.

“(B) The number of drug shortages that occurred in each calendar year and a list of drug names, drug types, and classes that were the subject of such shortages.

“(C) A list of the known factors contributing to the drug shortages described in subparagraph (B).

“(D)(i) A list of major actions taken by the Secretary to prevent or mitigate the drug shortages described in subparagraph (B).

“(ii) The Secretary shall include in the list under clause (i) the following:

“(I) The number of applications for which the Secretary expedited review under subsection (c)(1) in each calendar year.

“(II) The number of establishment inspections or reinspections that the Secretary expedited under subsection (c)(2) in each calendar year.

“(E) The number of notifications submitted to the Secretary under subsection (a) in each calendar year.

“(F) The names of manufacturers that the Secretary has learned did not comply with the notification requirement under subsection (a) in each calendar year.

“(G) The number of times in each calendar year that the Secretary determined under subsection (d)(3) that an enforcement action or a warning letter could reasonably cause or exacerbate a shortage of a drug described under subsection (a), but did not evaluate the risks associated with the impact of such shortage upon patients and those risks associated with the violation involved before taking such action or issuing such letter on the grounds that there was imminent risk of serious adverse health consequences or death to humans, and a summary of the determinations.

“(H) A summary of the communications made and actions taken under subsection (d) in each calendar year.

“(I) Any other information the Secretary deems appropriate to better prevent and mitigate drug shortages.

“(2) TREND ANALYSIS.—The Secretary is authorized to retain a third party to conduct a study, if the Secretary believes such a study would help clarify the causes, trends, or solutions related to drug shortages.

“(3) ANNUAL SUMMARY.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing, with respect to the 1-year period preceding such report, the information described in paragraph (1). Such report shall not include any information that is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘drug’—

“(A) means a drug (as defined in section 201(g)) that is intended for human use; and

“(B) does not include biological products (as defined in section 351 of the Public Health Service Act), unless otherwise provided by the Secretary in the regulations promulgated under subsection (h);

“(2) the term ‘drug shortage’ or ‘shortage’, with respect to a drug, means a period of time when the demand or projected demand for the drug within the United States exceeds the supply of the drug; and

“(3) the term ‘meaningful disruption’—

“(A) means a change in production that is reasonably likely to lead to a reduction in the supply of a drug by a manufacturer that is more than negligible and impacts the ability of the manufacturer to fill orders or meet expected demand for its product; and

“(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time.

“(g) DISTRIBUTION.—To the maximum extent practicable, the Secretary may distribute information on drug shortages and on the permanent discontinuation of the drugs described in this section to appropriate provider and patient organizations, except that any such distribution shall not include any information that is exempt from disclosure under section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section.

“(h) REGULATIONS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt a final regulation implementing this section.

“(2) INCLUSION OF BIOLOGICAL PRODUCTS.—

“(A) IN GENERAL.—The Secretary may by regulation apply this section to biological products (as defined in section 351 of the Public Health Service Act) if the Secretary determines such inclusion would benefit the public health.

“(B) RULE FOR VACCINES.—If the Secretary applies this section to vaccines pursuant to subparagraph (A), the Secretary shall—

“(i) consider whether the notification requirement under subsection (a) may be satisfied by submitting a notification to the Centers for Disease Control and Prevention under the vaccine shortage notification program of such Centers; and

“(ii) explain the determination made by the Secretary under clause (i) in the regulation.

“(3) PROCEDURE.—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the regulation’s effective date.

“(4) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this section, the Secretary shall only promulgate regulations as described in paragraph (3).”

(b) EFFECT OF NOTIFICATION.—The submission of a notification to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) for purposes of complying with the requirement in section 506C(a) of the Federal Food, Drug, and Cosmetic Act (as amended by subsection (a)) shall not be construed—

(1) as an admission that any product that is the subject of such notification violates any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(2) as evidence of an intention to promote or market the product for an indication or use for which the product has not been approved by the Secretary.

(c) INTERNAL REVIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) analyze and review the regulations promulgated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the guidances or policies issued under such Act related to drugs intended for human use, and the practices of the Food and Drug Administration regarding enforcing such Act related

to manufacturing of such drugs, to identify any such regulations, guidances, policies, or practices that cause, exacerbate, prevent, or mitigate drug shortages (as defined in section 506C of the Federal Food, Drug, and Cosmetic Act (as amended by subsection (a))); and

(2) determine how regulations, guidances, policies, or practices identified under paragraph (1) should be modified, streamlined, expanded, or discontinued in order to reduce or prevent such drug shortages, taking into consideration the effect of any changes on the public health.

(d) STUDY ON MARKET FACTORS CONTRIBUTING TO DRUG SHORTAGES AND STOCKPILING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, the Department of Health and Human Services Office of the Inspector General, the Attorney General, and Chairman of the Federal Trade Commission, shall publish a report reviewing any findings that drug shortages (as so defined) have led market participants to stockpile affected drugs or sell them at significantly increased prices, the impact of such activities on Federal revenue, and any economic factors that have exacerbated or created a market for such actions.

(2) CONTENT.—The report under paragraph (1) shall include—

(A) an analysis of the incidence of any of the activities described in paragraph (1) and the effect of such activities on the public health;

(B) an evaluation of whether in such cases there is a correlation between drugs in shortage and—

(i) the number of manufacturers producing such drugs;

(ii) the pricing structure, including Federal reimbursements, for such drugs before such drugs were in shortage, and to the extent possible, revenue received by each such manufacturer of such drugs;

(iii) pricing structure and revenue, to the extent possible, for the same drugs when sold under the conditions described in paragraph (1); and

(iv) the impact of contracting practices by market participants (including manufacturers, distributors, group purchasing organizations, and providers) on competition, access to drugs, and pricing of drugs;

(C) whether the activities described in paragraph (1) are consistent with applicable law; and

(D) recommendations to Congress on what, if any, additional reporting or enforcement actions are necessary.

(3) TRADE SECRET AND CONFIDENTIAL INFORMATION.—Nothing in this subsection alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5, United States Code.

(e) GUIDANCE REGARDING REPACKAGING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance that clarifies the policy of the Food and Drug Administration regarding hospital pharmacies repackaging and safely transferring repackaged drugs among hospitals within a common health system during a drug shortage, as identified by the Secretary.

TITLE XI—OTHER PROVISIONS**Subtitle A—Reauthorizations****SEC. 1101. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.**

(a) IN GENERAL.—Section 505(u)(4) (21 U.S.C. 355(u)(4)) is amended by striking “2012” and inserting “2017”.

(b) AMENDMENT.—Section 505(u)(1)(A)(ii)(II) (21 U.S.C. 355(u)(1)(A)(ii)(II)) is amended by inserting “clinical” after “any”.

SEC. 1102. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Section 566(f) (21 U.S.C. 360bbb 5(f)) is amended by striking “2012” and inserting “2017”.

Subtitle B—Medical Gas Product Regulation**SEC. 1111. REGULATION OF MEDICAL GAS PRODUCTS.**

(a) REGULATION.—Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter G—Medical Gas Products**“SEC. 575. DEFINITIONS.**

“In this subchapter:

“(1) The term ‘designated medical gas product’ means any of the following:

“(A) Oxygen, that meets the standards set forth in an official compendium.

“(B) Nitrogen, that meets the standards set forth in an official compendium.

“(C) Nitrous oxide, that meets the standards set forth in an official compendium.

“(D) Carbon dioxide, that meets the standards set forth in an official compendium.

“(E) Helium, that meets the standards set forth in an official compendium.

“(F) Carbon monoxide, that meets the standards set forth in an official compendium.

“(G) Medical air, that meets the standards set forth in an official compendium.

“(H) Any other medical gas product deemed appropriate by the Secretary, unless any period of exclusivity under section 505(c)(3)(E)(ii) or 505(j)(5)(F)(ii), or the extension of any such period under section 505A, applicable to such medical gas product has not expired.

“(2) The term ‘medical gas product’ means a drug that—

“(A) is manufactured or stored in a liquefied, nonliquefied, or cryogenic state; and

“(B) is administered as a gas.

“SEC. 576. REGULATION OF MEDICAL GAS PRODUCTS.

“(a) CERTIFICATION OF DESIGNATED MEDICAL GAS PRODUCTS.—

“(1) SUBMISSION.—

“(A) IN GENERAL.—Beginning on the date of enactment of this section, any person may file with the Secretary a request for a certification of a designated medical gas product.

“(B) CONTENT.—A request under subparagraph (A) shall contain—

“(i) a description of the medical gas product;

“(ii) the name and address of the sponsor;

“(iii) the name and address of the facility or facilities where the gas product is or will be manufactured; and

“(iv) any other information deemed appropriate by the Secretary to determine whether the medical gas product is a designated medical gas product.

“(2) GRANT OF CERTIFICATION.—A certification described under paragraph (1)(A) shall be determined to have been granted unless, not later than 60 days after the filing of a request under paragraph (1), the Secretary finds that—

“(A) the medical gas product subject to the certification is not a designated medical gas product;

“(B) the request does not contain the information required under paragraph (1) or otherwise lacks sufficient information to permit the Secretary to determine that the gas product is a designated medical gas product; or

“(C) granting the request would be contrary to public health.

“(3) EFFECT OF CERTIFICATION.—

“(A) IN GENERAL.—

“(i) APPROVED USES.—A designated medical gas product for which a certification is granted under paragraph (2) is deemed, alone or in combination with another designated gas product or products as medically appropriate, to have in effect an approved application under section 505 or 512, subject to all applicable postapproval requirements, for the following indications for use:

“(I) Oxygen for the treatment or prevention of hypoxemia or hypoxia.

“(II) Nitrogen for use in hypoxic challenge testing.

“(III) Nitrous oxide for analgesia.

“(IV) Carbon dioxide for use in extracorporeal membrane oxygenation therapy or respiratory stimulation.

“(V) Helium for the treatment of upper airway obstruction or increased airway resistance.

“(VI) Medical air to reduce the risk of hyperoxia.

“(VII) Carbon monoxide for use in lung diffusion testing.

“(VIII) Any other indication for use for a designated medical gas product or combination of designated medical gas products deemed appropriate by the Secretary, unless any period of exclusivity under clause (iii) or (iv) of section 505(c)(3)(E), under clause (iii) or (iv) of section 505(j)(5)(F), or under section 527, or the extension of any such period under section 505A, applicable to such indication for use for such gas product or combination of products has not expired.

“(ii) LABELING.—The requirements established in sections 503(b)(4) and 502(f) shall be deemed to have been met for a designated medical gas product if the labeling on final use containers of such gas product bears the information required by section 503(b)(4) and a warning statement concerning the use of the gas product, as determined by the Secretary by regulation, as well as appropriate directions and warnings concerning storage and handling.

“(B) INAPPLICABILITY OF EXCLUSIVITY PROVISIONS.—

“(i) EFFECT ON INELIGIBILITY.—No designated medical gas product deemed under paragraph (3)(A)(i) to have in effect an approved application shall be eligible for any periods of exclusivity under sections 505(c), 505(j), or 527, or the extension of any such period under section 505A, on the basis of such deemed approval.

“(ii) EFFECT ON CERTIFICATION.—No period of exclusivity under sections 505(c), 505(j), or section 527, or the extension of any such period under section 505A, with respect to an application for a drug shall prohibit, limit, or otherwise affect the submission, grant, or effect of a certification under this section, except as provided in paragraph (3)(A)(i)(VIII).

“(4) WITHDRAWAL, SUSPENSION, OR REVOCATION OF APPROVAL.—

“(A) IN GENERAL.—Nothing in this subchapter limits the authority of the Secretary to withdraw or suspend approval of a drug, including a designated medical gas product

deemed under this section to have in effect an approved application, under section 505 or section 512.

“(B) REVOCATION.—The Secretary may revoke the grant of a certification under this section if the Secretary determines that the request for certification contains any material omission or falsification.

“(b) PRESCRIPTION REQUIREMENT.—

“(1) IN GENERAL.—A designated medical gas product shall be subject to section 503(b)(1) unless the Secretary exercises the authority provided in section 503(b)(3) to remove such gas product from the requirements of section 503(b)(1) or the use in question is authorized pursuant to another provision of this Act relating to use of medical products in emergencies.

“(2) EXCEPTION FOR OXYGEN.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), oxygen may be provided without a prescription for the following uses:

“(i) The use in the event of depressurization or other environmental oxygen deficiency.

“(ii) The use in the event of oxygen deficiency or use in emergency resuscitation, when administered by properly trained personnel.

“(B) LABELING.—For oxygen provided pursuant to subparagraph (A), the requirements established in section 503(b)(4) shall be deemed to have been met if the labeling of the oxygen bears a warning that the medical gas product can be used for emergency use only and for all other medical applications a prescription is required.

“(c) INAPPLICABILITY OF DRUGS FEES TO DESIGNATED MEDICAL GAS PRODUCTS.—A designated medical gas product deemed under this section to have in effect an approved application shall not be assessed fees under section 736(a) on the basis of such deemed approval.”.

SEC. 1112. REGULATIONS.

(a) REVIEW OF REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall, after obtaining input from medical gas product manufacturers, and any other interested members of the public, submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding any changes to the Federal drug regulations in title 21, Code of Federal Regulations that the Secretary determines to be necessary.

(b) AMENDED REGULATIONS.—If the Secretary determines that changes to the Federal drug regulations in title 21, Code of Federal Regulations are necessary under subsection (a), the Secretary shall issue final regulations implementing such changes not later than 4 years after the date of enactment of this Act.

SEC. 1113. APPLICABILITY.

Nothing in this subtitle or the amendments made by this subtitle shall apply to—

(1) a drug that is covered by an application under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360b) approved prior to May 1, 2012; or

(2) any of the gases listed in subparagraphs (A) through (G) of section 575(1) of such Act (as added by section 1111), or any mixture of any such gases, for an indication that—

(A) is not included in, or is different from, those specified in subclauses (I) through (VII) of section 576(a)(3)(i) of such Act (as added by section 1111); and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 505 or 512 of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. ADVISORY COMMITTEE CONFLICTS OF INTEREST.

Section 712 (21 U.S.C. 379d-1) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2); and

(B) in paragraph (1)—

(i) by redesignating subparagraph (B) as paragraph (2) and moving such paragraph, as so redesignated, 2 ems to the left;

(ii) in subparagraph (A), by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;

(iii) in subparagraph (A), as so redesignated, by inserting “, including strategies to increase the number of special Government employees across medical and scientific specialties in areas where the Secretary would benefit from specific scientific, medical, or technical expertise necessary for the performance of its regulatory responsibilities” before the semicolon at the end;

(iv) by striking “(1) RECRUITMENT.—” and inserting “(1) RECRUITMENT IN GENERAL.—The Secretary shall—”;

(v) by striking “(A) IN GENERAL.—The Secretary shall—”;

(vi) by redesignating clauses (i) through (iii) of paragraph (2) (as so redesignated) as subparagraphs (A) through (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;

(vii) in paragraph (2) (as so redesignated), in the matter before subparagraph (A) (as so redesignated), by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(viii) by adding at the end the following:

“(3) RECRUITMENT THROUGH REFERRALS.—In carrying out paragraph (1), the Secretary shall, in order to further the goal of including in advisory committees highly qualified and specialized experts in the specific diseases to be considered by such advisory committees, at least every 180 days, request referrals from a variety of stakeholders, such as the Institute of Medicine, the National Institutes of Health, product developers, patient groups, disease advocacy organizations, professional societies, medical societies, including the American Academy of Medical Colleges, and other governmental organizations.”;

(2) by amending subsection (c)(2)(C) to read as follows:

“(C) CONSIDERATION BY SECRETARY.—The Secretary shall ensure that each determination made under subparagraph (B) considers the type, nature, and magnitude of the financial interests at issue and the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.”;

(3) in subsection (e), by inserting “, and shall make publicly available,” after “House of Representatives”; and

(4) by adding at the end the following:

“(g) GUIDANCE ON REPORTED FINANCIAL INTEREST OR INVOLVEMENT.—The Secretary shall issue guidance that describes how the Secretary reviews the financial interests and involvement of advisory committee members that are reported under subsection (c)(1) but that the Secretary determines not to meet the definition of a disqualifying interest under section 208 of title 18, United States Code for the purposes of participating in a particular matter.”.

SEC. 1122. GUIDANCE DOCUMENT REGARDING PRODUCT PROMOTION USING THE INTERNET.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that describes Food and Drug Administration policy regarding the promotion, using the Internet (including social media), of medical products that are regulated by such Administration.

SEC. 1123. ELECTRONIC SUBMISSION OF APPLICATIONS.

Subchapter D of chapter VII (21 U.S.C. 379k et seq.) is amended by inserting after section 745 the following:

“SEC. 745A. ELECTRONIC FORMAT FOR SUBMISSIONS.

“(a) DRUGS AND BIOLOGICS.—

“(1) IN GENERAL.—Beginning no earlier than 24 months after the issuance of a final guidance issued after public notice and opportunity for comment, submissions under subsection (b), (i), or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the Public Health Service Act shall be submitted in such electronic format as specified by the Secretary in such guidance.

“(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

“(A) provide a timetable for establishment by the Secretary of further standards for electronic submission as required by such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.

“(3) EXCEPTION.—This subsection shall not apply to submissions described in section 561.

“(b) DEVICES.—

“(1) IN GENERAL.—Beginning after the issuance of final guidance implementing this paragraph, pre-submissions and submissions for devices under section 510(k), 513(f)(2)(A), 515(c), 515(d), 515(f), 520(g), 520(m), or 564 of this Act or section 351 of the Public Health Service Act, and any supplements to such pre-submissions or submissions, shall include an electronic copy of such pre-submissions or submissions.

“(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

“(A) provide standards for the electronic copy required under such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.”.

SEC. 1124. COMBATING PRESCRIPTION DRUG ABUSE.

(a) IN GENERAL.—To combat the significant rise in prescription drug abuse and the consequences of such abuse, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs (referred to in this section as the “Commissioner”) and in coordination with other Federal agencies, as appropriate, shall review current Federal initiatives and identify gaps and opportunities with respect to ensuring the safe use and disposal of prescription drugs with the potential for abuse.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall post a report on the Internet website of the Food and Drug Administration on the findings of the review under subsection (a). Such report shall include findings and recommendations on—

(1) how best to leverage and build upon existing Federal and federally funded data sources, such as prescription drug monitoring program data and the sentinel initiative of the Food and Drug Administration

under section 505(k)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(k)(3)), as it relates to collection of information relevant to adverse events, patient safety, and patient outcomes, to create a centralized data clearinghouse and early warning tool;

(2) how best to develop and disseminate widely best practices models and suggested standard requirements to States for achieving greater interoperability and effectiveness of prescription drug monitoring programs, especially with respect to provider participation, producing standardized data on adverse events, patient safety, and patient outcomes; and

(3) how best to develop provider, pharmacist, and patient education tools and a strategy to widely disseminate such tools and assess the efficacy of such tools.

(c) GUIDANCE ON ABUSE-DETERRENT PRODUCTS.—Not later than 6 months after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall promulgate guidance on the development of abuse-deterrent drug products.

(d) STUDY AND REPORT ON PRESCRIPTION DRUG ABUSE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall seek to enter into an agreement with the Institute of Medicine to conduct a study and report on prescription drug abuse. Such report shall evaluate trends in prescription drug abuse, assess opportunities to inform and educate the public, patients, and health care providers on issues related to prescription drug abuse and misuse, and identify potential barriers, if any, to prescription drug monitoring program participation and implementation.

SEC. 1125. TANNING BED LABELING.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall determine whether to amend the warning label requirements for sunlamp products to include specific requirements to more clearly and effectively convey the risks that such products pose for the development of irreversible damage to the eyes and skin, including skin cancer.

SEC. 1126. OPTIMIZING GLOBAL CLINICAL TRIALS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 903, is further amended by adding at the end the following:

“SEC. 569A. OPTIMIZING GLOBAL CLINICAL TRIALS.

“(a) IN GENERAL.—The Secretary shall—

“(1) work with other regulatory authorities of similar standing, medical research companies, and international organizations to foster and encourage uniform, scientifically-driven clinical trial standards with respect to medical products around the world; and

“(2) enhance the commitment to provide consistent parallel scientific advice to manufacturers seeking simultaneous global development of new medical products in order to—

“(A) enhance medical product development;

“(B) facilitate the use of foreign data; and

“(C) minimize the need to conduct duplicative clinical studies, preclinical studies, or non-clinical studies.

“(b) MEDICAL PRODUCT.—In this section, the term ‘medical product’ means a drug, as defined in subsection (g) of section 201, a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

“(c) SAVINGS CLAUSE.—Nothing in this section shall alter the criteria for evaluating

the safety or effectiveness of a medical product under this Act.

“SEC. 569B. USE OF CLINICAL INVESTIGATION DATA FROM OUTSIDE THE UNITED STATES.

“(a) IN GENERAL.—In determining whether to approve, license, or clear a drug or device pursuant to an application submitted under this chapter, the Secretary shall accept data from clinical investigations conducted outside of the United States, including the European Union, if the applicant demonstrates that such data are adequate under applicable standards to support approval, licensure, or clearance of the drug or device in the United States.

“(b) NOTICE TO SPONSOR.—If the Secretary finds under subsection (a) that the data from clinical investigations conducted outside the United States, including in the European Union, are inadequate for the purpose of making a determination on approval, clearance, or licensure of a drug or device pursuant to an application submitted under this chapter, the Secretary shall provide written notice to the sponsor of the application of such finding and include the rationale for such finding.”.

SEC. 1127. ADVANCING REGULATORY SCIENCE TO PROMOTE PUBLIC HEALTH INNOVATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall develop a strategy and implementation plan for advancing regulatory science for medical products in order to promote the public health and advance innovation in regulatory decisionmaking.

(b) REQUIREMENTS.—The strategy and implementation plan developed under subsection (a) shall be consistent with the user fee performance goals in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement commitment letter transmitted by the Secretary to Congress on April 20, 2012, and shall—

(1) identify a clear vision of the fundamental role of efficient, consistent, and predictable, science-based decisions throughout regulatory decisionmaking of the Food and Drug Administration with respect to medical products;

(2) identify the regulatory science priorities of the Food and Drug Administration directly related to fulfilling the mission of the agency with respect to decisionmaking concerning medical products and allocation of resources towards such regulatory science priorities;

(3) identify regulatory and scientific gaps that impede the timely development and review of, and regulatory certainty with respect to, the approval, licensure, or clearance of medical products, including with respect to companion products and new technologies, and facilitating the timely introduction and adoption of new technologies and methodologies in a safe and effective manner;

(4) identify clear, measurable metrics by which progress on the priorities identified under paragraph (2) and gaps identified under paragraph (3) will be measured by the Food and Drug Administration, including metrics specific to the integration and adoption of advances in regulatory science described in paragraph (5) and improving medical product

decisionmaking, in a predictable and science-based manner; and

(5) set forth how the Food and Drug Administration will ensure that advances in regulatory science for medical products are adopted, as appropriate, on an ongoing basis and in a manner integrated across centers, divisions, and branches of the Food and Drug Administration, including by senior managers and reviewers, including through the—

(A) development, updating, and consistent application of guidance documents that support medical product decisionmaking; and

(B) the adoption of the tools, methods, and processes under section 566 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb–5).

(c) ANNUAL PERFORMANCE REPORTS.—As part of the annual performance reports submitted to Congress under sections 736B(a) (as amended by section 104), 738A(a) (as amended by section 204), 744C(a) (as added by section 303), and 744I(a) (as added by section 403) of the Federal Food, Drug, and Cosmetic Act for each of fiscal years 2013 through 2017, the Secretary shall annually report on the progress made with respect to—

(1) advancing the regulatory science priorities identified under paragraph (2) of subsection (b) and resolving the gaps identified under paragraph (3) of such subsection, including reporting on specific metrics identified under paragraph (4) of such subsection;

(2) the integration and adoption of advances in regulatory science as set forth in paragraph (5) of such subsection; and

(3) the progress made in advancing the regulatory science goals outlined in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement transmitted by the Secretary to Congress on April 20, 2012.

(d) INDEPENDENT ASSESSMENT.—Not later than January 1, 2016, the Comptroller General of the United States shall submit to Congress a report—

(1) detailing the progress made by the Food and Drug Administration in meeting the priorities and addressing the gaps identified in subsection (b), including any outstanding gaps; and

(2) containing recommendations, as appropriate, on how regulatory science initiatives for medical products can be strengthened and improved to promote the public health and advance innovation in regulatory decisionmaking.

(e) MEDICAL PRODUCT.—In this section, the term “medical product” means a drug, as defined in subsection (g) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

SEC. 1128. INFORMATION TECHNOLOGY.

(a) HHS REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) report to Congress on—

(A) the milestones and a completion date for developing and implementing a comprehensive information technology strategic plan to align the information technology systems modernization projects with the strategic goals of the Food and Drug Administration, including results-oriented goals, strategies, milestones, performance measures;

(B) efforts to finalize and approve a comprehensive inventory of the information technology systems of the Food and Drug Administration that includes information describing each system, such as costs, system function or purpose, and status information, and incorporate use of the system portfolio into the information investment management process of the Food and Drug Administration;

(C) the ways in which the Food and Drug Administration uses the plan described in subparagraph (A) to guide and coordinate the modernization projects and activities of the Food and Drug Administration, including the interdependencies among projects and activities; and

(D) the extent to which the Food and Drug Administration has fulfilled or is implementing recommendations of the Government Accountability Office with respect to the Food and Drug Administration and information technology; and

(2) develop—

(A) a documented enterprise architecture program management plan that includes the tasks, activities, and timeframes associated with developing and using the architecture and addresses how the enterprise architecture program management will be performed in coordination with other management disciplines, such as organizational strategic planning, capital planning and investment control, and performance management; and

(B) a skills inventory, needs assessment, gap analysis, and initiatives to address skills gaps as part of a strategic approach to information technology human capital planning.

(b) GAO REPORT.—Not later than January 1, 2016, the Comptroller General of the United States shall issue a report regarding the strategic plan described in subsection (a)(1)(A) and related actions carried out by the Food and Drug Administration. Such report shall assess the progress the Food and Drug Administration has made on—

(1) the development and implementation of a comprehensive information technology strategic plan, including the results-oriented goals, strategies, milestones, and performance measures identified in subsection (a)(1)(A);

(2) the effectiveness of the comprehensive information technology strategic plan described in subsection (a)(1)(A), including the results-oriented goals and performance measures; and

(3) the extent to which the Food and Drug Administration has fulfilled recommendations of the Government Accountability Office with respect to such agency and information technology.

SEC. 1129. REPORTING REQUIREMENTS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.), as amended by section 208, is further amended by adding at the end the following:

“SEC. 715. REPORTING REQUIREMENTS.

“(a) NEW DRUGS.—Beginning with fiscal year 2013 and ending with fiscal year 2017, not later than 120 days after the end of each fiscal year for which fees are collected under part 2 of subchapter C, the Secretary shall prepare and submit to the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning, for all applications for approval of a new drug under section 505(b) of this Act or a new biological product under section 351(a) of the Public Health Service Act filed in the previous fiscal year—

“(1) the number of such applications that met the goals identified for purposes of part

2 of subchapter C in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record;

“(2) the percentage of such applications that were approved;

“(3) the percentage of such applications that were issued complete response letters;

“(4) the percentage of such applications that were subject to a refuse-to-file action;

“(5) the percentage of such applications that were withdrawn; and

“(6) the average total time to decision by the Secretary for all applications for approval of a new drug under section 505(b) of this Act or a new biological product under section 351(a) of the Public Health Service Act filed in the previous fiscal year, including the number of calendar days spent during the review by the Food and Drug Administration and the number of calendar days spent by the sponsor responding to a complete response letter.”.

“(b) **GENERIC DRUGS.**—Beginning with fiscal year 2013 and ending after fiscal year 2017, not later than 120 days after the end of each fiscal year for which fees are collected under part 7 of subchapter C, the Secretary shall prepare and submit to the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning, for all applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year—

“(1) the number of such applications that met the goals identified for purposes of part 7 of subchapter C, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record;

“(2) the average total time to decision by the Secretary for applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year, including the number of calendar days spent during the review by the Food and Drug Administration and the number of calendar days spent by the sponsor responding to a complete response letter;

“(3) the total number of applications under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications that were pending with the Secretary for more than 10 months on the date of enactment of the Food and Drug Administration Safety and Innovation Act; and

“(4) the number of applications described in paragraph (3) on which the Food and Drug Administration took final regulatory action in the previous fiscal year.

“(c) **BIOSIMILAR BIOLOGICAL PRODUCTS.**—

“(1) **IN GENERAL.**—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year for which fees are collected under part 8 of subchapter C, the Secretary shall prepare and submit to the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning—

“(A) the number of applications for approval filed under section 351(k) of the Public Health Service Act; and

“(B) the percentage of applications described in subparagraph (A) that were approved by the Secretary.

“(2) **ADDITIONAL INFORMATION.**—As part of the performance report described in paragraph (1), the Secretary shall include an explanation of how the Food and Drug Administration is managing the biological product review program to ensure that the user fees collected under part 2 are not used to review an application under section 351(k) of the Public Health Service Act.”.

SEC. 1130. STRATEGIC INTEGRATED MANAGEMENT PLAN.

(a) **STRATEGIC INTEGRATED MANAGEMENT PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall submit to Congress a strategic integrated management plan for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health. Such strategic management plan shall—

(1) identify strategic institutional goals and priorities for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health;

(2) describe the actions the Secretary will take to recruit, retain, train, and continue to develop the workforce at the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health to fulfill the public health mission of the Food and Drug Administration; and

(3) identify results-oriented, outcome-based measures that the Secretary will use to measure the progress of achieving the strategic goals and priorities identified under paragraph (1) and the effectiveness of the actions identified under paragraph (2), including metrics to ensure that managers and reviewers of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health are familiar with and appropriately and consistently apply the requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including new requirements under parts 2, 3, 7, and 8 of subchapter C of title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

(b) **REPORT.**—Not later than January 1, 2016, the Comptroller General of the United States shall issue a report regarding the strategic management plan described in subsection (a) and related actions carried out by the Food and Drug Administration. Such report shall—

(1) assess the effectiveness of the actions described in subsection (a)(2) in recruiting, retaining, training, and developing the workforce at the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health in fulfilling the public health mission of the Food and Drug Administration;

(2) assess the effectiveness of the measures identified under subsection (a)(3) in gauging progress against the strategic goals and priorities identified under subsection (a)(1);

(3) assess the extent to which the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health are using the identified results-ori-

ented set of performance measures in tracking their workload by strategic goals and the effectiveness of such measures;

(4) assess the extent to which performance information is collected, analyzed, and acted on by managers; and

(5) make recommendations, as appropriate, regarding how the strategic management plan and related actions of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health could be improved to fulfill the public health mission of the Food and Drug Administration in as efficient and effective manner as possible.

SEC. 1131. DRUG DEVELOPMENT AND TESTING.

(a) **IN GENERAL.**—Section 505 1 (21 U.S.C. 355 1) is amended by adding at the end the following:

“(k) **DRUG DEVELOPMENT AND TESTING.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, if a drug is a covered drug, no elements to ensure safe use shall prohibit, or be construed or applied to prohibit, supply of such drug to any eligible drug developer for the purpose of conducting testing necessary to support an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act, if the Secretary has issued a written notice described in paragraph (2), and the eligible drug developer has agreed to comply with the terms of the notice.

“(2) **WRITTEN NOTICE.**—For purposes of this subsection, the Secretary shall, within a reasonable period of time, consider and respond to a request by an eligible drug developer for a written notice authorizing the supply of a covered drug for purposes of testing as described in paragraph (1), and the Secretary shall issue a written notice to such eligible drug developer and the holder of an application for a covered drug authorizing the supply of such drug to such eligible drug developer for purposes of testing if—

“(A) the eligible drug developer has agreed to comply with any conditions the Secretary considers necessary;

“(B) in the event the eligible drug developer is conducting bioequivalence or other clinical testing, the eligible drug developer has submitted, and the Secretary has approved, a protocol that includes protections that the Secretary finds will provide assurance of safety comparable to the assurance of safety provided by the elements to ensure safe use in the risk evaluation and mitigation strategy for the covered drug as applicable to such testing; and

“(C) the eligible drug developer is in compliance with applicable laws and regulations related to such testing, including any applicable requirements related to Investigational New Drug Applications or informed consent.

“(3) **ADDITIONAL REQUIRED ELEMENT.**—The Secretary shall require as an element of each risk evaluation and mitigation strategy with elements to ensure safe use approved by the Secretary that the holder of an application for a covered drug shall not restrict the resale of the covered drug to an eligible drug developer that receives a written notice from the Secretary under paragraph (2) unless, at any time, the Secretary provides written notice to the holder of the application directing otherwise based on a shortage of such drug for patients, national security concerns related to access to such drug, or such other reason as the Secretary may specify.

“(4) **VIOLATION AND PENALTIES.**—For purposes of subsection (f)(8) and sections 301,

303(f)(4), 502(y), and 505(p), it shall be a violation of the risk evaluation and mitigation strategy for the holder of the application for a covered drug to violate the element described in paragraph (3), or in the case of a holder of an application that is a sole distributor or supplier of a covered drug, to prevent the sale thereof after receipt of a written notice by the Secretary issued under paragraph (2). The Secretary shall provide written notice to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives within 30 days of the Secretary becoming aware that a holder of an application of a covered drug has restricted the sale of such a covered drug to any eligible drug developer after receipt of written notice as provided in paragraph (2).

“(5) **LIABILITY.**—Unless the holder of the application for a covered drug and the eligible developer are the same entity, the holder of an application for a covered drug shall not be liable for any claim arising out of the eligible drug developer's testing necessary to support an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act for a drug obtained under this subsection. Nothing in this subsection shall be construed to expand or limit the liability of the eligible drug developer or the holder of an application for a covered drug for any other claim.

“(6) **CERTIFICATION.**—In any request for supply of a covered drug for purposes of testing as described in paragraph (1), an eligible drug developer shall certify to the Secretary that—

“(A) the eligible drug developer will comply with all conditions the Secretary considers necessary, any protocol approved by the Secretary, and all applicable laws and regulations pertaining to such testing; and

“(B) the eligible drug developer intends to submit an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act for the drug for which it is requesting written notice pursuant to paragraph (2), and will use the covered drug only for the purpose of conducting testing to support such an application.

“(7) **DEFINITIONS.**—

“(A) **COVERED DRUG.**—Notwithstanding subsection (b)(2), for purposes of this subsection, the term ‘covered drug’ means a drug, including a biological product licensed under section 351(a) of the Public Health Service Act, that is subject to a risk evaluation and mitigation strategy with elements to ensure safe use under subsection (f), or a drug, including a biological product licensed under section 351(a) of the Public Health Service Act, required to have a risk evaluation and mitigation strategy with elements to ensure safe use under section 909(b) of the Food and Drug Administration Amendments Act of 2007.

“(B) **ELIGIBLE DRUG DEVELOPER.**—For purposes of this subsection, the term ‘eligible drug developer’ means a sponsor that has submitted, or intends to submit, an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act to market a version of the covered drug in the United States.

“(8) **EFFECT ON OTHER LAW.**—Notwithstanding the provisions of this subsection, the antitrust statutes enforced by the Federal Trade Commission, including the Federal Trade Commission Act (15 U.S.C. 41–58), the Sherman Act (15 U.S.C. 1–7), and any

other statute properly under such Commission's jurisdiction, shall apply to the conduct described in this subsection to the same extent as such statutes did on the day before the date of enactment of this subsection.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 505–1(c)(2) (21 U.S.C. 355–1(c)(2)) is amended by striking “(e) and (f)” and inserting “(e), (f), and (k)(3)”.

(2) Section 502(y) (21 U.S.C. 352(y)) is amended by striking ““(d), (e), or (f) of section 505–1” and inserting “(d), (e), (f), or (k)(3) of section 505–1”.

SEC. 1132. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSIONS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 1126, is further amended by adding at the end the following:

“SEC. 569C. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSION.

“(a) **IN GENERAL.**—The Secretary shall develop and implement strategies to solicit the views of patients during the medical product development process and consider the perspectives of patients during regulatory discussions, including by—

“(1) fostering participation of a patient representative who may serve as a special government employee in appropriate agency meetings with medical product sponsors and investigators; and

“(2) exploring means to provide for identification of patient representatives who do not have any, or have minimal, financial interests in the medical products industry.

“(b) **FINANCIAL INTEREST.**—In this section, the term ‘financial interest’ means a financial interest under section 208(a) of title 18, United States Code.”

SEC. 1133. NANOTECHNOLOGY REGULATORY SCIENCE PROGRAM.

(a) **IN GENERAL.**—Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 1013. NANOTECHNOLOGY REGULATORY SCIENCE PROGRAM.

“(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary, in consultation as appropriate with the Secretary of Agriculture, shall establish within the Food and Drug Administration a Nanotechnology Regulatory Science Program (referred to in this section as the ‘program’) to enhance scientific knowledge regarding nanomaterials included or intended for inclusion in products regulated under this Act or other statutes administered by the Food and Drug Administration, to address issues relevant to the regulation of those products, including the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

“(b) **PROGRAM PURPOSES.**—The purposes of the program established under subsection (a) may include—

“(1) assessing scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to the Food and Drug Administration;

“(2) in cooperation with other Federal agencies, developing and organizing information using databases and models that will facilitate the identification of generalized principles and characteristics regarding the behavior of classes of nanomaterials with biological systems;

“(3) promoting Food and Drug Administration programs and participate in collabo-

rative efforts, to further the understanding of the science of novel properties of nanomaterials that might contribute to toxicity;

“(4) promoting and participating in collaborative efforts to further the understanding of measurement and detection methods for nanomaterials;

“(5) collecting, synthesizing, interpreting, and disseminating scientific information and data related to the interactions of nanomaterials with biological systems;

“(6) building scientific expertise on nanomaterials within the Food and Drug Administration, including field and laboratory expertise, for monitoring the production and presence of nanomaterials in domestic and imported products regulated under this Act;

“(7) ensuring ongoing training, as well as dissemination of new information within the centers of the Food and Drug Administration, and more broadly across the Food and Drug Administration, to ensure timely, informed consideration of the most current science pertaining to nanomaterials;

“(8) encouraging the Food and Drug Administration to participate in international and national consensus standards activities pertaining to nanomaterials; and

“(9) carrying out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

“(c) **PROGRAM ADMINISTRATION.**—

“(1) **DESIGNATED INDIVIDUAL.**—In carrying out the program under this section, the Secretary, acting through the Commissioner of Food and Drugs, may designate an appropriately qualified individual who shall supervise the planning, management, and coordination of the program.

“(2) **DUTIES.**—The duties of the individual designated under paragraph (1) may include—

“(A) developing a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

“(B) coordinating and integrating the strategic plan with activities by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

“(C) developing Food and Drug Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

“(d) **REPORT.**—Not later than March 15, 2015, the Secretary shall publish on the Internet Web site of the Food and Drug Administration a report on the program carried out under this section. Such report shall include—

“(1) a review of the specific short- and long-term goals of the program;

“(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities; and

“(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

“(e) **EFFECT OF SECTION.**—Nothing in this section shall affect the authority of the Secretary under any other provision of this Act or other statutes administered by the Food and Drug Administration.”

(b) **EFFECTIVE DATE; SUNSET.**—The Nanotechnology Regulatory Science Program authorized under section 1013 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) shall take effect on October 1,

2012, or the date of the enactment of this Act, whichever is later. Such Program shall cease to be effective October 1, 2017.

SEC. 1134. ONLINE PHARMACY REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any problems posed by pharmacy Internet websites that violate Federal or State law, including—

(1) the methods by which Internet websites are used to sell prescription drugs in violation of Federal or State law or established industry standards;

(2) the harmful health effects that patients experience when they consume prescription drugs purchased through such pharmacy Internet websites;

(3) efforts by the Federal Government and State and local governments to investigate and prosecute the owners or operators of pharmacy Internet websites, to address the threats such websites pose, and to protect patients;

(4) the level of success that Federal, State, and local governments have experienced in investigating and prosecuting such cases;

(5) whether the law, as in effect on the date of the report, provides sufficient authorities to Federal, State, and local governments to investigate and prosecute the owners and operators of pharmacy Internet websites;

(6) additional authorities that could assist Federal, State, and local governments in investigating and prosecuting the owners and operators of pharmacy Internet websites;

(7) laws, policies, and activities that would educate consumers about how to distinguish pharmacy Internet websites that comply with Federal and State laws and established industry standards from those pharmacy Internet websites that do not comply with such laws and standards; and

(8) laws, policies, and activities that would encourage private sector actors to take steps to address the prevalence of illegitimate pharmacy Internet websites.

SEC. 1135. MEDICATION AND DEVICE ERRORS.

The Secretary of Health and Human Services shall continue and further coordinate activities of the Department of Health and Human Services related to the prevention of medication and device errors, including consideration of medication and device errors that affect the pediatric patient population. In developing initiatives to address medication and device errors, the Secretary shall consider the root causes of medication and device errors, including pediatric medication and device errors, in the clinical setting and consult with relevant stakeholders on effective strategies to reduce and prevent medication and device errors in the clinical setting.

SEC. 1136. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2123. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 1905, to strengthen Iran

sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Iran Sanctions, Accountability, and Human Rights Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN

Sec. 101. Policy of the United States with respect to development of nuclear weapons capabilities by Iran.

Sec. 102. Sense of Congress on expansion of multilateral sanctions regime and implementation of sanctions laws.

Sec. 103. Diplomatic efforts to expand multilateral sanctions regime.

Sec. 104. Sense of Congress regarding the imposition of sanctions with respect to Iran.

TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN

Subtitle A—Expansion of Iran Sanctions Act of 1996

Sec. 201. Imposition of sanctions with respect to joint ventures with the Government of Iran relating to developing petroleum resources.

Sec. 202. Imposition of sanctions with respect to the provision of goods, services, technology, or support for the energy or petrochemical sectors of Iran.

Sec. 203. Imposition of sanctions with respect to joint ventures with the Government of Iran relating to mining, production, or transportation of uranium.

Sec. 204. Expansion of sanctions available under the Iran Sanctions Act of 1996.

Sec. 205. Expansion of definitions under the Iran Sanctions Act of 1996.

Subtitle B—Additional Measures Relating to Sanctions Against Iran

Sec. 211. Imposition of sanctions with respect to the provision of vessels or shipping services to transport certain goods related to proliferation or terrorism activities to Iran.

Sec. 212. Imposition of sanctions with respect to subsidiaries and agents of persons sanctioned by United Nations Security Council resolutions.

Sec. 213. Liability of parent companies for violations of sanctions by foreign subsidiaries.

Sec. 214. Disclosures to the Securities and Exchange Commission relating to sanctionable activities.

Sec. 215. Identification of, and immigration restrictions on, senior officials of the Government of Iran and their family members.

Sec. 216. Reports on, and authorization of imposition of sanctions with respect to, the provision of financial communications services to the Central Bank of Iran and sanctioned Iranian financial institutions.

Sec. 217. Government Accountability Office report on foreign entities that invest in the energy sector of Iran or export refined petroleum products to Iran.

Sec. 218. Reporting on the importation to and exportation from Iran of crude oil and refined petroleum products.

TITLE III—SANCTIONS WITH RESPECT TO IRAN’S REVOLUTIONARY GUARD CORPS

Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran’s Revolutionary Guard Corps and Other Sanctioned Persons

Sec. 301. Identification of, and imposition of sanctions with respect to, officials, agents, and affiliates of Iran’s Revolutionary Guard Corps.

Sec. 302. Identification of, and imposition of sanctions with respect to, persons that support or conduct certain transactions with Iran’s Revolutionary Guard Corps or other sanctioned persons.

Sec. 303. Rule of construction.

Subtitle B—Additional Measures Relating to Iran’s Revolutionary Guard Corps

Sec. 311. Expansion of procurement prohibition to foreign persons that engage in certain transactions with Iran’s Revolutionary Guard Corps.

Sec. 312. Determinations of whether the National Iranian Oil Company and the National Iranian Tanker Company are agents or affiliates of Iran’s Revolutionary Guard Corps.

TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN

Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran

Sec. 401. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.

Sec. 402. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.

Subtitle B—Additional Measures to Promote Human Rights in Iran

Sec. 411. Expedited consideration of requests for authorization of certain human rights-, humanitarian-, and democracy-related activities with respect to Iran.

Sec. 412. Comprehensive strategy to promote Internet freedom and access to information in Iran.

Sec. 413. Sense of Congress on political prisoners.

TITLE V—MISCELLANEOUS

Sec. 501. Exclusion of citizens of Iran seeking education relating to the nuclear and energy sectors of Iran.

Sec. 502. Technical correction.

Sec. 503. Interests in financial assets of Iran.

Sec. 504. Report on membership of Iran in international organizations.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Technical implementation; penalties.

Sec. 602. Applicability to certain intelligence activities.

Sec. 603. Termination.

TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA

Sec. 701. Short title.

Sec. 702. Imposition of sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.

Sec. 703. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses.

Sec. 704. Imposition of sanctions with respect to persons who engage in censorship or other forms of repression in Syria.

Sec. 705. Waiver.

Sec. 706. Termination.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Successive Presidents of the United States have determined that the pursuit of nuclear weapons capabilities by the Government of Iran presents a danger to the United States, its friends and allies, and to global security.

(2) Successive Congresses have recognized the threat that the Government of Iran and its policies present to the United States, its friends and allies, and to global security, and responded with successive bipartisan legislative initiatives, including most recently the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) on July 1, 2010.

(3) If the Government of Iran achieves a nuclear weapons capability, it would pose a threat to the United States and allies and friends of the United States, particularly Israel, destabilize the Middle East, increase the threat of nuclear terrorism, and significantly undermine global nonproliferation efforts.

(4) The United States and its allies in the international community recognize the threat posed by the pursuit of nuclear weapons capabilities by the Government of Iran and have imposed significant sanctions against the Government of Iran, including through the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 in the United States and the adoption of a series of successive, increasingly stringent United Nations Security Council resolutions. While such efforts, together with others, have served to slow the development of Iran's nuclear program, they have not yet deterred Iran from its nuclear ambitions, and international efforts to do so must be intensified.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) **CREDIBLE INFORMATION.**—The term “credible information” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996, as amended by section 205 of this Act.

(3) **KNOWINGLY.**—The term “knowingly” has the meaning given that term in section

14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(4) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN

SEC. 101. POLICY OF THE UNITED STATES WITH RESPECT TO DEVELOPMENT OF NUCLEAR WEAPONS CAPABILITIES BY IRAN.

It shall be the policy of the United States—

(1) to prevent the Government of Iran from—

(A) acquiring or developing nuclear weapons;

(B) developing its advanced conventional weapons and ballistic missile capabilities; and

(C) continuing its support for terrorist organizations and other activities aimed at undermining and destabilizing its neighbors and other countries; and

(2) to fully implement all multilateral and bilateral sanctions against Iran, as part of larger multilateral and bilateral diplomatic efforts, in order to compel the Government of Iran—

(A) to abandon efforts to acquire a nuclear weapons capability;

(B) to abandon and dismantle its ballistic missile and unconventional weapons programs; and

(C) to cease all support for terrorist organizations and other terrorist activities aimed at undermining and destabilizing its neighbors and other countries.

SEC. 102. SENSE OF CONGRESS ON EXPANSION OF MULTILATERAL SANCTIONS REGIME AND IMPLEMENTATION OF SANCTIONS LAWS.

It is the sense of Congress that the goal of compelling Iran to abandon efforts to acquire a nuclear weapons capability and other threatening activities can be effectively achieved through—

(1) the prompt expansion, vigorous implementation, and intensification of enforcement of the current multilateral sanctions regime with respect to Iran; and

(2) full and vigorous implementation of all sanctions enacted into law, including sanctions imposed or expanded by this Act or amendments made by this Act.

SEC. 103. DIPLOMATIC EFFORTS TO EXPAND MULTILATERAL SANCTIONS REGIME.

(a) **MULTILATERAL NEGOTIATIONS.**—In order to further the policy set forth in section 101, Congress urges the President to intensify diplomatic efforts, both in appropriate international fora such as the United Nations and bilaterally with allies of the United States, to expand the multilateral sanctions regime with respect to Iran, including—

(1) expanding the United Nations Security Council sanctions regime to include—

(A) a prohibition on the issuance of visas to any official of the Government of Iran who is involved in—

(i) human rights violations in or outside of Iran;

(ii) the development of a nuclear weapons program and a ballistic missile capability in Iran; or

(iii) support by the Government of Iran for terrorist organizations, including Hamas and Hezbollah; and

(B) a requirement that each member country of the United Nations prohibit the Is-

lamic Republic of Iran Shipping Lines from landing at seaports, and cargo flights of Iran Air from landing at airports, in that country because of the role of those organizations in proliferation and illegal arms sales;

(2) expanding the range of sanctions imposed with respect to Iran by allies of the United States;

(3) expanding efforts to limit the development of petroleum resources and the importation of refined petroleum products by Iran;

(4) developing additional initiatives to—

(A) increase the production of crude oil in countries other than Iran; and

(B) assist countries that purchase or otherwise obtain crude oil or petroleum products from Iran to reduce their dependence on crude oil and petroleum products from Iran; and

(5) eliminating the revenue generated by the Government of Iran from the sale of petrochemical products produced in Iran to other countries.

(b) **REPORTS TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on the extent to which diplomatic efforts described in subsection (a) have been successful that includes—

(1) an identification of the countries that have agreed to impose additional sanctions or take other measures to further the policy set forth in section 101 and a description of those measures;

(2) an identification of the countries that have not agreed to impose such sanctions or measures;

(3) recommendations for additional measures that the United States could take to further the policy set forth in section 101; and

(4) a description of any decision by the World Trade Organization with respect to whether the imposition by any country of any sanction with respect to Iran is inconsistent with the obligations of that country as a member of the World Trade Organization or under the General Agreement on Tariffs and Trade, done at Geneva October 30, 1947.

SEC. 104. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that all efforts should be made by the President to maximize the effects of existing sanctions with respect to Iran and the United States should take all necessary measures to preserve robust information-sharing activities.

TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN

Subtitle A—Expansion of Iran Sanctions Act of 1996

SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO JOINT VENTURES WITH THE GOVERNMENT OF IRAN RELATING TO DEVELOPING PETROLEUM RESOURCES.

Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in the subsection heading, by striking “WITH RESPECT TO” and all that follows through “TO IRAN” and inserting “RELATING TO THE ENERGY SECTOR OF IRAN”; and

(2) by adding at the end the following:

“(4) **JOINT VENTURES WITH IRAN RELATING TO DEVELOPING PETROLEUM RESOURCES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B) and subsection (f), the

President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly participates, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, in a joint venture with respect to the development of petroleum resources outside of Iran if—

“(i) the joint venture is established on or after January 1, 2002; and

“(ii) (I) the Government of Iran is a substantial partner or investor in the joint venture; or

“(II) Iran could, through a direct operational role in the joint venture or by other means, receive technological knowledge or equipment not previously available to Iran that could directly and significantly contribute to the enhancement of Iran’s ability to develop petroleum resources in Iran.

“(B) **APPLICABILITY.**—Subparagraph (A) shall not apply with respect to participation in a joint venture established on or after January 1, 2002, and before the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012 if the person participating in the joint venture terminates that participation not later than the date that is 180 days after such date of enactment.”.

SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF GOODS, SERVICES, TECHNOLOGY, OR SUPPORT FOR THE ENERGY OR PETROCHEMICAL SECTORS OF IRAN.

Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), as amended by section 201, is further amended by adding at the end the following:

“(5) **SUPPORT FOR THE DEVELOPMENT OF PETROLEUM RESOURCES AND REFINED PETROLEUM PRODUCTS IN IRAN.**—

“(A) **IN GENERAL.**—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—

“(i) any of which has a fair market value of \$1,000,000 or more; or

“(ii) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

“(B) **GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.**—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or enhancement of Iran’s—

“(i) ability to develop petroleum resources located in Iran; or

“(ii) domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries or directly associated infrastructure, including port facilities, railroads, or roads, if the predominant use of those facilities, railroads, or roads is for the transportation of refined petroleum products.

“(6) **DEVELOPMENT AND PURCHASE OF PETROCHEMICAL PRODUCTS FROM IRAN.**—

“(A) **IN GENERAL.**—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of Iran Sanctions, Accountability, and Human Rights

Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—

“(i) any of which has a fair market value of \$250,000 or more; or

“(ii) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more.

“(B) **GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.**—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or expansion of Iran’s domestic production of petrochemical products.”.

SEC. 203. IMPOSITION OF SANCTIONS WITH RESPECT TO JOINT VENTURES WITH THE GOVERNMENT OF IRAN RELATING TO MINING, PRODUCTION, OR TRANSPORTATION OF URANIUM.

Section 5(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) by striking “a person has, on or after” and inserting the following: “a person has—

“(A) on or after”;

(C) in subparagraph (A)(ii), as redesignated, by striking the period and inserting “; or”;

(D) by adding at the end the following:

“(B) except as provided in paragraph (3), knowingly participated, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, in a joint venture—

“(i) with—

“(I) the Government of Iran;

“(II) an entity incorporated in Iran or subject to the jurisdiction of the Government of Iran; or

“(III) a person acting on behalf of or at the direction of, or owned or controlled by, the Government of Iran or an entity described in subclause (II); and

“(ii) that involves any activity relating to the mining, production, or transportation of uranium.”; and

(2) by adding at the end the following:

“(3) **APPLICABILITY OF SANCTIONS WITH RESPECT TO JOINT VENTURES RELATING TO THE MINING, PRODUCTION, OR TRANSPORTATION OF URANIUM.**—

“(A) **IN GENERAL.**—Paragraph (1)(B) shall apply with respect to participation, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, in—

“(i) a joint venture established on or after such date of enactment; and

“(ii) except as provided in subparagraph (B), a joint venture established before such date of enactment.

“(B) **EXCEPTION.**—Paragraph (1)(B) shall not apply with respect to participation in a joint venture described in subparagraph (A)(ii) if the person participating in the joint venture terminates that participation not later than the date that is 180 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012.”.

SEC. 204. EXPANSION OF SANCTIONS AVAILABLE UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) **IN GENERAL.**—Section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraph (9) as paragraph (11); and

(2) by inserting after paragraph (8) the following:

“(9) **EXCLUSION OF CORPORATE OFFICERS.**—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person.

“(10) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to activities described in section 5 of the Iran Sanctions Act of 1996, as amended by this Act, commenced on or after such date of enactment.

SEC. 205. EXPANSION OF DEFINITIONS UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) **IN GENERAL.**—Section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by adding at the end the following:

“(19) **CREDIBLE INFORMATION.**—The term ‘credible information’, with respect to a person—

“(A) includes—

“(i) a public announcement by the person that the person has engaged in an activity described in section 5; and

“(ii) information set forth in a report to stockholders of the person indicating that the person has engaged in such an activity; and

“(B) may include, in the discretion of the President—

“(i) an announcement by the Government of Iran that the person has engaged in such an activity; or

“(ii) information indicating that the person has engaged in such an activity that is set forth in—

“(I) a report of the Government Accountability Office, the Energy Information Administration, or the Congressional Research Service; or

“(II) a report or publication of a similarly reputable governmental organization.

“(20) **PETROCHEMICAL PRODUCT.**—The term ‘petrochemical product’ includes any aromatic, olefin, or synthesis gas, and any derivative of such a gas, including ethylene, propylene, butadiene, benzene, toluene, xylene, ammonia, methanol, and urea.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to activities described in section 5 of the Iran Sanctions Act of 1996, as amended by this Act, commenced on or after such date of enactment.

Subtitle B—Additional Measures Relating to Sanctions Against Iran

SEC. 211. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF VESSELS OR SHIPPING SERVICES TO TRANSPORT CERTAIN GOODS RELATED TO PROLIFERATION OR TERRORISM ACTIVITIES TO IRAN.

(a) **IN GENERAL.**—Except as provided in subsection (c), if the President determines that a person, on or after the date of the enactment of this Act, knowingly provides a vessel, insurance or reinsurance, or any other shipping service for the transportation

to or from Iran of goods that could materially contribute to the activities of the Government of Iran with respect to the proliferation of weapons of mass destruction or support for acts of international terrorism, the President shall, pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the persons specified in subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) PERSONS SPECIFIED.—The persons specified in this subsection are—

(1) the person that provided a vessel, insurance or reinsurance, or other shipping service described in subsection (a); and

(2) any person that—

(A) is a successor entity to the person referred to in paragraph (1);

(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) provided the vessel, insurance or reinsurance, or other shipping service; or

(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the provision of the vessel, insurance or reinsurance, or other shipping service.

(c) WAIVER.—The President may waive the requirement to impose sanctions with respect to a person under subsection (a) on or after the date that is 30 days after the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report that contains the reasons for that determination.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President to designate persons for the imposition of sanctions pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to the blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 212. IMPOSITION OF SANCTIONS WITH RESPECT TO SUBSIDIARIES AND AGENTS OF PERSONS SANCTIONED BY UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.

(a) IN GENERAL.—Section 104(c)(2)(B) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(B)) is amended—

(1) by striking “of a person subject” and inserting the following: “of—

“(i) a person subject”;

(2) in clause (i), as redesignated, by striking the semicolon and inserting “; or”; and

(3) by adding at the end the following:

“(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i);”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendments made by subsection (a).

SEC. 213. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term “own or control” means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(b) PROHIBITION.—Not later than 60 days after the date of the enactment of this Act, the President shall prohibit an entity owned or controlled by a United States person and established or maintained outside the United States from engaging in any transaction directly or indirectly with the Government of Iran or any person subject to the jurisdiction of that Government that would be prohibited by an order or regulation issued pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) if the transaction were engaged in by a United States person or in the United States.

(c) CIVIL PENALTY.—The civil penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a United States person to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if an entity owned or controlled by the United States person and established or maintained outside the United States violates, attempts to violate, conspires to violate, or causes a violation of any order or regulation issued to implement subsection (b).

(d) APPLICABILITY.—Subsection (c) shall not apply with respect to a transaction described in subsection (b) by an entity owned or controlled by a United States person and established or maintained outside the United States if the United States person divests or terminates its business with the entity not later than the date that is 180 days after the date of the enactment of this Act.

SEC. 214. DISCLOSURES TO THE SECURITIES AND EXCHANGE COMMISSION RELATING TO SANCTIONABLE ACTIVITIES.

(a) IN GENERAL.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

“(f) DISCLOSURE OF CERTAIN ACTIVITIES RELATING TO IRAN.—

“(1) IN GENERAL.—Each issuer required to file an annual or quarterly report under subsection (a) shall disclose in that report the information required by paragraph (2) if, during the period covered by the report, the issuer or any affiliate of the issuer—

“(A) knowingly engaged in an activity described in section 5 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note);

“(B) knowingly engaged in an activity described in subsection (c)(2) of section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) or a transaction described in subsection (d)(1) of that section;

“(C) knowingly engaged in an activity described in section 105A(b)(2) of that Act; or

“(D) knowingly conducted any transaction or dealing with—

“(i) any person the property and interests in property of which are blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

“(ii) any person the property and interests in property of which are blocked pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters); or

“(iii) any person identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran).

“(2) INFORMATION REQUIRED.—If an issuer or an affiliate of the issuer has engaged in any activity described in paragraph (1), the issuer shall disclose a detailed description of each such activity, including—

“(A) the nature and extent of the activity;

“(B) the gross revenues and net profits, if any, attributable to the activity; and

“(C) whether the issuer or the affiliate of the issuer (as the case may be) intends to continue the activity.

“(3) NOTICE OF DISCLOSURES.—If an issuer reports under paragraph (1) that the issuer or an affiliate of the issuer has knowingly engaged in any activity described in that paragraph, the issuer shall separately file with the Commission, concurrently with the annual or quarterly report under subsection (a), a notice that the disclosure of that activity has been included in that annual or quarterly report that identifies the issuer and contains the information required by paragraph (2).

“(4) PUBLIC DISCLOSURE OF INFORMATION.—Upon receiving a notice under paragraph (3) that an annual or quarterly report includes a disclosure of an activity described in paragraph (1), the Commission shall promptly—

“(A) transmit the report to—

“(i) the President;

“(ii) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

“(iii) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(B) make the information provided in the disclosure and the notice available to the public by posting the information on the Internet website of the Commission.

“(5) INVESTIGATIONS.—Upon receiving a report under paragraph (4), the President shall—

“(A) initiate an investigation into the possible imposition of sanctions under the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note), section 104 or 105A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, an Executive Order specified in clause (i) or (ii) of paragraph (1)(D), or any other provision of law relating to the imposition of sanctions with respect to Iran, as applicable; and

“(B) not later than 180 days after initiating such an investigation, make a determination with respect to whether sanctions should be imposed with respect to the issuer or the affiliate of the issuer (as the case may be).

“(6) SUNSET.—The provisions of this subsection shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 180 days after the date of the enactment of this Act.

SEC. 215. IDENTIFICATION OF, AND IMMIGRATION RESTRICTIONS ON, SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN AND THEIR FAMILY MEMBERS.

(a) IDENTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall publish a list of each individual the President determines is—

(1) a senior official of the Government of Iran described in subsection (b) that is involved in Iran’s—

(A) illicit nuclear activities or proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) support for international terrorism; or

(C) commission of serious human rights abuses against citizens of Iran or their family members; or

(2) a family member of such an official.

(b) SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN DESCRIBED.—A senior official of the Government of Iran described in this subsection is any senior official of that Government, including—

(1) the Supreme Leader of Iran, Ali Khamenei;

(2) the President of Iran, Mahmoud Ahmadinejad;

(3) a member of the Cabinet of the Government of Iran;

(4) a member of the Assembly of Experts;

(5) a senior member of the Intelligence Ministry of Iran; or

(6) a member of Iran’s Revolutionary Guard Corps with the rank of brigadier general or higher, including a member of a paramilitary organization such as Ansar-e Hezbollah or Basij-e Motaz’afin.

(c) RESTRICTIONS ON VISAS AND ADJUSTMENTS IN IMMIGRATION STATUS.—The Secretary of State and the Secretary of Homeland Security may not grant an individual on the list required by subsection (a) immigration status in, or admit the individual to, the United States.

(d) WAIVER.—The President may waive the application of subsection (a) or (c) with respect to an individual if the President—

(1) determines that such a waiver is—

(A) in the national interests of the United States; or

(B) necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947; and

(2) not less than 7 days before the waiver takes effect, notifies Congress of the waiver and the reason for the waiver.

SEC. 216. REPORTS ON, AND AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO, THE PROVISION OF FINANCIAL COMMUNICATIONS SERVICES TO THE CENTRAL BANK OF IRAN AND SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President has been engaged in diplomatic efforts to multilateralize sanctions

against Iran to restrict the access of the Government of Iran to the global financial system;

(2) the President should intensify those efforts and, in particular, efforts to ensure that global financial communications services providers, such as the Society for Worldwide Interbank Financial Telecommunication (in this section referred to as “SWIFT”), cut off services to Iranian financial institutions designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(3) at a time when financial institutions around the world are severing their ties with such Iranian financial institutions, it is inconsistent and troubling that financial communications services providers continue to service those financial institutions, particularly with respect to the Belgian cooperative SWIFT, which—

(A) is subject to the prohibition of the European Union on providing economic resources to financial institutions designated for the imposition of sanctions by the European Union; and

(B) notes in its own corporate rules that it reserves the right to expel a SWIFT customer that may adversely affect SWIFT’s “reputation, brand, or goodwill”, for instance if the SWIFT customer is subject to sanctions (such as by the United Nations or the European Union), as is the case with Iranian financial institutions.

(b) REPORT ON THE PROVISION OF FINANCIAL COMMUNICATIONS SERVICES TO SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a list of all known entities (including SWIFT) that provide financial communications services to, or that enable or facilitate access to such services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)).

(c) REPORT ON EFFORTS TO TERMINATE THE PROVISION BY SWIFT OF SERVICES FOR SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the status of efforts to ensure that SWIFT has terminated the provision of financial communications services to, and the enabling and facilitation of access to such services for, the Central Bank of Iran and Iranian financial institutions designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(d) AUTHORIZATION FOR THE IMPOSITION OF SANCTIONS.—If, on or after the date that is 90 days after the date of the enactment of this Act, a global financial communications services provider has not terminated the provision of financial communications services to, and the enabling and facilitation of access to such services for, the Central Bank of Iran and any financial institution described in paragraph (2)(E)(ii) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)), the President may impose sanctions pursuant to that section or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the financial communications services provider and the directors of, and shareholders with a significant interest in, the provider.

SEC. 217. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FOREIGN ENTITIES THAT INVEST IN THE ENERGY SECTOR OF IRAN OR EXPORT REFINED PETROLEUM PRODUCTS TO IRAN.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report—

(A) listing all foreign investors in the energy sector of Iran during the period specified in paragraph (2), including—

(i) all entities that exported gasoline and other refined petroleum products to Iran;

(ii) all entities involved in providing refined petroleum products to Iran, including—

(I) entities that provided ships to transport refined petroleum products to Iran; and

(II) entities that provided insurance or reinsurance for shipments of refined petroleum products to Iran; and

(iii) all entities involved in commercial transactions of any kind, including joint ventures anywhere in the world, with Iranian energy companies; and

(B) identifying the countries in which gasoline and other refined petroleum products exported to Iran during the period specified in paragraph (2) were produced or refined.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period beginning on January 1, 2006, and ending on the date that is 150 days after the date of the enactment of this Act.

(b) UPDATED REPORTS.—Not later than one year after submitting the report required by subsection (a), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the one-year period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

SEC. 218. REPORTING ON THE IMPORTATION TO AND EXPORTATION FROM IRAN OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS.

Section 110(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8518(b)) is amended by striking “a report containing the matters” and all that follows through the period at the end and inserting the following: “a report, covering the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section, that—

“(1) contains the matters required in the report under subsection (a)(1); and

“(2) identifies—

“(A) the volume of crude oil and refined petroleum products imported to and exported from Iran (including through swaps and similar arrangements);

“(B) the persons selling and transporting crude oil and refined petroleum products described in subparagraph (A), the countries with primary jurisdiction over those persons, and the countries in which those products were refined;

“(C) the sources of financing for imports to Iran of crude oil and refined petroleum products described in subparagraph (A); and

“(D) the involvement of foreign persons in efforts to assist Iran in—

“(i) developing upstream oil and gas production capacity;

“(ii) importing advanced technology to upgrade existing Iranian refineries;

“(iii) converting existing chemical plants to petroleum refineries; or

“(iv) maintaining, upgrading, or expanding refineries or constructing new refineries.”.

TITLE III—SANCTIONS WITH RESPECT TO IRAN'S REVOLUTIONARY GUARD CORPS

Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran's Revolutionary Guard Corps and Other Sanctioned Persons

SEC. 301. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, OFFICIALS, AGENTS, AND AFFILIATES OF IRAN'S REVOLUTIONARY GUARD CORPS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and as appropriate thereafter, the President shall—

(1) identify foreign persons that are officials, agents, or affiliates of Iran's Revolutionary Guard Corps; and

(2) for each foreign person identified under paragraph (1) that is not already designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)—

(A) designate that foreign person for the imposition of sanctions pursuant to that Act; and

(B) block and prohibit all transactions in all property and interests in property of that foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) PRIORITY FOR INVESTIGATION.—In identifying foreign persons pursuant to subsection (a)(1) as officials, agents, or affiliates of Iran's Revolutionary Guard Corps, the President shall give priority to investigating—

(1) foreign persons identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran); and

(2) foreign persons for which there is a reasonable basis to find that the person has conducted or attempted to conduct one or more sensitive transactions or activities described in subsection (c).

(c) SENSITIVE TRANSACTIONS AND ACTIVITIES DESCRIBED.—A sensitive transaction or activity described in this subsection is—

(1) a financial transaction or series of transactions valued at more than \$1,000,000 in the aggregate in any 12-month period involving a non-Iranian financial institution;

(2) a transaction to facilitate the manufacture, importation, exportation, or transfer of items needed for the development by Iran of nuclear, chemical, biological, or advanced conventional weapons, including ballistic missiles;

(3) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's energy sector, including a transaction relating to the development of the energy resources of Iran, the exportation of petroleum products from Iran, the importation of refined petroleum to Iran, or the development of refining capacity available to Iran;

(4) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's petrochemical sector; or

(5) a transaction relating to the procurement of sensitive technologies (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515(c))).

(d) EXCLUSION FROM UNITED STATES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of State shall deny a visa to,

and the Secretary of Homeland Security shall exclude from the United States, any alien who, on or after the date of the enactment of this Act, is a foreign person designated pursuant to subsection (a) for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) REGULATORY EXCEPTIONS TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The requirement to deny visas to and exclude aliens from the United States pursuant to paragraph (1) shall be subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(e) WAIVER OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may waive the application of subsection (a)(2) or (d) with respect to a foreign person if the President—

(A) determines that it is in the national security interests of the United States to do so; and

(B) submits to the appropriate congressional committees a report that—

(i) identifies the foreign person with respect to which the waiver applies; and

(ii) sets forth the reasons for the determination.

(2) FORM OF REPORT.—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to remove any sanction of the United States in force with respect to Iran's Revolutionary Guard Corps as of the date of the enactment of this Act.

SEC. 302. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, PERSONS THAT SUPPORT OR CONDUCT CERTAIN TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS OR OTHER SANCTIONED PERSONS.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report identifying foreign persons that the President determines, on or after the date of the enactment of this Act, knowingly—

(A) materially assist, sponsor, or provide financial, material, or technological support for, or goods or services in support of, Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) engage in a significant transaction or transactions with Iran's Revolutionary Guard Corps or any such official, agent, or affiliate; or

(C) engage in a significant transaction or transactions with—

(i) a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is adopted by the Security Council and imposes sanctions with respect to Iran or modifies such sanctions; or

(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i).

(2) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) BARTER TRANSACTIONS.—For purposes of paragraph (1), the term “transaction” includes a barter transaction.

(b) IMPOSITION OF SANCTIONS.—If the President determines under subsection (a)(1) that a foreign person has knowingly engaged in an activity described in that subsection, the President—

(1) shall impose 3 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204 of this Act; and

(2) may impose additional sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.

(c) TERMINATION.—The President may terminate a sanction imposed with respect to a foreign person pursuant to subsection (b) if the President determines that the person—

(1) no longer engages in the activity for which the sanction was imposed; and

(2) has provided assurances to the President that the person will not engage in any activity described in subsection (a)(1) in the future.

(d) WAIVER OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (b) with respect to a foreign person if the President—

(A)(i) determines that the person has ceased the activity for which sanctions would otherwise be imposed and has taken measures to prevent a recurrence of the activity; or

(ii) determines that it is in the national security interests of the United States to do so; and

(B) submits to the appropriate congressional committees a report that—

(i) identifies the foreign person with respect to which the waiver applies;

(ii) describes the activity that would otherwise subject the foreign person to the imposition of sanctions under subsection (b); and

(iii) sets forth the reasons for the determination.

(2) FORM OF REPORT.—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.

(e) WAIVER OF IDENTIFICATIONS AND DESIGNATIONS.—Notwithstanding any other provision of this subtitle and subject to paragraph (2), the President shall not be required to make any identification of a foreign person under subsection (a) or any identification or designation of a foreign person under section 301(a) if the President—

(1) determines that doing so would cause damage to the national security of the United States, including through the divulgence of sources or methods of obtaining intelligence or other critical classified information; and

(2) notifies the appropriate congressional committees of the exercise of the authority provided under this subsection.

(f) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition under subsection (b)(1) of sanctions relating to activities described in subsection (a)(1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:

(1) Subsections (c) and (e) of section 4.

- (2) Subsections (c), (d), and (f) of section 5.
- (3) Section 8.
- (4) Section 9.
- (5) Section 11.
- (6) Section 12.
- (7) Subsection (b) of section 13.
- (8) Section 14.

SEC. 303. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to limit the authority of the President to designate foreign persons for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

Subtitle B—Additional Measures Relating to Iran's Revolutionary Guard Corps

SEC. 311. EXPANSION OF PROCUREMENT PROHIBITION TO FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.

(a) IN GENERAL.—Section 6(b)(1) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) by striking “Not later than 90 days” and inserting the following:

“(A) CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.—Not later than 90 days”; and

(2) by adding at the end the following:

“(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.—Not later than 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, the Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not knowingly engage in a significant transaction or transactions with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 6(b) of the Iran Sanctions Act of 1996, as amended by subsection (a), is further amended—

(A) in paragraph (1)(A), as redesignated, by striking “issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “the revision” and inserting “the applicable revision”; and

(ii) in subparagraph (B), by striking “issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)”; and

(C) by striking paragraph (6) and inserting the following:

“(6) DEFINITIONS.—In this subsection:

“(A) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given that term in section 133 of title 41, United States Code.

“(B) FEDERAL ACQUISITION REGULATION.—The term ‘Federal Acquisition Regulation’ means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.”; and

(D) in paragraph (7)—

(i) by striking “The revisions to the Federal Acquisition Regulation required under paragraph (1)” and inserting the following:

“(A) CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.—The revisions to the Federal Acquisition Regulation required under paragraph (1)(A)”; and

(ii) by adding at the end the following:

“(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.—The revisions to the Federal Acquisition Regulation required under paragraph (1)(B) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012.”

(2) Section 101(3) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511(3)) is amended by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 133 of title 41, United States Code”.

SEC. 312. DETERMINATIONS OF WHETHER THE NATIONAL IRANIAN OIL COMPANY AND THE NATIONAL IRANIAN TANKER COMPANY ARE AGENTS OR AFFILIATES OF IRAN'S REVOLUTIONARY GUARD CORPS.

(a) IN GENERAL.—Section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)) is amended by adding at the end the following:

“(4) DETERMINATIONS REGARDING NIOC AND NITC.—

“(A) DETERMINATIONS.—For purposes of paragraph (2)(E)(i), the Secretary of the Treasury shall, not later than 60 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012—

(i) determine whether the NIOC or the NITC is an agent or affiliate of Iran's Revolutionary Guard Corps; and

(ii) submit to the appropriate congressional committees a report on the determinations made under clause (i), together with the reasons for those determinations.

“(B) FORM OF REPORT.—A report submitted under subparagraph (A)(ii) shall be submitted in unclassified form but may contain a classified annex.

“(C) APPLICABILITY WITH RESPECT TO PETROLEUM TRANSACTIONS.—

“(i) APPLICATION OF SANCTIONS.—Except as provided in clause (ii), the regulations prescribed under paragraph (1) shall apply to a transaction for the purchase of petroleum or petroleum products from, or to financial services relating to such a transaction for, the NIOC or the NITC on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) only if the President has determined, pursuant to section 1245(d)(4)(B) of that Act, that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

“(ii) EXCEPTION FOR CERTAIN COUNTRIES.—The regulations prescribed under paragraph (1) shall not apply to a foreign financial institution that facilitates a significant transaction or transactions for the purchase of petroleum or petroleum products from, or that provides significant financial services relating to such a transaction for, the NIOC or the NITC if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012, and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution has significantly reduced its volume of crude oil purchases from Iran dur-

ing the period beginning on the date on which the President submitted the last report with respect to the country under this clause.

“(D) DEFINITIONS.—In this paragraph:

“(i) NIOC.—The term ‘NIOC’ means the National Iranian Oil Company.

“(ii) NITC.—The term ‘NITC’ means the National Iranian Tanker Company.”

(b) CONFORMING AMENDMENTS.—Section 104(g) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(g)) is amended by striking “subsection (c)(1)” each place it appears and inserting “paragraph (1) or (4) of subsection (c)”.

TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN

Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran

SEC. 401. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 105 the following:

“SEC. 105A. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

“(a) IN GENERAL.—The President shall impose sanctions in accordance with subsection (c) with respect to each person on the list required by subsection (b).

“(b) LIST.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

“(2) ACTIVITY DESCRIBED.—

“(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—

(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Iran; or

(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Iran.

“(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012.

“(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Iran or any of its agencies or instrumentalities to commit serious human rights abuses against the people of Iran, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

(ii) sensitive technology (as defined in section 106(c)).

“(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

“(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

“(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

“(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

“(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and

“(B) as new information becomes available.

“(5) FORM OF REPORT; PUBLIC AVAILABILITY.—

“(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

“(c) APPLICATION OF SANCTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the President shall impose sanctions described in section 105(c) with respect to a person on the list required by subsection (b).

“(2) TRANSFERS TO IRAN’S REVOLUTIONARY GUARD CORPS.—In the case of a person on the list required by subsection (b) for transferring, or facilitating the transfer of, goods or technologies described in subsection (b)(2)(C) to Iran’s Revolutionary Guard Corps, or providing services with respect to such goods or technologies after such goods or technologies are transferred to Iran’s Revolutionary Guard Corps, the President shall—

“(A) impose sanctions described in section 105(c) with respect to the person; and

“(B) impose such other sanctions from among the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) as the President determines appropriate.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105 the following:

“Sec. 105A. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.”.

SEC. 402. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), as amended by section 401, is further amended by inserting after section 105A the following:

“SEC. 105B. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.

“(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

“(b) LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in censorship or other activities that prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Iran.

“(2) APPLICABILITY.—Paragraph (1) applies with respect to censorship or other activities described in that paragraph that are—

“(A) commenced on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012; or

“(B) commenced before such date of enactment, if such activities continue on or after such date of enactment.

“(3) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

“(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and

“(B) as new information becomes available.

“(4) FORM OF REPORT; PUBLIC AVAILABILITY.—

“(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as amended by section 401, is further amended by inserting after the item relating to section 105A the following:

“Sec. 105B. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.”.

(c) CONFORMING AMENDMENTS.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by inserting “, 105A(a), or 105B(a)” after “105(a)”; and

(2) by inserting “, 105A(b), or 105B(b)” after “105(b)”.

Subtitle B—Additional Measures to Promote Human Rights in Iran

SEC. 411. EXPEDITED CONSIDERATION OF REQUESTS FOR AUTHORIZATION OF CERTAIN HUMAN RIGHTS, HUMANITARIAN, AND DEMOCRACY-RELATED ACTIVITIES WITH RESPECT TO IRAN.

(a) REQUIREMENT.—The Office of Foreign Assets Control, in consultation with the Department of State, shall establish an expedited process for the consideration of complete requests for authorization to engage in human rights-, humanitarian-, or democracy-related activities relating to Iran that are submitted by—

(1) entities receiving funds from the Department of State to engage in the proposed activity;

(2) the Broadcasting Board of Governors; and

(3) other appropriate agencies of the United States Government.

(b) PROCEDURES.—Requests for authorization under subsection (a) shall be submitted to the Office of Foreign Assets Control in

conformance with the agency’s regulations, including section 501.801 of title 31, Code of Federal Regulations (commonly known as the Reporting, Procedures and Penalties Regulations). Applicants must fully disclose the parties to the transactions as well as describe the activities to be undertaken. License applications involving the exportation or reexportation of goods, technology, or software to Iran must provide a copy of an official Commodity Classification issued by the Department of Commerce, Bureau of Industry and Security, as part of the license application.

(c) FOREIGN POLICY REVIEW.—The Department of State shall complete a foreign policy review of a request for authorization under subsection (a) not later than 30 days after the request is referred to the Department by the Office of Foreign Assets Control.

(d) LICENSE DETERMINATIONS.—License determinations for complete requests for authorization under subsection (a) shall be made not later than 90 days after receipt by the Office of Foreign Assets Control, with the following exceptions:

(1) Any requests involving the exportation or reexportation to Iran of goods, technology, or software listed on the Commerce Control List maintained pursuant to part 774 of the Export Administration Regulations shall be processed in a manner consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484) and other applicable provisions of law.

(2) Any other requests presenting novel or extraordinary circumstances.

(e) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are appropriate to carry out this section.

SEC. 412. COMPREHENSIVE STRATEGY TO PROMOTE INTERNET FREEDOM AND ACCESS TO INFORMATION IN IRAN.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a comprehensive strategy developed in consultation with the Department of State, the Department of the Treasury, and other Federal agencies, as appropriate, to—

(1) assist the people of Iran to produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;

(2) support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;

(3) increase the capabilities and availability of secure communications through connective technology among human rights and democracy activists in Iran;

(4) provide resources for digital safety training for media and academic and civil society organizations in Iran;

(5) provide accurate and substantive Internet content in local languages in Iran;

(6) increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;

(7) expand surrogate radio, television, live stream, and social network communications inside Iran, including Voice of America’s Persian News Network and Radio Free Europe/Radio Liberty’s Radio Farda, to provide hourly live news update programming and breaking news coverage capability 24 hours a day and 7 days a week;

(8) expand activities to safely assist and train human rights, civil society, and democracy activists in Iran to operate effectively and securely;

(9) identify and utilize all available resources to overcome attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals; and

(10) expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities.

SEC. 413. SENSE OF CONGRESS ON POLITICAL PRISONERS.

It is the sense of Congress that—

(1) the Secretary of State should support efforts to research and identify prisoners of conscience and cases of human rights abuses in Iran;

(2) the United States Government should—

(A) offer refugee status or political asylum in the United States to political dissidents in Iran if requested and consistent with the laws and national security interests of the United States; and

(B) offer to assist, through the United Nations High Commissioner for Refugees, with the relocation of such political prisoners to other countries if requested, as appropriate and with appropriate consideration for United States national security interests; and

(3) the Secretary of State should publicly call for the release of Iranian dissidents by name and raise awareness with respect to individual cases of Iranian dissidents and prisoners of conscience, as appropriate and if requested by the dissidents or prisoners themselves or their families.

TITLE V—MISCELLANEOUS

SEC. 501. EXCLUSION OF CITIZENS OF IRAN SEEKING EDUCATION RELATING TO THE NUCLEAR AND ENERGY SECTORS OF IRAN.

(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a citizen of Iran that the Secretary of State determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

(b) APPLICABILITY.—Subsection (a) applies with respect to visa applications filed on or after the date of the enactment of this Act.

SEC. 502. TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 1245(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) is amended—

(1) in the paragraph heading, by inserting “AGRICULTURAL COMMODITIES,” after “SALES OF”; and

(2) in the text, by inserting “agricultural commodities,” after “sale of”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

SEC. 503. INTERESTS IN FINANCIAL ASSETS OF IRAN.

(a) INTERESTS IN BLOCKED ASSETS.—Notwithstanding any other provision of law, and preempting any inconsistent provision of State law, the property interest of Iran in a blocked asset shall include an interest in property of any nature whatsoever, direct or indirect, including any direct or indirect interest in securities or other financial assets immobilized or in any other manner held in book entry form and credited to a securities account in the United States and the pro-

ceeds thereof, or in any funds transfers held in a United States financial institution. The property interest of Iran in securities or other financial assets immobilized or in any other manner held in book entry form and credited to a securities account in the United States and proceeds thereof shall be deemed to exist at every tier of securities intermediary necessary to hold an interest in any such securities or other financial assets. The property interest of Iran in a funds transfer shall exist at any intermediary bank necessary to complete such funds transfer.

(b) PROPERTY IN THE UNITED STATES OF IRAN.—Notwithstanding any other provision of law, and preempting any inconsistent provision of State law, the property, including any interest in the property, of Iran shall be deemed to be property in the United States of Iran if—

(1) that property is an interest, held directly or indirectly for the benefit of Iran or for the benefit of any securities intermediary that directly or indirectly holds the interest for the benefit of Iran, in securities or other financial assets that are represented by certificates or are in other physical form and are immobilized, custodized, or held for safekeeping or any other reason in the United States; or

(2) that property is an interest in securities or other financial assets held in book entry form or otherwise, and credited to a securities account in the United States by any securities intermediary directly or indirectly for the benefit of Iran or for the benefit of any other securities intermediary that directly or indirectly holds the interest for the benefit of Iran.

(c) DETERMINATION OF WHETHER SECURITIES OR OTHER ASSETS ARE HELD OR CREDITED TO A SECURITIES ACCOUNT IN THE UNITED STATES.—For purposes of this section, an interest in securities or other financial assets is held and credited to a securities account in the United States by a securities intermediary if the securities intermediary is located in the United States. A securities intermediary is conclusively presumed to be located in the United States if it is regulated in its capacity as a securities intermediary under the laws of the United States.

(d) COMMERCIAL ACTIVITY IN THE UNITED STATES.—Notwithstanding any other provision of law, the ownership by Iran, or its central bank or monetary authority, of any property, including the interest in property described in paragraphs (1) and (2) of subsection (b), or any other interest in property, shall be deemed to be commercial activity in the United States and that property, including any interest in that property, shall be deemed not to be held for the central bank's or monetary authority's own account.

(e) APPLICABILITY.—This section applies to all attachments and proceedings in aid of execution issued or obtained before, on, or after the date of the enactment of this Act with respect to judgments entered against Iran for damages for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, or hostage-taking, or the provision of material support or resources for such an act.

(f) DEFINITIONS.—In this section:

(1) BLOCKED ASSET.—The term “blocked asset”—

(A) means any asset seized or frozen by the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) or under section 202 or 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 and 1702); and

(B) does not include property that—

(i) is subject to a license issued by the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of the license has been specifically required by a provision of law other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or

(ii) is property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoys equivalent privileges and immunities under the laws of the United States, and is being used exclusively for diplomatic or consular purposes.

(2) CLEARING CORPORATION.—The term “clearing corporation” means—

(A) a clearing agency (as defined in section 3(a)(23) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(23)));

(B) a Federal reserve bank; or

(C) any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the Federal securities laws but for an exclusion or exemption from the registration requirement under section 3(a)(23)(B) of the Securities Exchange Act of 1934, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a Federal or State governmental authority.

(3) FINANCIAL ASSET; SECURITY.—The terms “financial asset” and “security” have the meanings given those terms in the Uniform Commercial Code.

(4) IRAN.—The term “Iran” means the Government of Iran, including the central bank or monetary authority of that Government and any agency or instrumentality of that Government.

(5) PROPERTY SUBJECT TO THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OR THE VIENNA CONVENTION ON CONSULAR RELATIONS.—The term “property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations” means any property the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, or the Convention on Consular Relations, done at Vienna April 24, 1963.

(6) SECURITIES INTERMEDIARY.—The term “securities intermediary” means—

(A) a clearing corporation; or

(B) a person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(7) UNITED STATES.—The terms “United States” includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

SEC. 504. REPORT ON MEMBERSHIP OF IRAN IN INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter not later than September 1, the Secretary of State shall submit to Congress a report listing the international organizations of which Iran is a member and detailing the amount that the United States contributes to each such organization on an annual basis.

TITLE VI—GENERAL PROVISIONS**SEC. 601. TECHNICAL IMPLEMENTATION; PENALTIES.**

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out—

(1) sections 211, 213, and 216, subtitle A of title III, and title VII of this Act; and

(2) sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV of this Act.

(b) **PENALTIES.**—

(1) **IN GENERAL.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of a provision specified in paragraph (2) of this subsection, or an order or regulation prescribed under such a provision, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(2) **PROVISIONS SPECIFIED.**—The provisions specified in this paragraph are the following:

(A) Sections 211 and 216, subtitle A of title III, and title VII of this Act.

(B) Sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV of this Act.

SEC. 602. APPLICABILITY TO CERTAIN INTELLIGENCE ACTIVITIES.

Nothing in this Act or the amendments made by this Act shall apply to the authorized intelligence activities of the United States.

SEC. 603. TERMINATION.

The provisions of sections 211, 213, 215, 216, 217, and 501, title I, and subtitle A of title III shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA**SEC. 701. SHORT TITLE.**

This title may be cited as the “Syria Human Rights Accountability Act of 2012”.

SEC. 702. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.

(a) **IN GENERAL.**—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) **LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Syria or persons acting on behalf of that Government that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional

committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) **CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.**—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Syria, that monitor the human rights abuses of the Government of Syria.

(c) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property, subject to such regulations as the President may prescribe.

SEC. 703. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) **IN GENERAL.**—The President shall impose sanctions described in section 702(c) with respect to—

(1) each person on the list required by subsection (b); and

(2) any person that—

(A) is a successor entity to a person on the list;

(B) owns or controls a person on the list, if the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list; or

(C) is owned or controlled by, or under common ownership or control with, the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list.

(b) **LIST.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

(2) **ACTIVITY DESCRIBED.**—

(A) **IN GENERAL.**—A person engages in an activity described in this paragraph if the person—

(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Syria; or

(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Syria.

(B) **APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.**—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out

pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.

(C) **GOODS OR TECHNOLOGIES DESCRIBED.**—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

(ii) sensitive technology.

(D) **SENSITIVE TECHNOLOGY DEFINED.**—

(i) **IN GENERAL.**—For purposes of subparagraph (C), the term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(I) to restrict the free flow of unbiased information in Syria; or

(II) to disrupt, monitor, or otherwise restrict speech of the people of Syria.

(ii) **EXCEPTION.**—The term “sensitive technology” does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(3) **SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.**—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

(4) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(5) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

SEC. 704. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER FORMS OF REPRESSION IN SYRIA.

(a) **IN GENERAL.**—The President shall impose sanctions described in section 702(c) with respect to each person on the list required by subsection (b).

(b) **LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in censorship, or activities relating

to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

SEC. 705. WAIVER.

The President may waive the requirement to include a person on a list required by section 702, 703, or 704 or to impose sanctions pursuant to any such section if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report on the reasons for that determination.

SEC. 706. TERMINATION.

(a) **IN GENERAL.**—The provisions of this title and any sanctions imposed pursuant to this title shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) the certification described in subsection (b); and

(2) a certification that—

(A) the Government of Syria is democratically elected and representative of the people of Syria; or

(B) a legitimate transitional government of Syria is in place.

(b) **CERTIFICATION DESCRIBED.**—A certification described in this subsection is a certification by the President that the Government of Syria—

(1) has unconditionally released all political prisoners;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;

(3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of unbiased information in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;

(4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and

(5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;

(6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided credible assurances that it will not engage in such activities in the future; and

(7) has agreed to allow the United Nations and other international observers to verify that the Government of Syria is not engaging in such activities and to assess the credibility of the assurances provided by that Government.

(c) **SUSPENSION OF SANCTIONS AFTER ELECTION OF DEMOCRATIC GOVERNMENT.**—If the

President submits to the appropriate congressional committees the certification described in subsection (a)(2), the President may suspend the provisions of this title and any sanctions imposed under this title for not more than one year to allow time for a certification described in subsection (b) to be submitted.

SA 2124. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to amendment SA 2123 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill H.R. 1905, to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes; as follows:

Beginning on page 7, strike line 18, and all that follows through page 8, line 8, and insert the following:

SEC. 102. SENSE OF CONGRESS ON ENFORCEMENT OF MULTILATERAL SANCTIONS REGIME AND EXPANSION AND IMPLEMENTATION OF SANCTIONS LAWS.

It is the sense of Congress that the goal of compelling Iran to abandon efforts to acquire a nuclear weapons capability and other threatening activities can be effectively achieved through a comprehensive policy that includes economic sanctions, diplomacy, and military planning, capabilities and options, and that this objective is consistent with the one stated by President Barack Obama in the 2012 State of the Union Address: “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal”. Among these economic sanctions are—

(1) prompt enforcement of the current multilateral sanctions regime with respect to Iran;

(2) full, timely, and vigorous implementation of all sanctions enacted into law, including sanctions imposed or expanded by this Act or amendments made by this Act, through—

(A) intensified monitoring by the President and his designees, including the Secretary of the Treasury and the Secretary of State, along with senior officials in the intelligence community, as appropriate;

(B) more extensive use of extraordinary authorities provided for under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and other sanctions laws;

(C) reallocation of resources to provide the personnel necessary, within the Department of the Treasury, the Department of State, and the Department of Defense, and, where appropriate, the intelligence community, to apply and enforce sanctions; and

(D) expanded cooperation with international sanctions enforcement efforts;

(3) urgent consideration of the expansion of existing sanctions with respect to such areas as—

(A) the provision of energy-related services to Iran;

(B) the provision of insurance and reinsurance services to Iran;

(C) the provision of shipping services to Iran;

(D) those Iranian financial institutions not currently designated for the imposition of sanctions that may be acting as intermediaries for Iranian financial institutions

that are designated for the imposition of sanctions; and

(4) a focus on countering Iran’s efforts to evade sanctions, including—

(A) the activities of telecommunications, Internet, and satellite service providers, within and outside of Iran, to ensure that such providers are not participating in or facilitating, directly or indirectly, the evasion of the sanctions regime with respect to Iran or violations of the human rights of the people of Iran;

(B) the activities of financial institutions or other businesses or government agencies, within or outside of Iran, not yet designated for the imposition of sanctions; and

(C) urgent and ongoing evaluation of Iran’s energy, national security, financial, and telecommunications sectors, to gauge the effects of, and possible defects in, particular sanctions, with prompt efforts to correct any gaps in the existing sanctions regime with respect to Iran.

On page 30, line 12, insert “that includes a disclosure of an activity described in paragraph (1) (other than an activity described in subparagraph (D)(iii) of that paragraph)” after “paragraph (4)”.

On page 33, strike lines 1 through 20, and insert the following:

(C) **RESTRICTIONS ON VISAS AND ADJUSTMENTS IN IMMIGRATION STATUS.**—Except as provided in subsection (d), the Secretary of State and the Secretary of Homeland Security may not grant an individual on the list required by subsection (a) immigration status in, or admit the individual to, the United States.

(d) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Subsection (c) shall not apply to an individual if admitting the individual to the United States is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947.

(e) **WAIVER.**—The President may waive the application of subsection (a) or (c) with respect to an individual if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) not less than 7 days before the waiver takes effect, notifies Congress of the waiver and the reason for the waiver.

Beginning on page 34, strike line 1 and all that follows through page 37, line 5, and insert the following:

SEC. 216. REPORTS ON, AND AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO, THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO THE CENTRAL BANK OF IRAN AND OTHER SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) providers of specialized financial messaging services are a critical link to the international financial system;

(2) the European Union is to be commended for strengthening the multilateral sanctions regime against Iran by deciding that specialized financial messaging services may not be provided to the Central Bank of Iran and other sanctioned Iranian financial institutions by persons subject to the jurisdiction of the European Union; and

(3) the loss of access by sanctioned Iranian financial institutions to specialized financial messaging services must be maintained.

(b) **REPORTS REQUIRED.**—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains—

(A) a list of all persons that the Secretary has identified that directly provide specialized financial messaging services to, or enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(B) a detailed assessment of the status of efforts by the Secretary to end the direct provision of such messaging services to, and the enabling or facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)).

(2) ENABLING OR FACILITATION OF ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES THROUGH INTERMEDIARY FINANCIAL INSTITUTIONS.—For purposes of paragraph (1) and subsection (c), enabling or facilitating direct or indirect access to specialized financial messaging services for the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) includes doing so by serving as an intermediary financial institution with access to such messaging services.

(3) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(C) AUTHORIZATION OF THE IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), if, on or after the date that is 90 days after the date of the enactment of this Act, a person continues to knowingly and directly provide specialized financial messaging services to, or knowingly enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in paragraph (2)(E)(ii) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)), the President may impose sanctions pursuant to that section or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.

(2) EXCEPTION.—The President may not impose sanctions pursuant to paragraph (1) with respect to a person for directly providing specialized financial messaging services to, or enabling or facilitating direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) if—

(A) the person is subject to a sanctions regime under its governing foreign law that requires it to eliminate the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for—

(i) the Central Bank of Iran; and

(ii) a group of Iranian financial institutions identified under such governing foreign law for purposes of that sanctions regime if the President determines that—

(I) the group is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(II) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and

(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran and each Iranian financial institution identified under such governing foreign law for purposes of that sanctions regime.

On page 58, between lines 6 and 7, insert the following:

SEC. 401. FINDINGS.

Congress makes the following findings:

(1) The Government of Iran continues to violate systematically the basic human rights of citizens of Iran, including by cutting off their access to information and technology, suppressing their freedom of expression, and punishing severely, and sometimes brutally, their attempts to exercise political rights.

(2) In a March 20, 2012, speech celebrating Nowruz, the Iranian New Year, President Barack Obama described censorship of the Internet and monitoring of computers and cell phones by the Government of Iran as depriving the people of Iran of “the information they want [and] stopping the free flow of information and ideas into the country”. The President concluded that “in recent weeks, Internet restrictions have become so severe that Iranians cannot communicate freely with their loved ones within Iran, or beyond its borders, [so that] an electronic curtain has fallen around Iran.”

(3) At a time when growing numbers of Iranians turn to the Internet as a source for news and political debate, the response of the Government of Iran has combined increasingly pervasive jamming and filtering of the Internet, blocking of email, social networking and other websites, and interception of Internet, telephonic, and mail communications.

(4) The March 2012 Report of the United Nations Human Rights Council Special Rapporteur on Iran details the Government of Iran’s widespread human rights abuses and censorship, its chronic disregard of due process, and its equally chronic harassment, abuse, and intimidation of the people of Iran.

(5) There has been no independent investigation into the months of violence that followed Iran’s fraudulent 2009 presidential election, violence that included the beatings of scores of Tehran University students by security forces using weapons, such as chains, metal rods, and electrified batons, and the subsequent imprisonment of many students, some of whom died in captivity.

(6) The Government of Iran has failed to cooperate with human rights investigations by the Special Rapporteur, and its failure to cooperate in those and similar investigations has been criticized in reports of the United Nations Secretary-General, General Assembly, and Human Rights Council, even as human rights abuses continue.

SEC. 402. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Iran, especially Iran’s Revolutionary Guard Corps, continues to engage in serious, systematic, and ongoing violations of human rights and the rise

in the level of such violations after the 2009 presidential elections has not abated;

(2) the Government of Iran is engaging in a systematic campaign to prevent news, entertainment, and opinions from reaching media that are not subject to government control and to eliminate any free Internet or other electronic media discussion among the people of Iran; and

(3) the Government of Iran has refused to cooperate with international organizations, including the United Nations, seeking to investigate or to alleviate those conditions.

On page 58, line 7, strike “401” and insert “403”.

On page 59, line 12, insert “, any entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran, or any national of Iran, for use in or with respect to Iran” after “Iran”.

On page 59, line 13, insert “(including services relating to hardware, software, and specialized information, and professional consulting, engineering, and support services)” after “services”.

On page 60, line 6, insert “(or by any other person on behalf of the Government of Iran or any of such agencies or instrumentalities)” after “instrumentalities”.

On page 63, line 1, strike “402” and insert “404”.

On page 63, strike line 19 and all that follows through page 64, line 12, and insert the following:

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after June 12, 2009, engaged in censorship or other activities that—

“(A) prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Iran; or

“(B) limit access to print or broadcast media, including the facilitation or support of intentional frequency manipulation by the Government of Iran that would jam or restrict an international signal or the failure to prohibit intentional frequency manipulation by the Government of Iran that would jam or restrict an international signal by satellite service providers that provide satellite services to the Government of Iran or an entity owned or controlled by the Government of Iran.

On page 64, line 13, strike “(3)” and insert “(2)”.

On page 64, line 21, strike “(4)” and insert “(3)”.

Beginning on page 72, strike line 7 and all that follows through page 78, line 6, and insert the following:

SEC. 503. INTERESTS IN CERTAIN FINANCIAL ASSETS OF IRAN.

(a) INTERESTS IN BLOCKED ASSETS.—Notwithstanding any other provision of law, including any provision of law relating to sovereign immunity, and preempting any inconsistent provision of State law, a financial asset that is—

(1) property in the United States of a foreign securities intermediary doing business in the United States,

(2) a blocked asset (whether or not subsequently unblocked) that is property described in subsection (b), and

(3) equal in value to a financial asset of Iran, including an asset of the central bank or monetary authority of the Government of Iran or any agency or instrumentality of that Government, that such foreign securities intermediary or a related intermediary holds abroad,

shall be available for all attachments and other proceedings in aid of execution, with respect to judgments entered against Iran for damages for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, or hostage-taking, or the provision of material support or resources for such an act.

(b) **PROPERTY DESCRIBED.**—Property described in this subsection is property that is identified in and the subject of proceedings in the United States District Court for the Southern District of New York in *Peterson et al. v. Islamic Republic of Iran et al.*, Case No. 10 Civ. 4518 (BSJ) (GWG).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the availability, or lack thereof, of a right to satisfy a judgment in any other action against a terrorist party in any proceedings other than proceedings referred to in subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) **BLOCKED ASSET.**—The term “blocked asset” —

(A) means any asset seized or frozen by the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) or under section 202 or 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 and 1702); and

(B) does not include property that—

(i) is subject to a license issued by the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of the license has been specifically required by a provision of law other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or

(ii) is property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoys equivalent privileges and immunities under the laws of the United States, and is being used exclusively for diplomatic or consular purposes.

(2) **FINANCIAL ASSET; SECURITIES INTERMEDIARY.**—The terms “financial asset” and “securities intermediary” have the meanings given those terms in the Uniform Commercial Code, but the former includes cash.

(3) **IRAN.**—The term “Iran” means the Government of Iran, including the central bank or monetary authority of that Government and any agency or instrumentality of that Government.

(4) **PERSON.**—

(A) **IN GENERAL.**—The term “person” means an individual or entity.

(B) **ENTITY.**—The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(5) **TERRORIST PARTY.**—The term “terrorist party” has the meaning given that term in section 201(d) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

(6) **UNITED STATES.**—The term “United States” includes all territory and waters, continental, or insular, subject to the jurisdiction of the United States.

On page 78, between lines 15 and 16, insert the following:

SEC. 505. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE AND BUREAU OF INDUSTRY AND SECURITY.**—Section 109 of the Comprehensive Iran

Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8517) is amended—

(1) in subsection (b)(2), by striking “and 2013” and inserting “through 2016”; and

(2) in subsection (d)(2), by striking “and 2013” and inserting “through 2016”.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR FINANCIAL CRIMES ENFORCEMENT NETWORK.**—Section 310(d)(1) of title 31, United States Code, is amended by striking “and 2013” and inserting “through 2016”.

On page 80, between lines 5 and 6, insert the following:

SEC. 603. RULE OF CONSTRUCTION WITH RESPECT TO USE OF FORCE AGAINST IRAN AND SYRIA.

Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

On page 80, line 6, strike “603” and insert “604”.

SA 2125. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. ENSURING ADEQUATE INFORMATION REGARDING PHARMACEUTICALS FOR ALL POPULATIONS, PARTICULARLY UNDERREPRESENTED SUBPOPULATIONS, INCLUDING RACIAL SUBGROUPS.

(a) **COMMUNICATION PLAN.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs, shall review and modify, as necessary, the Food and Drug Administration’s communication plan to inform and educate health care providers, patients, and payors on the benefits and risks of medical products, with particular focus on underrepresented subpopulations, including racial subgroups.

(b) **CONTENT.**—The communication plan described under subsection (a)—

(1) shall take into account—

(A) the goals and principles set forth in the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities issued by the Department of Health and Human Services;

(B) the nature of the medical product; and

(C) health and disease information available from other agencies within such Department, as well as any new means of communicating health and safety benefits and risks related to medical products;

(2) taking into account the nature of the medical product, shall address the best strategy for communicating safety alerts, labeled indications for the medical products, changes to the label or labeling of medical products (including black box warnings, health advisories, health and safety benefits and risks), particular actions to be taken by healthcare professionals and patients, any information identifying particular subpopulations, and any other relevant information as determined appropriate to enhance communication, including varied means of electronic communication; and

(3) shall include a process for implementation of any improvements or other modifications determined to be necessary.

(c) **ISSUANCE AND POSTING OF COMMUNICATION PLAN.**—

(1) **COMMUNICATION PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue the communication plan described under this section.

(2) **POSTING OF COMMUNICATION PLAN ON THE OFFICE OF MINORITY HEALTH WEBSITE.**—The Secretary, acting through the Commissioner of Food and Drugs, shall publicly post the communication plan on the Internet website of the Office of Minority Health of the Food and Drug Administration, and provide links to any other appropriate webpage, and seek public comment on the communication plan.

SA 2126. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. COMPLIANCE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

In accordance with the final rule issued by the Commissioner of Food and Drug entitled “Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use; Delay of Compliance Dates” (77 Fed. Reg. 27591 (May 11, 2012)), a product subject to the final rule issued by the Commissioner entitled “Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use” (76 Fed. Reg. 35620 (June 17, 2011)), shall comply with such rule not later than—

(1) December 17, 2013, for products subject to such rule with annual sales of less than \$25,000 and

(2) December 17, 2012, for all other products subject to such rule.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on May 24, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Programs and Services for Native Veterans.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on May 21, 2012, at 2:30 p.m. to conduct

a hearing entitled, "A National Security Crisis: Foreign Language Capabilities in the Federal Government."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that William McConagha and Kathleen Wise be granted the privilege of the floor for the duration of consideration of S. 3187, the Food and Drug Administration Safety and Innovation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEDIATRIC STROKE AWARENESS MONTH

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 468, which was submitted earlier today by Senator BLUMENTHAL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 468) expressing the sense of the Senate with respect to childhood stroke and recognizing May as "National Pediatric Stroke Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 468) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 468

Whereas a stroke, also known as a cerebrovascular accident, is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas stroke occurs in approximately 1 out of every 4,000 live births, and the risk of stroke from birth through age 18 is nearly 11 out of every 100,000 children per year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas between 20 percent and 40 percent of children who suffer a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas between 50 and 85 percent of infants and children who have a pediatric stroke will have serious, permanent neurological disabilities, including paralysis, seizures, speech and vision problems, and attention, learning, and behavioral difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of pediatric stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for pediatric stroke; and

Whereas early diagnosis and treatment of pediatric stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges May as "National Pediatric Stroke Awareness Month";

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke;

(3) supports the work of the National Institutes of Health in pursuit of medical progress on the matter of pediatric stroke; and

(4) urges continued coordination and cooperation between government, researchers, families, and the public to improve treatments and prognoses for children who suffer strokes.

HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 469, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 469) honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 20, 2012.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. We have submitted a resolution, because it is Small Business Week, on behalf of myself and Senator SNOWE, Senator PRYOR, Senator LIEBERMAN, Senator ENZI, Senator KERRY, Senator BROWN, Senator CANTWELL, Senator AYOTTE, Senator RISCH, Senator CARDIN, and Senator HAGAN, a very good representation of our Small Business Committee and others that submitted a resolution this week, again, as we have done every year since 1953. We have done so every year since

1953 to recognize this week, or 1 week in the year, as Small Business Week. So that is what our resolution, which was submitted earlier today, does.

I hope Leaders MCCONNELL and REID will take up this resolution and pass it so we can honor the 28 million small businesses that exist today in America. We have been doing everything we can, and I am very proud, as the chairman of the Small Business Committee, that we have worked in a bipartisan fashion for the most part trying to give our businesses, first of all, the recognition that 9 out of 10 new jobs created were created by a small number, a very small number, of small businesses that are fast growing. They are the new job creators. These are the businesses that are going to be putting this recession behind us. These are the businesses that are innovating and adapting and changing and being more strategic and smarter, looking for those opportunities in all areas and in all geographic parts of our Nation.

Over the past few months my committee has held three very special roundtables to explore strategies, tools, and methods to strengthen what I like to call the ecosystem of entrepreneurship. Much like a rain forest or desert or much like the ocean itself, that is an environment where many creatures or organisms have to live and interact. The same is true of our financial ecosystem, the political ecosystem. Society itself is an ecosystem where small businesses have to function.

In order for them to be healthy, there have to be the right nutrients, if you will, present. So we have explored in our committee what—we know the United States does this well. We do it better than any country on Earth. That is one of the great strengths of America; we foster that entrepreneurship, free but fair markets, well regulated, not too lightly, not too heavily. Sometimes we go a little overboard and we need to pull back. Sometimes we do not regulate enough and we need to step up. But that is what we have been exploring.

In fact, we have broken our roundtables into domains: Do our small businesses have enough access to capital? Do our small businesses truly have access to grow global markets? What did we learn this year? We learned that less than 12 percent of all small businesses in America export. With the market growing overseas and only the small percentage of the world market being now in the United States—we were at one time the biggest market, when China was closed, when communism was reigning in the Soviet Union, and the Arab world was in darkness. I mean the market was in the United States.

But that is no longer the case, as these countries and areas have emerged and created markets and opportunities of their own.

So one thing we learned is that the ecosystem needs to be stronger by helping small businesses to export. They do not have the back office or the expertise of 10 accountants and a Chinese specialist and a South American specialist. But we can, by being smart, help. Through the Commerce Department, the Small Business Administration, or maybe even through some of our research and development arms of some of our departments, we can be the back office for small businesses.

We are excited about what is happening there. So access to capital, access to global markets, access to counseling, mentoring, technical assistance and education. I have had so many small businesses come before our committee and say: You know, Senator, getting the loan from the bank was the first step. But if so-and-so had not shown up in my office from the Score Chapter or if I could not have reached out to my local university or my small business center there, I would never have been able to make it because they told me what to do to save me from making a fatal mistake and got me on my way or helped me to rethink my market during the recession.

How one lady put it before our committee, they helped her remarket her business so now it is growing faster than ever. I think also access to strategic partnerships is important. No man is an island. We do not accomplish anything by ourselves in the world. That is true of individuals, that is true of small businesses. So we asked ourselves: Who are the partners, strategic partners for small businesses? Cities are doing some creative things.

Madam President, you were a county executive. You know the things you did as a county executive. Your reputation is well known in that regard.

States can be strategic partners to their small businesses. We explored those opportunities. Access to government contracting—you know, the Federal Government, state governments, and local governments are some of the biggest spenders and biggest businesses—if they were businesses, which they are not; there are clear differences—but if we were a business, the Federal Government would be the largest business in the world. It buys more goods and services than others. We do not have to do all of that just with the big businesses such as IBM, GE, ExxonMobil. We can contract with small businesses. It takes a little more time, takes a little more energy, takes a little bit different approach, but we most certainly can buy some of the things we need from the small business right down the street.

So we are shaping policies to do that. Senator CARDIN from Maryland has been particularly aggressive when it comes to contracting with minority and women-owned businesses, which make up a significant and growing

area. It is very exciting as more women enter not just the workforce but decide they want their flexibility. They want to set their own hours. They want to be their own bosses. They want to establish businesses that allow them to also raise children at home, to be there when their kids need them. So they find that small businesses operating out of their homes are the answer to that dilemma. We want to give them access to government contracting when, of course, they are capable and provide the right price.

One of the big areas that we looked at is access to human capital. I think you probably heard, Madam President, many of our businesses saying: Why is it that we are bringing in some of the smartest people in the world, educating them at our universities, to where they are getting master's degrees and Ph.D.s in engineering, math, and science, and then we send them back to the country they came from so they can create businesses to compete against us? Why don't we extend visa privileges to these master's and Ph.D. candidates?

That is a good question, and we have bills to answer that. We also want to develop a skilled workforce in America. Access to human capital is what small businesses need to grow and to expand.

Finally, we need access to flexible regulation and smart tax policy. We are never going to live in a world where we do not pay taxes. It is just the nature of what we have to do to keep our government running and operating, with a government that serves the people—by the people, for the people.

But our taxes should not be too heavy, too burdensome, and our regulatory regime should not be either too light or too onerous. It should be just right. But it is hard to get that just-right approach. We are working at it every day. Senator SNOWE has been working on regulatory reform. Senator WARNER has been working very hard on regulatory reform—and other Members of this body.

The bottom line is that this is Small Business Week. We want to honor the small businesses that are helping us put this recession in the rearview mirror. I want to ask the leadership to pass this resolution—a very straightforward, noncontroversial resolution by both Democrats and Republicans, recognizing this is Small Business Week.

I also wanted to bring to the attention of the body the conclusion, basically, of the three roundtables we have held and thank the Members who attended. We had good attendance, and we gleaned some excellent ideas about the brackets I have outlined today, and have been in the process of filing over the last week, and throughout this week, individual bills that reflect what we have learned in these roundtables. We have taken those ideas and turned them into legislation.

I am happy to say there is not going to be a big pricetag on this legislation. It is not just throwing money at the problem, but we do need additional resources. It is sharpening things, reforming some of our strategies, laws, rules, and regulations on the books, and encouraging, by granting some competitive grants, some of these strategic partnerships with counties, cities, and States. I look forward to seeing how this body responds to some of the new pieces of legislation we put out. I look forward to working with my colleagues through this week and the month of May, through the summer, and into the election, to keep focused on the No. 1 issue on the minds of the American people, which is jobs, economic hope, and economic opportunity for themselves and their families. Tom Friedman has been saying all over the world that when kids graduate from college, it is not a job they are looking for. They may not be able to find the job they are looking for. They need to create the job they want. They need to build a business, build a better mousetrap, think about a different way of delivering a product or a service or think about a business that is selling to a domestic market and taking it global. With technology and opportunities, many young people are doing just that.

In conclusion, I had the wonderful opportunity on Friday to be involved and took the opportunity Saturday morning to stop in at the Cambridge Innovation Center, the granddaddy of all small business incubators. It is across the street from MIT, Microsoft, and Google. There were some young and exciting college students in the building. You could either rent a cubicle that looked like a kindergarten with your name on it to get in the building or you could rent a space such as a bullpen where you could work or rent your own cubicle or private office; and thousands, literally, of young people were moving into that building—actually people of all ages, even retired executives who decided, I have always wanted to try out my idea, so let's see if I can get my business started. Even on a Saturday—and it was very quiet—I could feel the energy in that building, although it was virtually empty.

I have walked through incubators in New Orleans, and I hope the occupant of the chair did, and helped to create them in Delaware. That is what it is going to take, a strategic partnership between government and the private sector, letting the private sector do what they do best, but letting government do what it does best. That was a perfect example of what I saw in terms of taking research dollars that are spent at MIT, moving them out to the universities, and then on to these ideas, where they are literally being tested and commercialized to get out into the market to create wealth and opportunity for the United States and the world.

I am happy to be chair of the Small Business Committee. For small business and economic growth, it is National Small Business Week. I thank all the groups helping us to celebrate this week and, most important, I thank the entrepreneurs who literally risk everything to create their dreams and bring economic prosperity not just to themselves and their family business but to a Nation that relies on them every day. We want to make that burden lighter. I want to help them in every way we can in our committee in Washington and throughout our States, counties, and cities, and be the partner they can rely on to get the job done.

Madam President, I don't see anyone else on the floor. I urge my colleagues to adopt our resolution. I thank all of us who will be speaking today and this week on Small Business Week.

Mr. BROWN of Ohio. Madam President, it is my understanding we are ready to act on this resolution.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 469) was agreed to.

Mr. BROWN of Ohio. Madam President, I now ask that we act on the preamble.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the preamble.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 469

Whereas the approximately 27,500,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.5 percent of all exporters and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a "National Small Business Week" to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2012, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 20, 2012, as "National Small Business Week": Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 20, 2012;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the \$400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the motions to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 96-114, as amended, appoints the following individuals to the Congressional Award Board:

Michael Schmid of Wyoming,
Cheryl D. Maddox of Kentucky, and
Charmaine Yoest of Virginia.

ORDERS FOR TUESDAY, MAY 22, 2012

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 am on Tuesday, May 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the majority leader be recognized; that the first hour following the remarks of the majority leader and Republican leader be equally divided and controlled between the two sides, with the majority controlling the first half and the Republicans controlling the second half; further, that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Madam President, it is the majority leader's intention to resume the motion to proceed to Calendar No. 400, S. 3187, the Food and Drug Administration user fees legislation, when the Senate convenes tomorrow. At 2:15 the Senate will begin consideration of the bill. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Tuesday, May 22, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

THOMAS M. DURKIN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE WAYNE R. ANDERSEN, RETIRED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

JOSEPH BYRNE DONOVAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2013, VICE LANE CARSON, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

BRUCE R. SIEVERS, OF CALIFORNIA, TO BE A MEMBER
OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A
TERM EXPIRING JANUARY 26, 2018, VICE KENNETH R.
WEINSTEIN, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE UNITED STATES ARMY TO THE GRADE INDICATED
WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND
RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM B. GARRETT III

CONFIRMATION

Executive nomination confirmed by
the Senate May 21, 2012:

THE JUDICIARY

PAUL J. WATFORD, OF CALIFORNIA, TO BE UNITED
STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 22, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 23

9:30 a.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.

SR-232A

10 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine protecting our children, focusing on the importance of training child protection professionals.

SD-226

Appropriations

Department of Defense Subcommittee

To hold hearings to examine the fiscal year 2013 Guard and Reserve budget overview.

SD-192

Finance

To hold hearings to examine progress in health care delivery, focusing on innovations from the field.

SD-215

Foreign Relations

To hold hearings to examine The Law of the Sea Convention (Treaty Doc. 103 39), focusing on the United States National Security and Strategic Imperatives for Ratification.

SH-216

Veterans' Affairs

To hold hearings to examine seamless transition, focusing on a review of the Integrated Disability Evaluation System.

SD-562

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the Secret Service, focusing on trust and confidence.

SD-G50

2 p.m.

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine reviewing the United States-China strategic and economic dialogue.

SD-538

Commission on Security and Cooperation in Europe

To hold hearings to examine democratization in the Caucasus, focusing on elections in Armenia, Azerbaijan, and Georgia, and how far free and fair elections have come in the Caucasus, and what the United States can do to promote progress in upcoming elections.

2203, Rayburn Building

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2013.

SR-222

MAY 24

9 a.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

9:30 a.m.

Armed Services

Closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2013.

SR-222

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine "The Responsible Homeowner Refinancing Act of 2012".

SD-538

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine efforts to reform information technology spending, focusing on innovating with less.

SD-342

Judiciary

Business meeting to consider S. 2076, to improve security at State and local

courthouses, S. 2370, to amend title 11, United States Code, to make bankruptcy organization more efficient for small business debtors, the nominations of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, Paul William Grimm, to be United States District Judge for the District of Maryland, John E. Dowdell, to be United States District Judge for the Northern District of Oklahoma, Mark E. Walker, to be United States District Judge for the Northern District of Florida, Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida, and Charles Thomas Massarone, of Kentucky, to be a Commissioner of the United States Parole Commission.

SD-226

10:30 a.m.

Foreign Relations

To hold hearings to examine the global implications of poaching in Africa, focusing on ivory and insecurity.

SD-419

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine programs and services for native veterans.

SD-628

MAY 25

9:30 a.m.

Armed Services

Closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2013.

SR-222

JUNE 7

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine Universal Service Fund Reform, focusing on ensuring a sustainable and connected future for native communities.

SD-628

JUNE 28

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

POSTPONEMENTS

MAY 23

2:30 p.m.

Judiciary

To hold hearings to examine certain nominations.

SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—Tuesday, May 22, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BARTLETT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 2012.

I hereby appoint the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Monsignor Stephen Rossetti, Associate Professor, The Catholic University of America, Washington, D.C., offered the following prayer:

Good and gracious God, it is Your spirit that guides us into all truth and leads us on the straight path. In these challenging days, may we be open to being led by this spirit. May we be so docile to Your divine guidance that all of us will work together with one heart for the betterment of all.

Finally, we know that one day Your spirit will lead us safely home. Buoyed up with this saving knowledge and guided by this same spirit, we now step forward into the future with confidence and hope. We make this prayer in Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PUBLICATION OF BUDGETARY MATERIALS

REVISIONS TO THE ALLOCATIONS OF THE FISCAL YEAR 2013 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON APPROPRIATIONS

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 314 the Congressional Budget Act of 1974 (Budget Act), I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the aggregate budget levels and committee allocations set forth pursuant to H. Con. Res. 112, the Concurrent Resolution on the Budget for Fiscal Year 2013. The revision is for new budget authority and outlays for a provision designated as disaster relief, pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, contained in a bill making appropriations for the Department of Homeland Security reported by the Committee on Appropriations. A corresponding table is attached.

This revision represents an adjustment for purposes of enforcing sections 302 and 311 of the Budget Act. For the purposes of the Budget Act, these revised allocations are to be considered as allocations included in the budget resolution, pursuant to section 101 of H. Con. Res. 112.

BUDGET AGGREGATES (On-budget amounts, in millions of dollars)

| | Fiscal year | | |
|--|-------------|-----------|------------|
| | 2012 | 2013 | 2013–2022 |
| Current Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,793,848 | 1 |
| Outlays | 2,947,662 | 2,891,589 | 1 |
| Revenues | 1,877,839 | 2,260,625 | 32,439,140 |
| Adjustment for Disaster Designated Spending: | | | |
| Budget Authority | 0 | 5,481 | 1 |
| Outlays | 0 | 274 | 1 |
| Revenues | 0 | 0 | 0 |
| Revised Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,799,329 | 1 |
| Outlays | 2,947,662 | 2,891,863 | 1 |
| Revenues | 1,877,839 | 2,260,625 | 32,439,140 |

ALLOCATION OF SPENDING AUTHORITY TO HOUSE COMMITTEE ON APPROPRIATIONS

(In millions of dollars)

| | 2013 |
|--|-----------|
| Base Discretionary Action: | |
| BA | 1,027,896 |
| OT | 1,209,860 |
| Adjustment for Disaster Designated Spending: | |
| BA | 5,481 |
| OT | 274 |
| Global War on Terrorism: | |
| BA | 96,725 |
| OT | 51,125 |
| Total Discretionary Action: | |
| BA | 1,130,102 |
| OT | 1,261,259 |
| Current Law Mandatory: | |
| BA | 729,675 |
| OT | 721,397 |

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. on Friday, May 25, 2012.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Friday, May 25, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6084. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting authorization of Colonels Roger L. Cloutier and Kristin K. French, United States Army, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

6085. A letter from the Acting Branch Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final "Major" rule — Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010 [FNS-2011-0025] (RIN: 0548-AE15) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6086. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States [Docket No.: 111027661-1743-01] (RIN: 0694-AF43) received April 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6087. A letter from the Associate General Counsel, Department of Agriculture, transmitting three reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6088. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [STATS No.: OK-033-FOR; Docket No. OSM-2011-0001] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6089. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Regulatory Program [STATS No.: IA-016-FOR; Docket No. OSM-2011-0014] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6090. A letter from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-155-FOR; Docket ID: OSM-2010-0003] received April 27, 2012, pursuant to 5 U.S.C.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

801(a)(1)(A); to the Committee on Natural Resources.

6091. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Service's final rule — Endangered and Threatened Species; Range Extension for Endangered Central California Coast Coho Salmon [Docket No.: 100323162-2182-03] (RIN: 0648-XV30) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6092. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Inmate Communication With News Media: Removal of Byline Regulations [BOP-1149-F] (RIN: 1120-AB49) received April 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6093. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — West Oahu Offshore Security Zone [Docket No.: USCG-2011-1048] (RIN: 1625-AA87) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6094. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sausalito Yacht Club's Annual Lighted Boat Parade and Fireworks Display, Sausalito, CA [Docket No.: USCG-2011-0970] (RIN: 1625-AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6095. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; S99 Alford Street Bridge Rehabilitation Project, Mystic River, MA [Docket No.: USCG-2011-1125] (RIN: 1625-AA11) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6096. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to Cuba Airport List: Addition of Recently Approved Airports (CBP Dec. 12-08) received April 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6097. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Disclosure of Cochineal Extract and Carmine in the Labeling of Wines, Distilled Spirits, and Malt Beverages [Docket No.: TTB-2010-0008; T.D. TTB-103; Ref: Notice No. 111] (RIN: 1513-AB79) received April 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6098. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 267(f): Deferral of Loss on Transactions Between Members of a Controlled Group [TD 9583] (RIN: 1545-BI92) received April 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6099. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Sections 642 and 643 (Income Ordering Rules) [TD 9582] (RIN: 1545-BH66) received April 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6100. A letter from the Commissioner, Social Security Administration, transmitting a

consolidated report of the Administration's processing of continuing disability reviews for FY 2010; to the Committee on Ways and Means.

6101. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Administration, Cost and Impact of the Quality Improvement Organization Program for Medicare Beneficiaries for Fiscal Year 2009"; jointly to the Committees on Ways and Means and Energy and Commerce.

6102. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare and Medicaid Programs; Reform of Hospital and Critical Access Hospital Conditions of Participation [CMS-3244-F] (RIN: 0938-AQ89) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee on Appropriations. Revised Suballocation of Budget Allocations for Fiscal Year 2013 (Rept. 112-489). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. H.R. 5743. A bill to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 112-490). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. CUMMINGS introduced a bill (H.R. 5853) to prohibit wholesalers from purchasing prescription drugs from pharmacies, and to enhance information and transparency regarding drug wholesalers engaged in interstate commerce; which was referred to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

219. The SPEAKER presented a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 7 urging the President to award Retired Sergeant Chris Tschida the Medal of Honor; to the Committee on Armed Services.

220. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1822 urging the Congress to repeal the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

221. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Resolution No. 8 urging the Congress to repeal the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

222. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 14 recognizing and commending the ETA's statement of a definitive cessation of its armed activity and end to terrorism; to the Committee on Foreign Affairs.

223. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 13 urging the President, Executive Agencies and the Congress to work together to see that the Beyond the Border Action Plan on Regulatory Cooperation are carried out; to the Committee on Foreign Affairs.

224. Also, a memorial of the House of Representatives of the State of Florida, relative to House Memorial 611 urging the Congress to direct the Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge; to the Committee on Natural Resources.

225. Also, a memorial of the House of Representatives of the State of Florida, relative to House Memorial 83 petitioning the Congress to propose to the states an amendment to the Constitution of the United States to limit the number of consecutive terms which a person may serve in the Senate or the House of Representatives; to the Committee on the Judiciary.

226. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 4 urging the Congress to authorize an additional United States District Court Judge and commensurate staff for the District of Idaho; to the Committee on the Judiciary.

227. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 57 memorializing the Congress to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions; to the Committee on Ways and Means.

228. Also, a memorial of the House of Representatives of the State of Maine, relative to Joint House Resolution urging the President and the Congress to improve the process by which the United States trade agreements are developed and implemented; to the Committee on Ways and Means.

229. Also, a memorial of the Senate of the State of Maine, relative to Joint Senate Resolution urging the President and the Congress to support the continued and increased development and delivery of oil derived from North American oil reserves to American refineries; jointly to the Committees on Transportation and Infrastructure, Foreign Affairs, Energy and Commerce, and Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. CUMMINGS:

H.R. 5853.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: "The Congress shall have Power to lay and collect Taxes, Duties, Imposes and Excises, to pay the Debts and provide for the common Defence and general welfare of the United States"

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 210: Ms. SUTTON, Ms. DEGETTE, and Mr. LEVIN.

H.R. 1244: Mr. LEWIS of Georgia and Mr. LATHAM.

H.R. 1873: Mr. HINCHEY.

H.R. 2499: Mr. WOLF and Ms. PINGREE of Maine.

H.R. 2569: Mr. HENSARLING.

H.R. 2730: Mrs. CAPPS.

H.R. 3015: Mr. CONNOLLY of Virginia.

H.R. 3040: Mr. HINOJOSA and Mr. BISHOP of New York.

H.R. 3096: Ms. CHU.

H.R. 3307: Mr. LANGEVIN.

H.R. 3435: Ms. MCCOLLUM.

H.R. 3444: Mr. FITZPATRICK.

H.R. 3895: Mrs. LUMMIS.

H.R. 4082: Mr. SMITH of Washington.

H.R. 4296: Mr. SCOTT of Virginia, Mr. WEST-MORELAND, and Mr. DOLD.

H.R. 4971: Mr. POMPEO, Mr. MANZULLO, Mr. COSTELLO, Mr. ROE of Tennessee, Mr. LATTA, Mr. NUNNELEE, and Mr. LONG.

H.J. Res. 103: Mr. FLORES.

H. Con. Res. 125: Mr. REICHERT, Mrs. McMORRIS RODGERS, and Mr. SMITH of Washington.

H. Res. 220: Ms. LORETTA SANCHEZ of California.

H. Res. 659: Mr. CALVERT, Mr. LUETKEMEYER, Mr. MCNERNEY, and Ms. WATERS.

SENATE—Tuesday, May 22, 2012

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our Father, shine Your light on Capitol Hill and give light to each lawmaker. Illuminate their lives so that their beliefs may be certain and true. May the light of Your knowledge guide them in all their decisions. Grant that, guided by Your light, they will reach the light that never fails. Grant that, illuminated by Your truth, they may reach the truth that is complete. Lead them, God, so that in the end they may see light in Your light and know even as they are known. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. I move to proceed to Calendar No. 400, S. 3187.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 400, S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

SCHEDULE

Mr. REID. Madam President, we are now on the motion to proceed to the FDA user fees bill. The majority will control the first half hour today, Republicans the final half hour. We will recess from 12:30 to 2:15 today, to allow for our weekly caucus meetings. At 2:15 the motion to proceed to the FDA legislation will be adopted and the Harkin-Enzi substitute will be agreed to.

Madam President, there are 12 million people in the United States who face a cancer diagnosis today. Many have fought back against this terrible disease and won. Others are still fighting. Each one of them knows how difficult a cancer diagnosis can be. But imagine coming to terms with your diagnosis only to find out the lifesaving drug you need to survive is in short supply or is simply not available. I wish this were make-believe but it is not; it is real America. That is the situation faced by many Americans battling cancer and other life-threatening illnesses.

Through 20 weeks of chemotherapy, my wife Landra and I lived with the fear that the medicine she needed every Monday morning wouldn't be there because there were shortages. But fortunately for us the drug was always accessible. Many Americans have not been so fortunate. One Nevadan fighting bladder cancer was near the end of treatment when the medicine he was taking suddenly ran short. Only time will tell whether the alternative treatment he received was enough to save his life.

Another Nevada woman with bowel cancer was forced to choose a less effective chemotherapy treatment because the best drug on the market, one that cures bowel cancer in 75 percent of the cases, was not available. Only time will tell whether that second-choice medicine was effective.

Yet another Nevada man was relying on two cancer drugs to keep him alive longer and give him a greater quality of life, but one drug was in short supply. Since the drugs only work when taken together, doctors have only been able to treat him intermittently. That is not good. So only time will tell how many days or weeks or months or years he lost because he couldn't get the drug he needed.

Every day these stories play out in hospitals across our country. Every day, Americans experience shortages of lifesaving FDA-approved drugs and treatments. These shortages literally put Americans at risk. As the number of shortages increases each year, more patients are forced to wait for treatment, and worry. In the last 6 years, drug shortages have quadrupled. Last year the FDA reported shortages of 231 drugs, including many chemotherapy medicines. That is 231 drugs. How many tens of thousands of people did that affect? Public pressure has prompted some drugmakers to voluntarily notify the FDA of impending shortages. But Congress must step in to improve communication among drugmakers, the FDA, and doctors—doctors who have to break the terrible news that lifesaving medicines are not available.

Voluntary cooperation between the drugmakers and the FDA prevented almost 200 drug shortages last year, but establishing effective lines of communication could further reduce the number of shortages and save patients' lives.

I am pleased that the spirit of bipartisanship begun by my colleagues Senator HARKIN and Senator ENZI continued yesterday. I look forward to an orderly amendment process and I am optimistic the Senate will move this legislation without unnecessary delays. I hope I am not disappointed.

Each year more than 1.5 million Americans are diagnosed with some form of cancer. It is up to us to ensure that not one of them waits or wonders if the medicine he or she needs to stay alive will be there when the need arises.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ECONOMIC CHALLENGES

Mr. MCCONNELL. Madam President, I want to call attention to a couple of stories from the last 2 days. I think they say a lot about the difficulties of addressing the economic challenges we face.

The first is a story from Politico. It says the Budget Committee chairman can't remember the last time he talked to the President. The Budget Committee chairman can't remember the last time he talked to the President. Another chairman, dealing with student loans, says he has not talked to the President in months—in months. The Democratic point man on energy doesn't seem to talk to the President much at all.

If you want to know why we can't solve these economic problems, this is it. We have a President who is more interested in running around to college campuses, spreading some poll-tested message, than he is in actually accomplishing anything. That is the problem.

The second story, also interesting, is about HHS signing a \$20 million contract to promote ObamaCare; \$20 million of taxpayer money to promote a bill most Americans want to see repealed. That is \$20 million of our tax money spent on commercials to promote ObamaCare. Let me suggest the President spend a little more time trying to do something about spending, debt, and gas prices, and a little less time trying to spin the unpopular things he has already done. It might require a little more work but it is what we need. It is time to lead.

I ask unanimous consent those two articles to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Politico, May 22, 2012]
DEMS WAIT BY PHONE FOR OBAMA
(By Manu Raju)

He doesn't call. He doesn't write. He doesn't drop by for a visit.

That's what some of the most senior Democrats in Congress are experiencing from President Barack Obama these days.

Senate Budget Committee Chairman Kent Conrad (D-N.D.) is trying to cut a deal on the nation's fiscal crisis, but he can't recall the last time he talked to the president. Sen. Tom Harkin (D-Iowa) is in charge of one of Obama's top priorities—preventing a rate increase on student loans—but he hasn't talked to the president in months. And Sen. Jeff Bingaman (D-N.M.) is the go-to guy on high gas prices, but the chairman of the Energy and Natural Resources Committee hasn't spoken to the president much since the previous Congress.

"I think the reality is the current Congress is not constituted in a way that makes it likely that we can do very much," Bingaman said, "and that's reflected in what we wind up doing on the floor and understandably the president is not as engaged—at least with me."

Obama is certainly in regular touch with the top Democratic leaders on the Hill—Nancy Pelosi and Harry Reid—but when it comes to some key policymakers and chairmen in Democratic congressional politics, he's far less engaged than earlier in his presidency. The lack of communication not only reflects a gridlocked Congress in an election year, but it speaks to the president's personal style—he's never been much of a schmoozing, back-slapping type in the spirit of Bill Clinton or Lyndon B. Johnson. And even though he came from the Senate, Obama wasn't there long enough to develop deep, bonding friendships with some of the old bulls in Congress.

Obama's disengagement is also a sharp reflection of political reality: Congress is punting on virtually every major issue until after the election. So even some of those GOP deal makers whom Obama may need to court—whether that's Sens. Olympia Snowe of Maine or Lindsey Graham of South Carolina—aren't getting as much presidential attention as they have in the past.

"I don't think governing is a high priority right now," said Graham, who said he hasn't spoken to the president "in forever" after speaking with him frequently in the first couple years of his administration on issues like immigration and energy policy.

White House officials scoff at those criticisms, saying they work "tirelessly" on the economy.

Jamie Smith, a White House spokeswoman, said the president and his administration "have regular and repeated interactions with members of Congress from both parties in the House and Senate, and we welcome Republican willingness to pass the congressional 'to-do' list," referring to the president's economic agenda.

But both policy meetings and social gatherings with committee chairmen, ranking members, back bench freshmen and GOP swing voters—all hallmarks of the early part of Obama's term—have been few and far between with the president these days, lawmakers say.

"There was a while for various reasons where groups of us were coming to the White House for meetings for one kind or another, but . . . he's busy," said Sen. Joe Lieberman (I-Conn.), chairman of the Homeland Security and Governmental Affairs Committee, saying the two last spoke in February when the president offered support for his cybersecurity bill.

"I'm afraid that may be related to the feeling that not much is actually going to get done here."

Cutting out committee chairmen is also another sign of the ongoing decline in influence of the gavel-holders on Capitol Hill, who in a previous era ran their panels like fiefdoms, but now have taken a back seat to congressional leaders who spearhead the legislative deal making. And it's also sign of the non-stop campaign that dominates politics and has made it harder to legislate.

Obama has often been criticized for being aloof from Capitol Hill, but White House officials argue that there's been regular outreach to lawmakers throughout his entire term, including by senior aides, legislative liaisons, Cabinet secretaries and Vice President Joe Biden. Just last week, congressional leaders from both parties met with Obama, the first such meeting in months, and there's been an uptick in coordination between the White House and Senate Democratic leaders over legislative strategy and political messaging.

Moreover, Democrats argue that when Obama has taken a more hands-on role in the legislative process, Republicans have been quick to criticize his involvement and less willing to embrace his ideas. In this Congress, Obama inserted himself in the messy deals to avert a government shutdown last spring and a debt default last summer. But those were reached between a handful of leaders and the president—meaning most lawmakers have been cut out of the process.

When Obama has gotten involved at times this year, he's done so quietly. He made a series of calls to Democratic senators in March to kill a measure calling for the construction of the controversial Keystone XL oil pipeline. And when Harkin threatened in February to filibuster an extension of the Social Security payroll tax break, the president made assurances to the Iowa Democrat that persuaded him to back down, Harkin told Politico.

"If you put two and two together, you can see what happened," Harkin said last week. "As you know, we're not taking any money out of the [health care] prevention fund."

With Congress's approval ratings at all-time lows, there's far more incentive for the president to divorce himself from the sausage-making on Capitol Hill—particularly with little chance of replicating the legislative successes from his first two years, like on health care and financial services, which came at a heavy political price.

Rep. Barney Frank (D-Mass.), whose name is affixed to the Dodd-Frank financial services law, spoke with Obama at least twice a month when negotiations over that bill were taking shape in 2010.

"The last time I talked to him was a couple months ago," he says of his interactions with the president now.

It's not as though Congress doesn't have major issues to resolve. Unless Congress acts, come Jan. 1, \$1.2 trillion in automatic spending cuts will take effect, with half coming from defense and national security programs; the Bush-era tax rates for all income groups will expire; and the payroll tax break affecting 160 million Americans will end. And it's only a matter of time before Congress has to deal with a host of expired business tax breaks, as well as whether to renew jobless benefits and how to craft a budget deal to again raise the national debt ceiling.

Some say the president—along with congressional leaders—needs to begin laying the groundwork now to avoid a catastrophic logjam that could ensue after the November elections.

"We could get some more done if he was meeting with a broad group of people to address key issues certainly, including the leadership, on a continuous basis," said Snowe, who was a periodic Oval Office guest in the first year-and-a-half of the administration but said she hasn't met with the president since spring 2010 over energy policy.

Arizona Sen. John McCain, Obama's old rival, said he was last in for a White House visit soon after the January 2011 Tucson shootings, at which the two discussed acting on immigration reform and the line-item veto.

"He said they'd be getting back to me very shortly, and I haven't heard from him since," McCain said last week.

But Democrats are quick to argue that Republicans—particularly in the House—have shown little willingness to work with the president. And several senior Democrats who haven't spoken with Obama in a while don't hold it against him, with the president facing a full slate of competing interests and a challenging reelection.

Conrad said he still speaks with Biden, senior White House budget officials and chief of staff Jack Lew.

"We can communicate without the two of us speaking directly," Conrad said of the president.

[From The Hill, May 21, 2012]

HHS SIGNS \$20M PR CONTRACT TO PROMOTE
HEALTHCARE LAW
(By Sam Baker)

The Health and Human Services Department has signed a \$20 million contract with a public-relations firm to highlight part of the Affordable Care Act.

The new, multimedia ad campaign is designed to educate the public about how to stay healthy and prevent illnesses, an HHS official said.

The campaign was mandated by the Affordable Care Act and must describe the importance of prevention while also explaining preventive benefits provided by the healthcare law. The law makes many preventive services available without a co-pay or

deductible, and provides new preventive benefits to Medicare patients.

The PR firm Porter Novelli won the contract after a competitive bidding process. The \$20 million contract was first reported by PR Week. Porter Novelli did not immediately respond to a request for comment.

JACZKO RESIGNATION

Mr. MCCONNELL. Madam President, yesterday, we learned about the resignation of the chairman of the Nuclear Regulatory Commission, Dr. Gregory Jaczko. As I said yesterday, I am not surprised by Jaczko's resignation. Even Democrats on the Commission testified before Congress that his inappropriate conduct as chairman resulted in a hostile work environment for women and threatened to undermine the mission of the NRC itself. But what should surprise us all, is how this administration could remain silent for more than a year after the allegations of Jaczko's offensive behavior first surfaced.

Jaczko's alleged behavior is unacceptable in any workplace. The fact that it was allowed to persist at a critical agency that oversees the safety of our Nation's nuclear power plants is astonishing. The White House must now move swiftly with a replacement for Jaczko and I urge the Senate to move quickly to reconfirm the nomination of Kristine Svinicki as NRC commissioner before her term expires on June 30th. The only reason her nomination was held up by the White House and the Democrat-led Senate in the first place was because she had the courage to stand up to a hostile work environment, and to the bully who was responsible for it. Now that Jaczko has submitted his resignation, it's time for the Senate to move forward on Kristine Svinicki.

Commissioner Svinicki's credentials are unmatched. She is one of the world's leading experts on nuclear safety. She was confirmed by the Senate to her current term without a single dissenting vote.

It's time we act. Svinicki has served as commissioner with distinction, is enormously qualified, has bipartisan support and deserves a speedy reconfirmation. The American people are best-served by a commission that is fully functional.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL SMALL BUSINESS WEEK

Mr. CARDIN. Madam President, I take this time to bring to the attention of my colleagues that we are celebrating National Small Business Week, which is a very important occasion because, as the Senator from New Hampshire understands, the growth engine for America is our small businesses. When we are looking at job growth, which we all know we need in order to get our economy moving again, we know there will be more jobs created from small companies than from large companies. About two out of every three jobs created in America will come from small companies.

We also know when we are looking at innovation, it is the small businesses that file the patents and come up with the creative new ideas for America to become as competitive as we need to be. There are an incredibly larger number of patents per employee from small companies than from large companies. So the growth engine for America's economy rests with our small businesses.

I am proud to serve on the Small Business Committee under the leadership of Chairman LANDRIEU. We have brought forward many initiatives that help small businesses, and I think it has made a huge difference as our economy is starting to recover. We are now looking at 25 consecutive months of continuous private sector job growth where we have turned around the economy and we are now growing. In large measure I think it is because of the attention we have paid to the small business community. We are proud of what it has meant for our entire country.

Let me speak a little bit about my State of Maryland. We have over 500,000 small businesses in Maryland that employ over 1 million people. So it is by far a huge part of the Maryland economy. Our strategy over the last several years during the Obama administration has been to concentrate on small businesses and, in particular, to help them recover from this economic recession.

The first effort was to increase the capacity of the Small Business Administration. I was proud of the Obama budget that put more money back into the Small Business Administration. I was proud of the initiative we had in

the Senate to add funds to the Small Business Administration so that the SBA could indeed be the advocate for the small business community; so that small businesses have an agency in the government that is fighting for their issues. It has made a huge difference. When I speak with the small businesses in Maryland, they tell me they now have a much greater capacity for help through counselors and advocates at the Small Business Administration.

We then dealt with the No. 1 issue that was brought to our attention—and I am sure the Presiding Officer has heard the same stories in New Hampshire I have heard in Maryland—that small businesses have had a hard time getting access to capital; that we need to do a better job of providing capital, particularly during a tough economic period where small businesses don't have the same deep pockets as the larger companies.

So we increased the SBA loan limits, increased the amount of the Federal loan guarantee in order to make it more attractive for banks to lend money to small businesses, knowing full well the government was standing behind those loans. That made some monies available. We looked for creative new programs to help our small businesses, including one in the Treasury Department. We also looked at helping our States by initiating partnerships with our States.

The additional funds we made available in Washington to help build the State programs has made many more loans available to small companies in Maryland. All of that has helped in providing opportunities for our small businesses.

The reauthorization of the SBIR Program and the STTR Program has made a huge difference. Since 1983, in my State of Maryland, \$1.5 billion of funding has come from the SBIR Program. For those who are listening who may not know what this program is about, it is about innovation. It is small companies that are involved in biotech and cybertech areas where they use innovation to create jobs. In my State and in the Presiding Officer's State, they are using these funds to create opportunities for America to be competitive internationally.

We can state chapter and verse for our national defense research or for clean energy technology where small businesses are taking advantage of these innovative research grants and have been able to build jobs in our communities and make America more competitive for the future. The reauthorization and thus predictability of funding under the SBIR Program and the increased amounts that are available will create, and has already created, more job opportunities. We got that done, and that was certainly a major step forward.

We passed bills providing tax breaks to small businesses, including the expensing of their equipment, so they can go out and buy equipment and keep things moving.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CARDIN. I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CARDIN. Madam President, I thank my friend from Arizona for his courtesy. I will try not to use the entire 5 minutes.

There are other areas where we have also moved forward to help our small businesses, including credits for their health insurance so they can cover their employees. In my own State of Maryland, we have set up an African Trade Office which has provided opportunities in international trade—an area where we think we can still make progress.

I could talk about many of the success stories of Maryland small businesses that have used the SBIR Program, including one to develop new treatment for smallpox vaccines to make them more efficient. We have had examples of where we are now developing a vaccine to deal with the common cold.

I was at an SBA event where we honored the leading entrepreneurs in our State, and I can cite an example of a small businessperson, Janet Amirault, who was the small businessperson of the year—the CEO of a software development company. She has had some personal issues with her health, but despite that, for the last 3 years she has had 90 percent growth in her revenues. This is the innovation we have in Maryland that comes out of the small business community.

Taylor Made Transportation Services, which first qualified under the 8(a) program, has now graduated from that. They started with a small transportation company that provided transportation for people with special needs and is now providing for diverse transportation needs in our communities. All of that has developed through small business programs that we helped develop.

So I come to the floor today to announce a new initiative that I will be filing today, the Small Business Goaling Act, to deal with another problem we have with small businesses that I hope we will be able to take up on the floor of the Senate in the very near future. It would increase the prime goals for small businesses in government procurement from 23 percent to 25 percent and increase the subcontracting goals to 40 percent, adding transparency to how government provides procurement opportunities for government contracts to small businesses.

We have also taken some action in dealing with bundling and trying to

prevent the bundling of small contracts into large contracts that makes it more difficult for small businesses to get prime contracts. I believe this legislation will improve transparency and visibility so we can, in fact, provide more opportunities; so the government leads by example, by using small companies more to help them grow. It will help a variety of small businesses, including disabled veteran companies, women-owned companies, and minority-owned companies so that all will benefit from these opportunities.

I wish to thank the chairperson of the Small Business Committee, Senator LANDRIEU, for her extraordinary help in getting this bill together. It will help small businesses by allowing them to grow and create jobs, thereby helping our country in recovery.

Once again, I thank my friend from Arizona for giving me these extra few minutes. The best way to help celebrate National Small Business Week is for us to pay more attention to helping small businesses grow.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

THE ECONOMY

Mr. KYL. Madam President, today I would like to add a little context to the discussion of the fiscal cliff our Nation approaches, a reference to the combination of the largest tax increase in history, new taxes under ObamaCare, sequestration, and the expiration of the payroll tax holiday, all of which take effect in January of 2013 unless the President and the Congress act.

This is a key discussion to have because how we view this so-called fiscal cliff defines our perspective on how an economy grows and prospers. Edward Lazear, who is a former Chairman of the President's Council of Economic Advisers, recently wrote an op-ed that outlines the various perspectives. I will focus on the two most prominent: the Keynesian view and the view of supply-side economics.

The Keynesian theory holds that spending is the key to growth—government spending. Keynesians believe that in recessionary times, increased government spending can take the place of private sector activity. That is why they present a false choice between government spending cuts—in other words, austerity—and growth. Their perspective holds that growth is contingent on government spending.

This was the thinking behind the President's 2009 stimulus spending package, the so-called Cash for Clunkers, and a litany of other recent government spending programs, transfer payments, and temporary tax credits. I believe the administration's insistence on enacting these temporary Keynesian spending policies to stimulate consumption is misguided and the evidence reveals has failed. Remember,

the stimulus was sold as a measure to keep unemployment from topping 8 percent. But, in fact, unemployment has not dipped below 8 percent for 39 months, and growth is very anemic. We are experiencing a recovery in name only. So there is not much evidence that spending can revitalize a sagging economy; that is to say, government spending, and even if government spending could be a boost, as Lazear points out, the costs would be massive. Here is what he writes:

Even if a fiscal stimulus has some benefit, the cost of fiscal policy is likely to be very large. In order to stimulate the economy, growth in—not high levels of—government spending is required. To provide a stimulus comparable to the 2009 legislation, we would need to increase government spending by \$250 billion.

He goes on:

The Keynesian view implies that keeping spending constant at the higher level in 2014 would generate no stimulative growth for 2014 . . . because there is no increase in spending over the 2013 level. . . . If we want to delay our day of reckoning, we must keep spending at a higher level for each year that we want to postpone the negative consequences for growth.

Supply-side economics, on the other hand, holds a different perspective on growth: that government spending does not increase prosperity, that tax hikes hurt the economy and stifle growth.

We believe that economic growth stems from combining three inputs: labor, capital, and technology. These three factors of production result in output that we can then consume. Without labor, capital, and technology, there can be no consumption. Focusing on policies that stimulate consumption targets the wrong side of the equation. In order to get the economy going, we need to focus on the inputs—labor, capital, and technology. We also believe government spending cuts are beneficial because they free up private capital and help align revenues with government spending.

Lazear argues that supply-siders stand on the firmest ground when it comes to fiscal policy's effect on economic growth. Here is what he writes:

On the tax side, there is strong evidence that supports the supply-siders.

And he cites, for example, research from Christina Romer. By the way, Christina Romer was President Obama's first Chair of his Council of Economic Advisers. Her research shows that raising taxes by 1 percent of GDP—raising taxes, which is what the administration proposes—lowers our gross domestic product by nearly 3 percent. So increase taxes by 1 percent, you lose 3 percent of gross domestic product.

I recently joined 40 of my Republican colleagues in sending a letter to Leader REID to make this point, that tax increases will have a deleterious effect on economic growth. The letter asks that he join us in working to take the

tax threat off the table before the election in order to create more economic certainty. We know that so-called "taxmageddon" is coming. There is no good reason not to act. The election is not an acceptable excuse. In fact, I would posit that politicians could be rewarded for acting to avert the catastrophic effect of this huge tax increase.

In addition to acting to prevent tax hikes, Congress should also pursue spending cuts to help unleash private capital, boost growth, and reduce our nearly \$16 trillion national debt in the process. To be clear, cutting government spending does not mean the government should take a sledge hammer approach and cut indiscriminately. We should be careful where we cut. We should prioritize. For example, I oppose the defense cuts on national security grounds, not Keynesian grounds. In other words, while it is true that cuts in defense spending will result in job losses, big job losses under sequestration, our national security is even more important. The automatic spending cuts under sequestration mean that across-the-board spending to the Department of Defense will, in the words of the Secretary of Defense, devastate our national security.

Allowing the sequester to begin as planned would cut 10 percent from defense in fiscal year 2013 alone and dramatically shrink the size and capabilities of our military. To avoid this, the Senate should follow the lead of the House of Representatives, which recently passed legislation to replace the sequester with other spending reductions. The legislation will cut \$315 billion in spending and will reduce the deficit by over \$242 billion. It is not a perfect bill, but I do believe it is a good place to start.

My overarching point is this: We should not shy away from prudent spending cuts for fear that they will hurt growth. It should not be difficult to find cuts in our \$3.7 trillion budget. These cuts certainly will not derail economic growth if they are done the right way.

The choice, in other words, between spending cuts and growth is a false choice. If the President is not truly concerned about boosting growth and reversing the trends of the last 3½ years, he should stop presenting this false choice, as he did, for example, at the G8 summit last weekend, where he actually encouraged German Chancellor Angela Merkel and other leaders to embrace what he called a "growth package" modeled in part after his own budget-busting stimulus spending. I hope Chancellor Merkel and other leaders around the world take a very close look at whether the Obama growth package is something they wish to bring home after observing the American economy for the last 4 years.

Preventing tax increases and reducing out-of-control spending is a better approach to long-term prosperity.

I ask unanimous consent that at the conclusion of my remarks, the op-ed I referred to by Edward Lazear in the Wall Street Journal of May 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 21, 2012]

THREE VIEWS OF THE 'FISCAL CLIFF'

(By Edward P. Lazear)

Discussion of the so-called fiscal cliff—the combination of tax increases and spending cuts that will come in 2013 if Congress and the president don't act—confuses a number of different issues. The evidence suggests that we should fear the tax hikes, but not necessarily the spending cuts.

Anyone who uses the term "fiscal cliff" accepts a Keynesian view of the economy, knowingly or not. Both tax increases and constrained spending are assumed to be bad for the economy.

But there are two other views: that of the budget balancer and that of the supply-sider. Rather than term the impending changes that will occur in 2013 a "fiscal cliff," the budget balancer thinks of this as "fiscal consolidation." Tax increases reduce the deficit, as do cuts in government spending. Both are austerity measures that make the government more responsible and, therefore, both are conducive to long-run economic growth.

Those who support the Simpson-Bowles plan subscribe, at least in part, to this view. Various proponents of the plan may place different weights on the tax-increase side or the spending-decrease side because they believe the economic consequence of one or the other is more adverse. But fundamentally, the target is to decrease the deficit. The budget balancer regards both tax increases and spending cuts as moves in the right direction.

The supply-sider has a different view from both the Keynesian and the budget balancer. Fundamentally, supply-side advocates focus on the harmful effects of tax increases. Raising tax rates hurts the economy directly because tax hikes reduce incentives to invest and because they punish hard work. As such, tax increases slow growth. But budget cuts work in the right direction by making lower tax revenues sustainable. If spending exceeds revenues, then the government must borrow and this commits future governments to raising taxes in order to service the debt.

Consequently, the supply-sider thinks of 2013 primarily as a tax increase and fears what that will do to the economy. The spending cuts are a positive. Unlike the Keynesians who view the fiscal cliff as being bad on two counts, or the budget balancer who views it as being good on two counts, the supply-sider scores it one-and-one. The tax increases have negative effects on the economy; the controls on spending are a positive side effect of the 2013 sunsets.

Which of the three views is correct? Until recently, most economists believed that fiscal policy was inappropriate for business-cycle management, and that if stimulus was needed at all, monetary policy was the best way. Spending "stimulus" does not have a strong track record in recent decades. There is more ambiguity now about the choice between monetary and fiscal policy, in large part because with interest rates near zero, the effectiveness of monetary policy is thought to be more limited.

But even if a fiscal stimulus has some benefit, the cost of fiscal policy is likely to be very large. In order to stimulate the economy, growth in—not high levels of—government spending is required. To provide a stimulus in 2013 comparable to the 2009 legislated stimulus, we would need to increase government spending by about \$250 billion.

But the Keynesian view implies that keeping spending constant at the higher level in 2014 would generate no stimulative growth effect for 2014. Despite the higher level of spending in 2014, we would get no additional growth because there is no increase in spending over the 2013 level. Were we to retreat to current levels of spending, there would be a contractionary effect on the economy as government spending decreases. If we want to delay our day of reckoning, we must keep spending at a higher level for each year that we want to postpone the negative consequences for growth. Given the state of the labor market, this could mean a few years. If we waited four years, we would spend \$1 trillion to get \$250 billion in stimulus.

On the tax side, there is strong evidence that supports the supply-siders. Christina Romer, President Obama's first chairwoman of the President's Council of Economic Advisers, and David Romer document the strong unfavorable effect of increasing tax rates on economic growth (American Economic Review, 2010). They report that an increase in taxes of 1% of gross domestic product lowers GDP by almost 3%. The evidence on government spending also suggests that high spending means lower growth.

For example, Swedish economists Andreas Bergh and Magnus Henrekson (Journal of Economic Surveys 2011) survey a large literature and conclude that an increase in government size by 10 percentage points of GDP is associated with a half to one percentage point lower annual growth rate.

The evidence suggests that we should move away from worry over the impending "fiscal cliff" and focus more heavily on concern about raising taxes. And although some Keynesians may view this as not the best time to control spending growth, promising to change our ways in the future is as credible as Wimpy's promise to pay on Tuesday for the hamburger that he eats today.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

LIGHTSQUARED DANGER

Mr. GRASSLEY. Madam President, I am pleased to see that Jessica Rosenworcel and Ajit Pai have been confirmed to the Federal Communications Commission. They are both highly qualified, and it is unfortunate that the FCC's stubborn refusal to respond to my very simple request for information forced me to place a hold on their nominations for the past 4 months in order to get the FCC to move on giving me the information to which any Member of Congress ought to be entitled.

The FCC needs to learn a simple lesson from this episode: The public's business ought to be public, and transparency brings accountability. Eventually, the truth will be known, so you might as well get it out there when the questions first come up.

I initially placed my hold on the FCC Commissioner nominees because the FCC had stonewalled a document request that I submitted on April 27 last year regarding their actions related to

a company called LightSquared and the hedge fund, Harbinger Capital, that owns LightSquared.

Before I wrote my letter on LightSquared, many concerns had already been raised regarding the company's plans for a terrestrial network and its potential to interfere with the global positioning system, or sometimes that is referred to as GPS. In my first letter, I raised those concerns as well. Unfortunately, the FCC does not appear to have taken those concerns seriously, but months later, independent testing verified the danger LightSquared posed to industries, from commercial aviation to even our own Armed Forces.

It seems strange that a project that was so obviously flawed was allowed to go so far. But LightSquared had help. In total, LightSquared has paid 53 different lobbyists, some registered, some unregistered. They paid one former Governor, three former Senators, nine former Members of Congress, including a former Speaker and former minority leader, and a former White House Counsel to advocate for them. These lobbyists provided entry into the FCC and the White House. But they could not change the fact that LightSquared's network simply could not coexist with GPS.

LightSquared has now declared bankruptcy, and it appears its plan to build a terrestrial network is over, but many questions still remain. Some of those questions: Why did the FCC give LightSquared this unusual waiver in the first place? Why did LightSquared's lawyers mention campaign contributions when they sought meetings at the White House? Why did a four-star general claim he had been pressured by the Obama administration not to criticize LightSquared?

When I first asked the FCC for documents, I was told they would take about 2 years to respond to my request through the Freedom of Information Act. Then they told me they do not voluntarily turn over documents to the 99.6 percent of the Members of Congress who do not chair a committee with direct jurisdiction over FCC. After a lot of back and forth with the FCC, they told me the reason they do not respond to 99.6 percent of Congress is because of just a one-line statement in the Congressional Research Service report. The line reads, "Oversight is most effective if it is conducted by Congressional committees of jurisdiction." Now, the FCC somehow took this quote and conveniently came up with the idea that they do not have to give this Senator any documents. Of course, to anybody in the Congress, this makes no sense whatsoever, but that is what the FCC hid behind. And, of course—you know me—I did not give up. The FCC's response to me is just another variation on what the Justice Department told me when I started asking

questions about Operation Fast and Furious.

Fortunately, we have Members of the House of Representatives who are not afraid to ask this administration some tough questions. In Fast and Furious, it was Chairman ISSA who held the Justice Department's feet to the fire to make sure they responded fully and responded completely. With LightSquared, it was another committee in the House of Representatives, the House Energy and Commerce Committee. Chairmen WALDEN, UPTON, and STEARNS and their staff have done an excellent job in making sure the FCC is open, transparent, and provides documents to Congress, even when they do not want to give those documents to a Senator who asked for them, meaning this Senator.

I would also like to thank Commerce Committee Chairman ROCKEFELLER here in the Senate for pressing the FCC personally to release documents. With all of this help, we are making sure the FCC is open with the American people about the way they operate because transparency brings accountability.

In over 30 years of conducting oversight, I can say that when it comes to providing documents to the Congress, the FCC is one of the worst Federal agencies I have ever had to deal with. Even after receiving a document request from the Energy and Commerce Committee in the House of Representatives, the FCC still tried to play the tired old games agencies play when they are not acting in good faith.

When they finally turned over their first batch of documents—would you believe it?—those documents were already publicly available on the Internet through the Freedom of Information Act. So they weren't giving us anything we didn't already have access to.

When they didn't convince us they were acting in good faith—because, quite frankly, they weren't—they gave us a second production. But in that production, of the first 1,968 pages they produced, all but 3—in other words, 1,965 pages—were newspaper clippings. Again, the FCC was playing games. And, of course, that is not acceptable.

Fortunately, we have continued to press the FCC, and we now, with the help of the House of Representatives, have approximately 8,000 nonpublic internal documents. Still, we have not received all responsive documents from the FCC yet. We just received another 4,000 pages of documents, and I have been told that approximately 7,000 more documents are on their way to Congress. We now at least have a path forward. That is why I lifted my holds a couple weeks ago, so these nominations could move forward.

I trust the House committee will ensure that the FCC provides those 7,000 or so additional documents. I have always said if you are hiding something,

it is best to get it out in the open, because the longer you stonewall—in this case the FCC—the worse you are going to look when those facts finally come out.

The FCC has attempted to stonewall my request for documents for almost a year, and they have failed. But they failed only thanks to the help provided by the House Energy and Commerce Committee, and because of that help we are finally able to review internal documents from the FCC—the very same documents we should have gotten when we first asked in our request on April 27 of last year.

As I said when I initially filed my intent to object, I strongly believe it is critical for Congress to have access to documents in order to conduct vigorous and independent oversight. Whether it takes 1 day, 1 week, 1 month, or even 1 year—as it did in this case—I will continue to pursue transparency across the Federal Government because transparency brings accountability. That is essential so that Congress can practice its constitutional role of oversight over the Federal Government.

The role of oversight is this simple: Congress passes laws and appropriates money. That is not the end of it. Our government is a government of checks and balances. We have a responsibility, after passing laws and appropriating money, to make sure the laws are faithfully executed and the money spent according to the intent of Congress. That is oversight.

Even now as we review these documents we have already gotten and begin conducting interviews with key FCC staff, the investigation, obviously, continues. Step one was getting access to the FCC e-mails. We took this step so we could make sure we had the facts before we jumped to conclusions.

Now it is time for step two—asking hard questions of the key FCC personnel who approved the LightSquared waiver. This process may continue to take more time, but however long the process takes, I will continue to press for transparency at the FCC because, again, with transparency comes accountability.

This agency must operate in an open and transparent manner, and we must have answers regarding the LightSquared waiver. The people at the FCC work for the American people, they don't work for themselves.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, we are now on the motion to proceed, as you

know, to the Food and Drug Administration Safety and Innovation Act of 2012, which is basically the reauthorization of FDA for the prescription drug user fees and the medical device user fees. There are a couple of new provisions in this bill dealing with the generic drug user fees and the biosimilar drug user fees as well. So this bill is extremely important.

We have been working in our committee for over a year on it, working with colleagues on both sides of the aisle. As both Senator ENZI, my ranking member, and I pointed out yesterday, this has been a true bipartisan effort. We did not divide up in terms of party—Democrat or Republican—we divided up in terms of interest areas, and we had working groups within our committee so that Senators who had a particular interest in one area or another were on that working group. We also had Senators who were not on the committee but who had interest areas in it involved in our working groups. So they and their staffs had full working knowledge of what was going on all the time and it was a true collegial effort. Those working groups completed their work earlier this year.

We also called in all the stakeholders—the prescription drug manufacturers, the pharmacists, the drugstores, consumer groups, and practitioners. So we had all the stakeholders involved in this too. And now we have come up with a bill that has very broad support. I put in the RECORD yesterday a list of over 100 different organizations, everything from the drug manufacturers to consumer protection groups and consumer groups that are supporting this bill. It has very broad-based support. And, again, I believe that is due to the fact we proceeded on the reauthorization of this bill in the time-honored tradition of the Senate, which is for the committee to take the reauthorization prospect, to do its due diligence—and we did that for over a year, as I mentioned—and to make sure people were involved at every step of the process on both sides of the aisle. We brought in the stakeholders and continued this effort, as I said, for over a year to the point where we now have a bill that is broadly supported.

As I said, everyone has a common interest in ensuring our products don't hurt patients. I have said in our hearings, and I continue to believe, safety is the paramount consideration. We cannot sacrifice patient safety on the altar of other considerations. Patient safety is still the highest standard, the highest mark at which we aim our sights. But getting the products to patients quickly is also important.

I have heard heartwrenching stories of patients desperately waiting for treatments, and of inspiring accounts of small startup companies seeking to fill the needs of these patients with innovative medical products. Patient

groups and industry alike have stressed the need for efficient FDA processes to get products to patients quickly.

Again—and I will be pointing out later also—FDA does a very good job of getting products, both drugs and devices, to market quickly. In fact, of the 154 drugs approved in both the United States and Canada, in a study done by the New England Journal of Medicine, 132 were approved here first. So we have not been dragging our heels and FDA hasn't been dragging its heels in terms of getting the job done.

Some say, well, sometimes products get approved more rapidly in Europe than they do here. That is true, but it is important to note that foreign approval standards are different. So it is kind of an apples-and-oranges kind of comparison. The FDA here approves drugs and devices based on their safety and effectiveness—safety and effectiveness. Are they safe and do they actually do what they say they are supposed to do?

Other countries—basically in Europe—only consider safety and not whether the device is effective. So as long as it is safe, they approve it. So, yes, they have a shorter approval time, but they don't take into consideration effectiveness.

I strongly believe the United States should keep this high standard of both safety and effectiveness. It is important to know if a device is effective because that affects a patient's decision whether to accept the device's risks and whether to forego maybe alternative treatments.

FDA officials testified before our committee this year. They submitted documentation showing that 95 percent of medical device applications were reviewed within the deadlines set in the past user fee agreement. Now, despite all this good work FDA is doing, patients were sick or dying. Promising therapies can't be approved quickly enough. So the bill we have before us will continue to support the agency and its good work, but it will allow for some very big improvements.

The medical device industry has agreed to double its user fees, to pay twice as much, and in return the FDA has agreed to speed review times, increase transparency, enhance communications—all of which will get devices to patients more quickly but still keep safety in mind. So anything we can do to both streamline the process, get drugs and devices to patients sooner, and make sure we keep our high standard of safety and effectiveness is not only good for business but critical for the patients who need them.

I expect the FDA Safety and Innovation Act will have significant impact on FDA's ability to approve medical products in an efficient and transparent way. As I said, that benefits everyone. Investors will feel better about putting their money into medical tech-

nologies, companies will translate their research and development work into sales more quickly, support for innovation will allow the United States to maintain its leadership position in the biotech industry, and this will preserve and create jobs all over America.

In this sector, as long as we preserve safety standards—which is, what is good for business is good for patients—then, again, if companies and their investors believe the climate is right to commit resources to new medical therapies, this means patients who did not previously have options will have treatments to turn to. So I say this bill is a win-win for everyone.

Inspiring innovation and improving patient access to medical therapies are two of the many ways this bill modernizes our regulatory and oversight system to benefit both patients and the biomedical industry. The FDA Safety and Innovation Act is a truly bipartisan consensus bill that reflects the input and shared goals of a wide range of stakeholders. I hope we will be on the bill shortly after our noon caucuses and conferences for the two parties this afternoon. I trust that we will have only relevant amendments to the bill. I hope that has been accepted on both sides, and that we can discuss the bill and have the relevant amendments and have them disposed of sometime this week.

So I am hopeful we can get this bill done before we go home for the Memorial Day recess. But we will be back on the bill this afternoon. I urge all my colleagues to give this bill their support. We will have some amendments, I am sure, that will be relevant to the bill. They will be debated and voted upon. But, nonetheless, I hope we can expeditiously move this bill and get it done.

The clock is ticking. The FDA authorization runs out at the end of this summer. You might say, well, we have until then to get it done. We are out of here the month of August. We are out of here for the Fourth of July break. We have a Memorial Day break. We have appropriations bills to do. We have all kinds of things we have to do this summer. Plus, it is not waiting until the last minute.

FDA needs to know very soon whether they are going to have these resources. The drug companies need to know whether FDA will have the resources to continue to do its work. So sometime midsummer FDA will probably have to start sending out pink slips to people they will not be able to keep past the end of the summer because they will not have the funds. It has been estimated that up to 2,000 people could lose their jobs at the end of this summer if we don't do our work and get this bill reauthorized.

So time is of the essence. We need to get it done so we can go to conference with the House, work out whatever little disagreements we may have, and

get the final bill to the President, hopefully sometime in June so the FDA then will not have to go through any processes of seeing who they are going to lay off and how they are going to close things down at the end of the summer.

So, again, time is of the essence. I urge all my colleagues to support this well-thought-out bill that has taken over a year to put together. All of the stakeholders support it with broad support across America. So I hope we can get on the bill this afternoon and bring it to a close as soon as possible.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I am pleased and proud to follow Senator HARKIN, one of the chief authors of the FDA bill, and to thank him and Senator ENZI for this truly bipartisan, monumental work on a measure that is essential to the future of the health of our Nation as well as our economic security.

This bill is a big one. It is a big bill with complex provisions and an essential purpose: to safeguard the public, to protect patients, and encourage innovation and invention, which are so important to treating and curing diseases in this country as well as other problems. This measure is revolutionary in many ways. It contains complex new provisions with bipartisan support. Truly, the bipartisanship in support of this bill makes it noteworthy as well.

I am pleased to say it includes the GAIN Act, which I helped to author and champion with my colleague, Senator CORKER, and 15 other Senators who have joined in this effort to incentivize the development of new antibiotics, to treat, stop, and conquer the superbugs, as they are known, germs that are resistant to antibiotics that now exist. To provide more drug security, the supply chain needs greater safeguards. I have worked with Senators BURR, BENNET, HARKIN, GRASSLEY, and WHITEHOUSE on this measure. I am proud to say it is in here. The bill includes provisions on treatment and research on pediatric diseases and conditions that is the work of Senators REED, ALEXANDER, and MURRAY. I have been very proud to add to their efforts. Of course, it includes the work on medical device innovation and safety, which I have done with Senator GRASSLEY and Senator KOHL.

This measure, in a way, epitomizes the approach we should take to FDA regulation, which is to enable devices to reach the market more quickly, to

make sure they are safe but available more promptly, to guarantee surveillance and oversight after they reach the market, and reporting by industry so we enlist industry as a partner and make the FDA an ally, not an adversary, with industry in innovation and patient care.

Nowhere is this approach more necessary than in addressing the drug shortage problem in this country. It is a problem, it is a crisis, it is an outrage. The United States should be embarrassed and outraged that the greatest country in the history of the world, the strongest on the planet, having developed lifesaving medicines and devoted extraordinary research and development to make those medicines available to the people of this country, still has shortages, crisis shortages in those very pharmaceutical drugs.

That crisis is inexcusable and unacceptable. The bill takes a step in the direction of addressing and solving this crisis. It is a first step. I leave no doubt, as I stand here, that I will continue to work on this problem, to advocate other steps—some that I will suggest today and others that will be forthcoming in measures I will propose later.

I first became aware of the drug shortage problem through contacts with people from Connecticut, patients who suffer as a result of these drug shortages and doctors who are hugely concerned about the choices they have to make and the dilemmas they face every day in their practices, and hospitals that engage in what they call triage, trying to find drugs to substitute for the ones that are in shortage so they can care for patients who are literally dealing with life-and-death situations.

We are not talking about just one or a couple of drugs. Methotrexate was recently the subject of a New York Times front-page article. It provides cancer treatment, but there are other cancer-treating drugs that are also in short supply, essential for both prolonging life and giving life to patients who otherwise would lose it more quickly. We are talking about Mitomycin, about Doxil, about Cytarabine. In other areas of treatment we are talking about epinephrine, which is important for allergy treatment, zinc injections, which are necessary for nutrition deficiencies, Propofol, a workhorse medicine commonly used in emergency rooms across the country when people arrive in need of anesthesia. For these drugs and hundreds of others, literally hundreds of others, to be in shortage is unacceptable and inexcusable.

What illustrates this problem perhaps most dramatically are the faces and voices of the people in Connecticut and in every State around the country who suffer because of these drug shortages. They are your neighbors, your friends—my colleagues' constituents.

They are coping with pain, anxiety, sadness, grief, anger—and there are drugs available to them that would provide relief and remedies. Their docs cannot get them because they are in shortage.

We are talking about people of great courage and fortitude, such as Susan Block. She is just illustrative. I have her picture here. My office helped her to get a drug called Doxil to treat her cancer because halfway through her chemotherapy treatments for ovarian cancer she arrived at the hospital one day to learn from her doctor that Doxil would no longer be available. She called my office in a panic upon learning that information. Ovarian cancer causes more deaths than any other cancer of the female reproductive system and Susan was unwilling to settle for half a treatment. She was right, and her doctor supported her and my office supported her in securing an emergency delivery of Doxil for Susan, allowing her to complete treatment.

She has allowed me, graciously, to share this photo with you today.

I am pleased we have been able to help constituents in Connecticut again and again to secure these medicines when they have been in shortage, working with manufacturers as well as hospitals in that effort. But it should not have happened at all.

Not everyone has been this lucky. Stephen Hine of Bethel wrote to my office after he lost his wife Ann. She died of terminal ovarian cancer. Ann was also on Doxil. While the drug was not going to save her life—these drugs do not always save lives—it could have prolonged her life expectancy. But she could not get Doxil in time and she lost her battle with cancer. Stephen, her husband, understood that the drug would not have cured her but it would have helped her live longer to spend more time with her family, her daughter, who was going to graduate that spring. It would have meant so much for Ann to see her daughter graduate. We have a right to ask what kind of nation allows patients to go without these drugs and forces doctors to make decisions about who needs them the most.

I thank Senators KLOBUCHAR and CASEY particularly for championing this effort even before I arrived in the Senate and later, personally, the Chair of the Health, Education, Labor, and Pensions Committee and the Ranking Member, Senator HARKIN and Senator ENZI, for their support.

There are proven measures that will help solve these issues. More needs to be done, but the drug shortage provisions contained in the bill before this chamber, which provides for a requirement of notification in the event of a discontinuance or interruption of the production of life-supporting, life-sustaining drugs or drugs intended for use in the prevention of a debilitating disease or condition or a sterile injectable

or a drug used in an emergency are critical. The reasons these drugs are in short supply was illustrated and documented by a GAO study. It showed that drugs are in short supply—not just once, but they are chronically in short supply, some of them many times—it showed definitively that these drugs are old, sterile, often injectable, and generic. The market simply is not working for these drugs. The profit margins are not sufficient to sustain the supply. The market for these drugs is broken.

If these drugs—to draw the analogy to a utility—were electricity, the lights would go out. We would not accept that situation. The lights are going out for patients in Connecticut and across the country because the markets are not working and the government, the FDA, is failing in its responsibilities—under great pressure, perhaps with good intentions, but still not working effectively enough. The President of the United States recognized it when he issued an Executive order that required the FDA to use its current powers of notification more effectively and to refer price-gouging cases to the Department of Justice when there is evidence of them. The markets are not working so there is now a gray market that involves mark-ups of 200, 300, 500, 800 percent, sometimes even higher, in the prices of these drugs as they are resold in secondary markets.

Beyond this requirement of notification that is contained in the bill, there are other measures that are important or necessary so that we do more to address these problems. I have refiled my amendment from the HELP Committee markup, along with Senators FRANKEN, SCHUMER, CARDIN, and KLOBUCHAR, to impose penalties, tough penalties for manufacturers who fail to notify. Notification is fine but it will be less effective if there are no penalties for failure to notify. We may try to walk a balance between enforcement and incentives, but enforcement in this area is critical, and this measure imposing penalties for failure to notify is critical as well.

The amendment is a fair one. It provides for penalties of up to \$10,000 per day—up to \$1.8 million per violation—for failure to notify the FDA within a reasonable time frame of known discontinuance of a lifesaving drug.

I am proposing as well an amendment that would require critical manufacturing reinvestment. I have worked with the manufacturing industry to create a public/private partnership to incentivize the development of additional manufacturing capacity. The root of the drug shortage problem is that these products are old and generic and difficult to make so that we need more capacity, we need more plants making more of these drugs. Over the long term, this kind of partnership will

strengthen the markets and strengthen our capacity. It says the Secretary of Health and Human Services has authority to implement an analysis of the root causes of the drug shortage and to proactively seek these kinds of partnerships with manufacturers to produce more of the drugs that may be in shortage right now, but to predict, to forecast, what will be in short supply in the future.

Market manipulation must be addressed more effectively and I have proposed an amendment that will stop the gray market so far as it is possible to do, to prohibit market manipulation of drugs that are in shortage and prohibit the distribution of false information. It gives the FTC authority to assess penalties for these actions. I thank my colleagues on the Commerce Committee, Chairman ROCKEFELLER, and also thank Senator SCHUMER for his leadership, because he has shown a similar commitment to addressing these issues.

Our doctors and our health care providers deserve some recourse from market manipulation. The gray market must be stopped and the FTC must immediately establish a reporting mechanism for price gougers and gray-market profiteers.

These measures are a beginning. The notification provision now in the bill is a start. I thank, again, Chairman HARKIN and Ranking Member ENZI for their leadership and the FDA for its cooperation. The work cannot stop with this bill. Drug shortages are unacceptable and inexcusable, and the people of America, if they are aware of it, will demand that we heighten the fight toward a comprehensive solution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

CHILD TAX CREDIT

Mr. VITTER. Mr. President, Senator SESSIONS and I come to the Senate floor today to discuss the Child Tax Credit Integrity Preservation Act, the bill I introduced last year, to address a real problem with IRS enforcement allowing illegal aliens to access the additional child tax credit.

The reality is, because of this enforcement problem and this loophole in terms of how the child tax credit is enforced, illegal aliens who pay no taxes and are not entitled to this check from the government received \$4.2 billion in 2010 alone. These are checks from the government through the Child Tax Credit Act.

There have been several studies under the President Obama administration that say this is ridiculous, this is unintended, we need to stop this. I am proposing we do and that we move forward in a simple, bipartisan, commonsense way to stop it. Let me briefly note some of those studies.

In March of 2009, the Treasury Department said:

As it now stands, the payment of Federal funds through this tax benefit appears to provide an additional incentive for aliens to enter, reside, and work in the United States without authorization, which contradicts Federal law and policy to remove such incentives.

In July 2011, the Treasury Department, through its inspector general, issued a report that was actually entitled “Individuals Who Are Not Authorized to Work in the United States Were Paid \$4.2 Billion in Refundable Credits.”

So, again, under this administration the Treasury Department and the IRS underscore that this is a huge problem to the tune of \$4.2 billion every year.

I urge all of us to come together in a straightforward, commonsense, bipartisan way to fix this problem. The IRS and the Treasury Department have told us that the fix is simple, and it is clear. We simply need to mandate that folks applying for the credit use valid Social Security numbers. That will cut off the fraud, and that will cut off \$4.2 billion going improperly to illegal alien families. It will not cut off the benefit going to anyone who deserves it under the law.

UNANIMOUS CONSENT REQUEST—S. 577

Mr. VITTER. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 577, the Child Tax Credit Integrity Preservation Act, and the Senate proceed to its immediate consideration; that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The majority leader is recognized.

Mr. REID. Mr. President, reserving the right to object, first of all, I want to express my appreciation to the Senator from Louisiana and the Senator from Alabama for their courtesy. They are going to talk a lot longer on this matter. They recognized there was a good chance I would object to their request. They have agreed to allow me to say a few words before they finish what they have to say on the Senate floor. I appreciate their courtesy very much because I do have some other things I need to work on.

Mr. President, the Vitter-Sessions legislation literally takes a sledgehammer to a problem that deserves some very fine tuning and a scalpel. There are news reports that have suggested that some have claimed the child tax credit for children who actually live outside the United States.

The Tax Code is very clear that the child tax credit is not available for children living outside the United States. It is very clear. If, in fact, someone is doing that, then those filers and tax preparers are committing a fraud on the people of this country. If

they are doing that and there is a loophole that is existing, we need to close that loophole.

Chairman BAUCUS has already had his staff work with the IRS to determine if its procedures are strong enough to stop such fraud. We believe they are, but if they are not then it is up to Congress to plug any loopholes that may exist. However, the Vitter-Sessions legislation eliminates the child tax credit for filers who are fully complying with the law. That is not a good result. In fact, the legislation that is proposed fails to address the issue of the child tax credit being claimed for children not living in the United States, so the problem is not solved by this legislation. The legislation goes well beyond what is necessary to stop fraud in the Child Tax Credit Program, and therefore I object to the consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. VITTER. Mr. President, before the distinguished majority leader has to leave, I would just ask, through the Chair, if we can get some clarification and hopefully come to some consensus, is he suggesting that illegal aliens in the country should continue to receive the credit? Is he suggesting that citizens who qualify for the credit but happen to live outside the country should not get it?

It seems to me the problem is illegal aliens receiving the credit, wherever they are physically, not the people outside the country who are receiving the credit, some of whom qualify for the credit.

If I could bring that point up through the Chair.

Mr. REID. Mr. President, without fully debating the subject—and others know more about it than I do, but what I do know is that we want to make sure any children who are here and who are American citizens and entitled to this get the benefits.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I would say, through the Chair, thank you for that clarification. We have exactly the same goal in mind, and I believe this approach of the Vitter bill—the House has already passed this approach recently, and its budget outline actually accomplishes that. By requiring a valid Social Security number, we allow everyone who truly qualifies for the credit to get it, and we stop it from going to illegal alien families who do not deserve the credit under the law.

I invite my distinguished colleague from Alabama to add to the discussion.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Chair, and I appreciate the insight the majority leader provided. We will look at that and see where we stand on it, but I would urge that we do

not need to wait a great deal of time for this to be fixed.

The inspector general for Tax Administration of the U.S. Treasury Department started raising this formally in 2009. The issue actually came up in 2007 when individuals in the Treasury Department thought there was something wrong occurring. So the inspector general did a report, and he has called on us to fix it.

In fact, he said in his report:

We continue to believe the legislation is needed to ensure compliance with both laws.

I would say that is what we need to do. The House has acted and we should act. Four billion dollars a year is a great deal of money. It is about \$10 million a day that is going out of the country to individuals who should not be receiving it.

According to the inspector general's report, the amount of the child tax credit—and as Senator VITTER said, this is not a tax deduction. This is a \$1,000-per-child tax credit that we have for people in the United States who work, who have worked lawfully, and who have children and they get a check. If they owe no income tax at all, and a substantial percentage of the people who work in America end up not paying income tax, but they still get a check from Uncle Sam for \$1,000 per child.

It was a policy I supported because over the years families had not gained the kind of deductible advantage that had been done 30 years ago when people had children, and it leveled the playing field and helped working families raise children in a decent environment. It is a policy I like, but it is not for somebody here illegally and has children in some foreign country. That is not what it is about. It is for \$4 billion. It has surged.

In 2005 the inspector general noted that the IRS paid out to these ITIN filers \$924 million in 2005. In 2006, it was \$1.3 billion. In 2007 it was \$1.7 billion. In 2008 it was \$2.1 billion. In 2009 it was \$2.9 billion. From 2009 to 2010 it went from \$2.9 billion to \$4.2 billion. It has been surging every year.

As a matter of protecting the Treasury of the United States from abuse, the IG says we need legislation. The Senator from Louisiana has drafted legislation that will do the job precisely as it should. Would the Senator agree that Congress should not wait around another year? It is something that the House already passed, and if we passed it, it would become law in perhaps a matter of days.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, if I could respond through the Chair.

I absolutely agree with the Senator from Alabama. Too often folks in Washington want to make things overly complicated. Some issues debated in the Congress are complicated. Other

issues are not complicated, but they are made a whole lot more complicated than they need to be made, and this is one of those.

All we are saying is folks who qualify for this benefit under the law should get it, but folks who don't qualify, including illegal alien families, should absolutely not get it. The law is clear on that. What we have is an enforcement problem. We also have the Obama administration, through the Treasury Department, absolutely agreeing that this is an enforcement problem and that this bill is the legitimate and proper solution.

Again, in March 2009 the Treasury said:

As it now stands, the payment of Federal funds through this tax benefit appears to provide an additional incentive for aliens to enter, reside, and work in the United States without authorization. . . .

That means it is a magnet to draw more illegal crossings into the country.

Again, in July 2007, the Treasury inspector general had a whole report, and the title was "Individuals Who Are Not Authorized to Work in the United States Were Paid \$4.2 Billion in Refundable Credits." That inspector general said what we need is fixed legislation just like this.

In fact, this is what we do with regard to the earned-income tax credit. We require a valid Social Security number for that separate tax credit. We are simply applying that valid fix to this different tax credit.

Again, let's not make a pretty straightforward situation difficult. Let's fix a glaring problem. As the Senator from Alabama said, it is a \$4.2 billion-a-year problem. We come to the floor every day to talk about soaring deficits and debt, to talk about impending cuts in defense and other areas, and yet we have this glaring \$4.2 billion savings that we are not taking advantage of.

The House has acted. The House recently acted and passed exactly this provision. Let's act in a bipartisan, commonsense way in the Senate and tell the American people we are going to stop wasting \$4.2 billion a year for this completely unauthorized purpose.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would point out to my colleagues how much \$4 billion is. It is a matter that we deal with on a regular basis around here. It is a number that has come up several times recently.

For example, we had a shortfall in our plans to fund the Federal highway program—a deeply disappointing event that we couldn't get that bill passed. It started out as a \$4 billion shortfall. They worked that number down, but it is still not fully paid for. We would like just a few billion dollars to pay for the bill, and it hasn't been passed.

The student loan fixed rate where the interest rates would be dropped—if I

am not mistaken, that was \$4 billion. We need it to reduce interest rates on student loans. That is \$4 billion, according to the IG, going out of our country wrongfully every year that we could save.

The President spent a lot of time traveling around the country saying we should raise taxes on the rich and we should pass the Buffett tax. He had a proposal for the Buffett tax. How much would the Buffett tax raise? It would raise \$4 billion. That is how much closing this loophole would raise. Frankly, I am a little disappointed that the Treasury Department officials and the administration itself haven't immediately seized upon this loophole that is costing the taxpayers large amounts of money and responded themselves by sending legislation over and asking us to pass it. Why aren't they asking us to pass it to begin with? Well, the inspector general, who is an independent—who gets a little independence within the Department of Treasury but, in fact, is an employee of the Secretary of the Treasury—he says we need this legislation. Quoting his report:

Clarification to the law is needed to address whether or not refundable tax credits such as ACTC may be paid to those who are not authorized to work in the United States.

Well, of course they ought not to be getting a check from the U.S. taxpayers if they are not authorized to be working here.

So as the ranking member on the Budget Committee, knowing how tight our budget is, I salute Senator VITTER for doing it this year as well as last year when he saw this problem and attempted to get it passed. I am pleased the House has passed it. I think if we keep working at it, I say to Senator VITTER, maybe we can get it done in the Senate, remembering that \$10 million a day is going out of the country for every day we fail to act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I wish to thank very much my colleague from Alabama for his leadership on the Budget Committee and his leadership on issues such as this. I want to encourage the distinguished majority leader to look at the actual details of the problem and this legislation. When he does, he will see that this legislation is very finely tuned to the actual problem, and it is an outrageous problem.

There has been quite a bit of media attention on this abuse over the last several months. A lot of it came out of Indiana. A tax preparer there brought cases in Indiana and said he got no response from the IRS when he tried to report completely fraudulent returns using fake income and documents. He pointed to a number of actual tax forms in which illegal aliens were exploiting this. He said: "I can bring out stacks and stacks. It is just so easy, it is ridiculous."

An illegal alien who was actually interviewed admitted in another case that his address was used by four other illegal aliens who didn't even live there. All told, they claimed 20 children were living in one trailer, and they received checks from the government through this program totaling over \$29,000. Only one child was ever observed at that mobile home. Twenty other children who live in Mexico have never even visited the United States.

Again, let's not make a simple fix overly complicated because it is not. This is an outrageous abuse. The Obama administration Treasury Department has said so. They have endorsed this fix. The House has passed this fix. Let us in the Senate pass this fix on a bipartisan basis and save the American taxpayer \$4.2 billion each and every year.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, to conclude, I think the American people are unhappy with their leaders. They feel as though the money they have sent here is not being well spent, is not being watched closely enough. We have a big judicial conference for the second year—since 2010, the second time—to go spend \$1 million on a resort conference in Maui. We have the Solyndra loans going out to cronies that are not being paid back in any way. We have the General Services Administration having a big party out in Las Vegas with hot tubs and magicians and so forth. We have no budget for three consecutive years in the U.S. Senate. And what are we hearing from many of our leaders here in Washington? Well, we have a problem, American people. We have too big a debt. Send us more money. Send more money. We don't have enough. We are borrowing 40 cents of every dollar we spend. Send more money.

I think the American people are tired of hearing that. I think they have a right to be tired of hearing that. Until this country is willing to face up to saving \$10 million a day on this kind of manipulation that has been going on since 2007, at least, and has been raised by the inspector general since 2009, until those kinds of things are stopped, I don't think they should send any more money to Washington. We need to honor the money they are sending.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

TRIBUTE TO THOMAS HUDNER

Mr. BROWN of Massachusetts. Mr. President, I rise to speak about a historic ceremony that took place in Boston Harbor—the birthplace of the American Revolution—this very morning.

This morning, the United States Navy named an *Arleigh Burke* class

guided-missile destroyer for retired United States Navy Captain Thomas Jerome Hudner, Jr., of Concord, MA. The ceremony took place aboard the oldest commissioned warship in our United States Navy, the USS *Constitution*.

As the Presiding Officer knows, it is a distinct honor for any service member to have a Navy vessel commissioned in his or her name. What made the event today extremely rare is that Captain Hudner is the Navy's last living Medal of Honor recipient from the Korean War.

As the story my colleagues are about to hear shows, no one could be more worthy of this distinction than Tom Hudner.

Tom is a native of Fall River, MA. He was a student at Phillips Exeter Academy when the Japanese attacked Pearl Harbor. As a leader on his school's athletic fields and in its student government, naturally he responded to the call to arms. And although World War II ended before his commissioning at the Naval Academy in Annapolis, Hudner began a storied Navy career that would earn him our Nation's highest military honor.

During his first few years in the Navy, Hudner served as a communications officer aboard various warships before being accepted to the Navy's flight school in Corpus Christi, TX. After earning his wings of gold, Hudner became one of the "Fighting Swordsmen" of Strike Fighter Squadron 32 aboard the aircraft carrier USS *Leyte*.

Just a few years after the racial integration of the U.S. military, Hudner began flying alongside a young ensign named Jesse LeRoy Brown, the Navy's first black pilot. Brown was born and raised in the segregated, deep south town of Hattiesburg, MS, a world away from Hudner's home in Fall River, MA.

In the summer of 1950, less than a year after Hudner finished flight school, North Korean Communist forces invaded the Republic of Korea. Within months, President Truman ordered the *Leyte* into action off the coast of Korea where Hudner and his wingman, Jesse Brown, immediately began flying reconnaissance and attack sorties against Communist positions. Not long after their squadron joined the fight, Chinese forces invaded the Korean peninsula and threatened to overrun U.S. positions.

There are no routine missions in wartime, especially when flying close air support over enemy positions. On the afternoon of December 4, 1950, Hudner and Brown were on a mission to destroy enemy targets near the Chosin Reservoir. About an hour into the mission, Brown's Corsair was hit by enemy fire, began to lose fuel and he was forced to crash land his aircraft into a snowy mountainside.

The events that transpired over the next few hours became enshrined in the history of American Naval aviation.

Despite exposure to hostile ground fire, Hudner continued to make low passes over Brown, who was trapped in the wreckage of his destroyed aircraft. When Hudner saw that his wingman's plane was burning, he deliberately crash-landed his own aircraft, risking his life. And though injured in the violent landing, Hudner ran to try to rescue Brown.

For Tom Hudner, never leaving your wingman was more than just a phrase he learned in flight training, it was a covenant. A short time later a rescue helicopter pilot arrived, and both he and Hudner tried in vain to free Brown from the wreckage. With night falling and Ensign Brown lapsing in and out of consciousness, Hudner was finally forced to evacuate the bitter cold crash site. Brown's final words to Hudner were to tell his wife Daisy that he loved her. He would do that in person.

On April 13, 1951, Daisy Pearl Brown was in the audience when President Harry S. Truman presented Thomas Hudner with the Medal of Honor for his heroic attempt to save Ensign Brown.

Over the next two decades, Hudner continued to serve with distinction in the United States Navy. In addition to flying many of the Navy's newest jet fighters, Hudner's career would take him from various ships and air bases where he served in positions of increasing responsibility, including as executive officer of the USS *Kitty Hawk* during the Vietnam War.

Hudner and Brown's wife Daisy remained friends, their lives intertwined by the events decades earlier on a snowy mountainside on the other side of the globe. In fact, the two friends would stand together at another ceremony some 22 years later when the U.S. Navy commissioned the first American warship in honor of an African American, the USS *Jesse L. Brown*.

Hudner retired from the U.S. Navy at the rank of captain in 1973, and while his day-to-day service in the military would end, he continued to serve his fellow veterans through the USO and a variety of veterans' organizations. In fact, for most of the 1990s, Hudner served as commissioner of the Massachusetts Department of Veterans Affairs.

Today, the newly commissioned USS *Thomas Hudner* will serve as a living legacy to heroism and service. Think about it for a moment. When a sailor or Marine is assigned to this ship, they will proudly tell their family and friends about Hudner and Brown. When the *Hudner* makes a port call, those in the communities it visits will see the ship in port and meet scores of crew members with "USS *Thomas Hudner*" stitched on their shoulder.

And when citizens around the world learn about Captain Hudner's specific act that the Navy has described as "conspicuous gallantry and intrepidity at the risk of his life above and beyond

the call of duty," they will begin to understand what uncommon valor truly is. Tom Hudner's story will serve as an inspiration to a future generation of Americans.

Please allow me to thank Captain Hudner for his lifetime of exceptional service to our Nation and his dedication to his fellow veterans. I ask my colleagues and our Nation to join me in wishing him and his wife Georgia all the very best in the years ahead.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, I ask unanimous consent that the Senate remain on the motion to proceed to S. 3187 until 4 p.m. today and that all other provisions under the previous order remain in effect at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the majority leader for bringing up this bill. He and the Republican leader have put on the floor a piece of legislation that affects nearly every American family. This will not have the fireworks some things we do have, because we have a lot of agreement on it, which is one reason it is on the floor. It has gone through the committee. Senator HARKIN and Senator ENZI have worked carefully with all of the Republicans, all of the Democrats on the committee, and many other people on a complex piece of legislation for a year, to bring to the floor the Food and Drug Administration Safety and Innovation Act—a bill that is likely to succeed.

We take our medicines for granted. During the Civil War, the Capitol was used as a hospital—this Capitol. Two thousand cots were set up in the House and Senate Chambers and the Rotunda. The first group of wounded arrived from the Second Battle of Bull Run and later from Antietam in September of 1862. Those soldiers did not have the benefit of antibiotics or other modern medicines that we take for granted today, and that contributed to a horrible number of deaths in the Civil War.

Still, as the 20th century dawned, disease cast a long shadow over the United States of America. A child born in 1900 could expect to live an average

of 47 years. Infectious diseases took many children before they reached their teens. In 1900 pneumonia and influenza were the leading causes of death, followed by tuberculosis and diarrhea.

Physicians had few weapons to fight diseases. The medicines at the time included such things as mercury for syphilis and ringworm; digitalis and amyl nitrate for the heart; quinine for malaria; and plant-based purgatives. For most of human history, diabetes meant death, but insulin was introduced in 1923 commercially, and within a few years enough insulin was being produced to meet the needs of diabetes patients around the world.

It is hard to remember this, but vaccines began to be commercially produced only during the time of World War I. It was not until the time of World War II that we saw the introduction of widespread and effective antimicrobial therapies with the development and mass production of penicillin. Since then, the sky has seemed to be the limit.

Half of Americans take at least one prescription drug every day. One in six takes three or more. Many take over-the-counter medicines. It is a real miracle what has happened in terms of our lives with the introduction of medicines, and we rely upon the Food and Drug Administration to keep those medicines safe and effective, which is what this legislation is about.

I would like to renew my compliments to Senator HARKIN and Senator ENZI for bringing this bill to the floor in a condition where they have already worked out most of the issues. This bill is complex. It is long. It has 11 titles. It will help safe and effective drugs, medical devices, and biosimilar products get to the market and, more importantly, get them to the market more quickly so people who need help can use these medicines and devices.

We are reauthorizing two user fees. These things have absurd names. The Prescription Drug User Fee Act is called PDUFA, and the Medical Device User Fee Modernization Act is called MDUFMA. There are two new ones, which are GDUFA and BSUFA. It is really absurd. I promise to never again use those phrases for these user fee programs. But they are critically important programs that give the Food and Drug Administration needed resources to review new medically necessary products.

For example, there is the Better Pharmaceuticals for Children Act. It is a part of what we are doing this week. I cosponsored it with Senators REED of Rhode Island, MURRAY, and ROBERTS. I thank them for the ability to work with them.

This makes permanent the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act. One is an incentive, and one requires pharmaceutical companies under certain

circumstances, when they develop new drugs for adults, to figure out the effect that those drugs will have on children. Too often, we do not know the answer to that, and the drugs are either ineffective or can have bad results. It also reauthorizes the Pediatric Medical Device and Safety and Improvements Act to promote pediatric medical device development.

Another critical part of the bill has to do with the medical device approval process. The United States is a world leader in medical devices. In Tennessee we have lots of them, especially in Memphis. We need to improve the regulatory process. There are many who believe the FDA is over-regulating medical devices. That has a negative effect on the industry's ability to raise capital and create jobs. It does not make those devices any safer in the United States than they are in Europe. This will help address those problems. For example, it will allow customization of medical devices for small populations—that means five people or fewer—without going through a very burdensome approval process, and it changes the humanitarian device exemption to encourage and incent the development of devices to treat patients with rare diseases—that would be groups of patients of fewer than 4,000 people.

There is another problem that is addressed in this legislation. It is the generation of antibiotics dealing with antibiotic resistance. We know there is a growing problem with antibiotic resistance as bacteria continuously mutate and evolve in their resistance to the drugs and the medicines we develop. While efforts have been made to preserve existing antibiotics, drug development has not kept up with the pace. These changes will provide meaningful market incentives and reduce regulatory burdens.

In addition, I am very pleased with the results of our work in dealing with drug shortages. That is a part of this bill. It will give the FDA additional tools to help prevent drug shortages and require FDA to look internally at regulations to see if the FDA is making the problem worse.

Senator CASEY and I worked together on a review of Federal initiatives to combat prescription drug abuse and to issue a report on those. Tennessee, my State, ranks second in the Nation for prescription drug use. Our Governor, Bill Haslam, and our legislature took action this year to deal with that. We intend to help them.

In closing, I would like to commend Senators HARKIN and ENZI. I see the Senator from Washington on the floor. I do not want to take much more time because I know she is about to speak. She has been integrally involved in the development of this legislation over the last year, especially the Better Pharmaceuticals and Devices for Children Act. I mentioned that a little ear-

lier. It incentivizes drug manufacturers to study their products and how they affect children, and in return, they get to keep the exclusive use of those products for a little while longer. That means they do not go to generic quite as quickly. That has been tried in this legislation since it was first authorized and reauthorized and reauthorized. It has worked. It has been a very good example of an innovation in legislation that has achieved the desired result.

The Pediatric Research Equity Act gives the FDA authority to require pediatric studies in some cases and the Pediatric Medical Device Safety and Improvement Act promotes the development of pediatric medical devices.

So the importance of the legislation is it takes a big step forward in making it clear what drugs that are created for adults will do when offered or provided to children. Currently, just under half of the drugs prescribed to children have been studied and labeled for children, but that is a significant improvement over where we were when these programs started fifteen years ago. Children's bodies react very differently to medicines. Children are not just small adults. Sometimes side effects are different. Physicians have to guess what dosages are appropriate, whether a therapy that might be effective for an adult is also effective for a child. Sometimes there are examples of overdosing or previously unknown side effects. In one case in Tennessee in 1999, seven babies were prescribed an antibiotic to treat whooping cough. They became so seriously ill, they needed stomach surgery. The CDC—Centers for Disease Control—later linked their illness to the antibiotic, which had never been tested in young children. Children differ widely in sizes and growth rates, so for medical devices doctors must either 'jerry-rig' devices or be forced to use a more invasive treatment.

Prior to the passage of these laws that we are working on today, and reauthorizing, 80 percent of drugs used for children were used off-label; that is, we did not really know how they affected children. Now we can use those drugs—half of our drugs today—safely and effectively because we do know that. The Best Pharmaceuticals for Children Act is the carrot that FDA uses to encourage pediatric studies, while the Pediatric Research Equity Act is the stick to mandate studies. Together these two laws have been a success. According to the Institute of Medicine, as of October 2010, the FDA has approved 425 labeling changes as a result of studies or analyses done under these laws. In 1975, only about 20 percent of drugs prescribed to children had been studied and labeled for children, in 2007 that number had risen to about one-third, and today it is roughly half.

The Pediatric Medical Device Safety and Improvement Act was enacted in 2007 to encourage manufacturers to

bring more pediatric devices to the market and strengthen FDA post-market surveillance of devices used in children. This law allows manufacturers to profit under the humanitarian device exemption for devices specifically designed to meet a pediatric need affecting fewer than 4,000 children per year. In addition to three humanitarian device exemption pediatric products, GAO reports that 15 new devices have been approved for children since 2007.

I am happy to come here today to join with Senator MURRAY, Senator HARKIN, Senator ENZI, Senator REED of Rhode Island, and Senator ROBERTS to offer what I believe is a piece of legislation that affects nearly every American family. It takes one more step in the dramatic story of how we have gone from a country with almost no medicines to a country in which almost everyone takes some medicine and a situation where the lifetime of the average American has increased from 47 years of age to 78 years—its present level today.

I see the Senator from Washington on the floor. I wish to recognize and thank her for her leadership on the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I too wish to thank the Senator from Tennessee, as he referred to how we are working together on a bipartisan basis on the Better Pharmaceuticals and Devices for Children Act—a very critical piece of this legislation that I will talk about in just a few minutes as well. But I would like to thank him for working with us, and really I want to thank all of the Senators who worked very hard on this piece of legislation, working with stakeholders and advocates for over a year on the bill that will be on the floor later this afternoon. I commend Chairman HARKIN as well as Ranking Member ENZI for working together in a bipartisan fashion to get this to the floor today.

I hope all of our colleagues really understand the critical importance of moving forward with this bill as efficiently as possible because, as many people know, if we do not make this legislation a priority, by the end of September over 2,000 employees at the Food and Drug Administration are going to be sent packing with pink slips. But what is just as important, if not more important, is that failure to pass this legislation will put drug and medical device approval at a standstill. That will not only halt innovation but it will put the lives of many Americans at risk while they wait for potentially lifesaving medicine.

No one knows the importance of that more than Seattle Genetics, a company in my home State of Washington. In August of last year, Seattle Genetics received FDA accelerated approval of a

drug intended to treat Hodgkin's lymphoma, the first of its kind approved by the FDA in more than 30 years.

As a biotech company, Seattle Genetics' relationship with the FDA was really vital to the work they were doing to bring this drug to patients who were in need. Ultimately, Seattle Genetics received FDA approval 11 days earlier than expected, and that meant they were able to anticipate the timing of its approval, organize their sales teams, and ship the first business day following approval for a patient already waiting for that critical drug. That kind of collaboration would not have been possible had the FDA lacked the resources necessary to make it a reality.

I believe that Clay Siegall, who is the president and CEO of Seattle Genetics, was truly able to underscore the issue of what we are discussing here today. I want to tell you what he said.

It is only through working with an FDA—that has the resources and dedication to achieve thorough and timely reviews—that we are able to fulfill our promise to improve the lives of people through innovation. Passage of this bill helps to provide both the resources and incentives for FDA to rapidly review and approve important therapeutic breakthroughs for patients in need.

That highlights the importance of this legislation.

I also wish to highlight another part of this bill that I have been very focused on, as the Senator from Tennessee just talked about, and that is the need to make sure drugs and medical devices are specifically tested and labeled and proven to be safe and effective for our children. This is so important for families and doctors across America.

I really want to thank Chairman HARKIN as well as Ranking Member ENZI for including my bill, the Better Pharmaceuticals and Devices for Children Act, in the broader legislation we are considering here today.

I was very proud to work with Senator ALEXANDER, along with Senators REED and ROBERTS, to put together this commonsense legislation. This bipartisan language will make sure our children are prioritized in the drug development process and that drug labels provide clear, detailed information about the proper use and dosage of medications for children. It will give parents and doctors more information, and it will make sure the key programs we count on to protect our children do not expire. It will push to make sure children are never just an afterthought when it comes to the safety and effectiveness of our Nation's drugs and medical devices.

Mr. President, as you have heard today, this is a bill that has received bipartisan support. I commend all of the Senators who have worked on it in a bipartisan way. We don't get credit for that enough in this country. But

this is certainly one where everybody came together and worked together in committee. This bill holds the livelihood of so many Americans in its balance.

I urge the Senate to move forward quickly and support the legislation and get it passed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Mr. President, 11 years ago, I introduced the DREAM Act, which is legislation that would allow a select group of immigrant students with great potential to contribute more fully to America.

The DREAM Act is not an amnesty bill. It would give students a chance to earn legal status in America, and there are standards they would have to live up to: No. 1, they came to the United States as children; No. 2, they have been long-term U.S. residents; No. 3, they have good moral character; No. 4, they have graduated from high school; No. 5, they either serve in America's military or complete 2 years of college.

The DREAM Act also includes important restrictions to prevent abuse. Under the DREAM Act, no one would be eligible for Pell grants or any other Federal grants when they go to school. Individuals who commit fraud under the DREAM Act, who lie, misrepresent their status, would be subject to tough fines and criminal penalties, including a prison sentence of up to 2 years. It is serious. No one would be eligible for the DREAM Act unless they arrived in the United States at least 5 years before the bill becomes a law. There is no exception and no waiver for this requirement.

My colleague from Florida, Senator MARCO RUBIO, on the Republican side of the aisle, said in a recent speech that the DREAM Act is not an immigration issue, it is a humanitarian issue. I might add that I think it is an issue of justice.

Thousands of immigrant students in the United States were brought here as children. They didn't make a decision at the age of 2 to come to America. It was not their decision to come here, but they grew up here, went to school here, and they stood in classrooms across America pledging allegiance to the only flag they ever knew. They sang "The Star-Spangled Banner" be-

fore baseball and football games, believing they were part of America.

The fundamental premise of the DREAM Act is that we should not punish children for their parents' actions. It is not the American way. Instead, the DREAM Act says to these students that we are going to give them a chance. These Dreamers, as I have come to know them, don't want a free pass. They just want a chance to earn their place in America. That is what the DREAM Act would give them.

The DREAM Act isn't just the right thing to do, it would make America a stronger country by giving these talented young people the chance to serve in our military and contribute to our future. Tens of thousands of highly qualified, well-educated young people would enlist in the Armed Forces. That is why we end up with the support of people such as General Colin Powell, who has given his life to the military and the security of America. He says the DREAM Act is the right thing to do for the future of America.

Studies have found that DREAM Act participants would contribute literally trillions of dollars to the U.S. economy during their working lives.

One might wonder how an idea like that ends up becoming a bill and being debated not only on the floor of the Senate and the House but becoming a subject of debate in the Presidential contest now going on. It started with a phone call to my office about 11 years ago from a woman named Duffy Adelson. Duffy is the director of the Merit music program in Chicago. The Merit music program is an amazing program which offers to children in the public schools of Chicago an opportunity to learn to play a musical instrument. That program goes to the poorest schools and asks children if they are interested, if they would like to have an instrument and a chance to learn. Children sign up and amazing things happen. These kids—100 percent of them—end up in college. That is what that one life experience of learning to play music can do.

She called me about a young girl. She was a Korean who had been brought to America at the age of 2. Her mother and father became citizens. Her two siblings, a brother and a sister, were born here and were automatically citizens, but she was not. She joined the Merit music program and turned out to be an accomplished pianist, to the point where, when she was graduating high school, she was being offered scholarships to the best music academies in the United States.

When her mom sat down with her to fill out the application, there was a little box that said "citizenship." She turned to her mom and said: So what do I put there? Her mom said: I brought you here at the age of 2 on a visitor's visa, and since you were a little baby, I didn't file any more papers.

I don't know what you should put there. The girl said, What are we going to do? Her mom said: We are going to call DURBIN.

So they called me and my office checked the law and the law turned out to be pretty harsh. The law said this 18-year-old girl—who had never lived, to her knowledge, in any other place but America—had to leave America for 10 years and then apply to come back. That didn't seem right. She came here at the age of 2. She had done nothing wrong. So I introduced the DREAM Act.

Well, here is the rest of the story about this young lady, whose name is Teresa Lee. Teresa Lee did go to the Manhattan School of Music, and when she went there she turned out to be as good as the Merit music program thought she would be. She progressed to the point where she literally played in Carnegie Hall. She found a young man, fell in love, got married, and she became a citizen by virtue of that marriage. She is now working toward her PhD in music. She is a brilliant young woman.

There was a talent that would have been lost to us and lost to the future if we had followed the strict standards of the law at that moment. But we didn't. We gave her a chance and she proved herself. She proved she is a quality individual.

When I introduced the DREAM Act, it was a bipartisan bill. There were Republican Senators who actually debated as to who was going to be the lead sponsor of the bill because they thought it was such a good idea. The DREAM Act has had a history of broad bipartisan support. When I introduced it with Senator ORRIN HATCH of Utah, he was chairman of the Judiciary Committee and was the lead Republican sponsor. When the Republicans controlled the Senate, the DREAM Act was reported by the Judiciary Committee on a 16-to-3 bipartisan vote. And on May 25, 2006, 6 years ago this week, the DREAM Act passed the Republican-controlled Senate on a 62-to-36 vote as part of comprehensive immigration reform.

That bill, unfortunately, did not pass, and, unfortunately, the Republican support for the DREAM Act has diminished over the years. The last time the DREAM Act was considered on the floor of the Senate in 2010, the bill had already passed the House and received a strong majority vote there, but only eight Republicans supported it in the House and only three Republicans in the Senate. A bill which had been so bipartisan and so popular was now becoming, each time we called it up for a vote, more partisan. The bill hasn't changed, but politics had changed.

The vast majority of Democrats in the House and Senate continue to support the DREAM Act. But the reality is

we cannot pass the bill without substantial support from my colleagues on the other side of the aisle. That is why I have always said I am open to working with anyone—Republican or Democrat—who is interested in working in good faith to solve this problem. I will never close the door on the possibility of providing assistance to these DREAM Act students.

I have come to the floor almost every week for the last several years to tell the story of another young person who would qualify under the DREAM Act. Today I want to tell you the story of Sahid Limon. Sahid was brought to the United States from Bangladesh in 1991 at the age of 9. He grew up in Durham, NC. His dream was to become a doctor. He attended Southern High School—a prestigious magnet school for young people interested in health care. He was a member of the National Honor Society and won his high school's Diamond in the Rough Scholarship award. One of Sahid's teachers said:

In the classroom, he was kind, very respectful, and responsible. He showed great interest in a career in medicine. In the medical community, through shadowing experiences, he was professional, highly motivated, and caring with patients.

Sahid didn't learn about his immigration status until his senior year in high school. He went on to graduate from East Carolina University with a bachelor's of science in biology, with a concentration in microbiology. And understand, he didn't qualify for any Federal loans or any Federal grants. It wasn't easy to get through college under those circumstances.

During college, Sahid volunteered at underserved rural areas in North Carolina and it made a big impression on him. In his application for medical school, he wrote:

I was surprised to see that so many people would line up during a cold winter morning, just to know if they were healthy or not. Seeing their dedication and patience influences me every day to work my hardest in order to meet my personal goal of becoming an exceptional physician.

That was 7 years ago—2005. Today, Sahid is 30 years old. He has been unable to attend medical school because of his immigration status. Since he graduated from college, he has volunteered with a health clinic in Raleigh that serves low-income patients, he has tutored elementary school students to help develop their interests in science, but his personal dream of becoming a doctor has not become a reality.

Some of my colleagues have criticized the DREAM Act because people under the age of 35 are eligible. They say only children should be eligible for the DREAM Act. But this ignores the obvious. Every year we wait, those children grow a year older. In order to qualify for the DREAM Act, an individual must have come to the United States as a child, as Sahid did. Today he is 30. That doesn't change the fact

he was brought here when he was 9 years old. It doesn't change the fact he has lived in the United States virtually all his life. And it doesn't change the fact he should not be punished for the choices his parents made. Sahid was 19 years old when the DREAM Act was first introduced. Why should he be penalized because I can't pass the bill? I keep trying, but Congress doesn't get it done. Does that mean his life should be wasted?

Last year, Sahid was arrested by immigration agents and placed in deportation proceedings, despite the fact he has lived in the United States for 21 years, since he was 9 years old. He was held in a county jail with violent criminals. Sahid has never committed a crime in his life. Sahid sent me a letter, and here is what he said about the experience of being in jail and facing deportation:

I lived my life by the law, did everything by the books, never committed any crime, and somehow ended up in jail for something I had no control over as a child. What would I do if I was sent back [to Bangladesh]? I barely speak the language, and I don't know how to read or write. How am I supposed to start my life from scratch in such a place without the knowledge of the language or the culture?

Well, my office learned about Sahid's case. We contacted Immigration and Customs Enforcement and asked them to consider his request that his deportation be placed on hold. The Obama administration placed a stay on his deportation proceedings. However, it is only temporary. It doesn't give him permanent legal status, and he is still at risk of being deported sometime in the future. The only way for Sahid to be permitted to stay in the United States permanently is for us to do something to pass the DREAM Act—to change the law.

In his letter to me, Sahid explained what the DREAM Act meant to him:

The DREAM Act means being able to be home. Regardless of where we go . . . we all yearn to come back to our home. To me, North Carolina is that home . . . I watched live on C-SPAN [in 2010] as the bill passed the House, but failed to pass the Senate. To most of the Senators, it's just another bill that was rejected. However, to someone like me, whose life not only depends on something so crucial, but my future literally hangs in line, it's absolutely devastating to witness such a rejection. I hope this is the year that politics is set aside, and all of the representatives can work together for a solution.

Sahid is right. Those of us who are fortunate enough to serve in Congress have an obligation to set politics and party aside and do the right thing. This isn't a Democratic issue or a Republican issue. We are going to be a stronger and better country if we give Sahid a chance to earn his way to American citizenship.

This is not just one example, one person. There are literally thousands like him waiting for their chance. The

DREAM Act would give Sahid and other bright, accomplished, and ambitious young people like him the opportunity to become tomorrow's doctors and engineers, teachers and soldiers. Today I ask my colleagues again, as I have so many times before, to support the DREAM Act. Let's give Sahid and so many other young people like him the chance to contribute more fully to the country they call home. It is the right thing to do, and it will make America a stronger Nation.

FINANCIAL REGULATION AND REFORM

Mr. DURBIN. Mr. President, 2 weeks ago, we were given a cautionary lesson about the need to ensure that our Nation's banks are carefully regulated. We are still learning the details about the \$2 billion bad bet made by banking giant JP Morgan Chase. But what we have learned is disturbing. Apparently, the London office of this Wall Street giant crafted a credit derivative trading strategy that spun out of control over the course of 6 weeks. At the center of the strategy was one single trader who was nicknamed "the London whale." One trader, 6 weeks, \$2 billion gone.

It is not clear how widely the repercussions of this trading loss will extend, but this incident clearly is an important reminder to all of us that we cannot afford to take a hands-off regulatory approach to the giant financial institutions on Wall Street. These institutions drove this Nation to the brink of economic disaster just a few years ago. If they are simply left to their own devices, it could easily happen again.

We need reasonable financial regulation that will ensure transparency, competition, and choice. We need to prevent Wall Street banks from fixing the rules and setting up rigged schemes that line their own pockets and hang Main Street America out to dry.

Two years ago, Congress passed, and the President signed, the Dodd-Frank Wall Street Reform and Consumer Protection Act. This legislation took on the challenge of placing a reasonable regulatory framework on Wall Street. It is a tough challenge. Wall Street and the banking industry have enormous resources and enormous power, and they are not afraid to use it—not only on Wall Street but on Capitol Hill.

In the days to come, we are going to see important regulatory efforts proceed on issues such as the Volcker rule, which deals with the big banks' ability to make bets with their customers' money. It is important we pursue this regulatory effort diligently. We cannot let the big banks use their threats and scare tactics to water down reform and to preserve business as usual. There is too much at stake.

I want to talk today about another part of the Wall Street reform that passed 2 years ago, a provision that the big banks hate as much as any other. I

am talking about the provision I wrote dealing with interchange fees, or swipe fees. The swipe fee is a fee that a bank receives from a merchant, like a restaurant or a retailer, when the merchant accepts a credit or debit card issued by the bank. That fee is taken out of the transaction amount. If your bill is \$50 at the restaurant, that includes the fee the restaurant is paying to the bank and credit card company called the swipe fee—the interchange fee.

The vast majority of bank fees are very transparent and competitive. Chase, Bank of America, Wells Fargo, and the rest set their own fee rates and compete for business based on the fees they charge. But that is not the case with these swipe fees—the interchange fees—that affect credit and debit cards. The big banks know competition and transparency help keep fees at a reasonable level, and make it harder to make big money off of fees. That is why they set up the swipe system—the interchange system—to avoid competition and transparency.

The big banks decided, rather than each of them setting their own swipe fees, they would designate two giant card companies—Visa and MasterCard—to set the fees for all of them. That way, each bank could get the same high fee on a card transaction. No competition. Then the banks buried this swipe fee under layers of complexity within debit and credit transactions. Most consumers, and even most merchants, still have no idea how much they are being charged on a swipe fee.

This system helped the card-issuing banks do very well over the last 20 years. U.S. swipe fee rates became the highest in the world, and they kept going up even as the cost of processing transactions went down. Debit swipe fees alone—just debit cards—brought the banks over \$16 billion in the year 2009. That is the interchange fee paid by the merchants—and ultimately by the consumer—to the banks and credit card companies when people use a debit card.

Of course, banks don't need all this debit swipe fee money to conduct debit transactions. The actual cost of a transaction is very low, a few cents. But the banks, looking for more revenue, exploited the swipe fee system to charge far more than they could ever justify. It doesn't have to be this way. Many other countries—Canada, European countries, and others—have vibrant debit card systems with swipe fees strictly regulated or prohibited altogether. In the United States, debit swipe fees used to be tiny, until Visa took over the debit card market in the mid 1990s using tactics that I think bordered on violations of antitrust.

By 2010, the U.S. swipe fee system was growing out of control, with no end in sight. There were no market forces

serving to keep fees at a reasonable level. Merchants and their customers were being forced to subsidize billions in windfalls to the big banks. That is when I introduced an amendment to the Wall Street reform bill that, for the first time, placed reasonable regulation on swipe fees on debit cards.

The reason I picked debit cards is—some of us are old enough to remember something called a checking account. Those checking accounts are still around, but checks are becoming rare. Most people do their checking transactions with a piece of plastic called a debit card. The money comes directly out of their bank accounts just as the check removed money directly from their bank accounts. That is why the debit card is a different transaction than the credit card.

My amendment said if the Nation's biggest banks are going to let Visa and MasterCard fix swipe fees for them, then the rates must be reasonable and proportional to the cost of processing the transaction. There would be no more unreasonably high debit swipe fees for big banks.

My amendment also included a non-exclusivity provision which aimed to stop Visa from taking over the debit card market entirely. This provision says there needs to be a real choice of card networks—real competition.

The regulatory steps my amendment proposed were modest. Most other countries have gone a lot further in regulating their credit and debit systems. But if you have listened to the banking industry and card companies, you would have thought my amendment would be the end of the world as we know it. They made outrageous claims, that regulation and swipe fees could kill the debit card system, devastate small and community banks, and particularly be an end to credit unions and cause banks to raise their fees on customers.

My amendment passed the Senate with 64 votes and was signed into law, and it has been 8 months since the swipe fee reform took effect. It turns out all the scary scenarios threatened by the banks have not come to pass.

First, the banks claimed it was impossible for Visa and MasterCard to establish a new tier of regulated swipe fee rates. As it turned out, creating this two-tier system was easy. There were already hundreds of rate tiers, so adding another one wasn't difficult.

The banks then claimed that small banks and credit unions would be hurt by reform—even though all institutions with assets of less than \$10 billion were exempt. As it turned out, small banks, community banks, and credit unions have actually thrived since this reform took effect. Why? Because under my amendment, small banks and credit unions can continue to receive high interchange fees from Visa and MasterCard—higher than the big banks

that control about 60 percent of the issuer market. And, those big banks have been so heavy-handed in their response to swipe reform that they have driven their customers—many of them—straight into the arms of the community banks and credit unions.

Credit unions in particular are flourishing after the passage of swipe fee reform—a reform which they actively opposed. Last year, 1.3 million Americans opened new credit union accounts. That was up from 600,000 the year before. More than twice as many people as before opened credit union accounts, and credit unions now have a record number of members across the Nation—almost 92 million overall. So much for the prophecy by the credit unions that this change in the law would be the end of them. It has turned out to be the best thing that has ever happened to them.

I know the Washington lobbyists for the small banks and credit unions still like to complain about this reform. These lobbyists have spent so much time fighting reform they are just not going to change their positions. But the facts are clear—if they will just be honest enough to admit it. Small institutions have thrived since this reform took effect.

How about consumers? The big banks tried last year to recoup their reduced swipe fees by charging \$5 monthly debit fees on their cardholders. Do you remember that? Do you remember when Bank of America said it was going to go up to \$5? Do you remember what they said all across the nation? Bye-bye, Bank of America. We will go somewhere else. Within a matter of a month or two Bank of America backed off of it.

Finally, consumers were coming alive. They were awakened to the reality that they could shop too. This is a free market—underline the word “free.” If you don’t like the way your bank or any institution is treating you, go shopping. That is part of America. The banks had never run into that before. People just waited, unfortunately, for the latest fee increase. People don’t wait around anymore. They pick up and move.

Unlike swipe fees, the big banks’ \$5 debit fees were transparent and customers had a range of competitors to choose from. So they moved. Transparency and competition worked.

Consumers are also benefitting from savings passed along by merchants. After swipe fee reform took effect in October, we saw a massive level of retailer discounting that extended beyond the usual holiday season discounts. According to USA Today—an article from May 11—a number of individual merchants are offering debit card discounts for items such as gas, furniture, and clothing.

USA Today also pointed out that despite the banks’ threats, free checking

accounts for consumers have not disappeared. USA Today reported that in the second half of 2011, 39 percent of banks offered checking accounts with no monthly maintenance fee, up from 35 percent for the first half of the year. Also, of those banks that charge checking maintenance fees, the average fee fell in the second half.

This is what is known as competition. What is wrong with that? That American families and consumers go shopping for the best bank deal. It is happening because swipe fee reform has created new competition. I think competition is a good thing.

It is important to note that the savings of swipe fee reform to merchants and consumers actually should be even greater than it is. When the Federal Reserve was writing its rule to implement my amendment, the banks lobbied them to set a swipe fee cap at a level significantly higher than the 12 cents that the Fed established in its draft rulemaking. Predictably, Visa, MasterCard, and the big banks took advantage of this watered-down regulation they had lobbied for. Visa and MasterCard promptly jacked up their swipe fees to the 24-cent ceiling set by the Fed.

Here is what has happened. Swipe fees have traditionally been charged as a percentage of the transaction amount plus a small flat fee. This meant the small dollar transactions used to incur fees of much less than 24 cents. Now, with Visa and MasterCard’s rate increases, businesses that primarily deal with smaller transactions—coffee shops, fast-food restaurants—are paying far more in swipe fees than they did before.

This is not a flaw in the law we passed, which wisely required reasonable and proportional fees. Rather, it shows the danger of watering down the regulations to implement the law. The banks and card companies lobbied the Federal Reserve for a loophole which they immediately raced through. This is something we need to fix going forward. It can be fixed.

I am pleased the modest swipe fee reform we enacted in 2010 is off to a good solid start: more competition, customers and families moving across America for the best treatment they can receive from their bank or their credit union. But already the big banks and card companies are plotting to undo all these reforms and get that money back, the billions of dollars which they were taking in under the unregulated swipe fee regime. Visa, in particular, has crafted new fee schemes in its continuing effort to monopolize the debit card market. In fact, Visa recently disclosed that the U.S. Justice Department has opened a new antitrust investigation into anti-competitive aspects of Visa’s newest fees.

I continue to be concerned that the giant card companies—particularly

Visa—are becoming too big and too powerful. These companies have gained an enormous amount of control over the way Americans can use their money. They set up the fee systems, they dictate the security standards, and they make a fortune by taking a cut out of every transaction they handle, far beyond the cost of processing. There is no regulatory agency that directly supervises the actions of these card companies, and we can’t afford to simply trust these companies to do what is in our Nation’s best interest or to watch out for consumers.

That, again, is why the Consumer Financial Protection Bureau created by the Dodd-Frank law is such a critically important agency. It is virtually the only agency at the highest levels of our government that is solely devoted to consumer protection when it comes to financial products.

In the weeks and months to come, I will continue to work to ensure that the debit and credit card systems have competition, transparency, and choice, and that there is a framework for reasonable regulation. I know the big banks and card companies are going to continue to fight it. They have a lot of money on the table. But I believe reasonable regulation is the right way to move forward, and I will continue to work for it. Our economy, our small banks, our credit unions, our merchants, and our consumers are benefitting from this important change in the law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. (Mr. FRANKEN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am on the floor this afternoon to discuss a discovery—really, a stunning discovery for me—and that is important for all of us.

As many people know, Congress and the President struck a deal last summer to raise the debt ceiling. That deal set in place discretionary spending caps—not nearly enough to balance our budget over 10 years but a step in the right direction. That legislation said we will raise the debt ceiling \$2.1 trillion but we will cut spending \$2.1 trillion over 10 years—a promise to cut spending over 10 years.

That legislation also required the chairman of the Senate Budget Committee—of which I am the ranking member—by April 15 of this year to file aggregate spending levels—spending limits—based on the Congressional Budget Office’s March 2012 financial baseline and to allocate the funds that could be spent under that Budget Control Act legislation to each of the Senate Appropriations Committees. In other words, these levels as submitted tell the appropriators how much they can spend, and the budget chairman has that responsibility and duty to do that. He takes the level agreement that was agreed to and sends that over.

These are real dollars that each appropriating committee is therefore allowed to spend. Yet we have learned something that is disappointing—really astounding to me. The numbers filed by Chairman CONRAD, my good friend who is a fair and able chairman, are not, in fact, the spending levels from the CBO baseline as the statute sets forward. Instead, the discretionary outlay total submitted by the chairman to the committees for fiscal year 2013 is derived from the President's budget, not from the CBO baseline.

The discretionary spending allocation for the Senate is therefore inflated by about \$14 billion more than what was agreed to just last August when we told the American people we would raise the debt ceiling, continue to borrow money, but we were going to reduce spending.

So let me repeat that. These allocation levels have been inflated by \$14 billion to match the President's budget—not the CBO base line that the BCA Committee was working from. It raises outlay levels over that August agreement. That, I submit, was a solemn agreement between the Members of Congress, both the Senate and the House, the American people, and the President himself who signed that agreement.

So I have sent a letter to Chairman CONRAD urging my chairman to correct and refile numbers that are proper—numbers that comply with the law.

I ask unanimous consent to have printed in the RECORD a letter that I have written Senator CONRAD today.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, May 22, 2012.

Hon. KENT CONRAD,
Chairman, U.S. Senate Committee on the Budget,
Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN CONRAD: Section 106 of the Budget Control Act (BCA) requires the Chairman of the Senate Committee on the Budget to file allocations and aggregate spending levels that are consistent with the Congressional Budget Office's (CBO's) March 2012 baseline. On March 20, 2012, you filed such levels in the Senate to be printed in the Congressional Record (at pages S1832-S1833).

I was therefore surprised to find that the filed outlay aggregate for fiscal year 2013 is not consistent with CBO's baseline but, instead, appears to reflect the higher outlay level for discretionary spending in the President's budget request (as estimated by CBO). The President's blueprint was voted down unanimously by the Senate.

Specifically, the filed outlay aggregate for fiscal year 2013 is approximately \$14 billion higher than CBO's baseline figure. The aggregate on-budget outlay level filed with the Senate is \$2,944,872 million, but the CBO baseline for on-budget outlays is only \$2,931,228 million. The filed figure, therefore, does not satisfy section 106 of the BCA.

Furthermore, section 106(b)(2)(B) of the BCA requires that the mandatory spending allocations to Senate authorizing committees be consistent with the CBO baseline. The CBO March 2012 baseline amount for the Committee on Finance for fiscal year 2013 is

\$1,328,395 million. But the allocation filed on March 20 (\$1,328,474 million) is \$79 million higher than the CBO baseline figure.

Before the Senate takes up appropriation bills for fiscal year 2013, I request that you review your allocations and re-file the enforceable levels and related committee allocations at amounts that are consistent with CBO's March 2012 baseline, as required by the BCA.

Very truly yours,

JEFF SESSIONS,
Ranking Member.

Mr. SESSIONS. It is unthinkable that we would not only spend more than Congress agreed to but would institute instead the numbers derived from President Obama's budget—which, in this Chamber, when I brought it up a few days ago, was rejected unanimously. This is another example. I am afraid I have to say, of the sleight-of-hand tactics that have been utilized in this Congress for too long that say we have an agreement and we are going to do better and we are going to spend less. But as soon as the ink is dry—before the ink is dry, really, on the agreements, people start manipulating ways around it trying to spend more than the allowed. It seems to me, since I have been in the Senate for 15, 16 years, we have Members of Congress who take it as a personal challenge to see how they can defeat, get around, and spend more money than they are allocated.

The American people are being misled in this attempt. We are not following the Budget Control Act, and it is not a partisan matter. It is about honest accounting. It is about safeguarding the American treasury. It is about restoring faith in the Senate Chamber. The American people are right to be angry with us and to not trust us because we haven't honored their trust. We haven't managed their money well. Political elites remain totally disconnected from the financial reality that our country faces.

Game the system, spend more. The alarming discovery that the discretionary allocations filed for the Senate are a total of \$14 billion higher than we agreed to and the latest in a long line of episodes, this is the latest in a long line of episodes that underscores the financial chaos that is the American Government.

These episodes include the GSA scandal in Las Vegas, with hot tubs and skits and magicians; the Solyndra loan, \$500 million to cronies for an ideological vision that did not work; the IRS checks I talked about earlier this morning, with Senator VITTER, given to illegal aliens who claim dependents living abroad. These are people here illegally claiming dependents abroad while the U.S. Government is sending them checks based on children who are not in the country. The inspector general from the IRS says this is costing the taxpayers \$4 billion a year.

It also includes the revelation that the Ninth Circuit Court of Appeals will

spend \$1 million or more of taxpayer money for a decadent getaway to a beachfront resort and spa in the Hawaiian tropics. And, of course, it includes a 3-year refusal of the Senate majority to produce a budget plan—3 years without a budget.

We are badly in need of strong Executive leadership to put our finances in order. We need a President, Cabinet heads, sub-Cabinet heads who understand from the top to the bottom that they are there every day to look for ways to save money. This immigration tax scam costs the American taxpayers \$10 million a day. Divide that out, \$4 billion over 365 days. The House has passed legislation that would close that gaping loophole. Meanwhile, the Senate is not acting.

This chaos cannot continue. Accountability and discipline must be achieved, and the first step to right the ship ought to be actually correcting these allocations. I call on my Senate leadership friends to do that. We need an honest accounting. We need to spend what we agreed to, what was passed by both Houses of Congress and signed by the President. These dollars do not belong to us, they belong to the American people. They must be protected. Each one of them is precious. Each one of them was extracted from some hard-working American and sent to Washington on the hope and the prayer that it would be wisely spent. And we do not have enough of them. We do not have enough money.

To stealthily increase discretionary outlays by \$14 billion in one fell swoop is unacceptable. It must be corrected. I call on my colleagues to do so, else we will continue to lose the confidence of the American people.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I would like to speak as in morning business for 15 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. PRYOR. Mr. President, today I rise to discuss the National Flood Insurance Program, which is a program we are now trying to reauthorize in the Senate. Senators JOHNSON and SHELBY have shepherded this bill through the Banking Committee. I have a ton of respect for both of those Senators and the work of the Banking Committee because they worked very hard to get it to the floor, to get it ready. In fact, it expires on May 31. If for some reason we cannot work out something here in the next couple of days, I sincerely hope we will extend this on at least a short-term basis—for another, say, 30 days—to give us time to work this out. The National Flood Insurance Program is too important to mortgages and commercial real estate, et cetera, to let it lapse. If we cannot work it out, I

hope we can get a 30-day extension. I support that effort.

We need to reauthorize this legislation, this program, but we need to do it in the right way. Several Senators over the course of the last few months have stated objections to S. 1940. Here are mine. I have listed some of mine in a letter we sent to the chairman and ranking member last month or so—November 15, 2011. We listed several objections and concerns we had with the bill. There were 13 Senators from 9 States who signed this letter going to Senators JOHNSON and SHELBY. Again, we appreciate their efforts, but we have to do this the right way.

Let me run through three or four or five of my concerns about this legislation and tell my colleagues why I cannot support it in its current form and why I do support an extension but why, in the end, if the bill stays the way it is now, I cannot support it. I hope many of my colleagues will join me in the effort of not supporting this legislation as it is currently drafted.

Let me start with the bill itself, S. 1940. The primary objection I have is in section 107 of the legislation. It is titled “Mandatory Coverage Areas.” Basically what it does is it redefines “special flood hazard areas.” This may not sound very exciting or very fun to people, but this is critically important.

I am showing a map here on the floor today. All of these counties in the dark green—there are 881 counties total that have levees in their counties. To my understanding, well over 50 percent of the U.S. population lives somewhere near a levee. They may not realize it because the levees work and they don’t have floods, but if you see this map, you can see the levees all over the country. If you are a Senator representing one of those States, I strongly encourage you and your staff to look at section 107 of the legislation.

Here is part of it, 107(b):

Residual Risk Areas—The regulations required by subsection (a) shall require the expansion of areas of special flood hazards to include areas of residual risk that are located behind levees or near dams or other flood control structures, as determined by the Administrator.

Subsection (c) says:

Mandatory Participation in National Flood Insurance Program—

(c)(1) In General—Any area described in subsection (b) [the one I just read] shall be subject to the mandatory purchase requirements. . . .

Then go down to (c)(3):

In carrying out the mandatory purchase requirement under paragraph (1), the Administrator shall ensure that the price of flood insurance policies in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other flood control structure in such area, regardless of the certification status of the flood control structure.

So regardless of whether these levees and dams are certified—in many cases

by the Corps of Engineers, in other cases by private engineering firms—regardless of whether they are certified, the people behind those levees are going to be required to purchase flood insurance.

Let me read that one more time:

The regulations required by subsection (a) shall require [there is no wiggle room there] the expansion of areas of special flood hazards to include [these] areas. . . .

This is a great expansion of this program. I want to talk about the expansion in just a moment, but let me say that the folks in these areas—I know it is certainly true in my State of Arkansas—the people in these areas currently pay for flood protection. In most cases, what they do is, through some sort of local levy or local tax—it is different in different places, but somehow, somehow, they pay to build and maintain these levees. They are paying out of their pockets right now to make sure they do not get flooded. What this bill does and what FEMA would do under this bill—they would be required to do it, wouldn’t have any wiggle room—what they would be required to do is make them pay again; not only have to pay for their own levee, they have to pay for flood insurance for floods that will never happen in their areas because these levees are certified. Again, this is 881 counties, 50 percent of the U.S. population.

Over half the counties in Arkansas have levees. There are over 1,200 dams in our State. I don’t have the number of dams for everybody all over the country, but it is over 1,200 in my State, so you can multiply that over how many dams you might think there are in the United States. It is a huge number, and it will affect over half the people in the United States.

I mentioned that these folks are already paying for their own flood protection through local levies. Now, also, according to this law, they are going to have to pay for insurance. In addition to that, to rub salt in the wounds, what they are going to have to do is their local counties are going to have to pass an ordinance that FEMA has written and it is going to restrict the land use. In many cases, that ordinance will diminish the property values, diminish the ability for them to do economic development in their communities.

If we can just take one example of something that happened last year, last year we had terrible flooding in the midsection of the country. Many of you remember that. The Corps of Engineers ended up having to blow the levee at Bird’s Point. That is part of the Corps of Engineers’ Mississippi River and tributary system.

By the way, we have to thank the Corps of Engineers and praise them for the engineering they have done on the river. I know there have been a few problems over the years. Some obviously happened in Katrina. But overall

the Corps of Engineers designed things that work. Certainly when you look at last year, the 2011 flood of last year, in the Mississippi River, one of the longest rivers in the world, certainly the longest in North America, there was more water that flowed through the gauging stations from Cairo, IL, to Natchez, MS, than in any flood in recorded history. The flow at Cairo, IL—the confluence of the Mississippi and the Ohio—was over 2 million cubic feet per second. That was running through the Mississippi River right there. At Helena, AR, it was running at 2.3 million cubic feet per second.

In some locations—the Corps of Engineers is in the process of determining this; they are not ready to say it yet—in some locations up and down the Mississippi River system, they are considering whether this actually was not a 100-year flood or 250-year flood, this was actually a 500-year flood, the largest flood in history.

All of this Mississippi River—MR&T, we call it, Mississippi River and tributary system—all that has cost our taxpayers \$32 billion since its inception, but just in the flood last year, it saved taxpayers \$110 billion in damages. That is a great return on investment. We need to honor that return on investment. We need to not charge people additional flood insurance for areas that do not flood. They maybe had the 500-year flood up and down the Mississippi or maybe in certain parts of it, and there was not 1 acre of ground that went underwater. It was a new flood of record. Ten million acres of land were protected, 1 million structures were protected, and, again, it prevented \$110 billion of property damage. There were no lives lost, and not 1 acre was flooded. The system worked exactly according to plan.

Now this bill comes in and says: Well, even though we just had the 250-year or the 500-year flood, still we want to make all these people up and down the Mississippi in all these counties—not all the people but in certain parts of these counties, depending on what the flood maps say—we want to require them to pay for flood insurance when it is never going to flood there.

I want my colleagues to know that this provision, section 107 in the Senate bill, is not in the House bill. I think the reason it is not—I can’t speak for the House, of course, but I think the reason it is not is for the reasons I am saying right here. We know it is not going to flood in these areas. This is the Corps of Engineers. This is the best levee system in the world, and it is keeping these folks safe and dry when the floods come.

Also, I wanted to say the House does not have section 107 in their bill. It never did. There is a House amendment offered by Congressman CARDOZA who took out a requirement to show these areas are on their maps, and that vote

passed 261 to 163. So not only can we get consistent with the House because we can get rid of section 107, but we can also get rid of other specific parts of this legislation that will be more consistent with the House.

Here is a map of the Mississippi River, the area I am talking about. We can see the States of Louisiana, Mississippi, Arkansas, Tennessee, Missouri, and a little bit of Kentucky and Illinois is in there as well. But this large blue area is what they call the historic floodplain. Before man came, before people started building levees, before they started draining swamps and trying to manage the land, this is the area that would flood.

One thing important to know about this is that a lot of this area in light blue has some of the richest farmland in the world. The reason it is so rich is that for centuries or eons or however long it was, this river would flood periodically and put this very rich soil out there. That is one reason why in this part of the country they can grow almost anything. That soil is great.

This is a huge industry for the area, and it is important we keep it going. It is also critically important for U.S. trade and the U.S. economy. This is the breadbasket, so to speak, of the United States right here. We have that area growing food and fiber for everyone. It is critical we keep that going.

Once the Corps of Engineers gets control of the Mississippi River—this is what it looks like now when it floods. This is now the floodplain. If you go back to last year when it flooded so badly, this is what it looked like, with one exception; they blew out this one little area in Birds Point to give a little bit of relief. Again, that was by design and that worked.

The first problem I have with the bill is section 107. Another problem is the general expansion of what this bill does to the National Flood Insurance Program. One of the things buried in the bill that a lot of people may not see is in section 118. Section 118 talks about how the Administrator needs to establish an ongoing program under which they review and update and maintain National Flood Insurance Program rate maps in accordance with this section, et cetera, et cetera. Then they go down their criteria of what they need to look at.

It says here “all populated areas and areas of possible population growth located not within”—not the 100-year floodplain. The current law is the 100-year floodplain. What this plan says is the 500-year floodplain. We don't have a map of that because the Corps of Engineers has not finished mapping and FEMA has not accepted all the maps yet. We don't know exactly what that is going to look like, but I am going to say it is going to look something like this here. It is a good bet that a lot of people in this light blue area are going to have flood insurance.

Based on the flood we had last year, they are never going to get flooded, not in 100 years, and certainly not in 500 years. They are not going to get flooded, but this says they must purchase flood insurance. This is a huge expansion of the program. It has a big impact not just on homeowners, which is obviously very important. They are not going to be able to get a mortgage if they are in a floodplain.

What this law says in the committee report is that notice will be provided to property owners in the 500-year floodplain to inform them of their flood risks, which may lead to more owners protecting their property through flood insurance.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. PRYOR. Mr. President, I would ask to have 5 more minutes to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, what this says in the committee report is that the 500-year flood notation should be sent out to everyone so everyone knows this property is in a 500-year floodplain. The problem is folks are not going to be able to get mortgage insurance, they are not going to be able to do real estate development; commercial real estate is going to hurt from that. They are not going to be able to have economic development projects in these areas because of the floodplain notation.

Also on page 8 of the committee report it talks about how they are going to spend about \$400 million annually in doing this mapping. Well, if they are going to map out the 500-year floodplain, that is a lot more map than the 100-year floodplain. They can save quite a bit of money by doing that.

The bottom line is these levees are designed correctly, they are built correctly, they are maintained correctly, and they are certified that they are safe. What is the point of people having to get flood insurance in that area when it is not required right now?

I also think this legislation requires a huge conflict of interest for FEMA. It is not FEMA's fault; they are not asking for this. It is what the Congress is trying to do. Basically under this law FEMA would write the regs, they will draw the lines, they will control the timing, they will set the standards, they will update the maps, they will maintain the maps. If there is an appeal, they would have to go to FEMA. They also set the rates, they collect the money, and they spend the money. Everything is done by FEMA.

Obviously FEMA is going to have an interest to make sure this program is adequately solvent and funded, and obviously they should. They have control of every aspect of this, with no checks and balances in the system. There are going to be millions of people who will pay in to make this solvent, I guess, but it will never need flood insurance.

With that, I wish to say I hope my colleagues who represent these States, when they look at section 107, will see what I see and we can all work together to either take out section 107 completely or get the 30-day extension so we can have time to take it out in the next few days.

ORDER OF PROCEDURE

Mr. PRYOR. Mr. President, I ask unanimous consent that the majority leader be recognized at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Thank you, Mr. President.

I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks be placed in the appropriate place in the RECORD and that I be permitted to finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL POLICY

Mr. HATCH. Mr. President, we find ourselves in the midst of a Presidential election. In years past it might be expected that during a Presidential election, politics would take precedent over policy. That is not right then and it is certainly not right now. Our Nation faces serious problems—immediate problems—and we cannot wait to tackle them until after the election.

We are over \$15.7 trillion in debt, and before the end of the year it will be over \$16 trillion. We have a Tax Code that is unmanageable and a burden on conscientious taxpayers. If the Congress and the President fail to act, we have a tax increase coming next year that will dwarf any in our Nation's history. We cannot afford to wait another 7 months to get our fiscal house in order, and we need to act now.

President Obama at least claims to understand that we cannot wait to address this fiscal crisis. He remarked recently that the fact this is an election year is not an excuse for inaction. Unfortunately, other than talk, the President and his liberal allies have done nothing to address either our rising debt or the fiscal cliff we are quickly approaching, both of which are significantly hindering our economic recovery and job growth.

Last week President Obama's budget received zero votes in the Senate. For the second year in a row every Republican and every Democrat who voted on the President's budget voted against it. Remarkably, not one Democrat voted for the serious Republican budgets offered by my friend Chairman PAUL RYAN, and my friends and colleagues Senators TOOMEY, PAUL, and LEE.

While he talks a big game, President Obama has shown little interest in lighting a meaningful path toward balancing the budget, reforming the Tax Code, and reducing the tax burden on working families and small businesses.

Instead, President Obama seems to have a single-minded focus on his reelection. While he attempts to scare up votes in swing States, Americans across the country are suffering due to President Obama's failed economic policies. The people of Utah and the people across the country are naturally growing restless. They look to Europe and see the consequences of out-of-control spending and taxes. Yet even with the example of Europe, the President and his friends resist meaningful spending cuts at every turn, and his liberal allies have done everything they can to mislead the public about the responsible intentions of Republicans to reduce wasteful government spending.

Just as critical for our economy is the President's failure to do anything to address the tax relief that will expire at the end of this year. If the President allows current tax relief to expire, the result will be at least a \$4 trillion tax increase on the American people. We can call this a fiscal cliff; we can call it "taxmageddon," as others have done. Whatever you call it, it will be a disaster for the middle class. It will be a disaster for small businesses that will be the engine of our economic recovery. One thing we hear time and time again from businesses is that uncertainty holds them back from investing, expanding, and hiring. A robust recovery will require permanent progrowth tax policy.

Given the continued jobs recession and weak economic growth, we need those policies now. Economic growth slowed to 2.2 percent last quarter. For 39 consecutive months the unemployment rate has remained above 8 percent, but that only tells part of the story. There are 12.5 million Americans unemployed, and of those more than 5.1 million workers have been looking for work for 27 weeks or more. There are 7.9 million Americans who are working part time for economic reasons, and another 2.4 million have only a marginal attachment to the labor force. Close to 2 million college graduates are unemployed.

Growth slowed to a tepid 2.2-percent rate in the first quarter, and we already saw business cut back investment as business investment spending declined 2.1 percent in the quarter. Yet the President and his Democratic allies seem content even in this environment to sit on the sidelines as "taxmageddon" approaches and threatens even greater harm to our economy.

The coming tax increases will be, without any exaggeration, the largest tax increases in American history, and the possibility of these tax increases is creating enormous uncertainty. The so-called business tax extenders expired at the end of 2011. Will there be an R&D tax credit in 2012? Will there be an exception from subpart F for active financing income after 2011? Fami-

lies and businesses do not know if the 2001 and 2003 tax relief will be extended beyond 2012. That creates tremendous uncertainty for anyone planning on buying a home, saving for college, investing in a new business, or hiring a new worker. Will passthrough organizations be taxed at 35 percent or 39.6 percent? Will dividends be taxed at 15 percent or will dividends be taxed at 39.6 percent, as President Obama has proposed? Will there be a death tax that hits family businesses and farms with a maximum rate of 55 percent, or of 35 percent, or something else? What will happen to the alternative minimum tax? Will it be patched? Will it be reformed? Will it be repealed? Will it be replaced with higher taxes somewhere else?

The President and the Senate Democratic leadership have shown no willingness to answer these questions and provide the certainty our economy craves. The adverse impact of these tax increases on economic growth is unquestioned. But don't take my word for it. It has been reported that Federal Reserve Chairman Ben Bernanke recently discussed with Senate Democrats the significance of "taxmageddon."

In short, the coming tax increases will be so large that Chairman Bernanke apparently warned that monetary policy would not be capable of offsetting the resulting decline in economic growth.

Last month the Fed's policy-setting committee repeatedly warned in minutes of their meeting that fiscal uncertainty has negative effects on consumer and business sentiment, on household spending, durable goods, business capital expenditures, and on hiring.

The former Director of President Obama's Office of Management and Budget concluded that what he estimates to be a \$500 billion tax increase would be so large that "the economy could be thrown back into a recession."

According to Barclay's Capital, this fiscal cliff could reduce our GDP by 3 percent.

In addition to these looming tax hikes, budget cuts from the sequester that followed from the administration's failure to arrive at a budget are set to hit as well. According to the magazine "The Economist," the Congressional Budget Office has found that the combined effects of the sequester and the expiring tax relief would add up to 3.6 percent of GDP in fiscal year 2013. Federal Reserve Governor Duke has reportedly indicated that the combined impact of the expiring fiscal policies at the end of the year could amount to around 4 percent of the Nation's economy.

No economy can sustain such a hit without being hurled into recession. Yet instead of addressing this fiscal cliff—tax increases that will harm all

of America's families—the President seems content to pursue misguided micropolicies that target the so-called rich in the name of so-called fairness.

I wish to make two points about the President's obsession with redistribution of wealth. First, the American people do not care. The American people do not want government bureaucrats in Washington figuring out who gets what. They don't want politicians spreading the wealth around. They don't want self-anointed arbiters of how much income is fair. What they want is the opportunity that comes with economic growth. They don't want a handout. They don't want their industries vilified for engaging in free enterprise. They want a job. And nothing is more fair than giving every American the chance to make something of himself or herself. That requires Washington getting out of the way, not getting more involved.

Second, the American people seem to understand that the President's promise that he will only tax the rich is a sucker's bet. With his health care law, he already repeatedly broke his campaign promise not to raise taxes on families making less than \$250,000 a year. The people of Utah, my home State, and the rest of the other States know that the Democrats' thirst for more spending will require much more than taxes on the wealthy. If President Obama and his Democratic allies get their way, all taxpayers are going to be looking at bigger tax bills.

President Clinton was honest on this point recently. He rejected President Obama's politically convenient claim that he would only tax the rich, and called for across-the-board tax increases: This is just me now; I'm not speaking for the White House. I think you could tax me at 100 percent and you wouldn't balance the budget. We are all going to have to contribute to this, and if middle-class people's wages were going up again, and we had some growth in the economy, I don't think they would object to going back to tax rates from when I was President.

There we have it. Tax increases on everybody. President Clinton can claim that he does not speak for the White House, but the American people are not fooled. They see where the President's policies are leading. Our debt and deficits are unsustainable, but the President has shown no inclination to address them through spending reductions.

There is only one other option available to President Obama and it is one that he and his party have shown to be their preferred policy for decades: higher taxes to pay for more spending. Utahns and Americans all over the country know that the failure to address "taxmageddon" is a very real threat. We cannot put this discussion off any longer. It is time for our President to lead.

To that end, last week I, along with 40 of my Republican colleagues, sent a letter to our colleague and friend from Nevada, the Democratic leader, asking for him to address this fiscal cliff in short order. Today we received a response. I have to say I am disappointed. While there is a great deal of political posturing about evil millionaires and big corporations as well as repeated attacks on the tea party and the citizens who support its goals of smaller constitutional government, there is no acknowledgment of the fiscal cliff we are fast approaching. This response seems to confirm what we already know: President Obama and his liberal allies would prefer to put off the discussion of this fiscal cliff. They do not want to address "taxmageddon." I am fairly certain their preference would be to get to the other side of the election and then have tax hikes set in not only for their caricatured evil corporations and individuals but for the middle class as well.

But I am confident that the markets and the American people are not going to allow this to happen. We cannot afford to delay action that will prevent "taxmageddon" and steer us away from the coming fiscal cliff.

The likelihood of "taxmageddon" and the uncertainty it creates is an anchor around our economy. Americans young and old, unemployed and underemployed, want this anchor thrown off now. We cannot wait until next year or even a lameduck session. The economy is slowing, job growth is lagging, and businesses are cutting back investments. The uncertainty caused by "taxmageddon" is contributing to the lackluster economic recovery. American families and businesses are not going to invest in the future if the future holds a \$310 billion tax increase next year alone. The best thing we can do to jumpstart our economy is to turn the wheel away from the fiscal cliff sooner rather than later.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I note the majority leader has appeared on the floor and I believe he has a procedural motion. I yield to him.

ORDER OF PROCEDURE

Mr. REID. Mr. President, if my friend would complete his remarks.

Mr. REED. I would be happy to.

Mr. REID. Following the remarks of the Senator from Rhode Island, we will go into a quorum call.

I ask unanimous consent that immediately following the statement of my friend, the Senator from Rhode Island, a quorum call will be initiated, and then I will be recognized for such time as we decide to come out of the quorum call.

I see people shaking their heads. Here is the deal. Senator REED is going to talk and put us into a quorum call, and

when we come out of that, I will be recognized. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in support of the Food and Drug Administration Safety and Innovation Act, which is pending before the Senate this week.

This legislation will give the FDA, through five agreements made between the agency and industry, the resources to approve additional drugs and devices every year for their safe and effective use. Without these agreements, the FDA, starting in October, would lack these resources which are necessary to approve new drugs and devices, and they would also lack resources to monitor the safety and efficacy of those drugs already on the market. This would result in a reversal of decades of work modernizing our drug and device approval and safety programs.

I am particularly pleased that for the first time, the generic pharmaceutical industry will provide the agency with \$1.5 billion over 5 years for faster product reviews. In fact, the essence of the legislation is that the industry is actually providing resources for the monitoring and for the approval of drugs. Getting generic drugs onto the market sooner will help lower costs for individuals and families as well as for the Federal and State governments.

This measure would also significantly improve FDA's regulatory authority, including its ability to help prevent drug shortages and to partner with the private sector to develop new medications to treat life-threatening diseases that have become resistant to antibiotics, which is a very important measure included within this legislation.

I wish to recognize especially Chairman HARKIN and Senator ENZI for their very thoughtful, very deliberative, and extremely important work. They have represented through their committee work the model of what we should be doing here collaboratively and on a bipartisan basis to advance important measures for the American people. Both of them deserve great accolades for their work today. I hope we can follow through and bring their work to conclusion.

I wish to particularly thank both of them, Chairman HARKIN and Senator ENZI, for including provisions pertaining to pediatric drugs and devices that I authored along with my colleagues Senator ALEXANDER, Senator MURRAY, and Senator ROBERTS, another bipartisan effort to improve the health of children throughout this country.

Until 1997—15 years ago—80 percent of drugs were used off-label to treat children. Doctors were treating children without fully understanding the

appropriate dosage requirements or the potential for any dangerous side effects. This frustrated pediatricians and angered many families, but those sentiments were largely ignored by the industry until Congress stepped in.

With the passage of the Best Pharmaceuticals for Children Act in 1997 and the Pediatric Research Equity Act in 2003, 427 drugs have been relabeled with important pediatric information. Now 46 percent, rather than 80 percent, of drugs are being used off-label in children, but that number is still too high. The legislation before the Senate makes critical improvements to these laws so we can further lower this percentage. It would make these two acts—BPCA and PREA—permanent, like the laws that govern the approval of drugs for adults. It would also provide the certainty that the pharmaceutical companies believe is necessary to continue to wisely invest in the appropriate use of drugs in children.

The legislation will also help ensure pediatric studies are planned earlier in the drug development process and completed sooner. Currently, a disappointing 78 percent of studies that were scheduled to be completed by September 2007 are either late or were submitted late. While Congress, the FDA, advocates, and the industry agree that a pediatric study should not hold up the approval for a drug for use in adults, drug companies should not be allowed to get away with submitting unrealistic study plans to the FDA for approval or failing to complete a required study once they are profiting from these drugs on the market.

The legislation that is before us would also require pharmaceutical companies to work with the FDA early in the process of developing these drugs to create a reasonable and sensible plan for studying the products in children. It would also, for the first time, provide FDA with an enforcement tool that will deter companies from neglecting their obligation to complete these studies on time.

Our bill also responds to the need for pediatric medical devices—not just pharmaceuticals, but devices—in children, which can lag 5 to 10 years behind those manufactured for adults. The pediatric profit allowance for Humanitarian Use Devices has proven to be a very effective incentive. Three new devices have been approved for their use in children in the last 3 years. This is an incredible increase as a result of this incentive.

This policy has shown much promise and I am pleased to see it continue in this bill, along with the Pediatric Device Consortia Grant Program, which has assisted the development of 135 proposed pediatric medical devices in just over 2 years.

The Food and Drug Administration Safety and Innovation Act would also extend this Humanitarian Use Device

incentive to manufacturers of devices for use in adults with rare conditions. While it is my hope this policy is equally effective in spurring developmental devices for use in adults as it is for children, I am concerned that it could impact the development and the marketing of devices for use in children. I plan to monitor this policy closely should it become law, but I have full expectations that both noble objectives can be achieved.

There are some children, however, who do not receive the full benefits of BPCA and PREA.

I am pleased the Senate bill begins to address this problem for pediatric cancer patients and children with other rare diseases. It calls on the FDA to hold a public meeting to discuss ways to encourage the development of new treatments for this population. Indeed, for some pediatric cancers, the treatment has not changed in many decades. For other rare diseases, an effective treatment has yet to be found. I look forward to receiving a recommendation that might stem from this important meeting, as well as working with my colleagues to respond to their needs with reasonable and sensible policy.

I am truly pleased these pediatric provisions have drawn the support of 24 organizations, including the American Academy of Pediatrics, also including the Pharmaceutical Researchers and Manufacturers of America. I think this stakeholder support is very important not only to the ultimate passage of the legislation, but for its effective implementation.

There is another provision I would like to talk about; that is, this bill contains provisions which would require the FDA to decide whether to update the labeling requirements for tanning beds.

Every day 2 million Americans visit a tanning salon. Seventy percent of these are women. According to the World Health Organization, the risk of deadly melanoma increases by 75 percent when the use of tanning devices begins before the age of 30.

So this is a particular concern with young women beginning to use—and younger men—beginning to use these tanning devices. Yet the warning labels on tanning beds have not been updated in over three decades and are often placed far from view.

In 2007 my colleague, Senator ISAKSON of Georgia, joined me in requiring the FDA to study the labeling standards for tanning beds and make recommendations about how these standards could be improved. In its report, the FDA found that tanning bed labels could be clarified and located in a more prominent location. But the agency has yet to act. It is my hope the FDA will heed its own advice and update the labeling requirements for tanning beds.

Similar to the outdated labeling requirements for tanning beds, sunscreen

testing and labeling standards have also been over three decades in the making—three decades. Last year I was pleased when the FDA finally took action. However, just last week the agency announced it would be extending the implementation of these new standards by 6 months, until December. Consumers will have to go another summer without knowing whether they are truly protected from the Sun's harmful UVA and UVB rays.

I have filed an amendment to make sure there are no future delays. I look forward to working with my colleagues to see that this amendment is accepted as part of the final FDA legislation which I hope is passed very quickly by the Senate.

I again want to thank Chairman HARKIN and Senator ENZI for their extraordinarily effective and collaborative work on the Better Pharmaceuticals and Devices for Children Act, which is included in this bill.

STUDENT LOAN INTEREST RATES

Mr. REED. Just for a moment, let me raise another pending issue which is of critical importance. In 40 days, as I think many of us recognize, student borrowing rates for college will double unless we act. We have seen both sides of the aisle—colleagues from both sides—come down and say we cannot let this happen. Well, we cannot let it happen. That means we have to take action to prevent the doubling of interest rates on Stafford loans.

Unfortunately, last week we had a series of budget votes, which most of my Republican colleagues supported, which would have, if they had passed, mandated the doubling of the student loan interest rate. So I think we have to move away from this debate and actually pass legislation which would prevent the doubling of student loans by July 1. I hope we can do it promptly, certainly before July 1.

Also, I hope we find an effective offset. What the Republicans have suggested is using the Prevention Fund. The President made it clear he would veto the legislation if it included that offset. Also, what should be clear that using resources to prevent disease is not only helpful to the American public, but it is also probably one of the most practical ways we are going to be able to begin to bend that very important cost curve going forward.

This Prevention Fund is going to help everyone, but it is going to particularly help middle-income families who are struggling with medical bills, who are struggling to find insurance, the same families who are struggling to pay the cost of college for their children. It makes no sense to me to take from one program that will largely benefit working families to pay for another program that will benefit working families.

We have an offset which is an egregious tax loophole that allows lobby-

ists, financiers, et cetera, to create subchapter S corporations to essentially avoid their payroll and Medicare taxes. I think that is an appropriate way to pay for this support for students' education. If there are other ways beyond the prevention fund, I certainly am happy to listen to them. If there are other principled ways to avoid doubling the interest rate for student loans, let's talk about them. Let's get them on the Senate floor and let's debate them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that execution of the previous order with respect to S. 3187 occur at 11 a.m. on Wednesday, May 24, and that all other provisions under the previous order remain in effect at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, as I sit here this afternoon, I hope I am not disappointed, and I hope the Senate is not disappointed in not being able to finish this FDA bill. We are on the bill. I hope we can work out some finite list of amendments. That would be the best thing to do for this bill.

So I just say to everyone, I hope we can do that. I do not want to have to come here tomorrow and file cloture on the bill. But that is the choice I will have. Or I can do this: Maybe what I might do is move to reconsider the student loan legislation. I have the ability to do that at any time. So I might do that. We need to get this done.

Today is Tuesday. I just think it is unfortunate. There is an event tomorrow night that we cannot get out of. It has been longstanding for the Senate and their spouses. So we do not have a lot of time.

So tomorrow morning, if we do not have something worked out, I think we will have to do some other things and recognize that all the happy talk on this bill may not come to be.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I wanted to speak about an amendment which I intend to offer once we do get on this Food and Drug Administration Safety and Innovation Act. This is an important amendment. I want to advise my colleagues and all who are listening about it so they can, hopefully, look into it and wind up supporting it.

This is an amendment that Senator VITTER has worked with me on, as well as Senators FRANKEN, SHAHEEN, KOHL, TOM UDALL, TIM JOHNSON, KLOBUCHAR, MERKLEY, SANDERS, and SHERROD BROWN. The amendment has the strong support of many organizations that are focused on the cost of prescription drugs.

Here is a list: AARP, AFL-CIO, Walmart, Families USA, Consumer

Federation of America, U.S. PIRG, Consumers Union, Center for Medicare Advocacy, AFSME, National Legislative Association on Prescription Drug Prices, the Alliance for Retired Americans, various other companies and organizations—the New Mexico Pharmacy Association strongly supports this legislation.

This amendment addresses the root cause of anticompetitive, anticonsumer settlements that are entered into between brand-name and generic pharmaceutical manufacturing companies. The effect of these settlements they enter into is to delay timely access that consumers would have to generic drugs. This practice is commonly referred to as pay for delay. It costs American consumers and it costs the Federal Government billions of dollars each year in higher drug costs.

According to the Federal Trade Commission, in 2010, pay-for-delay agreements, limiting access to affordable generic drugs, protected \$20 billion in sales from brand-name pharmaceutical companies. That was at the expense of consumers who would have been able to pay much less for those same drugs.

Ensuring access to affordable medication is an essential aspect of addressing the growth in health care spending. Prices for brand-name prescription drugs have continued to outpace inflation, and overall spending on prescription drugs has also increased sharply. These statistics are amazing to me. The Kaiser Family Foundation found that in 2008, spending in the United States for prescription drugs was \$234.1 billion. That is nearly six times what it was in 1990.

Since generic drugs are, on average, one-fourth of the price of their brand-name alternatives, they can be an important source of affordable prescription drugs for many Americans. But to actually achieve the savings for consumers, those generics have to reach market in a timely manner.

In 1984, Congress passed the bipartisan Hatch-Waxman Act to create market-based incentives for generic pharmaceutical companies to bring their drugs to market as quickly as possible. The express purpose of that law was to incentivize early generic drug competition while preserving incentives for pioneer companies to develop innovative new medicines. Instead, the pay-for-delay settlements that our amendment tries to address—these pay-for-delay settlements between brand-name and generic pharmaceutical manufacturers have become commonplace.

These settlements stifle competition. They delay access to generic drugs at significant costs to consumers and to the Federal Government. In these settlements, the first filer generic drug company agrees to delay market entry in exchange for monetary or other rewards. This has the effect of blocking

all subsequent generic filers in coming to market.

This is a complicated issue. I would like to take a few minutes to explain how these agreements work under existing law and also how our amendment would solve this problem as we see it.

Under current law, first-to-file generic drug applicants are rewarded with 180 days of market exclusivity. Exclusivity is awarded only to generic companies that are the first to file. It is not available to subsequent filers even if they successfully invalidate a patent and are ready to come to market immediately. So subsequent generic filers can only enter the market after the first generic filer has enjoyed its 180 days of market exclusivity.

So under the pay-for-delay settlements, the first filer generic company essentially parks its exclusivity; that is, it blocks all other generic manufacturers from coming to market until 6 months after the market entry date. This is true regardless of the strength of the patent or the readiness of subsequent generic filers to come to market.

So this means under pay-for-delay settlements, first filer generic companies receive a reward from brand-name companies for delaying market entry, usually a cash reward, a very substantial amount. They also get a reward from the current statute, this 180-day exclusivity period, and brand-name companies get to extend their monopolies beyond what was originally intended under the Hatch-Waxman legislation.

Consumers are left footing the bill and left with no option but to buy the more expensive drugs and to keep buying it, even after the generic should have come to market.

“Pay for delay” settlements also typically include an agreement that the first-filer generic company can accelerate its entry into the market in the event that a subsequent filer invalidates the patent in question. In such cases, the subsequent filer triggers the first filer's exclusivity. Put simply, there is no incentive for subsequent generic filers to fight to invalidate weak patents and come to market as soon as possible, even when they believe strongly that they would win their case in court. In other words, whereas the original intent of Hatch-Waxman was to reward companies that were the first to file and actually bring their drugs to market, currently the reward goes to the first company to submit the necessary paperwork. Bringing the generic drug to market immediately has become an option that can be negotiated away.

To fix the “pay for delay” problem, the law needs to be changed so that first filers who enter into “pay for delay” settlements can no longer block generic subsequent filers who successfully challenge patents from entering

the market and bringing affordable drugs to consumers. The amendment we are offering provides this solution or this fix in the following three ways:

First of all, the amendment grants the right to share exclusivity to any generic filer who wins a patent challenge in the district court. This means that if a subsequent filer successfully challenges a patent, even after a first filer has entered into a “pay for delay” settlement with a brand-name company, that subsequent filer has a right to share exclusivity with the first filer. This provision provides an incentive for subsequent filers to challenge patents and stimulates competition.

Second, the amendment we are offering maximizes the incentive for all generic challengers to bring products to market at the earliest possible time by holding generic settlers to the deferred entry date agreed to in the settlements they have signed.

Third, our amendment creates more clarity regarding litigation risks by requiring brand-name companies to make a decision to litigate a patent challenge within the 45-day window provided for in the Hatch-Waxman Act. This “use it or lose it” provision enhances market certainty by eliminating the option for brand names to litigate patent challenges well after a generic has come to market.

Finally, I think it is important to point out that the amendment we are offering does not interfere with the rights of the parties to settle their patent litigation if they choose to do so.

There have been numerous antitrust experts and consumer groups that have identified the Hatch-Waxman Act's structural flaw—the one I have been describing here—as the source of the “pay for delay” problem and have called for a legislative solution. In addition, in 2003 Senator HATCH himself expressed concern that the flaw remained despite an attempt to fix it by including a “use it or lose it” provision in the Medicaid Modernization Act of 2003. Senator HATCH emphasized that the law should be changed to reward, and not penalize, generic companies that successfully invalidate a patent and are ready to come to market.

Let me further underscore the need for this amendment with some concrete examples.

I have a chart here that I think will make the point I am trying to make. This table shows three drugs included in “pay for delay” settlements. And this is just three; there are many of these settlements entered into each year. The delay to market in years for each of the three drugs—the three drugs are Altace, Lipitor, and Provigil—the delay period the settlements called for in one case is 2 years; in another case 1½ years; and in the other 6 years. The estimated lost savings to consumers is here.

Let me describe each of these a little bit. The first drug is King Pharmaceutical's Altace. A generic version of Altace was delayed for 2 years at an estimated cost of \$637 million to consumers under a "pay for delay" settlement. In 2007, Lupin invalidated a patent covering Altace. Lupin could not launch, or bring their generic to market, despite being the party responsible for invalidating the patent and opening the market early. Instead, the first filer, Cobalt, accelerated its entry into the market and benefited from 180 days of exclusivity. Lupin was left with no reward despite the fact that they had been the one that succeeded in the litigation to invalidate the patent.

The second is a cholesterol-lowering drug familiar to most of us. It is the best-selling pharmaceutical drug in the history of the world, Lipitor. According to a 2008 New York Times report, Pfizer and generic manufacturer Randbaxy Laboratories agreed to a settlement delaying generic entry into the market by 20 months. The same report stated that the generic version of the drug was estimated to sell for less than one-third of the cost of the brand-name Lipitor, which had earned \$12.7 billion in sales the year before. A letter sent to FDA Director Hamburg last year by some of my colleagues in the Senate indicated that the Federal Government was spending \$2.4 billion a year on Lipitor and that a generic version was expected to generate \$3.97 billion to \$6.7 billion in savings annually.

The final example on the chart here is Provigil, which is a sleep-disorder drug, a generic version of which could have come to market as early as December of 2006. However, due to "pay for delay" settlements, a generic version of Provigil just entered the market this year instead of in 2006.

In addition, in October 2011, a subsequent generic filer, Apotex, invalidated a patent covering Provigil. Because the first filers in this case settled their patent litigation with the brand company 6 years prior, Apotex could not begin selling generic Provigil despite its court victory. Even the CEO of Cephalon, which is the brand-name manufacturer of Provigil, is quoted as saying—this is the CEO of the brand-name company—this:

We were able to get six more years of patent protection. That's \$4 billion in sales that no one expected.

In other words, the Provigil case represents 6 years and tens of millions of dollars in lost savings to consumers. One of the largest of those consumers is the U.S. military. As this chart illustrates, this is an estimate of the effect of this settlement—the so-called "pay for delay" settlement—related to Provigil on the Department of Defense. Assuming that a generic version of Provigil would have been released in 2006 with expiration of exclusivity, the

DOD would have saved \$159 million for this drug accessed by almost half a million soldiers between the years 2006 and 2011. Had our amendment, the Fair Generics Act, been the law—and we have introduced it as a stand-alone bill—had the Fair Generics Act been the law, generic versions of Provigil would very likely have been available 6 years ago. The first filers, knowing that the patent was weak and that subsequent filers could invalidate it and come to market themselves, would have fully prosecuted the patent fight instead of just settling it as they did.

As these examples illustrate, by granting shared exclusivity rights to any generic challenger that wins its patent case or is not sued by the brand company, our amendment will end the "pay for delay" problem and move us closer to the original intent of Hatch-Waxman. That original intent was more competition, greater access to affordable drugs, and substantial savings to the U.S. Government and American consumers.

I hope that when we get the opportunity to offer this amendment and consider it on the Senate floor and have a vote on it, my colleagues will support this amendment. It will be a substantial step forward for American consumers and will help us greatly in our effort to reduce the cost of prescription drugs for Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Madam President, I am pleased that the Senate is moving this week to consider the FDA Safety and Innovation Act, which is a very important piece of legislation that will help ensure Americans have access to safe, innovative medical treatments by giving the FDA the resources it needs to review new products as safely and quickly as possible, while also giving the industry that certainty it needs to continue investing in new research. As I travel around Massachusetts, the No. 1 issue I find is that lack of regulatory certainty and sometimes tax certainty. This is a step in the right direction.

I am pleased that this legislation takes many steps to strengthen the medical innovation industry in the United States. I have championed one such provision with Senators MCCAIN and CASEY that will smooth the regulatory path that I referenced earlier for new, moderate-risk medical devices.

The underlying bill before us needs to be passed as quickly as possible to guarantee regulatory certainty at the FDA for the industry and its stakeholders.

However, I am disappointed the Senate has not yet taken time to address a key area of concern related to this bill; that is, the new medical device excise tax. The new 2.3 percent tax on medical

device sales that was imposed in the Federal health care law will cost our economy thousands of jobs and limit Americans' access to the most groundbreaking, state-of-the-art medical devices which people need.

For the past 18 months, I have been pushing for the Senate to consider a medical device tax repeal bill that I introduced in February of 2011—one of the first bills I introduced. Today I, along with others, will be introducing an amendment to repeal this job-killing tax—a tax that will, in fact, drive up the cost of health care for patients and make our workers and our companies less competitive.

I can tell you that in Massachusetts we have over 400 medical device companies. We are an innovative State. We have the ability to have companies like these in Massachusetts, and they are employing nearly 25,000 workers and contributing over \$4 billion to our economy. That is obviously a substantial industry in Massachusetts. And it affects every person throughout this country indirectly. If it goes into effect next year, this harmful tax will put American workers at a competitive disadvantage and chase jobs overseas. There are already companies, over the last year and a half, that have been looking overseas and already shifting their strategy.

Where is that 2.3 percent tax coming from? It represents, in some instances, the entire net profit for some young companies in Massachusetts and throughout the country. It will potentially cost 43,000 jobs across the country, with a loss of \$3.5 billion in wages. I am not quite sure how that makes sense in anybody's book. Massachusetts alone is expected to lose over 2,600 jobs as a direct result of this tax, and up to about 10 percent of our entire medical device manufacturing workforce will be affected. The bottom line is that we cannot have this kind of job loss in any sector of our economy when we are still struggling. In Massachusetts, we have over 400 medical device companies. We do generate a tremendous amount of revenue—in the billions of dollars. So where is this tax going to come from? Is it from R&D, from growth and expansion, hiring, firing? Where? Nobody seems to know.

I can tell you that the Massachusetts companies and companies throughout the United States are deeply concerned about this. I find it surprising and disappointing that there is not a consensus to repeal the medical device excise tax which will affect States across this country. Whether it is on another bill or a stand-alone bill, we need to get it done the way we did, in a truly bipartisan, bicameral manner, on the 3-percent withholding, the 1099 fix, the hire a veteran bill or the insider trading bill. We have worked together in a bipartisan manner to get things done.

It matters a great deal to Massachusetts, and it should concern every Member of this body.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, dietary supplements have become a common health aid in medicine cabinets all across America. More than half of us in America use dietary supplements, including this Senator, who, for a variety of reasons, takes a multivitamin tablet every morning. In spite of their popularity, many people would be surprised to learn the Food and Drug Administration doesn't know how many dietary supplements are actually being sold in the United States. Most people don't know if a dietary supplement ingredient presented serious health concerns, the Food and Drug Administration doesn't have the information to track down products containing the harmful ingredient. We assume if it is for sale in America, some government agency has taken a close look to make sure that product is safe and that we know what is inside it and that it wouldn't harm an innocent customer. It turns out that may be true when it comes to prescription drugs and over-the-counter drugs, but the dietary supplement world is a much different world, with minimal regulation.

I have an amendment which I will be offering to ensure the Food and Drug Administration has the information it needs to respond quickly and efficiently when safety concerns arise concerning dietary supplements. This amendment would require dietary supplement manufacturers to give the Food and Drug Administration the name of each supplement they produce, along with a description, a list of ingredients, and a copy of the label. It is not an onerous requirement, but for the first time the Food and Drug Administration would literally have a catalogue of all the dietary supplements being sold to Americans all across the Nation. With this information, the FDA would be better equipped to protect consumers' health and to work with manufacturers to address any problems should they arise.

A 2009 report by the Government Accountability Office found the Food and Drug Administration is limited in its ability to respond to safety concerns because dietary supplement manufacturers don't always provide basic information, such as product names or lists of ingredients. This commonsense amendment I am offering is supported

by the Consumers Union, and it would provide the Food and Drug Administration the basic information it needs to protect the public.

Trust me. It will be opposed by certain interest groups. But I heard opposition almost 10 years ago when I introduced a bill to require dietary supplement manufacturers to report serious adverse events, such as hospitalizations or deaths, to the FDA. The need for mandatory reporting of adverse events was demonstrated by injuries and deaths across the country caused by the popular and dangerous dietary ingredient ephedra before it was banned in the United States in 2004. One of the victims was 16-year-old Sean Riggins from Lincoln, IL—30 miles from where I live in downstate Illinois. He died in September 2002. Sean was a high school student, and he died from a heart attack after he took something called Yellow Jackets. It was supposed to be an energy boost, and he was headed off to play football. It contained ephedra and it killed him.

Shortly before his death, Metabolife—the largest manufacturer of supplements containing ephedra—claimed to the public they had no ephedra-related adverse event reports, period. However, a lawsuit was filed, and they were required under that lawsuit to disclose their records.

In October of 2002, under pressure, Metabolife gave FDA over 13,000 ephedra-related adverse event reports. People had taken their substances with ephedra and had gotten sick or worse.

In 2006 I worked with Senator ORRIN HATCH of Utah and TOM HARKIN of Iowa to pass the Dietary Supplement and Nonprescription Drug Consumer Protection Act, which mandates reporting of adverse events to the Food and Drug Administration. It stands to reason if there is a drug for sale in the United States—a dietary supplement in this case—that causes a problem, we should know about it. If it is causing a problem in a lot of different places, the Food and Drug Administration, through these reports, will discover it.

Since the law took effect in 2007, dietary supplement adverse event reports submitted to the FDA have increased sevenfold, from 368 in 2007 to 2,473 in 2011. The FDA is using these reports as part of a surveillance system to signal potential safety issues and, in some cases, to take regulatory action. Mandatory reporting of adverse events was an important step to help protect consumer safety, but we need to do more to ensure the FDA and consumers have the information they need.

Madam President, the sad reality of this amendment and this issue is that it takes a tragedy to catch our attention. Someone has to be seriously hurt or worse before Members of Congress and others will take notice and do something.

I recently learned about the tragic death of this beautiful young 14-year-

old girl. Her name was Anais Fournier from Maryland. Anais was an honor student. She liked to read vampire novels. She watched chick flicks with her mom, and she had a passion for writing. Last December her life was cut short when she went into cardiac arrest. What caused it? Caffeine toxicity. She drank two 24-ounce Monster Energy Drinks in less than 24 hours, and it took her life.

The American Academy of Pediatrics recommends that adolescents, such as 14-year-old Anais, consume no more than 100 milligrams of caffeine every day. But in less than 24 hours, Anais had consumed 480 milligrams of caffeine. That is the equivalent of 14 12-ounce sodas with ordinary caffeine content. Of course, she did it with two drinks—Monster Energy Drinks.

A recent report by SAMHSA shows energy drinks pose potentially serious health risks. I might just say that in the Senate today, as I am speaking, are members of Anais' family. We want to join them in mourning her loss and hope that her life will at least give us notice there are things we can do to spare other families the grief their family has gone through. Wendy Crossland is her mom, her sister Jade is here, her grandfather Dick and grandmother Faith. They have come here today because they are hoping the Senate will hear about this amendment and that we can take it up and pass it.

Anais' case is not the only one. Emergency room visits due to energy drinks have increased tenfold between 2005 and 2009 from 1,128 in 2005 to 13,114 ER visits in 2009. Energy drinks target kids with flashy ads and names like Monster and Rockstar and Five Hour Energy Drink, but there are serious concerns about the high level of caffeine in these beverages and the herbal ingredients that act as stimulants and contain additional caffeine.

But here is an interesting thing. If you walk in—as I have—to an ordinary gas station—whether it is in New Hampshire or in Illinois—and you see the cooler with the drinks in it, and then you see others on counters, you might assume, well, they are all subject to the same level of regulation. But that is not true. If we are talking about ordinary beverages—sodas—they are characterized as food, and they are subject to certain limits by the FDA. However, if you look at the fine print—and you better look closely, because it is very tiny—you may find this is being characterized and described as a dietary supplement.

By putting those two words on the label, the product escapes regulation. So we limit the caffeine in an ordinary soda pop, for example—a cola—but when it comes to the dietary supplement side of the story, there are no limitations. That is why this poor young girl was a victim because of the

huge amount of caffeine that was consumed in the name of a dietary supplement.

The FDA has the authority to regulate caffeine levels in beverages and to require beverage manufacturers to prove the additives they put inside that can or bottle are safe. But most energy drinks avoid FDA oversight by calling their products dietary supplements.

I defy anyone to walk into a store and look at all the things they can buy and pick out the ones that are regulated by the FDA and those that are not. They are going to have to study long and hard and look closely at the labels to figure it out.

Is that fair to consumers? Is it fair to families and parents that we don't have even basic oversight and regulation of products that can literally harm or take the life of a beautiful young girl? The amendment I am offering would ensure the FDA knows about all of the energy drinks being sold in the United States and can provide information about ingredients that could help the agency address potential safety concerns.

Most dietary supplements available today for sale are safe, and they are used by millions of Americans as part of a healthy lifestyle. Some ingredients may be safe for the general population but may be risky for kids, pregnant women, or people with a heart condition or who are taking certain prescription drugs.

Furthermore, in spite of the many responsible dietary supplement companies, sadly, there is a murky market space out there where some bad actors are selling potentially dangerous products—some of them imported into the United States—which literally do not even disclose their ingredients in an accurate way. This amendment will take an important step in protecting public health by requiring dietary supplement manufacturers to submit basic information to the FDA that would help the agency identify safety issues and respond more quickly.

No one wants to hear of the death of another 16-year-old who loved to play football or a young girl such as this wonderful young 14-year-old girl who loved watching movies with her mom. We can help prevent these tragedies by requiring that better information is reported to the FDA when these dietary supplements go on the market.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, as a member of the Health, Education, Labor and Pension Committee, I rise for a brief speech. But I want to begin that speech by thanking Chairman HARKIN, Ranking Member ENZI, and the entire staff of the HELP Committee, and my staff—Francie Pastor—who have helped so much on this legislation

which is so important to the American people. There is a chance where we have a bipartisan effort in the Senate to do something constructive and meaningful, and I commend both Senators on their work.

There are component parts of this legislation I want to illuminate for a few seconds because I had a lot to do with them, and they are very important. One deals with third-party logistics providers. As the Chair is aware, and as the Senate is aware, we have a placeholder in the managers' amendment for a third-party provider and logistical providers with track and trace.

Track and trace is the mechanism of tracking the drug from its origin and tracing it all through the system to the individual using the drug to ensure we have safety and security. But there are third-party logistics carriers who deliver an awful lot of content in the United States, such as FedEx and UPS, that operate in all 50 States, and we ought to have a 50-State seamless standard in terms of third-party delivery rather than 50 individual States all having regulatory authority.

So my first message today is to the conferees, that when the conference committee is ultimately reporting, it should take this placeholder on these third-party logistics providers and make sure in the track-and-trace legislation we provide a seamless national policy for the delivery of pharmaceuticals. That is very important to our country and very important to the pharmaceutical industry, but mostly it is very important to those who consume those pharmaceuticals.

Secondly, there is another provision called the Medical Gas Safety Act, which was included in this legislation, and I am very grateful the managers of the legislation agreed to put it in the bill because it is equally important for the people of this country. I want to make sure one thing is underlined. Medical gases are critically important to sustain life, gases such as oxygen. A gas such as nitrous oxide, which is sometimes called laughing gas by some, is sometimes used to sedate individuals. I want to make sure as we go through this process we have a system under which medical gases—that have stood the test of time—remain available through medical use and that brand new medical products that have never been through the testing of time go through an appropriate FDA review, which is what the original act—the Medical Gas Safety Act—included and which we want to be included in this legislation.

Madam President, I also wish to further speak for a moment about an important section of this legislation—the Medical Gas Safety Act. I want to thank the Chairman and the Ranking Member, and Senator BLUMENTHAL, for working with me to include this in the

bill. The Medical Gas Safety Act has a number of important benefits for patients, health care providers, FDA and medical gas providers, it will ensure a continued supply of quality medical gases that patients can depend on, and it will provide regulatory certainty for FDA and providers.

The intent of the Medical Gas Safety Act is to create a process for those medical gases and medical gas mixtures that have a history of safe and effective use to become approved drugs. This will ensure that medical gases that have a long history of use, like oxygen, become approved drugs. The legislation provides FDA with the authority to ensure that any mixture of medical gases be “medically appropriate.” Congress urges FDA to work with industry to develop a guidance over the next year to better define the term “medically appropriate” so that those mixtures that have been on the market for a long period of time can continue to be available to the patients that need them.

I think we have a finished product that everyone can support—it is a matter of fine tuning at this point, which can be accomplished through FDA guidance. We need to have a system under which medical gases that have stood the test of time remain available for medical use; and brand new medical gas products that have never been tested go through an appropriate FDA review—which is what the original bill envisioned.

I once again thank the chairman and ranking member for all of the hard work they have done to move this entire bill forward in such a bipartisan manner. The way the Committee has approached this important legislation has resulted in a good bill that deserves everyone's support. I also want to express my appreciation for the inclusion of the Medical Gas Safety Act in this bill. Senator BLUMENTHAL deserves credit for the work he has done in this area.

Madam President, I applaud my colleagues, Senators BENNET and BURR, for their efforts to enhance the safety of America's pharmaceutical supply chain. While we are fortunate in America not to have a widespread problem with counterfeit drugs, the potential that they could pose a serious health risk to consumers is significant.

Supply chain compliance and safety is currently a patchwork of inconsistent State requirements and licensing which potentially jeopardizes the safety and welfare of millions of Americans. Unless a uniform Federal policy covering all pharmaceutical supply chain stakeholders is enacted, the United States will fail to provide the best tools needed for regulators and law enforcement to do a more effective job. Additionally, the U.S. would be missing an opportunity to leverage technology that will provide superior, cost effective consumer protection.

Third Party Logistics Providers, or 3PLs, are playing a growing and important role in making sure medicines reach their destination safely and securely. The term “third party logistics provider” refers to an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer, wholesaler, or dispenser, but does not buy, sell, or direct the sales of those products.

Currently, Federal law does not recognize the role of a 3PL. Only one State even offers a license for 3PLs. Other States require a 3PL to apply for a wholesale distributor license, even though 3PLs do not buy or sell drugs. The varying patchwork of inconsistent State requirements makes law enforcement more difficult and there is added cost without a safety benefit.

Failure to include and define 3PLs in Federal language is simply wrong. Recognizing the role of 3PLs is a strong first step towards the development of uniform Federal standards for a 3PL license. Ensuring that all entities are properly licensed within the pharmaceutical supply chain not only makes sense, but it is one of the most effective deterrents to dangerous counterfeit drugs entering the supply chain.

I thank my colleagues Senators BENNET and BURR, and their staff, for their leadership to enhance supply chain safety by working with all industry stakeholders. I also express my gratitude to Ranking Member ENZI, Chairman HARKIN and Senate leadership for their support.

Through a constructive conference process, I am confident we can enhance supply chain safety in a reasonable and cost effective manner. By properly defining 3PLs, and ensuring that properly licensed entities handle our medicines, we can help to ensure they safely and securely reach patients in need. My constituents in Georgia expect nothing less.

Once again, Madam President, I commend the chairman and ranking member on their service and their fine work on the FDA bill.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the statement I am about to give appear as in morning business and not connected to the motion at hand.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING KATIE BECKETT

Mr. HARKIN. Mr. President, last week our Nation lost one of its most

determined and courageous advocates for the rights of people with disabilities, Katie Beckett.

I am proud to say that Katie was a native Iowan. She was born in March of 1978 and 5 months later contracted viral encephalitis. She subsequently had a seizure and went into a coma for 10 days. This illness caused nerve damage to her brain and left her paralyzed and unable to breathe on her own. She received a tracheotomy, was placed on a ventilator, and was fed using a tube.

Initially, after coming out of the coma, she could not move at all. Slowly, much of the paralysis receded, but she was not able to breathe on her own until she was 2 years of age. During that time, she lived in a pediatric intensive care unit. Naturally her family wanted her out of the hospital and home where they could care, support, and love her.

By her third birthday, Katie's private insurance reached its \$1 million cap, and she began to receive Medicaid for her health care. Doctors determined that she could leave the hospital with proper supports at home. However—and here is the catch—Medicaid refused to pay for such care even though it would cost one-sixth as much as hospital care. Medicaid would pay for institutional care but not for care in her own home. She could only receive care in a hospital or nursing home in order to be covered.

Katie's predicament began to receive attention thanks to the intervention of many people, including then-Congressman Tom Tauke, who was Katie's Congressman at the time. He began to speak out about this and brought it to the attention of then-President Ronald Reagan and many in Congress. Because of that, President Reagan spoke out about this and a new home- and community-based waiver was created to allow children in Katie's situation to receive their care at home rather than in hospitals. This new program is called the Katie Beckett Waiver. At the time, it was thought the program would benefit only a few hundred children. However, since 1982 over half a million children have benefited from the Katie Beckett Waiver, including 11,000 in Iowa. Katie and her family were true pioneers in changing the institutional bias in Medicaid and permitting children with significant disabilities to receive their support and services in their own homes rather than in a hospital, nursing home, or other institutional setting.

Under the new program, Katie went home almost 3 full years after she was admitted. At that time she was able to be off her ventilator for 6 hours a day. What happened after her discharge? Well, she attended school. While her fellow students considered her different because of her medical condition, she never needed special education services. At an early age she became a pas-

sionate advocate for home- and community-based care.

While in middle and high school, she testified before Congress, met with Governors, and, as I said, even met with the President of the United States. She served as an intern at *Exceptional Parent* magazine while living in Boston. That summer between her junior and senior year of high school, Katie learned to manage her own medical care, directing nurses who provided her treatment and managed her ventilator.

Katie considered advocacy to be her vocation and chosen path—in particular, to raise the consciousness of other young people about disability issues. Even though she found this work rewarding, she sometimes felt uncomfortable in those pre-ADA days—the pre-Americans with Disabilities Act days—and being singled out because of her disability. All she really wanted, as she put it, was “to fit in and just be normal.”

Katie's first job was at a music store in a local mall. She got the job, as any young person would, by virtue of her knowledge and interest in music. Katie said, “Advocacy is in my blood and in my soul,” so she looked for work that would allow her to help other people. She volunteered at the local YWCA in the secondhand shop that supported the only homeless shelter for women and children in eastern Iowa and was then hired as the receptionist at the Y. The job title “receptionist” did not begin to describe her true job responsibilities. Katie was the first responder to sexual assault and domestic violence victims. She helped with the neutral exchange program, where divorced or separated parents could drop off their children without having to encounter each other. She learned to quickly assess the needs of others and to help connect them to appropriate services and supports. She also helped with the supervised visitation program and was soon promoted to be the assistant to the supervisor of that program.

Later, Katie worked with her mother, Julie Beckett, to help establish the Kids As Self-Advocates Network, a group designed to help children and youth with significant medical needs to speak up for their own care and support. Working through Family Voices, another organization spearheaded by Julie Beckett, Katie helped to teach hundreds of young people how to advocate for their own health care. In addition, she served as a Senate appointee on the Ticket to Work and the Work Incentives Advisory Panel, which provided advice to the Social Security Administration, the President, and Congress on work incentives, employment, and other issues facing people with disabilities.

Katie Beckett graduated from Mount Mercy College in Cedar Rapids, IA, in 2001. She later took writing courses at

nearby Kirkwood Community College. She was close to completing a novel. A series of illnesses obliged her to put off returning to college to take the classes necessary to become a teacher.

Katie treasured the freedom to engage in the kinds of activities that so many of us take for granted, including eating at Red Lobster, going to the shopping mall, and recently moving into her own apartment.

Katie will be greatly missed by so many people all across America. She will be remembered for her determined advocacy and that of her family, which has changed countless families forever. She inspired a host of young people with disabilities by showing that an ordinary person can accomplish extraordinary goals through great spirit, determination, and persistence.

Dr. Martin Luther King, Jr., once said, "Life's most urgent and persistent question is: What are you doing for others?" During her memorable but very short lifetime, Katie answered that question in powerful ways as an agent for change and as a determined advocate. Her living legacy is the program that bears her name, the Katie Beckett Waiver, which will continue to improve the lives of children and young people with disabilities far into the future.

I see my colleague from Iowa, who has also been a friend of the Becketts and has been very supportive of Katie and all of her work and of Julie Beckett. This has truly been bipartisan, bicameral support for this wonderful family.

Katie's funeral is this Friday. We are all going to miss her. As I said, when you met Katie Beckett, you were inspired to do more than you thought you could do. She was a wonderful person, and it is tragic that her life came to such a short close, just last week. She is going to be remembered. As I said, she changed so many lives in this country for the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank my colleague from Iowa for his very nice remarks about Katie Beckett. I come to the floor for the same reason—to celebrate the life of Katie Beckett.

Never has the word "inspiration" been used more appropriately in describing somebody, and today I am grateful to be able to recognize the inspirational life of Katie Beckett.

Mary Katherine Beckett—nicknamed "Katie"—was born in Cedar Rapids, IA, on March 9, 1978. Five months after she was born, Katie contracted viral encephalitis, followed by grand mal seizures. The encephalitis caused damage to her central nervous system, her respiratory system, and she was attached to a ventilator. She would be almost 2 years old before she could breathe on her own.

As Senator HARKIN said, under Medicaid law at the time, Katie could only receive care through Medicaid if she remained in the hospital even though she was able to receive the care at home.

Iowa Congressman Tom Tauke heard of Katie's situation and realized that it made no sense to keep a child in the hospital who could be at home with her family living a better quality of life as well as saving the taxpayers money. Congressman Tauke worked to convince the administration that the system should be changed to allow States to provide Medicaid to children receiving care in their homes.

Ultimately, President Reagan took up Katie's cause, intervening so that Katie could receive treatment at home and still be covered under Medicaid. This change in policy became known as the Katie Beckett Waiver, and to date more than half a million disabled children have been able to receive care in their homes with their families rather than being forced into hospitals and institutions.

But Katie's story doesn't end there. As Katie grew up, as she battled to establish her own place in society as a young American with disabilities, she realized she had an opportunity to serve others who faced similar challenges.

In her own words—and this is from a piece Katie wrote in the year 2002 entitled: "Whatever Happened to Katie Beckett?"

I started my advocacy career at age ten. It was not my choice, but rather a path chosen for me. It was not until I was twelve or thirteen that I realized the important work I was able to do because I was who I was and how much this work helped other kids.

Katie graduated with a degree in English from Mount Mercy College in Cedar Rapids. She lived in the community. She wanted to be a teacher and write novels for young people. She was fiercely independent, sometimes to the consternation of her mother Julie. She was quick-witted and funny and loved a good cup of coffee. She lived her life as a tireless advocate for the disabled. She testified before Congress several times and was a contributing voice on numerous groups dedicated to disability policy.

When we took up policy proposals such as the Family Opportunity Act and Money Follows the Person, we wanted Katie's perspective and we depended upon her advocacy in the community to get those laws passed. Katie was the living embodiment of a person with disabilities participating and contributing in society.

On Friday, May 18, Katie went home to be with the Lord. She leaves behind thousands of lives touched by her presence. A light may go out, but a light lives on in those of us fortunate enough to have known Katie Beckett.

We remain inspired to work every day to create opportunities for the dis-

abled to participate and contribute and live the life of service and dedication that Katie did. So, obviously, even though not alive today, Katie will remain that inspiration for many people for a long time to come.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I think I can say I was blessed to be here right before the tribute to Katie that our colleagues from Iowa gave. What an inspiring life of a young lady. Although cut short, her impact is felt by many.

VISN REORGANIZATION ACT OF 2012

I rise today to speak on a bill that I introduced last week, S. 3084, the Veterans Integrated Service Network Reorganization Act of 2012. This legislation would significantly reorganize the structure of the Department of Veterans Affairs, or VA, Veterans Integrated Service Networks, or VISNs, to make these networks more efficient and to allow resources to be moved to direct patient care.

The veterans' health care system in our country was originally established to treat combat-related injuries and to assist in the recovery of veterans with service-connected disabilities. Since its start, the scope of the Veterans Health Administration, or VHA, has expanded and now treats all veterans enrolled in the health care system through hundreds of medical facilities located around the country. Prior to 1995, VHA was organized into four regional offices. These regional offices simply channeled information between the medical centers and the VA's Washington, DC, headquarters office. Since the regional offices' duties were to pass on information to the facilities, they had little ability to exercise independence in implementing policies based on the needs of the veterans in their region.

In March 1995, based upon the recommendations of former Under Secretary of Health, Dr. Kenneth Kizer, VHA underwent a significant reorganization of its Washington, DC, and regional offices. Basically, the VHA health care system was divided up into 22 geographic areas—now 21—with each region having its own headquarters with a limited management structure to support the medical facilities in that region. The goal of the reorganization was to improve access to, quality and the efficiency of care to veterans through a patients-first focus. This structure would improve care by empowering VISNs with the independence to decide how to best provide for the veterans in their region. This change also would have made the most of

spending for patient care by suggesting that VISN management be located on a VA medical center campus.

The aim was to provide a better organized system that would have oversight management responsibilities of the medical facilities through a new structure called the Veterans Integrated Service Network. This new system intended to offer a clearer picture of what the duties were of both the VHA central office in Washington, DC, and the VISN headquarters offices. Going forward, VHA central office's responsibilities included changes to VA policies and medical procedures and monitoring the facilities' performance in providing care. Each VISN headquarters' primary function was to be the basic budgetary management and planning unit for its network of medical facilities. Because the scope of their tasks was limited, it was expected that a VISN headquarters could be operated with 7 to 10 full-time employees, for a total of 220 staff for all VISN headquarters nationally. Any additional expertise needed was to be called up from the medical centers on an informal basis.

I believe VHA has significantly strayed from the initial concept behind the 1995 reorganization. While some growth and an increase in VISN management staff over 17 years is expected, the growth and duplication of duties we have seen at VISN headquarters offices and medical facilities quite simply is troubling. Examples of such duplication are coordinators for homeless veterans, OIF-OEF-OND veterans, women veterans who are present at both the medical facilities and the VISN headquarters.

This duplication has not only redirected spending away from medical centers, it has caused a bloating of the numbers of staff across the 21 VISN headquarters. VISN headquarters have grown well beyond the 220 staff proposed by the 1995 reorganization to a total of 1,340 staff for the 21 VISNs headquarters today—an increase from 220 to 1,340 employees today. These staff are performing functions that have little to do with budget, management, and oversight, let alone direct health care for our veterans. It appears that VHA has allowed VISN headquarters staff to increase without the necessary oversight or an assessment of the impact on the original purpose for VISN. Also left unchecked are the changes in the veterans' population and how veterans have moved between States to determine if there is a need to adjust the VISN boundaries to best serve the veterans seeking care.

This bill—my bill—would bring about a much-needed change to the VISN structure. It would, No. 1, consolidate the boundaries of 9 VISNs; No. 2, move some jobs back to the VHA central office; No. 3, reduce the number of employees to 65 per VISN headquarters;

and No. 4, require VHA to review the VISN staff and structure every 3 years. What a novel suggestion, that we would actually review the progress we make.

My colleagues may find it a bit odd that we could reduce the staff of VISN headquarters while also increasing the size of the veterans' population and facilities from some VISN headquarters, but because we are reducing the tasks that the VISN headquarters perform while transferring several jobs to new Regional Support Centers—or RSCs—VISN headquarters staff would be more productive in carrying out the simple budget, management, and planning duties that they were originally tasked with in the 1995 original reorganization.

While the consolidation of VISNs would result in the closure of nine VISN headquarters, no staff would lose their job as a result of this legislation. Staff whose jobs would be eliminated because of the consolidation would have a chance to be transferred to other positions within the VA. Staff who perform the oversight functions that would be moved to the newly created RSCs would be given the opportunity to continue that work at the RSC. This legislation also returns the idea that VISN headquarters should be located on VA campuses by directing that VISN headquarters, if possible, be located on a VA medical center campus. Relocating to vacant space on the VA medical center campus hopefully would reduce the cost to the VA in the long run but, more importantly, it would bring the headquarters staff closer to the facilities they oversee.

I realize this would be an enormous change in the way VHA does business, and yet I believe this can be accomplished without any changes to how VA provides treatment and care to our Nation's veterans. In fact, I believe it will improve how VA cares for veterans by increasing the resources directly available for patient care.

It is important that VA not lose sight of its primary mission, as stated by Abraham Lincoln: “. . . to care for him who shall have borne the battle” and, to that end, VA should redirect spending away from bureaucrats and back to the direct care of veterans.

I believe the VISN Reorganization Act of 2012 would provide a more efficient and effective health care system to our veterans, and I hope my colleagues will see it in that light and support this effort at reorganization that is way past due.

I thank the Chair, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I came to the floor tonight to talk about the FDA reauthorization bill that is before the Senate. I was sorry we could not get it to a vote today. I am hopeful that tomorrow we will be able to because from my perspective, as someone who has only been here for a few years, the process, the committee process that led to the creation of this bill, is a model for how this town ought to be working.

The conversation we have had for so many months and even years has felt decoupled from the conversations I have been having in my townhall meetings and across the country about the challenges we need to address. This gap has been miles apart. But in this piece of legislation, I think we have actually found something responsive to patients, responsive to consumers, and responsive to the bioscience industry that is so important to my State and so many States across the country.

Chairman HARKIN and Ranking Member ENZI deserve enormous credit for running an excellent process that has enabled this Senator and others on the committee to be responsive to what our constituents say they want, which is a modern FDA with improved patient safety and innovation. We have also had committee members who were interested in rolling up their sleeves and doing hard work together irrespective of which party they were in. We have been able to work through a markup with virtually no partisanship.

This has been a uniquely fine process, which is why we have had such great momentum toward a full extension in what I call the Land of Flickering Lights. The standard of success around here has become: Keep the government running for 1 more month, keep this extension in place for 2 more months. We actually have on the Senate floor a rational and responsible bill that is a 5-year extension of the Food and Drug Administration authority.

Tonight I only want to talk about two aspects of the bill. There are a number we worked on, but tonight I spare you with the rest. In 2010 I introduced a bill called the Drug Safety and Accountability Act. Chairman HARKIN and Ranking Member ENZI took notice, and we were able to form a working group to address serious problems in the FDA's statutory authority.

FDA laws that are supposed to protect our domestic drug supply were created in 1938 and desperately needed to be updated for the 21st century. Back then the lines of commerce were based on 48 States. Now we live in an era where over 80 percent of the active ingredients in our pharmaceuticals and our drug supply are being manufactured abroad. Couple that with the FDA laws that force them to inspect American facilities every 2 years but

they have no mandates on how often they inspect facilities overseas. The GAO has found that FDA can only keep pace with inspecting the most high-risk overseas facilities, the places where our moms and dads are getting their pharmaceuticals for our children, once every 9 years.

So patients taking their pills have no idea whether the ingredients in their drugs were made in China or India or if they were ever inspected. Our American manufacturers are operating on an uneven playing field. They have to expect a surprise FDA inspection every 2 years on average here and make sure they are following all of their good manufacturing practices, when their foreign counterparts do not have to worry about FDA visiting them for a decade, if ever, because they can delay or refuse FDA inspection because they are overseas.

Patient groups and the industry came together to try to change that, and this bill does change all of that. It would implement a risk-based inspection schedule for both foreign and domestic manufacturing sites. It would make sure that drug manufacturers know who is in their supply chain every step of the way. And for the first time, if you are abroad and you refuse or delay inspection without a fair reason, the FDA can refuse to let your product into this country.

These are all the steps American families already think we have in place to protect them. I cannot tell you how many townhalls I have had where people have been shocked to learn that the products they have in their medicine cabinets have never been inspected by anyone. This will change that. It is a thoughtful, commonsense approach I think all of the constituents to this debate support.

So we need to make sure that happens. I also want to talk about something called track and trace. American families also want to know what happens to their pills, pills that can mean the difference between life and death, once they leave the manufacturer, enter the country and change hands several times. Right now we can know a lot more from a bar code on a gallon of milk than from a bar code on medication. That seems absurd to people at home.

I take a moment again to thank the Chair and ranking member for their commitment to working together to meet the challenge of developing a uniform traceability system. This is something that has been worked on for over a decade in this town, and we are finally this close to making it the law of the land.

I thank, in particular, my colleague, RICHARD BURR, a Republican from North Carolina, for being such a great partner in this work. FDA, the HELP Committee staff, Pew, and other stakeholders across the supply chain have

been meeting for weeks with my staff and with Senator BURR's staff, all in good faith. Our goal is to finalize a plan after we wrap up this Senate bill.

Let me talk about another very exciting part of this bill. If we pass this bill, for the first time the FDA is going to be able to apply 21st-century science to the approval of drugs, particularly drugs that are breakthrough medications, drugs that we know will work in one subset of populations even if they might not work so well in another.

This is very important to cancer patients all across the United States who are looking to access these breakthrough therapies. So from the standpoint of driving an industry in this country that in my own State has a median salary of roughly \$74,000, and from the point of view of patient health and protecting our supply chain, this FDA reauthorization is a must pass.

I thank the members of the committee and especially the chairman and the ranking member for establishing a model for how this Senate should operate.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET.) The Senator from New Hampshire.

Mrs. SHAHEEN. I applaud my colleague from Colorado, Senator BENNET, for the work he has done on the FDA legislation—as he pointed out, the good work that has been done by our colleagues on both sides of the aisle to get to this bill, to move it forward and to have a responsible and reasonable amendment process. So I hope we can move it forward this week and actually see its passage on the floor because it is so important to so many people who are dependent on what the Food and Drug Administration does in this country.

(The remarks of Mrs. SHAHEEN pertaining to the introduction of S. 3218 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. SHAHEEN. I yield the floor.

AMENDMENT NO. 2149

Mr. KOHL. Mr. President, the inappropriate overuse of antipsychotics—which are associated with a higher risk of death in frail elders—is a well-recognized problem that warrants new policy to ensure that these drugs are targeted to people suffering from serious mental illness, and not to curb behavioral symptoms of Alzheimer's or other dementias.

Addressing these concerns requires additional transparency and accountability on how antipsychotics are being used today in older adults with dementia. I am pleased to be joined by Senators GRASSLEY and BLUMENTHAL in filing an amendment to S. 3187, the Food and Drug Administration Safety and Innovation Act S. 3187, which would require the HHS Secretary to develop

standardized protocols for obtaining informed consent, or authorization, before administering an antipsychotic for a use not approved by the Food and Drug Administration. Authorizations would be provided by patients or, as appropriate, their designated health care agents or legal representatives. These informed consent protocols would provide valuable information to patients and their families, including possible risks and known side effects associated with the antipsychotic, as well as alternative treatment options that may be available.

This bipartisan amendment also calls for a new prescriber education program to promote high-quality, evidence-based treatments, including non-pharmacological interventions. The prescriber education programs would be funded through settlements, penalties and damages recovered in cases related to off-label marketing of prescription drugs.

While the Food and Drug Administration—FDA—has approved antipsychotic drugs to treat an array of psychiatric conditions, numerous studies conducted during the last decade have concluded that these medications can be harmful when used by frail elders with dementia who do not have a diagnosis of serious mental illness. In fact, the FDA issued two "black box" warnings citing increased risk of death when these drugs are used to treat elderly patients with dementia.

Last year, the Health and Human Services Office of the Inspector General—HHS OIG—issued a report showing that over a 6-month period, 305,000, or 14 percent, of the Nation's 2.1 million elderly nursing home residents had at least one Medicare or Medicaid claim for atypical antipsychotics.

The HHS OIG also found that 83 percent of Medicare claims for atypical antipsychotic drugs for elderly nursing home residents were associated with off-label conditions and that 88 percent were associated with a condition specified in the FDA box warning. Further, it showed that more than half of the 1.4 million claims for atypical antipsychotic drugs, totaling \$116.5 million, failed to comply with Medicare reimbursement criteria.

I hope this policy will send a strong signal that Congress is committed to improving the quality of treatment provided to millions of our most vulnerable Americans—older adults with dementia and the families who support them.

Ms. COLLINS. Mr. President, I rise in support of the Food and Drug Administration Safety and Innovation Act, which will help speed safe and effective drugs and medical devices to the patients who need them. This bipartisan, consensus bill was developed through a long and collaborative process involving the FDA, stakeholders, and Senators from both sides of the aisle. I

commend the chair and ranking member of the HELP Committee for their tremendous leadership and hard work on this very important bill.

The legislation we are considering today reauthorizes existing user fee programs for prescription drugs and medical devices and creates new user fee programs for generic drugs and bio-similar biological products. In addition, the bill reauthorizes programs that have helped make medicines safer for children, upgrades the FDA's tools to police the global supply chain, increases incentives for the development of new antibiotics, and expedites the development and review of certain drugs for the treatment of serious or life-threatening diseases and conditions.

I particularly want to commend my colleagues for including provisions based on legislation I sponsored with Senator KLOBUCHAR to address the shortages of drugs that are causing significant disruptions in care and putting patients at risk.

I continue to hear from doctors, emergency medical personnel, and other medical professionals in Maine who are extremely concerned about this issue. Many of the drugs in short supply are vital, used in hospitals and cancer centers for anesthesia, chemotherapy, and treatment of infections. There are also continuing shortages of drugs used in emergency rooms and intensive-care units.

These shortages are causing serious problems around the country, including forcing some medical centers to ration drugs or postpone elective surgeries. Oncologists have told me of situations where they were forced to change a patient's chemotherapy regime midcourse because they suddenly encountered a shortage of a particular drug. Moreover, for some drugs, there are no effective substitutes.

This crisis is widespread, with more than 80 percent of hospitals reporting that they have had to delay treatment due to shortages. That is why I joined my colleague from Minnesota in sponsoring the Preserving Access to Life Saving Medications Act to give the FDA tools to better manage, and hopefully prevent, shortages of life-saving medications, including requiring manufacturers to provide an "early warning" when a drug will not be available.

Providing early warning when a drug will not be available will help both doctors and patients. It builds on the successful model of the FDA's Drug Shortage Program which encourages manufacturers to report potential or existing shortages so that problems can be addressed or other manufacturers can ramp up production. Through this voluntary approach, the FDA was able to avert almost 200 shortages last year.

The legislation we are considering today will give the FDA the information and tools it needs to help address

and prevent drug shortages. It will also promote innovation, improve safety, and increase access to the drugs and devices that are critical to our health. Again, I commend Senators HARKIN and ENZI for their leadership and encourage all of my colleagues to join me in supporting this important legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to address the Senate as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MANUFACTURING

Mr. BROWN of Ohio. Mr. President, last week the Vice President was in my State in the Mahoning Valley, in the Youngstown area, northeast Ohio. He saw what I have been seeing in my State for the last several months, and he heard what I have been hearing from so many Ohioans in the last several months. He went to the Lordstown auto assembly plant, which assembles the Chevy Cruze. He saw what we have been seeing in my State, where manufacturing finally is coming back.

From early 2000 to January 2010, about a 10-year period, the manufacturing sector in this country lost a huge number of jobs—more than 5 million jobs. In the 35 years before that, manufacturing jobs in this country were pretty constant, up and down. In 1997 or 1998, we had about the same number of manufacturing jobs in America that we had in 1965—a smaller percentage of the workforce, or smaller percentage of GDP, perhaps, but roughly the same number of jobs. From January of 2000 to January of 2010, some estimates were as high as one-third of our manufacturing jobs. We know there were at least 5 million jobs and some 60,000 plant closings in that 10-year period, from 2000 to 2010. It is almost impossible not to ascribe at least part of that to trade policy and tax policy—a tax policy that far too often has given manufacturing companies an incentive to shut down and move overseas. If you shut down a plant in Warren, OH, or Mansfield, OH, or Springfield, OH, and move to Wuhan or Zihan or Shanghai, you can deduct the moving expenses and save on your Federal taxes. It is hard to do anything but to ascribe at least a part of that to some of the trade agreements we have signed, such as NAFTA, which the President pushed through Congress. And it was both parties. I was just as critical of President

Clinton for NAFTA as I was President Bush on CAFTA.

We know what the Central American Free Trade Agreement and the North American Free Trade Agreement have meant, and we know what PNTR with China did, where we went from not much more than a \$10 billion trade deficit in 2000 to trade deficits that were, I believe, \$10 billion to \$15 billion a month with China later in the decade. And we know from the policy of tax cuts that went overwhelmingly to the wealthiest Americans that passed in 2001 and 2003, going into two wars and not paying for those, a Medicare drug law that in the name of privatization basically gave away huge incentives to the drug and insurance companies—all that played into an economic policy that didn't work for the American people. We lost more than 5 million manufacturing jobs, with 60,000 plant closings between 2000 and 2010.

What happened in 2009 and 2010 to finally turn that around? The House and Senate and the President of the United States rescued the auto industry. We know the kind of job loss we were seeing and now look at what we have. It is not great yet. We are not seeing a huge growth in manufacturing, but almost every single month since early 2010, in Ohio and across the country, we are seeing job growth in manufacturing. So far, since early 2010, after that 5 million jobs lost in manufacturing—from early 2000 to early 2010—we have seen a 400,000-plus net job increase in these 2-plus years. Again, that is too anemic—it is not enough—but it is the direction we need to go.

Let me give a couple of examples as to why this auto rescue meant so much to my State and the rest of America. The Jeep Wrangler and the Jeep Liberty are assembled in Toledo, OH. Prior to the auto rescue, these workers assembled the Wrangler and the Liberty with only 50 percent American-made components. After the auto rescue—today—about 75 percent of the components that go into the Wrangler and the Jeep Liberty—assembled in Toledo, OH—come from components made in the United States.

Look at what has happened in Lordstown, OH. The engine is made in Defiance, OH, the bumper comes from Northwood, OH, the transmission comes from Toledo, the speaker system comes from Springboro, OH, the steel comes from Cleveland and Middletown, OH, the aluminum comes from Cleveland, OH, the stamping is done in Parma, OH, and this is put together—all these parts come together in Lordstown, OH, near Youngstown, assembled by 5,000 workers on three shifts. Almost none of that would have happened without the auto rescue.

Do you know what else the auto rescue was all about? It didn't just help Chrysler and GM, which had, in fact, gone into bankruptcy. The auto rescue

was also supported by Ford and Honda in my State. We have huge Ford and Honda investments in my State. Why would they have supported the auto rescue when the support from the government—the loans from the government, if you will—went to Chrysler and GM, not to Ford and Honda? Because they knew the importance of the supply chain. Because the supply chain for Chrysler and GM had collapsed, as it would have if those two companies had gone into bankruptcy and not been restructured and financed so they could come out of bankruptcy. If that had happened, the supply chain for Ford and Honda also would have partially collapsed. We see evidence of that in what happened with the tsunami in Japan, where Honda and others had to shut down for a period of time because they couldn't get the supply components they needed—some of them—from Japan.

So the point is that we stepped in with the auto rescue not just for Chrysler and GM, not just for Honda and Ford in my State—where 800,000 jobs, it is officially estimated, are affiliated with the auto industry—but also because it was important for these jobs at our tier 1 suppliers. Some of these tier 1 suppliers were about to collapse. So the rescue of the auto industry also directly helped to rescue some of those tier 1 suppliers. I have seen those tier 1 suppliers—Magnum in a suburb of Toledo. I have been there; Johnson Controls, which makes seats in Warren, OH—they make seats for the Chevy Cruze. I left that one out. All those tier 1 suppliers were in trouble.

We also knew the tier 2, 3, and 4 suppliers for the auto industry—making components you might not know what they were for or recognize them if you held them in your hands but that go into the Chrysler and the Ford and the GM and the Honda—were not able to get financing many times, and so we helped them through that with the auto rescue.

So the point is that what Vice President BIDEN saw in Youngstown and in Lordstown, OH, and what I hear in Dayton and Columbus and Mansfield and in Toledo and Rossford and Parma and all over my State is these workers saying they understand this auto rescue, where the government invested because nobody else would have—these companies are paying these investments, and that rescue saved all these jobs. It is why manufacturing is beginning to turn around.

There are other factors, of course, and one of them is the President of the United States enforcing trade law. We see a new steel mill in Youngstown in part because the President stood up to the Chinese and enforced trade law when the Chinese were gaming the system on something called oil country tubular steel, used in drilling for oil and for natural gas. All of that has

mattered to this manufacturing job growth.

We are not there yet. We need the administration to step up on a real policy for manufacturing, a real strategy. I think they are starting to do that on better tax law, better trade law, and better enforcement of trade laws. We want to assist manufacturing when we can partner with them—not picking winners and losers but understanding that to create wealth, you either grow it, you mine it, or you make it. My State does all three and does it very well and will continue to do so with this kind of partnership as we move forward.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENHANCED ISRAELI MISSILE DEFENSE

Mr. NELSON of Florida. Mr. President, on April 19, 2012, I introduced S. 2325, the Iron Dome Support Act, along with my colleagues Senators BOXER and KIRK. This bipartisan bill authorizes further assistance to Israel for the Iron Dome anti-missile defense system. As of today, 17 of our colleagues have also joined us on this bill, because we all recognize that an investment in the Iron Dome is an investment in peace and security in the region.

The Iron Dome system uses small radar-guided missiles to blow up Katyusha rockets and mortar bombs in midair coming from 3 to 45 miles away—and can do so in any weather condition. The Israeli Defense Force reports that Iron Dome has already proven itself to be 90 percent successful intercepting rockets well before they could potentially hit residential neighborhoods, busy highways, shopping centers, or crowded streets in southern Israel.

This is an incredible piece of technology. Right now, there are 3 Iron Dome batteries in the south of the country. But Israel remains vulnerable to attacks on other fronts from terrorist groups. That is why I encourage my colleagues to join me in supporting

S. 2325. Increased support for this legislation will send a strong message to include additional funding for Iron Dome batteries in order to protect all of Israel.

The Iron Dome is just one of the ways the United States supports Israeli missile defense. The Arrow Weapons System and David Sling protect Israel from medium and long distance threats to the country's existence.

We are developing these systems in cooperation with the Israeli government, so we can harvest the technology for future American systems. Our backing is important to keep the deployment of these systems on track as they must keep pace with the aggressive development of threat missiles.

As the markup of the various defense bills moves ahead this month and next, I urge my colleagues to fully support the accelerated deployment of anti-missile systems vital to the survival of our Israeli allies.

TAIWAN'S PRESIDENTIAL INAUGURATION

Mr. WICKER. Mr. President, I congratulate President Ma Ying-jeou on his inauguration as President of Taiwan. From his education at Harvard University, to becoming the youngest cabinet minister in the history of Taiwan, to his election to the Presidency of Taiwan in 2008, President Ma has faced difficult challenges. As Justice Minister he took on the task of rooting out political corruption. As President he has faced the daunting charge of navigating Taiwan through the economic downturn, and after just a few years Taiwan has seen successful economic growth. In addition, President Ma has made notable progress in improving cross-strait relations. During his first term, he successfully negotiated 16 trade agreements with the People's Republic of China, increasing economic cooperation between these two countries.

For all of his hard work and success, I congratulate President Ma and wish him well on his second term in office. I hope the U.S. and Taiwan can continue to advance our shared interests and goals and to strengthen our valued relationship.

ADDITIONAL STATEMENTS

GOLDEN GATE BRIDGE

• Mrs. BOXER. Later this month, California residents and visitors from around the world will gather to celebrate the 75th anniversary of a beloved California landmark: the Golden Gate Bridge.

The Golden Gate Bridge is without doubt one of the greatest structures of the 20th century. This seamless stretch of cables and steel beams was the vision of renowned bridge architect and

engineer Joseph Strauss, whose prior experience prepared him to design the longest suspension bridge of its day, which many said could never be built.

But built it was, even in the middle of the Great Depression. After more than 4 years of construction, the Bridge opened on May 27, 1937. Hailed as an architectural masterpiece for its complex construction and structural elegance, it soon became a cornerstone of ground transportation in the Bay Area, carrying passengers and commerce between San Francisco and its neighbors to the north.

The Golden Gate Bridge is much more than a transportation corridor or engineering marvel. With its breathtaking setting and dazzling golden-orange color, the Bridge is the iconic symbol of the San Francisco Bay Area, holding a unique place in the hearts and minds of residents and visitors alike. It is the gateway not just to the Bay Area but to the western United States.

During World War II, the Bridge gained fame as the last site our troops saw as they shipped off to fight in the Pacific and the first structure they saw when they arrived back home. In dozens of movies shot in San Francisco, the Bridge appears in the opening scenes to let you know immediately where you are: in one of the most beautiful places on earth.

This year the Golden Gate Bridge, Highway and Transportation District and the Golden Gate National Parks Conservancy—in cooperation with the National Park Service, the Presidio Trust, and the City and County of San Francisco—have launched a 75th anniversary program, with 75 tributes to celebrate the countless ways in which the Bridge connects people and places.

On May 27th, the anniversary season will culminate in a Golden Gate Festival, with events along the San Francisco waterfront from Fort Point to Pier 39. With the theme of “Bridging Us All,” this community celebration will honor a beloved landmark that represents and reflects the ingenuity, inclusiveness, and creativity of the San Francisco Bay Area.●

TRIBUTE TO SISTER JEANNETTE MURRAY

● Mr. CARDIN. Mr. President, today I wish to honor the life and legacy of Sister Jeannette Murray, Order of Saint Benedict, who cofounded the Benedictine School in Ridgely, MD. According to Sister Jeannette, it has always been her lifetime dream to provide a complete and total program that will meet the needs of individuals with developmental disabilities. She has more than accomplished that goal. The Sisters of St. Benedict recognized the need for a school that would educate children and young adults with developmental disabilities and established

the Benedictine School in 1959 with 19 students. Since that time, the school has provided comprehensive services for more than 1,000 individuals, including those with no meaningful family support. In 2009, the Benedictine School celebrated 50 years as a nationally recognized, accredited, and cost-effective living and learning environment for children and adults with developmental disabilities. Most recently, Sister Jeannette led the charge for the school’s therapeutic aquatic center, spearheaded a \$10 million campaign for capital projects and endowments, and challenged the community to realize her dream of providing 24/7 care for aging loved ones. In April 2012, the Benedictine School broke ground for Senior Homes, “universal design” homes for seniors with disabilities that will offer around-the-clock care.

Earlier this year, Sister Jeannette retired as executive director of Benedictine School, and on June 24 she is being honored by the community—donors, students, residents, civic and community leaders—for her work on behalf of the developmentally disabled. Sister Jeannette has made a tremendous difference in the lives of her students and their families and to all who hear and believe in her work. Her dream has benefitted not only her students and their families but also the larger community.

I hope my colleagues will join me in thanking Sister Jeannette Murray—the “little woman with the huge heart” as the parents of her students call her—for her vision, dedication, and service and in wishing her well in her retirement as she continues to inspire others to share her vision “to see people with developmental disabilities living meaningful, personally satisfying and well supported lives in the community of their choice.”●

REMEMBERING GARY LUKASIEWICZ

● Mr. CASEY. Mr. President, today I wish to honor Gary Lukasiewicz, an 18 year old senior at Riverside High School in Taylor, PA, who passed away Saturday, May 19, 2012 after a courageous battle against cancer.

Born on November 15, 1993 to Chester and Cheryl Lukasiewicz, Gary excelled in everything he did. He was a varsity athlete in multiple sports, a member of the National Honor Society, and the President of his class. After being diagnosed with cancer, Gary bravely waged a two-year fight against the disease and inspired Northeastern Pennsylvania and the Nation. A Twitter hashtag “Keep Fighting Gary” was spread by tens of thousands of Twitter users and seen by countless more.

The day before Gary passed, he was able to find the strength to attend his senior prom, where he was crowned “Prom King.” As Gary’s family and

friends mourn his loss, we offer our condolences and we pray that they find comfort in their love for Gary and memories of him. May we all remember Gary’s grit and determination as we struggle to understand his loss.

May God bless the Lukasiewicz family, Gary’s friends, and the entire Riverside High School community and let them never forget how Gary and his strength affected their lives.●

RECOGNIZING THE HARTFORD FOUNDATION

● Mr. LIEBERMAN. Mr. President, today I wish to congratulate the Hartford Foundation for Public Giving on having been named the Bronze Award winner for excellence in communications by the 2012 Wilmer Shields Rich Awards Program. This award, which is given out by the National Council on Foundations, recognizes those organizations that develop top-notch communications plans to increase attention and support for nonprofit foundations and corporate giving programs. Increasing public awareness of these organizations helps them to better serve the community.

The Hartford Foundation for Public Giving received this honor for its 2010 annual report, “Creating Brighter Futures.” This report focused on the foundation’s 25-year, \$30 million initiative to improve school readiness and success in early grades for Hartford children. The award—one of 12 awarded out of 140 entries in 4 categories—was presented during the Council on Foundations Annual Conference, April 29 to May 1, in Los Angeles.

Of course, this award did not come as a surprise to me, considering all the great work the foundation has done in the Hartford region. Founded in 1925, the Hartford Foundation for Public Giving is the community foundation for Hartford and 28 other towns in Connecticut’s capital region. Devoted to enhancing the quality of life in the region, the foundation provides grants and other support to a broad range of nonprofit organizations, helps donors make effective charitable giving decisions, and brings people together to discuss important community issues. The foundation has awarded \$532 million since opening its doors in 1925 in grants in the areas of arts and culture, children and youth, education, health, housing and economic development, and family and social services.

I am proud to honor the Hartford Foundation for Public Giving on having been named the Bronze Award winner for excellence in communications by the 2012 Wilmer Shields Rich Awards Program. I thank Linda Kelly, the foundation’s president and CEO, and everyone else involved in the foundation for all they have done for the people of the Hartford region.●

RECOGNIZING HAMILTON COLLEGE

• Mrs. GILLIBRAND. Mr. President, today I wish to honor one of New York's finer institutions of higher education, Hamilton College in Clinton, NY. On Saturday, May 26, 2012, Hamilton College will celebrate its 200th anniversary as a chartered institution of higher education in the State of New York.

Founded in 1793, by the Reverend Samuel Kirkland, missionary to the Oneida Indians, the college was originally called the Hamilton-Oneida Academy. Samuel Kirkland presented his proposal for the academy to President George Washington who expressed approbation and to Secretary of the Treasury Alexander Hamilton who consented to be a trustee of the new school, to which he also lent his name.

On May 26, 1812, Hamilton College received its charter from the Regents of the University of the State of New York "for the instruction and education of youth, in the learned languages and liberal arts and Sciences." The third college to be established in New York State, it is today among the oldest in the Nation. Originally an all-male institution, Hamilton taught a traditional classical curriculum focusing on Greek, Latin, philosophy, religion, history, mathematics, and stressing the importance of public speaking.

In 1978, Hamilton College merged with all-female Kirkland College to form one coeducational institution of higher learning dedicated to academic freedom and the pursuit of truth. Alumni of Hamilton College are some of the most distinguished individuals and include public servants at every level. Among them are a former Vice President, numerous U.S. Senators and Representatives, U.S. district and appellate court justices, Cabinet members, ambassadors, Governors and State, county and local officials.

Hamilton College also boasts alumni recipients of the Noble Prize, the Presidential Medal of Freedom, and the Pulitzer Prize; and its graduates are among the Nation's most prominent business leaders, scientists, artists, teachers, lawyers, entrepreneurs, entertainers, writers, journalists as well as my brother.

Hamilton College is known for teaching its students to express their ideas with clarity and precision, to think creatively and analytically, and to act ethically and with conviction.

Mr. President, today, I ask all Members of this esteemed body to join me in celebrating Hamilton College's 200th anniversary. Here is to another 200 years.●

CONGRATULATING LINCOLN HIGH SCHOOL

• Mr. MERKLEY. Mr. President, I rise today to congratulate the Lincoln High School Constitution team of Portland,

OR for winning the "We the People: The Citizen and the Constitution" national finals. The "We the People" competition requires high school students to illustrate their knowledge of the U.S. Constitution through a rigorous set of simulated congressional hearings.

These amazing students had the drive and commitment to master the U.S. Constitution. Lincoln High students, their teachers, and coaches put in hundreds of hours on weekdays, weeknights, and weekends to reach this point. The team, made up of 36 students and 9 teachers and volunteers, continues to exemplify excellence and is part of a storied history. Lincoln High School has now won the national competition 4 times, the Oregon State championship 16 times, and finished in the top 10 at nationals 9 times in its 25 year history.

I wish to again, congratulate the students on the Lincoln High School Constitution team, their teachers, and their supporters on their victory at the "We the People" national finals.●

RECOGNIZING WALNUT HILLS HIGH SCHOOL

• Mr. PORTMAN. Mr. President, today I wish to honor Walnut Hills High School of Cincinnati, OH, for being named the No. 1 high school in Ohio by U.S. News and World Report and the American Institutes for Research. This achievement highlights the hard work and dedication of the staff, students, and parents of Walnut Hills.

Walnut Hills High School first opened its doors in 1895. By 1918, the school had dedicated itself to preparing students for college admission in the liberal arts. The Walnut Hills High School program became so popular that the school was expanded in 1931 to accommodate more students. My dad was a proud graduate.

Walnut Hills High School prides itself on a diverse faculty and student body striving for excellence in education. The school's motto best reflects its attitude toward education: *Sursum ad Summum*, "Rise to the Highest."

Mr. President, I recognize Walnut Hills High School for the honorable achievement of being named the No. 1 high school in Ohio.●

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3220. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3221. A bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, of South Dakota, from the Committee on Appropriations, without amendment:

S. 3215. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112-168).

By Ms. LANDRIEU, from the Committee on Appropriations, without amendment:

S. 3216. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112-169).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 3212. A bill to require the Secretary of Health and Human Services to promulgate regulations regarding the authorship, content, format, and dissemination of Patient Medication Information to ensure patients receive consistent and high-quality information about their prescription medications and are aware of the potential risks and benefits of prescription medications; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Ms. LANDRIEU):

S. 3213. A bill to amend the Small Business Act with respect to goals for procurement contracts awarded to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU (for herself, Mr. LIEBERMAN, Mr. KERRY, and Mr. HARKIN):

S. 3214. A bill to strengthen entrepreneurial education, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. JOHNSON of South Dakota:

S. 3215. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. LANDRIEU:

S. 3216. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MORAN (for himself, Mr. WARNER, Mr. COONS, Mr. RUBIO, and Mr. BLUNT):

S. 3217. A bill to jump-start the economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on Finance.

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 3218. A bill to improve the coordination of export promotion programs and to facilitate export opportunities for small businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS (for himself, Mrs. BOXER, and Mr. BEGICH):

S. 3219. A bill to restrict conflicts of interest on the boards of directors of Federal reserve banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Mr. MERKLEY, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. SANDERS, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, Mr. KERRY, Ms. LANDRIEU, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. COONS, Mr. LAUTENBERG, Ms. CANTWELL, and Mr. INOUE):

S. 3220. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

By Mr. RUBIO (for himself, Mr. ENZI, Mr. DEMINT, Mr. RISCH, Mr. THUNE, Mr. LEE, Mr. VITTER, Mr. HATCH, Mr. ISAKSON, and Mr. COBURN):

S. 3221. A bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees; read the first time.

By Ms. LANDRIEU:

S. 3222. A bill to establish a pilot program to accelerate entrepreneurship and innovation by partnering world-class entrepreneurs with Federal agencies; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 543

At the request of Mr. WYDEN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 577

At the request of Mr. VITTER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 577, a bill to amend the Internal Revenue Code of 1986 to clarify eligibility for the child tax credit.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 865

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 865, a bill to provide grants to promote financial literacy.

S. 1281

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1281, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1734

At the request of Mr. CORKER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1734, a bill to provide incentives for the development of qualified infectious disease products.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1904

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1904, a bill to provide information on total spending on means-tested welfare programs, to provide ad-

ditional work requirements, and to provide an overall spending limit on means-tested welfare programs.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1963

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1963, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

S. 1979

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 2032

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2032, a bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers.

S. 2076

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2156

At the request of Mr. BEGICH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2156, a bill to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2194

At the request of Mr. COONS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2194, a bill to award grants in order to establish longitudinal personal college readiness and savings online platforms for low-income students.

S. 2205

At the request of Mr. MORAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2239

At the request of Mr. NELSON of Florida, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2282

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2282, a bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

S. 2296

At the request of Mrs. HAGAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2296, a bill to amend the High-

er Education Opportunity Act to restrict institutions of higher education from using revenues derived from Federal educational assistance funds for advertising, marketing, or recruiting purposes.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 2371

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3053

At the request of Mr. INHOFE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 3053, a bill to require Regional Administrators of the Environmental Protection Agency to be appointed by and with the advice and consent of the Senate.

S. 3078

At the request of Mr. PORTMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

S. 3210

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3210, a bill to amend title 38, United States Code, to modify the treatment under contracting goals and preferences of the Department of Veterans Affairs for small businesses owned by veterans of small businesses after the death of a disabled veteran owner, and for other purposes.

S.J. RES. 40

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S.J. Res. 40, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rules submitted by the Department of the Treasury and the Internal Revenue Service relating to the reporting requirements for interest that relates to the deposits maintained at United States offices of certain financial institutions and is paid to certain nonresident alien individuals.

S. RES. 455

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Res. 455, a resolution designating June 27, 2012, as "National Post-Traumatic Stress Disorder Awareness Day".

AMENDMENT NO. 2107

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2107 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2108

At the request of Ms. MURKOWSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2108 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2118

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2118 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Mr. LIEBERMAN, Mr. KERRY, and Mr. HARKIN):

S. 3214. A bill to strengthen entrepreneurial education, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today during National Small Business Week to discuss a strong, widely-supported bill that I filed today with the help of Senators LIEBERMAN, KERRY, and HARKIN. Over

the past several months, as Chair of the Committee on Small Business and Entrepreneurship, I have held three roundtables focused on strengthening the entrepreneurial ecosystem in the United States. We heard from entrepreneurs, small business owners, academics, local and Federal officials, and regulators, and we built quite a long list of strong ideas that we can implement or facilitate legislatively. I have converted many of these ideas into legislative proposals that I will file this week and markup soon in my Committee.

We have included several of such proposals in Today's Entrepreneurs are America's Mentors Act, or what I refer to as the TEAM Act. The TEAM Act addresses the domain of "Mentorship" in our entrepreneurial ecosystem. Its four provisions aim to nurture young Americans' innate entrepreneurial skills from the elementary school classroom through postgraduate business school and onward. We want to create jobs, and for posterity's sake we must begin with our young entrepreneurs. This bill will strengthen America's entrepreneurial ecosystem by empowering the Small Business Administration's, SBA, Office of Entrepreneurial Education, OEE, and invigorating students of all ages, entrepreneurs and mentors throughout the country. We want you to join the TEAM.

President Bush created the SBA OEE administratively in 2008. Currently, the OEE receives \$131,000 in annual funding. This OEE funding sustains its oversight of the successful SCORE nonprofit association, comprised of 11,500 volunteer business counselors throughout the United States. The TEAM Act will formally authorize the SBA OEE and create a program, aside from overseeing SCORE, to conduct entrepreneurial education outreach and mentorship in K-12 schools and will be required to work with existing groups in the entrepreneurial education space. These groups are not-for-profit organizations, for-profit companies, community civic organizations, and SBA resource partners. We do not want to reinvent the wheel or allow for some bureaucratic intrusion. We simply want the SBA OEE to act on what its title suggests and coordinate among these already successful groups and facilitate and sustain the great momentum they have built in entrepreneurial education.

Second, the OEE will administer a scholarship program for MBA students to counsel local startup companies and small businesses. With a \$1,500 scholarship, 100 MBA students from around the country could share what they are learning in business school with small business owners near the school. The selected applicants would offer free technical assistance, TA, financial planning, and sustainable business

practices. This scholarship program would scale up on the national level a successful program pioneered by the Idea Village in New Orleans. We know something about innovative entrepreneurship in Louisiana: Forbes magazine named New Orleans the "Biggest Brain Magnet" of 2011 and the second "Best City for Jobs;" in 2010, the Brookings Institute reported that the entrepreneurial activity in New Orleans is 40 percent above the national average; and Inc. Magazine called New Orleans the "Coolest Startup City in America." With all that said, I do not mind borrowing a few good ideas from the innovators in my hometown.

Third, the OEE would, in consultation with the Secretary of Education, give Congress a report on a possible correlation between record high student debt and record high youth unemployment and whether or not student debt deters someone from starting a business. If the OEE does find a correlation, the study should provide Congress some recommendations for legislation to address it in a manner that assists entrepreneurship.

Finally, the TEAM Act also requires the SBA to sponsor competitions, through its ten Regional Offices, in which local entrepreneurs, inventors, and small businesses compete to solve local public-private challenges. There would be a \$50,000 grant for each region's winning idea. The idea for these ten competitions is modeled after both the "Water Challenge" sponsored by New Orleans's Idea Village and the national mobile app competition for college students run by the Department of Health and Human Services.

Now that you understand the provisions in the TEAM Act, let me read out a long list of supporters. These organizations have been instrumental in providing my Committee with their ideas and perspectives on how best to help young entrepreneurs with this legislation. Most are national groups that have worked for decades on teaching young Americans entrepreneurship and the importance of financial literacy and good business practices. Others are local, but nationally recognized groups with a national impact on jobs creation.

The TEAM Act has also received endorsements from Girl Scouts of America, Venture for America, and Mayor's Office, City of New Orleans.

We urge all of my colleagues here in the Senate to join us on the TEAM to promote entrepreneurial education and nurture the entrepreneurial spirit inside all young Americans. The TEAM Act will help students, entrepreneurs, and small business owners in all 50 States.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Today's Entrepreneurs are America's Mentors Act" or the "TEAM Act".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. OFFICE OF ENTREPRENEURIAL EDUCATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 (15 U.S.C. 631 note) as section 46; and

(2) by inserting after section 44 (15 U.S.C. 657q) the following:

"SEC. 45. ENTREPRENEURIAL EDUCATION.

"(a) OFFICE OF ENTREPRENEURIAL EDUCATION.—

"(1) IN GENERAL.—There is in the Administration an Office of Entrepreneurial Education, which shall develop and provide innovative entrepreneurial information, education, and resources, to promote prospective entrepreneurs and successful small business concerns.

"(2) DIRECTOR.—The head of the Office of Entrepreneurial Education is the Director of the Office of Entrepreneurial Education, who shall report to the Associate Administrator for Entrepreneurial Development.

"(3) DUTIES.—The Director of the Office of Entrepreneurial Education shall—

"(A) manage the online courses, online publications, and other online resources provided by the Administration to entrepreneurs and small business concerns;

"(B) manage the youth entrepreneurship programs of the Administration, including—

"(i) online resources for youth entrepreneurs; and

"(ii) coordination and outreach with entrepreneurial development service providers that provide counseling and training to youth entrepreneurs desiring to start or expand small business concerns;

"(C) coordinate with nonprofit and other private sector partners to share educational materials on money management and financial literacy for entrepreneurs and small business concerns; and

"(D) provide assistance and courtesy services to individuals and foreign dignitaries visiting the United States who are interested in issues relating to entrepreneurs and small business concerns.

"(b) NATIONAL PRIMARY AND SECONDARY SCHOOL ENTREPRENEURIAL EDUCATION PROGRAM.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Today's Entrepreneurs are America's Mentors Act, the Associate Administrator for Entrepreneurial Development (referred to in this subsection as the 'Associate Administrator') shall establish a program under which the Associate Administrator may make grants to nonprofit organizations, including small business development centers, SCORE chapters, women's business centers, and other resource partners of the Administration, to

provide technical assistance to primary and secondary schools for the development and implementation of curricula and mentoring programs designed to promote entrepreneurship.

“(2) APPLICATION.—A nonprofit organization desiring a grant under this subsection shall submit to the Associate Administrator an application that contains—

“(A) a description of the goals of the project to be funded using the grant;

“(B) a list of any partners that plan to participate in the project to be funded using the grant; and

“(C) any other information that the Associate Administrator determines is necessary.

“(3) REPORT.—Not later than 1 year after the date on which a nonprofit organization receives a grant under this subsection, the nonprofit organization shall submit to the Associate Administrator a report that describes—

“(A) the individuals assisted using the grant;

“(B) the number of jobs created or saved through the use of the grant; and

“(C) any other information concerning the use of the grant that the Associate Administrator may require.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$3,000,000 for each of fiscal years 2013, 2014, and 2015.”

(b) REPORT ON BEST PRACTICES OF ENTREPRENEURIAL EDUCATION AND TRAINING PROGRAMS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Entrepreneurial Education shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that describes best practices of entrepreneurial education and training programs throughout the United States.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of any programs that the Director of the Office of Entrepreneurial Education determines are exemplary, including national programs, regional programs, State programs, and local programs; and

(B) a summary of entrepreneurial education and training programs carried out by—

- (i) the Federal Government;
- (ii) State and local governments; and
- (iii) as nonprofit organizations and private sector groups.

SEC. 4. MASTER OF BUSINESS ADMINISTRATION SCHOLARSHIP PILOT PROGRAM.

(a) IN GENERAL.—The Administrator may award not more than 100 scholarships of not more than \$1,500 on a merit-reviewed, competitive basis to students who are pursuing a Masters of Business Administration degree.

(b) REQUIREMENTS.—

(1) AGREEMENT TO PROVIDE ASSISTANCE.—A student receiving a scholarship under subsection (a) shall enter into an agreement with the Administrator under which the student shall, during the fiscal year during which the student receives the scholarship, provide free technical assistance, counseling, and other assistance to small business concerns and entrepreneurs on a full-time basis for a period of 1 or 2 weeks.

(2) REQUIREMENTS.—The Administrator shall ensure that—

(A) not less than 50 percent of the students receiving a scholarship under subsection (a) are students at an institution of higher education (as defined in section 101 of the Higher

Education Act of 1965 (20 U.S.C. 1001)) where entrepreneurship opportunities are limited;

(B) the activities carried out under agreements under paragraph (1) support a variety of small business concerns and entrepreneurial projects, including independent investigator-led projects, interdisciplinary projects, and multi-institutional projects (including virtual projects); and

(C) each student receiving a scholarship under subsection (a) has a mentor to help the student relate the academic course of study of the student to the assistance to be provided under the agreement under paragraph (1).

(3) DATA COLLECTION.—A student receiving a scholarship under subsection (a) and a small business concern or entrepreneur receiving assistance under an agreement under paragraph (1) shall agree to provide to the Administrator information relating to the use and result of the assistance provided and employment status until the end of the 3-year period beginning on the expected graduation date of the student.

(c) FAILURE TO COMPLY WITH AGREEMENT.—If a student receiving a scholarship under subsection (a) fails to comply with the agreement entered under subsection (b)(1), the amount of the scholarship received by the student shall, upon a determination of such a failure, be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), and shall be subject to repayment, together with interest thereon accruing from the date of the award, in accordance with terms and conditions specified by the Administrator (in consultation with the Secretary of Education) in regulations under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator \$200,000 for each of fiscal years 2013 through 2015 to carry out this section.

(e) SUNSET.—The Administrator may not award a scholarship under this section after September 30, 2015.

SEC. 5. REGIONAL ENTREPRENEURIAL COMPETITIONS.

(a) IN GENERAL.—The Administrator, acting through the Associate Administrator for Field Operations, shall establish a program to host regional competitions and a national conference to address regional challenges through entrepreneurial research and business planning.

(b) PROGRAM REQUIREMENTS.—

(1) REGIONAL OFFICES.—The regional administrator of each regional office of the Administration shall—

(A) identify a prominent public-private issue that challenges a broad range of individuals in the region;

(B) sponsor a single regional competition among local small business concerns, inventors, and entrepreneurs under which persons or groups of persons submit research and business plans to address the issue identified under subparagraph (A);

(C) provide outreach to universities, colleges, business communities, industry leaders and organizations, and nonprofit organizations to promote the competition and to request proposals for research and business plans;

(D) in coordination with the Director of the Office of Entrepreneurship Education, select the 3 research or business plans that best address the issue identified under subparagraph (A); and

(E) submit to the Administrator a report that contains the research or business plans selected under subparagraph (D).

(2) CONFERENCE.—

(A) IN GENERAL.—The Administrator, acting through the Associate Administrator for Field Operations, shall organize a single national conference for the presentation of the research and business plans selected under paragraph (1)(D) by the regional administrators.

(B) PANEL.—

(i) IN GENERAL.—The Administrator shall designate 11 employees of the Administration to serve on a panel that shall select, from among the research and business plans presented at the conference, 1 plan from each region that best addresses the issue identified under paragraph (1)(A) for that region.

(ii) MEMBERS.—The Administrator shall designate as a member of the panel under clause (i)—

(I) 1 employee of the principal office of the Administration; and

(II) 1 employee from each of the regional offices of the Administration.

(3) GRANT.—

(A) IN GENERAL.—The Administrator shall award a grant of \$50,000 to each person or group of persons who submitted a plan selected under paragraph (2)(B).

(B) REPORT.—Not later than 1 year after the date on which the Administrator awards a grant under subparagraph (A), the recipient of the grant shall submit to the Administrator a report on the use of the grant.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator \$750,000 to carry out this section.

SEC. 6. STUDY ON ENTREPRENEURIAL DEFERMENT OF STUDENT LOANS.

Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Education, shall submit to Congress a report that includes detailed recommendations for legislation—

(1) establishing a program to forgive student loans in a manner that assists youth entrepreneurship by making available capital for business formation; and

(2) establishing a program to defer student loan repayments in a manner that assists youth entrepreneurship by making available capital for business formation.

MAY 18, 2012.

DEAR SENATOR LANDRIEU: It is with great enthusiasm that I submit this letter of support for Today's Entrepreneurs are America's Mentors (TEAM) Act.

Over a decade ago New Orleans was in a downward spiral, failing in all relevant areas of community vitality: education, jobs, health and crime. As a result, there was an exodus of talent; from 1990–2000 over 41,000 23–35 year olds left the State of Louisiana. This “brain drain” created a vacuum of innovative thinking needed to redirect the economy and to address critical social issues.

The Idea Village formalized as an independent 501c (3) nonprofit in 2002 to address the “brain drain” with a mission to identify, support and retain entrepreneurial talent in New Orleans. What began as a small group of local entrepreneurs has evolved into an engaged global entrepreneurial ecosystem of over 2,028 CEOs, professionals, investors, MBA and high school students, corporations, entrepreneurs and civic leaders who have invested over 56,949 hours of mentorship and \$3.3 million in seed capital in 1798 New Orleans entrepreneurs. This network has helped create over 1,006 jobs and \$83 million in annual revenue.

Today New Orleans is at a tipping point and the movement that started in 2000 is

showing measurable results. The August 2009 issue of Entrepreneur Magazine described New Orleans as a blueprint of economic recovery through entrepreneurship, and in April 2011, an article in Inc.com called New Orleans the "coolest startup city in America." A 2011 Forbes article named New Orleans the "#1 brain magnet in the country" and the "#2 best big city for jobs." During the second annual New Orleans Entrepreneur Week in March 2010, noted author and historian Walter Isaacson said, "New Orleans is a brain magnet instead of a place that will suffer a never-ending brain drain."

Two of The Idea Village's most impactful programs that can be duplicated nationally are IDEAcorns and Entrepreneur Challenge Competitions:

1. IDEAcorns is an MBA service learning program started in the wake of Hurricane Katrina as bright MBA students around the nation descended on New Orleans to utilize their business skills to help local entrepreneurs execute high impact projects. Since 2008, 15 national business schools and 596 MBA students have participated in IDEAcorns. Participating universities include: Stanford, Harvard, Yale, Dartmouth, Cornell, Duke, Berkeley, DePaul, MIT, Columbia, Tulane, Loyola, University of Pennsylvania, University of Chicago and Xavier Labour Relations Institute in India.

2. Entrepreneur Challenge Competitions have become an impactful way to provide entrepreneurs with much-needed resources while also galvanizing the community to develop for-profit solutions to regional problems. The Idea Village began this program by working with local partners to launch the Water Challenge in 2011, a six month intensive start up accelerator for entrepreneurs solving serious water management issues. The Water Challenge culminates in a \$50,000 pitch competition during the annual New Orleans Entrepreneur Week in March, bringing together entrepreneurs, industry experts, investors, students and civic leaders to support innovative solutions to local challenges. In addition, The Idea Village has executed an Education Challenge to encourage entrepreneurs to find innovative solutions to closing the education gap.

Entrepreneurial ecosystems require consistent support and nurture from the entire community. The Today's Entrepreneurs are America's Mentors (TEAM) Act is an excellent step towards infusing entrepreneurship throughout our communities and nation and I urge the Senate to give all due consideration to this legislation.

Sincerely,

TIM WILLIAMSON,
Cofounder & CEO,
The Idea Village.

EMPACT,
New York, NY, May 21, 2012.

Senator MARY L. LANDRIEU,
Chair, Committee on Small Business & Entrepreneurship, Washington, DC.

DEAR CHAIR LANDRIEU: My name is Michael Simmons, and I'm the Co-Founder and CEO of Empact, one of the leading youth entrepreneurship education organizations in the U.S.

Over the last six years, we've held entrepreneurship conferences on over 500 college campuses and high schools featuring the country's top young entrepreneurs. In addition, we've held a 300-person, invite-only, annual Summit for the entrepreneurship education industry at the U.S. Chamber of Commerce, White House, and Capitol Hill featuring the field's top leaders. Our work with

Chair Landrieu and the Committee on Small Business and Entrepreneurship began at the Capitol Hill portion of our Summit in 2011.

Through our work in these areas, our company has seen the large unmet need in exposing today's youth to entrepreneurship as a viable career path. We are in full support of the Today's Entrepreneurs are Mentors (TEAM) Act, as we believe it will have a large, positive impact on the entrepreneurship education field and help fill this unmet need.

Specifically, I believe the TEAM Act will help lead to a new generation of young people who look at problems as opportunities rather than stopping points. I am particularly in favor of the recreation of a program within the Office of Entrepreneurial Education that would conduct outreach and mentorship in K-12 schools.

Sincerely,

MICHAEL SIMMONS,
Co-Founder and CEO.

MAY 21, 2011.

Hon. MARY LANDRIEU,
Chair of the Committee on Small Business and Entrepreneurship, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR LANDRIEU: We are writing to commend your work to reduce barriers to youth entrepreneurship in America and express our strong support for the TEAM Act. The "Today's Entrepreneurs are America's Mentors" Act contains a number of strong provisions that can provide that vital boost young adults need to start a business and find new economic opportunity. The TEAM Act reflects an important investment in the future of our country, and in the potential of this younger generation to be drivers of innovation and job creation.

In particular, the TEAM Act contains some of the key priorities that Young Invincibles and our partners in the entrepreneurship space have advocated for as part of the Youth Entrepreneurship Act (www.YouthEntrepreneurshipAct.com). The TEAM Act helps to increase the SBA's focus on young entrepreneurs by providing badly needed support for the Office of Entrepreneurial Education. This office has tremendous potential to support and expand some of the strong entrepreneurship education models that have already sprung up in high schools, community colleges, and universities across the country. The TEAM Act also strengthens support for entrepreneurship competitions, which have been a great and cost-efficient way to introduce young adults to the challenge of starting a successful business.

Finally, the TEAM Act requires the SBA to study and issue detailed recommendations to Congress on the feasibility of a student loan forgiveness and deferment program for people who start businesses. Young Invincibles has outlined this innovative policy idea in our Youth Entrepreneurship Act, and it has found considerable support among young adults as a way to address a major hurdle for young adults trying to start a business: the tens of thousands in student loans that are all too common for recent graduates. During our recent 20-state bus tour, we heard directly from young entrepreneurs struggling to pay back student loans and stand-up a new business simultaneously. We look forward to working with the SBA and Congress to advance and study this promising idea.

Thank you again for your support of America's young innovators.

Sincerely,

AARON SMITH,
Co-Founder & Executive Director,
Young Invincibles.

Re Support for TEAM Act.

MARY LANDRIEU,
U.S. Senator, Dirksen Senate Office Bldg.,
Washington, DC.

DEAR SENATOR LANDRIEU: Thank you for your support of entrepreneurship as a critical tool in economic development. I'm excited to endorse your efforts to authorize the Small Business Administration's Office of Entrepreneurial Education (OEE). Entrepreneurship Education is essential to DECA's mission to develop emerging leaders and entrepreneurs.

The Office of Entrepreneurial Education will strengthen small businesses, the backbone of our economy through partnerships with DECA and other entrepreneurship education organizations. It will provide new avenues to reach high school and college students with the exciting opportunities they have to create their own future through entrepreneurship.

Thank you again for your leadership in this effort.

Sincerely,

EDWARD L. DAVIS,
Executive Director,
DECA Inc.

MAY 18, 2012.

CHAIR LANDRIEU AND THE SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: As founder of the Young Entrepreneur Council, an invite-only nonprofit organization comprised of several hundred of America's top young entrepreneurs, I write today to express how proud we are to support your efforts to strengthen the youth entrepreneurship ecosystem with proposals included in the TEAM Act.

Since its inception in 2010, the YEC has promoted entrepreneurship as a means to overcome unemployment and underemployment by providing students and aspiring entrepreneurs with access to tools, peer-to-peer mentorship and resources to support each stage of a business' development and growth. Provisions of the TEAM Act will go a long way toward helping the thousands of young people we mentor each year achieve their goals—and spur new job creation.

Specifically, empowering the Small Business Administration's Office of Entrepreneurial Education (OEE) to conduct outreach and mentorship in K-12 schools will significantly impact the way we teach opportunity recognition to our youth, and regional SBA-sponsored entrepreneurial competitions will spur youth-led innovation at a relatively low cost to the government (but with the potential to lead to great gains in new jobs and businesses). The SBA Pilot MBA Scholarship program will change many lives, as has already been demonstrated in New Orleans, and we support the Senate Committee's vision for scaling the program nationally. Finally, a study on the effect of student loan deferment on youth entrepreneurship is timely and much-needed. Based on the obstacles facing young entrepreneurs that we've documented throughout our #FixYoungAmerica campaign, we believe that the results of this SBA-led study are the first step toward empowering young entrepreneurs burdened with student loan debt to create new businesses and jobs at a time when America needs it most.

With policy reforms such as the TEAM Act, the YEC can continue to speak out, educate, empower and improve our youth's ability to sustain themselves in today's challenging economy, and we are proud to voice our support for these importantly and timely efforts.

Sincerely,

SCOTT GERBER,
Founder,
Young Entrepreneur Council.

MAY 21, 2012.

CHAIR LANDRIEU AND THE SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: As Chief Executive Officer and President of the Network for Teaching Entrepreneurship (NFTE), I am happy to extend our organization's support to the TEAM Act and your efforts to strengthen the resources available to expand entrepreneurship education to all young people in our country.

For nearly 25 years NFTE has partnered with schools and local business leaders to bring entrepreneurship education to youth in some of our most challenged and under-resourced communities across the nation, and we've seen firsthand how this type of intensive, experiential programming can demonstrate the relevance of school, invest students in academic pursuits and unlock in young people their potential as entrepreneurs, scholars and leaders in their communities.

The provisions outlined in the TEAM Act will serve as powerful catalysts to grow the impact of the work NFTE and other like-minded organizations do, in particular, by further empowering the Small Business Administration's Office of Entrepreneurial Education (OEE) and creating a network of regional entrepreneurial competitions.

The young people we work with each day face many obstacles and the policy reforms contained in the TEAM Act will create a powerful platform of solutions and tools to support the achievement of their personal and professional goals. We are proud to support these important efforts.

Sincerely,

AMY ROSEN,
President and Chief Executive Officer, NFTE.

NATIONAL FFA CENTER,
Indianapolis, IN, May 21, 2012.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRWOMAN LANDRIEU: Today there are over 540,000 student members of FFA in nearly 7,500 high school programs across the United States studying agriculture, developing their leadership skills and preparing for career success through agricultural education. A key part of agricultural education is experiential learning experiences that provide a hands-on way for students to learn, develop their skills and apply the knowledge learned in the classroom to serve real-world problems. We have always put a high degree of focus on developing our students' knowledge and application of entrepreneurship education as away of helping them achieve their career goals.

As a Senator from Louisiana I am sure you have a special appreciation for the role of small business and the critical role entrepreneurs play in starting businesses and creating jobs in rural communities. Entrepreneurship is a critical part of agriculture and is particularly important to the development and sustainability of rural communities. It is vitally important that young people learn

and develop these skills in their earliest years to help them achieve success.

We support the expansion and increased focus of Entrepreneurship Education by the Small Business and Entrepreneurship Committee. We also encourage the committee to consider language in the bill that would direct, incentivize and enable the Small Business Administration to work with other agencies such as USDA, Department of Education and others in developing an inter-agency working group that can develop a more comprehensive plan and approach to K-12 Entrepreneurship Education. To the degree that we can participate in supporting that collaboration and planning we would be happy to do so.

Thank you for your leadership in recognizing the importance of this issue and for putting forward legislation that will increase the visibility and effectiveness of Entrepreneurship Education. It is important to young people, our communities, our nation and the world.

Sincerely,

KENT SCHESCKE,
Director of Strategic Partnerships.

COUNCIL OF GRADUATE SCHOOLS,
Washington, DC, May 21, 2012.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU, I am writing in support of Today's Entrepreneurs are America's Mentors (TEAM) Act, legislation that is intended to strengthen the U.S. entrepreneurial ecosystem by empowering the Small Business Administration's Office of Entrepreneurial Education and invigorating students of all ages, entrepreneurs and mentors throughout the country.

We are particularly supportive of the SBA Pilot MBA Scholarship program that would provide a scholarship/fellowship to MBA students. Scholarship recipients would provide free technical assistance, financial planning and sustainable business practices to local small businesses and start-up companies. This provision recognizes the increasing importance of graduate education in providing the highly skilled talent the nation needs to be successful in the 21st century global economy. The role of graduate education in preparing a highly skilled workforce was addressed in the landmark report, *The Path Forward: The Future of Graduate Education in the United States*. That report reviewed trends and vulnerabilities in our nation's system of graduate education and proposed a set of recommendations to strengthen the enterprise. The report and executive summary are available at <http://www.fge-report.org/>.

A recent report, *Pathways Through Graduate School and Into Careers*, proposed increased collaboration among business leaders and university leaders to develop and support the next generation of entrepreneurs and innovators and is available at <http://pathwaysreport.org/>. Both reports were produced by the Council of Graduate Schools and ETS under the guidance of commissions of business leaders and university leaders.

We would welcome the opportunity to work with you and your colleagues on exploring additional ways that U.S. graduate education, a strategic national asset, can support our nation's entrepreneurial enterprise. Thank you for your leadership in introducing this important legislation.

Regards,

DEBRA W. STEWART,
President.

JUNIOR ACHIEVEMENT USA,

Colorado Springs, CO, May 21, 2012.

Chairwoman MARY LANDRIEU,
Senate Small Business and Entrepreneurship Committee, Russell Senate Office Building, Washington, DC.

DEAR CHAIRWOMAN LANDRIEU, on behalf of Junior Achievement USA, I am writing in support of the proposed Today's Entrepreneurs are Mentoring (TEAM) act. This legislation would strengthen the federal entrepreneurship education outreach to our nation's schools and further empower groups like Junior Achievement to inspire students, entrepreneurs, and mentors throughout the United States.

With the job landscape of the 21st century continuously changing, an increased emphasis on entrepreneurial education for our nation's students is needed more than ever. The TEAM act appears to do just that. By encouraging the SBA Office of Entrepreneurial Education (OEE) to work with existing entrepreneurial outreach organizations, I believe more students will be inspired to take the innovative action needed to successfully compete in the world's marketplace.

As you may know, Junior Achievement (JA) annually prepares more than 4 million K-12 students across the United States. For close to 100 years, educating and training youth on entrepreneurship has been a vital component of JA's purpose as an organization. Along with financial literacy and work readiness, teaching students about entrepreneurship through hands on activities that promote an entrepreneurial spirit is woven into JA's programs. Since 1919, the JA Company Program has taught millions of students about the skills and responsibilities needed to start and run a business.

Given JA's history and scope of impact in the entrepreneurial education space, we stand ready to assist the OEE were your bill to become law. Thank you for introducing this important piece of legislation and we look forward to possibly working with you and your staff in the weeks and months ahead.

Sincerely,

JACK E. KOSAKOWSKI,
President and CEO.

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 3218. A bill to improve the coordination of export promotion programs and to facilitate export opportunities for small businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. SHAHEEN. Mr. President, this week we celebrate National Small Business Week. Small businesses are so important to job creation in this country. So much of the innovation that takes place in this country happens as the result of the work of small businesses. Two-thirds of the jobs we expect to be created to lead us out of the recession and through this recovery are going to be created by small businesses.

It is important that in this Chamber we do everything we can to support small businesses. I am pleased that I have been able to be a member of the Small Business Committee. I applaud the leadership of Senator LANDRIEU and Senator SNOWE, the chair and ranking

member, for all of the good work they have done for small business.

I can tell you from my own personal experience just how important small businesses are. My husband and I started our married life and for 8 years ran a family business. It put us both through graduate school and gave us a downpayment on a house. It employed a number of young people for 8 years. It taught me a lot about meeting a payroll and making sure we could take care of our employees, help make sure they had good jobs. So I have had that personal experience to make me understand just how critical small businesses are to our economy.

I am here on the floor also to talk about bipartisan legislation that my colleague from New Hampshire, Ms. AYOTTE, and I are introducing today to boost small business exporting.

Just as small businesses are the backbone of so much of this country's economy, they are clearly the backbone of New Hampshire's economy. It should come as no surprise to all of our constituents in New Hampshire that both Senator AYOTTE and I serve on the Small Business Committee because we know how important those businesses are to our State. We both recognize how critical it is for us as a delegation to work across the aisle and across Chambers when possible to help the small businesses in New Hampshire provide the good jobs the residents of New Hampshire need.

So I am glad Senator AYOTTE and I are working together to introduce legislation to help remove barriers to exporting for small businesses in New Hampshire and across the United States. The bill we are introducing today, the Small Business Export Growth Act, is the result of a Small Business Committee field hearing that we hosted together in Manchester, NH, last August. We held that hearing because we recognized that exports offer a tremendous opportunity for small businesses.

Unfortunately, for so many small businesses, those foreign markets have remained an untapped resource for most of them. Over 95 percent of the world's customers live outside of the United States, but only 1 percent of our small businesses export. That is a particularly shocking number when we compare to it large businesses because over 40 percent of large businesses sell their products overseas. So we have to do more to help our small businesses get into those international markets.

At our field hearing we heard about some of the barriers our small businesses face when they try to go global. Our legislation is an attempt to remove some of those barriers so that small businesses can access new sources of revenue and create jobs. One of the problems we heard about is that navigating the Federal bureaucracy can be a special challenge for small

businesses that wish to export. I know the Presiding Officer and I can both appreciate that because we know how hard it is for us to navigate the Federal bureaucracy.

Senator AYOTTE and I heard from two such New Hampshire companies that rely on State and Federal offices to help them export. I want to talk about one of those companies specifically. It is a company that is called Secure Care. Secure Care has developed a technology that protects Alzheimer's patients who may wander away from their home or their place of residence. It also protects newborns who are still in the maternity ward.

Grace Preston, who is the international sales manager for Secure Care, told us that the company has significantly expanded its growth by selling overseas. Grace also told us that Secure Care could not have done that without Federal and State export programs working together. In New Hampshire, we are very fortunate because our State and Federal export services work seamlessly, and that has been important in helping our businesses grow their exports.

In 2010 New Hampshire's exports grew about 40 percent. That was almost twice the national average and the most of any State in the country. So it has been very critical to our small businesses.

But we also heard that State and Federal agencies don't always have that same collaborative relationship in other places across the country. According to our former New Hampshire trade director, Dawn Wivell, these services sometimes, in some places, can overlap or, even worse, sometimes there are agencies that refuse to work together. Our bill attempts to require better coordination to make more successes like Secure Care a reality across the country.

Our bill also encourages the Federal Government to do more to promote the opportunity of exporting and to get the word out about Federal export programs.

Foreign markets can be daunting for small businesses, but that should not stop our innovators from trying to compete. Our small businesses must be assured that the Federal Government will help them when considering exporting. Part of our responsibility is to try to do everything we can to put into place policies that help small businesses when they want to try to export.

I thank Senator AYOTTE for her cooperation and for the work we have done together. I thank both Senator AYOTTE and her staff, along with mine, for working on this issue. I look forward to advancing this legislation in the Senate and to continue to recognize the important role that small business plays in our economy.

Ms. AYOTTE. Mr. President, I am pleased today to join my colleague

from New Hampshire, Senator SHAHEEN, in introducing the Small Business Export Growth Act, which would help small businesses better navigate the complex process of promoting and selling their goods abroad.

Senator SHAHEEN and I serve together on the Small Business Committee, and as she mentioned, we held a field hearing in Manchester, New Hampshire, last August to examine the role of exports in small business growth and job creation. We heard testimony from key national and New Hampshire-based stakeholders about ways to improve coordination among regulatory agencies, and how to ease the burdens faced by small business owners seeking to grow and export their products to foreign markets. The Small Business Export Growth Act represents a commonsense, bipartisan response to the issues identified at that hearing.

This legislation makes improvements to the operational efficiency of the Trade Promotion Coordinating Committee, TPCC, and improves Congressional oversight of the TPCC's activities. The bill also gives the Small Business Administration a larger voice in developing export policy and facilitates more networking opportunities for small businesses.

New Hampshire companies export to 160 countries and our exports are increasing at the fourth highest rate of any State. In fact, New Hampshire is leading the ten northeastern states in exports. Since 2003, New Hampshire exports have risen three times faster than the State's economy. Small businesses comprise over 96 percent of all New Hampshire firms, and it is imperative that we empower them with the tools they need to grow and hire. Opening markets around the world for our small businesses is an area in which we can find bipartisan agreement.

During the Manchester Small Business Week Forum I attended yesterday, I heard first-hand about the challenges small business owners are facing as they try to grow and create jobs in this tough economic climate. Exporting represents an enormous opportunity, not only for New Hampshire small businesses, but for small businesses across the country. The Small Business Export Growth Act will help smaller firms to compete in the global marketplace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2127. Mr. DURBIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table.

SA 2128. Mrs. GILLIBRAND (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2129. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2130. Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2131. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2132. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2133. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2134. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2135. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2136. Mr. BLUMENTHAL (for himself, Mr. FRANKEN, Mr. SCHUMER, Mr. CARDIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2137. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2138. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2139. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2140. Mr. SCHUMER (for himself, Mr. MERKLEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2141. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2142. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2143. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2144. Mr. HATCH (for himself, Mr. BURR, Mr. ALEXANDER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2145. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2146. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2147. Mr. HATCH (for himself, Mr. BROWN of Massachusetts, Mr. BURR, Mr.

COBURN, Mr. CORNYN, Mr. LUGAR, Mr. ROBERTS, Mr. HOEVEN, Mrs. HUTCHISON, Mr. LEE, Mr. WICKER, Mr. COATS, Mr. BARRASSO, Mr. TOOMEY, Mr. MORAN, Ms. COLLINS, Mr. INHOFE, Mr. BLUNT, Mr. PORTMAN, Mr. ALEXANDER, Ms. AYOTTE, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2148. Mr. KOHL (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, Mr. BROWN of Ohio, Mr. BINGAMAN, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2149. Mr. KOHL (for himself, Mr. GRASSLEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2127. Mr. DURBIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. REGISTRATION OF FACILITIES WITH RESPECT TO DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended by adding at the end the following:

“(6) REQUIREMENTS WITH RESPECT TO DIETARY SUPPLEMENTS.—

“(A) IN GENERAL.—A facility engaged in the manufacturing processing, packing, or holding of dietary supplements that is required to register under this section shall comply with the requirements of this paragraph, in addition to the other requirements of this section.

“(B) ADDITIONAL INFORMATION.—A facility described in subparagraph (A) shall submit a registration under paragraph (1) that includes, in addition to the information required under paragraph (2)—

“(i) a description of each dietary supplement product manufactured by such facility;

“(ii) a list of all ingredients in each such dietary supplement product; and

“(iii) a copy of the label and labeling for each such product.

“(C) REGISTRATION WITH RESPECT TO NEW, REFORMULATED, AND DISCONTINUED DIETARY SUPPLEMENT PRODUCTS.—

“(i) IN GENERAL.—Not later than the date described in clause (ii), if a facility described in subparagraph (A)—

“(I) manufactures a dietary supplement product that the facility previously did not manufacture and for which the facility did not submit the information required under clauses (i) through (iii) of subparagraph (B);

“(II) reformulates a dietary supplement product for which the facility previously submitted the information required under clauses (i) through (iii) of subparagraph (B); or

“(III) no longer manufactures a dietary supplement for which the facility previously submitted the information required under clauses (i) through (iii) of subparagraph (B),

such facility shall submit to the Secretary an updated registration describing the change described in subclause (I), (II), or (III) and, in the case of a facility described in subclause (I) or (II), containing the information required under clauses (i) through (iii) of subparagraph (B).

“(ii) DATE DESCRIBED.—The date described in this clause is—

“(I) in the case of a facility described in subclause (I) of clause (i), 30 days after the date on which such facility first markets the dietary supplement product described in such subclause;

“(II) in the case of a facility described in subclause (II) of clause (i), 30 days after the date on which such facility first markets the reformulated dietary supplement product described in such subclause; or

“(III) in the case of a facility described in subclause (III) of clause (i), 30 days after the date on which such facility removes the dietary supplement product described in such subclause from the market.”.

(b) ENFORCEMENT.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it is a dietary supplement for which a facility is required to submit the registration information required under section 415(a)(6) and such facility has not complied with the requirements of such section 415(a)(6) with respect to such dietary supplement.”.

SA 2128. Mrs. GILLIBRAND (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 9. PATIENT MEDICATION INFORMATION FOR PRESCRIPTION DRUGS.

(a) SHORT TITLE.—This section may be cited as the “Cody Miller Initiative for Safer Prescriptions Act”.

(b) PATIENT MEDICATION INFORMATION FOR PRESCRIPTION DRUGS.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505E, as added by this Act, the following:

“SEC. 505F. PATIENT MEDICATION INFORMATION FOR PRESCRIPTION DRUGS.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue regulations regarding the authorship, content, format, and dissemination requirements for patient medication information (referred to in this section as ‘PMI’) for drugs subject to section 503(b)(1).

“(b) CONTENT.—The regulations promulgated under subsection (a) shall require that the PMI with respect to a drug—

“(1) be scientifically accurate and based on the professional labeling approved by the Secretary and authoritative, peer-reviewed literature; and

“(2) includes nontechnical, understandable, plain language that is not promotional in tone or content, and contains at least—

“(A) the established name of drug, including the established name of such drug as a listed drug (as described in section 505(j)(2)(A)) and as a drug that is the subject

of an approved abbreviated new drug application under section 505(j) or of an approved license for a biological product submitted under section 351(k) of the Public Health Service Act, if applicable;

“(B) drug uses and clinical benefits;

“(C) general directions for proper use;

“(D) contraindications, common side effects, and most serious risks of the drug, especially with respect to certain groups such as children, pregnant women, and the elderly;

“(E) measures patients may be able to take, if any, to reduce the side effects and risks of the drug;

“(F) when a patient should contact his or her health care professional;

“(G) instructions not to share medications, and, if any exist, key storage requirements, and recommendations relating to proper disposal of any unused portion of the drug; and

“(H) known clinically important interactions with other drugs and substances.

“(c) **TIMELINESS, CONSISTENCY, AND ACCURACY.**—The regulations promulgated under subsection (a) shall include standards related to—

“(1) performing timely updates of drug information as new drugs and new information becomes available;

“(2) ensuring that common information is applied consistently and simultaneously across similar drug products and for drugs within classes of medications in order to avoid patient confusion and harm; and

“(3) developing a process, including consumer testing, to assess the quality and effectiveness of PMI in ensuring that PMI promotes patient understanding and safe and effective medication use.

“(d) **ELECTRONIC REPOSITORY.**—The regulations promulgated under subsection (a) shall provide for the development of a publicly accessible electronic repository for all PMI documents and content to facilitate the availability of PMI.”.

(c) **PUBLICATION ON INTERNET WEBSITE.**—The Secretary of Health and Human Services shall publish on the Internet website of the Food and Drug Administration a link to the Daily Med website (<http://dailymed.nlm.nih.gov/dailymed>) (or any successor website).

SA 2129. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. REGULATIONS ON CLINICAL TRIAL REGISTRATION; GAO STUDY OF CLINICAL TRIAL REGISTRATION AND REPORTING REQUIREMENTS.

(a) **DEFINITIONS.**—In this section—

(1) the term “applicable clinical trial” has the meaning given such term under section 402(j) of the Public Health Service Act (42 U.S.C. 282(j));

(2) the term “Director” means the Director of the National Institutes of Health;

(3) the term “responsible party” has the meaning given such term under such section 402(j); and

(4) the term “Secretary” means the Secretary of Health and Human Services.

(b) **REQUIRED REGULATIONS.**—

(1) **PROPOSED RULEMAKING.**—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director, shall issue a notice of proposed rulemaking for a proposed rule on the registration of applicable clinical trials by responsible parties under section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)) (as amended by section 801 of the Food and Drug Administration Amendments Act of 2007).

(2) **FINAL RULE.**—Not later than 180 days after the issuance of the notice of proposed rulemaking under paragraph (1), the Secretary, acting through the Director, shall issue the final rule on the registration of applicable clinical trials by responsible parties under such section 402(j).

(3) **LETTER TO CONGRESS.**—If the final rule described in paragraph (2) is not issued by the date required under such paragraph, the Secretary shall submit to Congress a letter that describes the reasons why such final rule has not been issued.

(c) **REPORT BY GAO.**—

(1) **IN GENERAL.**—Not later than 2 years after the issuance of the final rule under subsection (b), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the implementation of the registration and reporting requirements for applicable drug and device clinical trials under section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)) (as amended by section 801 of the Food and Drug Administration Amendments Act of 2007).

(2) **CONTENT.**—The report under paragraph (1) shall include—

(A) information on the rate of compliance and non-compliance (by category of sponsor, category of trial (phase II, III, or IV), whether the applicable clinical trial is conducted domestically, in foreign sites, or a combination of sites, and such other categories as the Comptroller General determines useful) with the requirements of—

(i) registering applicable clinical trials under such section 402(j);

(ii) reporting the results of such trials under such section; and

(iii) the completeness of the reporting of the required data under such section; and

(B) information on the promulgation of regulations for the registration of applicable clinical trials by the responsible parties under such section 402(j).

(3) **RECOMMENDATIONS.**—If the Comptroller General finds problems with timely compliance or completeness of the data being reported under such section 402(j), or finds that the implementation of registration and reporting requirements under such section 402(j) for applicable drug and device clinical trials could be improved, the Comptroller General shall, after consulting with the Commissioner of Food and Drugs, applicable stakeholders, and experts in the conduct of clinical trials, make recommendations for administrative or legislative actions to increase the compliance with the requirements of such section 402(j).

SA 2130. Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other

purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. TRANSPARENCY IN FDA USER FEE AGREEMENT NEGOTIATIONS.

(a) **PDUFA.**—Section 736B(d) (21 U.S.C. 379h 2(d)), as amended by section 104, is further amended by adding at the end the following:

“(7) **INCLUSION OF CONGRESSIONAL REPRESENTATIVES.**—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

(b) **MDUFA.**—Section 738A(b) (21 U.S.C. 379j 1(b)), as amended by section 204, is further amended by adding at the end the following:

“(7) **INCLUSION OF CONGRESSIONAL REPRESENTATIVES.**—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

(c) **GDUFA.**—Section 744C(d), as added by section 303 of this Act, is amended by adding at the end the following:

“(7) **INCLUSION OF CONGRESSIONAL REPRESENTATIVES.**—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

(d) **BSUFA.**—Section 744I(e), as added by section 403 of this Act, is amended by adding at the end the following:

“(4) **INCLUSION OF CONGRESSIONAL REPRESENTATIVES.**—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

SA 2131. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes;

which was ordered to lie on the table; as follows:

At the end of title VII, add the following:
SEC. 7. INDEPENDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary shall contract with a private, independent consulting firm capable of performing the technical analysis, management assessment, and program evaluation tasks required to conduct a comprehensive assessment of the process for the review of drug applications under subsections (b) and (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b), (j)) and subsections (a) and (k) of section 351 of the Public Health Service Act (42 U.S.C. 262(a), (k)). The assessment shall address the premarket review process of drugs by the Food and Drug Administration, using an assessment framework that draws from appropriate quality system standards, including management responsibility, documents controls and records management, and corrective and preventive action.

(b) PARTICIPATION.—Representatives of the Food and Drug Administration and manufacturers of drugs subject to user fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.) shall participate in a comprehensive assessment of the process for the review of drug applications under section 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. The assessment shall be conducted in phases.

(c) FIRST CONTRACT.—The Secretary shall award the contract for the first assessment under this section not later than March 31, 2013. Such contractor shall evaluate the implementation of recommendations and publish a written assessment not later than February 1, 2016.

(d) FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall publish the findings and recommendations under this section that are likely to have a significant impact on review times not later than 6 months after the contract is awarded. Final comprehensive findings and recommendations shall be published not later than 1 year after the contract is awarded.

(2) IMPLEMENTATION PLAN.—The Food and Drug Administration shall publish an implementation plan not later than 6 months after the date of receipt of each set of recommendation.

(e) SCOPE OF ASSESSMENT.—The assessment under this section shall include the following:

(1) Identification of process improvements and best practices for conducting predictable, efficient, and consistent premarket reviews that meet regulatory review standards.

(2) Analysis of elements of the review process that consume or save time to facilitate a more efficient process. Such analysis shall include—

(A) consideration of root causes for inefficiencies that may affect review performance and total time to decision;

(B) recommended actions to correct any failures to meet user fee program goals; and

(C) consideration of the impact of combination products on the review process.

(3) Assessment of methods and controls of the Food and Drug Administration for collecting and reporting information on premarket review process resource use and performance.

(4) Assessment of effectiveness of the reviewer training program of the Food and Drug Administration.

(5) Recommendations for ongoing periodic assessments and any additional, more detailed or focused assessments.

(f) REQUIREMENTS.—The Secretary shall—

(1) analyze the recommendations for improvement opportunities identified in the assessment, develop and implement a corrective action plan, and ensure its effectiveness;

(2) incorporate the findings and recommendations of the contractors, as appropriate, into the management of the premarket review program of the Food and Drug Administration; and

(3) incorporate the results of the assessment in a Good Review Management Practices guidance document, which shall include initial and ongoing training of Food and Drug Administration staff, and periodic audits of compliance with the guidance.

SA 2132. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. PERFORMANCE AWARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish a system by which a portion of the performance awards of each employee described in subsection (b) shall be connected to the evaluation of the employee’s contribution, in the discretion of the Secretary, to the goals under the user fee agreements described in section 101(b), 201(b), 301(b), or 401(b), as appropriate.

(b) EMPLOYEES DESCRIBED.—

(1) IN GENERAL.—Subsection (a) shall apply only to employees who—

(A) are employed by the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, or the Center for Biologics Evaluation and Research; and

(B) are involved in the review of drugs, devices, or biological products.

(2) COMMISSIONED CORPS.—For purposes of this section, the term “employee” includes members of the Public Health Service Commissioned Corps.

(c) EFFECT ON AWARD.—The degree to which the performance award of an employee is affected by the evaluation of the employee’s contribution to the goals under the user fee agreements, as described in subsection (a), shall be proportional to the extent to which the employee is involved in the review of drugs, devices, or biological products.

(d) REPORT.—The Secretary shall issue an annual report detailing how many employees were involved in meeting the goals under the user fee agreements described in section 101(b), 201(b), 301(b), and 401(b), and the manner of the involvement of such employees.

SA 2133. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee pro-

grams for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 11. DOCUMENT DISCLOSURE RELATING TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, a representative of the Executive Office of the President shall provide to Congress all documents and correspondences exchanged between employees of the Executive Office of the President and the Pharmaceutical Research and Manufacturers of America since January 20, 2009.

(b) PUBLICATION OF DOCUMENTS AND CORRESPONDENCES.—The Secretary of Health and Human Services shall publish all documents and correspondences described in subsection (a) on the Internet website of the Department of Health and Human Services.

SA 2134. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, insert the following:

SEC. 10. MARKET MANIPULATION WITH RESPECT TO DRUGS IN SHORTAGE.

(a) DEFINITIONS.—In this section:

(1) DRUG.—The term “drug” has the meaning given such term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) and is intended for human use.

(2) DRUG SHORTAGE.—The term “drug shortage” or “shortage”, with respect to a drug defined in section 506C(a) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 356c(a)), means a period of time when the demand or projected demand for the drug within the United States exceeds the supply of the drug (as defined in section 506(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 356(c))).

(b) PROHIBITION ON MARKET MANIPULATION.—It shall be unlawful for any person to directly or indirectly use any manipulative or deceptive device or contrivance, in connection with the purchase or sale of a drug in shortage, in contravention of rules or regulations the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(c) PROHIBITION ON FALSE INFORMATION.—It shall be unlawful for any person to report or distribute information related to the purchase or sale of a prescription drug in shortage if the person knew the information to be false or misleading, in order to support activities described in subsection (b).

(d) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (b) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(e) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person in an act that violates subsection (b), the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such subsection by such person;

(B) to compel compliance with such subsection;

(C) to obtain damages, restitution, or other compensation on behalf of such residents;

(D) to obtain such other relief as the court considers appropriate; or

(E) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), any person that violates subsection (b) or (c) shall be subject to a civil penalty of not more than \$1,000,000.

(B) METHOD.—The civil penalty provided under subparagraph (A) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(C) MULTIPLE OFFENSES; OTHER CONSIDERATIONS.—In assessing the civil penalty under this paragraph—

(i) each day of a continuing violation shall be considered a separate violation; and

(ii) the seriousness of the violation, and the efforts of the person committing the violation to remedy the harm caused by the violation shall be considered.

(D) ADJUSTMENT FOR INFLATION.—Beginning on the date on which the Bureau of Labor Statistics first publishes the Consumer Price Index after the date that is 1 year after the date of the enactment of this Act, and annually thereafter, the maximum amount specified in subparagraph (A) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(3) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (ii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Federal

Trade Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Federal Trade Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(4) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(5) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of subsection (b), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(7) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(f) REPORTING OF MARKET MANIPULATION WITH RESPECT TO DRUGS IN SHORTAGE, REFERRALS, AND EDUCATION AND OUTREACH.—

(1) LOGGING AND ACKNOWLEDGING COMPLAINTS OF MARKET MANIPULATION.—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall establish a process by which the Commission shall log and acknowledge the receipt by the Commission of each complaint submitted to the Commission by a person in which the person—

(A) complains of a violation of subsection (b) about which the person certifies a reasonable belief or knowledge of such violation; or

(B) claims to be a victim of a violation of such section.

(2) REFERRALS.—To the degree practicable, the Commission shall refer each person from whom the Commission receives a complaint under paragraph (1) to an appropriate entity for—

(A) in the case of a victim of a violation of subsection (b), assistance in mitigating any damages caused by such violation; or

(B) enforcement of such subsection.

(3) PROGRAM OF EDUCATION AND OUTREACH.—The Commission shall carry out a program of education and outreach whereby the Commission informs consumers of the following:

(A) The prohibition set forth in subsection (b).

(B) Common ways in which such subsection is violated and how consumers can protect themselves from violations of such subsection.

(C) The process established under paragraph (1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 2135. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 10. CRITICAL DRUG SUPPLY REINFORCEMENT PROGRAM.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter G—Drug Shortages

“SEC. 575. DEFINITIONS.

“For purposes of this subchapter—

“(1) the term ‘critical reinforcement drug’ means a drug that—

“(A) is the subject of a permanent discontinuance or an interruption in the manufacture of the drug that could lead to a meaningful disruption in the supply of that drug in the United States, as defined in section 506C(f)(3); and

“(B) is identified as vulnerable to a drug shortage based on the criteria established under section 575A;

“(2) the term ‘drug’—

“(A) means a drug (as defined in section 201(g)) that is intended for human use and is the subject of an approved application under section 505(j); and

“(B) does not include biological products (as defined in section 351 of the Public Health Service Act); and

“(3) the term ‘drug shortage’ or ‘shortage’, with respect to a drug, means a period of time when the demand or projected demand for the drug within the United States exceeds the supply of the drug.

“SEC. 575A. CRITICAL DRUG SUPPLY EVALUATION AND REINFORCEMENT.

“(a) DEVELOPMENT OF CRITERIA FOR EVALUATION OF CRITICAL REINFORCEMENT NEED.—

“(1) EVALUATION.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with Office of Drug Shortages, shall conduct an evaluation to establish evidence-based criteria for identifying drugs that are vulnerable to a drug shortage.

“(2) CONTENT.—The evaluation under paragraph (1) shall include a comprehensive trend analysis to forecast drug shortages and target drugs that are vulnerable to a shortage. The Secretary is authorized to contract with a third party to conduct or participate

in such evaluation. In conducting such evaluation, the Secretary or any authorized third party shall not use any confidential, trade secret, or proprietary information of any other entity without such entity's consent.

“(3) CONSULTATION WITH STAKEHOLDERS.—The Secretary, as part of the evaluation under paragraph (1), shall convene a discussion with stakeholders to assess methodology and findings applicable to such evaluation.

“(4) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit a report to Congress that describes the methods and processes used to conduct the evaluation under this subsection.

“(b) CRITICAL REINFORCEMENT.—To carry out this section, the Secretary may award the incentives under subsection (d) to qualified manufacturers to secure an agreement—

“(1) for the rapid production of a critical reinforcement drug;

“(2) that the qualified manufacturer will maintain production of a critical reinforcement drug; or

“(3) that would allow the Secretary to purchase supply of a critical reinforcement drug from the qualified manufacturer under certain market conditions and on terms and conditions mutually agreed upon.

“(c) QUALIFIED MANUFACTURERS.—To be a qualified manufacturer for purposes of this section—

“(1) an entity shall be a drug manufacturer; and

“(2) the Secretary shall ensure that the manufacturer—

“(A) is in compliance with good manufacturing practice regulations of the Food and Drug Administration to produce a critical reinforcement drug or a similar product; and

“(B)(i) currently produces a critical reinforcement drug or a similar product and can increase production immediately to address the shortage with no regulatory approvals required;

“(ii) does not currently produce a critical reinforcement drug but has the capability, capacity and regulatory authority to do so and could commence supply in time to address need; or

“(iii) has capability and capacity to produce a critical reinforcement drug but not the regulatory authority and could commence supply upon regulatory filing and approval.

“(d) INCENTIVES.—

“(1) IN GENERAL.—If the Secretary ensures a manufacturer is a qualified manufacturer, the Secretary shall negotiate a manufacturing contingency plan with the manufacturer to meet an identified critical reinforcement in subsection (c). The Secretary may—

“(A) expedite the review of any abbreviated new drug application submitted under section 505 by the qualified manufacturer for a drug that is vulnerable to shortage as identified pursuant to the criteria established under subsection (a); and

“(B) waive any application fees related to such an abbreviated new drug application.

“(2) LIMITATION.—If the qualified manufacturer fails to meet benchmarks specified by the Secretary in the agreement between the Secretary and the manufacturer, or otherwise violates such agreement, the Secretary may retroactively assess the application fees waived under paragraph (1)(B).

“(e) TRADEMARK PROTECTION.—Nothing in this section shall be construed to alter or modify in any way, any applicable patent, copyright, trademark, or other intellectual

property rights of any holder of a new drug application, an abbreviated new drug application, or a biologics license application, including any applicable regulatory exclusivity periods or periods during which the Secretary may not accept for filing or approve any new drug application, an abbreviated new drug application, or a biologics license application, and procedures associated therewith, under this Act or the Public Health Service Act.”.

SA 2136. Mr. BLUMENTHAL (for himself, Mr. FRANKEN, Mr. SCHUMER, Mr. CARDIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 10. CIVIL PENALTIES FOR FAILURE TO SUBMIT NOTIFICATION.

Section 303 (21 U.S.C. 333) is amended—

(1) in subsection (f)(5), by inserting “or subsection (h)” after “or (9)” each place such term appears; and

(2) by adding at the end the following:

“(h)(1) Any manufacturer that knowingly fails to submit a notification in violation of section 506C(a) shall be subject to a civil money penalty not to exceed \$10,000 for each day on which the violation continues, and not to exceed \$1,800,000 for all such violations adjudicated in a single proceeding.

“(2) Not later than 180 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall, subject to paragraph (1), promulgate final regulations establishing a schedule of civil monetary penalties for violations of section 506C(a).”.

SA 2137. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7. PROHIBITION OF AUTHORIZED GENERICS.

(a) IN GENERAL.—Section 505 (21 U.S.C. 355), as amended by section 510(a), is further amended by adding at the end the following:

“(x) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

“(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term “authorized generic drug”—

“(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved

under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

“(B) does not include any drug to be marketed, sold, or distributed—

“(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

“(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).”.

(b) CONFORMING AMENDMENT.—Section 505(t)(3) (21 U.S.C. 355(t)(3)) is amended by striking “In this section” and inserting “In this subsection”.

SA 2138. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—FLOOD INSURANCE

SEC. 100. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the “Flood Insurance Reform and Modernization Act of 2012”.

SEC. 102. FINDINGS.

Congress finds that—

(1) the flood insurance claims resulting from the hurricane season of 2005 exceeded all previous claims paid by the National Flood Insurance Program;

(2) in order to pay the legitimate claims of policyholders from the hurricane season of 2005, the Federal Emergency Management Agency has borrowed \$19,000,000,000 from the Treasury;

(3) the interest alone on this debt has been as high as \$800,000,000 annually, and that the Federal Emergency Management Agency has indicated that it will be unable to pay back this debt;

(4) the flood insurance program must be strengthened to ensure it can pay future claims;

(5) while flood insurance is mandatory in the 100-year floodplain, substantial flooding occurs outside of existing special flood hazard areas;

(6) events throughout the country involving areas behind flood control structures, known as “residual risk” areas, have produced catastrophic losses;

(7) although such flood control structures produce an added element of safety and therefore lessen the probability that a disaster will occur, they are nevertheless susceptible to catastrophic loss, even though such areas at one time were not included within the 100-year floodplain; and

(8) voluntary participation in the National Flood Insurance Program has been minimal and many families residing outside the 100-year floodplain remain unaware of the potential risk to their lives and property.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) 100-YEAR FLOODPLAIN.—The term “100-year floodplain” means that area which is subject to inundation from a flood having a 1-percent chance of being equaled or exceeded in any given year.

(2) 500-YEAR FLOODPLAIN.—The term “500-year floodplain” means that area which is subject to inundation from a flood having a 0.2-percent chance of being equaled or exceeded in any given year.

(3) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(4) NATIONAL FLOOD INSURANCE PROGRAM.—The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(5) WRITE YOUR OWN.—The term “Write Your Own” means the cooperative undertaking between the insurance industry and the Federal Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this title, any terms used in this title shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 104. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012” and inserting “September 30, 2016”.

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012” and inserting “September 30, 2016”.

SEC. 105. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended—

(1) in subsection (b)(2)(A), by inserting “not described in subsection (a) or (d)” after “properties”; and

(2) by adding at the end the following:

“(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

“(1) IN GENERAL.—The Administrator shall make flood insurance available to cover residential properties of more than 4 units. Notwithstanding any other provision of law, the maximum coverage amount that the Administrator may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of more than 4 units to obtain insurance for the contents and personal articles located in such residences.”.

SEC. 106. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)(2), by striking “; and” and inserting the following: “, except that the Administrator shall not estimate rates under this paragraph for—

“(A) any property which is not the primary residence of an individual;

“(B) any severe repetitive loss property;

“(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

“(D) any business property; or

“(E) any property which on or after the date of the enactment of the Flood Insurance Reform and Modernization Act of 2012 has experienced or sustained—

“(i) substantial damage exceeding 50 percent of the fair market value of such property; or

“(ii) substantial improvement exceeding 30 percent of the fair market value of such property; and”;

(B) by adding at the end the following:

“(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Administrator shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

“(1) any property not insured by the flood insurance program as of the date of the enactment of the Flood Insurance Reform and Modernization Act of 2012;

“(2) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy; or

“(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

“(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

“(B) in connection with—

“(i) a repetitive loss property; or

“(ii) a severe repetitive loss property.

“(h) DEFINITION.—In this section, the term ‘severe repetitive loss property’ has the following meaning:

“(1) SINGLE-FAMILY PROPERTIES.—In the case of a property consisting of 1 to 4 residences, such term means a property that—

“(A) is covered under a contract for flood insurance made available under this title; and

“(B) has incurred flood-related damage—

“(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this chapter, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

“(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the property.

“(2) MULTIFAMILY PROPERTIES.—In the case of a property consisting of more than 4 units, such term shall have such meaning as the Director shall by regulation provide.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of the enactment of this Act.

(b) ESTIMATES OF PREMIUM RATES.—Section 1307(a)(1)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(B)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by adding “and” at the end; and

(3) by inserting after clause (iii) the following:

“(iv) all costs, as prescribed by principles and standards of practice in ratemaking adopted by the American Academy of Actuaries and the Casualty Actuarial Society, including—

“(I) an estimate of the expected value of future costs,

“(II) all costs associated with the transfer of risk, and

“(III) the costs associated with an individual risk transfer with respect to risk classes, as defined by the Administrator.”.

(c) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking “under this title for any properties within any single” and inserting the following: “under this title for any properties—

“(1) within any single”;

(2) by striking “10 percent” and inserting “15 percent”; and

(3) by striking the period at the end and inserting the following: “; and

“(2) described in subparagraphs (A) through (E) of section 1307(a)(2) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).”.

(d) PREMIUM PAYMENT FLEXIBILITY FOR NEW AND EXISTING POLICYHOLDERS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

“(g) FREQUENCY OF PREMIUM COLLECTION.—With respect to any chargeable premium rate prescribed under this section, the Administrator shall provide policyholders that are not required to escrow their premiums and fees for flood insurance as set forth under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) with the option of paying their premiums either annually or in more frequent installments.”.

SEC. 107. MANDATORY COVERAGE AREAS.

(a) SPECIAL FLOOD HAZARD AREAS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall issue final regulations establishing a revised definition of areas of special flood hazards for purposes of the National Flood Insurance Program.

(b) RESIDUAL RISK AREAS.—The regulations required by subsection (a) shall require the expansion of areas of special flood hazards to include areas of residual risk that are located behind levees or near dams or other flood control structures, as determined by the Administrator.

(c) MANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—Any area described in subsection (b) shall be subject to the mandatory purchase requirements of sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(2) LIMITATION.—The mandatory purchase requirement under paragraph (1) shall have no force or effect until the mapping of all residual risk areas in the United States that the Administrator determines essential in order to administer the National Flood Insurance Program, as required under section 118, are in the maintenance phase.

(3) ACCURATE PRICING.—In carrying out the mandatory purchase requirement under paragraph (1), the Administrator shall ensure that the price of flood insurance policies in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other flood control structure

in such area, regardless of the certification status of the flood control structure.

(d) DECERTIFICATION.—Upon decertification of any levee, dam, or flood control structure under the jurisdiction of the Army Corps of Engineers, the Corps shall immediately provide notice to the Administrator of the National Flood Insurance Program.

SEC. 108. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by section 106(c), is further amended by adding at the end the following:

“(h) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), upon the effective date of any revised or updated flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Flood Insurance Reform and Modernization Act of 2012, any property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the effective date of such an update that is a result of such updating shall be phased in over a 4-year period, at the rate of 40 percent for the first year following such effective date and 20 percent for each of the second, third, and fourth years following such effective date. In the case of any area that was not previously designated as an area having special flood hazards and that, pursuant to any issuance, revision, updating, or other change in a flood insurance map, becomes designated as such an area, the chargeable risk premium rate for flood insurance under this title that is purchased on or after the date of enactment of this subsection with respect to any property that is located within such area shall be phased in over a 4-year period, at the rate of 40 percent for the first year following the effective date of such issuance, revision, updating, or change and 20 percent for each of the second, third, and fourth years following such effective date.”.

SEC. 109. STATE CHARTERED FINANCIAL INSTITUTIONS.

Section 1305(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking “, and” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) given satisfactory assurance that by the date that is 6 months after the date of enactment of the Flood Insurance Reform and Modernization Act of 2012, lending institutions chartered by a State, and not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, shall be subject to regulations by that State that are consistent with the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).”.

SEC. 110. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking “\$350” and inserting “\$2,000”; and

(2) by striking the second sentence.

SEC. 111. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—

(1) DEFINITIONS.—Section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003) is amended—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(12) ‘State entity for lending regulation’ means the State entity or agency with primary responsibility for the supervision or regulation of State lending institutions in a State; and

“(13) ‘State lending institution’ means any bank, savings and loan association, credit union, farm credit bank, production credit association, or similar lending institution subject to the supervision or regulation of a State entity for lending regulation.”.

(2) ESCROW REQUIREMENTS.—Paragraph (1) of section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended to read as follows:

“(1) REGULATED LENDING INSTITUTIONS AND STATE LENDING INSTITUTIONS.—

“(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that all premiums and fees for flood insurance under the National Flood Insurance Act of 1968, for improved real estate or a mobile home, shall be paid to the regulated lending institution or servicer for any loan secured by the improved real estate or mobile home, with the same frequency as payments on the loan are made, for the duration of the loan. Except as provided in subparagraph (C), upon receipt of any premiums or fees, the regulated lending institution or servicer shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Administrator or the provider of the flood insurance that insurance premiums are due, the premiums deposited in the escrow account shall be paid to the provider of the flood insurance.

“(B) STATE ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its State entity for lending regulation require that premiums and fees for flood insurance under the National Flood Insurance Act of 1968, for improved real estate or a mobile home shall be paid to the State lending institution or servicer for any loan secured by the improved real estate or mobile home, with the same frequency as payments on the loan are made, for the duration of the loan. Except as provided in subparagraph (C), upon receipt of any premiums or fees, the State lending institution or servicer shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Administrator or the provider of the flood insurance that insurance premiums are due, the premiums deposited in the escrow account shall be paid to the provider of the flood insurance.

“(C) LIMITATION.—Except as may be required under applicable State law, neither a Federal entity for lending regulation nor a State entity for lending regulation may direct or require a regulated lending institution or State lending institution to deposit premiums or fees for flood insurance under the National Flood Insurance Act of 1968 in an escrow account on behalf of a borrower under subparagraph (A) or (B), if—

“(i) the regulated lending institution or State lending institution has total assets of less than \$1,000,000,000; and

“(ii) on or before the date of enactment of the Flood Insurance Reform and Modernization Act of 2012 the regulated lending institution or State lending institution—

“(I) was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for a loan secured by residential improved real estate or a mobile home; and

“(II) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for loans secured by residential improved real estate or a mobile home.”.

(b) APPLICABILITY.—The amendment made by subsection (a)(2) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of the enactment of this Act.

SEC. 112. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking “The Director is” and inserting the following:

“(a) IN GENERAL.—The Administrator is”; and

(2) by adding at the end the following:

“(b) MINIMUM ANNUAL DEDUCTIBLE.—

“(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Administrator under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

“(A) \$1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than \$100,000; and

“(B) \$2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than \$100,000.

“(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, 1974, or after the effective date of an initial flood insurance rate map published by the Administrator under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

“(A) \$1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than \$100,000; and

“(B) \$1,250, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than \$100,000.”.

SEC. 113. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by this Act, is amended—

(1) in subsection (a), by striking “, after consultation with” and all that follows through “by regulation” and inserting “prescribe, after providing notice”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking “, and” and inserting a semicolon;

(D) in paragraph (4), by striking the period and inserting “; and”; and

(E) by adding at the end the following:

“(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund.”; and

(3) by adding at the end the following:

“(i) **RULE OF CONSTRUCTION.**—For purposes of this section, the calculation of an ‘average historical loss year’—

“(1) includes catastrophic loss years; and

“(2) shall be computed in accordance with generally accepted actuarial principles.”.

SEC. 114. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 (42 U.S.C. 4017) the following:

“SEC. 1310A. RESERVE FUND.

“(a) **ESTABLISHMENT OF RESERVE FUND.**—In carrying out the flood insurance program authorized by this chapter, the Administrator shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the ‘Reserve Fund’) which shall—

“(1) be an account separate from any other accounts or funds available to the Administrator; and

“(2) be available for meeting the expected future obligations of the flood insurance program.

“(b) **RESERVE RATIO.**—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

“(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

“(2) such higher percentage as the Administrator determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

“(c) **MAINTENANCE OF RESERVE RATIO.**—

“(1) **IN GENERAL.**—The Administrator shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

“(A) to maintain the reserve ratio required under subsection (b); and

“(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

“(2) **CONSIDERATIONS.**—In exercising the authority granted under paragraph (1), the Administrator shall consider—

“(A) the expected operating expenses of the Reserve Fund;

“(B) the insurance loss expenditures under the flood insurance program;

“(C) any investment income generated under the flood insurance program; and

“(D) any other factor that the Administrator determines appropriate.

“(3) **LIMITATIONS.**—In exercising the authority granted under paragraph (1), the Administrator shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

“(d) **PHASE-IN REQUIREMENTS.**—The phase-in requirements under this subsection are as follows:

“(1) **IN GENERAL.**—Beginning in fiscal year 2012 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Administrator shall place in the Reserve Fund

an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(2) **AMOUNT SATISFIED.**—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Administrator shall not be required to set aside any amounts for the Reserve Fund.

“(3) **EXCEPTION.**—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Administrator shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(e) **LIMITATION ON RESERVE RATIO.**—In any given fiscal year, if the Administrator determines that the reserve ratio required under subsection (b) cannot be achieved, the Administrator shall submit a report to Congress that—

“(1) describes and details the specific concerns of the Administrator regarding the consequences of the reserve ratio not being achieved;

“(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

“(3) indicates the maximum attainable reserve ratio for that particular fiscal year.”.

SEC. 115. REPAYMENT PLAN FOR BORROWING AUTHORITY.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

“(c) Upon the exercise of the authority established under subsection (a), the Administrator shall transmit a schedule for repayment of such amounts to—

“(1) the Secretary of the Treasury;

“(2) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(3) the Committee on Financial Services of the House of Representatives.

“(d) In connection with any funds borrowed by the Administrator under the authority established in subsection (a), the Administrator, beginning 6 months after the date on which such funds are borrowed, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to—

“(1) the Secretary of the Treasury;

“(2) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(3) the Committee on Financial Services of the House of Representatives.”.

SEC. 116. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 112, is amended by adding at the end the following:

“(c) **PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.**—The Administrator may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based solely, or in any part, on the flood insurance coverage of the condominium association or others on the overall property owned by the condominium association.”.

SEC. 117. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the “Council”).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Council shall consist of the Administrator, or the designee thereof, and 17 additional members to be appointed by the Administrator or the designee of the Administrator, who shall be—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof);

(B) a member of a recognized professional surveying association or organization;

(C) a member of a recognized professional mapping association or organization;

(D) a member of a recognized professional engineering association or organization;

(E) a member of a recognized professional association or organization representing flood hazard determination firms;

(F) a representative of the United States Geological Survey;

(G) a representative of a recognized professional association or organization representing State geographic information;

(H) a representative of State national flood insurance coordination offices;

(I) a representative of the Corps of Engineers;

(J) the Secretary of the Interior (or the designee thereof);

(K) the Secretary of Agriculture (or the designee thereof);

(L) a member of a recognized regional flood and storm water management organization;

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Administrator and has demonstrated the capability to produce flood insurance rate maps;

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Administrator and has demonstrated the capability to produce flood insurance rate maps;

(O) a member of a recognized floodplain management association or organization;

(P) a member of a recognized risk management association or organization; and

(Q) a State mitigation officer.

(2) **QUALIFICATIONS.**—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) **DUTIES.**—The Council shall—

(1) recommend to the Administrator how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Administrator mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Administrator how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Administrator and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Administrator that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 118; and

(C) a summary of recommendations made by the Council to the Administrator.

(d) FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.—

(1) IN GENERAL.—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of the enactment of this Act, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Administrator.

(2) RESPONSIBILITY OF THE ADMINISTRATOR.—The Administrator, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 118, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the “Chairperson”).

(f) COORDINATION.—To ensure that the Council’s recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to Office of Management and Budget Circular A-16).

(g) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Administrator, or a person designated by the Administrator, shall request and coordinate the initial meeting of the Council.

(i) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) STAFF.—

(1) STAFF OF FEMA.—Upon the request of the Chairperson, the Administrator may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) STAFF OF OTHER FEDERAL AGENCIES.—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a nonreimbursable basis, personnel to assist the Council in carrying out its duties.

(k) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information,

and conduct research, as it considers appropriate.

(1) REPORT TO CONGRESS.—The Administrator, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council;

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data; and

(3) any recommendations made by the Council that have been deferred or not acted upon, together with an explanatory statement.

SEC. 118. NATIONAL FLOOD MAPPING PROGRAM.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Administrator, in coordination with the Technical Mapping Advisory Council established under section 117, shall establish an ongoing program under which the Administrator shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Administrator shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all populated areas and areas of possible population growth located within the 100-year floodplain;

(ii) all populated areas and areas of possible population growth located within the 500-year floodplain;

(iii) areas of residual risk, including areas that are protected by levees, dams, and other flood control structures;

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other flood control structure; and

(v) the level of protection provided by flood control structures;

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the most accurate topography and elevation data available.

(2) MAPPING ELEMENTS.—Each map updated under this section shall—

(A) assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with guidelines and specifications of the Federal Emergency Management Agency; and

(B) develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) OTHER INCLUSIONS.—In updating maps under this section, the Administrator shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Administrator;

(C) any relevant information on land subsidence, coastal erosion areas, and other floor-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available climate science and the potential for future inundation from sea level rise, increased precipitation, and increased intensity of hurricanes due to global warming; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) STANDARDS.—In updating and maintaining maps under this section, the Administrator shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Administrator, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Administrator; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) aligned with official data defined by the National Geodetic Survey.

(d) COMMUNICATION AND OUTREACH.—

(1) IN GENERAL.—The Administrator shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects—

(i) of any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) REQUIRED ACTIVITIES.—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area covered by the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a);

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available to such owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this section \$400,000,000 for each of fiscal years 2012 through 2016.

SEC. 119. SCOPE OF APPEALS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting “AND DESIGNATIONS OF SPECIAL FLOOD HAZARD AREAS” after “ELEVATION DETERMINATIONS”;

(B) by inserting “and designating special flood hazard areas” after “flood elevations”; and

(C) by striking “such determinations” and inserting “such determinations and designations”; and

(2) in subsection (b)—

(A) in the heading, by inserting “AND DESIGNATIONS OF SPECIAL FLOOD HAZARD AREAS” after “ELEVATION DETERMINATIONS”;

(B) in the first sentence, by inserting “and designation of special flood hazard areas” after “flood elevation determinations”; and

(C) by amending the third sentence to read as follows: “The sole grounds for appeal shall be the possession of knowledge or information indicating that (1) the elevations being proposed by the Administrator with respect to an identified area having special flood hazards are scientifically or technically incorrect, or (2) the designation of an identified special flood hazard area is scientifically or technically incorrect.”

SEC. 120. SCIENTIFIC RESOLUTION PANEL.

(a) **ESTABLISHMENT.**—The National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1363 (42 U.S.C. 4104) the following:

“SEC. 1363A. SCIENTIFIC RESOLUTION PANEL.

“(a) **AVAILABILITY.**—

“(1) **IN GENERAL.**—Pursuant to the authority provided under section 1363(e), the Administrator shall make available an independent review panel, to be known as the Scientific Resolution Panel, to any community—

“(A) that has—

“(i) filed a timely map appeal in accordance with section 1363;

“(ii) completed 60 days of consultation with the Federal Emergency Management Agency on the appeal; and

“(iii) not allowed more than 120 days, or such longer period as may be provided by the Administrator by waiver, to pass since the end of the appeal period; or

“(B) that has received an unsatisfactory ruling under the map revision process established pursuant to section 1360(f).

“(2) **APPEALS BY OWNERS AND LESSEES.**—If a community and an owner or lessee of real property within the community appeal a proposed determination of a flood elevation under section 1363(b), upon the request of the community—

“(A) the owner or lessee shall submit scientific and technical data relating to the appeals to the Scientific Resolution Panel; and

“(B) the Scientific Resolution Panel shall make a determination with respect to the appeals in accordance with subsection (c).

“(3) **DEFINITION.**—For purposes of paragraph (1)(B), an ‘unsatisfactory ruling’ means that a community—

“(A) received a revised Flood Insurance Rate Map from the Federal Emergency Man-

agement Agency, via a Letter of Final Determination, after September 30, 2008 and prior to the date of enactment of this section;

“(B) has subsequently applied for a Letter of Map Revision or Physical Map Revision with the Federal Emergency Management Agency; and

“(C) has received an unfavorable ruling on their request for a map revision.

“(b) **MEMBERSHIP.**—The Scientific Resolution Panel made available under subsection (a) shall consist of 5 members with expertise that relate to the creation and study of flood hazard maps and flood insurance. The Scientific Resolution Panel may include representatives from Federal agencies not involved in the mapping study in question and from other impartial experts. Employees of the Federal Emergency Management Agency may not serve on the Scientific Resolution Panel.

“(c) **DETERMINATION.**—

“(1) **IN GENERAL.**—Following deliberations, and not later than 90 days after its formation, the Scientific Resolution Panel shall issue a determination of resolution of the dispute. Such determination shall set forth recommendations for the base flood elevation determination or the determination of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps.

“(2) **BASIS.**—The determination of the Scientific Resolution Panel shall be based on—

“(A) data previously provided to the Administrator by the community, and, in the case of a dispute submitted under subsection (a)(2), an owner or lessee of real property in the community; and

“(B) data provided by the Administrator.

“(3) **NO ALTERNATIVE DETERMINATIONS PERMISSIBLE.**—The Scientific Resolution Panel—

“(A) shall provide a determination of resolution of a dispute that—

“(i) is either in favor of the Administrator or in favor of the community on each distinct element of the dispute; or

“(ii) in the case of a dispute submitted under subsection (a)(2), is in favor of the Administrator, in favor of the community, or in favor of the owner or lessee of real property in the community on each distinct element of the dispute; and

“(B) may not offer as a resolution any other alternative determination.

“(4) **EFFECT OF DETERMINATION.**—

“(A) **BINDING.**—The recommendations of the Scientific Resolution Panel shall be binding on all appellants and not subject to further judicial review unless the Administrator determines that implementing the determination of the panel would—

“(i) pose a significant threat due to failure to identify a substantial risk of special flood hazards; or

“(ii) violate applicable law.

“(B) **WRITTEN JUSTIFICATION NOT TO ENFORCE.**—If the Administrator elects not to implement the determination of the Scientific Resolution Panel pursuant to subparagraph (A), then not later than 60 days after the issuance of the determination, the Administrator shall issue a written justification explaining such election.

“(C) **APPEAL OF DETERMINATION NOT TO ENFORCE.**—If the Administrator elects not to implement the determination of the Scientific Resolution Panel pursuant to subparagraph (A), the community may appeal the determination of the Administrator as provided for under section 1363(g).

“(d) **MAPS USED FOR INSURANCE AND MANDATORY PURCHASE REQUIREMENTS.**—With respect to any community that has a dispute

that is being considered by the Scientific Resolution Panel formed pursuant to this subsection, the Federal Emergency Management Agency shall ensure that for each such community that—

“(1) the Flood Insurance Rate Map described in the most recently issued Letter of Final Determination shall be in force and effect with respect to such community; and

“(2) flood insurance shall continue to be made available to the property owners and residents of the participating community.”

(b) **CONFORMING AMENDMENTS.**—

(1) **ADMINISTRATIVE REVIEW.**—Section 1363(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(e)) is amended by striking “an independent scientific body or appropriate Federal agency for advice” and inserting “the Scientific Resolution Panel provided for in section 1363A”.

(2) **JUDICIAL REVIEW.**—The first sentence of section 1363(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(g)) is amended by striking “Any appellant” and inserting “Except as provided in section 1363A, any appellant”.

SEC. 121. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking “, but which may not exceed 50 percent of the cost of carrying out the requested revision or update”.

SEC. 122. COORDINATION.

(a) **INTERAGENCY BUDGET CROSSCUT AND COORDINATION REPORT.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security, the Administrator, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 118 and 119 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) **REPORT.**—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Army Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an interagency budget crosscut and coordination report, certified by the Secretary or head of each such agency, that—

(A) contains an interagency budget crosscut report that displays relevant sections of the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intra-agency transfers; and

(B) describes how the efforts aligned with such sections complement one another.

(b) **DUTIES OF THE ADMINISTRATOR.**—In carrying out sections 118 and 119, the Administrator shall—

(1) participate, pursuant to section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide a liaison to the

Federal Geographic Data Committee pursuant to the Office of Management and Budget Circular A-16 and Executive Order 12906 (43 U.S.C. 1457 note; relating to the National Spatial Data Infrastructure) for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to maintain or establish joint funding and other agreement mechanisms with other Federal agencies and units of State and local government to share in the collection and utilization of geospatial data among all governmental users.

SEC. 123. INTERAGENCY COORDINATION STUDY.

(a) IN GENERAL.—The Administrator shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) TIMING.—Not later than 180 days after the date of the enactment of this title, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) the Committee on Financial Services of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 124. NONMANDATORY PARTICIPATION.

(a) NONMANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM FOR 500-YEAR FLOODPLAIN.—Any area located within the 500-year floodplain shall not be subject to the mandatory purchase requirements of sections 102 or 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106).

(b) NOTICE.—

(1) BY ADMINISTRATOR.—In carrying out the National Flood Insurance Program, the Administrator shall provide notice to any community located in an area within the 500-year floodplain.

(2) TIMING OF NOTICE.—The notice required under paragraph (1) shall be made not later than 6 months after the date of completion of the initial mapping of the 500-year floodplain, as required under section 118.

(3) LENDER REQUIRED NOTICE.—

(A) REGULATED LENDING INSTITUTIONS.—Each Federal or State entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by property located in an area within the 500-year floodplain, to notify the purchaser or lessee (or obtain satisfactory assurances that the sell-

er or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area within the 500-year floodplain, in a manner that is consistent with, and substantially identical to, the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(B) FEDERAL OR STATE AGENCY LENDERS.—Each Federal or State agency lender shall, by regulation, require notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by a Federal or State agency lender and secured by property located in an area within the 500-year floodplain.

(C) PENALTY FOR NONCOMPLIANCE.—Any regulated lending institution or Federal or State agency lender that fails to comply with the notice requirements established by this paragraph shall be subject to the penalties prescribed under section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)).

SEC. 125. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)), as amended by section 1450 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 2174), is amended by adding at the end the following:

“(14) An explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program, whether or not the real estate is located in an area having special flood hazards.”.

SEC. 126. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 (42 U.S.C. 4020) the following:

“SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

“(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), that may have resulted in flood damage covered under the flood insurance program established under this chapter and other personal lines residential property insurance coverage offered by a State regulated insurer, upon a request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Administrator in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Administrator shall cause representatives of the flood insurance program to participate in such a State program where claims under the flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

“(b) EXTENT OF PARTICIPATION.—In satisfying the requirements of subsection (a), the Administrator shall require that each representative of the Administrator—

“(1) be certified for purposes of the flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

“(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

“(3) participate in good faith negotiations toward the settlement of such claims with

policyholders of coverage made available under the flood insurance program; and

“(4) finalize the settlement of such claims on behalf of the flood insurance program with such policyholders.

“(c) COORDINATION.—Representatives of the Administrator shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

“(d) QUALIFICATIONS OF MEDIATORS.—Each State mediator participating in State-sponsored mediation under this section shall be—

“(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

“(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

“(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

“(e) MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the Administrator shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

“(f) LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.—Participation in State-sponsored mediation, as described in this section does not—

“(1) affect or expand the liability of any party in contract or in tort; or

“(2) affect the rights or obligations of the parties, as established—

“(A) in any regulation issued by the Administrator, including any regulation relating to a standard flood insurance policy;

“(B) under this Act; and

“(C) under any other provision of Federal law.

“(g) EXCLUSIVE FEDERAL JURISDICTION.—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this Act.

“(h) COST LIMITATION.—Nothing in this section shall be construed to require the Administrator or a representative of the Administrator to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Administrator participates.

“(i) EXCEPTION.—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

“(1) this section shall not apply; and

“(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

“(j) REPRESENTATIVES OF THE ADMINISTRATOR.—For purposes of this section, the term ‘representatives of the Administrator’ means representatives of the national flood insurance program who participate in the appeals process established under section 205 of

the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).”.

SEC. 127. ADDITIONAL AUTHORITY OF FEMA TO COLLECT INFORMATION ON CLAIMS PAYMENTS.

(a) IN GENERAL.—The Administrator shall collect, from property and casualty insurance companies that are authorized by the Administrator to participate in the Write Your Own program any information and data needed to determine the accuracy of the resolution of flood claims filed on any property insured with a standard flood insurance policy obtained under the program that was subject to a flood.

(b) TYPE OF INFORMATION TO BE COLLECTED.—The information and data to be collected under subsection (a) may include—

(1) any adjuster estimates made as a result of flood damage, and if the insurance company also insures the property for wind damage—

(A) any adjuster estimates for both wind and flood damage;

(B) the amount paid to the property owner for wind and flood claims;

(C) the total amount paid to the policyholder for damages as a result of the event that caused the flooding and other losses;

(2) any amounts paid to the policyholder by the insurance company for damages to the insured property other than flood damages; and

(3) the total amount paid to the policyholder by the insurance company for all damages incurred to the insured property as a result of the flood.

SEC. 128. OVERSIGHT AND EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) SUBMISSION OF BIENNIAL REPORTS.—

(1) TO THE ADMINISTRATOR.—Not later than 20 days after the date of the enactment of this Act, each property and casualty insurance company that is authorized by the Administrator to participate in the Write Your Own program shall submit to the Administrator any biennial report required by the Federal Emergency Management Agency to be prepared in the prior 5 years by such company.

(2) TO GAO.—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Administrator shall submit all such reports to the Comptroller General of the United States.

(3) NOTICE TO CONGRESS OF FAILURE TO COMPLY.—The Administrator shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(4) FAILURE TO COMPLY.—A property and casualty insurance company that is authorized by the Administrator to participate in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to \$1,000 per day for each day that the company remains in noncompliance with either such requirement.

(b) METHODOLOGY TO DETERMINE REIMBURSED EXPENSES.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a methodology for determining the appropriate

amounts that participating property and casualty insurance companies should be reimbursed for selling, writing, and servicing flood insurance policies and adjusting flood insurance claims on behalf of the National Flood Insurance Program. The methodology shall be developed using actual expense data for the flood insurance line and can be derived from—

(1) flood insurance expense data produced by participating property and casualty insurance companies;

(2) flood insurance expense data collected by the National Association of Insurance Commissioners; or

(3) a combination of the methodologies described in paragraphs (1) and (2).

(c) SUBMISSION OF EXPENSE REPORTS.—To develop the methodology established under subsection (b), the Administrator may require each property and casualty insurance company participating in the Write Your Own program to submit a report to the Administrator, in a format determined by the Administrator and within 60 days of the request, that details the expense levels of each such company for selling, writing, and servicing standard flood insurance policies and adjusting and servicing claims.

(d) FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WYO PROGRAM.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall conduct a rulemaking proceeding to formulate revised expense reimbursements to property and casualty insurance companies participating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and noncatastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as close as practicably possible.

(e) REPORT OF THE ADMINISTRATOR.—Not later than 60 days after the effective date of any final rule established pursuant to subsection (d), the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) GAO STUDY AND REPORT ON EXPENSES OF WYO PROGRAM.—

(1) STUDY.—Not later than 180 days after the effective date of the final rule established pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules established pursuant to subsection (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) GAO AUTHORITY.—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General pre-

viously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rules established pursuant to subsection (d) allow the Federal Emergency Management Agency to access adequate information regarding the actual expenses of property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule established in subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of such rules on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 129. MITIGATION.

(a) MITIGATION ASSISTANCE GRANTS.—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended—

(1) by striking subsections (b), (d), (f), (g), (h), (k), and (m);

(2) by redesignating subsections (c), (e), (i), and (j) as subsections (b), (c), (e), and (f), respectively;

(3) in subsection (a), by striking the last sentence and inserting the following: “Such financial assistance shall be made available—

“(1) to States and communities in the form of grants under this section for carrying out mitigation activities;

“(2) to States and communities in the form of grants under this section for carrying out mitigation activities that reduce flood damage to severe repetitive loss structures; and

“(3) to property owners in the form of direct grants under this section for carrying out mitigation activities that reduce flood damage to individual structures for which 2 or more claim payments for losses have been made under flood insurance coverage under this title if the Administrator, after consultation with the State and community, determines that neither the State nor community in which such a structure is located has the capacity to manage such grants.”;

(4) in subsection (b), as so redesignated, in the first sentence—

(A) by striking “and provides protection against” and inserting “provides for reduction of”; and

(B) by inserting before the period at the end the following: “, and may be included in a multi-hazard mitigation plan”;

(5) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking “(1) USE OF AMOUNTS.—” and all that follows through the end of the first sentence and inserting the following:

“(1) REQUIREMENT OF CONSISTENCY WITH APPROVED MITIGATION PLAN.—Amounts provided under this section may be used only for mitigation activities that are consistent with mitigation plans that are approved by the Administrator and identified under paragraph (4).”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following new paragraphs:

“(2) REQUIREMENTS OF TECHNICAL FEASIBILITY, COST EFFECTIVENESS, AND INTEREST OF NFIF.—The Administrator may approve only mitigation activities that the Administrator determines are technically feasible and cost-effective and in the interest of, and represent savings to, the National Flood Insurance Fund. In making such determinations, the Administrator shall take into consideration recognized ancillary benefits.

“(3) PRIORITY FOR MITIGATION ASSISTANCE.—In providing grants under this section for mitigation activities, the Administrator shall give priority for funding to activities that the Administrator determines will result in the greatest savings to the National Flood Insurance Fund, including activities for—

“(A) severe repetitive loss structures;

“(B) repetitive loss structures; and

“(C) other subsets of structures as the Administrator may establish.”;

(C) by redesignating paragraph (5) as paragraph (4);

(D) in paragraph (4), as so redesignated—

(i) in the matter preceding subparagraph (A), by striking “The Director” and all that follows through “Such activities may” and inserting “Eligible activities under a mitigation plan may”;

(ii) by striking subparagraphs (E) and (H);

(iii) by redesignating subparagraphs (D), (F), and (G) as subparagraphs (E), (G), and (H), respectively;

(iv) by inserting after subparagraph (C) the following new subparagraph:

“(D) elevation, relocation, or floodproofing of utilities (including equipment that serve structures);”;

(v) by inserting after subparagraph (E), as so redesignated, the following new subparagraph:

“(F) the development or update of mitigation plans by a State or community which meet the planning criteria established by the Administrator, except that the amount from grants under this section that may be used under this subparagraph may not exceed \$50,000 for any mitigation plan of a State or \$25,000 for any mitigation plan of a community;”;

(vi) in subparagraph (H); as so redesignated, by striking “and” at the end; and

(vii) by adding at the end the following new subparagraphs:

“(I) other mitigation activities not described in subparagraphs (A) through (G) or the regulations issued under subparagraph (H), that are described in the mitigation plan of a State or community; and

“(J) without regard to the requirements under subsections (d)(1) and (d)(2), and if the State applied for and was awarded at least \$1,000,000 in grants available under this section in the prior fiscal year, technical assistance to communities to identify eligible activities, to develop grant applications, and to implement grants awarded under this section, not to exceed \$50,000 to any one State in any fiscal year.”;

(E) by adding at the end the following new paragraph:

“(5) ELIGIBILITY OF DEMOLITION AND REBUILDING OF PROPERTIES.—The Administrator shall consider as an eligible activity the demolition and rebuilding of properties to at least base flood elevation or greater, if required by the Administrator or if required by any State regulation or local ordinance, and in accordance with criteria established by the Administrator.”; and

(6) by inserting after subsection (c), as so redesignated, the following new subsection:

“(d) MATCHING REQUIREMENT.—The Administrator may provide grants for eligible mitigation activities as follows:

“(1) SEVERE REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to severe repetitive loss structures, in an amount up to 100 percent of all eligible costs.

“(2) REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to repetitive loss structures, in an amount up to 90 percent of all eligible costs.

“(3) OTHER MITIGATION ACTIVITIES.—In the case of all other mitigation activities, in an amount up to 75 percent of all eligible costs.”;

(7) in subsection (e)(2), as so redesignated—

(A) by striking “certified under subsection (g)” and inserting “required under subsection (d)”;

(B) by striking “3 times the amount” and inserting “the amount”;

(8) in subsection (f)(1), as so redesignated, by striking “Riegle Community Development and Regulatory Improvement Act of 1994” and inserting “Flood Insurance Reform and Modernization Act of 2012”; and

(9) by adding at the end the following new subsections:

“(g) FAILURE TO MAKE GRANT AWARD WITHIN 5 YEARS.—For any application for a grant under this section for which the Administrator fails to make a grant award within 5 years of the date of the application, the grant application shall be considered to be denied and any funding amounts allocated for such grant applications shall remain in the National Flood Mitigation Fund under section 1367 of this title and shall be made available for grants under this section.

“(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) COMMUNITY.—The term ‘community’ means—

“(A) a political subdivision that—

“(i) has zoning and building code jurisdiction over a particular area having special flood hazards; and

“(ii) is participating in the national flood insurance program; or

“(B) a political subdivision of a State, or other authority, that is designated by political subdivisions, all of which meet the requirements of subparagraph (A), to administer grants for mitigation activities for such political subdivisions.

“(2) REPETITIVE LOSS STRUCTURE.—The term ‘repetitive loss structure’ has the meaning given such term in section 1370.

“(3) SEVERE REPETITIVE LOSS STRUCTURE.—The term ‘severe repetitive loss structure’ means a structure that—

“(A) is covered under a contract for flood insurance made available under this title; and

“(B) has incurred flood-related damage—

“(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

“(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the insured structure.”.

(b) ELIMINATION OF GRANTS PROGRAM FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.—Chapter I of the National Flood Insurance Act of 1968 is amended by striking section 1323 (42 U.S.C. 4030).

(c) ELIMINATION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.—Chapter III of the National Flood Insurance Act of 1968 is amended by striking section 1361A (42 U.S.C. 4102a).

(d) NATIONAL FLOOD INSURANCE FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (6), by inserting “and” after the semicolon;

(2) in paragraph (7), by striking the semicolon and inserting a period; and

(3) by striking paragraphs (8) and (9).

(e) NATIONAL FLOOD MITIGATION FUND.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) in each fiscal year, amounts from the National Flood Insurance Fund not to exceed \$90,000,000 and to remain available until expended, of which—

“(A) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(1);

“(B) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(2); and

“(C) not more than \$10,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(3);”;

(B) in paragraph (3), by striking “section 1366(i)” and inserting “section 1366(e)”;

(2) in subsection (c), by striking “sections 1366 and 1323” and inserting “section 1366”;

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(4) by inserting after subsection (c) the following new subsections:

“(d) PROHIBITION ON OFFSETTING COLLECTIONS.—Notwithstanding any other provision of this title, amounts made available pursuant to this section shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

“(e) CONTINUED AVAILABILITY AND REALLOCATION.—Any amounts made available pursuant to subparagraph (A), (B), or (C) of subsection (b)(1) that are not used in any fiscal year shall continue to be available for the purposes specified in such subparagraph of subsection (b)(1) pursuant to which such amounts were made available, unless the Administrator determines that reallocation of such unused amounts to meet demonstrated need for other mitigation activities under section 1366 is in the best interest of the National Flood Insurance Fund.”.

(f) INCREASED COST OF COMPLIANCE COVERAGE.—Section 1304(b)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)(4)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

SEC. 130. FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the term “flood protection structure accreditation requirements” means the requirements established under section 65.10 of title 44, Code of Federal Regulations, for levee systems to be recognized on maps created for purposes of the National Flood Insurance Program;

(2) the term “National Committee on Levee Safety” means the Committee on Levee Safety established under section 9003 of the National Levee Safety Act of 2007 (33 U.S.C. 3302); and

(3) the term “task force” means the Flood Protection Structure Accreditation Task Force established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly establish a Flood Protection Structure Accreditation Task Force.

(2) DUTIES.—

(A) **DEVELOPING PROCESS.**—The task force shall develop a process to better align the information and data collected by or for the United States Army Corps of Engineers under the Inspection of Completed Works Program with the flood protection structure accreditation requirements so that—

(i) information and data collected for either purpose can be used interchangeably; and

(ii) information and data collected by or for the United States Army Corps of Engineers under the Inspection of Completed Works Program is sufficient to satisfy the flood protection structure accreditation requirements.

(B) **GATHERING RECOMMENDATIONS.**—The task force shall gather, and consider in the process developed under subparagraph (A), recommendations from interested persons in each region relating to the information, data, and accreditation requirements described in subparagraph (A).

(3) **CONSIDERATIONS.**—In developing the process under paragraph (2), the task force shall consider changes to—

(A) the information and data collected by or for the United States Army Corps of Engineers under the Inspection of Completed Works Program; and

(B) the flood protection structure accreditation requirements.

(4) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require a reduction in the level of public safety and flood control provided by accredited levees, as determined by the Administrator for purposes of this section.

(C) **IMPLEMENTATION.**—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, shall implement the process developed by the task force under subsection (b).

(d) **REPORTS.**—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Financial Services, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources of the House of Representatives reports concerning the activities of the task force and the implementation of the process developed by the task force under subsection (b), including—

(1) an interim report, not later than 180 days after the date of enactment of this Act; and

(2) a final report, not later than 1 year after the date of enactment of this Act.

(e) **TERMINATION.**—The task force shall terminate on the date of submission of the report under subsection (d)(2).

SEC. 131. FLOOD IN PROGRESS DETERMINATIONS.

(a) **REPORT.**—

(1) **REVIEW.**—The Administrator shall review—

(A) the processes and procedures for determining that a flood event has commenced or is in progress for purposes of flood insurance coverage made available under the National Flood Insurance Program;

(B) the processes and procedures for providing public notification that such a flood event has commenced or is in progress;

(C) the processes and procedures regarding the timing of public notification of flood insurance requirements and availability; and

(D) the effects and implications that snow-

fall, projected snowmelt, existing water levels, and other conditions, have on the determination that a flood event has commenced or is in progress.

(2) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to Congress that describes—

(A) the results and conclusions of the review under paragraph (1); and

(B) any actions taken, or proposed actions to be taken, by the Administrator to provide for more precise and technical processes and procedures for determining that a flood event has commenced or is in progress.

(b) **EFFECTIVE DATE OF POLICIES COVERING PROPERTIES AFFECTED BY FLOODING OF THE MISSOURI RIVER IN 2011.**—

(1) **ELIGIBLE COVERAGE.**—For purposes of this subsection, the term “eligible coverage” means coverage under a new contract for flood insurance coverage under the National Flood Insurance Program, or a modification to coverage under an existing flood insurance contract, for property damaged by the flooding of the Missouri River that commenced on June 1, 2011, that was purchased or made during the period beginning May 1, 2011, and ending June 6, 2011.

(2) **EFFECTIVE DATES.**—Notwithstanding section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)), or any other provision of law, any eligible coverage shall—

(A) be deemed to take effect on the date that is 30 days after the date on which all obligations for the eligible coverage (including completion of the application and payment of any initial premiums owed) are satisfactorily completed; and

(B) cover damage to property occurring after the effective date described in subparagraph (A) that resulted from the flooding of the Missouri River that commenced on June 1, 2011, if the property did not suffer damage or loss as a result of such flooding before the effective date described in subparagraph (A).

SEC. 132. CLARIFICATION OF RESIDENTIAL AND COMMERCIAL COVERAGE LIMITS.

Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2)—

(A) by striking “in the case of any residential property” and inserting “in the case of any residential building designed for the occupancy of from one to four families”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance so as to enable such insured or applicant to receive coverage up to a total amount (including such limits specified in paragraph (1)(A)(i)) of \$250,000” and inserting “shall be made available, with respect to any single such building, up to an aggregate liability (including such limits specified in paragraph (1)(A)(i)) of \$250,000”; and

(2) in paragraph (4)—

(A) by striking “in the case of any nonresidential property, including churches,” and inserting “in the case of any nonresidential building, including a church,”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance, in respect to any single structure, up to a total amount (including such limit specified in subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000 for each structure and \$500,000 for any contents related to each structure” and inserting “shall be made available with respect to any single such building, up to an aggregate liability (including such limits specified in

subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000, and coverage shall be made available up to a total of \$500,000 aggregate liability for contents owned by the building owner and \$500,000 aggregate liability for each unit within the building for contents owned by the tenant”.

SEC. 133. LOCAL DATA REQUIREMENT.

(a) **IN GENERAL.**—Notwithstanding any other provision of this title, an area that is within or includes a community that is identified by the Administrator as Community Identification Number 360467 and impacted by the Jamaica Bay flooding source or identified by the Administrator as Community Identification Number 360495 may not be or become designated as an area having special flood hazards for purposes of the National Flood Insurance Program, unless the designation is made on the basis of—

(1) flood hazard analyses of hydrologic, hydraulic, or coastal flood hazards that have been properly calibrated and validated, and are specific and directly relevant to the geographic area being studied; and

(2) ground elevation information of sufficient accuracy and precision to meet the guidelines of the Administration for accuracy at the 95 percent confidence level.

(b) **REMAPPING.**—

(1) **REMAPPING REQUIRED.**—If the Administrator determines that an area described in subsection (a) has been designated as an area of special flood hazard on the basis of information that does not comply with the requirements under subsection (a), the Administrator shall revise and update any National Flood Insurance Program rate map for the area—

(A) using information that complies with the requirements under subsection (a); and

(B) in accordance with the procedures established under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) for flood elevation determinations.

(2) **INTERIM PERIOD.**—A National Flood Insurance Program rate map in effect on the date of enactment of this Act for an area for which the Administrator has made a determination under paragraph (1) shall continue in effect with respect to the area during the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the date on which the Administrator determines that the requirements under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) for flood elevation determinations have been met with respect to a revision and update under paragraph (1) of a National Flood Insurance rate map for the area.

(3) **DEADLINE.**—The Administrator shall issue a preliminary National Flood Insurance Program rate map resulting from a revision and update required under paragraph (1) not later than 1 year after the date of enactment of this Act.

(4) **RISK PREMIUM RATE CLARIFICATION.**—

(A) **IN GENERAL.**—If a revision and update required under paragraph (1) results in a reduction in the risk premium rate for a property in an area for which the Administrator has made a determination under paragraph (1), the Administrator shall—

(i) calculate the difference between the reduced risk premium rate and the risk premium rate paid by a policyholder with respect to the property during the period—

(I) beginning on the date on which the National Flood Insurance Program rate map in effect for the area on the date of enactment of this Act took effect; and

(II) ending on the date on which the revised or updated National Flood Insurance Program rate map takes effect; and

(ii) reimburse the policyholder an amount equal to such difference.

(B) FUNDING.—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from premiums deposited in the National Flood Insurance Fund pursuant to subsection (d) of such section 1310, of amounts not otherwise obligated, the amount necessary to carry out this paragraph.

(C) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall cease to have effect on the effective date of a National Flood Insurance Program rate map revised and updated under subsection (b)(1).

(2) REIMBURSEMENTS.—Subsection (b)(4) shall cease to have effect on the date on which the Administrator has made all reimbursements required under subsection (b)(4).

SEC. 134. ELIGIBILITY FOR FLOOD INSURANCE FOR PERSONS RESIDING IN COMMUNITIES THAT HAVE MADE ADEQUATE PROGRESS ON THE CONSTRUCTION, RECONSTRUCTION, OR IMPROVEMENT OF A FLOOD PROTECTION SYSTEM.

(A) ELIGIBILITY FOR FLOOD INSURANCE COVERAGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a person residing in a community that the Administrator determines has made adequate progress on the reconstruction or improvement of a flood protection system that will afford flood protection for a 100-year floodplain (without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement), shall be eligible for flood insurance coverage under the National Flood Insurance Program—

(A) if the person resides in a community that is a participant in the National Flood Insurance Program; and

(B) at a risk premium rate that does not exceed the risk premium rate that would be chargeable if the flood protection system had been completed.

(2) ADEQUATE PROGRESS.—

(A) RECONSTRUCTION OR IMPROVEMENT.—For purposes of paragraph (1), the Administrator shall determine that a community has made adequate progress on the reconstruction or improvement of a flood protection system if—

(i) 100 percent of the project cost has been authorized;

(ii) not less than 60 percent of the project cost has been secured or appropriated;

(iii) not less than 50 percent of the flood protection system has been assessed as being without deficiencies; and

(iv) the reconstruction or improvement has a project schedule that does not exceed 5 years, beginning on the date on which the reconstruction or construction of the improvement commences.

(B) CONSIDERATIONS.—In determining whether a flood protection system have been assessed as being without deficiencies, the Administrator shall consider the requirements under section 65.10 of chapter 44, Code of Federal Regulations, or any successor thereto.

(C) TERMINATION OF ELIGIBILITY.—

(1) ADEQUATE CONTINUING PROGRESS.—The Administrator shall issue rules to establish a method of determining whether a community has made adequate continuing progress on the reconstruction or improvement of a flood protection system that includes—

(A) a requirement that the Administrator shall—

(i) consult with the owner of the flood protection system—

(I) 6 months after the date of a determination under subsection (a);

(II) 18 months after the date of a determination under subsection (a); and

(III) 36 months after the date of a determination under subsection (a); and

(ii) after each consultation under clause (i), determine whether the reconstruction or improvement is reasonably likely to be completed in accordance with the project schedule described in subsection (a)(2)(A)(iv); and

(B) a requirement that, if the Administrator makes a determination under subparagraph (A)(ii) that reconstruction or improvement is not reasonably likely to be completed in accordance with the project schedule, the Administrator shall—

(i) not later than 30 days after the date of the determination, notify the owner of the flood protection system of the determination and provide the rationale and evidence for the determination; and

(ii) provide the owner of the flood protection system the opportunity to appeal the determination.

(2) TERMINATION.—The Administrator shall terminate the eligibility for flood insurance coverage under the National Flood Insurance Program of persons residing in a community with respect to which the Administrator made a determination under subsection (a) if—

(A) the Administrator determines that the community has not made adequate continuing progress; or

(B) on the date that is 5 years after the date on which the reconstruction or construction of the improvement commences, the project has not been completed.

(3) WAIVER.—A person whose eligibility would otherwise be terminated under paragraph (2)(B) shall continue to be eligible to purchase flood insurance coverage described in subsection (a) if the Administrator determines—

(A) the community has made adequate continuing progress on the reconstruction or improvement of a flood protection system; and

(B) there is a reasonable expectation that the reconstruction or improvement of the flood protection system will be completed not later than 1 year after the date of the determination under this paragraph.

(4) RISK PREMIUM RATE.—If the Administrator terminates the eligibility of persons residing in a community to purchase flood insurance coverage described in subsection (a), the Administrator shall establish an appropriate risk premium rate for flood insurance coverage under the National Flood Insurance Program for persons residing in the community that purchased flood insurance coverage before the date on which the termination of eligibility takes effect, taking into consideration the then-current state of the flood protection system.

SEC. 135. STUDIES AND REPORTS.

(A) REPORT ON EXPANDING THE NATIONAL FLOOD INSURANCE PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as estab-

lished in section 61.6 of title 44, Code of Federal Regulations, of—

(i) \$250,000 for the structure; and

(ii) \$100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of \$500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming loan limit for fiscal year 2006 of \$417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) REPORT OF THE ADMINISTRATOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—The Administrator shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) TIMING.—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) CONTENTS.—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

(i) premiums paid into such Fund;

(ii) policy claims against such Fund; and

(iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

(i) hurricane related damage; and

(ii) nonhurricane related damage;

(E) the amounts made available by the Administrator for mitigation assistance under section 1366(c)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(c)(4)) for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Administrator as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Administrator as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) GAO STUDY ON PRE-FIRM STRUCTURES.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving discounted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), including the historical basis for the receipt of such subsidy and the extent to which pre-FIRM structures are currently owned by the same owners of the property at the time of the original FIRM;

(2) number and fair market value of such structures;

(3) respective income level of the owners of such structures;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as a result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the options for eliminating the subsidy to such structures.

(d) GAO REVIEW OF FEMA CONTRACTORS.—The Comptroller General of the United States, in conjunction with the Office of the Inspector General of the Department of Homeland Security, shall—

(1) conduct a review of the 3 largest contractors the Administrator uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of the enactment of this Act, submit a report on the findings of such review to the Administrator, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

SEC. 136. REINSURANCE.

(a) REINSURANCE ASSESSMENT.—

(1) PRIVATE MARKET PRICING ASSESSMENT.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report that—

(A) assesses the capacity of the private reinsurance, capital, and financial markets to assist communities, on a voluntary basis, in managing the full range of financial risks associated with flooding by requesting proposals to assume a portion of the insurance risk of the National Flood Insurance Program;

(B) describes any responses to the request for proposals under subparagraph (A);

(C) assesses whether the rates and terms contained in any proposals received by the Administrator are—

(i) reasonable and appropriate; and

(ii) in an amount sufficient to maintain the ability of the National Flood Insurance Program to pay claims;

(D) describes the extent to which carrying out the proposals received by the Administrator would minimize the likelihood that the Administrator would use the borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016);

(E) describes fluctuations in historical reinsurance rates; and

(F) includes an economic cost-benefit analysis of the impact on the National Flood Insurance Program if the Administrator were to exercise the authority under section 1335(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4055(a)(2)), as added by this section, to secure reinsurance of coverage provided by the National Flood Insurance Program from the private market.

(2) PROTOCOL FOR RELEASE OF DATA.—The Administrator shall develop a protocol, including adequate privacy protections, to provide for the release of data sufficient to conduct the assessment required under paragraph (1).

(b) REINSURANCE.—The National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended—

(1) in section 1331(a)(2) (42 U.S.C. 4051(a)(2)), by inserting “, including as reinsurance of coverage provided by the flood insurance program” before “, on such terms”;

(2) in section 1332(c)(2) (42 U.S.C. 4052(c)(2)), by inserting “or reinsurance” after “flood insurance coverage”;

(3) in section 1335(a) (42 U.S.C. 4055(a))—

(A) by striking “The Director” and inserting the following:

“(1) IN GENERAL.—The Administrator”; and

(B) by adding at the end the following:

“(2) PRIVATE REINSURANCE.—The Administrator is authorized to secure reinsurance of coverage provided by the flood insurance program from the private market at rates and on terms determined by the Administrator to be reasonable and appropriate, in an amount sufficient to maintain the ability of the program to pay claims.”;

(4) in section 1346(a) (12 U.S.C. 4082(a))—

(A) in the matter preceding paragraph (1), by inserting after “for the purpose of” the following: “securing reinsurance of insurance coverage provided by the program or for the purpose of”;

(B) in paragraph (1)—

(i) by striking “estimating” and inserting “Estimating”; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking “receiving” and inserting “Receiving”; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking “making” and inserting “Making”; and

(ii) (i) by striking “; and” and inserting a period;

(E) by redesignating paragraph (4) as paragraph (5);

(F) in paragraph (5), as so redesignated, by striking “otherwise” and inserting “Otherwise”; and

(G) by inserting after paragraph (3) the following new paragraph:

“(4) Placing reinsurance coverage on insurance provided by such program;”;

(5) in section 1370(a)(3) (42 U.S.C. 4121(a)(3)), by striking “include any” and all that follows and inserting the following: “include any organization or person that is authorized to engage in the business of insurance under the laws of any State, subject to the reporting requirements of the Securities Exchange Act of 1934 pursuant to section 13(a) or 15(d) of such Act (15 U.S.C. 78m(a) and 78o(d)), or authorized by the Administrator to assume reinsurance on risks insured by the flood insurance program;”.

(c) ASSESSMENT OF CLAIMS-PAYING ABILITY.—

(1) ASSESSMENT.—

(A) ASSESSMENT REQUIRED.—

(i) IN GENERAL.—Not later than September 30 of each year, the Administrator shall conduct an assessment of the ability of the National Flood Insurance Program to pay claims.

(ii) PRIVATE MARKET REINSURANCE.—The assessment under this paragraph for any year in which the Administrator exercises the authority under section 1335(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4055(a)(2)), as added by this section, to secure reinsurance of coverage provided by the National Flood Insurance Program from the private market shall include information relating to the use of private sector reinsurance and reinsurance equivalents by the Administrator, whether or not the Administrator used the borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016).

(iii) FIRST ASSESSMENT.—The Administrator shall conduct the first assessment required under this paragraph not later than September 30, 2012.

(B) CONSIDERATIONS.—In conducting an assessment under subparagraph (A), the Administrator shall take into consideration regional concentrations of coverage written by the National Flood Insurance Program, peak flood zones, and relevant mitigation measures.

(2) ANNUAL REPORT OF THE ADMINISTRATOR OF ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—The Administrator shall—

(A) include the results of each assessment in the report required under section 135(b); and

(B) not later than 30 days after the date on which the Administrator completes an assessment required under paragraph (1), make the results of the assessment available to the public.

SEC. 137. GAO STUDY ON BUSINESS INTERRUPTION AND ADDITIONAL LIVING EXPENSES COVERAGES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study concerning—

(1) the availability of additional living expenses and business interruption coverage in the private marketplace for flood insurance;

(2) the feasibility of allowing the National Flood Insurance Program to offer such coverage at the option of the consumer;

(3) the estimated cost to consumers if the National Flood Insurance Program priced such optional coverage at true actuarial rates;

(4) the impact such optional coverage would have on consumer participation in the National Flood Insurance Program; and

(5) the fiscal impact such optional coverage would have upon the National Flood Insurance Fund if such optional coverage were included in the National Flood Insurance Program, as described in paragraph (2), at the price described in paragraph (3).

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing the results of the study under subsection (a).

SEC. 138. POLICY DISCLOSURES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) **VIOLATIONS.**—Any person that violates the requirements of this section shall be subject to a fine of not more than \$50,000 at the discretion of the Administrator.

SEC. 139. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction;

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building codes or any applicable local building codes provides greater protection from flood damage;

(7) the impact of such a building code requirement on rural communities with different building code challenges than urban communities; and

(8) the impact of a such a building code requirement on Indian reservations.

SEC. 140. STUDY OF PARTICIPATION AND AFFORDABILITY FOR CERTAIN POLICY-HOLDERS.

(a) **FEMA STUDY.**—The Administrator shall conduct a study of—

(1) methods to encourage and maintain participation in the National Flood Insurance Program;

(2) methods to educate consumers about the National Flood Insurance Program and the flood risk associated with their property;

(3) methods for establishing an affordability framework for the National Flood Insurance Program, including methods to aid individuals to afford risk-based premiums under the National Flood Insurance Program through targeted assistance rather than generally subsidized rates, including means-tested vouchers; and

(4) the implications for the National Flood Insurance Program and the Federal budget of using each such method.

(b) **NATIONAL ACADEMY OF SCIENCES ECONOMIC ANALYSIS.**—To inform the Administrator in the conduct of the study under subsection (a), the National Academy of Sciences, in consultation with the Comptroller General of the United States, shall conduct and submit to the Administrator an economic analysis of the costs and benefits to the Federal Government of a flood insurance program with full risk-based premiums, combined with means-tested Federal assistance to aid individuals who cannot afford coverage, through an insurance voucher program. The analysis shall compare the costs of a program of risk-based rates and means-tested assistance to the current system of subsidized flood insurance rates and federally funded disaster relief for people without coverage.

(c) **REPORT.**—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results of the study and analysis under this section.

(d) **FUNDING.**—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from the National Flood Insurance Fund, of amounts not otherwise obligated, not more than \$750,000 to carry out this section.

SEC. 141. STUDY AND REPORT CONCERNING THE PARTICIPATION OF INDIAN TRIBES AND MEMBERS OF INDIAN TRIBES IN THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) **DEFINITION.**—In this section, the term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) **FINDINGS.**—Congress finds that participation by Indian tribes in the National Flood Insurance Program is low. Only 45 of 565 Indian tribes participate in the National Flood Insurance Program.

(c) **STUDY.**—The Comptroller General of the United States, in coordination and consultation with Indian tribes and members of Indian tribes throughout the United States, shall carry out a study that examines—

(1) the factors contributing to the current rates of participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program; and

(2) methods of encouraging participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program.

(d) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that—

(1) contains the results of the study carried out under subsection (c);

(2) describes the steps that the Administrator should take to increase awareness and encourage participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program; and

(3) identifies any legislative changes that would encourage participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program.

SEC. 142. TECHNICAL CORRECTIONS.

(a) **FLOOD DISASTER PROTECTION ACT OF 1973.**—The Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.) is amended—

(1) by striking “Director” each place that term appears, except in section 102(f)(3) (42 U.S.C. 4012a(f)(3)), and inserting “Administrator”; and

(2) in section 201(b) (42 U.S.C. 4105(b)), by striking “Director’s” and inserting “Administrator’s”.

(b) **NATIONAL FLOOD INSURANCE ACT OF 1968.**—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) by striking “Director” each place that term appears and inserting “Administrator”; and

(2) in sections 1363 (42 U.S.C. 4104), by striking “Director’s” each place that term appears and inserting “Administrator’s”.

(c) **FEDERAL FLOOD INSURANCE ACT OF 1956.**—Section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)) is amended by striking “Director” each place that term appears and inserting “Administrator”.

SEC. 143. PRIVATE FLOOD INSURANCE POLICIES.

(a) **DEFINITIONS.**—In this section the following definitions shall apply:

(1) **GUIDELINES.**—The term “Guidelines” means the Mandatory Purchase of Flood Insurance Guidelines issued by the Administrator.

(2) **STATE ENTITY FOR LENDING REGULATION.**—The term “State entity for lending regulation” means, with respect to a State, the entity or agency with primary responsibility for the supervision of lending institutions chartered by the State and not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

(b) **AMENDMENTS REQUIRED.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall amend the Guidelines to clarify that a lender or a lending institution chartered by a State and not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration may accept a private primary flood insurance policy in lieu of a National Flood Insurance Program flood policy to satisfy the mandatory purchase requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), if the private primary flood insurance policy—

(A) is available for sale under the laws of the State in which the private primary flood insurance policy is to be written;

(B) meets the minimum requirements for flood insurance coverage under subsections (a) and (b) of such section 102; and

(C) complies with applicable Federal regulations.

(2) **STATE LAW CONSIDERATIONS.**—Neither the Guidelines nor the amendments to the Guidelines made under paragraph (1) shall be construed to preempt State insurance law, regulation, or guidance.

(c) NOTIFICATION.—

(1) TO FEDERAL AND STATE ENTITIES FOR LENDING REGULATION.—Not later than 30 days after the date on which the Administrator amends the Guidelines under subsection (b), the Administrator shall notify the Federal entities for lending regulation and the State entities for lending regulation of the amendment, in order to encourage the acceptance of private primary flood insurance in lieu of a National Flood Insurance Program flood policy to satisfy the mandatory purchase requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).

(2) TO LENDERS.—The Administrator and each Federal entity for lending regulation shall include the notification required under paragraph (1) in any edition of a publication that the Administrator or Federal entity for lending regulation provides to lenders that is published after the date of enactment of this Act.

(d) TRAINING.—Not later than 60 days after the date on which the Administrator makes the notification under subsection (c), the Federal entities for lending regulation shall train each employee having responsibility for compliance audits to implement the amendments to the Guidelines under subsection (b).

SEC. 144. TREATMENT OF SWIMMING POOL ENCLOSURES OUTSIDE OF HURRICANE SEASON.

Notwithstanding any other provision of law, the adequate land use and control measures developed pursuant to section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) and applicable to non-residential structures located within coastal areas as identified by the Administrator may permit, at the discretion of the appropriate State and local authority, the use of non-supporting breakaway walls in V Zones and openings in walls in coastal A Zones in the space below the lowest floor used solely for swimming pools after November 30 and before June 1 of any year. Permitting this use does not alter the terms and conditions of eligibility and insurability of coverage for a building as set out in the Standard Flood Insurance Policy of the Federal Emergency Management Agency.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the “Commission on Natural Catastrophe Risk Management and Insurance Act of 2012”.

SEC. 202. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused, by some estimates, in excess of \$200,000,000,000 in total economic losses;

(2) many meteorologists predict that the United States is in a period of increased hurricane activity;

(3) the Federal Government and State governments have provided billions of dollars to pay for losses from natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(4) many Americans are finding it increasingly difficult to obtain and afford property and casualty insurance coverage;

(5) some insurers are not renewing insurance policies, are excluding certain risks, such as wind damage, and are increasing rates and deductibles in some markets;

(6) the inability of property and business owners in vulnerable areas to obtain and af-

ford property and casualty insurance coverage endangers the national economy and public health and safety;

(7) almost every State in the United States is at risk of a natural catastrophe, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(8) building codes and land use regulations play an indispensable role in managing catastrophe risks, by preventing building in high risk areas and ensuring that appropriate mitigation efforts are completed where building has taken place;

(9) several proposals have been introduced in Congress to address the affordability and availability of natural catastrophe insurance across the United States, but there is no consensus on what, if any, role the Federal Government should play; and

(10) an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a non-partisan commission to study the management of natural catastrophe risk, and to require such commission to timely report to Congress on its findings.

SEC. 203. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this title referred to as the “Commission”).

SEC. 204. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the minority leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the minority leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State or local government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1

person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this title shall be approved only by a majority vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this title referred to as the “Chairperson”).

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

SEC. 205. DUTIES OF THE COMMISSION.

The Commission shall examine the risks posed to the United States by natural catastrophes, and means for mitigating those risks and for paying for losses caused by natural catastrophes, including assessing—

(1) the condition of the property and casualty insurance and reinsurance markets prior to and in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004;

(2) the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country;

(3) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(4) the ongoing exposure of the United States to natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(5) the catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population;

(6) implementation of a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophic risk management and financing with insurance;

(7) the financial feasibility and sustainability of a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets;

(8) methods to promote public or private insurance policies to reduce losses caused by natural catastrophes in the uninsured sectors of the American population;

(9) approaches for implementing a public or private insurance scheme for low-income communities, in order to promote risk reduction and insurance coverage in such communities;

(10) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the capacity of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(11) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates;

(12) the role that innovation in financial services could play in improving the affordability and availability of natural catastrophe insurance, specifically addressing measures that would foster the development of financial products designed to cover natural catastrophe risk, such as risk-linked securities;

(13) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(14) the benefits and costs of proposed Federal natural catastrophe insurance programs (including the Federal Government's provision of reinsurance to State catastrophe funds, private insurers, or other entities), specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs (particularly with regard to charging actuarially sound prices);

(15) the ability of the United States private insurance market—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(16) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(17) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(18) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 205; and

(2) any recommendations for legislative, regulatory, administrative, or other actions

at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 205.

(b) EXTENSION OF TIME.—The Commission may request Congress to extend the period of time for the submission of the report required under subsection (a) for an additional 3 months.

SEC. 207. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this title. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by a vote of the Commission, take any action which the Commission is authorized to take by this title.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this title.

(2) PROCEDURE.—Upon the request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

SEC. 208. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsist-

ence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS-15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 206.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this title, to remain available until expended.

TITLE III—ALTERNATIVE LOSS ALLOCATION

SEC. 301. SHORT TITLE.

This title may be cited as the “Consumer Option for an Alternative System to Allocate Losses Act of 2012” or the “COASTAL Act of 2012”.

SEC. 302. ASSESSING AND MODELING NAMED STORMS OVER COASTAL STATES.

Subtitle C of title XII of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3601 et seq.) (also known as the “Integrated Coastal and Ocean Observation System Act of 2009”) is amended by adding at the end the following:

“SEC. 12312. ASSESSING AND MODELING NAMED STORMS OVER COASTAL STATES.

“(a) DEFINITIONS.—In this section:

“(1) COASTAL FORMULA.—The term ‘COASTAL Formula’ has the meaning given the term in section 1337(a) of the National Flood Insurance Act of 1968.

“(2) COASTAL STATE.—The term ‘coastal State’ has the meaning given the term ‘coastal state’ in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

“(3) COASTAL WATERS.—The term ‘coastal waters’ has the meaning given the term in such section.

“(4) COVERED DATA.—The term ‘covered data’ means, with respect to a named storm identified by the Administrator under subsection (b)(2)(A), empirical data that are—

“(A) collected before, during, or after such storm; and

“(B) necessary to determine magnitude and timing of wind speeds, rainfall, the barometric pressure, river flows, the extent, height, and timing of storm surge, topographic and bathymetric data, and other measures required to accurately model and assess damage from such storm.

“(5) INDETERMINATE LOSS.—The term ‘indeterminate loss’ has the meaning given the term in section 1337(a) of the National Flood Insurance Act of 1968.

“(6) NAMED STORM.—The term ‘named storm’ means any organized weather system with a defined surface circulation and maximum winds of at least 39 miles per hour which the National Hurricane Center of the United States National Weather Service names as a tropical storm or a hurricane.

“(7) NAMED STORM EVENT MODEL.—The term ‘Named Storm Event Model’ means the official meteorological and oceanographic computerized model, developed by the Administrator under subsection (b)(1)(A), which utilizes covered data to replicate the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with named storms that threaten any portion of a coastal State.

“(8) PARTICIPANT.—The term ‘participant’ means a Federal, State, or private entity that chooses to cooperate with the Administrator in carrying out the provisions of this section by collecting, contributing, and maintaining covered data.

“(9) POST-STORM ASSESSMENT.—The term ‘post-storm assessment’ means a scientific assessment produced and certified by the Administrator to determine the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with a specific named storm to be used in the COASTAL Formula.

“(10) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

“(b) NAMED STORM EVENT MODEL AND POST-STORM ASSESSMENT.—

“(1) ESTABLISHMENT OF NAMED STORM EVENT MODEL.—

“(A) IN GENERAL.—Not later than 540 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall develop by regulation the Named Storm Event Model.

“(B) ACCURACY.—The Named Storm Event Model shall be designed to generate post-storm assessments, as provided in paragraph (2), that have a degree of accuracy of not less than 90 percent for every indeterminate loss for which a post-storm assessment is utilized.

“(2) POST-STORM ASSESSMENT.—

“(A) IDENTIFICATION OF NAMED STORMS THREATENING COASTAL STATES.—After the establishment of the COASTAL Formula, the Administrator shall, in consultation with the Secretary of Homeland Security, iden-

tify named storms that may reasonably constitute a threat to any portion of a coastal State.

“(B) POST-STORM ASSESSMENT REQUIRED.—Upon identification of a named storm under subparagraph (A), the Administrator shall develop a post-storm assessment for such named storm using the Named Storm Event Model and covered data collected for such named storm pursuant to the protocol established under subsection (c)(1).

“(C) SUBMITTAL OF POST-STORM ASSESSMENT.—Not later than 90 days after an identification of a named storm is made under subparagraph (A), the Administrator shall submit to the Secretary of Homeland Security the post-storm assessment developed for such storm under subparagraph (B).

“(3) ACCURACY.—The Administrator shall ensure, to the greatest extent practicable, that each post-storm assessment developed under paragraph (2) has a degree of accuracy of not less than 90 percent.

“(4) CERTIFICATION.—For each post-storm assessment carried out under paragraph (2), the Administrator shall—

“(A) certify the degree of accuracy for such assessment, including specific reference to any segments or geographic areas for which the assessment is less than 90 percent accurate; and

“(B) report such certification to the Secretary of Homeland Security for the purposes of use with indeterminate loss claims under section 1337 of the National Flood Insurance Act of 1968.

“(5) FINALITY OF DETERMINATIONS.—A certification of the degree of accuracy of a post-storm assessment under this subsection by the Administrator shall be final and shall not be subject to judicial review.

“(6) AVAILABILITY.—The Administrator shall make available to the public the Named Storm Event Model and any post-storm assessment developed under this subsection.

“(c) ESTABLISHMENT OF A PROTOCOL FOR POST-STORM ASSESSMENT.—

“(1) IN GENERAL.—Not later than 540 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall establish a protocol, based on the plan submitted under subsection (d)(3), to collect and assemble all covered data required by the Administrator to produce post-storm assessments required by subsection (b), including assembling data collected by participants and stored in the database established under subsection (f) and from such other sources as the Administrator considers appropriate.

“(2) ACQUISITION OF SENSORS AND STRUCTURES.—If the Administrator is unable to use a public or private asset to obtain covered data as part of the protocol established under paragraph (1), the Administrator may acquire such sensors and structures for the placement of sensors as may be necessary to obtain such data.

“(3) USE OF FEDERAL ASSETS.—If the protocol requires placement of a sensor to develop assessments pursuant to subsection (b), the Administrator shall, to the extent practicable, use Federal assets for the placement of such sensors.

“(4) USE OF ACQUIRED STRUCTURES.—

“(A) IN GENERAL.—If the Administrator acquires a structure for the placement of a sensor for purposes of such protocol, the Administrator shall to the extent practical permit other public and private entities to place sensors on such structure to collect—

“(i) meteorological data;

“(ii) national security-related data;

“(iii) navigation-related data;

“(iv) hydrographic data; or

“(v) such other data as the Administrator considers appropriate.

“(B) RECEIPT OF CONSIDERATION.—The Administrator may receive consideration for the placement of a sensor on a structure under subparagraph (A).

“(C) IN-KIND CONSIDERATION.—Consideration received under subparagraph (B) may be received in-kind.

“(D) USE OF CONSIDERATION.—To the extent practicable, consideration received under subparagraph (B) shall be used for the maintenance of sensors used to collect covered data.

“(5) COORDINATED DEPLOYMENTS AND DATA COLLECTION PRACTICES.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, coordinate the deployment of sensors as part of the protocol established under paragraph (1) and related data collection carried out by Federal, State, academic, and private entities who choose to cooperate with the Administrator in carrying out this subsection.

“(6) PRIORITY ACQUISITION AND DEPLOYMENT.—The Administrator shall give priority in the acquisition for and deployment of sensors under the protocol required by paragraph (1) to areas of coastal States that have the highest risk of being harmed by named storms.

“(d) ASSESSMENT OF SYSTEMS AND EFFORTS TO COLLECT COVERED DATA.—

“(1) IDENTIFICATION OF SYSTEMS AND EFFORTS TO COLLECT COVERED DATA.—Not later than 180 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology—

“(A) carry out a survey to identify all Federal and State efforts and systems that are capable of collecting covered data; and

“(B) consult with private and academic sector entities to identify domestic private and academic systems that are capable of collecting covered data.

“(2) IDENTIFICATION OF GAPS.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology and individuals and entities consulted under subsection (e)(3), assess the systems identified under paragraph (1) and identify which systems meet the needs of the National Oceanic and Atmospheric Administration for the collection of covered data, including with respect to the accuracy requirement for post-storm assessment under subsection (b)(3).

“(3) PLAN.—Not later than 270 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, submit to Congress a plan for the collection of covered data necessary to develop the Named Storm Event Model and post-storm assessment required by subsection (b) that addresses any gaps identified in paragraph (2).

“(e) COORDINATION OF COVERED DATA COLLECTION AND MAINTENANCE BY PARTICIPANTS.—

“(1) IN GENERAL.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, coordinate the collection and maintenance of covered data by participants under this section—

“(A) to streamline the process of collecting covered data in accordance with the protocol established under subsection (c)(1); and

“(B) to maintain transparency of such process and the database established under subsection (f).

“(2) SHARING INFORMATION.—The Administrator shall establish a process for sharing among participants information relevant to collecting and using covered data for—

“(A) academic research;

“(B) private sector use;

“(C) public outreach; and

“(D) such other purposes as the Administrator considers appropriate.

“(3) CONSULTATION.—In carrying out paragraphs (1) and (2), the Administrator shall consult with the following:

“(A) The Commanding General of the United States Army Corps of Engineers.

“(B) The Administrator of the Federal Emergency Management Agency.

“(C) The Commandant of the Coast Guard.

“(D) The Director of the United States Geological Survey.

“(E) The Office of the Federal Coordinator for Meteorology.

“(F) The Director of the National Science Foundation.

“(G) The Administrator of the National Aeronautics and Space Administration.

“(H) Such public, private, and academic sector entities as the Administrator considers appropriate for purposes of carrying out the provisions of this section.

“(f) ESTABLISHMENT OF COASTAL WIND AND WATER EVENT DATABASE.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall establish a database for the collection and compilation of covered data—

“(A) to support the protocol established under subsection (c)(1); and

“(B) for the purposes listed in subsection (e)(2).

“(2) DESIGNATION.—The database established under paragraph (1) shall be known as the ‘Coastal Wind and Water Event Database’.

“(g) COMPTROLLER GENERAL STUDY.—Not later than 1 year after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Comptroller General of the United States shall—

“(1) complete an audit of Federal efforts to collect covered data for purposes of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, which audit shall—

“(A) examine duplicated Federal efforts to collect covered data; and

“(B) determine the cost effectiveness of such efforts; and

“(2) submit to the Committee on Banking, Housing, and Urban Affairs and the Commerce, Science, and Transportation of the Senate and the Committee on Financial Services and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings of the Comptroller General with respect to the audit completed under paragraph (1).”

SEC. 303. ALTERNATIVE LOSS ALLOCATION SYSTEM FOR INDETERMINATE CLAIMS.

Part A of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4051 et seq.) is amended by adding at the end the following:

“SEC. 1337. ALTERNATIVE LOSS ALLOCATION SYSTEM FOR INDETERMINATE CLAIMS.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) COASTAL FORMULA.—The term ‘COASTAL Formula’ means the formula established under subsection (b).

“(3) COASTAL STATE.—The term ‘coastal State’ has the meaning given the term ‘coastal state’ in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

“(4) INDETERMINATE LOSS.—

“(A) IN GENERAL.—The term ‘indeterminate loss’ means, as determined by an insurance claims adjuster certified under the national flood insurance program and in consultation with an engineer as appropriate, a loss resulting from physical damage to, or loss of, property located in any coastal State arising from the combined perils of flood and wind associated with a named storm.

“(B) REQUIREMENTS.—An insurance claims adjuster certified under the national flood insurance program shall only determine that a loss is an indeterminate loss if the claims adjuster determines that—

“(i) no material remnant of physical buildings or man-made structures remain except building foundations for the specific property for which the claim is made; and

“(ii) there is insufficient or no tangible evidence created, yielded, or otherwise left behind of the specific property for which the claim is made as a result of the named storm.

“(5) NAMED STORM.—The term ‘named storm’ means any organized weather system with a defined surface circulation and maximum winds of not less than 39 miles per hour which the National Hurricane Center of the United States National Weather Service names as a tropical storm or a hurricane.

“(6) POST-STORM ASSESSMENT.—The term ‘post-storm assessment’ means the post-storm assessment developed under section 12312(b) of the Omnibus Public Land Management Act of 2009.

“(7) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(9) STANDARD INSURANCE POLICY.—The term ‘standard insurance policy’ means any insurance policy issued under the national flood insurance program that covers loss or damage to property resulting from water peril.

“(10) PROPERTY.—The term ‘property’ means real or personal property that is insured under a standard insurance policy for loss or damage to structure or contents.

“(11) UNDER SECRETARY.—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere, in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

“(b) ESTABLISHMENT OF FLOOD LOSS ALLOCATION FORMULA FOR INDETERMINATE CLAIMS.—

“(1) IN GENERAL.—Not later than 180 days after the date on which the protocol is established under section 12312(c)(1) of the Omnibus Public Land Management Act of 2009, the Secretary, acting through the Administrator and in consultation with the Under Secretary, shall establish by rule a standard formula to determine and allocate wind losses and flood losses for claims involving indeterminate losses.

“(2) CONTENTS.—The standard formula established under paragraph (1) shall—

“(A) incorporate data available from the Coastal Wind and Water Event Database es-

tablished under section 12312(f) of the Omnibus Public Land Management Act of 2009;

“(B) use relevant data provided on the National Flood Insurance Program Elevation Certificate for each indeterminate loss for which the formula is used;

“(C) consider any sufficient and credible evidence, approved by the Administrator, of the pre-event condition of a specific property, including the findings of any policyholder or insurance claims adjuster in connection with the indeterminate loss to that specific property;

“(D) include other measures, as the Administrator considers appropriate, required to determine and allocate by mathematical formula the property damage caused by flood or storm surge associated with a named storm; and

“(E) subject to paragraph (3), for each indeterminate loss, use the post-storm assessment to allocate water damage (flood or storm surge) associated with a named storm.

“(3) DEGREE OF ACCURACY REQUIRED.—The standard formula established under paragraph (1) shall specify that the Administrator may only use the post-storm assessment for purposes of the formula if the Under Secretary certifies that the post-storm assessment has a degree of accuracy of not less than 90 percent in connection with the specific indeterminate loss for which the assessment and formula are used.

“(c) AUTHORIZED USE OF POST-STORM ASSESSMENT AND COASTAL FORMULA.—

“(1) IN GENERAL.—Subject to paragraph (3), the Administrator may use the post-storm assessment and the COASTAL Formula to—

“(A) review flood loss payments for indeterminate losses, including as part of the quality assurance reinspection program of the Federal Emergency Management Agency for claims under the national flood insurance program and any other process approved by the Administrator to review and validate payments under the national flood insurance program for indeterminate losses following a named storm; and

“(B) assist the national flood insurance program to—

“(i) properly cover qualified flood loss for claims for indeterminate losses; and

“(ii) avoid paying for any loss or damage to property caused by any peril (including wind), other than flood or storm surge, that is not covered under a standard policy under the national flood insurance program.

“(2) FEDERAL DISASTER DECLARATION.—Subject to paragraph (3), in order to expedite claims and reduce costs to the national flood insurance program, following any major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) relating to a named storm in a coastal State, the Administrator may use the COASTAL Formula to determine and pay for any flood loss covered under a standard insurance policy under the national flood insurance program, if the loss is an indeterminate loss.

“(3) NATIONAL ACADEMY OF SCIENCES EVALUATION.—

“(A) EVALUATION REQUIRED.—

“(i) EVALUATION.—Upon the issuance of the rule establishing the COASTAL Formula, and each time the Administrator modifies the COASTAL Formula, the National Academy of Sciences shall—

“(I) evaluate the expected financial impact on the national flood insurance program of the use of the COASTAL Formula as so established or modified; and

“(II) evaluate the validity of the scientific assumptions upon which the formula is based

and determine whether the COASTAL formula can achieve a degree of accuracy of not less than 90 percent in allocating flood losses for indeterminate losses.

“(ii) REPORT.—The National Academy of Sciences shall submit a report containing the results of each evaluation under clause (i) to the Administrator, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(B) EFFECTIVE DATE AND APPLICABILITY.—

“(i) EFFECTIVE DATE.—Paragraphs (1) and (2) of this subsection shall not take effect unless the report under subparagraph (A) relating to the establishment of the COASTAL Formula concludes that the use of the COASTAL Formula for purposes of paragraph (1) and (2) would not have an adverse financial impact on the national flood insurance program and that the COASTAL Formula is based on valid scientific assumptions that would allow a degree of accuracy of not less than 90 percent to be achieved in allocating flood losses for indeterminate losses.

“(ii) EFFECT OF MODIFICATIONS.—Unless the report under subparagraph (A) relating to a modification of the COASTAL Formula concludes that the use of the COASTAL Formula, as so modified, for purposes of paragraphs (1) and (2) would not have an adverse financial impact on the national flood insurance program and that the COASTAL Formula is based on valid scientific assumptions that would allow a degree of accuracy of not less than 90 percent to be achieved in allocating flood losses for indeterminate losses the Administrator may not use the COASTAL Formula, as so modified, for purposes of paragraphs (1) and (2).

“(C) FUNDING.—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from the National Flood Insurance Fund, of amounts not otherwise obligated, not more than \$750,000 to carry out this paragraph.

“(d) DISCLOSURE OF COASTAL FORMULA.—Not later than 30 days after the date on which a post-storm assessment is submitted to the Secretary under section 12312(b)(2)(C) of the Omnibus Public Land Management Act of 2009, for each indeterminate loss for which the COASTAL Formula is used pursuant to subsection (c)(2), the Administrator shall disclose to the policyholder that makes a claim relating to the indeterminate loss—

“(1) that the Administrator used the COASTAL Formula with respect to the indeterminate loss; and

“(2) a summary of the results of the use of the COASTAL Formula.

“(e) CONSULTATION.—In carrying out subsections (b) and (c), the Secretary shall consult with—

“(1) the Under Secretary for Oceans and Atmosphere;

“(2) the Director of the National Institute of Standards and Technology;

“(3) the Chief of Engineers of the United States Army Corps of Engineers;

“(4) the Director of the United States Geological Survey;

“(5) the Office of the Federal Coordinator for Meteorology;

“(6) State insurance regulators of coastal States; and

“(7) such public, private, and academic sector entities as the Secretary considers appropriate for purposes of carrying out such subsections.

“(f) RECORDKEEPING.—Each consideration and measure the Administrator determines necessary to carry out subsection (b) may be

required, with advanced approval of the Administrator, to be provided for on the National Flood Insurance Program Elevation Certificate, or maintained otherwise on record if approved by the Administrator, for any property that qualifies for the COASTAL Formula under subsection (c).

“(g) CIVIL PENALTY.—

“(1) IN GENERAL.—If an insurance claims adjuster knowingly and willfully makes a false or inaccurate determination relating to an indeterminate loss, the Administrator may, after notice and opportunity for hearing, impose on the insurance claims adjuster a civil penalty of not more than \$1,000.

“(2) DEPOSIT.—Notwithstanding section 3302 of title 31, United States Code, or any other law relating to the crediting of money, the Administrator shall deposit in the National Flood Insurance Fund any amounts received under this subsection, which shall remain available until expended and be available to the Administrator for purposes authorized for the National Flood Insurance Fund without further appropriation.

“(h) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to make any payment under the national flood insurance program, or an insurance company to make any payment, for an indeterminate loss based upon post-storm assessment or the COASTAL Formula.

“(i) APPLICABILITY.—Subsection (c) shall apply with respect to an indeterminate loss associated with a named storm that occurs after the date on which the Administrator issues the rule establishing the COASTAL Formula under subsection (b).

“(j) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to negate, set aside, or void any policy limit, including any loss limitation, set forth in a standard insurance policy.”.

SA 2139. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle D—Theft of Medical Products

SEC. 1141. SHORT TITLE.

This subtitle may be cited as the “Safe Doses Act”.

SEC. 1142. THEFT OF MEDICAL PRODUCTS.

(a) PROHIBITED CONDUCT AND PENALTIES.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following:

“§ 670. Theft of medical products

“(a) PROHIBITED CONDUCT.—Whoever, in, or using any means or facility of, interstate or foreign commerce—

“(1) embezzles, steals, or by fraud or deception obtains, or knowingly and unlawfully takes, carries away, or conceals, a pre-retail medical product;

“(2) knowingly and falsely makes, alters, forges, or counterfeits the labeling or documentation (including documentation relating to origination or shipping) of a pre-retail medical product;

“(3) knowingly possesses, transports, or traffics in a pre-retail medical product that was involved in a violation of paragraph (1) or (2);

“(4) with intent to defraud, buys, or otherwise obtains, a pre-retail medical product that has expired or been stolen;

“(5) with intent to defraud, sells, or distributes, a pre-retail medical product that is expired or stolen; or

“(6) attempts or conspires to violate any of paragraphs (1) through (5);

shall be punished as provided in subsection (c) and subject to the other sanctions provided in this section.

“(b) AGGRAVATED OFFENSES.—An offense under this section is an aggravated offense if—

“(1) the defendant is employed by, or is an agent of, an organization in the supply chain for the pre-retail medical product; or

“(2) the violation—

“(A) involves the use of violence, force, or a threat of violence or force;

“(B) involves the use of a deadly weapon;

“(C) results in serious bodily injury or death, including serious bodily injury or death resulting from the use of the medical product involved; or

“(D) is subsequent to a prior conviction for an offense under this section.

“(c) CRIMINAL PENALTIES.—Whoever violates subsection (a)—

“(1) if the offense is an aggravated offense under subsection (b)(2)(C), shall be fined under this title or imprisoned not more than 30 years, or both;

“(2) if the value of the medical products involved in the offense is \$5,000 or greater, shall be fined under this title, imprisoned for not more than 15 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 20 years; and

“(3) in any other case, shall be fined under this title, imprisoned for not more than 3 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 5 years.

“(d) CIVIL PENALTIES.—Whoever violates subsection (a) is subject to a civil penalty in an amount not more than the greater of—

“(1) three times the economic loss attributable to the violation; or

“(2) \$1,000,000.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘pre-retail medical product’ means a medical product that has not yet been made available for retail purchase by a consumer;

“(2) the term ‘medical product’ means a drug, biological product, device, medical food, or infant formula;

“(3) the terms ‘device’, ‘drug’, ‘infant formula’, and ‘labeling’ have, respectively, the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act;

“(4) the term ‘biological product’ has the meaning given the term in section 351 of the Public Health Service Act;

“(5) the term ‘medical food’ has the meaning given the term in section 5(b) of the Orphan Drug Act; and

“(6) the term ‘supply chain’ includes manufacturer, wholesaler, repacker, own-labeled distributor, private-label distributor, jobber, broker, drug trader, transportation company, hospital, pharmacy, or security company.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding after the item relating to section 669 the following:

“670. Theft of medical products.”.

SEC. 1143. CIVIL FORFEITURE.

Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting “670,” after “657.”

SEC. 1144. PENALTIES FOR THEFT-RELATED OFFENSES.

(a) **INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.**—Section 659 of title 18, United States Code, is amended by adding at the end of the fifth undesignated paragraph the following: “If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater.”

(b) **RACKETEERING.**—

(1) **TRAVEL ACT VIOLATIONS.**—Section 1952 of title 18, United States Code, is amended by adding at the end the following:

“(d) If the offense under this section involves an act described in paragraph (1) or (3) of subsection (a) and also involves a pre-retail medical product (as defined in section 670), the punishment for the offense shall be the same as the punishment for an offense under section 670, unless the punishment under subsection (a) is greater.”

(2) **MONEY LAUNDERING.**—Section 1957(b)(1) of title 18, United States Code, is amended by adding at the end the following: “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this subsection is greater.”

(c) **BREAKING OR ENTERING CARRIER FACILITIES.**—Section 2117 of title 18, United States Code, is amended by adding at the end of the first undesignated paragraph the following: “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.”

(d) **STOLEN PROPERTY.**—

(1) **TRANSPORTATION OF STOLEN GOODS AND RELATED OFFENSES.**—Section 2314 of title 18, United States Code, is amended by adding at the end of the sixth undesignated paragraph the following: “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.”

(2) **SALE OR RECEIPT OF STOLEN GOODS AND RELATED OFFENSES.**—Section 2315 of title 18, United States Code, is amended by adding at the end of the fourth undesignated paragraph the following: “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.”

SEC. 1145. INCLUSION OF NEW OFFENSE AS RICO PREDICATE.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting “, section 670 (relating to theft of medical products)” before “, sections 891”.

SEC. 1146. AMENDMENT TO EXTEND WIRE-TAPPING AUTHORITY TO NEW OFFENSE.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (s) as paragraph (t);

(2) by striking “or” at the end of paragraph (r); and

(3) by inserting after paragraph (r) the following:

“(s) any violation of section 670 (relating to theft of medical products); or”.

SEC. 1147. REQUIRED RESTITUTION.

Section 3663A(c)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following:

“(iv) an offense under section 670 (relating to theft of medical products); and”.

SEC. 1148. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses under section 670 of title 18, United States Code, as added by this Act, section 2118 of title 18, United States Code, or any another section of title 18, United States Code, amended by this Act, to reflect the intent of Congress that penalties for such offenses be sufficient to deter and punish such offenses, and appropriately account for the actual harm to the public from these offenses.

(b) **REQUIREMENTS.**—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately reflect—

(A) the serious nature of such offenses;

(B) the incidence of such offenses; and

(C) the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider establishing a minimum offense level under the Federal sentencing guidelines and policy statements for offenses covered by this Act;

(3) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SA 2140. Mr. SCHUMER (for himself, Mr. MERKLEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE —PROTECTING PATIENTS AND HOSPITALS FROM PRICE GOUGING ACT**SEC. 01. SHORT TITLE.**

This title may be cited as the “Protecting Patients and Hospitals From Price Gouging Act”.

SEC. 02. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) many pharmaceutical drugs are necessary to maintain the health and welfare of the American people;

(2) currently the Nation is facing a chronic shortage of vital drugs necessary in surgery, to treat cancer, and to fight other life-threatening illnesses; and

(3) in order to prevent any party within the chain of distribution of any vital drugs from taking unfair advantage of consumers during market shortages, the public interest requires that such conduct be prohibited and made subject to criminal penalties.

(b) **PURPOSE.**—The purpose of this title is to prohibit excessive pricing during market shortages.

SEC. 03. DEFINITIONS.

As used in this title—

(1) the term “market shortage” means a situation in which the total supply of all clinically interchangeable versions of an FDA-regulated drug is inadequate to meet the current or projected demand at the user level;

(2) the term “drug” means a drug intended for use by human beings, which—

(A) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

(B) is limited by an approved application under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to use under the professional supervision of a practitioner licensed by law to administer such drug;

(3) the term “biologic” means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings; and

(4) the term “vital drug” means any drug or biologic used to prevent or treat a serious or life-threatening disease or medical condition, for which there is no other available source with sufficient supply of that drug or biologic or alternative drug or biologic available.

SEC. 04. UNREASONABLY EXCESSIVE DRUG PRICING.

(a) **IN GENERAL.**—

(1) **AUTHORITY.**—The President may issue an Executive Order declaring a market shortage for a period of 6 months with regard to one or more vital drugs due to a market shortage under this title.

(2) **UNLAWFUL ACT.**—If the President issues an Executive Order under paragraph (1), it shall be unlawful for any person to sell vital drugs at a price that is unreasonably excessive and indicates that the seller is taking unfair advantage of the circumstances related to a market shortage to unreasonably increase prices during such period.

(b) **AUTHORITY.**—The Attorney General is authorized to enforce penalties under this title.

SEC. 05. ENFORCEMENT.

(a) **ENFORCEMENT.**—

(1) **IN GENERAL.**—Whoever sells, or offers to sell, any vital drug during a declared market shortage with the knowledge and intent to charge a price that is unreasonably excessive under the circumstances shall be guilty of an offense under this section and subject to injunction and penalties as provided in paragraphs (2) and (3).

(2) **ACTION IN DISTRICT COURT FOR INJUNCTION.**—Whenever it shall appear to the Attorney General that any person is engaged in or

about to engage in acts or practices constituting a violation of any provision of this section and until such complaint is dismissed by the Attorney General or set aside by a court on review, the Attorney General may in his or her discretion bring an action in the proper district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond in the interest of the public.

(3) **CRIMINAL PENALTIES.**—Any person acting with the knowledge and intent to charge a price that is unreasonably excessive under the circumstances shall be guilty of an offense under this section and title 18, United States Code, and subject to imprisonment for a term not to exceed 3 years, fined an amount not to exceed \$5,000,000, or both.

(b) **ENFORCEMENT.**—The criminal penalty provided by subsection (a) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice.

(c) **MULTIPLE OFFENSES.**—In assessing the penalty provided by subsection (a) each day of a continuing violation shall be considered a separate violation.

(d) **APPLICATION.**—

(1) **IN GENERAL.**—This section shall apply—

(A) in the geographical area where the vital drug market shortage has been declared; and

(B) to all wholesalers and distributors in the chain of distribution.

(2) **INAPPLICABLE.**—This section shall not apply to a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)) or a physician (as defined in section 1861(q) of the Social Security Act (42 U.S.C. 1395x(q))).

SEC. 06. DETERMINATION OF UNREASONABLY EXCESSIVE.

(a) **IN GENERAL.**—The Attorney General, in determining whether an alleged violator's price was unreasonably excessive, shall consider whether—

(1) the price reasonably reflected additional costs, not within the control of that person or company, that were paid, incurred, or reasonably anticipated by that person or company;

(2) the price reasonably reflected additional risks taken by that person or company to produce, distribute, obtain, or sell such product under the circumstances;

(3) there is a gross disparity between the challenged price and the price at which the same or similar goods were readily available in the same region and during the same Presidentially-declared market shortage;

(4) the marginal benefit received by the wholesaler or distributor is significantly changed in comparison with marginal earnings in the year before a market shortage was declared;

(5) the price charged was comparable to the price at which the goods were generally available in the trade area if the wholesaler or distributor did not sell or offer to sell the prescription drug in question prior to the time a market shortage was declared; and

(6) the price was substantially attributable to local, regional, national, or international market conditions.

(b) **CONSULTATION.**—Not later than 1 year after the date of enactment of this title and annually thereafter, the Attorney General or designee, shall consult with representatives

of the National Association of Wholesalers, Group Purchasing Organizations, Pharmaceutical Distributors, Hospitals, Manufacturers, patients, and other interested community organizations to reassess the criteria set forth in subsection (a) in determining unreasonably excessive and prepare and submit to Congress a report on the results of the reassessment.

SEC. 07. DURATION.

(a) **IN GENERAL.**—Any market shortage declared by the President in accordance with this title shall be in effect for a period of not to exceed 6 months from the date on which the President issues the Executive Order.

(b) **TERMINATION.**—Any market shortage declared by the President in accordance with this title shall terminate if—

(1) there is enacted a law terminating the market shortage which shall be passed by Congress after a national market shortage is declared; or

(2) the President issues a proclamation terminating the market shortage; whichever comes first.

(c) **DECLARATION RENEWAL.**—The President may renew the state of market shortage declared under subsection (a), if the President declares that the severe shortage continues to affect the health and well being of citizens beyond the initial 6-month period.

SA 2141. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. REPORT ON SMALL BUSINESSES.

Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs shall submit a report to Congress that includes—

(1) a listing of and staffing levels of all small business offices at the Food and Drug Administration, including the small business liaison program;

(2) the status of partnership efforts between the Food and Drug Administration and the Small Business Administration;

(3) a summary of outreach efforts to small businesses and small business associations, including availability of toll-free telephone help lines;

(4) with respect to the program under the Orphan Drug Act (Public Law 97-414), the number of applications made by small businesses and number of applications approved for research grants, the amount of tax credits issued for clinical research, and the number of companies receiving protocol assistance for the development of drugs for rare diseases and disorders;

(5) with respect to waivers and reductions for small business under the Prescription Drug User Fee Act, the number of small businesses applying for and receiving waivers and reductions from drug user fees under subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.);

(6) the number of small businesses submitting applications and receiving approval for unsolicited grant applications from the Food and Drug Administration;

(7) the number of small businesses submitting applications and receiving approval for solicited grant applications from the Food and Drug Administration;

(8) barriers small businesses encounter in the drug and medical device approval process; and

(9) recommendations for changes in the user fee structure to help alleviate generic drug shortages.

SA 2142. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, strike line 10 through line 21 and insert the following:

(2) by adding at the end the following:

“(b) **ABILITY TO RECEIVE AND PROTECT CONFIDENTIAL INFORMATION OBTAINED FROM FOREIGN GOVERNMENT AGENCIES RELATING TO DRUG INSPECTIONS.**—

“(1) **IN GENERAL.**—The Secretary shall not be required to disclose under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), or any other provision of law, any information relating to drug inspections obtained from a foreign government agency, if—

“(A) the information is provided or made available to the United States Government voluntarily and on the condition that the information not be released to the public;

“(B) the foreign government agency, in writing, requests that the information be kept confidential; and

“(C) the Secretary determines that the requirements under subparagraphs (A) and (B) have been satisfied.

“(2) **TIME LIMITATIONS.**—A foreign government agency may specify in a request described in paragraph (1)(B) that the voluntarily-provided information be withheld from disclosure for a specified time period. Such information may not be withheld under this subsection after the date specified. If no such date is specified, the withholding period shall not exceed 3 years.

“(3) **DISCLOSURES NOT AFFECTED.**—Nothing in this subsection authorizes any official to withhold, or to authorize the withholding of, information from Congress or information required to be disclosed pursuant to an order of a court of the United States. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in section 552(b)(3)(B).

SA 2143. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 11. LIMITATION ON SUPPRESSION BY FEDERAL GOVERNMENT OF CLAIMS IN FOOD AND DIETARY SUPPLEMENTS.

(a) IN GENERAL.—The Federal Government may not take any action to prevent use of a claim describing any nutrient in a food or dietary supplement (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) as mitigating, treating, or preventing any disease, disease symptom, or health-related condition, unless a Federal court in a final order following a trial on the merits finds clear and convincing evidence based on qualified expert opinion and published peer-reviewed scientific research that—

(1) the claim is false and misleading in a material respect; and

(2) there is no less speech restrictive alternative to claim suppression, such as use of disclaimers or qualifications, that can render the claim non-misleading.

(b) DEFINITION.—In this section, the term “material” means that the Food and Drug Administration has identified a competent consumer survey demonstrating that consumers decided to purchase the food or dietary supplement based on the portion of the claim alleged to be false or misleading.

SEC. 11. DEFINITION OF DRUG.

(a) IN GENERAL.—Subparagraph (1) of section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)) is amended by striking the second and third sentences and inserting the following: “A food or dietary supplement for which a claim is made in accordance with section 403(r)(1)(B) is not a drug solely because of such claim.”.

(b) RULES.—All rules of the Food and Drug Administration in existence on the date of the enactment of this Act prohibiting nutrient-disease relationship claims are revoked.

SEC. 11. MISBRANDED FOOD.

Section 403(r) (21 U.S.C. 343(r)) is amended—

(1) by striking clause (B) of subparagraph (1) and inserting the following:

“(B) describes any nutrient as mitigating, treating, or preventing any disease, disease symptom, or health-related condition if, and only if, the claim has been adjudicated false and misleading in a material respect by final order of a Federal court of competent jurisdiction in accordance with section 1202 of the Health Freedom Act.”;

(2) by striking subparagraph (3);

(3) in the first sentence of subparagraph (4)(A)(i)—

(A) by striking “or (3)(B)”; and

(B) by striking “or (1)(B)”; and

(4) by striking clause (C) of subparagraph (4);

(5) by striking clause (D) of subparagraph (5); and

(6) in subparagraph (6), in the matter following clause (C), by striking the first sentence.

SEC. 11. DIETARY SUPPLEMENT LABELING EXEMPTIONS.

Section 403B (21 U.S.C. 343 2) is amended to read as follows:

“FOOD AND DIETARY SUPPLEMENT LABELING

“SEC. 403B. The Federal Government shall take no action to prevent distribution of any publication in connection with the sale of a food or dietary supplement to consumers unless it establishes that a claim contained in the publication—

“(1) names the specific food or dietary supplement sold by the person causing the publication to be distributed;

“(2) represents that the specific food or dietary supplement mitigates, treats, or prevents a disease; and

“(3) proves the claim to be false and misleading in a material respect by final order of a Federal court of competent jurisdiction.”.

SEC. 11. PROHIBITIONS ON FDA OFFICIALS CARRYING FIREARMS AND MAKING ARRESTS WITHOUT WARRANTS.

Section 702(e) (21 U.S.C. 372(e)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2) respectively;

(3) in paragraph (2), as so redesignated, by adding “and” after the semicolon at the end;

(4) by striking paragraph (4); and

(5) by redesignating paragraph (5) as paragraph (3).

SEC. 11. PROHIBITED ACTS.

Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting “knowing and willful” before “introduction or delivery”;

(2) in subsection (b), by inserting “knowing and willful” before “adulteration”;

(3) in subsection (c), by inserting “knowing and willful” before “receipt”;

(4) in subsection (d), by inserting “knowing and willful” before “introduction or delivery”;

(5) in subsection (e), by striking “The refusal” and inserting “The knowing and willful refusal”;

(6) in subsection (f), by inserting “knowing and willful” before “refusal”;

(7) in subsection (g), by inserting “knowing and willful” before “manufacture”;

(8) in subsection (h), by striking “The giving” and inserting “The knowing and willful giving”;

(9) in subsection (i)—

(A) in paragraph (1)—

(i) by striking “Forging” and inserting “Knowingly and willfully forging”; and

(ii) by inserting “knowingly and willfully” after “proper authority”;

(B) in paragraph (2), by striking “Making” and inserting “Knowingly and willfully making”;

(C) in paragraph (3), by striking “The doing” and inserting “The knowing and willful doing”;

(10) in subsection (j), by striking “The using” and inserting “The knowing and willful using”;

(11) in subsection (k)—

(A) by inserting “knowing and willful” before “alteration”; and

(B) by inserting “knowing and willful” before “doing”;

(12) in subsection (m), by striking “The sale” and inserting “The knowing and willful sale”;

(13) in subsection (n), by striking “The using” and inserting “The knowing and willful using”;

(14) in subsection (o), by inserting “knowing and willful” before “failure”;

(15) in subsection (p), by striking “The failure” and inserting “The knowing and willful failure”;

(16) in subsection (q)—

(A) in paragraph (1), by striking “The failure” and inserting “The knowing and willful failure”; and

(B) in paragraph (2), by inserting “knowing and willful” before “submission”;

(17) in subsection (r), by inserting “knowing and willful” before “movement”;

(18) in subsection (s), by striking “The failure” and inserting “The knowing and willful failure”;

(19) in subsection (t), by striking “The importation” and inserting “The knowing and willful importation”;

(20) in subsection (u), by inserting “knowing and willful” before “failure”;

(21) in subsection (v), by striking “The introduction” and inserting “The knowing and willful introduction”;

(22) in subsection (w), by inserting “The making” and inserting “The knowing and willful making”;

(23) in subsection (x), by inserting “knowing and willful” before falsification;

(24) in subsection (y)—

(A) in paragraph (1), by inserting “knowing and willful” before “submission”;

(B) in paragraph (2), by inserting “knowing and willful” before “disclosure”; and

(C) in paragraph (3), by inserting “knowing and willful” before “receipt”;

(25) in subsection (aa), by inserting “knowing and willful” before “importation”;

(26) in subsection (bb), by inserting “knowing and willful” before “transfer”;

(27) in subsection (cc), by inserting “knowing and willful” before “importing”;

(28) in subsection (dd), by inserting “knowing and willful” before “failure”;

(29) in subsection (ee), by inserting “knowing and willful” before “importing”;

(30) in subsection (ff), by inserting “knowing and willful” before “importing”;

(31) in subsection (gg), by inserting “and willful” after “knowing” each place such term appears;

(32) in subsection (hh), by inserting “knowing and willful” before “failure”;

(33) in subsection (ii), by inserting “knowing and willful” before “falsification of a report”;

(34) in subsection (jj)—

(A) in paragraph (1)—

(i) by inserting “knowing and willful” before “failure”; and

(ii) by inserting “and willfully” after “knowingly”;

(B) in paragraph (2), by inserting “knowing and willful” before “failure”; and

(C) in paragraph (3), by inserting “knowing and willful” before “submission”;

(35) in subsection (kk), by inserting “knowing and willful” before “dissemination”;

(36) in subsection (ll), by striking “The introduction” and inserting “The knowing and willful introduction”;

(37) in subsection (mm), by inserting “knowing and willful” before “failure”;

(38) in subsection (nn), by inserting “knowing and willful” before “falsification”;

(39) in subsection (oo), by inserting “knowing and willful” before “introduction or delivery”;

(40) in subsection (pp), by inserting “knowing and willful” before “introduction or delivery”;

(41) in subsection (qq)—

(A) in paragraph (1), by striking “Forging” and inserting “Knowingly and willfully forging”;

(B) in paragraph (2), by striking “Making” and inserting “Knowingly and willfully making”;

(C) in paragraph (3), by inserting “knowing and willfully” before “doing”;

(42) in subsection (rr), by inserting “knowing and willful” before “charitable”;

(43) in subsection (ss), by inserting “knowing and willful” before “failure”;

(44) in subsection (tt), by striking “Making” and inserting “Knowingly and willfully making”;

(45) in subsection (vv), by inserting “knowing and willful” before “failure”;

(46) in subsection (ww), by inserting “knowing and willful” before “failure”;

(47) in subsection (xx), by inserting “knowing and willful” before “refusal”;

(48) in subsection (aaa), as added by section 712, by inserting “knowing and willful” before “failure”; and

(49) in subsection (bbb), as added by section 722, by inserting “knowing and willful” before “violation”.

SA 2144. Mr. HATCH (for himself, Mr. BURR, Mr. ALEXANDER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, between lines 2 and 3, insert the following:

“(C)(i) Reclassification by administrative order under subparagraph (A) shall apply only in the case of reclassification of a class III or class II device as a class II or class I device. The Secretary may reclassify a class I or class II device as a class II or class III device by regulation and revoke, because of the change in classification, any regulation or requirement in effect under section 514 or 515 with respect to such device. In the promulgation of such a regulation respecting a device’s classification, the Secretary may secure from the panel to which the device was last referred pursuant to subsection (c) a recommendation respecting the proposed change in the device’s classification and shall publish in the Federal Register any recommendation submitted to the Secretary by the panel respecting such change. A regulation under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

“(ii) In the case of a device reclassified as described in clause (i), paragraph (2), section 514(a)(1), and section 517(a)(1) shall apply to a regulation promulgated under clause (i) in the same manner such provisions apply to an order issued under subparagraph (A).”.

SA 2145. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle D—Interstate Drug Monitoring Efficiency and Data Sharing

SECTION 1141. SHORT TITLE.

This subtitle may be cited as the “Interstate Drug Monitoring Efficiency and Data Sharing Act of 2012” or the “ID MEDS Act”.

SEC. 1142. NATIONAL INTEROPERABILITY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall establish national interoperability standards to facilitate the exchange of prescription information across State lines by States receiving grant funds under—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748); and

(2) the Controlled Substance Monitoring Program established under section 399O of the Public Health Service Act (42 U.S.C. 280g 3).

(b) REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall ensure that the national interoperability standards established under subsection (a)—

(1) implement open standards that are freely available, without cost and without restriction, in order to promote broad implementation;

(2) provide for the use of exchange intermediaries, or hubs, as necessary to facilitate interstate interoperability by accommodating State-to-hub and direct State-to-State communication;

(3) support transmissions that are fully secured as required, using industry standard methods of encryption, to ensure that Protected Health Information and Personally Identifiable Information (PHI and PII) are not compromised at any point during such transmission; and

(4) employ access control methodologies to share protected information solely in accordance with State laws and regulations.

SEC. 1143. STATE RECIPIENT REQUIREMENTS.

(a) HAROLD ROGERS PRESCRIPTION DRUG MONITORING PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Attorney General establishes national interoperability standards under section 1142(a), a recipient of a grant under the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748) shall ensure that the databases of the State comply with such national interoperability standards.

(2) USE OF ENHANCEMENT GRANT FUNDS.—A recipient of an enhancement grant under the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748) may use enhancement grant funds to standardize the technology architecture used by the recipient to comply with the national interoperability standards established under section 1142(a).

(b) CONTROLLED SUBSTANCE MONITORING PROGRAM.—Section 399O(e) of the Public Health Service Act (42 U.S.C. 280g-3(e)) is amended by adding at the end the following:

“(5) Not later than 1 year after the date on which the Attorney General establishes national interoperability standards under section 1142(a) of the ID MEDS Act, the State shall ensure that the database complies with such national interoperability standards.”.

SEC. 1144. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on enhancing the interoperability of State prescription monitoring programs with other technologies and databases used for detecting and reducing fraud, diversion, and abuse of prescription drugs.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a discussion of the feasibility of making State prescription monitoring programs interoperable with other relevant technologies and databases, including—

(A) electronic prescribing systems;

(B) databases operated by the Drug Enforcement Agency;

(C) electronic health records; and

(D) pre-payment fraud-detecting analytics technologies;

(2) an assessment of legal, technical, fiscal, privacy, or security challenges that have an impact on interoperability;

(3) a discussion of how State prescription monitoring programs could increase the production and distribution of unsolicited reports to prescribers and dispensers of prescription drugs, law enforcement officials, and health professional licensing agencies, including the enhancement of such reporting through interoperability with other States and relevant technology and databases; and

(4) any recommendations for addressing challenges that impact interoperability of State prescription monitoring programs in order to reduce fraud, diversion, and abuse of prescription drugs.

SA 2146. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, insert the following:

Subtitle D—Synthetic Drugs

SECTION 1141. SHORT TITLE.

This subtitle may be cited as the “Synthetic Drug Abuse Prevention Act of 2012”.

SEC. 1142. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

“(d)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

“(2) In paragraph (1):

“(A) The term ‘cannabimimetic agents’ means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

“(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

“(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

“(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in

the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

“(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

“(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

“(B) Such term includes—

“(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

“(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

“(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

“(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

“(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

“(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

“(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

“(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

“(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

“(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

“(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

“(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

“(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

“(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

“(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).”

(b) OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

“(18) 4-methylmethcathinone (Mephedrone).

“(19) 3,4-methylenedioxypyrovalerone (MDPV).

“(20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

“(21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

“(22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

“(23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

“(24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

“(25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

“(26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

“(27) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).

“(28) 2-(2,5-Dimethoxy-4-(n-propylphenyl)ethanamine (2C-P).”

SEC. 1143. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking “one year” and inserting “2 years”; and

(2) by striking “six months” and inserting “1 year”.

SA 2147. Mr. HATCH (for himself, Mr. BROWN of Massachusetts, Mr. BURR, Mr. COBURN, Mr. CORNYN, Mr. LUGAR, Mr. ROBERTS, Mr. HOEVEN, Mrs. HUTCHISON, Mr. LEE, Mr. WICKER, Mr. COATS, Mr. BARRASSO, Mr. TOOMEY, Mr. MORAN, Ms. COLLINS, Mr. INHOFE, Mr. BLUNT, Mr. PORTMAN, Mr. ALEXANDER, Ms. AYOTTE, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. REPEAL OF MEDICAL DEVICE EXCISE TAX.

Subsections (a), (b), and (c) of section 1405 of the Health Care and Education Reconciliation Act of 2010, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section and amendments had never been enacted.

SA 2148. Mr. KOHL (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, Mr. BROWN of Ohio, Mr. BINGAMAN, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE .—PRESERVE ACCESS TO AFFORDABLE GENERICS ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “Preserve Access to Affordable Generics Act”.

SEC. 02. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In 1984, the Drug Price Competition and Patent Term Restoration Act (Public Law 98-417) (referred to in this title as the “1984 Act”), was enacted with the intent of facilitating the early entry of generic drugs while preserving incentives for innovation.

(2) Prescription drugs make up 10 percent of the national health care spending but for the past decade have been one of the fastest growing segments of health care expenditures.

(3) Until recently, the 1984 Act was successful in facilitating generic competition to the benefit of consumers and health care payers—although 67 percent of all prescriptions dispensed in the United States are generic drugs, they account for only 20 percent of all expenditures.

(4) Generic drugs cost substantially less than brand name drugs, with discounts off the brand price sometimes exceeding 90 percent.

(5) Federal dollars currently account for an estimated 30 percent of the \$235,000,000,000

spent on prescription drugs in 2008, and this share is expected to rise to 40 percent by 2018.

(6)(A) In recent years, the intent of the 1984 Act has been subverted by certain settlement agreements between brand companies and their potential generic competitors that make “reverse payments” which are payments by the brand company to the generic company.

(B) These settlement agreements have unduly delayed the marketing of low-cost generic drugs contrary to free competition, the interests of consumers, and the principles underlying antitrust law.

(C) Because of the price disparity between brand name and generic drugs, such agreements are more profitable for both the brand and generic manufacturers than competition, and will become increasingly common unless prohibited.

(D) These agreements result in consumers losing the benefits that the 1984 Act was intended to provide.

(b) PURPOSES.—The purposes of this title are—

(1) to enhance competition in the pharmaceutical market by stopping anticompetitive agreements between brand name and generic drug manufacturers that limit, delay, or otherwise prevent competition from generic drugs; and

(2) to support the purpose and intent of antitrust law by prohibiting anticompetitive practices in the pharmaceutical industry that harm consumers.

SEC. 03. UNLAWFUL COMPENSATION FOR DELAY.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by—

(1) redesignating section 28 as section 29; and

(2) inserting before section 29, as redesignated, the following:

“SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.

“(a) IN GENERAL.—

“(1) ENFORCEMENT PROCEEDING.—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

“(2) PRESUMPTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

“(i) an ANDA filer receives anything of value; and

“(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

“(B) EXCEPTION.—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

“(b) COMPETITIVE FACTORS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

“(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

“(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

“(3) the form and amount of consideration received by the ANDA filer in the agreement

resolving or settling the patent infringement claim;

“(4) the revenue the ANDA filer would have received by winning the patent litigation;

“(5) the reduction in the NDA holder’s revenues if it had lost the patent litigation;

“(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

“(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

“(c) LIMITATIONS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

“(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

“(2) that the agreement’s provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is pro-competitive, although such evidence may be relevant to the fact finder’s determination under this section.

“(d) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

“(1) The right to market the ANDA product in the United States prior to the expiration of—

“(A) any patent that is the basis for the patent infringement claim; or

“(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

“(2) A payment for reasonable litigation expenses not to exceed \$7,500,000.

“(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

“(e) REGULATIONS AND ENFORCEMENT.—

“(1) REGULATIONS.—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

“(2) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

“(3) JUDICIAL REVIEW.—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 CFR 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is

filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

“(f) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair or supersede the applicability of the antitrust laws as defined in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) and of section 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

“(g) PENALTIES.—

“(1) FORFEITURE.—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

“(2) CEASE AND DESIST.—

“(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of one year after such order becomes final pursuant to section 5(g).

“(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person’s, partnership’s or corporation’s violation of this section shall be conclusive unless—

“(i) the terms of such cease and desist order expressly provide that the Commission’s findings shall not be conclusive; or

“(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

“(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

“(C) other matters that justice requires.

“(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided

by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

“(h) DEFINITIONS.—In this section:

“(1) AGREEMENT.—The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

“(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term ‘agreement resolving or settling a patent infringement claim’ includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

“(3) ANDA.—The term ‘ANDA’ means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

“(4) ANDA FILER.—The term ‘ANDA filer’ means a party who has filed an ANDA with the Food and Drug Administration.

“(5) ANDA PRODUCT.—The term ‘ANDA product’ means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

“(6) DRUG PRODUCT.—The term ‘drug product’ means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

“(7) NDA.—The term ‘NDA’ means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

“(8) NDA HOLDER.—The term ‘NDA holder’ means—

“(A) the party that received FDA approval to market a drug product pursuant to an NDA;

“(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA; or

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) PATENT INFRINGEMENT.—The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

“(10) PATENT INFRINGEMENT CLAIM.—The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

“(11) STATUTORY EXCLUSIVITY.—The term ‘statutory exclusivity’ means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act.”

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this Act.

SEC. 04. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking “the Commission the” and inserting the following: “the Commission—

“(1) the”;

(2) striking the period and inserting “; and”;

(3) inserting at the end the following:

“(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).”.

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

“(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.’.”.

SEC. 05. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting “section 28 of the Federal Trade Commission Act or” after “that the agreement has violated”.

SEC. 06. COMMISSION LITIGATION AUTHORITY.

Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking “or”

after the semicolon;

(2) in subparagraph (E), by inserting “or”

after the semicolon; and

(3) inserting after subparagraph (E) the following:

“(F) under section 28”.

SEC. 07. STATUTE OF LIMITATIONS.

The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 03, except for an action described in section 28(g)(2) of the Federal Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by sections 1112(c)(2) and (d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

SEC. 08. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such title or amendments to any person or circumstance shall not be affected thereby.

SA 2149. Mr. KOHL (for himself, Mr. GRASSLEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11. STANDARDIZED PROTOCOL FOR OBTAINING INFORMED CONSENT FROM AN OLDER INDIVIDUAL WITH DEMENTIA PRIOR TO ADMINISTERING AN ANTIPSYCHOTIC FOR A USE NOT APPROVED BY THE FOOD AND DRUG ADMINISTRATION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 399V-6. STANDARDIZED PROTOCOL FOR OBTAINING INFORMED CONSENT FROM AN OLDER INDIVIDUAL WITH DEMENTIA PRIOR TO ADMINISTERING AN ANTIPSYCHOTIC FOR A USE NOT APPROVED BY THE FOOD AND DRUG ADMINISTRATION.

“(a) PROTOCOL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop a standardized protocol for designated health care providers to obtain informed consent from an older individual with dementia prior to administering an antipsychotic to the individual for a use not approved by the Food and Drug Administration. Such protocol shall include an alternative protocol for obtaining such informed consent in the case of emergencies.

“(b) DEFINITION OF INFORMED CONSENT.—In this section, the term ‘informed consent’ means, with respect to an older individual with dementia, that—

“(1) the health care provider has informed the individual (or, if applicable, the individual’s designated health care agent or legal representative) of—

“(A) possible side effects and risks associated with the antipsychotic;

“(B) treatment modalities that were attempted prior to the use of the antipsychotic; and

“(C) any other information the Secretary determines appropriate;

“(2) the individual (or, if applicable, the individual’s designated health care agent or legal representative) has provided authorization for the administration of the antipsychotic; and

“(3) the administration of the antipsychotic is in accordance with any plan of care that the individual has in place, including non-pharmacological interventions as appropriate that can effectively address underlying medical and environmental causes of behavioral disorders.”.

SEC. 11. PRESCRIBER EDUCATION PROGRAMS.

(a) IN GENERAL.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et

seq.), as amended by section 11, is amended by adding at the end the following:

“SEC. 399V-7. PRESCRIBER EDUCATION PROGRAMS.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality and in consultation with the Commissioner of Food and Drugs, shall establish and implement prescriber education programs.

“(b) IMPLEMENTATION.—The Secretary shall establish and begin implementation of prescriber education programs under this section by not later than 6 months after the date on which funds are first made available under section 3734 of title 31, United States Code.

“(c) PRESCRIBER EDUCATION PROGRAM DEFINED.—In this section, the term ‘prescriber education program’ means a program to promote high quality evidence-based treatment and non-pharmacological interventions through the provision of objective, educational, and informational materials to physicians and other prescribing practitioners, including such a program developed by the Agency for Healthcare Research and Quality.”.

(b) FUNDING.—

(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended by adding at the end the following:

“SEC. 3734. FUNDING FOR PRESCRIBER EDUCATION PROGRAMS.

“(a) FUNDING.—In each fiscal year, the Attorney General may make some portion of the covered funds paid to the United States in that fiscal year available for prescriber education programs in accordance with section 399V-7 of the Public Health Service Act.

“(b) DEFINITIONS.—In this section:

“(1) COVERED FUNDS.—The term ‘covered funds’ means all funds payable to the United States Government from any judgement or settlement of a civil action brought by the Attorney General under section 3730 of this title, relating to off-label marketing of any prescription drug.

“(2) OFF-LABEL MARKETING.—The term ‘off-label marketing’ means the marketing of a prescription drug for an indication or use in a manner for which the drug has not been approved by the Food and Drug Administration.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 22, 2012, at 10 a.m., to conduct a committee hearing entitled “Implementing Derivatives Reform: Reducing Systemic Risk and Improving Market Oversight.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 22, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 22, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Tiffany Griffin, a fellow in the office of Senator BINGAMAN, be granted the privilege of the floor during consideration of S. 3187, the Food and Drug Administration Safety and Innovation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Lauren Boyer and Jimmy Fremgen of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that my military fellow, Major Jay Rose, be granted floor privileges for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Paul Williams, a detailee to the Senate Finance Committee from the Food and Drug Administration; Jesse Baker, a detailee to the Senate Finance Committee from the U.S. Secret Service; Angela Sheldon, a detailee to the Senate Judiciary Committee; and Maureen McLaughlin, a detailee to the Senate Finance Committee from the Federal Communications Commission, all be granted privileges of the floor for the remainder of the second session of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME EN BLOC—S. 3220 AND S. 3221

Mr. BROWN of Ohio. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 3220) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

A bill (S. 3221) to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

Mr. BROWN of Ohio. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 23, 2012

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that the first hour following the remarks of the majority leader and Republican leader be equally divided and controlled between the two sides, with the Republicans controlling the first half and the majority controlling the final half; further, that the majority control the time from 1 p.m. until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, it is the majority leader's intention to resume consideration of S. 3187, the FDA user fees bill, when the Senate convenes tomorrow. We are working on an agreement for amendments to the bill. We hope we can reach an agreement and avoid filing cloture on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:27 p.m., adjourned until Wednesday, May 23, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN OPPOSITION TO THE VIOLENCE
AGAINST WOMEN ACT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. FARR. Mr. Speaker, I am sad to rise today in opposition to H.R. 4970, the Violence Against Women Reauthorization Act of 2012.

VAWA has never been a partisan issue until this Congress, and I am disappointed that the safety of women in this country is now a political game to those in charge.

Mr. Speaker, I am a brother, a father and a grandfather.

I want to be a part of a country that believes in protecting and preventing violence towards all people, especially our most vulnerable.

When women and girls feel threatened or are at risk of experiencing violence, it interferes with their ability to pursue an education, employment, or community involvement.

For this reason, I have been a strong supporter of past Violence Against Women bills.

The Violence Against Women Act has been an essential tool in helping to protect victims of domestic and sexual violence and to allow women and girls to pursue the American dream.

First passed in 1994 and reauthorized in 2000 and 2005, VAWA has successfully strengthened enforcement of state and federal anti-violence laws and underwritten effective prevention and victim support programs.

Since VAWA was first signed into law, annual incidents of domestic violence have dropped by more than 60 percent.

It has been one of the best tools law enforcement, prosecutors, and community service providers have to help protect and support women who have experienced gender violence. The law also streamlines these community programs, saving states and the federal government billions of dollars.

Unfortunately, the version of the bill before us today reverses many of the modest protections in the original bill.

Even worse, this bill goes a step further and outright excludes vulnerable populations such as Native American women, non-citizen women, and LGBT individuals.

Tragically, H.R. 4970 subjects many women to even greater risks of violence and makes it even harder for them to receive the services and programs that should be readily available to them.

Once again, House Republicans are choosing confrontation over compromise.

This Republican bill is opposed by hundreds of groups including law enforcement, civil rights, and faith-based groups and many, many, many of my constituents.

I want only the best for the women in my family and for all of the women in this country.

This bill falls far, far short of the mark.

It does not deserve to be called the "Violence Against Women Act" because it fails to protect the people it claims to serve.

I will be voting against this bill and I urge my colleagues to support all women and reject this terrible legislation.

CONGRATULATIONS TO PRESIDENT
MA YING-JEU ON THE OCCA-
SION OF HIS INAUGURATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. OLSON. Mr. Speaker, I want to extend warm congratulations and best wishes to President Ma Ying-jeou for his inauguration on the occasion of the Republic of China's Centennial National Day. This national holiday commemorates the 1911 Wu-ch'ang uprising that ended centuries of monarch rule and led to the birth of the Republic of China (Taiwan).

Taiwan and the United States enjoy an important relationship that reflects our two countries' historical, cultural, and economic ties over the last century. While there is no formal relationship between the two countries, the United States and Taiwan continue to be strong partners in trade, cultural and educational exchanges, as well as cooperation in many other areas. In the last three and a half years, the relationship between the United States and Taiwan has grown even stronger. Taiwan's cooperation with the United States in combating global terrorism has earned the trust of the American people and improved our exchanges and enhanced the friendship between our two nations. These relations also include discussions about Taiwan's military needs. A strong Taipei-Washington relationship is in the best interests of both and the stability of East Asia. Last year, we celebrated the 31st anniversary of the enactment of the Taiwan Relations Act, the cornerstone of the U.S.-Taiwan relations.

Recently, there has been good news about Taiwan's rapprochement with mainland China. Taiwan has concluded 16 agreements with mainland China and each one is based on the principles of parity, dignity, and reciprocity and ensures that Taiwan comes first for the benefit of its people. I sincerely hope that Taiwan and China will continue to work together and cultivate a future based on respect, democracy, and freedom. Again, congratulations to President Ma Ying-jeou on his second inauguration.

IN HONOR OF THE FAMILIES OF
THE ARMED SERVICES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Albert "Bert" Caswell and the men, women, and families of our Nation's Armed Services.

Bert has worked as a United States Capitol tour guide for over twenty-five years. He is known throughout the Capitol for his extraordinary work and selfless attitude. After hours, Bert volunteers his time offering Capitol tours to wounded veterans and participants of the Make-A-Wish foundation. He also visits and writes poems for wounded soldiers at Walter Reed National Military Medical Center to lift their spirits and celebrate their heroic nature.

Mr. Speaker, I submit to you a poem, on behalf of Albert, who penned this tribute in recognition of the extraordinary sacrifices and courage of the men, women, and families of our Nation's Armed Services.

THEY MAKE US WHO WE ARE

(By Albert Caswell)

They
They make us who we are!
For they are the greatest of all shining stars!
As they so make us who we are!
Our loved ones and families
The ones for whom we all so die and bleed!
Yes, they make us who we are!
As we go off to war, we carry them with us
ever far!
The ones who so live with such heartache
and pain
And such worry, wondering if they shall ever
so see us all again
Oh yes, they make us who we are!
Quiet Heroes, out across our heartland one
and all!
The ones now on bended knee, so pray to
Lord to watch over us all so godspeed!
They make us who we are!
The ones who at our grave sides, with tears
in eyes whose hearts now so bleed!
Who have lost their greatest loves of all!
The ones who never had the chance to so say
goodbye!
The ones for whom our Lord's love shall
never die!
As they so make us who we are!
The ones who now at our bedsides who have
so traveled so very far
As we come home from war, half dead and so
full of scars
Carried, now upon us all!
Missing arms and legs in all places, as some-
how they must face this!
For all of them it is so very hard!
As they so help us to beat down death, and
so face so all of this!
As they bless, because they are all in it for
the long haul!
Oh how they so make us who we are!
Providing us with the hope and courage, and
not letting us so get discouraged!

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Where, would we and our nation all so be?
 If it were but not for such all of these, who
 so make us who we are?
 Yes, all of our loved ones and families . . .
 who all in us do so believe!
 And so make us who we are!
 Shining ever so brightly, our nation's most
 courageous of all stars!
 All with such dignity and faith, as they shine
 from sea to sea!
 As one day up in heaven, they will all so be!
 For these are the ones, who have so sent!
 So sent, all of their most beloved daughters
 and sons off to war!
 Husbands and Wives, who live with such deep
 pain so deep down inside!
 And all our children who so lie awake at
 night, and so begin to cry!
 Who must live with such fear, day in and
 night after night!
 And all of that death and destruction, that
 which war does so make!
 Unrelenting . . . our loved ones helping us
 to rebuild what war has so taken away!
 To once again, To So Make Us What We Are!
 Just look at those heroes standing there,
 with such honor and such faith and
 tears who so care!
 Wearing that uniform, with those most cou-
 rageous hearts that which beat so
 warm!
 Who were so raised by those loved ones, who
 their souls have so formed!
 To make them who they are!
 Just, look at all of those husbands and wives,
 and children who now must now so cry

 Who so sent their loved ones off to die . . .
 For they all so make this Nation, and our
 Country 'Tis of Thee who we are!
 America's Shining Stars!
 They Make Us Who
 We Are!

HONORING COLIN KANTOR OF THE
 CARROLL SENIOR HIGH LATIN
 CLUB

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize Colin Kantor, a member of the Latin Club at Carroll Senior High School, for his taking first place in the Classical Geography and Monuments competition (Level IV) at the Texas State Junior Classical League convention.

As part of the Junior Classical League, Kantor is among 50,000 students in this worldwide organization. Twenty-two students from the Carroll Senior High Latin Club travelled to participate in the convention held by the Texas chapter in San Antonio in March. The convention hosts a variety of competitions, both academic and cultural, that relate to the ancient Greek and Roman civilizations.

A fourth year student of Latin, Colin entered two Level IV competitions at the convention, one in Roman History and another in Classical Geography and Monuments. He demonstrated excellence and studiousness and took home first place in the Geography category. We are very proud of Colin and thankful to Terra Windham for so ably sponsoring him and leading the Latin Club. I am told that the Latin Club at Carroll Senior High is growing in popu-

larity as a result of its successes, and it impresses me that these young people are taking such an astute interest in a language and culture that has such a venerable heritage.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating Colin Kantor on his earning a state title at the Texas State Junior Classical League convention.

IN RECOGNITION OF THE TIRE-
 LESS EFFORTS OF MRS. AN-
 NETTE WOLFE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. RANGEL. Mr. Speaker, it is with great enthusiasm that I rise in recognition of the determined efforts made by Mrs. Annette Wolfe over the last 50 years of service to the funeral industry within the great State of New York.

Annette's roots in the funeral industry date back to her grandfather in Yonkers, New York. Continuing the family tradition, her father passed it down to Annette who partnered with her husband, Buddy Wolfe, to become a pioneer in the industry and continue the success of the family business.

A leader among her colleagues, Annette became a masterful fundraiser for multiple notable organizations. Annette created a successful fundraising blueprint for the Metropolitan Funeral Directors Association (MetFDA), a respected professional trade organization that has been in operation since 1928. In the 1980's she served as President of the Catholic Cemetery Guild and fundraised for the Catholic Charities of the Brooklyn and Queens Dioceses. Annette also devoted much of her time to fundraising for children's needs during Christmas at the Heartshare organization.

While serving as chair of MetFDA in the late 1970's, Annette derived the concept of an annual outing that would aim to build awareness, increase membership and raise money for the organization. This was no easy take for a strong and outspoken woman among her male colleagues who traditionally dominate the funeral industry. Annette single-handedly introduced several women's programs within the New York State Funeral Directors Association and the National Funeral Directors Association.

After much perseverance and dedication, Annette was able to organize the first golf classic for MetFDA in 1979. Over the last thirty years, the proceeds from what has now become an annual tradition, continues to support education seminars for funeral directors, produce the organizations monthly newsletter, assist members with their needs, and maintains three resource centers for members, consumers, and for industry advocacy. Last year's golf classic fundraiser, delivered \$50,000 in income for the MetFDA.

With more than 50 years of service in the funeral service industry, Annette continues to remain active with various industry associations working as a knowledgeable and respected consultant. It is with great joy, Mr.

Speaker, that I ask that you and my fellow colleagues join me in celebration of this year's honoree, Ms. Annette Wolfe for her 50 years of service to my beloved Harlem community and the State of New York. She is truly an encouraging figure that has always provided exceptional support to the funeral industry both local and national levels.

IN RECOGNITION OF MR. KENNETH
 CAPSHAW

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. REYES. Mr. Speaker, I rise today to recognize Mr. Kenneth Capshaw, a fellow El Pasoan and high school band director who has spent his life educating El Paso's young people and children and instilling in them an appreciation for music. He has also been a member of the El Paso Symphony Orchestra for 30 years, not only extending his knowledge of music to younger generations, but the entire community as well.

Mr. Capshaw has been a band director for over 20 years, 15 of which were spent at Coronado High School. Under his leadership, the Coronado High School band has become one of the most successful band programs in the State of Texas.

Capshaw has been recognized many times for his achievements in music education, including receiving the Legion of Honor Award from the John Phillip Sousa Foundation and the Meritorious Award from the Texas Bandmasters Association.

Not only is he recognized nationally in the field of music education, but he is highly respected and admired by the music community and scores of young people in El Paso.

Mr. Capshaw has touched the lives of many students in his career. They could be the custodian's daughter or the surgeon's son, or have a physical disability. His sole focus was always to develop each of his students' musical talents and character, teaching them the values of hard work, responsibility and working together to achieve excellence.

Fine Arts is a subject very important to our children's education, and many studies demonstrate that students of musical education programs often have higher academic achievement. Music education, particularly when directed by a dedicated and caring musical director like Kenneth Capshaw, encourages motivation and teamwork among participants along with individual excellence.

Today I recognize Mr. Capshaw and thank him for the many years he has spent educating our children and making beautiful music for our community, and I wish him and his wife the best of luck in retirement. God bless you, Mr. Capshaw.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. LUETKEMEYER. Mr. Speaker, on roll-call No. 254, due to a constituent meeting that went long, I wasn't able to make this vote.

Had I been present, I would have voted "yea."

HONORING THE CARROLL SENIOR
HIGH SCHOOL WINTERGUARD
CHAMPIONS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize the members of

the Carroll Senior High School winterguard for winning first place in the Scholastic Triple-A Purple Division on March 30 in Forney, Texas.

In Texas when the members of the colorguard finish their duties with the high school football season, their own season is just beginning as they transition to winterguard competition. From November through March the winterguard practices most days of the week, often hours per day, perfecting the team's choreography. This year, their centerpiece dance and performance was set to Eva Cassidy's cover of "Bridge Over Troubled Waters".

Capping off a season of commendable dedication and hard work, the Carroll winterguard took home first place in the Scholastic Triple-A Purple Division, with a competition in Forney, Texas, where they earned 71.7 points. The students who carried on their school's strong tradition this year were Captain Nicole Elledge, Lieutenant Captain Mikaela Heming, Lieutenant Captain Mallory Wyatt, Gabrielle Allen, Nick Conard, Ann Dahl, Gabrielle

Earley, Maher Gill, Caitlin Gillum, Emma Harding, Kim Hardy, Savannah Hensley, Morgan Howell, Haley Hurlburt, Olivia Jolley, Paige Lepp, and Amy Rasmussen. They were led by director Pam Randall and assisted by Amy Keller.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in honoring the young people of the Carroll Senior High varsity winterguard on their accomplishments in Scholastic Triple-A Purple Division competition.

SENATE—Wednesday, May 23, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal God, You have made all things well. Thank You for the light of day and the dark of night. Thank You for the glory of the sunlight, for the silver splendor of the Moon, and for the star-scattered sky. Thank You for the hills and the sea, for productive city streets, for the open road and the wind in our faces. Thank You for hands to work, eyes to see, ears to hear, minds to think, memories to remember, and hearts to love.

Thank you also for our Senators and their families who strive to serve You and country. Bless them today with a special measure of Your wisdom, knowledge, and discernment. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. Madam President, I move to proceed to Calendar No. 400, S. 3187.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 400, S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

SCHEDULE

Mr. REID. Madam President, we are now on the motion to proceed to the FDA user fees bill. Republicans control the first half hour, the majority the second half hour. We are working on an agreement to consider amendments to the FDA bill. We are close to being able to finalize that. We hope to get an agreement and avoid filing cloture on the bill.

MEASURES PLACED ON THE CALENDAR—S. 3220
AND S. 3221

Mr. REID. There are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3220) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

A bill (S. 3221) to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The Chair read for the second time a couple of bills. I object to both of them.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar under rule XV.

Mr. REID. Madam President, when 67-year-old Pamela Gunter started treatment for breast cancer, her doctor knew it would be a grueling fight. He also knew it was a fight she could win. Pamela's doctor put her on Taxol, a

common chemotherapy drug. The results were excellent. Her tumor shrank. Her prognosis was good.

Then one day last spring, no more Taxol. The doctor could not get it. It is one of the most popular and effective treatments for breast, lung, and ovarian cancer, and it suddenly disappeared from the markets in Nevada. Doctors couldn't get it; drug suppliers could not say why. So Pamela's doctor was forced to use a much more expensive and much less effective course of treatment. The cancer spread. By the time Taxol was available again, Pamela was dead. She left behind a loving husband, two grown sons, and a grandchild. But with the right treatment she would still be alive today. Her Las Vegas doctor said a shortage of this common generic medicine directly contributed to her death. Had this product been available, she would have been fine. She of course would have suffered; that is what patients on chemo do. But their suffering is worth it because they know it is lifesaving.

Pamela is not the only American affected by a shortage of Taxol and other lifesaving drugs. Every day in hospitals across the country Americans already dealing with devastating illnesses must also face shortages of FDA-approved medications that could keep them alive. Today Taxol is still scarce. And chemotherapy drugs are not the only ones in short supply; supplies of nausea medication. The Capitol physician is, among other things, an oncologist, Dr. Monahan. I have talked to him about cancer a lot in the last year, he and other doctors. My wife would go every week to this place where everybody was hooked up to chemo. Most of them were women, but there were a few men. Just a few years ago that would have been a place where these women were retching by virtue of their vomiting. Sometimes—in fact a lot of the times—they had to hospitalize these women to stop the vomiting from these medicines.

Now we have nausea medication these patients are given to stop their suffering. At least, although they may be going through a lot of nausea, they are not throwing up most of the time. But supplies of nausea medications and other drugs that reduce the side effects of cancer treatment are limited. On Monday, one Las Vegas oncologist said he ordered 10 drugs from his supplier. He could get eight. He said that is typical; doctors never know which drugs will be accessible and which will not.

Last year FDA reported shortages of 231 drugs, including a number of chemotherapy medicines. In the last 6 years,

drug shortages have quadrupled, gone up 400 percent. Congress cannot solve every problem in this country, we know that, but this is one problem we can solve with cooperation from the drug manufacturers. It will come about much more clearly if we pass the bill that is before the Senate now.

The Food and Drug Administration Safety and Innovation Act, the one I have talked about several times already today, will help establish effective lines of communication between drugmakers, the Food and Drug Administration, and doctors. When the FDA gets early warning from manufacturers that shortages are coming, it can act quickly to find alternative sources of medication and ease supply problems by, for example, taking from one place where they have a lot of a medicine and moving it someplace where they do not. Drugmakers averted 200 shortages last year by voluntarily notifying the FDA of trouble on the horizon. But many shortages, perhaps all 231 last year, could have been prevented if drugmakers had shared information with FDA.

Our bill would make that necessary and force it to take place. That is why Congress must act quickly to pass the legislation that is now before the Senate, which will ensure the FDA has the resources to approve new drugs and medical devices quickly and efficiently.

Passing this legislation would not bring Pamela back, it would not give her another day to spend with her husband, another week to say goodbye to her sons, or another year to get to know her grandchild. But this legislation will help prevent drug shortages like what took Pamela away from her family far too soon.

As I indicated, we are very close to an agreement, a path forward on this bill, and that would be very good for this country. I hope we can arrive at that by 11 o'clock today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. McCONNELL. Madam President, yesterday morning I came to the floor to call attention to a quiet and costly PR campaign that President Obama is mounting on the taxpayers' dime. While the President and his surrogates spend most of their time deflecting attention from his record, he has Washington bureaucrats working overtime to try to put on a good face.

I mentioned yesterday the administration is spending yet another \$20 million in taxpayer money to promote a health care bill that most Americans would like to see repealed. Let me repeat that—\$20 million to promote a health care bill that most Americans would like to see repealed.

There is more. There is a pattern that I, and I am sure many other

Americans, find pretty outrageous at a time of trillion-dollar deficits and a near \$16 trillion debt. The administration also spent more than \$25 million in stimulus funds on grants to public relations firms—PR firms—ostensibly to do public relations related to promoting the stimulus. It spent nearly \$20 million on mailings to seniors to tout ObamaCare—a mailer, by the way, that the Government Accountability Office found overstated the law's benefits.

Millions of taxpayer funds were spent on postcards that promote ObamaCare's small business tax credit—a credit the GAO said was ineffective and infrequently used. These are just a few of the ways the administration is quietly promoting its own fatal policies; how it is trying to change people's minds about the President's policies with their own money, and using our tax money to try to promote the President's policies. The campaign is one thing, but using our tax money to promote the President's policies is outrageous.

There is a larger issue than the fact that the President is quietly marketing policies with taxpayer dollars that he is clearly afraid to talk about in public. That is bad enough, but the larger point is the fact that we have a nearly \$16 trillion debt, the largest tax hike in history right around the corner, chronic unemployment, and sky-high gas prices, and the President thinks it is a good idea to spend \$20 million to promote ObamaCare. We don't have the money to begin with, and he is spending it to market his policies.

The President needs to face the facts. Americans do not want him spending their hard-earned money trying to spin policies they don't like. How about setting some priorities first? How about working with us to lower the deficit and the debt? How about working with us to fund things we actually need? We are more than ready to work with the President, as I said time and time again over the past few years, but he needs to set some priorities and lead.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees with the Republicans controlling the first half and the majority controlling the final half.

SECOND OPINION

Mr. BARRASSO. Madam President, I would like to follow up on the wonderful comments made by the minority leader. Specifically, I want to talk about the health care law and the ways that taxpayer dollars are now being

wasted and spent in what appears to be a propaganda campaign by this administration to promote a health care law the American people—at least the majority of them when asked about it—think should be found to be unconstitutional by the Supreme Court and so many Americans want to see repealed and replaced.

Over 2 years ago, President Obama and Democratic leaders in Congress—in this very body and across the Hall—jammed a health care law through Congress that was drafted completely behind closed doors. We all recall NANCY PELOSI famously saying at the time: First you have to pass it before you get to find out what is in it.

I have come to the floor week after week after that with a doctor's second opinion about the health care law to make sure the American people know what is in it. Week after week there have been more things found out about the health care law that has made it even more unpopular today than it was at the time it was passed and signed into law by President Obama.

Americans knew what they wanted. They did want health care reform. They wanted to be able to get the care they need from the doctor they want at a price they can afford. Yet when I go to townhall meetings and meetings in other communities across my home State of Wyoming and ask the question: Do you think under the President's health care law you will be paying more or less for your health care, the hands go up that they are going to be paying more. Then I ask them: Do you think the quality and availability of your care is going to go down under the health care law? Again, the hands go up.

That is not what Americans want, not to pay more and get less. Yet that is what the American people are receiving under this health care law. So I will continue to deliver this second opinion on the Senate floor so we can continue to talk about what is going to be the impact on Americans' lives as a result of the health care law.

Now, for over 2 years, the news about the law has not been good for those who support it, and the country has had opposition to the law continue to increase. Today 56 percent of Americans oppose the President's health care law.

One may ask: Why is that? Well, there are a number of reasons. One is the health care law is adding to the national debt. We heard the Republican leader talk about the incredible national debt the American people are facing. The health care law has increased premiums that people have to pay for their own insurance directly as a result of the health care law being passed. The President promised: If you like what you have, you can keep it. But actually the health care law has made it harder for workers to keep

their employer-sponsored health care coverage.

People want to have choices. They want to have patient-centered care. Yet this health care law established an unprecedented board with unelected bureaucrats who will, by their decisions, have a direct impact on whether patients can get to see a doctor or whether they can receive care.

When I look at the incentives that are part of this health care law, to me, the incentives actually appear to encourage employers to either fire workers or stop providing health care coverage. To me, this health care law is discouraging to students who otherwise might pursue a career in the medical field and potentially provide care for Americans.

In my opinion, this is a law that has actually weakened, not strengthened, Medicare. It has done that by taking \$500 billion away from our seniors on Medicare, not to help strengthen Medicare but to start a whole new government program for someone else.

The Medicare Actuary came out with a report last Friday to say that when we actually get into a realistic assessment of the impact of this health care law on Medicare, it weakens it. It shows Medicare going broke sooner than initially thought. This report has a realistic look at the impact of the health care law on Medicare and shows that it will make it that much harder for our seniors on Medicare to get the treatment they need and to actually get to see a doctor to find someone to care for them. The implementation of this law, which takes \$500 billion away from Medicare, is not to strengthen or save Medicare but to start a whole new government program for someone else.

So I could go on and on with legitimate complaints about the law. We made it clear for over 2 years that the law is bad for patients, bad for providers, nurses, and the doctors who take care of those patients, and it is terrible for taxpayers.

This week we got a response to our long list of serious issues, responses from the administration and members of the administration. What they are doing is essentially doubling down on the President's failed law. Instead of addressing the serious concerns the American people have about the law and about their own health care, the White House has come to the conclusion they have actually done a bad job of educating the American people about the law. So now, just months before the Presidential election, the 2012 election, the administration has just signed a \$20 million contract for a private PR firm to educate the American people about the law.

Of course, this is taxpayer funded. So let me repeat: The Obama administration is not even going to acknowledge any of the real problems with the law. Instead it is going to spend 20 million

taxpayer dollars on press releases and more government propaganda.

It is important to remember this isn't the first time the White House has spent millions of taxpayer dollars on trying to spin this law. They realize it is unpopular, but are they addressing the fundamental flaws? No, they want to do more public relations.

In fact, this administration spent \$700,000 on an advertisement starring Andy Griffith, the television star, about how the law will impact Medicare. The Internal Revenue Service spent nearly \$1 million in taxpayer funds to pay for 4 million postcards to promote tax credits in the law for small businesses. Of course, what we have seen, and what the President would say, and I would say, is fewer and fewer small businesses than anticipated found they were not able to qualify for the so-called benefits of the health care law.

So what we have seen is the President's law continues to be unpopular, and now the administration chooses to spend taxpayer dollars to try a public relations campaign to make it more popular instead of dealing with the fundamental problems.

So here we are millions of dollars later, and it is clear that the White House still has not learned what most Americans understand—good policy is good communication. When a law is good, it sells itself and Americans immediately reap the rewards and appreciate what has been done. But when a law such as this health care law is a bad one, there is no way another slick PR campaign, paid for with taxpayer dollars, can make it look any better.

The American people deserve real solutions to their health care problems, not more Washington spin. Yesterday I called on the President to cancel this program immediately, to retain the taxpayer dollars and use it to pay off the debt, use it as part of lowering the deficit. Don't send it to a PR firm to try to spin this law.

We need to repeal this law. We need to repeal this health care law and replace it with a better plan. Instead of wasting millions of taxpayer dollars on this PR campaign, we need to go back to the drawing board. Americans deserve to be able to get the care they need from the doctor they want and at a price they can afford. That is what I will continue to talk about on the Senate floor as I offer a doctor's second opinion about the significant failure of the law that passed the Senate, was crammed through the House, and was signed by President Obama 2 years ago.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

JOB CREATION

Mr. MORAN. Madam President, yesterday a group of four Senators introduced legislation that I would like to highlight in this brief opportunity on

the Senate floor. We introduced S. 3217. This legislation is called Startup 2.0 and was introduced by Senator WARNER, Senator COONS, Senator RUBIO, and me to begin the process of trying to create a better entrepreneurial environment in the United States, to create opportunities for entrepreneurs for innovation and to grow the economy and create jobs.

I want to personally thank those three Senators—two Republicans, two Democrats—who decided that this common phrase we hear around Washington, DC—we can't do anything this year because it is an election year—is nothing that we are willing to tolerate. We didn't get the marching orders and instructions to say we cannot work and accomplish good work for America because there is a November election.

I want to highlight to my colleagues and ask them to join us in this effort to grow the number of Senators who find this kind of legislation valuable and appealing and to commit myself to work with Senator WARNER, Senator RUBIO, and Senator COONS to see that we are successful in 2012. I have talked about this legislation before. In fact, Senator WARNER and I introduced the Startup Act months ago. We then joined with Senator COONS and Senator RUBIO, who had introduced legislation called the AGREE Act. We took the best components of our two pieces of legislation and yesterday, as I said, introduced S. 3217, the Startup 2.0 Act.

This legislation has about five components. In broad terms, it is based upon the Kauffman Foundation Center for Entrepreneurship based in Kansas City, which is the most world-renowned organization that studies and promotes entrepreneurship. Their proposals were based upon their research and are included in many aspects of this legislation. Part of it is dealing with the regulatory environment that a startup company faces and to require that the benefits of that regulation exceed the costs. That kind of requirement has been in the law before but only for the departments, not for the independent agencies. So we know the independent agencies create lots of hurdles and handicaps in regard to the ability of particularly a young company, a beginning company, a startup company to succeed.

In fact, in my view, our legislation is based upon something I was told once by an engineer who said that for an airplane to fly, there are two forces at work: one is thrust and the other is drag. The thrust has to be sufficient to overcome the drag or you could reduce the drag so the thrust is not so necessary. What I like about this legislation is that it is so focused on reducing the drag—getting things out of the way. It is not a thrust program, meaning more government programs, more government spending, more government. This legislation provides aspects

that are designed to get government out of the way and to reduce the drag so that the airplane can launch and can fly and can succeed.

One of those, of course, is the regulatory environment. Another is the tax environment. Startup companies face significant challenges in accessing enough capital to get off the ground. We were successful in passing the JOBS Act signed by the President a few weeks ago. This legislation picks up where that legislation left off.

Incidentally, I read this morning that crowdfunding is already beginning to develop a piece—a development that occurs as a result of the passage of the JOBS Act. So once Washington, DC—let me say that differently. Once Washington, DC, gets out of the way so that the private sector can pursue opportunities, those opportunities are pursued. We see that already happening with the passage of the JOBS Act in regard to crowd source funding in which we are gathering capital investments from people across the country to help new businesses commence.

This legislation, the Startup Act, makes permanent the 100-percent exemption on capital gains taxes for investments held at least 5 years in qualified small businesses so investors can provide financial stability at this critical point in their growth. The legislation also includes a limited, targeted research and development tax credit for startups less than 5 years old. So we alter R&D, we alter income taxes, and we alter capital gains in a way that is designed to create better opportunities for access to credit.

We attempt in this legislation to accelerate the commercialization of research. Billions of dollars are being spent—taxpayer dollars—at universities and colleges across the Nation. We want to incent that research to be devoted toward what can be commercialized, that brings new products, new businesses to market. So we take existing resources and utilize those dollars to reward those universities that take their research dollars and use them in ways that are more likely to be commercialized—in other words, create products, pursue dreams, and ultimately create jobs.

In addition, we create competition—at least knowledge of information, knowledge that allows somebody who is thinking about starting a business to decide which States are the most progrowth-oriented and make decisions about their location—where they should locate—based upon information. That then would also encourage States to be very entrepreneurial and progrowth, pro-innovation in their State policies.

Perhaps the most significant portion of this legislation creates two new visas. The first is an entrepreneur's visa to help foreign-born entrepreneurs currently legally in the United States

to register their business and to employ Americans. In many instances, foreign-born entrepreneurs, here legally, have an idea and want to begin a company that will employ Americans but are told their visa does not allow them to remain in the United States.

The second visa that is created in this legislation is related to STEM—and this is a topic of conversation I think is so important—to retain foreign students who are studying in the United States, who have a Ph.D. or a master's degree in science, technology, engineering or mathematics. It is silly, it is wrongheaded for us to educate these individuals and tell them we no longer want them in the United States once they receive their degree. So the Startup Act 2.0 makes two important modifications to that current system of visas.

In addition, we include a provision from the legislation introduced by Senators RUBIO and COONS, a provision that eliminates the per-country numerical limit for employment-based immigrant visas, which is another handicap in our system that prevents those who have the greatest skills and talents and intellect from being eligible for a legal visa to remain in the United States.

I heard a story from an entrepreneur in California who was ready to hire foreign-born immigrants who were U.S.-educated individuals with Ph.D.s in computer education—computer science, for example—and yet the H 1B visa program failed them. There were no slots available. So, yes, the company hired these 68 Ph.D.s—technicians, highly skilled and educated individuals—but they hired them in Canada, not in the United States. So not only is that a loss of 68 jobs, but many of those people who are now working in Canada will be the next set of entrepreneurs, and they will start their businesses, their startup companies, and grow their companies in Canada, not in the United States. So we lose in both employment today and in opportunity for American jobs in the future because we have a visa system that handicaps our ability to get the highly educated, trained, and technically skilled individuals in the United States.

Today in the local paper I read some statistics that I think are important for us to remember and to know. Research by the Partnership for a New American Economy and Partnership for New York City shows a widening gap between the supply and demand of American graduates educated in the so-called STEM fields of science, technology, engineering, and mathematics. The number of job openings requiring such degrees is increasing three times the rate of the rest of the job market. However, college students majoring in non-STEM fields still outnumber math and science-minded counterparts five to one, according to the National

Science Foundation. So five people are majoring in something other than science or mathematics for every one who majors in math or science in the United States.

If this trend continues, American businesses will be looking for an estimated 800,000 workers with advanced STEM degrees in 2018—just 6 years away—but will only find 550,000 American graduates with that type of training. Not only do we need to fill that gap with those who are available to us today, but we also need to encourage education in the United States and educate American students in the STEM field as well. Without easing these restrictions, we will continue to have 60 percent of foreign graduate students in the United States enrolled in science and engineering today. So 60 percent of foreign students are majoring in science and mathematics—not true of American students—and we need to reverse that course.

A study earlier this year showed that half of the Nation's top venture-backed companies have at least one immigrant founder. Three out of four claim at least one foreign-born executive.

The point is that we want the economy to grow, we want to create jobs, and we want to do the commonsense things that get government out of the way to allow the private sector to be entrepreneurial, to be innovative, and to create great opportunities for Americans today and, equally important, for Americans tomorrow. We want our kids and grandkids to have the opportunity to live and work in a growing, exciting economy. That requires the Congress to take actions today to create that environment for the private sector to succeed in creating entrepreneurship in the United States.

When we look at the last few years, we see that the net jobs filled in the United States have been filled by entrepreneurs, by new startup companies, not by existing companies. In fact, the trend is that big companies are often laying off workers while startup companies are the ones obviously hiring individuals.

I ask my colleagues to take a look at the legislation that my colleagues, Senators WARNER, RUBIO, COONS, and I introduced. I look forward to working with the leadership of the Senate to see that it receives appropriate consideration. We ought to do all we can do. We ought not ever use the excuse that we can't do everything; therefore, we can do nothing. These are all commonsense ideas that, in my view, will be supported by at least 80 percent of my colleagues here in the Senate. We ought not use the idea that it is an election year so we can't accomplish anything. The country cannot afford to wait. It needs our action now.

Thank you, Madam President.

The ACTING PRESIDENT *pro tempore*. The Senator from Nevada.

THE HOUSING CRISIS

Mr. HELLER. Madam President, last September I had the honor of coming to the floor to give my maiden speech to my fellow Nevadans and to the American people. In that speech, I quoted a great Nevadan, Mark Twain, who wrote: "You are a coward when you even seem to have backed down from a thing you openly set out to do." I have always said that I ran for office to make a difference, and since my first day here I have set out to provide solutions to fix our current housing problems.

Nevada is the epicenter of our Nation's housing crash. Home prices continue to decline in Nevada. In February of 2006 the average home value was \$309,000. Today that has dropped to \$120,000. Let me give my colleagues another fact: 5 years is how long Nevada has led the country in foreclosures.

The people of Nevada have suffered far too long because of the recklessness of Wall Street that caused this crash. Many Nevadans are struggling to pay for mortgages or have their homes in foreclosure as a result of the poor job market and the economic downturn. Because of the high rates of foreclosure devastating Nevadans, many are being forced to move, to find a new place to live.

Washington must provide solutions that help those who have been hit the hardest by this tough economy. I have worked on several solutions that I believe will provide some relief for many of those who are struggling.

In February I introduced the Keeping Families in their Home Act or the Home Act. This legislation would allow banks, Fannie Mae and Freddie Mac, to offer long-term leases for foreclosed homes. By doing so, it gives families the opportunity to stay in their homes while also easing the pressure that foreclosures put on home values.

The next month I joined Senator STABENOW to introduce the bipartisan Mortgage Forgiveness Tax Relief Act, which would ensure that homeowners who owe more on their mortgages than their homes are now worth would not be hit with an additional income tax if a part of their mortgage loan is forgiven. The current mortgage relief act expires at the end of this year, and this bill extends this critical safety net for underwater homeowners through 2015.

Today I am proud to announce the introduction of the SOLD Act. Home buyers, sellers, and real estate agents have long observed that banks have been slow to approve home short sales. Current delays in approving short sales are a major challenge to consumers and to realtors. These delays can cause canceled contracts and homeowners being forced into foreclosure. Those short sales are seen as a far better outcome than foreclosure, and finding a way to improve and make this process more efficient has been very difficult.

My legislation, the SOLD Act, would require that mortgage servicers respond to a short sale request within 30 days and make a final decision within 60 days of receiving the purchase offer. By placing a shot clock on these decisions, it will reduce the amount of time it takes to sell property, improve the likelihood that the transaction will close, and reduce the number of foreclosures in Nevada and across this country.

Stability in the housing market is critical for long-term economic growth. As Nevada continues to lead the Nation in unemployment, it is more important now than ever for Washington to provide solutions and address our Nation's biggest problems. Getting Americans back to work and helping families who find themselves in tough economic times should be a priority of every Member of Congress.

I hope my colleagues will join me in supporting the SOLD Act and help those who have fallen on tough times.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that execution of the previous order with respect to S. 3187 be delayed until 12:30 p.m. today; that at 12:30, the majority leader be recognized prior to execution of the order, and that all provisions under the previous order remain in effect at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TOXIC CHEMICALS

Mr. LAUTENBERG. Madam President, I come to the floor today because we dare not stand here while a menace threatens children across our country with too many untested chemicals present in everyday consumer products, products intended for children's use, such as baby bottles and nursery furniture. Many of them contain chemicals that have never been tested for human safety. These chemicals should be tested in industry labora-

tories, not in our children's bodies. It is time to update the law to protect them.

This picture shows some of the moms, many who traveled long distances yesterday to come to the Capitol with signs demanding "safer chemicals now." Many of the moms had little children with them.

They are pleading with us. They are saying: Senators, understand what is taking place. Threats to our children should not be tolerated in America.

These moms are right to be concerned that their families are not being protected from dangerous chemicals. It is our responsibility, the responsibility of those in the Senate and the House, to fix our broken chemical laws. But until these laws are fixed, toxic chemicals—the word "toxic" is a replacement word for poisonous—toxic chemicals will continue to gnaw away at our children's bodies, their health, and their well-being.

Studies by CDC scientists found 212 industrial chemicals, including 6 carcinogens, coursing through America's children's bodies.

"Toxic Chemicals Pose Significant Health Risks."

This chart tells a very bad, a very sad story: Five percent of pediatric cancers, 10 percent of diabetes, 10 percent of Parkinson's disease, and 30 percent of childhood asthma are significant health threats to children. And instead of protecting us from harmful chemicals, our current law falls short.

A law called TSCA was designed to eliminate these threats to children's health. It passed in the 1970s. It is so severely flawed that the nonpartisan Government Accountability Office testified that it is a "high-risk area of the law." Imagine that: TSCA, because of the fact that it is so severely flawed, is a high-risk area of the law.

In nearly 35 years, TSCA has allowed EPA to require testing of only 200 of more than 80,000 chemicals. Thousands of new chemicals are introduced every year in industrial and research facilities, but only 200 over that time were tested. What does that say? When you think about the number of children we are trying to protect, 80,000 chemicals, and EPA could require testing for only 200 of them, and only 5 were banned. It is hard to believe the chemical industry fought for years to keep the status quo alive at the expense of our lives, our children's lives, our children's health.

Recently the Chicago Tribune exposed how the industry used dirty tricks and junk science to drive their public misinformation campaign. They wanted to mislead the public about what is going on. Their series detailed how the industry repeatedly bullied and lied to State legislators to prevent commonsense reform. They bankrolled phony experts. A doctor in one instance prominently stood up there and

defended a chemical material, a fire retardant. They are brought in there to invent stories that spout the company line, protecting not the health of children but protecting their profits. It is a terrible exchange—all at the expense of safety and health.

It is clear that chemical manufacturers purposefully hid the dangers of toxic flame retardants. We have a chart here that shows the average couch, for instance, has over 2 pounds of flame-retardant chemicals in its foam cushions, chemicals that have been linked to developmental problems and other health risks. The Presiding Officer has cautioned us about this, as well, that there are discharges when these are compressed that release the toxic chemicals into the air. Scientists have warned us about these chemicals since the 1970s, and yet they show up in household furniture, including baby crib mattresses and high-chair cushions.

The Chicago Tribune report said that:

A typical American baby is born with the highest recorded concentrations of flame retardants among infants in the world.

But we are not here to attack chemicals. We are saying sort out those that are necessary and good for our sustainability, but there are hidden in there products that are dangerous, that are contaminants, that can bring terrible things to children, terrible health threats. Hundreds of useful everyday products contain chemicals, but it is our responsibility to make sure they are all safe, and today we don't know what is in the air, the atmosphere, and is poisonous.

Here is an example. Everybody recognizes what this is, a baby bottle. We have all bought them or seen them used for our kids. But chemicals in some baby bottles have been linked to serious health threats. Imagine, as a child takes nourishment, they are taking in a substance that can be dangerous to their health and make them sick—or worse.

When we use these products, the chemicals in them can end up in our bodies. In essence, the American public has become a living, breathing repository for chemical substances. No one should accept this standoff, and most do not. Those who are aware of what is taking place don't want to hear any excuses. They say: Get rid of these things. Let us know what is in there so we can protect our children and shield them from these threats to their health and their well-being.

Everyone—from some chemical manufacturers to businesses that use chemicals in their products, to environmental, labor, and health groups—has called for reforming our chemical laws, and we will not wait. I ask my colleagues not to wait here. Join us in this quest to save our children's health to make sure they grow up as healthy

as we can enable them to do. We will not wait any longer, and we cannot let lobbyists run out the clock.

Lobbyists. Those are people, who for a fee, will represent almost anybody. But in this case, we are looking at not those who bring in good information or a good product, but those who are defending companies that are producing products that are dangerous for all the children who are exposed.

My bill, the Safe Chemicals Act, lays out a vision for strong, effective, and pragmatic regulation of chemicals. The bill simply requires the chemical makers to prove that their products, their chemicals are safe before they end up in children's bodies by being put into a product that children use.

Most of the thousands of chemicals we use every day are safe, but this bill will separate the safe chemicals from the ones that are not—the ones that threaten our children and our families. It will ensure that chemicals are tested and that EPA can take unsafe uses of chemicals off the market.

This bill is common sense. I am sure those who might be listening and those who might read the story from the Chicago Tribune and the research they did will find it very difficult to understand why it is we can't take the steps in here in the Congress to make their children safe. We do it in all kinds of ways to protect our kids. We want them to be able to grow and develop as children should—healthy, healthy kids.

Some chemical industry lobbyists say the cost of testing all these chemicals would be too high. Talk to a parent whose children carry lots of toxins in their bodies already. Talk to the mothers who carry these toxins in their bodies and can transmit them very easily to their children, particularly in pregnancy. So, too high? Too high has to be judged not by the chemical company making a profit and wanting to make more.

We cannot violate our responsibility to the mothers and fathers and the relatives and the families, where little kids live and enjoy life. What about that cost to the damage of their health? What about the cost to them? How high is that cost?

I would like one of these chemical manufacturer executives to stand up to parents who are worried about the health and the well-being of their children and say they are not making enough money and they are going to have to pump more of these threatening materials into the atmosphere without submitting them for testing. What about the cost to the parents who have to pay for their care?

The bottom line is this: If we don't act to protect Americans from thousands of toxic chemicals in everyday consumer products, who is going to do it? It is our responsibility.

Throughout this process we have invited input from all sides of this issue,

including the chemical industry. I have extended an open invitation to my Republican colleagues: Think about it. Look at it through the eyes of your children and of your families. Think about it. Or would you rather go to the bank with a larger deposit because you are doing something that is a threat to children of any age and any stage? So I asked colleagues from the Republican side to work with us. Work with me to fix this broken law.

The one thing we will not do—and I know I speak for many others who are cosponsoring this legislation—we will not accept inaction. It is time to act. We want to mark up legislation to reform TSCA and move this legislation to the Senate floor, where decisions can be made. Opinions of individuals who may say, No, we would rather go ahead and enlarge our bank accounts, our cash reserves—let them say it in front of the public. That is when we will be conducting the kind of a test we should be doing here.

We want to move the legislation to the Senate floor and have a vote on it. Hopefully good judgment and good sense will prevail and this will get through and get to the President's desk so he can sign it and start the process of protecting our kids. It is time to come together to finally fix this law and protect our families from toxic chemicals.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I thank Senator LAUTENBERG for his leadership and dedication to protecting our families. And I know why he is concerned. I know, because I think about these issues every single day.

I washed my son's hair last night in his bath. I want to make sure the chemicals in that baby shampoo are safe. I put sunblock on him this morning. I want to know that I know what the level of that protection of that sunblock actually is.

When my other son was sick last week, he had three different medications. I need to know what those medications will do for him, if they will have side effects, what the impact is.

This is exactly the question every parent asks every single day in their normal daily lives: Are the products, are the chemicals, are the things surrounding my family safe? Will they cause harm? Will they cause disease? These are real questions that we have to have answered. So I thank Senator LAUTENBERG for his leadership on the Safe Chemicals Act.

Yesterday hundreds of mothers gathered here in the Capitol, right in front of the Capitol building, with their kids and with advocates from all across the United States to tell Congress one simple thing: It is time to stop playing politics with the health of our families. They remind us that the effectiveness

of our Nation's chemical regulations is an issue that matters to all of us, every single American and every single parent who has children.

Our families are exposed to a variety of chemicals in every aspect of their daily lives, whether it is the soap we wash our hands with, whether it is the shampoo we wash our children's hair with, whether it is the detergents we put in our clothes washer when we are doing our laundry at night, whether it is detergents we use to wash our dishes. Every day we are bombarded with chemicals, and understanding how these chemicals impact our health and the health of our families is a growing concern not just for me but for constituents all across the country. But because of a very broken and ineffective system, our regulatory agencies are not able to provide us with enough information. The challenge our regulatory agencies face is a substantial one. Since the Toxic Control Substances Act was enacted in 1976, the EPA has faced the daunting challenge to investigate more than 84,000 chemicals in commerce, and their track record for success has been poor. Of the tens of thousands of chemicals in the marketplace, only 200 have been identified for further investigations and only 5 have been regulated.

Weekly there are news reports highlighting a new study of chemical concern found in everyday products in our homes, in our schools, and in our places of work. These reports have caused growing concern amongst consumers because we have seen links. There are studies that linked these chemicals to the rising causes of cancer, autism, learning disabilities, diabetes, asthma, obesity, developmental disorders, and infertility. These are the gravest concerns any family is ever going to face—any one of these. So we want to know if these things we were exposed to are affecting outcomes. Is there a relationship?

As a mother of young children, who are most vulnerable to chemical exposure, I am particularly concerned about what chemicals affect them, their well-being, and their development. I have one story of a young girl from Ithaca, Mira Brouwer, who died at the age of 4 because of the complications of her brain cancer treatment. Faced with the loss of her daughter, her mother Christina Brouwer founded Mira's Movement to make sure she could raise awareness about pediatric cancers and to serve as a resource for families facing their own battles with these diseases.

After an exhaustive study and review that identified potential links between chemicals and our environment and cancers such as the one young Mira had, I believe it is time for Congress to take action. We have a number of amendments today that will, again, enhance the work we are doing.

Of the two amendments I care a lot about, one is very simple. It makes sure that parents have as much information as possible when there are disclosures that accompany medicine so we know what are all the impacts there could be of that medication. I know most of my colleagues and certainly most consumers didn't realize the leaflets that come with our prescriptions are not regulated by anyone, and it is usually written by a contractor.

In 1995 the FDA recommended standards to improve the information provided to patients, but by 2008 only 75 percent of the information patients were receiving met the standards for usefulness.

I have to say I met with one mother named Kate, and her personal story about what happened to her son who was suffering from allergies and asthma. When he took a different medication, she saw him go into a depression. She didn't know there could be a relationship. That information was never provided to her. But the pain and loss she goes through every single day, remembering her son, has encouraged her to be an advocate for reform to make sure every parent has basic information that has some level of accountability so they know what the implications of all medicines can be.

The AARP and Consumer Reports have spent years trying to ensure their patients that when they receive FDA approval, standardized and up-to-date information about their medications will be provided. They support this amendment that will make that requirement.

Consumers basically have a fundamental right to know the risks associated with their prescription medications, and my amendment would give them this knowledge.

Last, and quite simply, we use sunscreen every day. In my family my kids have very fair skin. I want to know that the label on that sunscreen is accurate. I want to know if it has the protection it says it does, and this is an area that desperately needs regulation. I support the bill of Senator REED of Rhode Island to finally give consumers the information they need with regard to sunscreen.

Thank you, Mr. President, for this opportunity. All America's families basically have a right to know if these products are safe.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, it was 10 days ago the Chicago Tribune

had a Sunday exclusive investigative report on fire-retardant chemicals, and the report went on for several days. I called the writers and commended them on the wonderful job they did on this report. It was as good as any investigation I have ever seen by a committee of Congress. It raised some serious issues I had never thought about.

We probably have all heard from time to time there are certain chemicals which, when put on fabric, for example, will reduce the likelihood that it will flame and injure someone. I accepted that as truth, and I guess most people would. There was testimony given, even by medical doctors and so-called experts, that said that is a fact.

Well, the Tribune series took a look at the so-called experts, and guess what they found. They were on the payroll of the chemical companies that made the fire-retardant chemicals, and the doctors were actually kind of manufacturing cases of burns to make the case that States should apply these new standards. Over the years this testimony by these people, who had a built-in conflict of interest, ended up being persuasive at many levels in many States. As a result, there were requirements to add fire-retardant chemicals to fabrics in clothing, pajamas, furniture, and the like.

Then a closer look was taken. The Underwriters Laboratories took a look at these chemicals and said: You know what. They don't stop a fire from flaming up. The tests they are using are totally inadequate. These chemicals don't achieve what they are supposed to achieve. But there is another side to the story. The chemicals themselves can be dangerous. These are chemicals that haven't been tested in terms of their exposure to human beings. The Chicago Tribune article said the average couch had 2 pounds of fire-retardant chemicals built into it. They put it particularly in those foam cushions. I will get back to that in a moment. Remember that, the foam cushions.

Madam President, in your wonderful State last November my daughter gave birth to twins. November 15 was a source of great celebration. It still is. My wife and I were there with our son-in-law and daughter to welcome this little boy and little girl into the world. After a couple of days we brought them home from the hospital to the condo where my son-in-law and daughter live. We were so careful. I think about it now. We used hand sanitizers. We never had that when we were raising our kids, but we were careful to make sure we washed our hands. Every single thing these kids would come in contact with, the little onesies and the blankets that had to not only be cleaned but cleaned with the right detergent—we wanted to get the right detergent so it wouldn't cause any problems with these children.

Of course, when we are giving them formula, we are sterilizing everything

in sight to make sure it is perfectly clean. Then I recall at that moment when I had that tiny little baby, and I was going to give this baby a bottle—and see if I still remembered how to do it—they said get a comfortable place. Why don't you sit down on the couch? It never crossed my mind as I sat down on the couch and pressed that cushion on the couch that I was releasing a spray of toxic dust from fire-retardant chemicals. That never crossed my mind at one moment.

When we went to buy a little cradle with a cushion for each of the kids, we took the subway to Columbus Circle to Babies "R" Us. It never occurred to me to think about whether the cushion on that baby's cradle or crib had fire-retardant chemicals in it that might, in fact, be sprayed every time someone sat on it or the baby was put on it. It never crossed my mind.

Well, I can say that as a result of the Chicago Tribune article, I think about it all the time now. I also think about this: How many American families can make that judgment when they buy a couch or a chair or children's furniture? They cannot. They cannot physically do it. I am a political scientist, but that doesn't count; I am not a real scientist. I can't judge what is safe and what isn't.

Who can we trust? Can we trust the company making the product? We want to think so, but sometimes not. Can we trust the spokespeople for the chemical industry? Unfortunately, they come into this with a conflict of interest.

So Senator FRANK LAUTENBERG of New Jersey created legislation that calls on the chemical industry to take care with the chemicals they put into everything we use every single day. It is also to make sure that Americans and families have peace of mind when they buy products to know the Environmental Protection Agency is at least reviewing the chemicals that are being put in those products that cite they are safe.

If the Environmental Protection Agency doesn't do this, who will do it? Can we trust the chemical industry to do it? I don't think so. Can we trust the furniture industry? I am not sure. We know if the EPA does it, it can make a difference. There are 80,000 different chemicals out there now. Many of them are critically important for our safety and health. There are safe chemicals we can be exposed to every single day without concern, but there are others that are not. The flame-retardant chemicals are a good example of that.

As the Presiding Officer said when she was speaking on the Senate floor, over the years they have reviewed 200 of these chemicals out of 80,000, and at the end of the day, they banned 5. What about the rest of them? Have they taken a look? Where does the first level of responsibility start?

Senator LAUTENBERG's bill says it starts with those who put the chemi-

cals in the marketplace and that there be a certain level of safety established before they can be sold across the board. I think that is essential.

We are on a bill that will not bring up the toxic chemical issue, but I hope that will come up in and of itself soon. We are on a bill dealing with the Food and Drug Administration, and I heard about the amendment, and I support it. I think it is a good one.

Let me tell you something else we should know. The Food and Drug Administration is a small agency with big responsibility. Literally before any drug can be sold as a prescription drug in America, the Food and Drug Administration has to establish, No. 1, it is safe, and No. 2, it is effective. If it says it is going to do certain things, it has to accomplish those things. So there is lengthy testing in terms of these drugs before they will actually be licensed and allowed legally in America. The drugs that make it through all of these tests can generate millions, even billions, of dollars in profits for the pharmaceutical companies, but many don't make it through the testing process. But the FDA is there to establish that those drugs are safe and effective, and of course the consumers rely on them. When the doctor writes a prescription, we feel pretty certain this is going to be something the doctor knows is good for you and it has already been tested through the FDA.

There is a whole other category of goods, though, that we buy every single day that are treated differently and they are called dietary supplements. They include things such as vitamins and minerals that you take in the morning. I take a multivitamin every day. I don't know for what reason, but I do.

Dietary supplements also include things such as energy drinks. Heard about energy drinks lately? We can hardly escape them. The 5-hour Energy drink, the Monster drink. There are all of these different drinks we can buy that turn out not to be the same as soda or soda pop, but they are dietary supplements with small print on the back of the label. What is the difference? The difference is this: If you wanted to sell a bottle of cola, for example—and I won't give any proprietary names—there is a limitation by the FDA about how much caffeine can be put in each bottle of cola. If they decide they are not going to sell cola, which is classified as a beverage or food, and instead sell Monster Energy Drink and call it a dietary supplement, there is no regulation on the amount of caffeine that can be included.

Yesterday I met a woman who came here with her parents and her daughter to be in the gallery as I talked about her late daughter. Her late daughter's name was Anais Fournier from Hagerstown, MD, 16 years old. This young girl, with no history and no warning,

drank two 24-ounce Monster Energy Drinks in a 24-hour period of time, and it killed her. There was almost 500 milligrams of caffeine in those two drinks. It was too much for her. She died of cardiac arrest. Those were billed not as beverages or sodas but as dietary supplement energy drinks.

Here is what it comes down to. I have a simple amendment I am going to offer, and this amendment will come up, I hope, on the Food and Drug Administration. Here is what it says: Every dietary supplement manufacturer that wants to sell their product in America has to register with the FDA. They have to tell the FDA the name of the product, the ingredients of the product, and a copy of the label. That is it. There is no requirement for testing, just so we know what is out there.

Let me add, dietary supplements are coming from all over the world into the United States. When we walk into that vitamin store or nutrition store and we think everything in there has been tested, no, virtually nothing has been tested. Do we still have a right to buy it? Yes, and I will fight to defend our right to buy it, but I also think we have a responsibility too. If people get sick and die because of a dietary supplement, we ought to do something about it, and the people across America expect us to. It starts with registration, simple registration, so the Food and Drug Administration knows what is out there.

A few years ago there was a pitcher for the Baltimore Orioles who, in an effort to lose a few pounds before the season, took a dietary supplement that included a compound called ephedrine. Ephedra is a stimulant. He died as a result of that compound he took. We ended up basically banning ephedra from dietary supplements as a result. I think it is important for the Food and Drug Administration to have lists of the dietary supplements and their ingredients in what they are selling, and a copy of the label, so that some future ephedra, some future compound that we find can be dangerous could then be traced to the actual dietary supplement product in order to protect American consumers and families.

The dietary supplement industry hates my amendment like the devil hates holy water. The notion that they would have to register and disclose the name of their product and its ingredients? No way. They say: You can't do that. It is a violation of basic rights.

I say: Baloney. If they want to sell in America, then sell what is safe or at least tell us what they are selling. If a seller lives in China, for goodness' sakes, and wants to sell in the United States, is it too much to ask that they register with the FDA and tell us what they are putting on the shelves across America? That is basic.

So we will have a choice. I am fighting now to put this amendment on this

bill. Let's have a choice. Let's have a vote: Should the dietary supplement industry have to register their products? It is pretty basic.

This amendment is based on a recommendation from the 2009 GAO report which said the FDA has insufficient information to regulate dietary supplements and analyze adverse event reports. That is what happens when people get sick or die from dietary supplements. The amendment requires facilities which manufacture, package, or hold dietary supplements to register the products with the FDA, provide a description of each dietary supplement, a list of ingredients, and a copy of the label. Facilities notify the FDA within 30 days and provide the required registration information when a product is introduced or removed from the market. So they have 30 days to do it.

Any product that is not registered is to be considered misbranded and illegal to sell. In other words, they have to do it. It is a real law.

That is it. Just register. They have to tell us what they are selling to Americans. Give us the name, give us the ingredients, and give us a copy of the label.

Well, get ready, because the industry is coming in to say this is an outrage. I think it is outrageous that they would not comply with this basic amendment. I say this to them: I am not opposed to people buying vitamins. I have gone to these nutrition stores, and about every other month they say: Stop the latest Durbin amendment. Well, I buy vitamins. I take vitamins. It is OK. I think it is fine. We shouldn't have to have a prescription for it. But Americans have a right to know what they are taking, and they have a right to know what, if anything, the government is doing to protect them.

I hope my colleagues will support the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Missouri.

Mr. BLUNT. I thank the Presiding Officer for the time to speak on the Senate floor.

I am supportive of the bill that has come out of the HELP Committee to reauthorize user fees for the Food and Drug Administration. We have tried these user fees in the past, and under this bill they would be reauthorized for prescription drugs and for medical devices. This seems to be a way to help get these items to the consumer faster, to get them through the approval process more quickly, and to allow the companies that develop new medical devices or new prescription drugs to recoup their investment in a quicker way, which also allows them to get to the generic market in a quicker way.

I think it serves the purpose of health care well, and the community that pays the user fees appears to be in support of their continued use, and I

am too. This bill provides for faster verification of generics. It also adds a product called biosimilars to the process where fees would be paid. For all of the same reasons, it seems that those fees would also make sense for health care and make sense for health care costs. Again, it allows for recouping the investment that is made to develop a new drug quicker. That allows it to go to the generic market quicker.

I hope this bill can be approved, and I hope it will be approved even before we leave for the Memorial Day work period.

I think Senator HARKIN, Senator ENZI, and their committee, the HELP Committee, have worked hard. I don't serve on that committee. I am on the appropriating committee for the Food and Drug Administration—for agriculture, rural development, and FDA. I am glad to be on that committee, and I have the contacts I have with FDA because of that. But, certainly, I support this bill.

There will be amendments, and we will look at those amendments as they are offered; although I think the committee has worked hard in a bipartisan way to bring a bill to the floor that is legislated the way we should legislate wherein the committees do their work and there is a bipartisan approach. That approach seeks input, continues current policies, and improves on those policies in a way I hope the Senate and then the House can be supportive of.

I know one of the areas where we are likely to have amendments will be the debate we have had over and over on whether prescription drugs can be imported into the country. If that amendment is brought up, I would have the same position I have had in the past, which is it is fine as long as someone from our government is willing to say those prescription drugs are what they appear to be. They have been out of the chain of custody, out of the closed pharmaceutical chain supply system that we believe is always essential to be sure that the drug one is getting is the drug one is getting.

Senator DURBIN spoke about vitamins earlier. I don't know what is in that capsule and neither does he unless someone has verified what is purported to be in there is really in there. It is very easy for that not to be the case. There are all kinds of examples of that all over the world. We want to be sure that American consumers who are taking a health product take that product for a good cause.

The Senator from Illinois even mentioned that he thought dietary supplements should be filed with the FDA. Certainly anyone who would think that should also think the same for prescription medicines, pharmaceutical medicines—that someone would need to verify that a prescription medicine is the medicine one believes it to be because a person is not taking it for some

additional dietary reason; a person is taking it because their doctor has told them it is a medicine they need to take. It means there must be some medical reason they are taking it, and they must be certain, in my view, that a specific health care reason is being met.

Also, I read this week that in a time of trillion-dollar deficits, the Department of Health and Human Services announced it was going to go forward with a provision in the affordable health care act that apparently allows the department to spend \$20 million of taxpayer money to launch a PR campaign to convince Americans they should like the affordable health care act better than they apparently do.

We are spending \$20 million at a time when we have trillion-dollar deficits, at a time when, in fact, the health care law is even being challenged in Court. We will find out within the next month what the Court thinks about the potential constitutionality of the health care law.

This is the same Department of Health and Human Services that, during the health care debate, told insurance companies they could not tell their customers—they could not communicate with their customers in any way that suggested any possible negative impact this law might create. I thought that was an incredible position for the government to take at the time, so maybe I shouldn't be surprised that now the government would spend \$20 million on a PR contract to convince people they should like this health care plan better than they do.

In fact, poll after poll shows the more people know about the health care proposal, the less they like it. Two years after its passage, opposition to the health care law, I believe, is stronger than it has ever been. The recent Rasmussen poll said 56 percent of voters favor a repeal of the affordable health care act, believing that it is perhaps neither all that affordable or all that good for health care.

According to a USA Today Gallup poll, 72 percent of Americans think this bill will make things worse or would not help their family health care situation. They believe it would not make things better or it will even make things worse. It is clear, in my view, that this is a bad law that we can't afford—bad for families, bad for seniors, bad for job creators. I guess maybe that is why the government is going to spend \$20 million to convince me and others that it is not nearly as bad as we think it is.

This is not the first time the administration has used taxpayer money to roll out publicity initiatives or to move forward in a way that will try to encourage the use of this law. Last year, the Department of Health and Human Services asked Congress to

quadruple the budget for its public affairs office to \$20 million. So the request was, let's have \$20 million in public affairs to double the staff, quadruple the budget. Let's have another \$20 million to hire a PR firm to convince the American people that the affordable health care act is going to be good for them. Let's sway seniors by using \$3 million for an ad campaign featuring Andy Griffith, who is one of my favorite actors of all time, who took on the role to convince people the health care law is good for seniors.

The nonpartisan factcheck.org concluded that the ads used—they said "weasel words" to mislead seniors. I certainly would not imagine that Andy Griffith would use weasel words, but I do know they used taxpayer dollars—taxpayer-paid-for words—to talk about how this plan is going to be good for them.

Then the administration recently decided to spend \$8.35 billion—now we are talking about real money; we are not talking about \$20 million or \$3 million. We are talking about \$8.35 billion to postpone the vast majority of the Medicare Advantage cuts until after the end of this year, which is, coincidentally, after Election Day as well. This supposedly comes out of money that would usually go for a demonstration project.

As I understand demonstration projects, it is to take an idea and prove whether it will work. Well, apparently, this demonstration project is merely to not allow these provisions of the affordable health care act to go into effect until after the election. I think we can all see what that demonstrates. It demonstrates there must be something the administration believes the American people and seniors would not like if they found out before the election that \$8.35 billion was scheduled to be taken out of Medicare and put into another health care program. In fact, the affordable health care act will spend \$500 billion that will come out of Medicare at a time when Medicare, we all know, is about to be in real trouble.

If someone made this argument anywhere but Washington, DC, I think they would be laughed out of the room. We have one fund that is about to be in big trouble, so we are going to take money from it and start another program that we also don't quite know how we are going to fund.

The Government Accounting Office has said this demonstration project—I think they have identified it as a sham demonstration project because it doesn't demonstrate anything.

This is not a health care system proving that if you take care of seniors on a per capita basis, you do a better job keeping them well than if you wait until everybody gets sick for them to be able to see a doctor under Medicare. This just simply demonstrates that the administration would not like people

to know what the impact of the law is going to be during this even-numbered year.

Government spending is out of control. Federal debt is at a record high. It is unacceptable to me that the administration has decided to waste money on a PR campaign or to waste money to see that the impact of the law is not evident until after election day. Instead of spending time and taxpayer dollars to try to convince people that unpopular things should be liked, I would like to see the President work with the Congress to help us get the 23 million men and women who are either unemployed or underemployed back to work. If we are going to spend money, let's spend money for purposes like that.

I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, today we will be considering and are considering a vital piece of legislation that not only includes all four user fee agreements but also includes policy proposals to improve the Food and Drug Administration review and approval of medical products, particularly in the pharmaceutical supply chain.

In 2008, when Senator Kennedy was still in the Senate, he and I introduced the Drug and Device Accountability Act. This legislation was largely in response to the extensive oversight I conducted on the Food and Drug Administration. During these investigations, I identified serious problems at the FDA that included severe weaknesses in the inspection process, delays in informing the public of emerging safety problems, and lack of enforcement authority.

Based on these findings, the Kennedy-Grassley legislation included provisions to ensure the safety of drugs, including foreign-manufactured drugs. It would have expanded FDA's authority to inspect foreign manufacturers and importers on a risk-based schedule. It would have required all manufacturers to register with the agency so they can properly identify the number of manufacturers and where they are located. This would have ensured that when a crisis occurs, we can quickly locate the questionable facility. And it would have increased civil and criminal penalties with respect to violations.

Unfortunately, Senator Kennedy and I never had an opportunity to debate this legislation, let alone cast a vote on it. However, roughly a year ago Senators HARKIN and ENZI forged a bipar-

tisan working group to address these challenges. The group has worked tirelessly to produce a bipartisan bill that modernizes FDA's authority to ensure that drug products coming into the United States are safe for American patients.

This bill incorporates many provisions in the Drug and Device Accountability Act Senator Kennedy and I introduced. It increases penalties for knowingly and intentionally counterfeiting drug products. It requires electronic submission of certain key information by a drug importer as a condition to grant entry.

I would like to have seen additional enforcement tools included in the legislation. For example, granting FDA the authority to destroy unsafe products that are refused admission into our country would enhance FDA's ability to protect the public from tainted products.

Likewise, I think FDA should have been granted subpoena authority and have it on a par with other Federal law enforcement authorities because currently FDA lacks subpoena authority and has to go through the Department of Justice, which is time-consuming and burdensome.

Ultimately, this legislation is a needed step in the right direction toward securing our supply chain. This legislation did not address a top priority of mine; that is, ensuring whistleblowers have adequate protections. Four months ago, my office learned of an abusive treatment by the Food and Drug Administration toward whistleblowers due to their protected communications with Congress, more specifically with the office of this Senator. Once the agency learned of the communications, it began actively monitoring and observing employees' personal e-mail accounts for 2 years until the agency was able to have the employee fired.

Regrettably, I was not shocked to learn that the FDA was mistreating whistleblowers within this agency as it has done on more than the one occasion in the past that I have identified. What makes the example different and worse is that the FDA intentionally went after an employee because they knew that employee had no protection under the Whistleblower Protection Act.

The employee in question happened to be a member of the Public Health Service—the title is the Public Health Service Commissioned Corps. Because of the decision from the Court of Federal Claims, those employees are, in the Public Health Service, along with other members of the uniformed services, not covered by Federal employee whistleblower protections.

In 2009, the Court of Federal Claims held in *Verbeck v. United States* that an officer in the Public Health Service Commissioned Corps is a member of

the uniformed services and as such is not covered under the Civilian Whistleblower Protection Act nor the Military Whistleblower Protection Act. This same logic extends to the commissioned corps of NOAA. So under this precedent, officers of the Public Health Service and NOAA currently have no whistleblower protection under Federal law.

This is particularly problematic when we consider that the Public Health Service and NOAA officers can be detailed to agencies such as the Food and Drug Administration or the Centers for Disease Control. That is the case here where that Public Health Service officer was working with FDA. At FDA they have to work side by side with civilian employees doing critical work to review and approve drugs, oversee medical devices, and even work on infectious diseases. However, unlike their civilian colleagues sitting right beside them, if these employees uncover wrongdoing, waste, fraud, and abuse, they can be retaliated against by the agency and have no recourse for it.

This is wrong and needs to be fixed. Whistleblowers point out waste, fraud, and abuse when no one else will. They do so while risking their professional careers. Whistleblowers have played a critical role in exposing government failures, and retaliation against whistleblowers should never be tolerated whether they are in the Public Health Service or otherwise.

For this reason, I will offer an amendment that expands whistleblower protection for uniformed employees of the Public Health Service. It corrects the anomaly pointed out in the Court of Federal Claims and ensures that officers in the Public Health Service have some baseline whistleblower protection. It expressly includes the commissioned corps of the Public Health Service within the protections of the Military Whistleblower Protection Act. This is consistent with the structure of the commissioned corps functioning like a military organization and matches the fact that these officers receive military-like benefits and retirement.

All Federal employees should feel comfortable expressing their opinion both inside the agency and to those of us in Congress. The inclusion of this language will ensure those opinions receive appropriate protections. I want to take this opportunity to express my appreciation to Senator HARKIN and Senator ENZI for their commitment and effort over the years to reform and improve the Food and Drug Administration.

We have to do what we can to protect whistleblowers. They know where the skeletons are buried. They and enterprising journalists come to us in Congress so we can investigate. We need those sources of information.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent the execution of the previous order with respect to S. 3187 be delayed until 2:15 today; that at 2:15 p.m. the majority leader be recognized prior to the execution of the order, and that all provisions of the previous order remain in effect at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are close to a way to move forward on the FDA bill. I do say this, however: On this side we have cleared everything. So the disputes now are with the Republicans on the Republican amendment. We are willing to do whatever is necessary on that amendment. So I hope we can get this worked out. It would sure be helpful. We have heard all the speeches about this important bill. It really is important, as I indicated today in talking about some of the shortages we have had in Nevada where people die as a result of not having the medicines.

We are nearing a time where we cannot prolong this any more. This legislation is necessary because the bill—the information we have in this bill, everything we need expires at the end of this month.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to talk about the importance of passing the Food and Drug Administration Safety and Innovation Act, more commonly known as the user fee reauthorization bill. This bipartisan legislation would reauthorize the user fee program for the medical device industry, incredibly important in my home State of Minnesota, as well as the pharmaceutical industry.

This bill represents over 1 year of negotiations between the FDA, Congress, and the industry. I believe we have achieved a good balance in terms of the improved performance, incentives through increased accountability, more meaningful goals, important process improvements, better metrics, and additional resources.

Not only does this legislation include the user fee agreements negotiated between the industry and the FDA, it also includes several reforms that will benefit the entire health care system and improve public health. The bill will make medicines safer for children. It will protect the global drug supply chain. It will improve access to safe, innovative medical devices and treatments, and it will tackle the drug shortage crisis that is spreading across the country.

On Monday I talked about the work I did leading the effort on drug shortages. I am so pleased that Senator HARKIN and Senator ENZI included this provision in this bill. But I also believe

it is important to talk about the guts of the bill; that is, the improvements with the FDA and the work that needs to be done.

I commend the HELP Committee, on which the Presiding Officer serves, and specifically Chairman HARKIN and Ranking Member ENZI for being dedicated to ensuring that this process was open, transparent, and bipartisan.

At a time when Congress has been deeply divided, this legislation shows we can still overcome our differences and address the needs of the country through strong bipartisan cooperation.

For the State of Minnesota, passing this bill is vital to our continued economic growth and strength. With strong institutions such as the Mayo Clinic and the University of Minnesota and innovative companies such as 3M and Boston Scientific and Medtronic and St. Jude's, Minnesota's job numbers have fared better than the national average, with our unemployment rate now more than 2½ points below the national average; that is, 5.6 percent compared to 8.1 percent.

That is also attributed to the fact that Minnesota has one of the largest and most dynamic pockets of medical device companies in the country. I mentioned a few of the big ones, but there are also many small thriving companies. Many of our biggest innovations have come from the small companies, adding up to about 400 firms employing over 35,000 people across our State.

We cannot forget that it was Minnesota that brought the world one of the biggest innovations in the country. I am not talking about the Post-It note, although it is true that did come from our State. I am talking about the pacemaker, which we give thanks to a company called Micronic that started out in a garage in Minneapolis.

So our roots run deep in this industry. But medical technology is just not important to Minnesota, it is important to our country, putting billions of dollars in our economy each year. It is important to the world. The devices we make in the United States do not just save lives locally, they save lives globally.

As we look at potential exports and how we are going to reach the President's goal of doubling our exports in 5 years, and how we are going to get out of the economic rut we have been in, a lot has to do with exports, new markets, and a rising middle class in countries such as China and India where people are finally going to the hospital, will use our medical devices, and will bring jobs to the United States.

But that only works if these medical devices get approved and if we are able to make them, have the skilled workers to make them, and can beat our competition, basically, of companies in other countries that may be growing unless we make sure we have a proper

approval process here that keeps things safe but also moves smoothly and quickly. The kind of meaningful, innovative work that our country needs more of is this kind of work. It is high-tech manufacturing, and that is what we need more of in this country.

As cochair of the bipartisan Med-Tech Caucus in the Senate, I have had several conversations with FDA about ways to improve this regulatory environment. I have introduced bills, as has the Presiding Officer, and looked at the importance of putting in things that guarantee safety but also make sure we improve the process so we get more innovation and more jobs in this country.

If we are not careful, as we know, continents such as Europe—if they move faster than us, as they have in some instances, then we have a problem because then the venture capital money goes to Europe. With China requiring country-of-origin approval, we can have a situation where companies decide they can get things done quicker if they move their business to a place such as Europe and then get the approvals in place so they can sell in China. We do not want that to happen.

The FDA will now be responsible for total review time goals. That is an important part of this bill. This measures the time from submission of a new application to the time the technology is available to patients. Putting the FDA on the hook for this measure will streamline the approval process and help get innovative and lifesaving devices and treatments to patients.

In addition to improved review times and performance standards, the one aspect I hear about the most from our medical device companies, both small and large, is they need better communication between the FDA and industry. This agreement takes significant steps to address this issue by opening clear lines of discussion before a submission is made. This helps provide companies with clear direction and requires the FDA to stick to their commitments.

It also requires interaction between the FDA and the applicant during the review process to keep everyone on the same page and avoid miscommunication and costly delays. The agreement also requires the FDA to work with companies to find the best path forward if goals are not met. Most importantly, this legislation will give the FDA the tools necessary to meet these goals.

This agreement provides for \$595 million in user fees over the next 5 years. This is meant to provide for additional reviewers, enhanced training, and increased efficiencies to help improve FDA performance and help patients get access to the most innovative and safest products available.

But a positive user fee agreement does not guarantee success. We must

also focus on the execution and administration of these new resources and new guidelines. That is why I introduced a bipartisan bill with RICHARD BURR of North Carolina, a Republican, and MICHAEL BENNET of Colorado, a Democrat, that would significantly improve the regulatory process.

It would tackle three important things related to the approval process: First, it would increase efficiency by strengthening the agency's least burdensome principle, which has been continuously overlooked by FDA's reviewers. The average time to approve an application has increased 43 percent from the 2003-to-2007 time period to 2010. This simply is unacceptable.

Second, it would improve conflict-of-interest provisions making it easier for the FDA to recruit top-line experts to take part in the review process.

This would allow the FDA to protect the integrity of the review from undue conflicts of interest but also take advantage of available expertise.

Third, it would require the FDA to use an independent consulting organization to assess the management processes at the Center on Devices. This would encourage the agency to consider the impact of its decisions on innovation, while also considering the balance between the risk and benefits of the new devices.

I am thankful that, in working with Senators HARKIN and ENZI, we were able to include these improvements in this bipartisan legislation.

Equally as important to improving the regulatory process at the FDA, this legislation also includes my provision on drug shortages. I have come to the floor several times in the past year to talk about the crisis as it has impacted individuals all across our country. There is the story of a little 4-year-old boy who was going to get treatment for his leukemia, and his parents were put in a panic. He was a little bald boy with a smile on his face. They found out that the drug he needed, Cytarabine, was missing in action; it was not in the hospital, not in the pharmacy. They were actually looking into booking flights to Canada so that he could get the drug treatment he needed. At the last minute someone located the drug.

Sadly, that doesn't happen in many cases across the country, where we have had people come forward and talk about missing breast cancer treatments and people who have died because drugs were not available. The fact that physicians, nurses, and pharmacists are spending hours and hours of their time, which should be spent with patients, looking for pharmaceuticals is an outrage.

We know there are many reasons for this. We are glad the industry was willing to work with us to come up with at least a short-term patch here, where the FDA will be alerted as a result of

the provisions in this bill when the pharmaceutical companies believe there is going to be a shortage. Right now, they are only required to do it for orphan drugs. Now they will be required to do it for all drugs. These can be shortages as a result of raw materials that are not there, as a result of mergers in the pharmaceutical industry, or shortages as a result of a decision not to produce a drug because it may not be as profitable or shortages because of all kinds of things that could happen in the course of commerce.

The key point here is that when the FDA finds out early, they have been able to avert drug crises. They can find another manufacturer in our country or abroad, and they get the drugs in; they have done it over 200 times in 2 years. This will give them more tools to be able to avert what is an escalating crisis in this country where we are seeing more and more shortages of drugs on a weekly basis.

As I said, I am glad this bipartisan provision—and Senator CASEY introduced it originally with me, and we have had support from Senator COLLINS and others, and our working group worked out an agreement to get this provision in the Senate bill, with good prospects in the House under the leadership of Congresswoman DEGETTE from Colorado.

I thank my colleagues for their work for two reasons. One, this is important for medical devices and pharmaceuticals in terms of getting fast approval, and that is better for patients and for jobs in America as we become a country again that makes products and invests in goods that we export to the world. To do that, you need the regulatory process working.

Second, this bill is good because it contains a drug shortage provision to finally get at something that is long overdue, and that is the escalating crisis of drugs that have gone missing, which should be in the hands of patients across this country. Now we put them in a much better position in terms of being able to find alternative drugs in either our country or others, so we don't have these shortages we are seeing every day. That is why I think it is very important that we get this bill done soon.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DISCLOSE ACT

Mr. WHITEHOUSE. Mr. President, I rise today to speak about a subject that I know is dear to the heart of the

Presiding Officer, which is the sorry state of our campaign finance system and the need for the DISCLOSE Act of 2012, which we call DISCLOSE 2.0.

The Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission* opened the floodgates to unlimited corporate and special-interest money in our elections, bringing about an era in which corporations and other wealthy interests can drown out the voices of individual voters in our political system. Worse still, much of this spending is anonymous, so we don't even know who is spending millions to influence our elections.

Here is how my State's newspaper, the *Providence Journal*, explained it when the ruling came down:

The ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

The *Providence Journal* had a lot of foresight with that warning. What has happened since then has proven them right. Senator JOHN MCCAIN recently said this:

I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down the law—

Referring to the McCain-Feingold campaign finance law

—That there would be a flood of money into campaigns, not transparent, unaccounted for, and this is exactly what is happening.

Senator MCCAIN, is it ever. In the 2010 midterm election, the first after *Citizens United*, there was more than a fourfold increase in expenditures from super PACs and other outside groups compared to 2006, with nearly three-quarters of political advertising coming from sources that were prohibited from spending money in 2006. Also in 2010, 501(c)(4) and (c)(6) not-for-profit organizations spent more than \$135 million in unlimited and secret contributions. This anonymous secret spending rose from 1 percent of outside spending in 2006 to 44 percent in 2010.

We are already seeing the influence of money on the 2012 elections. Super PACs and other outside groups have spent around \$140 million in this election cycle. That is about twice what was spent over the same period in 2008 during the last Presidential election. In the 2 weeks leading up to Super Tuesday, outside PACs that supported the Republican Presidential candidates spent three times as much on advertising as the campaigns did themselves.

There are already signs things are going to get even worse. The *Washington Post* reported:

Groups that do not reveal their funding sources have spent \$28.5 million on advertising related to the November presidential matchup, or about ninety percent of the total.

Ninety percent. And these are groups that don't reveal their funding sources.

Our campaign finance system is broken. Action is required to fix it. Americans of all political stripes are disgusted by the influence of unlimited, anonymous corporate cash in our elections, and disgusted by campaigns that succeed or fail depending on how many billionaires the candidates have in their pockets. More and more, people believe their government responds only to wealthy and corporate interests.

As they see their jobs disappear and their wages stagnate and bailouts and special deals for the big guys, they lose ever more faith their elected officials are actually listening to them. Over the deafening roar of secret special interest spending, they get harder and harder to listen to.

This growing consensus across the political spectrum was reflected in the brief Senator JOHN MCCAIN and I filed with the Supreme Court last week in *American Tradition Partnership v. Bullock*. In that brief, we urged the Court to reconsider the flawed central premise of its decision in *Citizens United*: the proposition that independent expenditures do not lead to corruption or the appearance of corruption.

As the statistics about anonymous spending and public perception make clear, this premise is discredited. I am proud to have worked on the brief with Senator MCCAIN, who has long been a leader in Congress on campaign finance issues. I hope our partnership will mark the beginning of greater cooperation across party lines on this issue of vital importance to the integrity of our great American democracy. I also hope the Supreme Court will take heed of the nearly universal opinion that the system they have unleashed in *Citizens United* puts our very democracy in jeopardy.

Until the Court acts, or until we enact a constitutional amendment to repair what they have done, we are left with one weapon in the fight against the overwhelming tidal wave of money from special interests—and that is disclosure. At least make them fess up to who they are.

That is why I stand here today in support of the DISCLOSE Act of 2012 or, as I said, DISCLOSE 2.0, in recognition of Senator SCHUMER's great work on the DISCLOSE Act. This legislation will shine a bright light on these powerful interests and their spending. With this legislation, which now has 43 cosponsors in the Senate, every citizen will know who is spending these great sums of money to get their candidates elected and to influence those candidates.

I would like to give particular thanks to the previous Presiding Officer, Senator FRANKEN, and the current Presiding Officer, Senator TOM UDALL, as well as Senators CHUCK SCHUMER, MI-

CHAEL BENNET, JEFF MERKLEY, and JEANNE SHAHEEN for their hard work on developing this legislation. Senator SCHUMER, as we all know, has been leading the charge for disclosure since *Citizens United* upended and fouled our campaign finance system.

In 2010, with Senator SCHUMER's leadership, we came within one vote of passing the original DISCLOSE Act. Since then, the problem of anonymous, unaccountable special interest money has become much worse. We must redouble our efforts and pass DISCLOSE 2.0.

DISCLOSE 2.0 says two very simple things: First, if you are an organization, such as a corporation, a super PAC, or a 501(c)(4), and you are spending money in an election campaign in support of or in opposition to a candidate, you have to tell the public where that money came from and what you are spending it on in a timely manner.

That should not be a controversial idea to anyone, at least to anyone who is not seeking secret special influence. This chart shows how easy it is under our current system for wealthy interests to anonymously spend millions on election ads. This amounts to a form of legalized money laundering or identity laundering. Super PACs are supposed to disclose their donors under current law. But if someone wants to avoid that disclosure, they can set up a shell corporation, which may be nothing more than a P.O. box, and send the money to the super PAC through that.

Worse still, instead of using a shell corporation, they can pass the money through to a 501(c)(4), a so-called "social welfare" organization set up just for the purpose of spending money in elections. Think about that. The IRS gives nonprofit status to groups whose primary purpose in many cases is to shield billionaires and corporations spending money in elections from having their identities disclosed. In many cases, these 501(c)(4) groups are so closely affiliated with their super PACs they have all the same staff and all the same office space, and the (c)(4) groups still don't have to disclose the identities of their donors.

On this chart we see the money raised through the end of 2011 by two political groups started after *Citizens United* by Republican political operatives. These two organizations have the same staff and the same office space, and they run negative ads against many of the same candidates. One, American Crossroads, is a super PAC and is supposed to disclose its donors. The other, Crossroads GPS, is a 501(c)(4) group and doesn't have to disclose donors. Guess which one has raised more money. Of course it is the 501(c)(4) group which doesn't have to disclose its donors. That group has raised \$76.8 million as compared to only \$46.4 million by its sister super PAC.

This is, by no means, a unique situation. For corporations trying to buy influence through spending in elections, “nondisclosure is always preferred,” as an unnamed corporate lobbyist recently told Politico. Why? Well, for one thing there is no accountability—not to the company shareholders, not to their customers, and not to the public. Nondisclosure is “preferred” because it makes it impossible for the public and for law enforcement to track the corrupting influence of the money these corporations spend in elections. DISCLOSE 2.0 would put an end to using 501(c)(4) groups and shell corporations to shield the identities of big campaign contributors.

One thing that shouldn’t be lost in this discussion of anonymous spending is the fact there is one person to whom this spending is certainly not anonymous, and that is the candidate—the elected official. The donors manage to hide their identities from the public, but they can sure tell the candidate how much money they put into that candidate’s super PAC and what positions they want the candidate to take on issues. What this creates is a perfect formula for corruption: wealthy corporations and individuals spending millions of dollars to influence a candidate without any oversight or public accountability or scrutiny.

Also, as a former Attorney General—and I know the Presiding Officer, the Senator from New Mexico, can appreciate this as well—a well-heeled donor doesn’t have to make the contribution necessarily, doesn’t have to launch the ad necessarily. They can also secretly threaten a massive expenditure against a candidate if the candidate doesn’t vote right on their issue. Political scientist Norm Ornstein recently said:

I have had this tale told to me by a number of lawmakers. You’re sitting in your office and a lobbyist comes in and says, “I’m working with Americans for a Better America. And I can’t tell you who’s funding them, but I can tell you they really, really want this amendment in the bill.” And who knows what they’ll do? They have more money than God.

If the candidate complies and does the right thing by the amendment or the right thing by the bill, the expenditure is never made. There will be no paper trail; no trace of the threat that drove that vote—that corrupted that vote—was ever made.

The whole rationale for unlimited spending was that it was going to be done independently of the candidate’s campaign. That has proven false. The reality is that super PACs are anything but independent. Campaigns and super PACs share fundraising lists, donors, former staff, and consultants. Candidates appear at fundraisers for their super PACs, and super PACs recycle ads originally run by the candidates. They are free to act as the “evil twins” of candidate campaigns, as one FEC Commissioner put it, raising unlim-

ited, anonymous money and then spending it on massive amounts of advertising—most of it negative—which further hides the identity of the interest behind the ad because if all you are doing is trashing a candidate, you don’t even have to show what your interest is, let alone your identity.

About 70 percent of ads in this election cycle have, as a result, been negative ads, up from only 9 percent in 2008. This brings us to the second thing DISCLOSE 2.0 does. If someone is a top executive or a major donor of an organization spending millions of dollars on campaign ads, they have to take responsibility for their ads, just the way we do as candidates. These are reasonable provisions that should have wide support from Democrats and Republicans alike. As Trevor Potter, a Republican former Chairman of the Federal Election Commission, said in a statement submitted to the Rules Committee of the Senate:

[DISCLOSE 2.0 is] . . . appropriately targeted, narrowly tailored, clearly constitutional, and desperately needed.

We have made every effort to craft an effective and fair proposal while imposing the least possible burden on covered organizations. Passing this law would remove a dark cloud of unlimited, anonymous money from our elections, and it would prove to the American people that Congress is capable of fairness, equality, and following the fundamental principle of a government “of the people, by the people, and for the people.”

I urge my colleagues to support the DISCLOSE Act of 2012.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I was just listening to the Senator who is now in the Chair, and I want to congratulate him on filing that amicus brief with Senator MCCAIN in the Supreme Court. I believe the Supreme Court should heed the good advice both Senator MCCAIN and Senator WHITEHOUSE have given them, and I think if they do not heed that advice, the authority they have undertaken themselves will be taken away from them by the people who are urging a constitutional amendment to give this back to the Congress and back to the State legislatures.

I join my colleagues today to highlight what I consider a significant problem in our country—the unprece-

dent flow of money into our democratic elections.

Over the past several months, a group of us have been working together to address this problem. We have asked the FEC, IRS, and the FCC to take actions that would help curb the impact of money on our elections.

Led by Senator WHITEHOUSE, we have introduced the DISCLOSE Act. This bill would shine a light into the dark corners of the campaign finance system. Senator BENNET and I have introduced a constitutional amendment, which currently has 22 cosponsors, to overturn the disastrous judicial opinions that have led to the broken system we have today.

In January 2010, the Supreme Court issued its opinion in *Citizens United v. FEC*. Two months later, the DC Circuit Court of Appeals decided the *SpeechNow v. FEC* case. These two cases gave rise to the super PACs.

Millions of dollars now pour into negative and misleading campaign ads, and often without disclosing the true source of the donations. But our campaign finance system was hardly a model of democracy before these disastrous opinions. The *Citizens United* and *SpeechNow* decisions renewed our concerns about campaign finance, but the Court laid the groundwork many years ago.

We can go all the way back to 1976. That year, the Court held in *Buckley v. Valeo* that restricting independent campaign expenditures violates the first amendment right to free speech; in effect, that money and speech are the same thing.

The damage is clear. Elections become more about the quantity of the cash and less about the quality of ideas; more about the special interests and less about public service.

We cannot truly fix this broken system until we undo the flawed premise that spending money on elections is the same thing as exercising free speech. That only can be achieved in two ways: The Court could overturn *Buckley* and subsequent decisions based on it, something the current Court seems highly unlikely to do, or we amend the Constitution to not only overturn the previous bad Court decisions but also to prevent future ones. Until then, we will fall short of the real reform that is needed.

In *Federalist No. 49*, James Madison argued that the U.S. Constitution should be amended only on “great and extraordinary occasions.” I believe we have reached one of those occasions. In today’s political campaigns, our free and fair elections—a founding principle of our great democracy—are for sale to the highest bidder.

I know amending the Constitution is difficult. And it should be. But we didn’t start this effort last year or even in the last Congress. Others before us have urged that this longstanding

problem needs a long-term solution. Many of our predecessors understood the corrosive effect money has on our political system. They spent years championing the cause.

Senator Fritz Hollings introduced bipartisan constitutional amendments similar to our amendment in every Congress from the 99th Congress to the 108th Congress. Senators SCHUMER and COCHRAN introduced one in the 109th Congress. And those were all before the Citizens United decision—before things went from bad to worse. The out-of-control spending since that decision has further poisoned our elections, but it has also ignited a broad movement to amend the Constitution.

I participated in a panel discussion in January with several activists in this movement. One of the panelists, Maryland State Senator Jamie Raskin, was asked about overcoming the difficulty of amending the Constitution. Jamie said that:

A constitutional amendment always seems impossible until it becomes inevitable.

I think we are finally reaching the point of inevitability.

Across the country, more than 200 local resolutions have passed calling for a constitutional amendment to overturn Citizens United. Legislators in four States—Hawaii, Vermont, Rhode Island, and my home State of New Mexico—have called on Congress to send an amendment to the States for ratification. Many more States have similar resolutions pending. Over 1 million citizens have signed petitions in support of an amendment, and more than 100 organizations under the banner of United for the People are advocating for constitutional remedies.

This grassroots movement is yielding progress. In addition to our amendment, several other campaign finance-related amendments have been introduced in the House and the Senate. Senators LEAHY and DURBIN recently announced that Senator DURBIN's Judiciary Subcommittee on the Constitution will hold a hearing on the Senate proposals in July. I thank them for their support. The hearing will be a great opportunity to examine the different approaches, to solicit input from constitutional experts, and to have a national discussion about the need to return our elections to the American people.

I hope this dialogue will convince some of my Republican colleagues to join me. Fixing our campaign finance system is only a partisan issue in Washington. A recent Washington Post-ABC News poll found that nearly 70 percent of registered voters want super PACs to be illegal. Among independent voters, that figure rose to 78 percent. But the Court, in its misguided reading of the first amendment, told the Congress that we can't rein in super PACs. In doing so, it gave millionaires and billionaires unchecked

power to influence our elections. It has allowed a flood of PAC money to drown out the voices of average Americans. This is a fatal misreading of the real world of political campaigns, and it is wrong. Supporters of super PACs and unlimited campaign spending claim they are promoting the democratic process. But the public knows better. Wealthy individuals and special interests are buying our elections. Citizens United has meant citizens denied. Our Nation cannot afford a system that says "come on in" to the rich and powerful, and says "don't bother" to everyone else.

The faith of the American people and their electoral system is shaken by big money. It is time to restore that faith. It is time for Congress to take back control.

I know the Senator from Rhode Island, as Senator WHITEHOUSE, has worked very hard on this issue, and has pulled us together. I believe we are going to have others join us in this hour. The crucial thing we are trying to say is we need reform, we need disclosure. We need to get to the bottom of what is happening in this broken system and get our democracy back for the American people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, while we are waiting for the next speaker to arrive, I wanted to take a moment and discuss the brief Senator MCCAIN and I filed in the Supreme Court last week. It can be found at <http://www.whitehouse.senate.gov/download/?id=e3ba7f1b-d132-4aef-b5bc-c49fd711fc51>.

The Supreme Court in the Citizens United decision was in a difficult situation. No member of the Court had ever run in an election for office. It may be the first time in the history of a country that no member of the Supreme Court had ever run for office, so it is a Supreme Court that as a corporate group was uniquely inexperienced in the actual ins and outs of elections and politics.

Moreover, the way the Citizens United case came up to the Court, the question they ended up deciding is one that they asked for additional briefing on. It is a question that, in many respects, the Court raised itself. And so the Court did not have the benefit of the usual process of a case beginning in the trial court and amassing a record of evidence, of testimony, of witnesses, of a review of all of that at the appel-

late court level, and then final review at the Supreme Court. So they did something very unusual. They actually made a finding of fact.

A finding of fact is not something Supreme Courts are supposed to do in the first instance. That is the job of the trial judge and the jury, if there is a jury trial. Those are the fact-finders in our system of law. And certainly for a Supreme Court that has an appellate tribunal between it and the trial branches, as our Federal system does, it is very unusual for them to be making findings of fact. They made findings of fact in this case. And, unfortunately, because they had no experience in elections, any of them, and because they had no record, they made a finding of fact that was not in fact a fact. They made a finding of a false fact.

The mistake they made was to determine that no amount of corporate spending in an election could create either the risk or the appearance of corruption, and I think the practical facts of that are pretty easy to rebut.

They stood that finding of fact, that premise, on two subordinate premises and we rebut both of them in the brief. If I have further time, I will come back to that, but I see that the Senator from New Hampshire is here and I do not want to cut into her time, so I yield to the distinguished Senator from New Hampshire, and I appreciate her great work through the long period of discussion and draftsmanship that brought 2.0 to the floor with its now 43 cosponsors.

Mrs. SHAHEEN. Mr. President, I am pleased that I could be here today to join you, to join Senator WHITEHOUSE and our colleagues who have been working to try to bring to light for the public the serious and ongoing problem of excessive campaign spending. I congratulate Senator WHITEHOUSE for all of his work in leading this effort. It has been very important.

This excessive spending has been a problem for the last 2 years, since the Supreme Court's decision in Citizens United, because their decision has allowed for the formation of what has been called super PACs, which are really organizations that can spend unlimited amounts of money without ever having to disclose where that money came from. So the public doesn't know who is spending the money, doesn't know how the decisions about spending are made.

We are actually in the middle of the first Presidential election since that Supreme Court decision, and we can see the dramatic impact of that spending. There are now more than 500 super PACs registered with the Federal Election Commission. They are permitted to raise and spend unlimited amounts of secret money to fund political advertisements.

Again, I want to emphasize the fact that we do not know where this money

is coming from. We do not know if it is coming from corporations. We have heard a lot of stories and seen a lot of stories that there are very wealthy individuals who are putting up money for these super PACs. But the amount of money that has been spent by these super PACs so far this election cycle alone has just topped \$100 million. Nearly \$80 million of that came from just five groups.

As we are looking at this money being spent, it is important for all of us to reflect on our national priorities. What does it say about our country that we allow this kind of deluge of money to flood our electoral process? Who is really being represented? Are average voters in America being represented in this process?

To provide some perspective, I think it might be useful to examine what else this amount of money could pay for. In the past few weeks we have been discussing the importance of providing survivors of domestic violence and sexual assault with the resources they need by reauthorizing the Violence Against Women Act. What has already been spent so far by these super PACs, \$100 million, could fund all of the domestic violence and sexual assault assistance in the State of New Hampshire for 20 years. It could serve more than 320,000 victims.

The New Hampshire job training program provides workers with valuable instruction at community colleges across our State. It prepares workers for high-skilled jobs and creates a stronger economy. With the \$100 million that has been spent by these super PACs, we could train 288,434 workers in New Hampshire. Mr. President, \$100 million would provide low-income heating assistance to more than 135,000 households. That is enough to keep New Hampshire's neediest families warm for three winters.

The starting salary for a police officer in the city of Manchester, the largest city in New Hampshire, is \$50,000. With \$100 million we could put an additional 2,000 police officers on the street. Instead, this money is being spent on political advertisements, millions of dollars from groups that refuse to disclose their donors. Most of these expenditures are being made on attack ads. According to a study by the Wesleyan Media Project, at this point during the last Presidential campaign in 2008, just 10 percent of the ads were negative. Now, in this Presidential campaign, 70 percent of those ads are negative. It is no wonder that Americans are becoming increasingly disillusioned with our political process.

The challenges confronting this country are significant. We need Americans to be engaged and invested in our political process, not throwing up their hands in frustration as the attack ads pile up. We need campaign finance reform.

I have been pleased to work with the Presiding Officer, with Senator WHITEHOUSE, and with all of our colleagues in developing the DISCLOSE Act, which makes some important changes to our system. Senator WHITEHOUSE described the DISCLOSE Act very well. It will make sure voters know who is paying for all of these campaign ads. It does not eliminate super PACs, but it is a very important step in the right direction.

I urge all our colleagues to join us in calling for change and urging reform of our campaign finance system. I urge everyone in this body to support the DISCLOSE Act.

I yield the floor.

Mr. MERKLEY. Mr. President, I ask unanimous consent to ask a question of my colleague from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I was very engaged by the comments Senator WHITEHOUSE was making a short time ago. I was very struck, as I have been all along, by the substantial challenge posed by Citizens United. My colleague was speaking to the impact on our constitutional system. When I think about this, I often think about those first three words of our Constitution, "we the people." Is it the Senator's sense that this phrase, "we the people," that starts out the Constitution is more than simple window dressing? Does it go to the heart of who and what we are as a society, as a nation?

Mr. WHITEHOUSE. The great experiment that the Founders of this country embarked upon when they founded this country was to allow for a democratic form of government that was governed by the people—not kings, not lords, not pharaohs, by the people. It has been a consistent thread throughout our history at important times.

As the Civil War came to a close and our beloved President Lincoln stood at Gettysburg to give his great address, he talked about the importance of a government "of the people, by the people, and for the people." That has always been the core, heart, and hallmark of the American form of government.

It has lit a blaze that has illuminated the rest of the world as well. It is not just an American value. People from around the world look at this and say: You know, it can be that way.

Mr. MERKLEY. So I think if any three words would summarize the heart of our Constitution, it would be those three words. It would be "we the people." Yet we have a Supreme Court decision, Citizens United, that essentially unleashes a flood of special interest money. Is that fundamentally in conflict with the notion of "we the people"?

Mr. WHITEHOUSE. I believe it is. We operate in a modern world in which we are bombarded by media. The average

person, the average, ordinary member of "the people," does not have much access to that media, cannot get his or her voice much heard in that bombardment. But if someone has enormous amounts of money, either because they are a corporation with a vast treasury or because they are a billionaire, they can take a big chunk of that media and can use it to broadcast their view. That will drown out other voices that do not have that power. So it really does attack the basic premise of "we the people."

Mr. MERKLEY. So Citizens United goes right against the very heart of our Constitution. How is it possible that the Supreme Court found, in this 5-to-4 decision, that this has no corrupting impact on our electoral process?

Mr. WHITEHOUSE. I think three things went wrong. First of all, this is a Supreme Court that, unlike most if not all other Supreme Courts, has no political experience. None of them have ever run for office, so they do not have a practical sense of how politics engages in an election.

Second, because they sort of invented this question, they did not have a record where people who did know about politics and did know about elections and did know about corruption could assemble a record from which they could then learn. So they were operating in a much greater vacuum than the Supreme Court usually does.

Finally, they made two presumptions that supported it. One was that the super PACs and all these big entities would be independent from the candidates. We have seen that was a false assumption. That was a wrong premise. Now the super PACs are connected to a candidate. They have one purpose: to get the candidate elected. They have funds raised by the candidate, they share staff with the candidate, they share consultants with the candidate. They use the same footage as the candidate. The idea that they are independent has been made preposterous by the facts.

The second was that there would be disclosure so the public could at least evaluate, OK, this is the coal mining industry coming after somebody who is fighting for climate change. We get that. We can make an appropriate judgment about that use of corporate money to attack a candidate. They were wrong about that as well. That is why we are here on this DISCLOSE 2.0, and we have been working so hard to make sure this bill has gotten to the floor in the good shape it has been.

Mr. MERKLEY. So the Supreme Court envisioned this steel wall, this high, impenetrable wall between an independent campaign and the candidate's campaign, and thereby saw fit to unleash unlimited money on one side of the wall while saying the other side has campaign caps, and that made sense together but their fundamental premise was wrong?

Mr. WHITEHOUSE. Absolutely dead wrong, as proven by reality. It is not just a theoretical wrongness, it is a factual, actual wrongness.

Mr. MERKLEY. Most of our campaigns for the Senate involve millions of dollars—some are \$2 million, some are \$20 million, some more. There are super PACs that have that much money and can bring that much money to bear in a single race. Did the Supreme Court wrestle with the type of intimidation, that precensorship, the precensorship impact on this body when somebody thinks about what should I say? Do I want to offend someone who has, not just \$1 million but millions and millions of dollars to bring to bear? Did they wrestle with the impact on corrupting the debate and dialog and decisionmaking of this body?

Mr. WHITEHOUSE. Not only did they not wrestle with it, it is not clear they even thought about it. When there are people who have come out of the judicial monastery—not quite the right word because they are men and women alike—but out of the separate province of high-end adjudication, they are not familiar with this. They did not think of this. They didn't think of that, and the other thing they didn't think of was that the threat of launching a multimillion-dollar negative attack against a candidate could have a corrupting effect, even if no dollars were ever spent.

If the threat is successful, if the scheme works, there is no trail left to it. Before Citizens United, if someone wanted to make a threat, their threat was limited to a big PAC contribution, having a big fundraiser, things like that. It was not a real threat in the sense it could knock somebody out of their office.

Now the idea that a corporate identity can hide its identity, can launder its identity through 501(c)(4)s and then launch a multimillion-dollar attack in somebody's State is a credible threat, and I think that is a threat, among others, they overlooked completely.

Mr. MERKLEY. I thank my colleague from Rhode Island very much for championing this bill and for what he has done helping folks to understand this issue.

I will make a few comments on this issue. My friend from Vermont is standing by and, I think, wants to make some remarks as well.

I wanted to have the key words we are talking about put up before us. This is a picture of the Constitution, or at least the top of the front page, if you will. I was always struck that our Founders saw fit to start this document that lays out the framework for our Nation, the framework for our system of government, with three simple words, "we the people." They got to it right from the very beginning. They did not put in three paragraphs of po-

lite this and that and then get to the heart of it. They started with the heart: "We the people." They did not put it in small print, they put it in super-sized print. We can see it is written in a font that is probably 10 times the size of the rest of the Constitution. They deliberately said this is the premise on which our Nation will operate. This is the foundation on which we stand.

These words are not "we the powerful." There is a huge distinction between "we the people" and "we the powerful." But the Supreme Court, in Citizens United, attacked the very heart of our Constitution—by saying the most powerful companies with vast sums of money can flood our political system, can buy up the airwaves, and completely dominate the conversation.

Free speech wasn't about one side buying up the airwaves. Airwaves didn't exist then. It wasn't about one side buying up the airwaves. It was about all ideas being able to compete in the marketplace of ideas so citizens could hear the pros and cons and decide who they wished to elect and how they wished to vote based on their understanding of what would work best for "we the people."

The Supreme Court did not benefit from seeing the Republican primaries of this year in operation. They didn't see how a super PAC would sweep into a State, buy up the airwaves, dominate the conversation, and determine the outcome. No, they had some other vision. My colleague has referred to the fact that none of the members of the Supreme Court had the political experience to understand the impact of this flood of money.

You may be thinking to yourself: Well, how much money can we be talking about? Well, money beyond an amount that a working man or woman could ever envision. If it were in dollar bills and stacked in a room in your house, it would fill the room in your house, plus. All of those dollar bills would not fit into a room. We are talking about such an enormous amount of money that it completely controls the sound in the airwaves.

Let me give you an example. In 2008, if one of the rather well-off companies in America—I will use one as an example. ExxonMobil made a lot of money that year. If they had spent just \$3 out of \$100 of their net profits on the Presidential race, they would have spent as much as the rest of America put together. That is the type of flood of money we are talking about washing across the cities and the countryside of America, buying up the newspapers, buying up the airwaves, and dominating the debate. That is not a competition of ideas envisioned in our Constitution. That is the power. That is not "we the people."

It is my hope that the members of the Supreme Court will stand back and

realize their findings of fact were wrong, and their findings of fact that there was no corruption from this flood of money were wrong, their argument that they didn't attack the heart of the Constitution was wrong, the fact that they didn't consider the precensorship this type of flood of money creates was in error, and that they will change their decision.

But we can't be sure this activist rightwing Court will consider the facts and reach a finding consistent with the very heart of the Constitution. We can't be sure of that. We have to do what we can in this Chamber, and that is the DISCLOSE Act, the DISCLOSE Act that at least says at a minimum this huge flood of money will be identified by the donor, and it will be identified promptly so citizens will be able to find out where it came from; also that the advertisements purchased by this money will have disclaimers that will say who the major contributors are so the citizens can see it in real time, so when that group says they are the group for America's green forests and blue skies, and it is really by a very powerful group against blue skies and green forests, we can find out who it is. That is the heart of this. Citizens United is a dagger poised at the heart of the American Constitution. We must reverse it, and we must use every tool at our disposal to make that happen.

I encourage citizens to summon their full instincts about what they value in our democracy and make their voices heard. Let's get this DISCLOSE Act passed and let's go further to reverse Citizens United.

Thank you very much.

I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senator WHITEHOUSE and Senator MERKLEY and everybody else for the very hard work they have done on this monumentally important issue. It is hard for me to think of an issue that is more important.

A moment ago Senator MERKLEY used the word "precensorship," which is an interesting concept. I want to give an example of this.

Mr. President, I would ask unanimous consent to have printed in the RECORD an article that appeared in the "American Banker" fairly recently.

(See exhibit 1.)

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American Banker, May 23, 2012]

BANKERS FORM SUPERPAC FOR 'SURGICAL' STRIKE AT INDUSTRY'S ENEMIES

(By Barbara A. Rehm)

Frustrated by a lack of political power and fed up with blindly donating to politicians who consistently vote against the industry's interests, a handful of leaders are determined to shake things up.

They have formed the industry's first SuperPAC—dubbed Friends of Traditional

Banking—that is designed to target the industry's enemies and support its friends in Congress.

"It comes back to the old philosophy of walking softly and carrying a big stick," says Howard Headlee, the president and chief executive officer of the Utah Bankers Association. "But we've got no big stick. And we should. We have the capacity to have one, we just aren't organized."

Think of it as an Emily's List for bankers and their allies.

"Congress isn't afraid of bankers," adds Roger Beverage, the president and CEO of the Oklahoma Bankers Association. "They don't think we'll do anything to kick them out of office. We are trying to change that perception."

Unlike traditional banking PACs, which target hundreds of House and Senate races, the SuperPAC instead is focusing on making a big difference in just a handful of close elections.

SuperPACs are the latest campaign finance innovation, made possible by two 2010 court decisions. They are officially known as "independent-expenditure only committees" because they are not allowed to coordinate their activities with candidates. SuperPACs are attractive because there are no limits on contributions or expenditures.

With a regular political action committee, like the American Bankers Association's BankPAC, an individual may donate no more than \$5,000 a year. Then the PAC may contribute up to \$10,000 to any one candidate in an election—cycle \$5,000 for the primary and another \$5,000 for the general election.

But Friends of Traditional Banking can direct as much money as it can raise to certain races without such restrictions. Matt Packard, the SuperPAC's chairman and president and CEO of \$670 million-asset Central Bank in Provo, Utah, views the SuperPAC as a complement to BankPAC.

"BankPAC is much broader and covers lots of different candidates. This is much more surgical," Packard says. "If someone says I am going to give your opponent \$5,000 or \$10,000, you might say, 'Yea, okay.' But if you say the bankers are going to put in \$100,000 or \$500,000 or \$1 million into your opponent's campaign, that starts to draw some attention."

"That's why I think this is much more instrumental than BankPAC in a close race."

Friends of Traditional Banking will ask contributors to pledge from \$150 to \$500 to two congressional races each election cycle. An advisory council will research races and select the candidates to be targeted. A board of directors will sign off on the selections, and then information will be sent to those who pledged funding explaining how to donate to a particular candidate.

The SuperPAC itself will not touch the money. Unlike Emily's List, which raises money for female candidates, Friends of Traditional Banking will merely point its supporters toward the races and the candidates considered key to the future of traditional banking.

If 10,000 supporters sign up at the minimum pledge level—not a high bar considering 2.1 million people work in the banking industry—Friends of Traditional Banking would be channeling more than \$1 million. That's enough to make a difference in a tight race.

"My short-term goal is to get to the \$1 million mark," Headlee says. "I have a lot of confidence that once we get there we will get way beyond there. People will see how effective it is and they will jump on board."

SuperPACs are considered pretty cutting-edge, which is not a place a lot of bankers feel comfortable. Headlee says the first question most bankers ask him is, "Is this legal?" Friends of Traditional Banking got Federal Election Commission approval last September and federal banking regulators have been briefed on the effort.

But SuperPACs are still relatively rare. As of early April, 407 had been formed and just 18 had raised more than \$1 million.

"It would be nice to sit on the sidelines or sit on our hands and say, 'Oh we don't get involved in that stuff,' but that just means you get run over," says Don Childers, the president and CEO of the Colorado Bankers Association. "We need to get more deeply involved as an industry in supporting friends and trying to replace enemies."

Childers says he's seen SuperPACs in action, citing a credit union that donated \$50,000 to an independent expenditure committee and defeated a candidate in Colorado. "Regretfully that is our world these days," he says. "Everyone from the Realtors to the credit unions to the consumer groups are playing more hardball. It would be nice not to have to engage in that, but we do."

[The Credit Union National Association, the industry's largest trade group, does not operate a SuperPAC. But it does accomplish many of the same goals by marshalling both institutions and their customers to donate to specific races. PACs are allowed to make these "independent expenditures," or donations that are not coordinated with a campaign, and according to the Center for Responsive Politics, CUNA's PAC spent \$837,000 to influence six tight races during the 2010 elections.]

The ABA's BankPAC has spent \$1.146 million so far in the 2011 12 election cycle, which ranks it 9th overall, just behind CUNA at \$1.184 million, and well behind the second-ranked National Association of Realtors at \$1.629 million, according to the Center for Responsive Politics. BankPAC expects to raise \$3.5 million during this election cycle.

Gary Fields, BankPAC's treasurer, says it will contribute to 380 House races and virtually all the Senate races this year. Fields says the ABA is considering an effort that would parallel Friends of Traditional Banking loosely dubbed the "Chairman's Club."

"For those bankers who want to do more than just contribute to the PAC, Howard has his Friends of Traditional Banking and we're looking at something, the Chairman's Club, which would be a pledge program that would complement Friends of Traditional Banking," Fields says. "But it's only on the drawing board and nothing has been rolled out to the public on that yet."

Fields, however, sounds more focused on the traditional PAC. Asked if he is excited about the prospects for Friends of Traditional Banking, Fields says, "I'm more excited about the ABA BankPAC . . . What we would like to see is more bankers participate in the PAC."

Why isn't ABA, the industry's broadest trade group, or the Independent Community Bankers of America, the group devoted to Main Street banking, involved in Friends of Traditional Banking?

"We didn't ask the ABA or ICBA to participate," Headlee said. "I don't think they want to have any kind of control over this because we may piss some people off inside the Beltway. We fully intend to. They have to work back there."

ICBA President and CEO Cam Fine is enthusiastic about the effort.

"I am for any PAC that is going to defeat our enemies," Fine says. "I agree with How-

ard on this. More power to him. I hope he raises a lot of money and hammers these guys."

Beyond Utah, Oklahoma and Colorado, the advisory council currently includes members from eight other state associations: Arizona, Colorado, Idaho, Kansas, Michigan, Minnesota, New Jersey and Vermont.

Headlee and the other state association leaders see Friends of Traditional Banking going beyond bankers to tap shareholders and customers and anyone else who sees the value in preserving Main Street banking.

"Clearly there are Members of Congress who have absolutely no reservations about kicking traditional banks in the teeth, and we are tired of it," says Headlee. "We've got to be able to defend the folks who have the courage to stand up for us as well."

The vehicle now exists. The potential is there. It's up to bankers to make it happen.

Mr. SANDERS. Let me read what this article says. This is a member of the banking industry who contrasts what the old rules would have allowed, and that is under the old rules where there are limits as to how much people can contribute into a PAC, and that is \$5,000 before the primary, \$5,000 after, for a total of \$10,000.

This is what this gentleman, Mr. Packard, from the banking industry, says:

If someone says I am going to give your opponent \$5,000 or \$10,000, you might say, "Yea, okay." But if you say the bankers are going to put in \$100,000 or \$500,000 or \$1 million into your opponent's campaign, that starts to draw some attention.

What that gentleman is saying, and what this whole issue is about, is that if a Member of Congress is prepared to stand up to Wall Street, they better watch out. If they are going to vote for a bill that protects consumers, they better watch out because—as this banker said—there may be \$500,000 or \$1 million going to your opponent and going into television and radio ads.

So when Members of the House and the Senate are thinking about how they want to address the recklessness and irresponsibility on Wall Street—if they are thinking, as I am thinking, about the need to break up these huge banks which have so much power and have done so much harm to our country; if they want to bring about reform of the Fed so we don't have representatives of the largest banks in America sitting on regional Feds—guess what. They are going to think twice about going forward because they are going to worry that when they go home on the weekend, there are going to be all kinds of ads from the banking industry.

Maybe they are concerned as to why in America we spend almost twice as much per person on health care as any other Nation. Maybe they want to move, as I do, to a single-payer health care system. Well, the private insurance companies are not going to like that. They are going to pour huge amounts of money into advertising.

Maybe they are concerned that in America we pay the highest prices in

the world for prescription drugs. Are they going to take on the pharmaceutical industry if they now have the ability to spend unlimited sums of money?

I come to the Senate floor this afternoon to express my profound disgust with the current state of our campaign finance system and to call for more disclosure until we can finally overturn Citizens United. I know the Presiding Officer from New Mexico has a very good constitutional amendment to do just that. I have one. There are other good amendments. Long term, there is no question in my mind that we need to overturn Citizens United. In my view, it will go down in history as one of the worst decisions ever to come from the Supreme Court by a 5-to-4 decision. Five members on the Court came to the bizarre conclusion that corporations should be treated as if they were people and that they have a first amendment right to spend as much money as they want in elections, even though corporations cannot vote.

On election day, the average American, after studying the issues, goes out and with pride votes for the candidate of his or her choice. There are many people in this country who make campaign contributions. Maybe they will contribute \$25, maybe they will contribute \$50. If they have a lot of money, maybe they will contribute \$1,000 or \$2,000. But what Citizens United is saying is that a small number of people who run large multinational corporations can spend as much as they want on campaigns. And if that is what American democracy is supposed to be about, you surely could have fooled me, and I think many of the Americans who have put their lives on the line to defend American democracy. American democracy is one person, one vote. We are all in this together. You may be rich or you may be poor, but under our Constitution you have one vote.

This country has had to go through a very rocky process to ensure one person, one vote. In the beginning poor whites could not vote, women could not vote, African Americans could not vote. We struggled and struggled, and we said in America every citizen of this country is going to have their say on election day. That is what we learned when we were in elementary school. That is what democracy is about. And by a 5-to-4 Supreme Court vote, the Supreme Court said: Everybody has one vote, but if you are rich or if you are the head of a corporation, you can go into corporate treasuries and spend as much money as you want. For the average Joe, it is one vote. Corporate America can spend unlimited sums of money buying the airwaves, and we are seeing this today.

This is no academic or intellectual debate. People all over America are seeing the results of Citizens United

today on their television stations and on their radio stations. In the past few months the American people have seen what Citizens United means.

According to the Center for Responsive Politics, super PACs alone have spent over \$112 million on this election, and we are still more than 5 months away from election day. If 2 weeks before the election there is a billionaire out there or the head of some corporation, who is to say that person cannot take hundreds of millions of dollars out of a large corporation and spend it on an election? It is totally legal but not what America is supposed to be about.

Mr. President, I know you are aware of it, once again, because of your excellent constitutional amendment. What we are seeing throughout grassroots America is that people are beginning to stand and they are saying: No, we don't want Citizens United. We want to overturn it. We want real democracy in this country.

I am very proud that in the State of Vermont, and in four other States, State legislatures have gone on record saying: Overturn Citizens United. There are 209 cities that have passed resolutions to that effect, including some 50 or 60 in the State of Vermont, and people are organizing all over America on this issue.

I thank Senator WHITEHOUSE and others for the work they are doing on this DISCLOSE bill. This is the very least we can do, and I am eagerly waiting to hear the arguments from those people who oppose it.

If I put an ad on as a candidate or if Senator WHITEHOUSE puts an ad on as a candidate, we have to say: I approve this ad. If you are saying something nasty or dishonest, the viewers have a right to know you are behind that ad, you are not hiding. Right now the ads that are going out over this country—who is paying for them? We don't know who is paying for them. We don't see that pretty face on TV saying: I am the CEO of this corporation, and I approve this ad. We don't get the immediate disclosure we should as to who is paying for that ad. That is all this DISCLOSE legislation does.

Long term, no question, we need a constitutional amendment to overturn Citizens United. It would be awfully nice if maybe our friends on the Supreme Court realized the error of their ways and acted accordingly. But at the very least here in the Congress, we need to pass a DISCLOSE piece of legislation and minimize the severe damage that Citizens United is doing to our democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. It is my understanding I am to be recognized at 2 p.m. for 10 minutes. I understand the majority leader has something to say at about 2:15 in regard to the progress of this bill.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise today to speak on the legislation that is actually before us as opposed to the topic before, the Food and Drug Administration Safety and Innovation Act that we are currently debating. In addition to reauthorizing the user-fee agreements, this legislation includes many other important provisions. Members should know what is in this bill and how important these provisions are.

There is language to permanently reauthorize pediatric research incentives, programs to incentivize antibiotic research and development, and more transparency and accountability for the FDA and stakeholders, which we hope will help to address drug shortages. That is a big problem not only in urban areas but in the rural health care delivery system in every State. Every Senator ought to be aware of that, and I am sure they are hearing about it.

In May I joined with Senators REED, MURRAY, and ALEXANDER in introducing the Better Pharmaceuticals and Devices for Children Act, the BPDCA. I don't think that makes a very good acronym, so I am not even going to try it. Back in 1997 Congress passed the Best Pharmaceuticals for Children Act, which acknowledged the importance of ensuring medications were effective and safe for children by providing an incentive for pharmaceutical companies to invest in pediatric research. In 2003, with the passage of the Pediatric Research Equity Act, Congress required the pharmaceutical companies to engage in these studies.

These bills are often referred to as the carrot-and-the-stick approach for pediatric drug development. I prefer carrots to sticks around here, especially mandates, but they have proven over time to work—the carrot-and-the-stick approach. Since the enactment of these laws, approximately 426 drug labels have been revised with important pediatric information, and the number of off-label drugs used in children has declined from 80 to 50 percent. That is certainly good news.

In 2007 a complementary initiative to promote the development of pediatric medical devices; that is, the Pediatric Medical Device Safety and Improvement Act, was enacted. This law has resulted in a fivefold increase in the number of small-market medical devices designated for pediatric use.

The Better Pharmaceuticals and Devices for Children Act will permanently extend these worthwhile programs, while providing some real predictability and accountability for pediatric drug and medical device development.

The legislation also includes the Generating Antibiotic Incentives Now Act that I joined with Senators

BLUMENTHAL and CORKER in supporting last year. This title contains provisions that aim to boost development of products to treat serious and life-threatening infections—something that is a growing problem in all of our hospitals. It provides meaningful market incentives and reduces—get this—reduces regulatory burdens. Glory be. Here is a bill that actually reduces regulatory burdens to encourage development of new antibiotics. Why? Well, the antibiotic pipeline has slowed to an alarming rate. According to the FDA, the approval of such drugs has decreased by 70 percent since the mid-1980s. This is unacceptable. The development of just one new antibiotic can take upwards of 10 years. We must act now to avoid a potential health care crisis.

When I am back in Kansas—and I know when other Senators are back in their States—talking to folks about health care, I often hear about the problem with drug shortages. When a problem exists in an urban setting, simply multiply that 10 times, and that is what we have in our rural areas. This is never more true than on the issue of drug shortages. This is a crisis. As difficult as it is to hear from my hospital administrators and pharmacists in Kansas about the difficulties they are having in getting drugs to fill prescriptions for patients, nothing compares to the patients and the families of patients who can't get their drugs, who can't get their treatment, who are already scared about their future and they can't get their lifesaving medication due to shortages. This is unacceptable. That is why I joined with a number of my colleagues on the HELP Committee to work together to see if we could come to a bipartisan consensus on a way to alleviate at least some of the burden drug shortages create. The legislation now requires reporting on drug shortages, but it also provides some transparency and accountability in the hope that we can get to the root cause of this problem.

Not everything in this legislation is what I would have done if I had my choice—that is obvious and probably the case with every Senator and every major bill on which we must make decisions. I am certain many of my colleagues on the HELP Committee are thinking the same thing. However, I think we are all pleased we were able to come to a bipartisan consensus on this legislation and in addressing many of the issues that are affecting Kansans and the rest of Americans.

I talked with a fellow last night who said: Why can't you all work together? Why can't you pass something in a bipartisan way?

This legislation is a good example of exactly what that gentleman was talking about and what a lot of Americans are concerned about. In that regard, I thank Chairman HARKIN and Ranking Member ENZI for all of their work and

for all of the work by their staff and our staff over the past years and months in putting together this important piece of legislation. This took a long time. It took a lot of effort. It took a lot of hard work. Their commitment to a bipartisan process and their willingness to communicate with all the members of the HELP Committee has led us through a relatively non-contentious markup, and I hope the same will happen as we consider this legislation on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from New York.

CAMPAIGN FINANCE REFORM

Mr. SCHUMER. Mr. President, I thank my friend from Kansas for finishing his speech in a timely manner.

I come to the floor to talk a little bit about the DISCLOSE Act and Citizens United. For the last 2½ years, Americans have heard us talk about the need for full disclosure of money donated to campaigns. It is time for Congress to stop stalling and let the American voters find out where the money being spent on elections is coming from once and for all.

All of our predictions in the aftermath of the flawed Citizens United decision unfortunately are coming true. This decision handed a megaphone to the wealthiest voices among us and strapped a muzzle on every other American. Sure, average Americans can talk to one another, but they are not spending \$10 million on TV ads, and we know what kind of an effect that has. If anything, the situation is even worse than we could have possibly anticipated because unlimited spending by just a handful of the wealthiest Americans has put true democracy in danger—a true democracy of one person, one vote, of true equality. This is worrisome when we have such huge amounts of money being spent by so few people who seem to speak with one voice and one conservative point of view.

The list of the top donors to super PACs reads like a who's who of the richest people in America. The contributions to super PACs that were released in the most recent disclosure reports are truly astonishing. Six-figure sums seem like pocket change now compared with today's trend of seven- and eight-figure donations.

Let's take Bob Perry, for instance, top donor to Mitt Romney's super PAC, Restore Our Future. People may know him as the former top donor to Swift Vets and POWs for Truth, the group that ran smear ads questioning JOHN KERRY's military service in 2004. When we add up his donations to super PACs this cycle, we have almost \$14 million of political influence from just one man. Another example is Harold Simmons. When we combine his personal donations with the corporation he owns with his wife, we get contribu-

tions of over \$17 million to six different super PACs.

Because disclosures to the FEC are only made publicly available once a month, this paints a mere fraction of the picture of total super PAC spending. The reports don't even address spending through so-called nonprofit organizations. As we all know, 501(c)(4) organizations are able to serve as conduits for huge sums of anonymous funding that are never publicly disclosed. I call them "so-called" because they function the same as the super PACs, except they can't say "vote for" or "vote against," but their effect on campaigns, obviously intended, is just as real.

It doesn't stop at the Federal level. We are also seeing the concern over corporate spending at the State level through the Montana case, *American Tradition Partnership v. Attorney General Bullock*. This case hinges on a challenge to Montana's century-old campaign finance law by special interest groups that want to take advantage of the anonymous political spending made possible by Citizens United. In fact, the fundraisers in this case, a group called American Tradition Partnership, solicits contributors by actually bragging about their secrecy. In their promotional literature, they promise potential donors:

We're not required to report the name or the amount of any contribution that we receive. So, if you decide to support this program, no politician, no bureaucrat, no radical environmentalist, will ever know you helped make this program possible.

It is no surprise, given mounting concerns about the corruptive effects of unlimited and often anonymous campaign spending on our democracy, that so many individuals and groups have filed amicus briefs to this case—including Senators WHITEHOUSE and MCCAIN, several House Democrats, and dozens of others—urging the court to uphold Montana's 100-year-old law.

We cannot sit idly by and watch our democracy put up for sale to the highest bidders. Full disclosure—the kind the DISCLOSE Act of 2012 requires—is still necessary to shed light on which groups and individuals are funding our elections, to keep some modicum of faith that the voters at least know what is going on.

In 2010 the original DISCLOSE Act passed the House and had widespread support in the Senate and from the President but failed to gain cloture by one vote because not one Republican was willing to step across the aisle and do what the American people clearly regard as the right thing. Well, now there is no excuse. We have removed the original provisions my Republican colleagues most objected to. All that remains is disclosure and disclaimer, plain and simple.

The time to act on campaign finance reform is now. While America's richest

billionaires can afford to keep contributing millions of dollars to super PACs and 501(c)s, America cannot afford to be kept in the dark any longer.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

FLOOD INSURANCE

Mr. REID. Mr. President, the first thing we are going to talk about—I have had conversations in the last few days—in fact, a longer period of time than that—with Senator VITTER, Senator COBURN, Senator JOHNSON, Senator SHELBY, and others on flood insurance.

Like a lot of things that happen, it has become critical that we do something on flood insurance. It affects almost 6 million people. We need to get something done on a more permanent basis.

There has been a general agreement—we do not have it in writing yet, but I want to make sure the record on the floor is clear what my intention is—that we would have a 60-day short-term extension. In that extension there would be language for the duration of 60 days that would include in that the second-home subject that is part of the underlying bill on which Senator COBURN is focused. That would be for 60 days. Then I would be happy to make a statement here on the floor today that during the next work period we will move to that bill, the flood insurance bill, so we would have the opportunity to make it permanent. It is very important we do that. With the economy being such as it is, we cannot, in this area—and probably others but in this one—we cannot have these short-term extensions. It does not allow people to do what they need to do. Mr. President, 40,000 homes a day go through a process where they have to have flood insurance. If there is no flood insurance, that is 40,000 loans every day that will not be approved.

Senators JOHNSON and SHELBY have done good work to narrow down the list of amendments we would have to consider when the Senate takes up this long-term flood insurance bill. It is my understanding there are a dozen or so amendments—six, eight on each side. But I hope we can do that. If we cannot do that, we are going to have to go to the bill anyway.

I wanted to make sure Senator VITTER, who is on the floor today, understands that is my understanding of things he and I have talked about in the last couple weeks.

I appreciate the work that Senators JOHNSON, TESTER, SHELBY, COBURN, and

VITTER have put into working out an agreement on flood insurance.

As Senators have noted, this program that provides insurance coverage to 5.5 million people is set to expire next week.

If the program were to expire, new housing construction would stall, real estate transactions would come to a halt, and taxpayers would be on the hook for future disasters. So this is something that we have to do.

I understand that Senators JOHNSON and SHELBY have done good work to narrow down the list of amendments that we would consider when the Senate takes up a long-term flood insurance bill. I believe that they have made good progress. And we could consider eight or even fewer relevant amendments per side on a long-term bill.

And thus I believe that the Senate can consider a long-term bill in the next work period. And I am committed to turning to a long-term bill in June.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank the distinguished majority leader very much for this important announcement and this plan. It certainly meets two—

Mr. REID. Mr. President, it is my understanding he was going to ask me a question, because I do not want to lose the floor.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. VITTER. Yes. I have no intention of his losing the floor. I just want to thank him for the announcement. From my perspective, it meets the two main goals we have been in search of: first of all, making sure in the short term there is not a lapse of the program; that would be disastrous; that would cancel, as the majority leader suggested, thousands of good closings, really put a hiccup in the economy for no good reason—and, in addition, getting to a permanent bill in the next work period. So I appreciate the leader's announcement.

I would also note, as he did, that there has been great work and great progress in narrowing the field of relevant amendments. I certainly hope that leads to a limited and reasonable number of amendment votes, as he does, on the floor. I understand what he said about, if that becomes unwieldy, we will just proceed with the bill as is. But that certainly it is my expectation. I will continue to work on that amendment list so we can have a reasonable opportunity for relevant amendments.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am glad the Republican leader is on the floor. We have worked very hard to arrive at this point where I am going to ask for this consent agreement. I appreciate everyone's help, and it takes everyone's help to get to where we are. That

is why we call them unanimous consent agreements.

I ask unanimous consent that the only first-degree amendments in order to the bill that is now pending before the Senate be the following: Bingaman No. 2111; McCain No. 2107—

The PRESIDING OFFICER. Will the majority leader suspend for one moment.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 3187 is agreed to and the clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3187) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2122

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. Under the previous order, amendment No. 2122 is agreed to.

(The amendment is printed in the RECORD of Monday, May 21, 2012, under "Text of Amendments.")

The PRESIDING OFFICER. The majority leader.

Mr. REID. Thank you very much, Mr. President. I am sorry I got ahead of the Chair a little bit.

I ask unanimous consent that the only first-degree amendments in order to the bill be the following: Bingaman No. 2111; McCain No. 2107; Sanders No. 2109; Murkowski No. 2108; Cardin No. 2125; Cardin No. 2141; Grassley No. 2121; Grassley No. 2129; Manchin No. 2151, as modified; Portman No. 2146, as modified; Portman No. 2145, as modified; Reed No. 2126; Coburn No. 2132; Coburn No. 2131; Durbin No. 2127; Paul No. 2143; and Burr No. 2130; that there be no second-degree amendments in order prior to the votes in relation thereto; that there be no motions or points of order to the amendments or the bill other than budget points of order and the applicable motions to waive or motions to table; that there be up to 30 minutes of debate on each of the amendments, with the exception of the McCain amendment, which will have 2 hours of debate, and 60 minutes on the bill, with all time equally divided in the usual form; that at 2 p.m. on Thursday, May 24, all debate time be considered expired and the Senate proceed to votes in relation to the amendments in the order listed above; that there be 2 minutes of debate equally divided in the usual form prior to each vote; that all after the first vote be 10-minute votes; that the following amendments be subject to a 60 affirmative vote threshold: Bingaman No. 2111, McCain No. 2107, Sanders No. 2109, and Murkowski No. 2108; that upon disposition of the

amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended.

That upon disposition of S. 3187, the Senate proceed to the consideration of Calendar No. 365, S. 2343; that the only amendment in order to the bill be an amendment from the Republican leader or his designee, the text of which is identical to S. 2366; that there be 10 total minutes of debate on the amendment and the bill equally divided between the two leaders or their designees prior to a vote on the McConnell or designee amendment; that no amendment be in order to the McConnell or designee amendment; that no motions or points of order be in order to the amendment or the bill other than budget points of order and the applicable motions to waive; that upon disposition of the amendment, the Senate proceed to vote on passage of the bill, as amended, if amended; that the amendment and the bill be subject to a 60 affirmative vote threshold; that if the bill does not achieve 60 affirmative votes, S. 2343 be returned to the calendar; and finally, that the motion to reconsider with respect to the cloture vote on the motion to proceed to S. 2343 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. So, Mr. President, we are going to have votes on these amendments. It is my understanding that there is time, 30 minutes per amendment. We need to get as much of that done today as possible. We have an event for spouses tonight, so we are not going to be working late into the night. We have tomorrow to finish this. We should be able to do that. I hope we can. I hope it does not spill and there is no reason it should spill over until the next day. We are going to also have votes on the Republican student loan legislation and ours. That is what we are doing in the next 36 hours.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me just add that I think this is a good agreement that allows us to go forward on the FDA bill with appropriate amendments and also allows an opportunity for the Senate to express itself on the issue of the student loans.

I would join the majority leader in encouraging people to do their debate today or in the morning because once we get into the votes tomorrow afternoon, they will be dealt with in rapid succession.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to discuss my amendment that would repeal the costly and counterproductive medical device tax in President Obama's health care law. In the mad scramble to find money to pay for his

\$2.6 trillion health spending law, the President and his Democratic allies created a number of new taxes that serve no purpose other than to fuel this new spending. Economically, these taxes are a disaster. They will undercut job creation, and they will increase costs for patients.

The new 2.3-percent tax on medical device manufacturers, which kicks in at the beginning of next year, is particularly onerous. For that reason, last year I introduced legislation to repeal it. That bill, the Medical Device Access and Innovation Protection Act, S. 17, has been cosponsored by 25 of my colleagues.

They understand that all of ObamaCare needs to go. The President's health care law is now over 2 years old. It is not aging well. Even before ObamaCare became law, the American people made themselves absolutely clear they wanted nothing to do with this Washington takeover of the Nation's health care system. The President and his advisers refused to face reality, telling reluctant Democrats all was well in spite of the tea party town-halls.

According to the President and his congressional Democratic leadership, as soon as the legislation became law, Americans would come to embrace the wonderful benefits bestowed on them by the Department of Health and Human Services. It has not quite turned out that way.

Poll after poll shows that substantial majorities of Americans continue to oppose the law and favor its full repeal. A majority of Democrats think the law is unconstitutional. In a matter of weeks, the Supreme Court might issue a coup de grace to President Obama's misguided adventure in big government.

Whatever the Supreme Court does, I want to be clear about something. All of ObamaCare needs to go. It needs to be pulled out root and branch. The entire thing needs to be repealed. That said, some part of the law stand out for their wrongheadedness. The individual mandate and Medicaid expansions are flat out unconstitutional.

The IPAB, the CLASS Act, the Medicare cuts, and the employer mandate all deserve honorable mention for being bad public policy. Among the most counterproductive parts of the law are its over \$500 billion in new taxes and penalties.

The medical device tax sits at the top of the list of foolish new ObamaCare taxes, and my colleagues who have supported S. 17 and this amendment understand the critical importance of eliminating it. I thank in particular my colleagues, Senator BROWN from Massachusetts, and Senator TOOMEY from Pennsylvania, who have spoken on this issue and understand completely the devastation this tax will create for patients and for employers

who provide good jobs for communities in their States.

Thanks to ObamaCare, medical devices will get hit with a \$28 billion tax. So we are clear about what these medical devices are, they include surgical tools, bed pans, wheelchairs, stethoscopes, and countless other products that patients and doctors rely on every day. Surgical masks, gloves, blood pressure monitors, scissors, needles, cribs, trays, lights, stents, pacemakers, scales, scalpels, inhalers, and ankle, knee, and hip braces, and a lot more.

The cost of all of those products is going up thanks to this tax. Somebody is going to have to pay for it, and that someone is the already overburdened American taxpayer and middle-class breadwinner.

The President and his supporters seem to think we can simply tax corporations and individuals with impunity and face no adverse economic consequences. Yet economists understand when we tax these companies, employees will pay for it in lower wages, the unemployed will pay for it with a job that was never created, and patients will pay for it with higher health care costs.

Whatever our economic circumstances, this tax is bad news. But it is particularly foolish given the precarious state of our economic recovery. The President once liked to tout all of the jobs created or saved by his over \$800 billion stimulus bill. Yet by supporting the medical device tax, the President and his allies have shown a real disregard for good high-paying American jobs.

Medical device companies employ nearly half a million people. They pay a salary that is nearly 40 percent higher than the national average. These manufacturers are small businesses we must be cultivating if our economy is going to recover and we are going to be successful in bringing down unemployment.

Roughly 80 percent of medical device companies have fewer than 50 employees; 98 percent have fewer than 500 employees. ObamaCare's \$28 billion tax hike on these manufacturers will do nothing to improve health care, but it will do plenty to undercut the viability of these companies that provide good wages and good opportunities for American families.

According to one recent analysis, the medical device industry provided jobs to 409,000 employees in 2009. Yet this tax could result in job losses in excess of 43,000. It will hit certain States harder than others: California, Florida, Illinois, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and my State of Utah. The presence of medical device manufacturers is significant in all of these States.

This new tax will roughly double the device industry's total tax bill and

raise the average effective corporate income tax to one of the highest effective tax rates faced by any industry in the world. The President and his allies frequently attack industries that choose to move their operations overseas. But they do not seem to grasp that their policies are driving these industries to do just that. With the onset of this new tax, U.S. device manufacturers are increasingly likely to close plants in the United States and replace them with plants in foreign countries.

According to another report by the Lewin Group, the medical technology industry contributes nearly \$382 billion in economic output to the U.S. economy every year. President Obama, in the middle of a weak economy, facing high rates of joblessness, has decided to attack that industry. It is bewildering to me. An industry that pays workers on average \$84,156 has become a victim of the President's desire to pay for his new health spending law or, better put, those workers and the families they support become the victims of the President's health spending law.

In my own State of Utah, the device tax is an issue of great importance. There are over 120 medical device companies in Utah. As the Utah Technology Council wrote in a letter to me, these companies "are a vibrant part of the Utah economy providing high-paying, high-tech jobs for citizens of our great state."

They certainly are all of that, and they are under assault as a result of this tax, targeted for nothing other than their success and the fact that they were a so-called stakeholder that could pay a so-called fair share to subsidize the President's health spending bonanza.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 25, 2011.

Hon. ORRIN G. HATCH,
U.S. Senate,
Hart Office Building,
Washington DC.

DEAR SENATOR HATCH: As you are aware, the Utah Technology Council represents the life science community in Utah. There are over 120 medical device companies in Utah that are part of that community. They are a vibrant part of the Utah economy providing high-paying, high tech jobs for citizens of our great state. Many of these companies you would recognize immediately including Merit Medical, Dynatronics, WorldHeart, Aribex, Utah Medical, Edwards Life Science, Becton Dickinson, Watson Laboratories and Fresenius Medical Care.

The Governor of the State of Utah as part of his long-range economic plan has identified the life sciences, including medical device companies, as a targeted area of growth for the state of Utah. The state's economic growth initiatives recognize the importance of these industries to our future and the rich resources our state offers to companies operating in this market. The industry-specific taxes imposed by the 2010 Patient Protection

and Affordable Care Act are of great concern to us as an industry association because of the impact these taxes could have in slowing economic growth in this targeted area.

Therefore, we strongly support the Medical Device Access and Innovation Protection Act that you are introducing. The removal of this unfair and onerous tax will assure the continued growth of jobs and innovation in this important market sector. We appreciate the fact that you have recognized the need for this statutory change. The imposition of an excise tax is particularly burdensome for our small companies here in Utah that operate on less than average profit margins. To take 2.3 percent of sales as an excise tax would render some companies unprofitable and significantly reduce the profitability of most—not to mention the catastrophic effect this tax would have on companies that are already not profitable. If a medical device company is operating on a 5 percent net profit margin, the excise tax represents the equivalent of a 50 percent income tax. Such a tax takes money that would otherwise be deployed in new jobs, R&D, capital equipment and reinvestment in product lines and redirects it to an entitlement program. It may seem a small percentage of sales, but as a percentage of pre-tax profits, this could range from 25 percent to well over 100 percent. That is simply unacceptable and unwise tax policy—especially in the current environment that is already struggling to produce jobs and economic vitality.

Just as important as the effect on current companies is the impact on investment capital. This new tax will have a chilling effect on investors who will likely redirect their capital to other industries not so burdened with industry-specific taxes. Few investors will appreciate the fact that the government gets paid tax dollars from sales before investors can be paid from profits. It is a paradigm that creates significant disincentives for investment. Without capital investment, job creation and innovation suffer.

We not only support this legislation to repeal the medical device tax imposed by the 2010 Patient Protection and Affordable Care Act, we feel it is essential to protecting an industry vital to Utah's present and future economic growth. We lend our full support to your efforts.

Sincerely,

RICHARD R. NELSON,
Founder & CEO,
Utah Technology Council.

Mr. HATCH. Just yesterday, the Governor of Utah, the Honorable Gary Herbert, sent a letter to Congress addressing the negative impact this tax will have on our State. He wrote:

As a Governor of a state with a significant concentration of medical technology manufacturers, I believe this tax could harm U.S. global competitiveness, stunt medical innovation and result in the loss of tens of thousands of good paying jobs.

Now, there is little doubt the President's medical device tax, one that unfortunately received the vote of every Democrat in the Senate, will do just that—kill jobs and undercut our economy.

I ask unanimous consent that Governor Herbert's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, UT, May 22, 2012.

Speaker JOHN BOEHNER,
U.S. Capitol,
Washington, DC.
Minority Leader NANCY PELOSI,
U.S. Capitol,
Washington, DC.
Majority Leader REID,
Hart Senate Office Building,
Washington, DC.
Minority Leader MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SPEAKER BOEHNER, LEADER REID, LEADER PELOSI, AND LEADER MCCONNELL: On behalf of the State of Utah, I am writing to express my concern over the impact of the 2.3% excise tax on medical devices set to begin in 2013. As a Governor of a state with a significant concentration of medical technology manufacturers, I believe this tax could harm U.S. global competitiveness, stunt medical innovation and result in the loss of tens of thousands of good paying jobs.

As you know, America is the global leader in medical technology, one of our only manufacturing sectors in which the U.S. is a net exporter. The United States annually exports \$5.4 billion more medical technology than we import, and accounts for 40 percent of the global medical technology market. However, our lead has shrunk dramatically in the last decade, and we stand to lose further ground.

One of my priorities as Governor is creating an economic environment in which business can grow and thrive. As part of this effort, I supported a comprehensive tax reform strategy that reduced sales, income, and corporate taxes in the State of Utah by nearly \$400 million. In order for our nation to remain economically competitive, it is time to also reform our country's tax system.

The United States has not undertaken major business tax reform since 1986. While the world's economy has changed, our tax system has not. The medical device tax is an example of a policy that runs counter to efforts to make American manufacturing industries more competitive. In fact, the medical device tax will make our tax system even less competitive. Worse still, it is already causing layoffs as companies prepare to absorb its impact.

At a critical time for both the U.S. economy and state economies, the new tax will undoubtedly stifle economic growth and job creation. We must have a national tax strategy that encourages growth, investment, and export industries, to help create jobs and expand the economy. Therefore, I strongly urge you to consider legislation that would repeal the medical device excise tax before it takes effect.

Sincerely,

GARY R. HERBERT,
Governor.

Mr. HATCH. The President's health care law is a travesty. The American people know it. They think it is fundamentally illegitimate, unconstitutional to its core, and enacted over the deep and loud objections of citizens and taxpayers.

All 2,700 pages of that law must be stricken from the U.S. Code one way or another. Eliminating its medical device tax is absolutely essential. It is critical for our States, for our economy, and for America's families and

workers. I ask my colleagues join the repeal effort, and I thank my colleagues who have already joined as co-sponsors.

I would like to briefly touch on one other issue that is of great importance to me and to the people of Utah and others all over the country. Over 150 million Americans regularly consume dietary supplements as a means of improving and maintaining their health.

The passage of the Dietary Supplement Health and Education Act, or DSHEA, in 1994 brought clarity, predictability, and a better understanding of what the FDA expected from industry and vice-versa. DSHEA provides an appropriate structure that balances the risks and benefits to consumers, with continued access and affordability.

Unfortunately, my colleague from Illinois, Senator DURBIN, has filed an amendment to the current bill that would undo that well-balanced approach. As the author of DSHEA, along with my dear friend and colleague, Senator HARKIN in the Senate, I strongly oppose his amendment. It would require facilities engaged in the manufacturing, processing, packing, or holding of dietary supplements to register with the FDA, provide a description with a list of all ingredients, as well as a copy of the labeling for each dietary supplement product. Additionally, the facilities must also register with respect to new, reformulated, and discontinued dietary supplement products.

While I appreciate my colleague's commitment, his amendment is based on the misguided presumption that the current regulatory framework for dietary supplements is flawed and that the FDA lacks authority to regulate these products. This is simply not the case. Previously FDA Commissioners, including Drs. Jane Henney, Mark McClellan, Les Crawford, and Andy von Eschenbach, as well as the former Deputy Commissioner, Dr. Josh Sharfstein, have all agreed DSHEA provides an appropriate and sufficient level of oversight of this industry.

Under DSHEA, Congress set out a legal definition of what could be marketed as a dietary supplement and safety standards that products have to meet. It allowed the FDA to develop good manufacturing practice standards and clarified what types of claims could be made. It provided the Secretary of Health and Human Services with the authority to impose an immediate ban on any dietary supplement that poses an imminent risk to public health.

DSHEA already provides the Secretary with enforcement tools of seizure, injunction, or criminal prosecution for ingredients that pose an unreasonable risk of illness or injury, are poisonous or deleterious, contain unapproved drugs or food additives, or fail to meet good manufacturing practice standards.

Furthermore, under the Dietary Supplement and Nonprescription Drug Consumer Protection Act, a manufacturer, packer, or distributor whose name appears on the label is required to report a serious adverse event related to the use of a supplement within 15 business days to HHS; submit any related medical information received within 1 year of the initial report within 15 business days; maintain records related to each report for 6 years; and permit inspection of such records.

To me, that sounds like a whole lot of regulation. The FDA already has a tremendous amount of regulatory oversight and enforcement tools when it comes to dietary supplements. Yet instead of urging FDA to use its current enforcement authority to find and punish those companies that are not following the law, Senator DURBIN's amendment serves to punish all responsible companies with its overreaching mandates.

Finally, I would be remiss if I did not mention another obvious point. Senator DURBIN's amendment would have the devastating effect of piling on more work for an underfunded agency already struggling to keep above water with its current core responsibilities.

Now, let me just say this: Before we passed DSHEA, there basically was no regulation over this industry. We brought together, Senator HARKIN and I, the whole dietary supplement industry to get behind DSHEA. They are behind it. It took over 10 years to get the good manufacturing practices completed by FDA—more than 10 years, as a matter of fact. But we provided for them in that agreement. We provided all the tools that are necessary to supervise and regulate dietary supplements. To now add other obligations onto this industry is just plain not right, and I hope my colleagues in the Senate and the House of Representatives will recognize this is an overreach and not put up with it. We are not going to put up with it. I will be voting against Senator DURBIN's amendment, and I urge all of our colleagues to do the same.

At this point, I pay tribute to my colleague, Senator HARKIN from Iowa. Senator HARKIN worked tirelessly on this bill along with me. We worked all the way through the Senate on a number of occasions on various things. We have improved the bill from time to time. We have gone along with the improvements. We have done everything we can to protect the American citizens with everything that should be done. Nothing further needs to be done.

This is an industry that deserves support, not condemnation. Senator HARKIN has been there every step of the way. He is a champion for the dietary supplement industry, as am I, and a lot of others in this body. I think it is time to quit trying to overregulate everything to death and cause costs to go up

by leaps and bounds. Dietary supplements are not inexpensive today, although they are a lot less expensive than they would be if we keep piling on these regulations.

Frankly, we believe we have all of the necessary language in the law today to protect the American public regarding dietary supplements. We have given the Food and Drug Administration all the authority they need, and every FDA Commissioner has met with me, as I recall, since DSHEA was passed in 1994, and has said they have enough tools to be able to supervise this industry properly and they don't need anything more.

To make a long story short, again, this is an overreach by a colleague, sincere though he may be, and as important as he believes it to be. I hope he will withdraw his amendment so we don't have to go through this again. If he won't, I hope our colleagues on both sides of the aisle—and this is a bipartisan effort—will rise and say we have had enough of this and let's vote these kinds of amendments down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Utah for his concluding remarks regarding the amendment that I assume will be offered by the Senator from Illinois, as it is cleared to be offered.

I thank Senator HATCH for his great leadership on the issue of making sure the American people can have access to healthy, life-supporting vitamins, minerals and supplements, without having it go through untold processes and reviews and approvals by the FDA, and all that kind of regulation.

Senator HATCH was the leader on the DSHEA bill when we passed it in 1994. I was happy to work in tandem with him on that. It has proven, through the years, to be a great success for the American people. The American people all over this country take vitamins and other supplements, and they are living healthier because of this.

I say to my friend that I heard the Senator from Illinois on the floor yesterday give an impassioned speech about a very sad case about a young woman who evidently consumed some energy drinks with a lot of caffeine in them and had heart arrest and died. It is a very sad story. But as sad as that is, you can't keep people from abusing things. People also die every year from aspirin poisoning, where they took too many aspirin.

Reasonableness has to enter into this. We have worked together to make sure the labels are good on all of these things, so that people know what is in them. The FDA has the authority—as the Senator said, every Commissioner has said they have the authority to keep dangerous products off the shelf and to remove them from the shelf.

They have all that authority. These cases, as I said, that Senator DURBIN brought up are very sad, and you wish it were not so. I don't think it lends itself, though, to overturning what has been working now for 17, going on 18, years and working well for the American people.

I join the Senator from Utah, and I hope the amendment might not come up. But if it does, it does. I am sure there will be some debate on it. I join with the Senator from Utah in urging all Members of the Senate to vote that amendment down. If it comes up, I will move to table that amendment. Hopefully, we can approach this in a much more judicious, responsible, thinking manner.

I say to my friend from Utah—and I know he agrees—we are not taking the position that nothing has ever been changed. We have changed DSHEA in the past to make it work better. We did it after due deliberation, committee hearings, and going through the process to see what it means in terms of access to these products by the American people, to make sure we keep the intent of DSHEA there.

Again, I am more than willing, as chairman of the committee—and the Senator used to be chairman of the committee at one time, and then ranking member—we are always willing to look at these things and have a hearing on them and get more information. Again, I thank the Senator from Utah, who has been a great leader on this issue.

Mr. HATCH. I thank the Senator from Iowa. I know Senator DURBIN is sincere, but, my gosh, there is enough regulation and regulatory authority in this bill, including the amendments we have added voluntarily, to resolve any problem that exists. Frankly, I hope everybody will vote against the Durbin amendment.

Mr. HARKIN. Mr. President, how much time does this side have on the bill?

The PRESIDING OFFICER. For general debate, 24½ minutes.

Mr. HARKIN. I reserve the remainder of my time on the bill. If the Senator from Illinois wishes to bring up his amendment, we can bring it up.

Mr. President, again, I understand I have 24 minutes left.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I will make a short general statement about the bill. I talked about it in the past. I want every Senator to know that we are now on the FDA reauthorization bill. This is reauthorizing the prescription drug user fee, the medical device user fees, and then we are authorizing a new program, the generic drug user fee, biosimilar user fee, and so we are on the bill now. There is 30 minutes for debate on each amendment that has been listed. Senators know who they are and what the amendments are.

I want to make it clear that the unanimous consent we just adopted says that all debate time will expire at 2 p.m. tomorrow. So I say to Senators, if you want to take your 30 minutes and debate your amendment, now is the time to do it. If you wait too long, 2 o'clock will come tomorrow, you won't have the time, and you will be limited to 1 minute. There will be 2 minutes on each amendment after that. Those who have amendments and wish to discuss them, you are guaranteed at least 30 minutes, but all time runs out at 2 p.m. tomorrow. If you want to talk on your amendment and make your point, now is the time to do it this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2127

Mr. DURBIN. Mr. President, I call up amendment No. 2127.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. BLUMENTHAL, proposes an amendment numbered 2127.

The amendment is as follows:

(Purpose: To require manufacturers of dietary supplements to register dietary supplement products with the Food and Drug Administration)

At the end of title XI, add the following:

SEC. 11. REGISTRATION OF FACILITIES WITH RESPECT TO DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended by adding at the end the following:

“(6) REQUIREMENTS WITH RESPECT TO DIETARY SUPPLEMENTS.—

“(A) IN GENERAL.—A facility engaged in the manufacturing processing, packing, or holding of dietary supplements that is required to register under this section shall comply with the requirements of this paragraph, in addition to the other requirements of this section.

“(B) ADDITIONAL INFORMATION.—A facility described in subparagraph (A) shall submit a registration under paragraph (1) that includes, in addition to the information required under paragraph (2)—

“(i) a description of each dietary supplement product manufactured by such facility;

“(ii) a list of all ingredients in each such dietary supplement product; and

“(iii) a copy of the label and labeling for each such product.

“(C) REGISTRATION WITH RESPECT TO NEW, REFORMULATED, AND DISCONTINUED DIETARY SUPPLEMENT PRODUCTS.—

“(i) IN GENERAL.—Not later than the date described in clause (ii), if a facility described in subparagraph (A)—

“(I) manufactures a dietary supplement product that the facility previously did not manufacture and for which the facility did not submit the information required under clauses (i) through (iii) of subparagraph (B);

“(II) reformulates a dietary supplement product for which the facility previously submitted the information required under clauses (i) through (iii) of subparagraph (B); or

“(III) no longer manufactures a dietary supplement for which the facility previously

submitted the information required under clauses (i) through (iii) of subparagraph (B), such facility shall submit to the Secretary an updated registration describing the change described in subclause (I), (II), or (III) and, in the case of a facility described in subclause (I) or (II), containing the information required under clauses (i) through (iii) of subparagraph (B).

“(ii) DATE DESCRIBED.—The date described in this clause is—

“(I) in the case of a facility described in subclause (I) of clause (i), 30 days after the date on which such facility first markets the dietary supplement product described in such subclause;

“(II) in the case of a facility described in subclause (II) of clause (i), 30 days after the date on which such facility first markets the reformulated dietary supplement product described in such subclause; or

“(III) in the case of a facility described in subclause (III) of clause (i), 30 days after the date on which such facility removes the dietary supplement product described in such subclause from the market.”.

(b) ENFORCEMENT.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it is a dietary supplement for which a facility is required to submit the registration information required under section 415(a)(6) and such facility has not complied with the requirements of such section 415(a)(6) with respect to such dietary supplement.”.

Mr. DURBIN. Mr. President, this amendment is very straightforward. I will not ask for a show of hands among Senators, staff, or those who are following this debate, about how many of them got up this morning and took a vitamin pill. I did, and I didn't have a prescription. I bought it voluntarily. I don't know if it does any good, but it was my decision, right? I voluntarily made that decision. I think that is a good thing.

The FDA is an agency that looks at what we buy and consume. It has an important responsibility. When it comes to certain things, such as prescription drugs, they test them—maybe the pharmaceutical companies do the testing, but the FDA monitors it to make sure what is given to you by your doctor is safe, won't kill you, and is effective. The same thing is true for over-the-counter drugs. The FDA has that responsibility.

When it comes to the ingredients and the dosage, those things are established through the FDA based on disclosures by the companies, testing, experience—it is all there. But there is another world out there, a completely different world called dietary supplements, which includes the vitamin I took this morning. That is a much different world, a world with less disclosure, less transparency, and far less regulation. In fact, there is no requirement in the law today—none—that the people who sell us dietary supplements have to register with the FDA the name of their product, the ingredients it contains, and a copy of the label.

That is what my amendment says. We don't require any testing by a dietary supplement company. We don't require any assertions of safety. It would require simply that they register with the FDA that they are selling it in America. That, to me, seems pretty basic. It is not my original idea. It comes from a report of the General Accountability Office in 2009. They recommended this after they made a review of the safety issues with the FDA:

To improve the information available to FDA for identifying safety concerns and better enable FDA to meet its responsibility to protect the public health, we [the GAO] recommend that the Secretary of the Department of Health and Human Services direct the Commissioner of FDA to request authority to require dietary supplement companies to identify themselves as a dietary supplement company as part of the existing registration requirements and update this information annually; provide a list of all dietary supplement products they sell and a copy of the labels and update this information annually, and report all adverse events related to dietary supplements.

In other words, did you take the pill and get sick? Does that seem like an onerous, heavyhanded, big government overregulation of an industry? Remember, the dietary supplement companies are not all based in the United States. Products are sitting on the shelf which you may not know come from other countries, including China. Do we want to know that? Would you want to know the company that is selling you whatever it is at least registered in the United States? Is that too much to ask if you are going to sell the product in the United States, that they have to register with the FDA and tell us what the ingredients are? That seems pretty basic to me. I bet that 99 percent of the American people thought they already had to do that. No. Let me tell you that dietary supplements go beyond vitamin pills.

Yesterday I told the story on the floor about a 16-year-old girl in Hagerstown, MD, who drank two Monster Energy Drinks. When you go to the store, you see Coke and other things there. There are all kinds of them out there. She drank two of those Monster Energy Drinks and died of cardiac arrest. I met with her mom yesterday. She stopped breathing while watching TV. She was dead on the floor. They took her to the hospital and barely got her back to life for a little while, and then she died a few days later.

Is it too much to ask of a dietary supplement company that is making that to tell us what ingredients are in that drink? Is that the heavy hand of government? I don't think so.

Here is what we have found. Sometimes ingredients that may appear to be benign and OK today turn out to be dangerous when you look at them more closely, and maybe more dangerous for people who are younger, pregnant, or in a compromised immune situation.

This amendment basically says that American consumers have the right to know the dietary supplements sitting on the shelf have at least been registered with the FDA. I heard Senators HATCH and HARKIN say this goes too far, it is too much to ask. I think they are wrong.

Manufacturers, some say, voluntarily provide product labels to the National Institutes of Health. That is true, and it is a voluntary system. Good actors share their labels with the FDA, but the bad actors don't do that. The NIH is in the process of developing a label database that currently has 7,500 dietary supplement labels. Do you know how many products are on the market? They have 7,500 labels, with 75,000 products—75,000. So 10 percent are volunteering this information. So to say the NIH already has the information is 90 percent wrong.

Requiring registration, they say, of these labels is just too much work for the FDA. No, as a matter of fact, the FDA responded to the GAO recommendation and said: We agree the agency's ability to ensure the safety of dietary supplements used by consumers would be improved if FDA had more information on the identity of firms marketing dietary supplements as well as the identity and compositions of the products they market. The FDA responded by saying: We want this information to keep Americans safe.

So to argue this is a burden we shouldn't put on the FDA, well, they asked for it. The other thing is about how many supplements are being sold in the United States. I said 75,000. That was the estimate in 2008. The number, I am afraid, is much larger. In terms of how many come on the market each year, it is just a wild guess because it is the Wild West. It is an open market. Any country that wants to export their dietary supplement to the United States—whether it is from China or India or Africa or Europe or Mexico—be my guest. They don't even have to show up and register with the FDA.

This is a simple amendment. It just says any company wishing to do business in the United States, to sell their dietary supplement, must tell us who they are and what they are selling and what their label looks like. That is not too much to ask to protect families from some harmful consequences.

I reserve the remainder of my time.

Mr. President, I ask unanimous consent that the time Senator HATCH used be counted retroactively against the time in opposition to my amendment, No. 2127.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. On this amendment, I appreciate the concern, the interest, and the effort the Senator from Illinois has gone to on this bill. But in looking at it, there is still a couple of steps miss-

ing if this were to become law. Yes, it would provide a lot of information to the FDA. It would, in fact, flood them with information, and I think we would flood them with more information than they could possibly process.

But that part doesn't even bother me. What bothers me is how we get that information to the consumer. It is the consumer that needs to know what they are drinking, eating, and everything else. That is why we provide labeling on a lot of things. But even the things we already provide labeling on, the consumer doesn't necessarily pay attention to it. Probably the people who need to pay the most attention to it don't pay any attention to it. So just making this information available to the FDA doesn't get it to the point where the consumer can know. Of course, anytime we start talking in this area, people get worried about the amount of regulation we put on things they consider to be very important to them and can do no harm.

The right way to address this important issue is for the HELP Committee to have hearings and work together, as we have done on this bill, to find common ground on the policy. When we find common ground, as we have on this FDA bill, then we can get something done. But I think this is a little premature. So I hope people will not support this amendment at this time.

I yield the floor, and I reserve the remainder of my time.

Mr. HARKIN. Mr. President, how much time remains on this amendment?

The PRESIDING OFFICER. Seven minutes in favor of the amendment.

Mr. HARKIN. Mr. President, I just want to say, first of all, that I have the greatest respect, as he knows, for the Senator from Illinois. He is one of the true consumer champions in the entire Congress and has been for all of his time here. So it is kind of hard to argue against the Senator when he is such a champion of consumers. But on this issue I think we part a little company.

I want to make it very clear that under DSHEA, supplement labels must already disclose their ingredients—must disclose their ingredients. Even when a product is reformulated, if the supplement contains new ingredients, then the label must reflect that change. These were all added to the bill. We added that for consumer protection.

Now, again, it is not as though FDA doesn't know what is out there. Under current law, supplement manufacturers have to biannually register their products. There is a biannual registration requirement right now. So the concern is that FDA just doesn't have the resources to do anything. I have tried—and the Senator knows because he is on the Appropriations Committee—to get more funds for the FDA to do this, but

we haven't been able to get the funds necessary for the FDA to even do what jobs they are supposed to do now.

I repeat for emphasis sake that every FDA Commissioner—those appointed both by Democratic or Republican Presidents—have said the DSHEA gives them adequate authority to keep dangerous products off the shelves. So the authority is already there. What the FDA needs is the resources. That is money. That means appropriations. Quite frankly, I don't see that happening this year—that we are going to give them any more. We are just going to give them more of a burden, and I think it will give a false sense of security to people because FDA simply won't be able to do that.

Lastly, as the Senator did say, we do have a voluntary program for ingredients and things with the dietary supplements with the National Institutes of Health that is already in place. That is coupled with the biannual reporting requirements plus the fact every dietary supplement has to have the ingredients listed on the label. So there is plenty of consumer protections out there. It is just that we can't protect a consumer who doesn't want to follow directions, who doesn't want to follow the guidelines listed on the labels themselves. I don't know how to protect people from that. Sometimes we just have to continually tell people to follow the directions. If they follow the directions, they will be fine.

That is why I think this amendment is ill-timed. I said to the Senator, and I mean this, that the Senator from Utah and our committee would be more than happy to have hearings again to flesh it out a little more and to see just what might be possible. But I come down to this as the bottom line: The FDA needs more money and they need more personnel to do this job.

I yield the floor.

Mr. DURBIN. Mr. President, how much time remains on my amendment?

The PRESIDING OFFICER. Seven minutes.

Mr. DURBIN. On my side?

The PRESIDING OFFICER. On the Senator's side.

Mr. DURBIN. Any time remaining on the opposite side?

The PRESIDING OFFICER. One minute.

Mr. DURBIN. Mr. President, I respect the Senator from Iowa and the Senator from Wyoming as well. They are two excellent colleagues, good people, and this is a tough bill. The underlying bill is a masterpiece of bipartisan accomplishment they can both be proud of.

What I am saying about dietary supplements is no reflection on Senators HARKIN or ENZI. This is an industry I have been watching for a long time for a variety of reasons.

I would say the argument Senator ENZI made—that merely disclosing the label ingredients and name of the prod-

uct to the FDA doesn't get to the consumer—argues for a bigger amendment than I am offering. It argues for a Web site and access and so forth. I understood that going in, and I agree with Senator HARKIN that is an overreach in this time of budgetary problems. I wish we could do it. I think we should. I think we have an obligation to. But I didn't put it in here because I knew the first thing that would be said is we can't afford it.

So we went to the FDA and said: Do you want this information?

They said: Not only do we want it, we have already publicly stated we want it in reply to the GAO report.

We said: Can you handle it if we send you the basic information of the products presently being sold?

They said: Yes.

I could go further and say more can be done, but that calls for a bigger role of government than even this amendment suggests. But when the Institute of Medicine tells us that each year there are 1,000 new products—dietary supplements—being placed on shelves all across America in stores and drug-stores, where families and children are walking in and buying them, how does anyone argue we shouldn't know they are here; that we don't want that Chinese product that just made it to the shelf in Springfield, IL, to register with the FDA before they do business here? How do you make that argument?

Shouldn't we assume, as a consumer, a family member, that when we walk in the store that somebody somewhere knows this company exists, that this product exists? Right now, they do not. The only disclosure to the government is voluntary. As I said, about 1 out of 10 companies volunteers the information. That, to me, is not the way to protect consumers.

Why do we need this information? Simply put, when an ingredient turns out to be dangerous, we want to know if that ingredient is in more than one product and then go after it to protect American consumers. If we don't know the product is in the United States, and we don't know what the ingredients are, how are we going to find that out? Wouldn't we want that basic information?

God forbid something happens with one of these products and someone loses their life, like this poor young girl in Hagerstown, MD, who drank that Monster Energy Drink. She had two of them, and it killed her, put her in cardiac arrest. God forbid that happens again and we say: You know, we didn't even know that product was in America because they don't have to tell anybody anything.

The argument made by Senator HARKIN is they have to put a label on the product. That is a good thing. We also found out that sometimes the ingredients listed aren't the actual ingredients. I will not get into that because

that is another whole issue the FDA is working on. But that isn't enough. My colleagues should see some of the claims being made on the labels of these dietary supplements. They are preposterous. Not for all of them, some are basic and good, but some go way overboard.

Don't we owe it to consumers across America to give them the basic information, to at least let them know we know the name of the company and the ingredients in the product sold? Some people say they ought to be able to sell whatever they want in America and never tell a soul. I don't believe that. I think we have a responsibility in Congress to protect these families.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Just one minor correction I would make, and that is under the DSHEA law, the FDA must approve any health claims made by any dietary supplement or vitamin. The only health claims they can make are structure function claims, but they have to be approved by the FDA. I just wanted to clear up that point.

I would also say further that I honestly don't know of any vitamin or supplement that is out there in the market that is dangerous if taken as directed—if taken as directed. As I said, anybody can abuse things. But if taken as directed, I, quite frankly, don't know of any supplement out there that is dangerous. Quite frankly, if taken as directed, they help maintain people's health and keep them healthy rather than being injurious to their health.

I yield the floor.

Mr. DURBIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. DURBIN. I will just close.

I thank the Senator from Iowa. He will acknowledge, I hope, that no one tests dietary supplements. No one tests them. Companies that make these products may test them if they wish, but there is no requirement under the law that they test them. There is certainly no agency of government that tests the dietary supplements. So to say they are perfectly safe as they instruct people to take them on the label, how would we know that? How could we possibly know that? There is no testing involved.

When it comes to prescription drugs and over-the-counter drugs, there is testing involved. At least we can point to the test to say whether it is safe and effective. Dietary supplements is a whole different world. I will just say that we are conscientious enough on behalf of consumers to limit the amount of caffeine that can be put in a cola, but then a company such as this Monster drink company decides to call theirs a dietary supplement rather than a beverage or a food, and it is no

holds barred. They can put in as much as they want. That is why that poor girl died. Two Monster Energy Drinks—480 milligrams, I believe, of caffeine—and she died from cardiac arrest. Is it too much to ask that we know the ingredients and know the company?

The next time there is another tragedy, I would like to be sure we can say we at least took this modest, tiny, small step forward to say to the industry: If you are a good actor, don't be threatened. But when it comes to bad actors and things coming in from overseas, we are going to make you show up and identify who you are and what you are selling, period. That is it.

So at this point, I yield the floor and yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Again, Mr. President, I have to ask, how much time remains on the bill for both sides?

The PRESIDING OFFICER. The majority has 19 minutes and the minority has 29 minutes.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Vermont.

AMENDMENT NO. 2109

Mr. SANDERS. Mr. President, I thank the chairman for his hard work on this legislation and for the opportunity to talk about what I consider to be a very important amendment.

I ask unanimous consent to call up my amendment No. 2109.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2109.

Mr. SANDERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To revoke the exclusivity of certain entities that are responsible for violations of the Federal Food, Drug, and Cosmetic Act, the False Claims Act, and other certain laws)

At the end of title XI, add the following:

SEC. 11. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by inserting after section 569C, as added by this Act, the following:

"SEC. 569D. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

"(a) **TERMINATION OF EXCLUSIVITY.**—Notwithstanding any other provision of this Act, any period of exclusivity described in subsection (b) granted to a person or assigned to

a person on or after the date of enactment of this section with respect to a drug shall be terminated if the person to which such exclusivity was granted or any person to which such exclusivity is assigned—

"(1) commits a violation described in subsection (c)(1) with respect to such drug; or

"(2) fails to report such a violation as required by subsection (e).

"(b) **EXCLUSIVITIES AFFECTED.**—The periods of exclusivity described in this subsection are those periods of exclusivity granted under any of the following sections:

"(1) Clause (ii), (iii), or (iv) of section 505(c)(3)(E).

"(2) Clause (iv) of section 505(j)(5)(B).

"(3) Clause (ii), (iii), or (iv) of section 505(j)(5)(F).

"(4) Section 505A.

"(5) Section 505E.

"(6) Section 527.

"(7) Section 351(k)(7) of the Public Health Service Act.

"(8) Any other provision of this Act that provides for market exclusivity (or extension of market exclusivity) with respect to a drug.

"(c) **VIOLATIONS.**—

"(1) **IN GENERAL.**—A violation described in this subsection is a violation of a law described in paragraph (2) that results in—

"(A) a criminal conviction of a person described in subsection (a);

"(B) a civil judgment against a person described in subsection (a); or

"(C) a settlement agreement in which a person described in subsection (a) admits to fault.

"(2) **LAWS DESCRIBED.**—The laws described in this paragraph are the following:

"(A) The provisions of this Act that prohibit—

"(i) the adulteration or misbranding of a drug;

"(ii) the making of false statements to the Secretary or committing fraud; or

"(iii) the illegal marketing of a drug.

"(B) The provisions of subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act').

"(C) Section 287 of title 18, United States Code.

"(D) The Medicare and Medicaid Patient Protection and Program Act of 1987 (commonly known as the 'Antikickback Statute').

"(E) Section 1927 of the Social Security Act.

"(F) A State law against fraud comparable to a law described in subparagraphs (A) through (E).

"(d) **DATE OF EXCLUSIVITY TERMINATION.**—The date on which the exclusivity shall be terminated as described in subsection (a) is the date on which, as applicable—

"(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or

"(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or

"(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.

"(e) **REPORTING OF INFORMATION.**—A person described in subsection (a) that commits a violation described in subsection (c)(1) shall report such violation to the Secretary no later than 30 days after the date that—

"(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or

"(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or

"(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable."

Mr. SANDERS. Mr. President, this amendment, to my mind, is an extremely important amendment and it has the support of some of the major consumer organizations in our country, including Public Citizen, U.S. PIRG, the Consumer Federation of America, Consumers Union, the National Committee to Preserve Social Security and Medicare, and the National Women's Health Network. These are some of the large consumer organizations in America representing tens of millions of our people.

When we talk about prescription drugs, it is important to understand that in our country we pay by far the highest prices in the world for prescription drugs. That is simply the reality. That causes enormous problems because millions of our people go to the doctor, the doctor writes a prescription, and then the person can't afford to fill that prescription. That is pretty crazy, because doctors are doing the diagnosis, telling the patients what they need; patients can't afford to pay for the drugs because they are the highest prices in the world in this country. This is an issue we have to deal with.

There are a number of reasons why prices in this country are higher than in Canada, Europe, and Scandinavia. Certainly one of them is that we are the only major country on Earth that doesn't have a national health care program so that the government can negotiate prices with the drug companies. So what happens in this country is the drug companies simply charge us what the market will bear—any price they can come up with by which they can make money. The end result is that in 2009, prices in this country were 85 percent higher than Canada, 150 percent higher than France, Italy, Sweden, Switzerland, and so forth and so on.

But the reason drug prices are high in this country is not just that we don't have a national health care program, it is because of the enormous amount of fraud that takes place within the pharmaceutical industry. In fact, every single year the major drug companies are ripping off the American people to the tune of billions of dollars a year because of fraudulent practices.

While I do not have enough time here today to recite every example of fraud that has been caught and prosecuted in the last 10 years. But here is the bottom line—and I am going to list some

of the cases of fraud. Virtually every major pharmaceutical company in this country has either been convicted of fraud—i.e., ripping off the Federal Government, State government, or individuals—or else has reached a settlement. We have got to get a handle on this crisis. I am going to bore some people because it is a long list. Sadly, it is a long list. But it is a list that has to get out, and it is an issue we have got to deal with.

Abbott Labs is one of the top 10 pharmaceutical companies in the world. It had \$38.8 billion in revenues and \$4.7 billion in profits in 2011. Last month, Abbott reached an agreement with the U.S. Department of Justice to pay \$1.6 billion for illegally marketing the antiseizure drug Depakote. According to the New York Times:

As part of the agreement, Abbott said that it would pay \$800 million to resolve civil cases brought by federal and state authorities, \$700 million in criminal penalties and \$100 million to states in connection with consumer protection matters.

That was just last month, they are going to pay \$1.6 billion.

In 2010, 2 years ago, Abbott and two smaller companies collectively agreed to pay \$429 million to settle charges that they deliberately misreported drug pricing in order to hike reimbursements from Medicare and Medicaid. That is Abbott in recent years.

Pfizer is the largest pharmaceutical company in the world, \$67.9 billion in revenues and \$10 billion in profits in 2011. Pfizer in 2012, this year, allegedly avoided paying hundreds of millions in rebates due to State Medicaid Programs for Prontonix. Pfizer holds four different exclusives for Prontonix. Talks are under way with the U.S. Department of Justice to settle the charges for up to \$2 billion for ripping off Medicaid.

In 2009, Pfizer agreed to plead guilty to a felony of “misbranding Bextra with the intent to defraud or mislead” and to pay \$1 billion to resolve allegations under the civil False Claims Act.

In 2004, a division of Pfizer pled guilty to two felonies and agreed to pay \$430 million to settle charges that it fraudulently promoted the drug Neurontin for a string of unapproved uses.

Johnson & Johnson is the second largest pharmaceutical company in the world, which had \$65 billion in revenues and almost \$10 billion in profits in 2011.

In 2012, this year, Johnson & Johnson illegally marketed Risperdal, an antipsychotic medication, to nursing home patients, and paid over \$2 billion in fines, which constituted a mere 6.3 percent of sales revenue from the drugs.

In 2010, two subsidiaries of Johnson & Johnson illegally marketed the epilepsy drug Topamax for off-label psychiatric uses.

Now we go to Merck. Merck is the third largest pharmaceutical company

in the world. In 2011, last year, Merck pleaded guilty to a criminal misdemeanor charge for violation of the Food, Drug, and Cosmetic Act, and paid a \$950 million settlement for illegally promoting Vioxx for rheumatoid arthritis before that use was approved.

In 2011, Merck will pay the State of Massachusetts \$24 million to settle claims that former subsidiary Warrick Pharmaceuticals reported inflated and false prices for asthma medications, causing the State’s Medicaid Program to overpay.

In 2008, Merck reached a \$670 million settlement for fraud on patients and Medicare/Medicaid, involving a conspiracy with hospitals to give the elderly cheaper drugs but charging them for the more expensive product.

Now we go to GlaxoSmithKline. GlaxoSmithKline is, again, one of the largest pharmaceutical companies in the world. It made profits of almost \$44 billion in 2011.

GlaxoSmithKline in 2011 announced that it had reached an “agreement in principle” with the U.S. government to pay \$3 billion to conclude the company’s most significant ongoing Federal Government investigations, specifically illegal sales and marketing practices in Colorado and Massachusetts; overcharging the Medicaid rebate program; and illegal development and marketing of Avandia, a diabetes drug.

In 2006, GlaxoSmithKline agreed to pay \$14 million to settle allegations that it engaged in patient fraud.

In 2005, GlaxoSmithKline paid \$150 million to settle claims it overcharged the government for two antinausea drugs.

In 2003, GlaxoSmithKline signed a corporate integrity agreement and paid \$88 million in a civil fine for overcharging Medicaid.

And on and on and on it goes.

When we talk about the high cost of health care, when we talk about the fact that the United States has the highest prices in the world for prescription drugs, it is important for us to address the crisis in terms of fraud within the pharmaceutical industry and the fact that virtually every major drug company has been found guilty of fraud or reached a settlement in terms of fraud charges.

In 2010, the pharmaceutical industry achieved a dubious distinction. It surpassed the notoriously corrupt defense contracting industry in defrauding the government. The pharmaceutical industry accounted for nearly half—\$1.8 billion of a total of \$4.1 billion—of the penalties collected in 2011 by the Department of Justice/Health and Human Services Health Care Fraud and Abuse Control Program.

In 2012—and this is quite amazing—the pharmaceutical industry is expected to pay out up to four times the amount of last year’s penalty, between

\$8 billion to \$9 billion in penalties due to pending fraud settlements with the Department of Justice. And those are the penalties for fraud that has been discovered. Who knows what type of fraud is taking place on behalf of the drug companies that has not been discovered.

Let me recapitulate. Virtually every major drug company has either been found guilty of, or settled charges of, significant fraud over the last 10 years.

The question arises—and this is an important question—is fraud within the pharmaceutical industry the exception or, is it, simply put, their business model? Is fraud the business model of the pharmaceutical industry, which thinks that in most cases they can get away with the fraud, make huge profits and, in some cases when they get caught, they will in fact pay a penalty but the penalty will in no way match the kinds of huge profits they are making from their fraudulent activity?

The question the Senate has got to address is, Do we look away from this issue, do we ignore this issue, or do we finally address the very important issue of fraud within the pharmaceutical industry, fraud being practiced by virtually every drug company in our country?

It is obvious to anyone paying attention to the prevalence of pharmaceutical industry fraud that our punishments are not enough to address this problem, because apparently the drug companies are not too intimidated by the laws on the books. They think it makes business sense for them to continue going forward on their fraudulent activities.

The amendment I am offering would send a strong and clear message to the drug industry: Illegal behavior will not be rewarded with continued government-granted monopolies. There are some things—patients’ safety, the devotion of scarce public resources to provide health care to needy patients—that are more important than drug company profits.

This amendment is designed to effectively deter pharmaceutical fraud by making government-granted monopolies contingent on good corporate behavior. I think that is the least we can do.

This amendment would penalize any instance of pharmaceutical fraud resulting in a civil or criminal judgment or a settlement with an acknowledgment of fault by revoking any applicable data or marketing exclusivity for the particular drug or product involved in the fraud, giving pharmaceutical companies another factor to consider, when weighing whether to violate the law in their sales or billing practices.

If a company violated Federal or State law by inflating the price of a drug in Medicare or Medicaid billing or illegally marketing a medication, under my amendment that company

would lose the remainder of any exclusivity period for that medication. Companies would be required to self-report qualifying violations to the FDA within 30 days.

Let me conclude by saying this: Our people are paying the highest prices—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANDERS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

Mr. SANDERS. Our people are paying the highest prices in the world for prescription drugs. One of the reasons is widespread fraudulent activity on the part of virtually every major drug company in our country. It is no longer acceptable to turn a blind eye to that crisis. The time to act is now. This amendment would go a long way forward to ending that outrageous fraud. I ask the support of my colleagues for this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the concern by the Senator from Vermont, but I have to oppose the amendment, No. 2109, because of some of the unintended consequences it will have.

This amendment would require drug companies to forfeit exclusivity for certain violations of the Federal Food, Drug, and Cosmetic Act and other laws.

“Exclusivity” means exclusive market rights granted by the Food and Drug Administration upon approval of a drug. It may or may not run concurrently with a patent. Exclusivity is a very important type of intellectual property protection. Without it, innovators cannot predictably obtain returns on their drug development investments.

The stated purpose of the amendment is to combat healthcare related fraud. The premise is, if companies know their profits are at risk, they will be strongly discouraged from engaging in fraudulent activity. But this amendment is counterproductive: It will make it more costly for law enforcement to fight fraud and could hurt patients.

Congress is also thinking of ways to improve healthcare antifraud programs. For example, in a recent open letter to the health care community, six members of the Senate Finance Committee, led by Chairman BAUCUS and Ranking Member HATCH, announced a bipartisan effort to solicit ideas from the healthcare community on ways to reduce healthcare waste, fraud and abuse.

Estimates of the amount of fraud and misspending in Medicare and Medicaid vary widely, from \$20 billion to as

much as \$100 billion. To address this problem, the six Senators solicited ideas on program integrity and fraud and abuse enforcement reforms.

This sort of constructive search for real solutions is long overdue. Healthcare fraud is a serious problem, and I strongly agree that the Congress should develop substantive solutions to it.

The problem here is, the pending amendment does not really tackle the problem of fraud.

Instead, the amendment uses a blunt instrument—revocation of exclusivity—to punish an incredibly broad range of legal violations.

This amendment would discourage settlements in fraud cases. A settlement agreement concerning a listed violation would trigger forfeiture.

If a company knows that settlement would trigger a result that could cost it hundreds of millions of dollars, it will be less likely to settle. This will make it harder for the government to settle cases, and increase the backlog of cases waiting for trial. It also creates the risk that a fraudster could prevail on appeal, and prevent the prosecutor from pursuing other cases.

Settlement is an important tool in a prosecutor's toolkit. It enables them to pursue a higher volume of cases, while still obtaining sizable judgments to deter future fraud.

In fiscal year 2011, the Departments of Justice and Health and Human Services together recovered nearly \$4.1 billion in taxpayer dollars through healthcare anti-fraud prevention and enforcement efforts. The ability to settle claims contributed substantially to this achievement by allowing the government to pursue a higher volume of cases.

Within the Federal Food, Drug, and Cosmetic Act itself, there are already robust standards and enforcement tools concerning industry marketing and communications, and interactions with healthcare providers and professionals.

The False Claims Act and strong anti-kickback laws are also on the books already.

This amendment will also discourage manufacturers from developing new cures. It creates tremendous uncertainty about whether investors can obtain returns on their drug development investments. If a trivial violation of FDA's detailed, elaborate regulations could put the entire investment in a drug at risk, it will discourage investment in new treatments.

This would severely threaten biomedical investment and jobs. More importantly, it would lead to fewer life-saving therapies for patients.

This amendment could produce absurd results. For example, the amendment would revoke exclusivity for a civil judgment concerning adulteration of a drug. A drug is considered adulterated if a manufacturer violates FDA's

current Good Manufacturing Practices, known as cGMPs. There is no intent requirement, and no minimum number of inspection requirements to trigger liability. Some examples of cGMP violations include: Washing and toilet facilities are not easily accessible to working areas; adequate lighting is not provided in all areas; laboratory records do not include complete records of the periodic calibration of laboratory instruments.

It obviously does not make sense to strip drug companies of exclusivity for violations like this, which do not reflect fraudulent intent. It is disproportionate and counterproductive.

Again, I strongly agree that healthcare fraud is a significant problem. The best way to solve it is through robust enforcement of the many current laws on point, and continuing to work with the health care community to find effective solutions. That would be going through committee hearings as well. The pending amendment would not reduce fraud. On the contrary, it would frustrate the government's current anti-fraud efforts, and ultimately harm patients and taxpayers alike.

I encourage a “no” vote on this amendment.

I yield the floor and reserve the remainder of our time.

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and that Coburn amendment No. 2131 be called up.

Mr. HARKIN. Mr. President, I object. How much time is left on the Sanders amendment?

The PRESIDING OFFICER. The Senator from Vermont has no time left. The Senator from Wyoming controls 10 minutes.

Mr. HARKIN. Will the Senator from Oklahoma withhold? We have some people who want to speak. Once the time has run, then we automatically move on to another amendment and could bring up the Senator's amendment at that point.

Mr. COBURN. It is my understanding that the time is under our control. At present, there is 10 minutes left.

Mr. HARKIN. There is 10 minutes in opposition to the amendment.

Mr. COBURN. I will be happy to yield to the ranking member. If he has people who wish to speak in opposition, that is fine.

Mr. HARKIN. Senator MIKULSKI was here earlier. She wants to speak on this amendment. If we just wait 5 minutes?

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first I thank my colleague from Oklahoma. I just want to take a few minutes, if I could, to talk about an important issue.

Mr. HARKIN. I am sorry, I was wrong. I thought the Senator wanted

to speak on the Sanders amendment. She wanted to speak on the underlying bill itself?

Ms. MIKULSKI. Yes.

Mr. HARKIN. The Senator just seeks 5 minutes?

Ms. MIKULSKI. Or less.

Mr. HARKIN. Since it is my time, I yield the Senator from Maryland 5 minutes on the underlying bill.

Ms. MIKULSKI. I will be very brief.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I say to our colleague from Oklahoma, himself a physician, that he will be very keenly interested in this issue of prescription drug shortages. This is a problem that has been brought to my attention by Marylanders, leaders of great institutions such as the University of Maryland and Hopkins, as well as family members who care for someone and find that, although there has been the right diagnosis and there is even the right drug to care for that problem—like the dread “cancer” word—the drug is not available. So you can imagine the last thing you want to hear is that your child has cancer, and then the worst thing you want to hear is that there is a shortage of that drug to take care of that child. That is not because it has not been developed, not because there has not been a scientific breakthrough, but because there has been a manufacturing problem or because the company stopped making the drug when it was no longer profitable. That is inexcusable. The bill before us does something about it.

In 2011 we had more than 250 drug shortages. That is not incidents, that is 250 drugs that were in shortage. Half of the drugs that experience a shortage go into shortage multiple times.

This drug shortage threatens public health by preventing patients and physicians from accessing needed medications. It forces doctors to often delay medical procedures, use alternative products that may carry unwanted side effects or to rely on foreign versions of drugs that might not have been reviewed by FDA or it sends their very able pharmacists in their institutions to spend endless hours on the phone to be able to come up with the needed drug.

As I said, this was brought to my attention by letters from some famous constituents—meaning well-known in our community—with great health insurance who had a child who had leukemia and then found the drug was in short supply. We heard from doctors who were forced to delay or turn to alternative treatments, hospitals scrambling to manage these shortages, and pharmacists trying to track down needed treatments. Even then, we heard about gouging and we heard about a gray market. The gouging was pumping up the price when there was a shortage, and then there is a gray mar-

ket where you can go to buy these drugs, but they might not be the drug you wanted or they might have been on somebody's shelf a long time and were flawed and even dangerous or they had not been refrigerated.

I could go through one horror story after another. I wanted to bring this to the attention of the full Senate because as we work on this excellent, bipartisan bill on user fees, what we also have is a very commonsense way of dealing with the drug shortage issue.

It has the support of the private sector and certainly those who care for patients, as well as patients themselves. I hope we pass this underlying bill, and I hope we do not tie up this legislation with amendments that could either derail or deter it.

I yield the floor.

Mr. HARKIN. Mr. President, how much time is remaining on the Sanders amendment?

The PRESIDING OFFICER. There is 7 minutes in opposition that remains on the Sanders amendment.

Mr. HARKIN. I will yield myself a couple of minutes.

I join with my colleague Senator ENZI in opposition to the Sanders amendment. We are all disturbed by a lot of what we are reading and these big settlements. I know the recent one a couple of weeks ago on Abbott Labs where part of the prosecution case was actually that this was part of their business model. Then they had to settle it. So this is all very disturbing.

However, that cries out more for, perhaps, looking at the criminal charges and perhaps strengthening some of those things but not taking away exclusivity. If you do that, a lot of times you could take away exclusivity from someone who just committed a misdemeanor. A lot of these settlements were misdemeanor charges where no intent was shown.

A lot of times, if you did this, you might penalize someone who maybe had done something wrong in the past, and now maybe they have new leadership, a new company, and reformed themselves, and now they have to lose their exclusivity? You would not want to do that.

Third, if you do this—I think Senator ENZI pointed this out correctly—if there is no reason to settle, then people are going to go to the wall in terms of defending themselves, and DOJ doesn't have all that kind of personnel and the time to do that. I think we would then have an even worse situation of people committing fraud because then they would know they would not have any reason to settle it whatsoever. Settlement is a good tool to be used by prosecutors to get cases to justice, to make sure consumers are made whole, and to let people know they are being watched. That is what they do.

I think the Sanders amendment, while maybe well-intentioned—I know

it is well-intentioned. I know the Senator has all good intentions of what he wants to do. But I think it goes too far and is not the right solution to that problem. So I would oppose Senator SANDERS amendment also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2131

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 2131, which is at the desk, and ask that it be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, and Mr. BURR, proposes an amendment numbered 2131.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require an independent assessment of the Food and Drug Administration's review of drug applications)

At the end of title VII, add the following:

SEC. 7. INDEPENDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary shall contract with a private, independent consulting firm capable of performing the technical analysis, management assessment, and program evaluation tasks required to conduct a comprehensive assessment of the process for the review of drug applications under subsections (b) and (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b), (j)) and subsections (a) and (k) of section 351 of the Public Health Service Act (42 U.S.C. 262(a), (k)). The assessment shall address the premarket review process of drugs by the Food and Drug Administration, using an assessment framework that draws from appropriate quality system standards, including management responsibility, documents controls and records management, and corrective and preventive action.

(b) PARTICIPATION.—Representatives of the Food and Drug Administration and manufacturers of drugs subject to user fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.) shall participate in a comprehensive assessment of the process for the review of drug applications under section 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. The assessment shall be conducted in phases.

(c) FIRST CONTRACT.—The Secretary shall award the contract for the first assessment under this section not later than March 31, 2013. Such contractor shall evaluate the implementation of recommendations and publish a written assessment not later than February 1, 2016.

(d) FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall publish the findings and recommendations under this section that are likely to have a significant impact on review times not later than 6 months after the contract is awarded. Final comprehensive findings and recommendations shall be published not later than 1 year after the contract is awarded.

(2) **IMPLEMENTATION PLAN.**—The Food and Drug Administration shall publish an implementation plan not later than 6 months after the date of receipt of each set of recommendation.

(e) **SCOPE OF ASSESSMENT.**—The assessment under this section shall include the following:

(1) Identification of process improvements and best practices for conducting predictable, efficient, and consistent premarket reviews that meet regulatory review standards.

(2) Analysis of elements of the review process that consume or save time to facilitate a more efficient process. Such analysis shall include—

(A) consideration of root causes for inefficiencies that may affect review performance and total time to decision;

(B) recommended actions to correct any failures to meet user fee program goals; and

(C) consideration of the impact of combination products on the review process.

(3) Assessment of methods and controls of the Food and Drug Administration for collecting and reporting information on premarket review process resource use and performance.

(4) Assessment of effectiveness of the reviewer training program of the Food and Drug Administration.

(5) Recommendations for ongoing periodic assessments and any additional, more detailed or focused assessments.

(f) **REQUIREMENTS.**—The Secretary shall—

(1) analyze the recommendations for improvement opportunities identified in the assessment, develop and implement a corrective action plan, and ensure it effectiveness;

(2) incorporate the findings and recommendations of the contractors, as appropriate, into the management of the premarket review program of the Food and Drug Administration; and

(3) incorporate the results of the assessment in a Good Review Management Practices guidance document, which shall include initial and ongoing training of Food and Drug Administration staff, and periodic audits of compliance with the guidance.

Mr. COBURN. Mr. President, let me say how proud I am of all of the members of the HELP Committee on this difficult and complicated issue they are bringing before us. Having been in business and under the control of the FDA as a medical device manufacturer, this is a very complicated area of law that, if done right, will have tremendous positive effects, and I think the Senators have put out a very good bill. I congratulate my colleagues and all the members on doing that.

I have two amendments, and I am going to speak for a very short period of time on both of them. I will work with the ranking member and the chairman to see if we can't get to where we don't have to vote on them.

I would like to give just a little history on PDUFA and MDUFA. The reason they were set up in the first place was to help fund the FDA, and the reason the manufacturers agreed to do that was to get more timeliness in terms of response to their applications. That was the whole basis for it. And what we have before us today is some improvement in terms of the FDA's re-

sponse but really not everything we should have gotten.

I, along with Senator BURR, asked for a GAO study to the FDA in terms of meeting stated performance goals, and we found out a whole lot about that, and that is my next amendment, but I say that to preface why I have this amendment.

In this bill is a wonderful requirement that causes the FDA to contract with an independent management company to assess the management of the missions and resources of the device regulation component of the FDA. What is missing is that same independent review in terms of drugs. It is one of those situations where we invest in something that would pay us additional big dividends. I know it will pay big dividends in the device area. It will also pay big dividends in the drug area. I don't know what the workings of the committee are and why they decided not to put this in as far as the drug review process, but having a second look at a very complicated regulatory and approval structure could be very beneficial in terms of improving both the quality of the outcome as well as the timeliness.

So this amendment simply says that what we are going to do for the device, which is in the bill already, we are also going to do for the drug side of the FDA. It is about gathering knowledge for both the FDA and for us as we help this agency perform very needed things.

As a physician, I read a lot about new science on new drugs. The things that are coming in this country are going to be phenomenal in terms of new treatments and new drugs and new capabilities. In terms of our competitiveness worldwide but also in terms of how we address these diseases, we need to have the most efficient regulatory agency we can.

All I am asking is that we treat all of the FDA the same in terms of taking a look at how well they are doing, what could they do better, and how they could do it better. That report comes to us and the FDA, and so we can see the weaknesses. We have not been through every area of the FDA as Members of the Senate, and to have an independent assessment of the drug side as well as the device side will pay huge benefits to the FDA, but mostly it will pay huge benefits to people of this country in terms of the timeliness of drug presentation.

I won't speak any more to that. It is a commonsense, good-government amendment. Part of it is in the bill, and part of it is not in the bill. It is something that will pay us big dividends not only in terms of health care and improving the operation of the FDA but also in terms of improving our competitiveness worldwide.

AMENDMENT NO. 2132

Mr. COBURN. Mr. President, I ask that that amendment be set aside, and

I call up amendment No. 2132, which is at the desk, and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, and Mr. BURR, proposes an amendment numbered 2132.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that a portion of the performance awards of each employee of the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, and the Center for Biologics Evaluation and Research be connected to an evaluation of the employee's contribution to goals under the user fee agreements)

At the end of title XI, add the following:

SEC. 11. PERFORMANCE AWARDS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a system by which a portion of the performance awards of each employee described in subsection (b) shall be connected to the evaluation of the employee's contribution, in the discretion of the Secretary, to the goals under the user fee agreements described in section 101(b), 201(b), 301(b), or 401(b), as appropriate.

(b) **EMPLOYEES DESCRIBED.**—

(1) **IN GENERAL.**—Subsection (a) shall apply only to employees who—

(A) are employed by the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, or the Center for Biologics Evaluation and Research; and

(B) are involved in the review of drugs, devices, or biological products.

(2) **COMMISSIONED CORPS.**—For purposes of this section, the term "employee" includes members of the Public Health Service Commissioned Corps.

(c) **EFFECT ON AWARD.**—The degree to which the performance award of an employee is affected by the evaluation of the employee's contribution to the goals under the user fee agreements, as described in subsection (a), shall be proportional to the extent to which the employee is involved in the review of drugs, devices, or biological products.

(d) **REPORT.**—The Secretary shall issue an annual report detailing how many employees were involved in meeting the goals under the user fee agreements described in section 101(b), 201(b), 301(b), and 401(b), and the manner of the involvement of such employees.

Mr. COBURN. Mr. President, this is an amendment that comes out of a study of GAO's findings, and GAO did a wonderful job looking at the FDA. What we found out—part of it will be covered if, in fact, we do this other study on the management, but what GAO is telling us is that there is an irregular pattern of performance review at the FDA. Part of the evaluation of about 40 percent of the people who are involved in the drug and device approval process, in terms of their performance review, has to do with the

timeliness of their work product. And it is only a small component, but it is still a component of it.

What this amendment does is it says: FDA, make this part of your component on the people who are actually reviewed in the review process—not to try to push them to do it better but to have a management tool with which to evaluate individual employees doing this.

The fact that they are already doing this on some—and what GAO really said is that it is just a lack of management effectiveness that they have not installed it everywhere else. All this amendment says is that this should be one component as they evaluate their employees on their performance reviews and ask: How did you do on timeliness? Was your work product timely?

The idea behind this is not to push drugs out that should not be approved. It is not to push out devices that should not be approved. But remember that the purpose for PDUFA and MDUFA in the first place was to fund FDA with additional money so they would be more timely.

The opposition I hear to this amendment that we are afraid that if this is a component of review, they might review a product and let it go when they shouldn't does not make sense since already 40 percent of the employees doing this are being evaluated on this performance standard anyway. So I would raise the question: If we are in opposition to this amendment, why in the world haven't we eliminated this as a part of all the review process already if, in fact, there is a concern? There is not a concern with it. It is a good management tool. It is used in all sorts of government agencies. And I commend to the attention of my colleagues the GAO report that backs up exactly what I am saying and their recommendation. These are not TOM COBURN's recommendations, these are the GAO recommendations for FDA. They address the concerns of inappropriate pressure for early approval or inappropriate approval for drugs or devices.

Again, it is good government and common sense. It is how one would manage a private organization. You would put every component that the employee is involved with as a component as part of the review process.

My hope is that we do not have to vote on this. When my colleagues actually thoroughly study the GAO report, they will embrace what they are saying. It is common sense with sound judgment that deals with the FDA.

I yield the floor.

Mr. HARKIN. Would the Senator yield for a question?

Mr. COBURN. I would be happy to.

Mr. HARKIN. I think the Senator is making a lot of common sense. The only question I would ask is—and I don't know a lot about this. I haven't read the GAO report. But if, in fact,

every employee says, I know they are going to get me on this timeliness. So it is the balance of safety and quickness, safety and expediency. In other words, we try to get a balance. We want devices and drugs approved as quickly as possible, but we don't want to jeopardize safety. Those are the two things we always try to balance here, safety being the foremost. We want things to be safe.

My question is, by enshrining this into law rather than in the administration, would this somehow put more undue pressure on reviewers and others to do something quickly and jeopardize the safety aspect?

Mr. COBURN. My answer to the chairman through the Chair is that the FDA does nothing quickly now, and he knows that because he has been sitting in oversight over them for years. That is No. 1. The answer to No. 2 is, if the Senator reads the GAO report, they have no explanation on why they do it on some employees and not others. The fact is, if this is a bad thing, why are they doing it on 40 percent of the employees now? The No. 1 and No. 2 things the FDA is charged with are safety and efficacy. Safety comes first. They get graded on how well they do on that. So we have this counterbalance.

Well, what we have is a lack of responsiveness even though billions of dollars are going to the FDA from the device companies and the drug companies. Part of the deal was to make them more timely. That means in no way do you ignore safety and in no way do you ignore efficacy. The fact is they do deserve answers, and what is happening a lot of times is they are not.

I fully support the bureaucracy of the FDA in terms of them doing their job. I think they do an awfully good job. They are just awfully slow at it, and when you ask why, there is not a good answer.

The point is, if there are a large number of employees who are already reviewed as a small component, it doesn't have to be a major one, but it ought to be something you think about. Do I push this off my desk because I am bored with it? Does the timeframe mean anything?

We are not going after eliminating safety and efficacy, we are going after smart management, and those two things, safety and efficacy, reign supreme at the FDA. That is why we spend so much in this country. That is why most of the drugs are approved outside of this country way ahead of when they get approved here, because our drugs and devices are safer and we are slow to approve, and rightly so, but we should not be like frozen ice slowly slipping down a hill. All this says is, let's make it one component of many in terms of review. Again, I tell the chairman, this is not my recommendation, this is the GAO's recommendation.

So I would appreciate consideration by the chairman and ranking member for these amendments. I think they are common sense. We could look at them again. If the Senator thinks there is a problem, we can put in a caveat. Let's look at it in a year and say: Have there been problems because we have done this? But it is good management, it does make sense, and they are already doing it on 40 percent of their employees who are involved in the approval of both drugs and devices.

I thank the chair for his question.

I yield the floor, and I will be back.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2129

Mr. GRASSLEY. Mr. President, I rise for the purpose of calling up amendment No. 2129.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], proposes an amendment numbered 2129.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide deadlines for the issuance of certain regulations and to require a GAO report on the implementation of the clinical trial registration and reporting requirements under the Public Health Service Act)

At the end of title XI, add the following:

SEC. 11. REGULATIONS ON CLINICAL TRIAL REGISTRATION; GAO STUDY OF CLINICAL TRIAL REGISTRATION AND REPORTING REQUIREMENTS.

(a) DEFINITIONS.—In this section—

(1) the term “applicable clinical trial” has the meaning given such term under section 402(j) of the Public Health Service Act (42 U.S.C. 282(j));

(2) the term “Director” means the Director of the National Institutes of Health;

(3) the term “responsible party” has the meaning given such term under such section 402(j); and

(4) the term “Secretary” means the Secretary of Health and Human Services.

(b) REQUIRED REGULATIONS.—

(1) PROPOSED RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director, shall issue a notice of proposed rulemaking for a proposed rule on the registration of applicable clinical trials by responsible parties under section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)) (as amended by section 801 of the Food and Drug Administration Amendments Act of 2007).

(2) FINAL RULE.—Not later than 180 days after the issuance of the notice of proposed rulemaking under paragraph (1), the Secretary, acting through the Director, shall issue the final rule on the registration of applicable clinical trials by responsible parties under such section 402(j).

(3) LETTER TO CONGRESS.—If the final rule described in paragraph (2) is not issued by the date required under such paragraph, the Secretary shall submit to Congress a letter that describes the reasons why such final rule has not been issued.

(c) REPORT BY GAO.—

(1) IN GENERAL.—Not later than 2 years after the issuance of the final rule under subsection (b), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the implementation of the registration and reporting requirements for applicable drug and device clinical trials under section 402(j) the Public Health Service Act (42 U.S.C. 282(j)) (as amended by section 801 of the Food and Drug Administration Amendments Act of 2007).

(2) CONTENT.—The report under paragraph (1) shall include—

(A) information on the rate of compliance and non-compliance (by category of sponsor, category of trial (phase II, III, or IV), whether the applicable clinical trial is conducted domestically, in foreign sites, or a combination of sites, and such other categories as the Comptroller General determines useful) with the requirements of—

(i) registering applicable clinical trials under such section 402(j);

(ii) reporting the results of such trials under such section; and

(iii) the completeness of the reporting of the required data under such section; and

(B) information on the promulgation of regulations for the registration of applicable clinical trials by the responsible parties under such section 402(j).

(3) RECOMMENDATIONS.—If the Comptroller General finds problems with timely compliance or completeness of the data being reported under such section 402(j), or finds that the implementation of registration and reporting requirements under such section 402(j) for applicable drug and device clinical trials could be improved, the Comptroller General shall, after consulting with the Commissioner of Food and Drugs, applicable stakeholders, and experts in the conduct of clinical trials, make recommendations for administrative or legislative actions to increase the compliance with the requirements of such section 402(j).

Mr. GRASSLEY. Mr. President, first of all, I congratulate my colleague from Iowa and my colleague from Wyoming for the bipartisanship of this legislation.

The FDA amendments of 2007 mandated basic public results reporting for all clinical trials supporting FDA-approved drugs and devices. Clinical trials results help both patients and doctors understand the benefits and efficacy of a particular medical product.

Moreover, a July 2011 FDA report stated:

Understanding variable characteristics in clinical trial sites is becoming increasingly important because of the international nature of current clinical trials. The sources of differences in efficacy results between the U.S. and foreign clinical trials sites have yet to be determined, but differences rooted in the conduct of the clinical trial should be evaluated.

It has been 5 years since the passage of the FDA Amendments Act, and the National Institutes of Health is still in the process of writing proposed regulations. The clinicaltrials.gov program and title VIII of the FDA Amendments Act were considered major reforms and helped science information advances. If

they are not being implemented well or adequately enforced, society will fail to reap the full benefits of the billions of dollars in good medical science research.

This amendment before the Senate will impose a deadline by which the NIH will finalize both the proposed and final regulations. Further, 2 years after the regulation has been in place, the Government Accountability Office will conduct a study on compliance with regulations and will look at, among other things, whether the applicable clinical trial is conducted domestically, in foreign sites, or in a combination of sites. The rapid increase in trials being run overseas makes it imperative that the Government Accountability Office investigate this matter.

Currently, “80 percent of approved marketing applications for drugs and biologics contained data from foreign clinical trials.” The “FDA inspected 1.9 percent of domestic clinical trial sites and 0.7 percent of foreign clinical trial sites.” We need stronger reporting requirements to ensure we understand what the implications are of this move to having so many trials conducted overseas. I encourage my colleagues to support this important amendment.

Before I move on, I wish to talk about another amendment I am a co-sponsor of, which is an amendment offered by Senator PORTMAN that will make dangerous synthetic drugs such as K2 and bath salts schedule I narcotics. I have worked for over a year now to get this legislation passed through the Senate after a constituent of mine named David Rozga committed suicide shortly after smoking K2 with some friends nearly 2 years ago.

I introduced the David Mitchell Rozga Act in March of 2011, and the Senate Judiciary Committee unanimously passed it out of committee along with two other related bills sponsored by Senator SCHUMER and Senator KLOBUCHAR last July. Since that time, the use of synthetic drugs has grown very rapidly, with the number of calls into poison control centers going from as few as 19 in the year 2009 to over 6,000 in the year 2011.

The House passed their version of this bill last December on a strong bipartisan vote, but one Senator has blocked consideration of this legislation in this Chamber up to now.

So I am grateful we are finally able to have a vote on this issue, and I urge passage of the Portman amendment as well.

Madam President, I wish to go to another amendment, if that would be appropriate at this time.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

AMENDMENT NO. 2121

Mr. GRASSLEY. I call up amendment No. 2121.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2121.

Mr. GRASSLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide employee protections for the Commissioned Corps of the Public Health Service Act)

At the end of title XI, add the following:

SEC. 11. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

“(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”

(b) CONFORMING AMENDMENT.—Section 221(b) of the Public Health Service Act (42 U.S.C. 213a(b)) is amended by adding at the end the following: “For purposes of paragraph (18) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Health and Human Services.”

Mr. GRASSLEY. Madam President, the bill before us, S. 3187, did not address a top priority of mine, and that is ensuring whistleblowers have adequate protections.

Four months ago my office learned of a very abusive treatment by the FDA on certain whistleblowers due to those whistleblowers’ protected communications with Congress and, more specifically, with this Senator’s office. Once the agency learned of the communication, even though they were on personal e-mail, it began actively monitoring and observing employees’ personal e-mail, as one might expect, and they observed those e-mail accounts for 2 years—for a whole 2 years—until the agency was able to have the employee fired.

Whistleblowers shouldn’t be fired for doing what is patriotic; that is, reporting wrongdoing to Congress. Regrettably, I was not shocked to learn that the FDA was mistreating whistleblowers within its agency, as it has done on more than one occasion, and as I have pointed out to my colleagues. I have been reporting those things ever since the Vioxx situation of 2004, I believe.

What makes this example different, though—and even worse—is the FDA intentionally went after an employee because it knew this employee was not covered by the Whistleblower Protection Act. Now, it might surprise some of my colleagues that all employees aren’t covered by the Whistleblower Protection Act. This employee in question was a member of the Public Health Service Commissioned Corps, and because of a decision from the Court of Federal Claims these employees—meaning the Public Health Service along with other members of the

uniformed services—are not covered by the Federal employee whistleblower protections.

I think the court case was wrong, but anyway, that is the way the Court of Federal Claims ruled. That ruling came as a result of the *Verbeck v. United States* case, and the Court of Federal Claims held that an officer in the Public Health Service Commissioned Corps is a member of the uniformed service and as such is not covered by the civilian Whistleblower Protection Act, nor even the Military Whistleblower Protection Act. This same logic extends to the commissioned corps of the National Oceanic and Atmospheric Administration as well. So under the precedent of this *Verbeck* case, the officers of both the Public Health Service and NOAA currently have no whistleblower protection under Federal law.

This is particularly problematic when we consider that the Public Health Service and NOAA officers can be detailed to agencies such as the CDC or the Centers for Disease Control. There, these officers, working in another agency, happen to work side-by-side with civilian employees of that agency doing very critical work to review and approve drugs, oversee medical devices, and even work on infectious diseases. However, unlike their civilian colleagues who are employees of that agency and who are sitting right next to them, if these employees uncover wrongdoing, waste, fraud, and abuse, they can be retaliated against by the agency and have no recourse for it. That is exactly what happened to this Public Health Service employee working in the Food and Drug Administration when they reported wrongdoing at that agency to Congress. They did it by personal e-mail, and the FDA got on to it and then fired the one employee who was reporting to Congress but did not fire the employees who were protected by the Whistleblower Protection Act. So that is why I say this is wrong, and it needs to be fixed. This amendment will fix it.

Whistleblowers point out fraud, waste, and abuse when no one else will, and they do so while risking their professional careers. Whistleblowers have played a critical role in exposing government failures, and retaliation against whistleblowers should never be tolerated.

For this reason, I offered an amendment that expands whistleblower protection for uniformed employees of the Public Health Service. It corrects the anomaly pointed out by the Court of Federal Claims and ensures that officers in the Public Health Service have some baseline whistleblower protection. It expressly includes the commissioned corps of the Public Health Service within the protections of the Military Whistleblower Protection Act. This is consistent with the structure of the commissioned corps functioning

like a military organization and matches the fact that these officers receive military-like benefits in retirement.

Unfortunately, this amendment, which I was able to get into this legislation, only covers employees of the Public Health Service. It does not address the commissioned corps of NOAA because of other Senators' concern that is not related to the underlying bill. So I hope to be able to address that remaining gap in whistleblower protections in the near future so that all employees of the Federal Government are covered.

All Federal employees should feel comfortable expressing their opinions both inside the agency they work for as well as to Congress. The inclusion of this language will ensure those opinions receive appropriate protections.

I wish to take this opportunity, as I did in my opening comments on these two amendments, to express my appreciation to Senators HARKIN and ENZI and their commitment and efforts over the years to reform and improve the FDA.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. What is the pending business on the Senate floor?

The PRESIDING OFFICER. The pending business is Grassley amendment No. 2121.

AMENDMENT NO. 2130

Mr. BURR. I ask unanimous consent to set aside the pending amendment and to call up amendment No. 2130.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself and Mr. COBURN, proposes an amendment numbered 2130.

The PRESIDING OFFICER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure transparency in Food and Drug Administration user fee agreement negotiations)

At the end of title XI, add the following:

SEC. 11. TRANSPARENCY IN FDA USER FEE AGREEMENT NEGOTIATIONS.

(a) PDUFA.—Section 736B(d) (21 U.S.C. 379h–2(d)), as amended by section 104, is further amended by adding at the end the following:

“(7) INCLUSION OF CONGRESSIONAL REPRESENTATIVES.—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

(b) MDUFA.—Section 738A(b) (21 U.S.C. 379j–1(b)), as amended by section 204, is further amended by adding at the end the following:

“(7) INCLUSION OF CONGRESSIONAL REPRESENTATIVES.—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

(c) GDUFA.—Section 744C(d), as added by section 303 of this Act, is amended by adding at the end the following:

“(7) INCLUSION OF CONGRESSIONAL REPRESENTATIVES.—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

(d) BSUFA.—Section 744I(e), as added by section 403 of this Act, is amended by adding at the end the following:

“(4) INCLUSION OF CONGRESSIONAL REPRESENTATIVES.—Notwithstanding any other provision of this section, Members of Congress or their designated staff may be present at any negotiation meeting conducted under this subsection between the Food and Drug Administration and the regulated industry, if a Member of Congress decides to attend, or have his or her designated staff attend on his or her behalf. Any staff designated under the preceding sentence may be required to comply with applicable confidentiality agreements.”.

Mr. BURR. Madam President, let me reiterate what my colleague just said, which is that Chairman HARKIN and Ranking Member ENZI have done a wonderful job with a very complicated bill in navigating what was a negotiation that Members of Congress never played a part in—negotiations that happened between the Food and Drug Administration and the pharmaceutical industry for one piece, the device industry for another piece, and the generic drug industry for a third piece; and, I might say, the third piece is the first time Congress will consider this.

I think it is important that Members of the Senate, Members of Congress, and the American people understand that, typically, all legislation is crafted in the Congress of the United States. It is not negotiated in the back room of the Food and Drug Administration or in the back rooms of the device, pharmaceutical, and generic drug manufacturers—except for this. In fact, my amendment gets at the heart of that issue. It is called the amendment “to ensure transparency in the Food and Drug Administration user fee agreement negotiations.”

The amendment is straightforward. It would ensure transparency in FDA's

drug and device user agreement negotiations by allowing Members of Congress or their designated staff to attend the negotiations between the FDA and the industry. What a novel thing to say, that those who are responsible to actually implement the policy could sit in the room and listen. I am not talking about playing a role in negotiating.

Why is this amendment necessary? The bottom line is while the FDA may consult with many of the stakeholders at various points in the process, the drug and device user fee agreements are not negotiated so Members of Congress and the general public know exactly what is in them. Congress is effectively shut out of the process until the negotiated deal behind closed doors is announced. In other words, we are presented with what they have negotiated, and we are basically told: Here is what we want you to pass. At no other point in the legislative process does it happen like this in the Congress of the United States.

The drug and device user fee agreements have significant implications for the American people as well as Congress's ability to do oversight. The No. 1 role of the Congress of the United States is to serve on behalf of the American people as an oversight tool over Federal agencies. Congress should not have to read between the lines of the minutes of a negotiation to try to figure out, in fact, the spirit of those negotiations. The ability for Congress and the American people to fully understand and weigh the negotiated agreements and the implications they present for patients, taxpayers, the FDA, and for Congress would greatly be improved by ensuring that Congress might attend the negotiations.

Some of my colleagues will probably come down and suggest this amendment would put Congress at the negotiating table and potentially would jeopardize negotiations. It is not true. It is not what I am attempting to do with this amendment. The amendment merely states if a Member of Congress wants to attend or if they want to have their designated to attend in their place, they may. This amendment does not call for Members of Congress to participate in the negotiation, or certainly staff. The negotiations would still be between the FDA and the industry, but it does ensure that Members of Congress or their staff may be in the room and be informed of the negotiations in real time. Congressional staff may be required to comply with all applicable confidentiality agreements. The FDA's negotiations with the industry would not be jeopardized. Let me say that again to my colleagues: would not be jeopardized because the Members of Congress or the staff would be there just for observation purposes.

Let me suggest that if our being in the room jeopardizes the outcome, then

we would not be allowed to attend the Supreme Court when some of the most important cases are tried across the street. But Members of Congress and their staff regularly sit in and listen to the arguments that are made.

The fact is, Congress should not have to wait to be informed of how FDA's public health mission could be strengthened and improved on behalf of patients. By having the option to attend the negotiations, Congress and its staff would gain invaluable insight into how Congress can work with the FDA to ensure the agency is fulfilling its public health mission on behalf of patients.

Congress has a critical role to play in the process. When the negotiated user fee agreements arrive on our doorstep, we are expected to take them up, and we are expected to pass them quickly without change. Let me say that again. We are expected to take them up, we are expected to take them up quickly because we do not want to break the continuity of the user fee agreements, and we are expected to do it without change, because to change those agreements would be to break what was negotiated.

Let me suggest to my colleagues: This is the only time in the legislative process where Congress is asked to take somebody else's negotiated product and not to provide the input of two Senators from every State or every Member of the House of Representatives. It completely goes around the structure, the legislative structure, of the Congress of the United States—something that has been tested and tested for hundreds of years.

So Congress is told to tiptoe around the agreements, and we focus our efforts on belt-and-suspender policies to complement the agreements. This does not make for the most deliberative process in considering how Congress can work with the FDA and industry to strengthen and improve FDA's drug and device work.

As a matter of fact, I would say to my colleagues, as we talk about health care policy in this institution, where our goal today is how we reduce the overall cost of health care, remember, as we sign off on this user fee agreement, every dime that is transferred from the industry to an agency means industry is going to have to raise the price of its products to accommodate what they are paying.

What are we here doing? We are raising the cost of pharmaceutical products, devices, and for the first time we are raising the cost of generics because an industry has negotiated something outside of the walls of the Congress of the United States.

FDA faces unprecedented challenges today—challenges we could not have envisioned a generation ago. The agreements and many of the provisions in the Senate bill are intended to help ad-

dress these real challenges the agency is facing.

But I ask my colleagues this, in closing: What if they do not? What if they do not address the challenges? What if now generic drugs become more expensive than some people can pay because of this agreement? That is why it is absolutely crucial that Congress play a part in this role to balance this policy.

Where will we be in 5 years when it is time to renegotiate this agreement? Well, I hope we are in a much better situation than we are today, that we actually have the right matrix in place through this legislation—not something that was negotiated between the FDA and the industry but something that the Senate of the United States put into this language that gives people on both sides of the aisle the ability to have a yardstick of measurement of success. Did the agency live up to what they promised the industry and, more importantly, does that compute to a beneficial product for patients across this country? I hope that is what we will find 5 years from now. It is what we have tried to construct in a very difficult and challenging piece of legislation.

I will tell my colleagues, this is not an amendment I will ask for a vote on. At the end of the day, the reality is this probably upsets the apple cart a little too much. But I think it is absolutely crucial that somebody ask the questions of how can Congress legitimately stand here and allow something this complex and this important to be negotiated without the input, the full input of the Congress of the United States.

Again, I conclude the same way I started: I think Chairman HARKIN and Ranking Member ENZI have done a magnificent job of navigating a very difficult issue, and they deserve a tremendous amount of credit for taking a negotiated product and incorporating what I think are some very positive changes that make this a better product than was negotiated by the private sector and the agency.

My only wish is that the next time we do this, we will not have to try to figure out why certain things happened in the negotiations, we will be privy to those negotiations, and we will better understand collectively how we can take an agency and an industry and public policy and move it in a situation where the American patients are the beneficiaries of it in a much more effective way than I think we have today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the Senator for his comments and his insight and his idea. I appreciate that we are not going to be voting on this one right away because I think this needs a little time to germinate. I

think it is something that, as people look at it and think about it, they will recognize the value there would be if we had more insight into what the negotiations were—not just on this but perhaps on regulations that are being done as well.

I want to thank the Senator, though, for the way he has dug into the entire user fee bill and made some very substantial changes in a number of other places. I do not know of anybody who works as hard on the medical issues as does Senator BURR, and understands it, and gets into some of the details. And, of course, he worked all of these when he was in the House and now works them in the Senate, and is our foremost expert on any of the pandemic issues and was very successful earlier in the year in getting that bill through the Senate. He has been very cooperative on the other amendments which are now a part of the bill that we will not be voting on because they are already in there. I appreciate this one more suggestion and suggest that is something we should take a look at.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I join Senator ENZI in thanking Senator BURR for being not only a very valuable member of our committee but I would say the Senator's fingerprints are a lot on this bill we have before us. He has worked very hard on this bill and I think helped to improve it every step of the way over the last year.

I was looking through the list of different things here. Senator BURR was one of the leaders in our working group on the supply chain, which we have in this bill to make sure those things coming from other countries have good manufacturing practices on them and we can keep track of them.

The provision of clarifying the "least burdensome" standard on clinical data for device approval was also the result of the Senator's hard work. The Senator was also in the working group on the GAIN bill regarding antibiotic incentives for getting more incentives for new antibiotics. And there was a Burr-Coburn bill regarding enhanced reporting requirements for FDA, and that basically is also included in the bill we have in front of us.

So in every respect, the Senator from North Carolina is a great member of our committee, a very valuable member of our committee. As I said, we are looking at the amendment he has now brought up, and I am sure, as Senator ENZI said, we will be talking about this in the next few hours and going into tomorrow. But I again want to pay my respect to the Senator from North Carolina and thank him for all the hard work he has done on this bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota is recognized.

Mr. FRANKEN. Thank you, Madam President.

Madam President, I wish to thank my friends on both sides of—

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Madam President, an inquiry: Is the Senator bringing up—no, the Senator does not have an amendment pending.

Mr. FRANKEN. I wish to speak on the FDA bill.

Mr. HARKIN. The Senator wishes to speak on which amendment?

Mr. FRANKEN. Not on an amendment, just on the bill overall.

Mr. HARKIN. Madam President, how much time is remaining on the Grassley amendments, the amendments offered by the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes and the time in opposition is 15 minutes.

Mr. HARKIN. How much time does the Senator wish to take?

Mr. FRANKEN. Well, about 10 minutes.

Mr. HARKIN. I would ask that 10 minutes of the time in opposition to the Grassley amendment be allocated to the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRANKEN. I object to the Grassley amendment.

I am joking.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Thank you. I thank the Senator from Iowa for the time.

Madam President, I thank my friends on both sides of the aisle for their work on the legislation we are considering today. The Food and Drug Administration Safety and Improvement Act is not only among the most important piece of legislation we will consider this year, it is also the product of more than a year's hard work and negotiation.

This legislation will help support a culture of innovation in this country. It will help millions of Americans access the lifesaving medications and devices they need, when they need them. As a member of the HELP Committee, I am proud of the bipartisan bill before us today and look forward to passing it into law.

Let me tell you why. Of course, the Presiding Officer spoke so eloquently about this bill earlier. The Presiding Officer does not have to know why, but let me tell you a story about a little girl in Minnesota—from our State—named Josie.

Josie seemed perfectly healthy when she was born, but at 9 months of age Josie's parents found out she had a rare congenital heart disorder, a condition with the scary name of "atrial septal defect," which means she had a hole in

the wall between the upper two chambers of her heart.

When the doctors tested her, they found Josie had not one, not two, but three holes in her heart. It became clear that what was originally a fairly simple surgery to repair the hole was actually a lot more complicated.

But Josie was lucky. Josie's parents live in Minnesota, and Josie's doctor, Dr. Daniel Gruenstein, works at the University of Minnesota. Dr. Gruenstein was able to operate on Josie's heart because he had a brandnew device the FDA had approved only months before. The device, which was also developed in Minnesota, saved Josie's life. Because of this procedure, Josie was acting like her same old silly self the very night of her operation, and she walked out of the hospital the next day.

A few years later when Josie's little sister Jenna was born with the same congenital heart defect, Dr. Gruenstein repaired her heart using the very same device. But too many children like Josie and Jenna are not so lucky. Too many children do not have access to the medical technology they needed to save their lives or to prevent their illness or to help them recover from their rare condition. That is because too many medical devices get stuck or delayed in the agency that regulates our medical technologies. It is because we do not do enough to support a culture of innovation in this country.

The Food and Drug Administration has a tough job. The technologies they regulate are moving at the speed of light, and they do not have the workforce or the expertise to know everything about every new treatment.

In fact, the number of annual 510(k) submissions—that is the most common kind of new device application the FDA receives—has quadrupled since 1976. That is why when the HELP Committee sat down to develop this legislation, we agreed we had to streamline the FDA's processes and make them more efficient. We agreed we had to do more to support a culture of innovation which will help manufacturers get safe technologies and treatments to patients. That is exactly what the bill does. I thank both the chairman and the ranking member.

It requires the FDA to stop using "FDA days" and start using regular calendar days like everyone else. It lifts restrictive constraints on the FDA's consultation with outside experts, something the Presiding Officer knows well—outside experts such as are at the University of Minnesota. It creates new incentives for manufacturers that develop treatments for people with rare diseases and conditions like Josie's and Jenna's. These provisions will support innovation and will remove redtape from the process.

The three provisions I championed are included in this legislation in addition to the base bill which we negotiated as a committee. The first provision will strengthen the Food and Drug Administration's workforce by removing overly restrictive requirements that keep the FDA from consulting with outside experts, again something the Presiding Officer has been a leader on as well. This provision will change the rules that keep the FDA from talking with many outside experts. It will make these rules consistent with those of all other agencies, including the National Institutes of Health, so as the FDA's experienced workforce retires, the FDA will be able to consult with leading experts when they are reviewing a new technology or a new treatment for a rare disease.

This provision will give the FDA the flexibility it needs to consult with experts and keep patients safe, and at the end of the day that means more patients will get the health care they need.

The second provision will require the FDA to remove new and burdensome guidance on the industry that could triple the number of required new submissions for existing devices. This provision, which Senator BURR from North Carolina also championed, will prevent this guidance from overburdening both the industry and the FDA, which could have caused innovation to come to a screeching halt.

My third provision will help companies develop innovative new products for patients across the country with rare conditions. According to the National Institutes of Health, 25 million Americans struggle with a rare disease, and these patients have to jump hurdle after hurdle to get the care they need. Many of them will go from doctor to doctor for years before they find a specialist who understands their condition.

If you live in rural Minnesota, you may have to drive hundreds of miles to find a doctor who can help you. Even for patients who find the right doctor, too often the treatment for their condition does not exist, or has not been approved. So my provision will reward companies that choose to develop treatments for patients with rare diseases.

We did this in 2007 to help companies develop devices for children with rare conditions, and we saw the number of devices that companies developed quadruple in a few years. This provision will help get treatments to adult patients with rare conditions in Minnesota and around the country and around the world.

Minnesotans know what it means to foster a culture of innovation. Our manufacturers have developed new treatments for everything from skin lacerations to brain aneurysms. This bill will go farther to support this kind

of innovation by streamlining the processes that are currently impeding investment in new technologies and making the FDA more efficient and predictable.

This legislation will help patients in Minnesota access the medical technologies they need, just like Josie and Jenna. And in a time of economic hardship, it is an investment in one of our country's strongest industries, one of our State's strongest industries. This bill is a step toward a healthier future for our country. I look forward to making sure it becomes part of our law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 2108

Ms. MURKOWSKI. Madam President, I ask unanimous consent to call up amendment No. 2108.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. BEGICH, Mr. MERKLEY, Mr. SANDERS, Mr. LEAHY, and Ms. CANTWELL, proposes an amendment numbered 2108.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit approval by the Food and Drug Administration of genetically engineered fish unless the National Oceanic and Atmospheric Administration concurs with such approval)

At the end of title XI, add the following:

SEC. 11. ANALYSES OF APPLICATION FOR APPROVAL OF GENETICALLY-ENGINEERED FISH.

Notwithstanding any other provision of law, approval by the Secretary of Health and Human Services of an application submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) for approval of any genetically modified marine or anadromous organism shall not take effect until the date that the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, approves such application using standards applied by the Under Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which shall include a Regulatory Impact Review required by Executive Order 12866 (58 Fed. Reg. 51735) and Initial Regulatory Flexibility Analyses required under chapter 6 of title 5, United States Code (commonly referred to as the "Regulatory Flexibility Act").

Ms. MURKOWSKI. Madam President, I rise today to speak to an amendment we will have on the floor tomorrow afternoon. This is an amendment that certainly has generated a fair amount of interest within my State, in fact, most of our coastal States, anywhere where we have an interest in seafood and the seafood industry. It has been kind of unceremoniously dubbed the frankenfish amendment, so my apolo-

gies to my colleague who just yielded the floor to me. Certainly no affront to him.

But what we are speaking about today is genetically engineered salmon. It has been somewhat affectionately dubbed frankenfish because of the images this genetically engineered fish conjures up, a fish that would literally be growing in size, doubling in size, unlike the fish we see in our streams and in our waters.

What is happening today is the FDA is on a path to approve an application for this genetically engineered fish. I want to discuss the amendment I have filed which would require NOAA to conduct a full environmental assessment and analysis of economic impact to affected fisheries before the FDA approves any of these genetically engineered fish.

I start my comments by saying I am not looking to pull the plug on the FDA. I am not looking to insert Congress's judgment into the FDA process. I am asking that when we are talking about basically a new fishery for a modified salmon, I am asking the agency that is tasked with our fisheries have some role in what is moving forward. So let me give you a little background in terms of what we are talking about with this genetically engineered fish, this frankenfish. This would be a fish, an Atlantic salmon, that has DNA spliced from a Chinook salmon with that of what they call an ocean pout, which is some kind of an eel type of a fish that apparently is in colder waters. But the technology the FDA is looking at that would allow for this genetic engineering would essentially provide for a fish that would grow to market size in about half the time of a conventional salmon. In other words, a salmon out in the wild takes about 30 months to gain full maturity. With this frankenfish, this genetically modified salmon, they could be of good market size, basically good eating size, within about 15 to 18 months.

You are thinking, okay, well, how can this be bad? We get a salmon that looks like a salmon, and it comes to us in half the time. So how can this be a bad thing? I wish to share with you why I feel this is a bad thing. When I am talking, you will hear me talking about salmon, because that is what the FDA process is engaged with right now. But I will tell you we understand that similar efforts are underway to develop a genetically modified trout, as well as a genetically modified tilapia, again, designed to grow faster than occurs in nature and out in the wild.

The pending application for the salmon would be the very first food from a transgenic animal that has been approved by the FDA, so this is precedent setting. People have suggested that, well, we see this in other forms of agriculture. But the fact is this would be

the first food from a transgenic animal application that has been approved by the FDA, so this is quite precedent setting.

What is happening is this approval process for the genetically engineered fish continues to move forward as a new animal drug, rather than what it is, what I mentioned before, which is a new fishery for this modified salmon, this salmon that has been tinkered with, basically a test-tube salmon.

Here are the reasons why I think this is a bad thing, to be messing with Mother Nature, to encourage this unnatural growth. We heard on the floor this morning—the Senator from New Jersey and the Senator from New York both stood and talked about a measure that is out there, the march that was out on the Capitol yesterday, mothers concerned about toxins in the food supply, toxins in the world around us, and knowing what is out there, knowing what we are exposed to.

Well, I, along with many consumers out there, am concerned about genetically engineered animal products that are intended for human consumption, including those that are in our marine resources. I am not the best cook in the family; my husband is. But I want to know, he wants to know, our kids want to know, that what we are eating is good and safe and sound.

At home, we eat a lot of salmon. I can stand there and tell my kids: Eat this. This is brain food. This is good for you. It is loaded with omega-3 fatty acids. It is as good as you can possibly get. I can say that with certainty.

We cannot say that, we will not be able to say that with this genetically engineered fish. As a mom, I am not going to say to my kids: Eat this Frankenfish. Not quite sure what an eel pout is or an ocean pout; not quite sure how they splice this DNA together; not quite sure whether they have made it sterile.

We are not quite sure what it is, but it came to market quickly, and we are going to be able to get a cheaper price on it. I think we want to know.

The scary thing with the FDA right now is that they are reluctant to label genetically engineered products, even though it allows the public to know what they are eating. The data out there is pretty clear that there are higher human allergen effects with genetically engineered fish. If you are a mom and your kids have allergies, are you going to look at this fish and say: I wonder if this is going to set allergies off. No. You are going to stay away from it. You will not serve that to your kids or your family even though you know the wild stuff is good and healthy. But how do you know which is which if the FDA isn't moving forward to label and you are not quite sure that what you are buying in the grocery store is as advertised? How are we helping the consumer here?

The first problem I have is that this is, again, a product that is intended for human consumption, and we have some real concerns about the safety of the food in the first place. Second—and this is one that, as an Alaskan, where we have very strong fisheries, very healthy fisheries, I worry about what will happen if, in fact, there was escapement into the wild by these genetically engineered fish. You have a Frankenfish that gets loose. They will tell you: They are going to be in pens, and we will make sure there is no escape. How can they make sure we are not going to see escapement? We have seen that, clearly, from the farm fish that mingle with the wild stock. We see the disease that can be transmitted. How is any of this good? Even though the genetically engineered fish supposedly is going to be kept in on-shore pens, the possibility of escape is recognized, it is out there, and it exists.

Then you are going to have these genetically engineered fish that will breed year-round. They are also going to be eating year-round. They are going to be feeding year-round. What you can very possibly see is this competition with the wild stock. They will compete with one another for the food the species feeds on, and they will wreak havoc with the ecosystem. So you can introduce—granted, not intentionally—into the ecosystem that fish that just doesn't work with our wild stock. Unlike hatchery produced fish, genetically produced fish would reportedly be sterilized and their hormones altered. But many scientists believe that the FDA testing to confirm the agricultural safety and sterilization of these fish is deficient. We see this in the CRS report that has looked specifically to this issue.

Unlike other agricultural products, if you have an escape of Frankenfish, it would be to an uncontrolled marine environment, exposing valued ecosystems to associated risks. If you have a cow that has been genetically modified and that cow is on land and gets out of the pen, you have more ability to control that. You don't have the ability to control in a marine environment. It is just not possible. So what is happening is that we are putting at risk the health and safety of our wild stock. Unacceptable.

Third, many find the FDA process for approving an animal product intended for human consumption as it would a veterinary drug to be insufficient. It lacks the robustness and transparency one would expect for a product that would be treated as a substitute for fish that is currently on our dinner plates in this country today.

The CRS report which I just mentioned will be introduced for the RECORD. It is a report by CRS, dated June 7 of last year, titled "Genetically Engineered Fish and Seafood: Environmental Concerns."

One of the concerns raised in this report is this:

A National Research Council report stated that transgenic fish pose the "greatest science-based concerns associated with animal biotechnology, in large part due to the uncertainty inherent in identifying environmental problems early on and the difficulty of remediation once a problem has been identified.

Our fishermen are very highly regulated, and any change to a Federal fishery, including a new GE fishery, should be analyzed for environmental effects and economic impacts to affected businesses and fishing communities. We are bringing NOAA in to be part of this process in this amendment.

The last point I will make on this is that there could be very significant economic consequences of approving genetically engineered fish. Historically, the entrance and growth of farmed salmon in the marketplace has had negative impacts on our salmon industry. We have an incredible abundance in the wild stocks, and we are very proud of it. The seafood industry in Alaska is our second largest employer, valued at \$500 million with salmon alone. But the concern is that, although we have very strong wild stocks, we could see the market respond with unreasonable fear and confusion to the introduction and growth of engineered fish, particularly if it is not labeled. This, in my opinion, could have a devastating economic impact on our fish industry and the jobs it supports, clearly at a time that our Nation can't afford it.

Some will come back and say: Hey, this is a new industry, it is going to create new jobs.

I will take you back to that CRS report. One of the things I find interesting is that it says:

To address these concerns, AquaBounty has proposed producing salmon eggs in Canada, shipping these eggs to Panama, growing and processing fish in Panama, and shipping table-ready, processed fish to the United States for retail sale.

They would ship these Frankenfish to the United States for resale. So basically we get all the harm, but we don't get any jobs. But what we are doing is putting at risk the existing jobs within the seafood industry in this country—priority No. 1.

I see that my time has expired.

I commend to my colleagues this CRS Report dated June 7, 2011.

I ask unanimous consent that two letters of support for my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMERS UNION,
Washington, DC, May 23, 2012.

Hon. LISA A. MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: Consumers Union, (CU) the advocacy and public policy

arm of Consumer Reports®, urges you to support Senator Murkowski's amendment to the Food and Drug Administration Safety and Innovation Act (S. 3187), which would require additional approval by the Secretary of Commerce of GE fish applications using standards applied by the Under Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Consumers Union has frequently spoken out on the issues and concerns surrounding the approval of genetically-engineered salmon for human consumption. Among our many concerns is that not enough research has been carried out to determine the increased potential of Aquabounty GE salmon to cause allergic reactions in humans. CU's Dr. Michael Hansen, a Ph.D. biologist, testified at the FDA hearing on this matter that Aquabounty's assessment of the potential for allergic reactions was based on just six (6) engineered fish. We believe that a much larger assessment involving hundreds to thousands of fish should be conducted. FDA has also indicated that once GE salmon are approved for human consumption, it does not intend to require labeling—a position CU strongly opposes.

We are also concerned about the potential environmental impacts of genetically-engineered fish, and particularly in regards to the impact that GE salmon would have on the wild Alaska salmon population. Alaska wild salmon is a tasty, healthful, low-cost, and low mercury canned fish alternative. Consumers Union recommends it for pregnant women and young children who should limit mercury intake. However, some studies have shown that if GE salmon were to escape into the wild, they could potentially have serious effects upon the wild salmon population.

Consumers Union urges you to support the Murkowski amendment, in order to ensure that GE fish applications undergo an additional environmental impact review. Should you have any questions, please do not hesitate to contact me at (202) 462-6262.

Sincerely,

IOANA RUSU,
Regulatory Counsel.

—
TROUT UNLIMITED,
Arlington, VA, May 22, 2012.

Re Support for Murkowski genetically engineered fish amendment to S. 3187

To: U.S. SENATE

On behalf of Trout Unlimited and its 140,000 members nationwide I write to urge you to support the Murkowski amendment to ensure adequate study of genetically engineered fish prior to FDA approval. The amendment to S. 3187 prohibits approval by the FDA of genetically engineered fish unless NOAA concurs with such approval.

The acute need for this amendment is illustrated by the flawed process currently being used to review an application for commercial production of genetically modified salmon. AquaBounty Technologies has requested FDA approval for the production and marketing of genetically modified Atlantic salmon as a new animal drug. Asking the FDA to consider impacts to wild salmon is like going to a chiropractor to get your eyes checked. The FDA's pending decision has extraordinary implications for wild salmon, yet the agency with a mission to conserve and manage wild salmon—NOAA—has not been asked to analyze potential impacts, and does not have a say in the final decision. The Murkowski amendment simply states that the agency with expertise in the affected resource, NOAA, must be involved in a decision

that could profoundly impact anadromous fish.

Trout Unlimited's mission is to conserve, protect and restore North America's trout and salmon fisheries and their watersheds. We work to protect healthy runs of wild salmon in places like Alaska's Bristol Bay, and restore depleted runs through habitat restoration projects on the Atlantic and Pacific coasts. Wild salmon and other anadromous fish are too important commercially, recreationally, and culturally to be put at risk by decisions that failed to adequately consider the potential impacts.

Trout Unlimited strongly supports the Murkowski amendment, and encourages you to vote Yes when the amendment is offered.

Sincerely,

KEITH CURLEY,
Director of Government Affairs.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 2125

Mr. CARDIN. Madam President, I ask unanimous consent that the pending amended be set aside so that I may call up amendment No. 2125.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 2125.

The amendment is as follows:

(Purpose: To ensure that adequate information is disseminated to health care providers and payors about the potential benefits and risks of medical products on all patient populations, particularly underrepresented subpopulations, including racial subgroups)

At the end of title XI, add the following:

SEC. 11. ENSURING ADEQUATE INFORMATION REGARDING PHARMACEUTICALS FOR ALL POPULATIONS, PARTICULARLY UNDERREPRESENTED SUBPOPULATIONS, INCLUDING RACIAL SUBGROUPS.

(a) COMMUNICATION PLAN.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall review and modify, as necessary, the Food and Drug Administration's communication plan to inform and educate health care providers, patients, and payors on the benefits and risks of medical products, with particular focus on underrepresented subpopulations, including racial subgroups.

(b) CONTENT.—The communication plan described under subsection (a)—

(1) shall take into account—

(A) the goals and principles set forth in the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities issued by the Department of Health and Human Services;

(B) the nature of the medical product; and

(C) health and disease information available from other agencies within such Department, as well as any new means of communicating health and safety benefits and risks related to medical products;

(2) taking into account the nature of the medical product, shall address the best strategy for communicating safety alerts, labeled indications for the medical products, changes to the label or labeling of medical products (including black box warnings, health advisories, health and safety benefits and risks), particular actions to be taken by healthcare professionals and patients, any information identifying particular sub-

populations, and any other relevant information as determined appropriate to enhance communication, including varied means of electronic communication; and

(3) shall include a process for implementation of any improvements or other modifications determined to be necessary.

(c) ISSUANCE AND POSTING OF COMMUNICATION PLAN.—

(1) COMMUNICATION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue the communication plan described under this section.

(2) POSTING OF COMMUNICATION PLAN ON THE OFFICE OF MINORITY HEALTH WEBSITE.—The Secretary, acting through the Commissioner of Food and Drugs, shall publicly post the communication plan on the Internet website of the Office of Minority Health of the Food and Drug Administration, and provide links to any other appropriate webpage, and seek public comment on the communication plan.

AMENDMENT NO. 2141

Mr. CARDIN. Madam President, I ask unanimous consent that that amendment be set aside so I may call up my amendment No. 2141.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] for himself, and Ms. LANDRIEU, proposes an amendment numbered 2141.

The amendment is as follows:

(Purpose: To require the Commissioner of Food and Drugs to report to Congress on issues with respect to small businesses)

At the end of title XI, add the following:

SEC. 11. REPORT ON SMALL BUSINESSES.

Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs shall submit a report to Congress that includes—

(1) a listing of and staffing levels of all small business offices at the Food and Drug Administration, including the small business liaison program;

(2) the status of partnership efforts between the Food and Drug Administration and the Small Business Administration;

(3) a summary of outreach efforts to small businesses and small business associations, including availability of toll-free telephone help lines;

(4) with respect to the program under the Orphan Drug Act (Public Law 97-414), the number of applications made by small businesses and number of applications approved for research grants, the amount of tax credits issued for clinical research, and the number of companies receiving protocol assistance for the development of drugs for rare diseases and disorders;

(5) with respect to waivers and reductions for small business under the Prescription Drug User Fee Act, the number of small businesses applying for and receiving waivers and reductions from drug user fees under subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.);

(6) the number of small businesses submitting applications and receiving approval for unsolicited grant applications from the Food and Drug Administration;

(7) the number of small businesses submitting applications and receiving approval for solicited grant applications from the Food and Drug Administration;

(8) barriers small businesses encounter in the drug and medical device approval process; and

(9) recommendations for changes in the user fee structure to help alleviate generic drug shortages.

Mr. CARDIN. Madam President, I rise to discuss the FDA Safety and Innovation Act, the bill now under consideration here in the Senate.

I applaud Chairman HARKIN and Ranking Member ENZI for their leadership in moving this critical legislation through the HELP committee, and now to the Senate floor.

As an agency of the Department of Health and Human Services, the FDA has as part of its broad mission to protect Americans' health by assuring the safety of drugs, biologics, medical devices, our Nation's food supply, vaccines, tobacco, cosmetics, and animal food and drugs. Every single day, every single American depends on the vital work of FDA's employees.

There is a second key element to the FDA's work—helping to speed innovations to the marketplace through the drug, biologic, and medical device approval process. It's that component of the FDA's mission that we are addressing this week—reauthorizing the user fees that help fund the approval process.

I'm proud of the FDA's workers—the majority of the agency's more than 11,000 employees are based at its headquarters in Silver Spring, MD. It's there that the process of medical innovation, which begins at NIH with basic research, is completed as lifesaving drugs and medical devices are approved for use.

A recent report from the IMS Institute for Healthcare Informatics found that in 2011 “medicines with new mechanisms of action were launched in greater numbers than in prior years, with many representing significant breakthroughs and first-time therapies became available to treat several types of cancer, multiple sclerosis, hepatitis C, and cardiovascular conditions.”

At the same time, we know that greater resources are needed for the agency to be able to fulfill its mission in a timely and effective manner. For all of our Nation's investment in health care research, additional new medicines will not reach patients promptly unless the FDA has the necessary funds to perform its regulatory duties.

That's why the user fee amendments are so important. This 5-year reauthorization bill is Congress' opportunity to improve and update the regulatory process, and augment appropriations so that the agency can achieve its goals.

The purpose of the user fee program is to reduce the time in which FDA can review and make decisions on marketing applications. Lengthy review times affect drug and medical device manufacturers, who face delays in bringing their products to market, and

more importantly they affect patients, who face delays in receiving needed treatments and cures.

The bill reported out of committee will move us forward. It will reauthorize the prescription drug user fee program, PDUFA, through October 1, 2017.

This is necessary so that the Federal Government can continue to collect application, establishment, and product fees from drug companies to support the review process for the next five years.

It will also reauthorize the medical device user fee program, MDUFA, through 2017 as well, and in an effort to ensure that the FDA's personnel needs are met, it would authorize a streamlined hiring of employees. Additionally, the Critical Path Public-Private partnerships, which are so important in encouraging medical product innovation, are reauthorized through 2017.

Two new user fee programs are established in the bill for generics and one for biosimilars. It's estimated that the monies generated from the generic user fee program will enable the FDA approval time for generics to be shortened from the current time frame of 30 months to 10, speeding savings to patients and to all taxpayers, as Medicare, Medicaid, and CHIP programs will reap considerable cost savings.

The base bill takes key first steps toward resolving the vexing issue of drug shortages. I want to acknowledge Senator KLOBUCHAR's work in this area.

All of us have heard from our community hospitals and physicians about the anguish they feel when they cannot secure medicines necessary to treat the patients in their care. I certainly have, and I have also heard from patients themselves who cannot fathom how such shortages could occur.

Carey Fitzmaurice of Bethesda, who is undergoing treatment for ovarian cancer, wrote to me:

My doctor put me on Doxil and carboplatin to try to get rid of some tumors. Doxil was chosen because of recent research showing that it works especially well in those patients with the BRCA gene, like me.

I had four treatments with both drugs and was responding very, very well. I have now missed three doses of Doxil due to the shortage. I am “treading water” with the Carbo but am frustrated that I am no longer making progress towards remission. Then there is all of the stress involved with the shortage—not knowing if there is anything I can do, or what will happen next or how long I will be in treatment.

I am trying to continue to be a wife and mother and to hold down a job. This shortage is adding insult to injury. I wonder why we are being asked to raise money to find cures when we can't even get access to the cures that exist now.

Carey is one reason why I am a cosponsor of Senator KLOBUCHAR's bipartisan bill, the Preserving Access to Life Saving Medications Act, and I am pleased that the bill's early notification requirement provisions are included in the PDUFA bill we are con-

sidering today. It also requires the Secretary to establish a task force and create a strategic plan to address shortages.

This is also an urgent matter because shortages affect the ability to conduct clinical trials. Senator ROCKEFELLER and I worked together some years ago to get Medicare beneficiaries coverage for the routine costs associated with clinical trials.

As a result of Senator BROWN's work on the Affordable Care Act, insurance companies now must also cover the routine costs of trials. Access to trials often means the difference between life and death for cancer patients, and the availability of trials has enormous implications for the effectiveness of treatments for all patients going forward. There are more than 150 cancer clinical trials being conducted now at the NIH Clinical Center in Bethesda.

But the impact of shortages on clinical trials has not received a great deal of attention outside the research world. It is an extremely important issue for Medicare beneficiaries, who have the highest rates of cancer incidence. Cancer trials do not usually use placebos.

Rather, they compare standard of care drugs, versus, or in combination with, the experimental drug.

Doctors face difficult choices when the standard of care drug is in short supply. They must decide whether to use the limited supply of an existing drug to treat new patients, or use it in clinical trials to help find a cure for those who are seeking new therapies. Cancer trials have been delayed, limited the number of patients enrolled in the trial or stopped the trial entirely because there is simply not enough of the standard of care drug.

So I am pleased that the bill contains language requiring the Secretary's strategic plan to considering the impact of drug shortages on research and clinical trials.

The Finance Committee held hearings on drug shortages earlier this year as well, and we learned that the majority of shortages are found in the generic drug market. Some are due to a lack of raw materials, while others occur because the drugs yield lower profits than newer generics, and the interest in continuing to market those drugs is no longer there.

The notification language in this bill is a good start, but I believe it should be strengthened to better ensure compliance, and so I have cosponsored Senator BLUMENTHAL's amendment establishing civil monetary penalties for manufacturers who knowingly fail to notify the FDA of shortages for essential medicines.

I express my appreciation to Senator PRYOR for his leadership on nanotechnology. I am pleased to join him in this effort and am hopeful that the language we have sponsored can be included in this bill.

Nanotechnology has become increasingly indispensable in our daily lives—everything from cellphones and MP3 players, to packaging of our snack foods, to cancer treatments in development employ the use of nanotechnology.

As this burgeoning technology continues to power more of our consumer products and drive job creation in America, it is essential that we fully assess, understand, and address any risks that it may pose to safety, public health and our environment.

By soundly assessing the safety of nanotechnology and developing best practices, the Nanotechnology Regulatory Science Act of 2011 will further job creation, public safety and growth in the industry.

Our bill would establish a program within the FDA to assess the health and safety implications of using nanotechnology in everyday products, and develop best practices for companies using nanotechnology. This new program would bring more highly-skilled research jobs to Maryland.

FDA's laboratories and research facilities at its consolidated headquarters are ideally suited to conduct the scientific studies required under the bill.

The USDA's Beltsville Agricultural Research Center, BARC, is similarly equipped to provide innovative scientific technology, training, methods development, and technical expertise to improve public health.

Lastly, I urge my colleagues to support language addressing the lack of available information on the benefits and adverse effects of drugs and medical devices for minority populations.

Today, warnings and safety precautions are included as part of the initial approval by the FDA. The Agency may also require them post approval—after the drug has been approved and sold for months or years. We know that additional side effects or risks may become known once a product is in the market and a much larger, diverse patient population is using it.

Ideally, a detailed conversation between physician and patient about the risks versus the potential benefit of taking a drug would always take place in a timely and informed manner. However, this is not always the case and is especially true if the warning is added after drug is initially prescribed and been on the market for an appreciable time period.

The randomized controlled trials used by the FDA when reviewing new drug applications, while the gold standard for examining efficacy, do not necessarily reflect the overall population for a variety of reasons.

For example, members of minority groups are generally underrepresented in clinical drug trials even though they are disproportionately affected by diseases such as diabetes, hypertension,

colorectal, prostate and cervical cancer, stroke, congestive heart failure, acute coronary disease, and asthma.

We know that there are racial and ethnic differences in responses to pharmaceuticals, and they may not become known until the drug is in wide use, certainly beyond the constraints of a controlled clinical trial.

In today's world, post-approval surveys and studies are becoming more prevalent, and our ability to discern the effect of a drug over time on a variety of patient types is significantly improving. This information should be made available in a variety of ways to ensure that it reaches physicians, payors and patients, and I have filed an amendment that would greatly improve access to this information.

It would build on the current HHS "Strategic Action Plan to Reduce Racial and Ethnic Health Disparities" by directing the Secretary to develop a communications plan to "address the best strategy for communicating safety alerts, changes to the label or labeling of drugs, including black box warnings, biological products or devices, health advisories, any information identifying particular subpopulations, and any other relevant information as determined appropriate to enhance communication, including varied means of electronic communication."

This amendment has the support of the chairman and the ranking member, as well as the FDA and BIO, and I urge the Senate to adopt it.

Mr. President, PDUFA reauthorization is essential to furthering the Nation's health, bringing the medical innovations conceived by researchers and entrepreneurs into practice, and creating jobs. I look forward to working through the process to improve this bipartisan legislation.

Again, I thank and congratulate Senator HARKIN and Senator ENZI for their incredible work in bringing forward this bill that is so important to the public health of our Nation. We are dealing with the safety of drugs, biologics, medical devices, our Nation's food supply, vaccines, cosmetics, and the list goes on and on. It is critically important that we have the proper authorization so that the FDA has the resources it needs to advance innovation into the marketplace, products that fall within the jurisdiction of the FDA.

We know that the basic research has gone on at NIH. To get products to market, it is important that the FDA have the resources in order to move the process forward. I am proud of the 11,000-member workforce headquartered in Silver Spring, MD, for the FDA. They work very hard. This reauthorization legislation of the user fees will give them the tools in order to get the job done. I am particularly impressed that this is a 5-year reauthorization bill that will give them predictability, which is needed in order to get the job done.

I applaud Senator HARKIN and Senator ENZI. We don't see enough of these bills moving forward with the type of process our leaders have brought forward. They have resolved a lot of the issues, and we thank them for that. They have brought us a bill that enjoys broad bipartisan support and is in the best interest of our Nation. I am proud to support this legislation, and I thank them for the manner in which they have proceeded in committee and now on the floor.

Also, I point out that this bill deals with the drug shortage issues. I applaud the occupant of the chair, Senator KLOBUCHAR, and her efforts in dealing with those issues. We need more effective notification of potential shortages so that we can take appropriate action to make sure the people of this Nation have an adequate supply of medicines.

Let me share with my colleagues a letter I received from Carey Fitzmaurice of Bethesda, MD, who is undergoing treatment for ovarian cancer. She wrote:

My doctor put me on Doxil and carboplatin to try to get rid of some tumors. Doxil was chosen because of recent research showing that it works especially well in those patients with the BRCA gene, like me.

I had four treatments with both drugs and was responding very, very well. I have now missed three doses of Doxil due to the shortage. I am "treading water" with the Carbo but am frustrated that I am no longer making progress towards remission. Then there is all of the stress involved with the shortage—not knowing if there is anything I can do, or what will happen next, or how long I will be in treatment.

I am trying to continue to be a wife and mother and to hold down a job. This shortage is adding insult to injury. I wonder why we are being asked to raise money to find cures when we can't even get access to the cures that exist now.

That is a frustration that is out there on drug shortages. I am very pleased that this legislation will move us in the right direction in answering that question.

It doesn't only affect those under active treatment, it also affects a number of clinical trials. There are currently about 150 clinical trials at NIH involving cancer and trying to find answers and cures for cancer. The problem is that on these clinical trials they don't use placebos, they use the current drug therapy that is known for the treatment against an experimental process. If there are not enough drugs available to treat people for the current protocols, how can those drugs be used in a clinical trial. As a result, we are finding it very challenging to move forward with the clinical trials that are needed. This legislation recognizes that concern and specifically deals with it. I congratulate the committee leadership for addressing that issue.

I also will mention one other issue: nanotechnology. I congratulate Senator PRYOR for his leadership in this

area. Programs at FDA to access health safety facts and using nanotechnology in everyday products is something we need to do. This legislation advances that. I point out that I am proud that the lab facilities at the FDA are fully capable of dealing with the challenges presented by nanotechnology. This legislation acknowledges that.

We also, in Maryland, are proud of the Beltsville Agricultural Research Center, which will advance nanotechnology and the impact it has on everyday products and safety. Those issues will be addressed also by the underlying bill. We very much appreciate the leadership of the committee.

Let me talk for a moment about the two amendments I have brought forward. Amendment No. 2125 deals with safety warnings, particularly as they affect the minority community. Clinical trials don't always represent the diversity of our community. We know there is underrepresentation of minorities within clinical trials. Quite frankly, when the FDA gives approval, they give approval to the known risks, as I am sure you are all aware, but it doesn't always represent the impact on all communities. We also know there are racial and ethnic differences in response to pharmaceuticals, and they may not become known until the drug is in wide use, certainly beyond the constraints of a controlled clinical trial. So we do have the initial approval of FDA that includes the known risks, but we also have the capacity under FDA to do postapproval warnings. My amendment deals with that aspect.

Health and Human Services has a strategy to deal with minority health and health disparities. It is called the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities. We also now have an institute at the National Institutes of Health that deals solely with minority health and health disparities. We have a commitment to do a better job as a nation in dealing with minority health disparities. This amendment would help us move forward in that regard.

One particular drug that is used to treat an inflammatory disorder has been determined by several studies to have a mortality risk that is three times higher for African-Americans than the general public. However, it is still widely prescribed, and ads for the product on the Internet and on television prominently feature African-American actors.

This is an area in which the National Medical Association and many other groups concerned about the quality of minority health have focused on for years. Beyond the black box warning, which is the most serious warning that can be issued about the side effects of approved drugs, there are other concerns about products that are mar-

keted for the overall population that may have side effects, but the specific data has not been developed yet to warrant a black box warning.

The amendment I have offered directs the FDA to develop communication plans to address the best strategy for communicating benefits and risks, safety alerts, changes to the label or labeling of drugs, including black box warnings, biological products or devices, health advisories, any information identifying particular subpopulations, and any other relevant information as determined appropriate to enhance communication, including a variety of means of electronic communication.

I might point out this amendment has the support of the FDA and BIO, and it is budget neutral. So I would urge my colleagues to support this amendment to advance the commitment we all have made to deal with reducing and hopefully one day eliminating minority health disparities in our health care system. It is totally consistent with the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities at the Department of Health and Human Services.

The second amendment I have brought forward, amendment No. 2141, deals with small businesses. This is a very appropriate amendment, as it is being considered during Small Business Week. We all acknowledge the importance of small business in the growth of our economy. Two out of every three new jobs are created through small business. We get more innovation through our small businesses on a per-employee basis than we do through larger companies. It is critically important small businesses be energized if our economy is going to rebound, as we know it needs to.

This is particularly true as we deal with innovation in drug development or medical devices. My amendment deals with the issues of coordinating the work between the FDA and small business. It provides a listing of the staffing levels at the small business offices of the FDA so that we know the capacity we have and we can evaluate that. It is our responsibility to do that. It provides an overview of the status of partnership efforts between the FDA and the SBA. We want the two agencies, the Food and Drug Administration and the Small Business Administration, to be working in concert to advance the cause for small businesses as well as the mission of the FDA.

My amendment provides a summary of all outreach efforts to small businesses and small business associations. It details the number of small businesses receiving protocol assistance. It shows the number of unsolicited and solicited grant applications to small businesses, again, so we can evaluate that. Most importantly, it calls for the examination of existing barriers, par-

ticularly as it relates to the generic drug shortages.

It is interesting that with regard to the fee schedule, the FDA has the authority to do waivers as it relates to brand names. We know a lot of the generics are where we have our shortages because of the economics of the circumstances. But the SBA has limited ability to waive the fee structure as it relates to the general development of generic drugs. My amendment would ask the SBA to report back to Congress on what impact that has on small businesses being innovative in developing generic drugs to help us generally with less costly drugs that are available for treatment, but also to make sure we deal with the drug shortage issue, which I alluded to earlier.

This amendment is also supported by Senator LANDRIEU, the chairman of the Small Business Committee, on which I have the pleasure of serving. I urge my colleagues to support both amendments I have brought forward. I believe they only enhance the strength of the bill before us and are totally consistent with the work of the chairman and the ranking member of the committee.

With that, Madam President, I would again urge my colleagues to support both amendments and to support the underlying bill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, how much time remains on the two amendments offered by the Senator from Maryland?

The PRESIDING OFFICER. Six minutes for the majority on amendment No. 2125, and 15 minutes in opposition. For amendment No. 2141, 11 minutes in favor and 15 minutes in opposition.

Mr. HARKIN. Mr. President, I will speak on the time available for the amendments.

AMENDMENT NO. 2125

First of all, amendment No. 2125 will help ensure that health care providers, patients, and payers better understand the benefits and risks associated with drugs, especially with respect to those drugs by underrepresented subpopulations.

I believe this is an important and noncontroversial amendment. I hope we can support this amendment.

AMENDMENT NO. 2141

On the other amendment, No. 2141, which is the small business report, I think it is important FDA give small businesses a helping hand. I understand each FDA center has a small business

office and that each of FDA's five regional offices has a small business representative. This report the FDA would have to submit on the basis of the amendment offered by Senator CARDIN would provide Congress with more information about how FDA uses its resources for small businesses to help encourage small companies.

Again, I think this is another valuable addition to our bill and, hopefully, we can support that amendment also. So I thank the Senator from Maryland for his offering these two amendments and for what I consider to be improvements to the underlying bill.

I thank him very much for that.

Mr. President, again, I would say to the Members who may be in their offices that we still have some extra time before we will be adjourning this evening. Again, I would advise Senators that by at least 2 p.m. tomorrow, when the bell rings, we will be moving to voting, if not before then. So any Senator who has an amendment to bring up and who wishes to talk about it, I wish they would come to the floor and do that now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I would echo the comments of the chairman, and I, too, thank the Senator from Maryland for his amendments. I think everybody appreciates both those amendments and, hopefully, they will become a part of this bill.

I also appreciate all those who have come to speak this afternoon. I know there are still probably a couple of controversial amendments on which Senators should come and speak, and then we might have the possibility of moving some things up a little bit tomorrow so we can get this bill finished expeditiously.

So I hope if anyone has an amendment, they will come and use their time. I think we have a few minutes in opposition perhaps to two of the amendments that have been debated so far. But that is it, and then I think there are three controversial ones that are left to be debated. One of those has a significant amount of time allocated to it, but the others are limited to 30 minutes equally divided.

So I hope we can take care of some more of those this evening and get started on votes as soon as possible.

I yield the floor, and I suggest the absence of a quorum.

Mr. HARKIN. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2143

(Purpose: To amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, to prohibit employees of the Food and Drug Administration from carrying firearms and making arrests without warrants, and to adjust the mens rea of certain prohibited acts under the Federal Food, Drug, and Cosmetic Act to knowing and willful)

Mr. PAUL. Mr. President, I ask unanimous consent to call up my amendment No. 2143.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2143.

Mr. PAUL. Mr. President, I ask that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, May 22, 2012, under "Text of Amendments.")

Mr. PAUL. Mr. President, today I am offering an amendment to the FDA.

I am troubled by images of armed FDA agents raiding Amish farms and preventing them from selling milk directly from the cow. I think we have bigger problems in our country without sending armed FDA agents onto peaceful farmers' land and telling them they can't sell milk directly from the cow.

My amendment has three parts.

First, it attempts to stop the FDA's overzealous regulation of vitamins, food, and supplements by codifying the first amendment prohibition on prior restraint.

What do I mean by that? The first amendment says we can't prevent speech—even commercial speech—in advance of the speech. We can't tell Cheerios they can't say that there is a health benefit to their Cheerios.

Under our current FDA laws, the FDA says that if someone wants to market prune juice, they can't say it cures constipation. They can't make a health claim about a food supplement or about a vitamin. They can do it about a pharmaceutical, but they are not allowed to do it about a health supplement. I think this should change. There have been several court cases that show this goes against not only the spirit but the letter of the law of the first amendment. So this amendment would change that.

This amendment would stop the FDA from censoring claims about curative, mitigative, or preventive effects of dietary supplements. It would also stop the FDA from prohibiting distribution of scientific articles and publications regarding the role of nutrients in protecting against disease.

Despite four court orders condemning the practice as a violation of the first

amendment, the FDA continues to suppress consumers' rights to be informed and to make informed choices by denying them this particular information. It is time for Congress to put an end to FDA censorship.

Second, my amendment would disarm the FDA. Now, some of you might be surprised the FDA is armed. Well, you shouldn't be. We have nearly 40 Federal agencies that are armed.

I am not against having police. I am not against the Army, the military, or the FBI. But I think bureaucrats don't need to be carrying weapons, and I think what we ought to do is if there is a need for an armed policeman to be there, the FBI—who are trained to do this—should do it. But I don't think it is a good idea to be arming bureaucrats to go on the farms, with arms, to stop people from selling milk from a cow.

I think we have too many armed Federal agencies and that we need to put an end to this. Criminal law is increasingly used as a tool of our government bureaucracy to punish and control honest businessmen who are simply attempting to make a living. Historically, the criminal law was intended to punish only the most horrible offenses that everyone agreed were inherently wrong or evil—offenses like murder, rape, theft, arson. But now we have basically federalized thousands of activities and called them crimes.

If bureaucrats need to involve the police, let's have them use the FBI. But I see no reason to have the FDA carrying weapons.

Today, the criminal law is used to punish behavior such as even fishing without a permit, packaging a product incorrectly, or shipping something with an improper label. Simply said, the Federal Government has gone too far.

The plain language of our Constitution specifies a very few Federal crimes. In fact, the Constitution originally only had four Federal crimes, and now we have thousands of Federal crimes. We have moved beyond the original intent of the Constitution. We don't even know or have a complete list of all the Federal crimes. It is estimated there are over 4,000, but no one has an exact number.

Finally, my amendment will require adequate mens rea protection. In other words, when there is a crime, we are supposed to prove the intent. People have to have intended to harm someone. It can't be an honest mistake, where a business man or woman has broken a regulation and didn't intend to harm anyone. If we want to convict someone of a crime and put them in a jail, it should have a mens rea requirement. This is something we have had for hundreds of years that comes out of our common law tradition.

This amendment would fix this problem by strengthening the mens rea component of each of the prohibited

acts in the FDA Act by including the words “knowing” and “willful” before we address and accuse someone of a crime. I think this would give protection to folks who are guilty of inadvertently breaking a regulation and would keep from overflowing our jails. We have plenty of violent criminals without putting people in for honest breaches of regulations.

If Congress is going to criminalize conduct at the Federal level, as it does with the FDA Act, then the least it can do is have an adequate mens rea requirement. My amendment will attempt to do this. It is not that we will not have rules at the Federal level, but the rules ought to be reasonable. We ought to allow people to market vitamins. There is no earthly reason why someone who markets prune juice can't advertise that it helps with constipation. We have gone too far. We have abrogated the first amendment. What we need to do is tell the FDA the courts have ruled that the first amendment does apply to commercial speech, and the FDA has been overstepping their bounds.

I hope this amendment will pass. I will ask for the yeas and nays at the appropriate time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Kentucky, and I oppose it for several reasons.

I believe I am in the court of equity now: I come with clean hands because I am one of the authors of the Dietary Supplement and Health Education Act, along with Senator HATCH, in 1994. We worked in tandem over a period of a couple of years to get the legislation through. A lot of compromises were made at that time, not only here in the Senate but also with the House when we went to conference. I believe the right balance was struck, and I think it has proven its worth over the years.

We have done some minor modifications to it over the years. As I have often said, when we write laws around here they are not chiseled in stone for all eternity. These aren't the Ten Commandments, they are laws, and sometimes they need to be modified and changed a little bit, usually tweaking. But this amendment basically turns the whole law that we had since 1994 on its head.

We have a process now where the FDA regulates the supplements as foods. These are foods, not drugs. So as we hammered out this agreement, supplements can make nutrient, structure,

function claims without any FDA pre approval. If they want to make a health claim, then it has to be approved by FDA, and FDA has to find that it is supported by appropriate scientific evidence. Under this amendment, substances that today are considered drugs and used to treat diseases as serious as cancer or HIV could be marketed without any rigorous FDA review that we have heard from many speakers here today is the gold standard of drug regulation throughout the world. It would turn our current system of drug regulation on its head. It would be a huge setback for health. It would foster a system rife with potential for health fraud. The big losers would be patients.

Frankly, as someone who is a strong supporter of the Dietary Supplement Health and Education Act, and I would say along with Senator HATCH one of its protectors for all these years, I daresay the amendment offered by the Senator from Kentucky would destroy DSHEA. It would destroy it and I don't want to see it destroyed because I think it is doing a lot of good for a lot of people in this country. It is working well. Consumers have access to a wide range of safe products. There is no reason to upset its success, because this amendment would do that.

To think that somehow you could go out and make any health claim you want? Back to the days of snake oil salesmen: “This elixir will do everything, it will cure every ailment you have and turn the clock back 20 years on your age.” People would buy it, and what was it? It was 80-percent alcohol and 20-percent water or something like that. They made all these crazy claims. We are going to move to that kind of system now? And the only recourse would be to take them to Federal court and then have a trial and go through all that and then, OK, then they appeal it and finally you find out, OK, the court says no, there is not enough scientific evidence to warrant it so you have to take that product off the market.

We are going to do that for every one of the thousands and thousands of different products that are out there? What a mess this would be. First of all, the Federal courts would not have the wherewithal to do every one of those. Second, who has the money to take all that to court? And it would literally destroy—bring down an industry that has done well in this country. The dietary supplement industry, the vitamins and minerals industry in this country, has done a great job and I do not want to see it ruined. This would ruin it.

Last, the Senator from Kentucky talked about increasing the mens rea, the mind; you know, in law school, what your mental condition, what your thought processes were—what was your intent. It would increase it. It would need to be shown to enjoin or prosecute

serious violations of the Food, Drug, and Cosmetic Act. I find this amazing. This idea that we need to make it harder to enforce a public health protection statute, not easier, is deeply troubling. I see no legitimate reason to do this.

The goal of this amendment is clearly to render the FDA virtually incapable of addressing industry abuses. I think this amendment would have deleterious effects on the Dietary and Supplement Education Act, and the industry, and also on the FDA's ability to regulate prescription drugs. You can say just about anything about what your health claims would be on any kind of product and the only recourse, as I said, would be to go to Federal court.

Again, this is a consensus measure. We have built a very broad bipartisan support for this FDA user fee bill. It is must-pass legislation. We cannot jeopardize that consensus.

For those reasons, I oppose the amendment offered by the Senator from Kentucky.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, how much time remains on the amendments offered by the Senator from Maryland, Senator CARDIN?

The PRESIDING OFFICER. On amendment No. 2141, there is 11 minutes remaining in support and 15 minutes in opposition.

Mr. HARKIN. Mr. President, I ask the Senator from Colorado, how much time does the Senator seek?

Mr. BENNET. I would like to try for 10 minutes but if I can do it shorter—

Mr. HARKIN. I ask 10 minutes of the time from amendment No. 2141 be yielded to the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. I thank the Senator from Iowa, the chairman of the HELP Committee, for his indulgence.

Yesterday I spoke about some of the process on the important issues of drug safety and making sure there is a good system for safer drugs, both in preparation and distribution. I know we seem to get close to reaching a resolution, which is tremendous. I have heard many of my colleagues praise different parts of the bill, which I will do as well in a minute. But I want to take 1 more minute again, while the chairman and the ranking member are on the floor, to recognize what an enormous accomplishment their leadership has resulted in, getting this bill to a close.

As I said yesterday, I think the work of the HELP Committee, both Democrats and Republicans, with the leadership of the chairman and the ranking member, is a model for this Congress. It is the reason why the quality of this bill is so high. We still have a few votes to go tomorrow, but people forget that it is rare to be working on a full extension of anything here. This has become the land of flickering lights, where we keep things on for 1 more month or 2 more months. Here we actually have a 5-year extension of this legislation. It is wonderful to be working in such a bipartisan and businesslike fashion. It is not lost on me how much work has been put into the bill by my colleagues on the HELP Committee, including the Presiding Officer, or the HELP Committee staff. I want to reiterate my thanks and gratitude for the work on the bill that will truly help patients and American families get the medical products they need when they need them.

That brings me to the subject of medical devices. Colorado is the sixth largest medical device sector in the country, with over 600 bioscience companies overall. We obviously need to strike a balance, as we think about this legislation, because as we speed the FDA approvals, we have to ensure that devices are safe. This year has represented a good-faith bipartisan effort among members on and off the HELP Committee to find policies that will empower the FDA to ensure safer devices and also ensure that our companies on the ground have more regulatory certainty and predictability.

The FDA has been upfront about the challenges the device center faces—reviewer turnover, young, less experienced reviewers, and management challenges. At the same time we have heard from venture capital investors who say that regulatory uncertainty at the FDA is a reason they have been hesitant about continued investments in the United States and thought about the future investment in Asia and Europe. The new medical device user fee will go a long way toward ensuring the FDA has the resources to provide safer, more effective medical devices in less time and with more predictability.

Over the course of a year we were also able to craft a balance of policies on both the innovation and safety side. This includes reinforcing regulations in place since 1997 that require the FDA to take the least burdensome approach to approving medical devices by not asking companies for unnecessary or unrelated information.

I see the Senator from Minnesota on the floor, and I thank her for her leadership on this piece of legislation. It also includes important safety provisions such as ensuring the medical devices have a tracking number so if there is any problem, doctors and patients can quickly know if their product is one that works.

I would like to say a word about drug shortage, which is a discussion issue every Member is hearing about in their States. In just the last year, the FDA was notified of about 220 drug shortages. We know that the amount of patients this affects is monumental. For cancer alone, over 550,000 patients have been currently affected by our national drug shortage crisis.

In Colorado, our patients and providers are extremely frustrated. A pharmacist at St. Mary's Hospital in Grand Junction said that he keeps a 2-page list of 50 drugs that he cannot get or can barely get a hold of, including 12 chemotherapy drugs.

I want to share a couple of constituent stories from my home State.

Dawn Gibbs from Long Mount, CO, wrote:

Dear Senator Bennet: I am contacting you to inform you of my grave concern of the national shortage of the preservative free cancer drug Methotrexate. My 2-year-old cousin receives this drug for her newly diagnosed leukemia of October 2011. Her doctors told her that they only have a 2 week supply left at their clinic. This drug keeps her leukemia from traveling to her brain. This shortage is life threatening to her and 3,000+ like her with this cancer.

I thank you for your assistance in this matter. I know that my little 2-year-old cousin cannot speak out on her own behalf, so I am honored to be her voice. I feel my voice will not be enough alone to make a difference, and I hope that you will be our voice.

Dawn Gibbs' voice is being heard on behalf of her cousin, just as patients all across the country are lending their voices to this important debate.

Carol Gill from Morrison, CO, wrote:

Dear Senator Bennet: I have stage 4 cancer. My current treatment regimen is doing a fine job of keeping the disease stable. This regimen includes a biweekly infusion of two generic drugs—5FU and leucovorin—and two other drugs still on patent. I receive treatment at the University of Colorado Hospital. My oncologist just called me to say that the University of Colorado Hospital is out of 5FU.

Today oncologists at the University of Colorado Hospital are calling their patients to tell them some or all of their cancer treatment must be suspended.

Thank you for taking this seriously and taking immediate steps to correct it.

Carol Gill.

My hope is that this Senate bill can give some reprieve to these Coloradans in desperate need of their lifesaving drugs.

The Senate bill would give the Food and Drug Administration the much needed authority to require drug manufacturers to report any discontinuance or interruption or other adjustment that would likely result in a shortage, especially those drugs needed to provide emergency care. It would also immediately create a task force that would create a strategic plan to address drug shortages and submit recommendations to Congress as well as study the effect on drug pricing as it relates to shortages.

The people in my home State and every one of our home States need us to provide solutions to this problem yesterday. They cannot wait any longer, nor should they.

I will say again that it is because of the leadership of the two people sitting here, the ranking member of our committee and the chairman of our committee, that we have been able to get this bill to the floor for a vote. I think we should take that vote tomorrow and move forward on behalf of patients all across this country and the bioscience community.

I thank the Chair.

I yield the floor.

Mr. ENZI. I thank the Senator from Colorado, Mr. BENNET, for his comments, but he sold himself pretty short on the influence on this bill. He has worked dramatically on every portion of this bill and made some significant contributions that are now a part of the bill. He didn't have to do amendments at this point because he got them all in. That was very important across-the-aisle work that the Senator did by working with a number of people on both sides of the aisle and being faithful and helping committee and staff members, not to mention all the committee meetings held on Fridays throughout the year. This bill wouldn't have been possible without the Senator's efforts.

Mr. BENNET. I thank the ranking member.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I join Senator ENZI in thanking Senator BENNET for being a very valuable member of our committee and for all of the great work the Senator did on this bill. His fingerprints are all over this bill, and, as he pointed out, it is a great bill. There was great bipartisan support.

I thank the Senator for all of his work in our working groups, especially the drug supply chain. This is a key part of this bill. The FDA will have the authority and the wherewithal to go back up the chain to where these drugs come from. The Senator was the first one to point out to me at the committee hearing that I think about 80 percent of all of the ingredients that go into our drugs in this country come from outside this country, but we had no real idea on where and how, and now we can insist on good manufacturing practices. So I would say this singular addition to this bill can be traced right back to the Senator from Colorado, and I thank him very much for his leadership on this issue and in helping us to get this bill to where we are today. I thank the Senator.

I would like to yield 10 minutes off of the opposition of the Grassley amendment 2121 to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, this bill means so much to my State. I spoke earlier today about the need to improve the approval process at the FDA, and this bill will speed that up with the agreement reached between industry and the FDA on the fees. I thank the Senator for his leadership on that issue.

We have literally tens of thousands of employees in our State who have incredibly good jobs in the high-tech industry. This is a huge potential export. It is already an export, but even more could come if we do this right as we look at the growing middle class in countries such as China and India who are going to the hospital and using medical devices. So this bill is speeding up that process but still keeping the very important safety standards in place, which couldn't be more important—as well as for patients who have been waiting for lifesaving treatment. So I thank the Senator for that.

I also thank the Senator for including, as Senator BENNET referenced, my drug shortage provision. We worked on that for 2 years. We gathered support as the years went on.

I thank Senator HARKIN for the hearing we had on that bill and for the work of his staff in bringing people together. We got Senator CASEY's and Senator COLLINS' provisions in this bill.

We all know what has been going on. As several Senators have mentioned, we are talking about 4-year-old boys with leukemia whose parents find out they have no cancer treatment drug and literally are put into a panic, so they book flights to Canada so this little child can complete his treatment, or the woman with breast cancer who has to call around for Prudoxin and is then faced with the ethical dilemma that she explained to us that she knew she was taking it away from another patient. That should not happen in the United States of America, and this early notification of the FDA, as we have seen, has been very positive.

Over 200 drug shortages have been averted because of the early notification with orphan drugs in the last few years, so this provision will truly make a difference. I thank the Senator for including that.

I am here to talk about another matter the two Senators have been involved in negotiating. These are bills that Senator SCHUMER, Senator GRASSLEY, and I have been working on. We each had one of the three bills that covered different synthetic drugs.

My drug bill covered 2C-E, which is a synthetic hallucinogen, which, sadly, is something a young man died from taking in Minnesota. There was actually a murder prosecution because of it, and, again, we have seen it go like wildfire through our State with these synthetic drugs. Senator PORTMAN and myself and Senator GRASSLEY will be offering

this amendment, and I thank the Senator for his work on it. I also encourage my colleagues to support this amendment, and I hope it will pass overwhelmingly.

As members of the Judiciary Committee, Senator GRASSLEY, Senator SCHUMER, and I have been working on this, as I mentioned, for years. There have been reports from every State in the country of people acting violently while under the influence of these drugs, which leads to death or injuries to themselves and others. While taking these drugs, people can experience elevated heart rates and blood pressure, hallucinations, seizures, and extreme agitation, which is dangerous, but they are also dangerous to themselves.

Up in Moorhead, MN, with the Fargo sheriff, we did a forum. A group of people were sitting in the front row. I actually thought they were there to object to our provisions. They were there to support them because they had lost a loved one who thought he was taking what he considered to be synthetic marijuana, and it turned out to be very different from any marijuana. It turned out to be much stronger, and he ended up hitting a tree and killing himself. They were sobbing while telling their story.

Until 2006, I was a Hennepin County attorney. During my time there we just didn't have this as an issue. We can see how quickly it has changed. Listen to these numbers. In 2011 poison control centers across America received more than 13,000 calls about synthetic drugs. How many calls did they get in 2010? They only got 3,200. Look at that—3,200 to 13,000 in just 1 year. In Minnesota there were a total of 392 calls to poison control relating to synthetic drugs in 2011 compared to 107 in 2010—a tripling of calls about this problem in just 1 year.

This all hit home, as I mentioned in my State, with the tragic death of a 19-year-old man, Trevor Robinson, in Blaine, MN, when he overdosed on 2C-E. It is a synthetic hallucinogen. Another young man was thought to have shot himself in Minnesota while under the influence of synthetic drugs. We can imagine the pain of these families, and that is why I introduced a bill to add 2C-E and similar drugs to the substance list so they will be treated in the same manner as other banned drugs they claim to represent.

I am also a cosponsor of the two bills authored by Senators GRASSLEY and SCHUMER. All three of these bills are contained in the amendment we are offering with Senator PORTMAN. These drugs can kill, and if we don't take action, they are going to become more and more prevalent. They are available on the Internet. The Federal Government has to make clear that they are illegal. That is what is going on today because people literally buy these drugs that have numbers like 2C-E.

They don't really know what they are. They get them, and they turn out to be deadly. That is what happened in Blaine, MN.

I am hopeful that we vote to ban these drugs as part of the debate on this bill. We have seen what happened in Minnesota. We know the DEA has been taking action on its own, and they temporarily banned some of these drugs, but most of the substances covered in our three bills have not been banned, including all of the substances in my bill. That is why, in fact, we are offering this amendment.

On the State level, roughly 40 States have banned some synthetic drugs, including my State, where a major law regarding synthetic drugs took effect in July. We need a Federal law. This crosses State lines. A lot of it is done on the Internet. We cannot simply have this State by State, and passing a Federal law will help create the partnership we need to send a strong message that we need to eradicate these substances.

I am pleased this amendment is being offered. We need to get it done now, ban these drugs, and make a clear statement that these drugs are illegal.

I again thank Senator HARKIN and Senator ENZI for working it out so we can offer this amendment, and also my colleagues, Senators PORTMAN, SCHUMER, and GRASSLEY, for their hard work. I know we are committed to getting this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business and not to take time away from the debate on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, it was my understanding that because of the special event tonight, we were going to be out of here at 6 pm. I am not sure what leadership has in mind at this point.

Mrs. MURRAY. Mr. President, I have had a conversation with them—

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

VETERANS EMPLOYMENT

Mrs. MURRAY. Mr. President, next week Americans are going to spend time honoring and commemorating the men and women who died fighting for our great country. Memorial Day is a day to reflect on and give thanks to the sacrifices made by those who made the ultimate sacrifice. It is also a day to look forward and to think about what we all can do to help our veterans who sacrificed so much and who deserve our support when they come home.

So I come to the floor today to discuss an issue that, quite frankly, defies common sense. The high rate of unemployment among recently separated

veterans is an issue that continues to make the transition home for veterans harder than ever. Despite the fact that our veterans have the leadership ability and the discipline and technical skills to not only find work but to excel in the workforce of the 21st century, our veterans continue to struggle.

Despite the skill and talent and training of our veterans, statistics continue to paint a grim picture.

According to the Department of Labor, young veterans between the ages of 18 and 24 have an unemployment rate that is nearly 20 percent. One in five of our Nation's heroes can't find a job to support their family, doesn't have an income that provides stability, and doesn't have work that provides them with the self-esteem and pride that is so critical to their transition home.

We know this should not be the case. We shouldn't let the skills and training our Nation's veterans have attained go to waste. That is why all of us joined together to overwhelmingly pass my VOW to Hire Heroes Act here in the Senate late last year. Among many other things, that law would provide tax incentives to encourage businesses to hire veterans; it makes participation in the transition assistance program mandatory for most separating servicemembers, and expands the education and training we provide to transitioning servicemembers.

Thanks to that legislation, we have been able to take real concrete steps toward putting our veterans to work. The tax credit is working, and VA is set to begin accepting applications for a retraining program that will benefit unemployed veterans ages 35 to 60 and help them get back to work.

But that bill is only that, a first step. Today I am here to talk about the next step, and that step is to build partnerships with private businesses, large and small, all across our country, to hire our Nation's heroes. Recently I was up in New York where I participated in a lively roundtable discussion hosted by the Robin Hood Foundation. This discussion on veterans employment was moderated by Tom Brokaw on the USS *Intrepid* and brought together people of various backgrounds, including former Chairman of the Joint Chiefs ADM Mike Mullen, and Housing and Urban Development Secretary Shaun Donovan, to talk about this important issue.

What is very apparent is that there is momentum to build public-private partnerships. What is also apparent is there is a lot of room for improvement in this area.

I want to first make clear that a lot of companies across the country are far ahead of the curve. In fact, many private sector companies have already joined our efforts in addressing this critical issue. J.C. Penney, one of

America's largest retailers, and Joseph Abboud, a men's clothing company, partnered with Iraq and Afghanistan Veterans of America to launch the Welcome Home Joe—Thanks A Million Program.

To prepare veterans for job interviews, this program has provided 5,000 veterans with certificates to purchase business attire. For the last decade, we have expected our brave men and women in uniform to prepare for the battlefield. In the process, they have become accustomed to wearing combat boots and battle dress uniforms. Now they are expected to wear a suit and tie for job interviews—something that sometimes seems pretty foreign to them. But thanks to this program, thousands of transitioning veterans can now hang up their battle dress uniforms and dress for their next challenge.

Other companies such as Schneider National, one of America's largest trucking companies, are realizing the skills our veterans have gained over the last decade of work are directly applicable to their business. Schneider National recognizes that a veteran who has driven a 7-ton truck across Afghanistan's dangerous and rugged terrain is more than qualified to drive a freight truck across our Nation's roads. In addition to providing many veterans with new jobs, Schneider National also provides newly separated veterans with on-the-job training through their military apprenticeship program. As part of that program, veteran employees are eligible to earn a monthly educational benefit check from the VA in addition to a paycheck. Schneider National serves as a great example of how companies can hire veterans who have proven they can perform on the job but lack proper certifications for civilian employment.

The U.S. Chamber of Commerce also should be commended for launching its Hiring Our Heroes initiative which has sponsored 150 hiring fairs in 48 of our States. At one of these recent hiring fairs, General Electric, the employer of 10,000 veterans, launched its veterans network transition assistance program. As part of that program, General Electric has vowed to hire 1,000 additional veterans every year for the next 5 years and provides job-seeking veterans with one-on-one mentoring sessions. Those sessions help transitioning veterans improve resume writing and interviewing techniques so they can capitalize on the skills they have developed during their military service.

That is just a fraction of the work being done by our Nation's employers. There are many success stories at big companies such as Home Depot and small companies such as General Plastics in my home State which has created a pipeline to hire veterans at its aerospace composite factory. All of these companies are not only examples

of success stories but they have also created a roadmap about how best to find, hire, and train veterans. It is our job to make sure those lessons are being heard.

Today I am here on the floor to lay out a few things that all businesses, large and small, can do to bring our Nation's heroes into their companies. First, get the word out to companies to educate their human resources teams about the benefits of hiring veterans and how skills they learned in the military translate to the work a company does. I can't tell my colleagues how often I hear from veterans who tell me the terms they use in interviews and on resumes fail to get through to the interviewer.

Second, help our companies provide job training and resources for transitioning servicemembers. This is something I have seen done at large organizations such as Amazon and Microsoft, but also at smaller companies in conjunction with local colleges. In fact, the most successful of these programs capitalizes on skills developed during military service but also utilizes on-the-job training.

Third, let business leaders know how important it is to publicize job openings with our Veterans Service Organizations at local military bases so we can help connect veterans with jobs, and to work with local one-stop career centers.

Fourth, develop an internal veterans group within our companies to mentor recently discharged veterans.

Finally, if possible, please reach out to local community colleges and universities to help develop a pipeline of the many veterans who are using GI bill benefits to gain employment in a particular area.

If we can spread the message on just a few of these steps, I am confident we will be able to continue to build on the success we have had in hiring veterans.

There is one other even more important step we have to take to ensure that businesses are taking, and it has to do with the difficult issue that some potential employees face. I have heard repeatedly from veterans that they do not put their military service on their resume because they fear it stigmatizes them. They fear that those who have not served see them all as damaged or unstable. We have to understand what mental health challenges are and what they are not.

As we seek to employ more veterans, we need future bosses and coworkers to understand that issues such as posttraumatic stress or depression are natural responses to some of the most stressful events a person can experience. We need them to understand that these illnesses do not afflict every veteran and, most importantly, we need to understand that for those who are affected by these illnesses, they can get help, they can get better, and they can

get back to their lives. We need to let businesses know if they have a veteran who is facing some challenges, we should do the right thing and encourage him or her to get help. They need to know it is OK to reach out. Help them take advantage of the excellent mental health care the VA is capable of providing. The veteran will be better and they will be an even stronger member of a company's team.

Those are some steps our employers can take, but we also need to make sure our veterans are taking steps to stand out as candidates. Unfortunately, too often our veterans don't see how the skills they learned in the military translate from the battlefield to the working world. One of the biggest reasons for that is often our veterans don't understand the vernacular of the working world.

A few weeks ago I was home in Washington State talking about this issue when I met a woman named Anne Spurte. Anne is a veteran. She helps other local veterans find work through an organization called The Unfinished Mission. Anne told me how often she has heard from veterans who told her they were not qualified for the jobs they had seen on line or in the paper. Repeatedly they told her they didn't see how their experiences mattered to employers in the area. So one day in front of a whole group of veterans, Anne pulled out this job advertisement from Boeing for a position as a fabrication specialist. Anne could once again sense that the veterans who sat there and read this ad thought they weren't qualified for this manufacturing job that is listed in Boeing's space exploration division. But then Anne concentrated all the attention of the veterans in the room on the competency and qualifications section that was listed on that job advertisement and she asked all of them: Did you spend time in the service working together to remove obstacles to help a team accomplish its goals? Did you work to fully involve others on the team in decisions and actions? Were you held responsible? Did you demonstrate your commitment to the team? Around the room, all of these veterans' heads were nodding as she read verbatim from the Boeing job announcement. Every veteran understood they had the core skills employers at Boeing were looking for, but they just didn't realize it.

What Anne made those veterans come to understand was that their skills were being lost in translation, and what many of them needed to do was simply articulate their experiences in a way that employers could understand.

So today I want to reiterate to all of our veterans that no matter what branch you served in or when you served or how long you served, the skills you learned are valuable and it is up to you to make sure employers see that.

Our veterans don't ask for a lot. Oftentimes they come home and don't even acknowledge their own sacrifice. My own father never talked about his time fighting in World War II. In fact, I never saw his Purple Heart or knew that he had a wallet with shrapnel in it from when he was hit or a diary that detailed his time in combat, until after he died and my family gathered to start sorting through his belongings. But our veterans shouldn't have to ask. We should know to provide for them.

When my father's generation came home from the war, they came home to opportunity. My father came home to a community that supported him. He came home to college and a job—a job that gave him pride and helped him start a family and one that ultimately led to me starting my own.

That is the legacy of opportunity we have to live up to for today's veterans. Together, working with the private sector, we can ensure that the brave men and women who have worn our uniform have that real opportunity. We can make sure they get a fair shot from America's employers, that they are not measured by fear or stigma but by what they can do, what they have done, and what they will do.

I thank those companies that are leading the way as our veterans transition from military service to the civilian workforce. The Veterans Affairs' Committee, which I chair, has a Web site with a list of some of those companies that are contributing to this effort. I would encourage all of our colleagues to visit that Web site and suggest companies that can be added to our list. I look forward to working with all of them, and many more of our Nation's businesses, on this important next step in bringing our veterans home to opportunity.

As we celebrate our fallen heroes on Memorial Day next week, let's all keep thinking about how we can make sure our veterans are getting everything they need after they have given so much.

Before I yield the floor, I wish to take a moment to acknowledge a young Marine reservist, an Afghanistan combat veteran, who has been working part time on my Veterans' Affairs Committee staff for the last year. Carlos Fuentes is a hard-working, well-liked young man who graduated from American University earlier this month. He has helped our committee get a better understanding of what our veterans are facing when they are looking for work, and I want to thank him for his continued service to our Nation. I need my colleagues to know that Carlos is going to be getting married this weekend and I wish him and his bride many happy years to come.

Thank you, Mr. President. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2151, AS MODIFIED

Mr. MANCHIN. Mr. President, I ask unanimous consent to set aside the pending amendments, so I may call up my amendment No. 2151, as modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN], for himself, Mr. KIRK, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. ROCKEFELLER, proposes an amendment numbered 2151, as modified.

The amendment, as modified, is as follows:

(Purpose: To amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug)

At the end of subtitle C of title XI, add the following:

SEC. 1133. HYDROCODONE AMENDMENT.

The Controlled Substances Act is amended—

(1) in schedule III(d) in section 202(c) (21 U.S.C. 812(c)), by—

(A) striking paragraphs (3) and (4); and
(B) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1)), by adding at the end the following:

“(F) In the case of any material, compound, mixture, or preparation containing—

“(i) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; or

“(ii) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts, subparagraph (C) shall not apply and such case shall be subject to subparagraph (E).”

Mr. MANCHIN. Mr. President, I wish to give a brief explanation of the amendment and hope it will be accepted. Basically, what we are doing is changing the hydrocodone combination drugs to be schedule II drugs rather than schedule III drugs. That makes it much harder for people to have access to this drug that has been wreaking havoc throughout our States and throughout the country.

I would appreciate adoption of this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, as the Senator said, his amendment would amend the Controlled Substances Act to make any substance containing hydrocodone—Vicodin—a schedule II drug. As he said, this is presently a schedule III drug. The most significant difference is, for patients, schedule II drugs are not allowed to be refilled. That is the key to the amendment.

I applaud the Senator. I have great concerns regarding the increased abuse of prescription drugs. According to the Centers for Disease Control and Prevention:

Overdoses involving prescription painkillers are at epidemic levels—

Epidemic levels—

and now kill more Americans than heroin and cocaine combined.

That is a quote from the Centers for Disease Control and Prevention.

According to CDC, more than 40 people die in America every day from overdoses involving narcotic pain relievers such as hydrocodone.

For this reason, I applaud Senator MANCHIN for his amendment and the efforts he has undertaken to reschedule this drug. It is the most frequently abused narcotic and that is a strong reason to reschedule it into section II.

Again, I thank the Senator for this amendment. At the appropriate time I will ask for its adoption. Again, I thank the Senator from West Virginia. This is a great amendment. It improves the bill. It is widely accepted, and the Senator has been on the right track on this issue for a long time. I applaud him for doing this and, believe me, a lot of people in America are going to thank the Senator for getting this drug rescheduled to cut down on the terrible overuse of this drug in America. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, if I may say this: Senator KIRK, as you know, has worked very closely with me on this matter, and we have many other Senators—GILLIBRAND, SCHUMER, ROCKEFELLER—so many people who are having this problem in their States. This is one way for us to fight this abuse.

I have said this: If we do nothing else—if we go to some of these communities that have been ravaged, and we speak to these young children, they will come up to us and say: Please help me to help my daddy or my mommy get off of this addiction. It will tear your heart out.

This gives us a chance—one more tool with which we can fight the drug abuse that is going on with prescription drugs. I appreciate its consideration and would ask unanimous consent that it be adopted, if we can do that.

I thank the Senator.

Mr. HARKIN. If the Senator would withhold the unanimous consent request.

Mr. MANCHIN. OK.

Mr. HARKIN. We have a number of amendments we are putting together, and at the appropriate time I will make sure that happens.

Mr. MANCHIN. Absolutely.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2126

Mr. HARKIN. Mr. President, I ask unanimous consent to set aside all pending amendments in order to call up Reed amendment No. 2126, and I ask that the clerk report the amendment by number.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. REED, proposes an amendment numbered 2126.

The amendment is as follows:

(Purpose: To make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products)

At the end of title XI, add the following:

SEC. 11. COMPLIANCE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

In accordance with the final rule issued by the Commissioner of Food and Drug entitled "Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use; Delay of Compliance Dates" (77 Fed. Reg. 27591 (May 11, 2012)), a product subject to the final rule issued by the Commissioner entitled "Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use" (76 Fed. Reg. 35620 (June 17, 2011)), shall comply with such rule not later than—

(1) December 17, 2013, for products subject to such rule with annual sales of less than \$25,000 and

(2) December 17, 2012, for all other products subject to such rule.

Mr. HARKIN. Mr. President, I further ask unanimous consent that the following amendments be agreed to en bloc: Cardin No. 2125; Cardin No. 2141; Grassley No. 2121; Grassley No. 2129; Manchin No. 2151, as modified; and Reed No. 2126.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 2125; 2141; 2121; 2129; 2151, as modified; and 2126) were agreed to.

Mr. LEAHY. Mr. President, I thank Chairman HARKIN and ranking member ENZI for including the Counterfeit Drug Penalty Enhancement Act in their substitute amendment to S. 3187. I introduced the Counterfeit Drug Penalty Act, S. 1886, last year along with Senator GRASSLEY and others, and the Senate passed it by unanimous consent in March. Unfortunately, the House of Representatives has yet to take action on it.

The Counterfeit Drug Penalty Enhancement Act has the support of industry and consumer groups and bipartisan backing in the House of Representatives. It will strengthen the

provisions already included in S. 3187 that are intended to improve the safety of our supply chain and increase penalties for adulterated drugs.

This provision increases penalties for trafficking counterfeit drugs to a level commensurate with counterfeit cases in which the offender knowingly or recklessly causes or attempts to cause serious bodily injury. By strengthening the penalties appropriately, it will deter the sale of dangerous counterfeit drugs.

Few things are more important to consumer well-being than ensuring the safety of our pharmaceutical supply chain. Law enforcement is finding counterfeit versions of drugs that patients rely on to treat blood clots, cholesterol, prostate cancer, influenza, Alzheimer's, and other serious conditions. Counterfeit drugs reportedly result in 100,000 deaths globally each year and account for an estimated \$75 billion in annual revenue for criminal enterprises. We must do more to prevent and deter this conduct.

In addition to protecting consumers, deterring the manufacture and sale of counterfeit drugs also protects American intellectual property, helping American workers and manufacturers. That is why this legislation has the broad support of not only the pharmaceutical industry and consumer groups such as the Alliance for Safe Online Pharmacies and Easter Seals but also the U.S. Chamber of Commerce.

I appreciate the work of Chairman HARKIN and Ranking Member ENZI to protect American consumers from adulterated and counterfeit drugs, and I thank them for including the Counterfeit Drug Penalty Enhancement Act as part of that effort in this legislation.

Mr. WHITEHOUSE. Mr. President, I rise today to speak in support of the Food and Drug Safety and Innovation Act. This measure includes a number of important reforms to promote the development of new treatments for patients in need and to ensure that drugs and other medical products are safe and effective for American families. I commend Chairman HARKIN and Ranking Member ENZI for their hard work and leadership on this bill.

As a participant in the drug supply chain integrity working group, along with the chairman and ranking member and Senators BENNET, BURR, and GRASSLEY, I am especially proud of the strong, bipartisan measures to protect patients that have been included in this bill. The not-too-distant incidents concerning adulterated Heparin and counterfeit Avastin demonstrate the critical importance of protecting Americans from unsafe medical products manufactured overseas. The new tools and authorities in this law should help safeguard Rhode Island families from dangerous drugs, while leveling the playing field for U.S. manufacturers and providing more transparency

and accountability across our drug supply chain.

I particularly want to thank the chairman and ranking member for working with me to include the Expanding and Promoting Expertise in Rare Treatments Act of 2012, or EXPERT Act, which I introduced earlier this year, in the bill on the floor.

During my time in office, I have been moved by the personal stories of dozens of Rhode Islanders with rare conditions. In the last year, I have met with Rhode Island advocates who have or whose family member has a rare disease, like Fragile X, spinal muscular atrophy, and CLOVES syndrome, among many others. Treatments for these rare conditions often do not exist or are so early in the development pipeline that it will take years for patients to benefit. Rather than simply waiting for the products to come to market, these families want to play a role in educating others about the rare disease that affects their loved one and working toward a successful treatment.

The EXPERT Act is intended to give patients and experts a role in strengthening and expediting the FDA's review of new treatments for rare diseases. The measure encourages the agency to take advantage of the wisdom and insights of rare disease experts in order to speed the development of therapies for patients suffering from rare diseases. The bill also gives rare disease patients and their advocates a role in consulting with the FDA on topics like the severity of the disease, unmet medical needs, and the benefits and risks of therapies to treat the disease.

We have seen that when the FDA gets the technical and scientific assistance it needs from rare disease experts, incredible progress can be made. The Cystic Fibrosis Foundation's recent work with Vertex Pharmaceuticals on a treatment named Kalydeco, which specifically targets the underlying causes of the disease in some patients, is a good example. As a result of close consultation with the CF Foundation and renowned experts, FDA approval for this treatment was one of the fastest in the agency's history.

Rhode Islanders are already benefiting from Kalydeco. Sheri, a former resident of Narragansett, was diagnosed with cystic fibrosis when she was 16 years old. This past year, Sheri was surprised with the news that she is one of the 4 percent of cystic fibrosis patients who can be treated by the newly approved Kalydeco. For the past months Sheri has been on Kalydeco and says that she already feels the difference in her health, and, most importantly, it has given her hope to start thinking about her future. Recently engaged in February, Sheri shared, "I can think about having children and seeing them grow up . . . even living to see my grandchildren!"

I hope the EXPERT Act will lead to more good stories for other Rhode Island patients and families afflicted with rare diseases. I have great admiration for the determination and optimism of the Rhode Islanders with rare disease I have met over the years, and I wanted to share a few more of those stories here today.

I heard from Susan, a Providence resident and mother of 3½-year-old Phoebe. Susan describes her daughter as a "bright, happy, and beautiful" child. When Phoebe was 5 months old, Susan and her husband noticed that their daughter did not reach for or look at objects placed on the left side of her body. After numerous tests and doctor's visits, Phoebe was finally diagnosed with developmental dyspraxia, a motor-processing disorder. Because of the rarity of their daughter's condition, Susan and her husband found that specialists "looked at us like we had two heads when we told them what her diagnosis was." Phoebe is reaching milestones in her development and is continuing to improve, but because so little is known about dyspraxia, Susan and her husband have encountered several hurdles to getting Phoebe the treatment and therapy she needs. Susan said, "It breaks our hearts to think that Phoebe is being held back from reaching her full potential because of lack of awareness and education about her disease."

Dorrie, from Warwick, wrote to share her family's story with me. Her youngest son was diagnosed with an extremely rare disorder called atypical non-ketotic hyperglycinemia, or NKH, when he was 4 years old. He is the only child living in Rhode Island with this disorder, which has no known cure or treatment. However, doctors have found several products can be used off label to improve their son's speech and alertness. Dorrie notes that "he has progressed farther than we could ever have hoped possible. He is not only walking, but riding a two-wheel bicycle and playing kickball with his peers." Because they are using products off label, their private insurance will not cover their costs, and so they are forced to shoulder the burden of paying for their son's treatments out-of-pocket. This has caused anxiety and extreme stress on their family. As her son grows older, Dorrie is faced with more uncertainty about his future and says they are "living on eggshells" as he experiences increased and more severe symptoms.

For these Rhode Islanders and others like them, the challenge of having a rare disease or having a family member with a rare disease comes not just from the symptoms of the disease but the loneliness of having something that so few people understand, let alone have. The EXPERT Act is one step toward empowering patients and their families with an opportunity to participate in a

process that is critically important for their future. I am pleased that the act is supported by 64 national organizations, including the Rhode Island Rare Disease Foundation. I again thank the chairman and ranking member for including this measure in this legislation so that more families in Rhode Island and around the country can receive the same kind of good news that Sheri and many other cystic fibrosis patients received earlier this year.

Mr. WARNER. Mr. President, I rise today to add my voice to the bipartisan support for the Food and Drug Administration Safety and Innovation Act, S. 3187.

In addition to continuing the fee-based funding system for timely FDA reviews, S. 3187 also calls for strengthening early scientific dialogue and transparency, promotion of innovation through enhanced communications, and modernization of regulatory science.

These provisions, including enhancing dialog between the FDA and medical device, pharmaceutical, generic and biotechnology companies early in their new product development cycle, will facilitate a clearer understanding of the specific criteria the FDA will require in its review process and provide a succinct roadmap for successful product approval.

The ultimate goal is to reduce misunderstandings and expensive superfluous testing, with the hope of reducing the time and costs to bring new medical technologies safely to patients in need.

I want to commend the chairman of the HELP committee, my friend Senator HARKIN, and the ranking member, Senator ENZI, who worked to find bipartisan consensus on these provisions.

By creating a more user friendly and accessible FDA, innovative U.S. companies built on the principle of American ingenuity, will be attracted and encouraged to develop new medical devices, technologies and pharmaceuticals.

With this new cooperation, together we will extend the quality of life for our citizens, reduce healthcare complexities and costs, create new U.S.-based jobs, and move this current national crisis to a financially manageable level for individuals, employers and taxpayers.

For example, in my State of Virginia, medical and bioscience research and development is vibrant in our academic institutions and among our companies, both large and small. The biopharmaceutical companies employ nearly 77,000 workers in Virginia, both directly and indirectly. In the bioscience field alone employment has grown by 23 percent, compared to 6 percent total growth statewide and 3.5 percent across all sectors in the U.S.

We have a number of companies rushing to develop and market new products and technologies that are focused

on improving healthcare delivery at a lower cost premium—companies like Engineered BioPharmaceuticals in Danville, VA, who is focused on repositioning current and future pharmaceutical therapeutics to be more effective at lower doses, with longer shelf-lives and better consumer compliance.

To help these companies, and encourage more innovation, I am glad to see that the FDA has committed to being more open with applicants about using more appropriate data, but also communicating why certain data is not able to be used. I look forward to working with stakeholders and the FDA in monitoring this issue.

One of the most exciting innovations in health care is related to mobile and health IT markets. Estimates indicate that the number of smartphone consumers using medical apps will grow to 500 million by 2015.

How these innovations are regulated matters a great deal. It is important to balance market creativity, with patient safety issues and the intended use of the medical software.

A number of agencies have jurisdiction over pieces of mobile medical applications, including FDA, Office of National Coordinator, ONC, and the Federal Communications Commission, FCC, to properly regulate health information technology as well as address proper regulations of mobile medical applications.

I am pleased that language has been included in this bill which asks for the Secretary to work across the different agencies—the FDA, ONC, and FCC—to come up with guidance that makes sense. It also encourages an outside stakeholder group to be consulted.

I would like to thank my colleagues Senator BENNET, Senator BURR, HATCH and COBURN for their leadership on this as well.

I would also like to briefly acknowledge language in the FDA bill regarding the use of data from clinical trials conducted outside the United States. As many in industry will tell you, there are a number of countries around the world that have comparable safety standards as the U.S.

I have been interested in learning more about the application of appropriate clinical data across borders. I believe that if the FDA can do more to establish comparability between its guidelines for clinical trials and those set by countries in the European Union, for instance, we may be able to reduce the need for duplicative work and we may be able to get safe products to market sooner.

The FDA has committed to being more open with applicants about using this type of data. They have agreed to provide applicants with more information about why certain data is not appropriate for use in the U.S. The FDA will also report on regulatory science, which will specifically indicate which

specific metrics can be used to determine comparability.

I am hopeful that there will soon be measurable improvement on this issue, and I look forward to working with interested stakeholders and the FDA to do more in this area in the future.

One final point I would like to make is about something that is not directly included in this bill, a new innovation—biomarkers.

Preeclampsia is a disorder that affects hundreds of thousands of pregnant women every year which undiagnosed can put a woman at risk for death and the fetus at risk of stillbirth.

Doctors currently use a mix of imprecise signs and symptoms to diagnose it but oftentimes such signs and symptoms are wrong. However, researchers have found a biomarker—a particular biological process or sign—that can accurately identify women with preeclampsia that are at risk for pregnancy complications.

Unfortunately, tests for novel biomarkers are taking 5 or more years to get approved by the FDA, delaying patients from receiving the benefits of more accurate diagnoses and treatments.

I was pleased that a recent commitment letter between FDA and industry specifically mentions the FDA's commitment to work together with industry to create a transitional IVD, or "T IVD" process for the development of tests for novel biomarkers.

I look forward to seeing how this T-IVD process develops in discussions between FDA and industry and am interested in progress towards its implementation which supports advances in the sciences and promotes access to these emerging diagnostics.

If reducing healthcare costs is a national priority, we need to act today. I encourage my colleagues to pass S. 3187 and allow the FDA to work more closely with the medical industry to safely bring new technologies to the marketplace.

Let's increase the quality of life of our citizens, structurally reduce healthcare costs without increasing risks to patients and stimulate the growth of American ingenuity and U.S.-based jobs.

Mr. HARKIN. Mr. President, we are finished with business for today. We do have some more amendments to be called up and voted on tomorrow. I understand we are coming in—I do not know exactly what time has been set for the morning, but after the leaders' time has been used, we will be back on this bill.

Again, I remind Senators and their staffs that we have until 2 p.m. for their amendments to be brought up and to be debated. The sooner we get to those in the morning, the better off we will be.

So as soon as the leader time is exhausted tomorrow morning, we will be back on our bill.

So, Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call not be taken off our bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

150TH ANNIVERSARY OF USDA

Mr. INOUE. Mr. President, last week we celebrated the 150th anniversary of the United States Department of Agriculture, also known as the USDA. On May 15, 1862, President Abraham Lincoln signed legislation to create the USDA. Since this day, the USDA has made major contributions to agriculture that have benefited the people of the United States.

Hawaii has a historic relationship with the USDA that began during Hawaii's territorial days. Our very own University of Hawaii at Manoa campus began as a land-grant college of agriculture and mechanic arts in 1907. John Washington Gilmore, the first president of the College of Hawaii, the predecessor of the University of Hawaii, was the son of a farmer who was tasked to build Hawaii's first agricultural school. During the past 100 years, the University helped Hawaii diversify its economy, sustain its environment, and build stronger families and communities.

Hawaii faces unique challenges when it comes to food security. Hawaii depends on imported food for approximately 85 percent of its food supply. For the United States as a whole, imports make up about 15 percent of total food consumption. In addition, higher energy-related transportation costs, and rapidly escalating commodity prices translate into very high food costs for Hawaii consumers. Further, if there is a shipping disruption of any kind, it is estimated that Hawaii has a 4 to 7 day food supply.

The magnitude for Hawaii of this potential and unprecedented food security crisis has prompted a restructuring of Hawaii's agriculture, with a move from large-scale plantation agriculture to smaller scale, more diversified agriculture, with an initial emphasis on import substitution. This process has been occurring over the past 20

years with many large scale plantations either closing or shifting to overseas locations. Our situation remains a struggle. There is only one sugarcane and one pineapple operation remaining in the State. There are no dairies on the Island of Oahu and the only two remaining in the State are on the Big Island. There are no slaughter or meat processing facilities on Oahu. A major employer on the Island of Molokai is gone and, with it, agricultural production and water supplies for residents. Finally, the only poultry operations remaining are four egg producers on Oahu.

The rapid closures of these farming and farm-related operations continues to pose a serious challenge for our agriculture industry in Hawaii as these operations were attempting a transition to agriculture supportive of local consumption through import substitution. Accordingly, efforts to support those remaining in agriculture to make the transition to an agriculture supportive of Hawaii food security is also critical to the continued sustainability and viability of our agriculture industry in the State of Hawaii.

The USDA plays a major role in preservation. The U.S. Forest Service, part of the USDA, protects and manages our Nation's forests and grasslands. Hawaii's rainforests contain numerous plant species that are not found anywhere else in the world, and they are part of a unique, delicate ecosystem consisting of countless native Hawaiian animal species. The Forest Service has helped protect the beauty of Hawaii's rainforests by fighting invasive species and destructive human practices.

The USDA hopes to protect the environments of Hawaii and the rest of the United States with the Animal and Plant Health Inspection Service, also known as APHIS. The mission of APHIS is to protect our Nation's agriculture and animal and plant resources from diseases and pests. APHIS plays a major role in the protection of Hawaii's environment. Invasive species such as fruit flies, coffee berry borers, and Varroa mites have been devastating to Hawaii's agriculture and fragile ecosystem. If Hawaii fails to stop potential invasive species including the Brown Tree Snake, the results will be catastrophic. Even though Hawaii may be small compared to the continental United States, our islands contain one the most diverse ecosystems in the world. It is in our country's interest to keep these protective programs. APHIS also protects the continental United States from potential destructive invasive species that can wreak havoc on our Nation's agriculture. Programs such as APHIS protect both Hawaii and the continental United States and are vital for economic and environmental security for everyone.

In addition to preservation, the USDA helps with innovation. The Agricultural Research Service is responsible for conducting basic, applied and developmental research on: soil, water, and air sciences; plant and animal productivity; commodity conversion and delivery; human nutrition; and the integration of agriculture systems. Through research, development, and other federal programs, the USDA has helped farmers produce food efficiently and sustainably. The United States is a world leader in agricultural production, and our agriculture research infrastructure continues to give our country a competitive edge.

Agriculture has been, and remains, an important pillar of the American economy. The USDA touches all Americans and will continue to contribute to our society far into the future. I wish nothing but the best for the USDA in the years to come.

HUMAN RIGHTS IN U.S. PRISONS

Mr. DURBIN. Mr. President, I rise to speak about the human rights issue of sexual assault in U.S. prisons, jails, and detention centers—and the historic release of our country's first-ever national standards to eliminate prison rape.

When the government takes people into custody, and puts them behind bars, their human rights become our responsibility. And we are accountable for the results. In studying this issue for nearly a decade, we learned that sexual assault in detention has become an epidemic. It is occurring at the hands of other inmates, and it is occurring at the hands of prison officials whose job it is to protect.

We learned that hundreds of thousands of inmates are victims of sexual assault every year. According to a Bureau of Justice Statistics report released this month, approximately one out of ten former state prisoners reported incidents of sexual victimization during their most recent stay behind bars. Approximately a third of former inmates reported other types of sexual harassment or victimization. Many say these are conservative estimates of those brave enough to report.

It is also disturbing that "prison rape" has become an accepted part of our culture. We hear people make light of it in jokes, in movies, in television shows. It is a common pop culture reference. This is unacceptable, and it sends the message that this brutal, terrorizing conduct is actually part of a United States prison sentence. As our Supreme Court has said, it is not. The Court stated, in the 1994 case of *Farmer v. Brennan*, that being violently assaulted in prison is not part of the penalty offenders should pay for their offenses against society.

Winston Churchill declared in 1910:

The mood and temper of the public in regard to the treatment of crime and criminals

is one of the most unfailing tests of the civilisation of any country.

We are utterly failing the test when it comes to prison rape. Our status quo is intolerable for a country that prides itself on its commitment to civil liberties, to civil rights, and to human rights.

And this issue affects so many individuals and their families so deeply. We have more than two million people incarcerated in America today. We incarcerate more individuals, and at a higher per capita rate, than any other country on earth.

Congress passed the Prison Rape Elimination Act, "PREA," in 2003. This was a bipartisan effort so important that its champions included unlikely bedfellows like Senators JEFF SESSIONS and Edward M. Kennedy. I was an original cosponsor of this legislation. Just last week, the Department of Justice finally issued the first-ever national standards to prevent, detect, and respond to prison rape, which are required under PREA.

These are historic regulations that aim to eliminate sexual assault in all federal, state, and local facilities. I applaud President Obama and Attorney General Eric Holder on their achievement. This nearly 300-page document represents one of the most comprehensive and challenging rulemaking processes the Department of Justice has undertaken in decades.

In particular, I want to thank the Attorney General for incorporating my concerns and suggestions into the Justice Department's final standards. As an original cosponsor of PREA, I have been following the progress of these long-delayed standards for nearly 9 years. The Department's proposed standards, released early last year, were missing important protections. I sent a letter to the Attorney General, emphasizing the need for stronger provisions in certain key respects. For example: The sea change we need requires, above all, accountability. In my letter, I expressed concern that the proposed standards did not require regular audits of detention facilities by external, objective auditors. The final standards require external audits every 3 years to ensure the regulations are being implemented.

One of the biggest problems with custodial sexual assault is underreporting and fear of retaliation. I learned it was key that inmates have access to "outside reporting"—a way to report abuse to someone entirely separate from the facility and agency holding them. According to one Illinois inmate, this "could make all the difference." Heeding these concerns, the final standards now require this outside reporting.

I expressed concern about imposing short timelines for reporting abuse and hampering the ability of victims to seek appropriate redress. I also asked the Department to ensure inmates

weren't chilled from reporting emergency situations due to fear of reprimand for false reporting. I am pleased that the final rule made these changes.

I commented on the need for increased protections related to certain staff practices we know can contribute to instances of sexual abuse—so-called “cross-gender pat-downs and cross-gender viewings.” I am pleased that many of the critical protections were added.

I have long been concerned about the use of solitary confinement, where some inmates spend prolonged periods in extreme isolation. I learned one reason some do not report abuse is a fear of placement in solitary confinement. Placing those who report abuse in extreme confinement can make a “victim” even more of victim. I asked the Department to impose important safeguards in this regard, and I am pleased to see these changes were included in the final standards.

Finally, I am concerned about younger inmates who are especially vulnerable and easily victimized—namely, children serving time in adult prisons. The final standards include important protections for this population.

I am grateful to Attorney General Holder for considering my input and for making these changes to the Justice Department's historic national standards.

Of course, the standards are not perfect. I look forward to working with the Department of Justice on remaining issues like ensuring that inmates have access to confidential reporting and services—and making sure that staff practices, like cross-gender pat-downs, with regard to male inmates are appropriate.

But the bottom line is that the Department's strong standards make clear that the federal government will not tolerate this conduct, and that a culture change is necessary.

My work on this issue has been inspired by hearing from sexual abuse victims. For example, I received an account from one Illinois inmate who was incarcerated for a non-violent offense. He described multiple threats he received in jail, and how he tried to get help from prison officials, to no avail. He explained how he was knocked to the floor, choked, and raped in the shower. He now wants to spend his life putting an end to prison rape.

I received a report from another survivor in Illinois, a father of two who explained how he contracted HIV after being sexually assaulted in prison. He talked about the stress, hyperventilating, nightmares, and shame. He explained that he wakes some nights and can “smell the soap from the washcloth that had been crammed in [his] mouth to silence [the] screams.”

Criminal detainees aren't the only detainees at risk. Last week, the White

House made another important announcement. It confirmed that Prison Rape Elimination Act standards will apply to all federal confinement facilities, including immigration facilities. This is an important step that speaks to the Administration's commitment to ending sexual assault in all forms of detention.

The Department of Homeland Security will be promulgating its own regulations that will apply to immigration detainees. I have long been concerned about the sexual assault of immigration detainees. We have heard about truly horrific instances of assault occurring in immigration detention facilities. A troubling episode of *Frontline*, the PBS program, detailed one woman's story in great detail recently. But that was hardly an isolated incident.

When we drafted and passed PREA, it was always our intent that it would apply to all those in detention—including immigration detainees. I discussed this issue with Secretary Napolitano at a recent Judiciary Committee hearing. And I also—working with Senator LEAHY—included a provision in the current Violence Against Women Reauthorization Act to clarify that standards to prevent rape must apply to all immigration detainees.

I am disappointed that nearly 9 years after PREA was passed, our immigration detainees still do not have the strong protections they deserve. But I look forward to working with the Department of Homeland Security to ensure that its forthcoming regulations effectively address this issue. It was never our intention to have those accused of violating civil immigration laws left with fewer protections than those serving criminal sentences.

Again, I applaud President Obama and Attorney General Holder for their efforts to end this serious human rights abuse. I also give special recognition to the bipartisan Prison Rape Elimination Commission, whose impressive work, expertise, and strong proposed standards were the lynchpin of this effort.

I want to recognize my former colleague, the late, great Senator Ted Kennedy, for his leadership on this issue, as he led us on so many civil rights issues over the years.

I also want to thank my colleague Senator SESSIONS for his leadership as the lead sponsor of the Prison Rape Elimination Act. Senator SESSIONS and I often disagree, but we have been able to come together across the political divide to work on civil rights issues like prison rape and the sentencing of nonviolent drug offenders. As Senator Kennedy stated about prison rape:

It is not a liberal issue or a conservative issue. It is an issue of basic decency and human rights.

Finally, I thank the organizations that worked with me and my office to

address this issue: Just Detention International, the ACLU, the National Immigrant Justice Center, Human Rights Watch, Human Rights First, Campaign for Youth Justice, and so many others.

I look forward to confronting what may be the most challenging part of this process ahead—ensuring that these standards protect the rights of all detainees, and that they are adopted and enforced expeditiously. I look forward to working with my colleagues to put an end to one of the more alarming criminal justice and human rights crises in our country today.

REMEMBERING EDDIE BLAZONCZYK, SR.

Mr. DURBIN. Mr. President, on Monday morning, Eddie Blazonczyk, Sr., passed away in Palos Heights, IL. He was known in the greater Chicago area as the Polka King. Eddie was born in Chicago in 1941 to Polish immigrant parents—both musicians. It is no surprise, then, that Eddie started playing the accordion at the age of 12. Eddie's first love was rock and roll, but, influenced by his mother's fondness for the music of her homeland, he was soon playing polka music.

In 1962, Eddie Blazonczyk joined a local polka band called the Versatones, a union that would last for the rest of his life. His son, Eddie Blazonczyk, Jr., still plays with the band. Today, the Versatones are the most sought after polka band in the music industry. While they are popular in communities all over the country, Chicago has always been home to the band, and Chicago knows polka.

The Chicago metropolitan area is steeped with Polish customs and heritage. It has the largest Polish population outside of Poland, and the Polish language is the third most commonly spoken language in the greater Chicago area. In Illinois, the first Monday of March is Casimir Pulaski Day, a day when all State government buildings are closed in remembrance of “the father of the American cavalry.” The International Polka Association moved to Chicago in 1968. We even have a Chicago style of polka music, distinguished by heavier clarinet and trumpet and, of course, the button-box accordion. Eddie Blazonczyk helped define Chicago style polka, even as he grew into his unofficial role as polka royalty.

In 1967, a congressional committee awarded 26-year-old Eddie Blazonczyk and the Versatones the title of “The Nation's #1 Polka Band.” In 1970, Eddie was elected into the International Polka Association Polka Music Hall of Fame. The Versatones also have 16 Grammy nominations and a Grammy award in 1986 for their “Another Polka Celebration” album. First Lady Hillary Rodham Clinton presented him with

the National Endowment for the Arts 1998 National Heritage Fellowship for preserving Polish Heritage Music.

I extend my sympathies to Eddie's wife Christine—Tish, as many know her; his daughter Kathy; his sons Eddie and Tony; his grandchildren Cayle, Anya, and Anthony; and his many nieces and nephews. Eddie took a traditional sound and infused it with rock and roll, Cajun, zydeco, and country, creating something both familiar and entirely different. The Polish American community lost a music hero this week, but his legacy will live on at weddings, celebrations, and parties for generations to come.

RYAN CROCKER DEPARTURE

Mr. MCCAIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement released yesterday by Senators GRAHAM, LIEBERMAN, and myself on the decision of Ambassador Ryan Crocker to depart his post in Kabul, Afghanistan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The recent announcement by Ambassador Ryan Crocker that he will be departing his post in Kabul is a great loss to the United States and Afghanistan, but we fully understand his decision. We are grateful beyond words to Ryan for his decision to come out of retirement at the President's request to serve our country one last time in one of the most challenging jobs in the world. When the history of the past decade is written, Ryan Crocker will rightly be recognized as one of the genuine American heroes of this era. We have never met a finer, more capable, or more dedicated diplomat than Ryan Crocker.

Ambassador Crocker arrived in Afghanistan at a critical moment in the relations between our two countries. Thanks to his efforts, we believe that the Afghan-U.S. relationship is now on a much better path. In the last year, Ambassador Crocker and General Allen, working with our Afghan and NATO partners, successfully negotiated a Strategic Partnership Agreement. If properly implemented, this Agreement could be the ultimate guarantee that Al-Qaeda and the Taliban will never again control Afghanistan. For this, and for so much else in his long and distinguished career, Ryan Crocker deserves the respect, gratitude, and admiration of all Americans. We will miss him greatly, and look forward to welcoming him back home to the United States.

REMEMBERING STEPHEN DAGGETT

Mr. MCCAIN. Mr. President, I was deeply saddened to learn of the sudden death on April 17 of Stephen Daggett, a highly respected defense expert at the Congressional Research Service and an authority on the U.S. defense budget.

Mr. Daggett provided Congress with authoritative analysis on many aspects of defense spending in the overall context of defense policy and U.S. national security strategy. His briefs to Members of Congress and his written re-

ports captured the complexity of issues ranging from the Department of Defense's Quadrennial Defense Review to the budget priorities of the Armed Services.

Very few "defense experts" could do what he could do. Mr. Daggett was admired by his professional colleagues in CRS and earned many awards for his dedication and outstanding performance. His appraisals were sought-after by Members of Congress and their staffs, by others in the Department of Defense, and by industry. Mr. Daggett's particular interest in providing an unbiased, unvarnished assessment to diverse constituencies, especially outside Congress, was laudable.

In an era of wide political gulfs, he supplied irrefutable ground truths—which often became the basis for common understanding and problem solving. His accounts of the interrelated nature of defense policy, strategy, and budgets continue to be the standards of the discipline. Thought leaders on and off the Hill, in industry, associations and think tanks, on the right and the left, will feel his absence.

Mr. Daggett was a national asset who provided the Congress with invaluable expertise on defense issues for over 20 years and during three U.S. wars. He will be sorely missed by his professional colleagues and friends, by his wife, Diana, his sons Thomas and Sam, and by the many in Congress who depended on him.

TRIBUTE TO JAMES HANLON

Mr. REED. Mr. President, today I would like to recognize Mr. James A. Hanlon, who is retiring this month after nearly 40 years of Federal service at the U.S. Environmental Protection Agency.

Jim has spent his long and distinguished career at EPA focusing on water quality issues and helping States and communities comply with Federal clean water requirements. He began his career at EPA as a staff engineer in September 1972, 1 month prior to the passage of the Clean Water Act, and has served in a number of senior positions within the Office of Water and Office of Research and Development.

Although he has many accomplishments, I want to particularly acknowledge Jim's role in managing the Clean Water State Revolving Fund Program, a program that has been so important to my home State of Rhode Island.

Jim was there at the program's inception, working for several years to design and lead the implementation of the program after it was first created by Congress in 1987. A decade ago, he was appointed Director of the Office of Wastewater Management, where he has continued to manage the Clean Water State Revolving Fund Program and to oversee EPA's broader wastewater regulatory portfolio. Thanks in large part

to his leadership, the Clean Water State Revolving Fund Program has successfully provided more than \$90 billion nationwide to date to fund critical water infrastructure improvements through Federal grants and contributions from State matching funds and leveraging.

For the past several years, Jim has also served as an important resource to the Senate Committee on Appropriations on wastewater policy issues. I am particularly grateful for the assistance he provided to implement the critical \$4 billion investment in wastewater projects included in the American Recovery and Reinvestment Act. With Jim's guidance, EPA and the States worked to get an unprecedented 1,870 clean water projects under contract within a year of the law's passage, including ten in my home State. His experience and guidance will be missed.

I congratulate Jim on a job well done. He leaves a proud and enduring legacy of public service.

ADDITIONAL STATEMENTS

TRIBUTE TO REAR ADMIRAL CHRISTOPHER C. COLVIN

• Mr. BEGICH. Mr. President, today I wish to recognize a friend of Alaska for his extraordinary 34 years of service to the U.S. Coast Guard and our Nation. In Alaska, we know him best for his service as the commander of the Coast Guard 17th District, but he has served valiantly across our Nation throughout his long and distinguished career. On June 1, he will retire as the deputy commander of the Coast Guard's Pacific Area Command in Alameda, CA.

Rear Admiral Colvin is a native of Erie, PA. He graduated from the University of North Carolina at Chapel Hill in 1976 with a bachelor of arts degree in political science and entered Coast Guard Officer Candidate School in November 1978, earning his commission in March 1979. His 34-year Coast Guard career has included a variety of operational and staff assignments on both coasts. He served aboard eight Coast Guard cutters and commanded three. In 2003 he commanded Coast Guard Cutter DALLAS, WHEC 716, while attached to the USS *Truman*/USS *Roosevelt* battle force conducting combat operations during the first 6 months of Operation Iraqi Freedom. In 2004, Rear Admiral Colvin served as commander of Coast Guard forces off Haiti and as the maritime component commander to Joint Task Force Haiti, helping prevent a mass migration and preserving order in Port au Prince Harbor following the unexpected departure of former Haitian President Aristide. He is a 1999 graduate of the Naval War College in Newport, RI, earning a master of arts degree in national security

and strategic studies. His staff expertise is in cutter management, operations, strategy, and readiness. He has enforced U.S. sovereignty in the maritime arena by interdicting illegal drugs, detaining illegal migrants, seizing foreign fishing vessels, and saving lives.

Rear Admiral Colvin's first flag assignment was as the deputy director of operations for U.S. Northern Command in Colorado Springs, CO. From there he was assigned as the commander of the 17th Coast Guard District in Juneau, AK, from 2009 to 2011, when he was responsible for Coast Guard operations throughout Alaska and the U.S. Arctic. He currently serves as the deputy commander of the Coast Guard's Pacific Area Command in Alameda, CA. His many notable accomplishments from his current assignment include coordinating USCGC *HEALY*'s historic 2011 to 2012 icebreaking mission to mitigate a critical fuel shortage in the city of Nome, AK.

Rear Admiral Colvin married his wife Kristin in 1985, and they have two children. Their son Mark is a high school freshman and their daughter Meagan is a student at the University of Central Florida. Rear Admiral Colvin's parents are Dr. Charles and Evelyn Colvin of Erie, PA.

Mr. President, on behalf of the State of Alaska, I ask my distinguished colleagues to join me in recognizing Rear Admiral Colvin's exceptional career. We owe him a debt of gratitude for his commitment to the Coast Guard and to our Nation. We wish him well in his retirement.●

COMMENDING MISSISSIPPI LEVEE BOARDS

● Mr. COCHRAN. Mr. President, a year ago my State of Mississippi suffered one of the worst disasters in our history when the Mississippi River and its tributaries were confronted with record flood levels that threatened the well-being of residents and property over much of our State. The 2011 flood put our people and flood control structures to the test. Federal, State, and local entities worked heroically to prevent this disaster from becoming an outright catastrophe. I would like to especially commend the Mississippi Levee Board and the Yazoo-Mississippi Delta Levee Board for their impressive leadership during the flood and for taking the necessary actions to protect our population and to limit flood damage.

The Mississippi Levee Board is responsible for operating and maintaining a roughly 212-mile levee system along the river, as well as 360 miles of interior drainage streams. The Yazoo-Mississippi Delta Levee Board maintains 98 miles of mainline levees and 18 miles of backwater levees. Each board has worked efficiently and effectively with the U.S. Army Corps of Engineers

to reduce the threat of high water and flood damage.

The great flood of 2011 reminded us of the importance of diligence, preparation, and cooperation to ensure that our levees remain strong and that the lives and property in our State are protected.●

EDGELEY, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a thriving community in North Dakota that will soon be celebrating its 125th anniversary. On June 15 through June 17 of this year, the residents of Edgeley will be celebrating their community's history and founding.

Replacing the pioneer settlement of Saint George, the city of Edgeley has had a rich history. Edgeley is named after the birthplace of Englishman Richard Sykes, who was a significant developer and true believer in the potential of Edgeley and the surrounding area. In 1881, Mr. Sykes traveled from England to explore increasing his land holdings in America. Not surprisingly, he settled on the rich soil and beautiful country of Wells, Stutsman, LaMoure, and Morton counties in North Dakota.

Edgeley is home to many bustling small businesses and farmers who grow wheat, corn, soybeans, sunflowers, barley, oats, potatoes, and all manner of small grains, in addition to raising cattle and other types of livestock. North Dakota's first wind farm was built 8 miles west of Edgeley, providing 1.5 megawatts of sustainable electricity to many residents of the State.

Sponsored by the Edgeley Lions Club, the city is celebrating its 125th anniversary this summer. Among the events planned are a pageant, kids games on Main Street, a 5k run-walk, a golf tournament, two parades, and a commemorative gun raffle. Residents are also eagerly awaiting the grand opening of the new swimming pool.

I ask the United States Senate to join me in congratulating Edgeley, ND, and its residents on their 125th anniversary and in wishing them a warm future.●

BALTA, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a vibrant community in North Dakota that will soon celebrate its 100th anniversary. From June 15 through June 17 of this year, the residents of Balta will commemorate their community's history and founding.

Originally named Egan when the town was founded in 1912, its rail station was an important spot on the Soo Line Railroad. However, when it was discovered that a rail station in South Dakota had already claimed the name of Egan, the small village changed its name to Balta when the post office

opened on February 6, 1913. This new name was taken from a town in southern Russia, which is not surprising considering the heritage of the settlers, who were mostly Germans from Russia. Balta enjoys a reputation for some of the best duck and deer hunting in the State, and the community especially enjoys boating, swimming, and fishing at the Balta Dam Recreation Area.

The citizens of Balta are proud of their accomplishments and will celebrate the town's centennial with a number of activities and hold an all-school reunion. Among the planned festivities are a "Dam Fun Run" at Balta Dam, an alumni basketball game, a parade, car show, street fair, pedal tractor pull, beer garden, and street dance. The activities should prove to be entertaining for all and a celebration of both the past and future of the town.

I ask the United States Senate to join me in congratulating the residents of Balta, ND, on their 100th anniversary and in wishing them a bright future. Growing up in Balta has shaped many generations of North Dakotans and instilled in them the "North Dakota Way," bringing pride not only to North Dakota, but to our great Nation. This fine community is deserving of our recognition.

Balta has a proud past and a bright future.●

RECOGNIZING NEXSTRAPS

● Ms. SNOWE. Mr. President, each year on the last Monday in May we, as a nation, remember those who gave their lives while serving in the U.S. Armed Forces. Memorial Day is a chance to honor those who protect our freedom, giving others the opportunity to pursue the American dream. And it is our veteran entrepreneurs who know the sacrifices and struggles both of military service and of pursuing that dream firsthand. Today I rise to recognize and commend a family and veteran-owned small business that embodies the American entrepreneurial spirit, Nexstraps located in Blue Hill, ME.

For those who have had the pleasure to visit my home State, they know that it is blessed with an abundance of natural beauty. From the rugged wilderness of Mount Katahdin at the northern terminus of the Appalachian Trail, to the picturesque rivers and expansive forests, to the shores of Acadia National Park, Maine's beauty is derived from the physical splendor of the land. Moreover, Maine's great outdoors delivers a wealth of activities throughout every season. That is why Jeff and Kate Wright, who share a love of nature and believe life should be lived actively, outdoors, founded Nexstraps in 2007 based on those principles. Together with their family, they pursued a business plan and way of life that

harmoniously marries their love of nature with creative and practical problem-solving products designed with an active lifestyle in mind.

In starting Nexstraps, necessity truly was the mother of creation. Jeff, a former Reconnaissance Marine and Navy Seal with tours of duty in Iraq and Afghanistan, was confronted with the simple challenge of holding on to his glasses during daily operations. With the goal of remedying this problem, Jeff and Kate endeavored to design and manufacture a solution. Unlike a conventional sports glasses strap that merely connects the two eyewear legs with a band behind the head, the Nexstrap secures the glasses with a single band which serves as a tether looping from the legs of the frame, around the front of the neck, and meeting at a point behind the head. This unique design ensures that should the glasses become displaced over the head, they will remain leashed around the wearer's neck. The strap can further be looped through a baseball cap, securing the hat as well. Handmade from neoprene, the Nexstrap is designed to withstand whatever challenge the extreme sportsman can throw at it, whether that is rock climbing, snowboarding, or base-jumping. They even float! This problem solving innovation is a perfect example of the ingenuity that is characteristic of Maine entrepreneurs.

I applaud Nexstraps for demonstrating the epitome of Maine innovation and entrepreneurship. The Wrights' creativity and can-do attitude is truly a reflection of the talent and entrepreneurial spirit found in my home State of Maine. As we pay tribute to our servicemembers this coming Memorial Day, I offer my gratitude and congratulations to our Nation's veteran-owned small business and extend my best wishes to Jeff and Kate Wright at Nexstraps for their continued success.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3220. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3221. A bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6205. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Prohydrojasmon; Amendment of Temporary Exemption from the Requirement of a Tolerance" (FRL No. 9347-9) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6206. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Natamycin; Exemption from the Requirement of a Tolerance" (FRL No. 9349-2) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6207. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1, 2-Ethanediamine, N1-(2-aminoethyl)-, polymer with 2, 4-diisocyanato-1-methylbenzene; Tolerance Exemption" (FRL No. 9349-1) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6208. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,6-Diisopropyl-naphthalene (2,6-DIPN) and its metabolites and degradates; Pesticide Tolerances" (FRL No. 9350-4) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6209. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral and an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6210. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Richard K. Gallagher, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6211. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled "2012 Report to Congress on Sustainable Ranges"; to the Committee on Armed Services.

EC-6212. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-6213. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled "Report to the Congress on the Profitability of Credit Card Operations of Depository Institutions"; to the Committee on Banking, Housing, and Urban Affairs.

EC-6214. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the 98th Annual Report of the Federal Reserve Board covering operations for calendar year 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-6215. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the

People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Commerce, Science, and Transportation.

EC-6216. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting proposed legislation to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-6217. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the Saint Lawrence Seaway Development Corporation in the position of Administrator, received in the Office of the President of the Senate on May 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6218. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (Docket No. VA-126-FOR) received in the Office of the President of the Senate on May 21, 2012; to the Committee on Energy and Natural Resources.

EC-6219. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area; Ozone 2002 Base Year Emissions Inventory" (FRL No. 9673-9) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Environment and Public Works.

EC-6220. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oregon: Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard" (FRL No. 9673-7) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Environment and Public Works.

EC-6221. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Regional Haze" (FRL No. 9674-3) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Environment and Public Works.

EC-6222. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Reasonably Available Control Technology (RACT) for the 1997 8-Hour Ozone Standard" (FRL No. 9673-4) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Environment and Public Works.

EC-6223. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; Maryland; Baltimore Nonattainment Area Determinations of Attainment of the 1997 Annual Fine Particulate Standard" (FRL No. 9674-5) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Environment and Public Works.

EC-6224. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Vermont; Regional Haze" (FRL No. 9674-4) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Environment and Public Works.

EC-6225. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: The 2012 Critical Use Exemption from the Phaseout of Methyl Bromide" (FRL No. 9668-3) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Environment and Public Works.

EC-6226. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2012-36) received in the Office of the President of the Senate on May 17, 2012; to the Committee on Finance.

EC-6227. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, certification for the export of defense articles, to include technical data, and defense services related to the export of firearms to the Assistant Inspector General (Training), Special Protection Group of India in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-6228. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license to include the export of defense articles, including, technical data, or defense services sold commercially under contract to the Australian Government for installation of AN/PRC-150 and AN/PRC-152 Falcon Radio Systems in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6229. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing assistance agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the manufacture of C-17 Globemaster III Transport Aircraft, Wing Trailing Edge Panels and Flap Hinge Fairings in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6230. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to Mexico for the sale of T-6C Trainer Aircraft in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6231. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certifi-

cation of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to Mexico for the manufacture of T-16B Inertial Sensor Assemblies (ISAs) and Accelerometer with Higher Level Triad Assembly and associated Circuit Card Assemblies in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6232. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to New Zealand for the sale of 11 SH-2G(I) helicopters in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6233. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-6234. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the sale and export of defense articles, including technical data, and defense services to the Kingdom of Brunei for delivery, operation and maintenance of 12 Sikorsky S-70i helicopters with an option to purchase an additional 10 Sikorsky S-70i helicopters in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6235. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the notification that groups designated by the Secretary of State as Foreign Terrorist Organizations will be published in the Federal Register; to the Committee on Foreign Relations.

EC-6236. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to Canada for the manufacture of aft and forward landing gear assemblies, subassemblies, parts and components for the CH 47/MH-47 Chinook Helicopter in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6237. A communication from the Chair, Advisory Council on Alzheimer's Research, Care, and Services, transmitting, pursuant to law, a report relative to recommendations for improving federally and privately funded Alzheimer's programs; to the Committee on Health, Education, Labor, and Pensions.

EC-6238. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "National Plan to Address Alzheimer's Disease"; to the Committee on Health, Education, Labor, and Pensions.

EC-6239. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation" ((RIN1660-AA23) (Docket No. FEMA 2010-0064)) received in the Office of the President of the Senate on May 16, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6240. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce,

transmitting, pursuant to law, the report of a rule entitled "Changes in Requirements for Specimens and for Affidavits or Declarations of Continued Use or Excusable Nonuse in Trademark Cases" (RIN0651-AC49) received in the Office of the President of the Senate on May 18, 2012; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 414. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes (Rept. No. 112-170).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2276. A bill to permit Federal officers to remove cases involving crimes of violence to Federal court.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Katharina G. McFarland, of Virginia, to be an Assistant Secretary of Defense.

Air Force nomination of Lt. Gen. Herbert J. Carlisle, to be General.

Air Force nomination of Maj. Gen. Michael D. Dubie, to be Lieutenant General.

Air Force nomination of Col. Bobby V. Page, to be Brigadier General.

Air Force nomination of Gen. Philip M. Breedlove, to be General.

Air Force nomination of Lt. Gen. Larry O. Spencer, to be General.

Air Force nomination of Maj. Gen. Noel T. Jones, to be Lieutenant General.

Air Force nomination of Col. Wayne A. Zimmet, to be Brigadier General.

Army nomination of Maj. Gen. Theodore C. Nicholas, to be Lieutenant General.

Army nomination of Col. Francisco A. Espallat, to be Brigadier General.

Army nomination of Brig. Gen. William R. Phillips II, to be Major General.

Army nominations beginning with Brigadier General Leslie J. Carroll and ending with Colonel Michael S. Tuomey, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2012.

Army nomination of Lt. Gen. Michael T. Flynn, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Thomas D. Waldhauser, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Jon M. Davis, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Robert E. Schmidle, Jr., to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Terry G. Robling, to be Lieutenant General.

Marine Corps nomination of Col. Burke W. Whitman, to be Brigadier General.

Marine Corps nomination of Brig. Gen. James M. Lariviere, to be Major General.

Marine Corps nomination of Lt. Gen. John M. Paxton, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John A. Toolan, Jr., to be Lieutenant General.

Marine Corps nomination of Col. Paul K. Lebldine, to be Brigadier General.

Marine Corps nomination of Lt. Gen. Robert B. Neller, to be Lieutenant General.

Navy nomination of Vice Adm. William E. Gortney, to be Admiral.

Navy nomination of Rear Adm. Kurt W. Tidd, to be Vice Admiral.

Navy nomination of Vice Adm. David H. Buss, to be Vice Admiral.

Navy nomination of Rear Adm. Michelle J. Howard, to be Vice Admiral.

Navy nomination of Rear Adm. Thomas H. Copeman III, to be Vice Admiral.

Navy nomination of Vice Adm. Richard W. Hunt, to be Vice Admiral.

Navy nomination of Capt. John F. Kirby, to be Rear Admiral (lower half).

Navy nomination of Capt. Brian B. Brown, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Tonya R. Everleth, to be Lieutenant Colonel.

Air Force nominations beginning with Craig W. Hinkley and ending with Chad A. Spellman, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Air Force nominations beginning with Johann S. Westphall and ending with Eliesa A. Ing, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Air Force nominations beginning with Mark J. Batcho and ending with Frederick C. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Air Force nomination of Robert M. Ague, to be Colonel.

Air Force nominations beginning with Leslie A. Wood and ending with Matthew L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Air Force nominations beginning with Nathan Barry Alholinna and ending with Craig M. Ziemba, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Air Force nomination of James J. Renda, to be Major.

Air Force nomination of August S. Hein, to be Colonel.

Air Force nominations beginning with Christopher J. Mathews and ending with Timothy K. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Army nomination of Israel Mercado, Jr., to be Lieutenant Colonel.

Army nominations beginning with Francis J. Evon, Jr. and ending with Mark S. Wellman, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Army nomination of Chadwick B. Fletcher, to be Major.

Army nominations beginning with Rhanda J. Brockington and ending with Vickie M. Schnackel, which nominations were received

by the Senate and appeared in the Congressional Record on May 10, 2012.

Army nominations beginning with Richard A. Daniels and ending with Daniel J. Holdwick, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Army nominations beginning with Andrew C. Gallo and ending with Christa M. Lewis, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Army nomination of John C. Moffitt, to be Major.

Army nomination of Mimms J. Mabree, to be Colonel.

Army nomination of Jonelle J. Knapp, to be Major.

Army nomination of Robert E. Bessey, to be Major.

Army nomination of Laurel A. Thurston, to be Major.

Army nomination of Tina M. Morgan, to be Major.

Army nominations beginning with Karl W. Hubbard and ending with Benjamin N. Hoffman, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Army nominations beginning with Joann B. Couch and ending with Richard J. Yoon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Army nomination of Ricardo A. Bravo, to be Lieutenant Colonel.

Army nomination of Matthew W. Moffitt, to be Lieutenant Colonel.

Army nomination of Nathaniel V. Chittick, to be Major.

Army nomination of Lauri M. Zike, to be Major.

Army nomination of Timothy A. Crane, to be Major.

Army nomination of Ryan L. Jerke, to be Major.

Army nomination of Matthew R. Sun, to be Major.

Army nominations beginning with Gregory P. Chaney and ending with Lawrence E. Schloegl, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Army nominations beginning with Amy F. Cook and ending with Paul S. Tamaribuchi, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Army nominations beginning with Michael I. Allen and ending with Matthew S. Wysocki, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Marine Corps nominations beginning with Martin L. Abreu and ending with Robert C. Zyla, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Navy nomination of John D. Wilshusen, to be Captain.

Navy nomination of Peter J. Oldmixon, to be Commander.

Navy nomination of Guillermo A. Navarro, to be Commander.

Navy nomination of Raymond J. Houk, to be Captain.

Navy nomination of Jason D. Weddle, to be Commander.

Navy nomination of Andrew J. Strickler, to be Commander.

Navy nomination of Andrew K. Ledford, to be Commander.

Navy nominations beginning with John L. Grimwood and ending with Robyn M.

Treadwell, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Navy nominations beginning with Darius V. Ahmadi and ending with Scott D. Woods, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Navy nomination of Matthew F. Phelps, to be Commander.

Navy nomination of Eric J. Skalski, to be Lieutenant Commander.

Navy nomination of Ted J. Steelman, to be Lieutenant Commander.

Navy nomination of David A. Moore, to be Lieutenant Commander.

Navy nomination of Steven J. Porter, to be Commander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Mr. ROBERTS, and Ms. SNOWE):

S. 3223. A bill to amend the Internal Revenue Code of 1986 to permanently extend the reduction in the recognition period for built-in gains for S corporations; to the Committee on Finance.

By Ms. STABENOW:

S. 3224. A bill to amend the Internal Revenue Code of 1986 to prevent an unfair tax burden for veterans and homeowners who have received assistance from the National Mortgage Settlement, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 3225. A bill to require the United States Trade Representative to provide documents relating to trade negotiations to Members of Congress and their staff upon request, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Ms. MIKULSKI):

S. 3226. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for eldercare expenses; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. BLUNT):

S. 3227. A bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself, Mr. SESSIONS, Mr. MCCONNELL, Ms. AYOTTE, Mr. ROBERTS, Mr. WICKER, Mr. BOOZMAN, Mr. BARRASSO, Mr. COATS, Mr. INHOFE, Ms. MURKOWSKI, Mr. COCHRAN, Mr. JOHNSON of Wisconsin, Mr. VITTER, Mr. DEMINT, Mr. TOOMEY, Mr. GRASSLEY, Mr. ISAKSON, Mr. JOHANNES, Mr. CHAMBLISS, Mr. GRAHAM, Mr. BURR, Mr. COBURN, Mr.

RISCH, Mr. BLUNT, Mr. PAUL, Mr. MORAN, Mr. CORNYN, Mr. HATCH, and Mr. ENZI):

S. 3228. A bill to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself and Mr. KOHL):

S. 3229. A bill to develop a model disclosure form to assist consumers in purchasing long-term care insurance; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 3230. A bill to require issuers of long term care insurance to establish third-party review processes for disputed claims; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CARDIN, Mr. WYDEN, and Mr. COCHRAN):

S. 3231. A bill to provide for the issuance and sale of a semipostal by the United States Postal Service to support effective programs targeted at improving permanency outcomes for youth in foster care; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 3232. A bill to amend the Internal Revenue Code of 1986 and the Patient Protection and Affordable Care Act to extend, expand, and improve the qualifying therapeutic discovery project program; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. WYDEN):

S. 3233. A bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BARASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAPO, Mr. HOEVEN, Mr. INHOFE, Mr. JOHANNES, Mr. JOHNSON of South Dakota, Mr. MERKLEY, Mr. REID, Mr. RISCH, and Mr. TESTER):

S. Res. 470. A resolution designating July 28, 2012, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. NELSON of Florida, Ms. SNOWE, Mr. INHOFE, Mr. COCHRAN, Mr. PRYOR, Mrs. HUTCHISON, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 471. A resolution commending the efforts of the women of the American Red Cross Clubmobiles for exemplary service during the Second World War; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 687

At the request of Mr. CONRAD, the name of the Senator from South Da-

kota (Mr. JOHNSON) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 845

At the request of Mr. ENZI, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Montana (Mr. TESTER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule.

S. 930

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 930, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1171

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 2076

At the request of Mr. LEAHY, his name was added as a cosponsor of S.

2076, a bill to improve security at State and local courthouses.

S. 2134

At the request of Mr. BLUMENTHAL, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2168

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2168, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 2179

At the request of Mr. WEBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2250

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2250, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 2257

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2257, a bill to increase access to community behavioral health services for all Americans and to improve Medicaid reimbursement for community behavioral health services.

S. 2276

At the request of Mr. GRASSLEY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2276, a bill to permit Federal officers to remove cases involving crimes of violence to Federal court.

S. 2288

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2288, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 2554

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2554, a bill to amend title I of the

Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3049

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3049, a bill to amend title 39, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs.

S. 3083

At the request of Mr. RUBIO, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Indiana (Mr. COATS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Mississippi (Mr. WICKER), the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. BLUNT), the Senator from Kentucky (Mr. PAUL), the Senator from North Dakota (Mr. HOEVEN), the Senator from Nebraska (Mr. JOHANNES) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 3083, a bill to amend the Internal Revenue Code of 1986 to require certain nonresident aliens to provide valid immigration documents to claim the refundable portion of the child tax credit.

S. 3205

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3205, a bill to amend the Internal Revenue Code of 1986 to provide that persons renouncing citizenship for a substantial tax avoidance purpose shall be subject to tax and withholding on capital gains, to provide that such persons shall not be admissible to the United States, and for other purposes.

S. 3221

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S.J. RES. 40

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a co-

sponsor of S.J. Res. 40, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rules submitted by the Department of the Treasury and the Internal Revenue Service relating to the reporting requirements for interest that relates to the deposits maintained at United States offices of certain financial institutions and is paid to certain non-resident alien individuals.

AMENDMENT NO. 2117

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2117 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2118

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2118 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2119

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2119 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2146

At the request of Mr. PORTMAN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 2146 intended to be proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3225. A bill to require the United States Trade Representative to provide documents relating to trade negotiations to Members of Congress and their staff upon request, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, right now, the Obama Administration is in

the process of negotiating what might prove to be the most far-reaching economic agreement since the World Trade Organization was established nearly twenty years ago.

The goal of this agreement—known as the Trans Pacific Partnership, TPP—is to economically bind together the economies of the Asia Pacific. It involves countries ranging from Australia, Singapore, Vietnam, Peru, Chile and the United States and holds the potential to include many more countries, like Japan, Korea, Canada, and Mexico. If successful, the agreement will set norms for the trade of goods and services and includes disciplines related to intellectual property, access to medicines, Internet governance, investment, government procurement, worker rights and environmental standards.

If agreed to, TPP will set the tone for our nation's economic future for years to come, impacting the way Congress intervenes and acts on behalf of the American people it represents.

It may be the U.S. Trade Representative's, USTR, current job to negotiate trade agreements on behalf of the United States, but Article 1 Section 8 of the U.S. Constitution gives Congress—not the USTR or any other member of the Executive Branch—the responsibility of regulating foreign commerce. It was our Founding Fathers' intention to ensure that the laws and policies that govern the American people take into account the interests of all the American people, not just a privileged few.

Yet, the majority of Congress is being kept in the dark as to the substance of the TPP negotiations, while representatives of U.S. corporations—like Halliburton, Chevron, PHRMA, Comcast, and the Motion Picture Association of America—are being consulted and made privy to details of the agreement. As the Office of the USTR will tell you, the President gives it broad power to keep information about the trade policies it advances and negotiates, secret. Let me tell you, the USTR is making full use of this authority.

As the Chairman of the Senate Finance Committee's Subcommittee on International Trade, Customs, and Global Competitiveness, my office is responsible for conducting oversight over the USTR and trade negotiations. To do that, I asked that my staff obtain the proper security credentials to view the information that USTR keeps confidential and secret. This is material that fully describes what the USTR is seeking in the TPP talks on behalf of the American people and on behalf of Congress. More than two months after receiving the proper security credentials, my staff is still barred from viewing the details of the proposals that USTR is advancing.

We hear that the process by which TPP is being negotiated has been a

model of transparency. I disagree with that statement. And not just because the Staff Director of the Senate subcommittee responsible for oversight of international trade continues to be denied access to substantive and detailed information that pertains to the TPP talks.

Congress passed legislation in 2002 to form the Congressional Oversight Group, or COG, to foster more USTR consultation with Congress. I was a senator in 2002. I voted for that law and I can tell you the intention of that law was to ensure that USTR consulted with more Members of Congress not less.

In trying to get to the bottom of why my staff is being denied information, it seems that some in the Executive Branch may be interpreting the law that established the COG to mean that only the few Members of Congress who belong to the COG can be given access to trade negotiation information, while every other Member of Congress, and their staff, must be denied such access. So, this is not just a question of whether or not cleared staff should have access to information about the TPP talks, this is a question of whether or not the administration believes that most Members of Congress can or should have a say in trade negotiations.

Again, having voted for that law, I strongly disagree with such an interpretation and find it offensive that some would suggest that a law meant to foster more consultation with Congress is intended to limit it. But given that the TPP negotiations are currently underway and I—and the vast majority of my colleagues and their staff—continue to be denied a full understanding of what the USTR is seeking in the agreement, we do not have time to waste on a protracted legal battle over this issue. Therefore, I am introducing legislation to clarify the intent of the COG statute.

The legislation, I propose, is straightforward. It gives all Members of Congress and staff with appropriate clearance access to the substance of trade negotiations. Finally, Members of Congress who are responsible for conducting oversight over the enforcement of trade agreements will be provided information by the Executive Branch indicating whether our trading partners are living up to their trade obligations. Put simply, this legislation would ensure that the representatives elected by the American people are afforded the same level of influence over our nation's policies as the paid representatives of PHRMA, Halliburton and the Motion Picture Association.

My intent is to do everything I can to see that this legislation is advanced quickly and becomes law, so that elected Members of Congress can do what the Constitution requires and what their constituents expect.

By Mr. KERRY (for himself, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CARDIN, Mr. WYDEN, and Mr. COCHRAN):

S. 3231. A bill to provide for the issuance and sale of a semipostal by the United States Postal Service to support effective programs targeted at improving permanency outcomes for youth in foster care; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, as we recognize May as National Foster Care Month, we should take a minute to think about what foster care means for children in America. We currently have over 408,000 children in our foster care system due to abuse or neglect by their biological families, with 107,000 as eligible for adoption. Every year nearly 28,000 of these children age out of our foster care system with no place to call home. On average, foster children spend over 3 years in the system and around 16 percent languish in the foster care system for over 5 years. These numbers are a stark reminder that we must do more to connect children in our foster care system with a safe, loving, and permanent home.

I have worked with my colleague Senator GRASSLEY on a bipartisan bill that will provide supplemental funds to programs that directly impact children in our foster care system. The Families for Foster Youth Stamp Act will provide additional funding for the Court Improvement Program and the Adoption Opportunities Program by giving an easy option for individuals to pay a few cents more for their postage stamps if they choose to.

By providing a boost in resources to the Court Improvement Program, states can enhance their capacity to serve children in the system, build upon best practices, and improve the quality of representation our children receive. Funds going to the Adoption Opportunities Program will support programs that target improvement in permanency outcomes for youth in foster care through adoption, guardianship, or kinship care. We know that youth who are served by effective programs targeting permanent placement options have shown to be more likely to find a forever family than the national average. No teenager should exit our foster care system alone, facing possible homelessness and without the type of support system that only a family can provide. The Families for Foster Youth Stamp Act provides a unique funding option to supplement programs that make a real and tangible difference in the lives of our most at-risk children.

A number of organizations are supportive of this bill, including the American Professional Society on the Abuse of Children, Children's Action Network, Children's Advocacy Institute, Child Welfare League of America, First

Focus Campaign for Children, Foster Club, National Association of Council for Children, National Children's Alliance, National Council for Adoption, Northwest Adoption Exchange, The Adoption Exchange, and Voice for Adoption.

I would like to recognize Senators GRASSLEY, LANDRIEU, CARDIN, WYDEN, and COCHRAN as original cosponsors of this bill. I look forward to continued progress in developing a more effective child welfare system and ask all of my colleagues to support this important legislation.

By Mr. CASEY (for himself and Mr. WYDEN):

S. 3233. A bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CASEY. Mr. President, the brave men and women serving our country in the military, the National Guard and the Reserves have sacrificed time away from their families, jobs and lives throughout Operation Enduring Freedom and Operation Iraqi Freedom. Even upon their safe return, many of these men and women suffer physical, personal, and financial effects from their deployment and time in combat. This is compounded when our servicemembers return home from their deployment or service to find that their employers will not promptly reinstate them in their civilian jobs, as required by the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA. Although USERRA should protect servicemembers against this type of discrimination, the process for filing a complaint can be unwieldy and expensive. No single Federal agency has oversight over this process, and investigations can drag on for months, including while servicemembers are deployed overseas. Our military personnel and their families should not be burdened by this additional stress and financial strain.

Pennsylvania has the nation's largest Army National Guard and fourth-largest Air National Guard. We owe it to these brave men and women to renew America's social commitment to the National Guard and Reserve, and to update National Guard and Reserve programs and benefits to reflect the operation tempo of their service. This is why I am today reintroducing the Servicemembers Access to Justice Act, which would eliminate loopholes and strengthen protections in the current law. Furthermore, this bill would bring a newfound clarity and understanding of the law for courts and employers.

The Servicemembers Access to Justice Act makes it easier for our servicemembers to fight for their

USERRA rights in court if their employer requires them to relinquish them in order to be hired for or keep their job. This legislation would mandate studies of current employer education programs and solicit recommendations for ways in which government agencies could cooperate to enhance employer education. Additionally, the Servicemembers Access to Justice Act would enhance the remedies available to servicemembers who prove their rights under USERRA were violated, by adding increased penalties for willful violations.

We owe it to our servicemembers to ensure the fair enforcement of their employment rights. These men and women deserve our gratitude, and I am committed to supporting them during and after their service. Please join me in supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 470—DESIGNATING JULY 28, 2012, AS “NATIONAL DAY OF THE AMERICAN COWBOY”

Mr. ENZI (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAPO, Mr. HOEVEN, Mr. INHOFE, Mr. JOHANNIS, Mr. JOHNSON of South Dakota, Mr. MERKLEY, Mr. REID, Mr. RISCH, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 470

Whereas pioneering men and women, recognized as “cowboys”, helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their commu-

nities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 28, 2012, as “National Day of the American Cowboy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I am proud to submit a resolution today to designate Saturday, July 28, 2012 as National Day of the American Cowboy. My late colleague, Senator Craig Thomas, began the tradition of honoring the men and women known as “cowboys” seven years ago when he introduced the first resolution to designate the fourth Saturday of July as National Day of the American Cowboy. I am proud to carry on Senator Thomas’s tradition.

The resolution celebrates the history of cowboys in America and recognizes the important work today’s cowboys are doing in the United States. The cowboy spirit is about honesty, integrity, courage, and patriotism, and cowboys are models of strong character, sound family values, and good common sense. The first cowboys relied on hard work and persistence to make their living in a tough country. Today’s cowboys haven’t changed all that much from the first wranglers and ranch hands who started herding cattle on the Great Plains.

Cowboys continue to make important contributions to our economy, Western culture and my home State of Wyoming today. They live and work in every State to manage nearly 100 million cattle. Cowboys work hard, but they also play hard. Rodeo is a sport that tests skill with a rope or challenges a cowboy’s ability to stay on the back of bucking rough stock for 8 long seconds. Rodeos across the nation draw millions of fans every year.

This year’s resolution designates July 28, 2012, as the National Day of the American Cowboy. I look forward to celebrating this day, and I hope my colleagues will join me in recognizing the important role cowboys play in our country.

SENATE RESOLUTION 471—COMMENDING THE EFFORTS OF THE WOMEN OF THE AMERICAN RED CROSS CLUBMOBILES FOR EXEMPLARY SERVICE DURING THE SECOND WORLD WAR

Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. NELSON of Florida, Ms. SNOWE, Mr. INHOFE, Mr. COCHRAN, Mr. PRYOR, Mrs. HUTCHISON, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 471

Whereas, during the Second World War, the American Red Cross was charged by the

United States Armed Forces with providing recreational services to the soldiers serving in the war;

Whereas Harvey Gibson, the Red Cross Commissioner to Great Britain during the war, conceived of the Clubmobiles in 1942 as a means of providing hot coffee, fresh doughnuts, and a vital connection to home to thousands of servicemen at dozens of airfields, bases, and camps throughout Great Britain during the buildup to D-Day;

Whereas thousands of young women, from every State in the United States, volunteered to serve in the Clubmobiles, and were chosen after a rigorous interview process in which less than 20 percent of applicants were selected;

Whereas, less than 1 month after the invasion of Normandy, France in June 1944, 80 Clubmobiles and 320 American Red Cross volunteers crossed the English Channel and began providing coffee, doughnuts, and a friendly smile to servicemen fighting on the front lines;

Whereas the Clubmobile volunteers saw service across Europe in France, Belgium, Italy, Luxembourg, and Germany, and later in the Far East, touching the lives of hundreds of thousands of United States servicemen until victory was achieved;

Whereas, during the war, the American Red Cross purchased enough flour to produce more than 1,500,000,000 doughnuts, many served from the windows of a Clubmobile;

Whereas a visit from a Clubmobile, which could serve gallons of coffee and hundreds of doughnuts every minute, was often the most significant morale boost available to servicemen at war;

Whereas 52 women of the American Red Cross, some of whom served on the Clubmobiles, perished during the war as a result of their service; and

Whereas 70 years have passed since the Clubmobiles were founded, and only a few women who served in the Clubmobiles remain to share their stories: Now, therefore, be it

Resolved, That the Senate—

(1) commends the exemplary and courageous service and sacrifice of each of the patriotic women of the United States who served in the American Red Cross Clubmobiles during the Second World War;

(2) honors the Clubmobile women who lost their lives during the Second World War;

(3) calls upon historians of the Second World War to recognize and describe the service of the Clubmobiles, and to not let this important piece of United States history be lost; and

(4) urges the American Red Cross to publicly commemorate the stories of the Clubmobiles and the amazing women who served in them.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2150. Ms. SNOWE (for herself, Mr. McCAIN, Mr. VITTER, Ms. KLOBUCHAR, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table.

SA 2151. Mr. MANCHIN (for himself, Mr. KIRK, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted an amendment

intended to be proposed by him to the bill S. 3187, supra.

SA 2152. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2150. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. VITTER, Ms. KLOBUCHAR, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XII—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 1201. SHORT TITLE.

This title may be cited as the “Pharmaceutical Market Access and Drug Safety Act of 2012”.

SEC. 1202. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) Americans spend more than \$200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings and allow greater access to therapy, improving health and saving lives.

SEC. 1203. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 1204. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 1203, is further amended by inserting after section 803 the following:

“SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

“(a) IMPORTATION OF PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or from registered importers—

“(A) the limitation on importation that is established in section 801(d)(1) is waived; and

“(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

“(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

“(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

“(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

“(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

“(A) by a registered importer; or

“(B) from a registered exporter to an individual.

“(4) DEFINITIONS.—

“(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

“(i) The term ‘registered exporter’ means an exporter for which a registration under subsection (b) has been approved and is in effect.

“(ii) The term ‘registered importer’ means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

“(iii) The term ‘registration condition’ means a condition that must exist for a registration under subsection (b) to be approved.

“(B) QUALIFYING DRUG.—For purposes of this section, the term ‘qualifying drug’ means a drug for which there is a corresponding U.S. label drug.

“(C) U.S. LABEL DRUG.—For purposes of this section, the term ‘U.S. label drug’ means a prescription drug that—

“(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

“(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

“(iii) is approved under section 505(c); and

“(iv) is not—

“(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

“(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

“(aa) a therapeutic DNA plasmid product;

“(bb) a therapeutic synthetic peptide product;

“(cc) a monoclonal antibody product for in vivo use; and

“(dd) a therapeutic recombinant DNA-derived product;

“(III) an infused drug, including a peritoneal dialysis solution;

“(IV) an injected drug;

“(V) a drug that is inhaled during surgery;

“(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

“(VII) a sterile ophthalmic drug intended for topical use on or in the eye.

“(D) OTHER DEFINITIONS.—For purposes of this section:

“(i)(I) The term ‘exporter’ means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by

the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

“(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

“(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

“(AA) the training of pharmacists;

“(BB) the practice of pharmacy; and

“(CC) the protection of the privacy of personal medical information; and

“(bb) the importation of drugs to individuals in the United States from the country will not adversely affect public health.

“(ii) The term ‘importer’ means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

“(iii) The term ‘pharmacist’ means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

“(iv) The term ‘pharmacy’ means a person that—

“(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

“(II) employs 1 or more pharmacists.

“(v) The term ‘prescription drug’ means a drug that is described in section 503(b)(1).

“(vi) The term ‘wholesaler’—

“(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

“(II) does not include a person authorized to import drugs under section 801(d)(1).

“(E) PERMITTED COUNTRY.—The term ‘permitted country’ means—

“(i) Australia;

“(ii) Canada;

“(iii) a member country of the European Union, but does not include a member country with respect to which—

“(I) the country’s Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

“(II) the Secretary determines that the requirements described in subclauses (I) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

“(iv) Japan;

“(v) New Zealand;

“(vi) Switzerland; and

“(vii) a country in which the Secretary determines the following requirements are met:

“(I) The country has statutory or regulatory requirements—

“(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

“(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to

evaluate the safety and effectiveness of drugs;

“(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

“(dd) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

“(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

“(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).

“(III) The importation of drugs to the United States from the country will not adversely affect public health.

“(b) REGISTRATION OF IMPORTERS AND EXPORTERS.—

“(1) REGISTRATION OF IMPORTERS AND EXPORTERS.—A registration condition is that the importer or exporter involved (referred to in this subsection as a ‘registrant’) submits to the Secretary a registration containing the following:

“(A)(i) In the case of an exporter, the name of the exporter and an identification of all places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter.

“(ii) In the case of an importer, the name of the importer and an identification of the places of business of the importer at which the importer initially receives a qualifying drug after importation (which shall not exceed 3 places of business except by permission of the Secretary).

“(B) Such information as the Secretary determines to be necessary to demonstrate that the registrant is in compliance with registration conditions under—

“(i) in the case of an importer, subsections (c), (d), (e), (g), and (j) (relating to the sources of imported qualifying drugs; the inspection of facilities of the importer; the payment of fees; compliance with the standards referred to in section 801(a); and maintenance of records and samples); or

“(ii) in the case of an exporter, subsections (c), (d), (f), (g), (h), (i), and (j) (relating to the sources of exported qualifying drugs; the inspection of facilities of the exporter and the marking of compliant shipments; the payment of fees; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; conditions for individual importation; and maintenance of records and samples).

“(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

“(D) An agreement by the registrant to—

“(i) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

“(ii) provide for the return to the registrant of such drug; and

“(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary has notified the registrant that exportation or importation of such drug may proceed.

“(E) An agreement by the registrant to ensure and monitor compliance with each registration condition, to promptly correct any

noncompliance with such a condition, and to promptly report to the Secretary any such noncompliance.

“(F) A plan describing the manner in which the registrant will comply with the agreement under subparagraph (E).

“(G) An agreement by the registrant to enforce a contract under subsection (c)(3)(B) against a party in the chain of custody of a qualifying drug with respect to the authority of the Secretary under clauses (ii) and (iii) of that subsection.

“(H) An agreement by the registrant to notify the Secretary not more than 30 days before the registrant intends to make the change, of—

“(i) any change that the registrant intends to make regarding information provided under subparagraph (A) or (B); and

“(ii) any change that the registrant intends to make in the compliance plan under subparagraph (F).

“(I) In the case of an exporter:

“(i) An agreement by the exporter that a qualifying drug will not under subsection (a) be exported to any individual not authorized pursuant to subsection (a)(2)(B) to be an importer of such drug.

“(ii) An agreement to post a bond, payable to the Treasury of the United States that is equal in value to the lesser of—

“(I) the value of drugs exported by the exporter to the United States in a typical 4-week period over the course of a year under this section; or

“(II) \$1,000,000.

“(iii) An agreement by the exporter to comply with applicable provisions of Canadian law, or the law of the permitted country designated under subsection (a)(4)(D)(i)(II) in which the exporter is located, that protect the privacy of personal information with respect to each individual importing a prescription drug from the exporter under subsection (a)(2)(B).

“(iv) An agreement by the exporter to report to the Secretary—

“(I) not later than August 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the 6-month period from January 1 through June 30 of that year; and

“(II) not later than January 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the previous fiscal year.

“(J) In the case of an importer, an agreement by the importer to report to the Secretary—

“(i) not later than August 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the 6-month period from January 1 through June 30 of that fiscal year; and

“(ii) not later than January 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the previous fiscal year.

“(K) Such other provisions as the Secretary may require by regulation to protect the public health while permitting—

“(i) the importation by pharmacies, groups of pharmacies, and wholesalers as registered importers of qualifying drugs under subsection (a); and

“(ii) importation by individuals of qualifying drugs under subsection (a).

“(2) APPROVAL OR DISAPPROVAL OF REGISTRATION.—

“(A) IN GENERAL.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the reg-

istrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

“(B) CHANGES IN REGISTRATION INFORMATION.—Not later than 30 days after receiving a notice under paragraph (1)(H) from a registrant, the Secretary shall determine whether the change involved affects the approval of the registration of the registrant under paragraph (1), and shall inform the registrant of the determination.

“(3) PUBLICATION OF CONTACT INFORMATION FOR REGISTERED EXPORTERS.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall make readily available to the public a list of registered exporters, including contact information for the exporters. Promptly after the approval of a registration submitted under paragraph (1), the Secretary shall update the Internet website and the information provided through the toll-free telephone number accordingly.

“(4) SUSPENSION AND TERMINATION.—

“(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under paragraph (1):

“(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

“(ii) If the Secretary determines that, under color of the registration, the exporter has exported a drug or the importer has imported a drug that is not a qualifying drug, or a drug that does not comply with subsection (g)(2)(A) or (g)(4), or has exported a qualifying drug to an individual in violation of subsection (i), the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registrant an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

“(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registrant has demonstrated that further violations of registration conditions will not occur.

“(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under paragraph (1) of a registrant if the Secretary determines that the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registrant. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration is terminated, any registration submitted under paragraph (1) by the registrant, or a person that is a partner in the export or import enterprise, or a principal officer in such enterprise, and any registration prepared with the assistance of the registrant or such a person, has no legal effect under this section.

“(5) **DEFAULT OF BOND.**—A bond required to be posted by an exporter under paragraph (1)(i)(ii) shall be defaulted and paid to the Treasury of the United States if, after opportunity for an informal hearing, the Secretary determines that the exporter has—

“(A) exported a drug to the United States that is not a qualifying drug or that is not in compliance with subsection (g)(2)(A), (g)(4), or (i); or

“(B) failed to permit the Secretary to conduct an inspection described under subsection (d).

“(c) **SOURCES OF QUALIFYING DRUGS.**—A registration condition is that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

“(1) The drug was manufactured in an establishment—

“(A) required to register under subsection (h) or (i) of section 510; and

“(B)(i) inspected by the Secretary; or

“(ii) for which the Secretary has elected to rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided for under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

“(2) The establishment is located in any country, and the establishment manufactured the drug for distribution in the United States or for distribution in 1 or more of the permitted countries (without regard to whether in addition the drug is manufactured for distribution in a foreign country that is not a permitted country).

“(3) The exporter or importer obtained the drug—

“(A) directly from the establishment; or

“(B) directly from an entity that, by contract with the exporter or importer—

“(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the date of the transaction and the names and addresses of all parties to the transaction);

“(ii) agrees to permit the Secretary to inspect such statements and related records to determine their accuracy;

“(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, including records, of the entity for purposes of determining whether the facilities are in compliance with any standards under this Act that are applicable to facilities of that type in the United States; and

“(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary has the same authority regarding other parties in the chain of custody from the establishment that the Secretary has under clauses (ii) and (iii) regarding such entity.

“(4)(A) The foreign country from which the importer will import the drug is a permitted country; or

“(B) the foreign country from which the exporter will export the drug is the permitted country in which the exporter is located.

“(5) During any period in which the drug was not in the control of the manufacturer of the drug, the drug did not enter any country that is not a permitted country.

“(6) The exporter or importer retains a sample of each lot of the drug for testing by the Secretary.

“(d) **INSPECTION OF FACILITIES; MARKING OF SHIPMENTS.**—

“(1) **INSPECTION OF FACILITIES.**—A registration condition is that, for the purpose of assisting the Secretary in determining whether the exporter involved is in compliance with all other registration conditions—

“(A) the exporter agrees to permit the Secretary—

“(i) to conduct onsite inspections, including monitoring on a day-to-day basis, of places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

“(ii) to have access, including on a day-to-day basis, to—

“(I) records of the exporter that relate to the export of such drugs, including financial records; and

“(II) samples of such drugs;

“(iii) to carry out the duties described in paragraph (3); and

“(iv) to carry out any other functions determined by the Secretary to be necessary regarding the compliance of the exporter; and

“(B) the Secretary has assigned 1 or more employees of the Secretary to carry out the functions described in this subsection for the Secretary randomly, but not less than 12 times annually, on the premises of places of businesses referred to in subparagraph (A)(i), and such an assignment remains in effect on a continuous basis.

“(2) **MARKING OF COMPLIANT SHIPMENTS.**—A registration condition is that the exporter involved agrees to affix to each shipping container of qualifying drugs exported under subsection (a) such markings as the Secretary determines to be necessary to identify the shipment as being in compliance with all registration conditions. Markings under the preceding sentence shall—

“(A) be designed to prevent affixation of the markings to any shipping container that is not authorized to bear the markings; and

“(B) include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies.

“(3) **CERTAIN DUTIES RELATING TO EXPORTERS.**—Duties of the Secretary with respect to an exporter include the following:

“(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the exporter at which qualifying drugs are stored and from which qualifying drugs are shipped.

“(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the exporter, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an exporter.

“(C) Randomly reviewing records of exports to individuals for the purpose of determining whether the drugs are being imported by the individuals in accordance with the conditions under subsection (i). Such reviews shall be conducted in a manner that will result in a statistically significant determination of compliance with all such conditions.

“(D) Monitoring the affixing of markings under paragraph (2).

“(E) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records, of other parties in the chain of custody of qualifying drugs.

“(F) Determining whether the exporter is in compliance with all other registration conditions.

“(4) **PRIOR NOTICE OF SHIPMENTS.**—A registration condition is that, not less than 8 hours and not more than 5 days in advance of the time of the importation of a shipment of qualifying drugs, the importer involved agrees to submit to the Secretary a notice with respect to the shipment of drugs to be imported or offered for import into the United States under subsection (a). A notice under the preceding sentence shall include—

“(A) the name and complete contact information of the person submitting the notice;

“(B) the name and complete contact information of the importer involved;

“(C) the identity of the drug, including the established name of the drug, the quantity of the drug, and the lot number assigned by the manufacturer;

“(D) the identity of the manufacturer of the drug, including the identity of the establishment at which the drug was manufactured;

“(E) the country from which the drug is shipped;

“(F) the name and complete contact information for the shipper of the drug;

“(G) anticipated arrival information, including the port of arrival and crossing location within that port, and the date and time;

“(H) a summary of the chain of custody of the drug from the establishment in which the drug was manufactured to the importer;

“(I) a declaration as to whether the Secretary has ordered that importation of the drug from the permitted country cease under subsection (g)(2)(C) or (D); and

“(J) such other information as the Secretary may require by regulation.

“(5) **MARKING OF COMPLIANT SHIPMENTS.**—A registration condition is that the importer involved agrees, before wholesale distribution (as defined in section 503(e)) of a qualifying drug that has been imported under subsection (a), to affix to each container of such drug such markings or other technology as the Secretary determines necessary to identify the shipment as being in compliance with all registration conditions, except that the markings or other technology shall not be required on a drug that bears comparable, compatible markings or technology from the manufacturer of the drug. Markings or other technology under the preceding sentence shall—

“(A) be designed to prevent affixation of the markings or other technology to any container that is not authorized to bear the markings; and

“(B) shall include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of such technologies.

“(6) **CERTAIN DUTIES RELATING TO IMPORTERS.**—Duties of the Secretary with respect to an importer include the following:

“(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the importer at which a qualifying drug is initially received after importation.

“(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility

of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an importer.

“(C) Reviewing notices under paragraph (4).

“(D) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records of other parties in the chain of custody of qualifying drugs.

“(E) Determining whether the importer is in compliance with all other registration conditions.

“(e) IMPORTER FEES.—

“(1) REGISTRATION FEE.—A registration condition is that the importer involved pays to the Secretary a fee of \$10,000 due on the date on which the importer first submits the registration to the Secretary under subsection (b).

“(2) INSPECTION FEE.—A registration condition is that the importer involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for importers for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered importers, including the costs associated with—

“(i) inspecting the facilities of registered importers, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(6);

“(ii) developing, implementing, and operating under such subsection an electronic system for submission and review of the notices required under subsection (d)(4) with respect to shipments of qualifying drugs under subsection (a) to assess compliance with all registration conditions when such shipments are offered for import into the United States; and

“(iii) inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered importers under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total

price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during that fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered importers during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered importer on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL IMPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an importer shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the importer of the volume of qualifying drugs imported by importers under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) AVAILABILITY.—Fees collected by the Secretary under paragraphs (1) and (2) shall be made available to the Food and Drug Administration.

“(C) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(f) EXPORTER FEES.—

“(1) REGISTRATION FEE.—A registration condition is that the exporter involved pays to the Secretary a fee of \$10,000 due on the date on which the exporter first submits that registration to the Secretary under subsection (b).

“(2) INSPECTION FEE.—A registration condition is that the exporter involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for exporters for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered exporters, including the costs associated with—

“(i) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(3);

“(ii) developing, implementing, and operating under such subsection a system to screen marks on shipments of qualifying drugs under subsection (a) that indicate compliance with all registration conditions, when such shipments are offered for import into the United States; and

“(iii) screening such markings, and inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during that fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered exporters during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered exporter on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL EXPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the exporter of the volume of qualifying drugs exported by exporters under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) AVAILABILITY.—Fees collected by the Secretary under paragraphs (1) and (2) shall be made available to the Food and Drug Administration.

“(C) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) COMPLIANCE WITH SECTION 801(a).—

“(1) IN GENERAL.—A registration condition is that each qualifying drug exported under subsection (a) by the registered exporter involved or imported under subsection (a) by the registered importer involved is in compliance with the standards referred to in section 801(a) regarding admission of the drug into the United States, subject to paragraphs (2), (3), and (4).

“(2) SECTION 505; APPROVAL STATUS.—

“(A) IN GENERAL.—A qualifying drug that is imported or offered for import under subsection (a) shall comply with the conditions established in the approved application under section 505(b) for the U.S. label drug as described under this subsection.

“(B) NOTICE BY MANUFACTURER; GENERAL PROVISIONS.—

“(i) IN GENERAL.—The person that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country shall in accordance with this paragraph submit to the Secretary a notice that—

“(I) includes each difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

“(aa) the variations provided for in the application; and

“(bb) any difference in labeling (except ingredient labeling); or

“(II) states that there is no difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

“(aa) the variations provided for in the application; and

“(bb) any difference in labeling (except ingredient labeling).

“(ii) INFORMATION IN NOTICE.—A notice under clause (i)(I) shall include the information that the Secretary may require under section 506A, any additional information the Secretary may require (which may include data on bioequivalence if such data are not required under section 506A), and, with respect to the permitted country that approved the qualifying drug for commercial distribution, or with respect to which such approval is sought, include the following:

“(I) The date on which the qualifying drug with such difference was, or will be, introduced for commercial distribution in the permitted country.

“(II) Information demonstrating that the person submitting the notice has also notified the government of the permitted country in writing that the person is submitting to the Secretary a notice under clause (i)(I), which notice describes the difference in the qualifying drug from a condition established in the approved application for the U.S. label drug.

“(III) The information that the person submitted or will submit to the government of

the permitted country for purposes of obtaining approval for commercial distribution of the drug in the country which, if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation.

“(iii) CERTIFICATIONS.—The chief executive officer and the chief medical officer of the manufacturer involved shall each certify in the notice under clause (i) that—

“(I) the information provided in the notice is complete and true; and

“(II) a copy of the notice has been provided to the Federal Trade Commission and to the State attorneys general.

“(iv) FEE.—

“(I) IN GENERAL.—If a notice submitted under clause (i) includes a difference that would, under section 506A, require the submission of a supplemental application if made as a change to the U.S. label drug, the person that submits the notice shall pay to the Secretary a fee in the same amount as would apply if the person were paying a fee pursuant to section 736(a)(1)(A)(ii). Fees collected by the Secretary under the preceding sentence are available only to the Secretary and are for the sole purpose of paying the costs of reviewing notices submitted under clause (i).

“(II) FEE AMOUNT FOR CERTAIN YEARS.—If no fee amount is in effect under section 736(a)(1)(A)(ii) for a fiscal year, then the amount paid by a person under subclause (I) shall—

“(aa) for the first fiscal year in which no fee amount under such section is in effect, be equal to the fee amount under section 736(a)(1)(A)(ii) for the most recent fiscal year for which such section was in effect, adjusted in accordance with section 736(c); and

“(bb) for each subsequent fiscal year in which no fee amount under such section is in effect, be equal to the applicable fee amount for the previous fiscal year, adjusted in accordance with section 736(c).

“(v) TIMING OF SUBMISSION OF NOTICES.—

“(I) PRIOR APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (C) applies shall be submitted to the Secretary not later than 120 days before the qualifying drug with the difference is introduced for commercial distribution in a permitted country, unless the country requires that distribution of the qualifying drug with the difference begin less than 120 days after the country requires the difference.

“(II) OTHER APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (D) applies shall be submitted to the Secretary not later than the day on which the qualifying drug with the difference is introduced for commercial distribution in a permitted country.

“(III) OTHER NOTICES.—A notice under clause (i) to which subparagraph (E) applies shall be submitted to the Secretary on the date that the qualifying drug is first introduced for commercial distribution in a permitted country and annually thereafter.

“(vi) REVIEW BY SECRETARY.—

“(I) IN GENERAL.—In this paragraph, the difference in a qualifying drug that is submitted in a notice under clause (i) from the U.S. label drug shall be treated by the Secretary as if it were a manufacturing change to the U.S. label drug under section 506A.

“(II) STANDARD OF REVIEW.—Except as provided in subclause (III), the Secretary shall review and approve or disapprove the difference in a notice submitted under clause

(i), if required under section 506A, using the safe and effective standard for approving or disapproving a manufacturing change under section 506A.

“(III) BIOEQUIVALENCE.—If the Secretary would approve the difference in a notice submitted under clause (i) using the safe and effective standard under section 506A and if the Secretary determines that the qualifying drug is not bioequivalent to the U.S. label drug, the Secretary shall—

“(aa) include in the labeling provided under paragraph (3) a prominent advisory that the qualifying drug is safe and effective but is not bioequivalent to the U.S. label drug if the Secretary determines that such an advisory is necessary for health care practitioners and patients to use the qualifying drug safely and effectively; or

“(bb) decline to approve the difference if the Secretary determines that the availability of both the qualifying drug and the U.S. label drug would pose a threat to the public health.

“(IV) REVIEW BY THE SECRETARY.—The Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, not later than 120 days after the date on which the notice is submitted.

“(V) ESTABLISHMENT INSPECTION.—If review of such difference would require an inspection of the establishment in which the qualifying drug is manufactured—

“(aa) such inspection by the Secretary shall be authorized; and

“(bb) the Secretary may rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

“(vii) PUBLICATION OF INFORMATION ON NOTICES.—

“(I) IN GENERAL.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall readily make available to the public a list of notices submitted under clause (i).

“(II) CONTENTS.—The list under subclause (I) shall include the date on which a notice is submitted and whether—

“(aa) a notice is under review;

“(bb) the Secretary has ordered that importation of the qualifying drug from a permitted country cease; or

“(cc) the importation of the drug is permitted under subsection (a).

“(III) UPDATE.—The Secretary shall promptly update the Internet website with any changes to the list.

“(C) NOTICE; DRUG DIFFERENCE REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under subsection (c) or (d)(3)(B)(i) of section 506A, require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) Promptly after the notice is submitted, the Secretary shall notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general that the notice has been submitted with respect to the qualifying drug involved.

“(ii) If the Secretary has not made a determination whether such a supplemental application regarding the U.S. label drug would be approved or disapproved by the date on

which the qualifying drug involved is to be introduced for commercial distribution in a permitted country, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country not begin until the Secretary completes review of the notice; and

“(II) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the order.

“(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country cease, or provide that an order under clause (ii), if any, remains in effect;

“(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

“(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(iv) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the Secretary shall—

“(I) vacate the order under clause (ii), if any;

“(II) consider the difference to be a variation provided for in the approved application for the U.S. label drug;

“(III) permit importation of the qualifying drug under subsection (a); and

“(IV) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(D) NOTICE; DRUG DIFFERENCE NOT REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(d)(3)(B)(ii), not require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) During the period in which the notice is being reviewed by the Secretary, the authority under this subsection to import the qualifying drug involved continues in effect.

“(ii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country cease;

“(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

“(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the difference shall be considered to be a variation provided for in the approved application for the U.S. label drug.

“(E) NOTICE; DRUG DIFFERENCE NOT REQUIRING APPROVAL; NO DIFFERENCE.—In the case of a notice under subparagraph (B)(i) that includes a difference for which, under section 506A(d)(1)(A), a supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

“(i) shall consider such difference to be a variation provided for in the approved application for the U.S. label drug;

“(ii) may not order that the importation of the qualifying drug involved cease; and

“(iii) shall promptly notify registered exporters and registered importers.

“(F) DIFFERENCES IN ACTIVE INGREDIENT, ROUTE OF ADMINISTRATION, DOSAGE FORM, OR STRENGTH.—

“(i) IN GENERAL.—A person who manufactures a drug approved under section 505(b) shall submit an application under section 505(b) for approval of another drug that is manufactured for distribution in a permitted country by or for the person that manufactures the drug approved under section 505(b) if—

“(I) there is no qualifying drug in commercial distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries with the same active ingredient or ingredients, route of administration, dosage form, and strength as the drug approved under section 505(b); and

“(II) each active ingredient of the other drug is related to an active ingredient of the drug approved under section 505(b), as defined in clause (v).

“(ii) APPLICATION UNDER SECTION 505(b).—The application under section 505(b) required under clause (i) shall—

“(I) request approval of the other drug for the indication or indications for which the drug approved under section 505(b) is labeled;

“(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the other drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

“(III) include a right of reference to the application for the drug approved under section 505(b); and

“(IV) include such additional information as the Secretary may require.

“(iii) TIMING OF SUBMISSION OF APPLICATION.—An application under section 505(b) required under clause (i) shall be submitted to the Secretary not later than the day on which the information referred to in clause (ii)(II) is submitted to the government of the permitted country.

“(iv) NOTICE OF DECISION ON APPLICATION.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of a determination to approve or to disapprove an application under section 505(b) required under clause (i).

“(v) RELATED ACTIVE INGREDIENTS.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

“(I) the same; or

“(II) different salts, esters, or complexes of the same moiety.

“(3) SECTION 502; LABELING.—

“(A) IMPORTATION BY REGISTERED IMPORTER.—

“(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered importer, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the qualifying drug bears—

“(I) a copy of the labeling approved for the U.S. label drug under section 505, without regard to whether the copy bears any trademark involved;

“(II) the name of the manufacturer and location of the manufacturer;

“(III) the lot number assigned by the manufacturer;

“(IV) the name, location, and registration number of the importer; and

“(V) the National Drug Code number assigned to the qualifying drug by the Secretary.

“(ii) REQUEST FOR COPY OF THE LABELING.—The Secretary shall provide such copy to the registered importer involved, upon request of the importer.

“(iii) REQUESTED LABELING.—The labeling provided by the Secretary under clause (ii) shall—

“(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the qualifying drug;

“(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof;

“(III) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the qualifying drug is safe and effective but not bioequivalent to the U.S. label drug; and

“(IV) if the inactive ingredients of the qualifying drug are different from the inactive ingredients for the U.S. label drug, include—

“(aa) a prominent notice that the ingredients of the qualifying drug differ from the ingredients of the U.S. label drug and that the qualifying drug must be dispensed with an advisory to people with allergies about this difference and a list of ingredients; and

“(bb) a list of the ingredients of the qualifying drug as would be required under section 502(e).

“(B) IMPORTATION BY INDIVIDUAL.—

“(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered exporter to an individual, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the packaging and labeling of the qualifying drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and the labeling of the qualifying drug includes—

“(I) directions for use by the consumer;

“(II) the lot number assigned by the manufacturer;

“(III) the name and registration number of the exporter;

“(IV) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug;

“(V) if the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

“(aa) a prominent advisory that persons with an allergy should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

“(bb) a list of the ingredients of the drug as would be required under section 502(e); and

“(VI) a copy of any special labeling that would be required by the Secretary had the U.S. label drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears any trademark involved.

“(ii) PACKAGING.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

“(I) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

“(II) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the exporter will provide the drug in packaging that is compliant at no additional cost.

“(iii) REQUEST FOR COPY OF SPECIAL LABELING AND INGREDIENT LIST.—The Secretary shall provide to the registered exporter involved a copy of the special labeling, the advisory, and the ingredient list described under clause (i), upon request of the exporter.

“(iv) REQUESTED LABELING AND INGREDIENT LIST.—The labeling and ingredient list provided by the Secretary under clause (iii) shall—

“(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the drug; and

“(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof.

“(4) SECTION 501; ADULTERATION.—A qualifying drug that is imported or offered for import under subsection (a) shall be considered to be in compliance with section 501 if the drug is in compliance with subsection (c).

“(5) STANDARDS FOR REFUSING ADMISSION.—A drug exported under subsection (a) from a registered exporter or imported by a registered importer may be refused admission into the United States if 1 or more of the following applies:

“(A) The drug is not a qualifying drug.

“(B) A notice for the drug required under paragraph (2)(B) has not been submitted to the Secretary.

“(C) The Secretary has ordered that importation of the drug from the permitted country cease under subparagraph (C) or (D) of paragraph (2).

“(D) The drug does not comply with paragraph (3) or (4).

“(E) The shipping container appears damaged in a way that may affect the strength, quality, or purity of the drug.

“(F) The Secretary becomes aware that—

“(i) the drug may be counterfeit;

“(ii) the drug may have been prepared, packed, or held under insanitary conditions; or

“(iii) the methods used in, or the facilities or controls used for, the manufacturing, processing, packing, or holding of the drug do not conform to good manufacturing practice.

“(G) The Secretary has obtained an injunction under section 302 that prohibits the distribution of the drug in interstate commerce.

“(H) The Secretary has under section 505(e) withdrawn approval of the drug.

“(I) The manufacturer of the drug has instituted a recall of the drug.

“(J) If the drug is imported or offered for import by a registered importer without submission of a notice in accordance with subsection (d)(4).

“(K) If the drug is imported or offered for import from a registered exporter to an individual and 1 or more of the following applies:

“(i) The shipping container for such drug does not bear the markings required under subsection (d)(2).

“(ii) The markings on the shipping container appear to be counterfeit.

“(iii) The shipping container or markings appear to have been tampered with.

“(h) EXPORTER LICENSURE IN PERMITTED COUNTRY.—A registration condition is that

the exporter involved agrees that a qualifying drug will be exported to an individual only if the Secretary has verified that—

“(1) the exporter is authorized under the law of the permitted country in which the exporter is located to dispense prescription drugs; and

“(2) the exporter employs persons that are licensed under the law of the permitted country in which the exporter is located to dispense prescription drugs in sufficient number to dispense safely the drugs exported by the exporter to individuals, and the exporter assigns to those persons responsibility for dispensing such drugs to individuals.

“(i) INDIVIDUALS; CONDITIONS FOR IMPORTATION.—

“(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the importation of a qualifying drug by an individual is in accordance with this subsection if the following conditions are met:

“(A) The drug is accompanied by a copy of a prescription for the drug, which prescription—

“(i) is valid under applicable Federal and State laws; and

“(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

“(B) The drug is accompanied by a copy of the documentation that was required under the law or regulations of the permitted country in which the exporter is located, as a condition of dispensing the drug to the individual.

“(C) The copies referred to in subparagraphs (A)(i) and (B) are marked in a manner sufficient—

“(i) to indicate that the prescription, and the equivalent document in the permitted country in which the exporter is located, have been filled; and

“(ii) to prevent a duplicative filling by another pharmacist.

“(D) The individual has provided to the registered exporter a complete list of all drugs used by the individual for review by the individuals who dispense the drug.

“(E) The quantity of the drug does not exceed a 90-day supply.

“(F) The drug is not an ineligible subpart H drug. For purposes of this section, a prescription drug is an ‘ineligible subpart H drug’ if the drug was approved by the Secretary under subpart H of part 314 of title 21, Code of Federal Regulations (relating to accelerated approval), with restrictions under section 520 of such part to assure safe use, and the Secretary has published in the Federal Register a notice that the Secretary has determined that good cause exists to prohibit the drug from being imported pursuant to this subsection.

“(2) NOTICE REGARDING DRUG REFUSED ADMISSION.—If a registered exporter ships a drug to an individual pursuant to subsection (a)(2)(B) and the drug is refused admission to the United States, a written notice shall be sent to the individual and to the exporter that informs the individual and the exporter of such refusal and the reason for the refusal.

“(j) MAINTENANCE OF RECORDS AND SAMPLES.—

“(1) IN GENERAL.—A registration condition is that the importer or exporter involved shall—

“(A) maintain records required under this section for not less than 2 years; and

“(B) maintain samples of each lot of a qualifying drug required under this section for not more than 2 years.

“(2) PLACE OF RECORD MAINTENANCE.—The records described under paragraph (1) shall be maintained—

“(A) in the case of an importer, at the place of business of the importer at which the importer initially receives the qualifying drug after importation; or

“(B) in the case of an exporter, at the facility from which the exporter ships the qualifying drug to the United States.

“(k) DRUG RECALLS.—

“(1) MANUFACTURERS.—A person that manufactures a qualifying drug imported from a permitted country under this section shall promptly inform the Secretary—

“(A) if the drug is recalled or withdrawn from the market in a permitted country;

“(B) how the drug may be identified, including lot number; and

“(C) the reason for the recall or withdrawal.

“(2) SECRETARY.—With respect to each permitted country, the Secretary shall—

“(A) enter into an agreement with the government of the country to receive information about recalls and withdrawals of qualifying drugs in the country; or

“(B) monitor recalls and withdrawals of qualifying drugs in the country using any information that is available to the public in any media.

“(3) NOTICE.—The Secretary may notify, as appropriate, registered exporters, registered importers, wholesalers, pharmacies, or the public of a recall or withdrawal of a qualifying drug in a permitted country.

“(l) DRUG LABELING AND PACKAGING.—

“(1) IN GENERAL.—When a qualifying drug that is imported into the United States by an importer under subsection (a) is dispensed by a pharmacist to an individual, the pharmacist shall provide that the packaging and labeling of the drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and shall include with any other labeling provided to the individual the following:

“(A) The lot number assigned by the manufacturer.

“(B) The name and registration number of the importer.

“(C) If required under paragraph (2)(B)(vi)(III) of subsection (g), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug.

“(D) If the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

“(i) a prominent advisory that persons with allergies should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

“(ii) a list of the ingredients of the drug as would be required under section 502(e).

“(2) PACKAGING.—A qualifying drug that is packaged in a unit-of-use container (as those terms are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

“(A) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

“(B) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the pharmacist will provide the drug in packaging that is compliant at no additional cost.

“(m) CHARITABLE CONTRIBUTIONS.—Notwithstanding any other provision of this section, this section does not authorize the importation into the United States of a qualifying drug donated or otherwise supplied for free or at nominal cost by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country.

“(n) UNFAIR AND DISCRIMINATORY ACTS AND PRACTICES.—

“(1) IN GENERAL.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing agreement or other agreement), to—

“(A) discriminate by charging a higher price for a prescription drug sold to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section than the price that is charged, inclusive of rebates or other incentives to the permitted country or other person, to another person that is in the same country and that does not export a qualifying drug into the United States under this section;

“(B) discriminate by charging a higher price for a prescription drug sold to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a qualifying drug under this section, or that does not distribute, sell, or use such a drug;

“(C) discriminate by denying, restricting, or delaying supplies of a prescription drug to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

“(D) discriminate by publicly, privately, or otherwise refusing to do business with a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or with a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

“(E) knowingly fail to submit a notice under subsection (g)(2)(B)(i), knowingly fail to submit such a notice on or before the date specified in subsection (g)(2)(B)(v) or as otherwise required under paragraphs (3), (4), and (5) of section 1204(e) of the Pharmaceutical Market Access and Drug Safety Act of 2012, knowingly submit such a notice that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such a notice;

“(F) knowingly fail to submit an application required under subsection (g)(2)(F), knowingly fail to submit such an application on or before the date specified in subsection (g)(2)(F)(iii), knowingly submit such an application that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such an application;

“(G) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States

and the drug for distribution in a permitted country;

“(H) refuse to allow an inspection authorized under this section of an establishment that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country;

“(I) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country to good manufacturing practice under this Act;

“(J) become a party to a licensing agreement or other agreement related to a qualifying drug that fails to provide for compliance with all requirements of this section with respect to such drug;

“(K) enter into a contract that restricts, prohibits, or delays the importation of a qualifying drug under this section;

“(L) engage in any other action to restrict, prohibit, or delay the importation of a qualifying drug under this section; or

“(M) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages or attempts to engage in the importation of a qualifying drug under this section.

“(2) REFERRAL OF POTENTIAL VIOLATIONS.—The Secretary shall promptly refer to the Federal Trade Commission each potential violation of subparagraph (E), (F), (G), (H), or (I) of paragraph (1) that becomes known to the Secretary.

“(3) AFFIRMATIVE DEFENSE.—

“(A) DISCRIMINATION.—It shall be an affirmative defense to a charge that a manufacturer has discriminated under subparagraph (A), (B), (C), (D), or (M) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial, restriction, or delay of supplies of a prescription drug to a person, the refusal to do business with a person, or other discriminatory activity against a person, is not based, in whole or in part, on—

“(i) the person exporting or importing a qualifying drug into the United States under this section; or

“(ii) the person distributing, selling, or using a qualifying drug imported into the United States under this section.

“(B) DRUG DIFFERENCES.—It shall be an affirmative defense to a charge that a manufacturer has caused there to be a difference described in subparagraph (G) of paragraph (1) that—

“(i) the difference was required by the country in which the drug is distributed;

“(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug;

“(iii) the person manufacturing the drug for distribution in the United States has given notice to the Secretary under subsection (g)(2)(B)(i) that the drug for distribution in the United States is not different from a drug for distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries; or

“(iv) the difference was not caused, in whole or in part, for the purpose of restricting importation of the drug into the United States under this section.

“(4) EFFECT OF SUBSECTION.—

“(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to com-

pel the manufacturer of a drug to distribute or sell the drug in a country.

“(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

“(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

“(ii) require that such discounts be made available to other purchasers of the prescription drug; or

“(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

“(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

“(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

“(ii) apply to such donations or supplying of a prescription drug.

“(5) ENFORCEMENT.—

“(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

“(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

“(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section; and

“(ii) may seek monetary relief threefold the damages sustained, in addition to any other remedy available to the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

“(6) ACTIONS BY STATES.—

“(A) IN GENERAL.—

“(i) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State have been adversely affected by any manufacturer that violates paragraph (1), the attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction to—

“(I) enjoin that practice;

“(II) enforce compliance with this subsection;

“(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

“(IV) obtain such other relief as the court may consider to be appropriate.

“(ii) NOTICE.—

“(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

“(aa) written notice of that action; and

“(bb) a copy of the complaint for that action.

“(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this

paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

“(B) INTERVENTION.—

“(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Federal Trade Commission shall have the right to intervene in the action that is the subject of the notice.

“(ii) EFFECT OF INTERVENTION.—If the Federal Trade Commission intervenes in an action under subparagraph (A), it shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

“(i) conduct investigations;

“(ii) administer oaths or affirmations; or

“(iii) compel the attendance of witnesses or the production of documentary and other evidence.

“(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Federal Trade Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

“(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(G) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

“(H) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

“(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term ‘antitrust laws’ has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

“(8) MANUFACTURER.—In this subsection, the term ‘manufacturer’ means any entity, including any affiliate or licensee of that entity, that is engaged in—

“(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

“(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.”

(b) PROHIBITED ACTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301 (21 U.S.C. 331), by striking paragraph (aa) and inserting the following:

“(aa)(1) The sale or trade by a pharmacist, or by a business organization of which the pharmacist is a part, of a qualifying drug that under section 804(a)(2)(A) was imported by the pharmacist, other than—

“(A) a sale at retail made pursuant to dispensing the drug to a customer of the pharmacist or organization; or

“(B) a sale or trade of the drug to a pharmacy or a wholesaler registered to import drugs under section 804.

“(2) The sale or trade by an individual of a qualifying drug that under section 804(a)(2)(B) was imported by the individual.

“(3) The making of a materially false, fictitious, or fraudulent statement or representation, or a material omission, in a notice under clause (i) of section 804(g)(2)(B) or in an application required under section 804(g)(2)(F), or the failure to submit such a notice or application.

“(4) The importation of a drug in violation of a registration condition or other requirement under section 804, the falsification of any record required to be maintained, or provided to the Secretary, under such section, or the violation of any registration condition or other requirement under such section.”; and

(2) in section 303(a) (21 U.S.C. 333(a)), by striking paragraph (6) and inserting the following:

“(6) Notwithstanding subsection (a), any person that knowingly violates section 301(i) (2) or (3) or section 301(aa)(4) shall be imprisoned not more than 10 years, or fined in accordance with title 18, United States Code, or both.”

(c) AMENDMENT OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by striking subsection (g) and inserting the following:

“(g) With respect to a prescription drug that is imported or offered for import into the United States by an individual who is not in the business of such importation, that is not shipped by a registered exporter under section 804, and that is refused admission under subsection (a), the Secretary shall notify the individual that—

“(1) the drug has been refused admission because the drug was not a lawful import under section 804;

“(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

“(3) the individual may under section 804 lawfully import certain prescription drugs from exporters registered with the Secretary under section 804; and

“(4) the individual can find information about such importation, including a list of registered exporters, on the Internet website of the Food and Drug Administration or through a toll-free telephone number required under section 804.”

(2) ESTABLISHMENT REGISTRATION.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended in paragraph (1) by inserting after “import into the United States” the following: “, including a drug that is, or may be, imported or offered for import into the United States under section 804.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) EXHAUSTION.—

(1) IN GENERAL.—Section 271 of title 35, United States Code, is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

“(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.”

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

(e) EFFECT OF SECTION 804.—

(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall permit the importation of qualifying drugs (as defined in such section 804) into the United States without regard to the status of the issuance of implementing regulations—

(A) from exporters registered under such section 804 on the date that is 90 days after the date of enactment of this Act; and

(B) from permitted countries, as defined in such section 804, by importers registered under such section 804 on the date that is 1 year after the date of enactment of this Act.

(2) REVIEW OF REGISTRATION BY CERTAIN EXPORTERS.—

(A) REVIEW PRIORITY.—In the review of registrations submitted under subsection (b) of such section 804, registrations submitted by entities in Canada that are significant exporters of prescription drugs to individuals in the United States as of the date of enactment of this Act will have priority during the 90 day period that begins on such date of enactment.

(B) PERIOD FOR REVIEW.—During such 90-day period, the reference in subsection (b)(2)(A) of such section 804 to 90 days (relating to approval or disapproval of registrations) is, as applied to such entities, deemed to be 30 days.

(C) LIMITATION.—That an exporter in Canada exports, or has exported, prescription drugs to individuals in the United States on or before the date that is 90 days after the date of enactment of this Act shall not serve as a basis, in whole or in part, for disapproving a registration under such section 804 from the exporter.

(D) FIRST YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may limit the number of registered exporters under such section 804 to not less than 50, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(E) **SECOND YEAR LIMIT ON NUMBER OF EXPORTERS.**—During the 1-year period beginning on the date that is 1 year after the date of enactment of this Act, the Secretary may limit the number of registered exporters under such section 804 to not less than 100, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(F) **FURTHER LIMIT ON NUMBER OF EXPORTERS.**—During any 1-year period beginning on a date that is 2 or more years after the date of enactment of this Act, the Secretary may limit the number of registered exporters under such section 804 to not less than 25 more than the number of such exporters during the previous 1-year period, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(3) **LIMITS ON NUMBER OF IMPORTERS.**—

(A) **FIRST YEAR LIMIT ON NUMBER OF IMPORTERS.**—During the 1-year period beginning on the date that is 1 year after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 100 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs imported into the United States.

(B) **SECOND YEAR LIMIT ON NUMBER OF IMPORTERS.**—During the 1-year period beginning on the date that is 2 years after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 200 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs into the United States.

(C) **FURTHER LIMIT ON NUMBER OF IMPORTERS.**—During any 1-year period beginning on a date that is 3 or more years after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 50 more (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups) than the number of such importers during the previous 1-year period, so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs to the United States.

(4) **NOTICES FOR DRUGS FOR IMPORT FROM CANADA.**—The notice with respect to a qualifying drug introduced for commercial distribution in Canada as of the date of enactment of this Act that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 30 days after the date of enactment of this Act if—

(A) the U.S. label drug (as defined in such section 804) for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period most recently completed before the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(5) **NOTICE FOR DRUGS FOR IMPORT FROM OTHER COUNTRIES.**—The notice with respect

to a qualifying drug introduced for commercial distribution in a permitted country other than Canada as of the date of enactment of this Act that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 180 days after the date of enactment of this Act if—

(A) the U.S. label drug for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(6) **NOTICE FOR OTHER DRUGS FOR IMPORT.**—

(A) **GUIDANCE ON SUBMISSION DATES.**—The Secretary shall by guidance establish a series of submission dates for the notices under subsection (g)(2)(B)(i) of such section 804 with respect to qualifying drugs introduced for commercial distribution as of the date of enactment of this Act and that are not required to be submitted under paragraph (4) or (5).

(B) **CONSISTENT AND EFFICIENT USE OF RESOURCES.**—The Secretary shall establish the dates described under subparagraph (A) so that such notices described under subparagraph (A) are submitted and reviewed at a rate that allows consistent and efficient use of the resources and staff available to the Secretary for such reviews. The Secretary may condition the requirement to submit such a notice, and the review of such a notice, on the submission by a registered exporter or a registered importer to the Secretary of a notice that such exporter or importer intends to import such qualifying drug to the United States under such section 804.

(C) **PRIORITY FOR DRUGS WITH HIGHER SALES.**—The Secretary shall establish the dates described under subparagraph (A) so that the Secretary reviews the notices described under such subparagraph with respect to qualifying drugs with higher dollar volume of sales in the United States before the notices with respect to drugs with lower sales in the United States.

(7) **NOTICES FOR DRUGS APPROVED AFTER EFFECTIVE DATE.**—The notice required under subsection (g)(2)(B)(i) of such section 804 for a qualifying drug first introduced for commercial distribution in a permitted country (as defined in such section 804) after the date of enactment of this Act shall be submitted to and reviewed by the Secretary as provided under subsection (g)(2)(B) of such section 804, without regard to paragraph (4), (5), or (6).

(8) **REPORT.**—Beginning with the first full fiscal year after the date of enactment of this Act, not later than 90 days after the end of each fiscal year during which the Secretary reviews a notice referred to in paragraph (4), (5), or (6), the Secretary shall submit a report to Congress concerning the progress of the Food and Drug Administration in reviewing the notices referred to in paragraphs (4), (5), and (6).

(9) **USER FEES.**—

(A) **EXPORTERS.**—When establishing an aggregate total of fees to be collected from exporters under subsection (f)(2) of such section 804, the Secretary shall, under subsection (f)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered exporters during the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to \$1,000,000,000 as

the number of days in such fiscal year during which this title is effective bears to 365.

(B) **IMPORTERS.**—When establishing an aggregate total of fees to be collected from importers under subsection (e)(2) of such section 804, the Secretary shall, under subsection (e)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered importers during—

(i) the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to \$1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365; and

(ii) the second fiscal year in which this title is in effect to be \$3,000,000,000.

(C) **SECOND YEAR ADJUSTMENT.**—

(i) **REPORTS.**—Not later than February 20 of the second fiscal year in which this title is in effect, registered importers shall report to the Secretary the total price and the total volume of drugs imported to the United States by the importer during the 4-month period from October 1 through January 31 of such fiscal year.

(ii) **REESTIMATE.**—Notwithstanding subsection (e)(3)(C)(ii) of such section 804 or subparagraph (B), the Secretary shall reestimate the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during the second fiscal year in which this title is in effect. Such reestimate shall be equal to—

(I) the total price of qualifying drugs imported by each importer as reported under clause (i); multiplied by

(II) 3.

(iii) **ADJUSTMENT.**—The Secretary shall adjust the fee due on April 1 of the second fiscal year in which this title is in effect, from each importer so that the aggregate total of fees collected under subsection (e)(2) for such fiscal year does not exceed the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during such fiscal year as reestimated under clause (ii).

(D) **FAILURE TO PAY FEES.**—Notwithstanding any other provision of this section, the Secretary may prohibit a registered importer or exporter that is required to pay user fees under subsection (e) or (f) of such section 804 and that fails to pay such fees within 30 days after the date on which it is due, from importing or offering for importation a qualifying drug under such section 804 until such fee is paid.

(E) **ANNUAL REPORT.**—

(i) **FOOD AND DRUG ADMINISTRATION.**—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e), (f), or (g)(2)(B)(iv) of such section 804, the Secretary shall prepare and submit to the House of Representatives and the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for the fiscal year for which the report is made and credited to the Food and Drug Administration.

(ii) **CUSTOMS AND BORDER PROTECTION.**—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e) or (f) of such section 804, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall prepare and submit to the House of Representatives and the Senate a report on

the use, by the Bureau of Customs and Border Protection, of the fees, if any, transferred by the Secretary to the Bureau of Customs and Border Protection for the fiscal year for which the report is made.

(10) SPECIAL RULE REGARDING IMPORTATION BY INDIVIDUALS.—

(A) IN GENERAL.—Notwithstanding any provision of this title (or an amendment made by this title), the Secretary shall expedite the designation of any additional permitted countries from which an individual may import a qualifying drug into the United States under such section 804 if any action implemented by the Government of Canada has the effect of limiting or prohibiting the importation of qualifying drugs into the United States from Canada.

(B) TIMING AND CRITERIA.—The Secretary shall designate such additional permitted countries under subparagraph (A)—

(i) not later than 6 months after the date of the action by the Government of Canada described under such subparagraph; and

(ii) using the criteria described under subsection (a)(4)(D)(i)(II) of such section 804.

(f) IMPLEMENTATION OF SECTION 804.—

(1) INTERIM RULE.—The Secretary may promulgate an interim rule for implementing section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

(2) NO NOTICE OF PROPOSED RULEMAKING.—The interim rule described under paragraph (1) may be developed and promulgated by the Secretary without providing general notice of proposed rulemaking.

(3) FINAL RULE.—Not later than 1 year after the date on which the Secretary promulgates an interim rule under paragraph (1), the Secretary shall, in accordance with procedures under section 553 of title 5, United States Code, promulgate a final rule for implementing such section 804, which may incorporate by reference provisions of the interim rule provided for under paragraph (1), to the extent that such provisions are not modified.

(g) CONSUMER EDUCATION.—The Secretary shall carry out activities that educate consumers—

(1) with regard to the availability of qualifying drugs for import for personal use from an exporter registered with and approved by the Food and Drug Administration under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by this section, including information on how to verify whether an exporter is registered and approved by use of the Internet website of the Food and Drug Administration and the toll-free telephone number required by this title;

(2) that drugs that consumers attempt to import from an exporter that is not registered with and approved by the Food and Drug Administration can be seized by the United States Customs Service and destroyed, and that such drugs may be counterfeit, unapproved, unsafe, or ineffective;

(3) with regard to the suspension and termination of any registration of a registered importer or exporter under such section 804; and

(4) with regard to the availability at domestic retail pharmacies of qualifying drugs imported under such section 804 by domestic wholesalers and pharmacies registered with and approved by the Food and Drug Administration.

(h) EFFECT ON ADMINISTRATION PRACTICES.—Notwithstanding any provision of this title (and the amendments made by this title), the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on

January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.

(i) REPORT TO CONGRESS.—The Federal Trade Commission shall, on an annual basis, submit to Congress a report that describes any action taken during the period for which the report is being prepared to enforce the provisions of section 804(n) of the Federal Food, Drug, and Cosmetic Act (as added by this title), including any pending investigations or civil actions under such section.

SEC. 1205. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION INTO UNITED STATES.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by this Act is further amended by adding at the end the following section:

“SEC. 810. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION.

“(a) IN GENERAL.—The Secretary of Homeland Security shall deliver to the Secretary a shipment of drugs that is imported or offered for import into the United States if—

“(1) the shipment has a declared value of less than \$10,000; and

“(2)(A) the shipping container for such drugs does not bear the markings required under section 804(d)(2); or

“(B) the Secretary has requested delivery of such shipment of drugs.

“(b) NO BOND OR EXPORT.—Section 801(b) does not authorize the delivery to the owner or consignee of drugs delivered to the Secretary under subsection (a) pursuant to the execution of a bond, and such drugs may not be exported.

“(c) DESTRUCTION OF VIOLATIVE SHIPMENT.—The Secretary shall destroy a shipment of drugs delivered by the Secretary of Homeland Security to the Secretary under subsection (a) if—

“(1) in the case of drugs that are imported or offered for import from a registered exporter under section 804, the drugs are in violation of any standard described in section 804(g)(5); or

“(2) in the case of drugs that are not imported or offered for import from a registered exporter under section 804, the drugs are in violation of a standard referred to in section 801(a) or 801(d)(1).

“(d) CERTAIN PROCEDURES.—

“(1) IN GENERAL.—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 801(g) or section 804(i)(2). The issuance of receipts for the drugs, and recordkeeping activities regarding the drugs, may be carried out on a summary basis.

“(2) OBJECTIVE OF PROCEDURES.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to described in subsection (c) are identified and destroyed.

“(e) EVIDENCE EXCEPTION.—Drugs may not be destroyed under subsection (c) to the extent that the Attorney General of the United States determines that the drugs should be preserved as evidence or potential evidence with respect to an offense against the United States.

“(f) RULE OF CONSTRUCTION.—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for

import into the United States and has a declared value equal to or greater than \$10,000.”.

(b) PROCEDURES.—Procedures for carrying out section 810 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

SEC. 1206. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(a) STRIKING OF EXEMPTIONS; APPLICABILITY TO REGISTERED EXPORTERS.—Section 503(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(e)) is amended—

(1) in paragraph (1)—

(A) by striking “and who is not the manufacturer or an authorized distributor of record of such drug”;

(B) by striking “to an authorized distributor of record or”; and

(C) by striking subparagraph (B) and inserting the following:

“(B) The fact that a drug subject to subsection (b) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from providing the statement described in subparagraph (A) to the person that receives the drug pursuant to the export of the drug.

“(C)(i) The Secretary shall by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as ‘alternative requirements’) to identify the chain of custody of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug at retail if the Secretary determines that the alternative requirements, which may include standardized anti-counterfeiting or track-and-trace technologies, will identify such chain of custody or the identity of the discrete package of the drug from which the drug is dispensed with equal or greater certainty to the requirements of subparagraph (A), and that the alternative requirements are economically and technically feasible.

“(ii) When the Secretary promulgates a final rule to establish such alternative requirements, the final rule in addition shall, with respect to the registration condition established in clause (i) of section 804(c)(3)(B), establish a condition equivalent to the alternative requirements, and such equivalent condition may be met in lieu of the registration condition established in such clause (i).”;

(2) in paragraph (2)(A), by adding at the end the following: “The preceding sentence may not be construed as having any applicability with respect to a registered exporter under section 804.”; and

(3) in paragraph (3), by striking “and subsection (d)—” in the matter preceding subparagraph (A) and all that follows through “the term ‘wholesale distribution’ means” in subparagraph (B) and inserting the following: “and subsection (d), the term ‘wholesale distribution’ means”.

(b) CONFORMING AMENDMENT.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended by adding at the end the following:

“(4) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug.

“(5) For purposes of this subsection, the term ‘authorized distributors of record’ means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer’s products.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on January 1, 2014.

(2) DRUGS IMPORTED BY REGISTERED IMPORTERS UNDER SECTION 804.—Notwithstanding paragraph (1), the amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on the date that is 90 days after the date of enactment of this Act with respect to qualifying drugs imported under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by section 1204.

(3) EFFECT WITH RESPECT TO REGISTERED EXPORTERS.—The amendment made by subsection (a)(2) shall take effect on the date that is 90 days after the date of enactment of this Act.

(4) ALTERNATIVE REQUIREMENTS.—The Secretary shall issue regulations to establish the alternative requirements, referred to in the amendment made by subsection (a)(1), that take effect not later than January 1, 2014.

(5) INTERMEDIATE REQUIREMENTS.—The Secretary shall by regulation require the use of standardized anti-counterfeiting or track-and-trace technologies on prescription drugs at the case and pallet level effective not later than 1 year after the date of enactment of this Act.

(6) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall, not later than 18 months after the date of enactment of this Act, require that the packaging of any prescription drug incorporates—

(i) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(ii) overt optically variable counterfeit-resistant technologies that—

(aa) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(bb) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(cc) are manufactured and distributed in a highly secure, tightly controlled environment; and

(dd) incorporate additional layers of non-visible covert security features up to and including forensic capability, as described in subparagraph (B); or

(II) technologies that have a function of security comparable to that described in subclause (I), as determined by the Secretary.

(B) STANDARDS FOR PACKAGING.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this paragraph, the manufacturers of such drugs shall incorporate the technologies described in subparagraph (A) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SEC. 1207. INTERNET SALES OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351

et seq.) is amended by inserting after section 503B the following:

“SEC. 503C. INTERNET SALES OF PRESCRIPTION DRUGS.

“(a) REQUIREMENTS REGARDING INFORMATION ON INTERNET SITE.—

“(1) IN GENERAL.—A person may not dispense a prescription drug pursuant to a sale of the drug by such person if—

“(A) the purchaser of the drug submitted the purchase order for the drug, or conducted any other part of the sales transaction for the drug, through an Internet site;

“(B) the person dispenses the drug to the purchaser by mailing or shipping the drug to the purchaser; and

“(C) such site, or any other Internet site used by such person for purposes of sales of a prescription drug, fails to meet each of the requirements specified in paragraph (2), other than a site or pages on a site that—

“(i) are not intended to be accessed by purchasers or prospective purchasers; or

“(ii) provide an Internet information location tool within the meaning of section 231(e)(5) of the Communications Act of 1934 (47 U.S.C. 231(e)(5)).

“(2) REQUIREMENTS.—With respect to an Internet site, the requirements referred to in subparagraph (C) of paragraph (1) for a person to whom such paragraph applies are as follows:

“(A) Each page of the site shall include either the following information or a link to a page that provides the following information:

“(i) The name of such person.

“(ii) Each State in which the person is authorized by law to dispense prescription drugs.

“(iii) The address and telephone number of each place of business of the person with respect to sales of prescription drugs through the Internet, other than a place of business that does not mail or ship prescription drugs to purchasers.

“(iv) The name of each individual who serves as a pharmacist for prescription drugs that are mailed or shipped pursuant to the site, and each State in which the individual is authorized by law to dispense prescription drugs.

“(v) If the person provides for medical consultations through the site for purposes of providing prescriptions, the name of each individual who provides such consultations; each State in which the individual is licensed or otherwise authorized by law to provide such consultations or practice medicine; and the type or types of health professions for which the individual holds such licenses or other authorizations.

“(B) A link to which paragraph (1) applies shall be displayed in a clear and prominent place and manner, and shall include in the caption for the link the words ‘licensing and contact information’.

“(b) INTERNET SALES WITHOUT APPROPRIATE MEDICAL RELATIONSHIPS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a person may not dispense a prescription drug, or sell such a drug, if—

“(A) for purposes of such dispensing or sale, the purchaser communicated with the person through the Internet;

“(B) the patient for whom the drug was dispensed or purchased did not, when such communications began, have a prescription for the drug that is valid in the United States;

“(C) pursuant to such communications, the person provided for the involvement of a practitioner, or an individual represented by the person as a practitioner, and the practi-

tioner or such individual issued a prescription for the drug that was purchased;

“(D) the person knew, or had reason to know, that the practitioner or the individual referred to in subparagraph (C) did not, when issuing the prescription, have a qualifying medical relationship with the patient; and

“(E) the person received payment for the dispensing or sale of the drug.

For purposes of subparagraph (E), payment is received if money or other valuable consideration is received.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to—

“(A) the dispensing or selling of a prescription drug pursuant to telemedicine practices sponsored by—

“(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program); or

“(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

“(B) the dispensing or selling of a prescription drug pursuant to practices that promote the public health, as determined by the Secretary by regulation.

“(3) QUALIFYING MEDICAL RELATIONSHIP.—

“(A) IN GENERAL.—With respect to issuing a prescription for a drug for a patient, a practitioner has a qualifying medical relationship with the patient for purposes of this section if—

“(i) at least one in-person medical evaluation of the patient has been conducted by the practitioner; or

“(ii) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

“(B) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

“(C) COVERING PRACTITIONER.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if the practitioner conducts a medical evaluation of the patient at the request of a practitioner who has conducted at least one in-person medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient. A practitioner is a covering practitioner without regard to whether the practitioner has conducted any in-person medical evaluation of the patient involved.

“(4) RULES OF CONSTRUCTION.—

“(A) INDIVIDUALS REPRESENTED AS PRACTITIONERS.—A person who is not a practitioner (as defined in subsection (e)(1)) lacks legal capacity under this section to have a qualifying medical relationship with any patient.

“(B) STANDARD PRACTICE OF PHARMACY.—Paragraph (1) may not be construed as prohibiting any conduct that is a standard practice in the practice of pharmacy.

“(C) APPLICABILITY OF REQUIREMENTS.—Paragraph (3) may not be construed as having any applicability beyond this section, and does not affect any State law, or interpretation of State law, concerning the practice of medicine.

“(c) ACTIONS BY STATES.—

“(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice that violates section 301(l), the State

may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such practice, to enforce compliance with such section (including a nationwide injunction), to obtain damages, restitution, or other compensation on behalf of residents of such State, to obtain reasonable attorneys fees and costs if the State prevails in the civil action, or to obtain such further and other relief as the court may deem appropriate.

“(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) or (5)(B) upon the Secretary and provide the Secretary with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Secretary shall have the right—

“(A) to intervene in such action;

“(B) upon so intervening, to be heard on all matters arising therein; and

“(C) to file petitions for appeal.

“(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

“(5) ACTIONS BY OTHER STATE OFFICIALS.—

“(A) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

“(B) In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

“(d) EFFECT OF SECTION.—This section shall not apply to a person that is a registered exporter under section 804.

“(e) GENERAL DEFINITIONS.—For purposes of this section:

“(1) The term ‘practitioner’ means a practitioner referred to in section 503(b)(1) with respect to issuing a written or oral prescription.

“(2) The term ‘prescription drug’ means a drug that is described in section 503(b)(1).

“(3) The term ‘qualifying medical relationship’, with respect to a practitioner and a patient, has the meaning indicated for such term in subsection (b).

“(f) INTERNET-RELATED DEFINITIONS.—

“(1) IN GENERAL.—For purposes of this section:

“(A) The term ‘Internet’ means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the transmission control protocol/Internet protocol, or any predecessor or successor protocols to such

protocol, to communicate information of all kinds by wire or radio.

“(B) The term ‘link’, with respect to the Internet, means one or more letters, words, numbers, symbols, or graphic items that appear on a page of an Internet site for the purpose of serving, when activated, as a method for executing an electronic command—

“(i) to move from viewing one portion of a page on such site to another portion of the page;

“(ii) to move from viewing one page on such site to another page on such site; or

“(iii) to move from viewing a page on one Internet site to a page on another Internet site.

“(C) The term ‘page’, with respect to the Internet, means a document or other file accessed at an Internet site.

“(D)(i) The terms ‘site’ and ‘address’, with respect to the Internet, mean a specific location on the Internet that is determined by Internet Protocol numbers. Such term includes the domain name, if any.

“(ii) The term ‘domain name’ means a method of representing an Internet address without direct reference to the Internet Protocol numbers for the address, including methods that use designations such as ‘.com’, ‘.edu’, ‘.gov’, ‘.net’, or ‘.org’.

“(iii) The term ‘Internet Protocol numbers’ includes any successor protocol for determining a specific location on the Internet.

“(2) AUTHORITY OF SECRETARY.—The Secretary may by regulation modify any definition under paragraph (1) to take into account changes in technology.

“(g) INTERACTIVE COMPUTER SERVICE; ADVERTISING.—No provider of an interactive computer service, as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), or of advertising services shall be liable under this section for dispensing or selling prescription drugs in violation of this section on account of another person’s selling or dispensing such drugs, provided that the provider of the interactive computer service or of advertising services does not own or exercise corporate control over such person.

“(h) NO EFFECT ON OTHER REQUIREMENTS; COORDINATION.—The requirements of this section are in addition to, and do not supersede, any requirements under the Controlled Substances Act or the Controlled Substances Import and Export Act (or any regulation promulgated under either such Act) regarding Internet pharmacies and controlled substances. In promulgating regulations to carry out this section, the Secretary shall coordinate with the Attorney General to ensure that such regulations do not duplicate or conflict with the requirements described in the previous sentence, and that such regulations and requirements coordinate to the extent practicable.”

(b) INCLUSION AS PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after paragraph (k) the following:

“(1) The dispensing or selling of a prescription drug in violation of section 503C.”

(c) INTERNET SALES OF PRESCRIPTION DRUGS; CONSIDERATION BY SECRETARY OF PRACTICES AND PROCEDURES FOR CERTIFICATION OF LEGITIMATE BUSINESSES.—In carrying out section 503C of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section), the Secretary of Health and Human Services shall take into consideration the practices and procedures of public or private entities that certify that businesses selling prescription drugs through

Internet sites are legitimate businesses, including practices and procedures regarding disclosure formats and verification programs.

(d) REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall, pursuant to the submission of an application meeting the criteria of the Secretary, make an award of a grant or contract to the National Clearinghouse on Internet Prescribing (operated by the Federation of State Medical Boards) for the purpose of—

(A) identifying Internet sites that appear to be in violation of Federal or State laws concerning the dispensing of drugs;

(B) reporting such sites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

(C) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there is authorized to be appropriated \$100,000 for each of the first 3 fiscal years in which this section is in effect.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect 90 days after the date of enactment of this Act, without regard to whether a final rule to implement such amendments has been promulgated by the Secretary of Health and Human Services under section 701(a) of the Federal Food, Drug, and Cosmetic Act. The preceding sentence may not be construed as affecting the authority of such Secretary to promulgate such a final rule.

SEC. 1208. PROHIBITING PAYMENTS TO UNREGISTERED FOREIGN PHARMACIES.

(a) IN GENERAL.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(h) RESTRICTED TRANSACTIONS.—

“(1) IN GENERAL.—The introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system is prohibited.

“(2) PAYMENT SYSTEM.—

“(A) IN GENERAL.—The term ‘payment system’ means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that may be used in connection with, or to facilitate, a restricted transaction, and includes—

“(i) a credit card system;

“(ii) an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service; and

“(iii) any other system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic fund transfers, or money transmitting services.

“(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

“(i) a creditor;

“(ii) a credit card issuer;

“(iii) a financial institution;

“(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

“(v) a money transmitting business; or

“(vi) a participant in an international, national, regional, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service.

“(3) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means a transaction or transmittal, on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of an unregistered foreign pharmacy, of—

“(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful drug importation request (including credit extended through the use of a credit card);

“(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful drug importation request;

“(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful drug importation request and is drawn on or payable at or through any financial institution; or

“(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful drug importation request.

“(4) UNLAWFUL DRUG IMPORTATION REQUEST.—The term ‘unlawful drug importation request’ means the request, or transmittal of a request, made to an unregistered foreign pharmacy for a prescription drug by mail (including a private carrier), facsimile, phone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

“(5) UNREGISTERED FOREIGN PHARMACY.—The term ‘unregistered foreign pharmacy’ means a person in a country other than the United States that is not a registered exporter under section 804.

“(6) OTHER DEFINITIONS.—

“(A) CREDIT; CREDITOR; CREDIT CARD.—The terms ‘credit’, ‘creditor’, and ‘credit card’ have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) ACCESS DEVICE; ELECTRONIC FUND TRANSFER.—The terms ‘access device’ and ‘electronic fund transfer’—

“(i) have the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

“(ii) the term ‘electronic fund transfer’ also includes any fund transfer covered under Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’—

“(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

“(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

“(D) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the meaning given the terms in section 5330(d) of title 31, United States Code.

“(E) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(7) POLICIES AND PROCEDURES REQUIRED TO PREVENT RESTRICTED TRANSACTIONS.—

“(A) REGULATIONS.—The Board shall promulgate regulations requiring—

“(i) an operator of a credit card system;

“(ii) an operator of an international, national, regional, or local network used to ef-

fect a credit transaction, an electronic fund transfer, or a money transmitting service;

“(iii) an operator of any other payment system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers or money transmitting services where at least one party to the transaction or transfer is an individual; and

“(iv) any other person described in paragraph (2)(B) and specified by the Board in such regulations,

to establish policies and procedures that are reasonably designed to prevent the introduction of a restricted transaction into a payment system or the completion of a restricted transaction using a payment system.

“(B) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under subparagraph (A), the Board shall—

“(i) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; and

“(ii) to the extent practicable, permit any payment system, or person described in paragraph (2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

“(C) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

“(i) IN GENERAL.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, and any participant in such payment system that prevents or otherwise refuses to honor transactions in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this subsection shall not be liable to any party for such action.

“(ii) COMPLIANCE.—A person described in paragraph (2)(B) meets the requirements of this subsection if the person relies on and complies with the policies and procedures of a payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the payment system comply with the requirements of the regulations promulgated under subparagraph (A).

“(D) ENFORCEMENT.—

“(i) IN GENERAL.—This subsection, and the regulations promulgated under this subsection, shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

“(ii) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in paragraph (2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

“(I) The extent to which the payment system or person knowingly permits restricted transactions.

“(II) The history of the payment system or person in connection with permitting restricted transactions.

“(III) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

“(8) TRANSACTIONS PERMITTED.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, is authorized to engage in transactions with foreign pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with paragraph (7). A payment system, or such a person, and its agents and employees shall not be found to be in violation of, or liable under, any Federal, State or other law by virtue of engaging in any such transaction.

“(9) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, under the laws of any state with respect to any payment transaction by an individual because the payment transaction involves a payment to a foreign pharmacy.

“(10) TIMING OF REQUIREMENTS.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.

“(11) COMPLIANCE.—A payment system, and any person described in paragraph (2)(B), shall not be deemed to be in violation of paragraph (1)—

“(A)(i) if an alleged violation of paragraph (1) occurs prior to the mandatory compliance date of the regulations issued under paragraph (7); and

“(ii) such entity has adopted or relied on policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; or

“(B)(i) if an alleged violation of paragraph (1) occurs after the mandatory compliance date of such regulations; and

“(ii) such entity is in compliance with such regulations.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this Act.

(c) IMPLEMENTATION.—The Board of Governors of the Federal Reserve System shall promulgate regulations as required by subsection (h)(7) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a), not later than 90 days after the date of enactment of this Act.

SEC. 1209. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking “not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.” and inserting “import into the United States not more than 10 dosage units combined of all such controlled substances.”.

SEC. 1210. SEVERABILITY.

If any provision of this title, an amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2151. Mr. MANCHIN (for himself, Mr. KIRK, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; as follows:

At the end of subtitle C of title XI, add the following:

SEC. 1132. HYDROCODONE AMENDMENT.

Schedule III(d) in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by—

- (1) striking paragraphs (3) and (4); and
- (2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.

SA 2152. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11 . . . RECOMMENDATIONS ON INTEROPERABILITY STANDARDS.

(a) **IN GENERAL.**—The Attorney General and the Secretary of Health and Human Services may collaborate to facilitate the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription information across State lines by making grants to States under—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748); and

(2) the Controlled Substance Monitoring Program established under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3).

(b) **REQUIREMENTS.**—The Attorney General and the Secretary of Health and Human Services shall consider the following in facilitating the development of recommendations on interoperability of prescription drug monitoring programs under subsection (a)—

(1) open standards that are freely available, without cost and without restriction, in order to promote broad implementation;

(2) the use of exchange intermediaries, or hubs, as necessary to facilitate interstate interoperability by accommodating State-to-hub and direct State-to-State communication;

(3) the support of transmissions that are fully secured as required, using industry standard methods of encryption, to ensure that Protected Health Information and Personally Identifiable Information are not compromised at any point during such transmission; and

(4) access control methodologies to share protected information solely in accordance with State laws and regulations.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on May 24, 2012, in room SD-628 of the Dirksen Senate Office Building, at 12:45 p.m., to conduct a hearing entitled “Programs and Services for Native Veterans.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 23, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 23, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Progress in Health Care Delivery: Innovations from the Field.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 23, 2012, at 10 a.m., to hold a hearing entitled, “The Law of the Sea Convention (Treaty Doc. 103-39): The U.S. National Security and Strategy Imperatives for Ratification.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 23, 2012, at 10:30 a.m. to conduct a hearing entitled “Secret Service on the Line: Restoring Trust and Confidence.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session on May 23, 2012, to conduct a hearing on “Seamless Transition: Review of the Integrated Disability Evaluation System.”

The Committee will meet in room SD-562 of the Senate Dirksen Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on May 23, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Protecting Our Children—The Importance of Training Child Protection Professionals.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on May 23, 2012, at 2 p.m., to conduct a hearing entitled “Reviewing the U.S.—China Strategic and Economic Dialogue.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on May 23, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

21ST CENTURY LANGUAGE ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of S. 2367.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2367) to strike the word “lunatic” from Federal law, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2367) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century Language Act of 2012”.

SEC. 2. MODERNIZATION OF LANGUAGE REFERRING TO PERSONS WHO ARE MENTALLY ILL.

(a) WORDS DENOTING NUMBER, GENDER, AND SO FORTH.—Section 1 of title 1, United States Code, is amended—

- (1) by striking “and ‘lunatic’ ”; and
- (2) by striking “lunatic.”

(b) BANKING LAW PROVISIONS.—

(1) TRUST POWERS.—The first section of the Act entitled “An Act to place authority over the trust powers of national banks in the Comptroller of the Currency”, approved September 28, 1962 (12 U.S.C. 92a), is amended—

- (A) in subsection (a), by striking “committee of estates of lunatics,”; and
- (B) in subsection (b), by striking “committee of estates of lunatics”.

(2) CONSOLIDATION AND MERGERS OF BANKS.—The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

- (A) in section 2 (12 U.S.C. 215)—
 - (i) in subsection (e), by striking “receiver, and committee of estates of lunatics” and inserting “and receiver”; and
 - (ii) in subsection (f), by striking “receiver, or committee of estates of lunatics” and inserting “or receiver”; and
- (B) in section 3 (12 U.S.C. 215a)—
 - (i) in subsection (e), by striking “receiver, and committee of estates of lunatics” and inserting “and receiver”; and
 - (ii) in subsection (f), by striking “receiver, or committee of estates of lunatics” and inserting “or receiver”.

**JOHN F. KENNEDY CENTER
REAUTHORIZATION ACT OF 2012**

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4097.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4097) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4097) was ordered to a third reading, was read the third time, and passed.

APPOINTMENTS

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Republican leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, Public Law 107-228, and Public Law 112-75, appoints the following individual to the United States Commission on International Religious Freedom: Mary Ann Glendon of Massachusetts, vice Leonard Leo.

ORDERS FOR MAY 24, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their

use later in the day; that the Senate resume consideration of S. 3187, the FDA user fees legislation, under the previous order.

Before the Chair rules, we will have up to 13 rollcall votes tomorrow. Under the order, they will start at 2 p.m. There is no reason we could not start the votes earlier. If we come in at 9:30, we can start them early, as soon as debate stops. We cannot have any votes during the couple of meetings Senators have to attend from 1 to 2 o'clock. But we should dispose of some of these amendments. Thirteen votes on amendments will take a long time tomorrow. I hope that everybody will try to move these up and that we can vote sooner.

The Chair can rule now.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, repeating, there will be up to 13 rollcall votes tomorrow starting at 2 p.m. The purpose is to complete action on the FDA user fees bill and to consider the student loan interest hike legislation.

**ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW**

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Thursday, May 24, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 24, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 25

9:30 a.m.

Armed Services

Closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2013.

SR-222

JUNE 7

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine Universal Service Fund Reform, focusing on ensuring a sustainable and connected future for native communities.

SD-628

JUNE 28

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Thursday, May 24, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of every good and perfect gift, thank You for all that makes life worthwhile. Thank You for tasks to do, for health of body, for accuracy of hand and eye, for skill of mind, and for friends and loved ones.

Today, equip the minds of our Senators with three assurances to sustain them. Remind them of Your sovereignty, Your power, and Your love. Give them the wisdom to believe that there is no problem or circumstance beyond Your control. May this knowledge guide their thinking, speaking, and decisions in a way that will glorify You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are now considering S. 3187, the FDA user fees

legislation. There is an agreement now reached to complete this legislation today. Under the agreement, debate time will expire at 2 p.m. today, but if we are able to yield back time, up to 12 rollcall votes could begin earlier in order to complete action on the bill and to have a couple of votes in relation to the student loan interest rate hike. We will notify everyone if time is yielded back, but people should be aware of the need to come here—we hope before noon—to have a couple of votes. There will be no votes between 1 and 2 o'clock because of meetings both sides have.

We also worked out a tentative agreement yesterday on flood insurance, which is important to 6 million people. We need to get that done today also. I hope we can get that done.

I was pleased yesterday to reach an agreement with the Republican leader on how to move forward with this FDA bill. This legislation addresses shortages of lifesaving medicines by establishing a protocol to accomplish just that. It will ensure that FDA resources are there to approve new drugs and medical devices quickly and efficiently. We are going to consider, as I indicated, a number of relevant amendments. I am optimistic we will pass this strong, bipartisan bill.

This week has been productive. We have not had to break or try to break a single Republican filibuster. That is a good day in Washington. It doesn't happen very often. I hope it happens more often. If this trend continues, we could return to the way we used to be; that is, do what is good for the country and not be trying to stop everything that comes along.

I am also hopeful that this week the Senate will be able to find a path ahead to temporarily renew the Flood Insurance Program, as I have already indicated. We need a long-term solution to this problem. We have about 40,000 loans every day that are approved, and they are approved because you can make that check that you do have flood insurance. If there is no way to buy flood insurance, you cannot make that check in that box and you cannot get a loan. This would be devastating to our fragile economy, so we have to get this done and get it done before the end of this month.

The collaborative work on that measure and the FDA bill renews my hope that Congress will reach an agreement to prevent student loan interest rates from doubling for 7 million young men and women. We will move to two proposals to freeze student interest rates at their current levels. The Republican

proposal is paid for by stripping Americans of lifesaving preventive health care. I can't say it any more clearly than that. It would be a shame to use that pay-for. That program has already been stripped bare. To take any more from it would really hurt the health of America. Our proposal is paid for by closing a loophole that allowed wealthy Americans to dodge their taxes. I am certainly aware of how things work around here. Neither one of these is going to pass, I am sorry to say. These two proposals were not created equal. But I hope a few reasonable Republicans will join with us. We should not put Americans' health at risk. We need to come to an agreement on the student loan issue. We only have until the end of June to do this.

I also hope to resolve an issue dealing with paycheck fairness over the next work period. In addition to that, we are going to deal with the farm bill, flood insurance, as I have talked about, a small business tax relief program, cybersecurity, and some appropriations bills.

In the last Congress we passed the Lilly Ledbetter Fair Pay Act, named after a stalwart woman from the South who was in effect cheated out of pay she deserved. She did the same work as men for many years but didn't get the same money. She sought redress in the courts, and they said: No, you can't do that; you should have done that when you first started working there. She didn't know she was being cheated at that time. We changed the law. Now people in the same situation as Lilly Ledbetter are not going to be bound by some phony set of rules that prevent someone from filing a lawsuit when they have been aggrieved.

While the wage gap has narrowed in the five decades since Congress declared women entitled to equal pay for equal work, gender discrimination remains a serious problem in the workplace. The work we did with Lilly Ledbetter was the single most important piece of legislation to ensure women have a chance to protect themselves. It is something we should have done before. We didn't. It is done now. Women make up about half of today's workforce. More than half the students in our law schools are women. More than half the students in medical schools are women. They still, though, will only earn 77 cents on every dollar compared to their male colleagues for doing the same work, and with an increasing number of women leading American households, this is a problem that affects children and families across the country.

The legislation, led by Senator BARBARA MIKULSKI, the Paycheck Fairness Act, is a logical extension of protections under the Equal Pay Act. It will help close the gap by empowering women to negotiate for equal pay and creating strong incentives for employers to obey the laws already in place.

Republicans deny waging war on women. Yet they have launched a series of attacks on women's access to health care and contraception this year. Now they have an opportunity to back up their excuses with action, and we are going to give them that opportunity. We hope they will join us and send a clear message that America values the incredible contributions women make every day.

Would the Chair be so kind as to announce the work we are going to do here today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3187, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3187) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Pending:

Durbin/Blumenthal amendment No. 2127, to require manufacturers of dietary supplements to register dietary supplement products with the Food and Drug Administration.

Sanders amendment No. 2109, to revoke the exclusivity of certain entities that are responsible for violations of the Federal Food, Drug, and Cosmetic Act, the False Claims Act, and other certain laws.

Coburn/Burr amendment No. 2131, to require an independent assessment of the Food and Drug Administration's review of drug applications.

Coburn/Burr amendment No. 2132, to provide that a portion of the performance awards of each employee of the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, and the Center for Biologics Evaluation and Research be connected to an evaluation of the employee's contribution to goals under the user fee agreements.

Burr/Coburn amendment No. 2130, to ensure transparency in Food and Drug Administration user fee agreement negotiations.

Murkowski amendment No. 2108, to prohibit approval by the Food and Drug Administration of genetically engineered fish unless the National Oceanic and Atmospheric Administration concurs with such approval.

Paul amendment No. 2143, to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and

dietary supplements on health-related conditions and disease, to prohibit employees of the Food and Drug Administration from carrying firearms and making arrests without warrants, and to adjust the mens rea of certain prohibited acts under the Federal Food, Drug, and Cosmetic Act to knowing and willful.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2107

Mr. MCCAIN. I ask unanimous consent to call up amendment No. 2107 and make it pending.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2107.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow the importation by individuals of safe and affordable drugs from Canada)

At the end of title XI, add the following:

SEC. 11. SAFE AND AFFORDABLE DRUGS FROM CANADA.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 810. IMPORTATION BY INDIVIDUALS OF PRESCRIPTION DRUGS FROM CANADA.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations permitting individuals to safely import into the United States a prescription drug (other than a controlled substance, as defined in section 102 of the Controlled Substances Act) that—

"(1) is purchased from an approved Canadian pharmacy;

"(2) is dispensed by a pharmacist licensed to practice pharmacy and dispense prescription drugs in Canada;

"(3) is purchased for personal use by the individual, not for resale, in quantities that do not exceed a 90-day supply;

"(4) is filled using a valid prescription issued by a physician licensed to practice in the United States; and

"(5) has the same active ingredient or ingredients, route of administration, dosage form, and strength as a prescription drug approved by the Secretary under chapter V.

"(b) APPROVED CANADIAN PHARMACY.—

"(1) IN GENERAL.—In this section, an approved Canadian pharmacy is a pharmacy that—

"(A) is located in Canada; and

"(B) that the Secretary certifies—

"(i) is licensed to operate and dispense prescription drugs to individuals in Canada; and

"(ii) meets the criteria under subsection (c).

"(2) PUBLICATION OF APPROVED CANADIAN PHARMACIES.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration a list of approved Canadian pharmacies, including the Internet Web site address of each such approved Canadian pharmacy, from which individuals may purchase prescription drugs in accordance with subsection (a).

"(c) ADDITIONAL CRITERIA.—To be an approved Canadian pharmacy, the Secretary shall certify that the pharmacy—

"(1) has been in existence for a period of at least 5 years preceding the date of enactment of this section and has a purpose other than to participate in the program established under this section;

"(2) operates in accordance with pharmacy standards set forth by the provincial pharmacy rules and regulations enacted in Canada;

"(3) has processes established by the pharmacy, or participates in another established process, to certify that the physical premises and data reporting procedures and licenses are in compliance with all applicable laws and regulations, and has implemented policies designed to monitor ongoing compliance with such laws and regulations;

"(4) conducts or commits to participate in ongoing and comprehensive quality assurance programs and implements such quality assurance measures, including blind testing, to ensure the veracity and reliability of the findings of the quality assurance program;

"(5) agrees that laboratories approved by the Secretary shall be used to conduct product testing to determine the safety and efficacy of sample pharmaceutical products;

"(6) has established, or will establish or participate in, a process for resolving grievances and will be held accountable for violations of established guidelines and rules;

"(7) does not resell products from online pharmacies located outside Canada to customers in the United States; and

"(8) meets any other criteria established by the Secretary."

Mr. MCCAIN. Mr. President, this is not a new issue. This has been before this body on several occasions. I want to assure my colleagues that if the lobbyists for the pharmaceutical companies in this town are able to block this, we will be revisiting this issue. This is an issue of fundamental fairness and decency and giving Americans the opportunity to have access to very important medication that in many cases is lifesaving. It has been blocked by one of the most powerful lobbies in Washington, that of the pharmaceutical companies.

For years, along with many other Senators and the current occupant of the White House—the President of the United States, when he was a U.S. Senator, supported this amendment. I would love to see the administration weigh in and take the same position that then-Senator Obama took on this issue of basic and fundamental decency and fairness to people who are badly in need of medicine to, in many cases, literally save their lives.

Industry opponents of the comprehensive importation proposals have found various ways to confuse the issue, raise red herrings about safety, or cut secret deals to block passage of reasonable and widely supported prescription drug importation programs.

Let me give an example—this recently came up—of the activities of the pharmaceutical companies in the formulation of ObamaCare. “GOP probe uncovers deal between Obama and drug companies,” by Philip Klein, the senior editorial writer of the Washington Examiner.

Three years ago, President Obama cut a secret deal with pharmaceutical company lobbyists to secure the industry’s support for his national health care law. Despite Obama’s promises during his campaign to run a transparent administration, the deal has been shrouded in mystery ever since. But internal emails obtained by House Republicans now provide evidence that a deal was struck and GOP investigators are promising to release more details in the coming weeks.

What the hell? White House Deputy Chief of Staff Jim Messina, who is now Obama’s campaign manager, complained to a lobbyist for the Pharmaceutical Research and Manufacturers of America (PhRMA) in January 15, 2010 email. “This wasn’t part of our deal.”

This reference to “our deal” came two months before the final passage of Obamacare in an email with the subject line, “FW: TAUZIN EMAIL.”

At the time Billy Tauzin was president and CEO of PhRMA—

And I might add, one of the highest paid lobbyists in history, millions of dollars—

the e-mail was uncovered as a part of Obama’s closed-door health care negotiations that was launched by the House Energy and Commerce Committee oversight panel:

“In the coming weeks the Committee intends to show what the White House agreed to do as part of its deal with the pharmaceutical industry and how the full details of this agreement were kept from both the public and the House of Representatives,” the committee’s Republican members wrote in a memo today.

On June 20, 2009, Obama released a terse 296-word statement announcing a deal between pharmaceutical companies and the Senate that didn’t mention any involvement by the White House.

“The investigation has determined that the White House, primarily through Office of Health Reform Director Nancy Ann DeParle and Messina, with involvement from Chief of Staff Rahm Emmanuel, was actively engaged in these negotiations while the role of Congress was limited,” the committee members wrote. For example, three days before the June 20th statement, the head of PhRMA—

That is Mr. Tauzin—

promised Messina, “we will deliver a final yes to you by morning.”

Meanwhile, Ms. DeParle all but confirmed that half of the Legislative Branch was shut out in an e-mail to a PhRMA representative: “I think we should have included the House in the discussions, but maybe we never would have gotten anywhere if we had.”

What went on in the formulation of ObamaCare is still one of the worst, sleaziest exercises I have seen in my many years here, and this involvement

by the pharmaceutical companies was probably the most egregious. All this amendment does is allow U.S. consumers who need more affordable prescription drug options to either go without their medications or pay higher prices than they could get from legitimate Canadian pharmacies. But that is not a reason. It is not a reason for us to stop fighting for those in the United States who need more affordable prescription medications.

There are Americans in this country today who cannot afford their medications. They have a choice between eating or taking their prescription drugs. Meanwhile, there is a way for them to get much cheaper drugs, and this amendment does that.

We will hear from the pharmaceutical company supporters in the Senate who will talk about safety and how Canadians don’t have the same standards we do. Really? Do we really believe the Canadian regulations and oversight are any better or worse than the United States? To ensure that U.S. patients have at least one option, this amendment takes a very narrow approach to safe importation by focusing on legitimate Canadian pharmacies.

Under this amendment the Secretary of Health and Human Services will certify “approved Canadian pharmacies” based on certain safety and quality criteria. To ensure that patients are not exposed to unsafe medications “approved Canadian pharmacies” can only sell drugs to U.S. customers that are the same as U.S. approved drugs. To protect U.S. patients against rouge distributors, a list of approved Canadian pharmacies must be published by the Secretary of Health and Human Services so Americans know which Canadian pharmacies are legitimate.

The cost of health care, including prescription drugs, continues to increase. However, there is nothing in the underlying FDA bill that will bring down the cost of prescription drugs. I wonder if the bill should be enacted when it doesn’t do anything to address costs. The quality of pharmaceuticals in this country is outstanding, and I recognize that. But don’t we all know how expensive it is?

For example, don’t we know that in the United States of America, Nexium, 20-milligram, 30 tabs, is \$195.99. The Canadian brand is \$108.55, and Canadian generic is \$69. For Plavix, the U.S. brand is \$195; the Canadian brand, \$132.

I am sure many Americans whose health coverage does not include these very expensive pharmaceuticals would be eager to take advantage of the same quality brand of prescription drugs that are available at these pharmacies in Canada.

As we all know, unemployment remains over 8 percent, and millions of families have mothers and fathers who remain unemployed or underemployed and have no health insurance coverage.

But the unemployed and uninsured still have health conditions, and they need medications. Millions continue to search for more affordable ways to get their needed prescription drugs.

Unfortunately, in my State many of my fellow citizens who cannot afford it go to Mexico to get drugs, and I cannot guarantee what they purchase there will always be what it is purported to be. That is not a criticism of my friends south of the border. But the fact is in Canada they have the same kind of process we do. Despite there being no official program to import medications from Canada, approximately 1 million U.S. consumers use their own money to safely get their medications from legitimate Canadian pharmacies.

In Arizona, over 20,000 patients purchase their medications safely from Canadian pharmacies. In Florida over 85,000 patients purchase their medications safely from Canadian pharmacies. A recent study from Roger Bate, an AEI scholar, confirms that in drugs dispensed from legitimate Canadian pharmacies there was no failure of authenticity between drug samples obtained online from U.S. pharmacies compared to the same drug from Canadian pharmacies. Within the verified pharmacies U.S. prices on average were 52.5 percent higher than Canadian pharmacy prices. In other words, the drugs from Canadian pharmacy sites are the same dosage, form, and potency as drugs in the United States, only much less expensive.

The drugs are the same as I mentioned. This amendment doesn’t authorize insurance companies, huge pharmacy chains, or drug wholesalers to import massive quantities into the U.S. system. This is about safely allowing uninsured, unemployed, and the underemployed to individually import these drugs they need.

So, please, somebody explain to me how we tell the struggling family who needs their medications that they cannot use their own money to get the same drug from legitimate Canadian pharmacies where the costs can be more than 50 percent lower than U.S. prices. It is not about the alarms of safety because this amendment requires the Secretary of Health and Human Services to promulgate regulations permitting individuals to safely import medications from Canada, and the following safety criteria must be met for a patient to import drugs from FDA-approved Canadian pharmacies: The prescribed drug must be dispensed by a licensed Canadian pharmacist; the prescribed drug must be for personal use in quantities that don’t exceed a 90-day supply; the prescribed drug must be dispensed in accordance with a valid prescription issued by a physician licensed to practice in the United States; the imported drug must have “the same active ingredient or ingredients,

route of administration, dosage form, and strength as a prescription drug approved by the Secretary."

The amendment recognizes that approved Canadian pharmacies meeting safety criteria can and should provide needed alternatives to U.S. patients using their own money to affordably obtain their medications. The Secretary is required to publish on the FDA Web site a list of "approved Canadian pharmacies" that meet the following stringent criteria: The pharmacy has been in existence for 5 years prior to enactment of the program and has a purpose other than to participate in the U.S.-Canadian safe drug importation program; the pharmacy operates in accordance with provincial pharmacy rules and regulations; the pharmacy complies with all inspection and data reporting procedures; the pharmacy agrees that labs approved by the Secretary shall be used to conduct product testing to determine the safety and efficacy of sample pharmaceutical products; the pharmacy does not resell products from online pharmacies located outside Canada to consumers in the United States.

Safe drug importation is a bipartisan issue. People in all of our States are still struggling with family budgets, and the Senate cannot do anything to give patients more choices about where they can get their needed drugs because the drug industry opposes allowing individual Americans to use their own money to safely get the same drugs from Canada, and it doesn't make sense.

Just a word about the types of medications that are eligible. I have been asked by colleagues whether biologic medicines can be part of the program. The answer is not unless they can be safely imported under the provisions of the amendment and regulations issued by the Secretary.

The amendment doesn't discriminate against the type of conditions or medicines that patients should be able to safely import under this program. Not all biologics are the same. Some biologic medicines are available in capsules; others are injectable medications that require refrigeration. Some injectables don't require refrigeration and are shipped to patients throughout the United States every day.

I don't believe U.S. patients should be necessarily prevented from saving money on biologics. If a biologic medicine cannot meet the various safety provisions in the amendment, it should not be eligible. If it can meet the requirements of the amendment, then a biologic can be available to U.S. patients.

If the past is a prologue, then obviously this amendment will go down. Then after this amendment is rejected, I hope none of my colleagues have any curiosity about the way the American people feel about us; about the incred-

ible, inordinate, illegitimate, outrageous influence of the pharmaceutical companies in America over the average American citizen. American citizens should be able to purchase pharmaceuticals from an approved pharmacy in Canada that many times is saving them half the money.

I am sure the distinguished chairman, my friend from Iowa, knows how many families do not have prescription drug coverage who are making a choice today between eating and medicine. What are we going to do? We are going to turn down this commonsense amendment.

Congratulations ahead of time to the corrupt pharmaceutical companies and their influence in the United States Senate and Capitol.

Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand the Republican leader is about to come to the floor to give his leader remarks.

I just wish to let Senators know we are moving ahead on the bill. Senator MCCAIN just brought up his amendment and spoke about it. I know there are some who want to speak in opposition to the McCain amendment. We still have amendment No. 2111 by Senator BINGAMAN to be called up. We have two amendments, No. 2146 and No. 2145, by Senator PORTMAN that need to be called up. I ask Senators to please come over and call up their amendments so we can debate them and move ahead to expeditiously voting on those amendments and final passage of the bill.

I see the Republican leader is on the floor, and I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I think we are under a time agreement on the bill; is that correct?

The ACTING PRESIDENT pro tempore. The leader is correct.

Mr. MCCONNELL. I wish to proceed under my leader time.

The ACTING PRESIDENT pro tempore. The Senator has that right.

STUDENT LOAN INTEREST RATES

Mr. MCCONNELL. Mr. President, today we will once again attempt to

prevent student loan interest rates from going up. This problem could have been solved literally weeks ago, but our friends on the other side were not interested in solving the problem; they wanted a scapegoat more than a solution.

So this afternoon we will vote on two different ways of addressing the issue. The Democratic plan is designed to fail. In order to cover the cost of a temporary rate freeze that both parties actually want, they propose to divert \$6 billion from Medicare and to raise taxes on small businesses, hurting the very companies we are counting on to hire today's college graduates. They have known for months that we would not support this tax hike and that it couldn't pass this Chamber or the House of Representatives. It has already failed, but they are proposing it anyway, for a second time.

If our Democratic friends would allow it, the chairman and ranking member could write a bill that could actually pass. But since passage isn't their goal, our friends on the other side huddled behind closed doors, out of sight of the public and the press, and produced the tax hike instead of letting the committee actually do its work.

We already know how this story is going to end. We know exactly, already, how the story will end. So why are the Democrats forcing us to vote on their failed proposal yet again? Because, as I have said, they are more interested in drawing our opposition—of trying to create a bad guy—than in actually solving the problem.

When it comes to college graduates today, the bigger issue is the President's economic agenda which has created an environment in which most of them can't find a decent job. So I can understand why our Democratic friends want to change the subject, but if we are actually going to do something to solve the problem, we are going to need to get past the political theatrics.

If Senate Democrats reject the bipartisan fix the House already passed—one that doesn't raise taxes or divert a single dollar away from Medicare and is an offset they have used themselves before—then I hope they will turn around and work with us on a bipartisan fix that doesn't tax small businesses—a proposal that is actually designed to pass and become law.

But let's be clear about something. The real issue isn't the fact that certain students are going to see an interest rate hike because we will address that concern; it is that so many young people today can't find a job that will enable them to pay off their loans in the first place. That is the much larger problem. The solution is a pro-growth agenda that would make it easier for U.S. businesses to hire, not a tax hike that will actually make it harder for them to hire.

In the short term, Republicans are ready to work to offer this temporary relief, but we are still waiting on the Democratic leadership to propose a solution of their own that can actually pass either one or two Chambers of Congress.

I would, once again, urge the President to get involved. If the President has time to run around to late-night comedy shows and college campuses talking about this issue, then he can pick up the phone and work out a solution with Democrats in the Senate.

Last week at the White House, I pressed the President to get involved in order to prevent the student interest rates from going up—a goal we all share. Think about it. If the President wants to pass this bill so badly, then why on Earth hasn't he picked up the phone and called the chairman or ranking Republican of the relevant committee? As with so many pressing issues, the President has not led on this issue. He has campaigned on it, but he has not worked to actually fix it.

The American people are tired of the posturing and the games. It is time for the President to lead. It is time for Senate Democrats to stop the political theater and to find a real solution.

THANKING SENATOR ENZI

Mr. President, on another matter, I wish to take a moment to thank my good friend, the senior Senator from Wyoming, MIKE ENZI, for the work he has done shepherding the FDA bill through the markup and across the Senate floor. This is an incredibly complex piece of legislation that strikes a difficult balance of protecting consumers while avoiding the stifling regulation that slows the process of bringing lifesaving drugs and devices to market.

Throughout a lengthy process, MIKE has shown the command of complex topics, steady leadership, and interest in his colleagues' priorities that have characterized his tenure at the HELP Committee. For that, those of us on this side of the aisle would like to thank him very much.

HONORING OUR ARMED FORCES
SPECIALIST DAVID W. TAYLOR

Mr. McCONNELL. Mr. President, I wish to address one other matter. I have a sad task today of informing my colleagues that a valued and honorable Kentuckian who enlisted in the U.S. Army has fallen in the performance of his duty. On March 29, 2012, SPC David W. Taylor of Dixon, KY, died from injuries sustained in an accident at an ammunition supply point in Kandahar Province, Afghanistan. He was 20 years old.

For his service in uniform, Specialist Taylor received several awards, medals, and decorations, including the Army Commendation Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan

Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Parachutist Badge, and the Overseas Service Bar.

After his tragic death at entirely too young an age, one of Specialist Taylor's commanders, Sergeant Addington, delivered a tribute to his fallen brother in arms. This is what he said:

When his country called for young lives to offer themselves up for the preservation of freedom, young David Taylor answered the call and said, "Here am I, take me." Specialist Taylor was my soldier, my battle buddy, and my friend. He was a fast learner and my greatest student. He sacrificed himself so we might be free.

Before he was a soldier, his mother Sarah Taylor recalled that David was a compassionate, dedicated young man. From a young age, he was always looking for ways to help others. Sarah says of her son: "One Christmas he had received a large amount of gifts."

David asked his parents "if he could give some of his gifts to a classmate of his who he knew would not receive many items."

David was a great athlete who played football and soccer and ran track. He loved to hunt and hunted turkey and deer, but his real passion was for duck hunting. He had many friends, was the life of the party, and he was popular with the girls. David "would change outfits multiple times before going to school, as his hair and clothes had to be perfect," Sarah says.

David was also very dedicated to physical fitness. He worked out multiple times a week to stay in shape. Perhaps that is because young David knew his body was his instrument, and he had made up his mind to join the military by age 14.

David's high school did not have an ROTC program, so David worked hard to graduate 6 months early and eagerly enlisted. He skipped both the prom and graduation to take up his more important pursuit, enlisting in January 2010. He even waived his signing bonus saying, "It is every young man's duty to serve."

David planned to make the military his career and hoped to go into the medical field. He dedicated himself to the military handbook and doing everything "by the book." He went on to serve as a paratrooper in a parachute infantry regiment, one of the most demanding specialties in the Army.

LT Eric Fitzgerald was Specialist Taylor's platoon leader. He says:

David was one of the most outstanding paratroopers in the whole platoon, just striving to be the best. When you wanted something done, when you wanted it done right, you went to Taylor for it.

CPT Brian Bifulco, David's company commander, concurs:

It was evident since the day I met him that David had all the qualities desirable in a paratrooper: Smart, aggressive, committed,

and reliable. He displayed them readily in everything he did.

David maintained his rigorous workout schedule in the Army by following the Crossfit physical fitness programs 5 to 6 days a week so he could excel at the Army's physical fitness test. He could run his 2-mile fitness test in a full minute faster than anyone else in his platoon. Specialist Taylor was assigned to D Company, 2nd Battalion, 508th Parachute Infantry Regiment, 82nd Airborne Division, based out of Fort Bragg, NC. He deployed to Afghanistan for Operation Enduring Freedom in February of this year for what would be his first and only deployment.

David's fellow soldiers from his platoon named the small gym in their Afghanistan outpost in his honor as a remembrance of David's commitment to excellence. Nearly every soldier in the platoon wears a metal bracelet honoring Specialist Taylor. SFC Russ Kelley had this to say:

For many of the guys, this is the first friend they've ever lost to combat. They wear the bracelets to remember.

At this time we are thinking of SPC David W. Taylor's family and his friends as I recount his story for the Senate, including his mother Sarah Taylor, his grandmother Laura Klutey, and many other beloved family members and friends. David was preceded in death by his father Kevin Taylor.

David's mother Sarah says David loved the Army and was excited to be in Afghanistan.

Sergeant Addington remembers:

David seemed to live for the job, and while others would whine and complain in the field, David would just sling up his hammock and settle in. He was at home in the woods, a natural outdoorsman.

David, who grew up in the woods, fit in perfectly. He seemed born to do this job, and I felt sorry for any Taliban that he was bound to run into in Afghanistan. The Taliban got lucky this time.

Even if that is the case, the tragedy of Specialist Taylor's death is certainly not lucky for anyone else, most of all not for the family he has left behind or his friends and fellow soldiers.

I know it is small solace in place of what they have lost, but I want them to know this Senate holds SPC David W. Taylor in the highest regard for his service on behalf of our country. We are honored, just a few days before Memorial Day, to recognize his enormous sacrifice on behalf of this Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong support of the underlying bill we are debating, the Food and Drug Administration Safety and Innovation Act.

This legislation, which has been the model of bipartisanship and effective legislating on the part of Chairman

HARKIN and Ranking Member ENZI, is critically important to the people of New Jersey and the Nation.

This bill is about more than drug safety. It is about more than protecting patients. It is about improving the approval process to speed access to new lifesaving, life-enhancing drugs and devices, and making sure the FDA is a partner in the production of safe and effective products.

This bill does this and accomplishes several key goals that are critically important to our Nation's health care system. Not only does it reauthorize the key user fee agreements for prescription drugs and medical devices, but it establishes agreements for generic drugs and generic biologic drugs called biosimilars.

Together, these user fee agreements will provide the FDA with the resources necessary to improve the drug and device approval process to more quickly and efficiently bring new products to market. It will enhance communication between manufacturers and the agency to foster a more cooperative environment, and it will allow for better and more thorough postmarket reviews to ensure continued patient safety and product efficacy.

There is more to this bill than the FDA user fees.

It permanently reauthorizes two vital programs that are a lifeline to our Nation's children—the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act, which are incredibly important to our children. It helps reduce and mitigate the ongoing problem of drug shortages we have heard about throughout the country. It provides for enhancements to the prescription drug supply chain and increases the accountability and transparency of the Food and Drug Administration.

It is good for children. It is good for business. It is good for patients. It makes the FDA a more effective partner in the process, and it demonstrates that we can reach across the aisle and work together to tackle tough issues and find solutions that benefit the people we collectively represent.

This just touches the surface of what this bill will accomplish. However, this incredibly hard work could very easily be unraveled by some of the amendments being considered.

AMENDMENT NO. 2107

It seems that, once again, despite the countless times—the countless times—the Senate has rejected the policy my friend from Arizona pursues, he has brought us an amendment that I believe puts Americans at risk, undermines FDA's authority, and would have a devastating ripple effect throughout our country's drug supply by allowing untraceable foreign pharmaceuticals into our country.

This amendment would ostensibly only allow drugs from Canada into the

United States. However, nothing in the amendment comes close to ensuring that is the case. In fact, this amendment would easily allow Web-based pharmacies within Canada to provide untraceable, unaccountable drugs from all over the globe into the U.S. market without any FDA oversight whatsoever.

This amendment does not provide the FDA with any additional resources to monitor the drugs coming in from Canada, and even the Canadian authorities have said they cannot be expected to monitor all the drugs coming through their country and into ours. Once one of those drugs hits and causes consequences to some family, then we will all be running and saying: How did we allow that to happen?

The Senate has soundly and repeatedly voted against this type of drug importation because we understand the implications it has on bringing counterfeit and dangerous products into our Nation. As we work to strengthen the FDA, I ask my colleagues to join me in opposing this amendment, which would significantly weaken the agency and put Americans at risk.

AMENDMENT NO. 2109

Additionally, I wish to address another critically important issue brought up by my friend from Vermont. The Sanders amendment would lead to a radical change in how our Nation's biotech and pharmaceutical industry achieves the process of bringing lifesaving, life-enhancing drugs into the marketplace.

I certainly respect the passion for the issues he pursues. But there are over 200,000 people in New Jersey who work in the biopharmaceutical industry every day who take pride in the work they do creating breakthrough, lifesaving, life-enhancing drugs, and I take issue with this characterization of an industry which is responsible for some of the world's most important medical breakthroughs that have saved millions of lives. If you are one of those people waiting for one of those drugs to come to the marketplace, hoping that for your mother's Alzheimer's—the Alzheimer's that took my mother's life—we will finally have a breakthrough; that for your husband with Parkinson's, we will finally have a breakthrough; that for your loved one with cancer, we will finally have a breakthrough, you want to see that come to the marketplace.

This industry is responsible for finding the cures and treatments for diseases that kill people and destroy family incomes. This is the industry that has more than 1,600 active clinical trials in New Jersey on drugs to treat cancer, cardiovascular disease, diabetes, HIV/AIDS, mental and behavior disorders, and, especially important to me personally, trials for drugs treating Alzheimer's and other forms of dementia. Families look forward to those

breakthroughs coming to the market to help cure their loved ones.

This work is what keeps our Nation competitive and on the cutting edge of medical science, providing billions of dollars in economic impact annually—roughly \$900 billion nationally and more than \$35 billion in New Jersey—and it provides countless people across the globe with lifesaving medications.

The amendment being offered could have a chilling effect on all this—all the hope for new treatments and perhaps new cures for diseases, having an opportunity for that to be turned around, to stop having those families lose a loved one who succumbs to a disease, ruining countless lives. It has the potential to dry up investment in the next cure and severely curtail the number of high-skill, high-paying jobs and billions of dollars in economic investment in the biopharmaceutical industry.

I know my friend from Vermont wants to prevent fraudulent behavior, and I wholeheartedly agree that bad actors who willfully commit fraud need to be punished, which is why we have the most incredible, stiff civil and criminal penalties in current law to prosecute those who commit fraud. But ultimately taking away the incentives we have in place to attract investment in this important research, especially when the penalties could be triggered by a minor, unrelated offense—the way the amendment is written—is just plain and simple bad policy. It is akin to having the death penalty for a simple assault.

The current intellectual property laws that protect pharmaceutical products provide researchers and their investors with a stable and predictable timeline that allows them to recoup the risky investments in research and development of new drugs.

We only think about the drugs that have success. But remember, out of every 5,000 to 10,000 potential drug compounds identified, only 1—only 1—of those 5,000 to 10,000 potential drug compounds will result in a new medicine on the market.

Do we want the companies not to take the risk of going through all those thousands and thousands of compounds to come up with the one that can be the cure for so many lives and save so much money in the government under Medicare and Medicaid and in our entire health care system? That is risky investing by anybody's standard, so removing incentives is bad policy for the public health of the United States.

This amendment will lead to uncertainty among investors. It will dry up capital. It will further delay access to new medical products. It will pull us back from the cutting-edge research and development that has always made this Nation great.

As I have said—and as my friends who are managing this bill have said—

this FDA reauthorization is too important not to pass. So I urge my colleagues to reject these harmful amendments so we can move forward and have an FDA that has the ability to do its job on behalf of the American people to create a process that will be safe but will give us the lifesaving, life-enhancing cures that ultimately will lead to a better life for all of us.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the time in quorum calls be evenly divided on the McCain amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I again say we are rapidly coming to a close. Again, the sooner we can get to voting, the sooner we will close out the business for the day and probably for the week.

I again would point out that we have Senator BINGAMAN's amendment No. 2111 yet to be called up. Senator PORTMAN has two amendments—Nos. 2146 and 2145. Those basically are the only ones left to be brought up. So I would urge them to come and others who have indicated they want to come and speak on the amendments that are pending. The McCain amendment, the Sanders amendment, the Murkowski amendment, the Durbin amendment, and the Paul amendment are still pending. People have indicated they want to come over and speak on these various amendments. I would hope they would do so, so we can perhaps get to voting on the amendments and final passage of the bill sooner rather than later.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2107

Mr. GRASSLEY. Mr. President, I support Senator MCCAIN's amendment. That amendment would allow drug importation from approved pharmacies in Canada. I have been a long-time proponent of safe drug importation. I am currently a cosponsor of the Pharma-

ceutical Market Access and Drug Safety Act, a bill I have worked on for many years with Senator SNOWE and Senator MCCAIN.

In 2002 and 2003, I supported amendments similar to the one before us today that would permit the importation of prescription drugs from Canada. In the year 2004, the late Senator Kennedy and I worked together on a bill that would authorize drug importation, but it did not survive the partisan politics of this Chamber.

I then introduced my own comprehensive drug importation bill in 2004. I entitled that bill the Reliable Entry of Medicine and Everyday Discounts Through the Importation of Effective Safeguards Act, and that naturally works out to an acronym. We called it the REMEDIES Act.

In 2005, I combined that bill with the proposal sponsored by then-Senator Dorgan and Senator SNOWE. And in 2007 and 2009, we reintroduced the version of that legislation with hopes that our combined efforts would finally lower the cost of prescription drugs for all Americans.

During the health care reform debate in 2009, drug importation had a much better chance to pass than ever before. We had a Democratic supermajority in Congress and we had a Democratic President who supported drug importation in the past. But in backroom deals between the Obama White House and the pharmaceutical industry, those deals prevented us from finally lowering the drug costs for all Americans.

So after all of this decade-and-a-half effort, we are back here again trying to accomplish the same goal with Senator MCCAIN's amendment. I have always considered drug importation a free-trade issue. Imports create competition and keep domestic industry more responsive to consumers. Consumers in the United States pay far more for prescription drugs than those in other countries.

For instance, U.S. prices are, on average, 52½ percent higher than Canadian pharmacy prices. If Americans could legally and safely access drugs outside the United States, then drug companies would be forced to reevaluate their pricing strategies. They would no longer be able to gouge American consumers by making them pay more than their fair share for the high cost of research and development. Because that is a fact. We pay for most of the research and development of new drugs because other countries are getting by dirt cheap and there is not enough money coming in from those countries to pay for all of the research it takes, because, as you know, most of the cost of a drug is the research and development, it is not the manufacture of that little pill or a big pill, for that matter.

In the United States, it is a fact. We import everything consumers want. So

why not pharmaceuticals? In fact, I look back at all my years working on trying to free up trade around the world through efforts to pass free-trade agreements, through efforts to get the President trade promotion authority, everything that would make global policies available to American consumers, and I can only think of two things our law prevents consumers in America from importing from other countries when everything else the consumers buy they can buy anywhere in the world if they want to—but not for pharmaceuticals or not for Cuban cigars.

Some opponents of this amendment have concerns about what drug importation would mean to the safety of drugs. Obviously, we have to be concerned about drug safety because that is what the FDA is all about—two things, making sure drugs are safe, and, No. 2, to make sure they are effective.

Everyone who knows me knows I care deeply about the safety of drugs. I would not be standing here today urging support for Senator MCCAIN's amendment if I did not think it would properly protect the safety of the Nation's prescription drug supply chain. The fact is that the unsafe situation is what we have today. Today patients who need a cheaper alternative are ordering drugs over the Internet from who knows where, and the FDA does not have the resources to do much of anything about it. The fact is the McCain amendment would not only help to lower the cost of prescription drugs for all Americans but will also establish a system where American patients can be certain that the drugs they are importing are safe.

The amendment has requirements that a pharmacy must meet before the Secretary may approve them for participation. This includes product testing in labs designated by the Secretary. A list of approved pharmacies will be published on the FDA Web site. Patients who are already forced to purchase their medications outside the United States would be able to access the list to choose a safe option. Additionally, the amendment lays out criteria that must be met before any patient may import drugs from an FDA-approved pharmacy. Patients must have a valid prescription from a physician licensed to practice in our country. The purchase must be for personal use, and the drug must have the same active ingredient, route of administration, dosage form, and strength as a prescription drug approved by the Secretary of HHS.

The McCain amendment would improve drug safety, it would not threaten drug safety. It would open trade to lower-cost drugs, and it would make other consumers around the world start paying for some of the research and development the American consumer is paying such a high price to

provide. We should do all we can to get miracle drugs originated and developed, but the American consumer should not be paying the entire bill. We need to make sure Americans have even greater, more affordable access to lifesaving drugs by opening the doors to competition in the global pharmaceutical industry.

Obviously, after a decade and a half, I am continuing to urge my colleagues to join in this effort on the importation of drugs, and in this particular area to give support to Senator MCCAIN and support his amendment. I applaud him for the leadership he has shown in this area over a long period of time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise in opposition to the McCain amendment No. 2107, which would facilitate the importation of prescription drugs from Canada. We are not talking about bus trips of seniors to reputable brick-and-mortar pharmacies right across the border. We are talking Canadian Internet pharmacies, which may not even be in Canada, which pose a significant threat to American patient safety.

This amendment would require the Food and Drug Administration to allow individuals to import prescription drugs into the United States from Canada, notwithstanding any other provision of the Federal Food Drug and Cosmetic Act.

Drugs that supposedly come from Canada can originate in any country in the world, and merely be shipped to the United States from Canada. Canadian law does not prohibit the shipment of drugs from any country into Canada and then into the United States. They do not care.

In 2005, FDA conducted an investigation of drugs that American patients thought they were ordering from Canada. Eighty-five percent of the drugs represented as coming from Canada actually came from 27 other countries. A number of drugs were found to be counterfeit.

A letter from Assistant Deputy Minister of Health, Canada, to the U.S. Surgeon General again said that Canada does not assure that products being sold to U.S. citizens are safe, effective, and of high quality, and does not intend to do so in the future.

The pending amendment would allow importation from Canadian Internet pharmacies. Canadian Internet pharmacies openly acknowledge they obtain most of their drugs from other countries. The specific language of the pending amendment gives rise to the additional safety concerns. For example, it will not prevent the importation of drugs that need special handling, such as refrigerated or photosensitive drugs. It would not prevent the importation of special surgery drugs, such as those inhaled during surgery or administered intravenously.

The pending amendment would not require Canadian wholesalers that would be involved in the importation to be licensed or registered in any way. There would be a list but not a licensing or registration. Do we want anyone, even someone under investigation or with a suspended or revoked license, to be in the business of importing drugs, given the well-known risks?

FDA advises consumers that some imported drugs, including those that bear the name of U.S.-approved products, may, in fact, be counterfeit versions that are unsafe or completely ineffective. You know, they can have all of the ingredients to it, but if it is not put together the right way, it will not even dissolve as it goes through the body, and therefore there would be no benefit from that drug, even though it looked like the real thing, it tasted like the real thing, it went down like the real thing. But if it is not the real thing, it can cause some real trouble with people's health.

This is not a hypothetical concern. Last year Homeland Security Secretary Napolitano testified that counterfeit drugs are a growing problem. Two months ago, FDA testified about the dangers of purchasing counterfeit, unapproved, or diverted prescription drugs on line. My colleague Senator MIKULSKI has highlighted the growing involvement of organized crime in this area. Prescription drug counterfeiting can be dramatically more profitable than narcotic smuggling. Imported drugs pose additional dangers because their labels may lack important information or warnings.

FDA advises consumers that an imported medication may lack information allowing patients to be promptly and correctly treated for dangerous side effects.

We know imported drugs pose severe risks to American patients. The FDA and the Department of Health and Human Services have repeatedly said they cannot assure the safety of imported drugs. A side-by-side amendment that we used to put on this all the time was that you could import drugs as long as the Secretary of Health and Human Services said it was safe. Well, there hasn't been a Secretary of Health and Human Services who has been willing to sign that drugs imported from anywhere—even Canada—are safe.

FDA's Web site advises consumers that imported drugs—including drugs imported from Canada—may not have been manufactured under quality assurance procedures designed to produce a safe and effective product. That is the FDA Web site.

The Federal Food, Drug, and Cosmetic Act represents over 100 years of lawmaking to protect the public health. It gives the FDA authority to make sure drugs are properly approved, manufactured, labeled, shipped, han-

dled, and stored, that factories are inspected, and that numerous other protections are in place for American patients. Adopting this amendment would endanger American patients, and I therefore urge my colleagues to oppose it.

There is a lot more that could be said. I have been saying this for years and trying to find a way it could be done. At the present time, the safety of it makes me oppose this particular amendment. They keep revising the amendment. It is still online and everybody knows how things online can be redone. They talked about putting an official seal on each Web site, but I know fourth graders who can duplicate any seal you can put on the Internet. Any list can be changed—and who checks lists, anyway? The problem is not knowing where the drugs come from that go through Canada to the United States. If they are counterfeit, they can sell them for less. The Canadian secretary of health also doesn't want to be the pharmaceutical supplier to the United States. They have a little different system up there. It is a way of driving prices down, which is something we would not stand for in the United States, a mechanism where they have to bid on the drugs. The people who make hard medicine bid against each other, and your doctor might prefer the one that doesn't win the bid. That is how they drive the price down. It is probably something we would not allow in the United States.

I ask my colleagues to oppose the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I will speak about two amendments that we will vote on later.

AMENDMENT NO. 2111

First is the Bingaman amendment. I urge my colleagues to oppose it. It ignores fundamental economic realities of pharmaceutical patent litigation, and it would ultimately result in fewer generic drugs being brought to market and delays in the launch of many of the generic drugs that do go to market.

Under current law, a generic drug company that is the first to file an abbreviated new drug application for an existing patented drug is entitled to 180 days of market exclusivity once the generic drug is approved. In other words, they have the exclusive market on it for half a year. This creates a powerful incentive for drug companies to bring generic drugs to market.

The present amendment would dilute this right of 180 days of exclusivity and potentially require the exclusivity period to be shared with another drug company's product. Under the amendment, the only way a generic drug company that files the first ANDA could be assured of getting 180 days of

market exclusivity is by litigating a challenge to the validity of the branded drug's patent all the way to a final judgment.

This is not a sound approach. First of all, patent litigation is very expensive. Full litigation of a drug patent suit typically costs between \$3 million and \$5 million. Second, most drug patents are ultimately found by the courts to be not invalid; that is, most validity challenges to these patents fail.

Generic drug companies, as everyone else, have limited litigation budgets. As a practical matter, if we force them to litigate every patent case to a final judgment in order to preserve their exclusivity rights, they will pursue fewer abbreviated new drug applications, and fewer ANDAs means fewer generic drugs and higher costs for consumers.

Finally, it is often the case that part way into a drug patent lawsuit, the generic drug company comes to the conclusion that the brand's patent is strong and that the challenge to the patent is likely to lose. In such a situation, everyone is better off if the suit is settled. Typically, such settlements allow the generic drug to go to market somewhat earlier but still preserve the bulk of the patent term. Obviously if the generic drug company is forced to litigate this all the way to judgment in order to potentially receive exclusivity and they lose, the full patent term will run and there will be no early generic market entry. This hurts both the generic drug companies and, more importantly, the consumers.

For these reasons, I urge my colleagues to oppose the Bingaman amendment.

AMENDMENT NO. 2109

Second, I urge my colleagues to oppose the Sanders amendment. This amendment would undermine the government's ability to fight fraud and will harm patients and U.S. competitiveness by eviscerating existing incentives to invest in medical innovation.

The Sanders amendment would result in the automatic revocation of any remaining regulatory exclusivity on a product when a company is convicted or even enters into a settlement agreement for certain violations of the Food, Drug, and Cosmetic Act, or any violations of the False Claims Act or several other listed statutes.

There are several reasons why this is the wrong approach. First and foremost, the amendment will result in less lifesaving drugs ever getting to patients. Obviously, we should be fighting for lifesaving drugs getting to patients even faster. We provide these periods for exclusivity, as I mentioned earlier, for a reason: to enable companies to recoup the significant investments they make—as high as \$1.2 billion per drug—to develop new medicines. Some of the exclusivities the amendment would revoke are those we enacted to encourage companies to ensure the safe use of

pharmaceuticals in children or to find a cure for rare diseases that affect a very small number of people.

Indeed, orphan drug exclusivity is a great example of how these exclusivity periods benefit patients. Since 1983, the year the Orphan Drug Act was signed into law, more than 350 medicines have been approved to treat rare diseases, compared to fewer than 10 in the 1970s. Why would we want to jeopardize such a great success story?

Second, reduced investment in U.S. drug development is not only bad for patients but for the economy. Because the Sanders amendment would create a disincentive to invest in drug development, the National Venture Capital Association has already expressed concerns, stating that the amendment has “the potential to inadvertently undermine innovation and undermine decades of policies enacted by Congress with the goal of fostering medical innovation.” Defined periods of exclusivity provide some small measure of predictability in what is otherwise a risky process, and companies and venture capitalists rely on these periods of exclusivity to make development and investment decisions.

By threatening the elimination of exclusivities for conduct that is likely many years removed from the development process, the Sanders amendment would introduce even greater uncertainty into the R&D process.

Let me restate that we need to reconsider the overall favorability of the environment for innovation in the United States. Yet here we are considering an amendment that, if enacted, would make the U.S. investment climate far less attractive for these companies, even as other countries are actively courting the biopharmaceutical industry.

Third, while the amendment purports to fight fraud, in reality it would actually undermine the ability of the government to fight fraud by undermining its ability to settle cases. The Sanders amendment would revoke exclusivity not only upon conviction—even if that conviction is later overturned on appeal—but also upon settlement. This is a huge problem because it creates a disincentive for companies to ever settle, as it would make more sense to drag out the district court litigation while any relevant exclusivity period is still running for the company.

Fourth, and finally, the amendment is not even necessary because the outcome called for by the Sanders amendment can already be achieved under current law in appropriate cases, because the government can, and does, have the power to negotiate the relinquishment of exclusivity as a condition of settlement. It can already do this. For example, this past January, the Department of Justice negotiated the relinquishment of a company's 180-day exclusivity as part of a settlement for

violations of the Food, Drug, and Cosmetic Act. Mandating this serious outcome in every case undermines the government's ability to use it as leverage to negotiate settlements.

Large penalties already apply for violations of the statutes listed in the Sanders amendment. The world of drug manufacturing and marketing is very heavily regulated, and noncompliance is subject to considerable penalties under current law. This amendment is not necessary. Rather than being outraged by settlements that occur, perhaps we ought to take them as an indicator that the government is doing a good job of using existing authority to go after those who seek to defraud the health care system.

I urge my colleagues to oppose the Sanders amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise to speak in support of the amendment offered by the Senator from Arizona.

NUCLEAR SUBMARINE FIRE

Before I do that, I want to recognize and acknowledge the tremendous and outstanding and remarkable work done by the crew at the Portsmouth Naval Shipyard and the local firefighters from numerous departments from the State of Maine, as well as from New Hampshire, because of the fire that occurred on the nuclear-powered submarine at the shipyard last evening, which was burning for more than 9 hours.

It was the extraordinary teamwork and coordination among all of the crews, as well as the firefighters and departments from both States, that managed to put out the fire. It is now smoldering. I offer my commendations and congratulations to those who did the exceptional and outstanding work, which exemplifies the kind of teamwork that already occurs at that shipyard. I wanted to offer my recognition to that extraordinary work in a very difficult circumstance.

AMENDMENT NO. 2107

I rise in support of the amendment offered by the Senator from Arizona, Senator MCCAIN, in authorizing a very limited drug importation program, whereby Americans can purchase medications from accredited online Canadian pharmacies. I am supporting this amendment, as I have in the past. In fact, we have had broader amendments offered on the floor of the Senate for almost more than a decade with respect to allowing importation of prescriptions from other countries that offer more competitive prices.

I applaud Senator MCCAIN, who obviously has been a very valuable ally in this effort for many years. But he proposed a very limited approach to address those who have concerns with the idea of importing prescription drugs. I, for one, cannot understand why there

is such a fundamental concern about this issue because, first of all, Americans have been facing tremendous increases in prescription drug prices for far too long. I think it is at a point at which Congress should address this issue, and precisely on this particular piece of legislation that is before us today. It could not be more appropriate to have this amendment offered on this legislation.

In 2010, AARP found that retail prices for the most popular brandname drugs increased 41.5 percent, while the Consumer Price Index rose just 13 percent. In other words, the cost of prescription drugs rose more than three times as much as the inflation rate. That is completely unacceptable.

What has occurred as a result of this trend? First of all, American consumers are increasingly choosing to risk living without taking critical medications. According to the Commonwealth Fund, in 2010, 48 million Americans did not fill a prescription due to high costs. That represents an increase of 66 percent since 2001.

If the Senate and the overall Congress were to adopt the McCain amendment, it would allow Americans to purchase safe medications at a lower price than they are available for us in this country. We could begin to turn this disturbing trend around. I know people in Maine deserve access to affordable drug prices. Millions of Americans, and certainly those in Maine, have purchased drugs from Canada safely, at a significant savings over the years. They have had to go to great lengths in order to purchase lower price medications. They have taken bus trips to Canada to purchase that medication because that was the only way they could have access to the prescriptions they so desperately need. The McCain amendment builds on that foundation.

If we look at this first chart, Mr. President, an April 27, 2012, survey comparing average Canadian drug prices against major U.S. retail pharmacy prices, we find the average U.S. price for a 90-day supply of Nexium, which is a common blood thinner, is \$560 in America but only \$265 in Canada. So Americans are paying twice as much for Nexium as Canadians do. I think that is simply outrageous. Why should American consumers pay twice as much for a medication that so many Americans depend upon?

Here is another example of a drug that is a blood-thinning drug that is also very crucial in this process, and that is Plavix. That costs \$585 in the United States versus \$398 in Canada for a 90-day supply. So, again, American consumers are paying 50 percent higher costs for the same prescription drugs as Canadians do.

Then let's look at the very popular anticholesterol medication Lipitor. This chart illustrates, again, what Lipitor costs the American consumer.

The cost is \$478 in the United States as compared to \$278 in Canada for a 90-day supply.

So for patients who are already trying to make ends meet in this very difficult economy by rationing their medications, splitting their pills, or even skipping medications entirely, why would we deny them access to safe drug products at these dramatically lower prices? That is why I have co-sponsored Senator McCain's amendment. It would allow Americans to import medication from accredited Canadian pharmacies from a list approved by the Secretary of Health and Human Services. These accredited pharmacies must commit to ongoing quality assurance programs and product testing to determine the safety and efficacy of these products.

This amendment is more narrowly focused than even the one that our former colleague Senator Dorgan and I had offered previously. This provides a pathway to a more limited approach for Americans to access affordable medications. In fact, there has been a very recent study conducted by Roger Bate of the American Enterprise Institute entitled "Unveiling the Mystery of Online Pharmacies: An Audit Study." Let me quote from him as to what he discovered:

If some foreign Web sites sell safe prescription drugs with substantial price discounts, but American consumers are guided to buy from U.S. Web sites only, the FDA could potentially discourage price competition between the U.S. and foreign pharmacies and, thereby, reduce drug affordability within the United States. The danger of reducing price competition depends on whether consumers can distinguish trustworthy Web sites from the vast pool of foreign Web sites.

So here we have the documentation by a very significant study that talks about how Americans can access these affordable medications. We shouldn't be discouraging price competition, as this study illustrates. That is one of the points I have been arguing over the years; that the real problem in this country with respect to prices for prescriptions is that we don't have competition within the industry and competition for those medications.

Americans have learned that citizens in other countries use the very same medications as we do. They are made in the very same plants. Yet they pay less. We talk about injecting greater free market competition in the health care marketplace as a way of achieving greater affordability, and this amendment attempts to address that very issue. As we look at what other countries do, when we are talking about accessing cheaper medications, we know in Canada that is the case, and it is certainly true in other industrialized nations.

I should add, in fact, they pay 35 to 55 percent less for their drugs because of the higher prices Americans pay, which is about \$90 billion more for prescrip-

tion drugs every year than we would otherwise. I think that is totally unacceptable. Why should American consumers be paying 35 to 55 percent more or nearly \$90 billion more than consumers in other countries for the very same medications? It simply doesn't make sense.

According to former Pfizer CEO Hank McKinnell—looking at the quote on this chart:

Competition is good medicine for economies. . . . Name an industry in which competition is allowed to flourish—computers, telecommunications, small package shipping, retailing, entertainment—and I will show you lower prices, higher quality, more innovation, and better customer service. There's nary an exception. Okay, there's one. So far, the health care industry seems immune to the discipline of competition.

When we last considered the legislation I introduced along with former colleague Senator Dorgan, we allowed importation only from Canada, the European Union, Australia, New Zealand, and Japan, and the Congressional Budget Office estimated the Federal Government would save almost \$20 billion—\$20 billion—if we allowed the importation of those medications. So we know for a fact allowing drug importation generates considerable cost savings to the government, to individuals, and businesses that provide health insurance coverage to their employees.

The bottom line is where nations institute safe, regulated trade in pharmaceuticals they achieve results. When Sweden entered the European Union system of trade, they saw a reduction of 12 to 19 percent in the price of traded drugs. In fact, Europe has had parallel trading for more than 30 years and has never had an incident.

Industries see the advantage in being a part of the global market when it comes to manufacturing costs. For example, according to a Pew study in 2011, the number of prescription drugs made at non-U.S. sites doubled between 2001 and 2008. That means they doubled at a sizable increase with respect to the number of prescription drugs that are made at non-U.S. sites. There are more than 50 plants where our medications are manufactured, and not all of those facilities are even inspected—not even inspected. Yet those are medications we use in this country because they are manufactured at other plants in other countries. As I said, there are more than 50 countries in which we have our prescriptions manufactured.

So let me see if I have this straight. It is fine for some foreign countries to manufacture drugs in their own plants for the U.S. market, ship those drugs here where the American people are given the privilege of paying higher prices than anywhere else in the world, but somehow we can't safely import those very drugs into the United States directly. It simply doesn't make sense.

The American taxpayer is underwriting more than \$30 billion of research—basic and applied research—at

the National Institutes of Health alone, so consumers in all those other nations are benefiting from the investments the American taxpayer is making with respect to research. That U.S. research produces these medications and these prescriptions that other nations pay 35 to 55 percent less for than the American consumer. The American taxpayer is paying more for those drugs, as I said, and also paying more of their tax dollars for the research that is ongoing at the National Institutes of Health. It simply doesn't make sense.

With all of the additional profit, industry invests nearly equally in R&D in the United States and in Europe and is increasingly moving research to low-cost Asian countries. So paying the world's highest prices for drugs doesn't ensure us more research, but it decreases our access to drugs. So that is the contradiction that Americans confront each and every day when they are purchasing their medications at a much higher cost than consumers in other countries.

The amendment that is offered by the Senator from Arizona is allowing importation solely from Canada, and it is for online pharmacies based on a list that has been drafted by the Department of Health and Human Services. That is a very prescribed, targeted, limited approach to allowing American consumers to benefit from those lower priced drugs that are offered in Canada.

It is very important we take this step. It is important for American consumers who otherwise are not going to be able to afford these medications when they are paying two to three times more than their counterparts in Canada, for example. The prices are rising five times more than the inflation rate year after year, so the compounding effect is significant and overwhelming for most American consumers and families. So what I hope is we will support the amendment that has been offered by Senator MCCAIN.

Some have suggested that providing support for the McCain amendment will hinder efforts to quickly move on the underlying legislation for the FDA. That concern is certainly not persuasive because the McCain amendment is a very narrowly focused approach. It represents a good-faith effort to find common ground. It has included strong safety-related measures and is done under very limited circumstances so the American consumer can take advantage of the lower prices I have demonstrated today with regard to some of the commonly used drugs, such as the anticholesterol medication Lipitor and the drug-thinning drugs such as Plavix. It is explicitly designed to make it more broadly acceptable to those who might have concerns in taking the approach of drug importation.

We must create a more competitive, more affordable health care system for

the American people. The prescription drug market needs competition. Competition will lower prices. For some reason, even though we are underwriting all of the research that benefits consumers in so many other countries, and even though our medications are manufactured at other plants in 50 countries, the American consumers are paying up to 55 percent more than their counterparts around the world. It simply doesn't make sense. In fact, I would suggest it is outrageous.

So that is why I am supporting this amendment. We need to take this limited, modest first step that I think goes a long way to addressing any reservations anyone might have in this Chamber with respect to the issue of importation. I hope we will allow American consumers to benefit from the much lower prices, especially during these very difficult economic times. This is a first step toward a larger system of safe, regulated drug importation.

I commend the Senator from Arizona for offering this amendment, and I hope the Senate will adopt it.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Iowa.

AMENDMENTS NOS. 2142, AS MODIFIED, 2145, AS MODIFIED, AND 2146, AS MODIFIED EN BLOC

Mr. HARKIN. Mr. President, prior to Senator BINGAMAN bringing up his amendment, I ask unanimous consent that the following amendments be in order and made pending: Leahy No. 2142, as modified, with the changes that are at the desk; Portman No. 2145, as modified, with the changes that are at the desk; and Portman No. 2146, as modified, with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. LEAHY, Mr. PORTMAN, Mr. WHITEHOUSE, and Mr. SCHUMER, proposes amendments en bloc numbered 2142, as modified, 2145, as modified, and 2146, as modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 2142, AS MODIFIED

(Purpose: To modify and limit certain exemptions to the Freedom of Information Act)

On page 192, strike line 10 through line 21 and insert the following:

(2) by adding at the end the following:

“(b) ABILITY TO RECEIVE AND PROTECT CONFIDENTIAL INFORMATION OBTAINED FROM FOREIGN GOVERNMENTS.—

“(1) IN GENERAL.—The Secretary shall not be required to disclose under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), or any other provision of law, any information described in subsection (c)(3) obtained from a foreign government agency, if—

“(A) the information is provided or made available to the United States Government voluntarily and on the condition that the information not be released to the public; and

“(B) the information is covered by, and subject to, a certification and written agreement under subsections (c)(1) and (c)(2).

“(2) TIME LIMITATIONS.—The written agreement described in subsection (c)(2) shall specify the time period for which the non-disclosure requirements under paragraph (1) shall apply to the voluntarily disclosed information. The non-disclosure requirements under paragraph (1) shall not apply after the date specified, but all other applicable legal protections, including section 552 of title 5, United States Code and section 319L(e)(1) of the Public Health Service Act, shall continue to apply to such information, as appropriate. If no date is specified in the written agreement, the non-disclosure protections described in paragraph (1) shall not exceed 3 years.

“(3) DISCLOSURES NOT AFFECTED.—Nothing in this section authorizes any official to withhold, or to authorize the withholding of, information from Congress or information required to be disclosed pursuant to an order of a court of the United States.

“(4) PUBLIC INFORMATION.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in section 552(b)(3)(B).”

AMENDMENT NO. 2145, AS MODIFIED

(Purpose: To facilitate the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription information across State lines)

At the end of title XI, add the following:

SEC. 11. RECOMMENDATIONS ON INTEROPERABILITY STANDARDS.

(a) IN GENERAL.—The Attorney General and the Secretary of Health and Human Services may collaborate to facilitate the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription information across State lines by States receiving grant funds under—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748); and

(2) the Controlled Substance Monitoring Program established under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3).

(b) REQUIREMENTS.—The Attorney General and the Secretary of Health and Human Services shall consider the following in facilitating the development of recommendations on interoperability of prescription drug monitoring programs under subsection (a)—

(1) open standards that are freely available, without cost and without restriction, in order to promote broad implementation;

(2) the use of exchange intermediaries, or hubs, as necessary to facilitate interstate interoperability by accommodating State-to-hub and direct State-to-State communication;

(3) the support of transmissions that are fully secured as required, using industry standard methods of encryption, to ensure that Protected Health Information and Personally Identifiable Information are not compromised at any point during such transmission; and

(4) access control methodologies to share protected information solely in accordance with State laws and regulations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives a report on enhancing the interoperability of State prescription monitoring programs with other technologies and databases used for detecting and reducing fraud, diversion, and abuse of prescription drugs.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an assessment of legal, technical, fiscal, privacy, or security challenges that have an impact on interoperability;

(B) a discussion of how State prescription monitoring programs could increase the production and distribution of unsolicited reports to prescribers and dispensers of prescription drugs, law enforcement officials, and health professional licensing agencies, including the enhancement of such reporting through interoperability with other States and relevant technology and databases; and

(C) any recommendations for addressing challenges that impact interoperability of State prescription monitoring programs in order to reduce fraud, diversion, and abuse of prescription drugs.

AMENDMENT NO. 2146, AS MODIFIED

(Purpose: To amend the Controlled Substances Act to place synthetic drugs in Schedule I)

At the end of title XI, insert the following:

Subtitle D—Synthetic Drugs**SECTION 1141. SHORT TITLE.**

This subtitle may be cited as the “Synthetic Drug Abuse Prevention Act of 2012”.

SEC. 1142. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

“(d)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

“(2) In paragraph (1):

“(A) The term ‘cannabimimetic agents’ means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

“(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

“(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

“(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or

not substituted on the naphthoyl ring to any extent.

“(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

“(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

“(B) Such term includes—

“(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

“(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

“(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

“(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

“(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

“(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

“(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

“(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

“(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

“(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

“(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

“(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

“(xiii) 1-pentyl-3-[4-(methoxy)-benzoyl]indole (SR-19 and RCS-4);

“(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR 18 and RCS 8); and

“(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).”.

(b) OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

“(18) 4-methylmethcathinone (Mephedrone).

“(19) 3,4-methylenedioxypyrovalerone (MDPV).

“(20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

“(21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

“(22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

“(23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

“(24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

“(25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

“(26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

“(27) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).

“(28) 2-(2,5-Dimethoxy-4-(n-propylphenyl)ethanamine (2C-P).”.

SEC. 1143. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking “one year” and inserting “2 years”; and

(2) by striking “six months” and inserting “1 year”.

SEC. 1144. PROHIBITION ON IMPOSING MANDATORY MINIMUM SENTENCES.

Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended by adding at the end the following: “Any mandatory minimum term of imprisonment required to be imposed under this subparagraph shall not apply with respect to any controlled substance added to schedule I by the Synthetic Drug Abuse Prevention Act of 2012.”.

SYNTHETIC DRUGS

Mr. LEAHY. Mr. President, I ask to engage in a colloquy with Senator HARKIN.

I thank the Senator from Iowa for his hard work as chairman of the Committee on Health, Education, Labor, and Pensions and, in particular, on the Food and Drug Administration Safety and Innovation Act that the Senate is now considering. I appreciate Senator HARKIN reaching out to me about those amendments to his bill that fall within the jurisdiction of the Judiciary Committee. One of those amendments concerns the issue of synthetic drugs—a major problem that the committee has been addressing.

Mr. HARKIN. Amendment 2146, as modified, filed by Senator PORTMAN, places a number of synthetic drugs within schedule I under the Controlled Substances Act.

Mr. LEAHY. Yes. That amendment is the same in substance as three bills that the Senate Judiciary Committee passed last year—the Combating Dangerous Synthetic Stimulants Act, S. 409; the Combating Designer Drugs Act, S. 839; and the Dangerous Synthetic Drug Control Act, S. 605. It addresses substances commonly known as bath salts and other synthetic drugs that have no legitimate use and can too easily be obtained under current law. Bath salts have resulted in a number of reports of individuals acting violently in the United States, including in Vermont, and have led to injuries to those using them and to others.

Mr. HARKIN. I am glad that those bills and, therefore, the substance of this amendment have already been given careful consideration by the Senate Judiciary Committee. That gives me comfort in including this amendment among those to which the managers of the bill consent.

Mr. LEAHY. I agree. I want to be sure that the amendment to be included will be Senator PORTMAN's amendment that corresponds precisely to the bills that were considered by the Judiciary Committee. Adding chemicals to schedule I of the Controlled Substances Act has serious consequences and is not a step that we should undertake without careful consideration. Do you understand that the consent to include Senator PORTMAN's amendment is not consent to further amend the Controlled Substances Act, that it is limited to these chemicals and matters contained in that amendment, and that have been considered

and approved by the Senate Judiciary Committee?

Mr. HARKIN. Absolutely.

Mr. LEAHY. It is unfortunate that the three synthetic drug bills that the Judiciary Committee passed last summer have been unable to move on the Senate floor because they have been held up by one Senator. They have been cleared for Senate passage on the Democratic side for some time.

Mr. HARKIN. It is too bad that so much progress has been blocked by so few in this Congress. I am glad that the Food and Drug Administration Safety and Innovation Act may provide an opportunity to make progress on this important issue.

Mr. LEAHY. I thank the Senator for his assistance on this matter.

Mr. HARKIN. Mr. President, I ask unanimous consent that the following pending amendments be agreed to: Leahy No. 2142, as modified; Portman No. 2145, as modified; and Coburn No. 2131; and that the Coburn amendment No. 2132 be withdrawn.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2142, AS MODIFIED

Mr. LEAHY. Mr. President, I commend the Senate for unanimously adopting my amendment to address Freedom of Information Act, FOIA, concerns with section 708 of the Food and Drug Administration Safety and Innovation Act. I especially thank Senators HARKIN and ENZI—the distinguished Chairman and Ranking Member of the HELP Committee—for working with me to protect the American public's ability to access important health and safety information under FOIA.

My amendment improves the bill by allowing the Food and Drug Administration, FDA, to obtain important information about drug inspections and drug investigations undertaken by foreign governments, while at the same time ensuring that the American public has access to information about potential health and safety dangers. Specifically, the amendment narrows the scope of the FOIA exemption in the original bill to No. 1 cover only information obtained from foreign government agencies and No. 2 clarify that the information to be withheld must be voluntarily provided to the FDA pursuant to a written Memorandum of Understanding. The amendment also preserves the right of the Congress to obtain this information. Lastly, the amendment places a 3 year time limit for withholding information pursuant to the exemption, unless a different time period is specified by the foreign government agency—so that the information will not automatically be shielded from the public indefinitely.

For more than four decades, the Freedom of Information Act has been an indispensable tool for the public to

obtain Government information. This law carefully balances the need for the Government to keep some information confidential, with the need to ensure free flow of information in our Democratic society. I am pleased that by unanimously adopting my amendment, the Senate has worked in a bipartisan manner to ensure that this careful balance is maintained regarding FDA drug inspections and investigations.

I thank the many open government and consumer groups—including OpenTheGovernment.org and Public Citizen—that supported this amendment. Again, I also thank and congratulate the lead sponsors of this bill on the passage of this important legislation.

AMENDMENT NO. 2146, AS MODIFIED

Mr. HARKIN. Mr. President, it is my understanding that we are ready to act on the Portman amendment No. 2146, as modified.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate, the question is on the adoption of the amendment.

The amendment (No. 2146), as modified, was agreed to.

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

AMENDMENT NO. 2111

(Purpose: To provide substantial savings in health care costs to the Federal government and consumers by fostering competition among generic pharmaceutical manufacturers and ensuring that anti-competitive "pay-for-delay" settlements between brand-name and generic pharmaceutical manufacturers do not block generic drugs from entering the market)

Mr. BINGAMAN. Mr. President, I call up amendment No. 2111.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. VITTER, Mr. FRANKEN, Mrs. SHAHEEN, Mr. KOHL, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MERKLEY, and Mr. SANDERS, proposes an amendment numbered 2111.

Mr. BINGAMAN. I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, May 17, 2012 under "Text of Amendments.")

Mr. BINGAMAN. Mr. President, this amendment is one that is a bipartisan amendment. Senator VITTER is cosponsoring this with me, also Senators FRANKEN, SHAHEEN, KOHL, TOM UDALL, TIM JOHNSON, KLOBUCHAR, MERKLEY, SANDERS, and the Presiding Officer, Senator BROWN.

This amendment addresses the very same issue that the Senator from

Maine was talking about; that is, how do we bring down the price of prescription drugs? How do we get competition into the market for prescription drugs?

We have a circumstance today in which an anticompetitive, anticonsumer practice is engaged in, and our amendment will change the law so that practice can no longer be engaged in. The practice I am talking about is the entering into so-called pay-for-delay settlements between brand-name drugs—brand-name pharmaceutical companies and generic manufacturers.

These pay-for-delay settlements have the effect of delaying timely access to generic drugs. These agreements between companies shield billions of dollars in sales each year from effective competition. The pharmaceutical companies benefit from this lack of competition and they do so at the expense of consumers and they do so at the expense of the Federal Government, since the Federal Government is a very large consumer and purchases a substantial amount of prescription drugs for the military and in other ways.

A preliminary estimate from the CBO indicates that this amendment will reduce direct spending by hundreds of millions of dollars at a minimum. Frankly, I believe it will, in fact, save us billions of dollars annually at the Federal Government level. The CBO also indicates that the amendment will reduce the average cost for prescription drugs and lower the cost of health insurance plans.

Early access to generic drugs is a key to saving money in the health care system. Kaiser Family Foundation has found this. They concluded that spending in the United States for prescription drugs reached \$259.1 billion in 2010. That is nearly six times as much as we spent on prescription drugs in 1990. Since generic drugs are on average four times less expensive—or another way to put that is one-quarter of the cost of the brand-name alternatives—they can be a very important source for reducing the cost in our health care system. To actually receive these savings, consumers have to have access to these generic drugs and have access to them in a timely manner.

In 1984, Congress passed the bipartisan Hatch-Waxman Act to create market-based incentives for generic pharmaceutical companies to bring their drugs to market as quickly as possible. The purpose of the law was to incentivize the early generic drug competition while preserving incentives for pioneer companies to develop innovative new medicines. Unfortunately, pay-for-delay settlements between brand-name drugs that already have their products in the market and generic pharmaceutical manufacturers who have not yet brought their products to market have become commonplace, and these agreements, these so-called settlements, have stifled competition and delayed access to generic

drugs at a significant cost to everyone who is involved in the health care system.

There is a table I want to put up. It relates to three particular drugs, and I will talk about the second two of these drugs because this gives some context to what I am concerned about.

This second drug is Lipitor. Everybody knows about Lipitor. It is a cholesterol-lowering drug. It is familiar to most people. It is the best-selling pharmaceutical ever in the history of the world.

According to a 2008 New York Times report, a pay-for-delay settlement delayed generic entry into that market—the entry of a generic version of Lipitor—by 20 months. The same report stated the generic version of the drug was estimated to sell for less than one-third the cost of the brand-name Lipitor. It pointed out that the brand-named Lipitor had earned \$12.7 billion in sales the year before.

According to a letter sent to the FDA Director Hamburg last year from some of my colleagues in the Senate indicating that the Federal Government was spending \$2.4 billion a year on Lipitor, they estimated that bringing a generic version to market would generate somewhere between \$4 billion and \$6.7 billion in savings annually to people who are purchasing this drug in this country.

The second example is Provigil. This is a sleep disorder drug. Due to the pay-for-delay settlement entered into there, a generic version of Provigil just came to market this year. Had this amendment we are offering as part of this bill been law, generics very likely would have entered the market 6 years ago with the expiration of exclusivity.

The chief executive officer of Cephalon—which is the brand-name manufacturer of Provigil—is quoted as saying:

We were able to get six more years of patent protection. That's \$4 billion in sales that no one expected.

In other words, the Provigil case represents 6 years and millions of dollars of lost savings to consumers, the largest consumer being the U.S. Government and particularly the U.S. military.

I have a chart that relates to the U.S. military's potential savings from this amendment. This translates this into dollars that are being paid out by the U.S. military as part of the defense budget, which we are going to be passing later this year.

Assuming that a generic version of Provigil would have been released in 2006, the Department of Defense alone would have saved \$159 million from this one drug between 2006 and 2011. That is over \$150 million from a single prescription drug.

If enacted, this amendment would foster more generic competition, would bring generic drugs to the market

sooner, and would do so in a manner that is consistent with the original intent of the Hatch-Waxman Act. Passage of the amendment would significantly cut prescription drug costs for American consumers and help reduce the Federal deficit.

Let me also allude to an article on the front page of the New York Times. I know some of my colleagues take exception to the New York Times occasionally, but this is an article entitled "New Fervor for Cutting Costs Among Hospitals and Insurers." The reporter is Reed Abelson. About three paragraphs into the article, he states:

After years of self-acknowledged profligacy, hospitals, doctors and health insurers say there is a strong effort under way to bring medical costs under control.

I was struck by that phrase "self-acknowledged profligacy in the health care system." I think that is what we have engaged in, in the Congress, frankly, is self-acknowledged profligacy in the health care system. This amendment will help to correct that.

The amendment has the strong support of AARP, of Families USA, Consumer Federation of America, U.S. PIRG, Consumers Union, the Center for Medicare Advocacy, AFL-CIO, AFSME, Walmart, the National Committee to Preserve Social Security and Medicare, among other groups and organizations.

If my colleagues favor competition, this amendment helps to promote competition. If we want to see reduced costs to the taxpayer for health care, then this amendment helps to reduce the cost to the taxpayer. If we want to reduce what patients and hospitals and insurance companies have to pay for prescription drugs, this amendment helps to do that as well.

I think this is something that is long past time we corrected this problem. This is a great opportunity for us to do so. I believe it is one of the first amendments that will be considered on this legislation. I hope my colleagues will put aside whatever other considerations they might have had in the past and go ahead and vote for this correction in Federal law. This is a problem, frankly, that we passed legislation that provided the opportunity—unfortunately. It was not intended. But an unintended consequence of the earlier legislation that we passed, the Hatch-Waxman Act, was to allow this kind of blocking, these kinds of pay-for-delay settlements to be entered into. We can correct that today. I hope very much we will.

I urge my colleagues to support the amendment, and I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. On whose time is the Senator speaking?

Mr. SCHUMER. I am speaking on the majority's time.

The PRESIDING OFFICER. On the Bingaman amendment?

Mr. SCHUMER. No. I am speaking on the McCain amendment.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

AMENDMENT NO. 2146

Mr. SCHUMER. Mr. President, I am going to speak for a brief moment on the amendment No. 2146 and then on a different issue, which is the reaction of some to the proposal Senator CASEY and I made about Eduardo Saverin and others who renounced their citizenship for tax purposes.

First, on 2146. I am glad this amendment has now finally passed the Senate. It places synthetic drugs on schedule I of the Controlled Substances Act as totally banned substances, which are where they belong.

These synthetic substances are also known as bath salts or, in the case of synthetic marijuana, Spice incense. Synthetic drugs aren't sold on street corners by slingers who keep hidden stashes; instead, these drugs are legal—even though they are dangerous—and can be found in local corner stores across the country. They are as easy to buy as a lollipop or a carton of milk but far more dangerous, even more dangerous than the common illegal drug on which they are based.

By passing this amendment, we finally get these poisonous drugs off our shelves and keep our Nation's youth out of emergency rooms.

I wish to thank Senators KLOBUCHAR and GRASSLEY for working with me on this amendment, as well as Chairman HARKIN and Senator ENZI, Chairman LEAHY, Senator GRASSLEY, and Senator FEINSTEIN for their leadership, and I want to thank Senator HARKIN and ENZI particularly for getting us in this package and Senator PORTMAN for working with us on this amendment.

EDUARDO SAVERIN

On the issue of Eduardo Saverin, last week, Senator CASEY and I introduced the Ex-Patriot Act. It is a bill that makes sure that people that renounce their citizenship for tax purposes do not escape what they owe and cannot come back without repaying all that they avoided paying this great country.

It is a modest proposal, made in response to the regrettable effort by a person named Eduardo Saverin, who renounced his American citizenship to avoid paying even the historically low level of 15 percent on capital gains for the several billion dollars in windfall profit he is set to receive from the Facebook IPO.

Mr. Saverin is no longer involved in the day-to-day running of the company, and it bears mentioning that the current, active leadership of Facebook is comprised of responsible corporate citizens who meet all of their responsibilities and obligations.

Mr. Saverin, on the other hand, has chosen to disown the United States to save some money on his taxes.

Senator CASEY and I have proposed a response. Our bill would bar Saverin—

and others like him—from reentering the country. It would also re-impose taxes on investment income earned in the United States even if an expatriate is living abroad.

I believe that the vast majority of Americans, of all parties and persuasions, think that renouncing citizenship in America to avoid taxes is troubling, unwarranted and ungrateful.

It is upsetting, to say the least, when a person who has benefitted so thoroughly from being an American—a person who accessed and enjoyed so many exceptional aspects of American society—just takes the money and runs, rather than doing the right thing and repaying the debt he owes to a nation that nurtured, facilitated and cheered his success.

And I think that the vast majority of Americans are receptive to suggestions for how we can address this kind of unacceptable behavior.

Look, nobody enjoys paying taxes, but Americans know that we would not have a functioning society without them. We argue and debate about the proper rates, and what is fair, and what level will sustain and grow our economy and our middle class.

But I think that most Americans agree that paying a mere 15 percent in capital gains taxes on a sum of \$3 billion or \$4 billion is not too much to ask a person, especially a person who fled their own homeland because their native society could not provide a reasonable level of security to their family.

While the real point here is not just about this one case—our bill addresses a small group of evaders over the last decade or so—it is worth pointing out that in this particular case the Saverin family found security here thanks to taxpayer funded cops and stability thanks to a taxpayer funded military, and a world-class university system, like that at Harvard—again underpinned by public support.

And they also found an expansive middle class that would become the market for his product. And a dynamic, entrepreneurial, free market economy that allows for significant accumulation of wealth. And functioning capital markets that were recently saved from the brink of catastrophic collapse through who? The American taxpayer.

And they found a government that invests in research and development, in things like creating the internet, and the web, and GPS, and microprocessors, all of which are necessary precursors to what Saverin and his cohorts created via Facebook.

And let's not forget, a non-corrupt legal system, which decided a case in his favor that made him a billionaire.

Yes, Eduardo Saverin did well by being in America.

And I think that most Americans know full well that what he accomplished was not done in a vacuum and that his success is the also the out-

growth of his participation in an extraordinary American society—a society that we collectively support.

No one gets rich in America on their own. And when people do well in America, they should do well by America.

I believe the vast majority of Americans believe this, too. So when I introduced our legislation I was sure it would garner wide and deep support, and in general, it has.

That is why it is baffling that extreme right wing Republicans, people like Grover Norquist, the de-facto leader of the Republican Party on tax matters, would rush to the defense of a man who is turning his back on America by dodging taxes.

Amazingly, the extreme right-wing echo chamber has made Saverin into a cause célèbre, defending his decision to disown the country as somehow “heroic”—Their words, not mine.

I was amazed. Just amazed. I took it as a given that citizenship—and all that it implies in terms of loyalty and duty to America—was axiomatic.

But that is no longer the case. Here is just some of what was said.

Forbes said that “For De-Friending The U.S., Facebook’s Eduardo Saverin Is An American Hero.” An American hero? Renouncing your citizenship now qualifies as heroic for the hard right wing? George Washington was heroic. Rosa Parks was heroic. JOHN MCCAIN and Gabby Giffords are heroic. Navy SEALs are heroic. Eduardo Saverin is not.

National Review’s Mario Loyola says, “It is the foolish and counter-productive tax policies of the left that are chasing Eduardo Saverin to another country. . . .” I’m sorry. 15 percent capital gains rate on several billion dollars is so onerous that it is chasing him away? I am sure any American worker would love to have that rate.

And if 15 percent is too high, what does Mr. Loyola or Mr. Norquist think the proper capital gains rate should be? Do they think we should have even lower taxes on capital gains, which disproportionately goes to the highest income earners?

What is the proper capital gains rate, Mr. Norquist? Should we make it 10 percent? 5 percent? Or should it be zero?

They won’t say. Because if they did, they would be laughed out of town.

The Wall Street Journal says we are “oppressive and demagogic.”

No. In America, You are free to leave. But if you leave to purposely avoid paying your fair share, then we will attach a consequence to that dodge.

Right wing blog after blog—from the American Thinker to the Daily Caller—echoes that, “punishing Saverin for tax dodging is un-American.”

Really? Silly me. I thought that renouncing one’s citizenship was un-American.

While on right wing radio they ask:

If it’s a more favorable tax haven than you can find elsewhere, why is it automatic that you are unpatriotic? Why is it automatic that you are a coward?

Because, my fellow Americans, when you renounce your nation to fatten your bank account, you are—by definition—being greedy and unpatriotic.

Grover Norquist says our bill is like fascist Nazi Germany or apartheid South Africa or communist Soviet Union, while in American Thinker we of erecting a “Berlin Wall.” And In the Examiner they say we are “totalitarian.”

The comparisons are absurd on their face and burden on the odious.

The law Mr. Norquist references in Nazi Germany was purely; discriminatory. It targeted a particular race of people—the Jewish people—and—punished them for nothing other than being Jewish and exercising freedom of movement. It was meant to constrain that freedom by forcing Jews to reside inside Germany.

Our proposal targets no single race, creed or class. It doesn’t punish you for factors beyond your control, like who your parents were. It applies based on actions you take—namely, disowning the United States to avoid taxes. Our law is not triggered by a wish to travel beyond America’s borders, or even reside permanently in a foreign country. It is the act of renouncing one’s U.S. citizenship—for the purpose of avoiding taxes—that triggers our bill.

Another right wing opinion piece asks: “If you leave to protest heavy taxation why must you pay a penalty?”

I am sorry, gentlemen, but Mr. Saverin is not protesting anything. If he was protesting, he would stay here, and fight for a lower tax rate—not simply exempt himself and leave others like him to continue paying a rate he considers too high. What he is doing is free-riding on America, dodging paying his fair share, and pocketing the billions from an IPO windfall.

Yet another right wing blog says we are engaged in “class warfare to vilify people that create wealth—just like the Nazi’s did with the Jews.”—I know a thing or two about what Nazi’s did—some of my relatives were killed by them—and saying that a person who made their fortune specifically because of the positive elements of American society, in turn, has a responsibility to do right by America is not even on the same planet as comparing to what the Nazis did to the Jews. That comparison is odious, but it is in a bunch of these right-wing blogs.

On and on it goes. The whole torrent of vitriol is absurd. Just absurd.

Mr. Saverin is, in essence, an economic tax dodger.

And once upon a time, the right wing castigated draft dodgers for failing to heed their nation’s call. Those who fled the country were vilified by the right

wing as cowards, as self-absorbed, as traitors.

Yet, in this case, the exact same kind of unpatriotic, un-American behavior is actually being defended by the extreme right wing.

It is off the deep end.

And when a view this irrational has overtaken one end of the political spectrum, it has serious, negative consequences for our ability to solve our nation's problems.

If those on the other side of the negotiating table are this obsessive on taxes—that they consider their minimization a higher priority than preserving our national identity—then it is no wonder a grand bargain on taxes and spending has been so out of reach.

In the last several years, the far right has disregarded one historically conservative priority after another in favor of an all-consuming obsession with protecting low tax rates for the wealthiest Americans.

First, it was the deficit. The Republicans have for years claimed that deficit reduction was their top priority. But that has since been exposed as a myth.

Every independent economist will tell you that the deficit problem cannot be solved except through both spending cuts and revenue increases. In fact, preserving tax cuts for the very wealthy is counterproductive to the goal of reducing our annual deficits.

Yet the far right marches on in defense of tax cuts for millionaires, deficits be damned.

Last August, our Nation's creditworthiness became a second casualty of the far right's insistence on low taxes for the wealthy. The right wing was so dug in against any reasonable fiscal compromise that they forced a manufactured crisis over raising the Nation's debt limit. This caused the first-ever downgrade of our Nation's credit rating.

Unbelievably, the far right prioritized millionaire tax breaks over our Nation's full faith and credit.

Despite that unreasonableness, we thought we had finally figured out a way to force the far right to come to grips with the need to deal with revenues. We come up with a mechanism called the sequester that would trigger harsh defense cuts if the Republicans continued to refuse any new revenues.

Surely, if there was one thing conservatives prized as much as tax cuts, it was defense spending, right?

Wrong. As we speak, the far right remains unwilling to cede an inch on revenues, no matter what it means for the Pentagon. The deficit; the Nation's creditworthiness; National security—all of these have taken a backseat to the far right's idolatry on taxes. Now they have gone so far, they have taken this idolatry all the way to its extreme end point by making Eduardo Saverin into their patron saint.

In the name of low taxes for the wealthy, they have lionized an inherently unpatriotic person.

The hero worship of Saverin is Norquist's extreme right wing anti-tax agenda being carried to its logical conclusion. And it is a scary, absurd place where even a tax dodger who renounces America for his own 30 pieces of silver is celebrated as a patriot and an American hero.

It is perverse.

Reasonable Republicans rightly seem wary to embrace taking things this far. House Speaker JOHN BOEHNER labeled Saverin's move "absolutely outrageous" and said he would support legislation to stop wealthy ex-pats relocating to avoid taxes.

Others have been quiet, perhaps cowed by fears of being the next target of the right wing echo chamber.

Shouldn't loyalty to America—and the broader responsibilities and duty of citizenship—trump base, non-essential financial self-interest?

Sadly, the answer of the extreme right is no.

The Wall Street Journal attacked the thrust of our proposed legislation as an example of the "age of envy." Well, it is not envy. In fact, I am happy those who intended and invested in Facebook got very rich. Having an idea and succeeding and maybe getting rich off this great idea is the American way. More power to them.

However, what is not the American way is taking a free ride on all the exceptional aspects of American society. What is not the American way is deriving massive advantage from various publicly supported elements of that society and then skipping town when you hit the jackpot. Yes, you are free to leave. You have a right to be selfish—even greedy—when renouncing this Nation.

I understand this will make you more money and there is a rational, simplistic argument to be made in favor of doing it—if the only factor that mattered was always getting richer and all other values were irrelevant. But we Americans have other values too.

America is special for many reasons. It is secure, it offers freedom of expression, it is diverse and tolerant, it is entrepreneurial, and it is economically and culturally dynamic. Looking out for the common good is in our blood. It is a part of our shared history and vision of our Founding Fathers.

We provide for the common defense. We promote the general welfare. We are not just out for ourselves. No. We look to secure the blessings of liberty not just for ourselves but for our posterity. It is this, and so much more, that makes America an exceptional society.

I am appalled by the reaction. I am not appalled by a debate on tax policy. I am appalled by making heroic a man

who renounces his citizenship to escape a tax rate, capital gains of 15 percent.

Too often I think every action and dilemma we face is now reduced to a question of whether this means bigger government or smaller government. Since those on the extreme right believe we must have smaller government at all costs, they vehemently oppose all taxes. But sometimes, as with this case and others like it, it is not just about the size of government. It is about doing what is fair and right and just based on your responsibilities as a citizen.

Citizenship is not simply a business decision, it is not just a transaction. Those on the right, such as Grover Norquist, defending this economic draft dodger are saying something very different. They are saying the social contract somehow excludes the accumulation of money. We know we give up certain rights and freedoms to live in a place like America, but we cannot just carry out vigilantism to pursue justice.

So in conclusion, being an American is not a one-way street. There are enormous benefits to being a citizen of our Nation and a member of the amazing society that has spawned. But there are also responsibilities and duties, such as patriotism, service, contributing your fair share, and commitment to community and family.

As we approach critical debates on the matters of taxation and fairness and job creation so critical to keeping America, the greatest Nation on the face of the Earth, I certainly hope it is these values, not glorified self-interest, that drown out all other values that guide our actions.

Thank you. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Wyoming.

Mr. ENZI. Mr. President, while I agree with much of what the Senator has said, I hope this doesn't encourage other partisan diatribes to come to the floor when we are on a bipartisan bill and trying to solve getting necessary pharmaceuticals to the market as soon as possible. We have a limited time of debate, and we need to stay on the subject. So I hope others are not encouraged to come down to counter anything they may have heard or to make different charges.

We have some time left on Bingaman and some others, but I hope we can move forward on the bill.

I yield the floor to the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I concur with Senator ENZI on that, to stick to the bill.

I ask unanimous consent, notwithstanding the previous order, the Senate proceed to votes in relation to the following amendments at 12 noon with all other provisions of the previous order remaining in effect: Bingaman amendment No. 2111, Murkowski amendment No. 2108, and Paul amendment No. 2143.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, reserving the right to object, I will not object. I want to ensure that I will have 10 minutes in support of the Bingaman-Vitter amendment prior to the vote as was promised to me.

The PRESIDING OFFICER. The Senator from Louisiana is notified that there is not 10 minutes remaining in support of that amendment.

Mr. VITTER. Mr. President, may I inquire to the Chair how much time is remaining.

The PRESIDING OFFICER. There are 3 minutes left in support of the Bingaman-Vitter amendment.

Mr. VITTER. Mr. President, I ask unanimous consent that as part of this agreement that I be given 7 minutes before the vote.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, I would modify my unanimous consent request to have the vote start at 12:05.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I think that accommodation was to allow the Senator from Louisiana for 7 minutes, and I would ask for 5 minutes before the votes begin.

The PRESIDING OFFICER. Without objection, the Senator from Louisiana will be given 7 minutes and the assistant majority leader will be given 5 minutes and the vote will begin at 12:05. Is there objection? Without objection, it is so ordered.

The assistant majority leader.

AMENDMENT NO. 2127

Mr. DURBIN. Mr. President, today we are considering a bill that will improve the FDA's ability to assure the safety of drugs in our medicine cabinets and medical devices in our hospitals. The FDA is an essential guardian of the public's health and safety. In the past few years, FDA has faced obstacles that call on the agency to adapt and respond to the evolving nature of reviewing, manufacturing, and distributing drugs and devices.

Some of those obstacles and challenges are addressed in the reauthorizations of the Prescription Drug User Fee Act and the Medical Device User Fee Act, which are set to expire at the end of September 2012.

Last fall, I visited Cook Medical's medical device plant in Canton, Illinois, and representatives expressed concern about the amount of time it takes medical devices to be reviewed. The FDA needs sufficient time to review medical devices, in order to ensure their safety and effectiveness.

However, inefficiencies and insufficient resources can result in longer review times, which mean patients have to wait longer to benefit from new medical devices.

This bill makes key changes to maintain the safety of devices and preserve our country's leadership in biomedical innovation. The bill will authorize the FDA to collect almost \$600 million in user fees over 5 years. The FDA can use these additional resources to help hire and train staff.

Furthermore, the bill makes important improvements by streamlining the review process for devices and increasing communication between the FDA and device manufacturers throughout the review process. These changes to the review of medical devices will not only help innovative device companies get their product to market faster, but will prevent patients from having to wait extra weeks and months to benefit from a new device.

In addition to reauthorizing the Prescription Drug and Medical Device User Fee Acts, this bill also establishes the Drug User Fee Act and Biosimilar User Fee Act, which gives the FDA new authority to collect user fees for generic and biosimilar drugs. Currently the FDA does not collect user fees to support the review of generic drugs, and it takes about 30 months for the agency to review generic drug applications. This extra time reduces access to safe, affordable generic drugs and leaves patients and taxpayers paying the tab for brand-name drugs that lack competition from generics.

Since the first Prescription Drug User Fee Act was enacted in 1992, the FDA began collecting user fees to support the review of applications. The FDA has cut the review time for new drugs by 60%, from 2 years to a little over 1 year. Similarly, the Generic Drug User Fee Act will give the FDA the support it needs to cut the current 30-month review time for generic drugs down to 10 months. This improvement will promote competition in the marketplace and save money by reducing the amount of time patients have to wait for less expensive generic alternatives to brand name drugs. The process of negotiating and drafting this legislation started 18 months ago and the result is a comprehensive bill that improves the safety and quality of drugs and medical devices.

Chairman HARKIN and Senator ENZI have put together a bill that responds to many of these challenges, including one that is of particular interest to me—the national shortage of critical drugs. Between 2006 and 2010 the drug shortage increased 200 percent from 56 to 178 drugs. Currently the drug shortage includes over 200 drugs, like intravenous nutrition supplements, cancer treating drugs, and anesthesia.

Over the past few months, I have held three roundtable discussions at hos-

pitals across Illinois to learn about the drug shortage and how it is affecting providers and patients. From these discussions it is clear that the drug shortage is being felt at most hospitals and those Illinois hospitals, providers, and pharmacists are working around the clock to ensure patients maintain access to drugs and safe treatments.

At Advocate Hospital in Libertyville, a doctor shared that he learned just days before starting a patient on chemotherapy that the drug was not available. Unfortunately, this is a common scenario across the country as doctors learn days before starting a treatment or even once the patient is on the hospital bed that a drug is not available. Pharmacists now spend part of each day scrambling to find drugs or an alternative treatment.

Recently I learned that a young woman on my staff here in D.C. is all too familiar with the drug shortage. She is a smart and hard-working woman who has been taking Concerta to treat her ADD since she was 14. Like most people with severe ADD, she must take her medicine at a certain time every day in order to keep her ADD symptoms from impeding basic life and work responsibilities. And while there are several ADD drugs on the market, each drug works differently and can have different side effects, so switching to a new prescription is not without risk.

Last year, the local CVS where she usually had her prescription filled started telling her they didn't have her drug in stock. She didn't think much of it as she would wake up early and walk to another CVS in the morning where she was usually able to get the prescription. Over time, she grew accustomed to going between these two CVS pharmacies to fill her prescription.

Until one month, when she carried her prescription with her for 3 days and was unable to find a pharmacy with enough Concerta to fill her 30-day prescription.

By the end of day 3, she was out of her supply. She woke up early and rode her bike to four or five CVS pharmacies until she was able to find a pharmacy that could fill her prescription. But by then it was 12 o'clock and past the prescribed time to take the drug.

The shortage of ADD drugs impacts children, adults, parents, and employees across the country. Congress needs to take action to address the drug shortage.

The FDA Safety and Innovation Act builds on Senator KLOBUCHAR's bill with key provisions to curb the national drug shortage. First, the bill requires drug manufacturers to notify the FDA 6 months in advance for certain drug shortages. With this much notice, the FDA can work with manufacturers to try to avoid a shortage

and, when necessary, identify alternative sources of the drug to ensure we maintain a supply for patients.

This winter, thanks to open communication between the FDA and drug companies, the FDA successfully avoided a shortage of methotrexate, a vital drug to treat leukemia in children. The FDA collaborated with Illinois-based generic drug manufacturer, Hospira, to increase production of this live-saving drug when another company halted production. Requiring 6 months advance notice of a drug shortage will help the FDA to work with companies to avoid shortages of critical drugs.

Furthermore, the bill requires FDA to enhance the agency's response to shortages and will improve reporting of shortages by allowing third-parties to report drug shortages to the FDA.

This bill also takes steps to improve the safety of drugs and the drug supply chain.

In 2008, serious injuries and 81 deaths were linked to contamination of the crucial blood thinning drug heparin. The source of the contamination was a facility in China that intentionally adulterated the drug. This was a horrible illustration of what happens when adulterated and counterfeit drugs make their way into the drug supply chain and ultimately to patients. This case has also raised serious questions about the global manufacturing practices of drugs and drug ingredients and the FDA's responsibility to protect the drug supply chain.

Since the heparin incident, the global nature of the drug supply chain has only grown. Today 80 percent of active pharmaceutical ingredients are manufactured outside of the United States. This bill improves the safety of our supply chain, both domestically and internationally by requiring foreign manufacturers to register their facilities with the FDA. The bill also places greater responsibility on U.S. drug manufacturers to know their international suppliers and increases penalties for intentionally contaminating or counterfeiting drug. Counterfeit and adulterated drugs can have deadly consequences, yet the penalty for committing these crimes is less than the penalty for selling a counterfeit designer purse.

Currently, the penalty for intentionally counterfeiting or adulterating a drug is no more than 3 years in prison or a \$10,000 fine or both.

This bill raises the penalty for intentionally adulterating a drug to no more than 20 years in prison or a \$1 million fine or both.

And the penalty for intentionally counterfeiting drugs is raised to no more than 20 years in prison or a \$4 million fine or both.

This bill addresses the drug shortage, reduces the review time for medical devices and drugs, improves the pipeline for antibiotics and pediatric drugs, and

helps secure the supply chain for prescription drugs.

I would like to thank Chairman HARKIN and Senator ENZI for their extraordinary leadership and hard work on this bill.

The amendment we will face this afternoon is one I am offering relative to dietary supplements. I want to make it clear what this is about.

If someone walked into their neighborhood drugstore and looked at everything on the shelf, here is what they can say: All the prescription drugs the pharmacy has access to have been reviewed by the Food and Drug Administration that they are safe and effective. All of the over-the-counter drugs have been reviewed and registered with the Food and Drug Administration to make certain they are safe and have been precleared before they can be sold. Now when they move back to the vitamin counter, all bets are off. Those are called dietary supplements. They are not subject to the same level of scrutiny, inspection, testing or regulation. It is an entirely different world.

It is understandable that there are those of us who want to be able to walk in and buy vitamins, for example, without a prescription. That is our right as Americans. But we also want to make sure that whatever is on the shelf at the pharmacy is not dangerous or at least we know it is there.

There are between 55,000 and 75,000 dietary supplements in America. We don't know the exact number. They include the obvious, vitamins and minerals, but they also go further. They include energy drinks. Ever heard of the 5-Hour Energy Drink, Monster Energy Drink? Those are not sold as colas, sodas, or beverages. They are sold as dietary supplements. Why? Because there is no regulation in terms of their contents.

We had a sad story I told on the Senate floor 2 days ago, with the family in the gallery, about a 16-year-old girl from Hagerstown, MD, who drank two Monster Energy Drinks within a 24-hour period and went into cardiac arrest. It was too much for her heart. She died. That was a dietary supplement.

My amendment says if they want to sell a dietary supplement in the United States, they have to do one basic thing: They have to go to the Food and Drug Administration and say: This is the name of my company. This is the name of my product and the ingredients in it. And here is a copy of the label. That is it.

So is it important that we know this? There will be 1,000 new products bought and sold in the United States as dietary supplements every year. Just in case we think knowing the dietary supplement facility company has been registered is enough, hang on tight. These dietary supplements are coming from all over the world. Sadly, a lot of them turn out to be dangerous.

In 2009 the FDA announced that Super Slim, a dietary supplement manufactured in China, contained the pharmaceutical ingredient sibutramine, which is no longer available in the United States and found to increase the risk of heart attack or stroke. If the manufacturers had registered this dietary supplement so we knew the ingredient, we could protect American consumers.

The same thing was true in 2001. Another Chinese-based weight-loss ingredient, aristolochic acid, was found to cause kidney damage and to be a potent carcinogen. Isn't it important for us to know this? Is it too much to ask the dietary supplement companies to go to the FDA and at least register their products before they put them on the shelves across America? Don't American families have the right to scrutiny and at least some basic knowledge of the sale of these products?

The industry is against this. They don't want to report it. They basically say: It is none of your business. We will sell what we want to sell, and that is the way it will be. If we want to volunteer the information, so be it. But we don't want to be required to disclose the information.

There are groups that see it differently. I ask unanimous consent to have printed in the RECORD letters that support my amendment. The Center for Science and Public Interest and the Consumers Union are in support of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTER FOR SCIENCE IN
THE PUBLIC INTEREST,
Washington, DC, May 24, 2012.

Senator DICK DURBIN,
Attn.: Binta Beard, U.S. Senate, Washington,
DC.

DEAR SENATOR DURBIN: The Center for Science in the Public Interest is pleased that you are introducing an amendment to the Food, Drug, and Cosmetic Act that would help improve public confidence in dietary supplements. Supplements are poorly tested, may be contaminated, can sometimes interact with pharmaceuticals, and are marketed with more hype than just about any other consumer product. Your amendment would do the minimum to protect both consumers and conscientious companies: require disclosure to the Food and Drug Administration of all ingredients, build a repository of labels, and require registration with the FDA. Much more really should be done to assure safety and efficacy, but we hope your amendment will receive widespread support.

Sincerely,

MICHAEL F. JACOBSON,
Ph.D., Executive Director.

MAY 21, 2012.

Senator RICHARD J. DURBIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DURBIN: Consumers Union applauds your efforts to strengthen dietary supplement safety by requiring manufacturers to register their products with the Food

and Drug Administration (FDA). Specifically, your proposed amendment to the Food and Drug Administration Safety and Innovation Act (S. 3187) would require manufacturers to provide the FDA with accurate and up-to-date information regarding each dietary supplement product they manufacture, a list of ingredients included in those products, and a copy of the product labels.

Although many dietary supplements on the market may be safe and healthful, there are numerous ingredients that may pose significant dangers to consumers. Some supplement ingredients could, for example, interact with prescription drugs to produce dangerous side effects. Others can change the effectiveness of prescription drugs. Still others could be generally safe for most consumers, but have hazardous health effects for certain population subgroups, such as pregnant women or children.

Dietary supplement manufacturers are currently subject to limited registration requirements as food-processing facilities. However, these entities are not required to register their products with the FDA, in order to facilitate timely action in the event of a safety alert. As noted by the U.S. Government Accountability Office (GAO) in its 2009 report, FDA "lacks complete information on the names and location of dietary supplement firms within the agency's jurisdiction," and does not have a comprehensive database of products currently being sold in the marketplace, and the ingredients they contain. This leaves the FDA without adequate marketplace information, should it need to take prompt or immediate action regarding supplement ingredients that are dangerous or found to be adulterated.

Requiring manufacturers to submit a list of products sold, product ingredients, and product labels to FDA on a regular basis would ensure that the agency can appropriately assess potential safety issues and quickly respond as they arise. The FDA's post-marketing surveillance of dietary supplements will be much more effective if the FDA has accurate, timely information about supplement products currently available in the U.S. marketplace.

Consumers Union believes this amendment will advance the safety of dietary supplements for consumers. We thank you for taking on this critically important issue, and look forward to working with you to support the amendment.

Sincerely,

CHUCK BELL,
Programs Director Consumers Union.
IOANA RUSU,
Regulatory Counsel Consumers Union.

Mr. DURBIN. I ask my colleagues when this vote comes before us, before we have another death in America from a dietary supplement from China, India, Mexico, or even in the United States, shouldn't we require the most basic information so we know the name of the company, the ingredients in the product, and what the label looks like?

The FDA has asked for this information. They asked expressly for this information. To say it is a burden on them, they already asked for it.

I ask my colleagues when this amendment comes up later this afternoon that they support this in the best interest of protecting American families and consumers.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Louisiana.

AMENDMENT NO. 2111

Mr. VITTER. Madam President, I rise to strongly support the upcoming Bingaman-Vitter amendment, which is basically an amendment form that Bingaman-Vitter Fair Generics Act would stop an escalating trend in the drug industry which has pay-for-delay deals between a generic manufacturer and a big pharmaceutical manufacturer.

Over the last several years we have seen a huge increase, and we have seen this trend grow from modest to a raging trend, and it is anticompetitive. It is pay-for-delay deals in which the brand-name drug dealer pays off or settles with the first-to-file generic drugmaker, often restricting generic market entry for years into the future.

As prescription drug prices explode, they put real pressure and burdens on many Americans' budgets because they are making medications that should be more affordable in terms of coming onto the market. They are postponing those drugs, paying for the delay, and holding them off the market longer and longer.

The FTC has compiled data and made clear that this trend is happening, and the FTC, an official government agency, said:

The continued trends of record numbers of brands and generics resolving patent litigation prior to a final court decision [yields] significant numbers of such settlements potentially involving pay-for-delay.

Those were the FTC's words.

In 2004 the FTC had identified zero of those sorts of pay-for-delay deals. In 2006 it was up to 14. In 2011 it doubled to 28. Clearly it is a big trend. That is "28 final settlements (that) contain both compensation to the generic manufacturer and a restriction on the generic manufacturer's ability to market its product."

This fair generics bill, through this amendment, fixes the problem. That was the intent of the original Hatch-Waxman language, but there was a loophole that has been exploited in this pay-for-delay deal because the first filer is granted exclusivity even if the first filer is paid off and settles and doesn't pursue its ability to enter the market.

The Fair Generics Act would fix that, and it would basically outlaw that sort of marketing of generics. It would realign and reaffirm the incentive and reward not just for filing first but for successfully challenging and invalidating a patent. So we would move the first filing exclusivity to a reward for filing and also successfully invalidating a patent.

It is a realistic proposal. It would allow the first filer to follow through on that filing. It would encourage it, but also if that is not going to happen, it would allow subsequent filers to litigate and validate the patent and thereby gain ability to enter the market-

place. I really think this was the intent of Hatch-Waxman.

Unfortunately, there is a loophole that has been exploited in Hatch-Waxman that has led to these serious pay-for-delay cases. Again, this is an escalating trend that is still growing. I have no doubt that when we get the number for 2012, it is going to be significantly above the 2011 number of 28.

So to simplify it, if the first filer does not enter into a settlement with the restricted and delayed market entry date and if it does diligently challenge and invalidate a patent, nothing changes under present law. The current 6-month market exclusivity reward remains. So that incentive, that reward absolutely remains. However, if that doesn't happen and the first filer just wants to settle or park its filing and is generic, a subsequent filer would have the ability to step up and challenge the patent and, if it won, it would have market access.

This solution provides more litigation certainty. We propose basically a use-it-or-lose-it statute for the brand name to sue the generic within the 45-day window. Current law provides a brand manufacturer a 30-month stay if they sue the generic within the 45-day window but still allows a suit after.

So, again, I believe this is a reasonable and measured approach. This is not as Draconian or dramatic an approach as other proposals in the Senate. I believe this is the middle ground, and I believe this honors and gets us back to the original intent on this subject of Hatch-Waxman. But it is a measured response to this escalating trend that we clearly see, that the FTC has objectively identified and measured—a so-called pay-for-delay arrangement.

In conclusion, the goal of Hatch-Waxman was to bring generics to the market more quickly. This approach, the FAIR Generics Act, will do that. There are anticompetitive deals that are being struck more and more often—pay for delay—and they are becoming much more prevalent, and they are hurting American families.

The mega-lobbyist pharmaceutical industry, of course, opposes this reform because, quite frankly, those pay-for-delay deals are a way to buy more exclusivity and keep generics off the market longer. But that is not in the interests of the consumer. It is time to stand up to them. It is time to have some courage, to stand up to Big Pharma and say: We are going to preserve your exclusivity for developing a drug, but we are not going to let you buy off generics and unfairly extend that time period. We are going to let generics come to market in a reasonable time. We are going to create incentives to make sure that happens.

I urge all of my colleagues to support that proposal, which is embodied in the Bingaman-Vitter amendment, the FAIR Generics Act.

I yield the floor.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Bingaman amendment.

Mr. HARKIN. Madam President, first I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank Senator VITTER for his comments and for his strong support of this amendment. I thank all of the other cosponsors of the legislation.

If we are interested in promoting competition in the health care field so that we can keep prices down, then we need to support this amendment. That is exactly what this does.

Under our law in this country, we provide exclusive rights to a company that develops a drug to sell that drug during the time the patent is in effect. But what we are concerned with here is that after that patent is no longer valid, companies are still extending their exclusivity, extending their time when they don't have any competition by entering into these agreements. So we think they can settle their disputes—we don't have a problem there—but they cannot keep other generic manufacturers from coming to the market who also have demonstrated the invalidity of a patent.

If we are worried about the cost of health care to the Federal Government—the Federal Government is paying too much for prescription drugs because of this flaw in the Hatch-Waxman Act that we are trying to correct. If we are worried about keeping prices down for hospitals, insurance companies, and consumers, this amendment will help to do that.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise today to oppose the amendment addressing the patent settlements for generic claims.

I am sympathetic to the intent of the sponsors of this amendment. I believe that some drug patent settlements may be improper and could be unfairly increasing drug prices for consumers. If that is in fact happening, we should stop the bad settlements and encourage the ones that work.

The problem with this amendment, however, is that its scope is much broader and could lead to unintended consequences that could harm consumers and increase costs. That is why I must oppose it. The amendment uses a machete when a scalpel might solve the problem. Not all patent settlements are abusive. They do not all lead to higher costs. In fact, some settlements can actually expedite generic

drugs coming to market. According to one recent study by RBC Capital Markets, patent settlements helped expedite 24 of the 37 most recent generic drug approvals.

The amendment would allow competing generic manufacturers, in certain cases, to share the 180 days of exclusivity provided under the drug patent law known as Hatch-Waxman. This period of exclusivity was intended to create a market incentive for generic manufacturers to be the first to file a generic drug application with FDA.

The amendment is intended to discourage generic manufacturers from reaching settlements with brand manufacturers to delay generic competition. Unfortunately, it may also have the unintended consequence of discouraging generic competition generally.

The Hatch-Waxman statute, which first established our current system of brand and generic drug approvals, was a careful compromise of competing interests. It struck a balance between encouraging research and development of new cures and promoting competition to lower costs. By all accounts, this law has been a success. Our Nation leads the world in the creation of new drugs and therapies that improve the lives of countless patients across the world. At the same time, generic drugs have promoted competition and lowered costs to American patients. According to one recent estimate, generic drugs have saved the American health care system over \$930 billion over the last decade.

This amendment would disrupt that system and reduce the incentives that currently encourage manufacturers to file generic drug applications with the FDA. Allowing competitors to share the 180 days of exclusivity will undermine the market incentives for manufacturers to make such filings. It will also create uncertainty about whether generic manufacturers will ultimately be able to recoup their investments and could mean that there will be fewer generic drugs.

That is why the generic drug manufacturers oppose this amendment. While I genuinely appreciate the desire to prevent abusive settlements, I believe that we must be very careful in disrupting a system that has worked so well for patients and consumers.

We should hold hearings in the HELP Committee to hear from all of the stakeholders who have a role in this system. We need to learn how any proposal will impact the incentives to encourage competition. We also need to learn how any proposed solutions will affect settlements and patent litigation.

This is clearly an important and very complex issue, but this amendment could have serious and detrimental consequences for patients. This is why I would urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

This is a 60-vote threshold vote.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—28

| | | |
|------------|--------------|------------|
| Akaka | Inouye | Schumer |
| Bingaman | Johnson (SD) | Shaheen |
| Boxer | Klobuchar | Snowe |
| Brown (OH) | Kohl | Udall (CO) |
| Cardin | Levin | Udall (NM) |
| Conrad | McCaIn | Vitter |
| Durbin | Merkley | Webb |
| Feinstein | Pryor | Whitehouse |
| Franken | Reed | |
| Gillibrand | Sanders | |

NAYS—67

| | | |
|------------|--------------|-------------|
| Alexander | Graham | Moran |
| Ayotte | Grassley | Murkowski |
| Barrasso | Hagan | Murray |
| Baucus | Harkin | Nelson (NE) |
| Begich | Hatch | Nelson (FL) |
| Bennet | Heller | Paul |
| Blunt | Hoeven | Portman |
| Boozman | Inhofe | Reid |
| Brown (MA) | Isakson | Risch |
| Burr | Johanns | Roberts |
| Cantwell | Johnson (WI) | Rockefeller |
| Carper | Kerry | Rubio |
| Casey | Kyl | Sessions |
| Chambliss | Landrieu | Shelby |
| Coats | Lautenberg | Stabenow |
| Coburn | Leahy | Tester |
| Cochran | Lee | Thune |
| Collins | Lieberman | Toomey |
| Coons | Lugar | Warner |
| Corker | Manchin | Wicker |
| Cornyn | McCaskill | Wyden |
| DeMint | McConnell | |
| Enzi | Menendez | |

NOT VOTING—5

| | | |
|------------|-----------|----------|
| Blumenthal | Hutchison | Mikulski |
| Crapo | Kirk | |

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2108

Mr. HARKIN. Madam President, I inquire what the next vote would be on?

The PRESIDING OFFICER. The Murkowski amendment No. 2108.

Mr. HARKIN. Madam President, I ask that that vote be a 10-minute vote.

The PRESIDING OFFICER. That is already the order.

There are now 2 minutes equally divided.

Ms. MURKOWSKI. Madam President, I ask for support of the amendment

that is before us. This is an amendment that will actually strengthen the role of NOAA as the Federal agency that has oversight over our fisheries.

Currently the FDA is considering an application for a genetically engineered fish, a fish that takes DNA from one salmon and an ell pout to accelerate the growth unnaturally. The FDA is not looking at labeling this fish. The FDA is not considering the environmental impact of escapement on this fish into the marine environment.

What we are asking for with this amendment is as the FDA proceeds in its process that the agency that has oversight of our fisheries be allowed to participate and weigh in as to whether there are any environmental consequences that may come about as a consequence of a release into a marine environment.

This is a situation where people have a right to know about the quality of their fish, where it comes from, what it is made of. What I am asking is for the agency that has oversight of our fisheries to have a role in this process. I urge Members to support the amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the time, as usual, did not run as quickly as we wanted. I ask unanimous consent that we only have two votes prior to lunch today, and that the next vote start at 5 minutes until 2 today after we complete this vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. HARKIN. Regular order, please.

The PRESIDING OFFICER. For what purpose does the Senator seek recognition?

Mr. ROBERTS. Madam President, I rise in opposition to speak for 1 minute.

The PRESIDING OFFICER. There is 1 minute in opposition. The Senator is recognized.

Mr. ROBERTS. Madam President, I fear this legislation would insert Congress in the scientific process of approving applications that we have entrusted to the FDA. This application has been pending at FDA for over 15 years. We should allow the FDA to complete their scientific review of the product and not interfere with the ongoing reviews.

We have a science-based system that allows for complete review. We should allow that process to continue. This amendment sets up a two-tiered, two-agency approval system. That is not good. We know the FDA has already conferred with NOAA regarding the pending application.

Basically, Members of the Senate should not put on lab coats and tell the FDA to approve or deny the pending application. We should allow them to act on the statutory authority that is

given to them. I reluctantly oppose the amendment of my colleague from Alaska.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, this would be the first time Congress has ever interfered in an FDA-based, science-based approval process. If we open that, we would be opening an extraordinary can of worms.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MERKLEY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—46

| | | |
|------------|--------------|-------------|
| Akaka | Graham | Reid |
| Ayotte | Johnson (SD) | Rockefeller |
| Baucus | Landrieu | Sanders |
| Begich | Lautenberg | Schumer |
| Bennet | Leahy | Shaheen |
| Bingaman | Levin | Snowe |
| Boxer | Lieberman | Stabenow |
| Cantwell | Manchin | Tester |
| Cardin | Menendez | Udall (CO) |
| Coburn | Merkley | Udall (NM) |
| Cochran | Mikulski | Warner |
| Collins | Murkowski | Whitehouse |
| Conrad | Murray | Wicker |
| Durbin | Nelson (FL) | Wyden |
| Feinstein | Portman | |
| Gillibrand | Reed | |

NAYS—50

| | | |
|------------|--------------|-------------|
| Alexander | Grassley | McCain |
| Barrasso | Hagan | McCaskill |
| Blunt | Harkin | McConnell |
| Boozman | Hatch | Moran |
| Brown (MA) | Heller | Nelson (NE) |
| Brown (OH) | Hoeven | Paul |
| Burr | Inhofe | Pryor |
| Carper | Inouye | Risch |
| Casey | Isakson | Roberts |
| Chambliss | Johanns | Rubio |
| Coats | Johnson (WI) | Sessions |
| Coons | Kerry | Shelby |
| Corker | Klobuchar | Thune |
| Cornyn | Kohl | Toomey |
| DeMint | Kyl | Vitter |
| Enzi | Lee | Webb |
| Franken | Lugar | |

NOT VOTING—4

| | |
|------------|-----------|
| Blumenthal | Hutchison |
| Crapo | Kirk |

The amendment (No. 2108) was rejected.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

The Senator from Tennessee.

Mr. CORKER. Madam President, I understand I have 3 or 4 minutes to speak about the GAIN Act.

The PRESIDING OFFICER. How much time does the Senator wish to speak?

Mr. CORKER. About 3 or 4 minutes.

The PRESIDING OFFICER. On an amendment or on the bill?

Mr. CORKER. On the bill.

Mr. HARKIN. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. There is a lot of commotion going on. I want to know where the time is coming from for the Senator from Tennessee.

The PRESIDING OFFICER. The Senator said he was speaking on the bill.

Mr. HARKIN. Madam President, how much time is left on the bill?

The PRESIDING OFFICER. The Senator from Iowa controls 15 minutes, and the Senator from Wyoming controls 22 minutes.

Mr. HARKIN. How much time does the Senator from Tennessee need?

Mr. CORKER. Three minutes.

Mr. HARKIN. OK, that is fine.

Mr. ENZI. Madam President, I yield 3 minutes to the Senator from Tennessee.

Mr. HARKIN. I will, too, if he needs it.

Mr. CORKER. Madam President, I rise to thank both the majority and minority leaders of the bill for their great effort. I am pleased to speak about a provision in the FDA Safety Innovation Act that addresses a growing public threat in Tennessee and Connecticut and across the Nation.

Several months ago, Senator BLUMENTHAL and I introduced the GAIN Act, which is a bipartisan provision that provides a meaningful market incentive and reduces regulatory burdens to encourage development of new antibiotics that will help save lives and reduce health care costs.

Drug-resistant bacteria, or “superbugs” as we call them, are becoming harder to treat because we lack new antibiotics capable of combating these infections. Not only do these infections take a toll on patients and their families, but they also run up health care spending to the tune of \$35 billion to \$45 billion annually.

It is crucial that these new antibiotics are discovered in order to stay ahead of the growing trend of drug resistance. Drug discoveries do not happen overnight, so we must act now to ensure that we have lifesaving medications when we need them.

The GAIN Act is a straightforward, commonsense bill that provides market incentives to encourage innovation without putting Federal dollars at stake, and it is included in this FDA reauthorization. Antibiotic resistance is a growing issue that we need to address now to properly prepare for the future.

Dr. William Evans, director and CEO of St. Jude's Hospital in Tennessee, wrote a letter supporting this bill, which says:

We don't want to find ourselves in a situation in which we have been able to save a child's life after a cancer diagnosis only to lose them to an untreatable multi-drug resistant infection.

I thank Senator BLUMENTHAL from Connecticut for his leadership on this bill. I especially thank Senators HARKIN and ENZI for working with us the way they have to include this provision in the FDA Safety and Innovation Act.

I think I have stayed within my time limit.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENTS NOS. 2145 AND 2146

Mr. PORTMAN. Madam President, I thank the ranking member and congratulate him for the good work today on this legislation.

There are a couple of amendments that are part of the bill I want to speak about. First is on prescription drug abuse—a problem we all face as representatives of our States. I particularly thank Senator WHITEHOUSE for his partnership on this important bill.

In the last decade, unfortunately, prescription drug abuse has reached epidemic proportions in States such as Ohio, and in so many other States around the country. In doing so, it has devastated the lives of so many individuals but also the well-being of our communities, and of course affected their families, affected our economy, and it has caused a big spike in crimes, including theft, as addicts look for ways to support their addictions. This crime, of course, has doubly strained law enforcement, which has already had to contend with the increase in drug trafficking with constrained budgets. It has also served as a gateway to other drug use, including heroin use, which tends to be less expensive and causes additional public health challenges.

Amazingly, since 2007, drug overdoses have now moved ahead of car accidents as the leading cause of accidental death in my home State of Ohio. Again, we have seen this, unfortunately, too often around the country. We have had record levels of hepatitis C infection from needle sharing. In one county on the Ohio River, in southern Ohio, 10 percent of the babies born in 2010 had drugs in their system.

The good news is progress is being made in places such as Scioto County and around the country thanks to the good work of health professionals, law enforcement, local, State, and Federal officials, along with community

groups, families, schools, churches, and others. But they need some help. More work needs to be done, and one critical tool they are looking for in the fight against prescription drug abuse is a better way to monitor prescription drug use. There are databases around the country called prescription drug monitoring programs. They allow States to monitor and track the dispensing of prescription drug medications by health care providers to be able to identify and stop the abuse of people getting prescriptions for these drugs in various different doctors' offices and in what have been called pill mills. Preliminary research has shown monitoring programs are highly effective in stemming the tide of abuse. That is why 48 States and 1 territory now have them, with 41 of them operational.

There is a problem, however. Different States' monitoring programs can't communicate with one another, so one State doesn't know what the other State is doing, and drug trafficking is an interstate problem. This is especially true in places such as Scioto County in southern Ohio, right across the river from Kentucky and bordering West Virginia. We want these States to be able to work together, and that is why Senator WHITEHOUSE and I have offered this amendment, No. 2145, as a Federal solution to providing a framework for monitoring programs to participate in data sharing across State lines.

This amendment also supports collaboration between the Department of Health and Human Services and the Bureau of Justice Assistance in order to further their research to assess challenges that have an impact on States' interoperability.

Some have called for a national monitoring program—one Federal program. I don't think that is necessary. I don't think it will work as well. A lot of States have programs that are working extremely well and they have put a lot of money into them. There are differing protected health standards State by State. So rather than trying to federalize it, our amendment gets these disparate programs to work together securely, reliably, and efficiently without undermining or jeopardizing the State's autonomy in this area. States should remain free to establish laws that determine user eligibility and reporting requirements. So this amendment is to help, again, give these communities the tools they need to fight this prescription drug abuse.

Finally, I would say that our amendment has no effect on direct spending or revenues over the 10-year period.

The other amendment I want to mention also has to do with substance abuse—about the dangers of what we unfortunately all here in this Chamber have heard about—and that is synthetic drug abuse, including K2 Spice,

bath salts, and herbal incense. Today we have an opportunity to do something about this problem. Let's prohibit these drugs from getting into the hands of our children, our service men and women, and others.

This amendment addresses the growing use and misuse of synthetic drugs by placing 15 cannabinoids, 2 stimulants, and 9 hallucinogens in Schedule I to expose those who manufacture, distribute, possess, import, and export synthetic drugs without proper authority to the full spectrum of criminal, civil, and administrative penalties, sanctions, and regulatory controls.

I want to give special thanks to the people who led this effort over the years—Senators GRASSLEY, SCHUMER, and KLOBUCHAR. They have worked hard on this issue, and we are all pleased this is part of the underlying legislation. It was Senator GRASSLEY, as well as the folks from the Community Anti-Drug Coalition, who originally introduced me to the prevalence of designer drugs. I was told of the story of David Mitchell Rozga and many others who have suffered, and of some of the deaths that have occurred around the country.

This amendment, again, would have no significant effect on direct spending or revenues over a 10-year period and is a good, commonsense approach to trying to get our hands around this issue and help the constituents we represent and help our communities fight to stem this particular substance abuse that is affecting us all.

Madam President, I yield the remainder of my time, and I yield the floor.

Mr. HARKIN. Madam President, if I may inquire of the Senator how much time she wishes.

Mrs. HAGAN. I would request 6 minutes.

Mr. HARKIN. I yield 6 minutes off the bill.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from North Carolina.

Mrs. HAGAN. First, Madam President, I do want to applaud the hard work of the Senate HELP Committee chairman TOM HARKIN and the ranking member Senator MIKE ENZI. This bill is truly one of the most bipartisan efforts I have had the opportunity to be a part of in the 3 years I have served in the Senate. It ought to be a reminder that, yes, when we work together across the aisle, the Senate can get things done.

I am particularly proud to support this bill because of what it will mean for patients who are suffering with diseases, who do not have access to adequate treatments, or who do not have access to any treatment at all. This bill we are voting on includes key provisions of the TREAT Act—the Transforming the Regulatory Environment to Accelerate Access to Treatments Act—which I introduced in February.

These important provisions will expedite the review of treatments for serious or life-threatening diseases without compromising the FDA's already high standards for safety and effectiveness.

I introduced the TREAT Act after meeting with a family whose child suffered from spinal muscular atrophy or SMA. This is an incurable neuromuscular disease and is the leading genetic cause of infant deaths. Of course, that family was not alone. There are 30 million Americans suffering from rare diseases, and I have had the honor to meet a number of them. Their stories are both heartbreaking and inspiring.

When I visited the North Carolina Children's Hospital last month, I met with Megan and Jarrod Hendren of Lumberton, NC, whose 13-month-old twins Logan and Lucas suffer from Gaucher's disease. This disease is a painful and potentially debilitating metabolic disorder for which currently there is no cure.

I also met with 8-year-old Ashley Burnette from Raleigh, who is resilient and wise beyond her years, but who is suffering from neuroblastoma.

For the families and patients like these, suffering from these rare diseases for which there are no approved medications, medical advances cannot come fast enough. There are so many rare diseases, but fewer than 250 have FDA-approved therapies. The provisions of the TREAT Act that have been included in this bill take great steps toward resolving the problem.

There is currently a pathway at the FDA to expedite the review of drugs for illnesses that are serious or life-threatening and for which there is no adequate treatment. This is called the Accelerated approval pathway. Since the early 1990s, it has been successfully used to advance treatments for patients with HIV and cancer by leaps and bounds. However, it has not been applied regularly or consistently to the review of drugs to treat other diseases.

This inconsistency is why I introduced the TREAT Act. My bill will broaden the application of the accelerated approval pathway beyond HIV/AIDS and cancer to a wider range of diseases, with a particular focus on rare diseases. That is why my proposal enjoys broad support from patient advocates, including the National Organization of Rare Diseases, Us Against Alzheimers, Parkinson's Action Network, the Huntington's Disease Society of America, and many more.

By providing for consistent application, we will help the FDA implement these provisions, assist drug sponsors to navigate the approval process, and, hopefully, bring safe and effective treatments more rapidly to the patients who need them.

I am also proud to have played a critical role in the legislation that led to the negotiations of the first biosimilars

user fee agreement, which is also included in the bill before us. Last Congress, we passed the Biologics Price Competition and Innovation Act to facilitate the introduction of lower cost alternatives to biologic drugs, while ensuring continued research and development into innovative biologics which can save or improve the lives of millions of Americans.

The user fees negotiated by the industry and the FDA will provide the necessary funding for the review of these critical therapies. The biosimilars industry is in the earliest stages of development, and the biosimilars user fee agreement will help facilitate this industry's growth.

In addition, the FDA Safety and Innovation Act provides the necessary regulatory updates to keep pace with the rapid innovations of the biopharmaceutical industry. This is imperative for creating jobs in States such as mine—in North Carolina—and maintaining America's competitive edge in the global economy.

Companies with footprints in North Carolina are partnering with our world-class universities to improve the health of people all across the globe every day by researching, discovering, and developing lifesaving treatments for those suffering from these devastating diseases.

Passing the FDA Safety and Innovation Act for States such as North Carolina, and for our Nation, to remain global leaders is important. It is especially important if we are to help attract the jobs of the future.

The American public also expects the FDA to be the world's gold standard when it comes to ensuring the supply, the safety, and the integrity of our drug supply. By sending the FDA Safety and Innovation Act to the President's desk, we will establish a clear and effective pathway for turning ideas into cures and cures into treatments. And we will have shown the foresight and flexibility required to maintain our country's position at the top of the medical treatment and device industries.

I thank the Chair and I urge my colleagues to join in supporting the FDA Safety and Innovation Act.

I yield the floor.

Ms. MIKULSKI. Madam President, I rise in opposition to the McCain amendment No. 2107. I appreciate the intent of Senator MCCAIN to make lower cost drugs available to the American people, but I have many flashing lights about this amendment. I bring this from knowledge of being both on the Intelligence Committee and also in working with the FBI as the chair of the Subcommittee on Commerce, Justice, and Science.

This amendment allows individuals to import FDA approved drugs from Canada. It sounds great, but we don't know if the drug was made in Canada.

No HHS Secretary has been able to demonstrate that importation will be safe. It is ironic that some faux populists who oppose a public option, who oppose allowing Medicare to negotiate drug prices, support importing price controls from Canada. This amendment doesn't guarantee cost savings for consumers, Medicare, Medicaid, or insurers.

I oppose this amendment for four reasons. First, it is a budget buster. Enforcing this will take enormous amounts of resources, and the amendment doesn't give the FDA the human resources, the financial resources, or the technological resources to ensure the safety of these drugs for U.S. consumers. It doesn't give FDA the resources to inspect and certify the brick-and-mortar and Internet-based Canadian pharmacies, nor does it give FDA the resources to verify that these pharmacies comply with Canada's laws. We all know that FDA needs more money to carry out its existing responsibilities overseas and domestically. The agency doesn't need another unfunded mandate.

The second reason I oppose this amendment is because I am concerned about organized crime and counterfeiting. We have a history of phony drugs coming from rogue Web sites. We cannot be sure that the drugs coming from Canada are not a counterfeit, lethal drug. There is no guarantee that these drugs originate from the legitimate supply chain. Where there is compelling, compassionate human need, there is greed. Where there is greed, there are scams and schemes. In this case, the scams and schemes can be lethal.

The third reason I oppose this amendment is that it doesn't exempt biologics. Biologics are different from chemical drugs. There is no way to ensure that the supply chain remains intact and that the product that reaches your doorstep will be effective. Because biologics tend to be more expensive than chemical drugs, criminals will make more money by counterfeiting them.

The final reason I oppose this amendment is because it doesn't guarantee that the drug you buy will be bioequivalent to the FDA-approved drug. How will consumers be assured that the drug they buy online is metabolized the same way? Also, what guarantee is there that the packaging and labeling will be identical?

We have examples of awful things that have happened. Interpol and the United States have seized millions of counterfeit pills. These drugs were made in unsanitary conditions and were deadly and ineffective. Remember the contaminated Heparin from China that killed over 150 people. Then there was cough syrup made from antifreeze instead of glycerin. Seventy-eight people died. There are also the ineffective

drugs that may not kill you but certainly won't improve your health. I could list more, but I urge my colleagues to go talk to the FDA, FBI, and Customs and Border Protection and hear firsthand what they have experienced.

Counterfeiting is a real threat. It is a matter of life and death. We have to make affordable drugs in our own country, and we did so by closing the doughnut hole in health reform. Today we are doing so again. The FDA user fee reauthorization before us creates the first ever generic drug user fee program. It will speed generic drug entry into the U.S. market so that consumers get safe FDA approved drugs more quickly and cheaply.

If you want safety, then defeat the McCain amendment.

Mr. BENNET. Mr. President, I come to the floor today to support the goal of my friend and colleague from New Mexico of delivering lower cost medicines to Americans. But, unfortunately, I cannot support his underlying amendment, No. 2111 to S. 3187. I agree that we should increase access to generic drugs wherever we can, and I agree that the path to market for generic products is fraught with legal challenges. But I have several concerns about the amendment. First, as convoluted as it seems, the Hatch-Waxman law that created the pathway to bring generic drugs to market has been a tremendous success in doing just that. Eighty percent of the drugs on the market now are generic, and over the last decade consumers have saved \$931 billion on their drug costs as a result. There is clearly a balance in the system, and mechanisms within that system are working to bring generics to market.

As I understand it, a key element of generic entry into the market is the incentive to challenge brand-name patents. The underlying amendment changes the key incentive for generic manufacturers—the 180 days of market exclusivity. The amendment allows late filers to now share in the exclusivity, significantly reducing the incentive for companies to file early and ensuring that products get to market as quickly as possible. Generic manufacturers have a limited window for market advantage, and it is the revenues gained during this incentive period that fuel additional product development. There is a balance here. If we need to adjust that balance, I think it needs to be done in a broader context. We need to be sure that any changes that we might make do not disrupt the balance and inadvertently harm consumers.

While other aspects of the amendment are well-meaning, they may also have unintended consequences. I look forward to continuing the dialog on this issue with my colleague and others as we all work collectively to provide

lower cost medicines to our constituents while maintaining an appropriate incentive for companies to innovate and develop the therapies that patients need.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be taken off of the Burr amendment and be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. I ask unanimous consent to be recognized for 10 minutes and that the time be taken from the Burr amendment and equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2131

Mr. CARPER. Madam President, we have three counties in Delaware. The southernmost county is called Sussex County. Several years ago, I was privileged to visit a Methodist Church there and speak as a lay speaker to try to encourage people to become mentors.

The minister that day was a great old guy, Reverend Reynolds. He is now deceased, but he said to me that day these words, and I have never forgotten them. He said, "The main thing is to keep the main thing the main thing."

That is what he said. "The main thing is to keep the main thing the main thing."

At first I wasn't sure what he was talking about, but the more I thought about it I thought: Boy, this guy is smart. And if I am smart, I will keep the main thing the main thing.

For us in the Senate and in Congress, the main thing for the voters of this country is they want us to work together—well, maybe the two main things are they want us to work together—they want Democrats and Republicans to work together—and they want us to get things done. One of the things they want us to get done is to create what I call a nurturing environment for job creation and job preservation. They want us to do things that are going to help encourage the creation of jobs and the preservation of jobs.

Little known to a lot of folks across the country, we actually have been doing some of that in the Senate for much of this year, and we have worked productively across party lines to pass a series of bills that I think do help create a more nurturing environment for job preservation and job creation.

Just a couple examples, if I could: One, the reauthorization of the Federal Aviation Administration to establish a new source of additional revenues to modernize and update airports across the country, to bring the air traffic control system of our country into the 21st century where we had kind of an analogue system, and to bring it into the digital age.

Patent reform was another significant step forward earlier this year, where we said enough of this patent patrol—people who come in after someone has filed for a patent and say: Oh, no, that was my idea, and just botch things up and drag things out in the courts. Under patent reform legislation, if you are first to file, you are first to file, and that is your patent. Also provided in the same legislation are the resources needed in the Patent Office to more expeditiously process patent applicants.

Free-trade agreements. One of our roles as the government is to try to make sure we have access to foreign markets. If our goods and services are being closed out in those foreign markets, then we have to open them up. We agreed by a broad bipartisan proposal this year—three of them, actually, three free-trade agreements—one with South Korea, one with Colombia, one with Panama negotiated originally by the George W. Bush administration and embraced by the Obama administration, which is now the law of the land, to make sure when businesses have the opportunity to export, the barriers that have maybe kept them out in the past are knocked down or eliminated, and to make sure if American businesses need financing and help to finance their exports, that they have that kind of help through the Export-Import Bank, which we have reauthorized and extended into the future.

Another one that we worked on this year together, a bipartisan bill and supported by the President, is something called the JOBS Act. What it is all about is trying to make sure companies have better access to capital, and if a small or medium privately held company wants to go public, to make sure they can do it through something called an IPO onramp as opposed to just trying to jump into it and get it done all at once. Or for companies that want to stay privately held, for them to be capped at 1964 levels, 500 shareholders, to say they can go up to 1,000, 2,000 shareholders to enable them to have that access to capital to continue to grow and to create jobs.

Other examples of bipartisan legislation we worked on, in one case the

Transportation bill—land transportation: roads, highways, bridges, and transit—we passed a good bill in the Senate, paid for, to help over the next couple of years to meet our transportation needs and make sure the 3 million people who are working on transportation and transit projects across the country don't basically get laid off in a month or two. We passed a good bill. I give a lot of credit to Senators BOXER and INHOFE for helping to lead the bipartisan approach.

Also, 7 or 8 million jobs depend on the Postal Service. The Postal Service is in tough straits, running out of money and losing \$125 million a day. We are hoping that the House of Representatives will pass the bill—they need to—so we can go to conference and help fix that problem. But there is good bipartisan legislation here to effect positively 7 or 8 million jobs that depend on the Postal Service. All that stuff, in terms of the American people wanting us to work together, and we have been. Those are just a couple examples.

In terms of actually doing things that help create jobs and preserve jobs, every one of the items I just mentioned does create a more nurturing environment for job creation and job preservation. In the coming weeks, we also want to work on agricultural legislation—a bipartisan bill, again, out of the Agriculture Committee that will save billions of dollars on the deficit side. It will also help to strengthen our agricultural economy.

We need to get to work on a national flood insurance update, and that legislation helps to bolster the home building industry in this country which is struggling, as we know, and we have the opportunity for those things that are on our to-do list, to get them done.

Today the Senate is considering another bipartisan piece of legislation, as we know, the Food and Drug Administration Safety and Innovation Act, affectionately known by its acronym. I don't like acronyms, but I love this one. It is called PDUFA. So it is the FDA and how we make sure the FDA has the resources they need to do their job. As the other bills passed by the Senate I just talked about, this bill helps create a more nurturing environment for those businesses to thrive. Those businesses include the pharmaceutical business and businesses that make and sell medical devices. But just as important, this bill helps to ensure that Americans get access to lifesaving medications and medical devices that are developed in this country as soon and as safely as possible.

This bill reflects a strong bipartisan, bicameral effort, for which Chairman HARKIN and ranking member MIKE ENZI deserve enormous praise, and I praise them even though they are not in the Chamber right now. They have done great work, and I thank them and their

staffs for bringing it to this point today.

The legislation builds upon the successful current user fee programs. For a number of years, the companies have paid a user fee if they want the FDA to approve a drug or medical device, and we are making progress to actually have more resources for the FDA to do this than we used to. But they need some additional help, and this legislation would do that, paid for by the industries that are seeking the consideration of their new pharmaceuticals and their new medical devices.

The legislation also adds important new user fees for generic and biological drugs. The user fees are paid, again, by the prescription drug and medical device industries to help cover the FDA's costs for reviewing new drugs and medical devices.

What this means is safer drugs and a speedier process to bring new and less expensive drugs and medical devices to markets for consumers, and I think it is a win-win for just about everybody.

As a result of the FDA legislation affectionately known as PDUFA, the FDA's drug review times have already been cut in half. That is good. If these user fees, these user programs are not reauthorized, though, the FDA would have to lay off, I am told, about 2,000 employees, which would put them back in the ditch, if you will, and begin to delay approval of new drugs. We don't want to see that happen. That would threaten patent access to new therapies, as well as pharmaceutical and medical device industry jobs, and America's global leadership in biomedical innovation.

This bill also makes medicines safer for millions of children, improves the FDA's tools to police the global drug supply chain, and reduces the risk of drug shortages. There are a number of amendments that are being offered to the bill—we have voted on a couple of those—and one of the amendments that we will be voting on, I believe, a little later this afternoon is legislation that would, in my view, weaken or contaminate our country's supply of prescription drugs and put our patients and our health care system at risk.

Some of my colleagues have proposed to include a measure in this bill that ostensibly would lower prescription drug prices. This amendment, in my view, however, is not without unintended consequences, and we always have to be careful of those.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. I ask unanimous consent for 3 more minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Unfortunately, it would open our borders to increased numbers of contaminated and adulterated drugs.

The proposal to import drugs from Canada would allow drugs to be imported wholesale, often from illegal Internet pharmacies with no protection against abuse or contamination.

Also, though this measure is supposed to be about importing drugs from Canada, in truth it would allow drugs to come from countries that don't have the kind of strong inspection and policing of prescription drugs that we have in the United States.

Instead of going down that road, we should work to increase the FDA's abilities to protect and regulate our drug supply. While doing so, we should reject any proposals to import drugs from Canada that undermine our ability to ensure that prescription drugs are safe and effective.

One last thing I want to mention is there is an amendment that is going to be offered today—or maybe already has been, but I am going to mention this anyway—that deals with generic drugs and concern about the ability for larger pharmaceutical companies to work with and pay off, buy out the generic drug companies so they don't bring their generic version of the name-brand drug to market. I just want to say that we need to be careful what we are doing here.

I came out of the Navy and came to this Congress in 1983 as a freshman Congressman. In 1982, 20 percent of the prescriptions being filled in this country were generic drugs. This year, 80 percent of the medicines or prescriptions that are being filled are generic. One of the well-intentioned amendments to have been offered today is one that says we are not making enough progress toward allowing the generics to grow. Say that again?

We have gone from 20 percent generic penetration in 1982 to, today, 80 percent. I would suggest that we should declare victory, and as time goes by, even that 80 percent will become 85 percent or 90 percent. But we have come a long way. As a result of that, people who need to buy medicine can find a generic version of almost any medicine that is being sold in this country. I think the system is working just fine, and we ought to allow it to continue to work.

In closing, the main thing is the main thing. The main thing is to keep the main thing the main thing.

For us, the main thing is to work together. We are in a whole host of ways—including under the great leadership of Senator HARKIN and Senator ENZI—working to make sure our pharmaceutical industry is vibrantly strong, the medical device industry is vitally strong, but also that patients are not disadvantaged, that they are actually advantaged by all of that.

So responding to folks in Delaware and Iowa and across the country, we are working together. We are not just working together on a couple of things

but on a whole host of things, a whole litany of provisions and laws and proposals that do what: help us to create a more nurturing environment for job creation and job preservation. That is a good thing. That is a very good thing.

I thank Senator HARKIN for giving me a chance to say a few words and for the great work that he and Senator ENZI have done. I am happy to follow their leadership here today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I appreciate the remarks made by my good friend from Delaware. I thank him and his staff for their input on this bill. Again, this bill is the work of a lot of different people, and I want to thank the Senator from Delaware for helping us get to the point where we have a good consensus bill.

Madam President, is there any time remaining on the Burr amendment?

The PRESIDING OFFICER. There is no time remaining on the Burr amendment.

Mr. HARKIN. Madam President, I yield 6 minutes off of the McCain amendment, on our side, to the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2107

Mr. LAUTENBERG. Madam President, I rise to speak against amendment No. 2107, the one that talks about pharmaceutical products, medicines. We know how important the prescription medicines are in improving health in this country and the need to make sure those drugs are safe and affordable. Prescription drugs have brought great advances in health outcomes. Just look at how much longer people are living. Over the past century, life expectancy increased from 49 years to 77 years. We know that beneficial drugs need to be more affordable and more readily available. But allowing drugs to enter into the United States from other countries is not the answer.

The Department of Health and Human Services found that importing prescription drugs might save 1 to 2 percent on their prescription drugs—and I am not describing that as insignificant—but these are modest savings compared to what the outcome might be.

Importing risky prescription drugs from other countries could cause more health problems, more suffering, and in the final analysis, more expensive treatments. Americans buy medicine to lower their cholesterol, fight cancer, prevent heart disease. Some of these have had remarkable effects. Heart disease is much less threatening. It is still a dangerous disease but much less than it was years ago. Imagine what would happen to a mother or a child if they were relying on imported drugs only to find out that the drugs were unsafe. We need to be absolutely certain that we

are not putting Americans' lives at risk.

That is why I am opposing amendment No. 2107, the McCain amendment, which would allow potentially unsafe prescription drugs to be shipped across our border, directly into the medicine cabinets of homes throughout America. Instead of safeguarding American patients, this amendment could bring potentially dangerous and ineffective drugs from Canada. I say that because, though Canadian drugs may seem safe, we already know that drugs that claim to be from Canada are not always reliable. They are not worth the risk. An FDA investigation found that 85 percent of drugs imported from Canadian Internet pharmacies were actually from 27 other countries. Many of these were pure counterfeit.

The Senate already recognized the danger that imported drugs pose to Americans. On five previous occasions, this Chamber has asked the Department of Health and Human Services to certify that importation will not put people at risk. The Secretary still has not been able to confirm that imported drugs would be safe.

I wish to make another observation. I find it kind of amusing to watch Republican colleagues talk about how wonderful the Canadian health system is. Last I checked, Canada's health care system is socialized medicine. During the health care reform debate these same colleagues were decrying the Canadian system as a horrible socialist experiment. My colleagues need to make up their minds. Do they prefer socialized medicine? If so, it comes with some risks.

I am proud that many of our country's drugs originate in the State of New Jersey, commonly known as the Medicine Chest State. In fact, there are over 46,000 highly skilled people in my home State working to produce life-saving drugs. It would be wrong to undercut the hard work of these trained New Jerseyans, only to put Americans in danger.

Right now the drugs in our country are safe and effective, as we have seen by the results. Thanks to Senator HARKIN and Senator ENZI, this bill will even make our drugs more safe. Americans deserve real peace of mind. When they open the pill bottle and swallow their medicine, they have to know the product is safe and effective.

I urge my colleagues to support keeping medicine in our country safe and affordable. I urge the drug companies, the medicine companies, to do whatever they can to make drugs, medicines, more available at cheaper prices. I urge my colleagues to vote against amendment No. 2107.

I yield the floor.

Mr. HARKIN. Madam President, I yield 6 minutes to the Senator from West Virginia, again off the opposition to the McCain amendment time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. MANCHIN. Madam President, I wish to say to the chairman that I appreciate his hard work on this bill, a very important piece of legislation.

I would like to address an issue that touches all of us: Democrats and Republicans, rich and poor, young and old, West Virginians and New Yorkers.

As you know, the prescription drug epidemic is destroying communities across this nation, wreaking havoc on our education system, devastating our workforce and our economy, and tearing our families apart.

Prescription drug abuse is the fastest growing drug problem in the United States, and it is claiming the lives of thousands of Americans every year. According to a report issued by the Centers for Disease Control in November, the death toll from overdoses of prescription painkillers has more than tripled in the past decade. More than 40 people die every day—every single day—from overdoses involving narcotic pain relievers. These prescription painkillers kill more Americans than heroin and cocaine combined.

It's especially tough in my home state of West Virginia, which has the highest rate of drug overdose deaths in the country. Nearly 90 percent of those deaths are linked to prescription drug abuse.

For months now, I have been going out and listening to the stories of so many people in my State—law enforcement, business owners, school teachers, pastors, and especially the children who ask for help getting their parents off the stuff. So I worked with all of them to offer an amendment to this bill that would make it harder for anyone to abuse prescription drugs. That bipartisan amendment was submitted on behalf of the countless West Virginians and Americans whose lives have been cut short by drug abuse and the families who are picking up the pieces, and it is on their behalf that I thank my colleagues in the Senate for passing it unanimously.

Last night I was so moved and encouraged to see the Members of the U.S. Senate come together across party lines and unanimously approve that measure, to take a serious step to fight this prescription drug epidemic. I strongly urge our friends in the House to do the same, and the President to sign this important bill.

This measure is not the work of just one person, however. I would like to thank the cosponsors of this bill, who all believe so strongly in it: Senator MARK KIRK of Illinois, Senator KIRSTEN GILLIBRAND of New York, Senator CHUCK SCHUMER of New York and, of course, Senator JAY ROCKEFELLER of my home State of West Virginia.

I also thank Governor Earl Ray Tomblin and Congressman NICK RAHALL for their tireless work on this

issue, along with Congressman VERN BUCHANAN of Florida, who is doing excellent work to end pill mills. As we all know, last night's vote gives this amendment a solid step forward, but there is much work remaining to give our communities the right tools to fight this epidemic.

That's because all too often, we all hear stories like this one, which the Ohio County Substance Abuse Prevention Coalition in my State shared with me.

A young boy was injured and was prescribed prescription pain killers containing hydrocodone. After the injury he began using the opiates with the other teens in school. They began by taking pills and eventually by graduation, snorting the pills on a daily basis. One day he was convinced by a friend to try IV use. He was married and was able to hold down a job until he began using IV. His wife was addicted to pain killers and their child was born addicted to drugs. He wanted more than anything to be a hard-working father and husband. He wanted to live and to amend his past behaviors. He completed treatment but eventually began using pain killers again. This man in his mid-twenties overdosed and died.

Think about it. This young man was snorting pills by high school graduation and dead in his mid-20s. Unfortunately, that story is more common than we would all like to believe.

A 2012 study by the National Institute on Drug Abuse found that 8 percent of high school seniors had admitted to abusing Vicodin in the past year. The Centers for Disease Control has found that about 12 million Americans have reported non-medical use of prescription painkillers in the past year.

Unlike many illegal drugs, prescription drugs are not produced in basement labs or smuggled across the border—they are found in our own medicine cabinets and are often prescribed for medically necessary reasons. And that makes it much easier for people to become addicted or abuse these medications.

In 2010 alone, pharmacies dispensed the equivalent of 42 tons of pure hydrocodone—that is enough to give every man, woman and child in the United States 24 Vicodin pills.

The fact is, that number is just too high. People are getting these pills because it is just too easy.

That is why this amendment would make it harder to get addictive prescription drugs, by moving them to a more restrictive category in our official drug classification system.

Practically, this means that patients would need an original prescription for refills and pills would have to be stored more securely.

Let me me close by sharing a few more personal stories about this problem—stories that show on a human level the urgency we need to put a stop to prescription drug abuse and why I am committed to this fight.

This is a problem that hits very close to home in my office. A member of my

staff, a very bright young girl from Wyoming County who is doing very good work has lost three friends to drug abuse, all in their 20s. Theirs were lives full of promise, but they were tragically cut short by drug abuse.

In the past 7 years, more than 120 people have died from drug overdoses in Wyoming County alone, including 41 in 2011 and 12 just this year.

I visited Wyoming County in October to speak with a group of students at Oceana Middle School who are working very hard to take on the drug abuse crisis in their community.

These students were part of a letter writing campaign, organized by the faith-based group "One Voice," which works to help addicts and their families. I want to share with you a few excerpts from some of these letters:

"My town, Oceana, has an issue about drugs. I write this letter to you because I hope that you can do something about it. In 2006, my godmother died of an overdose. She was the only person I could talk to. Drugs make people act in bad ways and if something doesn't happen about them then our town will be in worse shape.

I will give just one more example:

I am 13 years old and I am a student at Oceana Middle School. I have witnessed drug deals, prostitution and homeless people in our town. I have medicine I take for ADHD and here recently some of my meds were stolen. I will graduate high school in 7 years. If nothing is done about these issues it'll be worse in the future.

I visited with these students in person. They want a better life for their parents, their siblings, their friends, their communities—and themselves. They are willing to fight, and they are asking for our help.

The amendment that passed last night with unanimous bipartisan support is a good step toward reaching their dream, and I offer my heartfelt thanks to my colleagues on behalf of all the people in West Virginia who have been affected by prescription drug abuse. And I urge my colleagues in the House to support this measure and the President to sign it—for the good of all the 12-year-old girls who are asking us to help get their daddies off this stuff.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANCHIN. I would like to say to both chairmen on both sides of the aisle, thank you for legislation that is much needed. Thank you for an amendment agreed upon, voted on unanimously, and accepted last night. This will go a long way to fight drug abuse in America and save countless children's lives. I thank both Senators so much.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, how much time remains on the McCain opposition?

The PRESIDING OFFICER. There is 3 minutes.

Mr. HARKIN. Madam President, I yield myself that time and a couple of minutes off the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HARKIN. Madam President, I wish Senators to know that we will start voting here in 9 or 10 minutes, and these will be 10-minute votes.

The first vote will be on the amendment offered by the Senator from Kentucky, Mr. PAUL, followed by Senator MCCAIN's amendment, Senator SANDERS' amendment, Senator DURBIN's amendment, and then final passage.

By an earlier consent, all of those votes will be 10-minute votes. I wanted to make sure that people knew what the lay of the land was here.

We are rapidly approaching the final passage of this bill. We have had great cooperation from all Senators on both sides in moving this legislation forward here on the floor. We have had good debates. They have not been drawn out endlessly, but we have had good debates and a good airing of the amendments on the bill. I thank all Senators for that, and hopefully we can move rapidly to wrap up this bill and move on.

This bill is the product of 18 months of very hard work by Senator ENZI and all of the Senators on our committee on both sides of the aisle. It is a true compromise and bipartisan bill. As I mentioned earlier, it has the support of a broad spectrum of stakeholders, from the pharmaceutical companies to pharmacists to consumer organizations, across the broad spectrum who support this bill, and it is necessary that we get it done. That is why we have urged everyone to expeditiously get this done before the break period coming up for Memorial Day so the Food and Drug Administration won't have to start sending pink slips out to people this summer, and so there will not be any disruptions. It will allow them to get on with the business of making sure we get drugs and devices to patients expeditiously but safely, making sure our drugs and our devices are safe.

It is a good bill, and it is the result of a lot of hard work by a lot of people, so I hope we can move these amendments rapidly and move to final passage this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent that when we begin the next vote, Senator PAUL, who has 7 minutes left on his item, be given 2 minutes so he may explain his bill in exchange for those 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Madam President, I yield myself as much time as I may consume off the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2143

Mr. HARKIN. Madam President, we are rapidly approaching a vote on the

Paul amendment, and I know the Senator wants to have a couple of minutes to speak on that.

I rise in opposition to the Paul amendment. I oppose it for several reasons. Perhaps the most important reason is that this is a drug bill. This bill deals with drugs and devices. It does not deal with food. We dealt with dietary supplements and vitamins and things such as that in the food safety bill that we passed 2 years ago and that bill, again, was a consensus bill that has been through the committee structure. We brought it to the floor and had a lot of debate on it. We made modifications at that time to the whole area of vitamins, minerals, and supplements, and that is the proper place to address it, not on a bill such as this. This bill is a bill on drugs, not on supplements and food, so that is the most important reason.

I will make that same argument on the Durbin amendment. That should not be here because this is a drug bill.

On substance, I would say this bill kind of turns food law on its head. It would allow supplements to be sold with claims to cure any disease, such as AIDS or cancer, without any kind of FDA review whatsoever. I take a backseat to no one in terms of my support for the vitamin, mineral, and supplement industry and their products. Senator HATCH and I were the two people who put through the DSHEA bill, the Dietary Supplementary Health and Education Act in 1994. If I might say, we have sort of been protectors of it in working to make sure it has been implemented correctly since that time.

But the Paul amendment would go way too far. It is not consensus policy. In fact, it is strongly opposed by even the dietary supplement industry. I would note that the Natural Products Association, United Natural Products Alliance, and the Council on Responsible Nutrition, all three are big umbrella groups that oppose the Paul amendment. This would open this industry to snake oil salesmen.

Again, those of us who want to make sure people have unfettered access to safe products and to good, nutritious vitamins, minerals, and supplements, the last thing we want to see is people in their garages mixing it up and selling it as snake oil. This is not good for America, it is not good for people who want to take vitamins and supplements and minerals for their own health. It would throw this thing open and turn the clock back 50 years or more where anybody could make any claim they want and the FDA would have no way of reviewing it whatsoever.

I will move to table the amendment at the appropriate time, but I urge all Senators to oppose the Paul amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Madam President, I yield the Senator from Kentucky the time he is already entitled to.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes under the previous order.

Mr. PAUL. My amendment is to rein in the FDA. I believe they have gotten overzealous in their duties. They do have important duties, but I think they have gotten overblown. My amendment has three parts.

First, it attempts to stop the FDA's overzealous regulation of vitamins, foods, and supplements by codifying the first amendment prohibition on prior restraint. What this means is the first amendment says we cannot restrain speech before it happens. This amendment also helps to make explicit that commercial speech is speech and should be protected.

Under current rules, the FDA prevents even the manufacturer of prune juice from saying that prune juice relieves constipation. I think that is an FDA that has gotten a little bit out of hand. I think that vitamin supplement manufacturers and distributors should be allowed to give us information and that the buyers should be allowed to review that information in making decisions about the product and that this speech should not be restricted.

Second, my amendment says the FDA doesn't need to be carrying weapons. I don't need to see bureaucrats carrying automatic weapons. If there are police officers necessary in the operation of their duties, I would rather have the FBI. The FDA does not need to be sending armed agents to the Amish farms to arrest a farmer for selling milk from the cow.

Third, my amendment fixes what needs to be fixed in a lot of regulatory crimes. We need to add in the component of mens rea. Mens rea means that when a person commits a crime and they put that person in jail, they have to prove that person had a guilty mind and had intent to commit a crime. So we add two words. If they are going to accuse a person of a crime, it has to be knowing and willful. These are very simple words, but they change the burden of the government. If the government is going to accuse a person of the crime, they need to know this. If Congress is going to criminalize conduct at a Federal level, as it does in the FDA Act, then the least we can do is add in the mens rea requirement.

Thank you. I urge support for my amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I move to table the amendment by the Senator from Kentucky and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Mrs. BOXER), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 15, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—78

| | | |
|------------|--------------|-------------|
| Alexander | Graham | Mikulski |
| Barrasso | Grassley | Moran |
| Baucus | Hagan | Murkowski |
| Begich | Harkin | Murray |
| Bennet | Hatch | Nelson (NE) |
| Bingaman | Hoeben | Nelson (FL) |
| Blunt | Inhofe | Portman |
| Brown (MA) | Inouye | Pryor |
| Brown (OH) | Isakson | Reed |
| Burr | Johnson (SD) | Reid |
| Cantwell | Kerry | Roberts |
| Cardin | Klobuchar | Rockefeller |
| Carper | Kohl | Rubio |
| Casey | Kyl | Sanders |
| Chambliss | Landrieu | Schumer |
| Coats | Lautenberg | Sessions |
| Cochran | Leahy | Shaheen |
| Collins | Levin | Shelby |
| Conrad | Lieberman | Snowe |
| Coons | Lugar | Tester |
| Corker | Manchin | Udall (CO) |
| Durbin | McCain | Udall (NM) |
| Enzi | McCaskill | Warner |
| Feinstein | McConnell | Webb |
| Franken | Menendez | Whitehouse |
| Gillibrand | Merkeley | Wyden |

NAYS—15

| | | |
|---------|--------------|--------|
| Ayotte | DeMint | Risch |
| Boozman | Johanns | Thune |
| Coburn | Johnson (WI) | Toomey |
| Cornyn | Lee | Vitter |
| Crapo | Paul | Wicker |

NOT VOTING—7

| | | |
|------------|-----------|----------|
| Akaka | Heller | Stabenow |
| Blumenthal | Hutchison | |
| Boxer | Kirk | |

The motion was agreed to.

AMENDMENT NO. 2107

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2107, offered by the Senator from Arizona, Mr. MCCAIN.

Who wishes the floor?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is a simple one. It creates a safe individual drug importation program only from approved Canadian pharmacies, overseen by the Secretary of Health and Human Services.

In a normal world, this would probably require a voice vote. But what we are about to see is the incredible influence of the special interests, particularly PhRMA, here in Washington,

where people who cannot afford it will have to make a choice between eating and medicine. They will not be allowed to purchase a medication at less than half the price, many times, than they will in American pharmacies in Canada.

So what you are about to see is the reason for the cynicism the American people have about the way we do business in Washington. PhRMA—one of the most powerful lobbies in Washington—will exert its influence again at the expense of average low-income Americans who will, again, have to choose between medication and eating.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, it is not the special interests that have caused the Senate countless times to reject this policy. It is an amendment that puts Americans at risk, undermines the FDA's authority, and would have a devastating ripple effect throughout the country's drug supply by allowing foreign pharmaceuticals into the country.

It is not simply about Canada. The Canadians themselves have said they cannot be expected to monitor all the drugs coming through Canada and into our country, and all the Web-based opportunities would allow untraceable drugs to come through Canada into the United States.

This is about the health and security of the American people. That is why time after time the Senate has rejected it. It is why it should be rejected once again.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have had, during this short period of time, four different Senators come to me and say: Please hold the votes to 10 minutes, with the 5-minute penalty. So we are going to do that. A number of Senators already missed votes today. We are going to cut those votes off. If you are not here, there is no excuse. These votes have been scheduled since yesterday. So we are going to turn in these votes exactly at 15 minutes. The clerks understand that. If a Senator is late, they are late.

The PRESIDING OFFICER. Under the previous order, this amendment is subject to a 60-vote threshold. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. WYDEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—43

| | | |
|--------------|-------------|------------|
| Begich | Klobuchar | Sanders |
| Bingaman | Kohl | Sessions |
| Boozman | Leahy | Shaheen |
| Boxer | Lee | Shelby |
| Brown (OH) | Levin | Snowe |
| Cardin | McCain | Stabenow |
| Collins | McCaskill | Thune |
| Conrad | Merkley | Toomey |
| DeMint | Murkowski | Udall (NM) |
| Feinstein | Nelson (NE) | Vitter |
| Franken | Nelson (FL) | Webb |
| Graham | Paul | Whitehouse |
| Grassley | Pryor | Wyden |
| Heller | Reed | |
| Johnson (SD) | Rockefeller | |

NAYS—54

| | | |
|------------|--------------|------------|
| Akaka | Cornyn | Lieberman |
| Alexander | Crapo | Lugar |
| Ayotte | Durbin | Manchin |
| Barrasso | Enzi | McConnell |
| Baucus | Gillibrand | Menendez |
| Bennet | Hagan | Mikulski |
| Blunt | Harkin | Moran |
| Brown (MA) | Hatch | Murray |
| Burr | Hoeven | Portman |
| Cantwell | Inhofe | Reid |
| Carper | Inouye | Risch |
| Casey | Isakson | Roberts |
| Chambliss | Johanns | Rubio |
| Coats | Johnson (WI) | Schumer |
| Coburn | Kerry | Tester |
| Cochran | Kyl | Udall (CO) |
| Cooms | Landrieu | Warner |
| Corker | Lautenberg | Wicker |

NOT VOTING—3

| | | |
|------------|-----------|------|
| Blumenthal | Hutchison | Kirk |
|------------|-----------|------|

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2109

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2109, offered by the Senator from Vermont, Mr. SANDERS.

Mr. SANDERS. Mr. President, this amendment is supported by Public Citizen, U.S. PIRG, the National Committee to Preserve Social Security and Medicare, and the National Women's Health Network.

In the United States, we pay by far the highest prices in the world for prescription drugs—much higher than Canada, much higher than Europe. There are a number of reasons for that. One of the reasons is the widespread fraud, systemic fraud being perpetrated on the American people by virtually every major drug company in this country.

In the last few years, companies such as Abbott, Pfizer, Johnson & Johnson, Merck, GlaxoSmithKline, and many others combined have paid billions of dollars in fines because they are ripping off Medicare, they are ripping off Medicaid, and they are ripping off the American consumer. It is high time we said that fraud cannot be perpetrated as a business model by some of the major corporations in this country.

I ask for a "yes" vote.

The PRESIDING OFFICER. The Senator from Wyoming

Mr. ENZI. Mr. President, I would oppose this amendment. We do need to combat health care fraud, but this amendment goes too far in several aspects. First and most important, it would discourage any settlement agreements. People would fight it to the death if they are going to lose their exclusivity.

Second, as drafted, the amendment would require companies to forfeit exclusivity anytime there is a civil or criminal liability under the Federal Food, Drug, and Cosmetic Act. It is disproportionate. This could be triggered by a misdemeanor. In addition, such liability may not reflect fraud. The amendment would discourage the development of new cures for patients. If manufacturers know they could lose exclusivity for even minor infractions, they will not invest the millions of dollars necessary to create new lifesaving therapies for patients.

I ask that the Senate oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Under the previous order, this amendment is subject to a 60-vote threshold for adoption.

The question is on agreeing to the amendment.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 9, nays 88, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—9

| | | |
|------------|---------|------------|
| Bennet | Franken | Sanders |
| Brown (OH) | Levin | Schumer |
| Durbin | McCain | Whitehouse |

NAYS—88

| | | |
|------------|------------|--------------|
| Akaka | Coburn | Hoeven |
| Alexander | Cochran | Inhofe |
| Ayotte | Collins | Inouye |
| Barrasso | Conrad | Isakson |
| Baucus | Cooms | Johanns |
| Begich | Corker | Johnson (SD) |
| Bingaman | Cornyn | Johnson (WI) |
| Blunt | Crapo | Kerry |
| Boozman | DeMint | Klobuchar |
| Boxer | Enzi | Kohl |
| Brown (MA) | Feinstein | Kyl |
| Burr | Gillibrand | Landrieu |
| Cantwell | Graham | Lautenberg |
| Cardin | Grassley | Leahy |
| Carper | Hagan | Lee |
| Casey | Harkin | Lieberman |
| Chambliss | Hatch | Lugar |
| Coats | Heller | Manchin |

| | | |
|-------------|-------------|------------|
| McCaskill | Pryor | Tester |
| McConnell | Reed | Thune |
| Menendez | Reid | Toomey |
| Merkley | Risch | Udall (CO) |
| Mikulski | Roberts | Udall (NM) |
| Moran | Rockefeller | Vitter |
| Murkowski | Rubio | Warner |
| Murray | Sessions | Webb |
| Nelson (NE) | Shaheen | Wicker |
| Nelson (FL) | Shelby | Wyden |
| Paul | Snowe | |
| Portman | Stabenow | |

NOT VOTING—3

| | | |
|------------|-----------|------|
| Blumenthal | Hutchison | Kirk |
|------------|-----------|------|

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

The Senator from North Carolina.

AMENDMENT NO. 2130 WITHDRAWN

Mr. BURR. Mr. President, I ask unanimous consent to withdraw the Burr amendment No. 2130.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BURR. I thank the Chair.

AMENDMENT NO. 2127

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2127, offered by the Senator from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. President, this is a very simple amendment. If you go into the drugstore and look at the prescription drugs, every one of them has been registered with the FDA. The over-the-counter drugs have all been registered. When you go to the dietary supplement section, there is no requirement under the law for the company selling those products to register the name of the product, the ingredients of it, or a copy of the label.

The GAO did a study in 2009, and the FDA said we need this information to protect American consumers. From what? One of them is an example on this chart. This is a Chinese product that was imported into the United States, put up for sale, and then we discovered that one of the ingredients was life-threatening. It was never registered with the FDA, and there was no disclosure of its ingredients.

If you want to sell from the counters in America, shouldn't you be required, whether you are from China, India, Mexico, or anywhere in the United States, to register your product, the ingredients in it, and a copy of the label? The FDA says they need this information to keep America safe.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, this is a drug and device bill, not a food bill. We addressed food issues in the food safety bill 2 years ago. That doesn't solve the problem Senator DURBIN talked about. This bill is a very delicate balance. We have worked on this for 18 months. Stakeholders all over the country, consumers, the pharmaceutical industry, and pharmacists

all support this bill. This would upset that delicate balance.

I say to the Senator that every supplement has a label, the ingredients, and the potency, by law, on every single item sold as a supplement. This is a drug bill, not a food bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I strongly oppose this amendment. I will be voting to table it, and I encourage my colleagues to do the same. It would impose another layer of regulations on an industry that already has a workable regulatory framework. It is totally unnecessary, and it will only increase costs for those who use dietary supplements.

I wish to make a few points clear.

First, HHS already has authority to impose an immediate ban on any dietary supplement that poses imminent hazard to public health.

Second, four previous FDA Commissioners and a former Deputy Commissioner agree that DSHEA already provides sufficient oversight of this industry. This amendment would strap the FDA with a huge burden at a time when the agency is already struggling to perform its current core responsibilities.

Third, it unnecessarily expands registration requirements without adding any additional consumer protections.

All this amendment does is penalize good companies, while doing nothing to go after the bad.

In the end, as a result of this amendment, consumers will suffer by paying higher prices for their supplements.

This amendment is bad for the FDA and bad for consumers. The Senate should reject it.

We already have a regulatory framework under DSHEA that works. A new intrusive regulatory regime is totally unnecessary. I urge my colleagues to vote with me to table this amendment.

Mr. DURBIN. Mr. President, I ask unanimous consent to have the same amount of time given on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the FDA asked for this knowledge and information. What am I asking them to disclose? The name of the product, the ingredients of it, and a copy of the label. If a Chinese manufacturer wants to sell a dietary supplement in Des Moines, IA, shouldn't they have to report to the FDA the name of the product and its ingredients? It is not required by law now. Let's give the FDA this extra information to keep Americans safe.

Mr. HARKIN. Madam President, I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. (Mrs. HAGAN). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—77

| | | |
|------------|--------------|-------------|
| Akaka | Grassley | Moran |
| Alexander | Hagan | Murkowski |
| Ayotte | Harkin | Murray |
| Barrasso | Hatch | Nelson (NE) |
| Begich | Heller | Nelson (FL) |
| Bennet | Hoeven | Paul |
| Blunt | Inhofe | Portman |
| Boozman | Inouye | Risch |
| Brown (MA) | Isakson | Roberts |
| Brown (OH) | Johanns | Rubio |
| Burr | Johnson (SD) | Sessions |
| Cantwell | Johnson (WI) | Shaheen |
| Carper | Kerry | Shelby |
| Casey | Kohl | Snowe |
| Chambliss | Kyl | Stabenow |
| Coats | Landrieu | Tester |
| Coburn | Lee | Thune |
| Cochran | Levin | Toomey |
| Collins | Lieberman | Udall (CO) |
| Coons | Lugar | Udall (NM) |
| Corker | Manchin | Vitter |
| Cornyn | McCain | Warner |
| Crapo | McConnell | Whitehouse |
| DeMint | Menendez | Wicker |
| Enzi | Merkley | Wyden |
| Graham | Mikulski | |

NAYS—20

| | | |
|-----------|------------|-------------|
| Baucus | Franken | Reed |
| Bingaman | Gillibrand | Reid |
| Boxer | Klobuchar | Rockefeller |
| Cardin | Lautenberg | Sanders |
| Conrad | Leahy | Schumer |
| Durbin | McCaskill | Webb |
| Feinstein | Pryor | |

NOT VOTING—3

| | | |
|------------|-----------|------|
| Blumenthal | Hutchison | Kirk |
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The motion was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

PRESCRIPTION DRUG INFORMATION

Mrs. GILLIBRAND. Madam President, earlier this week I introduced the Cody Miller Initiative for Safe Prescriptions Act. The legislation would require the Food and Drug Administration to issue regulations to ensure patients receive timely, consistent, and accurate information with their prescription drugs. The legislation would ensure patient medication information is regularly updated as new information becomes available and ensure that common information is applied consistently across similar products. Most importantly, the legislation would ensure patients are kept up to date about potential adverse side effects and dangerous drug interactions.

Mr. HARKIN. I applaud the work of the Senator from New York on this legislation and share her commitment to

ensuring patients receive standardized and accurate information about their prescription drugs. While verbal counseling by a pharmacist is still critical, the patient medication information is also an important resource to help patients use medications safely.

Mrs. GILLIBRAND. I appreciate the Chairman's support and hope to work with him to advance this legislation. I also hope he will join me in calling on the FDA to use its existing authority to ensure patient medication information is uniform, accurate, and up-to-date. The FDA is currently engaged in efforts to revise the patient education materials that are distributed to patients. However, the FDA's current plan falls short of ensuring that consumers will receive unbiased and accurate information about their prescription drugs. It also fails to ensure that patient medication information is consistent for identical or similar products.

Mr. HARKIN. I agree we need to take steps to improve the information patients receive and look forward to working with the Senator on this issue.

ACCELERATED PATIENT ACCESS

Mrs. HAGAN. Section 901 of the managers' amendment to S. 3187, Enhancement of Accelerated Patient Access to New Medical Treatments states that an accelerated approval under section 506(b) of the Federal Food, Drug, and Cosmetic Act is subject to certain limitations, including the requirement that the sponsor conduct appropriate postapproval studies to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit. Does the lack of an explicit reference to postapproval validation of surrogate endpoints, as described in current law, in any way restrict the Secretary's existing authority to require such validation postapproval?

Mr. HARKIN. The managers' amendment to 3187 revises section 506(b), removing the explicit language in current law requiring postapproval validation of surrogate endpoints. However, this is not intended to restrict the Secretary's current ability to require such validation postapproval, if appropriate. Equally important, the change likewise is not intended to suggest that any such validation should now occur prior to approval under section 506(b). Rather, in keeping with current practice, the bill's new language continues to permit the Secretary to require postapproval studies to verify the effect on the surrogate endpoint or predicted clinical outcome, i.e., verification of the predicted clinical benefit. In addition, it continues to allow the Secretary to withdraw an accelerated approval if the required studies fail to verify and describe the predicted effect.

Mr. ENZI. To receive accelerated approval, the managers' amendment requires that FDA determine that a sur-

rogate or clinical endpoint is reasonably likely to be predictive of an effect on clinical benefit or on a clinical endpoint that can be measured earlier than irreversible morbidity or mortality as of the time of granting accelerated approval and the standards under section 505(c) of the FDCA or section 351(a) of the Public Health Service Act are met. In meeting such a requirement, it is appropriate for the Secretary to seek data and information to show that the surrogate or clinical endpoint is reasonably likely to predict an effect on irreversible morbidity or mortality or other clinical benefit.

I would just like to reiterate that nothing in these amendments to section 506(b) is intended to alter the FDA's historical practice of utilizing unvalidated surrogates to grant accelerated approval in appropriate cases or its practice of granting traditional approval under section 505(b) based on validated surrogates in appropriate cases.

Mr. LEAHY. Madam President, Senator MANCHIN's amendment, amendment 2151 to the Food and Drug Administration Safety and Innovation Act, seeks to address the problem of prescription opiate drugs by tightening restrictions on hydrocodone. Opiate prescription drugs like hydrocodone have been a tremendous and growing problem in Vermont, as they have in West Virginia. I thank Senator MANCHIN for working with me to make the amendment better.

The scourge of prescription drug abuse has had a devastating effect in communities across the country. I heard about the lives destroyed by this epidemic and the violence and other ills it has brought with it in several hearings in Vermont in recent years. Senator MANCHIN's amendment seeks to make it more difficult for prescription drugs to get into the hands of those who would abuse them by requiring prescriptions more comprehensively and by restricting storage and transportation. I hope these steps will be helpful.

I am glad Senator MANCHIN was willing to work with me to modify the amendment so that it did not cause as many sentencing increases, and particularly to eliminate what would have been a new mandatory minimum sentence. Those who work on the problem of prescription drugs every day have not identified a lack of adequate criminal sentences to be part of the problem, so a significant change in the sentencing scheme was not needed or intended.

Indeed, the proliferation of severe sentences for drug offenses and of mandatory minimum sentences in particular is a large part of what has led to the serious problem we face now in having too many people in prison for too long. These sentences have contributed to the runaway prison costs that

are so crippling to Federal and State budgets.

Overwhelming prison costs take resources away from programs focusing on drug prevention, drug treatment, and strong law enforcement, all of which are more effective in helping communities take on prescription drug problems than are lengthy sentences. I am glad that we could work to ensure that this amendment would help to address our prescription drug problem without contributing to the overincarceration of drug offenders.

I know some doctors in Vermont and elsewhere continue to have concerns about the effect this amendment will have on getting prescriptions to those who need them. I hope we can continue working together to ensure that we tackle the difficult problem of prescription drug addiction without hindering crucial medical care.

I thank Senator MANCHIN for his leadership on this issue.

Mr. REED. Madam President, I am pleased that last night, my amendment, No. 2126, which would ensure that there are no future delays on the implementation of new sunscreen labeling and testing standards, was adopted as part of the Food and Drug Administration Safety and Innovation Act.

Because sunscreens have been considered a cosmetic, they have largely avoided government oversight and the FDA hasn't changed its recommendations for sunscreen standards in over 30 years.

However, last June, after years of prodding by our former colleague Senator Dodd, me, and others, the FDA finally acted.

The agency finalized comprehensive new sunscreen regulations that were scheduled to go into effect on June 18, just a few weeks from now and in time for summer. Indeed, this was considered a victory for families across the country that spend more time outdoors and under the sun's harmful UVA and UVB rays during the summer months.

But just 2 weeks ago, the FDA announced it is now giving the industry an extra 6 months to make changes, meaning the standards will take effect in mid-December instead of this summer.

For too long the FDA has allowed manufacturers to get away with inaccurate claims about sun protection. My amendment will protect against any future delays and ensure the new sunscreen safety and labeling standards go into effect no later than the end of this year.

I am pleased that the Environmental Working Group supports this amendment, and the Consumer Health Care Products Association, which represents sunscreen manufacturers, has agreed to the amendment's inclusion in this bill. Finally, the Congressional Budget Office has informed me that my amendment would not result in any additional cost to the Federal government.

I thank Chairman HARKIN and Senator ENZI for reviewing this amendment and including it in this FDA reauthorization bill.

Mr. LEVIN. Madam President, I will support final passage of the Food and Drug Administration Safety and Innovation Act which will reauthorize the user fee agreements that govern the fees paid by the pharmaceutical and medical device industries to the Food and Drug Administration, FDA, to expedite the drug and device approval process.

These fees are an important funding source that provides the FDA with resources necessary to ensure potentially lifesaving drugs and medical devices can be reviewed and ultimately brought to market quickly and safely. I understand this legislation is the product of a tremendous amount of work by the chairman and ranking member of the HELP Committee, in conjunction with various stakeholders, and enjoys broad support from industry, the FDA, and consumer groups.

For the first time, this bill will also create new user fee agreements for generic drug manufacturers; manufacturers of biologics; and would make permanent the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act. These two laws together help improve the safety and efficacy of pharmaceuticals for children.

Of particular interest, the bill aims to address drug shortages by requiring all manufacturers of certain drugs to provide advance notification of possible supply disruptions and any permanent discontinuance of these products to the Health and Human Services Secretary. In addition, it will also require HHS to establish a task force to address possible drug shortages and will grant the secretary the authority to expedite the inspection and review process of substitute products that could mitigate a shortage.

The bill will allow the FDA to continue to collect fees from pharmaceutical manufacturers and medical device manufacturers through 2017. I am pleased to join with colleagues from both sides of the aisle in voting in favor of this important legislation.

Ms. MIKULSKI. Madam President, I applaud the effort underway between the FDA and industry to develop a transitional pathway for the regulation of emerging diagnostic tests. In addition, I am pleased that the FDA expressed its commitment to work with industry on this important initiative in the MDUFA III commitment letter.

Many new diagnostic tests serve as the missing link to improved health care through better detection, treatment, and monitoring of disease. Thus, it is critical for public health that FDA's premarket review system for diagnostics be modernized in a manner that supports advances in the sciences and promotes patient access.

I look forward to developments with respect to the agency's plans to develop a transitional *in vitro* diagnostics pathway and steps taken related to its implementation.

I also wish to talk about two massively important laws that work to ensure that medications used in children are tested and labeled correctly—the Best Pharmaceuticals for Children Act, known as BPCA, and the Pediatric Research Equity Act, known as PREA.

Taken together, these two laws encourage and require drug companies to study their products in children. They have been hugely successful in ensuring that physicians and parents have information needed to best treat our Nation's children.

Most drugs on the market have never been tested in children, largely because manufacturers face economic, mechanical, ethical, and legal obstacles that work to discourage pediatric testing.

With respect to economic obstacles, the pediatric drug marketplace is generally small, with little economic incentive for manufacturers to commit resources to testing in children when they could just test in the much larger adult population.

With respect to mechanical obstacles, young children often cannot swallow pills. This presents a challenge for drug manufacturers, who often then have to develop alternate formulations, such as liquids or chewable tablets. Finally, even for adults, ethical and legal requirements for participation in a clinical trial are incredibly complex and challenging. Trying to recruit children for trials is even more difficult. Parents don't want their kids used in experiments, and drug companies face added liability concerns.

We understand these challenges, but doctors still must treat children—many with serious and life-threatening conditions. And, too often, doctors are forced to prescribe drugs that have never been studied in kids. So in 2002 and 2003 Congress passed laws that serve as a carrot and stick to generate more pediatric drug information. We passed the Pediatric Research Equity Act, which requires safety and efficacy studies in children for all new drugs. For drugs that were on the market before PREA was enacted, the law allows FDA to go back and mandate child studies where appropriate.

We also passed the Best Pharmaceuticals for Children Act, which rewards drug companies with 6 months additional exclusivity if they complete additional pediatric testing requested by FDA.

As a result of BPCA and PREA, over 425 drug labels have been revised with important pediatric information. Before BPCA and PREA, more than 80 percent of drugs used in kids were used off-label without data on safety and efficacy. Today, that number has been reduced to approximately 50 percent.

New pediatric studies conducted as result of BPCA and PREA have resulted in new dosing information, new indications of use, new safety information, and new data on effectiveness in children.

The Food and Drug Administration Safety and Innovation Act removes the 5-year sunsets for BPCA and PREA, giving biopharmaceutical companies a more predictable regulatory path and providing certainty that these programs will still be up and running when companies complete their pediatric trials.

This bill also makes important pediatric information publicly available. The last reauthorization of BPCA and PREA ensured that certain pediatric studies were made publicly available but did not ensure the availability of pre-2007 studies. This bill ensures that pediatric studies conducted between 2002 and 2007, which resulted in a labeling change, are made publicly available for physicians, researchers, and parents.

Finally, this bill gives FDA new tools to ensure that studies required by PREA are completed on time, unless there is an appropriate reason for delay.

Children are not small adults. They have different medical needs. The only way to improve the health of current and future generations of children is to better understand how drugs work in pediatric populations. We need to help doctors by getting them more information so that treatment of pediatric diseases is less of a guessing game and more of an informed practice. I believe these two pediatric programs have been incredibly successful, and I am very encouraged by the improvements we make in the bill before us today.

Finally Madam President, I wish to talk about the safety of our Nation's prescription drug supply. Today, there are many challenges and obstacles facing our families—from trying to find or keep a job, to figuring out how to pay off crushing student loans, to obtaining affordable health insurance. One thing that our families shouldn't have to worry about is whether the drug they are taking or whether the drug their loved one is taking to cure or treat an illness is going to harm them instead of help them.

When the modern FDA was first established in 1938, most of our medical products were developed and manufactured within our own borders. That is no longer the case. Nearly 40 percent of drugs Americans rely upon are made outside our borders. About 80 percent of the active ingredients used in drugs made in the United States come from 150 other countries. The increased globalization of our drug industry, coupled with the fact that we have not given our Federal agencies additional authorities to keep pace, has created great challenges for FDA and industry and great danger to patients in need.

Where there is need, there is greed. Where there is greed, there is scam and schemes. In this case, we know that increased globalization and insufficient authorities to regulate at a Federal level has created a dangerous opportunity for bad actors to take advantage. And they have taken advantage—from adulteration, to counterfeiting, to cargo theft, to manufacturing drugs in unsanitary conditions, to mislabeled products. We have seen it all in recent years and the consequences have been deadly.

In recent years, a highly toxic solvent, known as DEG, added to fever medicine, cough syrup, and teething products resulted in the deaths of children and adults in Panama, Haiti, and Nigeria.

In 2007, pet food adulterated with melamine and acid sickened several thousand pets in the United States. Melamine and acid was added to infant formula in China, poisoning and killing six babies and sickening 300,000 others.

In 2008, contaminated Heparin from China killed and sickened hundreds across the United States.

In 2003, more than \$20 million in illegally imported and counterfeit Lipitor was sold throughout the United States.

In 2009, an estimated 46 drug cargo thefts occurred, valued at \$184 million.

Many stolen drugs are then improperly stored or handled before being sold back to consumers, putting patients at risk. For instance, stolen insulin was reintroduced into the drug supply and caused adverse events in patients because it had not been refrigerated. I could go on and on with examples of how counterfeit, adulterated, and stolen drugs have sickened and killed people and animals worldwide.

But, I am encouraged by the bill before us today. The FDA Safety and Innovation Act takes a number of important steps to improve the safety of our Nation's drug supply. For instance, this legislation requires every foreign establishment engaged in the manufacture of a drug or device imported into the United States, to electronically register with the FDA.

Under current law, there are no requirements governing how often FDA must inspect foreign facilities. The bill before us requires FDA to set up a risk-based inspection frequency to ensure that we are getting in there and inspecting facilities that pose the greatest risks.

This legislation gives the Secretary of Homeland Security the authority to refuse admission into the United States any drug or ingredient if it was manufactured, processed, packed, or held at an establishment that has refused or delayed inspection by FDA.

This bill requires drug manufacturers and wholesalers to notify the FDA if they become aware that their drug has been counterfeited or has been stolen or lost in substantial quantities.

Finally, this bill increases penalties for bad actors who knowingly adulterate or counterfeit drugs.

In developing this legislation, the question we had to ask was this: Does the Federal agency tasked with ensuring the safety of our Nation's drugs have the resources and authorities necessary to do their job and protect the public health? The answer was no. But I believe the new authorities contained in the FDA Safety and Innovation Act—which we developed on a bipartisan basis in the Senate HELP committee—will help us ensure that the next time we ask this question, the answer will be yes.

Mr. DURBIN. Madam President, today, we are considering a bill that will improve the FDA's ability to assure the safety of drugs in our medicine cabinets and medical devices in our hospitals.

The FDA is an essential guardian of the public's health and safety.

In the past few years, FDA has faced obstacles that call on the agency to adapt and respond to the evolving nature of reviewing, manufacturing, and distributing drugs and devices.

Some of those obstacles and challenges are addressed in the reauthorizations of the Prescription Drug User Fee Act and the Medical Device User Fee Act, which are set to expire at the end of September 2012.

Last fall, I visited Cook Medical's medical device plant in Canton, IL, and representatives expressed concern about the amount of time it takes medical devices to be reviewed.

FDA needs sufficient time to review medical devices in order to ensure their safety and effectiveness. However, inefficiencies and insufficient resources can result in longer review times, which means patients have to wait longer to benefit from new medical devices.

This bill makes key changes to maintain the safety of devices and preserve our country's leadership in biomedical innovation.

The bill will authorize the FDA to collect almost \$600 million in user fees over 5 years. FDA can use these additional resources to help hire and train staff.

Furthermore, the bill makes important improvements by streamlining the review process for devices and increasing communication between the FDA and device manufacturers throughout the review process.

These changes to the review of medical devices will not only help innovative device companies get their product to market faster but will prevent patients from having to wait extra weeks and months to benefit from a new device.

In addition to reauthorizing the Prescription Drug and Medical Device User Fee Acts, this bill also establishes the Generic Drug User Fee Act and Bio-

similar User Fee Act, which give FDA new authority to collect user fees for generic and biosimilar drugs.

Currently the FDA does not collect user fees to support the review of generic drugs, and it takes about 30 months for the agency to review generic drug applications. This extra time reduces access to safe, affordable generic drugs and leaves patients and taxpayers paying the tab for brand-name drugs that lack competition from generics.

Since the first Prescription Drug User Fee Act was enacted in 1992, the FDA began collecting user fees to support the review of applications.

FDA has cut the review time for new drugs by 60 percent, from 2 years to a little over 1 year.

Similarly, the Generic Drug User Fee Act will give FDA the support it needs to cut the current 30-month review time for generic drugs down to 10 months.

This improvement will promote competition in the marketplace and save money by reducing the amount of time patients have to wait for less expensive generic alternatives to brand-name drugs.

The process of negotiating and drafting this legislation started 18 months ago, and the result is a comprehensive bill that improves the safety and quality of drugs and medical devices.

Chairman HARKIN and Senator ENZI have put together a bill that responds to many of these challenges, including one that is of particular interest to me—the national shortage of critical drugs.

Between 2006 and 2010 the drug shortage increased 200 percent—from 56 to 178 drugs. Currently the drug shortage includes over 200 drugs, such as intravenous nutrition supplements, cancer treating drugs, and anesthesia.

Over the past few months, I have held three roundtable discussions at hospitals across Illinois to learn about the drug shortage and how it is affecting providers and patients. From these discussions it is clear that the drug shortage is being felt at most hospitals, and those Illinois hospitals, providers, and pharmacists are working around the clock to ensure patients maintain access to drugs and safe treatments.

At Advocate Hospital in Libertyville, a doctor shared that he learned just days before starting a patient on chemotherapy that the drug was not available. Unfortunately, this is a common scenario across the country as doctors learn days before starting a treatment or even once the patient is on the hospital bed that a drug is not available.

Pharmacists now spend part of each day scrambling to find drugs or an alternative treatment.

I recently learned that a young woman on my staff here in DC is all too familiar with the drug shortage. She is a smart and hardworking woman

who has been taking Concerta to treat her ADD since she was 14. Like most people with severe ADD, she must take her medicine at a certain time every day in order to keep their ADD symptoms from impeding basic life and work responsibilities. And while there are several ADD drugs on the market, each drug works differently and can have different side effects, so switching to a new prescription is not without risk.

Last year, the local CVS where she usually had her prescription filled started telling her they didn't have her drug in stock. She didn't think much of it, as she would wake up early and walk to another CVS in the morning where she was usually able to get the prescription.

Over time, she grew accustomed to going between these two CVS pharmacies to fill her prescription until one month when she carried her prescription with her for 3 days and was unable to find a pharmacy with enough Concerta to fill her 30-day prescription. By the end of day 3, she was out of her supply. She woke up early and rode her bike to four or five CVS pharmacies until she was able to find a pharmacy that could fill her prescription. But by then it was 12 o'clock and past the prescribed time to take the drug.

The shortage of ADD drugs impacts children, adults, parents, and employees across the country.

Congress must take action to address the drug shortage.

The FDA Safety and Innovation Act builds on Senator KLOBUCHAR's bill, with key provisions to curb the national drug shortage.

First, the bill requires drug manufacturers to notify the FDA 6 months in advance for certain drug shortages.

With this much notice, the FDA can work with manufacturers to try to avoid a shortage and, when necessary, identify alternative sources of the drug to ensure we maintain a supply for patients.

This winter, thanks to open communication between the FDA and drug companies, the FDA successfully avoided a shortage of methotrexate, a vital drug to treat leukemia with children.

FDA collaborated with Illinois-based generic drug manufacturer Hospira to increase production of this lifesaving drug when another company halted production.

Requiring 6 months' advance notice of a drug shortage will help the FDA to work with companies to avoid shortages of critical drugs.

Furthermore, the bill requires FDA to enhance the agency's response to shortages and will improve reporting of shortages by allowing third parties to report drug shortages to the FDA.

This bill also takes steps to improve the safety of drugs and the drug supply chain.

In 2008, serious injuries and 81 deaths were linked to contamination of the

crucial blood thinning drug heparin. The source of the contamination was a facility in China that intentionally adulterated the drug. This was a horrible illustration of what happens when adulterated and counterfeit drugs make their way into the drug supply chain and ultimately to patients.

This case has also raised serious questions about the global manufacturing practices of drugs and drug ingredients and the FDA's responsibility to protect the drug supply chain. Since the heparin incident, the global nature of the drug supply chain has only grown. Today, 80 percent of active pharmaceutical ingredients are manufactured outside of the United States.

This bill improves the safety of our supply chain both domestically and internationally by requiring foreign manufacturers to register their facilities with the FDA.

The bill also places greater responsibility on U.S. drug manufacturers to know their international suppliers and increases penalties for intentionally contaminating or counterfeiting drugs.

Counterfeit and adulterated drugs can have deadly consequences, yet the penalty for committing these crimes is less than the penalty for selling a counterfeit designer purse. Currently, the penalty for intentionally counterfeiting or adulterating a drug is no more than 3 years in prison or a \$10,000 fine or both. This bill raises the penalty for intentionally adulterating a drug to no more than 20 years in prison or a \$1 million fine or both. And the penalty for intentionally counterfeiting drugs is raised to no more than 20 years in prison or a \$4 million fine or both.

This bill addresses the drug shortage, reduces the review time for medical devices and drugs, improves the pipeline for antibiotics and pediatric drugs, and helps secure the supply chain for prescription drugs.

I thank Chairman HARKIN and Senator ENZI for their extraordinary leadership and hard work on this bill.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on passage of the bill, as amended.

The Senator from Iowa.

Mr. HARKIN. Madam President, we have all put in a lot of work and benefited greatly by the constructive ideas and efforts of all the Members of this body. I sincerely thank all my colleagues, especially Senator ENZI, for their hard work on this must-pass legislation.

This excellent bill is a shining example of what we can achieve when we all

work together. Now we must keep our promise to patients and the biomedical industry and pass this critical bill.

Today, with one vote, we can reauthorize the essential FDA's user fee agreements, systematically modernize FDA's medical product authority, and help to boost American innovation and ensure that patients have access to the therapies they need.

So I urge my colleagues to join in this bipartisan spirit of cooperation and pass this important legislation, the FDA Safety and Innovation Act.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, the chairman has said it well. We appreciate the bipartisan spirit in which people have participated, especially in committee for a year and a half, working out amendments, working out ideas, and coming up with a bill that had a good consensus.

I appreciate the action on the Senate floor, the people who were willing to do time limits on their amendments, and how quickly we have gotten through the votes.

I particularly want to thank the chairman for the way he has handled this in committee and the process since then. We had a couple of issues that were outstanding and those got worked out.

I also want to thank the staffs on both sides. Their dedication for a year and a half is what made this happen, and we have some outstanding staff on both sides. Every member of the committee and every committee member's staff helped on this one, and that makes a difference. So I ask everyone to support the bill.

I yield the floor.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. HARKIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—96

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|-----------|----------|------------|
| Akaka | Begich | Boxer |
| Alexander | Bennet | Brown (MA) |
| Ayotte | Bingaman | Brown (OH) |
| Barrasso | Blunt | Burr |
| Baucus | Boozman | Cantwell |

| | | |
|------------|--------------|-------------|
| Cardin | Inouye | Nelson (FL) |
| Carper | Isakson | Paul |
| Casey | Johanns | Portman |
| Chambliss | Johnson (SD) | Pryor |
| Coats | Johnson (WI) | Reed |
| Coburn | Kerry | Reid |
| Cochran | Klobuchar | Risch |
| Collins | Kohl | Roberts |
| Conrad | Kyl | Rockefeller |
| Coons | Landrieu | Rubio |
| Corker | Lautenberg | Schumer |
| Cornyn | Leahy | Sessions |
| Crapo | Lee | Shaheen |
| DeMint | Levin | Shelby |
| Durbin | Lieberman | Snowe |
| Enzi | Lugar | Stabenow |
| Feinstein | Manchin | Tester |
| Franken | McCain | Thune |
| Gillibrand | McCaskill | Toomey |
| Graham | McConnell | Udall (CO) |
| Grassley | Menendez | Udall (NM) |
| Hagan | Merkley | Vitter |
| Harkin | Mikulski | Warner |
| Hatch | Moran | Webb |
| Heller | Murkowski | Whitehouse |
| Hoeven | Murray | Wicker |
| Inhofe | Nelson (NE) | Wyden |

NAYS—1

Sanders

NOT VOTING—3

| | | |
|------------|-----------|------|
| Blumenthal | Hutchison | Kirk |
|------------|-----------|------|

The bill (S. 3187), as amended, was passed, as follows:

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food and Drug Administration Safety and Innovation Act”.

SEC. 2. TABLE OF CONTENTS; REFERENCES IN ACT.

(a) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents; references in Act.

TITLE I—FEES RELATING TO DRUGS

Sec. 101. Short title; finding.

Sec. 102. Definitions.

Sec. 103. Authority to assess and use drug fees.

Sec. 104. Reauthorization; reporting requirements.

Sec. 105. Sunset dates.

Sec. 106. Effective date.

Sec. 107. Savings clause.

TITLE II—FEES RELATING TO DEVICES

Sec. 201. Short title; findings.

Sec. 202. Definitions.

Sec. 203. Authority to assess and use device fees.

Sec. 204. Reauthorization; reporting requirements.

Sec. 205. Savings clause.

Sec. 206. Effective date.

Sec. 207. Sunset dates.

Sec. 208. Streamlined hiring authority to support activities related to the process for the review of device applications.

TITLE III—FEES RELATING TO GENERIC DRUGS

Sec. 301. Short title.

Sec. 302. Authority to assess and use human generic drug fees.

Sec. 303. Reauthorization; reporting requirements.

Sec. 304. Sunset dates.

Sec. 305. Effective date.

Sec. 306. Amendment with respect to misbranding.

Sec. 307. Streamlined hiring authority of the Food and Drug Administration to support activities related to human generic drugs.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

Sec. 401. Short title; finding.

Sec. 402. Fees relating to biosimilar biological products.

Sec. 403. Reauthorization; reporting requirements.

Sec. 404. Sunset dates.

Sec. 405. Effective date.

Sec. 406. Savings clause.

Sec. 407. Conforming amendment.

TITLE V—PEDIATRIC DRUGS AND DEVICES

Sec. 501. Permanence.

Sec. 502. Written requests.

Sec. 503. Communication with Pediatric Review Committee.

Sec. 504. Access to data.

Sec. 505. Ensuring the completion of pediatric studies.

Sec. 506. Pediatric study plans.

Sec. 507. Reauthorizations.

Sec. 508. Report.

Sec. 509. Technical amendments.

Sec. 510. Relationship between pediatric labeling and new clinical investigation exclusivity.

Sec. 511. Pediatric rare diseases.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

Sec. 601. Reclassification procedures.

Sec. 602. Condition of approval studies.

Sec. 603. Postmarket surveillance.

Sec. 604. Sentinel.

Sec. 605. Recalls.

Sec. 606. Clinical holds on investigational device exemptions.

Sec. 607. Unique device identifier.

Sec. 608. Clarification of least burdensome standard.

Sec. 609. Custom devices.

Sec. 610. Agency documentation and review of certain decisions regarding devices.

Sec. 611. Good guidance practices relating to devices.

Sec. 612. Modification of de novo application process.

Sec. 613. Humanitarian device exemptions.

Sec. 614. Reauthorization of third-party review and inspections.

Sec. 615. 510(k) device modifications.

Sec. 616. Health information technology.

TITLE VII—DRUG SUPPLY CHAIN**Subtitle A—Drug Supply Chain**

Sec. 701. Registration of domestic drug establishments.

Sec. 702. Registration of foreign establishments.

Sec. 703. Identification of drug excipient information with product listing.

Sec. 704. Electronic system for registration and listing.

Sec. 705. Risk-based inspection frequency.

Sec. 706. Records for inspection.

Sec. 707. Failure to allow foreign inspection.

Sec. 708. Exchange of information.

Sec. 709. Enhancing the safety and quality of the drug supply.

Sec. 710. Accreditation of third-party auditors for drug establishments.

Sec. 711. Standards for admission of imported drugs.

Sec. 712. Notification.

Sec. 713. Protection against intentional adulteration.

Sec. 714. Enhanced criminal penalty for counterfeiting drugs.

Sec. 715. Extraterritorial jurisdiction.

Sec. 716. Compliance with international agreements.

Subtitle B—Pharmaceutical Distribution Integrity

Sec. 721. Short title.

Sec. 722. Securing the pharmaceutical distribution supply chain.

Sec. 723. Independent assessment.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

Sec. 801. Extension of exclusivity period for drugs.

Sec. 802. Priority review.

Sec. 803. Fast track product.

Sec. 804. GAO study.

Sec. 805. Clinical trials.

Sec. 806. Regulatory certainty and predictability.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

Sec. 901. Enhancement of accelerated patient access to new medical treatments.

Sec. 902. Breakthrough therapies.

Sec. 903. Consultation with external experts on rare diseases, targeted therapies, and genetic targeting of treatments.

Sec. 904. Accessibility of information on prescription drug container labels by visually-impaired and blind consumers.

Sec. 905. Risk-benefit framework.

Sec. 906. Independent study on medical innovation inducement model.

Sec. 907. Orphan product grants program.

Sec. 908. Reporting of inclusion of demographic subgroups in clinical trials and data analysis in applications for drugs, biologics, and devices.

TITLE X—DRUG SHORTAGES

Sec. 1001. Drug shortages.

TITLE XI—OTHER PROVISIONS**Subtitle A—Reauthorizations**

Sec. 1101. Reauthorization of provision relating to exclusivity of certain drugs containing single enantiomers.

Sec. 1102. Reauthorization of the Critical Path Public-Private Partnerships.

Subtitle B—Medical Gas Product Regulation

Sec. 1111. Regulation of medical gas products.

Sec. 1112. Regulations.

Sec. 1113. Applicability.

Subtitle C—Miscellaneous Provisions

Sec. 1121. Advisory committee conflicts of interest.

Sec. 1122. Guidance document regarding product promotion using the Internet.

Sec. 1123. Electronic submission of applications.

Sec. 1124. Combating prescription drug abuse.

Sec. 1125. Tanning bed labeling.

Sec. 1126. Optimizing global clinical trials.

Sec. 1127. Advancing regulatory science to promote public health innovation.

Sec. 1128. Information technology.

Sec. 1129. Reporting requirements.

Sec. 1130. Strategic integrated management plan.

Sec. 1131. Drug development and testing.

Sec. 1132. Patient participation in medical product discussions.

Sec. 1133. Nanotechnology regulatory science program.

Sec. 1134. Online pharmacy report to Congress.

Sec. 1135. Medication and device errors.

Sec. 1136. Compliance provision.

Sec. 1137. Ensuring adequate information regarding pharmaceuticals for all populations, particularly underrepresented subpopulations, including racial subgroups.

Sec. 1138. Report on small businesses.

Sec. 1139. Protections for the commissioned corps of the public health service act.

Sec. 1140. Regulations on clinical trial registration; GAO Study of clinical trial registration and reporting requirements.

Sec. 1141. Hydrocodone amendment.

Sec. 1142. Compliance date for rule relating to sunscreen drug products for over-the-counter human use.

Sec. 1143. Recommendations on interoperability standards.

Subtitle D—Synthetic Drugs

Sec. 1151. Short title.

Sec. 1152. Addition of synthetic drugs to schedule I of the Controlled Substances Act.

Sec. 1153. Temporary scheduling to avoid imminent hazards to public safety expansion.

Sec. 1154. Prohibition on imposing mandatory minimum sentences.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE I—FEES RELATING TO DRUGS

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Prescription Drug User Fee Amendments of 2012”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Paragraph (7) of section 735 (21 U.S.C. 379g) is amended, in the matter preceding subparagraph (A), by striking “incurred”.

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

Section 736 (21 U.S.C. 379h) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(B) in paragraph (1), in clauses (i) and (ii) of subparagraph (A), by striking “subsection (c)(5)” each place such term appears and inserting “subsection (c)(4)”;

(C) in the matter following clause (ii) in paragraph (2)(A)—

(i) by striking “subsection (c)(5)” and inserting “subsection (c)(4)”;

(ii) by striking “payable on or before October 1 of each year” and inserting “due on the later of the first business day on or after October 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection

and obligation of fees for such fiscal year under this section”; and

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking “subsection (c)(5)” and inserting “subsection (c)(4)”;

(II) by striking “payable on or before October 1 of each year.” and inserting “due on the later of the first business day on or after October 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.”; and

(ii) by amending subparagraph (B) to read as follows:

“(B) EXCEPTION.—A prescription drug product shall not be assessed a fee under subparagraph (A) if such product is—

“(i) identified on the list compiled under section 505(j)(7) with a potency described in terms of per 100 mL;

“(ii) the same product as another product that—

“(I) was approved under an application filed under section 505(b) or 505(j); and

“(II) is not in the list of discontinued products compiled under section 505(j)(7);

“(iii) the same product as another product that was approved under an abbreviated application filed under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997); or

“(iv) the same product as another product that was approved under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”;

(ii) in subparagraph (A), by striking “\$392,783,000; and” and inserting “\$693,099,000;”;

(iii) by striking subparagraph (B) and inserting the following:

“(B) the dollar amount equal to the inflation adjustment for fiscal year 2013 (as determined under paragraph (3)(A)); and

“(C) the dollar amount equal to the workload adjustment for fiscal year 2013 (as determined under paragraph (3)(B)).”;

(B) by striking paragraphs (3) and (4) and inserting the following:

“(3) FISCAL YEAR 2013 INFLATION AND WORKLOAD ADJUSTMENTS.—For purposes of paragraph (1), the dollar amount of the inflation and workload adjustments for fiscal year 2013 shall be determined as follows:

“(A) INFLATION ADJUSTMENT.—The inflation adjustment for fiscal year 2013 shall be the sum of—

“(i) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(B); and

“(ii) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(C).

“(B) WORKLOAD ADJUSTMENT.—Subject to subparagraph (C), the workload adjustment for fiscal 2013 shall be—

“(i) \$652,709,000 plus the amount of the inflation adjustment calculated under subparagraph (A); multiplied by

“(ii) the amount (if any) by which a percentage workload adjustment for fiscal year 2013, as determined using the methodology

described in subsection (c)(2)(A), would exceed the percentage workload adjustment (as so determined) for fiscal year 2012, if both such adjustment percentages were calculated using the 5-year base period consisting of fiscal years 2003 through 2007.

“(C) LIMITATION.—Under no circumstances shall the adjustment under subparagraph (B) result in fee revenues for fiscal year 2013 that are less than the sum of the amount under paragraph (1)(A) and the amount under paragraph (1)(B).”;

(3) by striking subsection (c) and inserting the following:

“(c) ADJUSTMENTS.—

“(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year by the amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years; and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data, multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this paragraph.

“(2) WORKLOAD ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of human drug applications. With respect to such adjustment:

“(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph), efficacy supplements, and manufacturing supplements submitted to the Secretary, and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

“(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the sum of the amount under subsection (b)(1)(A) and the

amount under subsection (b)(1)(B), as adjusted for inflation under paragraph (1).

“(C) The Secretary shall contract with an independent accounting or consulting firm to periodically review the adequacy of the adjustment and publish the results of those reviews. The first review shall be conducted and published by the end of fiscal year 2013 (to examine the performance of the adjustment since fiscal year 2009), and the second review shall be conducted and published by the end of fiscal year 2015 (to examine the continued performance of the adjustment). The reports shall evaluate whether the adjustment reasonably represents actual changes in workload volume and complexity and present options to discontinue, retain, or modify any elements of the adjustment. The reports shall be published for public comment. After review of the reports and receipt of public comments, the Secretary shall, if warranted, adopt appropriate changes to the methodology. If the Secretary adopts changes to the methodology based on the first report, the changes shall be effective for the first fiscal year for which fees are set after the Secretary adopts such changes and each subsequent fiscal year.

“(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under this paragraph and paragraphs (1) and (2), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of human drug applications for the first 3 months of fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such process in excess of 3 months of such operating reserves, the adjustment under this paragraph shall not be made.

“(4) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, application, product, and establishment fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

“(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of human drug applications.”; and

(4) in subsection (g)—

(A) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “shall be retained” and inserting “subject to subparagraph (C), shall be collected and available”; and

(II) in clause (ii), by striking “shall only be collected and available” and inserting “shall be available”; and

(ii) by adding at the end the following new subparagraph:

“(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.”;

(C) in paragraph (3), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”; and

(D) in paragraph (4)—

(i) by striking “fiscal years 2008 through 2010” and inserting “fiscal years 2013 through 2015”;

(ii) by striking “fiscal year 2011” and inserting “fiscal year 2016”;

(iii) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2013 through 2016”;

(iv) by striking “fiscal year 2012” and inserting “fiscal year 2017”.

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B (21 U.S.C. 379h-2) is amended—

(1) by amending subsection (a) to read as follows:

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report under this subsection for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.”;

(2) in subsection (b), by striking “2008” and inserting “2013”; and

(3) in subsection (d), by striking “2012” each place it appears and inserting “2017”.

SEC. 105. SUNSET DATES.

(a) AUTHORIZATION.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h-2) shall cease to be effective January 31, 2018.

(c) PREVIOUS SUNSET PROVISION.—Section 106 of the Prescription Drug User Fee Amendments of 2007 (Title I of Public Law 110-85) is repealed.

(d) TECHNICAL CLARIFICATIONS.—

(1) Effective September 30, 2007, section 509 of the Prescription Drug User Fee Amendments Act of 2002 (Title V of Public Law 107-188) is repealed.

(2) Effective September 30, 2002, section 107 of the Food and Drug Administration Modernization Act of 1997 (Public Law 105-115) is repealed.

(3) Effective September 30, 1997, section 105 of the Prescription Drug User Fee Act of 1992 (Public Law 102-571) is repealed.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 107. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic

Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2012.

TITLE II—FEES RELATING TO DEVICES

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Medical Device User Fee Amendments of 2012”.

(b) FINDINGS.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 202. DEFINITIONS.

Section 737 (21 U.S.C. 379i) is amended—

(1) in paragraph (9), by striking “incurred” after “expenses”;

(2) in paragraph (10), by striking “October 2001” and inserting “October 2011”; and

(3) in paragraph (13), by striking “is required to register” and all that follows through the end of paragraph (13) and inserting the following: “is registered (or is required to register) with the Secretary under section 510 because such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of a device.”.

SEC. 203. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Section 738(a) (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(2) in paragraph (2)(A)—

(A) in the matter preceding clause (i)—

(i) by striking “subsections (d) and (e)” and inserting “subsections (d), (e), and (f)”;

(ii) by striking “October 1, 2002” and inserting “October 1, 2012”; and

(iii) by striking “subsection (c)(1)” and inserting “subsection (c)”;

(B) in clause (viii), by striking “1.84” and inserting “2”; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “and subsection (f)” after “subparagraph (B)”;

(ii) by striking “2008” and inserting “2013”; and

(B) in subparagraph (C), by striking “initial registration” and all that follows through “section 510.” and inserting “later of—

“(i) the initial or annual registration (as applicable) of the establishment under section 510; or

“(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.”.

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

“(b) FEE AMOUNTS.—

“(1) IN GENERAL.—Subject to subsections (c), (d), (e), (f), and (i), for each of fiscal years

2013 through 2017, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), to generate the

total revenue amounts specified in paragraph (3).

“(2) BASE FEE AMOUNTS.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

| “Fee Type | Fiscal Year 2013 | Fiscal Year 2014 | Fiscal Year 2015 | Fiscal Year 2016 | Fiscal Year 2017 |
|----------------------------------|------------------|------------------|------------------|------------------|------------------|
| Premarket Application | \$248,000 | \$252,960 | \$258,019 | \$263,180 | \$268,443 |
| Establishment Registration | \$2,575 | \$3,200 | \$3,750 | \$3,872 | \$3,872 |

“(3) TOTAL REVENUE AMOUNTS.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

“(A) \$97,722,301 for fiscal year 2013.

“(B) \$112,580,497 for fiscal year 2014.

“(C) \$125,767,107 for fiscal year 2015.

“(D) \$129,339,949 for fiscal year 2016.

“(E) \$130,184,348 for fiscal year 2017.”.

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) (21 U.S.C. 379j(c)) is amended—

(1) in the subsection heading, by inserting “; ADJUSTMENTS” after “SETTING”;

(2) by striking paragraphs (1) and (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting before paragraph (4), as so redesignated, the following:

“(1) IN GENERAL.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2012, establish fees under subsection (a), based on amounts specified under subsection (b) and the adjustments provided under this subsection, and publish such fees, and the rationale for any adjustments to such fees, in the Federal Register.

“(2) INFLATION ADJUSTMENTS.—

“(A) ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—For fiscal year 2014 and each subsequent fiscal year, the Secretary shall adjust the total revenue amount specified in subsection (b)(3) for such fiscal year by multiplying such amount by the applicable inflation adjustment under subparagraph (B) for such year.

“(B) APPLICABLE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—The applicable inflation adjustment for a fiscal year is—

“(i) for fiscal year 2014, the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(ii) for fiscal year 2015 and each subsequent fiscal year, the product of—

“(I) the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(II) the product of the base inflation adjustment under subparagraph (C) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2014.

“(C) BASE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—

“(i) IN GENERAL.—Subject to further adjustment under clause (ii), the base inflation adjustment for a fiscal year is the sum of one plus—

“(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by 0.60; and

“(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by 0.40.

“(ii) LIMITATIONS.—For purposes of subparagraph (B), if the base inflation adjustment for a fiscal year under clause (i)—

“(I) is less than 1, such adjustment shall be considered to be equal to 1; or

“(II) is greater than 1.04, such adjustment shall be considered to be equal to 1.04.

“(D) ADJUSTMENT TO BASE FEE AMOUNTS.—For each of fiscal years 2014 through 2017, the base fee amounts specified in subsection (b)(2) shall be adjusted as needed, on a uniform proportionate basis, to generate the total revenue amounts under subsection (b)(3), as adjusted for inflation under subparagraph (A).

“(3) VOLUME-BASED ADJUSTMENTS TO ESTABLISHMENT REGISTRATION BASE FEES.—For each of fiscal years 2014 through 2017, after the base fee amounts specified in subsection (b)(2) are adjusted under paragraph (2)(D), the base establishment registration fee amounts specified in such subsection shall be further adjusted, as the Secretary estimates is necessary in order for total fee collections for such fiscal year to generate the total revenue amounts, as adjusted under paragraph (2).”.

(d) FEE WAIVER OR REDUCTION.—Section 738 (21 U.S.C. 379j) is amended by—

(1) redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(2) by inserting after subsection (e) the following new subsection:

“(f) FEE WAIVER OR REDUCTION.—

“(1) IN GENERAL.—The Secretary may, at the Secretary’s sole discretion, grant a waiver or reduction of fees under subsection (a)(2) or (a)(3) if the Secretary finds that such waiver or reduction is in the interest of public health.

“(2) LIMITATION.—The sum of all fee waivers or reductions granted by the Secretary in any fiscal year under paragraph (1) shall not exceed 2 percent of the total fee revenue amounts established for such year under subsection (c).

“(3) DURATION.—The authority provided by this subsection terminates October 1, 2017.”.

(e) CONDITIONS.—Section 738(h)(1)(A) (21 U.S.C. 379j(h)(1)(A)), as redesignated by subsection (d)(1), is amended by striking “\$205,720,000” and inserting “\$280,587,000”.

(f) CREDITING AND AVAILABILITY OF FEES.—Section 738(i) (21 U.S.C. 379j(i)), as redesignated by subsection (d)(1), is amended—

(1) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “shall be retained” and inserting “subject to subparagraph (C), shall be collected and available”;

(ii) in clause (ii)—

(I) by striking “collected and” after “shall only be”; and

(II) by striking “fiscal year 2002” and inserting “fiscal year 2009”; and

(B) by adding at the end, the following:

“(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.”;

(3) by amending paragraph (3) to read as follows:

“(3) AUTHORIZATIONS OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount specified under subsection (b)(3) for the fiscal year, as adjusted under subsection (c) and, for fiscal year 2017 only, as further adjusted under paragraph (4).”;

(4) in paragraph (4)—

(A) by striking “fiscal years 2008, 2009, and 2010” and inserting “fiscal years 2013, 2014, and 2015”;

(B) by striking “fiscal year 2011” and inserting “fiscal year 2016”;

(C) by striking “June 30, 2011” and inserting “June 30, 2016”;

(D) by striking “the amount of fees specified in aggregate in” and inserting “the cumulative amount appropriated pursuant to”;

(E) by striking “aggregate amount in” before “excess shall be credited”; and

(F) by striking “fiscal year 2012” and inserting “fiscal year 2017”.

(g) CONFORMING AMENDMENT.—Section 515(c)(4)(A) (21 U.S.C. 360e(c)(4)(A)) is amended by striking “738(g)” and inserting “738(h)”.

SEC. 204. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) REAUTHORIZATION.—Section 738A(b) (21 U.S.C. 379j-1(b)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2017”; and

(2) in paragraph (5), by striking “2012” and inserting “2017”.

(b) REPORTS.—Section 738A(a) (21 U.S.C. 379j-1(a)) is amended—

(1) by striking “2008 through 2012” each place it appears and inserting “2013 through 2017”; and

(2) by striking “section 201(c) of the Food and Drug Administration Amendments Act of 2007” and inserting “section 201(b) of the Medical Device User Fee Amendments of 2012”.

SEC. 205. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to submissions described in section 738(a)(2)(A) of the Federal Food, Drug, and Cosmetic Act (as in effect as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 206. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for submissions described in section 738(a)(2)(A) of the Federal Food, Drug, and Cosmetic Act

received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 207. SUNSET DATES.

(a) **AUTHORIZATIONS.**—Sections 737 and 738 (21 U.S.C. 739i; 739j) shall cease to be effective October 1, 2017.

(b) **REPORTING REQUIREMENTS.**—Section 738A (21 U.S.C. 739j-1) shall cease to be effective January 31, 2018.

(c) **PREVIOUS SUNSET PROVISION.**—Section 217 of the Medical Device User Fee Amendments of 2007 (Title II of Public Law 110-85) is repealed.

(d) **TECHNICAL CLARIFICATION.**—Effective September 30, 2007, section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107-250) is repealed.

SEC. 208. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by inserting after section 713 the following new section:

“SEC. 714. STREAMLINED HIRING AUTHORITY.

“(a) **IN GENERAL.**—In addition to any other personnel authorities under other provisions of law, the Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint employees to positions in the Food and Drug Administration to perform, administer, or support activities described in subsection (b), if the Secretary determines that such appointments are needed to achieve the objectives specified in subsection (c).

“(b) **ACTIVITIES DESCRIBED.**—The activities described in this subsection are activities under this Act related to the process for the review of device applications (as defined in section 737(8)).

“(c) **OBJECTIVES SPECIFIED.**—The objectives specified in this subsection are with respect to the activities under subsection (b), the goals referred to in section 738A(a)(1).

“(d) **INTERNAL CONTROLS.**—The Secretary shall institute appropriate internal controls for appointments under this section.

“(e) **SUNSET.**—The authority to appoint employees under this section shall terminate on the date that is three years after the date of enactment of this section.”.

TITLE III—FEES RELATING TO GENERIC DRUGS

SEC. 301. SHORT TITLE.

(a) **SHORT TITLE.**—This title may be cited as the “Generic Drug User Fee Amendments of 2012”.

(b) **FINDING.**—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 302. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

“PART 7—FEES RELATING TO GENERIC DRUGS

“SEC. 744A. DEFINITIONS.

“For purposes of this part:

“(1) The term ‘abbreviated new drug application’—

“(A) means an application submitted under section 505(j), an abbreviated application submitted under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997), or an abbreviated new drug application submitted pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984; and

“(B) does not include an application for a positron emission tomography drug.

“(2) The term ‘active pharmaceutical ingredient’ means—

“(A) a substance, or a mixture when the substance is unstable or cannot be transported on its own, intended—

“(i) to be used as a component of a drug; and

“(ii) to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the human body; or

“(B) a substance intended for final crystallization, purification, or salt formation, or any combination of those activities, to become a substance or mixture described in subparagraph (A).

“(3) The term ‘adjustment factor’ means a factor applicable to a fiscal year that is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2011.

“(4) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(5)(A) The term ‘facility’—

“(i) means a business or other entity—

“(I) under one management, either direct or indirect; and

“(II) at one geographic location or address engaged in manufacturing or processing an active pharmaceutical ingredient or a finished dosage form; and

“(ii) does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: repackaging, relabeling, or testing.

“(B) For purposes of subparagraph (A), separate buildings within close proximity are considered to be at one geographic location or address if the activities in them are—

“(i) closely related to the same business enterprise;

“(ii) under the supervision of the same local management; and

“(iii) capable of being inspected by the Food and Drug Administration during a single inspection.

“(C) If a business or other entity would meet the definition of a facility under this paragraph but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

“(6) The term ‘finished dosage form’ means—

“(A) a drug product in the form in which it will be administered to a patient, such as a tablet, capsule, solution, or topical application;

“(B) a drug product in a form in which reconstitution is necessary prior to administration to a patient, such as oral suspensions or lyophilized powders; or

“(C) any combination of an active pharmaceutical ingredient with another component

of a drug product for purposes of production of a drug product described in subparagraph (A) or (B).

“(7) The term ‘generic drug submission’ means an abbreviated new drug application, an amendment to an abbreviated new drug application, or a prior approval supplement to an abbreviated new drug application.

“(8) The term ‘human generic drug activities’ means the following activities of the Secretary associated with generic drugs and inspection of facilities associated with generic drugs:

“(A) The activities necessary for the review of generic drug submissions, including review of drug master files referenced in such submissions.

“(B) The issuance of—

“(i) approval letters which approve abbreviated new drug applications or supplements to such applications; or

“(ii) complete response letters which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The issuance of letters related to Type II active pharmaceutical drug master files which—

“(i) set forth in detail the specific deficiencies in such submissions, and where appropriate, the actions necessary to resolve those deficiencies; or

“(ii) document that no deficiencies need to be addressed.

“(D) Inspections related to generic drugs.

“(E) Monitoring of research conducted in connection with the review of generic drug submissions and drug master files.

“(F) Postmarket safety activities with respect to drugs approved under abbreviated new drug applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies) insofar as those activities relate to abbreviated new drug applications.

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(G) Regulatory science activities related to generic drugs.

“(9) The term ‘positron emission tomography drug’ has the meaning given to the term ‘compounded positron emission tomography drug’ in section 201(ii), except that paragraph (1)(B) of such section shall not apply.

“(10) The term ‘prior approval supplement’ means a request to the Secretary to approve a change in the drug substance, drug product, production process, quality controls, equipment, or facilities covered by an approved abbreviated new drug application when that change has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the drug product as these factors may relate to the safety or effectiveness of the drug product.

“(11) The term ‘resources allocated for human generic drug activities’ means the expenses for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers and employees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under subsection (a) and accounting for resources allocated for the review of abbreviated new drug applications and supplements and inspection related to generic drugs.

“(12) The term ‘Type II active pharmaceutical ingredient drug master file’ means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

“SEC. 744B. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) ONE-TIME BACKLOG FEE FOR ABBREVIATED NEW DRUG APPLICATIONS PENDING ON OCTOBER 1, 2012.—

“(A) IN GENERAL.—Each person that owns an abbreviated new drug application that is pending on October 1, 2012, and that has not received a tentative approval prior to that date, shall be subject to a fee for each such application, as calculated under subparagraph (B).

“(B) METHOD OF FEE AMOUNT CALCULATION.—The amount of each one-time backlog fee shall be calculated by dividing \$50,000,000 by the total number of abbreviated new drug applications pending on October 1, 2012, that have not received a tentative approval as of that date.

“(C) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fee required by subparagraph (A).

“(D) FEE DUE DATE.—The fee required by subparagraph (A) shall be due no later than 30 calendar days after the date of the publication of the notice specified in subparagraph (C).

“(2) DRUG MASTER FILE FEE.—

“(A) IN GENERAL.—Each person that owns a Type II active pharmaceutical ingredient drug master file that is referenced on or after October 1, 2012, in a generic drug submission by any initial letter of authorization shall be subject to a drug master file fee.

“(B) ONE-TIME PAYMENT.—If a person has paid a drug master file fee for a Type II active pharmaceutical ingredient drug master file, the person shall not be required to pay a subsequent drug master file fee when that Type II active pharmaceutical ingredient drug master file is subsequently referenced in generic drug submissions.

“(C) NOTICE.—

“(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the drug master file fee for fiscal year 2013.

“(ii) FISCAL YEAR 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the drug master file fee established by this paragraph for such fiscal year.

“(D) AVAILABILITY FOR REFERENCE.—

“(i) IN GENERAL.—Subject to subsection (g)(2)(C), for a generic drug submission to reference a Type II active pharmaceutical ingredient drug master file, the drug master file must be deemed available for reference by the Secretary.

“(ii) CONDITIONS.—A drug master file shall be deemed available for reference by the Secretary if—

“(I) the person that owns a Type II active pharmaceutical ingredient drug master file has paid the fee required under subparagraph (A) within 20 calendar days after the applicable due date under subparagraph (E); and

“(II) the drug master file has not failed an initial completeness assessment by the Secretary, in accordance with criteria to be published by the Secretary.

“(iii) LIST.—The Secretary shall make publicly available on the Internet Web site of the Food and Drug Administration a list of the drug master file numbers that correspond to drug master files that have successfully undergone an initial completeness assessment, in accordance with criteria to be published by the Secretary, and are available for reference.

“(E) FEE DUE DATE.—

“(i) IN GENERAL.—Subject to clause (ii), a drug master file fee shall be due no later than the date on which the first generic drug submission is submitted that references the associated Type II active pharmaceutical ingredient drug master file.

“(ii) LIMITATION.—No fee shall be due under subparagraph (A) for a fiscal year until the later of—

“(I) 30 calendar days after publication of the notice provided for in clause (i) or (ii) of subparagraph (C), as applicable; or

“(II) 30 calendar days after the date of enactment of an appropriations Act providing for the collection and obligation of fees under this section.

“(3) ABBREVIATED NEW DRUG APPLICATION AND PRIOR APPROVAL SUPPLEMENT FILING FEE.—

“(A) IN GENERAL.—Each applicant that submits, on or after October 1, 2012, an abbreviated new drug application or a prior approval supplement to an abbreviated new drug application shall be subject to a fee for each such submission in the amount established under subsection (d).

“(B) NOTICE.—

“(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

“(ii) FISCAL YEARS 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(C) FEE DUE DATE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the fees required by subparagraphs (A) and (F) shall be due no later than the date of submission of the abbreviated new drug application or prior approval supplement for which such fee applies.

“(ii) SPECIAL RULE FOR 2013.—For fiscal year 2013, such fees shall be due on the later of—

“(I) the date on which the fee is due under clause (i);

“(II) 30 calendar days after publication of the notice referred to in subparagraph (B)(i); or

“(III) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of submission of the application or prior approval supplement for which the fees under subparagraphs (A) and (F) apply, 30 calendar days after the date that such an appropriations Act is enacted.

“(D) REFUND OF FEE IF ABBREVIATED NEW DRUG APPLICATION IS NOT CONSIDERED TO HAVE BEEN RECEIVED.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any abbreviated new drug application or prior approval supplement to an abbreviated new drug application that the Secretary considers not to have been received within the meaning of section 505(j)(5)(A) for a cause other than failure to pay fees.

“(E) FEE FOR AN APPLICATION THE SECRETARY CONSIDERS NOT TO HAVE BEEN RECEIVED, OR THAT HAS BEEN WITHDRAWN.—An abbreviated new drug application or prior approval supplement that was submitted on or after October 1, 2012, and that the Secretary considers not to have been received, or that has been withdrawn, shall, upon resubmission of the application or a subsequent new submission following the applicant's withdrawal of the application, be subject to a full fee under subparagraph (A).

“(F) ADDITIONAL FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—An applicant that submits a generic drug submission on or after October 1, 2012, shall pay a fee, in the amount determined under subsection (d)(3), in addition to the fee required under subparagraph (A), if—

“(i) such submission contains information concerning the manufacture of an active pharmaceutical ingredient at a facility by means other than reference by a letter of authorization to a Type II active pharmaceutical drug master file; and

“(ii) a fee in the amount equal to the drug master file fee established in paragraph (2) has not been previously paid with respect to such information.

“(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

“(A) IN GENERAL.—Facilities identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce a finished dosage form of a human generic drug or an active pharmaceutical ingredient contained in a human generic drug shall be subject to fees as follows:

“(i) GENERIC DRUG FACILITY.—Each person that owns a facility which is identified or intended to be identified in at least one generic drug submission that is pending or approved to produce one or more finished dosage forms of a human generic drug shall be assessed an annual fee for each such facility.

“(ii) ACTIVE PHARMACEUTICAL INGREDIENT FACILITY.—Each person that owns a facility which produces, or which is pending review to produce, one or more active pharmaceutical ingredients identified, or intended to be identified, in at least one generic drug submission that is pending or approved or in a Type II active pharmaceutical ingredient drug master file referenced in such a generic drug submission, shall be assessed an annual fee for each such facility.

“(iii) FACILITIES PRODUCING BOTH ACTIVE PHARMACEUTICAL INGREDIENTS AND FINISHED DOSAGE FORMS.—Each person that owns a facility identified, or intended to be identified, in at least one generic drug submission that

is pending or approved to produce both one or more finished dosage forms subject to clause (i) and one or more active pharmaceutical ingredients subject to clause (ii) shall be subject to fees under both such clauses for that facility.

“(B) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

“(C) NOTICE.—

“(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(1)(B).

“(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(D) FEE DUE DATE.—

“(i) FISCAL YEAR 2013.—For fiscal year 2013, the fees under subparagraph (A) shall be due on the later of—

“(I) not later than 45 days after the publication of the notice under subparagraph (B); or

“(II) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of the publication of such notice, 30 days after the date that such an appropriations Act is enacted.

“(ii) FISCAL YEARS 2014 THROUGH 2017.—For each of fiscal years 2014 through 2017, the fees under subparagraph (A) for such fiscal year shall be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

“(5) DATE OF SUBMISSION.—For purposes of this Act, a generic drug submission or Type II pharmaceutical master file is deemed to be ‘submitted’ to the Food and Drug Administration—

“(A) if it is submitted via a Food and Drug Administration electronic gateway, on the day when transmission to that electronic gateway is completed, except that a submission or master file that arrives on a weekend, Federal holiday, or day when the Food and Drug Administration office that will review that submission is not otherwise open for business shall be deemed to be submitted on the next day when that office is open for business; or

“(B) if it is submitted in physical media form, on the day it arrives at the appropriate designated document room of the Food and Drug Administration.

“(b) FEE REVENUE AMOUNTS.—

“(1) IN GENERAL.—

“(A) FISCAL YEAR 2013.—For fiscal year 2013, fees under subsection (a) shall be established to generate a total estimated revenue amount under such subsection of \$299,000,000. Of that amount—

“(i) \$50,000,000 shall be generated by the one-time backlog fee for generic drug applications pending on October 1, 2012, established in subsection (a)(1); and

“(ii) \$249,000,000 shall be generated by the fees under paragraphs (2) through (4) of subsection (a).

“(B) FISCAL YEARS 2014 THROUGH 2017.—For each of the fiscal years 2014 through 2017, fees under paragraphs (2) through (4) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to \$299,000,000, as adjusted pursuant to subsection (c).

“(2) TYPES OF FEES.—In establishing fees under paragraph (1) to generate the revenue amounts specified in paragraph (1)(A)(ii) for fiscal year 2013 and paragraph (1)(B) for each of fiscal years 2014 through 2017, such fees shall be derived from the fees under paragraphs (2) through (4) of subsection (a) as follows:

“(A) 6 percent shall be derived from fees under subsection (a)(2) (relating to drug master files).

“(B) 24 percent shall be derived from fees under subsection (a)(3) (relating to abbreviated new drug applications and supplements). The amount of a fee for a prior approval supplement shall be half the amount of the fee for an abbreviated new drug application.

“(C) 56 percent shall be derived from fees under subsection (a)(4)(A)(i) (relating to generic drug facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States, including its territories and possessions, and those located outside of the United States and its territories and possessions.

“(D) 14 percent shall be derived from fees under subsection (a)(4)(A)(ii) (relating to active pharmaceutical ingredient facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States, including its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States and its territories and possessions and those located outside of the United States and its territories and possessions.

“(c) ADJUSTMENTS.—

“(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year, by an amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years multiplied by the proportion of personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years; and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this subsection.

“(2) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for human generic drug activities for the first 3 months of fiscal year 2018. Such fees may only be used in fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such activities in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

“(d) ANNUAL FEE SETTING.—

“(1) FISCAL YEAR 2013.—For fiscal year 2013—

“(A) the Secretary shall establish, by October 31, 2012, the one-time generic drug backlog fee for generic drug applications pending on October 1, 2012, the drug master file fee, the abbreviated new drug application fee, and the prior approval supplement fee under subsection (a), based on the revenue amounts established under subsection (b); and

“(B) the Secretary shall establish, not later than 45 days after the date to comply with the requirement for identification of facilities in subsection (f)(2), the generic drug facility fee and active pharmaceutical ingredient facility fee under subsection (a) based on the revenue amounts established under subsection (b).

“(2) FISCAL YEARS 2014 THROUGH 2017.—Not more than 60 days before the first day of each of fiscal years 2014 through 2017, the Secretary shall establish the drug master file fee, the abbreviated new drug application fee, the prior approval supplement fee, the generic drug facility fee, and the active pharmaceutical ingredient facility fee under subsection (a) for such fiscal year, based on the revenue amounts established under subsection (b) and the adjustments provided under subsection (c).

“(3) FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—In establishing the fees under paragraphs (1) and (2), the amount of the fee under subsection (a)(3)(F) shall be determined by multiplying—

“(A) the sum of—

“(i) the total number of such active pharmaceutical ingredients in such submission; and

“(ii) for each such ingredient that is manufactured at more than one such facility, the total number of such additional facilities; and

“(B) the amount equal to the drug master file fee established in subsection (a)(2) for such submission.

“(e) LIMIT.—The total amount of fees charged, as adjusted under subsection (c), for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for human generic drug activities.

“(f) IDENTIFICATION OF FACILITIES.—

“(1) PUBLICATION OF NOTICE; DEADLINE FOR COMPLIANCE.—Not later than October 1, 2012, the Secretary shall publish in the Federal Register a notice requiring each person that owns a facility described in subsection (a)(4)(A), or a site or organization required to be identified by paragraph (4), to submit to the Secretary information on the identity of each such facility, site, or organization. The

notice required by this paragraph shall specify the type of information to be submitted and the means and format for submission of such information.

“(2) REQUIRED SUBMISSION OF FACILITY IDENTIFICATION.—Each person that owns a facility described in subsection (a)(4)(A) or a site or organization required to be identified by paragraph (4) shall submit to the Secretary the information required under this subsection each year. Such information shall—

“(A) for fiscal year 2013, be submitted not later than 60 days after the publication of the notice under paragraph (1); and

“(B) for each subsequent fiscal year, be submitted, updated, or reconfirmed on or before June 1 of the previous year.

“(3) CONTENTS OF NOTICE.—At a minimum, the submission required by paragraph (2) shall include for each such facility—

“(A) identification of a facility identified or intended to be identified in an approved or pending generic drug submission;

“(B) whether the facility manufactures active pharmaceutical ingredients or finished dosage forms, or both;

“(C) whether or not the facility is located within the United States and its territories and possessions;

“(D) whether the facility manufactures positron emission tomography drugs solely, or in addition to other drugs; and

“(E) whether the facility manufactures drugs that are not generic drugs.

“(4) CERTAIN SITES AND ORGANIZATIONS.—

“(A) IN GENERAL.—Any person that owns or operates a site or organization described in subparagraph (B) shall submit to the Secretary information concerning the ownership, name, and address of the site or organization.

“(B) SITES AND ORGANIZATIONS.—A site or organization is described in this subparagraph if it is identified in a generic drug submission and is—

“(i) a site in which a bioanalytical study is conducted;

“(ii) a clinical research organization;

“(iii) a contract analytical testing site; or

“(iv) a contract repackager site.

“(C) NOTICE.—The Secretary may, by notice published in the Federal Register, specify the means and format for submission of the information under subparagraph (A) and may specify, as necessary for purposes of this section, any additional information to be submitted.

“(D) INSPECTION AUTHORITY.—The Secretary's inspection authority under section 704(a)(1) shall extend to all such sites and organizations.

“(g) EFFECT OF FAILURE TO PAY FEES.—

“(1) GENERIC DRUG BACKLOG FEE.—Failure to pay the fee under subsection (a)(1) shall result in the Secretary placing the person that owns the abbreviated new drug application subject to that fee on an arrears list, such that no new abbreviated new drug applications or supplement submitted on or after October 1, 2012, from that person, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(2) DRUG MASTER FILE FEE.—

“(A) Failure to pay the fee under subsection (a)(2) within 20 calendar days after the applicable due date under subparagraph (E) of such subsection (as described in subsection (a)(2)(D)(ii)(I)) shall result in the Type II active pharmaceutical ingredient drug master file not being deemed available for reference.

“(B)(i) Any generic drug submission submitted on or after October 1, 2012, that ref-

erences, by a letter of authorization, a Type II active pharmaceutical ingredient drug master file that has not been deemed available for reference shall not be received within the meaning of section 505(j)(5)(A) unless the condition specified in clause (ii) is met.

“(ii) The condition specified in this clause is that the fee established under subsection (a)(2) has been paid within 20 calendar days of the Secretary providing the notification to the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the drug master file fee as specified in subparagraph (C).

“(C)(i) If an abbreviated new drug application or supplement to an abbreviated new drug application references a Type II active pharmaceutical ingredient drug master file for which a fee under subsection (a)(2)(A) has not been paid by the applicable date under subsection (a)(2)(E), the Secretary shall notify the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the applicable fee.

“(ii) If such fee is not paid within 20 calendar days of the Secretary providing the notification, the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of 505(j)(5)(A).

“(3) ABBREVIATED NEW DRUG APPLICATION FEE AND PRIOR APPROVAL SUPPLEMENT FEE.—Failure to pay a fee under subparagraph (A) or (F) of subsection (a)(3) within 20 calendar days of the applicable due date under subparagraph (C) of such subsection shall result in the abbreviated new drug application or the prior approval supplement to an abbreviated new drug application not being received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

“(A) IN GENERAL.—Failure to pay the fee under subsection (a)(4) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

“(i) The Secretary shall place the facility on a publicly available arrears list, such that no new abbreviated new drug application or supplement submitted on or after October 1, 2012, from the person that is responsible for paying such fee, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A).

“(ii) Any new generic drug submission submitted on or after October 1, 2012, that references such a facility shall not be received, within the meaning of section 505(j)(5)(A) if the outstanding facility fee is not paid within 20 calendar days of the Secretary providing the notification to the sponsor of the failure of the owner of the facility to pay the facility fee under subsection (a)(4)(C).

“(iii) All drugs or active pharmaceutical ingredients manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(aa).

“(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(4) is paid or the facility is removed from all generic drug submissions that refer to the facility.

“(C) NONRECEIVAL FOR NONPAYMENT.—

“(i) NOTICE.—If an abbreviated new drug application or supplement to an abbreviated new drug application submitted on or after

October 1, 2012, references a facility for which a facility fee has not been paid by the applicable date under subsection (a)(4)(C), the Secretary shall notify the sponsor of the generic drug submission of the failure of the owner of the facility to pay the facility fee.

“(ii) NONRECEIVAL.—If the facility fee is not paid within 20 calendar days of the Secretary providing the notification under clause (i), the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of section 505(j)(5)(A).

“(h) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2012, unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor (as defined in section 744A) applicable to the fiscal year involved.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for Type II active pharmaceutical ingredient drug master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(i) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for human generic drug activities.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—The fees authorized by this section—

“(i) subject to subparagraphs (C) and (D), shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

“(ii) shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of human generic drug activities (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$97,000,000 multiplied by the adjustment factor, as defined in section 744A(3), applicable to the fiscal year involved.

“(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of

subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for human generic activities are not more than 10 percent below the level specified in such subparagraph.

“(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013 for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013, may be collected and shall be credited to such account and remain available until expended.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted under subsection (c), if applicable, or as otherwise affected under paragraph (2) of this subsection.

“(j) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(k) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in human generic drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

“(l) POSITRON EMISSION TOMOGRAPHY DRUGS.—

“(1) EXEMPTION FROM FEES.—Submission of an application for a positron emission tomography drug or active pharmaceutical ingredient for a positron emission tomography drug shall not require the payment of any fee under this section. Facilities that solely produce positron emission tomography drugs shall not be required to pay a facility fee as established in subsection (a)(4).

“(2) IDENTIFICATION REQUIREMENT.—Facilities that produce positron emission tomography drugs or active pharmaceutical ingredients of such drugs are required to be identified pursuant to subsection (f).

“(m) DISPUTES CONCERNING FEES.—To qualify for the return of a fee claimed to have been paid in error under this section, a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid.

“(n) SUBSTANTIALLY COMPLETE APPLICATIONS.—An abbreviated new drug application that is not considered to be received within the meaning of section 505(j)(5)(A) because of failure to pay an applicable fee under this provision within the time period specified in subsection (g) shall be deemed not to have been ‘substantially complete’ on the date of its submission within the meaning of section 505(j)(5)(B)(iv)(II)(cc). An abbreviated new drug application that is not substantially complete on the date of its submission solely because of failure to pay an applicable fee under the preceding sentence shall be deemed substantially complete and received

within the meaning of section 505(j)(5)(A) as of the date such applicable fee is received.”.

SEC. 303. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 7 of subchapter C of chapter VII, as added by section 302 of this Act, is amended by inserting after section 744B the following:

“SEC. 744C. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

“(b) FISCAL REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for human generic drug activities for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the generic drug industry.

“(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the generic drug industry on the reauthorization of this part, the Secretary shall—

“(A) publish a notice in the Federal Register requesting public input on the reauthorization;

“(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

“(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

“(D) publish the comments on the Food and Drug Administration’s Internet Web site.

“(3) PERIODIC CONSULTATION.—Not less frequently than once every month during negotiations with the generic drug industry, the Secretary shall hold discussions with rep-

resentatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

“(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the generic drug industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

“(6) MINUTES OF NEGOTIATION MEETINGS.—

“(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the generic drug industry.

“(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.”.

SEC. 304. SUNSET DATES.

(a) AUTHORIZATION.—The amendments made by section 302 cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—The amendments made by section 303 cease to be effective January 31, 2018.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this title, whichever is later, except that fees under section 302 shall be assessed for all human generic drug submissions and Type II active pharmaceutical drug master files received on or after October 1, 2012, regardless of the date of enactment of this title.

SEC. 306. AMENDMENT WITH RESPECT TO MISBRANDING.

Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

“(aa) If it is a drug, or an active pharmaceutical ingredient, and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744A(a)(4) or for which identifying information required by section 744B(f) has not been submitted, or it contains an active pharmaceutical ingredient that was manufactured, prepared, propagated, compounded, or processed in such a facility.”.

SEC. 307. STREAMLINED HIRING AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION TO SUPPORT ACTIVITIES RELATED TO HUMAN GENERIC DRUGS.

Section 714 of the Federal Food, Drug, and Cosmetic Act, as added by section 208, is amended—

(1) in subsection (b)—

(A) by striking “are activities” and inserting “are—

“(1) activities”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(2) activities under this Act related to human generic drug activities (as defined in section 744A).”;

(2) by amending subsection (c) to read as follows:

“(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are—

“(1) with respect to the activities under subsection (b)(1), the goals referred to in section 738A(a)(1); and

“(2) with respect to the activities under subsection (b)(2), the performance goals with respect to section 744A (regarding assessment and use of human generic drug fees), as set forth in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012.”.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 401. SHORT TITLE; FINDING.

(a) **SHORT TITLE.**—This title may be cited as the “Biosimilar User Fee Act of 2012”.

(b) **FINDING.**—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 402. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after part 7, as added by title III of this Act, the following:

“PART 8—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

“SEC. 744G. DEFINITIONS.

“For purposes of this part:

“(1) The term ‘adjustment factor’ applicable to a fiscal year that is the Consumer Price Index for all urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items) of the preceding fiscal year divided by such Index for September 2011.

“(2) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(3) The term ‘biosimilar biological product’ means a product for which a biosimilar biological product application has been approved.

“(4)(A) Subject to subparagraph (B), the term ‘biosimilar biological product applica-

tion’ means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.

“(B) Such term does not include—

“(i) a supplement to such an application;

“(ii) an application filed under section 351(k) of the Public Health Service Act that cites as the reference product a bovine blood product for topical application licensed before September 1, 1992, or a large volume parenteral drug product approved before such date;

“(iii) an application filed under section 351(k) of the Public Health Service Act with respect to—

“(I) whole blood or a blood component for transfusion;

“(II) an allergenic extract product;

“(III) an in vitro diagnostic biological product; or

“(IV) a biological product for further manufacturing use only; or

“(iv) an application for licensure under section 351(k) of the Public Health Service Act that is submitted by a State or Federal Government entity for a product that is not distributed commercially.

“(5) The term ‘biosimilar biological product development meeting’ means any meeting, other than a biosimilar initial advisory meeting, regarding the content of a development program, including a proposed design for, or data from, a study intended to support a biosimilar biological product application.

“(6) The term ‘biosimilar biological product development program’ means the program under this part for expediting the process for the review of submissions in connection with biosimilar biological product development.

“(7)(A) The term ‘biosimilar biological product establishment’ means a foreign or domestic place of business—

“(i) that is at one general physical location consisting of one or more buildings, all of which are within five miles of each other; and

“(ii) at which one or more biosimilar biological products are manufactured in final dosage form.

“(B) For purposes of subparagraph (A)(ii), the term ‘manufactured’ does not include packaging.

“(8) The term ‘biosimilar initial advisory meeting’—

“(A) means a meeting, if requested, that is limited to—

“(i) a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product; and

“(ii) if so, general advice on the expected content of the development program; and

“(B) does not include any meeting that involves substantive review of summary data or full study reports.

“(9) The term ‘costs of resources allocated for the process for the review of biosimilar biological product applications’ means the expenses in connection with the process for the review of biosimilar biological product applications for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers employees and committees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, mainte-

nance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under section 744H and accounting for resources allocated for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(10) The term ‘final dosage form’ means, with respect to a biosimilar biological product, a finished dosage form which is approved for administration to a patient without substantial further manufacturing (such as lyophilized products before reconstitution).

“(11) The term ‘financial hold’—

“(A) means an order issued by the Secretary to prohibit the sponsor of a clinical investigation from continuing the investigation if the Secretary determines that the investigation is intended to support a biosimilar biological product application and the sponsor has failed to pay any fee for the product required under subparagraph (A), (B), or (D) of section 744H(a)(1); and

“(B) does not mean that any of the bases for a ‘clinical hold’ under section 505(i)(3) have been determined by the Secretary to exist concerning the investigation.

“(12) The term ‘person’ includes an affiliate of such person.

“(13) The term ‘process for the review of biosimilar biological product applications’ means the following activities of the Secretary with respect to the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements:

“(A) The activities necessary for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(B) Actions related to submissions in connection with biosimilar biological product development, the issuance of action letters which approve biosimilar biological product applications or which set forth in detail the specific deficiencies in such applications, and where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The inspection of biosimilar biological product establishments and other facilities undertaken as part of the Secretary’s review of pending biosimilar biological product applications and supplements.

“(D) Activities necessary for the release of lots of biosimilar biological products under section 351(k) of the Public Health Service Act.

“(E) Monitoring of research conducted in connection with the review of biosimilar biological product applications.

“(F) Postmarket safety activities with respect to biologics approved under biosimilar biological product applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on biosimilar biological products, including adverse-event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(14) The term ‘supplement’ means a request to the Secretary to approve a change in a biosimilar biological product application which has been approved, including a supplement requesting that the Secretary determine that the biosimilar biological product meets the standards for interchangeability described in section 351(k)(4) of the Public Health Service Act.

“SEC. 744H. AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—Each person that submits to the Secretary a meeting request described under clause (ii) or a clinical protocol for an investigational new drug protocol described under clause (iii) shall pay for the product named in the meeting request or the investigational new drug application the initial biosimilar biological product development fee established under subsection (b)(1)(A).

“(ii) MEETING REQUEST.—The meeting request described in this clause is a request for a biosimilar biological product development meeting for a product.

“(iii) CLINICAL PROTOCOL FOR IND.—A clinical protocol for an investigational new drug protocol described in this clause is a clinical protocol consistent with the provisions of section 505(i), including any regulations promulgated under section 505(i), (referred to in this section as ‘investigational new drug application’) describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for a product.

“(iv) DUE DATE.—The initial biosimilar biological product development fee shall be due by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(II) The date of submission of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application.

“(v) TRANSITION RULE.—Each person that has submitted an investigational new drug application prior to the date of enactment of the Biosimilars User Fee Act of 2012 shall pay the initial biosimilar biological product development fee by the earlier of the following:

“(I) Not later than 60 days after the date of the enactment of the Biosimilars User Fee Act of 2012, if the Secretary determines that the investigational new drug application describes an investigation that is intended to support a biosimilar biological product application.

“(II) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—A person that pays an initial biosimilar biological product development fee for a product shall pay for such product, beginning in the fiscal year following the fiscal year in which the initial biosimilar biological product development

fee was paid, an annual fee established under subsection (b)(1)(B) for biosimilar biological product development (referred to in this section as ‘annual biosimilar biological product development fee’).

“(ii) DUE DATE.—The annual biosimilar biological product development program fee for each fiscal year will be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

“(iii) EXCEPTION.—The annual biosimilar development program fee for each fiscal year will be due on the date specified in clause (ii), unless the person has—

“(I) submitted a marketing application for the biological product that was accepted for filing; or

“(II) discontinued participation in the biosimilar biological product development program for the product under subparagraph (C).

“(C) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product effective October 1 of a fiscal year by, not later than August 1 of the preceding fiscal year—

“(i) if no investigational new drug application concerning the product has been submitted, submitting to the Secretary a written declaration that the person has no present intention of further developing the product as a biosimilar biological product; or

“(ii) if an investigational new drug application concerning the product has been submitted, by withdrawing the investigational new drug application in accordance with part 312 of title 21, Code of Federal Regulations (or any successor regulations).

“(D) REACTIVATION FEE.—

“(i) IN GENERAL.—A person that has discontinued participation in the biosimilar biological product development program for a product under subparagraph (C) shall pay a fee (referred to in this section as ‘reactivation fee’) by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued).

“(II) Upon the date of submission (after the date on which such participation was discontinued) of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product.

“(ii) APPLICATION OF ANNUAL FEE.—A person that pays a reactivation fee for a product shall pay for such product, beginning in the next fiscal year, the annual biosimilar biological product development fee under subparagraph (B).

“(E) EFFECT OF FAILURE TO PAY BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT MEETINGS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), the Secretary shall not provide a biosimilar biological product development meeting relating to the product for which fees are owed.

“(ii) NO RECEIPT OF INVESTIGATIONAL NEW DRUG APPLICATIONS.—Except in extraordinary circumstances, the Secretary shall

not consider an investigational new drug application to have been received under section 505(i)(2) if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D).

“(iii) FINANCIAL HOLD.—Notwithstanding section 505(i)(2), except in extraordinary circumstances, the Secretary shall prohibit the sponsor of a clinical investigation from continuing the investigation if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee for the product as required under subparagraph (D).

“(iv) NO ACCEPTANCE OF BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS OR SUPPLEMENTS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), any biosimilar biological product application or supplement submitted by that person shall be considered incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

“(F) LIMITS REGARDING BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO REFUNDS.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) or (B), or any reactivation fee paid under subparagraph (D).

“(ii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any initial or annual biosimilar biological product development fee due or payable under subparagraph (A) or (B), or any reactivation fee due or payable under subparagraph (D).

“(2) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION AND SUPPLEMENT FEE.—

“(A) IN GENERAL.—Each person that submits, on or after October 1, 2012, a biosimilar biological product application or a supplement shall be subject to the following fees:

“(i) A fee for a biosimilar biological product application that is equal to—

“(I) the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for the product that is the subject of the application.

“(ii) A fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are not required, that is equal to—

“(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(iii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application.

“(B) REDUCTION IN FEES.—Notwithstanding section 404 of the Biosimilars User Fee Act of 2012, any person who pays a fee under subparagraph (A), (B), or (D) of paragraph (1) for a product before October 1, 2017, but submits a biosimilar biological product application for that product after such date, shall be entitled to the reduction of any biosimilar biological product application fees that may be assessed at the time when such biosimilar biological product application is submitted, by the cumulative amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(C) PAYMENT DUE DATE.—Any fee required by subparagraph (A) shall be due upon submission of the application or supplement for which such fee applies.

“(D) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a biosimilar biological product application or supplement was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver), the submission of a biosimilar biological product application or a supplement for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

“(E) REFUND OF APPLICATION FEE IF APPLICATION REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under this paragraph for any application or supplement which is refused for filing or withdrawn without a waiver before filing.

“(F) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A biosimilar biological product application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived under subsection (c).

“(3) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—

“(A) IN GENERAL.—Except as provided in subparagraph (E), each person that is named as the applicant in a biosimilar biological product application shall be assessed an annual fee established under subsection (b)(1)(E) for each biosimilar biological product establishment that is listed in the approved biosimilar biological product application as an establishment that manufactures the biosimilar biological product named in such application.

“(B) ASSESSMENT IN FISCAL YEARS.—The establishment fee shall be assessed in each fiscal year for which the biosimilar biological product named in the application is assessed a fee under paragraph (4) unless the biosimilar biological product establishment listed in the application does not engage in the manufacture of the biosimilar biological product during such fiscal year.

“(C) DUE DATE.—The establishment fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of such fiscal year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.

“(D) APPLICATION TO ESTABLISHMENT.—

“(i) Each biosimilar biological product establishment shall be assessed only one fee per biosimilar biological product establishment, notwithstanding the number of biosimilar biological products manufactured at the establishment, subject to clause (ii).

“(ii) In the event an establishment is listed in a biosimilar biological product application by more than one applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose biosimilar biological products are manufactured by the establishment during the fiscal year and assessed biosimilar biological product fees under paragraph (4).

“(E) EXCEPTION FOR NEW PRODUCTS.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a biosimilar biological product at an establishment listed in its biosimilar biological product application—

“(i) that did not manufacture the biosimilar biological product in the previous fiscal year; and

“(ii) for which the full biosimilar biological product establishment fee has been assessed in the fiscal year at a time before manufacture of the biosimilar biological product was begun,

the applicant shall not be assessed a share of the biosimilar biological product establishment fee for the fiscal year in which the manufacture of the product began.

“(4) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—

“(A) IN GENERAL.—Each person who is named as the applicant in a biosimilar biological product application shall pay for each such biosimilar biological product the annual fee established under subsection (b)(1)(F).

“(B) DUE DATE.—The biosimilar biological product fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of each such year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

“(C) ONE FEE PER PRODUCT PER YEAR.—The biosimilar biological product fee shall be paid only once for each product for each fiscal year.

“(b) FEE SETTING AND AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, the fees under subsection (a). Except as provided in subsection (c), such fees shall be in the following amounts:

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The initial biosimilar biological product development fee under subsection (a)(1)(A) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The annual biosimilar biological product development fee under subsection (a)(1)(B) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(C) REACTIVATION FEE.—The reactivation fee under subsection (a)(1)(D) for a fiscal year shall be equal to 20 percent of the amount of the fee established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(D) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—The biosimilar biological product application fee under subsection (a)(2) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(E) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—The biosimilar biological product establishment fee under subsection (a)(3) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug establishment for that fiscal year.

“(F) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—The biosimilar biological product fee under subsection (a)(4) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug product for that fiscal year.

“(2) LIMIT.—The total amount of fees charged for a fiscal year under this section may not exceed the total amount for such fiscal year of the costs of resources allocated for the process for the review of biosimilar biological product applications.

“(c) APPLICATION FEE WAIVER FOR SMALL BUSINESS.—

“(1) WAIVER OF APPLICATION FEE.—The Secretary shall grant to a person who is named in a biosimilar biological product application a waiver from the application fee assessed to that person under subsection (a)(2)(A) for the first biosimilar biological product application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

“(A) application fees for all subsequent biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business; and

“(B) all supplement fees for all supplements to biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business.

“(2) CONSIDERATIONS.—In determining whether to grant a waiver of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant.

“(3) SMALL BUSINESS DEFINED.—In this subsection, the term ‘small business’ means an entity that has fewer than 500 employees, including employees of affiliates, and does not have a drug product that has been approved under a human drug application (as defined in section 735) or a biosimilar biological product application (as defined in section 744G(4)) and introduced or delivered for introduction into interstate commerce.

“(d) EFFECT OF FAILURE TO PAY FEES.—A biosimilar biological product application or supplement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

“(e) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Subject to paragraph (2), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of biosimilar biological product applications.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year.

“(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of the process for the review of biosimilar biological product applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$20,000,000, multiplied by the adjustment factor applicable to the fiscal year involved.

“(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013, for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013 may be collected and shall be credited to such account and remain available until expended.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total amount of fees assessed for such fiscal year under this section.

“(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) WRITTEN REQUESTS FOR WAIVERS AND REFUNDS.—To qualify for consideration for a waiver under subsection (c), or for a refund of any fee collected in accordance with subsection (a)(2)(A), a person shall submit to the Secretary a written request for such waiver or refund not later than 180 days after such fee is due.

“(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in the process of the review of biosimilar biological product applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.”.

SEC. 403. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 8 of subchapter C of chapter VII, as added by section 402, is further amended by inserting after section 744H the following:

“SEC. 744I. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of

the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 401(b) of the Biosimilar User Fee Act of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all biosimilar biological product applications and supplements in the cohort.

“(b) FISCAL REPORT.—Not later than 120 days after the end of fiscal year 2013 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) STUDY.—

“(1) IN GENERAL.—The Secretary shall contract with an independent accounting or consulting firm to study the workload volume and full costs associated with the process for the review of biosimilar biological product applications.

“(2) INTERIM RESULTS.—Not later than June 1, 2015, the Secretary shall publish, for public comment, interim results of the study described under paragraph (1).

“(3) FINAL RESULTS.—Not later than September 30, 2016, the Secretary shall publish, for public comment, the final results of the study described under paragraph (1).

“(e) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for the process for the review of biosimilar biological product applications for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the regulated industry.

“(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Sec-

retary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.”.

SEC. 404. SUNSET DATES.

(a) AUTHORIZATION.—The amendment made by section 402 shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—The amendment made by section 403 shall cease to be effective January 31, 2018.

SEC. 405. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this title shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this title.

(b) EXCEPTION.—Fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as added by this title, shall be assessed for all biosimilar biological product applications received on or after October 1, 2012, regardless of the date of the enactment of this title.

SEC. 406. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2007, but before October 1, 2012, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 407. CONFORMING AMENDMENT.

Section 735(1)(B) (21 U.S.C. 379g(1)(B)) is amended by striking “or (k)”.

TITLE V—PEDIATRIC DRUGS AND DEVICES

SEC. 501. PERMANENCE.

(a) PEDIATRIC STUDIES OF DRUGS.—Subsection (q) of section 505A (21 U.S.C. 355a) is amended—

(1) in the subsection heading, by striking “SUNSET” and inserting “PERMANENCE”;

(2) in paragraph (1), by striking “on or before October 1, 2012,”; and

(3) in paragraph (2), by striking “on or before October 1, 2012,”.

(b) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.—Section 505B (21 U.S.C. 355c) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

SEC. 502. WRITTEN REQUESTS.

(a) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subsection (h) of section 505A (21 U.S.C. 355a) is amended to read as follows:

“(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Exclusivity under this section shall only be granted for the completion of a study or studies that are the subject of a written request and for which reports are submitted and accepted in accordance with subsection (d)(3). Written requests under this section may consist of a study or studies required under section 505B.”.

(b) PUBLIC HEALTH SERVICE ACT.—Section 351(m)(1) of the Public Health Service Act (42 U.S.C. 262(m)(1)) is amended by striking “(f), (i), (j), (k), (l), (p), and (q)” and inserting “(f), (h), (i), (j), (k), (l), (n), and (p)”.

SEC. 503. COMMUNICATION WITH PEDIATRIC REVIEW COMMITTEE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health

and Human Services (referred to in this title as the "Secretary") shall issue internal standard operating procedures that provide for the review by the internal review committee established under section 505C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355d) of any significant modifications to initial pediatric study plans, agreed initial pediatric study plans, and written requests under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c). Such internal standard operating procedures shall be made publicly available on the Internet website of the Food and Drug Administration.

SEC. 504. ACCESS TO DATA.

Not later than 3 years after the date of enactment of this Act, the Secretary shall make available to the public, including through posting on the Internet website of the Food and Drug Administration, the medical, statistical, and clinical pharmacology reviews of, and corresponding written requests issued to an applicant, sponsor, or holder for, pediatric studies submitted between January 4, 2002 and September 27, 2007 under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) for which 6 months of market exclusivity was granted and that resulted in a labeling change. The Secretary shall make public the information described in the preceding sentence in a manner consistent with how the Secretary releases information under section 505A(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(k)).

SEC. 505. ENSURING THE COMPLETION OF PEDIATRIC STUDIES.

(a) EXTENSION OF DEADLINE FOR DEFERRED STUDIES.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

“(B) DEFERRAL EXTENSION.—

“(i) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may grant an extension of a deferral approved under subparagraph (A) for submission of some or all assessments required under paragraph (1) if—

“(I) the Secretary determines that the conditions described in subclause (II) or (III) of subparagraph (A)(i) continue to be met; and

“(II) the applicant submits a new timeline under subparagraph (A)(ii)(IV) and any significant updates to the information required under subparagraph (A)(ii).

“(ii) TIMING AND INFORMATION.—If the deferral extension under this subparagraph is requested by the applicant, the applicant shall submit the deferral extension request containing the information described in this subparagraph not less than 90 days prior to the date that the deferral would expire. The Secretary shall respond to such request not later than 45 days after the receipt of such letter. If the Secretary grants such an extension, the specified date shall be the extended date. The sponsor of the required assessment under paragraph (1) shall not be issued a letter described in subsection (d) unless the specified or extended date of submission for such required studies has passed or if the request for an extension is pending. For a deferral that has expired prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act or that will expire prior to 270 days after the date of enactment of such Act, a deferral extension shall be requested by an applicant not later than 180 days after the date of enactment of

such Act. The Secretary shall respond to any such request as soon as practicable, but not later than 1 year after the date of enactment of such Act. Nothing in this clause shall prevent the Secretary from updating the status of a study or studies publicly if components of such study or studies are late or delayed.”; and

(C) in subparagraph (C), as so redesignated—

(i) in clause (i), by adding at the end the following:

“(III) Projected completion date for pediatric studies.

“(IV) The reason or reasons why a deferral or deferral extension continues to be necessary.”; and

(ii) in clause (ii)—

(I) by inserting “, as well as the date of each deferral or deferral extension, as applicable,” after “clause (i)”;

(II) by inserting “not later than 90 days after submission to the Secretary or with the next routine quarterly update” after “Administration”; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS”;

(B) in paragraph (1), by inserting “, deferral extension,” after “deferral”;

(C) in paragraph (4)—

(i) in the paragraph heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS”;

(ii) by inserting “, deferral extensions,” after “deferrals”.

(b) TRACKING OF EXTENSIONS; ANNUAL INFORMATION.—Section 505B(f)(6)(D) (21 U.S.C. 355c(f)(6)(D)) is amended to read as follows:

“(D) aggregated on an annual basis—

“(i) the total number of deferrals and deferral extensions requested and granted under this section and, if granted, the reasons for each such deferral or deferral extension;

“(ii) the timeline for completion of the assessments; and

“(iii) the number of assessments completed and pending.”;

(c) ACTION ON FAILURE TO COMPLETE STUDIES.—

(1) ISSUANCE OF LETTER.—Subsection (d) of section 505B (21 U.S.C. 355c) is amended to read as follows:

“(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit a required assessment described in subsection (a)(2), fails to meet the applicable requirements in subsection (a)(3), or fails to submit a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b), the following shall apply:

“(1) Beginning 270 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall issue a non-compliance letter to such person informing them of such failure to submit or meet the requirements of the applicable subsection. Such letter shall require the person to respond in writing within 45 calendar days of issuance of such letter. Such response may include the person's request for a deferral extension if applicable. Such letter and the person's written response to such letter shall be made publicly available on the Internet Web site of the Food and Drug Administration 60 calendar days after issuance, with redactions for any trade secrets and confidential commercial information. If the Secretary determines that the letter was issued in error, the requirements of this paragraph shall not apply.

“(2) The drug or biological product that is the subject of an assessment described in subsection (a)(2), applicable requirements in subsection (a)(3), or request for approval of a pediatric formulation, may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303), but such failure shall not be the basis for a proceeding—

“(A) to withdraw approval for a drug under section 505(e); or

“(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.”.

(2) TRACKING OF LETTERS ISSUED.—Subparagraph (D) of section 505B(f)(6) (21 U.S.C. 355c(f)(6)), as amended by subsection (b), is further amended—

(A) in clause (ii), by striking “; and” and inserting a semicolon;

(B) in clause (iii), by adding “and” at the end; and

(C) by adding at the end the following:

“(iv) the number of postmarket non-compliance letters issued pursuant to subsection (d), and the recipients of such letters.”.

SEC. 506. PEDIATRIC STUDY PLANS.

(a) IN GENERAL.—Subsection (e) of section 505B (21 U.S.C. 355c) is amended to read as follows:

“(e) PEDIATRIC STUDY PLANS.—

“(1) IN GENERAL.—An applicant subject to subsection (a) shall submit to the Secretary an initial pediatric study plan prior to the submission of the assessments described under subsection (a)(2).

“(2) TIMING; CONTENT; MEETING.—

“(A) TIMING.—An applicant shall submit an initial pediatric study plan to the Secretary not later than 60 calendar days after the date of the end of phase II meeting or such other equivalent time agreed upon between the Secretary and the applicant. Nothing in this paragraph shall preclude the Secretary from accepting the submission of an initial pediatric study plan earlier than the date described under the preceding sentence.

“(B) CONTENT OF INITIAL PLAN.—The initial pediatric study plan shall include—

“(i) an outline of the pediatric study or studies that the applicant plans to conduct (including, to the extent practicable study objectives and design, age groups, relevant endpoints, and statistical approach);

“(ii) any request for a deferral, partial waiver, or waiver under this section, if applicable, along with any supporting information; and

“(iii) other information specified in the regulations promulgated under paragraph (4).

“(C) MEETING.—The Secretary—

“(i) shall meet with the applicant to discuss the initial pediatric study plan as soon as practicable, but not later than 90 calendar days after the receipt of such plan under subparagraph (A);

“(ii) may determine that a written response to the initial pediatric study plan is sufficient to communicate comments on the initial pediatric study plan, and that no meeting is necessary; and

“(iii) if the Secretary determines that no meeting is necessary, shall so notify the applicant and provide written comments of the Secretary as soon as practicable, but not later than 90 calendar days after the receipt of the initial pediatric study plan.

“(3) AGREED INITIAL PEDIATRIC STUDY PLAN.—Not later than 90 calendar days following the meeting under paragraph (2)(C)(i) or the receipt of a written response from the

Secretary under paragraph (2)(C)(iii), the applicant shall document agreement on the initial pediatric study plan in a submission to the Secretary marked 'Agreed Initial Pediatric Study Plan', and the Secretary shall confirm such agreement to the applicant in writing not later than 30 calendar days of receipt of such agreed initial pediatric study plan.

"(4) DEFERRAL AND WAIVER.—If the agreed initial pediatric study plan contains a request from the applicant for a deferral, partial waiver, or waiver under this section, the written confirmation under paragraph (3) shall include a recommendation from the Secretary as to whether such request meets the standards under paragraphs (3) or (4) of subsection (a).

"(5) AMENDMENTS TO THE PLAN.—At the initiative of the Secretary or the applicant, the agreed initial pediatric study plan may be amended at any time. The requirements of paragraph (2)(C) shall apply to any such proposed amendment in the same manner and to the same extent as such requirements apply to an initial pediatric study plan under paragraph (1). The requirements of paragraphs (3) and (4) shall apply to any agreement resulting from such proposed amendment in the same manner and to the same extent as such requirements apply to an agreed initial pediatric study plan.

"(6) INTERNAL COMMITTEE.—The Secretary shall consult the internal committee under section 505C on the review of the initial pediatric study plan, agreed initial pediatric plan, and any significant amendments to such plans.

"(7) REQUIRED RULEMAKING.—Not later than 1 year after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall promulgate proposed regulations and issue proposed guidance to implement the provisions of this subsection."

(b) CONFORMING AMENDMENTS.—Section 505B (21 U.S.C. 355c) is amended—

(1) by amending subclause (II) of subsection (a)(3)(A)(ii) to read as follows:

"(II) a pediatric study plan as described in subsection (e)"; and

(2) in subsection (f)—

(A) in the subsection heading, by striking "PEDIATRIC PLANS," and inserting "PEDIATRIC STUDY PLANS,";

(B) in paragraph (1), by striking "all pediatric plans" and inserting "initial pediatric study plans, agreed initial pediatric study plans,"; and

(C) in paragraph (4)—

(i) in the paragraph heading, by striking "PEDIATRIC PLANS," and inserting "PEDIATRIC STUDY PLANS,"; and

(ii) by striking "pediatric plans" and inserting "initial pediatric study plans, agreed initial pediatric study plans,".

(c) EFFECTIVE DATES.—

(1) PEDIATRIC STUDY PLANS.—Subsection (e) of section 505B of the Federal Food, Drug, and Cosmetic Act (other than paragraph (4) of such subsection), as amended by subsection (a), shall take effect 180 days after the date of enactment of this Act, without regard to whether the Secretary has promulgated final regulations under paragraph (4) of such subsection by such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (b) shall take effect 180 days after the date of enactment of this Act.

SEC. 507. REAUTHORIZATIONS.

(a) PEDIATRIC ADVISORY COMMITTEE.—Section 14(d) of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amend-

ed by striking "Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007" and inserting "Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee".

(b) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.—Section 15(a)(3) of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by striking "during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007" and inserting "for the duration of the operation of the Oncologic Drugs Advisory Committee".

(c) HUMANITARIAN DEVICE EXEMPTION EXTENSION.—Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking "2012" and inserting "2017".

(d) DEMONSTRATION GRANTS TO IMPROVE PEDIATRIC DEVICE AVAILABILITY.—Section 305(e) of Pediatric Medical Device Safety and Improvement Act (Public Law 110-85; 42 U.S.C. 282 note) is amended by striking "\$6,000,000 for each of fiscal years 2008 through 2012" and inserting "\$4,500,000 for each of fiscal years 2013 through 2017".

(e) PROGRAM FOR PEDIATRIC STUDY OF DRUGS IN PHSA.—Section 409I(e)(1) of the Public Health Service Act (42 U.S.C. 284m(e)(1)) is amended by striking "to carry out this section" and all that follows through the end of paragraph (1) and inserting "to carry out this section \$25,000,000 for each of fiscal years 2012 through 2017."

SEC. 508. REPORT.

(a) IN GENERAL.—Not later than October 31, 2016, and at the end of each subsequent 5-year period, the Secretary shall submit to Congress a report that evaluates the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) and section 409I of the Public Health Service Act (42 U.S.C. 284m) in ensuring that medicines used by children are tested in pediatric populations and properly labeled for use in children.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) the number and importance of drugs and biological products for children for which studies have been requested or required (as of the date of such report) under 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) and section 409I of the Public Health Service Act (42 U.S.C. 284m), including—

(A) the number of labeling changes made to drugs and biological products pursuant to such sections since the date of enactment of this Act; and

(B) the importance of such drugs and biological products in the improvement of the health of children;

(2) the number of required studies under such section 505B that have not met the initial deadline provided under such section, including—

(A) the number of deferrals and deferral extensions granted and the reasons such extensions were granted;

(B) the number of waivers and partial waivers granted; and

(C) the number of letters issued under subsection (d) of such section 505B;

(3) the number of written requests issued, declined, and referred to the National Institutes of Health under such section 505A since the date of enactment of this Act (including

the reasons for such declination), and a description and status of referrals made under subsection (n) of such section 505A;

(4) the number of proposed pediatric study plans submitted and agreed to as identified in the marketing application under such section 505B;

(5) any labeling changes recommended by the Pediatric Advisory Committee as a result of the review by such Committee of adverse events reports;

(6) the number and current status of pediatric postmarketing requirements;

(7) the number and importance of drugs and biological products for children that are not being tested for use in pediatric populations, notwithstanding the existence of the programs under such sections 505A and 505B and section 409I of the Public Health Service Act;

(8) the possible reasons for the lack of testing reported under paragraph (7);

(9) the number of drugs and biological products for which testing is being done (as of the date of the report) and for which a labeling change is required under the programs described in paragraph (7), including—

(A) the date labeling changes are made;

(B) which labeling changes required the use of the dispute resolution process; and

(C) for labeling changes that required such dispute resolution process, a description of—

(i) the disputes;

(ii) the recommendations of the Pediatric Advisory Committee; and

(iii) the outcomes of such process; and

(D) an assessment of the effectiveness in improving information about pediatric uses of drugs and biological products;

(10)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonatal population (including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe); and

(B) the results of such efforts;

(11)(A) the number and importance of drugs and biological products for children with cancer that are being tested as a result of the programs described in paragraph (7); and

(B) any recommendations for modifications to such programs that would lead to new and better therapies for children with cancer, including a detailed rationale for each recommendation;

(12) an assessment of progress made in addressing the recommendations and findings of any prior report issued by the Comptroller General, the Institute of Medicine, or the Secretary regarding the topics addressed in the report under this section, including with respect to—

(A) improving public access to information from pediatric studies conducted under such sections 505A and 505B; and

(B) improving the timeliness of pediatric studies and pediatric study planning under such sections 505A and 505B;

(13) any recommendations for modification to the programs that would improve pediatric drug research and increase pediatric labeling of drugs and biological products; and

(14) an assessment of the successes of and limitations to studying drugs for rare diseases under such sections 505A and 505B.

(c) CONSULTATION ON RECOMMENDATIONS.—At least 180 days before the report is due under subsection (a), and no sooner than 4 years after the date of enactment of this

Act, the Secretary shall consult with representatives of patient groups, including pediatric patient groups, consumer groups, regulated industry, scientific and medical communities, academia, and other interested parties to obtain any recommendations or information relevant to the effectiveness of the programs described in subsection (b)(7), including suggestions for modifications to such programs.

SEC. 509. TECHNICAL AMENDMENTS.

(a) PEDIATRIC STUDIES OF DRUGS IN FFDCA.—Section 505A (21 U.S.C. 355a) is amended—

(1) in subsection (k)(2), by striking “subsection (f)(3)(F)” and inserting “subsection (f)(6)(F)”;

(2) in subsection (n)—

(A) in the subsection heading, by striking “COMPLETED” and inserting “SUBMITTED”;

and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “have not been completed” and inserting “have not been submitted by the date specified in the written request issued or if the applicant or holder does not agree to the request”;

(ii) in subparagraph (A)—

(I) in the first sentence, by inserting “, or for which a period of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act has not ended” after “expired”;

and

(II) by striking “Prior to” and all that follows through the period at the end; and

(iii) in subparagraph (B), by striking “no listed patents or has 1 or more listed patents that have expired,” and inserting “no unexpired listed patents and for which no unexpired periods of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act apply.”;

(3) in subsection (o)(2), by amending subparagraph (B) to read as follows:

“(B) a statement of any appropriate pediatric contraindications, warnings, precautions, or other information that the Secretary considers necessary to assure safe use.”.

(b) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PROJECTS IN FFDCA.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “for a drug” after “(or supplement to an application)”;

(ii) in subparagraph (A), by striking “for a” and inserting “, including, with respect to a drug, an application (or supplement to an application) for a”;

(iii) in subparagraph (B), by striking “for a” and inserting “, including, with respect to a drug, an application (or supplement to an application) for a”;

(iv) in the matter following subparagraph (B), by inserting “(or supplement)” after “application”;

(B) in paragraph (4)(C)—

(i) in the first sentence, by inserting “partial” before “waiver is granted”;

(ii) in the second sentence, by striking “either a full or” and inserting “such a”;

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “After providing notice” and all that follows through “studies,” and inserting “The”;

(3) in subsection (g)—

(A) in paragraph (1)(A), by inserting “that receives a priority review or 330 days after the date of the submission of an application or supplement that receives a standard review” after “after the date of the submission of the application or supplement”;

(B) in paragraph (2), by striking “the label of such product” and inserting “the labeling of such product”;

(4) in subsection (h)(1)—

(A) by inserting “an application (or supplement to an application) that contains” after “date of submission of”;

(B) by inserting “, if the application (or supplement) receives a priority review, or not later than 330 days after the date of submission of an application (or supplement to an application) that contains a pediatric assessment under this section, if the application (or supplement) receives a standard review,” after “under this section.”

(c) INTERNAL REVIEW COMMITTEE.—The heading of section 505C (21 U.S.C. 355d) is amended by inserting “AND DEFERRAL EXTENSIONS” after “DEFERRALS”.

(d) PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.—Section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “or section 351(m) of this Act,” after “Cosmetic Act.”;

(B) in subparagraph (A)(i), by inserting “or section 351(k) of this Act” after “Cosmetic Act”;

(C) by amending subparagraph (B) to read as follows:

“(B) there remains no patent listed pursuant to section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act, and every three-year and five-year period referred to in subsection (c)(3)(E)(ii), (c)(3)(E)(iii), (c)(3)(E)(iv), (j)(5)(F)(ii), (j)(5)(F)(iii), or (j)(5)(F)(iv) of section 505 of the Federal Food, Drug, and Cosmetic Act, or applicable twelve-year period referred to in section 351(k)(7) of this Act, and any seven-year period referred to in section 527 of the Federal Food, Drug, and Cosmetic Act has ended for at least one form of the drug; and”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “FOR DRUGS LACKING EXCLUSIVITY”;

(B) by striking “under section 505 of the Federal Food, Drug, and Cosmetic Act”;

(C) by striking “505A of such Act” and inserting “505A of the Federal Food, Drug, and Cosmetic Act or section 351(m) of this Act”.

(e) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC ADVISORY COMMITTEE.—Section 15(a) of the Best Pharmaceuticals for Children Act (Public Law 107-109), as amended by section 502(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110-85), is amended in paragraph (1)(D), by striking “section 505B(f)” and inserting “section 505C”.

(f) FOUNDATION OF NATIONAL INSTITUTES OF HEALTH.—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking “for which the Secretary issues a certification in the affirmative under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act”.

(g) APPLICATION.—Notwithstanding any provision of section 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) stating that a provision applies beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007 or the date of the enactment of the Pediatric Research Equity Act of 2007, any amendment made by this title to such a provision applies beginning on the date of the enactment of this Act.

SEC. 510. RELATIONSHIP BETWEEN PEDIATRIC LABELING AND NEW CLINICAL INVESTIGATION EXCLUSIVITY.

(a) IN GENERAL.—Section 505 (21 U.S.C. 351) is amended by adding at the end the following:

“(w) RELATIONSHIP BETWEEN PEDIATRIC LABELING AND NEW CLINICAL INVESTIGATION EXCLUSIVITY.—The period of market exclusivity described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) shall not apply to a pediatric study conducted under section 505A or 505B that results, pursuant to section 505B(g)(2), in the inclusion in the labeling of the product a determination that the product is not indicated for use in pediatric populations or subpopulations or information indicating that the results of a study were inconclusive or did not demonstrate that the product is safe or effective in pediatric populations or subpopulations.”.

(b) PEDIATRIC STUDIES OF DRUGS.—Section 505A(m) (21 U.S.C. 355a(m)) is amended—

(1) by striking “(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—If a” and all that follows through the end of the matter that precedes paragraph (1) and inserting the following:

“(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICATION OR SUPPLEMENT UNDER SUBSECTION (C) OR (J) OF SECTION 505.—

“(1) 180-DAY EXCLUSIVITY PERIOD.—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month exclusivity period under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended from—”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and moving such subparagraphs, as so redesignated, 2 ems to the right; and

(3) by adding at the end the following:

“(2) 3-YEAR EXCLUSIVITY PERIOD.—The 3-year period of exclusivity under clauses (iii) and (iv) of subsection 505(c)(3)(E) and clauses (iii) and (iv) of subsection 505(j)(5)(F) are not available for approval of applications or supplements to applications based on reports of pediatric studies conducted under sections 505A or 505B that resulted, pursuant to section 505A(j) or 505B(g)(2), in the inclusion in the labeling of the product a determination that the product is not indicated for use in pediatric populations or subpopulations or information indicating that the results of an assessment were inconclusive or did not demonstrate that the product is safe or effective in pediatric populations or subpopulations.”.

(c) PROMPT APPROVAL OF DRUGS.—Section 505A(o) (21 U.S.C. 355a(o)) is amended—

(1) in the heading, by striking “SECTION 505(J)” and inserting “SUBSECTIONS (C) AND (J) OF SECTION 505”;

(2) in paragraph (1), by striking “under section 505(j)” and inserting “under subsection (b)(2), (c), or (j) of section 505”;

(3) in paragraph (2), in the matter preceding subparagraph (A), by inserting “clauses (iii) and (iv) of section 505(c)(3)(E) or” after “Notwithstanding”;

(4) in paragraph (3)—

(A) in subparagraph (B), by inserting “that differ from adult formulations” before the semicolon at the end; and

(B) in subparagraph (C)—

(i) by striking “under section 505(j)” and inserting “under subsection (c) or (j) of section 505”; and

(ii) by inserting “clauses (iii) or (iv) of section 505(c)(3)(E) or” after “exclusivity under”.

SEC. 511. PEDIATRIC RARE DISEASES.

(a) PUBLIC MEETING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall hold a public meeting to discuss ways to encourage and accelerate the development of new therapies for pediatric rare diseases.

(b) REPORT.—Not later than 180 days after the date of the public meeting under subsection (a), the Secretary shall issue a report that includes a strategic plan for encouraging and accelerating the development of new therapies for treating pediatric rare diseases.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

SEC. 601. RECLASSIFICATION PROCEDURES.

(a) CLASSIFICATION CHANGES.—

(1) IN GENERAL.—Section 513(e)(1) (21 U.S.C. 360c(e)(1)) is amended to read as follows:

“(e)(1)(A) Based on new information respecting a device, the Secretary may, upon the initiative of the Secretary or upon petition of an interested person, change the classification of such device, and revoke, on account of the change in classification, any regulation or requirement in effect under section 514 or 515 with respect to such device, by administrative order published in the Federal Register following publication of a proposed reclassification order in the Federal Register, a meeting of a device classification panel described in subsection (b), and consideration of comments to a public docket, notwithstanding subchapter II of Chapter 5 of title 5 of the United States Code. An order under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

“(B) Authority to issue such administrative order shall not be delegated below the Commissioner. The Commissioner shall issue such an order as proposed by the Director of the Center for Devices and Radiological Health unless the Commissioner, in consultation with the Office of the Secretary of Health and Human Services, concludes that the order exceeds the legal authority of the Food and Drug Administration or that the order would be lawful, but unlikely to advance the public health.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 513(e)(2) (21 U.S.C. 360c(e)(2)) is amended by striking “regulation promulgated” and inserting “an order issued”.

(B) Section 514(a)(1) (21 U.S.C. 360d(a)(1)) is amended by striking “under a regulation under section 513(e) but such regulation” and inserting “under an administrative order under section 513(e) (or a regulation promulgated under such section prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act) but such order (or regulation)”;

(C) Section 517(a)(1) (21 U.S.C. 360g(a)(1)) is amended by striking “or changing the classification of a device to class I” and inserting “, an administrative order changing the classification of a device to class I,”.

(3) DEVICES RECLASSIFIED PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—The amendments made by this subsection shall have no effect on a regulation promulgated with respect to the

classification of a device under section 513(e) of the Federal Food, Drug, and Cosmetic Act prior to the date of enactment of this Act.

(B) APPLICABILITY OF OTHER PROVISIONS.—In the case of a device reclassified under section 513(e) of the Federal Food, Drug, and Cosmetic Act by regulation prior to the date of enactment of this Act, section 517(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g(a)(1)) shall apply to such regulation promulgated under section 513(e) of such Act with respect to such device in the same manner such section 517(a)(1) applies to an administrative order issued with respect to a device reclassified after the date of enactment of this Act.

(b) DEVICES MARKETED BEFORE MAY 28, 1976.—

(1) PREMARKET APPROVAL.—Section 515 (21 U.S.C. 360e) is amended—

(A) in subsection (a), by striking “regulation promulgated under subsection (b)” and inserting “an order issued under subsection (b) (or a regulation promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the heading, by striking “Regulation” and inserting “Order”; and

(II) in the matter following subparagraph (B)—

(aa) by striking “by regulation, promulgated in accordance with this subsection” and inserting “by administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code”; and

(bb) by adding at the end the following:

“Authority to issue such administrative order shall not be delegated below the Commissioner. Before publishing such administrative order, the Commissioner shall consult with the Office of the Secretary. The Commissioner shall issue such an order as proposed by the Director of the Center for Devices and Radiological Health unless the Commissioner, in consultation with the Office of the Secretary, concludes that the order exceeds the legal authority of the Food and Drug Administration or that the order would be lawful, but unlikely to advance the public health.”;

(i) in paragraph (2)—

(I) by striking subparagraph (B); and

(II) in subparagraph (A)—

(aa) by striking “(2)(A) A proceeding for the promulgation of a regulation under paragraph (1) respecting a device shall be initiated by the publication in the Federal Register of a notice of proposed rulemaking. Such notice shall contain—” and inserting “(2) A proposed order required under paragraph (1) shall contain—”;

(bb) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(cc) in subparagraph (A), as so redesignated, by striking “regulation” and inserting “order”; and

(dd) in subparagraph (C), as so redesignated, by striking “regulation” and inserting “order”;

(iii) in paragraph (3)—

(I) by striking “proposed regulation” each place such term appears and inserting “proposed order”;

(II) by striking “paragraph (2) and after” and inserting “paragraph (2),”;

(III) by inserting “and a meeting of a device classification panel described in section 513(b),” after “such proposed regulation and findings,”;

(IV) by striking “(A) promulgate such regulation” and inserting “(A) issue an administrative order under paragraph (1)”;

(V) by striking “paragraph (2)(A)(ii)” and inserting “paragraph (2)(B)”;

(VI) by striking “promulgation of the regulation” and inserting “issuance of the administrative order”; and

(iv) by striking paragraph (4); and

(C) in subsection (1)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking “December 1, 1995” and inserting “the date that is 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act”; and

(bb) by striking “publish a regulation in the Federal Register” and inserting “issue an administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code,”;

(II) in subparagraph (B), by striking “final regulation has been promulgated under section 515(b)” and inserting “administrative order has been issued under subsection (b) (or no regulation has been promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)”;

(III) in the matter following subparagraph (B), by striking “regulation requires” and inserting “administrative order issued under this paragraph requires”; and

(IV) by striking the third and fourth sentences; and

(ii) in paragraph (3)—

(I) by striking “regulation requiring” each place such term appears and inserting “order requiring”; and

(II) by striking “promulgation of a section 515(b) regulation” and inserting “issuance of an administrative order under subsection (b)”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 501(f) (21 U.S.C. 351(f)) is amended—

(A) in subparagraph (1)(A)—

(i) in subclause (i), by striking “a regulation promulgated” and inserting “an order issued”; and

(ii) in subclause (ii), by striking “promulgation of such regulation” and inserting “issuance of such order”;

(B) in subparagraph (2)(B)—

(i) by striking “a regulation promulgated” and inserting “an order issued”; and

(ii) by striking “promulgation of such regulation” and inserting “issuance of such order”; and

(C) by adding at the end the following:

“(3) In the case of a device with respect to which a regulation was promulgated under section 515(b) prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act, a reference in this subsection to an order issued under section 515(b) shall be deemed to include such regulation.”.

(3) APPROVAL BY REGULATION PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—The amendments made by this subsection shall have no effect on a regulation that was promulgated prior to the date of enactment of

this Act requiring that a device have an approval under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) of an application for premarket approval.

(c) **REPORTING.**—The Secretary of Health and Human Services shall annually post on the Internet website of the Food and Drug Administration—

(1) the number and type of class I and class II devices reclassified as class II or class III in the previous calendar year under section 513(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(e)(1));

(2) the number and type of class II and class III devices reclassified as class I or class II in the previous calendar year under such section 513(e)(1); and

(3) the number and type of devices reclassified in the previous calendar year under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e).

SEC. 602. CONDITION OF APPROVAL STUDIES.

Section 515(d)(1)(B)(ii) (21 U.S.C. 360e(d)(1)(B)(ii)) is amended—

(1) by striking “(ii)” and inserting “(i)(I)”;

and

(2) by adding at the end the following:

“(I) An order approving an application for a device may require as a condition to such approval that the applicant conduct a postmarket study regarding the device.”.

SEC. 603. POSTMARKET SURVEILLANCE.

Section 522 (21 U.S.C. 360l) is amended—

(1) in subsection (a)(1)(A), in the matter preceding clause (i), by inserting “, at the time of approval or clearance of a device or at any time thereafter,” after “by order”;

and

(2) in subsection (b)(1), by inserting “The manufacturer shall commence surveillance under this section not later than 15 months after the day on which the Secretary issues an order under this section.” after the second sentence.

SEC. 604. SENTINEL.

Section 519 (21 U.S.C. 360i) is amended by adding at the end the following:

“(h) **INCLUSION OF DEVICES IN THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.**—

“(1) **IN GENERAL.**—

“(A) **APPLICATION TO DEVICES.**—The Secretary shall amend the procedures established and maintained under clauses (i), (ii), (iii), and (v) of section 505(k)(3)(C) in order to expand the postmarket risk identification and analysis system established under such section to include and apply to devices.

“(B) **EXCEPTION.**—Subclause (II) of clause (i) of section 505(k)(3)(C) shall not apply to devices.

“(C) **CLARIFICATION.**—With respect to devices, the private sector health-related electronic data provided under section 505(k)(3)(C)(i)(III)(bb) may include medical device utilization data, health insurance claims data, and procedure and device registries.

“(2) **DATA.**—In expanding the system as described in paragraph (1)(A), the Secretary shall use relevant data with respect to devices cleared under section 510(k) or approved under section 515, including claims data, patient survey data, and any other data deemed appropriate by the Secretary.

“(3) **STAKEHOLDER INPUT.**—To help ensure effective implementation of the system described in paragraph (1)(A), the Secretary shall engage outside stakeholders in development of the system through a public hearing, advisory committee meeting, public docket, or other like public measures, as appropriate.

“(4) **VOLUNTARY SURVEYS.**—Chapter 35 of title 44, United States Code, shall not apply

to the collection of voluntary information from health care providers, such as voluntary surveys or questionnaires, initiated by the Secretary for purposes of postmarket risk identification for devices.”.

SEC. 605. RECALLS.

(a) **ASSESSMENT OF DEVICE RECALL INFORMATION.**—

(1) **IN GENERAL.**—

(A) **ASSESSMENT PROGRAM.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall enhance the Food and Drug Administration’s recall program to routinely and systematically assess—

(i) information submitted to the Secretary pursuant to a device recall order under section 518(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360h(e)); and

(ii) information required to be reported to the Secretary regarding a correction or removal of a device under section 519(g) of such Act (21 U.S.C. 360i(g)).

(B) **USE.**—The Secretary shall use the assessment of information described under subparagraph (A) to proactively identify strategies for mitigating health risks presented by defective or unsafe devices.

(2) **DESIGN.**—The program under paragraph (1) shall, at a minimum, identify—

(A) trends in the numbers and types of device recalls;

(B) the types of devices in each device class that are most frequently recalled;

(C) the causes of device recalls; and

(D) any other information as the Secretary determines appropriate.

(b) **AUDIT CHECK PROCEDURES.**—The Secretary shall clarify procedures for conducting device recall audit checks to improve the ability of investigators to perform these checks in a consistent manner.

(c) **ASSESSMENT CRITERIA.**—The Secretary shall develop explicit criteria for assessing whether a person subject to a recall order under section 518(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360h(e)) or to a requirement under section 519(g) of such Act (21 U.S.C. 360i(g)) has performed an effective recall under such section 518(e) or an effective correction or removal action under such section 519(g), respectively.

(d) **TERMINATION OF RECALLS.**—The Secretary shall document the basis for the termination by the Food and Drug Administration of—

(1) an individual device recall ordered under section 518(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360h(e)); and

(2) any correction or removal action for which a report is required to be submitted to the Secretary under section 519(g) of such Act (21 U.S.C. 360i(g)).

SEC. 606. CLINICAL HOLDS ON INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

“(8)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this paragraph as a ‘clinical hold’) if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

“(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is a determination that—

“(i) the device involved represents an unreasonable risk to the safety of the persons

who are the subjects of the clinical investigation, taking into account the qualifications of the clinical investigators, information about the device, the design of the clinical investigation, the condition for which the device is to be investigated, and the health status of the subjects involved; or

“(ii) the clinical hold should be issued for such other reasons as the Secretary may by regulation establish.

“(C) Any written request to the Secretary from the sponsor of an investigation that a clinical hold be removed shall receive a decision, in writing and specifying the reasons therefor, within 30 days after receipt of such request. Any such request shall include sufficient information to support the removal of such clinical hold.”.

SEC. 607. UNIQUE DEVICE IDENTIFIER.

Section 519(f) (21 U.S.C. 360i(f)) is amended—

(1) by striking “The Secretary shall promulgate” and inserting “Not later than December 31, 2012, the Secretary shall issue proposed”; and

(2) by adding at the end the following:

“‘The Secretary shall finalize the proposed regulations not later than 6 months after the close of the comment period and shall implement the final regulations with respect to devices that are implantable, life-saving, and life sustaining not later than 2 years after the regulations are finalized.’”.

SEC. 608. CLARIFICATION OF LEAST BURDEN-SOME STANDARD.

(a) **PREMARKET APPROVAL.**—Section 513(a)(3)(D) (21 U.S.C. 360c(a)(3)(D)) is amended—

(1) by redesignating clause (iii) as clause (v); and

(2) by inserting after clause (ii) the following:

“(iii) For purposes of clause (ii), the term ‘necessary’ means the minimum required information that would support a determination by the Secretary that an application provides reasonable assurance of the effectiveness of the device.

“(iv) Nothing in this subparagraph shall alter the criteria for evaluating an application for premarket approval of a device.”.

(b) **PREMARKET NOTIFICATION UNDER SECTION 510(K).**—Section 513(i)(1)(D) (21 U.S.C. 360c(i)(1)(D)) is amended—

(1) by striking “(D) Whenever” and inserting “(D)(i) Whenever”; and

(2) by adding at the end the following:

“(ii) For purposes of clause (i), the term ‘necessary’ means the minimum required information that would support a determination of substantial equivalence between a new device and a predicate device.

“(iii) Nothing in this subparagraph shall alter the standard for determining substantial equivalence between a new device and a predicate device.”.

SEC. 609. CUSTOM DEVICES.

Section 520(b) (21 U.S.C. 360j(b)) is amended to read as follows:

“(b) **CUSTOM DEVICES.**—

“(1) **IN GENERAL.**—The requirements of sections 514 and 515 shall not apply to a device that—

“(A) is created or modified in order to comply with the order of an individual physician or dentist (or any other specially qualified person designated under regulations promulgated by the Secretary after an opportunity for an oral hearing);

“(B) in order to comply with an order described in subparagraph (A), necessarily deviates from an otherwise applicable performance standard under section 514 or requirement under section 515;

“(C) is not generally available in the United States in finished form through labeling or advertising by the manufacturer, importer, or distributor for commercial distribution;

“(D) is designed to treat a unique pathology or physiological condition that no other device is domestically available to treat;

“(E)(i) is intended to meet the special needs of such physician or dentist (or other specially qualified person so designated) in the course of the professional practice of such physician or dentist (or other specially qualified person so designated); or

“(ii) is intended for use by an individual patient named in such order of such physician or dentist (or other specially qualified person so designated);

“(F) is assembled from components or manufactured and finished on a case-by-case basis to accommodate the unique needs described in clause (i) or (ii) of subparagraph (E); and

“(G) may have common, standardized design characteristics, chemical and material compositions, and manufacturing processes as commercially distributed devices.

“(2) LIMITATIONS.—Paragraph (1) shall apply to a device only if—

“(A) such device is for the purpose of treating a sufficiently rare condition, such that conducting clinical investigations on such device would be impractical;

“(B) production of such device under paragraph (1) is limited to no more than 5 units per year of a particular device type, provided that such replication otherwise complies with this section; and

“(C) the manufacturer of such device created or modified as described in paragraph (1) notifies the Secretary on an annual basis, in a manner prescribed by the Secretary, of the manufacture of such device.

“(3) EXCEPTION.—Paragraph (1) shall not apply to oral facial devices.

“(4) GUIDANCE.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final guidance on replication of multiple devices described in paragraph (2)(B).”.

SEC. 610. AGENCY DOCUMENTATION AND REVIEW OF CERTAIN DECISIONS REGARDING DEVICES.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 517 the following:

“SEC. 517A. AGENCY DOCUMENTATION AND REVIEW OF CERTAIN DECISIONS REGARDING DEVICES.

“(a) DOCUMENTATION OF RATIONALE FOR DENIAL.—If the Secretary renders a final decision to deny clearance of a premarket notification under section 510(k) or approval of a premarket application under section 515, or when the Secretary disapproves an application for an investigational exemption under 520(g), the written correspondence to the applicant communicating that decision shall provide a substantive summary of the scientific and regulatory rationale for the decision.

“(b) REVIEW OF DENIAL.—

“(1) IN GENERAL.—A person who has submitted a report under section 510(k), an application under section 515, or an application for an exemption under section 520(g) and for whom clearance of the report or approval of the application is denied may request a supervisory review of the decision to deny such clearance or approval. Such review shall be conducted by an individual at the organizational level above the organization level at which the decision to deny the clearance of the report or approval of the application is made.

“(2) SUBMISSION OF REQUEST.—A person requesting a supervisory review under paragraph (1) shall submit such request to the Secretary not later than 30 days after such denial and shall indicate in the request whether such person seeks an in-person meeting or a teleconference review.

“(3) TIMEFRAME.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall schedule an in-person or teleconference review, if so requested, not later than 30 days after such request is made. The Secretary shall issue a decision to the person requesting a review under this subsection not later than 45 days after the request is made under paragraph (1), or, in the case of a person who requests an in-person meeting or teleconference, 30 days after such meeting or teleconference.

“(B) EXCEPTION.—Subparagraph (A) shall not apply in cases that involve consultation with experts outside of the Food and Drug Administration, or in cases in which the sponsor seeks to introduce evidence not already in the administrative record at the time the denial decision was made.”.

SEC. 611. GOOD GUIDANCE PRACTICES RELATING TO DEVICES.

Subparagraph (C) of section 701(h)(1) (21 U.S.C. 371(h)(1)) is amended—

(1) by striking “(C) For guidance documents” and inserting “(C)(i) For guidance documents”; and

(2) by adding at the end the following:

“(ii) With respect to devices, if a notice to industry guidance letter, a notice to industry advisory letter, or any similar notice sets forth initial interpretations of a regulation or policy or sets forth changes in interpretation or policy, such notice shall be treated as a guidance document for purposes of this subparagraph.”.

SEC. 612. MODIFICATION OF DE NOVO APPLICATION PROCESS.

(a) IN GENERAL.—Section 513(f)(2) (21 U.S.C. 360c(f)(2)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(2) by amending subparagraph (A) to read as follows:

“(A) In the case of a type of device that has not previously been classified under this Act, a person may do one of the following:

“(i) Submit a report under section 510(k), and, if the device is classified into class III under paragraph (1), such person may request, not later than 30 days after receiving written notice of such a classification, the Secretary to classify the device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.

“(ii) Submit a request for initial classification of the device under this subparagraph, if the person declares that there is no legally marketed device upon which to base a substantial equivalence determination as that term is defined in subsection (i). Subject to subparagraph (B), the Secretary shall classify the device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). The person submitting the request for classification under this subparagraph may recommend to the Secretary a classification for the device and shall, if recommending classification in class II, include in the request an initial draft proposal for applicable special controls, as described in subsection

(a)(1)(B), that are necessary, in conjunction with general controls, to provide reasonable assurance of safety and effectiveness and a description of how the special controls provide such assurance. Requests under this clause shall be subject to the electronic copy requirements of section 745A(b).”;

(3) by inserting after subparagraph (A) the following:

“(B) The Secretary may decline to undertake a classification request submitted under clause (2)(A)(i) if the Secretary identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence under paragraph (1), or when the Secretary determines that the device submitted is not of low-moderate risk or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.”; and

(4) in subparagraph (C), as so redesignated—

(A) in clause (i), by striking “Not later than 60 days after the date of the submission of the request under subparagraph (A),” and inserting “Not later than 120 days after the date of the submission of the request under subparagraph (A)(i) or 150 days after the date of the submission of the request under subparagraph (A)(ii).”;

(B) in clause (ii), by inserting “or is classified in” after “remains in”.

(b) GAO REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report on the effectiveness of the review pathway under section 513(f)(2)(A) of the Federal Food, Drug, and Cosmetic Act, as amended by this Act.

(c) CONFORMING AMENDMENT.—Section 513(f)(1)(B) (21 U.S.C. 360c(f)(1)(B)) is amended by inserting “a request under paragraph (2) or” after “response to”.

SEC. 613. HUMANITARIAN DEVICE EXEMPTIONS.

(a) IN GENERAL.—Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (A)—

(i) by striking clause (i) and inserting the following:

“(i) The device with respect to which the exemption is granted—

“(I) is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs; or

“(II) is intended for the treatment or diagnosis of a disease or condition that does not occur in pediatric patients or that occurs in pediatric patients in such numbers that the development of the device for such patients is impossible, highly impracticable, or unsafe.”; and

(ii) by striking clause (ii) and inserting the following:

“(ii) During any calendar year, the number of such devices distributed during that year under each exemption granted under this subsection does not exceed the annual distribution number for such device. In this paragraph, the term ‘annual distribution number’ means the number of such devices reasonably needed to treat, diagnose, or cure a population of 4,000 individuals in the United States. The Secretary shall determine the annual distribution number when the Secretary grants such exemption.”; and

(B) by amending subparagraph (C) to read as follows:

“(C) A person may petition the Secretary to modify the annual distribution number determined by the Secretary under subparagraph (A)(i) with respect to a device if additional information arises, and the Secretary may modify such annual distribution number.”;

(2) in paragraph (7), by striking “regarding a device” and inserting “regarding a device described in paragraph (6)(A)(i)(I)”;

(3) in paragraph (8), by striking “of all devices described in paragraph (6)” and inserting “of all devices described in paragraph (6)(A)(i)(I)”.

(b) **APPLICABILITY TO EXISTING DEVICES.**—A sponsor of a device for which an exemption was approved under paragraph (2) of section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) before the date of enactment of this Act may seek a determination under subclause (I) or (II) of section 520(m)(6)(A)(i) (as amended by subsection (a)). If the Secretary of Health and Human Services determines that such subclause (I) or (II) applies with respect to a device, clauses (ii), (iii), and (iv) of subparagraph (A) and subparagraphs (B), (C), (D), and (E) of paragraph (6) of such section 520(m) shall apply to such device, and the Secretary shall determine the annual distribution number for purposes of clause (ii) of such subparagraph (A) when making the determination under this subsection.

(c) **REPORT.**—Not later than January 1, 2017, the Comptroller General of the United States shall submit to Congress a report that evaluates and describes—

(1) the effectiveness of the amendments made by subsection (a) in stimulating innovation with respect to medical devices, including any favorable or adverse impact on pediatric device development;

(2) the impact of such amendments on pediatric device approvals for devices that received a humanitarian use designation under section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) prior to the date of enactment of this Act;

(3) the status of public and private insurance coverage of devices granted an exemption under paragraph (2) of such section 520(m) (as amended by subsection (a)) and costs to patients of such devices;

(4) the impact that paragraph (4) of such section 520(m) has had on access to and insurance coverage of devices granted an exemption under paragraph (2) of such section 520(m); and

(5) the effect of the amendments made by subsection (a) on patients described in such section 520(m).

SEC. 614. REAUTHORIZATION OF THIRD-PARTY REVIEW AND INSPECTIONS.

(a) **THIRD PARTY REVIEW.**—Section 523(c) (21 U.S.C. 360m(c)) is amended by striking “2012” and inserting “2017”.

(b) **THIRD PARTY INSPECTIONS.**—Section 704(g)(11) (21 U.S.C. 374(g)(11)) is amended by striking “2012” and inserting “2017”.

SEC. 615. 510(K) DEVICE MODIFICATIONS.

Having acknowledged to Congress potential unintended consequences that may result from the implementation of the Food and Drug Administration guidance entitled “Guidance for Industry and FDA Staff—510(k) Device Modifications: Deciding When to Submit a 510(k) for a Change to an Existing Device”, the Secretary of Health and Human Services shall withdraw such guidance promptly and ensure that, before any future guidance document on this issue is made final, affected stakeholders are provided with an opportunity to comment.

SEC. 616. HEALTH INFORMATION TECHNOLOGY.

(a) **LIMITATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may issue final guidance on medical mobile applications only after the requirements under subsections (b) and (c) are met.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Commissioner of Food and Drugs, the National Coordinator for Health Information Technology, and the Chairman of the Federal Communications Commission, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that contains a proposed strategy and recommendations on an appropriate, risk-based regulatory framework pertaining to medical device regulation and health information technology software, including mobile applications, that promotes innovation and protects patient safety.

(c) WORKING GROUP.—

(1) **IN GENERAL.**—In carrying out subsection (b), the Secretary shall convene a working group of external stakeholders and experts to provide appropriate input on the strategy and recommendations required for the report under subsection (b).

(2) **REPRESENTATIVES.**—The Secretary shall determine the number of representatives participating in the working group, and shall ensure that the working group is geographically diverse and includes representatives of patients, consumers, health care providers, startup companies, health plans or other third-party payers, venture capital investors, information technology vendors, small businesses, purchasers, employers, and other stakeholders with relevant expertise, as determined by the Secretary.

(3) OTHER REQUIREMENTS.—

(A) **FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the working group under this section.

(B) **FFDCA ADVISORY COMMITTEES.**—The requirements for advisory committees under section 712 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379d-1), as amended by section 1121, shall not apply to the working group under this section.

TITLE VII—DRUG SUPPLY CHAIN

Subtitle A—Drug Supply Chain

SEC. 701. REGISTRATION OF DOMESTIC DRUG ESTABLISHMENTS.

Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “On or before” and all that follows through the period at the end and inserting the following: “During the period beginning on October 1 and ending on December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall register with the Secretary—

“(A) the name of such person, places of business of such person, all such establishments, the unique facility identifier of each such establishment, and a point of contact e-mail address; and

“(B) the name and place of business of each importer that takes physical possession of and supplies a drug (other than an excipient) to such person, including all establishments of each such drug importer, the unique facility identifier of each such drug importer establishment, and a point of contact e-mail address for each such drug importer.”; and

(B) by adding at the end the following:

“(3) The Secretary may specify the unique facility identifier system that shall be used by registrants under paragraph (1).”; and

(2) in subsection (c), by striking “with the Secretary his name, place of business, and such establishment” and inserting “with the Secretary—

“(1) with respect to drugs, the information described under subsection (b)(1); and

“(2) with respect to devices, the information described under subsection (b)(2).”.

SEC. 702. REGISTRATION OF FOREIGN ESTABLISHMENTS.

(a) **ENFORCEMENT OF REGISTRATION OF FOREIGN ESTABLISHMENTS.**—Section 502(o) (21 U.S.C. 352(o)) is amended by striking “in any State”.

(b) **REGISTRATION OF FOREIGN DRUG ESTABLISHMENTS.**—Section 510(i) (U.S.C. 360(i)) is amended—

(1) in paragraph (1)—

(A) by amending the matter preceding subparagraph (A) to read as follows: “Every person who owns or operates any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—”;

(B) by amending subparagraph (A) to read as follows:

“(A) upon first engaging in any such activity, immediately submit a registration to the Secretary that includes—

“(i) with respect to drugs, the name and place of business of such person, all such establishments, the unique facility identifier of each such establishment, a point of contact e-mail address, the name of the United States agent of each such establishment, the name and place of business of each drug importer with which such person conducts business to import or offer to import drugs into the United States, including all establishments of each such drug importer, the unique facility identifier of each such establishment, and a point of contact e-mail address for each such drug importer; and

“(ii) with respect to devices, the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such device in the United States that is known to the establishment, and the name of each person who imports or offers for import such device to the United States for purposes of importation; and”;

(C) by amending subparagraph (B) to read as follows:

“(B) each establishment subject to the requirements of subparagraph (A) shall thereafter register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.”; and

(2) by adding at the end the following:

“(4) The Secretary may specify the unique facility identifier system that shall be used by registrants under paragraph (1) with respect to drugs.”.

SEC. 703. IDENTIFICATION OF DRUG EXCIPIENT INFORMATION WITH PRODUCT LISTING.

Section 510(j)(1) (21 U.S.C. 360(j)(1)) is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(E) in the case of a drug contained in the applicable list, the name and place of business of each manufacturer of an excipient of

the listed drug with which the person listing the drug conducts business, including all establishments used in the production of such excipient, the unique facility identifier of each such establishment, and a point of contact e-mail address for each such excipient manufacturer.”.

SEC. 704. ELECTRONIC SYSTEM FOR REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended—

(1) by striking “(p) Registrations and listings” and inserting the following:

“(p) ELECTRONIC REGISTRATION AND LISTING.—

“(1) IN GENERAL.—Registration and listing”; and

(2) by adding at the end the following:

“(2) ELECTRONIC DATABASE.—Not later than 2 years after the Secretary specifies a unique facility identifier system under subsections (b) and (i), the Secretary shall maintain an electronic database, which shall not be subject to inspection under subsection (f), populated with the information submitted as described under paragraph (1) that—

“(A) enables personnel of the Food and Drug Administration to search the database by any field of information submitted in a registration described under paragraph (1), or combination of such fields; and

“(B) uses the unique facility identifier system to link with other relevant databases within the Food and Drug Administration, including the database for submission of information under section 801(r).

“(3) RISK-BASED INFORMATION AND COORDINATION.—The Secretary shall ensure the accuracy and coordination of relevant Food and Drug Administration databases in order to identify and inform risk-based inspections under section 510(h).”.

SEC. 705. RISK-BASED INSPECTION FREQUENCY.

Section 510(h) (21 U.S.C. 360(h)) is amended to read as follows:

“(h) INSPECTIONS.—

“(1) IN GENERAL.—Every establishment that is required to be registered with the Secretary under this section shall be subject to inspection pursuant to section 704.

“(2) BIENNIAL INSPECTIONS FOR DEVICES.—Every establishment described in paragraph (1), in any State, that is engaged in the manufacture, propagation, compounding, or processing of a device or devices classified in class II or III shall be so inspected by one or more officers or employees duly designated by the Secretary, or by persons accredited to conduct inspections under section 704(g), at least once in the 2-year period beginning with the date of registration of such establishment pursuant to this section and at least once in every successive 2-year period thereafter.

“(3) RISK-BASED SCHEDULE FOR DRUGS.—The Secretary, acting through one or more officers or employees duly designated by the Secretary, shall inspect establishments described in paragraph (1) that are engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs (referred to in this subsection as ‘drug establishments’) in accordance with a risk-based schedule established by the Secretary.

“(4) RISK FACTORS.—In establishing the risk-based schedule under paragraph (3), the Secretary shall inspect establishments according to the known safety risks of such establishments, which shall be based on the following factors:

“(A) The compliance history of the establishment.

“(B) The record, history, and nature of recalls linked to the establishment.

“(C) The inherent risk of the drug manufactured, prepared, propagated, compounded, or processed at the establishment.

“(D) The certifications described under sections 801(r) and 809 for the establishment.

“(E) Whether the establishment has been inspected in the preceding 4-year period.

“(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(5) EFFECT OF STATUS.—In determining the risk associated with an establishment for purposes of establishing a risk-based schedule under paragraph (3), the Secretary shall not consider whether the drugs manufactured, prepared, propagated, compounded, or processed by such establishment are drugs described in section 503(b).

“(6) ANNUAL REPORT ON INSPECTIONS OF ESTABLISHMENTS.—Not later than February 1 of each year, the Secretary shall submit a report to Congress regarding—

“(A)(i) the number of domestic and foreign establishments registered pursuant to this section in the previous fiscal year; and

“(ii) the number of such domestic establishments and the number of such foreign establishments that the Secretary inspected in the previous fiscal year;

“(B) with respect to establishments that manufacture, prepare, propagate, compound, or process an active ingredient of a drug, a finished drug product, or an excipient of a drug, the number of each such type of establishment; and

“(C) the percentage of the budget of the Food and Drug Administration used to fund the inspections described under subparagraph (A).

“(7) PUBLIC AVAILABILITY OF ANNUAL REPORTS.—The Secretary shall make the report required under paragraph (6) available to the public on the Internet Web site of the Food and Drug Administration.”.

SEC. 706. RECORDS FOR INSPECTION.

Section 704(a) (21 U.S.C. 374(a)) is amended by adding at the end the following:

“(4)(A) Any records or other information that the Secretary is entitled to inspect under this section from a person that owns or operates an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug shall, upon the request of the Secretary, be provided to the Secretary by such person within a reasonable time frame, within reasonable limits and in a reasonable manner, and in electronic form, at the expense of such person. The Secretary’s request shall include a clear description of the records requested.

“(B) Upon receipt of the records requested under subparagraph (A), the Secretary shall provide to the person confirmation of the receipt of such records.

“(C) Nothing in this paragraph supplants the authority of the Secretary to conduct inspections otherwise permitted under this Act in order to ensure compliance by an establishment with this Act.”.

SEC. 707. FAILURE TO ALLOW FOREIGN INSPECTION.

Section 801(a) (21 U.S.C. 381(a)) is amended by adding at the end the following: “Notwithstanding any other provision of this subsection, the Secretary of Homeland Security shall, upon request from the Secretary of Health and Human Services refuse to admit into the United States any article if the article was manufactured, prepared, propagated, compounded, processed, or held at an establishment that has refused to permit the Secretary of Health and Human Services to enter or inspect the establishment in the

same manner and to the same extent as the Secretary may inspect establishments under section 704.”.

SEC. 708. EXCHANGE OF INFORMATION.

Section 708 (21 U.S.C. 379) is amended—

(1) by striking “CONFIDENTIAL INFORMATION” and all that follows through “The Secretary” and inserting “CONFIDENTIAL INFORMATION”;

“(a) CONTRACTORS.—The Secretary”; and

(2) by adding at the end the following:

“(b) ABILITY TO RECEIVE AND PROTECT CONFIDENTIAL INFORMATION OBTAINED FROM FOREIGN GOVERNMENTS.—

“(1) IN GENERAL.—The Secretary shall not be required to disclose under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), or any other provision of law, any information described in subsection (c)(3) obtained from a foreign government agency, if—

“(A) the information is provided or made available to the United States Government voluntarily and on the condition that the information not be released to the public; and

“(B) the information is covered by, and subject to, a certification and written agreement under subsections (c)(1) and (c)(2).

“(2) TIME LIMITATIONS.—The written agreement described in subsection (c)(2) shall specify the time period for which the non-disclosure requirements under paragraph (1) shall apply to the voluntarily disclosed information. The non-disclosure requirements under paragraph (1) shall not apply after the date specified, but all other applicable legal protections, including section 552 of title 5, United States Code and section 319L(e)(1) of the Public Health Service Act, shall continue to apply to such information, as appropriate. If no date is specified in the written agreement, the non-disclosure protections described in paragraph (1) shall not exceed 3 years.

“(3) DISCLOSURES NOT AFFECTED.—Nothing in this section authorizes any official to withhold, or to authorize the withholding of, information from Congress or information required to be disclosed pursuant to an order of a court of the United States.

“(4) PUBLIC INFORMATION.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in section 552(b)(3)(B).

“(c) AUTHORITY TO ENTER INTO MEMORANDA OF UNDERSTANDING FOR PURPOSES OF INFORMATION EXCHANGE.—The Secretary may enter into written agreements regarding the exchange of information referenced in section 301(j) subject to the following criteria:

“(1) CERTIFICATION.—The Secretary may only enter into written agreements under this subsection with foreign governments that the Secretary has certified as having the authority and demonstrated ability to protect trade secret information from disclosure. Responsibility for this certification shall not be delegated to any officer or employee other than the Commissioner.

“(2) WRITTEN AGREEMENT.—The written agreement under this subsection shall include a commitment by the foreign government to protect information exchanged under this subsection from disclosure unless and until the sponsor gives written permission for disclosure or the Secretary makes a declaration of a public health emergency pursuant to section 319 of the Public Health Service Act that is relevant to the information.

“(3) INFORMATION EXCHANGE.—The Secretary may provide to a foreign government that has been certified under paragraph (1)

and that has executed a written agreement under paragraph (2) information referenced in section 301(j) in the following circumstances:

“(A) Information concerning the inspection of a facility may be provided if—

“(i) the Secretary reasonably believes, or that the written agreement described in paragraph (2) establishes, that the government has authority to otherwise obtain such information; and

“(ii) the written agreement executed under paragraph (2) limits the recipient’s use of the information to the recipient’s civil regulatory purposes.

“(B) Information not described in subparagraph (A) may be provided as part of an investigation, or to alert the foreign government to the potential need for an investigation, if the Secretary has reasonable grounds to believe that a drug has a reasonable probability of causing serious adverse health consequences or death to humans or animals.

“(4) EFFECT OF SUBSECTION.—Nothing in this subsection affects the ability of the Secretary to enter into any written agreement authorized by other provisions of law to share confidential information.”.

SEC. 709. ENHANCING THE SAFETY AND QUALITY OF THE DRUG SUPPLY.

Section 501 (21 U.S.C. 351) is amended by adding at the end the following flush text:

“For purposes of subsection (a)(2)(B), the term ‘current good manufacturing practice’ includes the implementation of oversight and controls over the manufacture of drugs to ensure quality, including managing the risk of and establishing the safety of raw materials, materials used in the manufacturing of drugs, and finished drug products.”.

SEC. 710. ACCREDITATION OF THIRD-PARTY AUDITORS FOR DRUG ESTABLISHMENTS.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 809. ACCREDITATION OF THIRD-PARTY AUDITORS FOR DRUG ESTABLISHMENTS.

“(a) DEFINITIONS.—In this section:

“(1) ACCREDITATION BODY.—The term ‘accreditation body’ means an authority that performs accreditation of third-party auditors.

“(2) ACCREDITED THIRD-PARTY AUDITOR.—The term ‘accredited third-party auditor’ means a third-party auditor (which may be an individual) accredited by an accreditation body to conduct drug safety and quality audits.

“(3) AUDIT AGENT.—The term ‘audit agent’ means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct drug safety and quality audits on behalf of an accredited third-party auditor.

“(4) CONSULTATIVE AUDIT.—The term ‘consultative audit’ means an audit of an eligible entity intended for internal purposes only to determine whether an establishment is in compliance with the provisions of this Act and applicable industry practices, or any other such service.

“(5) DRUG SAFETY AND QUALITY AUDIT.—The term ‘drug safety and quality audit’—

“(A) means an audit of an eligible entity to certify that the eligible entity meets the requirements of this Act applicable to drugs, including the requirements of section 501 with respect to drugs; and

“(B) is not a consultative audit.

“(6) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity, including a foreign

drug establishment registered under section 510(c), in the drug supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

“(7) THIRD-PARTY AUDITOR.—The term ‘third-party auditor’ means a foreign government, agency of a foreign government or any other third party (which may be an individual), as the Secretary determines appropriate in accordance with the criteria described in subsection (c)(1), that is eligible to be considered for accreditation to conduct drug safety and quality audits.

“(b) ACCREDITATION SYSTEM.—

“(1) RECOGNITION OF ACCREDITATION BODIES.—

“(A) IN GENERAL.—Not later than 2 years after date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to conduct drug safety and quality audits.

“(B) DIRECT ACCREDITATION.—

“(i) IN GENERAL.—If, by the date that is 2 years after the date of establishment of the system described in subparagraph (A), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

“(ii) CERTAIN DIRECT ACCREDITATIONS.—Notwithstanding subparagraph (A) or clause (i), the Secretary may directly accredit any foreign government or any agency of a foreign government as a third-party auditor at any time after the date of enactment of the Food and Drug Administration Safety and Innovation Act.

“(2) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary—

“(A) a list of all accredited third-party auditors accredited by such body (including the name, contact information, and scope and duration of accreditation for each such auditor), and the audit agents of such auditors; and

“(B) updated lists as needed to ensure the list held by the Secretary is accurate.

“(3) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke, after the opportunity for an informal hearing, the recognition of any accreditation body found not to be in compliance with the requirements of this section.

“(4) REINSTATEMENT.—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

“(5) MODEL ACCREDITATION STANDARDS.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall develop model standards, including standards for drug safety and quality audit results, reports, and certifications, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section.

“(B) CONTENT.—The standards developed under subparagraph (A) may—

“(i) include a description of required standards relating to the training procedures, competency, management responsibilities,

quality control, and conflict of interest requirements of accredited third-party auditors; and

“(ii) set forth procedures for the periodic renewal of the accreditation of accredited third-party auditors.

“(C) REQUIREMENT TO PROVIDE RESULTS AND REPORTS TO THE SECRETARY.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(B), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to provide to the Secretary, upon request, the results and reports of any drug safety and quality audit conducted pursuant to the accreditation provided under this section.

“(6) DISCLOSURE.—The Secretary shall maintain on the Internet Web site of the Food and Drug Administration a list of recognized accreditation bodies and accredited third-party auditors under this section.

“(c) ACCREDITED THIRD-PARTY AUDITORS.—

“(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.—

“(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(B), the Secretary) shall perform such reviews and audits of drug safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the standards developed under subsection (b)(5), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or drugs certified by such government or agency meet the requirements of this Act.

“(B) OTHER THIRD PARTIES.—Prior to accrediting any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(B), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that party and conduct such reviews of internal systems and such other investigation of the party as the Secretary deems necessary, including requirements under the standards developed under subsection (b)(5), to determine that the third-party auditor is capable of adequately ensuring that an eligible entity or drug certified by such third-party auditor meets the requirements of this Act.

“(2) USE OF AUDIT AGENTS.—An accredited third-party auditor may conduct drug safety and quality audits and may employ or use audit agents to conduct drug safety and quality audits, but must ensure that such audit agents comply with all requirements the Secretary deems necessary, including requirements under paragraph (1) and subsection (b)(5).

“(3) REVOCATION OF ACCREDITATION.—

“(A) IN GENERAL.—The Secretary shall promptly revoke, after the opportunity for an informal hearing, the accreditation of an accredited third-party auditor—

“(i) if, following an evaluation, the Secretary finds that the accredited third-party auditor is not in compliance with the requirements of this section; or

“(ii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to determine compliance with the requirements set forth in this section.

“(B) ADDITIONAL BASIS FOR REVOCATION OF ACCREDITATION.—The Secretary may revoke accreditation from an accredited third-party

auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(3) is revoked, if the Secretary determines that there is good cause for the revocation of accreditation.

“(4) REACCREDITATION.—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been revoked under paragraph (3)—

“(A) if the Secretary determines, based on evidence presented, that—

“(i) the third-party auditor satisfies the requirements of this section; and

“(ii) adequate grounds for revocation no longer exist; and

“(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body is revoked under subsection (b)(3)—

“(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (3), through direct accreditation under subsection (b)(1)(B), or by an accreditation body in good standing; or

“(ii) under such other conditions as the Secretary may require.

“(5) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES FOR COMPLIANCE WITH CURRENT GOOD MANUFACTURING PRACTICE.—

“(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(B), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic, document or certification, as the Secretary may require under this Act, regarding compliance with section 501. The Secretary may consider any such document or certification to satisfy requirements under section 801(r) and to target inspection resources under section 510(h).

“(B) REQUIREMENTS FOR ISSUING CERTIFICATION.—

“(i) IN GENERAL.—An accredited third-party auditor shall issue a drug certification described in subparagraph (A) only after conducting a drug safety and quality audit and such other activities that may be necessary to establish compliance with the provisions of section 501.

“(ii) PROVISION OF CERTIFICATION.—Only an accredited third-party auditor or the Secretary may provide a drug certification described in subparagraph (A).

“(C) RECORDS.—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor or any audit agent of such auditor to submit to the Secretary a drug safety and quality audit report and such other reports or documents required as part of the drug safety and quality audit process, for any eligible entity for which the accredited third-party auditor or audit agent of such auditor performed a drug safety and quality audit. The Secretary may require documentation that the eligible entity is in compliance with any applicable registration requirements.

“(D) LIMITATION.—The requirement under subparagraph (C) shall not include any report or other documents resulting from a consultative audit, except that the Secretary may access the results of a consultative audit in accordance with section 704.

“(E) DECLARATION OF AUDIT TYPE.—Before an accredited third-party auditor begins any audit or provides any consultative service to an eligible entity, both the accredited third-party auditor and eligible entity shall estab-

lish in writing whether the audit is intended to be a drug safety and quality audit. Any audit, inspection, or consultative service of any type provided by an accredited third-party auditor on behalf of an eligible entity shall be presumed to be a drug safety and quality audit in the absence of such a written agreement. Once a drug safety and quality audit is initiated, it shall be subject to the requirements of this section, and no person may withhold from the Secretary any document subject to subparagraph (C) on the grounds that the audit was a consultative audit or otherwise not a drug safety and quality audit.

“(F) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary under section 704.

“(6) REQUIREMENTS REGARDING SERIOUS RISKS TO THE PUBLIC HEALTH.—If, at any time during a drug safety and quality audit, an accredited third-party auditor or an audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

“(A) the identity and location of the eligible entity subject to the drug safety and quality audit; and

“(B) such condition.

“(7) LIMITATIONS.—

“(A) IN GENERAL.—An audit agent of an accredited third-party auditor may not perform a drug safety and quality audit of an eligible entity if such audit agent has performed a drug safety and quality audit or consultative audit of such eligible entity during the previous 13-month period.

“(B) WAIVER.—The Secretary may waive the application of subparagraph (A) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region or that the use of the same audit agent or accredited third-party auditor is otherwise necessary.

“(8) CONFLICTS OF INTEREST.—

“(A) ACCREDITATION BODIES.—A recognized accreditation body shall—

“(i) not be owned, managed, or controlled by any person that owns or operates a third-party auditor to be accredited by such body;

“(ii) in carrying out accreditation of third-party auditors under this section, have procedures to ensure against the use of any officer or employee of such body that has a financial conflict of interest regarding a third-party auditor to be accredited by such body; and

“(iii) annually make available to the Secretary disclosures of the extent to which such body and the officers and employees of such body have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(B) ACCREDITED THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

“(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

“(ii) in carrying out drug safety and quality audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

“(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(C) AUDIT AGENTS.—An audit agent shall—

“(i) not own or operate an eligible entity to be audited by such agent;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

“(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(d) FALSE STATEMENTS.—Any statement or representation made—

“(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

“(2) by an accreditation body, accredited third-party auditor, or audit agent of such auditor to the Secretary, shall be subject to section 1001 of title 18, United States Code.

“(e) MONITORING.—To ensure compliance with the requirements of this section, the Secretary—

“(1) shall periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

“(2) shall periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

“(3) may at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor, with or without the auditor present; and

“(4) shall take any other measures deemed necessary by the Secretary.

“(f) EFFECT OF AUDIT.—The results of a drug safety and quality audit by an accredited third-party auditor under this section—

“(1) may be used by the eligible entity—

“(A) as documentation of compliance with section 501(a)(2)(B) or section 801(r); and

“(B) for other purposes as determined appropriate by the Secretary; and

“(2) shall be used by the Secretary in establishing the risk-based inspection schedules under section 510(h).

“(g) COSTS.—

“(1) AUTHORIZED FEES OF SECRETARY.—The Secretary may assess fees on accreditation bodies and accredited third-party auditors in such an amount necessary to establish and administer the recognition and accreditation program under this section. The Secretary may require accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to carry out this section. The Secretary shall not generate surplus revenue from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

“(2) AUTHORIZED FEES FOR RECOGNIZED ACCREDITATION BODIES.—An accreditation body recognized by the Secretary under subsection (b) may assess a reasonable fee to accredit third-party auditors.

“(h) LIMITATIONS.—

“(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The drug safety and quality audits performed under this section shall not be considered inspections under section 704.

“(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.

“(i) REGULATIONS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and

Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this section.

“(2) **PROCEDURE.**—In promulgating the regulations implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(3) **CONTENT.**—Such regulations shall include—

“(A) requirements that, to the extent practicable, drug safety and quality audits performed under this section be unannounced;

“(B) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

“(C) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible entity to be audited by such auditor, as described in subparagraphs (A) and (B).

“(4) **RESTRICTIONS.**—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2).”.

(b) **REPORT ON ACCREDITED THIRD-PARTY AUDITORS.**—Not later than January 20, 2017, the Comptroller General of the United States shall submit to Congress a report that addresses the following, with respect to the period beginning on the date of implementation of section 809 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and ending on the date of such report:

(1) The extent to which drug safety and quality audits completed by accredited third-party auditors under such section 809 are being used by the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) in establishing or applying the risk-based inspection schedules under section 510(h) of such Act (as amended by section 705).

(2) The extent to which drug safety and quality audits completed by accredited third-party auditors or agents are assisting the Food and Drug Administration in evaluating compliance with sections 501(a)(2)(B) of such Act (21 U.S.C. 351(a)(2)(B)) and 801(r) of such Act (as added by section 711).

(3) Whether the Secretary has been able to access drug safety and quality audit reports completed by accredited third-party auditors under such section 809.

(4) Whether accredited third-party auditors accredited under such section 809 have adhered to the conflict of interest provisions set forth in such section.

(5) The extent to which the Secretary has audited recognized accreditation bodies or accredited third-party auditors to ensure compliance with the requirements of such section 809.

(6) The number of waivers under subsection (c)(7)(B) of such section 809 issued during the most recent 12-month period and the official justification by the Secretary for each determination that there was insufficient access to an accredited third-party auditor.

(7) The number of times a manufacturer has used the same accredited third-party auditor for 2 or more consecutive drug safety and quality audits under such section 809.

(8) Recommendations to Congress regarding the accreditation program under such

section 809, including whether Congress should continue, modify, or terminate the program.

SEC. 711. STANDARDS FOR ADMISSION OF IMPORTED DRUGS.

Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (o), by striking “drug or”; and

(2) by adding at the end the following:

“(r)(1) The Secretary may require, as a condition of granting admission to a drug imported or offered for import into the United States, that the importer electronically submit information demonstrating that the drug complies with applicable requirements of this Act.

“(2) The information described under paragraph (1) may include—

“(A) information demonstrating the regulatory status of the drug, such as the new drug application, abbreviated new drug application, or investigational new drug or drug master file number;

“(B) facility information, such as proof of registration and the unique facility identifier;

“(C) indication of compliance with current good manufacturing practice, testing results, certifications relating to satisfactory inspections, and compliance with the country of export regulations; and

“(D) any other information deemed necessary and appropriate by the Secretary to assess compliance of the article being offered for import.

“(3) Information requirements referred to in paragraph (2)(C) may, at the discretion of the Secretary, be satisfied—

“(A) by certifications from accredited third parties, as described under section 809;

“(B) through representation by a foreign government, if such inspection is conducted using standards and practices as determined appropriate by the Secretary; or

“(C) other appropriate documentation or evidence as described by the Secretary.

“(4)(A) Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this subsection. Such requirements shall be appropriate for the type of import, such as whether the drug is for import into the United States for use in pre-clinical research or in a clinical investigation under an investigational new drug exemption under 505(i).

“(B) In promulgating the regulations implementing this subsection, the Secretary shall—

“(i) issue a notice of proposed rulemaking that includes the proposed regulation;

“(ii) provide a period of not less than 60 days for comments on the proposed regulation; and

“(iii) publish the final regulation not less than 30 days before the effective date of the regulation.

“(C) Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this subsection only as described in subparagraph (B).”.

SEC. 712. NOTIFICATION.

(a) **PROHIBITED ACTS.**—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(aaa) The failure to notify the Secretary in violation of section 568.”.

(b) **NOTIFICATION.**—

(1) **IN GENERAL.**—Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

“SEC. 568. NOTIFICATION.

“(a) **NOTIFICATION TO SECRETARY.**—With respect to a drug, the Secretary may require

notification to the Secretary by a covered person if the covered person knows—

“(1) of a substantial loss or theft of such drug; or

“(2) that such drug—

“(A) has been or is being counterfeited; and

“(B)(i) is a counterfeit product in commerce in the United States; or

“(ii) is offered for import into the United States.

“(b) **MANNER OF NOTIFICATION.**—Notification under this section shall be made in a reasonable time, in such reasonable manner, and by such reasonable means as the Secretary may require by regulation or specify in guidance.

“(c) **DEFINITION.**—In this section, the term ‘covered person’ means—

“(1) a person who is required to register under section 510 with respect to an establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a drug; or

“(2) a person engaged in the wholesale distribution (as defined in section 503(e)(3)(B)) of a drug.”.

(2) **APPLICABILITY.**—Notifications under section 568 of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (1)) apply to losses, thefts, or counterfeiting, as described in subsection (a) of such section 568, that occur on or after the date of enactment of this Act.

SEC. 713. PROTECTION AGAINST INTENTIONAL ADULTERATION.

Section 303(b) (21 U.S.C. 333(b)) is amended by adding at the end the following:

“(7) Notwithstanding subsection (a)(2), any person that knowingly and intentionally adulterates a drug such that the drug is adulterated under subsection (a)(1), (b), (c), or (d) of section 501 and has a reasonable probability of causing serious adverse health consequences or death to humans or animals shall be imprisoned for not more than 20 years or fined not more than \$1,000,000, or both.”.

SEC. 714. ENHANCED CRIMINAL PENALTY FOR COUNTERFEITING DRUGS.

(a) **FFDCA.**—Section 303(b) (21 U.S.C. 333(b)), as amended by section 713, is further amended by adding at the end the following:

“(8) Notwithstanding subsection (a)(2), any person who knowingly and intentionally violates section 301(i) shall be imprisoned for not more than 20 years or fined not more than \$4,000,000 or both.”.

(b) **TITLE 18.**—Section 2320(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) **COUNTERFEIT DRUGS.**—

“(A) **IN GENERAL.**—Whoever commits an offense under subsection (a) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

“(i) if an individual, be fined not more than \$4,000,000, imprisoned not more than 20 years, or both; and

“(ii) if a person other than an individual, be fined not more than \$10,000,000.

“(B) **MULTIPLE OFFENSES.**—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

“(i) if an individual, shall be fined not more than \$8,000,000, imprisoned not more than 20 years, or both; and

“(ii) if other than an individual, shall be fined not more than \$20,000,000.”.

(c) SENTENCING.—

(1) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(b)(2) of title 18, United States Code, as amended by subsection (b), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(B) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(C) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(E) make any necessary conforming changes to the sentencing guidelines; and

(F) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 715. EXTRATERRITORIAL JURISDICTION.

Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

“SEC. 311. EXTRATERRITORIAL JURISDICTION.

“There is extraterritorial jurisdiction over any violation of this Act relating to any article regulated under this Act if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.”.

SEC. 716. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this title (or an amendment made by this title) shall be construed in a manner inconsistent with the obligations of the United States under the Agreement Establishing the World Trade Organization, or any other treaty or international agreement to which the United States is a party.

Subtitle B—Pharmaceutical Distribution Integrity**SEC. 721. SHORT TITLE.**

This subtitle may be referred to as the “Securing Pharmaceutical Distribution Integrity to Protect the Public Health Act of 2012” or the “Securing Pharmaceutical Distribution Integrity Act of 2012”.

SEC. 722. SECURING THE PHARMACEUTICAL DISTRIBUTION SUPPLY CHAIN.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter H—Pharmaceutical Distribution Integrity**“SEC. 581. DEFINITIONS.**

“In this subchapter:

“(1) DATA CARRIER.—The term ‘data carrier’ means a machine-readable graphic that is intended to be affixed to, or imprinted upon, an individual saleable unit and a homogeneous case of product. The data carrier

shall comply with a form and format developed by a widely recognized international standards development organization to ensure interoperability among distribution chain participants.

“(2) INDIVIDUAL SALEABLE UNIT.—The term ‘individual saleable unit’ means the smallest container of product put into interstate commerce by the manufacturer that is intended by the manufacturer for individual sale to a pharmacy or other dispenser of such product.

“(3) PRODUCT.—The term ‘product’ means a finished drug subject to section 503(b)(1).

“(4) PRODUCT TRACING.—The term ‘product tracing’ means—

“(A) identifying the immediate previous source and immediate subsequent recipient of a product in wholesale distribution at the lot level where a change of ownership of such product has occurred between non-affiliated entities, except as otherwise described in this subchapter;

“(B) identifying the immediate subsequent recipient of the product at the lot level when a manufacturer or repackager introduces such product into interstate commerce;

“(C) identifying that manufacturer and dispenser of a product at the lot level when a manufacturer ships a product at the lot level, without regard to the change in ownership involving the wholesale distributor; and

“(D) identifying the immediate previous source of a product at the lot level for dispensers.

“(5) RXTEC.—The term ‘RxTEC’ means a data carrier that includes the standardized numerical identifier (SNI), the lot number, and the expiration date of a product. The standard data carrier RxTEC shall be a 2D data matrix barcode affixed to each individual saleable unit of a product and a linear or 2D data matrix barcode on a homogeneous case of a product. Such information shall be both machine readable and human readable.

“(6) SUSPECT PRODUCT.—The term ‘suspect product’ means a product that, based on credible evidence—

“(A) is potentially counterfeit, diverted, or stolen;

“(B) is reasonably likely to be intentionally adulterated such that the product would result in serious adverse health consequences or death to humans; or

“(C) appears otherwise unfit for distribution such that the product would result in serious adverse health consequence or death to humans.

“(7) VERIFICATION.—The term ‘verification’ means the process of determining whether a product has the standardized numerical identifier or lot number, consistent with section 582, and expiration date assigned by the manufacturer, or the repackager as applicable, and identifying whether a product has the appearance of being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution. Verification of the RxTEC data may occur by using either a human-readable, machine-readable, or other method such as through purchase records or invoices.

“SEC. 582. ENSURING THE SAFETY OF THE PHARMACEUTICAL DISTRIBUTION SUPPLY CHAIN THROUGH THE ESTABLISHMENT OF AN RXTEC SYSTEM.

“(a) MANUFACTURER REQUIREMENTS.—

“(1) PRODUCT TRACING.—A manufacturer, not later than 4½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) apply RxTEC to the individual saleable units and homogeneous case of all products intended to be introduced into interstate commerce;

“(B) maintain change of ownership and transaction information, including RxTEC data that associate unit and lot level data for each individual saleable unit of product and homogeneous case introduced in interstate commerce; and

“(C) maintain, where a change of ownership has occurred between non-affiliated entities or, in the case of a return from the immediate previous source, change of ownership and transaction information relating to a product, including—

“(i) RxTEC data;

“(ii) the business name and address of the immediate previous source, if applicable, and the immediate subsequent recipient of the product;

“(iii) the proprietary or established name or names of the product;

“(iv) the National Drug Code number of the product;

“(v) container size;

“(vi) number of containers;

“(vii) the lot number or numbers of the product; and

“(viii) the date of the transaction;

“(D) provide the following change of ownership and transaction information to the immediate subsequent recipient of such product—

“(i) the proprietary or established name or names of the product;

“(ii) the National Drug Code number of the product;

“(iii) container size;

“(iv) number of containers;

“(v) the lot number or numbers of the product; and

“(vi) a signed statement that the manufacturer did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(E) upon request by the Secretary, other appropriate Federal official, or State official, in the event of a recall or as determined necessary by the Secretary, or such other Federal or State official, to investigate a suspect product, provide in a reasonable time and in a reasonable manner—

“(i) RxTEC data by lot; and

“(ii) change of ownership and transaction information pursuant to subparagraphs (C) and (D) necessary to identify the immediate previous source or immediate subsequent recipient of such product, as applicable.

“(2) VERIFICATION REQUIREMENTS.—A manufacturer, not later than 4½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) utilize RxTEC data at the lot level, as part of ongoing activities to significantly minimize or prevent the incidences of a suspect product in the pharmaceutical distribution supply chain, as applicable and appropriate, which—

“(i) may include responding to an alert regarding a suspect product from a trading partner or the Secretary, routine monitoring of a suspect product at the lot level while such product is in the possession of the manufacturer, and checking inventory for a suspect product at the request of a trading partner or the Secretary in case of returns; and

“(ii) shall take into consideration—

“(I) the likelihood that a particular product has a high potential risk with respect to pharmaceutical distribution supply chain security;

“(II) the history and severity of incidences of counterfeit, diversion, and theft of such product;

“(III) the point in the pharmaceutical distribution supply chain where counterfeit, diversion, or theft has occurred or is most likely to occur;

“(IV) the likelihood that such activities will reduce the possibility of the counterfeit, diversion, and theft of such product;

“(V) whether the product could mitigate or prevent a drug shortage as defined in section 506C; and

“(VI) any guidance the Secretary issues regarding high-risk scenarios that could increase the risk of a suspect product entering the pharmaceutical distribution supply chain; and

“(B) conduct unit level verification upon the request of a licensed or registered repackager, wholesale distributor, dispenser, or the Secretary, regarding such product.

“(3) NOTIFICATION OF PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 4½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a manufacturer, upon confirming that a product does not have the standardized numerical identifier or lot number, consistent with this section, and expiration date assigned by the manufacturer, or has the appearance of being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this subsection may not be redistributed as a saleable product unless the manufacturer, in consultation with the Secretary, determines such product may reenter the pharmaceutical distribution supply chain.

“(4) LIMITATION.—Nothing in this section shall require a manufacturer to aggregate unit level data to cases or pallets.

“(b) REPACKAGER REQUIREMENTS.—

“(1) PRODUCT TRACING.—A repackager, not later than 5½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) apply RxTEC to the individual saleable unit and the homogenous case of all product intended to be introduced into interstate commerce;

“(B) maintain change of ownership and transaction information, including RxTEC data, that associate unit and lot level data for each individual saleable unit of product and each homogenous case of product introduced in interstate commerce, including RxTEC data received for such products and for which a repackager applies a new RxTEC;

“(C) receive only products encoded with RxTEC data from a licensed or registered manufacturer or wholesaler;

“(D) maintain, where a change of ownership has occurred between non-affiliated entities in wholesale distribution, change of ownership and transaction information relating to a product, including—

“(i) RxTEC data;

“(ii) the business name and address of the immediate previous source and the immediate subsequent recipient of the product;

“(iii) the proprietary or established name or names of the product;

“(iv) the National Drug Code number of the product;

“(v) container size;

“(vi) number of containers;

“(vii) the lot number or numbers of the product; and

“(viii) the date of the transaction;

“(E) provide the following change of ownership and transaction information to the immediate subsequent recipient of such product—

“(i) the proprietary or established name or names of the product;

“(ii) the National Drug Code number of the product;

“(iii) container size;

“(iv) number of containers;

“(v) the lot number or numbers of the product; and

“(vi) a signed statement that the repackager—

“(I) is licensed or registered;

“(II) received the product from a manufacturer that is licensed or registered;

“(III) received a signed statement from the manufacturer of such product consistent with subsection (a)(1)(D)(vi); and

“(IV) did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(F) upon request by the Secretary, other appropriate Federal official, or State official, in the event of a recall, or as determined necessary by the Secretary or such other Federal or State official to investigate a suspect product, provide in a reasonable time and in a reasonable manner—

“(i) RxTEC data by lot; and

“(ii) change of ownership and transaction information pursuant to subparagraph (C) or (E) necessary to identify the immediate previous source or the immediate subsequent recipient of such product, as applicable.

“(2) VERIFICATION REQUIREMENTS.—A repackager, not later than 5½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) utilize RxTEC data at the lot level, as part of ongoing activities to significantly minimize or prevent the incidences of suspect product in the pharmaceutical distribution supply chain, as applicable and appropriate, which—

“(i) may include—

“(I) responding to alerts regarding a suspect product from a trading partner or the Secretary, routine monitoring of a suspect product at the lot level while such product is in the possession of the repackager; and

“(II) checking inventory for a suspect product at the request of a trading partner or the Secretary in the case of returns; and

“(ii) shall take into consideration—

“(I) the likelihood that a particular product has a high potential risk with respect to pharmaceutical distribution supply chain security;

“(II) the history and severity of incidences of counterfeit, diversion, and theft of such product;

“(III) the point in the pharmaceutical distribution supply chain where counterfeit, diversion, and theft has occurred or is most likely to occur;

“(IV) the likelihood that such activities will reduce the possibility of counterfeit, diversion, and theft of such product;

“(V) whether the product could mitigate or prevent a drug shortage as defined in section 506C; and

“(VI) any guidance the Secretary issues regarding high-risk scenarios that could increase the risk of a suspect product entering the pharmaceutical distribution supply chain; and

“(B) conduct unit level verification upon the request of a licensed or registered manufacturer, wholesale distributor, dispenser, or the Secretary, regarding such product.

“(3) NOTIFICATION AND PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 5½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a repackager, upon confirming that a product does not have the standardized numerical identifier or lot number, consistent with this section, and expiration date assigned by the manufacturer, or has the appearance of being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution such that it would result in serious adverse health consequences or death to humans, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this subsection may not be redistributed as a saleable product unless the repackager, in consultation with the Secretary, and manufacturer as applicable, determines such product may reenter the pharmaceutical distribution supply chain.

“(4) LIMITATION.—Nothing in this section shall require a repackager to aggregate unit level data to cases or pallets.

“(c) WHOLESALE DISTRIBUTOR REQUIREMENTS.—

“(1) PRODUCT TRACING REQUIREMENTS.—A wholesale distributor engaged in wholesale distribution, not later than 6½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) receive only products encoded with RxTEC from a licensed or registered manufacturer, wholesaler, or repackager;

“(B) maintain, in wholesale distribution where a change of ownership has occurred between non-affiliated entities, change of ownership and transaction information, including—

“(i) RxTEC data by lot;

“(ii) the business name and address of the immediate previous source and the immediate subsequent recipient of the product;

“(iii) the proprietary or established name or names of the product;

“(iv) the National Drug Code number of the product;

“(v) container size;

“(vi) number of containers;

“(vii) the lot number or numbers of the product; and

“(viii) the date of the transaction;

“(C) provide the following change of ownership and transaction information to the immediate subsequent recipient of such product—

“(i) the proprietary or established name or names of the product;

“(ii) the National Drug Code number of the product;

“(iii) container size;

“(iv) number of containers;

“(v) the lot number or numbers of the product;

“(vi) the date of the transaction; and

“(vii) a signed statement that the wholesale distributor—

“(I) is licensed or registered;

“(II) received the product from a registered or licensed manufacturer, repackager, or wholesaler, as applicable;

“(III) received a signed statement from the immediate subsequent recipient of such

product that such trading partner did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(IV) did not knowingly and intentionally adulterate or knowingly and intentionally counterfeit such product; and

“(D) upon request by the Secretary, other appropriate Federal official, or State official, in the event of a recall, return, or as determined necessary by the Secretary, or such other Federal or State official, to investigate a suspect product, provide in a reasonable time and in a reasonable manner—

“(i) RxTEC data by lot; and

“(ii) change of ownership and transaction information pursuant to subparagraphs (B) and (C), as necessary to identify the immediate previous source or the immediate subsequent recipient of such product.

“(2) VERIFICATION REQUIREMENTS.—

“(A) IN GENERAL.—A wholesale distributor engaged in wholesale distribution, not later than 6½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(i) utilize RxTEC data at the lot level, as part of ongoing activities to significantly minimize or prevent the incidence of suspect product in the pharmaceutical distribution supply chain, as applicable and appropriate, which—

“(I) may include responding to an alert regarding a suspect product from a trading partner or the Secretary, routine monitoring of a suspect product at the lot level while such product is in the possession of the wholesale distributor, and checking inventory for a suspect product at the request of a trading partner or the Secretary; and

“(II) shall take into consideration—

“(aa) the likelihood that a particular product has a high potential risk with respect to pharmaceutical distribution supply chain security;

“(bb) the history and severity of incidences of counterfeit, diversion, and theft of such product;

“(cc) the point in the pharmaceutical distribution supply chain where counterfeit, diversion, and theft has occurred or is most likely to occur;

“(dd) the likelihood that such activities will reduce the possibility of counterfeit, diversion, and theft of such product;

“(ee) whether the product could mitigate or prevent a drug shortage as defined in section 506C; and

“(ff) any guidance the Secretary issues regarding high-risk scenarios that could increase the risk of suspect product entering the pharmaceutical distribution supply chain;

“(ii) conduct lot-level verification in the event of a recall, including upon the request of a licensed or registered manufacturer, repackager, dispenser, or the Secretary, regarding such product and recall;

“(iii) conduct verification of a returned product to validate the return at the lot level for a sealed homogenous case of such product or at the individual saleable unit of such product if the unit is not in a sealed homogenous case; and

“(iv) conduct unit level verification of a suspect product—

“(I) upon the request of a licensed or registered manufacturer, repackager, wholesaler, dispenser, or the Secretary, regarding such product; or

“(II) upon the determination that a product is a suspect product.

“(B) LIMITATION.—Nothing in this paragraph shall require a wholesale distributor

to verify product at the unit level except as required under clauses (iii) and (iv) of subparagraph (A).

“(3) NOTIFICATION AND PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 6½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a wholesale distributor, upon confirming that a product does not have the standardized numerical identifier or lot number, consistent with this section, and expiration date assigned by the manufacturer, or has the appearance of being a counterfeit, diverted, or stolen product, or a product otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this subsection may not be redistributed as a saleable product unless the wholesaler, in consultation with the Secretary, and manufacturer or repackager as applicable, determines such product may reenter the pharmaceutical distribution supply chain.

“(C) CONFIDENTIAL DATA.—A wholesale distributor may confidentially maintain RxTEC data for a direct trading partner and provide access to such information to such trading partner in lieu of data transmission, if mutually agreed upon by such trading partners.

“(d) DISPENSER REQUIREMENTS.—

“(1) PRODUCT TRACING REQUIREMENTS.—A dispenser, not later than 7½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, shall—

“(A) receive product only from a licensed or registered manufacturer, repackager, or wholesale distributor;

“(B) receive only products encoded with RxTEC lot level data from a manufacturer, repackager, or wholesale distributor selling the drug product to the dispenser;

“(C) maintain RxTEC lot level data or allow the wholesale distributor to confidentially maintain and store the RxTEC lot level data sufficient to identify the product provided to the dispenser from the immediate previous source where a change of ownership has occurred between non-affiliated entities (if such arrangement is mutually agreed upon by the dispenser and the wholesale distributor);

“(D) use the RxTEC lot level data maintained by the dispenser or maintained by the wholesale distributor on behalf of the dispenser (if such arrangement is mutually agreed upon by the dispenser and the wholesale distributor), as necessary to respond to a request from the Secretary in the event of a suspect product or recall;

“(E) maintain lot level data upon change of ownership between non-affiliated entities and for recalled product; and

“(F) for investigation purposes only, and upon request by the Secretary, other appropriate Federal official, or State official, for the purpose of investigating a suspect or recalled product, provide the RxTEC data by lot and the immediate previous source or immediate subsequent receipt of the suspect or recalled product, as applicable.

“(2) VERIFICATION REQUIREMENTS.—Not later than 7½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accord-

ance with this section, a dispenser shall be required to conduct lot level verification of suspect product only.

“(3) NOTIFICATION AND PRODUCT REMOVAL.—

“(A) IN GENERAL.—Not later than 7½ years after the date of enactment of the Securing Pharmaceutical Distribution Integrity Act of 2012 and in accordance with this section, a dispenser, upon confirming that a product is a suspect product or a product otherwise unfit for distribution, shall—

“(i) promptly notify the Secretary and impacted trading partners, as applicable and appropriate; and

“(ii) take steps to remove such product from the pharmaceutical distribution supply chain.

“(B) REDISTRIBUTION.—Any product subject to a notification under this paragraph may not be redistributed as a saleable product unless the dispenser, in consultation with the Secretary, and manufacturer, repackager, or wholesaler as applicable, determines such product may reenter the pharmaceutical distribution supply chain.

“(C) LIMITATIONS.—Nothing in this section shall—

“(i) require a dispenser to verify product at the unit level; or

“(ii) require a dispenser to adopt specific technologies or business systems for compliance with this section.

“(e) ENSURING FLEXIBILITY.—The requirements under this section shall—

“(1) require the maintenance and transmission only of information that is reasonably available and appropriate;

“(2) be based on current scientific and technological capabilities and shall neither require nor restrict the use of additional data carrier technologies;

“(3) not prescribe or proscribe specific technologies or systems for the maintenance and transmission of data other than the standard data carrier for RxTEC or specific methods of verification;

“(4) not require a record of the complete previous distribution history of the drug from the point of origin of such drug;

“(5) take into consideration whether the public health benefits of imposing any additional regulations outweigh the cost of compliance with such requirements;

“(6) be scale-appropriate and practicable for entities of varying sizes and capabilities;

“(7) with respect to cost and recordkeeping burdens, not require the creation and maintenance of duplicative records where the information is contained in other company records kept in the normal course of business;

“(8) to the extent practicable, not require specific business systems for compliance with such requirements;

“(9) include a process by which the Secretary may issue a waiver of such regulations for an individual entity if the Secretary determines that such requirements would result in an economic hardship or for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the Public Health Service Act; and

“(10) include a process by which the Secretary may determine exceptions to the standard data carrier RxTEC requirement if a drug is packaged in a container too small or otherwise unable to accommodate a label with sufficient space to bear the information required for compliance with this section.

“(f) REGULATIONS AND GUIDANCE.—

“(1) IN GENERAL.—The Secretary may issue guidance consistent with this section regarding the circumstances surrounding suspect product and verification practices.

“(2) PROCEDURE.—The Secretary, in promulgating any regulation pursuant to this section, shall—

“(A) issue a notice of proposed rulemaking that includes a copy of the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(3) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2).

“(g) STANDARDS.—The Secretary shall, in consultation with other appropriate Federal officials, manufacturers, repackagers, wholesale distributors, dispensers, and other supply chain stakeholders, prioritize and develop standards for the interoperable exchange of ownership and transaction information for tracking and tracing prescription drugs.”

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 712, is further amended by inserting at the end the following:

“(bbb) The violation of any requirement under section 582.”

(c) SMALL ENTITY COMPLIANCE GUIDE.—Not later than 180 days after enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) shall issue a compliance guide setting forth in plain language the requirements under section 582 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in order to assist small entities in complying with such section.

(d) LIMITATIONS.—

(1) SAVINGS CLAUSE.—Nothing in this subtitle or the amendments made by this subtitle shall preempt any State or local law or regulation.

(2) EFFECT ON CALIFORNIA LAW.—Notwithstanding any other provision of Federal or State law, including any provision of this subtitle or of subchapter H of chapter V of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), such subchapter H shall not trigger California Business and Professions Code, section 4034.1.

(3) EFFECTIVE DATE.—Subsection (c) and the amendments made by subsections (a) and (b) shall take effect on January 1, 2022, or on the date on which Congress enacts a law providing for express preemption of any State law regulating the distribution of drugs, whichever is later.

SEC. 723. INDEPENDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary shall contract with a private, independent consulting firm capable of performing the technical analysis, management assessment, and program evaluation tasks required to conduct a comprehensive assessment of the process for the review of drug applications under subsections (b) and (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b), (j)) and subsections (a) and (k) of section 351 of the Public Health Service Act (42 U.S.C. 262(a), (k)). The assessment shall address the premarket review process of drugs by the Food and Drug Administration, using an assessment framework that draws from appropriate quality system standards, including management responsibility, documents controls and records management, and corrective and preventive action.

(b) PARTICIPATION.—Representatives of the Food and Drug Administration and manufacturers of drugs subject to user fees under

part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.) shall participate in a comprehensive assessment of the process for the review of drug applications under section 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. The assessment shall be conducted in phases.

(c) FIRST CONTRACT.—The Secretary shall award the contract for the first assessment under this section not later than March 31, 2013. Such contractor shall evaluate the implementation of recommendations and publish a written assessment not later than February 1, 2016.

(d) FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall publish the findings and recommendations under this section that are likely to have a significant impact on review times not later than 6 months after the contract is awarded. Final comprehensive findings and recommendations shall be published not later than 1 year after the contract is awarded.

(2) IMPLEMENTATION PLAN.—The Food and Drug Administration shall publish an implementation plan not later than 6 months after the date of receipt of each set of recommendation.

(e) SCOPE OF ASSESSMENT.—The assessment under this section shall include the following:

(1) Identification of process improvements and best practices for conducting predictable, efficient, and consistent premarket reviews that meet regulatory review standards.

(2) Analysis of elements of the review process that consume or save time to facilitate a more efficient process. Such analysis shall include—

(A) consideration of root causes for inefficiencies that may affect review performance and total time to decision;

(B) recommended actions to correct any failures to meet user fee program goals; and

(C) consideration of the impact of combination products on the review process.

(3) Assessment of methods and controls of the Food and Drug Administration for collecting and reporting information on premarket review process resource use and performance.

(4) Assessment of effectiveness of the reviewer training program of the Food and Drug Administration.

(5) Recommendations for ongoing periodic assessments and any additional, more detailed or focused assessments.

(f) REQUIREMENTS.—The Secretary shall—

(1) analyze the recommendations for improvement opportunities identified in the assessment, develop and implement a corrective action plan, and ensure its effectiveness;

(2) incorporate the findings and recommendations of the contractors, as appropriate, into the management of the premarket review program of the Food and Drug Administration; and

(3) incorporate the results of the assessment in a Good Review Management Practices guidance document, which shall include initial and ongoing training of Food and Drug Administration staff, and periodic audits of compliance with the guidance.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

SEC. 801. EXTENSION OF EXCLUSIVITY PERIOD FOR DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505D the following:

“SEC. 505E. EXTENSION OF EXCLUSIVITY PERIOD FOR NEW QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“(a) EXTENSION.—If the Secretary approves an application pursuant to section 505 for a drug that has been designated as a qualified infectious disease product under subsection (d), the 4- and 5-year periods described in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of section 505, the 3-year periods described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) of section 505, or the 7-year period described in section 527, as applicable, shall be extended by 5 years.

“(b) RELATION TO PEDIATRIC EXCLUSIVITY.—Any extension under subsection (a) of a period shall be in addition to any extension of the period under section 505A with respect to the drug.

“(c) LIMITATIONS.—Subsection (a) does not apply to the approval of—

“(1) a supplement to an application under section 505(b) for any qualified infectious disease product for which an extension described in subsection (a) is in effect or has expired;

“(2) a subsequent application filed with respect to a product approved under section 505 for a change that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

“(3) an application for a product that is not approved for the use for which it received a designation under subsection (d).

“(d) DESIGNATION.—

“(1) IN GENERAL.—The manufacturer or sponsor of a drug may request the Secretary to designate a drug as a qualified infectious disease product at any time before the submission of an application under section 505(b) for such drug. The Secretary shall, not later than 60 days after the submission of such a request, determine whether the drug is a qualified infectious disease product.

“(2) LIMITATION.—Except as provided in paragraph (3), a designation under this subsection shall not be withdrawn for any reason, including modifications to the list of qualifying pathogens under subsection (f)(2)(C).

“(3) REVOCATION OF DESIGNATION.—The Secretary may revoke a designation of a drug as a qualified infectious disease product if the Secretary finds that the request for such designation contained an untrue statement of material fact.

“(e) REGULATIONS.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this section.

“(2) PROCEDURE.—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(3) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2), except that the Secretary may issue interim guidance for sponsors seeking designation under subsection (d) prior to the promulgation of such regulations.

“(4) DESIGNATION PRIOR TO REGULATIONS.—The Secretary may designate drugs as qualified infectious disease products under subsection (d) prior to the promulgation of regulations under this subsection.

“(f) QUALIFYING PATHOGEN.—

“(1) DEFINITION.—In this section, the term ‘qualifying pathogen’ means a pathogen identified and listed by the Secretary under paragraph (2) that has the potential to pose a serious threat to public health, such as—

“(A) resistant gram positive pathogens, including methicillin-resistant *Staphylococcus aureus*, vancomycin-resistant *Staphylococcus aureus*, and vancomycin-resistant enterococcus;

“(B) multi-drug resistant gram negative bacteria, including *Acinetobacter*, *Klebsiella*, *Pseudomonas*, and *E. coli* species;

“(C) multi-drug resistant tuberculosis; and

“(D) *Clostridium difficile*.

“(2) LIST OF QUALIFYING PATHOGENS.—

“(A) IN GENERAL.—The Secretary shall establish and maintain a list of qualifying pathogens, and shall make public the methodology for developing such list.

“(B) CONSIDERATIONS.—In establishing and maintaining the list of pathogens described under this section the Secretary shall—

“(i) consider—

“(I) the impact on the public health due to drug-resistant organisms in humans;

“(II) the rate of growth of drug-resistant organisms in humans;

“(III) the increase in resistance rates in humans; and

“(IV) the morbidity and mortality in humans; and

“(ii) consult with experts in infectious diseases and antibiotic resistance, including the Centers for Disease Control and Prevention, the Food and Drug Administration, medical professionals, and the clinical research community.

“(C) REVIEW.—Every 5 years, or more often as needed, the Secretary shall review, provide modifications to, and publish the list of qualifying pathogens under subparagraph (A) and shall by regulation revise the list as necessary, in accordance with subsection (e).

“(g) QUALIFIED INFECTIOUS DISEASE PRODUCT.—The term ‘qualified infectious disease product’ means an antibacterial or antifungal drug for human use intended to treat serious or life-threatening infections, including those caused by—

“(1) an antibacterial or antifungal resistant pathogen, including novel or emerging infectious pathogens; or

“(2) qualifying pathogens listed by the Secretary under subsection (f).”.

(b) APPLICATION.—Section 505E of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to a drug that is first approved under section 505(c) of such Act (21 U.S.C. 355(c)) on or after the date of the enactment of this Act.

SEC. 802. PRIORITY REVIEW.

(a) AMENDMENT.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 524 the following:

“SEC. 524A. PRIORITY REVIEW FOR QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“If the Secretary designates a drug under section 505E(d) as a qualified infectious disease product, then the Secretary shall give priority review to any application submitted for approval for such drug under section 505(b).”.

(b) APPLICATION.—Section 524A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to an application that is submitted under section 505(b) of such Act (21 U.S.C. 355(b)) on

or after the date of the enactment of this Act.

SEC. 803. FAST TRACK PRODUCT.

Section 506(a)(1) (21 U.S.C. 356(a)(1)), as amended by section 901(b), is amended by inserting “, or if the Secretary designates the drug as a qualified infectious disease product under section 505E(d)” before the period at the end of the first sentence.

SEC. 804. GAO STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall—

(1) conduct a study—

(A) on the need for, and public health impact of, incentives to encourage the research, development, and marketing of qualified infectious disease biological products and antifungal products; and

(B) consistent with trade and confidentiality data protections, assessing, for all antibacterial and antifungal drugs, including biological products, the average or aggregate—

(i) costs of all clinical trials for each phase;

(ii) percentage of success or failure at each phase of clinical trials; and

(iii) public versus private funding levels of the trials for each phase; and

(2) not later than 1 year after the date of enactment of this Act, submit a report to Congress on the results of such study, including any recommendations of the Comptroller General on appropriate incentives for addressing such need.

(b) CONTENTS.—The part of the study described in subsection (a)(1)(A) shall include—

(1) an assessment of any underlying regulatory issues related to qualified infectious disease products, including qualified infectious disease biological products;

(2) an assessment of the management by the Food and Drug Administration of the review of qualified infectious disease products, including qualified infectious disease biological products and the regulatory certainty of related regulatory pathways for such products;

(3) a description of any regulatory impediments to the clinical development of new qualified infectious disease products, including qualified infectious disease biological products, and the efforts of the Food and Drug Administration to address such impediments; and

(4) recommendations with respect to—

(A) improving the review and predictability of regulatory pathways for such products; and

(B) overcoming any regulatory impediments identified in paragraph (3).

(c) DEFINITIONS.—In this section:

(1) The term “biological product” has the meaning given to such term in section 351 of the Public Health Service Act (42 U.S.C. 262).

(2) The term “qualified infectious disease biological product” means a biological product intended to treat a serious or life-threatening infection described in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

(3) The term “qualified infectious disease product” has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

SEC. 805. CLINICAL TRIALS.

(a) REVIEW AND REVISION OF GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall review and, as appropriate, revise not fewer than 3 guidance documents per year, which shall include—

(A) reviewing the guidance documents of the Food and Drug Administration for the

conduct of clinical trials with respect to antibacterial and antifungal drugs; and

(B) as appropriate, revising such guidance documents to reflect developments in scientific and medical information and technology and to ensure clarity regarding the procedures and requirements for approval of antibacterial and antifungal drugs under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(2) ISSUES FOR REVIEW.—At a minimum, the review under paragraph (1) shall address the appropriate animal models of infection, in vitro techniques, valid micro-biological surrogate markers, the use of non-inferiority versus superiority trials, trial enrollment, data requirements, and appropriate delta values for non-inferiority trials.

(3) RULE OF CONSTRUCTION.—Except to the extent to which the Secretary makes revisions under paragraph (1)(B), nothing in this section shall be construed to repeal or otherwise effect the guidance documents of the Food and Drug Administration.

(b) RECOMMENDATIONS FOR INVESTIGATIONS.—

(1) REQUEST.—The sponsor of a drug intended to be designated as a qualified infectious disease product may request that the Secretary provide written recommendations for nonclinical and clinical investigations which the Secretary believes may be necessary to be conducted with the drug before such drug may be approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in treating, detecting, preventing, or identifying a qualifying pathogen, as defined in section 505E of such Act.

(2) RECOMMENDATIONS.—If the Secretary has reason to believe that a drug for which a request is made under this subsection is a qualified infectious disease product, the Secretary shall provide the person making the request written recommendations for the nonclinical and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request, would be necessary for approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) of such drug for the use described in paragraph (1).

(c) GAO STUDY.—Not later than January 1, 2016, the Comptroller General of the United States shall submit to Congress a report—

(1) regarding the review and revision of the clinical trial guidance documents required under subsection (a) and the impact such review and revision has had on the review and approval of qualified infectious disease products;

(2) assessing—

(A) the effectiveness of the results-oriented metrics managers employ to ensure that reviewers of such products are familiar with, and consistently applying, clinical trial guidance documents; and

(B) the predictability of related regulatory pathways and review;

(3) identifying any outstanding regulatory impediments to the clinical development of qualified infectious disease products;

(4) reporting on the progress the Food and Drug Administration has made in addressing the impediments identified under paragraph (3); and

(5) containing recommendations regarding how to improve the review of, and regulatory pathway for, such products.

(d) QUALIFIED INFECTIOUS DISEASE PRODUCT.—For purposes of this section, the term “qualified infectious disease product” has the meaning given such term in section

505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

SEC. 806. REGULATORY CERTAINTY AND PREDICTABILITY.

(a) INITIAL STRATEGY AND IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall submit to Congress a strategy and implementation plan with respect to the requirements of this Act. The strategy and implementation plan shall include—

(1) a description of the regulatory challenges to clinical development, approval, and licensure of qualified infectious disease products;

(2) the regulatory and scientific priorities of the Secretary with respect to such challenges; and

(3) the steps the Secretary will take to ensure regulatory certainty and predictability with respect to qualified infectious disease products, including steps the Secretary will take to ensure managers and reviewers are familiar with related regulatory pathways, requirements of the Food and Drug Administration, guidance documents related to such products, and applying such requirements consistently.

(b) SUBSEQUENT REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on—

(1) the progress made toward the priorities identified under subsection (a)(2);

(2) the number of qualified infectious disease products that have been submitted for approval or licensure on or after the date of enactment of this Act;

(3) a list of qualified infectious disease products with information on the types of exclusivity granted for each product, consistent with the information published under section 505(j)(7)(A)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)(A)(iii));

(4) the number of such qualified infectious disease products and that have been approved or licensed on or after the date of enactment of this Act; and

(5) the number of calendar days it took for the approval or licensure of the qualified infectious disease products approved or licensed on or after the date of enactment of this Act.

(c) QUALIFIED INFECTIOUS DISEASE PRODUCT.—For purposes of this section, the term “qualified infectious disease product” has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

SEC. 901. ENHANCEMENT OF ACCELERATED PATIENT ACCESS TO NEW MEDICAL TREATMENTS.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds as follows:

(A) The Food and Drug Administration (referred to in this section as the “FDA”) serves a critical role in helping to assure that new medicines are safe and effective. Regulatory innovation is 1 element of the Nation’s strategy to address serious and life-threatening diseases or conditions by promoting investment in and development of innovative treatments for unmet medical needs.

(B) During the 2 decades following the establishment of the accelerated approval mechanism, advances in medical sciences, including genomics, molecular biology, and bioinformatics, have provided an unprece-

dent understanding of the underlying biological mechanism and pathogenesis of disease. A new generation of modern, targeted medicines is under development to treat serious and life-threatening diseases, some applying drug development strategies based on biomarkers or pharmacogenomics, predictive toxicology, clinical trial enrichment techniques, and novel clinical trial designs, such as adaptive clinical trials.

(C) As a result of these remarkable scientific and medical advances, the FDA should be encouraged to implement more broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases or conditions, including those for rare diseases or conditions, using a broad range of surrogate or clinical endpoints and modern scientific tools earlier in the drug development cycle when appropriate. This may result in fewer, smaller, or shorter clinical trials for the intended patient population or targeted subpopulation without compromising or altering the high standards of the FDA for the approval of drugs.

(D) Patients benefit from expedited access to safe and effective innovative therapies to treat unmet medical needs for serious or life-threatening diseases or conditions.

(E) For these reasons, the statutory authority in effect on the day before the date of enactment of this Act governing expedited approval of drugs for serious or life-threatening diseases or conditions should be amended in order to enhance the authority of the FDA to consider appropriate scientific data, methods, and tools, and to expedite development and access to novel treatments for patients with a broad range of serious or life-threatening diseases or conditions.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Food and Drug Administration should apply the accelerated approval and fast track provisions set forth in section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356), as amended by this section, to help expedite the development and availability to patients of treatments for serious or life-threatening diseases or conditions while maintaining safety and effectiveness standards for such treatments.

(b) EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.—Section 506 (21 U.S.C. 356) is amended to read as follows:

“SEC. 506. EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.

“(a) DESIGNATION OF DRUG AS FAST TRACK PRODUCT.—

“(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a new drug, facilitate the development and expedite the review of such drug if it is intended, whether alone or in combination with one or more other drugs, for the treatment of a serious or life-threatening disease or condition, and it demonstrates the potential to address unmet medical needs for such a disease or condition. (In this section, such a drug is referred to as a ‘fast track product’.)

“(2) REQUEST FOR DESIGNATION.—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

“(3) DESIGNATION.—Within 60 calendar days after the receipt of a request under para-

graph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

“(b) ACCELERATED APPROVAL OF A DRUG FOR A SERIOUS OR LIFE-THREATENING DISEASE OR CONDITION, INCLUDING A FAST TRACK PRODUCT.—

“(1) IN GENERAL.—

“(A) ACCELERATED APPROVAL.—The Secretary may approve an application for approval of a product for a serious or life-threatening disease or condition, including a fast track product, under section 505(c) or section 351(a) of the Public Health Service Act upon a determination that the product has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit, or on a clinical endpoint that can be measured earlier than irreversible morbidity or mortality, that is reasonably likely to predict an effect on irreversible morbidity or mortality or other clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability or lack of alternative treatments. The approval described in the preceding sentence is referred to in this section as ‘accelerated approval’.

“(B) EVIDENCE.—The evidence to support that an endpoint is reasonably likely to predict clinical benefit under subparagraph (A) may include epidemiological, pathophysiological, therapeutic, pharmacologic, or other evidence developed using biomarkers, for example, or other scientific methods or tools.

“(2) LIMITATION.—Approval of a product under this subsection may be subject to 1 or both of the following requirements:

“(A) That the sponsor conduct appropriate post-approval studies to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit.

“(B) That the sponsor submit copies of all promotional materials related to the product during the pre approval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, at least 30 days prior to dissemination of the materials.

“(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a product approved under accelerated approval using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for an informal hearing) if—

“(A) the sponsor fails to conduct any required post-approval study of the drug with due diligence;

“(B) a study required to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit of the product fails to verify and describe such effect or benefit;

“(C) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

“(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

“(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.—

“(1) IN GENERAL.—If the Secretary determines, after preliminary evaluation of clinical data submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may

commence review of portions of, an application for the approval of the product before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant—

“(A) provides a schedule for submission of information necessary to make the application complete; and

“(B) pays any fee that may be required under section 736.

“(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

“(d) AWARENESS EFFORTS.—The Secretary shall—

“(1) develop and disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions of this section applicable to accelerated approval and fast track products; and

“(2) establish a program to encourage the development of surrogate and clinical endpoints, including biomarkers, and other scientific methods and tools that can assist the Secretary in determining whether the evidence submitted in an application is reasonably likely to predict clinical benefit for serious or life-threatening conditions for which significant unmet medical needs exist.

“(e) CONSTRUCTION.—

“(1) PURPOSE.—The amendments made by the Food and Drug Administration Safety and Innovation Act to this section are intended to encourage the Secretary to utilize innovative and flexible approaches to the assessment of products under accelerated approval for treatments for patients with serious or life-threatening diseases or conditions and unmet medical needs.

“(2) CONSTRUCTION.—Nothing in this section shall be construed to alter the standards of evidence under subsection (c) or (d) of section 505 (including the substantial evidence standard in section 505(d)) of this Act or under section 351(a) of the Public Health Service Act. Such sections and standards of evidence apply to the review and approval of products under this section, including whether a product is safe and effective. Nothing in this section alters the ability of the Secretary to rely on evidence that does not come from adequate and well-controlled investigations for the purpose of determining whether an endpoint is reasonably likely to predict clinical benefit as described in subsection (b)(1)(B).”

(c) GUIDANCE; AMENDED REGULATIONS.—

(1) DRAFT GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance to implement the amendments made by this section. In developing such guidance, the Secretary shall specifically consider issues arising under the accelerated approval and fast track processes under section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), for drugs designated for a rare disease or condition under section 526 of such Act (21 U.S.C. 360bb) and shall also consider any unique issues associated with very rare diseases.

(2) FINAL GUIDANCE.—Not later than 1 year after the issuance of draft guidance under

paragraph (1), and after an opportunity for public comment, the Secretary shall issue final guidance.

(3) CONFORMING CHANGES.—The Secretary shall issue, as necessary, conforming amendments to the applicable regulations under title 21, Code of Federal Regulations, governing accelerated approval.

(4) NO EFFECT OF INACTION ON REQUESTS.—If the Secretary fails to issue final guidance or amended regulations as required by this subsection, such failure shall not preclude the review of, or action on, a request for designation or an application for approval submitted pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b).

(d) INDEPENDENT REVIEW.—The Secretary may, in conjunction with other planned reviews, contract with an independent entity with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs to evaluate the Food and Drug Administration’s application of the processes described in section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), and the impact of such processes on the development and timely availability of innovative treatments for patients suffering from serious or life-threatening conditions. Any such evaluation shall include consultation with regulated industries, patient advocacy and disease research foundations, and relevant academic medical centers.

SEC. 902. BREAKTHROUGH THERAPIES.

(a) IN GENERAL.—Section 506 (21 U.S.C. 356), as amended by section 901, is further amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by redesignating subsection (d) as subsection (f);

(3) by inserting before subsection (b), as so redesignated, the following:

“(a) DESIGNATION OF A DRUG AS A BREAKTHROUGH THERAPY.—

“(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a drug, expedite the development and review of such drug if the drug is intended, alone or in combination with 1 or more other drugs, to treat a serious or life-threatening disease or condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on 1 or more clinically significant endpoints, such as substantial treatment effects observed early in clinical development. (In this section, such a drug is referred to as a ‘breakthrough therapy’.)

“(2) REQUEST FOR DESIGNATION.—The sponsor of a drug may request the Secretary to designate the drug as a breakthrough therapy. A request for the designation may be made concurrently with, or at any time after, the submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

“(3) DESIGNATION.—

“(A) IN GENERAL.—Not later than 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a breakthrough therapy and shall take such actions as are appropriate to expedite the development and review of the application for approval of such drug.

“(B) ACTIONS.—The actions to expedite the development and review of an application under subparagraph (A) may include, as appropriate—

“(i) holding meetings with the sponsor and the review team throughout the development of the drug;

“(ii) providing timely advice to, and interactive communication with, the sponsor regarding the development of the drug to ensure that the development program to gather the non-clinical and clinical data necessary for approval is as efficient as practicable;

“(iii) involving senior managers and experienced review staff, as appropriate, in a collaborative, cross-disciplinary review;

“(iv) assigning a cross-disciplinary project lead for the Food and Drug Administration review team to facilitate an efficient review of the development program and to serve as a scientific liaison between the review team and the sponsor; and

“(v) taking steps to ensure that the design of the clinical trials is as efficient as practicable, when scientifically appropriate, such as by minimizing the number of patients exposed to a potentially less efficacious treatment.”

(4) in subsection (f)(1), as so redesignated, by striking “applicable to accelerated approval” and inserting “applicable to breakthrough therapies, accelerated approval, and”; and

(5) by adding at the end the following:

“(g) REPORT.—Beginning in fiscal year 2013, the Secretary shall annually prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, with respect to this section for the previous fiscal year—

“(1) the number of drugs for which a sponsor requested designation as a breakthrough therapy;

“(2) the number of products designated as a breakthrough therapy; and

“(3) for each product designated as a breakthrough therapy, a summary of the actions taken under subsection (a)(3).”

(b) GUIDANCE; AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance on implementing the requirements with respect to breakthrough therapies, as set forth in section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(B) AMENDED REGULATIONS.—

(i) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by this section to section 506(a) of the Federal Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(ii) PROCEDURE.—In amending regulations under clause (i), the Secretary shall—

(I) issue a notice of proposed rulemaking that includes the proposed regulation;

(II) provide a period of not less than 60 days for comments on the proposed regulation; and

(III) publish the final regulation not less than 30 days before the effective date of the regulation.

(iii) **RESTRICTIONS.**—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing the amendments made by section only as described in clause (ii).

(2) **REQUIREMENTS.**—Guidance issued under this section shall—

(A) specify the process and criteria by which the Secretary makes a designation under section 506(a)(3) of the Federal Food, Drug, and Cosmetic Act; and

(B) specify the actions the Secretary shall take to expedite the development and review of a breakthrough therapy pursuant to such designation under such section 506(a)(3), including updating good review management practices to reflect breakthrough therapies.

(c) **INDEPENDENT REVIEW.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with appropriate experts, shall assess the manner by which the Food and Drug Administration has applied the processes described in section 506(a) of the Federal Food, Drug, and Cosmetic Act, as amended by this section, and the impact of such processes on the development and timely availability of innovative treatments for patients affected by serious or life-threatening conditions. Such assessment shall be made publicly available upon completion.

(d) **CONFORMING AMENDMENTS.**—Section 506B(e) (21 U.S.C. 356b) is amended by striking “section 506(b)(2)(A)” each place such term appears and inserting “section 506(c)(2)(A)”.

SEC. 903. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 712, is further amended by adding at the end the following:

“SEC. 569. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

“(a) **IN GENERAL.**—For the purpose of promoting the efficiency of and informing the review by the Food and Drug Administration of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, the following shall apply:

“(1) **CONSULTATION WITH STAKEHOLDERS.**—Consistent with sections X.C and IX.E.4 of the PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017, as referenced in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012, the Secretary shall ensure that opportunities exist, at a time the Secretary determines appropriate, for consultations with stakeholders on the topics described in subsection (c).

“(2) **CONSULTATION WITH EXTERNAL EXPERTS.**—The Secretary shall develop and maintain a list of external experts who, because of their special expertise, are qualified to provide advice on rare disease issues, including topics described in subsection (c). The Secretary may, when appropriate to address a specific regulatory question, consult such external experts on issues related to the review of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, including the topics described in subsection (c), when such consultation is necessary because the Secretary lacks specific scientific, medical, or technical expertise necessary for the performance of its regulatory responsibilities and the necessary expertise can be provided by the external experts.

“(b) **EXTERNAL EXPERTS.**—For purposes of subsection (a)(2), external experts are those who possess scientific or medical training that the Secretary lacks with respect to one or more rare diseases.

“(c) **TOPICS FOR CONSULTATION.**—Topics for consultation pursuant to this section may include—

“(1) rare diseases;

“(2) the severity of rare diseases;

“(3) the unmet medical need associated with rare diseases;

“(4) the willingness and ability of individuals with a rare disease to participate in clinical trials;

“(5) an assessment of the benefits and risks of therapies to treat rare diseases;

“(6) the general design of clinical trials for rare disease populations and subpopulations; and

“(7) demographics and the clinical description of patient populations.

“(d) **CLASSIFICATION AS SPECIAL GOVERNMENT EMPLOYEES.**—The external experts who are consulted under this section may be considered special government employees, as defined under section 202 of title 18, United States Code.

“(e) **PROTECTION OF PROPRIETARY INFORMATION.**—Nothing in this section shall be construed to alter the protections offered by laws, regulations, and policies governing disclosure of confidential commercial or trade secret information, and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such provisions would be applied to consultation with individuals and organizations prior to the date of enactment of this section.

“(f) **OTHER CONSULTATION.**—Nothing in this section shall be construed to limit the ability of the Secretary to consult with individuals and organizations as authorized prior to the date of enactment of this section.

“(g) **NO RIGHT OR OBLIGATION.**—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder. Nothing in this section shall be construed to alter agreed upon goals and procedures identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012. Nothing in this section is intended to increase the number of review cycles as in effect before the date of enactment of this section.”

SEC. 904. ACCESSIBILITY OF INFORMATION ON PRESCRIPTION DRUG CONTAINER LABELS BY VISUALLY-IMPAIRED AND BLIND CONSUMERS.

(a) **ESTABLISHMENT OF WORKING GROUP.**—

(1) **IN GENERAL.**—The Architectural and Transportation Barriers Compliance Board (referred to in this section as the “Access Board”) shall convene a stakeholder working group (referred to in this section as the “working group”) to develop best practices on access to information on prescription drug container labels for individuals who are blind or visually impaired.

(2) **MEMBERS.**—The working group shall be comprised of representatives of national organizations representing blind and visually-impaired individuals, national organizations representing the elderly, and industry groups representing stakeholders, including retail, mail order, and independent community pharmacies, who would be impacted by such best practices. Representation within the working group shall be divided equally between consumer and industry advocates.

(3) **BEST PRACTICES.**—

(A) **IN GENERAL.**—The working group shall develop, not later than 1 year after the date

of the enactment of this Act, best practices for pharmacies to ensure that blind and visually-impaired individuals have safe, consistent, reliable, and independent access to the information on prescription drug container labels.

(B) **PUBLIC AVAILABILITY.**—The best practices developed under subparagraph (A) may be made publicly available, including through the Internet websites of the working group participant organizations, and through other means, in a manner that provides access to interested individuals, including individuals with disabilities.

(C) **LIMITATIONS.**—The best practices developed under subparagraph (A) shall not be construed as accessibility guidelines or standards of the Access Board, and shall not confer any rights or impose any obligations on working group participants or other persons. Nothing in this section shall be construed to limit or condition any right, obligation, or remedy available under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or any other Federal or State law requiring effective communication, barrier removal, or nondiscrimination on the basis of disability.

(4) **CONSIDERATIONS.**—In developing and issuing the best practices under paragraph (3)(A), the working group shall consider—

(A) the use of—

(i) Braille;

(ii) auditory means, such as—

(I) “talking bottles” that provide audible container label information;

(II) digital voice recorders attached to the prescription drug container; and

(III) radio frequency identification tags;

(iii) enhanced visual means, such as—

(I) large font labels or large font “duplicate” labels that are affixed or matched to a prescription drug container;

(II) high-contrast printing; and

(III) sans-serif font; and

(iv) other relevant alternatives as determined by the working group;

(B) whether there are technical, financial, manpower, or other factors unique to pharmacies with 20 or fewer retail locations which may pose significant challenges to the adoption of the best practices; and

(C) such other factors as the working group determines to be appropriate.

(5) **INFORMATION CAMPAIGN.**—Upon completion of development of the best practices under subsection (a)(3), the National Council on Disability, in consultation with the working group, shall conduct an informational and educational campaign designed to inform individuals with disabilities, pharmacists, and the public about such best practices.

(6) **FACA WAIVER.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

(b) **GAO STUDY.**—

(1) **IN GENERAL.**—Beginning 18 months after the completion of the development of best practices under subsection (a)(3)(A), the Comptroller General of the United States shall conduct a review of the extent to which pharmacies are utilizing such best practices, and the extent to which barriers to accessible information on prescription drug container labels for blind and visually-impaired individuals continue.

(2) **REPORT.**—Not later than September 30, 2016, the Comptroller General of the United States shall submit to Congress a report on the review conducted under paragraph (1). Such report shall include recommendations

about how best to reduce the barriers experienced by blind and visually-impaired individuals to independently accessing information on prescription drug container labels.

(c) **DEFINITIONS.**—In this section—

(1) the term “pharmacy” includes a pharmacy that receives prescriptions and dispenses prescription drugs through an Internet website or by mail;

(2) the term “prescription drug” means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)); and

(3) the term “prescription drug container label” means the label with the directions for use that is affixed to the prescription drug container by the pharmacist and dispensed to the consumer.

SEC. 905. RISK-BENEFIT FRAMEWORK.

Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: “The Secretary shall implement a structured risk-benefit assessment framework in the new drug approval process to facilitate the balanced consideration of benefits and risks, a consistent and systematic approach to the discussion and regulatory decisionmaking, and the communication of the benefits and risks of new drugs. Nothing in the preceding sentence shall alter the criteria for evaluating an application for premarket approval of a drug.”

SEC. 906. INDEPENDENT STUDY ON MEDICAL INNOVATION INDUCEMENT MODEL.

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall enter into an agreement with the National Academies to provide expert consultation and conduct a study that evaluates the feasibility and possible consequences of the use of innovation inducement prizes to reward successful medical innovations. Under the agreement, the National Academies shall submit to the Secretary a report on such study not later than 15 months after the date of enactment of this Act.

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—The study conducted under subsection (a) shall model at least 3 separate segments on the medical technologies market as candidate targets for the new incentive system and consider different medical innovation inducement prize design issues, including the challenges presented in the implementation of prizes for end products, open source dividend prizes, and prizes for upstream research.

(2) **MARKET SEGMENTS.**—The segments on the medical technologies market that shall be considered under paragraph (1) include—

(A) all pharmaceutical and biologic drugs and vaccines;

(B) drugs and vaccines used solely for the treatment of HIV/AIDS; and

(C) antibiotics.

(c) **ELEMENTS.**—The study conducted under subsection (a) shall include consideration of each of the following:

(1) Whether a system of large innovation inducement prizes could work as a replacement for the existing product monopoly/patent-based system, as in effect on the date of enactment of this Act.

(2) How large the innovation prize funds would have to be in order to induce at least as much research and development investment in innovation as is induced under the current system of time-limited market exclusivity, as in effect on the date of enactment of this Act.

(3) Whether a system of large innovation inducement prizes would be more or less expensive than the current system of time-limited market exclusivity, as in effect on the

date of enactment of this Act, calculated over different time periods.

(4) Whether a system of large innovation inducement prizes would expand access to new products and improve health outcomes.

(5) The type of information and decision-making skills that would be necessary to manage end product prizes.

(6) Whether there would be major advantages in rewarding the incremental impact of innovations, as benchmarked against existing products.

(7) How open-source dividend prizes could be managed, and whether such prizes would increase access to knowledge, materials, data and technologies.

(8) Whether a system of competitive intermediaries for interim research prizes would provide an acceptable solution to the valuation challenges for interim prizes.

SEC. 907. ORPHAN PRODUCT GRANTS PROGRAM.

(a) **REAUTHORIZATION OF PROGRAM.**—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking “2008 through 2012” and inserting “2013 through 2017”.

(b) **HUMAN CLINICAL TESTING.**—Section 5(b)(1)(A)(ii) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A)(ii)) is amended by striking “after the date such drug is designated under section 526 of such Act and”.

SEC. 908. REPORTING OF INCLUSION OF DEMOGRAPHIC SUBGROUPS IN CLINICAL TRIALS AND DATA ANALYSIS IN APPLICATIONS FOR DRUGS, BIOLOGICS, AND DEVICES.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall publish on the Internet website of the Food and Drug Administration a report, consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors’ confidential commercial information as of the date of enactment of this Act, addressing the extent to which clinical trial participation and the inclusion of safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity, is included in applications submitted to the Food and Drug Administration, and shall provide such publication to Congress.

(2) **CONTENTS OF REPORT.**—The report described in paragraph (1) shall contain the following:

(A) A description of existing tools to ensure that data to support demographic analyses are submitted in applications for drugs, biological products, and devices, and that these analyses are conducted by applicants consistent with applicable Food and Drug Administration requirements and Guidance for Industry. The report shall address how the Food and Drug Administration makes available information about differences in safety and effectiveness of medical products according to demographic subgroups, such as sex, age, racial, and ethnic subgroups, to healthcare providers, researchers, and patients.

(B) An analysis of the extent to which demographic data subset analyses on sex, age, race, and ethnicity is presented in applications for new drug applications for new molecular entities under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), in biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262), and in premarket approval applications under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) for products approved or licensed by the Food and Drug Administration, consistent

with applicable requirements and Guidance for Industry, and consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors’ confidential commercial information as of the date of enactment of this Act.

(C) An analysis of the extent to which demographic subgroups, including sex, age, racial, and ethnic subgroups, are represented in clinical studies to support applications for approved or licensed new molecular entities, biological products, and devices.

(D) An analysis of the extent to which a summary of product safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity is readily available to the public in a timely manner by means of the product labeling or the Food and Drug Administration’s Internet website.

(b) **ACTION PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after the publication of the report described in subsection (a), the Secretary, acting through the Commissioner, shall publish an action plan on the Internet website of the Food and Drug Administration, and provide such publication to Congress.

(2) **CONTENT OF ACTION PLAN.**—The plan described in paragraph (1) shall include—

(A) recommendations, as appropriate, to improve the completeness and quality of analyses of data on demographic subgroups in summaries of product safety and effectiveness data and in labeling;

(B) recommendations, as appropriate, on the inclusion of such data, or the lack of availability of such data in labeling;

(C) recommendations, as appropriate, to otherwise improve the public availability of such data to patients, healthcare providers, and researchers; and

(D) a determination with respect to each recommendation identified in subparagraphs (A) through (C) that distinguishes between product types referenced in subsection (a)(2)(B) insofar as the applicability of each such recommendation to each type of product.

(c) **DEFINITIONS.**—In this section:

(1) The term “Commissioner” means the Commissioner of Food and Drugs.

(2) The term “device” has the meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) The term “drug” has the meaning given such term in section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

(4) The term “biological product” has the meaning given such term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(5) The term “Secretary” means the Secretary of Health and Human Services.

TITLE X—DRUG SHORTAGES

SEC. 1001. DRUG SHORTAGES.

(a) **IN GENERAL.**—Section 506C (21 U.S.C. 356c) is amended to read as follows:

“SEC. 506C. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIFE-SAVING DRUGS.

“(a) **IN GENERAL.**—A manufacturer of a drug—

“(1) that is—

“(A) life-supporting;

“(B) life-sustaining;

“(C) intended for use in the prevention of a debilitating disease or condition;

“(D) a sterile injectable product; or

“(E) used in emergency medical care or during surgery; and

“(2) that is not a radio pharmaceutical drug product, a human tissue replaced by a

recombinant product, a product derived from human plasma protein, or any other product as designated by the Secretary, shall notify the Secretary, in accordance with subsection (b), of a permanent discontinuance in the manufacture of the drug or an interruption of the manufacture of the drug that could lead to a meaningful disruption in the supply of that drug in the United States.

“(b) **TIMING.**—A notice required under subsection (a) shall be submitted to the Secretary—

“(1) at least 6 months prior to the date of the discontinuance or interruption; or

“(2) if compliance with paragraph (1) is not possible, as soon as practicable.

“(c) **EXPEDITED INSPECTIONS AND REVIEWS.**—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a drug shortage of a drug described in subsection (a), the Secretary may—

“(1) expedite the review of a supplement to a new drug application submitted under section 505(b), an abbreviated new drug application submitted under section 505(j), or a supplement to such an application submitted under section 505(j) that could help mitigate or prevent such shortage; or

“(2) expedite an inspection or reinspection of an establishment that could help mitigate or prevent such drug shortage.

“(d) **COORDINATION.**—

“(1) **TASK FORCE AND STRATEGIC PLAN.**—

“(A) **IN GENERAL.**—

“(i) **TASK FORCE.**—As soon as practicable after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall establish a Task Force to develop and implement a strategic plan for enhancing the Secretary's response to preventing and mitigating drug shortages.

“(ii) **STRATEGIC PLAN.**—The strategic plan described in clause (i) shall include—

“(I) plans for enhanced interagency and intraagency coordination, communication, and decisionmaking;

“(II) plans for ensuring that drug shortages are considered when the Secretary initiates a regulatory action that could precipitate a drug shortage or exacerbate an existing drug shortage;

“(III) plans for effective communication with outside stakeholders, including who the Secretary should alert about potential or actual drug shortages, how the communication should occur, and what types of information should be shared; and

“(IV) plans for considering the impact of drug shortages on research and clinical trials.

“(iii) **CONSULTATION.**—In carrying out this subparagraph, the Task Force shall ensure consultation with the appropriate offices within the Food and Drug Administration, including the Office of the Commissioner, the Center for Drug Evaluation and Research, the Office of Regulatory Affairs, and employees within the Department of Health and Human Services with expertise regarding drug shortages. The Secretary shall engage external stakeholders and experts as appropriate.

“(B) **TIMING.**—Not later than 1 year after the date of enactment Food and Drug Administration Safety and Innovation Act, the Task Force shall—

“(i) publish the strategic plan described in subparagraph (A); and

“(ii) submit such plan to Congress.

“(2) **COMMUNICATION.**—The Secretary shall ensure that, prior to any enforcement action

or issuance of a warning letter that the Secretary determines could reasonably be anticipated to lead to a meaningful disruption in the supply in the United States of a drug described under subsection (a), there is communication with the appropriate office of the Food and Drug Administration with expertise regarding drug shortages regarding whether the action or letter could cause, or exacerbate, a shortage of the drug.

“(3) **ACTION.**—If the Secretary determines, after the communication described in paragraph (2), that an enforcement action or a warning letter could reasonably cause or exacerbate a shortage of a drug described under subsection (a), then the Secretary shall evaluate the risks associated with the impact of such shortage upon patients and those risks associated with the violation involved before taking such action or issuing such letter, unless there is imminent risk of serious adverse health consequences or death to humans.

“(4) **REPORTING BY OTHER ENTITIES.**—The Secretary shall identify or establish a mechanism by which healthcare providers and other third-party organizations may report to the Secretary evidence of a drug shortage.

“(5) **REVIEW AND CONSTRUCTION.**—No determination, finding, action, or omission of the Secretary under this subsection shall—

“(A) be subject to judicial review; or

“(B) be construed to establish a defense to an enforcement action by the Secretary.

“(e) **RECORDKEEPING AND REPORTING.**—

“(1) **RECORDKEEPING.**—The Secretary shall maintain records related to drug shortages, including with respect to each of the following:

“(A) The number of manufacturers that submitted a notification to the Secretary under subsection (a) in each calendar year.

“(B) The number of drug shortages that occurred in each calendar year and a list of drug names, drug types, and classes that were the subject of such shortages.

“(C) A list of the known factors contributing to the drug shortages described in subparagraph (B).

“(D)(i) A list of major actions taken by the Secretary to prevent or mitigate the drug shortages described in subparagraph (B).

“(ii) The Secretary shall include in the list under clause (i) the following:

“(I) The number of applications for which the Secretary expedited review under subsection (c)(1) in each calendar year.

“(II) The number of establishment inspections or reinspections that the Secretary expedited under subsection (c)(2) in each calendar year.

“(E) The number of notifications submitted to the Secretary under subsection (a) in each calendar year.

“(F) The names of manufacturers that the Secretary has learned did not comply with the notification requirement under subsection (a) in each calendar year.

“(G) The number of times in each calendar year that the Secretary determined under subsection (d)(3) that an enforcement action or a warning letter could reasonably cause or exacerbate a shortage of a drug described under subsection (a), but did not evaluate the risks associated with the impact of such shortage upon patients and those risks associated with the violation involved before taking such action or issuing such letter on the grounds that there was imminent risk of serious adverse health consequences or death to humans, and a summary of the determinations.

“(H) A summary of the communications made and actions taken under subsection (d) in each calendar year.

“(I) Any other information the Secretary deems appropriate to better prevent and mitigate drug shortages.

“(2) **TREND ANALYSIS.**—The Secretary is authorized to retain a third party to conduct a study, if the Secretary believes such a study would help clarify the causes, trends, or solutions related to drug shortages.

“(3) **ANNUAL SUMMARY.**—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing, with respect to the 1-year period preceding such report, the information described in paragraph (1). Such report shall not include any information that is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section.

“(f) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘drug’—

“(A) means a drug (as defined in section 201(g)) that is intended for human use; and

“(B) does not include biological products (as defined in section 351 of the Public Health Service Act), unless otherwise provided by the Secretary in the regulations promulgated under subsection (h);

“(2) the term ‘drug shortage’ or ‘shortage’, with respect to a drug, means a period of time when the demand or projected demand for the drug within the United States exceeds the supply of the drug; and

“(3) the term ‘meaningful disruption’—

“(A) means a change in production that is reasonably likely to lead to a reduction in the supply of a drug by a manufacturer that is more than negligible and impacts the ability of the manufacturer to fill orders or meet expected demand for its product; and

“(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time.

“(g) **DISTRIBUTION.**—To the maximum extent practicable, the Secretary may distribute information on drug shortages and on the permanent discontinuation of the drugs described in this section to appropriate provider and patient organizations, except that any such distribution shall not include any information that is exempt from disclosure under section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section.

“(h) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt a final regulation implementing this section.

“(2) **INCLUSION OF BIOLOGICAL PRODUCTS.**—

“(A) **IN GENERAL.**—The Secretary may by regulation apply this section to biological products (as defined in section 351 of the Public Health Service Act) if the Secretary determines such inclusion would benefit the public health.

“(B) **RULE FOR VACCINES.**—If the Secretary applies this section to vaccines pursuant to subparagraph (A), the Secretary shall—

“(i) consider whether the notification requirement under subsection (a) may be satisfied by submitting a notification to the Centers for Disease Control and Prevention under the vaccine shortage notification program of such Centers; and

“(ii) explain the determination made by the Secretary under clause (i) in the regulation.

“(3) **PROCEDURE.**—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the regulation’s effective date.

“(4) **RESTRICTIONS.**—Notwithstanding any other provision of Federal law, in implementing this section, the Secretary shall only promulgate regulations as described in paragraph (3).”.

(b) **EFFECT OF NOTIFICATION.**—The submission of a notification to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) for purposes of complying with the requirement in section 506C(a) of the Federal Food, Drug, and Cosmetic Act (as amended by subsection (a)) shall not be construed—

(1) as an admission that any product that is the subject of such notification violates any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(2) as evidence of an intention to promote or market the product for an indication or use for which the product has not been approved by the Secretary.

(c) **INTERNAL REVIEW.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) analyze and review the regulations promulgated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the guidances or policies issued under such Act related to drugs intended for human use, and the practices of the Food and Drug Administration regarding enforcing such Act related to manufacturing of such drugs, to identify any such regulations, guidances, policies, or practices that cause, exacerbate, prevent, or mitigate drug shortages (as defined in section 506C of the Federal Food, Drug, and Cosmetic Act (as amended by subsection (a))); and

(2) determine how regulations, guidances, policies, or practices identified under paragraph (1) should be modified, streamlined, expanded, or discontinued in order to reduce or prevent such drug shortages, taking into consideration the effect of any changes on the public health.

(d) **STUDY ON MARKET FACTORS CONTRIBUTING TO DRUG SHORTAGES AND STOCK-PILING.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, the Department of Health and Human Services Office of the Inspector General, the Attorney General, and Chairman of the Federal Trade Commission, shall publish a report reviewing any findings that drug shortages (as so defined) have led market participants to stockpile affected drugs or sell them at significantly increased prices, the impact of such activities on Federal revenue, and any economic factors that have exacerbated or created a market for such actions.

(2) **CONTENT.**—The report under paragraph (1) shall include—

(A) an analysis of the incidence of any of the activities described in paragraph (1) and the effect of such activities on the public health;

(B) an evaluation of whether in such cases there is a correlation between drugs in shortage and—

(i) the number of manufacturers producing such drugs;

(ii) the pricing structure, including Federal reimbursements, for such drugs before such drugs were in shortage, and to the extent possible, revenue received by each such manufacturer of such drugs;

(iii) pricing structure and revenue, to the extent possible, for the same drugs when sold under the conditions described in paragraph (1); and

(iv) the impact of contracting practices by market participants (including manufacturers, distributors, group purchasing organizations, and providers) on competition, access to drugs, and pricing of drugs;

(C) whether the activities described in paragraph (1) are consistent with applicable law; and

(D) recommendations to Congress on what, if any, additional reporting or enforcement actions are necessary.

(3) **TRADE SECRET AND CONFIDENTIAL INFORMATION.**—Nothing in this subsection alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5, United States Code.

(e) **GUIDANCE REGARDING REPACKAGING.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance that clarifies the policy of the Food and Drug Administration regarding hospital pharmacies repackaging and safely transferring repackaged drugs among hospitals within a common health system during a drug shortage, as identified by the Secretary.

TITLE XI—OTHER PROVISIONS

Subtitle A—Reauthorizations

SEC. 1101. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

(a) **IN GENERAL.**—Section 505(u)(4) (21 U.S.C. 355(u)(4)) is amended by striking “2012” and inserting “2017”.

(b) **AMENDMENT.**—Section 505(u)(1)(A)(ii)(II) (21 U.S.C. 355(u)(1)(A)(ii)(II)) is amended by inserting “clinical” after “any”.

SEC. 1102. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Section 566(f) (21 U.S.C. 360bbb-5(f)) is amended by striking “2012” and inserting “2017”.

Subtitle B—Medical Gas Product Regulation

SEC. 1111. REGULATION OF MEDICAL GAS PRODUCTS.

(a) **REGULATION.**—Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter G—Medical Gas Products

“SEC. 575. DEFINITIONS.

“In this subchapter:

“(1) The term ‘designated medical gas product’ means any of the following:

“(A) Oxygen, that meets the standards set forth in an official compendium.

“(B) Nitrogen, that meets the standards set forth in an official compendium.

“(C) Nitrous oxide, that meets the standards set forth in an official compendium.

“(D) Carbon dioxide, that meets the standards set forth in an official compendium.

“(E) Helium, that meets the standards set forth in an official compendium.

“(F) Carbon monoxide, that meets the standards set forth in an official compendium.

“(G) Medical air, that meets the standards set forth in an official compendium.

“(H) Any other medical gas product deemed appropriate by the Secretary, unless any period of exclusivity under section 505(c)(3)(E)(ii) or 505(j)(5)(F)(ii), or the extension of any such period under section 505A, applicable to such medical gas product has not expired.

“(2) The term ‘medical gas product’ means a drug that—

“(A) is manufactured or stored in a liquefied, nonliquefied, or cryogenic state; and

“(B) is administered as a gas.

“SEC. 576. REGULATION OF MEDICAL GAS PRODUCTS.

“(a) **CERTIFICATION OF DESIGNATED MEDICAL GAS PRODUCTS.**—

“(1) **SUBMISSION.**—

“(A) **IN GENERAL.**—Beginning on the date of enactment of this section, any person may file with the Secretary a request for a certification of a designated medical gas product.

“(B) **CONTENT.**—A request under subparagraph (A) shall contain—

“(i) a description of the medical gas product;

“(ii) the name and address of the sponsor;

“(iii) the name and address of the facility or facilities where the gas product is or will be manufactured; and

“(iv) any other information deemed appropriate by the Secretary to determine whether the medical gas product is a designated medical gas product.

“(2) **GRANT OF CERTIFICATION.**—A certification described under paragraph (1)(A) shall be determined to have been granted unless, not later than 60 days after the filing of a request under paragraph (1), the Secretary finds that—

“(A) the medical gas product subject to the certification is not a designated medical gas product;

“(B) the request does not contain the information required under paragraph (1) or otherwise lacks sufficient information to permit the Secretary to determine that the gas product is a designated medical gas product; or

“(C) granting the request would be contrary to public health.

“(3) **EFFECT OF CERTIFICATION.**—

“(A) **IN GENERAL.**—

“(i) **APPROVED USES.**—A designated medical gas product for which a certification is granted under paragraph (2) is deemed, alone or in combination with another designated gas product or products as medically appropriate, to have in effect an approved application under section 505 or 512, subject to all applicable postapproval requirements, for the following indications for use:

“(I) Oxygen for the treatment or prevention of hypoxemia or hypoxia.

“(II) Nitrogen for use in hypoxic challenge testing.

“(III) Nitrous oxide for analgesia.

“(IV) Carbon dioxide for use in extracorporeal membrane oxygenation therapy or respiratory stimulation.

“(V) Helium for the treatment of upper airway obstruction or increased airway resistance.

“(VI) Medical air to reduce the risk of hyperoxia.

“(VII) Carbon monoxide for use in lung diffusion testing.

“(VIII) Any other indication for use for a designated medical gas product or combination of designated medical gas products deemed appropriate by the Secretary, unless any period of exclusivity under clause (iii) or (iv) of section 505(c)(3)(E), under clause (iii) or (iv) of section 505(j)(5)(F), or under section

527, or the extension of any such period under section 505A, applicable to such indication for use for such gas product or combination of products has not expired.

“(i) LABELING.—The requirements established in sections 503(b)(4) and 502(f) shall be deemed to have been met for a designated medical gas product if the labeling on final use containers of such gas product bears the information required by section 503(b)(4) and a warning statement concerning the use of the gas product, as determined by the Secretary by regulation, as well as appropriate directions and warnings concerning storage and handling.

“(B) INAPPLICABILITY OF EXCLUSIVITY PROVISIONS.—

“(i) EFFECT ON INELIGIBILITY.—No designated medical gas product deemed under paragraph (3)(A)(i) to have in effect an approved application shall be eligible for any periods of exclusivity under sections 505(c), 505(j), or 527, or the extension of any such period under section 505A, on the basis of such deemed approval.

“(ii) EFFECT ON CERTIFICATION.—No period of exclusivity under sections 505(c), 505(j), or section 527, or the extension of any such period under section 505A, with respect to an application for a drug shall prohibit, limit, or otherwise affect the submission, grant, or effect of a certification under this section, except as provided in paragraph (3)(A)(i)(VIII).

“(4) WITHDRAWAL, SUSPENSION, OR REVOCATION OF APPROVAL.—

“(A) IN GENERAL.—Nothing in this subchapter limits the authority of the Secretary to withdraw or suspend approval of a drug, including a designated medical gas product deemed under this section to have in effect an approved application, under section 505 or section 512.

“(B) REVOCATION.—The Secretary may revoke the grant of a certification under this section if the Secretary determines that the request for certification contains any material omission or falsification.

“(b) PRESCRIPTION REQUIREMENT.—

“(1) IN GENERAL.—A designated medical gas product shall be subject to section 503(b)(1) unless the Secretary exercises the authority provided in section 503(b)(3) to remove such gas product from the requirements of section 503(b)(1) or the use in question is authorized pursuant to another provision of this Act relating to use of medical products in emergencies.

“(2) EXCEPTION FOR OXYGEN.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), oxygen may be provided without a prescription for the following uses:

“(i) The use in the event of depressurization or other environmental oxygen deficiency.

“(ii) The use in the event of oxygen deficiency or use in emergency resuscitation, when administered by properly trained personnel.

“(B) LABELING.—For oxygen provided pursuant to subparagraph (A), the requirements established in section 503(b)(4) shall be deemed to have been met if the labeling of the oxygen bears a warning that the medical gas product can be used for emergency use only and for all other medical applications a prescription is required.

“(c) INAPPLICABILITY OF DRUG FEES TO DESIGNATED MEDICAL GAS PRODUCTS.—A designated medical gas product deemed under this section to have in effect an approved application shall not be assessed fees under section 736(a) on the basis of such deemed approval.”.

SEC. 1112. REGULATIONS.

(a) REVIEW OF REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall, after obtaining input from medical gas product manufacturers, and any other interested members of the public, submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding any changes to the Federal drug regulations in title 21, Code of Federal Regulations that the Secretary determines to be necessary.

(b) AMENDED REGULATIONS.—If the Secretary determines that changes to the Federal drug regulations in title 21, Code of Federal Regulations are necessary under subsection (a), the Secretary shall issue final regulations implementing such changes not later than 4 years after the date of enactment of this Act.

SEC. 1113. APPLICABILITY.

Nothing in this subtitle or the amendments made by this subtitle shall apply to—

(1) a drug that is covered by an application under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360b) approved prior to May 1, 2012; or

(2) any of the gases listed in subparagraphs (A) through (G) of section 575(1) of such Act (as added by section 1111), or any mixture of any such gases, for an indication that—

(A) is not included in, or is different from, those specified in subclauses (I) through (VII) of section 576(a)(3)(i) of such Act (as added by section 1111); and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 505 or 512 of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. ADVISORY COMMITTEE CONFLICTS OF INTEREST.

Section 712 (21 U.S.C. 379d-1) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2); and

(B) in paragraph (1)—

(i) by redesignating subparagraph (B) as paragraph (2) and moving such paragraph, as so redesignated, 2 ems to the left;

(ii) in subparagraph (A), by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;

(iii) in subparagraph (A), as so redesignated, by inserting “, including strategies to increase the number of special Government employees across medical and scientific specialties in areas where the Secretary would benefit from specific scientific, medical, or technical expertise necessary for the performance of its regulatory responsibilities” before the semicolon at the end;

(iv) by striking “(1) RECRUITMENT.—” and inserting “(1) RECRUITMENT IN GENERAL.—The Secretary shall—”;

(v) by striking “(A) IN GENERAL.—The Secretary shall—”;

(vi) by redesignating clauses (i) through (iii) of paragraph (2) (as so redesignated) as subparagraphs (A) through (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;

(vii) in paragraph (2) (as so redesignated), in the matter before subparagraph (A) (as so redesignated), by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(viii) by adding at the end the following:

“(3) RECRUITMENT THROUGH REFERRALS.—In carrying out paragraph (1), the Secretary shall, in order to further the goal of includ-

ing in advisory committees highly qualified and specialized experts in the specific diseases to be considered by such advisory committees, at least every 180 days, request referrals from a variety of stakeholders, such as the Institute of Medicine, the National Institutes of Health, product developers, patient groups, disease advocacy organizations, professional societies, medical societies, including the American Academy of Medical Colleges, and other governmental organizations.”;

(2) by amending subsection (c)(2)(C) to read as follows:

“(C) CONSIDERATION BY SECRETARY.—The Secretary shall ensure that each determination made under subparagraph (B) considers the type, nature, and magnitude of the financial interests at issue and the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.”;

(3) in subsection (e), by inserting “, and shall make publicly available,” after “House of Representatives”; and

(4) by adding at the end the following:

“(g) GUIDANCE ON REPORTED FINANCIAL INTEREST OR INVOLVEMENT.—The Secretary shall issue guidance that describes how the Secretary reviews the financial interests and involvement of advisory committee members that are reported under subsection (c)(1) but that the Secretary determines not to meet the definition of a disqualifying interest under section 208 of title 18, United States Code for the purposes of participating in a particular matter.”.

SEC. 1122. GUIDANCE DOCUMENT REGARDING PRODUCT PROMOTION USING THE INTERNET.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that describes Food and Drug Administration policy regarding the promotion, using the Internet (including social media), of medical products that are regulated by such Administration.

SEC. 1123. ELECTRONIC SUBMISSION OF APPLICATIONS.

Subchapter D of chapter VII (21 U.S.C. 379k et seq.) is amended by inserting after section 745 the following:

“SEC. 745A. ELECTRONIC FORMAT FOR SUBMISSIONS.

“(a) DRUGS AND BIOLOGICS.—

“(1) IN GENERAL.—Beginning no earlier than 24 months after the issuance of a final guidance issued after public notice and opportunity for comment, submissions under subsection (b), (i), or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the Public Health Service Act shall be submitted in such electronic format as specified by the Secretary in such guidance.

“(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

“(A) provide a timetable for establishment by the Secretary of further standards for electronic submission as required by such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.

“(3) EXCEPTION.—This subsection shall not apply to submissions described in section 561.

“(b) DEVICES.—

“(1) IN GENERAL.—Beginning after the issuance of final guidance implementing this paragraph, pre-submissions and submissions for devices under section 510(k), 513(f)(2)(A), 515(c), 515(d), 515(f), 520(g), 520(m), or 564 of this Act or section 351 of the Public Health Service Act, and any supplements to such

pre-submissions or submissions, shall include an electronic copy of such pre-submissions or submissions.

“(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

“(A) provide standards for the electronic copy required under such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.”.

SEC. 1124. COMBATING PRESCRIPTION DRUG ABUSE.

(a) IN GENERAL.—To combat the significant rise in prescription drug abuse and the consequences of such abuse, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs (referred to in this section as the “Commissioner”) and in coordination with other Federal agencies, as appropriate, shall review current Federal initiatives and identify gaps and opportunities with respect to ensuring the safe use and disposal of prescription drugs with the potential for abuse.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall post a report on the Internet website of the Food and Drug Administration on the findings of the review under subsection (a). Such report shall include findings and recommendations on—

(1) how best to leverage and build upon existing Federal and federally funded data sources, such as prescription drug monitoring program data and the sentinel initiative of the Food and Drug Administration under section 505(k)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(k)(3)), as it relates to collection of information relevant to adverse events, patient safety, and patient outcomes, to create a centralized data clearinghouse and early warning tool;

(2) how best to develop and disseminate widely best practices models and suggested standard requirements to States for achieving greater interoperability and effectiveness of prescription drug monitoring programs, especially with respect to provider participation, producing standardized data on adverse events, patient safety, and patient outcomes; and

(3) how best to develop provider, pharmacist, and patient education tools and a strategy to widely disseminate such tools and assess the efficacy of such tools.

(c) GUIDANCE ON ABUSE-DETERRENT PRODUCTS.—Not later than 6 months after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall promulgate guidance on the development of abuse-deterrent drug products.

(d) STUDY AND REPORT ON PRESCRIPTION DRUG ABUSE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall seek to enter into an agreement with the Institute of Medicine to conduct a study and report on prescription drug abuse. Such report shall evaluate trends in prescription drug abuse, assess opportunities to inform and educate the public, patients, and health care providers on issues related to prescription drug abuse and misuse, and identify potential barriers, if any, to prescription drug monitoring program participation and implementation.

SEC. 1125. TANNING BED LABELING.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall determine whether to amend the warning label requirements for sunlamp products to include specific requirements to more clearly and effectively convey the risks that such products

pose for the development of irreversible damage to the eyes and skin, including skin cancer.

SEC. 1126. OPTIMIZING GLOBAL CLINICAL TRIALS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 903, is further amended by adding at the end the following:

“SEC. 569A. OPTIMIZING GLOBAL CLINICAL TRIALS.

“(a) IN GENERAL.—The Secretary shall—

“(1) work with other regulatory authorities of similar standing, medical research companies, and international organizations to foster and encourage uniform, scientifically-driven clinical trial standards with respect to medical products around the world; and

“(2) enhance the commitment to provide consistent parallel scientific advice to manufacturers seeking simultaneous global development of new medical products in order to—

“(A) enhance medical product development;

“(B) facilitate the use of foreign data; and

“(C) minimize the need to conduct duplicative clinical studies, preclinical studies, or non-clinical studies.

“(b) MEDICAL PRODUCT.—In this section, the term ‘medical product’ means a drug, as defined in subsection (g) of section 201, a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

“(c) SAVINGS CLAUSE.—Nothing in this section shall alter the criteria for evaluating the safety or effectiveness of a medical product under this Act.

“SEC. 569B. USE OF CLINICAL INVESTIGATION DATA FROM OUTSIDE THE UNITED STATES.

“(a) IN GENERAL.—In determining whether to approve, license, or clear a drug or device pursuant to an application submitted under this chapter, the Secretary shall accept data from clinical investigations conducted outside of the United States, including the European Union, if the applicant demonstrates that such data are adequate under applicable standards to support approval, licensure, or clearance of the drug or device in the United States.

“(b) NOTICE TO SPONSOR.—If the Secretary finds under subsection (a) that the data from clinical investigations conducted outside the United States, including in the European Union, are inadequate for the purpose of making a determination on approval, clearance, or licensure of a drug or device pursuant to an application submitted under this chapter, the Secretary shall provide written notice to the sponsor of the application of such finding and include the rationale for such finding.”.

SEC. 1127. ADVANCING REGULATORY SCIENCE TO PROMOTE PUBLIC HEALTH INNOVATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall develop a strategy and implementation plan for advancing regulatory science for medical products in order to promote the public health and advance innovation in regulatory decisionmaking.

(b) REQUIREMENTS.—The strategy and implementation plan developed under subsection (a) shall be consistent with the user fee performance goals in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement

commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement commitment letter transmitted by the Secretary to Congress on April 20, 2012, and shall—

(1) identify a clear vision of the fundamental role of efficient, consistent, and predictable, science-based decisions throughout regulatory decisionmaking of the Food and Drug Administration with respect to medical products;

(2) identify the regulatory science priorities of the Food and Drug Administration directly related to fulfilling the mission of the agency with respect to decisionmaking concerning medical products and allocation of resources towards such regulatory science priorities;

(3) identify regulatory and scientific gaps that impede the timely development and review of, and regulatory certainty with respect to, the approval, licensure, or clearance of medical products, including with respect to companion products and new technologies, and facilitating the timely introduction and adoption of new technologies and methodologies in a safe and effective manner;

(4) identify clear, measurable metrics by which progress on the priorities identified under paragraph (2) and gaps identified under paragraph (3) will be measured by the Food and Drug Administration, including metrics specific to the integration and adoption of advances in regulatory science described in paragraph (5) and improving medical product decisionmaking, in a predictable and science-based manner; and

(5) set forth how the Food and Drug Administration will ensure that advances in regulatory science for medical products are adopted, as appropriate, on an ongoing basis and in a manner integrated across centers, divisions, and branches of the Food and Drug Administration, including by senior managers and reviewers, including through the—

(A) development, updating, and consistent application of guidance documents that support medical product decisionmaking; and

(B) the adoption of the tools, methods, and processes under section 566 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-5).

(c) ANNUAL PERFORMANCE REPORTS.—As part of the annual performance reports submitted to Congress under sections 736B(a) (as amended by section 104), 738A(a) (as amended by section 204), 744C(a) (as added by section 303), and 744I(a) (as added by section 403) of the Federal Food, Drug, and Cosmetic Act for each of fiscal years 2013 through 2017, the Secretary shall annually report on the progress made with respect to—

(1) advancing the regulatory science priorities identified under paragraph (2) of subsection (b) and resolving the gaps identified under paragraph (3) of such subsection, including reporting on specific metrics identified under paragraph (4) of such subsection;

(2) the integration and adoption of advances in regulatory science as set forth in paragraph (5) of such subsection; and

(3) the progress made in advancing the regulatory science goals outlined in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement transmitted by the Secretary to Congress on April 20, 2012.

(d) **INDEPENDENT ASSESSMENT.**—Not later than January 1, 2016, the Comptroller General of the United States shall submit to Congress a report—

(1) detailing the progress made by the Food and Drug Administration in meeting the priorities and addressing the gaps identified in subsection (b), including any outstanding gaps; and

(2) containing recommendations, as appropriate, on how regulatory science initiatives for medical products can be strengthened and improved to promote the public health and advance innovation in regulatory decisionmaking.

(e) **MEDICAL PRODUCT.**—In this section, the term “medical product” means a drug, as defined in subsection (g) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

SEC. 1128. INFORMATION TECHNOLOGY.

(a) **HHS REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) report to Congress on—

(A) the milestones and a completion date for developing and implementing a comprehensive information technology strategic plan to align the information technology systems modernization projects with the strategic goals of the Food and Drug Administration, including results-oriented goals, strategies, milestones, performance measures;

(B) efforts to finalize and approve a comprehensive inventory of the information technology systems of the Food and Drug Administration that includes information describing each system, such as costs, system function or purpose, and status information, and incorporate use of the system portfolio into the information investment management process of the Food and Drug Administration;

(C) the ways in which the Food and Drug Administration uses the plan described in subparagraph (A) to guide and coordinate the modernization projects and activities of the Food and Drug Administration, including the interdependencies among projects and activities; and

(D) the extent to which the Food and Drug Administration has fulfilled or is implementing recommendations of the Government Accountability Office with respect to the Food and Drug Administration and information technology; and

(2) develop—

(A) a documented enterprise architecture program management plan that includes the tasks, activities, and timeframes associated with developing and using the architecture and addresses how the enterprise architecture program management will be performed in coordination with other management disciplines, such as organizational strategic planning, capital planning and investment control, and performance management; and

(B) a skills inventory, needs assessment, gap analysis, and initiatives to address skills gaps as part of a strategic approach to information technology human capital planning.

(b) **GAO REPORT.**—Not later than January 1, 2016, the Comptroller General of the United States shall issue a report regarding the strategic plan described in subsection (a)(1)(A) and related actions carried out by the Food and Drug Administration. Such report shall assess the progress the Food and Drug Administration has made on—

(1) the development and implementation of a comprehensive information technology strategic plan, including the results-oriented goals, strategies, milestones, and performance measures identified in subsection (a)(1)(A);

(2) the effectiveness of the comprehensive information technology strategic plan described in subsection (a)(1)(A), including the results-oriented goals and performance measures; and

(3) the extent to which the Food and Drug Administration has fulfilled recommendations of the Government Accountability Office with respect to such agency and information technology.

SEC. 1129. REPORTING REQUIREMENTS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.), as amended by section 208, is further amended by adding at the end the following:

“SEC. 715. REPORTING REQUIREMENTS.

“(a) **NEW DRUGS.**—Beginning with fiscal year 2013 and ending with fiscal year 2017, not later than 120 days after the end of each fiscal year for which fees are collected under part 2 of subchapter C, the Secretary shall prepare and submit to the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning, for all applications for approval of a new drug under section 505(b) of this Act or a new biological product under section 351(a) of the Public Health Service Act filed in the previous fiscal year—

“(1) the number of such applications that met the goals identified for purposes of part 2 of subchapter C in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record;

“(2) the percentage of such applications that were approved;

“(3) the percentage of such applications that were issued complete response letters;

“(4) the percentage of such applications that were subject to a refuse-to-file action;

“(5) the percentage of such applications that were withdrawn; and

“(6) the average total time to decision by the Secretary for all applications for approval of a new drug under section 505(b) of this Act or a new biological product under section 351(a) of the Public Health Service Act filed in the previous fiscal year, including the number of calendar days spent during the review by the Food and Drug Administration and the number of calendar days spent by the sponsor responding to a complete response letter.”

“(b) **GENERIC DRUGS.**—Beginning with fiscal year 2013 and ending after fiscal year 2017, not later than 120 days after the end of each fiscal year for which fees are collected under part 7 of subchapter C, the Secretary shall prepare and submit to the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning, for all applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year—

“(1) the number of such applications that met the goals identified for purposes of part 7 of subchapter C, in the letters from the Secretary of Health and Human Services to

the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record;

“(2) the average total time to decision by the Secretary for applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year, including the number of calendar days spent during the review by the Food and Drug Administration and the number of calendar days spent by the sponsor responding to a complete response letter;

“(3) the total number of applications under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications that were pending with the Secretary for more than 10 months on the date of enactment of the Food and Drug Administration Safety and Innovation Act; and

“(4) the number of applications described in paragraph (3) on which the Food and Drug Administration took final regulatory action in the previous fiscal year.

“(c) BIOSIMILAR BIOLOGICAL PRODUCTS.—

“(1) **IN GENERAL.**—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year for which fees are collected under part 8 of subchapter C, the Secretary shall prepare and submit to the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning—

“(A) the number of applications for approval filed under section 351(k) of the Public Health Service Act; and

“(B) the percentage of applications described in subparagraph (A) that were approved by the Secretary.

“(2) **ADDITIONAL INFORMATION.**—As part of the performance report described in paragraph (1), the Secretary shall include an explanation of how the Food and Drug Administration is managing the biological product review program to ensure that the user fees collected under part 2 are not used to review an application under section 351(k) of the Public Health Service Act.”

SEC. 1130. STRATEGIC INTEGRATED MANAGEMENT PLAN.

(a) **STRATEGIC INTEGRATED MANAGEMENT PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall submit to Congress a strategic integrated management plan for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health. Such strategic management plan shall—

(1) identify strategic institutional goals and priorities for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health;

(2) describe the actions the Secretary will take to recruit, retain, train, and continue to develop the workforce at the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health to fulfill the public health mission of the Food and Drug Administration; and

(3) identify results-oriented, outcome-based measures that the Secretary will use to measure the progress of achieving the strategic goals and priorities identified

under paragraph (1) and the effectiveness of the actions identified under paragraph (2), including metrics to ensure that managers and reviewers of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health are familiar with and appropriately and consistently apply the requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including new requirements under parts 2, 3, 7, and 8 of subchapter C of title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

(b) **REPORT.**—Not later than January 1, 2016, the Comptroller General of the United States shall issue a report regarding the strategic management plan described in subsection (a) and related actions carried out by the Food and Drug Administration. Such report shall—

(1) assess the effectiveness of the actions described in subsection (a)(2) in recruiting, retaining, training, and developing the workforce at the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health in fulfilling the public health mission of the Food and Drug Administration;

(2) assess the effectiveness of the measures identified under subsection (a)(3) in gauging progress against the strategic goals and priorities identified under subsection (a)(1);

(3) assess the extent to which the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health are using the identified results-oriented set of performance measures in tracking their workload by strategic goals and the effectiveness of such measures;

(4) assess the extent to which performance information is collected, analyzed, and acted on by managers; and

(5) make recommendations, as appropriate, regarding how the strategic management plan and related actions of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health could be improved to fulfill the public health mission of the Food and Drug Administration in as efficient and effective manner as possible.

SEC. 1131. DRUG DEVELOPMENT AND TESTING.

(a) **IN GENERAL.**—Section 505-1 (21 U.S.C. 355-1) is amended by adding at the end the following:

“(k) **DRUG DEVELOPMENT AND TESTING.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, if a drug is a covered drug, no elements to ensure safe use shall prohibit, or be construed or applied to prohibit, supply of such drug to any eligible drug developer for the purpose of conducting testing necessary to support an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act, if the Secretary has issued a written notice described in paragraph (2), and the eligible drug developer has agreed to comply with the terms of the notice.

“(2) **WRITTEN NOTICE.**—For purposes of this subsection, the Secretary shall, within a reasonable period of time, consider and respond to a request by an eligible drug developer for a written notice authorizing the supply of a covered drug for purposes of testing as described in paragraph (1), and the Secretary shall issue a written notice to such eligible drug developer and the holder of an application for a covered drug authorizing the sup-

ply of such drug to such eligible drug developer for purposes of testing if—

“(A) the eligible drug developer has agreed to comply with any conditions the Secretary considers necessary;

“(B) in the event the eligible drug developer is conducting bioequivalence or other clinical testing, the eligible drug developer has submitted, and the Secretary has approved, a protocol that includes protections that the Secretary finds will provide assurance of safety comparable to the assurance of safety provided by the elements to ensure safe use in the risk evaluation and mitigation strategy for the covered drug as applicable to such testing; and

“(C) the eligible drug developer is in compliance with applicable laws and regulations related to such testing, including any applicable requirements related to Investigational New Drug Applications or informed consent.

“(3) **ADDITIONAL REQUIRED ELEMENT.**—The Secretary shall require as an element of each risk evaluation and mitigation strategy with elements to ensure safe use approved by the Secretary that the holder of an application for a covered drug shall not restrict the resale of the covered drug to an eligible drug developer that receives a written notice from the Secretary under paragraph (2) unless, at any time, the Secretary provides written notice to the holder of the application directing otherwise based on a shortage of such drug for patients, national security concerns related to access to such drug, or such other reason as the Secretary may specify.

“(4) **VIOLATION AND PENALTIES.**—For purposes of subsection (f)(8) and sections 301, 303(f)(4), 502(y), and 505(p), it shall be a violation of the risk evaluation and mitigation strategy for the holder of the application for a covered drug to violate the element described in paragraph (3), or in the case of a holder of an application that is a sole distributor or supplier of a covered drug, to prevent the sale thereof after receipt of a written notice by the Secretary issued under paragraph (2). The Secretary shall provide written notice to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives within 30 days of the Secretary becoming aware that a holder of an application of a covered drug has restricted the sale of such a covered drug to any eligible drug developer after receipt of written notice as provided in paragraph (2).

“(5) **LIABILITY.**—Unless the holder of the application for a covered drug and the eligible developer are the same entity, the holder of an application for a covered drug shall not be liable for any claim arising out of the eligible drug developer's testing necessary to support an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act for a drug obtained under this subsection. Nothing in this subsection shall be construed to expand or limit the liability of the eligible drug developer or the holder of an application for a covered drug for any other claim.

“(6) **CERTIFICATION.**—In any request for supply of a covered drug for purposes of testing as described in paragraph (1), an eligible drug developer shall certify to the Secretary that—

“(A) the eligible drug developer will comply with all conditions the Secretary considers necessary, any protocol approved by the Secretary, and all applicable laws and regulations pertaining to such testing; and

“(B) the eligible drug developer intends to submit an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act for the drug for which it is requesting written notice pursuant to paragraph (2), and will use the covered drug only for the purpose of conducting testing to support such an application.

“(7) DEFINITIONS.—

“(A) **COVERED DRUG.**—Notwithstanding subsection (b)(2), for purposes of this subsection, the term ‘covered drug’ means a drug, including a biological product licensed under section 351(a) of the Public Health Service Act, that is subject to a risk evaluation and mitigation strategy with elements to ensure safe use under subsection (f), or a drug, including a biological product licensed under section 351(a) of the Public Health Service Act, required to have a risk evaluation and mitigation strategy with elements to ensure safe use under section 909(b) of the Food and Drug Administration Amendments Act of 2007.

“(B) **ELIGIBLE DRUG DEVELOPER.**—For purposes of this subsection, the term ‘eligible drug developer’ means a sponsor that has submitted, or intends to submit, an application under subsection (b)(2) or (j) of section 505 of this Act or section 351(k) of the Public Health Service Act to market a version of the covered drug in the United States.

“(8) **EFFECT ON OTHER LAW.**—Notwithstanding the provisions of this subsection, the antitrust statutes enforced by the Federal Trade Commission, including the Federal Trade Commission Act (15 U.S.C. 41-58), the Sherman Act (15 U.S.C. 1-7), and any other statute properly under such Commission's jurisdiction, shall apply to the conduct described in this subsection to the same extent as such statutes did on the day before the date of enactment of this subsection.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 505-1(c)(2) (21 U.S.C. 355-1(c)(2)) is amended by striking “(e) and (f)” and inserting “(e), (f), and (k)(3)”.

(2) Section 502(y) (21 U.S.C. 352(y)) is amended by striking ““(d), (e), or (f) of section 505-1”” and inserting ““(d), (e), (f), or (k)(3) of section 505-1””.

SEC. 1132. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSIONS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 1126, is further amended by adding at the end the following:

“SEC. 569C. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSION.

“(a) **IN GENERAL.**—The Secretary shall develop and implement strategies to solicit the views of patients during the medical product development process and consider the perspectives of patients during regulatory discussions, including by—

“(1) fostering participation of a patient representative who may serve as a special government employee in appropriate agency meetings with medical product sponsors and investigators; and

“(2) exploring means to provide for identification of patient representatives who do not have any, or have minimal, financial interests in the medical products industry.

“(b) **FINANCIAL INTEREST.**—In this section, the term ‘financial interest’ means a financial interest under section 208(a) of title 18, United States Code.”

SEC. 1133. NANOTECHNOLOGY REGULATORY SCIENCE PROGRAM.

(a) **IN GENERAL.**—Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 1013. NANOTECHNOLOGY REGULATORY SCIENCE PROGRAM.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary, in consultation as appropriate with the Secretary of Agriculture, shall establish within the Food and Drug Administration a Nanotechnology Regulatory Science Program (referred to in this section as the ‘program’) to enhance scientific knowledge regarding nanomaterials included or intended for inclusion in products regulated under this Act or other statutes administered by the Food and Drug Administration, to address issues relevant to the regulation of those products, including the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

“(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) may include—

“(1) assessing scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to the Food and Drug Administration;

“(2) in cooperation with other Federal agencies, developing and organizing information using databases and models that will facilitate the identification of generalized principles and characteristics regarding the behavior of classes of nanomaterials with biological systems;

“(3) promoting Food and Drug Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties of nanomaterials that might contribute to toxicity;

“(4) promoting and participating in collaborative efforts to further the understanding of measurement and detection methods for nanomaterials;

“(5) collecting, synthesizing, interpreting, and disseminating scientific information and data related to the interactions of nanomaterials with biological systems;

“(6) building scientific expertise on nanomaterials within the Food and Drug Administration, including field and laboratory expertise, for monitoring the production and presence of nanomaterials in domestic and imported products regulated under this Act;

“(7) ensuring ongoing training, as well as dissemination of new information within the centers of the Food and Drug Administration, and more broadly across the Food and Drug Administration, to ensure timely, informed consideration of the most current science pertaining to nanomaterials;

“(8) encouraging the Food and Drug Administration to participate in international and national consensus standards activities pertaining to nanomaterials; and

“(9) carrying out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

“(c) PROGRAM ADMINISTRATION.—

“(1) DESIGNATED INDIVIDUAL.—In carrying out the program under this section, the Secretary, acting through the Commissioner of Food and Drugs, may designate an appropriately qualified individual who shall supervise the planning, management, and coordination of the program.

“(2) DUTIES.—The duties of the individual designated under paragraph (1) may include—

“(A) developing a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

“(B) coordinating and integrating the strategic plan with activities by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

“(C) developing Food and Drug Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

“(d) REPORT.—Not later than March 15, 2015, the Secretary shall publish on the Internet Web site of the Food and Drug Administration a report on the program carried out under this section. Such report shall include—

“(1) a review of the specific short- and long-term goals of the program;

“(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities; and

“(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

“(e) EFFECT OF SECTION.—Nothing in this section shall affect the authority of the Secretary under any other provision of this Act or other statutes administered by the Food and Drug Administration.”

(b) EFFECTIVE DATE; SUNSET.—The Nanotechnology Regulatory Science Program authorized under section 1013 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later. Such Program shall cease to be effective October 1, 2017.

SEC. 1134. ONLINE PHARMACY REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any problems posed by pharmacy Internet websites that violate Federal or State law, including—

(1) the methods by which Internet websites are used to sell prescription drugs in violation of Federal or State law or established industry standards;

(2) the harmful health effects that patients experience when they consume prescription drugs purchased through such pharmacy Internet websites;

(3) efforts by the Federal Government and State and local governments to investigate and prosecute the owners or operators of pharmacy Internet websites, to address the threats such websites pose, and to protect patients;

(4) the level of success that Federal, State, and local governments have experienced in investigating and prosecuting such cases;

(5) whether the law, as in effect on the date of the report, provides sufficient authorities to Federal, State, and local governments to investigate and prosecute the owners and operators of pharmacy Internet websites;

(6) additional authorities that could assist Federal, State, and local governments in investigating and prosecuting the owners and operators of pharmacy Internet websites;

(7) laws, policies, and activities that would educate consumers about how to distinguish pharmacy Internet websites that comply with Federal and State laws and established industry standards from those pharmacy

Internet websites that do not comply with such laws and standards; and

(8) laws, policies, and activities that would encourage private sector actors to take steps to address the prevalence of illegitimate pharmacy Internet websites.

SEC. 1135. MEDICATION AND DEVICE ERRORS.

The Secretary of Health and Human Services shall continue and further coordinate activities of the Department of Health and Human Services related to the prevention of medication and device errors, including consideration of medication and device errors that affect the pediatric patient population. In developing initiatives to address medication and device errors, the Secretary shall consider the root causes of medication and device errors, including pediatric medication and device errors, in the clinical setting and consult with relevant stakeholders on effective strategies to reduce and prevent medication and device errors in the clinical setting.

SEC. 1136. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 1137. ENSURING ADEQUATE INFORMATION REGARDING PHARMACEUTICALS FOR ALL POPULATIONS, PARTICULARLY UNDERREPRESENTED SUBPOPULATIONS, INCLUDING RACIAL SUBGROUPS.

(a) COMMUNICATION PLAN.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs, shall review and modify, as necessary, the Food and Drug Administration’s communication plan to inform and educate health care providers, patients, and payors on the benefits and risks of medical products, with particular focus on underrepresented subpopulations, including racial subgroups.

(b) CONTENT.—The communication plan described under subsection (a)—

(1) shall take into account—

(A) the goals and principles set forth in the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities issued by the Department of Health and Human Services;

(B) the nature of the medical product; and

(C) health and disease information available from other agencies within such Department, as well as any new means of communicating health and safety benefits and risks related to medical products;

(2) taking into account the nature of the medical product, shall address the best strategy for communicating safety alerts, labeled indications for the medical products, changes to the label or labeling of medical products (including black box warnings, health advisories, health and safety benefits and risks), particular actions to be taken by healthcare professionals and patients, any information identifying particular subpopulations, and any other relevant information as determined appropriate to enhance communication, including varied means of electronic communication; and

(3) shall include a process for implementation of any improvements or other modifications determined to be necessary.

(c) ISSUANCE AND POSTING OF COMMUNICATION PLAN.—

(1) COMMUNICATION PLAN.—Not later than 1 year after the date of enactment of this Act,

the Secretary, acting through the Commissioner of Food and Drugs, shall issue the communication plan described under this section.

(2) **POSTING OF COMMUNICATION PLAN ON THE OFFICE OF MINORITY HEALTH WEBSITE.**—The Secretary, acting through the Commissioner of Food and Drugs, shall publicly post the communication plan on the Internet website of the Office of Minority Health of the Food and Drug Administration, and provide links to any other appropriate webpage, and seek public comment on the communication plan.

SEC. 1138. REPORT ON SMALL BUSINESSES.

Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs shall submit a report to Congress that includes—

(1) a listing of and staffing levels of all small business offices at the Food and Drug Administration, including the small business liaison program;

(2) the status of partnership efforts between the Food and Drug Administration and the Small Business Administration;

(3) a summary of outreach efforts to small businesses and small business associations, including availability of toll-free telephone help lines;

(4) with respect to the program under the Orphan Drug Act (Public Law 97-414), the number of applications made by small businesses and number of applications approved for research grants, the amount of tax credits issued for clinical research, and the number of companies receiving protocol assistance for the development of drugs for rare diseases and disorders;

(5) with respect to waivers and reductions for small business under the Prescription Drug User Fee Act, the number of small businesses applying for and receiving waivers and reductions from drug user fees under subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.);

(6) the number of small businesses submitting applications and receiving approval for unsolicited grant applications from the Food and Drug Administration;

(7) the number of small businesses submitting applications and receiving approval for solicited grant applications from the Food and Drug Administration;

(8) barriers small businesses encounter in the drug and medical device approval process; and

(9) recommendations for changes in the user fee structure to help alleviate generic drug shortages.

SEC. 1139. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.

(a) **IN GENERAL.**—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

“(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

(b) **CONFORMING AMENDMENT.**—Section 221(b) of the Public Health Service Act (42 U.S.C. 213a(b)) is amended by adding at the end the following: “For purposes of paragraph (18) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Health and Human Services.”.

SEC. 1140. REGULATIONS ON CLINICAL TRIAL REGISTRATION; GAO STUDY OF CLINICAL TRIAL REGISTRATION AND REPORTING REQUIREMENTS.

(a) **DEFINITIONS.**—In this section—

(1) the term “applicable clinical trial” has the meaning given such term under section

402(j) of the Public Health Service Act (42 U.S.C. 282(j));

(2) the term “Director” means the Director of the National Institutes of Health;

(3) the term “responsible party” has the meaning given such term under such section 402(j); and

(4) the term “Secretary” means the Secretary of Health and Human Services.

(b) REQUIRED REGULATIONS.—

(1) **PROPOSED RULEMAKING.**—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director, shall issue a notice of proposed rulemaking for a proposed rule on the registration of applicable clinical trials by responsible parties under section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)) (as amended by section 801 of the Food and Drug Administration Amendments Act of 2007).

(2) **FINAL RULE.**—Not later than 180 days after the issuance of the notice of proposed rulemaking under paragraph (1), the Secretary, acting through the Director, shall issue the final rule on the registration of applicable clinical trials by responsible parties under such section 402(j).

(3) **LETTER TO CONGRESS.**—If the final rule described in paragraph (2) is not issued by the date required under such paragraph, the Secretary shall submit to Congress a letter that describes the reasons why such final rule has not been issued.

(c) REPORT BY GAO.—

(1) **IN GENERAL.**—Not later than 2 years after the issuance of the final rule under subsection (b), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the implementation of the registration and reporting requirements for applicable drug and device clinical trials under section 402(j) the Public Health Service Act (42 U.S.C. 282(j)) (as amended by section 801 of the Food and Drug Administration Amendments Act of 2007).

(2) **CONTENT.**—The report under paragraph (1) shall include—

(A) information on the rate of compliance and non-compliance (by category of sponsor, category of trial (phase II, III, or IV), whether the applicable clinical trial is conducted domestically, in foreign sites, or a combination of sites, and such other categories as the Comptroller General determines useful) with the requirements of—

(i) registering applicable clinical trials under such section 402(j);

(ii) reporting the results of such trials under such section; and

(iii) the completeness of the reporting of the required data under such section; and

(B) information on the promulgation of regulations for the registration of applicable clinical trials by the responsible parties under such section 402(j).

(3) **RECOMMENDATIONS.**—If the Comptroller General finds problems with timely compliance or completeness of the data being reported under such section 402(j), or finds that the implementation of registration and reporting requirements under such section 402(j) for applicable drug and device clinical trials could be improved, the Comptroller General shall, after consulting with the Commissioner of Food and Drugs, applicable stakeholders, and experts in the conduct of clinical trials, make recommendations for administrative or legislative actions to increase the compliance with the requirements of such section 402(j).

SEC. 1141. HYDROCODONE AMENDMENT.

The Controlled Substances Act is amended—

(1) in schedule III(d) in section 202(c) (21 U.S.C. 812(c)), by—

(A) striking paragraphs (3) and (4); and

(B) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1)), by adding at the end the following:

“(F) In the case of any material, compound, mixture, or preparation containing—
“(i) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; or

“(ii) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts, subparagraph (C) shall not apply and such case shall be subject to subparagraph (E).”.

SEC. 1142. COMPLIANCE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

In accordance with the final rule issued by the Commissioner of Food and Drug entitled “Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use; Delay of Compliance Dates” (77 Fed. Reg. 27591 (May 11, 2012)), a product subject to the final rule issued by the Commissioner entitled “Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use” (76 Fed. Reg. 35620 (June 17, 2011)), shall comply with such rule not later than—

(1) December 17, 2013, for products subject to such rule with annual sales of less than \$25,000 and

(2) December 17, 2012, for all other products subject to such rule.

SEC. 1143. RECOMMENDATIONS ON INTEROPERABILITY STANDARDS.

(a) **IN GENERAL.**—The Attorney General and the Secretary of Health and Human Services may collaborate to facilitate the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription information across State lines by States receiving grant funds under—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748); and

(2) the Controlled Substance Monitoring Program established under section 399O of the Public Health Service Act (42 U.S.C. 280g-3).

(b) **REQUIREMENTS.**—The Attorney General and the Secretary of Health and Human Services shall consider the following in facilitating the development of recommendations on interoperability of prescription drug monitoring programs under subsection (a)—

(1) open standards that are freely available, without cost and without restriction, in order to promote broad implementation;

(2) the use of exchange intermediaries, or hubs, as necessary to facilitate interstate interoperability by accommodating State-to-hub and direct State-to-State communication;

(3) the support of transmissions that are fully secured as required, using industry standard methods of encryption, to ensure that Protected Health Information and Personally Identifiable Information are not

compromised at any point during such transmission; and

(4) access control methodologies to share protected information solely in accordance with State laws and regulations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives a report on enhancing the interoperability of State prescription monitoring programs with other technologies and databases used for detecting and reducing fraud, diversion, and abuse of prescription drugs.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an assessment of legal, technical, fiscal, privacy, or security challenges that have an impact on interoperability;

(B) a discussion of how State prescription monitoring programs could increase the production and distribution of unsolicited reports to prescribers and dispensers of prescription drugs, law enforcement officials, and health professional licensing agencies, including the enhancement of such reporting through interoperability with other States and relevant technology and databases; and

(C) any recommendations for addressing challenges that impact interoperability of State prescription monitoring programs in order to reduce fraud, diversion, and abuse of prescription drugs.

Subtitle D—Synthetic Drugs

SEC. 1151. SHORT TITLE.

This subtitle may be cited as the “Synthetic Drug Abuse Prevention Act of 2012”.

SEC. 1152. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following: “(d)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

“(2) In paragraph (1):

“(A) The term ‘cannabimimetic agents’ means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

“(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

“(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

“(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

“(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

“(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

“(B) Such term includes—

“(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

“(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

“(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

“(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

“(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

“(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

“(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

“(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

“(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

“(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

“(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

“(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

“(xiii) 1-pentyl-3-[1-(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

“(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

“(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).”.

(b) OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

“(18) 4-methylmethcathinone (Mephedrone).

“(19) 3,4-methylenedioxypyrovalerone (MDPV).

“(20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

“(21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

“(22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

“(23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

“(24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

“(25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

“(26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

“(27) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).

“(28) 2-(2,5-Dimethoxy-4-(n-propylphenyl)ethanamine (2C-P).”.

SEC. 1153. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking “one year” and inserting “2 years”; and

(2) by striking “six months” and inserting “1 year”.

SEC. 1154. PROHIBITION ON IMPOSING MANDATORY MINIMUM SENTENCES.

Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amend-

ed by adding at the end the following: “Any mandatory minimum term of imprisonment required to be imposed under this subparagraph shall not apply with respect to any controlled substance added to schedule I by the Synthetic Drug Abuse Prevention Act of 2012.”.

Mr. REID. Madam President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I know people are very anxious to move on. I am, too, but I have to say just a word. I have said in my own caucus how much I appreciate the cooperation of Senator ENZI. He is a fine Senator. He and Senator HARKIN have worked so well together. It is exemplary for what the rest of us should do. I appreciate very much the work they have done. I repeat, it is how we should get other work done.

This is an important piece of legislation, and we made it look simple; it was not. But because of these two fine Senators, we were able to get this done in a very short period of time and get good things done for the American people.

Mr. HARKIN. Madam President, today, with passage of the FDA Safety and Innovation Act and the reauthorization of the FDA user fee agreements, we have helped both the FDA and the biomedical industry ensure that they can get needed medical products to patients quickly and safely.

This legislation will ensure that the FDA can swiftly approve drugs and medical devices, save biomedical industry jobs, protect patient access to new therapies, and preserve America's global leadership in biomedical innovation. It will keep patients safer by modernizing FDA's inspection process for foreign manufacturing facilities, while also improving access to new and innovative medicines and devices. It will reduce drug costs for consumers by speeding the approval of lower cost generic drugs and help prevent and address drug shortages. Finally, by improving the way FDA does business, increasing accountability and transparency, U.S. companies will be better able to innovate and compete in the global marketplace.

By passing the FDA Safety and Innovation Act, we have taken an important step to improve American families' access to lifesaving drugs and medical devices.

As I have said throughout this debate, the bipartisan process that produced this excellent bill has been quite remarkable. I have worked closely with my colleagues on both sides of the aisle, as well as industry stakeholders, patient groups, and consumer groups to solicit ideas and improvements on the critical provisions in this bill. We have a better product thanks to everyone's input.

I extend a special thank-you to my colleague, Ranking Member ENZI. I have been working with Senator ENZI for over a year on this bill. It has been a wonderful and cooperative partnership and a trusting friendship. I can honestly say we would not have gotten this done without his excellent leadership and wise counsel. I thank him for that.

I also thank all of the HELP Committee members, as well as members off the committee, who were thoroughly engaged with this process from the beginning as part of the bipartisan working groups we established. Each of them has contributed significantly to this legislation, and I am sincerely grateful for all their contributions.

Madam President, I will submit for the RECORD a list of all staff members who were part of our bipartisan working groups throughout the past year. We all know we could not have achieved this without the tireless and diligent work of our loyal staffs. I extend my deep appreciation for their hard work and extraordinary efforts.

I ask unanimous consent that the list of staff members be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELP BIPARTISAN WORKING GROUPS

DRUG SHORTAGES

Rachel Pryor—Blumenthal;
Jessica McNiece, Christine Evans—Mikulski;

Deirdre Fruh—Casey;
Andrew Hu—Klobuchar;
Hannah Katch, Whitney Brown—Franken;
Jennifer DeAngelis—Whitehouse;
Sophie Kasimow—Sanders;
Rohini Kosoglu, Sally Mayes—Bennett;
Susan Lexer—Merkley;
Joshua Teitelbaum—Hagan;
Sandra Wilkniess—Bingaman;
Jennifer Boyer—Roberts;
Hayden Rhudy—Hatch;
Mary Sumpter Lipinski—Alexander;
Christopher Bowlin—McCain;
Anna Abram, Margaret Coulter—Burr;
Anne Oswalt—Corker;
Amanda Makki—Murkowski.

GENERATING ANTIBIOTIC INCENTIVES NOW

Rachel Pryor—Blumenthal;
Hannah Katch, Whitney Brown—Franken;
Sophie Kasimow—Sanders;
Susan Lexer—Merkley;
Rohini Kosoglu—Bennett;
Joshua Teitelbaum—Hagan;
Sandra Wilkniess—Bingaman;
Matt Prowler, Deirdre Fruh—Casey;
Christine Evans, Jessica McNiece—Mikulski;

Margaret Coulter/Anna Abram—Burr;
Amanda Makki—Murkowski;
Ashley Carson Cottingham—Sanders;
Michael Behan—Sanders;
Tyler Thompson, Francie Pastor—Isakson;
Mary Sumpter Lipinski—Alexander;
Jennifer Boyer—Roberts;
Shauna McCarthy—Kirk;
Hayden Rhudy—Hatch.

PEDIATRICS (BP/CA/PREA)

Paula Berg—Murray;

Kate Mevis—Reed;
Rohini Kosoglu, Sally Mayes—Bennett;
Jessica McNiece, Christine Evans—Mikulski;

Deirdre Fruh, Matt Prowler—Casey;
Hannah Katch, Whitney Brown—Franken;
Sophie Kasimow—Sanders;
Anna Abram, Margaret Coulter—Burr;
Mary Sumpter Lipinski, Nicolas Magallanes—Alexander;
Jennifer Boyer—Roberts;
Tyler Thompson—Isakson;
Amanda Makki—Murkowski;
Hayden Rhudy, Paul Williams—Hatch.

DRUG SUPPLY CHAIN

Rohini Kosoglu—Bennett;
Jennifer DeAngelis, Justin Florence—Whitehouse;
Anna Abram—Burr;
Erika Smith—Grassley.

Mr. HARKIN. On that note, I specifically thank the staff of Ranking Member ENZI's office. I thank Frank Macchiarola, Chuck Clapton, Keith Flanagan, Melissa Pfaff, Grace Stuntz, Katy Spangler, and Riley Swinehart. I know they have developed a close working relationship with my staff throughout the year, and I am sincerely grateful for their dedicated efforts.

I thank my own staff on the HELP Committee, who have spent many a night, long days, and weekends with Senator ENZI's staff and other Members' offices working to come to consensus on the critical policy issues in this legislation.

I thank our staff director, Dan Smith; his assistant, Pam Smith, who, by the way, will be very shortly taking over as our new staff director. Dan Smith is leaving our staff and going into the private sector. Pam Smith will be taking over as our new staff director. I also thank Jenelle Krishnamoorthy, who heads our health division, for all of the tireless work she has put in. I can't thank her enough for all her hard work. I also thank Elizabeth Jungman, Bill McConagha, Kathleen Laird, Kathleen Wise, Dan Goldberg, Justine Sessions, Kate Frischmann, Elizabeth Donovan, Lory Yudin, Frank Zhang, and Evan Griffis. Each of them has done a remarkable job. I thank them from the bottom of my heart for getting this legislation through.

We would be remiss if we didn't also thank the Congressional Budget Office for their knowledgeable and capable team that was willing to work around the clock to estimate the budgetary effects of this legislation.

Finally, we owe an enormous debt of gratitude to the staff members in the Legislative Counsel's Office. They too worked long hours, nights and weekends, to assist my staff in drafting this critical legislation and working out technical issues.

This bill's passage is a victory for the millions of Americans who need medicines or medical devices—a victory that would not have been possible without the dedicated work of our Sen-

ate family. I thank all of you for your extraordinary public service.

STOP THE STUDENT LOAN INTEREST RATE HIKE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to S. 2343, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2343) to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Republican leader.

Mr. McCONNELL. Madam President, we are in a rather ridiculous staring contest, waiting for our Democratic friends to offer a proposal that can actually pass when we already have one right in front of us. We have wasted actually 2 weeks on this student loan issue for no good reason. Neither I nor the ranking member has heard a word from the Democrats on how they propose to resolve the issue and actually prevent the interest rate from rising.

As we learned earlier this week, the President doesn't seem to even talk to his committee chairmen anymore. All of this suggests that the White House doesn't want to solve the problem; that it would rather allow these rates to double in a few weeks so he can run around all summer pointing the finger at those Republicans in the Senate.

I would still like to believe that is not the case. We had a chance to talk to the President about this and other issues last week down at the White House. I am convinced he would like to get a solution. Yet the fact is, all he would have to do is simply pick up the phone and tell the Democratic leadership that we would like to get this done, and I am pretty confident we could work it out. Unfortunately, we cannot just wait around hoping the President is going to pick up the phone. College students cannot wait either. They want us to resolve the issue now, and I know we can.

To move the ball forward, I would say to my colleague, the majority leader, if he agrees with me—Senator HARKIN and Senator ENZI just did a good job with coming up with a bipartisan solution to the FDA bill. I am confident they could do the same thing on the student loan issue. They are the chairman and the ranking member of the committee that oversees student loan legislation. I have a lot of confidence in their ability to do it.

I am going to proffer a consent agreement that I think would allow us to go forward. My colleague from Tennessee will take the balance of our time after I have concluded.

I ask unanimous consent that following the conclusion of the two scheduled votes on the student loan bill, which we are about to have, the next order of business be a Harkin-Enzi bill dealing with the issue of the current student loan rate; provided further that no motion to proceed to other items be in order unless agreed to by both leaders.

The purpose of this consent agreement I have just proffered is to allow Senator HARKIN and Senator ENZI to negotiate on this important issue, the increase in the student loan rates, and to keep the Senate focused on how to resolve this issue in a timely way before the rate goes up. The bill they would negotiate would be the next order of business, but it would also provide that both leaders could agree to allow the Senate to work on other measures if necessary as those student loan discussions continue.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I am going to use the leader time, not the 5 minutes we were allocated.

Madam President, we have all heard of reverse engineering. What we just heard is reverse reasoning. This is one of the most interesting things I have heard—that makes no sense. We have been trying to get on this bill for weeks. The Republicans have refused to allow us to get on the bill.

The student loan issue is important. We should have already completed this—had we been allowed to get on the bill—but we were not allowed to get on the bill. We were faced with one of our many filibusters—scores of them. Not one, two, three or four, scores of them. This is another example of them stopping us from legislating on a bill. Now to come here and say we could have been doing something—my friend knows the rules of this Senate as well as I do. He knows his suggestion is absurd.

I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 2153

Mr. MCCONNELL. On behalf of Senator ALEXANDER I call up amendment No. 2153.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. ALEXANDER, for himself, Mr. MCCONNELL, Mr. ENZI, Mr. BARRASSO, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORNYN, Mr. HELLER, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. ROBERTS, Mrs. HUTCHISON, Mr. RUBIO, and Ms. AYOTTE, proposes an amendment numbered 2153.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Interest Rate Reduction Act”.

SEC. 2. INTEREST RATE EXTENSION.

Subparagraph (D) of section 455(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)(D)) is amended—

(1) in the matter preceding clause (i), by striking “2012” and inserting “2013”; and

(2) in clause (v), by striking “2012” and inserting “2013”.

SEC. 3. REPEALING PREVENTION AND PUBLIC HEALTH FUND.

(a) IN GENERAL.—Section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is repealed.

(b) RECISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

SEC. 4. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, on July 1, 7 million students getting new loans to go to college, the rate for interest will go from 3.4 to 6.8. This is an amendment to get a result. This is the House-passed bill. President Obama says he wants to freeze the rate for a year. Governor Romney says he wants to freeze the rate for a year. The House of Representatives has voted to freeze the rate for a year. A vote yes on the House-passed bill will permit us to send it to them and quickly send it to the President, he will sign it, and we solve the problem.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, while I appreciate the confidence the Republican leader has in the ability of Mr. ENZI and me to get things done, frankly, we are confronted now with two votes. Which way do we want to go? What they are proposing is that we totally end, totally eliminate all of the prevention and wellness money that we have out there in the wellness fund.

What would this do? We have vaccinations for children, immunizations, smoking cessation programs, colorectal screenings, diabetes prevention, breast cancer screening, obesity prevention—all funded by this Prevention and Wellness Fund. Not one of those would be funded from that fund if that amendment passes.

The choice is very clear on the two amendments we have coming up. We can either vote to close a tax loophole that allows wealthy tax dodgers not to pay their fair share of taxes—we can close that loophole and keep the interest rates at 3.4 percent—or, as the Republicans want to do, totally eliminate the Wellness and Prevention Fund and end the money that we are putting into diabetes prevention and breast cancer and colorectal screening and all the things I mentioned.

I do not think the choice could be more clear to the American people about the direction we ought to go. Close the tax loophole. Keep the prevention fund in there. Keep our people healthy.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, we have 2 minutes left. I will use one of them.

Our friends on the other side have their usual solution to almost any problem: Let's put some more taxes on small business men and women in America during a time of the greatest recession we have had.

We have a better idea for how to pay for this bill. We will take some of the savings the Congressional Budget Office said they found when they took over the student health program in the health care bill—instead of giving the students the benefit of those savings, they spent it on government. They spent \$8.3 billion on the health care bill. We will give back to the students enough money to pay for this freezing of the rate.

We will not tax the small businesspeople. We will have a little left over, and we will reduce the debt. Then we can send our bill to the House, they will pass it like that, send it to the President, and the problem is solved.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, as Senator HARKIN pointed out, the Republican proposal goes right to the heart of prevention, and that will have two effects. It will deny critical services to families all across this country, and it will do something else—it will deny us the chance to bend that proverbial cost curve. If we do not control those costs, we will be in a fiscal disaster. The proposal they are making does not make sense. We have proposed to close a tax loophole that has been described by the Treasury inspector general for tax administration as a multibillion-dollar employment tax shelter.

We have restricted it to the people who are receiving over \$200,000 a year. This is not small business men and women. This is not the corner hardware store. These are lobbyists. These are lawyers who have craftily used subchapter S corporations to avoid paying payroll taxes.

This loophole has been criticized on the editorial pages of the Wall Street Journal. This is no “just raise taxes.” This is trying to find a loophole which has been criticized by the right as well as the left to pay for and ensure that we do not double the interest rate on students. I cannot think of a clearer choice: Reject the Republican proposal; accept our proposal; do not allow the subsidized student loan interest rate to rise on July 1.

The PRESIDING OFFICER. The Senator will be in order. The Senator from Tennessee.

Mr. ALEXANDER. How much time is remaining?

The PRESIDING OFFICER. There is 1 minute 20 seconds.

Mr. ALEXANDER. It is reassuring to me my friend on the other side of the aisle is reading the editorial pages of the Wall Street Journal. I am sure that will have some constructive benefit over the next several months. But here is the bottom line, a result. This is the same as the House-passed bill which freezes interest at 3.4 percent for a year. We send it to the House, down to the President, he signs it, the problem is solved. Instead of raising taxes on small businesspeople, we give back to students the money they should have had the benefit of when the other side took over the whole student loan program before.

If you want a result, please vote yes. If you want more debate and delay, vote no.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. The President has already said if the Republican measure were to pass and sent to him, he would veto it. That is a nonstarter. Surely my friend from Tennessee does not want to cut out all of this funding that we do for hepatitis screening and colorectal screening, diabetes prevention, vaccination for our kids, all of which are funded. All of that would be ended by their amendment.

I do not know what my friend is talking about in terms of student money and this and that. Their provision takes all of this money out of the Prevention and Wellness Fund. That is not what we want. We do not want to keep our kids from getting vaccinations or hepatitis screening or diabetes prevention in order to keep the interest rates low. Let's close the tax loophole that has been talked about, that both Senator REID from Nevada and Senator REED from Rhode Island talked about. Close that tax loophole and send it to the President. He will sign it. That way we will keep the interest rates down at 3.4 percent and not allow them to double on July 1.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. Has all time expired?

The PRESIDING OFFICER. The minority has 35 seconds and the majority 38 seconds.

Mr. ALEXANDER. Our case is so compelling, Mr. President. We yield back the rest of our time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Time has been yielded back. We think there will be two more votes. I can't say there will be no more votes. We have a few more items to be worked out, such as flood insurance. I can't give everyone that assurance at this time.

I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amend-

ment offered by the Senator from Kentucky.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. COONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 62, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—34

| | | |
|------------|-----------|-----------|
| Alexander | Enzi | Murkowski |
| Ayotte | Graham | Portman |
| Barrasso | Grassley | Risch |
| Blunt | Hatch | Roberts |
| Boozman | Heller | Rubio |
| Brown (MA) | Hoeven | Sessions |
| Chambliss | Isakson | Shelby |
| Coats | Johanns | Thune |
| Cochran | Kyl | Vitter |
| Collins | Lugar | Wicker |
| Cornyn | McCain | |
| Crapo | McConnell | |

NAYS—62

| | | |
|------------|--------------|-------------|
| Akaka | Hagan | Murray |
| Baucus | Harkin | Nelson (NE) |
| Begich | Inhofe | Nelson (FL) |
| Bennet | Inouye | Paul |
| Bingaman | Johnson (SD) | Pryor |
| Boxer | Johnson (WI) | Reed |
| Brown (OH) | Kerry | Reid |
| Burr | Klobuchar | Rockefeller |
| Cantwell | Kohl | Sanders |
| Cardin | Landrieu | Schumer |
| Carper | Lautenberg | Shaheen |
| Casey | Leahy | Stabenow |
| Coburn | Lee | Tester |
| Conrad | Levin | Toomey |
| Coons | Lieberman | Udall (CO) |
| Corker | Manchin | Udall (NM) |
| DeMint | McCaskill | Warner |
| Durbin | Menendez | Webb |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |
| Gillibrand | Moran | |

ANSWERED "PRESENT"—1

Snowe

NOT VOTING—3

| | | |
|------------|-----------|------|
| Blumenthal | Hutchison | Kirk |
|------------|-----------|------|

The amendment was rejected.

Mr. INHOFE. Mr. President, while the Republican alternative was definitely better than the Democrat-endorsed proposal, at the end of the day, neither option presented a long term answer to the impending rise in student loan interest rates.

In 2007, Congress passed the College Cost Reduction and Access Act, which I opposed. This legislation used a stepped reduction of interest rates for subsidized Stafford loans, from 6.8 percent to the current 3.4 percent. Also as a part of this law, these rates are scheduled to reset to the original 6.8 percent on July 1. So for five years, we

have known this day was coming. A one-year extension of the current interest rate is merely a six billion dollar temporary fix. It would simply postpone finding an actual solution to the problem of college affordability. Congress has gotten too comfortable with band aid fixes: payments to physicians, the Highway bill, and flood insurance being recent examples. It is because of increased government intervention that we continually find ourselves in this predicament. With every government takeover, whether it is education, health care, or the EPA, the result is less competition, less consumer choice, and less innovation.

Mr. President, I understand the importance and value of a good education. My wife was a teacher, and my two daughters became teachers as well, one even at a university. I also commend the efforts of all students who strive to achieve a higher education and improve their lives, especially those struggling through financial burdens. However, we owe it to these students to address the problem, not just put a band aid on it.

The PRESIDING OFFICER. The majority leader is recognized.

EXTENSION OF THE NATIONAL FLOOD INSURANCE PROGRAM

Mr. REID. Mr. President, as we have noted on the floor many times in the last few days, the Flood Insurance Program covers almost 6 million people. It was set to expire next week. If it were to expire, new housing construction would stall—in fact, it may come to a halt—real estate transactions would come to a screaming halt, and taxpayers would be on the hook for future disasters. We have no choice. We have to get this done.

I appreciate the work of Chairman JOHNSON, Ranking Member SHELBY, the chairman of the subcommittee, Senator TESTER, and Ranking Member VITTER. I also appreciate the work that was put into this effort by Senator COBURN, who worked closely with Senator SCHUMER, and we were able to get this extension done. I am grateful for everyone's help. It was team work that got us where we are.

Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 407, H.R. 5740, flood insurance extension; that a Johnson of South Dakota substitute amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed; and that motions to reconsider be laid upon the table, with no intervening action or debate. And if anyone has anything to say about this, they can put it in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2154) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012” and inserting “July 31, 2012”.

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012” and inserting “July 31, 2012”.

SEC. 2. EXCLUSION OF VACATION HOMES AND SECOND HOMES FROM RECEIVING SUBSIDIZED PREMIUM RATES.

(a) IN GENERAL.—Section 1307(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)) is amended by inserting before “; and” the following: “, except that the Administrator shall not estimate rates under this paragraph for any residential property which is not the primary residence of an individual”.

(b) PHASE-OUT OF SUBSIDIZED PREMIUM RATES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking “under this title for any properties within any single” and inserting the following: “under this title for—

“(1) any properties within any single”; and

(2) by striking the period at the end and inserting the following: “; and

“(2) any residential properties which are not the primary residence of an individual, as described in section 1307(a)(2), shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).”.

(c) EFFECTIVE DATE.—The first increase in chargeable risk premium rates for residential properties which are not the primary residence of an individual under section 1308(e)(2) of the National Flood Insurance Act of 1968, as added by this Act, shall take effect on July 1, 2012, and the chargeable risk premium rates for such properties shall be increased by 25 percent each year thereafter, as provided in such section 1308(e)(2).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5740), as amended, was read the third time was passed.

STOP THE STUDENT LOAN INTEREST RATE HIKE ACT OF 2012—Continued

Mr. REID. Mr. President, this will be the last vote coming up. No speeches. We will start voting.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CORKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. KYL).

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—51

| | | |
|------------|--------------|-------------|
| Akaka | Hagan | Murray |
| Baucus | Harkin | Nelson (NE) |
| Beahm | Inouye | Nelson (FL) |
| Bennet | Johnson (SD) | Pryor |
| Bingaman | Kerry | Reed |
| Boxer | Klobuchar | Reid |
| Brown (OH) | Kohl | Rockefeller |
| Cantwell | Landrieu | Sanders |
| Cardin | Lautenberg | Schumer |
| Carper | Leahy | Shaheen |
| Casey | Levin | Stabenow |
| Conrad | Lieberman | Tester |
| Coons | Manchin | Udall (CO) |
| Durbin | McCaskey | Udall (NM) |
| Feinstein | Menendez | Warner |
| Franken | Merkley | Whitehouse |
| Gillibrand | Mikulski | Wyden |

NAYS—43

| | | |
|------------|--------------|-----------|
| Alexander | DeMint | Murkowski |
| Ayotte | Graham | Paul |
| Barrasso | Grassley | Portman |
| Blunt | Hatch | Risch |
| Boozman | Heller | Roberts |
| Brown (MA) | Hoeven | Rubio |
| Burr | Inhofe | Sessions |
| Chambliss | Isakson | Shelby |
| Coats | Johanns | Thune |
| Coburn | Johnson (WI) | Toomey |
| Cochran | Lee | Vitter |
| Collins | Lugar | Webb |
| Corker | McCain | Wicker |
| Cornyn | McConnell | |
| Crapo | Moran | |

ANSWERED “PRESENT”—1

Snowe

NOT VOTING—5

| | | |
|------------|-----------|-----|
| Blumenthal | Hutchison | Kyl |
| Enzi | Kirk | |

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order requiring 60 votes for passage of the bill, the bill is rejected.

Mr. REID. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to calendar No. 410, S. 3220.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 410, S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 410, S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Barbara A. Mikulski, Harry Reid, Maria Cantwell, Patty Murray, Frank R. Lautenberg, Jeff Bingaman, Sheldon Whitehouse, John F. Kerry, Kent Conrad, Jeanne Shaheen, Bernard Sanders, Tom Udall, Amy Klobuchar, Carl Levin, Mark R. Warner, Mark L. Pryor, Jack Reed, Kirsten E. Gillibrand.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived, and the vote on the motion to invoke cloture on the motion to proceed to S. 3220 occur at 2:15 p.m., on Tuesday, June 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are going to arrange a vote Monday night on one of the nominees who is trying to become a judge.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I want to take a few moments this afternoon to do something that has become a bit of a ritual with me; that is, to try to take some time each week to speak about the damage we are doing to our atmosphere, to our oceans, and to our climate with the relentless carbon pollution we are discharging.

As each week goes by, the information continues to pile up about the harms we are causing.

A recent story says rising temperatures could eliminate two-thirds of California's snowpack by the end of this century.

The snowpack that helps provide water for California cities and farms could shrink by two-thirds because of climate change, according to new research submitted to the state's Energy Commission.

Higher temperatures appear likely to wipe out a third of the Golden State's snowpack by 2050 and two-thirds by the end of the century, the Scripps Institution of Oceanography found.

Science Daily reports:

Black carbon aerosols and tropospheric ozone, both humanmade pollutants emitted predominantly in the Northern Hemisphere's low- to mid-latitudes—

That is basically us—

are most likely pushing the boundary of the tropics further poleward—

North and south—

in that hemisphere, new research by a team of scientists shows. . . .

The lead climatologist, Robert J. Allen, says:

If the tropics are moving poleward, then the subtropics will become even drier. If a poleward displacement of the mid-latitude storm tracks also occurs, this will shift mid-latitude precipitation poleward, impacting regional agriculture, economy, and society.

The American people have not been taken in by the campaign of propaganda that primarily the polluting industries have put out. There have been significant reports in the past on ExxonMobil's funding of essentially phony research agencies so they can offer their opinions on this issue without having it be ExxonMobil's opinion. They either create or take over or subsidize organizations that then put out the message, and they sound legit—Heartland Institute, Annapolis Center.

But the American people are not fooled, it turns out. Seventy-one percent of visitors who have come to the Nation's wildlife refuges say they were personally concerned about climate change's effects on fish, wildlife, and habitat. Seventy-four percent said that working to limit climate's effects on fish, wildlife, and habitat would benefit future generations. And 69 percent said doing so would improve the quality of life today.

One of the original researchers on climate change—I quoted an article earlier, describing how over time the facts have proven his initial predictions accurate—is James Hansen. He wrote an article a few weeks ago in the New York Times headlined "Game Over for the Climate." It begins with these two sentences:

Global warming isn't a prediction. It is happening.

Clearly we see that in measurements and observations around the planet. But what happens if it keeps going? He is talking about the tar sands up in Canada, and he says this:

If we were to fully exploit this new oil source, and continue to burn our conventional oil, gas, and coal supplies, concentrations of carbon dioxide in the atmosphere would eventually reach levels higher than in the Pliocene era, more than 2.5 million years ago, when sea level was at least 50 feet higher than it is now. That level of heat-trapping gases would assure that the disintegration of the ice sheets would accelerate out of control. Sea levels would rise and destroy coast-

al cities. Global temperatures would become intolerable. Twenty to 50 percent of the planet's species would be driven to extinction. Civilization would be at risk.

That is clearly, as he admits, a long-term outlook, but it is an outlook that deserves our attention, because when he has given us long-term outlooks in the past, as time has marched forward they have been proven over and over to be true.

It is convenient around here to pretend that none of this is happening. And it would be nice if we could wait until the disaster, the wolf was at the door and then do something about it, but there is a strong likelihood that by the time we take action, it will be too late.

In September of 1940, there was an American living in the Philippines with his wife and son. He looked at what was happening over in Europe. He looked at the threat to Britain. He cabled back to the United States his recommendation. He said:

The history of failure in war can almost be summed up in two words—"too late." Too late in comprehending the deadly purpose of a potential enemy. Too late in realizing the mortal danger. Too late in preparedness. Too late in uniting all possible forces for resistance. Too late in standing by one's friends.

The author of that cable was GEN George MacArthur. He continued later on in the cable:

The greatest strategic mistake in all history will be made if America fails to recognize the vital moment, if she permits again the writing of that fatal epitaph "too late."

Of course, General MacArthur was talking about what was becoming World War II, he was not talking about climate change. Yet his warning rings very true against this threat as well. "Too late" will be the epitaph if we do not prepare now. And I very much regret that we are in a situation in which we do not seem able as a body to take this threat seriously. The House shows no indication whatsoever of taking this threat seriously. Even the White House has dialed back its expressions of interest and concern on this issue, probably for the practical reason that the Republican-controlled House does not want to deal with this issue at all. Period. End of story. But it is happening out there. It is happening out there.

People see the dying forests of the West as the pine bark beetle works its way more and more north because winters are no longer cold enough to kill off the larvae. People see the habitat of quail, of trout, of pheasant, of game animals, change in their lifetimes.

They see the places where they used to be able to go to fish with their grandchildren no longer available. Farmers see changes. Gardeners see changes. Plants that could not grow in certain zones now can. Tropical plants can grow in northern areas because of changes. In Rhode Island we have had winter blooms of some of our fruit trees because it has gotten so warm.

My wife did her dissertation on the species called the winter flounder, which was a very significant cash crop for the Rhode Island fishing industry. It was not very long ago. She wrote her dissertation about it because it was such an important part of the Rhode Island fishing industry, and because it had an interesting connection with a shrimp, *Crangon septemspinosa*, in which one fed on the other until it got big enough, and then the predatory cycle reversed itself and the winter flounder began to eat the shrimp instead of vice versa.

Well, landings of winter flounder in Rhode Island have crashed catastrophically. The reason? The mean winter water temperature of Narragansett Bay is up about 4 degrees. That is enough of an ecosystem shift that the winter flounder is gone. Fishermen now catch scup instead, which is a far less remunerative crop and frankly not as good a fish to eat, in my opinion anyway.

So these changes are happening. It is regrettable that we are unable to address them. The science has been discredited by propaganda campaigns that are deliberately and strategically designed to create doubt in the minds of the public where no doubt should exist. The fact is this science is rock solid.

The notion that when you put lots of carbon dioxide up into the atmosphere it warms the atmosphere has been around since the Civil War. The scientist who discovered it was an English-Irish scientist named John Tyndall. He first reported this phenomenon in 1863. For 150 years we have known this. This is nothing new. We can measure the gigatons of carbon that we are discharging into the atmosphere. Of course, it is going to make a difference. The notion that it does not has been a public relations and propaganda campaign by well-heeled special interests to protect pollution, because it makes money for those companies. But with the damage it is doing to our future, it is very hard to honestly look my children in the eye and say I am doing my job for them here in Washington while we do nothing on carbon pollution.

In fact, we continue to subsidize the biggest polluters. ExxonMobil makes more money than any corporation has in the history of the world and they still claim a subsidy from the American taxpayer. It is a ridiculous subsidy. And yet we subsidize them. I see the distinguished chairman of the Health, Education, Labor, and Pensions Committee is here on the floor. I want to conclude my remarks and thank him for the amazing work he and the ranking member, MICHAEL ENZI, did on the FDA bill we just passed with such a strong vote, virtually a unanimous vote. There was a lot of very good work that was done there, so that proves there are areas where we can do good work.

I hope the day comes when we can begin to do good work on the damage we are doing to our atmosphere and to our oceans with our relentless discharge of carbon dioxide into the atmosphere, with our relentless subsidy of the polluters. One day we will be called into account for our inaction, and we will have earned the condemnation of history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to thank my friend from Rhode Island for a very eloquent speech—elegant speech too—eloquent and elegant—in portraying what is so frustrating. And that is science knows what is happening. The scientists know what is happening. We have good data points about what is happening to our climate, our atmosphere, our oceans, and yet it seems we cannot do anything about it.

I say to my friend from Rhode Island, I think I was reading recently in a Scientific American magazine, which I love to read every month, that in terms of this whole global climate change, what is happening is that by the time we recognize it is happening—that is broadly, not just the scientists and others who do know what is happening—by the time it is broadly accepted, it will be too late, that we will have reached that tipping point. But the evidence is there for all to see. It is a shame that we cannot do something about it.

The Senator mentioned the fish catch in Rhode Island. I think also in the recent issue of Scientific American was a story about the fisheries and oceans at large, and there were three pictures. One was a picture taken on a pier in Key West in the 1950s showing the size of the fish that were caught. Big. I think the average weight was like 30-some pounds. Then there was a picture taken in the 1970s—late 1970s, early 1980s—now it is down to maybe 15 pounds. Same pictures, same pier, same dock and everything, and now the catch is down to teeny little fish. Same place, same ocean, same waters.

The article went on to point out how, if you look at the first picture, people are very happy. They are happy with this big fish. Then the second page, people are happy with what they caught. And now you have got this little teeny fish and people are still happy, because we kind of tend to accept what it is right now and be happy with what we have got without realizing what we have lost in the past.

Again, I thank the Senator for his speech. We need to do more of that around here. We need to focus on this. We seem to be drifting. You are right, our grandkids are going to wonder why we did not do something.

Mr. WHITEHOUSE. I would suggest that it is more than just that we are

drifting. I would suggest we are being drifted by politics and by the money in politics, particularly the big money the big polluters can throw into politics, not only directly by giving campaign contributions to people but by flooding money into phony so-called scientific organizations that then parrot their message, but without people being able to say: Wait a minute, this is ExxonMobil telling me; maybe I should be a little more guarded about it. So they launder it through a legitimate-sounding organization—not one, dozens—and we get bombarded with false propaganda. Scientists are not good at propaganda. It is not why they went to graduate school. It is not why they got their Ph.D. It is not what they do when they are out in the field taking measurements. So you put them up against a company such as ExxonMobil with all of its money and its propaganda skills and it is not an even contest.

As the Chairman points out, by the time we are looking around and seeing, oh, my gosh, what have we allowed to happen—now we are awake—we reject the propaganda. We have to do something about this, and it will probably be, as General MacArthur said, too late. That is the great danger.

I thank the chairman for his recognition.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

(The remarks of Mr. THUNE are printed in today's RECORD under "Morning Business.")

Mr. THUNE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 5652

Mr. REID. Mr. President, last month, the Senate passed the Violence Against Women Act Reauthorization on a strong bipartisan vote of 68 to 31. Fifteen Republican Senators—including all the women on the other side of the aisle—joined Senate Democrats to support this important legislation. Senate Democrats strongly stand behind the bill we passed. It makes clear that all victims of domestic violence and sexual assault should enjoy the protections of the Violence Against Women Act. We don't believe we should be in the business of picking and choosing which victims deserve protection.

In contrast, the bill passed by House Republicans fails to include crucial protections for Native American women—I have 22 tribal organizations in my State, for example—gay and lesbian victims, battered immigrant women, and victims on college campuses and in subsidized housing. The House bill would roll back many important and longstanding protections in current law for abused immigrant victims—protections that have never been controversial and previously have enjoyed widespread bipartisan support.

So there are many differences to be worked out between the House and the Senate in this crucial piece of legislation. The right place to work out these differences is in conference. That is why we seek today to go to conference with the House on this important legislation, and that is why we object to simply passing the House bill that has been sent to us.

The House has raised, I think unfortunately, the so-called blue slip problem, which seems to be an issue they raise all the time when there is a bill they do not like.

Having said that, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 5652, Calendar No. 398; that all after the enacting clause be stricken and the language of S. 1925, the Violence Against Women Act Reauthorization, as passed by the Senate on April 26 by a vote of 68 to 31, be inserted in lieu thereof; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate, with all the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 4970

Mr. MCCONNELL. Mr. President, let me make a few observations and then I intend to offer a consent request myself.

This is a problem that has been created by the majority, and I am sorry they will not accept our offer to fix their problem so we can move forward on this legislation. We have all known for literally years when the Violence Against Women Act was going to expire. We have known that for years. During this time, Democrats controlled the Senate. Yet our friends on the other side waited until February of this year—nearly 6 months after the current authorization expired—before they even reported a bill out of committee, and they chose to wait almost 3 months more to bring a bill to the floor.

I don't know why that decision was made. Press reports indicate that members of the Democratic leadership

thought they could use VAWA as a campaign issue. When they finally chose to bring this bill to the Senate floor, Republicans consented to going to the bill, Republicans consented to bringing the debate to a close, and Republicans consented to limiting ourselves to just two amendments—just two. Our Democratic colleagues also added an amendment. It was a complete substitute. They offered it at the last minute.

This substitute was a couple hundred pages long and it added new sections to the bill. One of those sections would generate revenue by assessing new fees on immigration visas. I gather our Democratic colleagues did this because their bill, unlike the Hutchison-Grassley bill, would add over \$100 million to the debt.

Including this provision is obviously a problem, in that adding a revenue provision in a Senate bill violates the Origination Clause of the U.S. Constitution. If we sent the Senate bill to the House in its current form, it would trigger a blue slip point of order, as it always does.

It is not our fault Senate Democrats waited until well after VAWA expired to start moving a bill. It is not our fault their bill would add to the debt. It is not our fault our friends waited until the last minute to try to fix the problem, and, in the course of doing so, they created yet another problem. We have offered to help them fix their problem. They do not have to accept our help, but they should stop demagoguing the issue and blaming others.

Therefore, I would offer another consent: I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 4970, the House-passed Violence Against Women Reauthorization Act; provided further that all after the enacting clause be stricken, the text of the Senate-passed Violence Against Women bill, S. 1925, with a modification that strikes sections 805 and 810 related to the immigration provisions; that the bill be read three times and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to by both leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, the Republican leader is now proposing an amendment to the Senate-passed bill—a Senate-passed bill that we are very proud of. It has been engineered and advocated by all Democratic Senators but mainly by the 12 women who are part of our caucus. This is an important piece of legislation. We all feel very strongly about this.

I haven't looked at all the details of this amendment, but I understand it.

My first response is that the amendment is something the conferees should be working on. We can't do that without the proper input from all the interested parties, and we have 52, other than myself, on my side of the Capitol. That is why I have sought to go to conference with the product the Senate passed.

It may be that sometime in the future, after we evaluate all these pieces that have been suggested by my friend, the Republican leader, we may be able to proceed along this route, if, in fact, we get to conference. But we have to get to conference, and we have to have wider discussions airing the proposed amendment we have had just a little time to look at, at this stage.

I understand my friend's proposal, and I object to it.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING BILL STEWART

Mr. MANCHIN. Mr. President, before I speak today about the bill before us, I want to commemorate the life of a dear friend and a true West Virginian, Bill Stewart.

Bill was taken from us 2 days ago at the age of 59, but he left behind a lifetime of memories and love for our State.

Bill Stewart was a proud West Virginian in every sense of the word, and he was the best cheerleader this State ever had. Whether it was playing ball at Fairmont State—where I first met him—or coaching West Virginia University to a Fiesta Bowl win—where he took an underdog team to a thrilling victory—you never had to worry about Bill's enthusiasm; he had enough for all of us. In fact, you were either a friend of Bill Stewart's or he hadn't met you yet.

Bill was raised in New Martinsville and was a West Virginian through-and-through. Countless young men thrived under his coaching, but he was also truly dedicated to his family—his wife Karen and his son Blaine. I hope Karen and Blaine know just how much Bill meant to the people of our State, how much we loved him and how much we all will miss him.

My wife Gayle and I will keep Bill's entire family in our thoughts and prayers.

RECOGNIZING GARY BATES

Mr. REID. Mr. President, I rise today to recognize the exemplary citizenship

of Gary Bates. This is recognition for a life that has been lived and is continuing to be lived well—the kind of honorable life that too often goes unrecognized.

Gary's life has been defined by fighting. He began life in Henderson, NV fighting to avoid the challenges of a difficult home. He took this fighting spirit into the Marine Corps, where he served honorably until 1966 when he began an impressive career as a professional heavyweight boxer. As a regular name on the Las Vegas strip, he faced off with big names like Ken Norton, Ron Lyle and Gerry Cooney. There is nothing to idealize about many of the choices he made and paths he took in this phase of his life, but what is admirable is how he fought to turn his life around. He learned from the mistakes he made, and turned potential stumbling blocks into effective stepping stones to a productive life.

Recognizing a better way of living, Gary settled down by marrying his wife Carmen and raising two daughters. But Gary did not stop fighting. Finding inspiration in his Catholic faith, he picked up the fight for the less fortunate and endangered. Some of Gary's feats border on the incredible. He once saved the life of a complete stranger, Charles H. Case. While visiting Las Vegas, Charles crashed into an off-ramp rail and his car exploded into flames. Luckily for Charles, Gary witnessed the crash, broke the front left window and freed his pinned body from the enflamed car. Another time, while working in a downtown casino, Gary chased a fleeing thief through an alley into another casino and, as the police reported, decked him with a single punch to the right cheekbone. Gary was never motivated by or sought praise for these actions, a fact that is evidenced by many other low-profile acts of service. He has donated more than 25 gallons of his blood. Additionally, Gary has uniquely compatible blood marrow that he has amazingly matched with five non-relatives. He will tell you that of all his feats he is most proud of his marrow donation that saved the life of a 1-year-old boy.

I am pleased to recognize my friend Gary Bates and to give him some of the praise he has never asked, but certainly deserves. He has said he would take a bullet for me, but I think he would take one for anyone in need. Even at 67 he exercises daily so that he can be physically, not just mentally, ready to meet the call of anyone in distress. He continues to be an example to Nevadans and Americans that anyone can turn in their boxing gloves or brass knuckles for the work gloves of a citizen making our society a better place.

TRIBUTE TO DR. LARRY D. SHINN

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a great educator who has impacted the lives of

thousands of Kentuckians over the course of his career. My good friend, Dr. Larry D. Shinn, will retire in a little more than a month's time after serving 18 years as president of Berea College in Berea, KY, and I know I speak for many when I say I am very sorry to see him go.

Dr. Shinn has served as president since 1994 and is the eighth president of Berea College, a proud liberal-arts college which is dedicated to serving students of great promise and limited economic means. Its primary focus is on serving students from the Appalachian region. Berea College generously offers a full-tuition scholarship to each of its 1,500 students and requires all of them to work in positions on campus. Berea College is proud of its heritage as the first interracial and coeducational college in the South and proud of its focus on a Christian ethic of service and its historic mission to promote the cause of Christ.

Dr. Shinn is a magna cum laude graduate of Baldwin-Wallace College and a summa cum laude graduate of Drew University Theological School. He received his Ph.D. in history of religions from Princeton University. Before coming aboard as Berea's president, he taught at Oberlin College for 14 years and served as dean and vice president at Bucknell University for 10 years. He has authored several books and numerous articles and book reviews.

Then there is the remarkable progress Berea College has made under Dr. Shinn's leadership. During his presidency, Dr. Shinn has led the school's strategic-planning process and the creation of its strategic plan for Berea College to thrive in the 21st century. He has instituted a decisionmaking process that has enhanced virtually every area of academic life, from student retention and graduation rates to residential life, academic planning, development, and facilities renovation. He has led Berea's sustainability initiative, which is responsible for the creation of the Sustainability and Environmental Studies Program; the ecological renovations of several campus buildings, including the first LEED, Leadership in Energy and Environmental Design, building in Kentucky; and the establishment of a residential "eco-village" for student families.

Dr. Shinn also led the "Extending Berea's Legacy" campaign that raised \$162 million for endowments to fund student scholarships, undergraduate research, a new technology program for students, a study abroad program, an entrepreneurship program, and other key initiatives.

I know that Larry and his wife Nancy are looking forward to having a little more time to themselves and to spend with their family, but their gain will certainly be Berea College's and Kentucky's loss. In his 18 years at the helm, Dr. Shinn has proven himself to

be one of the finest college presidents in Kentucky and the Nation. I salute him for his incredible legacy of service towards improving the lives of the thousands of Kentuckians and other students who have passed through Berea College's doors. He is a great Kentuckian whom I have been honored to represent and to work with over his nearly two decades as Berea College's president. He will be missed.

Mr. President, the Berea Spotlight, a publication of Berea College, published an article highlighting the many accomplishments of Dr. Larry Shinn around the time he announced his retirement. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Berea Spotlight, Apr. 4, 2011]

LARRY SHINN, BEREA COLLEGE PRESIDENT,
PLANS RETIREMENT
(By Tim Jordan)

Berea College President Dr. Larry D. Shinn announced today that he will be retiring from the College, effective June 30, 2012. Berea's 8th president, Dr. Shinn has served in this capacity since 1994. In a letter to trustees, faculty, staff and students, Shinn stated that, with the College emerging strongly from the challenges of the Great Recession, it is a good time for Berea to begin the process of a leadership transition.

The combined efforts of Berea's faculty, staff, administrators, trustees, and other stakeholders have, over the span of the past 17 years, resulted in dramatic progress at the College. Enrollment of African-American students has increased from 6 percent to 18 percent, while service to the Appalachian region has been expanded. Retention and graduation rates have improved more than 30 percent while new program initiatives have enhanced educational quality. The College has successfully completed over \$140 million in sustainable building renovations, and in 2005 a \$150-million sesquicentennial campaign exceeded its goal. In response to the financial crisis of 2008-09, the College has embraced a bold and creative vision for carrying out its historic mission in a rapidly changing world. Dr. Shinn noted that Berea is a stronger and more resilient institution today that has greater capacity to address future opportunities and challenges.

President Shinn indicated that while he and his wife, Nancy, are looking forward to extended time with their children and grandchildren during their pending retirement, he cited a number of challenging initiatives that Berea must engage over the next 15 months, including the transition from academic departments to divisions, development of the College's new Center for Transformative Learning, and "deep green" science and residence hall projects.

Dr. David E. Shelton, chair of the Berea College Board of Trustees, commented: "President Shinn's unique blend of academic and leadership skills passionately applied to Berea's mission, in partnership with the entire College community, has produced outstanding results. Berea is well-positioned for the future, and we look forward to the unfolding of a number of new developments and opportunities during Larry's remaining tenure as president. Dr. Shinn's extraordinary abilities, personal commitment, and strong

work ethic have set the example for the next generation of presidential leadership at Berea. The Board of Trustees is grateful to Larry and Nancy for their extraordinary service to the College."

MEMORIAL DAY

Mr. McCONNELL. Mr. President, this Monday, May 28, is Memorial Day. It is a day for all Americans to honor the brave men and women in uniform who have served and defended our Nation—especially those who sacrificed their very lives for this sacred duty.

It is only right that we set aside this day to remember those who have given us so much. Freedom as we know it in America could not exist without their heroism.

On Memorial Day, we honor service-members who laid down their lives fighting under the command of GEN George Washington, to those who have perished in Afghanistan and Iraq. What a proud legacy of fighting for freedom our country has. I am honored to live in a nation that boasts the bravest warriors in the world.

I am also honored to serve my fellow Kentuckians, who understand the importance of this day more, I think, than most. Kentucky has a proud tradition of military service that is upheld today by the many Armed Forces members at our State's military bases, the members of the Kentucky National Guard, our reservists, and Kentuckians fighting around the world. Since September 11, 2001, 107 Kentucky service-members have fallen while fighting for their country.

I have been honored to meet many of the family members of these soldiers, sailors, airmen, and Marines who did not return home. I have let them know that their loved ones will not be forgotten. Memorial Day is a chance to make sure that message is heard loud and clear across America.

I want to share with my colleagues a special story about one soldier in particular from Kentucky. SGT Felipe Pereira of the 101st Airborne Division, based out of Fort Campbell, KY, recently was awarded the Nation's second highest military honor, the Distinguished Service Cross, for his acts of bravery in battle.

Sergeant Pereira is the first soldier from the 101st Airborne to be awarded the Distinguished Service Cross since the Vietnam war. At a ceremony this April at Fort Campbell, Chief of Staff of the Army GEN Ray Odierno presented Sergeant Pereira with the venerated military decoration.

According to the award citation, on November 1, 2010, in Kandahar province, Afghanistan, a squad of soldiers that included Sergeant Pereira was on dismounted patrol when an improvised explosive device went off, killing two of Sergeant Pereira's comrades and wounding Sergeant Pereira with shrapnel that caused his lung to begin to

collapse. As an enemy ambush began to unfold, "with little regard for his own safety or care" Sergeant Pereira drove an all-terrain vehicle into enemy fire to help evacuate wounded soldiers.

After moving the first set of casualties, the sergeant went back into the line of fire once more to help others. Sergeant Pereira is credited with "saving the lives of two of his fellow soldiers while risking his own [on] multiple occasions. Only after all the wounded soldiers had been evacuated and were receiving medical care did he accept treatment himself."

Mr. President, Sergeant Pereira's selfless actions demand our admiration and respect. What is more, so does his selfless attitude about his bravery on that fateful day.

"Every time I have the opportunity, I always say remember those that gave the ultimate sacrifice," said Sergeant Pereira in an article published by the Fort Campbell Courier. "I still get to come back and enjoy barbecues with my family and their love and everything. Those guys, they really gave it all. Those are truly the heroes. Just remember those guys. I think even on a happy occasion like this, I think we need to celebrate their life and their sacrifice."

I can't improve on those words. Sergeant Pereira has captured the meaning of Memorial Day right there, in those words of wisdom.

So I hope this Memorial Day, people will heed the advice of SGT Felipe Pereira. The men and women who "really gave it all" are truly the heroes, and this Monday is their day to receive our admiration and our respect. I know my friends in Kentucky and people across America will not forget that.

Mr. CARDIN. Mr. President, Memorial Day is a time to pay tribute to those who have given "the last full measure of devotion" in the service of our great country. I believe this Memorial Day is especially significant as we pause to reflect on some of the events of the past year and acknowledge the passing of the last surviving veteran of World War I, the end the Iraq War, and a renewed commitment to wind down our engagement in Afghanistan by 2014.

Since the first colonial troops took up arms in the fight for our independence in 1775, more than 1.1 million American soldiers, sailors, and airmen have died in the wars and conflicts fought to defend our Nation, our freedom, and our ideals. In the past 10 years, we have lost over 6,400 brave Americans in Iraq and Afghanistan. The death of each one of these servicemen and women represents not only a tragic loss to their loved ones, but to their community, and to our Nation.

The American tradition of Memorial Day—originally known as Decoration Day—has its roots in local springtime tributes that were held in the North and the South during and immediately

after the Civil War and following the assassination of President Abraham Lincoln on April 14, 1865. On May 1, 1865, nearly 10,000 freedmen, teachers, preachers, missionaries, and Union troops properly landscaped and covered with flowers the unmarked graves of some 250 or more Union prisoners of war who had died in captivity at the Charleston Race Course, a site now known as Hampton Park. On April 26, 1866, grieving mothers, sisters, wives, and daughters in Columbus, MS placed flowers on the graves of Confederate soldiers who had died in the Battle of Shiloh. While they grieved for their own lost loved ones, they saw that nearby graves of the Union soldiers were neglected, so they placed flowers on these graves as well. On May 5, 1866, an official commemoration was held in Waterloo, NY to honor local veterans of the Civil War. Businesses were closed and flags were flown at half-mast to honor the dead. On May 5, 1868, MG John A. Logan, who headed the Grand Army of the Republic, GAR, which was an organization of Union veterans, declared that May 30 of each year should be Decoration Day, a time for the Nation to festoon the graves of Union and Confederate war dead with flowers. Logan said, "We should guard their graves with sacred vigilance. . . . Let pleasant paths invite the coming and going of reverent visitors and fond mourners. Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic." The first large observance was held that same year at Arlington National Cemetery. In 1966, Congress and President Lyndon Johnson declared that Waterloo is the official birthplace of Memorial Day but it is apparent that many communities and people across America can claim some of the credit.

Shortly after World War I, Decoration Day ceremonies were no longer limited to honoring those who had died in the Civil War. Rather, the commemoration was altered to embrace the men and women who have died in all American wars. In 1971, Congress passed legislation to make Memorial Day a national holiday and to fix its date as the last Monday in May. In December 2000, Congress passed "The National Moment of Remembrance Act" (Public Law 106-579, which encourages all Americans to pause wherever they are at 3:00 PM local time on Memorial Day for 1 minute of silence to remember and honor those who have died in service to our Nation.

While the Memorial Day we will celebrate this Monday is approaching the sesquicentennial of its birth, the tradition of honoring those who have fallen in war is probably as old—or nearly as old—as human history itself. Over 2,400 years ago—in 431 B.C.E.—Pericles paid tribute to the Athenian soldiers who

had fallen in battle at the beginning of the Peloponnesian War, saying

For this offering of their lives made in common by them all they each of them individually received that renown which never grows old, and for a sepulchre, not so much that in which their bones have been deposited, but that noblest of shrines wherein their glory is laid up to be eternally remembered upon every occasion on which deed or story shall call for its commemoration. For heroes have the whole earth for their tomb; and in lands far from their own, where the column with its epitaph declares it, there is enshrined in every breast a record unwritten with no tablet to preserve it, except that of the heart.

This Memorial Day, in the spirit of compassion and empathy shown by the Confederate widows who placed flowers on the graves of Union soldiers in Columbus, MS nearly 150 years ago, I would like to mention some facts about those fallen servicemen and women we too often neglect to consider. According to a recent study by the Army, suicides among U.S. servicemembers increased 80 percent from 2004 to 2008. The study confirmed that there is an increased risk of suicide among those who experience mental health disorder diagnosis associated with the stress of combat. Protracted military operations requiring multiple deployments over the past decade have made mental health disorders the signature wounds for our military members returning from the conflicts in Iraq and Afghanistan. A comprehensive study by RAND found that approximately 18.5 percent of those servicemen and women returning from deployment reported symptoms consistent with a diagnosis of post-traumatic stress disorder, PTSD, or depression. Up to 30 percent of troops returning home from combat develop serious mental health problems within 3 to 4 months. And since mental health issues often are not immediately addressed while our servicemen and women are on active duty, or because of the lasting traumas of war, we see even higher numbers of mental illness diagnosis among our veterans. According to a Government Accountability Office report, U.S. Department of Veterans Affairs, VA, data "show that from fiscal year 2004 through fiscal year 2008, the number of unique veterans receiving treatment for PTSD increased by 60 percent from over 274,000 to over 442,000."

I believe that the best way we can truly honor those who have sacrificed themselves upon the altar of freedom is not just to fulfill our solemn obligation to care for their widows and orphans. More than that, we must care for their brothers and sisters in arms who have also borne the battle, and who have returned to us wounded, ill and injured, and for the family members and other individuals who selflessly care for them. These soldiers and sailors and airmen and their caregivers also deserve our gratitude, our accolades, our

compassion—and our support. Therefore, I commend the VA Secretary Shinseki's recent decision to hire an additional 1,900 mental health staff at VA facilities to ensure greater care for our servicemembers suffering from the wounds of war, both physical and emotional.

It is not just about providing adequate resources, however. Having an adequate number of mental health professionals is just one component of ensuring access to care. Former Secretary of Defense Robert Gates correctly acknowledged that the greatest obstacle to servicemembers receiving necessary mental health treatment is the stigma too often associated with seeking help for their psychological injuries. I frequently hear from servicemembers who believe that seeking mental health services will hurt their military and post-military careers. We must overcome these real and perceived barriers to care by changing the policies that govern how we provide mental health care to our active duty military members, reservists, and veterans. Those who suffer in silence will seek treatment only when they are assured they can truly seek such treatment and speak about their problems freely and off-the-record. Meanwhile, as more and more go untreated, we will continue to see a rise in suicides and other tragic incidents among our military members and veterans—a preventable epidemic, which is heaping tragedy upon tragedy.

During this holiday weekend and on Monday in particular we will see many American flags and flowers adorning the graves of those who have made the ultimate sacrifice for our Nation. I will remember in particular the 114 Marylanders who have been killed in our most recent conflicts as I remind myself that our freedom is not free. And I will remind myself that the best way to honor their ultimate sacrifice is to ensure that we are unwavering in our resolve not only to care for their widows and orphans, but also for those who do return to us wounded, ill, and injured—including those whose injuries are emotional. Let us reaffirm our commitment to support all of these individuals and their families and other caregivers this Memorial Day, and every Memorial Day hereafter.

Ms. MURKOWSKI. Mr. President, I rise to recognize the importance of Memorial Day, a day that means so much to me and those I represent in Alaska. For so many of us, it means sunlight nearly all day, the unofficial beginning of summer, and enjoying the great outdoors.

But let us never forget the deep, true meaning of Memorial Day. It means the payment of respect, memories, time and energy to the sacrifices of men and women who have defended the rights and privileges we enjoy today.

Memorial Day first began nearly 100 years before Alaskan statehood, but

even in our territorial days we had Alaskans fighting on our own soil against foreign enemies—one of the few States that can say such a thing. It is because of those early successes—and the success of Alaskans from then to those deployed today—that we salute our flag, speak our mind and continue to be a global leader.

As many Alaskans know first-hand, those successes often came at the ultimate price. On Memorial Day we make a small attempt to repay them with our support, prayers and appreciation. I ask that all Alaskans and Americans join me in devoting a few minutes of our time in reflection as a small tribute to those who have given their lives for the cause of freedom.

Although we may not be able to fully measure the cost of our heroes' sacrifice, we can commit ourselves to preserving their memory. So on Memorial Day 2012, I ask that we honor our fallen heroes, comfort the loved ones of those we lost, and carry on our lives in a manner that is worthy of their sacrifice. May God continue to bless our great Nation.

Mr. President, I yield the floor.

Mr. HELLER. Mr. President, today I wish to pay tribute to the men and women of our Nation who have given their lives for the cause of freedom and to honor those who are still with us today. On this Memorial Day weekend, let us stand together as Americans to pay our respects and mourn the loss of those brave soldiers who fought in defense of our liberty. As we gather across the Nation, we need to remember the invaluable sacrifices of our troops and their families are debts that can never fully be repaid.

Every soldier whose life is taken in the line of duty is a great loss to our Nation. Lives have been sadly shortened, and we all feel an absence. We may never be able to measure the loss, but we can take solace in knowing that their lives served to inspire, defend freedom, and preserve life. Today, we commemorate the brave men and women in uniform who gave their lives while serving our country.

We must also remember the members of our Armed Forces who are currently in harm's way. In this trying time in America's history, our soldiers have accepted the call of duty, knowing that the road ahead is dangerous and full of hardship. Their courage and resiliency are what make our military the best in the world. Our servicemembers face perilous situations in order to protect Americans from harm, and I am so grateful for all they do. Their commitment of service and self-sacrifice is what we admire, appreciate, and respect. As we continue withdrawing some of our combat forces, we pray for their safe return.

As someone whose father is a disabled veteran and whose brother served overseas, I understand firsthand the

struggles of our servicemembers and the significant sacrifices made by their families. The families of our military men and women also make tremendous sacrifices for our country and for the safety of our Nation. Each and every deployment causes great stress and a burden of separation that every member of these families experience. They have loved ones far away from home and are sacrificing their own well-being for the protection of our country. We must remember that these families serve as the backbone for the men and women who wear the uniform of our armed services, and our Nation owes them a debt of great gratitude.

Today, we honor those who have given their life in service to their country. We will never forget our soldiers who fought for a better America and served our country with honor. I ask my colleagues to join me today in honoring our Nation's heroes who have given the ultimate sacrifice to make sure that our country remains safe and free.

RECOGNIZING THE S.S. "BADGER"

Mr. DURBIN. Mr. President, recently Chicagoans were asked in a poll what asset of their great city they valued most. By a large margin, they chose Lake Michigan.

Lake Michigan is the primary source of drinking water for more than 10 million people—not just in my home State of Illinois but also in Wisconsin, Indiana, and Michigan.

The lake is also part of the \$7 billion per year Great Lakes fishing industry. Millions of people visit Lake Michigan for its recreational opportunities like swimming, kayaking, boating, or just taking a walk along the beach. It is a beautiful lake.

Unfortunately, we are faced with a threat to the health of our Great Lake.

This week, on Thursday, May 24, the coal-fired car-ferry S.S. *Badger* will begin its 60th year sailing on Lake Michigan.

Many people have fond memories of the *Badger*, steaming from its homeport of Ludington, MI, to Manitowoc, WI, every summer. But they need to be reminded of this: It is the last coal-fired ferry in the United States, and every year it dumps another 500 tons of coal ash into Lake Michigan. Think about that for a moment—500 tons of coal ash every year since the 1950s. What must the bottom of the lake look like?

The owner of the *Badger* insists that the coal ash is basically just sand, but we know better. Scientists are concerned about coal ash because it contains chemicals like arsenic, lead, and mercury.

Once in the lake, these chemicals enter the food chain through the water we drink and the fish we eat. Then they accumulate in our bodies and can cause

cancer and neurological damage. In fact, we already are facing problems from mercury contamination of the fish that are part of our food supply. How can we continue to accept behavior that will just make this problem worse?

If the *Badger's* owners had only recently found that dumping coal was a problem, it might be OK to cut them some slack. But the *Badger's* owners have a long history of avoiding the steps needed to clean up their act.

Most other vessels on the Great Lakes converted from coal to diesel fuel long ago but not the *Badger*.

In 2008, conversion to a new fuel was way overdue. But a waiver was placed into EPA's vessel general permit to allow the *Badger* to continue dumping coal ash through 2012. I think that was 5 years too many of toxic dumping. But to make matters worse, the *Badger's* owners still have not made a reasonable effort to stop dumping coal ash into the lake. Instead, they are doing everything they can to avoid switching to a new fuel.

Last fall, the *Badger* was nominated to be a national historic landmark, and an amendment was added to House Coast Guard and Maritime Transportation Act to exempt all vessels of historic significance from environmental regulation.

The national historic landmark designation was created to commemorate properties that have special significance in American history. The designation has been appropriately used to protect sites including the home of President Abraham Lincoln in Springfield, IL, and the S.S. *Milwaukee Clipper*, a retired steamship in Muskegon, MI. The national historic landmark designation was never intended to allow polluters to avoid complying with Federal regulations that protect our health and the environment.

I have urged Interior Secretary Salazar to oppose the designation of the *Badger* as a national historic landmark. I also ask my fellow Senators to join me in opposing language in the House Coast Guard and Maritime Transportation Act that would exempt "vessels of historic significance" from EPA regulation.

After I came out in opposition to this strategy, the *Badger's* owner came to Washington to talk to me.

He mentioned that he was applying for an EPA permit to continue dumping coal ash while he pursues conversion of the *Badger* to run on liquefied natural gas. He would like to make the *Badger* the greenest vessel on the Great Lakes. That would be terrific, but it just isn't a realistic option right now. Today, there are few suppliers of liquefied natural gas. There are no shipyards in the United States qualified to convert passenger vessels to run on liquefied natural gas. And it would take close to \$50 million just to develop the

infrastructure needed to fuel the *Badger* at the dock.

One day, all the boats on the Great Lakes might be powered by natural gas. But it isn't a realistic plan for the *Badger* to stop dumping coal ash. It is just another delaying tactic, when the *Badger's* owners were given a deadline 5 years ago.

The *Badger* has blatantly avoided complying with current EPA regulations. We cannot reward the owners for their negligence with permanent statutory protection from EPA regulation.

This is more than a car ferry with a venerable tradition. This is a vessel that generates and dumps 4 tons of coal ash laced with mercury, lead, and arsenic into Lake Michigan every day. This Great Lake cannot take any more toxic dumping, no matter how historic or quaint the source may be.

HONORING OUR ARMED FORCES

Mr. COCHRAN. Mr. President, I rise today to offer a Memorial Day tribute to the brave men and women who have lost their lives protecting the safety and security of our citizens and American interests around the world.

Today, there are media reports about the American people becoming "war weary" after more than a decade of combat activities in Afghanistan, Iraq and elsewhere. Many lives and great expense have been marshaled since the 9/11 attacks, but I would submit that Americans are unfaltering in their appreciation for the honor, courage and dedication shown by our servicemen and women. This is especially the case for those who have made the ultimate sacrifice by giving their lives for their country.

This Memorial Day, I will take time to honor our brave fallen warriors, including the more than 70 military personnel from Mississippi who have died in the service of our Nation in Iraq, Afghanistan and around the world over the past decade.

For the RECORD, I offer the names of these brave Mississippians who have fallen since the Nation commemorated Memorial Day last year. They are:

Sgt. Christopher R. Bell, 21, of Goldens, who died June 4, 2011.

Petty Officer Stacy O. Johnson, 35, of Rolling Fork, who died July 18, 2011.

LCpl. Edward J. Dycus, 22, of Greenville, who died Feb. 1, 2012.

SFC Billy E. Sutton, 42, of Tupelo, who died Feb. 7, 2012.

MSG Scott E. Pruitt, 38, of Gautier, who died April 28, 2012.

SSG Carlous Perry, 30, of West Point, who died April 30, 2012.

I am confident that the people of my State will join the national commemoration to remember these men and the thousands of Mississippians, who over the course of this great nation's history, have courageously served and sacrificed their lives in that service.

We will also recall their families and their profound loss. On this day of remembrance, we salute those sacrifices and express our gratitude for their brave service.

In these challenging times, we should also reaffirm our commitment to the servicemen and women who today put themselves in danger on our behalf. We must remain resolved to ensure that those who join our Armed Forces are the best equipped and best trained in the world, and that we meet our obligations to those who have served and sacrificed in the defense of our nation.

Let me close by expressing my personal gratitude to all our fallen heroes, and communicating my sincere appreciation to those Mississippians and Americans who answer the call to arms and find themselves in harm's way.

VOTE EXPLANATION

Mr. BLUMENTHAL. Mr. President, I was unavoidably absent during today's votes on the Food and Drug Administration Safety and Innovation Act due to my daughter's high school graduation. I supported this bipartisan legislation earlier this year when it was before the Senate Health, Education, Labor, and Pensions Committee, and had I been able to attend today's votes, I would have voted in support of final passage of this important legislation.

Additionally, I would have voted to support the Bingaman amendment No. 2111, the Murkowski amendment No. 2108, the Sanders amendment No. 2109 and the McCain amendment No. 2107. I would have voted against tabling the Durbin amendment No. 2127 and voted to table the Paul amendment No. 2143.

During the Senate's debate on S. 2343, the Stop the Student Loan Interest Rate Hike Act of 2012, I would have opposed the Alexander amendment No. 2153 and supported passage of S. 2343.

OFFICER SAFETY ACT

Mr. DURBIN. Mr. President, I would like to make clear for the record a matter relating to the Officer Safety Act of 2012. I thank my colleague from Iowa for working with me on this legislation. I cosponsored this bill after changes were made, in the nature of a substitute amendment, to clarify the limited scope of the legislation. The Officer Safety Act clarifies when an officer is "acting under the color of his office" for removal purposes only. As my colleague has stated previously, the bill provides no liability protection. Whether a law enforcement officer is deemed to have been "acting under the color of his office" for removal purposes under 28 U.S.C. § 1442(c), as amended, is a separate question from whether that officer should subsequently be held liable for his conduct, whether the officer should be considered immune from suit, or whether the

officer's defense in a criminal trial has merit.

The clarification of "color of . . . office" and the expansion of removal eligibility granted by this legislation is not meant to affect those latter determinations of liability and immunity. The bill is simply meant to give these law enforcement officers the ability to make arguments pertaining to liability, immunity, and potential criminal defenses in Federal rather than in State court. Does my colleague agree?

Mr. GRASSLEY. My colleague from Illinois is correct.

STRUGGLING AGAINST BUREAUCRACY

Ms. SNOWE. Mr. President, this week is National Small Business Week, which is a time to celebrate the entrepreneurial spirit behind American enterprise. But, as I was reminded by a piece that was published recently in the Wall Street Journal, it is also a time to remember how government can better serve the small businesses in America. In today's economy, the Nation needs an effective regulatory environment that allows small business to grow and create jobs while keeping our families and environment safe. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 22, 2012]

THE RED TAPE DIARIES—ONE SMALL BUSINESS OWNER'S STRUGGLE AGAINST BUREAUCRACY

(By Nicholas N. Owens)

This week is National Small Business Week, a time to celebrate the ingenuity of entrepreneurs—and to consider how government can provide better service to the small enterprises that form the backbone of American industry.

Consider the Environmental Protection Agency official who described his agency's work as akin to crucifixion. In a Web video from 2010 that recently came to light, Al Armendariz likened regulatory enforcement to the Roman imperial practice of crucifying people to serve as an example to others: soldiers would go to "a town somewhere, they'd find the first five guys they saw, and they'd crucify them," he explained. "And then, you know, that town was really easy to manage for the next few years."

Mr. Armendariz's point was that making examples of certain businesses or industries would serve as a deterrent to ensure compliance. But the way he illustrated his point provoked outrage, and within days he had resigned from the agency—proving again that the journalist Michael Kinsley was right to say that a "gaffe" in Washington is when someone accidentally tells the truth.

I know first-hand that Mr. Armendariz's view is a truthful representation of how many regulators view their function. While serving as the Small Business Administration's (SBA) national ombudsman from 2006 to 2009, I worked with small business owners who believed they were falling victim to unfair or excessive regulatory enforcement. All too often, I saw federal regulators take a

stridently adversarial stance toward the industries they oversee.

In 2007, for example, I was contacted by Rob Latham, who runs a small Internet sales company in Greenville, S.C. Mr. Latham started his business in 2005 and was prepared to work hard to make it succeed.

He wasn't prepared for how easily a run-in with federal regulators could bring him to the brink of ruin. That's what happened in 2007 after he found himself embroiled in a months-long dispute with the EPA over a shipment of engines he had imported.

The issue came down to labeling. Although the product Mr. Latham was importing met the EPA's environmental standards, regulators ordered the shipment seized because it contained labels that could be removed with a razor blade. (In other words, they were somewhat vulnerable to damage or tampering.) Mr. Latham thought the dispute could be easily resolved but was surprised by the EPA's intransigence—its dedication to junking his entire shipment—when he tried to work with them.

Mr. Latham wasn't ignorant of the regulations that governed his business—quite the opposite. He had carefully studied the rules that governed the products he was importing, and he thought he had taken all appropriate steps to ensure compliance. But as a small business owner with no in-house legal team, he had little idea how complicated the bureaucratic process would be.

He met with regulators in Washington to resolve the issue but found that they doubled down on their position, becoming hostile and aggressive.

That's when he reached out to my office. Hearing of his plight, I contacted the EPA on his behalf and started working with regulators to resolve the case. Soon thereafter, the regulators relented and allowed Mr. Latham's imports to move forward—but only after he paid a substantial penalty of \$10,000, an apparent tribute to the regulators to allow them to save face.

The story ends happily: Once the EPA dispute was resolved, Mr. Latham's business grew swiftly. Today his company boasts three warehouses and more than 20 employees.

But had Mr. Latham not connected with my office, he might have lost his business. It's frightening to think what other small business owners encounter in similar situations. What about those who don't know where to turn, or who aren't lucky enough to stumble across the right advice or the right advocate?

As of 2008, small businesses faced an annual regulatory cost of \$10,585 per employee, according to an SBA regulatory impact study published two years ago.

So was Rob Latham crucified? That's too strong a word, because it's likely he wasn't specifically targeted—he was simply caught up in a web of red tape and bureaucracy, and the regulators had little interest in helping him get through the impasse. His struggle is a case study in why we need a regulatory regime that's fair, accountable and allows our economy to grow again.

RECOGNIZING NATIONAL SMALL BUSINESS WEEK

Mr. BOOZMAN. Mr. President, this week marks the 49th annual National Small Business Week, a time to celebrate the innovations, ideas, and hard work of our entrepreneurs. Small businesses are the backbone of our econ-

omy, accounting for 65 percent of new jobs over the last 17 years. This vital economic component also employs about half of all private sector employees.

As a former small business owner I recognize the difficulty these owners have to plan for future growth and investment. It is our job to make sure we provide an environment that helps these engines of economic growth. We need to make sure our small businesses have the resources they need to continue providing good, well-paying jobs for hard-working Americans. I was pleased to support the American Jobs Act in March. This legislation seeks to increase capital formation, spur the growth of startups and small businesses, and enable more small-scale businesses to enter public markets.

Arkansans are familiar with what it takes to build a business from the ground up. As home to Fortune 500 companies—including the world's largest retailer, Wal-Mart, and the world's largest processor of chicken, Tyson's—that both started as a small business, residents of the Natural State understand the risks and rewards associated with small businesses.

This week the U.S. Small Business Administration recognized the work of Americans who excel in their work to help small businesses. I am proud to say that Kelly Massey of the Henderson State University Small Business and Technology Development Center in Arkadelphia, AR was recognized as the SBA's Small Business Development Center Counselor of the Year winner. As director of the State's premier business assistance program, Massey dedicates himself to helping the area's small businesses achieve success and promoting the mission and goals of the SBDC program to help spur economic development.

We are also proud of Arkansas Power Electronics International, Inc., for its recognition as the 2012 Arkansas State Small Business Person of the Year. The company continues to strive for success as it develops the next generation of high energy-efficiency power electronics systems. APEI is a great small business model, growing from one person to more than 35 in 15 years, with plans for expansion in the coming years.

These Arkansas business leaders will help move America into the future and construct the groundwork for economic recovery. We need to continue pursuing policies that support the entrepreneurial spirit of these economic building blocks.

TAIWAN'S PRESIDENTIAL ELECTION

Mr. LIEBERMAN. Mr. President, on Sunday, the 20th of May, Taiwan marked the second inauguration of President Ma Ying-jeou. Since its first

direct presidential elections in 1996, Taiwan's democracy has emerged as model for the rest of the Asia Pacific region. Over these 16 years, power has changed hands twice between Taiwan's two largest political parties, demonstrating for the world the rapid maturation of its democracy and the commitment of its people to exercising their democratic freedoms. I rise today to congratulate President Ma on his inauguration, and note Taiwan's remarkable history as a kindred democracy, key partner in security and trade, and great friend of the United States.

I take deep pride in the partnership between the United States and the people of Taiwan, which is rooted in shared values, shared interests, and a shared vision for a peaceful and prosperous future. For more than 6 decades, the United States has stood with Taiwan as it has transformed into a prosperous free market democracy.

Just as the United States has supported Taiwan, so too has Taiwan been a great friend to America. Taiwan is among America's top trading partners. Moreover, time and time again from the Korean War, to the Vietnam War, to our continued security cooperation today Taiwan has stood shoulder to shoulder with the United States. I am deeply grateful to the people of Taiwan for their contributions to our shared security and prosperity.

Looking to the future, I hope and believe that President Ma's second inauguration will mark another milestone in the deepening relationship between the United States and Taiwan. For all of our progress, we still have a big agenda ahead.

It is past time for us to remove the barriers to trade between the U.S. and Taiwan and negotiate a Free Trade Agreement with Taiwan. We must also ensure that the people of Taiwan are secure, so they can continue to decide their future for themselves. That, in turn, means the United States should take common-sense steps to deepen our security ties with Taiwan and support Taiwan in acquiring the weapons it needs and has requested. As the United States focuses increasingly on the Asia-Pacific region, the Obama Administration must do more to make Taiwan an integral part of our broader strategy to uphold the balance of power in this critical part of the world as a way to maintain peace.

In closing, I again congratulate President Ma on his inauguration and thank Taiwan's people for their decades of friendship.

TRIBUTE TO RICHARD F. WALSH

Mr. MCCAIN. Mr. President, I would be remiss if I did not recognize that today's meeting of the Senate Committee on Armed Services to vote out its annual Defense authorization bill was the last for Richard F. Walsh of my staff. I

know Dick's Winnebago is packed and idling outside and is probably out of gas because he delayed his retirement to see us through mark up, but I want to say a few words before we adjourn.

I believe in the nobility of public service, and I think Dick exemplifies that, not just through his tenure here but throughout his entire career. Many may not know that Dick came to the Armed Services Committee after a distinguished 30-year career in the Navy, much of it as a judge advocate. He served in a number of challenging assignments, including counsel to the Chief of Naval Personnel; commander of the Naval Legal Service Office, National Capital Region; director of legislation in the Navy's Office of Legislative Affairs; and executive director for Senate affairs under the Assistant Secretary of Defense for Legislative Affairs.

In 2001, my good friend Senator John Warner hired Dick to handle personnel issues. From the halls of the service academies to the bones of Tripoli, Dick has seen it all. He has worked on issues of military pay, benefits, and education. Some were high profile, others not. Some were for the dogs, literally and figuratively. During his tenure, he strived to ensure fairness in the military justice system and remained vigilant so that military standards continue to reflect the honor of military service. I am proud of the work we did together on the GI bill to ensure the transferability of military benefits to family members. Through it all, he showed himself a consummate professional.

Our committee works on issues vital to our national security and the men and women who protect it. Dick's work in particular over the last decade touches our soldiers, sailors, airmen, marines, and their families, daily, in very real, very meaningful ways. I know Dick will have mixed emotions when he leaves us, but he can take comfort in the knowledge that he has made a difference.

So from one retired Navy officer to another, I wish Dick Walsh and his wife Gail fair winds and following seas as they board their Winnebago and push off for a well-earned retirement together.

REMEMBERING DENISE ADDISON

Mr. NELSON of Nebraska. Mr. President, I rise today to honor the life of one of my long-time aides, Denise Addison, who was a devoted public servant and cherished friend. Sadly, Denise lost her long battle with cancer on May 12, 2012.

Denise first came to my office back in 2001. While I was just starting my Senate career that year, she was already an experienced veteran, having worked in Congress for 25 years.

Although Denise was not a native of Nebraska, having grown up right here

in our Nation's capital, she found something special in our great State and adopted it as her own. In 1998, she began working with former Nebraska Senator Chuck Hagel, later transitioning to the office of then-Senator Bob Kerrey, whose staff members were so impressed by Denise's performance that they strongly recommended she be one of my first hires.

Denise's work with my constituent services team was impeccable. She was well aware of how important my constituents are to me and, as such, took great pride in her work. Her amazing memory and attention to detail made her a valuable staff member, and her complete satisfaction with her daily work made her irreplaceable. In this town, it is rare to find someone who possesses all of the qualities Denise brought to my staff, including loyalty, dedication, and genuine fulfillment.

Yet that was the kind of person Denise was—both at work and in her personal life. Even more remarkable than her tenure in the Senate was her commitment to her family—her husband Carl, whom she affectionately called “Mr. A;” her three children, Al, Dominique, and Jasmine; her parents; her five brothers; and her cousins, who were always more like sisters to her.

When Denise and I first started working together, her youngest daughter, Jasmine, was just starting kindergarten. Today, she is almost through high school. Denise was incredibly proud of her children and always put the needs of her family before all else.

Although the last 2 years of Denise's life were definitely a struggle for her, she never complained. Instead, she remained, as always, more concerned for those around her than for herself. I do not think she ever fully recognized what an immense impact she had on all those who knew her.

While Denise was taken from us far too soon, there is solace in knowing she confronted her illness by continuing to be the same kind, caring person she had always been, living life to the fullest right up to the end. Denise Addison was truly one of a kind, beloved and missed by everyone who had the pleasure of being her friend.

Thank you, Denise, for who you were and for all you did for me, for my staff, and, most important, for the State of Nebraska. The “good life” will not be quite the same without you.

TRIBUTE TO COMMANDER BRYAN E. HELLER

Mr. HELLER. Mr. President, I am so proud to rise today to honor a Nevadan whom I have known for my entire life and who has my utmost admiration and respect. It is with great pleasure to recognize my brother, Bryan Heller, as he retires from the U.S. Navy after 20 years of service to his State and country. On June 1, 2012, he will enter the

next chapter of his life, and I am thrilled to see what he will accomplish next. On behalf of a grateful nation, I thank Bryan for his many years of faithful, selfless service and extend heartfelt congratulations on the occasion of his retirement.

Bryan began his naval career while studying civil engineering at Brigham Young University. In 1992, he entered the Navy in the Nuclear Propulsion Officer Candidate Program and was later commissioned at Officer Candidate School in Newport, RI. Bryan successfully completed the rigorous nuclear pipeline and submarine school and subsequently reported to the USS *Georgia*, where he earned his gold dolphins and qualified as nuclear engineer officer.

Over the course of his career, Bryan and his family moved across the country to respond to his next call of duty. Returning to his civil engineering roots, he transferred to the Civil Engineering Corps, CEC, where he experienced his first CEC tour aboard the NAS *Oceana* and became registered as a professional engineer. He also earned his master of science in civil engineering from the University of Texas. In 2007, Bryan reported to Commander, U.S. Naval forces Central Command, where he headed the Navy's construction program in Bahrain, United Arab Emirates, Oman, Kuwait, Jordan, and Lebanon.

Currently serving as the desert operation officer, Bryan leads the Desert Integrated Product Team, which supports Navy bases outside of San Diego and Ventura County. Bryan continues to be an incredible asset to the naval community, and I know it will be difficult to replace him. Throughout his career, Bryan has been extensively decorated, exemplifying his strong work ethic and commitment to serve. He has been awarded three Meritorious Service Medals, three Navy and Marine Corps Commendation Medals, and two Navy and Marine Corps Achievement Medals.

Today, it is also my distinct honor to recognize and express my gratitude to Bryan's family—his wife, Kristi, and children, Natascha, Heidi, Josef, and Jakob. Their strength during times when their family was apart embodies the resilience that makes our military communities strong. I constantly find myself in awe of the sacrifices and efforts that have been made by our military families. Each and every deployment causes great stress and a burden of separation that every member of these families experience. We must remember that these families serve as the backbone for the men and women who wear the uniform of our armed services, and they deserve our support. The invaluable sacrifices of our servicemembers and their families are debts that can never fully be repaid.

I am proud to honor my brother today and recognize his accomplished

career in the U.S. Navy. On the eve of this Memorial Day holiday weekend, we must recognize all our brave servicemembers and their commitment to our country. It is with great appreciation that I ask my colleagues to stand with me in honoring Bryan's service to our Nation as he moves onto the next phase of his life.

ADDITIONAL STATEMENTS

DENVER GAY MEN'S CHORUS

• Mr. BENNET. Mr. President, today I wish to congratulate the Denver Gay Men's Chorus on its 30th anniversary. For the last 30 years, the group has shown great commitment to educational, cultural, and social enrichment in the community on behalf of the Rocky Mountain Arts Association.

Since the Denver Gay Men's Chorus was formed in 1982, it has performed more than 130 concerts and more than 1,400 compositions, arrangements, and medleys. The group has commissioned 25 works. It performed at the 1996 World Summer Olympics in Atlanta at the opening of the Olympic Diversity Center. It has also received the Denver Mayor's Award for Excellence in the Arts.

Today, the organization has more than 170 volunteer singers who perform at numerous community outreach events every year. They include performances at Manhattan Middle School's Diversity Week to end school bullying and a performance at the World AIDS Day Concert.

I join the State of Colorado in thanking this organization for working to address social issues and spread a message of tolerance and for enriching our community and our State. I look forward to its future work and the effect it will continue to have on our community.●

RECOGNIZING THE WORLD TRADE CENTER UTAH

• Mr. HATCH. Mr. President, today I wish to congratulate the World Trade Center Utah on the naming of one of Utah's finest buildings in their honor. On May 23, 2012, my Utah staff had the pleasure of attending a ceremony whereby the building formerly known as Eagle Gate Tower became the World Trade Center at City Creek. Naming one of Salt Lake's premier business addresses after the World Trade Center Utah is a fitting tribute to the important role the organization plays in guiding Utah's world-leading companies into new markets. This achievement is all the more remarkable when you consider that the organization was only founded in 2006.

We hear time and time again about the fact that 95 percent of our potential consumers live outside the United

States. But we all know that reaching those customers can be difficult. Since 2006, the World Trade Center Utah has assisted over 1,000 companies to do just that, through educational classes and seminars, international business development events, and networking opportunities. The World Trade Center Utah rightly prides itself on being the "first stop" for Utah businesses seeking to expand their trade opportunities. By assessing their capabilities, providing educational opportunities and connections to the right people and organizations, the World Trade Center Utah provides the businesses of the Beehive State a much needed roadmap to engaging in international trade.

Their hard work has paid off. Thanks in no small part to the World Trade Center Utah and the leadership of its CEO, Lew Cramer, Utah merchandise exports increased 37 percent in 2011 compared to 2010, growing from \$13.8 billion to \$18.9 billion. In a time of great economic difficulty for our Nation, this was no easy feat and was no doubt welcome news to the nearly 93,000 Utahns whose jobs depend on exports, as well as the companies in Utah which collectively exported to over 190 foreign markets.

I congratulate the World Trade Center Utah, as well as its founding CEO, Lew Cramer, and his dedicated staff for this achievement.●

KEEPING CHILDREN ALCOHOL FREE

• Mr. HOEVEN. Mr. President, I ask unanimous consent to have printed the attached statement in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOGNIZING THE LEADERSHIP TO KEEP CHILDREN ALCOHOL FREE FOUNDATION

Mr. HOEVEN. Mr. President, today it is my honor to recognize the accomplishments of a group of dedicated volunteers who have devoted extensive time, resources and energy toward the worthy effort of helping our children avoid the pitfalls of alcohol dependence and binge drinking. The Leadership To Keep Children Alcohol Free Foundation is a unique coalition of current and former Governors' spouses, Federal agencies, and public and private organizations united in their goal to prevent the use of alcohol by children ages nine to fifteen. It is the only national effort that focuses on alcohol use in this age group. Childhood drinking leads to adolescent alcohol abuse, and in my state of North Dakota, I want to acknowledge that the rate of alcohol abuse among young people is an ongoing challenge that we must address. For this reason especially, I am motivated by a sense of duty and public concern to extend my gratitude to the volunteers of this Foundation and enter into the CONGRESSIONAL RECORD a comprehensive summary of the accomplishments and impact that this Foundation has achieved from 2000 to 2012 for the families of my state and our nation.

I would like to provide some background on how this Foundation came to be. In partnership with The Robert Wood Johnson

Foundation (RWJF) and in response to childhood drinking as a national public health threat, the National Institute on Alcohol Abuse and Alcoholism (NIAAA), an institute of the National Institutes of Health charged with research on alcohol abuse and its causes, the many medical and social consequences of heavy drinking, and approaches to new prevention and treatment, established the Leadership Initiative in 2000. The initiative would engage First Spouses in each state, with the underlying assumption that top-level state leadership could serve as a collective and powerful force to bring the scope and dangers of early alcohol use to the public's attention and to mobilize National, State, and local action to prevent it. And thus, it was launched as a national initiative in 2000 and subsequently evolved in 2004 as The Leadership To Keep Children Alcohol Free Foundation with a non-profit, non-partisan membership of over 50 current and former governors' spouses.

The seamless transition from the Initiative into the Foundation enabled the work of the Leadership Initiative to continue without interruption. Its purpose, membership, and accomplishments remained the same. That is, its purpose is to support the efforts of current Governor's spouses or their representatives, both in their states and nationally, to prevent or reduce underage drinking, especially among the 9-15 year old population.

This multiyear, multimillion-dollar initiative provided support to participating Governors' spouses, who conveyed the initiative's messages within their States and nationally through State policy briefings, outreach to and through the media, broad distribution of educational materials and public service announcements, and personal appearances. Both the RWJ and NIAAA funding ended in 2007.

Leadership membership has always been composed of Governors' spouses or their designate that are also prosecutors, judges, educators, business leaders, substance abuse prevention specialists, and parents. They often act as a point of contact in their state conveying news about their state's underage drinking prevention initiatives, and also taking information back to their constituency. The Leadership initiative provides members with a source of information to use as they reach out to these audiences.

At this time, The Leadership Foundation has 26 current spouses as members, 22 emeritus spouses as members, and 20 Partners of like-minded organizations.

I will now offer to you, Mr. President, the major accomplishments of The Leadership Foundation from 2000 through 2011. As originally conceptualized, The Leadership to Keep Children Alcohol Free Foundation has been uniquely qualified to help move the conversation around underage drinking to a higher level and broader audience. Its niche has been its ability to educate and engage policy makers at all levels. Its non-partisan membership of over 50 current and former governors' spouses has allowed it to influence the debate over childhood drinking both nationally and within states.

It has been remarkably successful in a relatively short time. Many organizations and experts in the field of prevention view the Governors' spouses' work on childhood drinking as key in placing childhood and underage drinking front and center on the national agenda. Often in collaboration with national and state partners, The Leadership Foundation has accomplished our purpose by voicing concerns in national conversations

on related issues; providing ongoing support of First Spouse underage prevention activity within their respective states; maintaining timely contact and delivery of information on underage drinking; and distributing resources/tools to assist the efforts of First Spouses in their states.

In the first few years of formation (2000-2005), members of the Leadership to Keep Children Alcohol Free initiative worked extensively at the federal level in support of a federal collaborative effort to address underage drinking. During that period, members engaged in the following activities: encouraged Congress to call for the National Academy of Science's Institute of Medicine Report on Underage Drinking; worked with several US Surgeon Generals to produce the Call to Action to Prevent and Reduce Underage Drinking; provided information related to the STOP Act of 2006; testified before several Congressional Committees, served as key partners in April is Alcohol Awareness Month activities with the National Council on Alcoholism and Drug Dependence (NCADD); served on the Advisory Councils of Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Prevention (CSAP), Center for Substance Abuse Treatment (CSAT), National Institute on Alcoholism and Alcohol Abuse (NIAAA), Safe and Drug Free Schools and Communities Act, Drug Free Communities Act, and NIAAA's Steering Committee for Underage Drinking Research Initiative, and the board of the National Center on Addiction and Substance Abuse at Columbia University (CASA); garnered national media attention in newspapers and magazines; and worked with the National Attorneys General's Association's Youth Access to Alcohol standing committee to convince the alcohol industry not to advertise to youth.

In addition to the aforementioned national accomplishments and activities, the Leadership Foundation provides ongoing service to its membership through such activities as providing ongoing support of underage drinking prevention activities by First Spouses within their respective states.

Annually, a one-day seminar is held for Leadership membership, usually in conjunction with the winter Community Anti-Drug Coalitions of America (CADCA) conference. SAMHSA/CSAP and NABCA have been strong supporters of the Prevention Days. In 2010, the Center for Substance Abuse Prevention, National Institute on Alcohol, Abuse and Alcoholism, National Alcohol Control Beverage Association, Shinnyo-en Foundation, Wyoming Association of Sheriffs and Chiefs of Police, Paxis Institute, International Survey Associates/Pride Survey, The Christopher D. Smithers Foundation Inc., and State Farm Insurance Company provided financial support for the 10th anniversary education seminar in Washington DC in February. At these annual events, speakers are engaged to provide latest research news on products such as alcohol energy drinks, coalition creation and maintenance, and minimum drinking age laws.

In 2008 and 2009, with financial support from SAMHSA, the Leadership Foundation organized thirteen state visits for the US Surgeon General to promote his Call to Action to Prevent and Reduce Underage Drinking. The Leadership Foundation President, Hope Taft, accompanied the Surgeon General on the visits at the invitation of the First Spouses, and/or their designate. At these state visits, First Spouses convened and encouraged statewide partnerships to address underage drinking within their respective

states through such activities as the following:

In Hawaii, the Lieutenant Governor James R. "Duke" Aiona, Jr., Co-Chair of Leadership to Keep Children Alcohol Free, hosted the Surgeon General's visit to Hawaii to promote the Call to Action. They provided media interviews; visited an inner-city Honolulu elementary school, where Lt. Governor Aiona conducted a teach-in, engaging students in an interactive, lively discussion and delivering a presentation on Too Smart to Start, a SAMHSA-sponsored underage alcohol use prevention initiative; met with Hawaii Governor Linda Lingle to discuss the Call to Action; met with the Hawaii Partnership to Prevent Underage Drinking (HPPUD); and attended a Town Hall meeting sponsored by HPPUD at which 120 university researchers, health care providers, Department of Health officials, policymakers, law enforcement personnel, educators, business representatives, members of the faith-based community, youth, and parents were in attendance.

In Maine, the First Lady Karen Baldacci and the Surgeon General met with the Governor and Maine legislators in the Senate and House of Representatives, Maine's Attorney General, and community leaders. The Surgeon General also gave a keynote address at the annual New England School of Addiction Studies. As part of Maine's response to the Call to Action, the Department of Health and Human Services Office of Substance Abuse (OSA) announced the second phase of a statewide media campaign, "Find Out More, Do More," targeted to parents.

In Nebraska, the First Lady Sally Ganem and the Surgeon General provided several speaking engagements with teachers, parents, students, and community leaders. Follow-up activities included the following: twenty-one town hall meetings were held in the spring of 2008; the Nebraska Liquor Control Commission requested that Nebraska wholesalers limit pocket-sized liquor containers until an investigative panel evaluates the product's appeal to youth; the First Lady raised funds to make a video of the Acting Surgeon General's Town Hall Meeting for distribution throughout the State; officials and other stakeholders developed a Nebraska "call to action" on underage drinking; Nebraska Educational Television (NET) developed a 30-minute documentary on underage drinking featuring First Lady Sally Ganem; and the First Lady and University of Nebraska's Coach Bo Pelini developed PSAs to be shown during every high school sports events covered by NET. The PSAs are expected to reach more than 85,000 people with a message about underage drinking.

In New Mexico, the First Lady Barbara Richardson and the Surgeon General provided a medical round table discussion, a public forum in Santa Fe about underage drinking, and a lecture in Albuquerque as part of Governor Bill Richardson's DWI Research Speaker Series.

In North Carolina, during the Surgeon General's visit, the First Lady Mary Easley announced the states "Media Ready" program, a media literacy substance abuse prevention program that is taught in middle schools. They also met with State legislators, policy makers, education leaders, and representatives from the Governor's Office, the judicial system, law enforcement, and health and substance abuse prevention organizations that work on the State and local levels to address underage drinking in North Carolina. In addition, the Surgeon General spoke about the Call to Action at North

Carolina State University's Millennium Seminar.

In North Dakota, the First Lady Mikey Hoeven and the Surgeon General provided an address at the 2007 Alcohol and Substance Abuse Summit in Bismarck and visited a middle school where the Surgeon General spoke to students.

In Ohio, the First Lady Frances Strickland hosted the Surgeon General's visit that included an address to college and university presidents, as well as an address to the prevention and treatment professionals in Ohio.

In Oklahoma, the Surgeon General spoke at several events including a town hall meeting at the Oklahoma History Center in Oklahoma City, and an address at the University of Oklahoma College of Public Health.

In Oregon, the Surgeon General and the Oregon Attorney General spoke at a news conference on underage drinking where the Attorney General announced he was reconstituting a State underage-drinking task force to examine binge drinking on college campuses, energy drinks that contain alcohol, and the possible creation of a driver's license suspension program for minors caught with alcohol.

In Wyoming, the First Lady Nancy Freudenthal hosted the Surgeon General's visit that included a news conference at the annual meeting of the National Prevention Network, a meeting on Wind River Reservation to discuss underage drinking, and participation at a Town Hall Meeting on the Central Wyoming Campus that highlighted not only the Surgeon General's information but also the prevention efforts under way across the State. This event also served as the kick-off meeting for the national Town Halls. In addition, Wyoming Public Television taped a discussion of underage drinking issues including the Surgeon General, Wyoming youth involved in prevention activities, and community members.

In Montana, the First Lady Nancy Schweitzer hosted the Surgeon General's three-day visit to Montana that included several speaking engagements with community groups, teens, and university staff/students; production of a PSA of the Surgeon General and First Lady; and meeting with the Lt Governor and the State Interagency Coordinating Council. Following the Surgeon General's visit, there were twenty-six town hall meetings in Montana on underage drinking.

In Maryland, the First Lady Katie O'Malley and the Surgeon General met with the Lt Governor, Attorney General and several state leaders; gave a press conference; provided remarks to the House and Senate legislators; gave a keynote address and roundtable discussion at the Baltimore Health Department; and attended a meeting with students in a middle school.

In Rhode Island, the First Lady Suzanne Carcieri hosted the Surgeon General's visit that included a meeting with Family Court and Traffic Tribunal Judges with RI Family Court Chief Judge Jeremiah S. Jeremiah who presented information about the Family Court's Alcohol Calendar; a press conference on underage drinking, a meeting with Substance Abuse Task Force Coordinators, State Room, State House; a Lunch with Governor and Mrs. Carcieri in the Governor's Personal Office; a speaking engagement with university presidents, vice presidents, and researchers, hosted by University of Rhode Island President Dr. Robert Carothers; a meeting with Policymakers in Providence, State Room, State House; an address in both the House of Representatives and Senate; and a

Town Hall Meeting in Woonsocket, RI, City Hall.

Additionally, in 2008-2009, through the generosity of Motorola, P&G, and Pride Surveys, the Foundation was able to give stipends to support 25 Town Hall Meetings in member states across the country to focus community attention on underage drinking. These Town Hall Meetings were in addition to the ones funded by SAMHSA/CSAP.

The Leadership also worked with Utah 2009 on a meeting of medical examiners with NIAAA and CDC to see how the routine screening for alcohol use in all deaths of persons under the age of 21 could be actualized.

To accomplish its purpose of supporting First Spouse underage drinking prevention initiatives, the Leadership Foundation has produced weekly email updates, an information-packed website, distribution of opinion editorials, and presentations at national conferences.

The Weekly Update was supported with funding from NIAAA, a Scaife Foundation grant in 2009, and their own resources. The Weekly Update was distributed weekly from 2000-2011 to more than 1,900 individuals. The Update contained timely information on latest research, news from states, new partners, grant and conference information. When a Facebook page was developed, the Leadership decided to use the social media network to distribute timely alerts about underage drinking prevention. The website is also used extensively to distribute information with an average of 400 new visitors each week.

As issues pertaining to underage drinking have arisen, The Leadership Foundation provided Draft Opinion Editorials to First Spouses. First Spouses were encouraged to shape a final draft based on their state data and/or opinions for distribution to their media outlets. The Op Eds were intended to raise awareness in the early 2000's on childhood/underage drinking and more recently on specific issues such as the costs of underage drinking to states, the minimum drinking age laws, and alcohol energy drinks.

The Leadership Foundation has also been recognized as a leader in the area of underage drinking prevention. As such, representatives of the Leadership Foundation have been invited to present at a variety of national and state conferences. These included numerous presentations at the Enforcing Underage Drinking Laws (EUDL) Conference, the Mid-Year CADCA Institute, NPN/NASADAD conference, and state conferences such as the Ohio Prevention and Education Conference.

Since 2000, the Leadership Foundation membership, in particular Advisory Board members, have provided significant support at the national level by prompting the development of important documents such as the Surgeon General's Call to Action [SAMHSA, NIAAA, SG], and a state-level analysis of alcohol costs to the state [NM, CDC].

In addition several products were developed and distributed on-line, at conferences, and in print. All materials are free, and downloadable from the Foundation's website at <http://www.alcoholfreechildren.org>. These have included a statistical brochure for lay audiences which distills the most current research findings about early alcohol use and its effects; a brochure describing three basic strategies for preventing alcohol use by children, and bookmarks on "Stay Smart; Don't Start," a video entitled "Drinking It In," a program for Drug Free Workplace, a discussion guide for communities on childhood drinking and a parent "book club" discussion guide on the book "Messengers in Denim."

Several members of the Leadership Foundation have been recognized for their outstanding efforts through The Racicot Leadership Award, and The Hope Award.

In 2009, the Leadership Foundation Board of Directors created the Racicot Award to be named for Theresa Racicot, first lady emerita of Montana for her efforts to turn the Leadership Initiative into the Leadership Foundation in 2006-7. The Award would be given annually to a sitting First Spouse who had made significant accomplishments in his/her state on underage drinking prevention and contributed time and energy into the Leadership Foundation's work. Recipients of the Racicot Award have been First Lady Mikey Hoeven who served as co-chair of the Leadership Foundation Board, started the successful "Let's Keep Our Kids Alcohol Free" campaign, raised money for her efforts through Applebee's and a MOMS cookbook, created the "I Choose" CD and served on the Governor's Prevention Advisory Council on Drugs and Alcohol during her tenure as First Spouse; Wyoming First Lady Nancy Freudenthal who worked collaboratively with the Wyoming Liquor Division, the Mental Health & Substance Abuse Division of the Wyoming Department of Health, the Wyoming Association of Sheriffs and Chiefs of Police and parents to develop new partnerships and programs on underage drinking prevention; and First Lady Sally Ganem of Nebraska who worked to create several videos that are still widely used in Nebraska and available to other states that serve as discussion openers.

In 2011, the Leadership Board of Directors voted at their 10th Anniversary Annual Meeting to create a recognition program for Emeritus spouses to be named for Hope Taft, first lady emerita of Ohio and current president of the Foundation. Patterned after the annual Racicot Leadership Award, the Hope Award recipient is selected from nominations of Leadership members and given to a former governor's spouse who has stayed involved and committed to the vision of the Leadership Foundation after leaving the Governor's Residence. Recipients of the Hope Award have been Hope Taft, First Lady Emerita of Ohio who was a leader in underage drinking prevention in Ohio during her tenure as First Spouse, and who has represented the Leadership Foundation at the national level; and Karen Baldacci, First Lady Emerita of Maine who has led the recruiting effort, and stayed on as chair of the Leadership Foundation beyond the normal term.

In 2010, the Leadership Foundation developed a Promise Partnership Program where agencies with a like-minded mission were invited to submit an application for becoming a Leadership partner. Promise Partners include the Hepatitis Foundation; Marin Institute (AlcoholJustice.org); Drug Free Action Alliance; Lee County Coalition For a Drug Free Southwest Florida; NABCA; Dr. Parnell Donahue, author of *Messengers in Denim*; FACE; Prevention Council of Roanoke County; Kansas Family Partnership; Outside the Classroom; The NV Children's Cabinet; 7 Valleys Council on Alcoholism and Substance Abuse, Inc.; Center for Prevention and Counseling; Partnership for a Drug Free Community of S. Florida; Coalition for a Healthy Middletown; Operation Snowball, Inc.; Hope Council on Alcohol and Other Drug Abuse; Hope Whispers Community Organization; Southwest Counseling Services; Parent Resource Center at Families in Action/

In closing, the Leadership Foundation, through its strong advocacy by First

Spouses, have prompted significant state-level advancements in underage drinking prevention. Many states have passed laws focused on environmental issues such as keg registration, server training, social hosting and graduated licensing. Many members have worked in their states to bring awareness to the issue, changes in policy and coordination in efforts to prevent childhood drinking. As an example of extensive grassroots activity in underage drinking, more than 2,000 grassroots events were held in 2010 to focus on underage drinking.

The combined national initiatives, state focus, and grassroots activities have contributed to a significant decline in underage drinking in the United States as discussed on page 1-2 of this document. In 1991 when the first Youth Risk Behavior Surveillance System, Centers for Disease Control and Prevention (YRBS) survey was administered, 50.8% of youth in grades 9-12 reported current alcohol use, or use with 30 days prior to the survey. The latest survey results in 2009 showed that number had dropped to 41.8%, a statistically significant drop with a p-value of 0.00. That statistical difference means that youth in 1991 were more likely than youth in 2009 to be current drinkers. The number of states and territories participating in YRBS survey data collection was fifty-three (53) in 2009; thirty-six (36) were states in which there was a First Spouse member of the Leadership Foundation. When looking at the data from those specific states, all states showed a marked decline in current alcohol with an average decline of 9.4%. Ten out of the 36 showed a statistically significant decline in current youth alcohol users. The front-runners in decline were New Mexico, Rhode Island and North Dakota, and Utah showed the lowest rate of current alcohol use among all states in 1991 and 2009 (26.6 to 18.2).

Despite significant headway in the prevention of underage drinking, current levels are still too high. Researchers continue to document the importance of protecting the development of the adolescent brain from the toxic effect of alcohol. Adolescent alcohol use contributes to a host of social, emotional, legal, academic, and physical consequences. Children who begin using alcohol before age 15 are more likely to develop a full-blown addiction and a lifetime of lost productivity from it. The country's attention to it must be continued and expanded.

Therefore, the Leadership Foundation has launched a 2012 initiative to create "virtual statewide coalitions" with support from NABCA (National Alcohol Beverage Control Board Association). The website, with the First Spouse as the convener, provides a place for all the coalitions in a state to register along with vital, relevant state departments, and agencies as well as relevant alcohol reduction and youth serving agencies. The purpose of this initiative is to facilitate more effective conversations between state and local efforts to prevent underage drinking, and to distribute timely alerts from national agencies to state and local groups.

Mr. President, I hereby offer these aforementioned accomplishments of The Leadership To Keep Children Alcohol Free Foundation, and in so doing, seek to commemorate for posterity their important work and highlight the value of protecting our nation's children from the dangers of underage drinking.●

TRIBUTE TO LOUIE A. WRIGHT

● Mrs. MCCASKILL Mr. President, today I Wish to honor the work of

Louie A. Wright. In our great Nation, there are labor leaders and then there are exceptional labor leaders. Louie Wright is one of those exceptional labor leaders.

Louie recently retired as the head of the International Association of Firefighters Local 42 in Kansas City, but Louie will never stop working and fighting for working men and women of Missouri and, for that matter, the Nation.

Louie is exceptional for many reasons, not the least of which are his intellect, his professionalism, and his ability to work with, not against, management to the benefit of his membership.

I have known Louie for over 30 years. I have watched him under pressure. I have watched him succeed. I have watched him stumble from time to time. But through it all he remained steadfast and loyal to his friends and willing to do anything for his fellow firefighters.

Louie grew up in Kansas City and, as a young man, became a firefighter for the city of Kansas City, MO, Fire Department. It was a full-time job, but for Louie full-time is 24 hours-a-day, so in 1988 he entered law school at the University of Missouri in Kansas City.

He received a law degree and was admitted to the Missouri, Kansas, Colorado and Federal bar. Louie also clerked in the U.S. District Court in the Western District of Missouri, and he accomplished all of this while serving the people of Kansas City as one of their most dedicated firefighters.

Having a labor leader with a law degree is a powerful force when negotiating labor contracts, and the men and women of the city's fire department recognized that, electing Louie president of IAFF Local 42 in 1995.

What also set Louie apart was his understanding that for firefighters to expect decent wages and benefits, the department had to demand that it become a first-rate firefighting and fire prevention force. And today Kansas City has one of the best and most well-respected fire departments in the Nation.

Louie did not just care about his firefighters, but he cared for all the working men and women of Kansas City and was and remains a member of the executive committee of the Greater Kansas City AFL-CIO. In addition, one of his true passions is health care and its delivery to all Kansas Citians. Louie spent untold volunteer hours on the board of the Truman Medical Center and the Mid-America Health Coalition.

In conclusion, we honor him today as an exceptional labor leader. Upon Louie's retirement, IAFF Local 42 lost an amazing president. However, Kansas City has not lost one of its finest advocates for the working men and women. Thankfully, his work will continue. I treasure his friendship and am proud to recognize his immense contributions.●

RURAL HEALTH EDUCATION NETWORK

● Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the 20th anniversary of a successful program in my home State of Nebraska called the Rural Health Education Network, or RHEN which focuses on increasing the health workforce.

The RHEN program was established at the University of Nebraska Medical Center, UNMC, as an effort to develop a network of volunteer faculty in communities across the State who would serve as mentors for students entering into various health care professions to perform rural rotations as part of their training. This partnership between UNMC and these Nebraska communities provides hands-on training for these health profession students.

Working with volunteer faculty across rural Nebraska communities, almost all UNMC students are able to complete a rural rotation during their education. Students spend up to 2 months living and working in a rural community under the guidance of a local health professional. In 2010, more than 530 students from UNMC participated in 854 rural rotations in 74 Nebraska communities. The program allows these UNMC students to experience the good life in Nebraska communities, inspiring many students to launch a health career in a smaller community.

The RHEN program has since expanded to promote career opportunities in health care to students in rural areas and smaller communities. In fact, RHEN has become the umbrella under which most of UNMC's rural outreach education activities are accomplished.

One goal of RHEN has been to create innovative programs at the undergraduate level and establish a career pipeline for students from rural areas to become health care professionals in rural Nebraska. A key component in attaining this goal was the establishment of the Rural Health Opportunities Program, or RHOP.

Built on the logic that persons raised in rural areas are more likely to return to rural areas after school, RHOP gives youth from rural areas a head start in pursuing a health care career. Under RHOP, qualified high school graduates receive tentative acceptance into one of nine UNMC health profession programs when they begin undergraduate studies at either Chadron State or Wayne State College in Nebraska. The undergraduate tuition is waived for these students, provided they meet all applicable academic standards.

The RHOP program provides students a career path to nearly every health care field, including medicine, nursing, pharmacy, dentistry, dental hygiene, physical therapy, physician assistant, radiography, and clinical laboratory science. Since its inception,

Seventy-five percent of all practicing UNMC RHOP graduates have worked in a rural community for at least part of their careers;

Currently, 183 out of 359 practicing RHOP graduates are health care providers in rural Nebraska;

Two hundred fifty-three RHOP alumni are practicing in 57 Nebraska counties; and

Seventy percent of RHOP graduates stay in Nebraska.

Based on RHOP's initial success, UNMC has since developed three additional early admission programs:

The Kearney Health Opportunities Program grants students at the University of Nebraska-Kearney, UNK, pre-admission to UNMC in five programs including medicine, nursing, pharmacy, radiography, and clinical laboratory science.

A collaboration between Peru State College and the UNMC College of Pharmacy reserves three slots each year in the College of Pharmacy for Peru State graduates.

The Public Health Early Admission Student Track allows Chadron State, Wayne State, Peru State, and UNK to each annually select three students for direct enrollment into a UNMC Public Health graduate program to help relieve the critical shortage of public health workers in rural Nebraska.

Additionally, since 1993, UNMC has sponsored annual science meets for eighth graders in Nebraska communities to get students interested in science-based careers. More than 1,000 students have participated in these meets. Further, RHEN hosts a career day each year for more than 250 students to visit and experience UNMC.

Now recognized as one of the most effective health workforce development programs in my state, RHEN's anniversary provides the perfect opportunity to recognize the accomplishments of this amazing program and how it is making a difference across Nebraska. To illustrate, RHEN's focus is one of the reasons why U.S. News & World Report ranks UNMC's primary care medicine program among the top 10 in the country.

In closing, the Rural Health Education Network program has made a significant difference in helping students become health care professionals for rural Nebraska, and I extend my congratulations to this program on 20 years of making a positive impact and increasing the health care workforce across Nebraska.●

JEWISH HERITAGE MONTH

● Mr. BROWN of Ohio. Mr. President, throughout the month of May, we celebrate Jewish Heritage Month, a time to reflect upon and celebrate those who have helped shape Jewish culture and the shared American experience. Since arriving on the shores of New Amster-

dam in 1654, the men and women of the Jewish faith have worked to promote opportunity, justice, and equality for all.

In communities across the United States, public service, social action, and charity are rooted in both the religious and cultural components of Judaism.

Every day, members of Ohio's Jewish community make contributions that better the lives of their families, friends, and cities. While so many of these men and women deserve our praise and gratitude, I would like to highlight a few leaders within the Ohio Jewish community both past and present.

Dr. Albert Sabin, a pioneer in the field of medicine, called Cincinnati, OH home. While a professor at the University of Cincinnati College of Medicine, Dr. Sabin developed and perfected the oral polio vaccine. In 1960, after extensive preliminary trials, Dr. Sabin's oral polio vaccine was first used in Europe.

Between the years of 1962 and 1964, nearly 100 million people—children and adults—benefited from this vaccine in the United States. Dr. Sabin's contributions to the field of medical research saved countless lives from the ravages of polio and in the process, shaped modern vaccine study. It is no exaggeration to say that his efforts bettered and saved the lives of millions worldwide.

The success of Dr. Sabin clearly reflects Jewish values a commitment to social justice and a desire to work towards bettering society.

Such values are also extremely evident in the work of Rabbi Abraham Joshua Heschel. Born in Poland in 1907 and deported by the Nazi's in 1938, he was rescued and brought to the United States by Cincinnati's Hebrew Union College. Both an activist and religious leader, Rabbi Heschel played a powerful role in forging the bonds of faith, social action, and civil rights. In 1965, Rabbi Heschel marched arm-in-arm with Rev. Martin Luther King, Jr., in Selma in support of the civil rights movement. Following this experience, he spoke the iconic words: "I felt my feet were praying."

Just 3 years later, on March 25, 1968—10 days before that fateful day in Memphis, TN—Rabbi Heschel introduced Dr. King to the 68th Annual Convention of the Rabbinical Assembly. Rabbi Heschel closed his introduction by saying, "The situation of the poor in America is our plight, our sickness. To be deaf to their cry is to condemn ourselves."

Dr. King began his opening statement by saying, "I have heard 'We Shall Overcome' probably more than I have heard any other song over the last few years. It is something of the theme song for our struggle. But tonight was the first time that I ever heard it in Hebrew, what a beautiful experience for me."

Rabbi Heschel's legacy is carried on by his daughter, Dr. Susannah Heschel, a professor of Jewish studies at Dartmouth College. I was proud to join Dr. Heschel at a series of events we conducted in Ohio to celebrate her father's legacy and to discuss the future of social action and civil rights.

Another resident of Ohio who had a tremendous impact on Jewish heritage is Samuel Melton. Born in Austria-Hungary in 1900, Melton was just 4 years old when he and his mother joined his father in Toledo, OH.

As a student at the Ohio State University, Mr. Melton first became interested in reforming how Judaism was studied. While his career path led him away from Judaism and into the production of stainless steel fittings, his passion for Jewish education remained.

After Mr. Melton's retirement from Capitol Manufacturing and Supply of Columbus in 1959, he devoted his time and financial resources to modernizing and reforming Jewish education. He established the Melton Fellowship to encourage talented men and women to pursue work in Jewish education and financed the Samuel M. Melton Center for Jewish Studies at the Ohio State University, the first center for Jewish Studies at an American public university. Additionally, Mr. Melton's impact on Jewish heritage spans the globe through his entrepreneurial and philanthropic involvement in Israel.

Some have said that Mr. Melton spent the first half of his life earning his fortune and the second half giving it away. I commend Mr. Melton for this generosity. His passion for Judaism has impacted thousands of young Jewish men and women in Ohio and across the world.

Finally, I would like to highlight Alfred Tibor, a current Columbus resident, who was born in Hungary in 1920. Mr. Tibor has used his experiences as a Holocaust survivor to create sculptures that not only commemorate but also inspire humanity.

In his youth, Mr. Tibor was a talented gymnast and acrobat, but his Jewish heritage kept him from competing in the 1936 Olympics in Berlin. In 1940, he was forced by the Germans to perform slave labor before being sent to a prisoner of war camp in Siberia. After the war, Alfred and his brother returned to Hungary to find that they were the only members of their family to escape the war. Fearing further anti-Semitic activities, he fled Hungary, arriving in the United States and settling in Columbus.

For more than half a century, Alfred Tibor has used his talents to inspire and educate. According to Mr. Tibor, "Art for art's sake is not enough." His sculptures are seen across the world as tributes to those lost and as reminders of hope and faith in times of tragedy and unspeakable horror.

During Jewish Heritage Month, let's honor Dr. Sabin, Rabbi Heschel, Mr.

Melton, and Mr. Tibor, as well as all the men and women within the Ohio Jewish community who are seeking to better their neighborhoods while working to advance social justice. Thank you for your service to the Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 41. Joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6241. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Registry of Certified Medical Examiners" (RIN2126-AB97) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6242. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets" (WT Docket No. 07-250; DA 12-550) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6243. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; West Coast Salmon Fisheries; 2012 Management Measures" (RIN0648-XA921) received in the Office of the President of the Senate on May 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6244. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries

Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2012 Sector Operations Plans and Contracts, and Allocation of Northeast Multispecies Annual Catch Entitlements" (RIN0648-XA797) received in the Office of the President of the Senate on May 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6245. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action; Republication" (RIN0648-BB89) received in the Office of the President of the Senate on May 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6246. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Category IIIa, IIIb, and IIIc Definitions; Delay of Effective Date and Reopening of Comment Period" ((RIN2120-AK03) (Docket No. FAA-2012-0019)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6247. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Damage Tolerance and Fatigue Evaluation for Composite Rotorcraft Structures, and Damage Tolerance and Fatigue Evaluation for Metallic Structures; Correction" ((RIN2120-AJ51, 2120-AJ52) (Docket No. FAA-2009-0660)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6248. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Positive Train Control Systems (RRR)" (RIN2130-AC27) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6249. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Areas R-5801 and R-5803; Chambersburg, PA" ((RIN2120-AA66) (Docket No. FAA-2012-0174)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6250. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lamar, CO" ((RIN2120-AA66) (Docket No. FAA-2011-1262)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6251. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Hastings, NE" ((RIN2120-AA66) (Docket No. FAA-2011-0499)) received in the Office of the President of the Senate on May 15,

2012; to the Committee on Commerce, Science, and Transportation.

EC-6252. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tobe, CO" ((RIN2120-AA66) (Docket No. FAA-2011-1338)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6253. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Springfield, CO" ((RIN2120-AA66) (Docket No. FAA-2011-1247)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6254. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Willcox, AZ, and Revocation of Class E Airspace; Cochise, AZ" ((RIN2120-AA66) (Docket No. FAA-2011-1314)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Boyne City, MI" ((RIN2120-AA66) (Docket No. FAA-2011-0828)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marion, AL" ((RIN2120-AA66) (Docket No. FAA-2011-0590)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Southport, NC, and Establishment of Class E Airspace; Oak Island, NC" ((RIN2120-AA66) (Docket No. FAA-2011-1148)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (12); Amdt. No. 3475" (RIN2120-AA65) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (144); Amdt. No. 3474" (RIN2120-AA65) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6285. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-1318)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6286. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Order (TSO) TSO-C69b and Installed on Airbus Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-0223)) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6287. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled, "2011 Status of U.S. Fisheries"; to the Committee on Commerce, Science, and Transportation.

EC-6288. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acibenzolar-S-methyl; Time-Limited Pesticide Tolerances" (FRL No. 9349-3) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6289. A communication from the Secretary of the Commission, Office of the General Counsel, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Further Definition of 'Swap Dealer,' 'Security-Based Swap Dealer,' 'Major Swap Participant,' 'Major Security-Based Swap Participant' and 'Eligible Contract Participant'" (RIN3235-AK65) received in the Office of the President of the Senate on May 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6290. A communication from the Acting Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled "Annual Corrosion Budget Materials Report"; to the Committee on Armed Services.

EC-6291. A communication from the Acting Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled "Defense Production Act Annual Fund Report for Fiscal Year 2011"; to the Committee on Armed Services.

EC-6292. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to Department of Defense purchases from foreign entities for fiscal year 2011; to the Committee on Armed Services.

EC-6293. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Contracting with the Canadian Commercial Corporation" (RIN0750-AH42) (DFARS Case 2011-D049)) received in the Office of the President of the Senate on May 21, 2012; to the Committee on Armed Services.

EC-6294. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the na-

tional emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-6295. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (6) reports relative to vacancies within the Department, received in the Office of the President of the Senate on May 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6296. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on May 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6297. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on May 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6298. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on May 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6299. A communication from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2011 Management Report and statement on the system of internal control; to the Committee on Banking, Housing, and Urban Affairs.

EC-6300. A communication from the Assistant Secretary, Office of Fossil Energy, Department of Energy, transmitting, pursuant to law, a report entitled "Liquefied Natural Gas Safety Research Report"; to the Committee on Energy and Natural Resources.

EC-6301. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of construction of the mixed oxide fuel fabrication facility (MOX facility) at the Department of Energy's Savannah River Site in South Carolina; to the Committee on Energy and Natural Resources.

EC-6302. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Loan Guarantees for Projects That Employ Innovative Technologies" (RIN1901-AB32) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Energy and Natural Resources.

EC-6303. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Promulgation of Implementation Plans; Washington: Infrastructure Requirements for the 1997 8-Hour

Ozone National Ambient Air Quality Standard" (FRL No. 9674-2) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Environment and Public Works.

EC-6304. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts and New Hampshire; Determination of Attainment of the One-hour and 1997 Eight-hour Ozone Standards for Eastern Massachusetts" (FRL No. 9675-9) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Environment and Public Works.

EC-6305. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Fees for Permits and Administrative Actions" (FRL No. 9672-7) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Environment and Public Works.

EC-6306. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Small Container Exemption from VOC Coating Rules" (FRL No. 9677-3) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Environment and Public Works.

EC-6307. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the South Coast Air Quality Management District Portion of the California State Implementation Plan, South Coast Rule 1315" (FRL No. 9669-8) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Environment and Public Works.

EC-6308. A communication from the Director of Congressional Affairs, Office of International Programs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Export and Import of Nuclear Equipment and Material; Export of International Atomic Energy Agency Safeguards Samples" (RIN3150-AJ04) received in the Office of the President of the Senate on May 21, 2012; to the Committee on Environment and Public Works.

EC-6309. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2012" (Rev. Rul. 2012-15) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Finance.

EC-6310. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Health Insurance Premium Tax Credit" (TD 9590) received in the Office of the President of the Senate on May 22, 2012; to the Committee on Finance.

EC-6311. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Amendment of Americans with Disabilities

Act Title II and Title III Regulations to Extend Compliance Date for Certain Requirements Related to Existing Pools and Spas Provided by State and Local Governments and by Public Accommodations" (RIN1190-AA69) received in the Office of the President of the Senate on May 21, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6312. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-6313. A communication from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting, pursuant to law, the Farm Credit Administration's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-6314. A communication from the Equal Employment Opportunity and Inclusion Director, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Farm Credit System Insurance Corporation's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-6315. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6316. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's Seventy-First Financial Statement for the period of October 1, 2010 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-6317. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for Fiscal Year 2011; to the Committee on the Judiciary.

EC-6318. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-354, "Fiscal Year 2012 Revised Budget Request Adjustment Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6319. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-355, "Vendor Sales Tax Collection and Remittance Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6320. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-356, "Combined Condominium Real Property Tax Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6321. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-357, "Carver 2000 Low-Income

and Senior Housing Project Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6322. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-358, "Senior HIV/AIDS Education and Outreach Program Establishment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6323. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-359, "King Towers Residential Housing Real Property Tax Exemption Clarification Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6324. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-360, "Adolf Cluss Court Alley Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6325. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-361, "People First Respectful Language Modernization Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6326. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-362, "Real Property Tax Appeals Commission Establishment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6327. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-363, "HIV/AIDS Continuing Education Requirements Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6328. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-364, "Advisory Neighborhood Commissions Boundaries Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6329. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-365, "Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6330. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-366, "Firearms Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-367, "Elizabeth P. Thomas Way Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6332. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-368, "Where Lincoln's Legacy Lives Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 19-369, "Capitol Riverfront BID Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-372, "Foster Care Youth Employment Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-373, "Hilda H.M. Mason Way Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-374, "Child Abuse Prevention and Treatment Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-375, "Age-in-Place and Equitable Senior Citizen Real Property Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-376, "Technical Amendments Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6339. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General, the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6340. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges ("Cramming"); Consumer Information and Disclosure; Truth-in-Billing and Billing Format" (FCC 12-42) received in the Office of the President of the Senate on May 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6341. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Automatic Underfrequency Load Shedding and Load Shedding Plans Reliability Standards" (Docket No. RM11-20-000) received in the Office of the President of the Senate on May 24, 2012; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2061. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority (Rept. No. 112-171).

By Mr. LEAHY, from the Committee on Appropriations, without amendment:

S. 3241. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112-172).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2370. A bill to amend title 11, United States Code, to make bankruptcy organization more efficient for small business debtors, and for other purposes.

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 3240. An original bill to reauthorize agricultural programs through 2017, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Charles Thomas Massarone, of Kentucky, to be a Commissioner of the United States Parole Commission for a term of six years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL (for himself, Ms. SNOWE, Ms. MIKULSKI, Mrs. MURRAY, and Mr. TESTER):

S. 3234. A bill to amend the Internal Revenue Code of 1986 to extend the time period for contributing military death gratuities to Roth IRAs and Coverdell education savings accounts; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. JOHANNES):

S. 3235. A bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRYOR:

S. 3236. A bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE (for himself, Ms. COLLINS, Mr. BROWN of Ohio, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. HELLER, Mr. WARNER, and Mr. GRASSLEY):

S. 3237. A bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. 3238. A bill to designate the Department of Veterans Affairs community based outpatient clinic in Mansfield, Ohio, as the David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic,

and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN:

S. 3239. A bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. STABENOW:

S. 3240. An original bill to reauthorize agricultural programs through 2017, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. LEAHY:

S. 3241. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MENENDEZ:

S. 3242. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries coordinated care and greater choice with regard to accessing hearing health services and benefits; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. LEAHY, and Mr. SANDERS):

S. 3243. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee; to the Committee on Finance.

By Mr. FRANKEN (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. SCHUMER, Ms. MIKULSKI, Mr. JOHNSON of South Dakota, Mr. WYDEN, and Mr. CARDIN):

S. 3244. A bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3245. A bill to permanently reauthorize the EB-5 Regional Center Program, the E-Verify Program, the Special Immigrant Non-minister Religious Worker Program, and the Conrad State 30 J-1 Visa Waiver Program; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 3246. A bill to improve the Service Corps of Retired Executives, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ISAKSON:

S. 3247. A bill to direct the Secretary of the Interior to conduct a special resource study of the West Hunter Street Baptist Church in Atlanta, Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mr. JOHNSON of South Dakota, Mr. CONRAD, Mr. HOEVEN, Mr. THUNE, Mr. BENNET, Mr. UDALL of Colorado, Mr. MORAN, Mr. UDALL of New Mexico, Mr. JOHANNES, and Mr. WHITEHOUSE):

S. 3248. A bill to designate the North American bison as the national mammal of the United States; to the Committee on the Judiciary.

By Mr. BROWN of Massachusetts (for himself, Mr. CHAMBLISS, and Mr. RISCH):

S. 3249. A bill to require a report on the designation of Boko Haram as a foreign terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself, Mr. BENNET, Mr. KIRK, Ms. KLOBUCHAR, Mr. FRANKEN, and Ms. COLLINS):

S. 3250. A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 3251. A bill to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PORTMAN (for himself, Mr. BROWN of Ohio, Mr. HOEVEN, Ms. AYOTTE, Mr. BEGICH, Mr. VITTER, Mr. BLUNT, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. CORNYN, Mr. RISCH, Mr. COCHRAN, Mr. UDALL of Colorado, Mr. COBURN, Mr. RUBIO, Mr. JOHNSON of Wisconsin, Mr. NELSON of Florida, Mr. TOOMEY, Mr. WICKER, Mr. LEE, Mr. COONS, Mr. GRAHAM, Ms. LANDRIEU, and Mr. CARPER):

S. 3252. A bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 3253. A bill to amend the Small Business Investment Act of 1958 to enhance the Small Business Investment Company Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. GRAHAM (for himself, Mr. CASEY, Mr. LIEBERMAN, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COATS, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mrs. GILLIBRAND, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. PRYOR, Mr. RISCH, Mr. SCHUMER, Mr. UDALL of Colorado, Mr. WYDEN, Ms. SNOWE, Mr. VITTER, Mr. ISAKSON, Mr. SESSIONS, Mr. WICKER, Mr. MANCHIN, Mr. WHITEHOUSE, Mr. BURR, Mr. MORAN, Mr. CRAPO, Mr. KIRK, Mrs. HAGAN, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. TOOMEY, Mr. BENNET, Mr. RUBIO, Ms. STABENOW, Mr. LUGAR, Mr. WARNER, Mr. CARPER, Mr. LEE, Mr. DEMINT, Mr. MCCONNELL, Mr. COCHRAN, Mr. JOHANNES, Mr. BLUNT, Mr. BARRASSO, Ms. LANDRIEU, Mr. TESTER, Mr. ROBERTS, Mr. BEGICH, Ms. KLOBUCHAR, Mr. INOUE, Mr. AKAKA, Mr. COBURN, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. JOHNSON of Wisconsin, Mr. KOHL, Ms. CANTWELL, Mr. THUNE, Ms. MURKOWSKI, Mr. SHELBY, Mr. MERKLEY, and Mr. DURBIN):

S.J. Res. 41. A joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Ms. AYOTTE, Mr. BLUMENTHAL, and Mr. BEGICH):

S. Res. 472. A resolution designating October 7, 2012, as "Operation Enduring Freedom Veterans Day"; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. KIRK, Mr. BROWN of Ohio, Mr. MENENDEZ, Mr. LUGAR, and Mr. LAUTENBERG):

S. Res. 473. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. INOUE, Mr. REID, Mr. BEGICH, Mrs. MURRAY, and Mr. MENENDEZ):

S. Res. 474. A resolution recognizing the significance of May 2012 as Asian-Pacific American Heritage Month and the importance of celebrating the significant contributions of Asian-Americans and Pacific Islanders to the history of the United States; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. JOHNSON of South Dakota, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 475. A resolution relating to the death of the Honorable E. James Abdnor, former United States Senator and Congressman from the State of South Dakota; considered and agreed to.

ADDITIONAL COSPONSORS

S. 52

At the request of Mr. INOUE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 52, a bill to establish uniform adminis-

trative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 881

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1005

At the request of Mr. BOOZMAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1005, a bill to provide for parental notification and intervention in the case of a minor seeking an abortion.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1224

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1224, a bill to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery program through fiscal year 2023.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1796

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1989

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2283

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2283, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

S. 3083

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3083, a bill to amend the Internal Revenue Code of 1986 to require certain nonresident aliens to provide valid immigration documents to claim the refundable portion of the child tax credit.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3217

At the request of Mr. MORAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3217, a bill to jump-start the economic recovery through the formation and growth of new businesses, and for other purposes.

S. 3228

At the request of Mr. THUNE, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 3228, a bill to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

S.J. RES. 40

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 40, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rules submitted by the Department of the Treasury and the Internal Revenue

Service relating to the reporting requirements for interest that relates to the deposits maintained at United States offices of certain financial institutions and is paid to certain nonresident alien individuals.

S. RES. 401

At the request of Mr. WHITEHOUSE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

S. RES. 435

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

S. RES. 439

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 439, a resolution expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the "adult entertainment" section of the classified advertising website Backpage.com.

S. RES. 449

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of S. Res. 449, a resolution calling on all governments to assist in the safe return of children abducted from or wrongfully retained outside the country of their habitual residence.

S. RES. 462

At the request of Ms. LANDRIEU, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Mr. LEVIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Missouri (Mr. BLUNT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Maryland (Mr. CARDIN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 462, a resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges faced by children in the foster care system, acknowledging the dedication of foster care parents, advocates, and workers, and encouraging Congress to implement policy to improve the lives of children in the foster care system.

AMENDMENT NO. 2145

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 2145 proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic

drugs and biosimilars, and for other purposes.

AMENDMENT NO. 2146

At the request of Mr. PORTMAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 2146 proposed to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 3239. A bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation, with Senators BLUMENTHAL, BROWN, CANTWELL, MERKLEY, VITTER, and WYDEN, that will codify an agreement reached by the nation's largest egg producer organization, the United Egg Producers, and the largest animal welfare organization, the Humane Society of the United States.

In its most simple terms, the legislation sets a national standard for the treatment of egg-laying hens and the labeling of eggs.

As of today, 6 States, including California, have set their own standards about how egg-laying hens should be raised, and 18 other States allow citizen ballot initiatives could initiate similar laws in the future.

These State standards will make it difficult for egg producers to freely ship across State lines.

Starting in 2015, eggs produced in Iowa, Indiana and other egg-exporting states can no longer be shipped to California because the hens will have been raised in cages that do not meet California's standards.

Different standards in Michigan and Ohio will take effect later, further adding to the patchwork of regulations.

As States with disparate standards continue to protect their own egg producers by banning the sale of eggs from States with lower or no standards, a complicated web of State laws will impair interstate commerce.

I have met with a number of egg producers and their concerns vary.

For some producers, different regulations increase costs because new cages must be designed for each State in which they operate.

Other producers fear that egg prices in states without regulations will plummet as imports flood their market.

Some egg producers selling to national grocery stores will have to

produce eggs that meet different standards in different States.

Concerns don't end with producers.

Consumers can expect to see higher prices at grocery stores and restaurants will have to pay more for every egg they prepare.

Millions of individuals, including myself, are concerned about the living conditions of these animals.

That is why I am pleased to introduce this legislation today. The United Egg Producers and the Humane Society of the United States worked for over a year to reach this compromise, and I believe it is one that strikes a very fair balance.

Producers must enlarge cages for egg-laying hens and allow space for the birds to engage in natural behaviors such as nesting and perching.

Producers will have up to 18 years to meet this standard and make the required investments.

The legislation will officially outlaw the practice of starving chickens to increase egg-production, a cruel practice that is rarely used today, and one with consensus to end.

The bill will also lead to improved air quality in hen-houses by prohibiting excessive ammonia levels and it requires humane euthanasia of spent hens. This is also already common practice in the industry.

At its heart, this legislation is about protecting the future of the egg industry.

The egg industry brought this legislation to Congress and has asked us to help them implement the uniform regulations needed to survive and grow.

With this legislation, egg producers will have the market certainty they need and a reasonable timetable to make the required changes.

Producers need these uniform national standards so they can invest in new cages without facing the risk of more stringent state laws rendering their investments moot.

The egg industry is prepared to make these investments, many of which can be accomplished during the normal course of replacing aged equipment.

In addition to promoting industry stability, this bill will save jobs and strengthen the economy.

Furthermore, consumers are already embracing these reforms. Polls indicate broad support for the provisions in this bill and for humane treatment of egg-laying hens in general.

A recent survey found that 64 percent of Americans say that these newer facilities should be required through Federal legislation.

A majority, 58 percent, of American consumers also support a national standard.

The survey found 92 percent of consumers support the industry transitioning to these new enriched cages.

Candidly, it is not often that we see this sort of compromise in Washington.

Two groups that have been in fundamental conflict for years sat down and reached a deal.

The egg industry and the Humane Society are lock-step in their support for this bill. They are joined in endorsing the bill by the American Veterinary Medical Association and the Consumer Federation of America.

Even though the egg industry supports this bill, some still target this legislation as anti-agriculture they suggest the legislation will somehow be applied to, or set a precedent for Federal regulation of other industries.

That is simply not the case.

I want to be clear: requirements in the Egg Products Inspection Act Amendments of 2012 only apply to the production of eggs. The bill will not affect any other agricultural product including beef, pork, poultry and milk.

This legislation is a responsible compromise between those who advocate for more humane treatment for egg-laying hens and those who put breakfast on our tables.

I hope that even in this partisan climate we can enact this commonsense and widely endorsed legislation.

This legislation protects restaurants, bakers, food processors and American consumers from unnecessarily high egg prices. It protects egg producers from having eggs they can't sell.

This legislation is a reasonable, widely-supported solution to a real, costly and growing problem. The bill has the support of the United Egg Producers, which represents nearly 90 percent of the Nation's egg industry, as well as nine state and regional egg producer groups, more than 100 individual egg farms and more than 880 other family farms.

I urge you to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Egg Products Inspection Act Amendments of 2012".

SEC. 2. HEN HOUSING AND TREATMENT STANDARDS.

(a) DEFINITIONS.—Section 4 of the Egg Products Inspection Act (21 U.S.C. 1033) is amended—

(1) by redesignating subsection (a) as subsection (c);

(2) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (f), (g), (h), (i), (j), and (k), respectively;

(3) by redesignating subsections (h) and (i) as subsections (n) and (o), respectively;

(4) by redesignating subsections (j), (k), and (l) as subsections (r), (s), and (t), respectively;

(5) by redesignating subsections (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y),

and (z) as subsections (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), and (ii), respectively;

(6) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

“(a) The term ‘adequate environmental enrichments’ means adequate perch space, dust bathing or scratching areas, and nest space, as defined by the Secretary of Agriculture, based on the best available science, including the most recent studies available at the time that the Secretary defines the term. The Secretary shall issue regulations defining this term not later than January 1, 2017, and the final regulations shall go into effect on December 31, 2018.

“(b) The term ‘adequate housing-related labeling’ means a conspicuous, legible marking on the front or top of a package of eggs accurately indicating the type of housing that the egg-laying hens were provided during egg production, in one of the following formats:

“(1) ‘Eggs from free-range hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production—

“(A) not housed in caging devices; and

“(B) provided with outdoor access.

“(2) ‘Eggs from cage-free hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, not housed in caging devices.

“(3) ‘Eggs from enriched cages’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that—

“(A) contain adequate environmental enrichments; and

“(B) provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.

“(4) ‘Eggs from caged hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that either—

“(A) do not contain adequate environmental enrichments; or

“(B) do not provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.”;

(7) by inserting after subsection (c), as redesignated by paragraph (1), the following new subsections:

“(d) The term ‘brown hen’ means a brown egg-laying hen used for commercial egg production.

“(e) The term ‘caging device’ means any cage, enclosure, or other device used for the housing of egg-laying hens for the production of eggs in commerce, but does not include an open barn or other fixed structure without internal caging devices.”;

(8) by inserting after subsection (k), as redesignated by paragraph (2), the following new subsections:

“(l) The term ‘egg-laying hen’ means any female domesticated chicken, including white hens and brown hens, used for the commercial production of eggs for human consumption.

“(m) The term ‘existing caging device’ means any caging device that was continuously in use for the production of eggs in commerce up through and including December 31, 2011.”;

(9) by inserting after subsection (o), as redesignated by paragraph (3), the following new subsections:

“(p) The term ‘feed-withdrawal molting’ means the practice of preventing food intake for the purpose of inducing egg-laying hens to molt.”

“(q) The term ‘individual floor space’ means the amount of total floor space in a caging device available to each egg-laying hen in the device, which is calculated by measuring the total floor space of the caging device and dividing by the total number of egg-laying hens in the device.”;

(10) by inserting after subsection (t), as redesignated by paragraph (4), the following new subsection:

“(u) The term ‘new caging device’ means any caging device that was not continuously in use for the production of eggs in commerce on or before December 31, 2011.”; and

(11) by inserting at the end the following new subsections:

“(jj) The term ‘water-withdrawal molting’ means the practice of preventing water intake for the purpose of inducing egg-laying hens to molt.”

“(kk) The term ‘white hen’ means a white egg-laying hen used for commercial egg production.”.

(b) HOUSING AND TREATMENT OF EGG-LAYING HENS.—The Egg Products Inspection Act (21 U.S.C. 1031 et seq.) is amended by inserting after section 7 the following new sections:

“§ 7A. Housing and treatment of egg-laying hens

“(a) ENVIRONMENTAL ENRICHMENTS.—

“(1) EXISTING CAGING DEVICES.—All existing caging devices must provide egg-laying hens housed therein, beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

“(2) NEW CAGING DEVICES.—All new caging devices must provide egg-laying hens housed therein, beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

“(3) CAGING DEVICES IN CALIFORNIA.—All caging devices in California must provide egg-laying hens housed therein, beginning December 31, 2018, adequate environmental enrichments.

“(b) FLOOR SPACE.—

“(1) EXISTING CAGING DEVICES.—All existing cages devices must provide egg-laying hens housed therein—

“(A) beginning four years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 76 square inches of individual floor space per brown hen and 67 square inches of individual floor space per white hen; and

“(B) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(2) NEW CAGING DEVICES.—Except as provided in paragraph (3), all new caging devices must provide egg-laying hens housed therein—

“(A) beginning three years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 90 square inches of individual floor space per brown hen and 78 square inches of individual floor space per white hen;

“(B) beginning six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen;

“(C) beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen;

“(D) beginning 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen; and

“(E) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(3) CALIFORNIA CAGING DEVICES.—All caging devices in California must provide egg-laying hens housed therein—

“(A) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

“(B) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(c) AIR QUALITY.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide all egg-laying hens under his ownership or control with acceptable air quality, which does not exceed more than 25 parts per million of ammonia during normal operations.

“(d) FORCED MOLTING.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, no egg handler may subject any egg-laying hen under his ownership or control to feed-withdrawal or water-withdrawal molting.

“(e) EUTHANASIA.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide, when necessary, all egg-laying hens under his ownership or control with euthanasia that is humane and uses a method deemed ‘Acceptable’ by the American Veterinary Medical Association.

“(f) PROHIBITION ON NEW UNENRICHABLE CAGES.—No person shall build, construct, implement, or place into operation any new caging device for the production of eggs to be sold in commerce unless the device—

“(1) provides the egg-laying hens to be contained therein a minimum of 76 square inches of individual floor space per brown hen or 67 square inches of individual floor space per white hen; and

“(2) is capable of being adapted to accommodate adequate environmental enrichments.

“(g) EXEMPTIONS.—

“(1) RECENTLY-INSTALLED EXISTING CAGING DEVICES.—The requirements contained in

subsections (a)(1) and (b)(1)(B) shall not apply to any existing caging device that was first placed into operation between January 1, 2008, and December 31, 2011. This exemption shall expire 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at which time the requirements contained in subsections (a)(1) and (b)(1)(B) shall apply to all existing caging devices.

“(2) HENS ALREADY IN PRODUCTION.—The requirements contained in subsections (a)(1), (a)(2), (b)(1)(B), and (b)(2) shall not apply to any caging device containing egg-laying hens who are already in egg production on the date that such requirement takes effect. This exemption shall expire on the date that such egg-laying hens are removed from egg production.

“(3) SMALL PRODUCERS.—Nothing contained in this section shall apply to an egg handler who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.

“§ 7B. Phase-in conversion requirements

“(a) FIRST CONVERSION PHASE.—As of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 25 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen.

“(b) SECOND CONVERSION PHASE.—As of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 55 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen.

“(c) FINAL CONVERSION PHASE.—As of December 31, 2029, all egg-laying hens confined in caging devices shall be provided adequate environmental enrichments and a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(d) COMPLIANCE.—

“(1) At the end of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall determine, after having reviewed and analyzed the results of an independent, national survey of caging devices conducted in 2018, whether the requirements of subsection (a) have been met. If the Secretary finds that the requirements of subsection (a) have not been met, then beginning January 1, 2020, the floor space requirements (irrespective of the date such requirements expire) related to new caging devices contained in subsection (b)(2)(B) of section 7A shall apply to existing caging devices placed into operation prior to January 1, 1995.

“(2) At the end of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, and again after December 31, 2029, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on compliance with subsections (b) and (c).

“(3) Notwithstanding section 12, the remedies provided in this subsection shall be the exclusive remedies for violations of this section.”.

(c) INSPECTIONS.—Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034) is amended—

(1) in subsection (d), by inserting “(other than requirements with respect to housing, treatment, and house-related labeling)” after “as he deems appropriate to assure compliance with such requirements”; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and”; and

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following new subparagraph:

“(B) are derived from egg-laying hens housed and treated in compliance with section 7A; and”; and

(iv) in subparagraph (C), as redesignated by clause (ii), by inserting “adequate housing-related labeling and” after “contain”;

(B) in paragraph (2), by striking “In the case of a shell egg packer” and inserting “In the cases of an egg handler with a flock of more than 3,000 egg-laying hens and a shell egg packer”;

(C) in paragraph (3), by inserting “(other than requirements with respect to housing, treatment, and housing-related labeling)” after “to ensure compliance with the requirements of paragraph (1)”; and

(D) in paragraph (4), by striking “with a flock of not more than 3,000 layers.” and inserting “who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.”.

(d) LABELING.—Section 7 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1036) is amended in subsection (a) by inserting “adequate housing-related labeling,” after “plant where the products were processed.”.

(e) LIMITATION ON EXEMPTIONS BY SECRETARY.—Section 15 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1044) is amended in subsection (a) by inserting “, not including subsection (c) of section 8,” after “exempt from specific provisions”.

(f) IMPORTS.—Section 17 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1046) is amended in paragraph (2) of subsection (a) by striking “subdivision thereof and are labeled and packaged” and inserting “subdivision thereof; and no eggs or egg products capable of use as human food shall be imported into the United States unless they are produced, labeled, and packaged”.

SEC. 3. ENFORCEMENT OF HEN HOUSING AND TREATMENT STANDARDS.

(a) IN GENERAL.—Section 8 of the Egg Products Inspection Act (21 U.S.C. 1037) is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens housed or treated in violation of any provision of section 7A.

“(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens unless the container or package, including any immediate container, of the eggs or egg products, beginning one year after the date of enactment of the Egg Products Inspection Act Amendments of 2012, contains adequate housing-related labeling.

“(3) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for

transportation, in any business or commerce, in California, any eggs or egg products derived from egg-laying hens unless the egg-laying hens are—

“(A) provided—

“(i) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

“(ii) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen; and

“(B) provided, beginning December 31, 2018, adequate environmental enrichments.”; and

(3) in subsection (e), as redesignated by paragraph (1), by inserting “7A,” after “section”.

(b) LIMITATION ON AUTHORITY OF SECRETARY OF HEALTH AND HUMAN SERVICES.—Section 13 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1042) is amended by inserting “(with respect to violations other than those related to requirements with respect to housing, treatment, and housing-related labeling) the” after “Before any violation of this chapter is reported by the Secretary of Agriculture or”.

SEC. 4. STATE AND LOCAL AUTHORITY.

Section 23 of the Egg Products Inspection Act (21 U.S.C. 1052) is amended—

(a) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(b) by inserting after subsection (b) the following new subsection:

“(c) PROHIBITION AGAINST ADDITIONAL OR DIFFERENT REQUIREMENTS THAN FEDERAL REQUIREMENTS RELATED TO MINIMUM SPACE ALLOTMENTS FOR HOUSING EGG-LAYING HENS IN COMMERCIAL EGG PRODUCTION.—Requirements within the scope of this chapter with respect to minimum floor space allotments or enrichments for egg-laying hens housed in commercial egg production which are in addition to or different than those made under this chapter may not be imposed by any State or local jurisdiction. Otherwise the provisions of this chapter shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this chapter.”; and

(c) by inserting after subsection (e), as redesignated by subsection (a), the following new subsection:

“(f) ROLE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE.—With respect to eggs produced, shipped, handled, transported or received in California prior to the date that is 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall delegate to the California Department of Food and Agriculture the authority to enforce sections 7A(a)(3), 7A(b)(3), 8(c)(3), and 11.”.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect upon enactment.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3245. A bill to permanently reauthorize the EB-5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J-1 Visa Waiver Program; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to be joined by Senator GRASSLEY, in introducing legislation that will permanently authorize four expiring immigration programs. I

thank Senator GRASSLEY for working with me on this needed legislation.

The bill we introduce will permanently authorize the EB-5 Regional Center Program, the voluntary E-Verify electronic work authorization program, the State 30 J-1 Visa program that Senator CONRAD champions and the Special Immigrant Nonminister Religious Worker Program that is so important to Senator HATCH. All of these programs have been in temporary status for many years, and the time has come for Congress to make them permanent so that the proponents of these programs can get to work building upon the benefits these programs bring to communities across the country. Permanency for these programs will strengthen our economy, create jobs, and enhance the security of American workers. Permanency will help medically underserved areas obtain talented physicians and religious institutions welcome individuals from around the world to participate in good works. These programs serve diverse and important interests in America, and should become permanent fixtures in our immigration law.

I am particularly pleased that the EB-5 Regional Center Program is a part of this package. With permanency, I believe this program can become an even greater economic driver than it has been in communities across the United States. Making the program permanent will also create a solid foundation for me and others interested in its success to begin in earnest to make improvements and reforms that will make it more business friendly, more predictable and stable for investors, and will provide U.S. Citizenship and Immigration Services with the tools it needs to ensure that the program meets the highest standards of quality and integrity. There is little reason that this program should not continue to improve as a deficit-neutral source of capital investment and job creation across America.

I hope our introduction of this legislation today is the beginning of a strong bipartisan effort to make these programs permanent. I look forward to working with Senator GRASSLEY and others to accomplish this goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT REAUTHORIZATION OF EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place such term appears; and

(2) in subsection (b), by striking “until September 30, 2012”.

SEC. 2. PERMANENT REAUTHORIZATION OF E VERIFY.

(a) IN GENERAL.—Section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in subsection (a), by striking “pilot”;

(2) in subsection (b)—

(A) by striking “the pilot programs” and inserting “the programs required under this subtitle”; and

(B) by striking “Unless the Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2012.”; and

(3) in subsection (d)—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (4), (1), (5), (2), (3), (7), and (6), respectively; and

(B) by amending paragraph (4), as redesignated, to read as follows:

“(4) PROGRAM.—The term ‘program’ means any of the 3 programs provided for under this subtitle.”.

(b) CONFORMING AMENDMENTS.—Subtitle A of title IV of division C of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in section 402, by striking “pilot” each place such term appears; and

(2) in section 403(a)(2)—

(A) in subparagraph (A), by amending clause (i) to read as follows:

“(i) A document referred to in section 274A(b)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)(ii)) shall be designated by the Secretary of Homeland Security as suitable for the purpose of identification in a program provided for under this subtitle.”; and

(B) in subparagraph (B), by striking “pilot”.

SEC. 3. PERMANENT REAUTHORIZATION OF SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—

(1) in subclause (II), by striking “before September 30, 2012.”; and

(2) in subclause (III), by striking “before September 30, 2012.”.

SEC. 4. PERMANENT REAUTHORIZATION OF CONRAD STATE 30 J-1 VISA WAIVER PROGRAM.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “and before September 30, 2012”.

By Ms. SNOWE:

S. 3246. A bill to improve the Service Corps of Retired Executives, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to strengthen the resources and support that we provide to entrepreneurs, and to strengthen oversight of the SCORE program.

In 1964, the Small Business Administration recognized that retired business executives who volunteered to share their knowledge and expertise could be invaluable to entrepreneurs. From this, SCORE was established and has since grown to over 360 chapters across America. As with any type of

growth, there comes an essential need for increased organization and oversight. This bill seeks to assist the SBA and SCORE with just that.

The key to getting our nation on the road to economic recovery lies in the hands of small business, which is why I am always looking for ways to improve the SBA's entrepreneurial assistance programs. By creating a SCORE Advisory Board which functions to monitor and develop initiatives for programs affecting SCORE chapters, we can ensure that entrepreneurs in all areas of our economy are served by high-quality mentoring services. Specifically, this board is comprised of six members coming from the owners and employees of small businesses themselves, in addition to current members of SCORE chapters.

While some may argue that funding for SCORE should be increased, in this budget environment, where Federal revenues and spending are misaligned to the tune of \$1.1 trillion this year alone, we must find ways to be more efficient with existing resources. I am hopeful that with administrative reforms and increased transparency, we can make the SCORE program more cost effective, while maintaining its vital assistance to small businesses.

For example, there is currently no oversight for funding allocations to individual SCORE chapters. In the past three fiscal years, only \$2.5 million of the \$7 million appropriated to SCORE has been distributed to the SCORE districts and chapters. The bulk of their funding, \$4.5 million, has been spent on staffing, administrative expenses, technology, and overhead. As a non-profit organization, SCORE seeks to support small businesses across the country with thousands of volunteers but only very limited resources. It is imperative that there are transparent and fair practices in place for allocation of SBA funding to best provide for these small businesses. Therefore, my bill requires the creation of an Allocation Committee, comprised of Advisory Board members who will ensure that not less than 50 percent of SCORE's total allocation goes to the districts and chapters that directly serve small business clients.

To safeguard funds appropriated to SCORE, my bill also places a limit on the taxpayer funded salary of SCORE's CEO, which according to the latest Internal Revenue Service filing, is 43 percent higher than that of the SBA's Administrator, who oversees the entire agency, including SCORE. This bill establishes in statute that the SCORE CEO follow the salary cap of a Senior Executive Service level Federal employee, ensuring that more money is available for the small businesses driving our economy. Additionally, this bill proposes to limit the Federal share of this salary even further when that CEO serves in a leadership capacity on a foundation affiliated with SCORE.

Through the Advisory Board and its Allocation Committee, we will add much needed improvements to an already successful program. By enhancing integration between SCORE chapters and the SBA, small businesses will have even more support to sustain their contributions to our recovering economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “SCORE Program Improvement Act of 2012”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “SCORE” means the Service Corps of Retired Executives established under section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(3) the term “SCORE Advisory Board” means the SCORE Advisory Board established under section 101 of this Act;

(4) the term “SCORE chapter” means a chapter of the Service Corps of Retired Executives; and

(5) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—SCORE ADVISORY BOARD

SEC. 101. ESTABLISHMENT OF ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established the SCORE Advisory Board.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The SCORE Advisory Board shall be composed of 6 members, who shall be appointed from among individuals having outstanding qualifications and known to be familiar with and sympathetic to the needs and problems of small business concerns.

(2) LIMITATIONS.—Of the individuals appointed under paragraph (1)—

(A) not more than 3 may be members of a SCORE chapter; and

(B) 3 shall be owners or employees of small business concerns or members of an association that represents small business concerns.

(3) PROHIBITION.—The members of the SCORE Advisory Board may not be employees of the Federal Government.

(4) DATE.—The appointments of the members of the SCORE Advisory Board shall be made not later than 90 days after the date of enactment of this Act.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the SCORE Advisory Board shall be appointed for a term of 3 years.

(2) FIRST MEMBERS.—Of the members first appointed to the SCORE Advisory Board—

(A) 2 shall be appointed for a term of 4 years, of whom 1 shall be a member described in subsection (b)(2)(A) and 1 shall be a member described in subsection (b)(2)(B);

(B) 2 shall be appointed for a term of 3 years, of whom 1 shall be a member described in subsection (b)(2)(A) and 1 shall be a member described in subsection (b)(2)(B); and

(C) 2 shall be appointed for a term of 2 years, of whom 1 shall be a member described in subsection (b)(2)(A) and 1 shall be a member described in subsection (b)(2)(B).

(d) **VACANCIES.**—

(1) **IN GENERAL.**—A vacancy on the SCORE Advisory Board shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(2) **FILLING UNEXPIRED TERM.**—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(e) **INITIAL MEETING.**—Not later than 60 days after the date on which all members of the SCORE Advisory Board have been appointed, the SCORE Advisory Board shall hold its first meeting.

(f) **MEETINGS.**—The SCORE Advisory Board shall meet—

(1) not less frequently than semiannually; and

(2) at the call of the Chairman.

(g) **QUORUM.**—A majority of the members of the SCORE Advisory Board shall constitute a quorum, but a lesser number of members may hold hearings.

(h) **CHAIRMAN.**—The SCORE Advisory Board shall select a Chairman from among its members.

SEC. 102. DUTIES OF THE SCORE ADVISORY BOARD.

(a) **DUTIES.**—The SCORE Advisory Board shall—

(1) review and monitor plans and programs developed in the public and private sector which affect SCORE chapters;

(2) provide advice on improving coordination between plans and programs described in paragraph (1);

(3) advise SCORE chapters on the use of Federal funds allocated to SCORE;

(4) develop and promote initiatives, policies, programs, and plans designed to assist with the mentoring services offered by SCORE chapters throughout the United States; and

(5) advise the Administrator on the development and implementation of an annual comprehensive plan under subsection (b).

(b) **DEVELOPMENT OF PLAN.**—The Administrator shall develop and implement an annual comprehensive plan for joint efforts by the public and private sectors to facilitate the formation and development of mentoring by SCORE volunteers.

(c) **ANNUAL REPORT.**—Not later than 30 days after the end of each fiscal year, the SCORE Advisory Board shall submit to the President, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report that contains—

(1) the minutes of each meeting of the SCORE Advisory Board during the fiscal year to which the report relates;

(2) a detailed description of the activities of the SCORE Advisory Board during the fiscal year to which the report relates, including how the SCORE Advisory Board carried out the duties described in subsection (a);

(3) recommendations for promoting SCORE chapters and mentoring services; and

(4) any concurring or dissenting views of the Administrator.

SEC. 103. POWERS OF THE SCORE ADVISORY BOARD.

(a) **HEARINGS.**—The SCORE Advisory Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the SCORE Advisory Board considers advisable to carry out this Act.

(b) **TASK GROUPS.**—The SCORE Advisory Board may establish a temporary task group to carry out any duty of the SCORE Advisory Board described in section 4.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The SCORE Advisory Board may secure directly from any Federal department or agency such information as the SCORE Advisory Board considers necessary to carry out this Act. Upon request of the Chairman of the SCORE Advisory Board, the head of such department or agency shall furnish such information to the SCORE Advisory Board.

(d) **POSTAL SERVICES.**—The SCORE Advisory Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) **GIFTS.**—The SCORE Advisory Board may accept, use, and dispose of gifts or donations of services or property.

SEC. 104. SCORE ADVISORY BOARD PERSONNEL MATTERS.

(a) **COMPENSATION.**—Members of the SCORE Advisory Board shall not be compensated for services performed on behalf of the SCORE Advisory Board.

(b) **TRAVEL EXPENSES.**—The members of the SCORE Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the SCORE Advisory Board.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the SCORE Advisory Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 105. INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE SCORE ADVISORY BOARD.

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the SCORE Advisory Board.

SEC. 106. FUNDING.

The expenses of the SCORE Advisory Board, including expenses relating to personnel, as described in section 104, shall be paid by SCORE, from amounts made available to SCORE to carry out section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)).

TITLE II—FINANCIAL REFORMS

SEC. 201. REAUTHORIZATION.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by redesignating subsection (j) as subsection (f); and

(2) by adding at the end the following:

“(g) **SCORE PROGRAM.**—The Administrator may make grants and enter into cooperative agreements to carry out the SCORE program authorized by section 8(b)(1) in a total amount that does not exceed \$7,000,000 for each of fiscal years 2013, 2014, and 2015.”

SEC. 202. CHIEF EXECUTIVE OFFICER OF SCORE.

(a) **LIMITATION ON AMOUNT OF SALARY.**—The rate of basic pay of the chief executive officer of SCORE may not exceed the maximum rate of basic pay established under section 5382 of title 5, United States Code, for a position in the Senior Executive Service.

(b) **FEDERAL SHARE OF SALARY.**—For any year during which the chief executive officer of SCORE serves in a leadership capacity on a foundation affiliated with SCORE, the Federal share of the basic pay of the chief executive officer of SCORE may not exceed 80 percent.

SEC. 203. ALLOCATION COMMITTEE.

(a) **ESTABLISHMENT.**—SCORE shall establish a committee to determine the amount allocated each year to each SCORE chapter.

(b) **MEMBERS.**—The members of the committee established under subsection (a) shall include—

(1) 1 member of the staff of SCORE who is not the chief executive officer of SCORE; and

(2) not fewer than 4 members of the SCORE Advisory Board.

SEC. 204. ALLOCATION OF AMOUNTS.

SCORE shall establish a method for allocating amounts received by SCORE from the Federal Government, which shall—

(1) ensure that not less than 50 percent of the amounts are allocated to SCORE chapters; and

(2) be subject to the approval of the Administrator and the committee established under section 203.

SEC. 205. GAO STUDY AND REPORT.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of the technology activities of SCORE that includes an examination of each expenditure by SCORE for technology activities and the result of each such expenditure.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress and the Administrator a report that contains—

(1) a detailed description of the amounts SCORE has expended for technology activities, including how SCORE expended Federal funds to carry out and sustain technology initiatives during the 4-year period ending on the date of enactment of this Act;

(2) a determination of whether SCORE has expended Federal funds efficiently and effectively to carry out technology activities;

(3) an evaluation of—

(A) how well SCORE has met objectives relating to technology spending; and

(B) the policy that resulted in the establishment of objectives relating to technology spending; and

(4) recommendations for actions by SCORE to achieve objectives relating to technology spending while safeguarding Federal funds.

By Mr. ENZI (for himself, Mr. JOHNSON of South Dakota, Mr. CONRAD, Mr. HOEVEN, Mr. THUNE, Mr. BENNET, Mr. UDALL of Colorado, Mr. MORAN, Mr. UDALL of New Mexico, Mr. JOHANNIS, and Mr. WHITEHOUSE):

S. 3248. A bill to designate the North American bison as the national mammal of the United States; to the Committee on the Judiciary.

Mr. ENZI. Mr. President, I wish to provide a few comments regarding the introduction of the Bison Legacy Act. Senator TIM JOHNSON of South Dakota and I are introducing this legislation today because of the significant role the North American Bison has played in the history of our Nation. This bill honors that legacy by designating the bison as the national mammal of the United States.

The bison has been integrally linked to the economic and spiritual lives of many Native American tribes over the centuries. Since our frontier days, the bison has become a symbol of American strength and determination. The Department of Interior has depicted

the bison on its official seal for 94 years and the buffalo nickel played an important role in modernizing our currency in the early 20th century. At one point in American history, bison were brought in to graze outside the original Smithsonian building here in Washington, DC.

I must also add that my home State of Wyoming is one of three states that recognize the bison as its official state mammal and has honored an image of a bison on the Wyoming state flag since it was first adopted in 1917. Today, thousands of American bison freely roam Yellowstone and Grand Teton National Park in Wyoming. The bison is also important to our state's economic well-being with a growing number of ranchers raising bison for consumers all over the world.

This bill is supported by a wide variety of stakeholders. I want to recognize the National Bison Association who represents the interests of the bison ranchers in nearly every single State. Also behind this bill is the Intertribal Bison Council supporting the cultural role the bison has played in Native American history. Finally, there is the Wildlife Conservation Society who wishes to honor the restoration of bison in North America since the 19th century.

I ask my colleagues to help me support and pass this legislation honoring the bison and designating it as our national mammal. The bison has and will continue to be a symbol of America, its people and a way of life.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 3253. A bill to amend the Small Business Investment Act of 1958 to enhance the Small Business Investment Company Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as National Small Business Week is coming to a close, I come to the floor today to make a strong commitment that the Senate Committee on Small Business and Entrepreneurship will not lose momentum on our relentless push to help America's small businesses grow, thrive, and excel. So today, along with the senior senator from Maine, I am introducing the Expanding Access to Capital for Entrepreneurial Leaders Act, or the EXCEL Act. This legislation will enhance the already successful Small Business Investment Company, SBIC, program at the Small Business Administration, SBA, that has helped over 100,000 small businesses. The best part of our bill is that the EXCEL Act should not cost the taxpayer anything.

The SBA runs a venture capital program by guaranteeing money borrowed by qualified investment funds who invest in small businesses. The qualified funds, or Small Business Investment

Companies, SBICs, are privately owned and operated, but licensed and regulated by the SBA. Using a combination of private investments and the loans guaranteed by the SBA, typically at a ratio of \$2 in guaranteed funds for every \$1 of private capital, SBICs make long-term investments in American small businesses. In order to participate in the program, funds pay licensing fees which serve to cover all SBIC program costs. As a result, the core SBIC program, Debenture SBICs, not only boasts a strong success rate, but also incurs no cost to the U.S. government. Since the program's inception, over \$50 billion has been invested in over 100,000 small businesses.

The Ranking Member of the Small Business Committee and I conducted a roundtable with 14 participants from the SBA, SBICs, investors in SBICs, and small businesses to elicit suggestions on enhancing the program. Out of that was born the EXCEL Act.

The EXCEL Act is a bipartisan effort encompassing much-needed changes that will allow the SBIC program to meet growing demand and will make improvements so that more small businesses can access capital.

The first thing the EXCEL Act does is raises the SBIC program authorization level from \$3 billion to \$4 billion and pegs it to inflation. This change is long overdue—the ceiling has been at \$3 for some time, despite inflation and the impressive growth in the SBIC program. To illustrate: the program grew 50 percent in FY2011 alone. In order to meet demand, we need to give the program room to grow.

Secondly, the EXCEL Act will encourage successful investors by raising the limit on "families of funds." Family of funds refers to a team of SBIC fund managers who operate several funds. These are currently limited to \$225 million of SBA-guaranteed debt. However, SBIC fund managers who manage more than one fund generally see better investment results. The EXCEL Act will encourage that kind of success by giving families of funds a higher limit of \$350 million, which will be indexed to inflation.

Next, the EXCEL Act improves transparency and accountability in the program. The legislation requires that the SBA make public how effective individual SBICs are in their small business investments, guaranteeing that SBA-backed money is being used responsibly.

Finally, the EXCEL Act promotes outreach, thereby ensuring that the maximum possible number of small businesses can benefit from the SBIC program. The legislation encourages outreach to community banks and other lenders, states and municipalities, and asks the SBA to make their SBIC website more user-friendly.

The EXCEL Act contains a number of common sense provisions supported

across the aisle, and is sponsored by the Chair and Ranking Member of the Small Business Committee. It enhances a program with proven success in providing capital to small businesses, and does so with the expectation that it will not add a dime to the deficit. Let us get this bill passed. Let us help small businesses excel.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 472—DESIGNATING OCTOBER 7, 2012, AS "OPERATION ENDURING FREEDOM VETERANS DAY"

Mr. ENZI (for himself, Ms. AYOTTE, Mr. BLUMENTHAL, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 472

Whereas the initial volley of Operation Enduring Freedom took place in Afghanistan on October 7, 2001, and October 7, 2012, marks the eleventh anniversary of the war;

Whereas Operation Enduring Freedom, launched in response to the terrorist attacks committed against the United States on September 11, 2001, targeted al-Qaida and the Taliban protectors of al-Qaida in Afghanistan;

Whereas Operation Enduring Freedom is the longest ongoing war in which the United States is involved;

Whereas the wounded warriors who have served in Operation Enduring Freedom carry the scars of war, both seen and unseen;

Whereas nearly 1,800 patriots in the United States Armed Forces have made the ultimate sacrifice while serving in Afghanistan;

Whereas the war in Afghanistan should not fade from the hearts and minds of the people of the United States; and

Whereas the ongoing sacrifices made by the men and women of the Armed Forces should be recognized and honored: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 7, 2012, as "Operation Enduring Freedom Veterans Day";

(2) honors the brave men and women who gave their lives while serving the United States in Operation Enduring Freedom; and

(3) encourages the people of the United States to salute the more than half a million men and women who have served bravely in Afghanistan to preserve our shared security and freedom.

SENATE RESOLUTION 473—COMMENDING ROTARY INTERNATIONAL AND OTHERS FOR THEIR EFFORTS TO PREVENT AND ERADICATE POLIO

Mr. DURBIN (for himself, Mr. KIRK, Mr. BROWN of Ohio, Mr. MENENDEZ, Mr. LUGAR, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 473

Whereas polio is a highly infectious disease that primarily affects children and for which there is no known cure;

Whereas polio can leave survivors permanently disabled from muscle paralysis of the

limbs and occasionally leads to a particularly difficult death through the paralysis of respiratory muscles;

Whereas polio was once one of the most dreaded diseases in the United States, killing thousands annually in the late 19th and early 20th centuries and leaving thousands more with permanent disability, including the 32nd President of the United States, Franklin Delano Roosevelt;

Whereas severe polio outbreaks in the 1940s and 1950s caused panic in the United States, as parents kept children indoors, public health officials quarantined infected individuals, and the Federal Government restricted commerce and travel;

Whereas 1952 was the peak of the polio epidemic in the United States, with more than 57,000 people affected, 21,000 of whom were paralyzed and 3,000 of whom died;

Whereas safe and effective polio vaccines, including the Inactivated Polio Vaccine (commonly known as “IPV”), developed in 1952 by Jonas Salk, and the Oral Polio Vaccine (commonly known as “OPV”), developed in 1957 by Albert Sabin, rendered polio preventable and contributed to the rapid decline of polio incidence in the United States;

Whereas polio, a preventable disease that the United States has been free from since 1979, still needlessly lays victim to children and adults in several countries where challenges such as active conflict and lack of infrastructure hamper access to vaccines;

Whereas the eradication of polio is the highest priority of Rotary International, a global association that was founded in 1905 in Chicago, Illinois, is currently headquartered in Evanston, Illinois, and has 1,200,000 members in more than 170 countries; Whereas Rotary International and its members (commonly known as “Rotarians”) have contributed more than \$1,000,000,000 and volunteered countless hours in the global fight against polio;

Whereas the Federal Government is the leading public sector donor to the Global Polio Eradication Initiative and provides technical and operational leadership to this global effort through the work of the Centers for Disease Control and the United States Agency for International Development;

Whereas Rotary International, the World Health Organization, the United States Government, the United Nations Children’s Fund (commonly known as “UNICEF”), and the Bill and Melinda Gates Foundation have joined together with national governments to successfully reduce cases of polio by more than 99 percent since 1988, from 350,000 reported cases in 1988 to fewer than 700 reported cases in 2011;

Whereas polio was recently eliminated in India and is now endemic only in Nigeria, Pakistan, and Afghanistan; and

Whereas the eradication of polio is imminently achievable and will be a victory shared by all of humanity: Now, therefore, be it

Resolved, That the Senate—

(1) commends Rotary International and others for their efforts in vaccinating children around the world against polio and for the tremendous strides made toward eradicating the disease once and for all;

(2) encourages the international community of governments and non-governmental organizations to remain committed to the elimination of polio; and

(3) encourages continued commitment and funding by the United States Government to the global effort to rid the world of polio.

SENATE RESOLUTION 474—RECOGNIZING THE SIGNIFICANCE OF MAY 2012 AS ASIAN-PACIFIC AMERICAN HERITAGE MONTH AND THE IMPORTANCE OF CELEBRATING THE SIGNIFICANT CONTRIBUTIONS OF ASIAN-AMERICANS AND PACIFIC ISLANDERS TO THE HISTORY OF THE UNITED STATES

Mr. AKAKA (for himself, Mr. INOUE, Mr. REID, Mr. BEGICH, Mrs. MURRAY, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 474

Whereas the United States joins together each May to pay tribute to the contributions of generations of Asian-Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian-Americans and Pacific Islanders in the United States is inextricably tied to the story of the United States;

Whereas the Asian-American and Pacific Islander community is an inherently diverse population, comprised of over 45 distinct ethnicities and over 100 language dialects;

Whereas according to the United States Census Bureau, the Asian-American population grew faster than any other racial or ethnic group over the last decade, surging nearly 46 percent between 2000 and 2010, which is a growth rate 4 times faster than the total United States population;

Whereas the 2010 decennial census estimated that there are 17,300,000 United States residents who identify as Asian and 1,200,000 United States residents who identify as Native Hawaiian and Other Pacific Islander, making up nearly 6 percent of the total United States population;

Whereas the month of May was selected for Asian-Pacific American Heritage Month because the first Japanese immigrants arrived in the United States on May 7, 1843, and the first transcontinental railroad was completed on May 10, 1869, with substantial contributions from Chinese immigrants;

Whereas the year 2012 marks several important historic milestones for the Asian American and Pacific Islander community, including the—

(1) 20th anniversary of the formal establishment of Asian-Pacific American Heritage Month;

(2) 30th anniversary of the unpunished murder of Vincent Chin;

(3) 70th anniversary of the signing of Executive Order 9066, which authorized the internment of Japanese-Americans;

(4) 100th anniversary of the planting of the first cherry tree in Washington, D.C. from Japan;

(5) 130th anniversary of the enactment of the Act entitled “An Act to execute certain treaty stipulations relating to Chinese”, approved May 6, 1882 (22 Stat. 58, chapter 126); and

(6) 150th anniversary of the enactment of the Act of July 1, 1862 (12 Stat. 489, chapter 120), which promoted the construction of the transcontinental railroad;

Whereas section 102 of title 36, United States Code, officially designates May as Asian-Pacific American Heritage Month and requests the President to issue each year a proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian-Americans and Pacific Islanders, is composed of a record high 41 Members in 2012;

Whereas today, Asian-Americans and Pacific Islanders are serving in State legislatures across the United States, in States as diverse as Alaska, Arizona, California, Connecticut, Georgia, Hawaii, Idaho, Maryland, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, Utah, and Washington;

Whereas the commitment of the United States to diversity in the judiciary has been demonstrated by the nominations of high-caliber Asian-American and other minority jurists at all levels of the Federal bench;

Whereas there still remains much to be done to ensure that Asian-Americans and Pacific Islanders have access to resources, a voice in the Federal Government, and continue to advance in the political landscape of the United States; and

Whereas celebrating May 2012 as Asian-Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of, and address the challenges faced by, Asian-Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the significance of May 2012 as Asian-Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian-Americans and Pacific Islanders to the history of the United States; and

(2) that the Asian-American and Pacific Islander community enhances the rich diversity of, and strengthens, the United States.

SENATE RESOLUTION 475—RELATING TO THE DEATH OF THE HONORABLE E. JAMES ABDNOR, FORMER UNITED STATES SENATOR AND CONGRESSMAN FROM THE STATE OF SOUTH DAKOTA

Mr. THUNE (for himself, Mr. JOHNSON of South Dakota, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr.

PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 475

Whereas James Abdnor was born in Kennebec, South Dakota, on February 13, 1923, and was the son of an immigrant from Lebanon who peddled and homesteaded in Lyman County, South Dakota;

Whereas James Abdnor enlisted in the United States Army during World War II, farmed in Kennebec after graduating from the University of Nebraska in 1945, and later taught and coached in neighboring Presheo;

Whereas James Abdnor served as Chairman of the Lyman County Young Republicans in 1950, Chairman of the State Young Republicans from 1950 to 1952, and Farm Chairman of the Young Republican National Federation from 1953 to 1955;

Whereas James Abdnor served as the First Assistant Chief Clerk of the South Dakota House of Representatives during the legislative sessions of 1951, 1953, and 1955;

Whereas James Abdnor was elected to the South Dakota Senate in 1956, where he served until his election as the 30th Lieutenant Governor of the State of South Dakota, a position he served in from 1969 through 1971;

Whereas James Abdnor was elected to the United States House of Representatives for the 93rd United States Congress in 1972 and served a total of 4 consecutive terms, representing the Second Congressional District of South Dakota;

Whereas James Abdnor served on the Committee on Public Works of the House of Representatives, the Committee on Veterans' Affairs of the House of Representatives, and the Select Committee on Aging of the House of Representatives;

Whereas James Abdnor was elected to the United States Senate for the 97th United States Congress in 1980 and was appointed Chairman of 3 subcommittees on his first day, including the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations of the Senate, the Subcommittee on Water Resources of the Committee on Environment and Public Works of the Senate, and the Subcommittee on Agriculture and Transportation of the Joint Economic Committee;

Whereas James Abdnor was appointed Vice Chairman of the Joint Economic Committee and served on the Committee on Indian Affairs of the Senate;

Whereas James Abdnor was a voice for the rural United States in Congress, where he advocated for family farms and small business, rural water systems and electrification, a balanced budget, and small-town values;

Whereas James Abdnor was appointed by President Ronald Reagan to serve as the Administrator of the United States Small Business Administration from 1987 to 1989 following his service in the United States Congress;

Whereas James Abdnor will be remembered for his humble service to his constituents, dedication to the youth of South Dakota, and defining influence on South Dakota politics; and

Whereas the hallmarks of James Abdnor's public service were his integrity, kindness, respect for the common man, and love for South Dakota: Now, therefore, be it

Resolved, That—

(1) the Senate expresses profound sorrow and deep regret regarding the death of the Honorable James Abdnor, former member of the United States Senate and House of Representatives for the State of South Dakota, on May 16, 2012;

(2) the Senate respectfully requests that the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stand adjourned as a further mark of respect to the memory of the Honorable James Abdnor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2153. Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. ENZI, Mr. BARRASSO, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORNYN, Mr. HELLER, Mr. INHOPE, Mr. ISAKSON, Mr. JOHANNES, Mr. ROBERTS, Mrs. HUTCHISON, Mr. RUBIO, Ms. AYOTTE, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 2343, to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

SA 2154. Mr. REID (for Mr. JOHNSON of South Dakota) proposed an amendment to the bill H.R. 5740, to extend the National Flood Insurance Program, and for other purposes.

SA 2155. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill S. 739, to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

TEXT OF AMENDMENTS

SA 2153. Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. ENZI, Mr. BARRASSO, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORNYN, Mr. HELLER, Mr. INHOPE, Mr. ISAKSON, Mr. JOHANNES, Mr. ROBERTS, Mrs. HUTCHISON, Mr. RUBIO, Ms. AYOTTE, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 2343, to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interest Rate Reduction Act".

SEC. 2. INTEREST RATE EXTENSION.

Subparagraph (D) of section 455(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)(D)) is amended—

(1) in the matter preceding clause (i), by striking "2012" and inserting "2013"; and

(2) in clause (v), by striking "2012" and inserting "2013".

SEC. 3. REPEALING PREVENTION AND PUBLIC HEALTH FUND.

(a) IN GENERAL.—Section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

SEC. 4. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2154. Mr. REID (for Mr. JOHNSON of South Dakota) proposed an amendment to the bill H.R. 5740, to extend the National Flood Insurance Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012" and inserting "July 31, 2012".

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012" and inserting "July 31, 2012".

SEC. 2. EXCLUSION OF VACATION HOMES AND SECOND HOMES FROM RECEIVING SUBSIDIZED PREMIUM RATES.

(a) IN GENERAL.—Section 1307(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)) is amended by inserting before "and" the following: "and", except that the Administrator shall not estimate rates under this paragraph for any residential property which is not the primary residence of an individual".

(b) PHASE-OUT OF SUBSIDIZED PREMIUM RATES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking "under this title for any properties within any single" and inserting the following: "under this title for—

"(1) any properties within any single"; and

(2) by striking the period at the end and inserting the following: "and

"(2) any residential properties which are not the primary residence of an individual, as described in section 1307(a)(2), shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1)."

(c) EFFECTIVE DATE.—The first increase in chargeable risk premium rates for residential properties which are not the primary residence of an individual under section 1308(e)(2) of the National Flood Insurance Act of 1968, as added by this Act, shall take effect on July 1, 2012, and the chargeable risk premium rates for such properties shall be increased by 25 percent each year thereafter, as provided in such section 1308(e)(2).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement

titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2155. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill S. 739, to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; as follows:

On page 4, strike lines 14 through 19, and insert the following:

(e) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(2) AVOIDING SUBSIDY.—

(A) DETERMINATION.—Not later than 3 years after the date of enactment of this Act and every 3 years thereafter, the Architect of the Capitol shall submit a report to the Committee on Rules and Administration of the Senate determining whether Senators and covered employees using battery charging stations as authorized by this Act are receiving a subsidy from the taxpayers.

(B) MODIFICATION OF RATES AND FEES.—If a determination is made under subparagraph (A) that a subsidy is being received, the Architect of the Capitol shall submit a plan to the Committee on Rules and Administration of the Senate on how to update the program to ensure no subsidy is being received. If the committee does not act on the plan within 60 days, the Architect of the Capitol shall take appropriate steps to increase rates or fees to ensure reimbursement for the cost of the program consistent with an appropriate schedule for amortization, to be charged to those using the charging stations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 24, 2012, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 24, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 24, 2012, at 10 a.m., to conduct a

committee hearing entitled "The Responsible Homeowner Refinancing Act of 2012."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2012, at 10:30 a.m., to hold a hearing entitled, "Ivory and Insecurity: The Global Implications of Poaching in Africa."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Indian Relations be authorized to meet during the session of the Senate on May 24, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled "Programs and Services for Native Veterans."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 24, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on May 24, 2012, at 10 a.m., to conduct a hearing entitled, "Innovating with Less: Examining Efforts to Reform Information Technology Spending."

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN THREAT REDUCTION ACT OF 2011

On Monday, May 21, 2012, the Senate passed H.R. 1905, as amended as follows:

H.R. 1905

Resolved, That the bill from the House of Representatives (H.R. 1905) entitled "An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.", do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Iran Sanctions, Accountability, and Human Rights Act of 2012".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN

Sec. 101. Policy of the United States with respect to development of nuclear weapons capabilities by Iran.

Sec. 102. Sense of Congress on enforcement of multilateral sanctions regime and expansion and implementation of sanctions laws.

Sec. 103. Diplomatic efforts to expand multilateral sanctions regime.

Sec. 104. Sense of Congress regarding the imposition of sanctions with respect to Iran.

TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN

Subtitle A—Expansion of Iran Sanctions Act of 1996

Sec. 201. Imposition of sanctions with respect to joint ventures with the Government of Iran relating to developing petroleum resources.

Sec. 202. Imposition of sanctions with respect to the provision of goods, services, technology, or support for the energy or petrochemical sectors of Iran.

Sec. 203. Imposition of sanctions with respect to joint ventures with the Government of Iran relating to mining, production, or transportation of uranium.

Sec. 204. Expansion of sanctions available under the Iran Sanctions Act of 1996.

Sec. 205. Expansion of definitions under the Iran Sanctions Act of 1996.

Subtitle B—Additional Measures Relating to Sanctions Against Iran

Sec. 211. Imposition of sanctions with respect to the provision of vessels or shipping services to transport certain goods related to proliferation or terrorism activities to Iran.

Sec. 212. Imposition of sanctions with respect to subsidiaries and agents of persons sanctioned by United Nations Security Council resolutions.

Sec. 213. Liability of parent companies for violations of sanctions by foreign subsidiaries.

Sec. 214. Disclosures to the Securities and Exchange Commission relating to sanctionable activities.

Sec. 215. Identification of, and immigration restrictions on, senior officials of the Government of Iran and their family members.

Sec. 216. Reports on, and authorization of imposition of sanctions with respect to, the provision of specialized financial messaging services to the Central Bank of Iran and other sanctioned Iranian financial institutions.

Sec. 217. Government Accountability Office report on foreign entities that invest in the energy sector of Iran or export refined petroleum products to Iran.

Sec. 218. Reporting on the importation to and exportation from Iran of crude oil and refined petroleum products.

TITLE III—SANCTIONS WITH RESPECT TO IRAN'S REVOLUTIONARY GUARD CORPS

Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran's Revolutionary Guard Corps and Other Sanctioned Persons

Sec. 301. Identification of, and imposition of sanctions with respect to, officials, agents, and affiliates of Iran's Revolutionary Guard Corps.

Sec. 302. Identification of, and imposition of sanctions with respect to, persons that support or conduct certain transactions with Iran's Revolutionary Guard Corps or other sanctioned persons.

Sec. 303. Rule of construction.

Subtitle B—Additional Measures Relating to Iran's Revolutionary Guard Corps

Sec. 311. Expansion of procurement prohibition to foreign persons that engage in certain transactions with Iran's Revolutionary Guard Corps.

Sec. 312. Determinations of whether the National Iranian Oil Company and the National Iranian Tanker Company are agents or affiliates of Iran's Revolutionary Guard Corps.

TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN

Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran

Sec. 401. Findings.

Sec. 402. Sense of Congress.

Sec. 403. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.

Sec. 404. Imposition of Sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.

Subtitle B—Additional Measures to Promote Human Rights in Iran

Sec. 411. Expedited consideration of requests for authorization of certain human rights-, humanitarian-, and democracy-related activities with respect to Iran.

Sec. 412. Comprehensive strategy to promote Internet freedom and access to information in Iran.

Sec. 413. Sense of Congress on political prisoners.

TITLE V—MISCELLANEOUS

Sec. 501. Exclusion of citizens of Iran seeking education relating to the nuclear and energy sectors of Iran.

Sec. 502. Technical correction.

Sec. 503. Interests in certain financial assets of Iran.

Sec. 504. Report on membership of Iran in international organizations.

Sec. 505. Increased capacity for efforts to combat unlawful or terrorist financing.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Technical implementation; penalties.

Sec. 602. Applicability to certain intelligence activities.

Sec. 603. Rule of Construction with respect to use of force against Iran and Syria.

Sec. 604. Termination.

TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA

Sec. 701. Short title.

Sec. 702. Imposition of sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.

Sec. 703. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses.

Sec. 704. Imposition of sanctions with respect to persons who engage in censorship or other forms of repression in Syria.

Sec. 705. Waiver.

Sec. 706. Termination.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Successive Presidents of the United States have determined that the pursuit of nuclear weapons capabilities by the Government of Iran presents a danger to the United States, its friends and allies, and to global security.

(2) Successive Congresses have recognized the threat that the Government of Iran and its policies present to the United States, its friends and allies, and to global security, and responded with successive bipartisan legislative initiatives, including most recently the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) on July 1, 2010.

(3) If the Government of Iran achieves a nuclear weapons capability, it would pose a threat to the United States and allies and friends of the United States, particularly Israel, destabilize the Middle East, increase the threat of nuclear terrorism, and significantly undermine global nonproliferation efforts.

(4) The United States and its allies in the international community recognize the threat posed by the pursuit of nuclear weapons capabilities by the Government of Iran and have imposed significant sanctions against the Government of Iran, including through the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 in the United States and the adoption of a series of successive, increasingly stringent United Nations Security Council resolutions. While such efforts, together with others, have served to slow the development of Iran's nuclear program, they have not yet deterred Iran from its nuclear ambitions, and international efforts to do so must be intensified.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(2) CREDIBLE INFORMATION.—The term "credible information" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996, as amended by section 205 of this Act.

(3) KNOWINGLY.—The term "knowingly" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(4) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN

SEC. 101. POLICY OF THE UNITED STATES WITH RESPECT TO DEVELOPMENT OF NUCLEAR WEAPONS CAPABILITIES BY IRAN.

It shall be the policy of the United States—

(1) to prevent the Government of Iran from—
(A) acquiring or developing nuclear weapons;
(B) developing its advanced conventional weapons and ballistic missile capabilities; and

(C) continuing its support for terrorist organizations and other activities aimed at undermining and destabilizing its neighbors and other countries; and

(2) to fully implement all multilateral and bilateral sanctions against Iran, as part of larger multilateral and bilateral diplomatic efforts, in order to compel the Government of Iran—

(A) to abandon efforts to acquire a nuclear weapons capability;

(B) to abandon and dismantle its ballistic missile and unconventional weapons programs; and

(C) to cease all support for terrorist organizations and other terrorist activities aimed at undermining and destabilizing its neighbors and other countries.

SEC. 102. SENSE OF CONGRESS ON ENFORCEMENT OF MULTILATERAL SANCTIONS REGIME AND EXPANSION AND IMPLEMENTATION OF SANCTIONS LAWS.

It is the sense of Congress that the goal of compelling Iran to abandon efforts to acquire a nuclear weapons capability and other threatening activities can be effectively achieved through a comprehensive policy that includes economic sanctions, diplomacy, and military planning, capabilities and options, and that this objective is consistent with the one stated by President Barack Obama in the 2012 State of the Union Address: "Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal". Among these economic sanctions are—

(1) prompt enforcement of the current multilateral sanctions regime with respect to Iran;

(2) full, timely, and vigorous implementation of all sanctions enacted into law, including sanctions imposed or expanded by this Act or amendments made by this Act, through—

(A) intensified monitoring by the President and his designees, including the Secretary of the Treasury and the Secretary of State, along with senior officials in the intelligence community, as appropriate;

(B) more extensive use of extraordinary authorities provided for under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and other sanctions laws;

(C) reallocation of resources to provide the personnel necessary, within the Department of the Treasury, the Department of State, and the Department of Defense, and, where appropriate, the intelligence community, to apply and enforce sanctions; and

(D) expanded cooperation with international sanctions enforcement efforts;

(3) urgent consideration of the expansion of existing sanctions with respect to such areas as—

(A) the provision of energy-related services to Iran;

(B) the provision of insurance and reinsurance services to Iran;

(C) the provision of shipping services to Iran;

(D) those Iranian financial institutions not currently designated for the imposition of sanctions that may be acting as intermediaries for Iranian financial institutions that are designated for the imposition of sanctions; and

(4) a focus on countering Iran's efforts to evade sanctions, including—

(A) the activities of telecommunications, Internet, and satellite service providers, within and outside of Iran, to ensure that such providers are not participating in or facilitating, directly or indirectly, the evasion of the sanctions regime with respect to Iran or violations of the human rights of the people of Iran;

(B) the activities of financial institutions or other businesses or government agencies, within

or outside of Iran, not yet designated for the imposition of sanctions; and

(C) urgent and ongoing evaluation of Iran's energy, national security, financial, and telecommunications sectors, to gauge the effects of, and possible defects in, particular sanctions, with prompt efforts to correct any gaps in the existing sanctions regime with respect to Iran.

SEC. 103. DIPLOMATIC EFFORTS TO EXPAND MULTILATERAL SANCTIONS REGIME.

(a) **MULTILATERAL NEGOTIATIONS.**—In order to further the policy set forth in section 101, Congress urges the President to intensify diplomatic efforts, both in appropriate international fora such as the United Nations and bilaterally with allies of the United States, to expand the multilateral sanctions regime with respect to Iran, including—

(1) expanding the United Nations Security Council sanctions regime to include—

(A) a prohibition on the issuance of visas to any official of the Government of Iran who is involved in—

(i) human rights violations in or outside of Iran;

(ii) the development of a nuclear weapons program and a ballistic missile capability in Iran; or

(iii) support by the Government of Iran for terrorist organizations, including Hamas and Hezbollah; and

(B) a requirement that each member country of the United Nations prohibit the Islamic Republic of Iran Shipping Lines from landing at seaports, and cargo flights of Iran Air from landing at airports, in that country because of the role of those organizations in proliferation and illegal arms sales;

(2) expanding the range of sanctions imposed with respect to Iran by allies of the United States;

(3) expanding efforts to limit the development of petroleum resources and the importation of refined petroleum products by Iran;

(4) developing additional initiatives to—

(A) increase the production of crude oil in countries other than Iran; and

(B) assist countries that purchase or otherwise obtain crude oil or petroleum products from Iran to reduce their dependence on crude oil and petroleum products from Iran; and

(5) eliminating the revenue generated by the Government of Iran from the sale of petrochemical products produced in Iran to other countries.

(b) **REPORTS TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on the extent to which diplomatic efforts described in subsection (a) have been successful that includes—

(1) an identification of the countries that have agreed to impose additional sanctions or take other measures to further the policy set forth in section 101 and a description of those measures;

(2) an identification of the countries that have not agreed to impose such sanctions or measures;

(3) recommendations for additional measures that the United States could take to further the policy set forth in section 101; and

(4) a description of any decision by the World Trade Organization with respect to whether the imposition by any country of any sanction with respect to Iran is inconsistent with the obligations of that country as a member of the World Trade Organization or under the General Agreement on Tariffs and Trade, done at Geneva October 30, 1947.

SEC. 104. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that all efforts should be made by the President to maximize the

effects of existing sanctions with respect to Iran and the United States should take all necessary measures to preserve robust information-sharing activities.

TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN

Subtitle A—Expansion of Iran Sanctions Act of 1996

SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO JOINT VENTURES WITH THE GOVERNMENT OF IRAN RELATING TO DEVELOPING PETROLEUM RESOURCES.

Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in the subsection heading, by striking “WITH RESPECT TO” and all that follows through “TO IRAN” and inserting “RELATING TO THE ENERGY SECTOR OF IRAN”; and

(2) by adding at the end the following:

“(4) **JOINT VENTURES WITH IRAN RELATING TO DEVELOPING PETROLEUM RESOURCES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B) and subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly participates, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, in a joint venture with respect to the development of petroleum resources outside of Iran if—

“(i) the joint venture is established on or after January 1, 2002; and

“(ii)(I) the Government of Iran is a substantial partner or investor in the joint venture; or

“(II) Iran could, through a direct operational role in the joint venture or by other means, receive technological knowledge or equipment not previously available to Iran that could directly and significantly contribute to the enhancement of Iran's ability to develop petroleum resources in Iran.

“(B) **APPLICABILITY.**—Subparagraph (A) shall not apply with respect to participation in a joint venture established on or after January 1, 2002, and before the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012 if the person participating in the joint venture terminates that participation not later than the date that is 180 days after such date of enactment.”.

SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF GOODS, SERVICES, TECHNOLOGY, OR SUPPORT FOR THE ENERGY OR PETROCHEMICAL SECTORS OF IRAN.

Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), as amended by section 201, is further amended by adding at the end the following:

“(5) **SUPPORT FOR THE DEVELOPMENT OF PETROLEUM RESOURCES AND REFINED PETROLEUM PRODUCTS IN IRAN.**—

“(A) **IN GENERAL.**—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—

“(i) any of which has a fair market value of \$1,000,000 or more; or

“(ii) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

“(B) **GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.**—Goods, services, technology,

or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or enhancement of Iran's—

“(i) ability to develop petroleum resources located in Iran; or

“(ii) domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries or directly associated infrastructure, including port facilities, railroads, or roads, if the predominant use of those facilities, railroads, or roads is for the transportation of refined petroleum products.

“(6) **DEVELOPMENT AND PURCHASE OF PETROCHEMICAL PRODUCTS FROM IRAN.**—

“(A) **IN GENERAL.**—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of Iran Sanctions, Accountability, and Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—

“(i) any of which has a fair market value of \$250,000 or more; or

“(ii) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more.

“(B) **GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.**—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products.”.

SEC. 203. IMPOSITION OF SANCTIONS WITH RESPECT TO JOINT VENTURES WITH THE GOVERNMENT OF IRAN RELATING TO MINING, PRODUCTION, OR TRANSPORTATION OF URANIUM.

Section 5(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) by striking “a person has, on or after” and inserting the following: “a person has—

“(A) on or after”;

(C) in subparagraph (A)(ii), as redesignated, by striking the period and inserting “; or”; and

(D) by adding at the end the following:

“(B) except as provided in paragraph (3), knowingly participated, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, in a joint venture—

“(i) with—

“(I) the Government of Iran;

“(II) an entity incorporated in Iran or subject to the jurisdiction of the Government of Iran; or

“(III) a person acting on behalf of or at the direction of, or owned or controlled by, the Government of Iran or an entity described in subclause (II); and

“(ii) that involves any activity relating to the mining, production, or transportation of uranium.”; and

(2) by adding at the end the following:

“(3) **APPLICABILITY OF SANCTIONS WITH RESPECT TO JOINT VENTURES RELATING TO THE MINING, PRODUCTION, OR TRANSPORTATION OF URANIUM.**—

“(A) **IN GENERAL.**—Paragraph (1)(B) shall apply with respect to participation, on or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, in—

“(i) a joint venture established on or after such date of enactment; and

“(ii) except as provided in subparagraph (B), a joint venture established before such date of enactment.

“(B) EXCEPTION.—Paragraph (1)(B) shall not apply with respect to participation in a joint venture described in subparagraph (A)(ii) if the person participating in the joint venture terminates that participation not later than the date that is 180 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012.”.

SEC. 204. EXPANSION OF SANCTIONS AVAILABLE UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) IN GENERAL.—Section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraph (9) as paragraph (11); and

(2) by inserting after paragraph (8) the following:

“(9) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person.

“(10) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to activities described in section 5 of the Iran Sanctions Act of 1996, as amended by this Act, commenced on or after such date of enactment.

SEC. 205. EXPANSION OF DEFINITIONS UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) IN GENERAL.—Section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended by adding at the end the following:

“(19) CREDIBLE INFORMATION.—The term ‘credible information’, with respect to a person—

“(A) includes—

“(i) a public announcement by the person that the person has engaged in an activity described in section 5; and

“(ii) information set forth in a report to stockholders of the person indicating that the person has engaged in such an activity; and

“(B) may include, in the discretion of the President—

“(i) an announcement by the Government of Iran that the person has engaged in such an activity; or

“(ii) information indicating that the person has engaged in such an activity that is set forth in—

“(I) a report of the Government Accountability Office, the Energy Information Administration, or the Congressional Research Service; or

“(II) a report or publication of a similarly reputable governmental organization.

“(20) PETROCHEMICAL PRODUCT.—The term ‘petrochemical product’ includes any aromatic, olefin, or synthesis gas, and any derivative of such a gas, including ethylene, propylene, butadiene, benzene, toluene, xylene, ammonia, methanol, and urea.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to activities described in section 5 of the Iran Sanctions Act of 1996, as amended by this

Act, commenced on or after such date of enactment.

Subtitle B—Additional Measures Relating to Sanctions Against Iran

SEC. 211. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF VESSELS OR SHIPPING SERVICES TO TRANSPORT CERTAIN GOODS RELATED TO PROLIFERATION OR TERRORISM ACTIVITIES TO IRAN.

(a) IN GENERAL.—Except as provided in subsection (c), if the President determines that a person, on or after the date of the enactment of this Act, knowingly provides a vessel, insurance or reinsurance, or any other shipping service for the transportation to or from Iran of goods that could materially contribute to the activities of the Government of Iran with respect to the proliferation of weapons of mass destruction or support for acts of international terrorism, the President shall, pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the persons specified in subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) PERSONS SPECIFIED.—The persons specified in this subsection are—

(1) the person that provided a vessel, insurance or reinsurance, or other shipping service described in subsection (a); and

(2) any person that—

(A) is a successor entity to the person referred to in paragraph (1);

(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) provided the vessel, insurance or reinsurance, or other shipping service; or

(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the provision of the vessel, insurance or reinsurance, or other shipping service.

(c) WAIVER.—The President may waive the requirement to impose sanctions with respect to a person under subsection (a) on or after the date that is 30 days after the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report that contains the reasons for that determination.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President to designate persons for the imposition of sanctions pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to the blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 212. IMPOSITION OF SANCTIONS WITH RESPECT TO SUBSIDIARIES AND AGENTS OF PERSONS SANCTIONED BY UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.

(a) IN GENERAL.—Section 104(c)(2)(B) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(B)) is amended—

(1) by striking “of a person subject” and inserting the following: “of—

“(i) a person subject”;

(2) in clause (i), as redesignated, by striking the semicolon and inserting “; or”; and

(3) by adding at the end the following:

“(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i);”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendments made by subsection (a).

SEC. 213. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term “own or control” means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(b) PROHIBITION.—Not later than 60 days after the date of the enactment of this Act, the President shall prohibit an entity owned or controlled by a United States person and established or maintained outside the United States from engaging in any transaction directly or indirectly with the Government of Iran or any person subject to the jurisdiction of that Government that would be prohibited by an order or regulation issued pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) if the transaction were engaged in by a United States person or in the United States.

(c) CIVIL PENALTY.—The civil penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a United States person to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if an entity owned or controlled by the United States person and established or maintained outside the United States violates, attempts to violate, conspires to violate, or causes a violation of any order or regulation issued to implement subsection (b).

(d) APPLICABILITY.—Subsection (c) shall not apply with respect to a transaction described in subsection (b) by an entity owned or controlled by a United States person and established or maintained outside the United States if the United States person divests or terminates its business with the entity not later than the date that is 180 days after the date of the enactment of this Act.

SEC. 214. DISCLOSURES TO THE SECURITIES AND EXCHANGE COMMISSION RELATING TO SANCTIONABLE ACTIVITIES.

(a) IN GENERAL.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

“(r) DISCLOSURE OF CERTAIN ACTIVITIES RELATING TO IRAN.—

“(1) IN GENERAL.—Each issuer required to file an annual or quarterly report under subsection

(a) shall disclose in that report the information required by paragraph (2) if, during the period covered by the report, the issuer or any affiliate of the issuer—

“(A) knowingly engaged in an activity described in section 5 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note);

“(B) knowingly engaged in an activity described in subsection (c)(2) of section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) or a transaction described in subsection (d)(1) of that section;

“(C) knowingly engaged in an activity described in section 105A(b)(2) of that Act; or

“(D) knowingly conducted any transaction or dealing with—

“(i) any person the property and interests in property of which are blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

“(ii) any person the property and interests in property of which are blocked pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters); or

“(iii) any person identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran).

“(2) INFORMATION REQUIRED.—If an issuer or an affiliate of the issuer has engaged in any activity described in paragraph (1), the issuer shall disclose a detailed description of each such activity, including—

“(A) the nature and extent of the activity;

“(B) the gross revenues and net profits, if any, attributable to the activity; and

“(C) whether the issuer or the affiliate of the issuer (as the case may be) intends to continue the activity.

“(3) NOTICE OF DISCLOSURES.—If an issuer reports under paragraph (1) that the issuer or an affiliate of the issuer has knowingly engaged in any activity described in that paragraph, the issuer shall separately file with the Commission, concurrently with the annual or quarterly report under subsection (a), a notice that the disclosure of that activity has been included in that annual or quarterly report that identifies the issuer and contains the information required by paragraph (2).

“(4) PUBLIC DISCLOSURE OF INFORMATION.—Upon receiving a notice under paragraph (3) that an annual or quarterly report includes a disclosure of an activity described in paragraph (1), the Commission shall promptly—

“(A) transmit the report to—

“(i) the President;

“(ii) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

“(iii) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(B) make the information provided in the disclosure and the notice available to the public by posting the information on the Internet website of the Commission.

“(5) INVESTIGATIONS.—Upon receiving a report under paragraph (4) that includes a disclosure of an activity described in paragraph (1) (other than an activity described in subparagraph (D)(iii) of that paragraph), the President shall—

“(A) initiate an investigation into the possible imposition of sanctions under the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), section 104 or 105A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, an Executive Order specified in clause (i) or (ii) of paragraph (1)(D), or any other provision of law relating to the im-

position of sanctions with respect to Iran, as applicable; and

“(B) not later than 180 days after initiating such an investigation, make a determination with respect to whether sanctions should be imposed with respect to the issuer or the affiliate of the issuer (as the case may be).

“(6) SUNSET.—The provisions of this subsection shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 180 days after the date of the enactment of this Act.

SEC. 215. IDENTIFICATION OF, AND IMMIGRATION RESTRICTIONS ON, SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN AND THEIR FAMILY MEMBERS.

(a) IDENTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall publish a list of each individual the President determines is—

(1) a senior official of the Government of Iran described in subsection (b) that is involved in Iran’s—

(A) illicit nuclear activities or proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) support for international terrorism; or

(C) commission of serious human rights abuses against citizens of Iran or their family members; or

(2) a family member of such an official.

(b) SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN DESCRIBED.—A senior official of the Government of Iran described in this subsection is any senior official of that Government, including—

(1) the Supreme Leader of Iran, Ali Khamenei; (2) the President of Iran, Mahmoud Ahmadinejad;

(3) a member of the Cabinet of the Government of Iran;

(4) a member of the Assembly of Experts;

(5) a senior member of the Intelligence Ministry of Iran; or

(6) a member of Iran’s Revolutionary Guard Corps with the rank of brigadier general or higher, including a member of a paramilitary organization such as Ansar-e-Hezbollah or Basij-e Motaz’afin.

(c) RESTRICTIONS ON VISAS AND ADJUSTMENTS IN IMMIGRATION STATUS.—Except as provided in subsection (d), the Secretary of State and the Secretary of Homeland Security may not grant an individual on the list required by subsection (a) immigration status in, or admit the individual to, the United States.

(d) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Subsection (c) shall not apply to an individual if admitting the individual to the United States is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947.

(e) WAIVER.—The President may waive the application of subsection (a) or (c) with respect to an individual if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) not less than 7 days before the waiver takes effect, notifies Congress of the waiver and the reason for the waiver.

SEC. 216. REPORTS ON, AND AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO, THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO THE CENTRAL BANK OF IRAN AND OTHER SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) providers of specialized financial messaging services are a critical link to the international financial system;

(2) the European Union is to be commended for strengthening the multilateral sanctions regime against Iran by deciding that specialized financial messaging services may not be provided to the Central Bank of Iran and other sanctioned Iranian financial institutions by persons subject to the jurisdiction of the European Union; and

(3) the loss of access by sanctioned Iranian financial institutions to specialized financial messaging services must be maintained.

(b) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains—

(A) a list of all persons that the Secretary has identified that directly provide specialized financial messaging services to, or enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(B) a detailed assessment of the status of efforts by the Secretary to end the direct provision of such messaging services to, and the enabling or facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)).

(2) ENABLING OR FACILITATION OF ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES THROUGH INTERMEDIARY FINANCIAL INSTITUTIONS.—For purposes of paragraph (1) and subsection (c), enabling or facilitating direct or indirect access to specialized financial messaging services for the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) includes doing so by serving as an intermediary financial institution with access to such messaging services.

(3) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(c) AUTHORIZATION OF THE IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), if, on or after the date that is 90 days after the date of the enactment of this Act, a person continues to knowingly and directly provide specialized financial messaging services to, or knowingly enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in paragraph (2)(E)(ii) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)), the President may impose sanctions pursuant to that section or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.

(2) EXCEPTION.—The President may not impose sanctions pursuant to paragraph (1) with respect to a person for directly providing specialized financial messaging services to, or enabling or facilitating direct or indirect access to

such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) if—

(A) the person is subject to a sanctions regime under its governing foreign law that requires it to eliminate the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for—

(i) the Central Bank of Iran; and
(ii) a group of Iranian financial institutions identified under such governing foreign law for purposes of that sanctions regime if the President determines that—

(I) the group is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and
(II) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and

(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran and each Iranian financial institution identified under such governing foreign law for purposes of that sanctions regime.

(b) the person has, pursuant to that sanctions regime, terminated the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran and each Iranian financial institution identified under such governing foreign law for purposes of that sanctions regime.

SEC. 217. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FOREIGN ENTITIES THAT INVEST IN THE ENERGY SECTOR OF IRAN OR EXPORT REFINED PETROLEUM PRODUCTS TO IRAN.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report—

(A) listing all foreign investors in the energy sector of Iran during the period specified in paragraph (2), including—

(i) all entities that exported gasoline and other refined petroleum products to Iran;

(ii) all entities involved in providing refined petroleum products to Iran, including—

(I) entities that provided ships to transport refined petroleum products to Iran; and

(II) entities that provided insurance or reinsurance for shipments of refined petroleum products to Iran; and

(iii) all entities involved in commercial transactions of any kind, including joint ventures anywhere in the world, with Iranian energy companies; and

(B) identifying the countries in which gasoline and other refined petroleum products exported to Iran during the period specified in paragraph (2) were produced or refined.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period beginning on January 1, 2006, and ending on the date that is 150 days after the date of the enactment of this Act.

(b) UPDATED REPORTS.—Not later than one year after submitting the report required by subsection (a), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the one-year period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

SEC. 218. REPORTING ON THE IMPORTATION AND EXPORTATION FROM IRAN OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS.

Section 110(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8518(b)) is amended by striking “a report containing the matters” and all

that follows through the period at the end and inserting the following: “a report, covering the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section, that—

“(1) contains the matters required in the report under subsection (a)(1); and

“(2) identifies—

“(A) the volume of crude oil and refined petroleum products imported to and exported from Iran (including through swaps and similar arrangements);

“(B) the persons selling and transporting crude oil and refined petroleum products described in subparagraph (A), the countries with primary jurisdiction over those persons, and the countries in which those products were refined;

“(C) the sources of financing for imports to Iran of crude oil and refined petroleum products described in subparagraph (A); and

“(D) the involvement of foreign persons in efforts to assist Iran in—

“(i) developing upstream oil and gas production capacity;

“(ii) importing advanced technology to upgrade existing Iranian refineries;

“(iii) converting existing chemical plants to petroleum refineries; or

“(iv) maintaining, upgrading, or expanding refineries or constructing new refineries.”.

TITLE III—SANCTIONS WITH RESPECT TO IRAN'S REVOLUTIONARY GUARD CORPS

Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran's Revolutionary Guard Corps and Other Sanctioned Persons

SEC. 301. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, OFFICIALS, AGENTS, AND AFFILIATES OF IRAN'S REVOLUTIONARY GUARD CORPS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and as appropriate thereafter, the President shall—

(1) identify foreign persons that are officials, agents, or affiliates of Iran's Revolutionary Guard Corps; and

(2) for each foreign person identified under paragraph (1) that is not already designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)—

(A) designate that foreign person for the imposition of sanctions pursuant to that Act; and

(B) block and prohibit all transactions in all property and interests in property of that foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) PRIORITY FOR INVESTIGATION.—In identifying foreign persons pursuant to subsection (a)(1) as officials, agents, or affiliates of Iran's Revolutionary Guard Corps, the President shall give priority to investigating—

(1) foreign persons identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran); and

(2) foreign persons for which there is a reasonable basis to find that the person has conducted or attempted to conduct one or more sensitive transactions or activities described in subsection (c).

(c) SENSITIVE TRANSACTIONS AND ACTIVITIES DESCRIBED.—A sensitive transaction or activity described in this subsection is—

(1) a financial transaction or series of transactions valued at more than \$1,000,000 in the aggregate in any 12-month period involving a non-Iranian financial institution;

(2) a transaction to facilitate the manufacture, importation, exportation, or transfer of

items needed for the development by Iran of nuclear, chemical, biological, or advanced conventional weapons, including ballistic missiles;

(3) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's energy sector, including a transaction relating to the development of the energy resources of Iran, the exportation of petroleum products from Iran, the importation of refined petroleum to Iran, or the development of refining capacity available to Iran;

(4) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's petrochemical sector; or

(5) a transaction relating to the procurement of sensitive technologies (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515(c))).

(d) EXCLUSION FROM UNITED STATES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who, on or after the date of the enactment of this Act, is a foreign person designated pursuant to subsection (a) for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) REGULATORY EXCEPTIONS TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The requirement to deny visas to and exclude aliens from the United States pursuant to paragraph (1) shall be subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(e) WAIVER OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may waive the application of subsection (a)(2) or (d) with respect to a foreign person if the President—

(A) determines that it is in the national security interests of the United States to do so; and

(B) submits to the appropriate congressional committees a report that—

(i) identifies the foreign person with respect to which the waiver applies; and

(ii) sets forth the reasons for the determination.

(2) FORM OF REPORT.—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to remove any sanction of the United States in force with respect to Iran's Revolutionary Guard Corps as of the date of the enactment of this Act.

SEC. 302. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, PERSONS THAT SUPPORT OR CONDUCT CERTAIN TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS OR OTHER SANCTIONED PERSONS.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report identifying foreign persons that the President determines, on or after the date of the enactment of this Act, knowingly—

(A) materially assist, sponsor, or provide financial, material, or technological support for, or goods or services in support of, Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the

International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) engage in a significant transaction or transactions with Iran's Revolutionary Guard Corps or any such official, agent, or affiliate; or

(C) engage in a significant transaction or transactions with—

(i) a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is adopted by the Security Council and imposes sanctions with respect to Iran or modifies such sanctions; or

(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i).

(2) **FORM OF REPORT.**—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) **BARTER TRANSACTIONS.**—For purposes of paragraph (1), the term “transaction” includes a barter transaction.

(b) **IMPOSITION OF SANCTIONS.**—If the President determines under subsection (a)(1) that a foreign person has knowingly engaged in an activity described in that subsection, the President—

(1) shall impose 3 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204 of this Act; and

(2) may impose additional sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.

(c) **TERMINATION.**—The President may terminate a sanction imposed with respect to a foreign person pursuant to subsection (b) if the President determines that the person—

(1) no longer engages in the activity for which the sanction was imposed; and

(2) has provided assurances to the President that the person will not engage in any activity described in subsection (a)(1) in the future.

(d) **WAIVER OF IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (b) with respect to a foreign person if the President—

(A)(i) determines that the person has ceased the activity for which sanctions would otherwise be imposed and has taken measures to prevent a recurrence of the activity; or

(ii) determines that it is in the national security interests of the United States to do so; and

(B) submits to the appropriate congressional committees a report that—

(i) identifies the foreign person with respect to which the waiver applies;

(ii) describes the activity that would otherwise subject the foreign person to the imposition of sanctions under subsection (b); and

(iii) sets forth the reasons for the determination.

(2) **FORM OF REPORT.**—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.

(e) **WAIVER OF IDENTIFICATIONS AND DESIGNATIONS.**—Notwithstanding any other provision of this subtitle and subject to paragraph (2), the President shall not be required to make any identification of a foreign person under subsection (a) or any identification or designation of a foreign person under section 301(a) if the President—

(1) determines that doing so would cause damage to the national security of the United States, including through the divulgence of sources or methods of obtaining intelligence or other critical classified information; and

(2) notifies the appropriate congressional committees of the exercise of the authority provided under this subsection.

(f) **APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition under subsection (b)(1) of sanctions relating to activities described in subsection (a)(1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:

(1) Subsections (c) and (e) of section 4.

(2) Subsections (c), (d), and (f) of section 5.

(3) Section 8.

(4) Section 9.

(5) Section 11.

(6) Section 12.

(7) Subsection (b) of section 13.

(8) Section 14.

SEC. 303. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to limit the authority of the President to designate foreign persons for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

Subtitle B—Additional Measures Relating to Iran's Revolutionary Guard Corps

SEC. 311. EXPANSION OF PROCUREMENT PROHIBITION TO FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.

(a) **IN GENERAL.**—Section 6(b)(1) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) by striking “Not later than 90 days” and inserting the following:

“(A) **CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.**—Not later than 90 days”; and

(2) by adding at the end the following:

“(B) **CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.**—Not later than 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, the Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not knowingly engage in a significant transaction or transactions with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 6(b) of the Iran Sanctions Act of 1996, as amended by subsection (a), is further amended—

(A) in paragraph (1)(A), as redesignated, by striking “issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “the revision” and inserting “the applicable revision”; and

(ii) in subparagraph (B), by striking “issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)”;

(C) by striking paragraph (6) and inserting the following:

“(6) **DEFINITIONS.**—In this subsection:

“(A) **EXECUTIVE AGENCY.**—The term ‘executive agency’ has the meaning given that term in section 133 of title 41, United States Code.

“(B) **FEDERAL ACQUISITION REGULATION.**—The term ‘Federal Acquisition Regulation’ means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.”; and

(D) in paragraph (7)—

(i) by striking “The revisions to the Federal Acquisition Regulation required under paragraph (1)” and inserting the following:

“(A) **CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.**—The revisions to the Federal Acquisition Regulation required under paragraph (1)(A)”; and

(ii) by adding at the end the following:

“(B) **CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.**—The revisions to the Federal Acquisition Regulation required under paragraph (1)(B) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012.”.

(2) Section 101(3) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511(3)) is amended by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 133 of title 41, United States Code”.

SEC. 312. DETERMINATIONS OF WHETHER THE NATIONAL IRANIAN OIL COMPANY AND THE NATIONAL IRANIAN TANKER COMPANY ARE AGENTS OR AFFILIATES OF IRAN'S REVOLUTIONARY GUARD CORPS.

(a) **IN GENERAL.**—Section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)) is amended by adding at the end the following:

“(4) **DETERMINATIONS REGARDING NIOC AND NITC.**—

“(A) **DETERMINATIONS.**—For purposes of paragraph (2)(E)(i), the Secretary of the Treasury shall, not later than 60 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012—

“(i) determine whether the NIOC or the NITC is an agent or affiliate of Iran's Revolutionary Guard Corps; and

“(ii) submit to the appropriate congressional committees a report on the determinations made under clause (i), together with the reasons for those determinations.

“(B) **FORM OF REPORT.**—A report submitted under subparagraph (A)(ii) shall be submitted in unclassified form but may contain a classified annex.

“(C) **APPLICABILITY WITH RESPECT TO PETROLEUM TRANSACTIONS.**—

“(i) **APPLICATION OF SANCTIONS.**—Except as provided in clause (ii), the regulations prescribed under paragraph (1) shall apply to a transaction for the purchase of petroleum or petroleum products from, or to financial services relating to such a transaction for, the NIOC or the NITC on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) only if the President has determined, pursuant to section 1245(d)(4)(B) of that Act, that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

“(ii) **EXCEPTION FOR CERTAIN COUNTRIES.**—The regulations prescribed under paragraph (1) shall not apply to a foreign financial institution that facilitates a significant transaction or transactions for the purchase of petroleum or petroleum products from, or that provides significant financial services relating to such a transaction for, the NIOC or the NITC if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012, and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution has significantly reduced its volume

of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this clause.

“(D) DEFINITIONS.—In this paragraph:

“(i) NIOC.—The term ‘NIOC’ means the National Iranian Oil Company.

“(ii) NITC.—The term ‘NITC’ means the National Iranian Tanker Company.”.

(b) CONFORMING AMENDMENTS.—Section 104(g) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(g)) is amended by striking “subsection (c)(1)” each place it appears and inserting “paragraph (1) or (4) of subsection (c)”.

TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN

Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran

SEC. 401. FINDINGS.

Congress makes the following findings:

(1) The Government of Iran continues to violate systematically the basic human rights of citizens of Iran, including by cutting off their access to information and technology, suppressing their freedom of expression, and punishing severely, and sometimes brutally, their attempts to exercise political rights.

(2) In a March 20, 2012, speech celebrating Nowruz, the Iranian New Year, President Barack Obama described censorship of the Internet and monitoring of computers and cell phones by the Government of Iran as depriving the people of Iran of “the information they want [and] stopping the free flow of information and ideas into the country”. The President concluded that “in recent weeks, Internet restrictions have become so severe that Iranians cannot communicate freely with their loved ones within Iran, or beyond its borders, [so that] an electronic curtain has fallen around Iran.”.

(3) At a time when growing numbers of Iranians turn to the Internet as a source for news and political debate, the response of the Government of Iran has combined increasingly pervasive jamming and filtering of the Internet, blocking of email, social networking and other websites, and interception of Internet, telephonic, and mail communications.

(4) The March 2012 Report of the United Nations Human Rights Council Special Rapporteur on Iran details the Government of Iran’s widespread human rights abuses and censorship, its chronic disregard of due process, and its equally chronic harassment, abuse, and intimidation of the people of Iran.

(5) There has been no independent investigation into the months of violence that followed Iran’s fraudulent 2009 presidential election, violence that included the beatings of scores of Tehran University students by security forces using weapons, such as chains, metal rods, and electrified batons, and the subsequent imprisonment of many students, some of whom died in captivity.

(6) The Government of Iran has failed to cooperate with human rights investigations by the Special Rapporteur, and its failure to cooperate in those and similar investigations has been criticized in reports of the United Nations Secretary-General, General Assembly, and Human Rights Council, even as human rights abuses continue.

SEC. 402. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Iran, especially Iran’s Revolutionary Guard Corps, continues to engage in serious, systematic, and ongoing violations of human rights and the rise in the level of such violations after the 2009 presidential elections has not abated;

(2) the Government of Iran is engaging in a systematic campaign to prevent news, entertain-

ment, and opinions from reaching media that are not subject to government control and to eliminate any free Internet or other electronic media discussion among the people of Iran; and

(3) the Government of Iran has refused to cooperate with international organizations, including the United Nations, seeking to investigate or to alleviate those conditions.

SEC. 403. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 105 the following:

“SEC. 105A. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

“(a) IN GENERAL.—The President shall impose sanctions in accordance with subsection (c) with respect to each person on the list required by subsection (b).

“(b) LIST.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

“(2) ACTIVITY DESCRIBED.—

“(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—

“(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Iran, any entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran, or any national of Iran, for use in or with respect to Iran; or

“(ii) provides services (including services relating to hardware, software, and specialized information, and professional consulting, engineering, and support services) with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Iran.

“(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012.

“(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Iran or any of its agencies or instrumentalities (or by any other person on behalf of the Government of Iran or any of such agencies or instrumentalities) to commit serious human rights abuses against the people of Iran, including—

“(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

“(ii) sensitive technology (as defined in section 106(c)).

“(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

“(A) the person is no longer engaging in, or has taken significant verifiable steps toward

stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

“(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

“(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

“(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and

“(B) as new information becomes available.

“(5) FORM OF REPORT; PUBLIC AVAILABILITY.—

“(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

“(c) APPLICATION OF SANCTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the President shall impose sanctions described in section 105(c) with respect to a person on the list required by subsection (b).

“(2) TRANSFERS TO IRAN’S REVOLUTIONARY GUARD CORPS.—In the case of a person on the list required by subsection (b) for transferring, or facilitating the transfer of, goods or technologies described in subsection (b)(2)(C) to Iran’s Revolutionary Guard Corps, or providing services with respect to such goods or technologies after such goods or technologies are transferred to Iran’s Revolutionary Guard Corps, the President shall—

“(A) impose sanctions described in section 105(c) with respect to the person; and

“(B) impose such other sanctions from among the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) as the President determines appropriate.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105 the following:

“Sec. 105A. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.”.

SEC. 404. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), as amended by section 401, is further amended by inserting after section 105A the following:

“SEC. 105B. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.

“(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

“(b) LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Sanctions, Accountability, and Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after June 12, 2009, engaged in censorship or other activities that—

“(A) prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Iran; or

“(B) limit access to print or broadcast media, including the facilitation or support of intentional frequency manipulation by the Government of Iran that would jam or restrict an international signal or the failure to prohibit intentional frequency manipulation by the Government of Iran that would jam or restrict an international signal by satellite service providers that provide satellite services to the Government of Iran or an entity owned or controlled by the Government of Iran.

“(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

“(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and

“(B) as new information becomes available.

“(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

“(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as amended by section 401, is further amended by inserting after the item relating to section 105A the following:

“Sec. 105B. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.”.

(c) **CONFORMING AMENDMENTS.**—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by inserting “, 105A(a), or 105B(a)” after “105(a)”; and

(2) by inserting “, 105A(b), or 105B(b)” after “105(b)”.

Subtitle B—Additional Measures to Promote Human Rights in Iran

SEC. 411. EXPEDITED CONSIDERATION OF REQUESTS FOR AUTHORIZATION OF CERTAIN HUMAN RIGHTS-, HUMANITARIAN-, AND DEMOCRACY-RELATED ACTIVITIES WITH RESPECT TO IRAN.

(a) **REQUIREMENT.**—The Office of Foreign Assets Control, in consultation with the Department of State, shall establish an expedited process for the consideration of complete requests for authorization to engage in human rights-, humanitarian-, or democracy-related activities relating to Iran that are submitted by—

(1) entities receiving funds from the Department of State to engage in the proposed activity;

(2) the Broadcasting Board of Governors; and

(3) other appropriate agencies of the United States Government.

(b) **PROCEDURES.**—Requests for authorization under subsection (a) shall be submitted to the Office of Foreign Assets Control in conformance with the agency’s regulations, including section 501.801 of title 31, Code of Federal Regulations (commonly known as the Reporting, Procedures and Penalties Regulations). Applicants must fully disclose the parties to the transactions as well as describe the activities to be undertaken. License applications involving the exportation or reexportation of goods, technology, or software to Iran must provide a copy of an official Commodity Classification issued by the Department of Commerce, Bureau of Industry and Security, as part of the license application.

(c) **FOREIGN POLICY REVIEW.**—The Department of State shall complete a foreign policy review of a request for authorization under subsection (a) not later than 30 days after the request is referred to the Department by the Office of Foreign Assets Control.

(d) **LICENSE DETERMINATIONS.**—License determinations for complete requests for authorization under subsection (a) shall be made not later than 90 days after receipt by the Office of Foreign Assets Control, with the following exceptions:

(1) Any requests involving the exportation or reexportation to Iran of goods, technology, or software listed on the Commerce Control List maintained pursuant to part 774 of the Export Administration Regulations shall be processed in a manner consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484) and other applicable provisions of law.

(2) Any other requests presenting novel or extraordinary circumstances.

(e) **REGULATIONS.**—The Secretary of the Treasury may prescribe such regulations as are appropriate to carry out this section.

SEC. 412. COMPREHENSIVE STRATEGY TO PROMOTE INTERNET FREEDOM AND ACCESS TO INFORMATION IN IRAN

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a comprehensive strategy developed in consultation with the Department of State, the Department of the Treasury, and other Federal agencies, as appropriate, to—

(1) assist the people of Iran to produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;

(2) support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;

(3) increase the capabilities and availability of secure communications through connective technology among human rights and democracy activists in Iran;

(4) provide resources for digital safety training for media and academic and civil society organizations in Iran;

(5) provide accurate and substantive Internet content in local languages in Iran;

(6) increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;

(7) expand surrogate radio, television, live stream, and social network communications inside Iran, including Voice of America’s Persian News Network and Radio Free Europe/Radio Liberty’s Radio Farda, to provide hourly live news update programming and breaking news coverage capability 24 hours a day and 7 days a week;

(8) expand activities to safely assist and train human rights, civil society, and democracy activists in Iran to operate effectively and securely;

(9) identify and utilize all available resources to overcome attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals; and

(10) expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities.

SEC. 413. SENSE OF CONGRESS ON POLITICAL PRISONERS.

It is the sense of Congress that—

(1) the Secretary of State should support efforts to research and identify prisoners of conscience and cases of human rights abuses in Iran;

(2) the United States Government should—

(A) offer refugee status or political asylum in the United States to political dissidents in Iran if requested and consistent with the laws and national security interests of the United States; and

(B) offer to assist, through the United Nations High Commissioner for Refugees, with the relo-

cation of such political prisoners to other countries if requested, as appropriate and with appropriate consideration for United States national security interests; and

(3) the Secretary of State should publicly call for the release of Iranian dissidents by name and raise awareness with respect to individual cases of Iranian dissidents and prisoners of conscience, as appropriate and if requested by the dissidents or prisoners themselves or their families.

TITLE V—MISCELLANEOUS

SEC. 501. EXCLUSION OF CITIZENS OF IRAN SEEKING EDUCATION RELATING TO THE NUCLEAR AND ENERGY SECTORS OF IRAN.

(a) **IN GENERAL.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a citizen of Iran that the Secretary of State determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

(b) **APPLICABILITY.**—Subsection (a) applies with respect to visa applications filed on or after the date of the enactment of this Act.

SEC. 502. TECHNICAL CORRECTION.

(a) **IN GENERAL.**—Section 1245(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) is amended—

(1) in the paragraph heading, by inserting “AGRICULTURAL COMMODITIES,” after “SALES OF”; and

(2) in the text, by inserting “agricultural commodities,” after “sale of”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

SEC. 503. INTERESTS IN CERTAIN FINANCIAL ASSETS OF IRAN.

(a) **INTERESTS IN BLOCKED ASSETS.**—Notwithstanding any other provision of law, including any provision of law relating to sovereign immunity, and preempting any inconsistent provision of State law, a financial asset that is—

(1) property in the United States of a foreign securities intermediary doing business in the United States,

(2) a blocked asset (whether or not subsequently unblocked) that is property described in subsection (b), and

(3) equal in value to a financial asset of Iran, including an asset of the central bank or monetary authority of the Government of Iran or any agency or instrumentality of that Government, that such foreign securities intermediary or a related intermediary holds abroad, shall be available for all attachments and other proceedings in aid of execution, with respect to judgments entered against Iran for damages for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, or hostage-taking, or the provision of material support or resources for such an act.

(b) **PROPERTY DESCRIBED.**—Property described in this subsection is property that is identified in and the subject of proceedings in the United States District Court for the Southern District of New York in *Peterson et al. v. Islamic Republic of Iran et al.*, Case No. 10 Civ. 4518 (BSJ) (GWG).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the availability, or lack thereof, of a right to satisfy a judgment in any other action against a terrorist party in any proceedings other than proceedings referred to in subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) **BLOCKED ASSET.**—The term “blocked asset”—

(A) means any asset seized or frozen by the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) or under section 202 or 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 and 1702); and

(B) does not include property that—

(i) is subject to a license issued by the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of the license has been specifically required by a provision of law other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or

(ii) is property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoys equivalent privileges and immunities under the laws of the United States, and is being used exclusively for diplomatic or consular purposes.

(2) **FINANCIAL ASSET; SECURITIES INTERMEDIARY.**—The terms “financial asset” and “securities intermediary” have the meanings given those terms in the Uniform Commercial Code, but the former includes cash.

(3) **IRAN.**—The term “Iran” means the Government of Iran, including the central bank or monetary authority of that Government and any agency or instrumentality of that Government.

(4) **PERSON.**—

(A) **IN GENERAL.**—The term “person” means an individual or entity.

(B) **ENTITY.**—The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(5) **TERRORIST PARTY.**—The term “terrorist party” has the meaning given that term in section 201(d) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

(6) **UNITED STATES.**—The term “United States” includes all territory and waters, continental, or insular, subject to the jurisdiction of the United States.

SEC. 504. REPORT ON MEMBERSHIP OF IRAN IN INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter not later than September 1, the Secretary of State shall submit to Congress a report listing the international organizations of which Iran is a member and detailing the amount that the United States contributes to each such organization on an annual basis.

SEC. 505. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE AND BUREAU OF INDUSTRY AND SECURITY.**—Section 109 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8517) is amended—

(1) in subsection (b)(2), by striking “and 2013” and inserting “through 2016”; and

(2) in subsection (d)(2), by striking “and 2013” and inserting “through 2016”.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR FINANCIAL CRIMES ENFORCEMENT NETWORK.**—Section 310(d)(1) of title 31, United States Code, is amended by striking “and 2013” and inserting “through 2016”.

TITLE VI—GENERAL PROVISIONS

SEC. 601. TECHNICAL IMPLEMENTATION; PENALTIES.

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Eco-

nomics Powers Act (50 U.S.C. 1702 and 1704) to carry out—

(1) sections 211, 213, and 216, subtitle A of title III, and title VII of this Act; and

(2) sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV of this Act.

(b) **PENALTIES.**—

(1) **IN GENERAL.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of a provision specified in paragraph (2) of this subsection, or an order or regulation prescribed under such a provision, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(2) **PROVISIONS SPECIFIED.**—The provisions specified in this paragraph are the following:

(A) Sections 211 and 216, subtitle A of title III, and title VII of this Act.

(B) Sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV of this Act.

SEC. 602. APPLICABILITY TO CERTAIN INTELLIGENCE ACTIVITIES.

Nothing in this Act or the amendments made by this Act shall apply to the authorized intelligence activities of the United States.

SEC. 603. RULE OF CONSTRUCTION WITH RESPECT TO USE OF FORCE AGAINST IRAN AND SYRIA.

Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

SEC. 604. TERMINATION.

The provisions of sections 211, 213, 215, 216, 217, and 501, title I, and subtitle A of title III shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA

SEC. 701. SHORT TITLE.

This title may be cited as the “Syria Human Rights Accountability Act of 2012”.

SEC. 702. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.

(a) **IN GENERAL.**—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) **LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Syria or persons acting on behalf of that Government that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) **CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.**—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Syria, that monitor the human rights abuses of the Government of Syria.

(c) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property, subject to such regulations as the President may prescribe.

SEC. 703. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) **IN GENERAL.**—The President shall impose sanctions described in section 702(c) with respect to—

(1) each person on the list required by subsection (b); and

(2) any person that—

(A) is a successor entity to a person on the list;

(B) owns or controls a person on the list, if the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list; or

(C) is owned or controlled by, or under common ownership or control with, the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list.

(b) **LIST.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

(2) **ACTIVITY DESCRIBED.**—

(A) **IN GENERAL.**—A person engages in an activity described in this paragraph if the person—

(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Syria; or

(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Syria.

(B) **APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.**—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.

(C) **GOODS OR TECHNOLOGIES DESCRIBED.**—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

(ii) sensitive technology.

(D) SENSITIVE TECHNOLOGY DEFINED.—

(i) IN GENERAL.—For purposes of subparagraph (C), the term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(I) to restrict the free flow of unbiased information in Syria; or

(II) to disrupt, monitor, or otherwise restrict speech of the people of Syria.

(ii) EXCEPTION.—The term “sensitive technology” does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(5) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

SEC. 704. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER FORMS OF REPRESSION IN SYRIA.

(a) IN GENERAL.—The President shall impose sanctions described in section 702(c) with respect to each person on the list required by subsection (b).

(b) LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in censorship, or activities relating to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

SEC. 705. WAIVER.

The President may waive the requirement to include a person on a list required by section 702, 703, or 704 or to impose sanctions pursuant to any such section if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report on the reasons for that determination.

SEC. 706. TERMINATION.

(a) IN GENERAL.—The provisions of this title and any sanctions imposed pursuant to this title shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) the certification described in subsection (b); and

(2) a certification that—

(A) the Government of Syria is democratically elected and representative of the people of Syria; or

(B) a legitimate transitional government of Syria is in place.

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification by the President that the Government of Syria—

(1) has unconditionally released all political prisoners;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;

(3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of unbiased information in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;

(4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and

(5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;

(6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided credible assurances that it will not engage in such activities in the future; and

(7) has agreed to allow the United Nations and other international observers to verify that the Government of Syria is not engaging in such activities and to assess the credibility of the assurances provided by that Government.

(c) SUSPENSION OF SANCTIONS AFTER ELECTION OF DEMOCRATIC GOVERNMENT.—If the President submits to the appropriate congressional committees the certification described in subsection (a)(2), the President may suspend the provisions of this title and any sanctions imposed under this title for not more than one year to allow time for a certification described in subsection (b) to be submitted.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Foreign Relations Committee be discharged

from further consideration of Presidential Nomination 1520, David J. Lane of Florida, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture; that the nomination be confirmed; the motion to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

FOREIGN SERVICE

David J. Lane, of Florida, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of PN 1565, 16 Public Health Service nominations received by the Senate on April 26, 2012, beginning with Joseph R. Fontana and ending with Joy A. Mobley; and PN 1679, 114 Public Health Service nominations received by the Senate on May 15, 2012, beginning with Mary J. Choi and ending with Meghan M. Zomorodi; that the nominations be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

PUBLIC HEALTH SERVICE

To be surgeon

Joseph R. Fontana
Rakhee S. Palekar
Christopher L. Perdue

To be senior assistant surgeon

Pamela J. Horn

To be dental officer

Scott W. Brown
Deborah L. Fuller

To be senior assistant dental officer

Alexander D. Gamber

To be assistant dental officer

Erika A. Crawford
Antonio S. Parameswaran

To be assistant nurse officer

Omoronke O. Adegbuji

Mark E. Arena

Michael J. Reed

To be assistant scientist officer

Brandy E. Hellman

To be assistant health services officer

George S. Chow
Sarah M. Lee
Joy A. Mobley

PUBLIC HEALTH SERVICE

To be surgeon

Mary J. Choi
 Laura A. Cooley
 Patricia H. David
 Duke J. Ruktanonchai

To be senior assistant surgeon

Francisca Abanyie
 Nina Ahmad
 Andrew I. Geller
 Leah K. Gilbert
 Aaron M. Harris
 Fiona Havers
 Rachel T. Idowu
 Preetha J. Iyengar
 Stephen C. Ko
 Gayathri S. Kumar
 Keren Z. Landman
 Philip A. Lederer
 Anna-Binney McCague
 Erin McNelley
 Jolene H. Nakao
 Vuong D. Nguyen
 Monica Patton
 Celia L. Quinn
 Kenneth B. Quinto
 Alison D. Ridpath
 Miriam L. Shiferaw
 Neil M. Vora
 Joseph V. Woodring
 Brian R. Yablon

To be junior assistant nurse officer

Kimberly A. Brinker

To be assistant scientist officer

Shalon M. Irving
 Jonetta L. Johnson
 Michael T. Lowe
 Matthew Lozier
 Leigh A. Miller
 Elizabeth Russell
 Amee M. Schwitters
 Alice M. Shumate
 Angela M. Thompson-Paul
 Tatiana Y. Warren
 Jason A. Wilken

To be assistant veterinary officer

Laura Adams
 Tara C. Anderson
 Abbey Canon
 Lizette O. Durand
 Laura S. Edison
 Ilana J. Schafer
 Ryan M. Wallace

To be assistant pharmacy officer

Frank A. Acheampong
 Irene Adu-Gyamfi
 Mackenzie P. Brown
 Jacqueline R. Campbell
 Kaleb Chamberlain
 Lindsey N. Childress
 Whitney A. Conroy
 Alejandra G. Cuevas
 Lauren Davis
 Allan Demuth
 Andrea R. Dyer
 Alla Y. Fabrikant
 Ashley A. Fitch
 Jesse Foster
 Dewey Foutz
 Christopher M. Frazer
 RaeAnne G. Fuller
 Amy N. Goodpaster
 Megan E. Groshner
 Jason D. Harris
 Kellee T. James
 Kendra N. Jenkins
 Anna B. Jewula
 Russell B. Kern
 Anna U. Kit
 Randi J. Kuns
 Bryan P. Leland

Heather S. Lim
 Jennifer N. Lind
 Alicia Loh
 James O. Lott
 Sara H. Low
 Michael J. MacMillan
 Madalene Mandap
 Julia E. Marie
 Cullen M. McChristian
 Kamilah M. McKinnon
 Christopher R. McKnight
 Brock E. O'Keefe
 Jonathan H. Owen
 Kelly S. Pak
 Sarah S. Pak
 Heena V. Patel
 Ronnie L. Rael
 Salvador Rivas, Jr.
 Matthew K. Sasaki
 Marianne V. Schnarr
 Alison M. Smith
 Kristina M. Snyder
 Thanh D. Ta
 Patrick R. Tully
 Ann P. Upshaw
 Jennifer M. Utigard
 Keith R. Warshany
 Mary K. Wen
 Riley J. Williams II
 Valerie S. Wilson
 Rebecca Wong

To be junior assistant health services officer

Amelia M. Breyre
 Daniel V. DiGiacoma
 Tiphany D. Jackson
 Sarah R. Kaslow
 Vinita Puri
 Christopher J. Salmon
 Leah M. Sitrler
 Colin M. Smith
 Meghan M. Zomorodi

NOMINATION OF SARA MARGALIT AVIEL TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nomination: Calendar No. 640, and that the Senate proceed to vote without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consideration of the nomination.

Mr. BARRASSO. Mr. President, I rise to speak on the nomination of Sara Aviel to be the Alternate Executive Director to the International Bank for Reconstruction and Development. Had the Senate conducted a recorded vote, I would have voted against Ms. Aviel's nomination.

In 2011, the World Bank released a new 10-year energy sector lending strategy which includes a proposal to limit lending for new coal generation

projects. I strongly disagree with the World Bank blocking any access to coal-powered energy. Their strategy will drive up energy prices around the world, and will make affordable and reliable energy for poor countries difficult to secure.

The World Bank should be focused on poverty reduction and economic growth. Using advanced technologies, coal provides a clean, low cost and reliable energy source which is critical to countries looking for assistance in poverty alleviation and economic development. I believe representatives of the United States at the World Bank should support low cost and dependable energy sources as a means to help countries spur economic growth.

Sara Aviel supports the World Bank providing financing for coal power generation but only to the poorest countries when no other options are available. She reiterated this point when I asked her whether she would support the World Bank's financing of a new coal-fired power plant project in Kosovo. She stated:

There are a number of compelling reasons in favor of this project. First, Kosovo, one of the poorest countries in Europe, is greatly in need of reliable base load power and there appears to be no other viable alternatives.

Since the majority of lending by the World Bank is for middle-income countries, and not to the poorest of countries, the World Bank strategy supported by Sara Aviel will place significant limits, if not eliminate, lending for coal power generation. I believe she will use the World Bank 10-year energy strategy as a means to restrict World Bank lending for coal power generation projects, even when the proposal represents the most cost effective alternative. Requiring borrowers to accept higher cost projects when affordable and reliable alternatives are readily available is no way to operate a bank, especially when the bank is being funded with taxpayer dollars.

The World Bank has also started a shift from providing financing to help the poorest of countries with economic growth and reducing poverty, to a focus in other areas with a strong emphasis on lending to middle-income countries. Middle-income countries that receive the vast majority of World Bank financing include nations such as China and Brazil.

While Sara Aviel agrees that middle-income countries are able to borrow on international capital markets at commercial rates, she believes the World Bank should continue its lending to these countries. I disagree with her support of this policy.

The World Bank should be aggressively working towards the graduation of middle-income countries from borrowers to donors. The resources of the World Bank should be directed at helping the poorest of countries eradicate

poverty and implement successful economic development projects. Their primary focus should be on assisting countries that cannot access international capital markets at commercial rates, not financing middle-income countries that can tap other financing resources.

The World Bank is at a critical juncture. The Bank needs to pursue serious reforms, especially in the areas of corruption and transparency. It must not be used to push social agendas and political priorities to the detriment of poor nations, or to use donor funds in a manner that is not cost-effective. The United States representative must be a strong advocate for reform and accountability. I do not believe that Sara Aviel is the person to get that job done.

It is for these reasons that I oppose the nomination of Sara Aviel.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sara Margalit Aviel to be United States Alternate Executive Director of the International Bank for Reconstruction and Development?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate consider the following nominations: Calendar Nos. 261, 338, 339, 340, 665, 678, 679, 680, 681, 682, 706, 707, 708, 710, 711, 712, 713, 715, 716, 717, 725, 727 through 757, and 758; and all nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid on the table, there being no intervening action or debate, and no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Matthew Francis McCabe, of Pennsylvania, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013.

SECURITIES INVESTOR PROTECTION CORPORATION

Anthony Frank D'Agostino, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

Anthony Frank D'Agostino, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2014.

Gregory Karawan, of Virginia, to be a Director of the Securities Investor Protection

Corporation for a term expiring December 31, 2013.

Roy Wallace McLeese III, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

DEPARTMENT OF ENERGY

Adam E. Sieminski, of Pennsylvania, to be Administrator of the Energy Information Administration.

FEDERAL ENERGY REGULATORY COMMISSION

Anthony T. Clark, of North Dakota, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2016.

John Robert Norris, of Iowa, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2017.

THE JUDICIARY

Margaret Bartley, of Maryland, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Coral Wong Pietsch, of Hawaii, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

DEPARTMENT OF STATE

Michael A. Raynor, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Makila James, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

DEPARTMENT OF DEFENSE

Jessica Lynn Wright, of Pennsylvania, to be an Assistant Secretary of Defense.

James N. Miller, Jr., of Virginia, to be Under Secretary of Defense for Policy.

Frank Kendall III, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Erin C. Conaton, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness.

Derek H. Chollet, of Nebraska, to be an Assistant Secretary of Defense.

Kathleen H. Hicks, of Virginia, to be a Principal Deputy Under Secretary of Defense.

EXECUTIVE OFFICE OF THE PRESIDENT

Joseph G. Jordan, of Massachusetts, to be Administrator for Federal Procurement Policy.

DEPARTMENT OF DEFENSE

Katharina G. McFarland, of Virginia, to be an Assistant Secretary of Defense.

AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael D. Dubie

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Bobby V. Page

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Philip M. Breedlove

The following named officer for appointment as the Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Lt. Gen. Larry O. Spencer

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Noel T. Jones

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Wayne A. Zimmet

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Theodore C. Nicholas

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Francisco A. Espallat

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. William R. Phillips, II

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Leslie J. Carroll

Brigadier General Bryan R. Kelly

Brigadier General Peter S. Lennon

Brigadier General Gary A. Medvigy

Brigadier General David W. Puster

Brigadier General Megan P. Tatu

Brigadier General Daniel L. York

Brigadier General James V. Young, Jr.

To be brigadier general

Colonel Douglas F. Anderson

Colonel Danny C. Baldwin

Colonel William P. Barriaghe

Colonel Leanne P. Burch

Colonel Mitchell R. Chitwood

Colonel Stephen K. Curda

Colonel Arlan M. Deblieck

Colonel Chris R. Gentry

Colonel Norman B. Green

Colonel Lewis G. Irwin

Colonel Phillip S. Jolly

Colonel Robert A. Karmazin
Colonel Troy D. Kok
Colonel William S. Lee
Colonel Tammy S. Smith
Colonel Michael S. Toumey

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Michael T. Flynn

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas D. Waldhauser

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jon M. Davis

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert E. Schmidle, Jr.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Terry G. Robling

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Burke W. Whitman

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James M. Lariviere

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Paxton, Jr.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John A. Toolan, Jr.

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Paul K. Lebidine

The following named officer for appointment in the United States Marine Corps to

the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert B. Neller

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. William E. Gortney

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Kurt W. Tidd

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. David H. Buss

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michelle J. Howard

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Thomas H. Copeman, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Richard W. Hunt

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. John F. Kirby

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Brian B. Brown

JAMES MADISON MEMORIAL FELLOWSHIP
FOUNDATION

Drew R. McCoy, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring January 27, 2016.

Pauline R. Maier, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2017.

U.S. PAROLE COMMISSION

Charles Thomas Massarone, of Kentucky, to be a Commissioner of the United States Parole Commission for a term of six years.

NOMINATIONS PLACED ON THE SECRETARY'S
DESK

IN THE AIR FORCE

PN1541 AIR FORCE nomination of Tonya R. Everleth, which was received by the Sen-

ate and appeared in the Congressional Record of April 23, 2012.

PN1542 AIR FORCE nominations (2) beginning CRAIG W. HINKLEY, and ending CHAD A. SPELLMAN, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1543 AIR FORCE nominations (2) beginning JOHANN S. WESTPHALL, and ending ELIESA A. ING, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1544 AIR FORCE nominations (15) beginning MARK J. BATCHO, and ending FREDERICK C. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1586 AIR FORCE nomination of Robert M. Ague, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1587 AIR FORCE nominations (5) beginning LESLIE A. WOOD, and ending MATTHEW L. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1588 AIR FORCE nominations (66) beginning NATHAN BARRY ALHOLINNA, and ending CRAIG M. ZIEMBA, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1639 AIR FORCE nomination of James J. Renda, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1640 AIR FORCE nomination of August S. Hein, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1641 AIR FORCE nominations (3) beginning CHRISTOPHER J. MATHEWS, and ending TIMOTHY K. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

IN THE ARMY

PN1547 ARMY nomination of Israel Mercado, Jr., which was received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1548 ARMY nominations (3) beginning FRANCIS J. EVON, JR., and ending MARK S. WELLMAN, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1558 ARMY nomination of Chadwick B. Fletcher, which was received by the Senate and appeared in the Congressional Record of April 25, 2012.

PN1589 ARMY nominations (2) beginning Rhanda J. Brockington, and ending Vickie M. Schnackel, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1590 ARMY nominations (2) beginning Richard A. Daniels, and ending Daniel J. Holdwick, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1591 ARMY nominations (2) beginning Andrew C. Gallo, and ending Christa M. Lewis, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1592 ARMY nomination of John C. Moffitt, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1593 ARMY nomination of Mimms J. Mabee, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1594 ARMY nomination of Jonelle J. Knapp, which was received by the Senate and

appeared in the Congressional Record of May 10, 2012.

PN1595 ARMY nomination of Robert E. Bessey, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1596 ARMY nomination of Laurel A. Thurston, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1597 ARMY nomination of Tina M. Morgan, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1598 ARMY nominations (2) beginning KARL W. HUBBARD, and ending BENJAMIN N. HOFFMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1599 ARMY nominations (7) beginning JOANN B. COUCH, and ending RICHARD J. YOON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1642 ARMY nomination of Ricardo A. Bravo, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1643 ARMY nomination of Matthew W. Moffitt, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1644 ARMY nomination of Nathaniel V. Chittick, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1645 ARMY nomination of Lauri M. Zike, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1646 ARMY nomination of Timothy A. Crane, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1647 ARMY nomination of Ryan L. Jerke, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1648 ARMY nomination of Matthew R. Sun, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1649 ARMY nominations (3) beginning GREGORY P. CHANEY, and ending LAWRENCE E. SCHLOEGL, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1650 ARMY nominations (4) beginning AMY F. COOK, and ending PAUL S. TAMARIBUCHI, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1651 ARMY nominations (36) beginning MICHAEL I. ALLEN, and ending MATTHEW S. WYSOCKI, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

FOREIGN SERVICE

PN1375 FOREIGN SERVICE nominations (14) beginning Robert E. Drapcho, and ending Robert P. Schmidt, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 13, 2012.

PN1407 FOREIGN SERVICE nominations (235) beginning Kathryn E. Abate, and ending Timothy J. Riley, which nominations were received by the Senate and appeared in the Congressional Record of February 29, 2012.

IN THE MARINE CORPS

PN1334 MARINE CORPS nominations (362) beginning MARTIN L. ABREU, and ending ROBERT C. ZYLA, which nominations were

received by the Senate and appeared in the Congressional Record of February 1, 2012.

IN THE NAVY

PN1304 NAVY nomination of John D. Wilshusen, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1339 NAVY nomination of Peter J. Oldmixon, which was received by the Senate and appeared in the Congressional Record of February 1, 2012.

PN1421 NAVY nomination of Guillermo A. Navarro, which was received by the Senate and appeared in the Congressional Record of February 29, 2012.

PN1446 NAVY nomination of Raymond J. Houk, which was received by the Senate and appeared in the Congressional Record of March 12, 2012.

PN1474 NAVY nomination of Jason D. Weddle, which was received by the Senate and appeared in the Congressional Record of March 19, 2012.

PN1549 NAVY nomination of Andrew J. Strickler, which was received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1550 NAVY nomination of Andrew K. Ledford, which was received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1551 NAVY nominations (14) beginning JOHN L. GRIMWOOD, and ending ROBYN M. TREADWELL, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1552 NAVY nominations (41) beginning DARIUS V. AHMADI, and ending SCOTT D. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1600 NAVY nomination of Matthew F. Phelps, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1626 NAVY nomination of Eric J. Skalski, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1627 NAVY nomination of Ted J. Steelman, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1628 NAVY nomination of David A. Moore, which was received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1652 NAVY nomination of Steven J. Porter, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that on Monday, June 4, 2012 at 5 p.m., the Senate proceed to executive session to consider Calendar No. 613; that there be 30 minutes of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote, with no intervening action on the nomination; the motion to reconsider be considered made and

laid on the table, with no intervening action or debate; that no further motions be in order; that any further statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2011

Mr. REID. I ask unanimous consent the Senate proceed to consideration of Calendar No. 412, S. 414.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 414) to protect girls in developing countries through the prevention of child marriage, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. SNOWE. Mr. President, I rise today to urge that the Senate pass S. 414, the "Protecting Girls by Preventing Child Marriage Act." As the Senate prepares to approve this bipartisan measure, we should take a moment to acknowledge and reflect upon the critical impact this legislation will have on the estimated 100 million girls in developing countries who are at risk of being married as children over the next decade.

The harmful practice of forced child marriage often exacerbates social, economic, and political instability in the developing world, and can prohibit smooth economic and political transition.

For example, Afghanistan's high female illiteracy rates and maternal mortality rates are among the most significant obstacles standing in the way of long-term progress and stability. Without ending child marriage, which remains one of the many underlying catalysts of these poor outcomes, the road ahead for women in Afghanistan will be all the more grueling. And women in Afghanistan are by no means alone in the struggle the discriminatory norms that perpetuate child marriage also prohibit full participation of women in the economic and political life in many other regions of the world.

According to the United Nations Children's Fund—UNICEF—an estimated 60,000,000 girls between the ages of 20 through 24 were married before they turned 18. The Population Council estimates that the number will increase by 100 million over the next decade if current trends continue. In addition to denying these tens of millions of women and girls their dignity, child marriage continues to endanger their health. Marriage at an early age puts girls at greater risk of dying as a result of childbirth. Pregnancy and childbirth

complications are the leading cause of death for women 15 to 19 years old in most Third World countries.

Furthermore, women and girls are the world's greatest untapped resources. Studies conducted by the Food and Agricultural Organization—FAO—have confirmed that women are the main-stay of small scale agriculture, farm labor, and day-to-day family subsistence accounting for half of the world's food production.

However, child marriage continues to be a barrier to the improvement of society and the development of these young women. And, unfortunately, early marriages continue to pull girls out of school and prohibit them from gaining vital skills to engage in income generating activities, actively participate in efforts to shape their communities, and often block their ability to achieve food security.

I am heartened to see the United States Senate affirm the United States' commitment to promote the basic human rights of all individuals and through this small step improve the lives of millions of girls by passing this bill today.

Before closing, let me briefly commend my friend and colleague, Senator DURBIN of Illinois. He has been a leader on this topic for a number of years and I have been privileged to work with him on this bill. Once the Senate completes action on this bill, I hope that the U.S. House will be able to quickly approve it and send it to the White House for signature by President Obama.

Mr. REID. I ask the bill be read a third time and the Senate proceed to a voice vote on passage of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 414) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 414) was passed, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Protecting Girls by Preventing Child Marriage Act of 2011".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child marriage, also known as "forced marriage" or "early marriage", is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, "Marriage shall be entered into only with the free and full consent of intending spouses".

(3) According to the United Nations Children's Fund (UNICEF), an estimated

60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between $\frac{1}{2}$ and $\frac{3}{4}$ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that child marriage is "a clear and unacceptable violation of human rights", and that "the Department of State categorically denounces all cases of child marriage as child abuse".

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls' schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term "child marriage" means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident or, where there is no such law, under the age of 18.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and de-

velopment objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) PRIORITY.—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, which should address the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms, and the rule of law;

(C) encompass programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(D) be submitted to Congress not later than one year after the date of the enactment of this Act.

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the President should submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) COORDINATION.—Assistance authorized under subsection (a) shall be integrated with existing United States development programs.

(e) ACTIVITIES SUPPORTED.—Assistance authorized under subsection (a) may be made available for activities in the areas of education, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child

marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. RESEARCH AND DATA.

It is the sense of Congress that the President and all relevant agencies should, as part of their ongoing research and data collection activities—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection: “(g) The report required by subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection: “(j) The report required by subsection (b) shall include, for each country in which child

marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”.

Mr. REID. I now ask the motion to reconsider be laid on the table, there be no intervening action or debate, and any statements related to this measure be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE ARCHITECT OF THE CAPITOL TO ESTABLISH BATTERY RECHARGING STATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 44, S. 739.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 739) to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

There being no objection, the Senate proceeded to the bill.

Mr. LEVIN. Mr. President, I am very pleased that the Senate today is passing legislation that would allow the Senate to continue its leadership of our country toward a clean-energy future. This bill provides the authority for the Architect of the Capitol to provide for charging of batteries for privately owned vehicles in parking areas under the jurisdiction of the Senate and, of great importance, at no cost to the Federal Government.

Plug-in hybrid and electric vehicles offer great potential in meeting our goal of reducing greenhouse gas emissions, and auto manufacturers are moving toward developing a broad choice of electric-drive vehicles. Batteries and components are now being manufactured in the U.S., and we are developing the supply chain necessary to support these home-grown technologies. But in addition to making the vehicles and components available, we also need to take steps to ensure the infrastructure exists to make these vehicles desirable and accessible to consumers. Increased use of plug-in hybrid and electric vehicles will bring changes in how we think about cars and driving. Instead of looking for gas stations, drivers will need to have places where they can replenish the batteries that power their vehicles.

This bill will ensure that the Senate leads by example as we transition to that cleaner-energy future. It will ensure that the capability to charge plug-in hybrid and electric vehicles will exist in the Senate—at no cost to the

taxpayer. I am a proud owner of a Chevrolet Volt, but I also want to ensure that the taxpayers do not subsidize the cost of my or anyone else's use of electricity to power these vehicles.

I appreciate the efforts and support of the cosponsors of this bill—Senators ALEXANDER, SCHUMER, KERRY, MURKOWSKI, BINGAMAN, STABENOW, and MERKLEY—and the great assistance of the staffs of Senators SCHUMER and ALEXANDER on the Rules Committee in getting this bill passed. It has been our explicit intention to ensure there would be no cost to the taxpayer in providing access to electricity for those wishing to charge their vehicle batteries in the parking areas of the Senate, but I am pleased that we were able to include language to clarify any questions in that regard.

Mr. SCHUMER. Mr. President, I rise today to discuss S. 739, a bill which authorizes the Architect of the Capitol, AOC, at no cost to the Federal government, to create and install electric vehicle recharging stations in Senate parking facilities.

This bill likely would have never seen the light of day if it were not for the perseverance and hard work of my good friend Senator LEVIN. He worked tirelessly to make this bill a reality, and I am so proud to stand with him. This bill was drafted with bipartisan support. Senator ALEXANDER and I join Senators KERRY, MURKOWSKI, BINGAMAN, MERKLEY and STABENOW in supporting this bill sponsored by Senator LEVIN.

It bears repeating: This bill creates a program that will not cost the Federal government one dime. S. 739 funds the installation and maintenance of the charging stations by billing the individuals who use the plug-in stations. S. 739 works on a simple premise: the more people who drive electric cars on campus, the more plug-in stations the AOC will install. S. 739 insures that the demand for plug-in stations will match the number of dues paying participants who fund the program.

This bill is needed as more and more people decide to buy electric cars. Currently, the Architect does not have the authority to install plug-in stations on the Capitol campus. This bill fixes that problem in a smart, cost effective manner.

Mr. REID. Mr. President, I ask unanimous consent that a Levin amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2155) was agreed to, as follows:

(Purpose: To improve oversight over the program and ensure no subsidy is received by Senators and employees)

On page 4, strike lines 14 through 19, and insert the following:

(e) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(2) AVOIDING SUBSIDY.—

(A) DETERMINATION.—Not later than 3 years after the date of enactment of this Act and every 3 years thereafter, the Architect of the Capitol shall submit a report to the Committee on Rules and Administration of the Senate determining whether Senators and covered employees using battery charging stations as authorized by this Act are receiving a subsidy from the taxpayers.

(B) MODIFICATION OF RATES AND FEES.—If a determination is made under subparagraph (A) that a subsidy is being received, the Architect of the Capitol shall submit a plan to the Committee on Rules and Administration of the Senate on how to update the program to ensure no subsidy is being received. If the committee does not act on the plan within 60 days, the Architect of the Capitol shall take appropriate steps to increase rates or fees to ensure reimbursement for the cost of the program consistent with an appropriate schedule for amortization, to be charged to those using the charging stations.

The bill (S. 739), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BATTERY RECHARGING STATIONS FOR PRIVATELY OWNED VEHICLES IN PARKING AREAS UNDER THE JURISDICTION OF THE SENATE AT NO NET COST TO THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this Act, the term “covered employee” means—

(1) an employee whose pay is disbursed by the Secretary of the Senate; or

(2) any other individual who is authorized to park in any parking area under the jurisdiction of the Senate on Capitol Grounds.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading “CAPITOL POWER PLANT” under the heading “ARCHITECT OF THE CAPITOL” in any fiscal year are available to construct, operate, and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction of the Senate on Capitol Grounds for use by privately owned vehicles used by Senators or covered employees.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the Architect of the Capitol may use 1 or more vendors on a commission basis.

(3) APPROVAL OF CONSTRUCTION.—The Architect of the Capitol may construct or direct the construction of battery recharging stations described under paragraph (1) after—

(A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(c) FEES AND CHARGES.—

(1) IN GENERAL.—Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for electricity provided to Senators and covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery recharging stations.

(2) APPROVAL OF FEES OR CHARGES.—The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

(A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(d) DEPOSIT AND AVAILABILITY OF FEES, CHARGES, AND COMMISSIONS.—Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

(1) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and

(2) available for obligation without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(2) AVOIDING SUBSIDY.—

(A) DETERMINATION.—Not later than 3 years after the date of enactment of this Act and every 3 years thereafter, the Architect of the Capitol shall submit a report to the Committee on Rules and Administration of the Senate determining whether Senators and covered employees using battery charging stations as authorized by this Act are receiving a subsidy from the taxpayers.

(B) MODIFICATION OF RATES AND FEES.—If a determination is made under subparagraph (A) that a subsidy is being received, the Architect of the Capitol shall submit a plan to the Committee on Rules and Administration of the Senate on how to update the program to ensure no subsidy is being received. If the committee does not act on the plan within 60 days, the Architect of the Capitol shall take appropriate steps to increase rates or fees to ensure reimbursement for the cost of the program consistent with an appropriate schedule for amortization, to be charged to those using the charging stations.

(f) EFFECTIVE DATE.—This Act shall apply with respect to fiscal year 2011 and each fiscal year thereafter.

PROVIDING FOR THE RELEASE OF THE REVERSIONARY INTEREST

Mr. REID. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 2947 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2947) to provide for the release of the reversionary interest held by the

United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2947) was ordered to a third reading, was read the third time, and passed.

ALLOWING OTHERWISE ELIGIBLE ISRAELI NATIONALS TO RECEIVE E-2 NONIMMIGRANT VISAS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 3992 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3992), to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3992) was ordered to a third reading, was read the third time, and passed.

NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 455.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 455) designating June 27, 2012, as “National Post-Traumatic Stress Disorder Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with

no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 455

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas more than 2,000,000 servicemembers have deployed overseas as part of overseas contingency operations since the events of September 11, 2001;

Whereas the military has sustained an operational tempo for a period of time unprecedented in the history of the United States, with many servicemembers deploying multiple times, placing them at high risk of PTSD;

Whereas according to the Armed Forces Health Surveillance Center, approximately 90,000 servicemembers who have returned from overseas contingency operations have been clinically diagnosed with PTSD;

Whereas the Department of Veterans Affairs reports that—

(1) since 2002, more than 217,000 of the more than 750,000 veterans of overseas contingency operations who have sought care at a Department of Veterans Affairs medical center have been diagnosed with PTSD; and

(2) in fiscal year 2011, more than 475,000 of the nearly 6,000,000 veterans from all wars who sought care at a Department of Veterans Affairs medical center received treatment for PTSD;

Whereas many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues;

Whereas PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated;

Whereas perceived or actual symptoms of PTSD or other mental health issues create unique challenges for veterans seeking employment;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD, reduce the stigma associated with PTSD, and help ensure that those suffering from the invisible wounds of war receive proper treatment: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2012, as “National Post-Traumatic Stress Disorder Awareness Day”; and

(2) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder (referred to in this resolution as “PTSD”); and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

RELATIVE TO THE DEATH OF THE HONORABLE E. JAMES ABDNOR

Mr. REID. I ask unanimous consent to proceed to S. Res. 475.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 475) relating to the death of the Honorable E. James Abdnor, former United States Senator and Congressman from the State of South Dakota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. THUNE. Mr. President, I rise today to recognize a former Member of this body and my long-time friend and mentor, Senator Jim Abdnor of South Dakota. Senator Abdnor passed away last Wednesday, May 16, 2012, in South Dakota in the company of friends and family.

We are both products of the dusty short-grass country just west of the Missouri River on the plains of central South Dakota. Jim was a product of the active and civically-minded political culture of Lyman County and I was from next door Jones County. Despite these counties' sports rivalries over the years, Jim took me under his wing and introduced me to the American political process. If not for Jim Abdnor, I would not be standing here today.

After a basketball game when I was a freshman in high school, Jim struck up a conversation with me that would change the course of my life. I went to work for Jim as a legislative assistant when he was a Senator and later at the Small Business Administration. When I first ran for office, Jim's guidance and support were invaluable to me.

This past weekend, hundreds of South Dakotans came out to honor Jim Abdnor and remember his great love for them and his state. His funeral was held in a Lutheran church in the shadow of the State capital in Pierre, where Jim first served in statewide office as Lieutenant Governor. Jim was buried just outside of his small hometown of Kennebec near where his immigrant father first homesteaded.

Mr. President, Jim leaves us with many legacies and I want to mention a few of them here today.

First and foremost, Jim's was an American story. It started as the tale of an immigrant who boarded a ship for the United States not even knowing the English language but knowing he was heading for the land of opportunity. That immigrant, Jim's father Sam Abdelnour, wanted to escape the growing authoritarianism of his native Lebanon, for American freedom.

Jim's story is also a frontier story. His father Sam settled in Lyman County, South Dakota. Sam Abdnor became a homesteader and planted corn and wheat. He also peddled his wares to the other farmers in the area and when Kennebec was organized as a town, Sam was one of the first people to establish a business on main street. Jim grew up learning how to balance the books in a small town store and knowing how to work the family farm. He learned financial responsibility and hard work and how one can climb the ladder of success in America.

Jim's story is also a story of the land and farming. Some of us who knew Jim through politics may forget that before he was elected to Congress Jim had owned and run the family farm for three decades. Jim was very proud of the fact that he was good at representing South Dakota agriculture because he was an active farmer who did the planting and hauled his grain to the elevator in the fall. When he was in Congress, South Dakota was ranked as the most agricultural state in the Nation and Jim was the first farmer elected to Congress from South Dakota. Jim was proud of that correlation and he never forgot his farming roots.

During the 1970s, when people were organizing sit-ins and teach-ins and other protests, Jim helped organize a “beef-in.” He brought 100 West River ranchers to Washington, DC, to talk about farm issues. They set up pens of cattle on the Washington mall and met with agriculture officials. Jim didn't rest until these ranchers had their voices heard.

Jim's story is also about water. We all live comfortably now with running water and hot showers, but that's not how Jim grew up. He grew up on his family's windy, dry-land farm in Lyman County. He lived through the droughts of the 1930s. He understood the importance of water. He never stopped working on the issues of water access—including being a champion of the WEB water project in Walworth, Edmunds, and Brown counties in north central South Dakota that began in 1983.

The question of water was never far from Jim's mind and I think it had something to do with his heritage. That's certainly true of his Lyman County roots, which is where the humid Midwest begins to turn into the arid High Plains, but also of his roots in Lebanon, where water is also scarce. His family's home village of Ain Arab was founded because it was a watering hole. Ain Arab literally means “spring” or “well.” More specifically, it means “spring of the Arab.” When they had enough water in Ain Arab they would grow wheat, just like the Abdors would do out in Lyman County.

Jim's is also a story about organizing. As soon as he came home from

college, he started organizing Republicans in Lyman County and became head of the Lyman County Young Republicans. He helped organize and found the Elks lodge in Pierre in 1953. He joined every organization he could and he brought as many people into community affairs and politics and civic organizations as he could.

Jim also pushed other people to organize. He liked to tell the story of the people in Faith, SD, who wanted a new grandstand at their rodeo grounds. They took one look at the Federal regulations involved with some grant program and promptly did everything themselves, raising all the money they needed from local sources and fundraisers and did it at 10 percent of the cost. They put in 4,000 hours of their own time and made it happen themselves and Jim appreciated that. He liked communities working together to solve their own problems.

During the 1970s, when tensions in the Middle East worsened, Jim called for his fellow Arab-Americans to become more involved in the political process. He opposed what he saw as their tendency toward isolation and self-segregation. He said his ethnic compatriots should "get out and mix." "They should become more involved," he said, "become part of the community." Jim never stopped believing in the importance of being involved and working with others to make life better.

This is why Jim had so many friends. He never stopped working to meet people and bring them together around issues and simply to socialize. A friend of mine says that he doesn't think anyone in the State of South Dakota has ever attended more weddings, graduations, ceremonial dinners, or basketball, baseball, and football games than Jim.

As someone from the wide open plains who wanted groups of people to come together to solve problems on their own, Jim was always resisting Federal encroachment on local control. As the son of a small businessman, Jim was sensitive to the growing encroachment of Federal regulations and how much this encroachment cost small businesses. For many years, Jim was especially incensed about OSHA mandating rules for small stores on South Dakota main streets. In the 1970s, Jim also had a big fight with OSHA because it was trying to mandate that South Dakota wheat farmers maintain portapotties in the fields, which a practicing wheat farmer from Lyman County, South Dakota knew was the definition of absurd.

As a small businessman and farmer, Jim was always worried about the bottom line and he constantly tried to apply these concerns in the area of the Federal budget. Jim was sounding the alarm bell in the 1970s when the Federal Government spent less than \$400

billion a year, which today seems laughably small given our current state of affairs. Back then, he was attacking deficits of \$70 billion. He was also adamantly opposed to the Federal Government bailing out New York City in the 1970s because he said it would set a bad precedent. He attacked a Federal debt ceiling limit of \$500 billion as being highly irresponsible. He criticized the fact that each American owed \$2,000 because of the Federal Government's debt. Jim liked to quote the editor of the Freeman Courier, who asked "how can it be that a government which is unable to balance its own budget and lives far beyond its means, has the authority to tell a businessman" how to run his business.

Jim wasn't afraid to make hard votes to fix our problems, votes that probably cost him his Senate seat. But Jim Abdnor had the moral courage to make the tough decisions.

Mr. President, Jim Abdnor leaves us with a critical reminder. He embodied the American dream. He was the son of a poor Lebanese peddler who built a successful business and raised a great family, including a son who ascended the heights of American politics and became a U.S. Senator. Jim Abdnor shows how hard work and diligence can pay off.

On this occasion of remembrance and during this time of honoring my good friend Jim Abdnor, I hope we can remember our solemn duty to protect the American dream that the Abdnor family represented.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 475) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 475

Whereas James Abdnor was born in Kennebec, South Dakota, on February 13, 1923, and was the son of an immigrant from Lebanon who peddled and homesteaded in Lyman County, South Dakota;

Whereas James Abdnor enlisted in the United States Army during World War II, farmed in Kennebec after graduating from the University of Nebraska in 1945, and later taught and coached in neighboring Presho;

Whereas James Abdnor served as Chairman of the Lyman County Young Republicans in 1950, Chairman of the State Young Republicans from 1950 to 1952, and Farm Chairman of the Young Republican National Federation from 1953 to 1955;

Whereas James Abdnor served as the First Assistant Chief Clerk of the South Dakota House of Representatives during the legislative sessions of 1951, 1953, and 1955;

Whereas James Abdnor was elected to the South Dakota Senate in 1956, where he served until his election as the 30th Lieutenant Governor of the State of South Dakota, a position he served in from 1969 through 1971;

Whereas James Abdnor was elected to the United States House of Representatives for the 93rd United States Congress in 1972 and served a total of 4 consecutive terms, representing the Second Congressional District of South Dakota;

Whereas James Abdnor served on the Committee on Public Works of the House of Representatives, the Committee on Veterans' Affairs of the House of Representatives, and the Select Committee on Aging of the House of Representatives;

Whereas James Abdnor was elected to the United States Senate for the 97th United States Congress in 1980 and was appointed Chairman of 3 subcommittees on his first day, including the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations of the Senate, the Subcommittee on Water Resources of the Committee on Environment and Public Works of the Senate, and the Subcommittee on Agriculture and Transportation of the Joint Economic Committee;

Whereas James Abdnor was appointed Vice Chairman of the Joint Economic Committee and served on the Committee on Indian Affairs of the Senate;

Whereas James Abdnor was a voice for the rural United States in Congress, where he advocated for family farms and small business, rural water systems and electrification, a balanced budget, and small-town values;

Whereas James Abdnor was appointed by President Ronald Reagan to serve as the Administrator of the United States Small Business Administration from 1987 to 1989 following his service in the United States Congress;

Whereas James Abdnor will be remembered for his humble service to his constituents, dedication to the youth of South Dakota, and defining influence on South Dakota politics; and

Whereas the hallmarks of James Abdnor's public service were his integrity, kindness, respect for the common man, and love for South Dakota: Now, therefore, be it

Resolved, That—

(1) the Senate expresses profound sorrow and deep regret regarding the death of the Honorable James Abdnor, former member of the United States Senate and House of Representatives for the State of South Dakota, on May 16, 2012;

(2) the Senate respectfully requests that the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stand adjourned as a further mark of respect to the memory of the Honorable James Abdnor.

MEASURE READ THE FIRST TIME

Mr. REID. There is a joint resolution at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the first time.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 41) expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

Mr. REID. I ask for a second reading, the purpose of which is to place this joint resolution on the calendar under

the provisions of rule XIV, but after having said that, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The joint resolution will be read the second time on the next legislative day.

SIGNING AUTHORITY

Mr. REID. I now ask unanimous consent that from Friday, May 25, through Monday, June 4, Senator LEAHY be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority leader and minority leader be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MAY 25 THROUGH MONDAY, JUNE 4, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only with no business conducted on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, May 25, at 2:30 p.m.; Tuesday, May 29, at 11 a.m.; and Thursday, May 31, at 12 p.m.; and that the Senate adjourn on Thursday, May 31 until 2 p.m. on Monday, June 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and that the majority leader be recognized; further, that at 5 p.m., the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. It is my intention to resume the motion to proceed to S. 3220, the paycheck fairness bill, when the Senate convenes on Monday, June 4. There will be a rollcall vote on confirmation of the Hillman nomination.

ADJOURNMENT UNTIL FRIDAY, MAY 25, 2012, AT 2:30 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 475 as a further mark of respect to the memory of the late Senator James Abdnor of South Dakota.

There being no objection, the Senate, at 7:21 p.m., adjourned until Friday, May 25, 2012, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

STATE JUSTICE INSTITUTE

JONATHAN LIPPMAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ROBERT A. MILLER, TERM EXPIRED.

JONATHAN LIPPMAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2015. (REAPPOINTMENT)

NUCLEAR REGULATORY COMMISSION

ALLISON M. MACFARLANE, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2013, VICE GREGORY B. JACZKO, RESIGNED.

DEPARTMENT OF STATE

GRETA CHRISTINE HOLTZ, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

ALEXANDER MARK LASKARIS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

MARCIE B. RIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER-MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

OFFICE OF GOVERNMENT ETHICS

WALTER M. SHAUB, JR., OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF FIVE YEARS, VICE ROBERT IRWIN CUSICK, JR., TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HOWARD B. BROMBERG

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by voice vote and the nomination was confirmed:

DAVID J. LANE, OF FLORIDA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations by voice vote and the nominations were confirmed:

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH JOSEPH R. FONTANA AND ENDING WITH JOY A. MOBLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2012.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MARY J. CHOI AND ENDING WITH MEGHAN M. ZOMORODI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2012.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 2012:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

SECURITIES INVESTOR PROTECTION CORPORATION

ANTHONY FRANK D'AGOSTINO, OF MARYLAND, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2011.
ANTHONY FRANK D'AGOSTINO, OF MARYLAND, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2014.
GREGORY KARAWAN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2013.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

SARA MARGALIT AVIEL, OF CALIFORNIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

THE JUDICIARY

ROY WALLACE MCLEESE III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF ENERGY

ADAM E. SIEMINSKI, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION.

FEDERAL ENERGY REGULATORY COMMISSION

ANTHONY T. CLARK, OF NORTH DAKOTA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2016.

JOHN ROBERT NORRIS, OF IOWA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2017.

THE JUDICIARY

MARGARET BARTLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

CORAL WONG PIETSCH, OF HAWAII, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF STATE

MICHAEL A. RAYNOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

SCOTT H. DELISI, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

MAKILA JAMES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

DEPARTMENT OF DEFENSE

JESSICA LYNN WRIGHT, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

JAMES N. MILLER, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY.

FRANK KENDALL III, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

ERIN C. CONATON, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

DEREK H. CHOLLET, OF NEBRASKA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

KATHLEEN H. HICKS, OF VIRGINIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE.

EXECUTIVE OFFICE OF THE PRESIDENT

JOSEPH G. JORDAN, OF MASSACHUSETTS, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

DEPARTMENT OF DEFENSE

KATHARINA G. MCFARLAND, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. DUBIE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BOBBY V. PAGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. LARRY O. SPENCER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. NOEL T. JONES

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. WAYNE A. ZIMMET

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THEODORE C. NICHOLAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FRANCISCO A. ESPAILLAT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM R. PHILLIPS II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL LESLIE J. CARROLL
BRIGADIER GENERAL BRYAN R. KELLY
BRIGADIER GENERAL PETER S. LENNON
BRIGADIER GENERAL GARY A. MEDVIGY
BRIGADIER GENERAL DAVID W. PUSTER
BRIGADIER GENERAL MEGAN P. TATU
BRIGADIER GENERAL DANIEL L. YORK
BRIGADIER GENERAL JAMES V. YOUNG, JR.

To be brigadier general

COLONEL DOUGLAS F. ANDERSON
COLONEL DANNY C. BALDWIN
COLONEL WILLIAM P. BARRIAGE
COLONEL LEANNE P. BURCH
COLONEL MITCHELL R. CHITWOOD
COLONEL STEPHEN K. CURDA
COLONEL ARLAN M. DEBLIECK
COLONEL CHRIS R. GENTRY
COLONEL NORMAN B. GREEN
COLONEL LEWIS G. IRWIN
COLONEL PHILLIP S. JOLLY
COLONEL ROBERT A. KARMAZIN
COLONEL TROY D. KOK
COLONEL WILLIAM S. LEE
COLONEL TAMMY S. SMITH
COLONEL MICHAEL S. TUOMEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL T. FLYNN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS D. WALDHAUSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JON M. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT E. SCHMIDLE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. TERRY G. ROBLING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BURKE W. WHITMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES M. LARIVIERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN A. TOOLAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL K. LEBIDINE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT B. NELLER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WILLIAM E. GORTNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KURT W. TIDD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DAVID H. BUSS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHELLE J. HOWARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. THOMAS H. COPEMAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD W. HUNT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JOHN F. KIRBY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRIAN B. BROWN

JAMES MADISON MEMORIAL FELLOWSHIP
FOUNDATION

DREW R. MCCOY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING JANUARY 27, 2016.

PAULINE R. MAIER, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2017.

UNITED STATES PAROLE COMMISSION

CHARLES THOMAS MASSARONE, OF KENTUCKY, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF TONYA R. EVERLETH, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH CRAIG W. HINKLEY AND ENDING WITH CHAD A. SPELLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JOHANN S. WESTPHALL AND ENDING WITH ELIESA A. ING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH MARK J. BATCHO AND ENDING WITH FREDERICK C. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

AIR FORCE NOMINATION OF ROBERT M. AGUE, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH LESLIE A. WOOD AND ENDING WITH MATTHEW L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH NATHAN BARRY ALHOLINNA AND ENDING WITH CRAIG M. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

AIR FORCE NOMINATION OF JAMES J. RENDA, TO BE MAJOR.

AIR FORCE NOMINATION OF AUGUST S. HEIN, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER J. MATHEWS AND ENDING WITH TIMOTHY K. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

IN THE ARMY

ARMY NOMINATION OF ISRAEL MERCADO, JR., TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH FRANCIS J. EVON, JR. AND ENDING WITH MARK S. WELLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

ARMY NOMINATION OF CHADWICK B. FLETCHER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH RHANDA J. BROCKINGTON AND ENDING WITH VICKIE M. SCHNACKEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

ARMY NOMINATIONS BEGINNING WITH RICHARD A. DANIELS AND ENDING WITH DANIEL J. HOLDWICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

ARMY NOMINATIONS BEGINNING WITH ANDREW C. GALLO AND ENDING WITH CHRISTA M. LEWIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

ARMY NOMINATION OF JOHN C. MOFFITT, TO BE MAJOR.

ARMY NOMINATION OF MIMMS J. MABEE, TO BE COLONEL.

ARMY NOMINATION OF JONELLE J. KNAPP, TO BE MAJOR.

ARMY NOMINATION OF ROBERT E. BESSEY, TO BE MAJOR.
ARMY NOMINATION OF LAUREL A. THURSTON, TO BE MAJOR.

ARMY NOMINATION OF TINA M. MORGAN, TO BE MAJOR.
ARMY NOMINATIONS BEGINNING WITH KARL W. HUBBARD AND ENDING WITH BENJAMIN N. HOFFMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

ARMY NOMINATIONS BEGINNING WITH JOANN B. COUCH AND ENDING WITH RICHARD J. YOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

ARMY NOMINATION OF RICARDO A. BRAVO, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MATTHEW W. MOFFITT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF NATHANIEL V. CHITTICK, TO BE MAJOR.

ARMY NOMINATION OF LAURI M. ZIKE, TO BE MAJOR.

ARMY NOMINATION OF TIMOTHY A. CRANE, TO BE MAJOR.

ARMY NOMINATION OF RYAN L. JERKE, TO BE MAJOR.
ARMY NOMINATION OF MATTHEW R. SUN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH GREGORY P. CHANEY AND ENDING WITH LAWRENCE E. SCHLOEGL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

ARMY NOMINATIONS BEGINNING WITH AMY F. COOK AND ENDING WITH PAUL S. TAMARIBUCHI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

ARMY NOMINATIONS BEGINNING WITH MICHAEL I. ALLEN AND ENDING WITH MATTHEW S. WYSOCKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND AP-

PEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH MARTIN L. ABREU AND ENDING WITH ROBERT C. ZYLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

IN THE NAVY

NAVY NOMINATION OF JOHN D. WILSHUSEN, TO BE CAPTAIN.

NAVY NOMINATION OF PETER J. OLDMIXON, TO BE COMMANDER.

NAVY NOMINATION OF GUILLERMO A. NAVARRO, TO BE COMMANDER.

NAVY NOMINATION OF RAYMOND J. HOUK, TO BE CAPTAIN.

NAVY NOMINATION OF JASON D. WEDDLE, TO BE COMMANDER.

NAVY NOMINATION OF ANDREW J. STRICKLER, TO BE COMMANDER.

NAVY NOMINATION OF ANDREW K. LEDFORD, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JOHN L. GRIMWOOD AND ENDING WITH ROBYN M. TREADWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

NAVY NOMINATIONS BEGINNING WITH DARIUS V. AHMADI AND ENDING WITH SCOTT D. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

NAVY NOMINATION OF MATTHEW F. PHELPS, TO BE COMMANDER.

NAVY NOMINATION OF ERIC J. SKALSKI, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TED J. STEELMAN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID A. MOORE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF STEVEN J. PORTER, TO BE COMMANDER.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ROBERT E. DRAPCHO AND ENDING WITH ROBERT P. SCHMIDT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH KATHRYN E. ABATE AND ENDING WITH TIMOTHY J. RILEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 29, 2012.

DEPARTMENT OF STATE

DAVID J. LANE, OF FLORIDA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH JOSEPH R. FONTANA AND ENDING WITH JOY A. MOBLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2012.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MARY J. CHOI AND ENDING WITH MEGHAN M. ZOMORODI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2012.

SENATE—*Friday, May 25, 2012*

The Senate met at 2:30 and 02 seconds p.m., and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. FRANKEN thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,
MAY 29, 2012, AT 11 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Tuesday, May 29, 2012 at 11 a.m.

Thereupon, the Senate, at 2:30 and 30 seconds p.m., adjourned until Tuesday, May 29, 2012, at 11 a.m.

HOUSE OF REPRESENTATIVES—Friday, May 25, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

As our Nation enters this long Memorial Day weekend, may we all be mindful of the sacrifices made by so many of our citizen ancestors who gave their lives in the service of these United States. May they rest in peace.

May our gratitude be equally transparent to the men and women who currently serve in our Armed Forces. We thank You for their generous gift of self so that we might spend our days in peace and security. May peace prevail in our world so that all our soldiers might return to their families in good health.

On this day, I give You thanks for the distinct honor of serving as the Chaplain of the House of Representatives for this past year.

Bless us this day and every day, and may all that is done within these hallowed Halls be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2012 at 9:38 a.m.:

Appointments: Congressional Award Board.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2012 at 10:06 a.m.:

That the Senate passed without amendment H.R. 4097.

That the Senate passed S. 2367.

Appointments: United States Commission on International Religious Freedom.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representa-

tives, the Clerk received the following message from the Secretary of the Senate on May 24, 2012 at 5:01 p.m.:

That the Senate passed with an amendment H.R. 1905.

That the Senate passed with an amendment H.R. 5740.

That the Senate passed S. 3187.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes; the Committee on the Judiciary. In addition, to the Committee on Financial Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m., May 29, 2012.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, May 29, 2012, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6103. A letter from the Acting Director — National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Hispanic-Serving Agricultural Colleges and Universities (HSACU) Certification Process (RIN: 0524-AA39) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6104. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations (EAR): Export Control Classification Number 0Y521 Series, Items Not Elsewhere Listed on the Commerce Control List (CCL) [Docket No: 110310188-2058-03] (RIN: 0694-AF17) received April 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6105. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Memorial Bridge Construction Piscataqua River, Portsmouth, NH [Docket No.: USCG-2011-1097] (RIN: 1625-AA11) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

6106. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Cruise Ships, San Pedro Bay, California [Docket No.: USCG-2011-0101] (RIN: 1625-AA87) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6107. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Beaufort's Tricentennial New Year's Eve Fireworks Display, Beaufort River, Beaufort, SC [Docket No.: USCG-2011-1112] (RIN: 1625-AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6108. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations and Safety Zones; Recurring Events in Captain of the Port Boston Zone [Docket No.: USCG-2011-0109] (RIN: 1625-AA08; AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6109. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Boca Raton Holiday Boat Parade, Intracoastal Waterway, Boca Raton, FL [Docket No.: USCG-2011-1078] (RIN: 1625-AA8) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6110. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Submarine Cable Installation Project; Chicago River South Branch, Chicago, IL [Docket No.: USCG-2011-1122] (RIN: 1625-AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6111. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; New Jersey Intracoastal Waterway (NJICW), Atlantic City, NJ [Docket No.: USCG-2011-0689] (RIN: 1625-AA09) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6112. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Arthur Kill, NY and NJ [Docket No.: USCG-2011-0727] (RIN: 1625-AA11) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6113. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations and Safety Zones; Recurring Events in Captain of the Port New York Zone [Docket No.: USCG-2010-1011] (RIN: 1625-AA00; 1625-AA08) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6114. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Eisenhower Expressway Bridge Rehabilitation Project; Chicago River South Branch, Chicago, IL [Docket No.: USCG-2011-1123] (RIN: 1625-AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6115. A letter from the Attorney, Department of Homeland Security, transmitting

the Department's final rule — Safety Zone; Upper Mississippi River, Mile 389.4 to 403.1 [Docket No.: USCG-2011-1087] (RIN: 1625-AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6116. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Power Line Replacement, West Bay, Panama City, FL [Docket No.: USCG-2011-0983] (RIN: 1625-AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6117. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Alternate Tonnage Threshold for Oil Spill Response Vessels [Docket No.: USCG-2011-0966] (RIN: 1625-AB82) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6118. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; New Year's Eve Fireworks Displays within the Captain of the Port Miami Zone, FL [Docket No.: USCG-2011-1091] (RIN: 1625-AA00) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6119. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; On the Waters in Kailua Bay, Oahu, HI [Docket No.: USCG-2011-1142] (RIN: 1625-AA87) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6120. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Passenger Vessel SAFARI EXPLORER Arrival/Departure, Kaunakakai Harbor, Molokai, Hawaii [Docket No.: USCG-2011-1159] (RIN: 1625-AA87) received April 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6121. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0565; Directorate Identifier 2010-NM-280-AD; Amendment 39-16977; AD 2012-05-05] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6122. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2012-0191; Directorate Identifier 2012-NM-035-AD; Amendment 39-16980; AD 2012-05-08] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6123. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Burt A. Rogers (Type Certificate Previously Held by William Brad Mitchell and Aeronca, Inc.) Airplanes [Docket No.: FAA-2011-0318; Directorate Identifier 2010-CE-033-AD; Amendment 39-16966; AD 2012-04-10] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6124. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2011-1087; Directorate Identifier 2011-NM-032-AD; Amendment 39-16967; AD 2012-04-11] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6125. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0992; Directorate Identifier 2011-NM-126-AD; Amendment 39-16968; AD 2012-04-12] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6126. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Helicopters [Docket No.: FAA-2011-0588; Directorate Identifier 2010-SW-074-AD; Amendment 39-16717; AD 2011-12-10] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6127. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) Turbofan Engines [Docket No.: FAA-2011-0928; Directorate Identifier 2011-NE-09-AD; Amendment 39-16954; AD 2012-03-12] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6128. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2010-0030; Directorate Identifier 2009-NM-135-AD; Amendment 39-16940; AD 2012-02-17] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6129. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2010-1311; Directorate Identifier 2009-NM-229-AD; Amendment 39-16938; AD 2012-02-15] (RIN: 2120-AA64) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6130. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Application, Review, and Reporting Process for Waivers for State Innovation [CMS-9987-F] (RIN: 0938-AQ75) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6131. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance on Reporting Interest Paid to Non-resident Aliens [TD 9584] (RIN: 1545-BJ01) received April 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6132. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of the Normal Retirement Age Requirements to Governmental Plans [Notice 2012-29] received April 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House of May 16, 2012, the following report was filed on May 23, 2012]

Mr. CULBERSON: Committee on Appropriations. H.R. 5854. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes. (Rept. 112-491). Referred to the Committee of the Whole House on the state of the Union.

Mr. ADERHOLT: Committee on Appropriations. H.R. 5855. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes. (Rept. 112-492). Referred to the Committee of the Whole House on the state of the Union.

[Pursuant to the order of the House on May 16, 2012, the following reports were filed on May 25, 2012]

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 5856. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-493). Referred to the Committee of the Whole House on the state of the Union.

Ms. GRANGER: Committee on Appropriations. H.R. 5857. A bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-494). Referred to the Committee of the Whole House on the state of the Union.

[Filed May 25, 2012]

Mr. UPTON: Committee on Energy and Commerce. H.R. 5651. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes (Rept. 112-495). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. SCHWEIKERT introduced a concurrent resolution (H. Con. Res. 126) expressing the sense of Congress that a commemorative postage stamp should be issued honoring Bill Keane; which was referred to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-

mitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CULBERSON:

H.R. 5854.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. ADERHOLT:

H.R. 5855.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. YOUNG of Florida:

H.R. 5856.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Ms. GRANGER:

H.R. 5857.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 312: Mr. JONES.

H.R. 529: Mr. HINCHEY.

H.R. 1063: Ms. BUERKLE.

H.R. 1146: Mr. DUNCAN of Tennessee.

H.R. 1386: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. POLIS, Ms. HOCHUL, Mr. HONDA, and Ms. DEGETTE.

H.R. 1418: Mr. WAXMAN.

H.R. 1489: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1639: Mr. WALDEN and Mr. MCKEON.

H.R. 2245: Mr. CRENSHAW and Mr. McDERMOTT.

H.R. 2514: Mr. CHABOT.

H.R. 2741: Mr. BONNER.

H.R. 2866: Mr. VAN HOLLEN.

H.R. 3066: Mr. WALDEN.

H.R. 3364: Mr. SCHRADER, Ms. BONAMICI, Mr. JOHNSON of Georgia, and Mr. KIND.

H.R. 3444: Mr. KING of Iowa.

H.R. 3831: Ms. PINGREE of Maine.

H.R. 3839: Mr. LARSEN of Washington.

H.R. 4091: Ms. CASTOR of Florida, Mr. LEWIS of Georgia, and Mr. BOREN.

H.R. 4228: Mr. POE of Texas.

H.R. 4381: Mr. GOSAR.

H.R. 4480: Mr. REHBERG.

H.R. 4965: Mr. PRICE of Georgia, Mr. COSTELLO, Mr. GRAVES of Georgia, Mr. AUSTIN

SCOTT of Georgia, Mr. BOREN, Mr. TERRY, and Mr. CHANDLER.

H.R. 5684: Mr. GONZALEZ and Mrs. DAVIS of California.

H.R. 5707: Mr. OLVER, Mr. FATTAH, and Mr. WELCH.

H. Con. Res. 122: Mr. TOWNS.

H. Res. 351: Mr. CICILLINE, Mr. DUNCAN of Tennessee, and Mr. GEORGE MILLER of California.

H. Res. 663: Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ISRAEL, and Mr. HANNA.

EXTENSIONS OF REMARKS

HONORING FT. BLISS GARRISON
COMMANDER COLONEL JOSEPH
SIMONELLI

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. REYES. Mr. Speaker, I rise today to honor Colonel Joseph Simonelli for his outstanding service to the Army and the nation.

For the past two years, Colonel Simonelli has served as the garrison commander of Fort Bliss. A garrison commander is the Mayor of an Army installation with responsibility for everything from potholes to energy contracts. It is one of the most challenging positions in the Army, and only a few of the most outstanding officers are selected for this top command position.

Colonel Simonelli has lead Fort Bliss at a critical juncture in the post's and the Army's history. With wars in Iraq and Afghanistan, he provided critical support to soldiers training for combat, while taking care of family members. He ensured that the spouses, parents, and children of deploying troops, facing so much stress, felt the warm embrace of the Army family.

As Fort Bliss was deploying combat forces, the post was also continuing to adjust to the impact of the 2005 BRAC which relocated the 1st Armored Division to El Paso. Colonel Simonelli oversaw important projects including construction of the new Lifestyle Center which is now providing upgraded facilities to support military families and has become an important hub for the community. Colonel Simonelli worked to transform the Lifestyle Center into more than a just place to shop or dine; the Lifestyle Center has become the heart of Fort Bliss, open and welcoming to all. This new gathering place is a model, not just for the military, but for all communities.

Colonel Simonelli and his staff tackled this and other projects, including the designation of Fort Bliss as one of the two Net Zero installations, with incredible efficiency and dedication. Colonel Simonelli instilled in all an unwavering commitment to supporting soldiers and their families.

As Joe and Bettye Marie move on to the next chapter in their life in the Army, I rise to offer my thanks for all that they have done to make Fort Bliss a better place to work and live. Their hard work and dedication has touched so many lives, and we owe an immeasurable debt of gratitude for all that they have done for our soldiers, for our community, and for our nation.

TRIBUTE IN MEMORY OF JAMES
ARNESS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. WAXMAN. Mr. Speaker, it is my great pleasure to recognize the life of Mr. James Arness, the legendary actor best known for his role as U.S. Marshal Matt Dillon in the television series, "Gunsmoke." Mr. Arness would have celebrated his 89th birthday tomorrow, on May 26, so it is fitting that we acknowledge his tremendous legacy this week.

Mr. Arness played one of the most iconic characters in the history of television. As a testament to its overwhelming popularity, "Gunsmoke," which was set in Dodge City, still stands out as one of the most popular weekly drama series, running a remarkable 20 years from 1955 through 1975.

Mr. Arness shaped a character that was as beloved as the man himself. His fans spanned the world and were as devoted as any fan base bar none. Clearly, Mr. Arness created a cowboy and lawman that resonated with viewers worldwide.

Before his rise to fame, Mr. Arness served in the U.S. Army during World War II, where he was severely wounded during Operation Shingle in Anzio, Italy. For his heroic actions, he was decorated with the Bronze Star Medal and the Purple Heart.

Following his military service, Mr. Arness hitchhiked to Hollywood and began his acting career. In addition to his wonderful role as Marshal Matt Dillon, he had a lengthy and impressive list of acting achievements in both television and film and was nominated for three Emmy Awards.

For his unparalleled contributions, Mr. Arness was given a star on the Hollywood Walk of Fame. He was also inducted into the Western Performers Hall of Fame at the National Cowboy and Heritage Museum in Oklahoma City and the Santa Clarita Walk of Western Stars, and was named by People Magazine as one of the top ten television stars of all time. In addition, The State of Alabama House of Representatives passed a resolution in honor of Mr. Arness in 2011.

Mr. Arness was a devoted and loving family man. He left behind his wife, Janet, along with wonderful children and grandchildren. His legacy will forever live on through them.

It is my pleasure to recognize the iconic life of James Arness and ask my colleagues join me in expressing our debt of gratitude to him.

JACOB WILLIAM WARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jacob William Ward. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 412, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jacob has earned distinction of becoming a Fire Builder in the Tribe of Mic-O-Say. He is a Brotherhood Member of the Order of the Arrow and has served his troop as Senior Patrol Leader, Junior Assistant Scout Master and Troop Guide. Jacob has also contributed to his community through his Eagle Scout project. Jacob constructed, built and placed benches along the walking trails at Smithville Lake so that his community can enjoy Smithville Lake and the surrounding wildlife.

Mr. Speaker, I proudly ask you to join me in commending Jacob William Ward for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE AND SERVICE
OF ARMY STAFF SERGEANT ANDREW
TREVOR BRITTON-MIHALO

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. MILLER of Florida. Mr. Speaker, it is with profound sadness and deepest sympathy that I rise to pay tribute to a fallen American hero. Army Staff Sergeant Andrew Trevor Britton-Mihalo died on April 25, 2012, in Kandahar, Afghanistan, while training Afghan Special Operations Forces. SSG Britton-Mihalo, a Green Beret, was assigned to Company B, 2nd Battalion, 7th Special Forces Group; and, prior to his deployment, he was stationed at Eglin Air Force Base, Florida.

SSG Britton-Mihalo first entered the Army in 2005 after graduating from Royal High School in Simi Valley, California. Just three years later, in 2008, his trademark drive, determination and toughness helped SSG Britton-Mihalo win the right to join the elite ranks of the U.S. Army Special Forces. This impressive accomplishment did not surprise anyone who knew

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

him. Prior to joining the Army, SSG Britton-Mihalo had already distinguished himself as an Eagle Scout and as a champion high school wrestler who won the match that secured his school their first-ever state wrestling title. He was described by those who knew him as one who was always fighting for the underdog and was quick to protect those who could not protect themselves. It was only fitting that such a man would join the Special Forces whose motto, *De oppresso liber*, is translated, "to liberate the oppressed"; and, true to his character, that is exactly what SSG Britton-Mihalo was doing for the people of Afghanistan when he was killed just two months before his 26th birthday.

SSG Britton-Mihalo gave his life attempting to secure for the Afghan people the blessings of freedom. We will never forget his ultimate sacrifice toward that honorable end. To SSG Britton-Mihalo's loving wife Jesse, his family, and friends, my wife Vicki joins me in offering our most sincere condolences and prayers.

Mr. Speaker, on behalf of a grateful United States Congress, I stand here today to honor SSG Andrew Trevor Britton-Mihalo and all of the heroes we have lost. May God continue to bless them and the United States Armed Forces.

RECOGNIZING THE SERVICE OF
BRIAN M. MOORE

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. ROYCE. Mr. Speaker, I rise today to offer tribute to a truly superb civil servant, veteran, and engineer, Mr. Brian Moore, on the occasion of his retirement as Deputy District Engineer for the Los Angeles District of the United States Army Corps of Engineers. It has been such a pleasure to know and work with Mr. Moore as he has helped address critical water resources and infrastructure needs for this nation during his career. Overall, he has served his country as a young soldier and as a distinguished civilian senior leader for the Los Angeles District spanning a career of over 44 years.

Mr. Moore's technical expertise and superior leadership has been instrumental to the success of the Army Corps of Engineers' many complex projects and programs. As the Army Corps of Engineers transformed itself to a project management focused organization, he was called to lead the role as one of the first Deputy District Engineers for Project Management and is retiring as the longest serving Corps leader in that role. He has been instrumental in the success of the extremely capable Los Angeles District which has nearly 400 projects in navigation, flood control, environmental restoration, military construction, and environmental cleanup. He has led and mentored future engineering leaders supporting our country's critical infrastructure including young military officers who have been assigned to the Los Angeles District.

He has been equally adept at interacting with all levels of government partners, agencies, stakeholders, and public sponsors in

meeting the nation's military construction and water resources needs. The organization and teams that he has led have been known for their intricate problem solving, common sense solutions, consideration of stakeholder needs, and teamwork. All in all, I know of no finer member of our esteemed United States Army Corps of Engineers and I wish him the best in the years ahead.

IN RECOGNITION OF GREGORY
CHRISTIANSEN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. CARDOZA. Mr. Speaker, I rise today to recognize Gregory Christiansen on the event of his retirement after many years of dedicated service to music education and the community.

Gregory earned his Bachelor of Music degree in Music Education from the University of the Pacific in 1974, where he graduated *Cum Laude*. He went on to earn a Diploma from the Grove School of Music's Professional Instrumental Program in 1983. He finished his education by obtaining his Master of Music degree in Music Education from the University of Southern California in 1985. He graduated with distinction as a member of Pi Kappa Lambda, the honorary music fraternity.

Gregory has spent his career teaching music education to students ranging from elementary school through college. He taught a College Jazz Ensemble for 3 years. For 30 years he worked with both instrumental and choral groups at the high school level. There he also developed and organized an effective parent support group. He taught Middle School Instrumental Music for two years where he developed a jazz curriculum for the students. Finally, he taught Elementary Instrumental and General Music for four years, during which he developed a fourth grade exploratory instrumental music curriculum.

Gregory has dedicated many years to supporting not only his students but the community as a whole. He has provided musical performances for many community events, as well as for visiting dignitaries. Gregory also worked with many community members on producing a band review, which attracted groups from over 40 schools in the region. Through his leadership, both Merced High School and Golden Valley High School have performed in the Pasadena Rose Parade. Gregory organized a non-profit parent organization to help raise funds for music students.

Gregory is not only part of the local music scene but he is involved in many national music organizations. He has served on the board of both the International Association of Jazz Educators as well as the Northern California Band Association. He holds professional affiliations with the following organizations: Jazz Educators Network, California Teachers Association, California Music Educators Association and California Band Directors Association.

Throughout his involvement, he has been recognized for his work and dedication to his

community and students. In both 1998 and 2005, he received the Northern California Band Director of the Year. He has also received Outstanding Band Director plaques at fifteen different band reviews. Merced County has recognized his work in music education by honoring him with the Teacher of the Year Award in 2008, Superintendent Recognition Award in 2009 and the Rotary Teacher of the Year Award in 2009.

Gregory was not only dedicated to his current students but the future of music education as well. He served as Master Teacher and mentor for many Student Teachers during his career. He provided opportunities for graduated students to work with and teach present students. Gregory also provided clinics at conferences for new teachers dealing with selecting repertoire, instrumentation and marching band organization.

Mr. Speaker, I ask that my colleagues join me in honoring Gregory Christiansen for his dedication to music education and our community as a whole.

HONORING ALL-STATE CHOIR
MEMBER OF CARROLL SENIOR
HIGH SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize Paige Stinnett, of the Carroll Senior High School choir, for being selected for the Texas Music Educators Association's All-State Women's Choir.

Every year 60,000 high school musicians in Texas compete for the opportunity to be among the 1,500 chosen for various All-State ensembles. Choir singers first audition before judges in one of twenty-eight Regions, and the highest ranked musicians from each Region then participate in one of seven Area competitions. The best among the Area singers then go on to the annual clinic and convention hosted by the Texas Music Educators Association, TMEA. The clinic consists of three days of rehearsal with prestigious musical experts and culminates in a grand All-State performance.

Being selected for one of the three All-State choirs (Men's, Women's, or Mixed) is indeed a high honor for any high school choir member and is a testament to their hard work, talent, and dedication. That makes it all the more impressive that Paige Stinnett, who is a soprano, not only made it to the 2012 Women's Choir, but also achieved the same honor in 2011. Her success is truly remarkable. I would also like to recognize the valuable contributions made by Chris Hutchinson, the Carroll Senior High School choir director, whose commitment to his school's musical program has shown brilliantly through his students.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Paige Stinnett on being chosen for the TMEA All-State Women's Choir.

HONORING VINCE HARRIS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. DENHAM. Mr. Speaker, my colleague, Mr. CARDOZA, and I rise today to acknowledge and honor Vince Harris, Executive Director of the Stanislaus Council of Governments, StanCOG, to thank him for his leadership and direction of transportation improvements in the Central Valley.

StanCOG is the Metropolitan Planning Organization, MPO, and the Regional Transportation Planning Agency, RTPA, for the Stanislaus Region with responsibility for developing and delivering the Regional Transportation Plan, RTP. This plan includes a diverse mix of transit, non-motorized, highway and local street and road projects to be completed in Stanislaus County over the next 25 years. During Mr. Harris' tenure as Executive Director, he was responsible for all agency functions including regional transportation planning, program administration, financial management and budget control.

Mr. Harris holds a Bachelor of Science Degree in Civil Engineering Technology from the University of Pittsburgh and a Master's in Public Administration from California State University in Hayward. His career spans 35 years, with transportation assignments in both the public and private sector in California, Texas, Utah, and Washington, DC.

Prior to joining StanCOG, Mr. Harris was the Deputy General Manager of San Francisco Municipal Railway's Construction Division. In this capacity, he headed a division of approximately 140 engineers, technicians, and administrative staff responsible for the delivery of the agency's \$2.67 billion Capital Improvement Program. The program included new Light Rail Transit installations, facility upgrades, and enhancements.

He is also the former Executive Director of the Alameda County Transportation Authority. In this role, he managed the agency's \$1 billion Half-Cent Transportation Sales Tax Program. The program included a variety of projects which addressed mobility for seniors and disabled persons, major transit, bikeway and highway corridors, and improvements to local streets and roads.

During his time as Executive Director, Mr. Harris worked collaboratively with the Stanislaus region's nine cities and the county to support significant transportation improvements to the region. Under Harris' leadership, millions of transportation dollars financed projects such as the Whitmore Interchange Reconstruction Project, the State route 219 (Kiernan Avenue) Widening Project, and hundreds of locally developed and delivered transportation projects.

Mr. Harris' last day with StanCOG is May 31, 2012. He has accepted a new position as Director of Capital Programs and Construction for the San Francisco Municipal Transportation Agency.

Mr. Speaker, please join us in honoring and commending Vince Harris, Executive Director of the Stanislaus Council of Governments, StanCOG, for his numerous years of selfless service to the betterment of our community.

HONORING SERGEANT JOSEPH SHEPHERD

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor Sgt. Joseph Shepherd on his retirement from the Waterville Police Department.

Sgt. Shepherd is officially retiring from the Waterville Police Department after 31 years. Joe began his career in law enforcement at the age of 22, and he has been a model of integrity ever since. Throughout his career, he has never wavered from his dedication to the community or his desire to help people. Waterville police Chief Joseph Massey has called Sgt. Shepherd a "problem solver" with a stellar reputation throughout the city. These values have made him one of Waterville's most effective and well-liked police officers.

With Sgt. Shepherd's departure, Waterville is losing a valued asset. Joe holds a bachelor's degree in administration of justice from the University of Maine at Augusta and a master of business administration from Thomas College. He has also left his mark on the department as a supervisor and training officer. As he embarks on this next exciting step in his life, Sgt. Shepherd leaves behind a community ever grateful for his years of dedicated service.

I am pleased to join the Waterville Police Department, and the people of Maine, in honoring Sgt. Shepherd on his retirement.

Mr. Speaker, please join me in congratulating Sgt. Shepherd on achieving this milestone, and thanking him for all that he has done to keep Maine families safe.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, on Friday, May 18, 2012, I was meeting with constituents of my district on the East Steps of the Capitol building and missed rollcall 293 on the Rahall Motion to Instruct Conferees. Had I been present, I would have voted "present" on H.R. 4348.

THE HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOMEOWNERSHIP (HEARTH) ACT

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Ms. MCCOLLUM. Mr. Speaker, I rise in support of H.R. 205, the HEARTH Act.

Under current law, many Native Americans living on tribal land have to fight government bureaucracy to buy a home. Just like other Americans pursuing the American dream of homeownership, they find a house, get a mort-

gage approved, and make an offer. It's at this point that the dream often turns into a nightmare for tribal members. Before they can close on a house, they have to get approval from the Bureau of Indian Affairs (BIA) to lease the land—and this approval process can take as long as two years. During this extremely long wait, the mortgage approval usually expires and sellers can rarely wait this long. With such a daunting and long process, it's no wonder that tribal members give up and decide to move off the reservation and away from their families and communities, just to own a home.

The good news is that the bill before us today would allow tribal governments to lease the land directly, reducing the approval time and making this process much easier for Native Americans to buy homes on tribal land. The tribes would initially receive approval for their own leasing regulations from the Secretary of Interior, and could then process lease applications internally, rather than having them all be processed by the BIA. This leasing structure would also encourage community and economic development on tribal lands, and spur renewable energy development in Indian Country. Tribal governments will be able to control their own land and direct the necessary resources to construct community centers and fill commercial spaces. This tribal control is critical, and I wholeheartedly support it and encourage my colleagues to join me in voting yes.

This bill is badly needed so that Native Americans do not have to endlessly wait to pursue the American dream. As a member of the Congressional Native American Caucus, I urge my colleagues to support H.R. 205.

TRIBUTE TO THE "WELCOME HOME" VIETNAM VETERANS CELEBRATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in paying tribute to the selfless service of the Memorial Services Detachment at Fort Sam Houston National Cemetery who celebrated their 20th anniversary on December 17, 2011 of bringing honor and dignity to the burial services of our veterans.

The Memorial Services Detachment is an all volunteer group composed of retired and former military service members who have committed themselves to ensuring that all military veterans interred at Fort Sam Houston National Cemetery receive proper burial honors. The Memorial Services Detachment provides a final gesture of honor to our nation's veterans at no expense to the veterans' families.

The group was founded on December 17, 1991 to address the budget cutbacks that occurred in the late 1980s that caused the Department of Defense to restrict full military burial honors to individuals dying while on active duty and those who were fully retired. Since its inception, the Memorial Services Detachment has ensured that all deceased veterans'

families receive the solace and comfort that these burial honors provide.

The Memorial Services Detachment at Fort Sam Houston's continued service to our country has received national recognition from the Freedom Foundation at Valley Forge, Pennsylvania which bestowed the group with the George Washington Honor Medal for their adult community volunteer service. The Memorial Services Detachment was also honored as the United Way of San Antonio and Bexar County's Volunteer of the Year in the military-community category in 2009.

I would again ask you to join me in congratulating the Memorial Services Detachment at Fort Sam Houston National Cemetery on their 20th anniversary of service to our nation's veterans.

HONORING THE CARROLL HIGH
SCHOOL NATIONAL MERIT
SCHOLAR FINALISTS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. MARCHANT. Mr. Speaker, it is with exceptional pride that I recognize Brian Bourcy, Colin Kantor, Patrick Liu, Conner O. Mitchell, Lauren Rutherford, Christian Shannon and Hannah Walcek, each of whom is a National Merit Scholar Finalist from Carroll Senior High School.

Every year, approximately 1.5 million high school students take the Preliminary SAT, which doubles as the National Merit Scholarship Qualifying Test. The test is a preview to the SAT and covers reading, writing, and math. Students who do exceptionally well become competitive in the National Merit Scholarship Program. To be a National Merit Scholar semifinalist is a well-recognized achievement that tends to open many doors in a student's academic life. To become a finalist requires another level of application and assessment, and only 15,000 students nationwide (1% of the total entrants) reach this prestigious level.

I am so pleased to convey that seven students from Carroll Senior High have earned their way to become National Merit Scholar Finalists. Their accomplishment is truly a rare one and is a testament to their brilliance and hard work.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating Brian Bourcy, Colin Kantor, Patrick Liu, Conner O. Mitchell, Lauren Rutherford, Christian Shannon and Hannah Walcek on their becoming National Merit Scholar Finalists.

A TRIBUTE IN HONOR OF
SANFORD WEBSTER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor an extraordinary man, a revered Palo

Altan, a loving husband, a devoted father, a proud soldier, an investor, risk taker, athlete, a lover of fun, a storyteller and generous philanthropist. Sanford (Sam) H. Webster embodies the best of what our community, the heart and home of Silicon Valley, is all about.

The life of Sam Webster is the saga of nearly a century of accomplishment. From West Point, to parenthood, to pistachios; from Wimbledon to World War II; from the Joint Chief's office to the golf course; from real estate investing, to tangerine growing, to basketball; to Miss Gamble's lovely benefactress and to countless recipients of his and Kim's extraordinary generosity. He has done it all with a smile, with a zest for life and a twinkle in his famous blue eyes. He is a grand gentleman and one I'm proud to honor today.

Mr. Speaker, I ask my colleagues to join me in acknowledging Sam Webster's extraordinary military service to our nation. He served our country with distinction in the Army for 22 years after completing his education at the United States Military Academy, retiring with the rank of Colonel.

I recently contacted the Secretary of the Army on his behalf, asking that he be awarded the Legion of Merit. He was honored with the Commendation Ribbon with Metal Pendant in 1958 because "he distinguished himself by exceptionally meritorious service as Deputy Chief, Combat Surveillance Department, United States Army Electronic Proving Ground, Fort Huachuca, Arizona, during the period 18 June 1954, to 30 April 1957." His efforts resulted in an effective Battlefield Surveillance capability for the 1956 Field Army through the use of drones.

In light of the extensive and pervasive use of drones for surveillance since Colonel Webster's Army service, I respectfully requested Secretary McHugh's review of the record to determine whether Colonel Webster can now be awarded the Legion of Merit. Having worked to correct an armed forces medal injustice many times, I know that the process can be unreasonably long. By acknowledging in this body the importance of Colonel Webster's work, we acknowledge in a most public and permanent way that his contributions to our nation's expertise at reconnaissance have saved thousands of lives, added to our ability to root out those who would do us harm, and added to our military arsenal. His brilliant work must never be forgotten.

Mr. Speaker, I ask my colleagues to join me in honoring Colonel Sam Webster. While we cannot dispense medals, pin ribbons on lapels, nor convey military rank, we can recognize excellence, applaud honorable work, salute valor and stand in praise of a true American hero, Colonel Sam Webster. He has earned our respect and gratitude for all he has done to strengthen our country.

HONORING THE GOLDEN GATE
BRIDGE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the 75th anniversary of the Golden Gate

Bridge, a modern architectural marvel and a landmark that defines California and the West Coast. Since its opening on May 27, 1937, the Golden Gate Bridge has stood as a symbol of human potential—a triumph of ingenuity, creativity, and progressive vision that complements the beauty of our natural surroundings and enriches life in the San Francisco Bay Area.

Since the Gold Rush first brought American settlers to the San Francisco Bay Area, residents have been interested in the idea of linking the Bay Area with a bridge spanning the Golden Gate. A single span would bring together the northern and southern halves of the greatest natural port on the West Coast, easing transportation and spurring economic growth across Northern California. For years, though, the task was considered too costly and too complicated to realize.

By the 1920s, engineers had become more confident that technological advances made a fixed link feasible, and San Francisco City Engineer Michael O'Shaughnessy launched an effort to make the proposal a reality. In 1921, Joseph Strauss—later the Chief Engineer of the Golden Gate Bridge—submitted his first designs. After they were made public, communities on both sides of the Golden Gate began lining up behind the plan. Under the leadership of Santa Rosa businessman Frank Doyle, a public coalition formed in Sonoma County with representatives from across the North Coast, all pushing for the Strauss design. In 1923, the Golden Gate Bridge and Highway District Act, authored by Senator Frank Coombs of Napa, passed in the California Legislature. In 1924, Marin and San Francisco Counties submitted a joint application to the War Department for permission to build on the federally owned headlands at each end of the strait. Permission was granted by the end of that year.

In 1929, the Golden Gate Bridge and Highway District met for the first time, with members from San Francisco, Marin, Sonoma, Napa, Mendocino, and Del Norte Counties. Strauss was named Chief Engineer, and the Oakland-based architect Irving Morrow was appointed to consult on the final plans. Morrow would become famous for crafting a design in harmony with the rugged coast, balancing graceful Art Deco features with strong lighting and powerful lines. Morrow was also responsible for convincing authorities to accept the radical choice of painting the entire Bridge in the now-famous international orange.

While the Great Depression deepened, work forged ahead. In 1930, casting aside fears that infrastructure was an unwise long-term investment, District voters overwhelmingly approved a bond measure using their own homes, ranches, and vineyards as collateral. By 1934, the first tower—the Marin tower—was complete. By 1936, both towers and the cable spinning were complete, and over 1,000 workers were employed in the construction. In April 1937, ahead of schedule and under budget, the Bridge was ready for pedestrian and vehicle traffic. The first to cross on foot was a young runner from Tamalpais High School in Mill Valley. The first to cross by car was none other than Santa Rosa's Frank Doyle, the business leader widely credited with uniting Northern Coast residents behind the endeavor.

In the 75 years since its opening, the Golden Gate Bridge has borne witness to millions of lives, and to many changes in the Bay Area. The Bridge is a crucial route to work and school, a magnet for global tourism, and a center for recreation that links two jewels in the federal park system. It is a demonstration of American labor and engineering. It is a theater for advocacy and protest. For many soldiers sailing into the Second World War, it was their last memory of home. For new Americans emigrating from Asia and the Pacific, it is their first welcome to a new future. The Golden Gate Bridge is more than a modern wonder of architecture and engineering—it is at the heart of what it means to live in the San Francisco Bay Area.

Mr. Speaker, I ask you to join me in celebrating the 75th anniversary of the Golden Gate Bridge, and in thanking all those who have fought for, built, and stewarded the Bridge over the years. We also owe a special debt to the eleven workers who were killed and the many others who were injured in the course of the construction. The Bridge is a testament to their dedication and expertise, and it is a proud monument to the greatness that we can accomplish when we harness our collective energy and resources to better our future.

HONORING LES AND CHERI CASEY

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Les and Cheri Casey, owners of Mid Valley Foods, Incorporated, for being selected as the 2012 Central California Small Business Person of the Year from the United States Small Business Administration's Fresno District Office.

Annually, SBA honors Central California entrepreneurs for their contributions to the economy. Small businesses have proven, year after year, to be the greatest sources of innovation, jobs and growth for California's economy.

The Small Business Person of the Year Award recognizes a business owner who exemplifies the entrepreneurial spirit and honors his or her individual contributions to the community. Mid Valley Foods was selected after a competition held among businesses located within the 15 Central California counties served by the Fresno SBA. The Alliance Small Business Development Center of Modesto nominated Mid Valley Foods for the award.

Mid Valley Foods (formerly E&E Meats) was started in 1979 by Earl Casey. The company wholesales various processed and packaged meat products to grocery stores, restaurants and delis. In 2000, Les and Cheri Casey purchased the business from Les's father. They incorporated, modernized, and began to expand sales and distribution at a Riverbank facility. By 2005, it became apparent to the Caseys that the business had grown to the limits of the old and antiquated facility.

The Caseys knew that not only would they need additional operational space in order for

the company to be successful, but they would also need to develop new innovative techniques to improve their overall operational efficiency.

In 2010, with the assistance of an SBA 7a guaranteed loan and the City of Oakdale, the company was able to construct a 24,000 square foot building. The new building includes warehouse space, cold storage and offices. The new location for the wholesale foods distributor will allow for triple the distribution and has already grown to expand their company from 10 employees to a current work force of 27.

Today, Mid Valley Foods serves over 300 customers from multi-million dollar accounts to local small businesses; and with less than a year in their new facility, the Caseys have already discussed the growing need for an expansion of refrigeration and freezer storage space.

Small Business Person of the Year nominations are judged on seven basic criteria: staying power, growth in number of employees, increase in sales and/or unit volume, current and past financial reports, innovativeness of product or service, response to adversity and evidence of contributions to community-oriented projects.

Mr. Speaker, please join me in commending Les and Cheri Casey, owners of Mid Valley Foods, Inc. for this prestigious recognition and in wishing them great success in their future endeavors.

HONORING DEPUTY CHIEF RON NEWTON

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Deputy Chief Ron Newton for his 50 years of tremendous service to the people of Manchester, Maine.

Every day, the men and women of our community fire departments place themselves in harm's way to protect the lives and property of their neighbors. At the age of 17, Ron Newton made the decision to take his place in this proud tradition. After five decades of service, his dedication to the community and his desire to help people has never faltered.

Deputy Chief Newton has been a fixture at the Manchester Volunteer Fire Department for the majority of its existence. He has contributed countless hours responding to fire calls, engaging in fire trainings, and holding safety meetings. As a longstanding Deputy Chief, the department has looked to him time and again for his experience and leadership. There is no question that Ron is a pillar in the Manchester community and a role model for others to follow.

On June 14, 2012, the town of Manchester will honor Deputy Chief Newton during a town meeting for his years of service. I am pleased to lend my own congratulations and best wishes on this occasion.

Mr. Speaker, please join me again in honoring Deputy Chief Newton on the amazing milestone.

IN RECOGNITION OF ANITA HELLAM

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Mr. CARDOZA. Mr. Speaker, it is with great honor that I rise today to recognize Anita Hellam on her 10th anniversary with the Stanislaus County Habitat for Humanity and her dedication to the residents of Stanislaus County.

Ms. Hellam began her housing career as an advocate for safe and affordable housing for Latino field and cannery works in Stanislaus County. Due to her efforts, twenty-seven units of affordable housing were developed and she worked to develop the Workforce Development Program to transition low skilled workers into higher paying jobs in the construction trade. Ms. Hellam worked with ten public and private institutions/agencies to take the program from concept to a sustainable program which has become a part of Modesto Junior College's technical education program. Due to the work done by Ms. Hellam, hundreds of English language learners have been able to increase their skill sets, while finding higher paying jobs in a dynamic industry.

Ms. Hellam was a founding board member and organizer of the Stanislaus County Continuum of Care. She worked closely, as a volunteer grant writer, with the Housing Authority writing the application that wrapped around all of the individual submissions to HUD. Ms. Hellam worked on the original two HUD applications which resulted in nearly \$2 million to Stanislaus County for housing and services to hundreds of citizens at risk of homelessness.

Ms. Hellam served as a Program Manager with the Stanislaus County Affordable Housing agency providing transition housing for mentally ill individuals. In less than two years, she was able to secure approximately \$1.5 million to acquire and rehabilitate a fifty unit apartment complex and a twenty unit scattered site development, which is supported with services by Behavioral Health and Recovery Services. These units will remain affordable through 2040.

Before accepting the position with Habitat for Humanity, Ms. Hellam worked with Renewed Pathways which provides transitional housing to emancipated youth. She continues to volunteer with the organization and offers free grant writing and consulting services to ensure the continuation of the program for the youth in Stanislaus County.

Since taking on the role of Executive Director with Habitat for Humanity, Ms. Hellam has brought in almost \$15 million to create affordable homeownership opportunities for the poor and working class citizens of Stanislaus County. Specifically this created seventy zero interest new home loans and more than 50 new homes were built. Under her direction, the agency contracted with the local college on three separate occasions to revitalize some of the most economically distressed neighborhoods using funding from the HUD HSIAC program. Ms. Hellam worked closely with HUD to gain certification for Housing Counseling Services, becoming the first Habitat for Humanity in the seven Western states to gain

this designation. They have assisted more than one thousand individuals with a range of pre and post purchase needs.

Under Ms. Hellam's leadership, the Stanislaus County Habitat for Humanity has inaugurated two retail stores called ReStore, which created approximately fifteen new jobs and provides accessibility to low priced merchandise to the community for home maintenance and repair. The program has given donors a green means of ridding themselves of unwanted or unneeded materials that would have otherwise ended up in the landfill. Ms. Hellam also created the Windows of Hope program, which is designed to help low-income homeowners through Stanislaus County replace broken and non-energy efficient windows with efficient windows. More than two thousand windows are distributed annually. Ms. Hellam has increased the agency's profile in the community and the sustainability by increasing the bottom line of the organization by approximately \$7 million despite the sharp increase in services to the community.

Mr. Speaker, I ask that my colleagues join me, and the Stanislaus County Habitat for Humanity, in honoring a truly wonderful member of our community, Anita Hellam.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2012

Ms. LEE of California. Mr. Speaker, I recently voted "no" on House Resolution 568. I have made it clear that an Iran armed with nuclear weapons is unacceptable.

My legislation, H.R. 4173, presents a viable approach to achieving a nuclear-arms free Iran by pursuing a diplomatic resolution to the conflict. I am deeply concerned about Iran threatening its neighbors, Israel in particular. I have always strongly supported Israel's security and rights as a nation, and will continue to vote in favor of measures which will enhance the prospects for a peaceful Middle East. This resolution, however, does not advance that goal.

First, the focus on nuclear weapons "capability" suggests a lowered red-line threshold, which could make a U.S. strike much more likely. While this term has been used in varying contexts in recent years, it is a vague term that can potentially create openings for those seeking military conflict with Iran.

Further, Clause 2(A) would put Congress on record opposing any diplomatic agreement regarding Iran's nuclear program that allows Iran

to enrich any uranium whatsoever, even for peaceful, civilian energy purposes subject to intense international monitoring and safeguards. This provision constitutes a poison pill that would pre-emptively kill any diplomatic solution to the crisis, because there is no feasible agreement that can be achieved with Iran in which it would give up its right under the Non-Proliferation Treaty to enrich uranium for civilian purposes.

Finally, Clause 6 would "reject any U.S. policy that would rely on efforts to contain a nuclear weapons capable Iran" and "oppose any policy that would rely on containment as an option in response to the Iranian nuclear threat." This clause is unhelpful and unnecessary as no policymaker is suggesting a containment strategy.

As the sole Member of Congress to vote against the 2001 Authorization for Use of Military Force, I am wary of legislation that could put our men and women in uniform in harm's way due to a lack of deliberation before entering a war.

This legislation did not reduce the prospects for war with Iran, nor did it advance its stated purpose of preventing Iran from acquiring nuclear weapons. The above mentioned clauses therefore ignore and undermine the prospects for a diplomatic solution. Because of these flawed provisions, I voted against H. Res. 568.

SENATE—Tuesday, May 29, 2012

The Senate met at 11 and 16 seconds a.m. and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 29, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 12 NOON,
THURSDAY, MAY 31, 2012

The ACTING PRESIDENT pro tempore. If there's no further business to come before the Senate, under the previous order, the Senate stands adjourned until 12 noon, Thursday, May 31, 2012.

Thereupon, the Senate, at 11 and 49 seconds a.m., adjourned until Thursday, May 31, 2012, at 12 noon.

HOUSE OF REPRESENTATIVES—Tuesday, May 29, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 29, 2012.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving us another day.

In these days after Memorial Day, we thank You again for the ultimate sacrifices of so many of our citizen-ancestors. Bless their families with Your consolation. Bless as well the men and women who serve our Nation this day in our Armed Forces. May they, and their families, be assured of our deep gratitude for their service.

O God, You have blessed every person with the full measure of Your grace and given us the bounty of Your spirit. Lead us this day in the ways of peace. We pray for peace in our hearts, that we will be freed from selfishness or envy, that we will replace any enmity with goodwill, and hatred with charity, so we might lead lives of generosity and kindness.

May there be peace in our world among all Nations. May each Nation sense its shared destiny in a new spirit of hope and trust, one with another.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 25, 2012 at 1:47 p.m.:

That the Senate passed without amendment H.R. 2947.

That the Senate passed without amendment H.R. 3992.

That the Senate passed S. 414.

That the Senate passed S. 739.

That the Senate agreed to S. Res. 475.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

SENATE BILL REFERRED

A Bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 414. An act to protect girls in developing countries through the prevention of child marriage, and for other purposes, to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2415. An act to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building".

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office".

H.R. 3413. An act to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office".

H.R. 4119. An act to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

H.R. 4849. An act to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Wednesday, May 30, 2012.

There was no objection.

Accordingly (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 30, 2012, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2011 and the first and second quarters of 2012 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JONATHAN STIVERS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 26 AND APR. 28, 2012

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|--------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Jonathan Stivers | 4/26 | 4/28 | Canada | | 584.00 | | 1,039.63 | | | | 1,623.63 |

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JONATHAN STIVERS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 26 AND APR. 28, 2012—Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Committee total | | | | | 584.00 | | 1,039.63 | | | | 1,623.63 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. NANCY PELOSI, May 17, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MALTA, LIBYA, EGYPT, KOSOVO, AND MACEDONIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 30 AND APR. 6, 2012

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-------------------------------|---------|-----------|-----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. David Dreier | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Hon. David E. Price | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Hon. Jim McDermott | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Hon. Erik Paulsen | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Hon. Gerald E. Connolly | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Brad W. Smith | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Rachael D. Leman | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| John Lis | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Robert Lawrence | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Asher Hildebrand | 3/31 | 4/01 | Malta | | 251.00 | | (3) | | | | 251.00 |
| Hon. David Dreier | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Hon. David E. Price | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Hon. Jim McDermott | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Hon. Erik Paulsen | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Hon. Gerald E. Connolly | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Brad W. Smith | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Rachael D. Leman | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| John Lis | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Robert Lawrence | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Asher Hildebrand | 4/01 | 4/01 | Libya | | | | (3) | | | | |
| Hon. David Dreier | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Hon. David E. Price | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Hon. Jim McDermott | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Hon. Erik Paulsen | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Hon. Gerald E. Connolly | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Brad W. Smith | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Rachael D. Leman | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| John Lis | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Robert Lawrence | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Asher Hildebrand | 4/01 | 4/03 | Egypt | | 494.00 | | (3) | | | | 494.00 |
| Hon. David Dreier | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Hon. David E. Price | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Hon. Jim McDermott | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Hon. Erik Paulsen | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Hon. Gerald E. Connolly | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Brad W. Smith | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Rachael D. Leman | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| John Lis | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Robert Lawrence | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Asher Hildebrand | 4/03 | 4/04 | Kosovo | | 174.00 | | (3) | | | | 174.00 |
| Hon. David Dreier | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Hon. David E. Price | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Hon. Jim McDermott | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Hon. Erik Paulsen | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Hon. Gerald E. Connolly | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Brad W. Smith | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Rachael D. Leman | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| John Lis | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Robert Lawrence | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Asher Hildebrand | 4/04 | 4/06 | Macedonia | | 483.00 | | (3) | | | | 483.00 |
| Committee total | | | | | | | | | | | 14,020.00 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. DAVID DREIER, May 3, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2012

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|--|---------|-----------|----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Visit to Germany With CODEL Rohrabacher, January 6–13, 2012: | | | | | | | | | | | |
| Hon. Loretta Sanchez | 1/7 | 1/10 | Germany | | 1,018.79 | | | | | | 1,018.79 |
| Visit to Germany With CODEL McCain, February 2–5, 2012: | | | | | | | | | | | |
| Hon. Loretta Sanchez | 2/2 | 2/5 | Germany | | 270.00 | | | | | | 270.00 |
| Visit to United Kingdom, Uganda, Djibouti, Yemen, Kenya, February 20–27, 2012: | | | | | | | | | | | |
| Roger Zakheim | 2/21 | 2/24 | Uganda | | 577.00 | | | | | | 577.00 |
| | 2/23 | 2/23 | Kenya | | 120.00 | | | | | | 120.00 |
| | 2/24 | 2/24 | Yemen | | | | | | | | |
| | 2/24 | 2/26 | Djibouti | | 214.00 | | | | | | 214.00 |
| Commercial Transportation | | | | | | | 12,686.80 | | | | 12,686.80 |
| Paul Arcangli | 2/21 | 2/24 | Uganda | | 577.00 | | | | | | 577.00 |
| | 2/23 | 2/23 | Kenya | | 120.00 | | | | | | 120.00 |
| | 2/24 | 2/24 | Yemen | | | | | | | | |
| | 2/24 | 2/26 | Djibouti | | 214.00 | | | | | | 214.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2012—
Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|--|---------|-----------|----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Commercial Transportation | | | | | | | 12,970.88 | | | | 12,970.88 |
| Catherine McElroy | 2/21 | 2/24 | Uganda | | 577.00 | | | | | | 577.00 |
| | 2/23 | 2/23 | Kenya | | 120.00 | | | | | | 120.00 |
| | 2/24 | 2/24 | Yemen | | | | | | | | |
| | 2/24 | 2/26 | Djibouti | | 214.00 | | | | | | 214.00 |
| Commercial Transportation | | | | | | | 12,686.80 | | | | 12,686.80 |
| Peter Villano | 2/21 | 2/24 | Uganda | | 577.00 | | | | | | 577.00 |
| | 2/23 | 2/23 | Kenya | | 120.00 | | | | | | 120.00 |
| | 2/24 | 2/24 | Yemen | | | | | | | | |
| | 2/24 | 2/26 | Djibouti | | 214.00 | | | | | | 214.00 |
| Commercial Transportation | | | | | | | 12,970.88 | | | | 12,970.88 |
| Delegation Expenses | | | Kenya | | | | | | 2,228.81 | | 2,228.81 |
| Visit to Colombia With STAFFEL Kuiken, February 20–24, 2012: | | | | | | | | | | | |
| Catherine Sendak | 2/20 | 2/24 | Colombia | | 3,459.19 | | 798.90 | | | | 3,459.19 |
| Commercial Transportation | | | | | | | 798.90 | | | | 798.90 |
| Visit to Belgium With CODEL Shaheen, March 22–25, 2012: | | | | | | | | | | | |
| Hon. Michael Turner | 3/22 | 3/25 | Belgium | | 300.00 | | | | | | 300.00 |
| Hon. Loretta Sanchez | 3/22 | 3/25 | Belgium | | 308.00 | | | | | | 308.00 |
| Committee total | | | | | 8,999.98 | | 52,114.18 | | 2,228.81 | | 62,324.18 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. "BUCK" McKEON, Chairman, Apr. 30, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2012

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Joe Barton | 12/31 | 12/31 | Kuwait | | | | 14,835.30 | | | | 14,835.30 |
| | 12/31 | 1/1 | Afghanistan | | 56.00 | | | | | | 56.00 |
| | 1/1 | 1/2 | United Arab Emirates | | | | | | | | |
| Committee total | | | | | 56.00 | | 14,835.30 | | | | 14,891.30 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. FRED UPTON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2011

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Rachael Leman | 6/25 | 6/26 | Jordan | | 303.11 | | 11,236.20 | | | | 11,539.31 |
| | 6/26 | 6/30 | Iraq | | | | | | | | |
| | 6/30 | 7/1 | Jordan | | 303.11 | | | | | | 303.11 |
| Bradley Smith | 6/25 | 6/26 | Jordan | | 303.11 | | 11,236.20 | | | | 11,539.31 |
| | 6/26 | 6/30 | Iraq | | | | | | | | |
| | 6/30 | 7/1 | Jordan | | 303.11 | | | | | | 303.11 |
| Hon. James P. McGovern | 6/25 | 6/26 | Qatar | | 340.62 | | 10,782.90 | | | | 11,123.52 |
| | 6/26 | 6/27 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 6/27 | 6/28 | Qatar | | 226.62 | | | | | | 226.62 |
| Committee total | | | | | 1,807.68 | | 33,255.30 | | | | 35,062.98 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, May 17, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6133. A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule—Designation of Product Categories for Federal Procurement (RIN: 0599-AA14) received April 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6134. A letter from the Acting Administrator, Department of Agriculture, transmit-

ting the Department's final rule—Dried Prunes Produced in California; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0068; FV11-993-1 FIR] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6135. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Revision of Cotton Classification Procedures for Determining Cotton Leaf Grade [Doc. #: AMS-CN-11-0066] (RIN: 0581-AD19) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6136. A letter from the Director, Regulatory Review Group, Department of Agri-

culture, transmitting the Department's final rule—Upland Cotton Base Quality (RIN: 0560-A116) received April 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6137. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Mango Promotion, Research, and Information Order; Assessment Increase [Document No.: AMS-FV-11-0021] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6138. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing

Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) Spearmint Oil for the 2011-2012 Marketing Year [Doc. No.: AMS-FV-10-0094; FV11-985-1B 1R] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6139. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0077; FV11-985-2 FIR] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6140. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Assessment Rate Decrease for Fresh Pears [Doc. No.: AMS-FV-11-0060; FV11-927-2 FIR] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6141. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Assessment Rate Decrease for Processed Pears [Doc. No.: AMS-FV-11-0070; FV11-927-3 FIR] received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6142. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Constraint on Releases of Airborne Radioactive Materials to the Environment for Licensees Other Than Power Reactors Regulatory Guide 4.20 received April 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6143. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Addition of Certain Persons to the Entity List [Docket No.: 120314191-2216-01] (RIN: 0694-AF61) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6144. A letter from the Assistant Secretary for Export Administration, Department of Homeland Security, transmitting the Department's final rule—Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes [Docket No.: 120416415-2415-01] (RIN: 0694-AF57) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6145. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-354, "Fiscal Year 2012 Revised Budget Request Adjustment Temporary Act of 2012"; to the Committee on Oversight and Government Reform.

6146. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-355, "Vendor Sales Tax Collection and Remittance Act of 2012"; to the Committee on Oversight and Government Reform.

6147. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-356, "Combined Condominium Real Property Tax Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6148. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-357, "Caver 2000

Low-Income and Senior Housing Project Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6149. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-358, "Senior HIV/AIDS Education and Outreach Program Establishment Act of 2012"; to the Committee on Oversight and Government Reform.

6150. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-359, "King Towers Residential Housing Real Property Tax Exemption Clarification Act of 2012"; to the Committee on Oversight and Government Reform.

6151. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-360, "Adolf Cluss Court Alley Designation Act of 2012"; to the Committee on Oversight and Government Reform.

6152. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-361, "People First Respectful Language Modernization Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6153. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-362, "Real Property Tax Appeals Commission Establishment Act of 2012"; to the Committee on Oversight and Government Reform.

6154. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-363, "HIV/AIDS Continuing Education Requirements Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6155. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-364, "Advisory Neighborhood Commissions Boundaries Act of 2012"; to the Committee on Oversight and Government Reform.

6156. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-365, "Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Act of 2012"; to the Committee on Oversight and Government Reform.

6157. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-366, "Firearms Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6158. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-367, "Elizabeth P. Thomas Way Designation Act of 2012"; to the Committee on Oversight and Government Reform.

6159. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-368, "Where Lincoln's Legacy Lives Designation Act of 2012"; to the Committee on Oversight and Government Reform.

6160. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-369, "Capitol Riverfront BID Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6161. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-372, "Foster Care Youth Employment Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6162. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 19-373, "Hilda H.M. Mason Way Designation Act of 2012"; to the Committee on Oversight and Government Reform.

6163. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-374, "Child Abuse Preservation and Treatment Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6164. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-375, "Age-in-Place and Equitable Senior Citizen Real Property Act of 2012"; to the Committee on Oversight and Government Reform.

6165. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-376, "Technical Amendments Act of 2012"; to the Committee on Oversight and Government Reform.

6166. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border [USCBP-2012-0011] (RIN: 1515-AD87) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6167. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Treatment of Gain Recognized With Respect to Stock in Certain Foreign Corporations Upon Distributions [TD 9585] (RIN: 1546-BI41) received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6168. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Applicable Federal Rates May 2012 (Rev. Rul. 2012-13) received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6169. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Implementation of Nonresident Alien Deposit Interest Regulations (Rev. Proc. 2012-24) received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6170. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Purchase Price Safe Harbors for Sections 143 and 25 (Rev. Proc. 2012-25) received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6171. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule—Removal of Regulations Requiring 3% Withholding by Government Entities [TD 9586] (RIN: 1545-BK83) received April 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6172. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule—Transportation Security Administration Postal Zip Code Change; Technical Amendment [Amendment No.: 1572-9] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

6173. A letter from the Senior Advisor, Office of Regulations, Social Security Administration, transmitting the Administration's final rule—Removal of Regulations on Black Lung Benefits [Docket No.: SSA-2012-0012] (RIN: 0960-AH48) received April 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the

Committees on Education and the Workforce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed May 29, 2012]

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3541. A bill to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes; with an amendment (Rept. 112-496). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 5512. A bill to amend title 28, United States Code, to realign divisions within two judicial districts (Rept. 112-497). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. HERGER introduced a bill (H.R. 5858) to amend the Internal Revenue Code of 1986

to improve health savings accounts, and for other purposes; which was referred to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. HERGER:

H.R. 5858.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and amendment XVI of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mrs. EMERSON.

H.R. 1145: Mr. RENACCI.

H.R. 1150: Ms. CASTOR of Florida.

H.R. 2077: Mr. PENCE.

H.R. 2315: Mr. LOEBSACK.

H.R. 2437: Mr. DOLD.

H.R. 3067: Mr. SCHRADER, Mr. BOREN, Ms. BONAMICI, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. AL GREEN of Texas, Mr. REICHERT, Mr. GRIFFIN of Arkansas, Mr. RICHMOND, Mr. ANDREWS, Ms. LINDA T. SÁNCHEZ of California, Mr. CARDOZA, Mr. REYES, Mr. LATTA and Mr. GIBBS.

H.R. 3086: Ms. MOORE, Mr. HASTINGS of Florida and Mr. RUSH.

H.R. 3443: Mr. COFFMAN of Colorado.

H.R. 3737: Mr. BARLETTA.

H.R. 3797: Mr. RUNYAN.

H.R. 4066: Mr. TIERNEY.

H.R. 4132: Mr. BARLETTA.

H.R. 4403: Mr. HARPER and Mr. FRANKS of Arizona.

H.R. 4818: Mr. SIMPSON.

H.R. 5744: Mr. SHULER, Mr. COFFMAN of Colorado and Mrs. NOEM.

H.R. 5789: Mr. STARK and Mr. KUCINICH.

H. Res. 298: Mr. PASTOR of Arizona and Mr. LEVIN.

H. Res. 490: Mr. SULLIVAN and Mr. MCCLINTOCK.

H. Res. 665: Mr. BERMAN.

EXTENSIONS OF REMARKS

HONORING ALL-STATE BAND MEMBERS OF THE CARROLL HIGH SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 29, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize Neha Jain, Holly Rosenberg, and Taylor White. All three are students at Carroll Senior High School and were selected for components of the Texas Music Educators Association's All-State Band for 2012.

Every year 60,000 high school musicians in Texas compete for the opportunity to be among the 1,500 chosen for various All-State ensembles. Band students first audition before judges in one of twenty-eight regions, and the highest ranked musicians from each Region then participate in one of seven Area competitions. The best among the Area participants then go on to the annual clinic and convention hosted by the Texas Music Educators Association, TMEA. The clinic consists of three days of rehearsal with prestigious musical conductors and culminates in a grand All-State performance.

Being selected for one of the three All-State Band ensembles is indeed a high honor for any high school musician and is a testament to their hard work, talent, and dedication. Neha Jain, who plays the flute, and Holly Rosenberg, who plays the piccolo, both made it to the 5A Concert Band for 2012. Taylor White, who plays the cornet and trumpet, performed in the Philharmonic Orchestra this year. It was his fourth year in an All-State ensemble, and it was Holly's second. Together, these three exceptional students are continuing to build a strong tradition at Carroll Senior High School. Their success is truly admirable and highlights the astounding work and contributions put forth by their band director, Jay Bach.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating

Neha Jain, Holly Rosenberg, and Taylor White for being chosen for their respective components in the TMEA All-State Band.

IN MEMORY OF DONNA SUMMER

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 29, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to the memory of Donna Summer, a singer whose legacy continues to shape the music industry and inspire audiences around the world.

Donna Summer passed away surrounded by her family and loved ones after a long battle with cancer. She was 63.

Donna Summer was a powerhouse who defined dance music and paved the road for countless performers. Her music career spanned across four decades and led to five Grammy awards. She was the first female artist to have four number-one hits in a 13-month period as well as the first to receive a Grammy in rock. She infused the music industry with a sense of excitement and energy that brought everyone to the dance floor and continues to inspire today's artists.

Her songs provided the soundtrack to the disco years, but her legacy extends far beyond this singular genre. Her versatility and talent cemented her place in music history even as the disco lights faded, and she continued to write and perform until recent years.

As a devout born-again Christian, Donna Summer's life hardly resembled the glitz and glam of her stage persona. She grew up singing gospel, and her faith provided her with a strong sense of purpose and conviction. Although she may first be remembered as a singer and performer, her memory will also live on as a loving mother, wife, and friend.

I feel love when I hear her music, a love that will last even after I have no more tears to shed. Her memory will carry on in the hearts of all who remember yesterday and the joy they felt when Donna Summer's songs

played on the radio. Although Ms. Summer may have danced her last dance on Earth, Heaven knows she will be dancing and singing long after we dim all the lights.

Mr. Speaker, I ask my colleagues to join me in a moment of silence in honor of her memory.

HONORING CARROLL ISD SWIM TEAMS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 29, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize both the boys' and girls' Swimming and Diving teams of Carroll Senior High School for winning the state championship titles.

Carroll High School competes in the University Interscholastic League Class 5A, the most competitive athletic class composed of the largest schools in Texas. It is an unbelievable achievement for a 5A high school to have both the boys' and girls' teams to win state title championship in the same category.

The Carroll ISD boys' state championship team included John Ausdenmoore, Curtis Goss, Austin Nguyenphu, John Remetta, Jonathan Roberts, Ted Singley, and Ryan Walker. The girls' championship team included Alexa Baran, Emily Gibson, MacKenzie Leonard, Elise Weisert, Lauren Crown, Lyndsie Gibson, Lindsay Schultz, Sydney Wheeler, Taylor Dereyanik, Grace Kazmierski, Rebecca Upton, and Emily Zapinski. The Dragon swim teams were led by Coach Kevin Murphy along with the help from Assistant Swim Coach Lynne Gorman and Diving Coach Carolyn Hryorchuk.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating the Carroll Senior High School Swim and Diving teams for their championship titles at the Texas state competition.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—Wednesday, May 30, 2012

The House met at 2 p.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, God of the universe, for giving us another day.

As the various Members of this people's House return, we ask Your blessing upon each as they resume the difficult responsibilities that await them. Give each the wisdom and good judgment needed to give credit to the office they have been honored by their constituents to fill.

Bless the work of all who serve in their various capacities here in the United States Capitol.

Bless all those who visit the Capitol this very day, be they American citizens or visitors or guests of our Nation. May they be inspired by this monument to the noble idea of human freedom and its guarantee by the democratic experiment that is the United States.

God, bless America, and may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Minnesota (Ms. McCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. McCOLLUM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GOVERNMENT ENERGY PLAN: MORE AIR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, recently I met with some people in Texas in the trucking industry. We discussed the administration's domestic energy

policy—how the administration is against using more American coal; how the administration is against drilling in ANWR; how the administration is stonewalling the drilling on Federal lands; how the administration has delayed offshore-drilling permits; and how the administration uses the EPA to block domestic energy production.

Since the administration is against so much, what is it in favor of? Then Dalton handed me this—yes, a tire gauge—and reminded me that the President touted his energy plan when he said this: We could save all the oil they are talking about getting off drilling if everybody would just inflate their tires and get tune-ups.

Really? That's it, more air in our tires? Now, you know, Mr. Speaker, more hot air will save us all. Now there's an energy plan we can all be proud of.

And that's just the way it is.

HONORING MILLE LACS BAND CHIEF EXECUTIVE MARGE ANDERSON

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM. Mr. Speaker, today I rise to honor my dear friend and outstanding tribal leader, Mille Lacs Band Chief Executive Marge Anderson. After 30 years of service to our community, Marge is retiring. I know I'm not alone in saying she will be missed.

Ms. Anderson first reached out to me when I was in the Minnesota State house. The education she provided on Indian treaty rights and the U.S. Constitution's guarantees of tribal sovereignty are lessons I still carry with me.

The first woman elected to serve as chief executive for the Mille Lacs Band, Marge promoted tribal self-governance, economic development, education, health care, and infrastructure. Chief Executive Anderson has also been recognized for her dedication to the welfare of Native American children, families, and communities by regional tribal organizations all around this country. I thank her for her inspired leadership, for her protection of tribal sovereignty, for her guidance and her friendship. Marge, Miigwetch—thank you.

PROVIDING FOR VETERANS—AND STILL TRIMMING SPENDING

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, I rise today in support of the 2013 Military Construction and Veterans Affairs appropriations bill.

Most of the time, when budgets are cut and cuts are made, someone somewhere is upset about them. But as a wise Governor once said: you'll be amazed how much government you'll never miss.

In the case of this bill, efficiencies were found within programs to trim billions in spending, while still providing for our warfighters and veterans in the most effective and efficient ways. The fact that funding for so many vital programs for our veterans were actually increased is a testament to the significant savings made in other areas of the bill. For example, it will provide disability compensation for almost 4 million veterans and their survivors, and it will provide post-9/11 GI Bill education benefits for more than 600,000 veterans.

I ask my colleagues to join me in voting in favor of this important bill later this week.

STUDYING TOWARD ADJUSTED RESIDENCY STATUS ACT

(Mr. RIVERA asked and was given permission to address the House for 1 minute.)

Mr. RIVERA. Mr. Speaker, many young immigrants have found themselves stuck in limbo due to our failure to address immigration reform. Such is the plight of my constituent, Daniela Pelaez, who came here from Colombia with her family when she was four. They overstayed their visas, and she has now been ordered deported. Next week, Daniela, who is here with us today in the gallery, will graduate as valedictorian from North Miami High. Having maintained a 6.7 GPA, she has received a full scholarship to Dartmouth College.

In order to assist students like Daniela today, I am introducing the Studying Toward Adjusted Residency Status, or STARS, Act. The STARS Act would allow undocumented students who arrive here at a young age, graduate from high school, and are accepted into a university to apply for a 5-year conditional nonimmigrant status. During that 5-year period, they can focus on their college education

and, once they graduate, have their conditional status extended and work toward achieving residency.

This legislation can make the American Dream a reality for young people like Daniela, who through no fault of their own are prevented from realizing their full potential in this land of opportunity.

I ask my colleagues to join me in supporting this legislation to help Daniela and others like her who are as American as anyone born in the United States and who simply need a chance to continue being productive Americans.

PRENATAL NONDISCRIMINATION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today, the House of Representatives will consider the Prenatal Nondiscrimination Act, a bill to ban the practice of sex-selection abortions.

If you talk to most expectant couples, you'll hear a common refrain: we don't care whether it's a boy or a girl; we just want a healthy baby. In fact, even with advanced ultrasound technology, many parents choose to wait until birth to discover the sex of their child. Unfortunately, there are exceptions. Some couples will do anything to choose the sex of their child. In the majority of these cases, boys are favored and girls are aborted.

I know most Americans think this is something that happens overseas in places like China and India. However, a Columbia University study found evidence that sex selection at the prenatal level is happening right here in the United States.

Just yesterday, the group Live Action released undercover video of a Planned Parenthood clinic in Austin, Texas, counseling a woman on how to choose the sex of her child. We shouldn't wait any longer to ban this barbaric and socially unhealthy practice. It's time to pass the bill.

PAT HEAD SUMMITT HONORED WITH THE PRESIDENTIAL MEDAL OF FREEDOM

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Yesterday, there was a historic program at the White House where 13 great people of the world were recognized with Presidential Medals of Freedom. They ranged from former Supreme Court Justice John Paul Stevens to Bob Dylan to John Glenn and others. But nobody stood out more than Pat Head Summitt, the great athletic coach for the University of Tennessee

Lady Vols—greatest basketball coach of all time.

But now, facing her greatest battle, Alzheimer's, she stands as a public statement that a cure must be found, and the caregivers must be recognized and taken care of. She's raising money for Alzheimer's. She's raising money for those that face this problem, like she does, but she's facing it with courage and trying to help others.

This is her greatest battle. She is a great American. I thank the world for Pat Head Summitt, not for her coaching ability but for her courage as a human being.

RECESS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1532

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BISHOP of Utah) at 3 o'clock and 32 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PRENATAL NONDISCRIMINATION ACT (PRENDA) OF 2012

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3541) to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 3541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prenatal Nondiscrimination Act (PRENDA) of 2012".

SEC. 2. FINDINGS AND CONSTITUTIONAL AUTHORITY.

(a) FINDINGS.—The Congress makes the following findings:

(1) Women are a vital part of American society and culture and possess the same fundamental human rights and civil rights as men.

(2) United States law prohibits the dissimilar treatment of males and females who are similarly situated and prohibits sex discrimination in various contexts, including the provision of employment, education, housing, health insurance coverage, and athletics.

(3) Sex is an immutable characteristic ascertainable at the earliest stages of human development through existing medical technology and procedures commonly in use, including maternal-fetal bloodstream DNA sampling, amniocentesis, chorionic villus sampling or "CVS", and obstetric ultrasound. In addition to medically assisted sex determination, a growing sex determination niche industry has developed and is marketing low cost commercial products, widely advertised and available, that aid in the sex determination of an unborn child without the aid of medical professionals. Experts have demonstrated that the sex-selection industry is on the rise and predict that it will continue to be a growing trend in the United States. Sex determination is always a necessary step to the procurement of a sex-selection abortion.

(4) A "sex-selection abortion" is an abortion undertaken for purposes of eliminating an unborn child based on the sex or gender of the child. Sex-selection abortion is barbaric, and described by scholars and civil rights advocates as an act of sex-based or gender-based violence, predicated on sex discrimination. Sex-selection abortions are typically late-term abortions performed in the 2nd or 3rd trimester of pregnancy, after the unborn child has developed sufficiently to feel pain. Substantial medical evidence proves that an unborn child can experience pain at 20 weeks after conception, and perhaps substantially earlier. By definition, sex-selection abortions do not implicate the health of the mother of the unborn, but instead are elective procedures motivated by sex or gender bias.

(5) The targeted victims of sex-selection abortions performed in the United States and worldwide are overwhelmingly female. The selective abortion of females is female infanticide, the intentional killing of unborn females, due to the preference for male offspring or "son preference". Son preference is reinforced by the low value associated, by some segments of the world community, with female offspring. Those segments tend to regard female offspring as financial burdens to a family over their lifetime due to their perceived inability to earn or provide financially for the family unit as can a male. In addition, due to social and legal convention, female offspring are less likely to carry on the family name. "Son preference" is one of the most evident manifestations of sex or gender discrimination in any society, undermining female equality, and fueling the elimination of females' right to exist in instances of sex-selection abortion.

(6) Sex-selection abortions are not expressly prohibited by United States law or the laws of 47 States. Sex-selection abortions are performed in the United States. In a March 2008 report published in the Proceedings of the National Academy of Sciences, Columbia University economists Douglas Almond and Lena Edlund examined the sex ratio of United States-born children and found "evidence of sex selection, most likely at the prenatal stage". The data revealed obvious "son preference" in the form of unnatural sex-ratio imbalances within certain segments of the United States population, primarily those segments tracing their ethnic or cultural origins to countries

where sex-selection abortion is prevalent. The evidence strongly suggests that some Americans are exercising sex-selection abortion practices within the United States consistent with discriminatory practices common to their country of origin, or the country to which they trace their ancestry. While sex-selection abortions are more common outside the United States, the evidence reveals that female feticide is also occurring in the United States.

(7) The American public supports a prohibition of sex-selection abortion. In a March 2006 Zogby International poll, 86 percent of Americans agreed that sex-selection abortion should be illegal, yet only 3 States proscribe sex-selection abortion.

(8) Despite the failure of the United States to proscribe sex-selection abortion, the United States Congress has expressed repeatedly, through Congressional resolution, strong condemnation of policies promoting sex-selection abortion in the "Communist Government of China". Likewise, at the 2007 United Nations Annual Meeting of the Commission on the Status of Women, 51st Session, the United States delegation spearheaded a resolution calling on countries to condemn sex-selective abortion, a policy directly contradictory to the permissiveness of current United States law, which places no restriction on the practice of sex-selection abortion. The United Nations Commission on the Status of Women has urged governments of all nations "to take necessary measures to prevent . . . prenatal sex selection".

(9) A 1990 report by Harvard University economist Amartya Sen, estimated that more than 100 million women were "demographically missing" from the world as early as 1990 due to sexist practices, including sex-selection abortion. Many experts believe sex-selection abortion is the primary cause. Current estimates of women missing from the world range in the hundreds of millions.

(10) Countries with longstanding experience with sex-selection abortion—such as the Republic of India, the United Kingdom, and the People's Republic of China—have enacted restrictions on sex-selection, and have steadily continued to strengthen prohibitions and penalties. The United States, by contrast, has no law in place to restrict sex-selection abortion, establishing the United States as affording less protection from sex-based feticide than the Republic of India or the People's Republic of China, whose recent practices of sex-selection abortion were vehemently and repeatedly condemned by United States congressional resolutions and by the United States Ambassador to the Commission on the Status of Women. Public statements from within the medical community reveal that citizens of other countries come to the United States for sex-selection procedures that would be criminal in their country of origin. Because the United States permits abortion on the basis of sex, the United States may effectively function as a "safe haven" for those who seek to have American physicians do what would otherwise be criminal in their home countries—a sex-selection abortion, most likely late-term.

(11) The American medical community opposes sex-selection. The American Congress of Obstetricians and Gynecologists, commonly known as "ACOG," stated in its 2007 Ethics Committee Opinion, Number 360, that sex-selection is inappropriate because it "ultimately supports sexist practices." The American Society of Reproductive Medicine (commonly known as "ASRM") 2004 Ethics Committee Opinion on sex-selection notes

that central to the controversy of sex-selection is the potential for "inherent gender discrimination", . . . the "risk of psychological harm to sex-selected offspring (i.e., by placing on them expectations that are too high)," . . . and "reinforcement of gender bias in society as a whole." Embryo sex-selection, ASRM notes, remains "vulnerable to the judgment that no matter what its basis, [the method] identifies gender as a reason to value one person over another, and it supports socially constructed stereotypes of what gender means." In doing so, it not only "reinforces possibilities of unfair discrimination, but may trivialize human reproduction by making it depend on the selection of non-essential features of offspring." The ASRM ethics opinion continues, "ongoing problems with the status of women in the United States make it necessary to take account of concerns for the impact of sex-selection on goals of gender equality." The American Association of Pro-Life Obstetricians and Gynecologists, an organization with hundreds of member—many of whom are former abortionists—makes the following declaration: "Sex selection abortions are more graphic examples of the damage that abortion inflicts on women. In addition to increasing premature labor in subsequent pregnancies, increasing suicide and major depression, and increasing the risk of breast cancer in teens who abort their first pregnancy and delay childbearing, sex selection abortions are often targeted at fetuses simply because the fetus is female. As physicians who care for both the mother and her unborn child, the American Association of Pro-Life Obstetricians and Gynecologists vigorously opposes aborting fetuses because of their gender." The President's Council on Bioethics published a Working Paper stating the council's belief that society's respect for reproductive freedom does not prohibit the regulation or prohibition of "sex control," defined as the use of various medical technologies to choose the sex of one's child. The publication expresses concern that "sex control might lead to . . . dehumanization and a new eugenics."

(12) Sex-selection abortion results in an unnatural sex-ratio imbalance. An unnatural sex-ratio imbalance is undesirable, due to the inability of the numerically predominant sex to find mates. Experts worldwide document that a significant sex-ratio imbalance in which males numerically predominate can be a cause of increased violence and militancy within a society. Likewise, an unnatural sex-ratio imbalance gives rise to the commoditization of humans in the form of human trafficking, and a consequent increase in kidnapping and other violent crime.

(13) Sex-selection abortions have the effect of diminishing the representation of women in the American population, and therefore, the American electorate.

(14) Sex-selection abortion reinforces sex discrimination and has no place in a civilized society.

(15) The history of the United States includes examples of sex discrimination. The people of the United States ultimately responded in the strongest possible legal terms by enacting a constitutional amendment correcting elements of such discrimination. Women, once subjected to sex discrimination that denied them the right to vote, now have suffrage guaranteed by the 19th amendment. The elimination of discriminatory practices has been and is among the highest priorities and greatest achievements of American history.

(16) Implicitly approving the discriminatory practice of sex-selection abortion by choosing not to prohibit them will reinforce these inherently discriminatory practices, and evidence a failure to protect a segment of certain unborn Americans because those unborn are of a sex that is disfavored. Sex-selection abortions trivialize the value of the unborn on the basis of sex, reinforcing sex discrimination, and coarsening society to the humanity of all vulnerable and innocent human life, making it increasingly difficult to protect such life. Thus, Congress has a compelling interest in acting—indeed it must act—to prohibit sex-selection abortion.

(b) CONSTITUTIONAL AUTHORITY.—In accordance with the above findings, Congress enacts the following pursuant to Congress' power under—

(1) the Commerce Clause;

(2) section 5 of the 14th amendment, including the power to enforce the prohibition on government action denying equal protection of the laws; and

(3) section 8 of article I to make all laws necessary and proper for the carrying into execution of powers vested by the Constitution in the Government of the United States.

SEC. 3. DISCRIMINATION AGAINST THE UNBORN ON THE BASIS OF SEX.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 250. Discrimination against the unborn on the basis of sex

"(a) IN GENERAL.—Whoever knowingly—

"(1) performs an abortion knowing that such abortion is sought based on the sex or gender of the child;

"(2) uses force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selection abortion;

"(3) solicits or accepts funds for the performance of a sex-selection abortion; or

"(4) transports a woman into the United States or across a State line for the purpose of obtaining a sex-selection abortion; or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) CIVIL REMEDIES.—

"(1) CIVIL ACTION BY WOMAN ON WHOM ABORTION IS PERFORMED.—A woman upon whom an abortion has been performed pursuant to a violation of subsection (a)(2) may in a civil action against any person who engaged in a violation of subsection (a) obtain appropriate relief.

"(2) CIVIL ACTION BY RELATIVES.—The father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a), or a maternal grandparent of the unborn child if the pregnant woman is an unemancipated minor, may in a civil action against any person who engaged in the violation, obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(3) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

"(A) objectively verifiable money damages for all injuries, psychological and physical, including loss of companionship and support, occasioned by the violation of this section; and

"(B) punitive damages.

"(4) INJUNCTIVE RELIEF.—

"(A) IN GENERAL.—A qualified plaintiff may in a civil action obtain injunctive relief to prevent an abortion provider from performing or attempting further abortions in violation of this section.

“(B) DEFINITION.—In this paragraph the term ‘qualified plaintiff’ means—

“(i) a woman upon whom an abortion is performed or attempted in violation of this section;

“(ii) any person who is the spouse or parent of a woman upon whom an abortion is performed in violation of this section; or

“(iii) the Attorney General.

“(5) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney’s fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.

“(c) LOSS OF FEDERAL FUNDING.—A violation of subsection (a) shall be deemed for the purposes of title VI of the Civil Rights Act of 1964 to be discrimination prohibited by section 601 of that Act.

“(d) REPORTING REQUIREMENT.—A physician, physician’s assistant, nurse, counselor, or other medical or mental health professional shall report known or suspected violations of any of this section to appropriate law enforcement authorities. Whoever violates this requirement shall be fined under this title or imprisoned not more than 1 year, or both.

“(e) EXPEDITED CONSIDERATION.—It shall be the duty of the United States district courts, United States courts of appeal, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under this section.

“(f) EXCEPTION.—A woman upon whom a sex-selection abortion is performed may not be prosecuted or held civilly liable for any violation of this section, or for a conspiracy to violate this section.

“(g) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—

“(1) IN GENERAL.—Except to the extent the Constitution or other similarly compelling reason requires, in every civil or criminal action under this section, the court shall make such orders as are necessary to protect the anonymity of any woman upon whom an abortion has been performed or attempted if she does not give her written consent to such disclosure. Such orders may be made upon motion, but shall be made sua sponte if not otherwise sought by a party.

“(2) ORDERS TO PARTIES, WITNESSES, AND COUNSEL.—The court shall issue appropriate orders under paragraph (1) to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists.

“(3) PSEUDONYM REQUIRED.—In the absence of written consent of the woman upon whom an abortion has been performed or attempted, any party, other than a public official, who brings an action under this section shall do so under a pseudonym.

“(4) LIMITATION.—This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

“(h) DEFINITIONS.—

“(1) The term ‘abortion’ means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman, with knowledge that the termi-

nation by those means will with reasonable likelihood cause the death of the unborn child, unless the act is done with the intent to—

“(A) save the life or preserve the health of the unborn child;

“(B) remove a dead unborn child caused by spontaneous abortion; or

“(C) remove an ectopic pregnancy.

“(2) The term ‘sex-selection abortion’ is an abortion undertaken for purposes of eliminating an unborn child based on the sex or gender of the child.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding after the item relating to section 249 the following new item:

“250. Discrimination against the unborn on the basis of sex.”

SEC. 4. SEVERABILITY.

If any portion of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the portions or applications of this Act which can be given effect without the invalid portion or application.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to require that a healthcare provider has an affirmative duty to inquire as to the motivation for the abortion, absent the healthcare provider having knowledge or information that the abortion is being sought based on the sex or gender of the child.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3541, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. I yield myself such time as I may consume.

The Prenatal Nondiscrimination Act we are debating at this moment simply says that an unborn child cannot be discriminated against by subjecting him to an abortion based on the sex of the child. Because between 40 and 50 percent of African American babies—nearly one in two—are killed by abortion, which is five times, Mr. Speaker, the rate of white children, I believe with all of my heart that this bill should also prohibit race-targeted abortion as it did when the bill was first introduced.

It is my hope that by protecting unborn children from being aborted based on their sex that one day very soon we will also recognize the humanity and justice of protecting unborn children regardless of their race or color as well, and simply because we recognize them as fellow human beings.

Mr. Speaker, worldwide sex-selection abortion has now left the human family on Earth with approximately 200 million missing baby girls. Various United Nations organizations have battled sex-selection abortion for years. These agencies routinely refer to sex-selection abortion as “an extreme form of violence against women.”

In the New Atlantis magazine, political economist Nicholas Eberstadt, of the American Enterprise Institute, said:

In terms of its sheer toll in human numbers, sex-selective abortion has assumed a scale tantamount to a global war against baby girls.

In 2007, the United States spearheaded a U.N. resolution to condemn sex-selection abortion worldwide; yet here in the land of the free and the home of the brave, we are the only advanced country left in the world that still doesn’t restrict sex-selection abortion in any way.

Mr. Speaker, a number of academic papers have now published evidence that the practice of sex-selection abortion is demonstrably increasing here in the United States, especially, but not exclusively, in the Asian immigrant community.

A study by researchers at the University of Connecticut, which was published in Prenatal Diagnosis, found that the male-to-female live birth sex ratio in the United States for Chinese, Asian Indians, and Koreans clearly exceeded biological variation for third births and beyond. Mr. Speaker, deliberate prenatal sex selection is the only plausible explanation.

Dr. Sunita Puri and three other researchers at the University of California interviewed 65 immigrant Indian women in the United States who had sought or were seeking sex-selection abortion. They found that 40 percent of the women interviewed had deliberately aborted unborn baby girls previously and that nearly 90 percent of the women who were currently carrying unborn baby girls were also currently seeking to abort them.

This was an incredibly powerful study, Mr. Speaker. It discussed in detail the multiple forms of pressure and outright coercion to which these women are often subjected. Sixty-two percent of the women described verbal abuse from their husbands or female in-laws, and fully one-third of women described past physical abuse and neglect, all related specifically to their failing to produce a male child. As a result, these women reported aborting multiple unborn baby girls in a row because of the pressure that was put on them to have a male child.

Mr. Speaker, sex-selection abortion is extreme violence against both unborn baby girls and their mothers. It has been a primary enforcement mechanism for China’s forced abortion and “one child” policy for many years. It

has dramatically increased sex trafficking and violence against women due to the imbalanced sex ratios left in its wake across the world, and we now know that it is a tragic circumstance into which many women are also being coerced. This evil practice has now allowed thousands of little girls in America and millions of little girls across the world to be brutally dismembered, most of them in their second or third trimester and when they are capable of feeling extreme pain, simply because they were little girls instead of little boys, Mr. Speaker.

Sex selection is violence against women, and it is the truest kind of war against women, and it has now brought humanity to a place where the three deadliest words on this Earth are "it's a girl." What in God's name have we come to, Mr. Speaker? I've often asked myself what finally enlightened and changed the hearts of those across history who have either perpetrated or supported or ignored the atrocities and human genocides of their day.

While I probably will never fully understand, I believe I caught a glimpse of the answer from my 3-year-old little girl, Gracie. As I was holding her and we were watching her favorite laughing baby videos on YouTube, I inadvertently clicked on a video that showed a young man from China who was playing poignant and beautiful music on the piano with his feet because both of his arms had been amputated when he was a child.

In trying to seize on a teaching moment, Mr. Speaker, I said, "Look at that, Gracie. He's playing the piano with his feet. Isn't that amazing?"

But with a stricken little look on her face, Gracie said, "But, Daddy, he doesn't have any arms."

I said, "I know, Baby, and that's very sad, isn't it?"

And she said, "Oh, Daddy, it is very sad. We've got to help him. We've just got to. We've got to get some arms and give it to him."

I said, "But, Baby, there aren't any extra arms. They're all hooked onto other people."

And she thought for a moment and looked at me with wet little eyes and pulled up her sleeve and held up her little arm and said, "But, Daddy, can I give him one of my arms if it will fit on him?"

Across human history, the greatest and most loving voices among us have always emphasized the critical responsibility each of us has to recognize and cherish the light of divine, eternal humanity shining in the soul of every last one of our fellow human beings. I believe there is an answer to some of these seemingly unanswerable questions, Mr. Speaker, that face the human families and how we see each other. On that YouTube video, I saw an amazing young man who played heart-stirring music with his feet, but my lit-

tle girl saw a child of God who had no arms and wanted to give him one of hers.

And how very thankful I am that my little Gracie was not one of the hundreds of millions of little girls whose lives and hearts were torn from this world before they ever saw the light of sunrise simply because they were little girls instead of little boys.

I know that this Congress deals with many controversial issues where it is sometimes difficult for Republicans and Democrats to find common ground, but I refuse to believe that we cannot find enough humanity in this body to conclude together that it is wrong to knowingly kill unborn children because they are baby girls instead of baby boys.

With that, Mr. Speaker, I reserve the balance of my time.

□ 1540

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, I want to thank the leadership on the other side for requiring that the chairman of the Subcommittee on the Constitution, the gentleman from Arizona, drop "race" from this Prenatal Nondiscrimination Act, so-called. So it's now just sex selection.

This is the latest in a long series of measures intended to chip away at a woman's right to seek safe and legal medical care. It tramples the rights of women under the guise of non-discrimination while doing absolutely nothing to provide women with the needed resources so that their babies—female and male—can come into the world healthy, and so that both mother and child can thrive.

I am grateful that the proponents of this bill have stopped making the ridiculous charge that I used to hear, that reproductive freedom is worse than slavery, and invoking at the same time the name of the great abolitionist leader Frederick Douglass in the service of their cause. It was deeply offensive, and I'm glad that we won't have to listen to that anymore.

Mr. Speaker, at this point, I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Mrs. ADAMS), a member of the Judiciary Committee.

Mrs. ADAMS. Mr. Speaker, I rise today in support of H.R. 3541, the Prenatal Nondiscrimination Act, PRENDA, introduced by Representative TRENT FRANKS.

As the mother of a daughter, I am disturbed by what I am hearing about sex selection occurring in the United States. A 2008 Columbia University report found that there is strong son bias and there is clear evidence of sex selection, most likely at the prenatal stage. The victims of sex-selection abortions are predominantly female and most are

later term, which means that these gruesome abortions are occurring after the child becomes pain capable.

In 2007, the United States spearheaded an international resolution to condemn sex selection; however, there are no laws preventing or prohibiting the practice in the United States. And while I stand here, I think about just yesterday as I watched as my little granddaughter—inside her mother's womb—turned towards that ultrasound.

This issue of life is a divisive one in politics, but I think all Americans can agree aborting babies because they are the wrong sex is just plain wrong.

Let's put a stop to this egregious practice, and let's pass this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield as much time as he may consume to the ranking member of the Constitution Subcommittee, the distinguished gentleman from New York, JERRY NADLER.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, I rise in opposition to the so-called "Prenatal Nondiscrimination Act."

Today, the Republican majority continues its war on women in a new and creative way, by attempting to couch legislation that would destroy women's fundamental constitutional rights as a women's rights law. It is cynical, but creative.

Trying to destroy women's constitutional rights, and pretending that it is somehow being pro-woman, plays well to the far-right wing base, but does nothing to help American families get on their feet and put people back to work.

This bill criminalizes abortion prior to viability. It makes pre-viability abortions a crime under certain circumstances, a flagrantly unconstitutional provision under *Roe v. Wade*.

Under this bill, a relative who disagreed with a woman's choice would be able to sue a doctor simply by alleging that the woman had an impermissible motive. The doctor would face years of litigation at great expense. A relative could even obtain an injunction blocking an abortion from going forward merely by alleging that the abortion is being done for the purposes of sex selection. While the matter is being litigated, the pregnancy would go forward so that, regardless of the merits, a woman would be compelled by a court injunction to proceed with her pregnancy against her will, perhaps to have an abortion at a much later stage with a much more mature fetus.

Any clinic employee who suspected—merely suspected—that a woman's motives ran afoul of this law would have a legal obligation, under penalty of prison, to report that suspicion to law enforcement.

How would this affect the basic practice of medicine?

H.R. 3541 would force health care providers to inquire into women's reasons

for seeking abortion services. Physicians would have to consider whether women seeking routine non-abortion services, such as determining the sex of the fetus, might then use that information in deciding whether to continue a pregnancy.

Given the severe civil and criminal penalties in this bill, doctors would be forced to police their patients, read their minds, and conceal information from them. The failure to do so would put medical professionals at risk of prosecution and lawsuits.

This bill is facially unconstitutional. The Supreme Court has held, beginning with *Roe v. Wade* and in *Casey* and subsequent cases, that the decision of whether to have a child or whether to end a pregnancy is a private one. Up until the point of viability, the government may not make that decision for a woman. Following viability, the government may regulate or bar an abortion, except when the abortion is necessary to protect the life or health of the woman.

The preference for male children is a real, if limited, phenomenon in the United States. Some women face familial and community preference to have male children, and that pressure can increase with each subsequent birth. But this bill does nothing to help those women.

This bill cites the United Nations Commission on the Status of Women as urging governments to prevent sex-selective abortions, but it ignores the concerns of those who work on this problem, such as the U.N. Population Fund, the Office of the U.N. High Commissioner for Human Rights, the U.N. Children's Fund, the U.N. Women, and the World Health Organization, that abortion restrictions are not the solution because they put women's health and lives in jeopardy and violate women's human and reproductive rights.

Where is the legislation providing women with the means to achieve independence so that they are not subject to community and family pressures? My Republican colleagues opposed the Lilly Ledbetter Fair Pay Act that would have done just that. We all had to watch the charade recently where Republicans pretended they weren't going after the Violence Against Women Act with a meat-ax. Where is the support for family planning services so we have fewer unplanned pregnancies and, therefore, fewer abortions? Where is the commitment to maternal and child health programs?

But all this costs money, it won't do anything to undermine *Roe v. Wade*, and it doesn't play well in the world of abortion politics.

I urge the Members of this House to reject this cynical, dishonest, and hypocritical legislation.

Mr. Speaker, I rise in opposition to the so-called "Prenatal Nondiscrimination Act."

Today, the Republican majority continues the war on women in a new and creative way,

by attempting to couch legislation that would destroy women's fundamental constitutional rights as a women's rights law. It is cynical, but creative.

Our nation's economy is struggling to recover. Families are struggling to keep their homes, and provide a better future for their children.

And what is the majority doing about it? Nothing. Today we have yet another radical foray into divisive social issues. Trying to destroy women's constitutional rights, and pretending that it is somehow being "pro-woman," plays well to the far right-wing base, but does nothing to help American families get on their feet, and put people back to work.

This is election-year politics at its absolute worst.

Despite the fact that this bill is couched in the language of civil rights, indeed it amends the civil rights crimes chapter of the federal Criminal Code, it is nothing more than yet another attack on the fundamental constitutional rights of women. It does not improve their ability to choose to have a healthy and successful pregnancy. It does not improve the prospects for their children once those children come into the world. It does nothing to help women who are subject to community pressure to have sons. It does nothing to improve the lot of women who may really need our help.

This bill criminalizes abortion, prior to viability; it makes previability abortions a crime under certain circumstances, a flagrantly unconstitutional provision under *Roe*.

Under this bill, a relative who disagreed with a woman's choice would be able to sue a doctor simply by alleging that the woman had an impermissible reason. The doctor would face years of litigation at great expense.

A relative could even obtain an injunction blocking an abortion from going forward merely by alleging that the abortion is being done for the purposes of sex selection. While the matter is being litigated, the pregnancy would go forward so that, regardless of the merits, a woman would be compelled by a court injunction to proceed with her pregnancy against her will.

Any clinic employee who suspected—merely suspected—that a woman's motives ran afoul of this law would have a legal obligation, under penalty of prison, to report that suspicion to law enforcement.

How would this affect the basic practice of medicine?

H.R. 3541 would force health care providers to inquire into a woman's reasons for seeking abortion services. Physicians would have to consider whether women seeking routine non-abortion services, such as determining the sex of the fetus, would then use that information in deciding whether to continue a pregnancy.

The more information the doctor has, and the more he shares with his patient, the greater the risk that someone could argue that the abortion was for a prohibited purpose, and that he knew it.

Given the severe civil and criminal penalties in this bill, doctors would be forced to police their patients, read their patients' minds, and conceal information from them. The failure to do so would put medical professionals at risk of prosecution and lawsuits.

Do you want to see defensive medicine? Try making this law.

This bill is facially unconstitutional. The Supreme Court has held, beginning with *Roe v. Wade*, and in *Casey* and subsequent cases, that the decision whether to have a child, or whether to end a pregnancy, is a private one. Up until the point of viability, the government may not make that decision for a woman. Following viability, the government may regulate or bar an abortion, except when the abortion is necessary to protect the life or health of the woman.

This bill would bar a woman from having an abortion at any time on the basis of her motives.

While this bill may be an unconstitutional intrusion into women's private choices, it does nothing to help women or their children. That sort of legislation is not on the agenda here, or in this Republican controlled Congress.

The bill contains flat out lies. For example, it contains a "finding" that a fetus can feel pain after 20 weeks, even though this is a fringe position rejected by the mainstream of medical science. A survey of available research published in the *Journal of the American Medical Association* in 2005 concluded that "[e]vidence regarding the capacity for fetal pain is limited but indicates that fetal perception of pain is unlikely before the third trimester." Similarly, a detailed survey by the Royal Academy of Obstetricians and Gynecologists concluded:

In reviewing the neuroanatomical and physiological evidence in the fetus, it was apparent that connections from the periphery to the cortex are not intact before 24 weeks of gestation and, as most neuroscientists believe that the cortex is necessary for pain perception, it can be concluded that the fetus cannot experience pain in any sense prior to this gestation.

But why let the facts get in the way of some nice rhetoric?

The preference for male children is a real if limited phenomenon in the United States. Some women face familial and community preference to have male children and that pressure can increase with each subsequent birth.

But this bill does nothing to help those women.

While H.R. 3541 cites the United Nations Commission on the Status of Women as urging governments to prevent sex selective abortions, it ignores the concerns expressed by those who work on this problem—such as the United Nations Population Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, United Nations Women, and the World Health Organization—that abortion restrictions are not the solution because they put women's health and lives in jeopardy and violate women's human and reproductive rights.

The Judiciary Committee heard from Miriam Yeung, of the National Asian Pacific American Women's Forum, who discussed how Congress could address the male child preference issue in a manner that is effective and that supports women rather than stigmatizing them. She explained:

Son preference is a symptom of deeply rooted social biases and stereotypes about gender. Gender inequity cannot be solved by banning abortion. The real solution is to change the values that create the preference

for sons. . . . We are working with members of our own community to empower women and girls, thereby challenging norms and transforming values.

Where is the legislation providing women with the means to achieve independence so that they are not subject to community and familial pressures? My Republican colleagues opposed the Lilly Ledbetter Fair Pay Act that would have done just that. We all had to watch the charade recently where Republicans pretended they weren't going after the Violence Against Women Act with a meat-ax. Where is the support for family planning services so we have fewer unplanned pregnancies and, therefore, fewer abortions? Where is the commitment to maternal and child health programs?

There are many things Congress could do to assist women, including women who are under pressure from their families or communities to terminate a pregnancy—strategies that have worked and that assist women rather than turn them into suspects or pariahs. We can work with their doctors and provide necessary resources to women and their families.

But that costs money, it won't do anything to undermine *Roe v. Wade*, and it doesn't play well in the world of abortion politics.

I urge the members of this House to reject this cynical and destructive legislation.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. KING), the vice chairman of the Judiciary Immigration Subcommittee.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona for his leadership on this issue and many other issues, and I come to the floor here in strong support of the PRENDA Act.

The very idea of sex-selection abortion, gendercide, as it was so aptly named, brought back to mind for me a story that I heard from a man whom I admired. His name was Gil Copper. Sadly, we lost him back in 2010.

Gil Copper was a World War II veteran who volunteered with Merrill's Marauders in Asia and marched across those areas in India and Burma to take on the Japanese behind the scenes. Gil Copper picked up and was awarded one Silver Star, two Bronze Stars, one Combat Infantry Badge, and one Purple Heart.

Gil Copper spent his time off in Asia under the bridge in New Delhi, India, standing in the Ganges River listening for the splash. Standing there day or night, any time he had off, he was listening for the splash of a little baby girl that would often and regularly be tossed off the bridge into the river to drown because the culture in India cherished boys and didn't cherish girls. Gil Copper would swim out there and pick up those little girls that were floating then in the filthy Ganges River and swim back with them and dry them off and carry them to the Catholic orphanage in New Delhi. He saved scores of lives during that period of time.

That culture has arrived here in this country, and this bill puts an end to that kind of culture that would select baby girls for death.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 3 minutes to the gentleman from Georgia, HANK JOHNSON, a distinguished member of the House Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, this bill is not about civil rights, but it's simply another attempt to chip away at a woman's right to choose. It's part of the Republican war on women, also known as WOW. I'm like, Wow, why are we continuing to attack women like this? Wow, it's men against women.

What's happening is we're in a political year, ladies and gentlemen, and politics has been good to the Republicans as of late. They have pitted people who favor immigration against those who do not support it. They have divided people on affirmative action from African Americans. They have divided people on the issue of gays living in America. These are all diversionary issues. They've been attacking labor and saying that it is because of labor that you don't have what you should have.

□ 1550

It's a political season, and so this is what they are doing with this bill. It's pitting the men against the women.

This bill seeks to prohibit discrimination against the unborn on the basis of gender, but it's really part of the divide-and-conquer approach that has been hugely successful for these Republicans. It would require doctors to become mind readers, ladies and gentlemen, and require them to determine what the sex of the child is and whether or not that is a factor in a woman's determination to have an abortion. It's ridiculous.

It's shameful many of the supporters of this bill are the same ones who voted to eliminate funding for Planned Parenthood and the Teen Pregnancy Prevention Initiative. That's funding that would have helped prevent unintended pregnancies. They also voted, ladies and gentlemen, to repeal, and repeatedly they have voted to repeal, the Affordable Care Act, which has improved the health of uninsured women and children. Recently, they supported Rush Limbaugh in his attack on women and access to contraception.

You see, this is part of the war on women. Wow. The record is shameful and it's clear.

Instead of divisive attacks on a woman's right to choose, we should unite behind policies that prevent unintended pregnancies in the first place. I urge a "no" vote.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. BUEKLE), a member of the Oversight & Government Reform Committee.

Ms. BUEKLE. I thank the gentleman from Arizona for his excellent work on this important bill.

I rise this afternoon in support of H.R. 3541 as a woman, as a mother of four daughters, and as a grandmother of three granddaughters.

Mr. Speaker, there can be no rights for women if we don't allow them the right to life. What we are hearing from the other side this afternoon is about money and about political campaigns and about the rhetoric of the war on women. This is the ultimate war on women, Mr. Speaker. If we don't allow women to be born, we cannot talk about any other rights.

So I stand here today, and I urge all of my female colleagues in this House of Representatives to stand together and support H.R. 3541.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished physician, the gentleman from Washington, the Honorable Dr. MCDERMOTT.

Mr. MCDERMOTT. Mr. Speaker, as I listen to this debate, I am not sure if we are talking about India or China, but where are we talking about here? The Republicans have set up another straw man.

This bill is another Republican attack on women's rights at the same time it's masquerading as an anti-discrimination bill. It's about as cynical and deceptive as anything I've seen on the floor.

I ask the proponents of this bill: If you care, Mr. Speaker, if they care about discrimination against women, why did they vote in the last Congress against women's rights to challenge gender-based pay discrimination? Why did you also vote to allow health insurers to continue charging women higher premiums based on their sex?

These votes are on the record. That's what you think of women.

My friend, this bill is not what it claims to be. It is not about fighting discrimination against women. It is the opposite. It is another Republican intrusion into a woman's right to choose. Women should be able to make such sensitive and private decisions with their families, their doctors, and their God, free from the fear of the police.

What are you going to do, set up a registry every time they do a sonogram and they decide what the baby is, girl or boy, they are going to post it and then they are going to follow? If that woman then decides to have an abortion, well, she is getting rid of a girl, so we are going to criminally charge her with making that decision on the basis of the sex of the child. That's what kind of nonsense you are setting up.

For people who don't want government in people's lives, who argue over and over and over about keeping the government—in fact, we don't want ObamaCare. We don't want government in our lives at all. But in this one, you want them to go right into the personal mind of the woman and decide and criminally charge her.

Do you think that's going to do any good? You simply are attacking women's rights.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to speak in the third person, not in the second person, in their remarks on the floor.

Mr. FRANKS of Arizona. Of course, the gentleman knows there's no criminal thing in this bill for the women. That's an unfortunate fallacy.

I yield 1½ minutes to the gentleman from Louisiana, Dr. FLEMING, a member of the Armed Services Committee.

Mr. FLEMING. I want to thank the gentleman, Mr. FRANKS of Arizona, for authoring this fine bill.

You know, I find that gender-oriented abortion is problematic for two reasons. Number one is very obvious. The taking of an innocent life merely because that child happens to be a boy or a girl certainly goes against all the values that we hold true in America. But, secondly, because of the technology requiring that you are well into the second trimester even to determine the gender of the fetus means that we're talking about a mid- to late-term abortion, something that is so brutal.

Mr. Speaker, as a family physician and a father of four, two boys and two girls, I have delivered over 300 babies in my career. Each and every child, regardless of his or her gender, is a unique individual, deserving of equal protection under the law. The American people agree with me on this. In fact, polls show that over two-thirds of Americans are supportive of eliminating abortion practices tailored to destroy babies because of their gender.

Gender aside, which is really what this is, the deliberate annihilation of a particular sex, often unborn female children, as we know, generally occurs midway through pregnancy. These late-term abortions are grisly procedures, where the condemned is often poisoned or dismembered before being extracted from the womb, sometimes in pieces. Medical evidence shows that, at a minimum, unborn babies can experience pain at 20 weeks.

I ask my colleagues to support this bill, H.R. 3541.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the former chair of the Congressional Black Caucus, the gentlewoman from Oakland, California, BARBARA LEE.

Ms. LEE of California. First, let me thank Congressman CONYERS for yielding the time, but also for your very bold and relentless leadership as our ranking member on the House Judiciary Committee.

I rise today as a member of the Congressional Pro-Choice Caucus and also as the Health Care Task Force chair of the Congressional Asian Pacific American Caucus. I rise in strong opposition to this bill.

□ 1600

Supporters of this bill claim that the legislation would combat sex-selection abortion and prevent the United States from becoming a safe haven for women seeking an abortion based on the sex of the pregnancy.

Here we go again. This war on women continues. And this, quite frankly, is a shocking battle in this war. It really is shock and awe.

Don't get me wrong. Of course we all are opposed to sex-selection abortion based on gender. That's not what this is about. This is about women's health care and gender discrimination.

Let me read a paragraph from a letter signed by the American Congress of Obstetricians and Gynecologists and other groups:

If passed into law, this bill would require that medical and mental health professionals violate doctor-patient confidentiality and report known or suspected violations of the law to law enforcement authorities. The penalty for failure to report is a fine or incarceration of up to 1 year.

Shock and awe. This is a continuation of the war on women.

There are those who have been actively working to reverse much of the progress women have made by declaring this war on women that includes stripping reproductive rights for women and cutting critical Title X funding and for the WIC nutrition program for low-income infants and pregnant women. And yes, this war on women continues with slashed funding for food stamps and day care spending.

Let's call it what it is, Mr. Speaker. Supporters of this bill really are exploiting serious issues like racism and sexism in a backdoor attempt to make abortion illegal. It would also lead to further stigmatization of women, especially Asian Pacific American women, who seek their constitutional rights to an abortion.

The ramifications are real, and they are very dangerous. Attempts to restrict or deny access to safe abortions is harmful to women's health and would ultimately take us back to the days of back-alley abortions.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady 1 additional minute.

Ms. LEE of California. I thank the gentleman.

If this bill passes, it would forever change the doctor-patient relationship as we know it by casting suspicion on doctors that serve communities facing the greatest health disparities, many of which are minority communities.

As a woman of faith, I have always believed that decisions about whether to choose adoption, end a pregnancy, or raise a child must be left to a woman, her family, and her faith, with the counsel of her doctor or health professional. Politics—government—has no place preventing doctors and other

health professionals from informing patients about all their health care options, and doctors should not be criminalized for providing constitutionally protected care.

If supporters are really serious about advancing the real interest of women, I urge them to vote "no" on this bill. We need to work together to ensure that all women have meaningful access to the health care that they need to stay healthy and to improve their own lives and their children's lives.

We need to make sure that women get equal pay for equal jobs.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. CONYERS. I yield the gentlewoman an additional 15 seconds.

Ms. LEE of California. I just want to conclude by saying if you really care about women and their children and their families, we need to work to end wage discrimination in this country. We need to work to end domestic violence that's tearing apart families across this country and reauthorize a real Violence Against Women's Act. We need to reject this insidious attack on *Roe v. Wade*.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS), a member of the Energy and Commerce Committee.

Mr. STEARNS. Let me say to the gentlelady and to Mr. JOHNSON and Mr. NADLER: This is a war on ethics or WOE. You talk about a war on women. This is a war on ethics. Woe to you if you vote against this bill.

Mr. NADLER was down here talking about this bill and how he's going to vote against it. But let me ask you: Is there anybody in this Chamber that wants to vote against sex-selection abortion? Is that what you want to do? The coercion of sex-selection abortion, is that what you want to do? The solicitation or acceptance of funds for sex-selection abortion, you want to vote against that? And lastly, the transportation of a woman into the country to obtain a sex-selection abortion, you want to vote against that?

Woe to you. War on ethics. This is wrong for you to do that.

In a recent letter, the Planned Parenthood has once again chosen to put profits before women's well-being and is encouraging Members of Congress to oppose this legislation, reinforcing sex discrimination and positioning the United States of America as a safe haven for those who cannot legally acquire a sex-selection abortion in their own home countries. But this is not surprising, considering Planned Parenthood's record.

As chairman of the Energy and Commerce Committee's Subcommittee on Oversight and Investigations, I have led an investigation into Planned Parenthood's use of the more than \$1 billion of Federal funds they receive

every day and their compliance with sexual assault and child abuse reporting laws. This was the first ever such investigation in Planned Parenthood's history.

Planned Parenthood has an extensive and well-documented record of improper Medicaid billing practices—all of you know that; you can go to the State of California and New York and read about those indictments—and violating State sexual assault and child abuse reporting laws and of encouraging young girls to simply lie about their ages to circumvent State reporting laws.

These four things in this bill, woe to you—war on ethics—if you vote against this bill. And I am just amazed that people of strong religious belief would come on this floor and say that you're going to believe that sex-selection abortion is okay. I can't even comprehend what you're doing.

So let me just close by saying I encourage all of my colleagues, both Democrats and Republicans, to support this lifesaving legislation and ban sex-selection abortions and to send a clear message that each and every girl is valued in our society.

My colleagues, with passage of this critical legislation, the United States will finally join the rest of the industrialized world in prohibiting the barbaric practice of using abortion as a method of sex selection. It is astounding that in a country that prohibits discrimination on the basis of sex in various contexts, such as employment, education, and housing, it is legal to abort a child simply because she's a girl.

Pure and simple, these abortions are female infanticide. The victims of sex-selection abortion are overwhelmingly female, and most sex-selection abortions are grisly, later-term abortions, likely occurring after the child becomes capable of feeling pain.

In a recent letter, Planned Parenthood has once again chosen to put profits before women's well-being and is encouraging Members of Congress to oppose this legislation, reinforcing sex discrimination and positioning the U.S. as a safe haven for those who cannot legally acquire a sex-selection abortion in their home countries. But this is not surprising considering Planned Parenthood's record.

A recent undercover investigation by Live Action once again exposed Planned Parenthood's hypocrisy and anti-life ideology by showing a Planned Parenthood facility located in Austin, Texas knowingly facilitating the sex-selective abortion of a baby girl. Even going so far as to coach a late term abortion, in order to confirm that the baby was the unwanted sex. The video also shows the Planned Parenthood employee instructing a young woman about how to commit Medicaid fraud.

As Chairman of the Energy and Commerce Committee's Subcommittee on Oversight and Investigations, I have led an investigation into Planned Parenthood's use of the more than \$1 million federal dollars they receive every day and their compliance with sexual assault and child abuse reporting laws. This was the first ever such investigation in Planned Parent-

hood's history. Planned Parenthood has an extensive and well-documented record of improper Medicaid billing practices, violating state sexual assault and child abuse reporting laws, and of encouraging young girls to lie about their ages to circumvent state reporting laws.

I encourage all of my colleagues to support this life-saving legislation and ban sex-selective abortions and to send the clear message that each and every girl is valued in our society.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will again remind all Members to address their remarks to the Chair, not to one another, and to avoid references in the second person.

Mr. CONYERS. I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, can I inquire as to the remainder of the time?

The SPEAKER pro tempore. The gentleman from Arizona has 5 minutes remaining. The gentleman from Michigan has 5¼ minutes remaining.

Mr. FRANKS of Arizona. I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN), a member of the Energy and Commerce Committee.

Mrs. BLACKBURN. I rise in support of the Prenatal Nondiscrimination Act, and I thank the gentleman from Arizona for his leadership on the issue.

Simply put, this bill gives baby girls the same chance at life as our baby boys, Mr. Speaker. I think it's hypocrisy to say that one is pro-woman and that it's okay to end the life of an unborn child just because of its gender. Since when did America subscribe to the idea that males are worth more than females?

We know that sex-selection abortions happen all over the world, as was evidenced and certainly brought to light by human rights activists like Mr. Chen, who fled to America this month. But according to at least six academic studies published in the past 4 years, this tragic reality is playing out in our own backyard. Just this week, an undercover video showed a Planned Parenthood employee encouraging a woman to obtain a late-term abortion because she was purportedly carrying a girl, and she wanted to have a boy instead.

A vote against ending sex-selection abortion is a vote in favor of gender bias and female gendercide. A vote against is a vote for organized and systematic subtraction of women in America through targeted abortions. It's sick, it's discriminatory, it's sexist, and it's blatantly antiwoman and antihuman.

It's no surprise that a poll conducted this month by the Charlotte Lozier Institute showed 80 percent of women in this country support a law banning abortion in cases where the sole reason for seeking an abortion is that the developing baby is female.

I support the legislation, and I urge my colleagues to do the same.

□ 1610

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I would just like to remind my colleagues that from the Leadership Conference on Civil and Human Rights, we have this warning:

We oppose this bill because it does not in any way adjust discrimination on the basis of sex or race. Rather, it is a veiled attempt to restrict health care for women of color under the guise of civil rights.

This is the Leadership Conference on Civil and Human Rights.

This bill tramples the rights of women under the guise of non-discrimination while doing absolutely nothing to provide women with needed resources for their babies, female and male, so they can come into this world healthy and so both the mother and the child can thrive.

This measure before us does absolutely nothing to empower women to make important life choices free from any family or community pressures they now face either to have an abortion, or to carry the pregnancy to term. In fact, it fails to employ the tested solutions that will reduce the pressures brought to bear on women to have sons. Experience around the world has shown that supporting women, providing them with tools to become independent and to be safe from violence, rather than criminal prohibitions, helps them resist the pressures of son preference. International organizations such as the United Nations Population Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, United Nations Women, and the World Health Organization have all said that abortion restrictions are not the solution because they put women's health and lives at risk and violate their human and reproductive rights.

Please, join us and these organizations who are familiar with the phenomenon of son preference and oppose H.R. 3541.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I would now yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. SMITH) who is a member of the Foreign Affairs Committee, where he is the chairman of the Africa, Global Health, and Human Rights Subcommittee.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend TRENT FRANKS for his extraordinary leadership and courage. He is a pro-life champion.

Mr. Speaker last year, an undercover videotaped sting operation by Live Action exposed several Planned Parenthood affiliates who are eager, ready, and willing to facilitate secret abortions for underage sex trafficking victims—some as young or younger than 14.

As the prime sponsor of the Trafficking Victims Protection Act, I found the on-the-record willingness of Planned Parenthood personnel to exploit young girls and partner with sex traffickers to be absolutely appalling.

Now Live Action has released another sting operation video—part of a new series, “Gendercide: Sex Selection in America”—showing Planned Parenthood advising an undercover female investigator how to procure a sex-selection abortion.

Caught on tape, Planned Parenthood tells the investigator to wait until the baby is 5 months along to get an ultrasound that reveals the sex of the child. Then, if it’s a girl, kill it.

Yesterday, The Huffington Post reported: “No Planned Parenthood clinic will deny a woman an abortion based on her reasons for wanting one, except in States that explicitly prohibit sex-selection abortions.”

In other words, Planned Parenthood is okay with exterminating a child in its huge network of clinics simply because she’s a girl. What a dangerous place for little girls. Let’s not forget that Planned Parenthood aborts approximately 330,000 children every year. This, Mr. Speaker, is the real war on women.

For most of us, Mr. Speaker, “it’s a girl” is cause for enormous joy, happiness, and celebration. But in many countries, including our own, it can be a death sentence. Today, the three most dangerous words in China and India are “it’s a girl.” We can’t let that happen here.

In her book “Unnatural Selection,” Mara Hvistendahl traces the sordid history of sex-selection abortion as a means of population control. She writes that by August of 1969, “sex selection had become a pet scheme”—fewer girls, fewer future mothers, fewer future children.

At a 1969 conference, Christopher Tietze co-presented sex-selection abortion as one of the 12 new strategies representing the future of population control. He, by the way, got the Margaret Sanger Award 4 years later.

Sex-selection abortion is cruel, it’s discriminatory, and it’s legal. It is violence against women. Most people in government are unaware that it is part of a deliberate plan of population control. Support the Prenatal Non-discrimination Act, sponsored by Mr. FRANKS.

Last year, an undercover video-taped sting operation by Live Action (liveaction.org) exposed several Planned Parenthood affiliates who were eager, ready and willing to facilitate secret abortions for underage sex trafficking victims—some as young or younger than 14—to get them on the streets again.

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By now most people know that the killing of baby girls by abortion or at birth is pervasive in China due to the One Child policy and a preference for sons. China and India are “missing” tens of millions of daughters.

In her book, *Unnatural Selection: Choosing Boys Over Girls, and the Consequences of a World Full of Men*, Mara Hvistendahl, traces the sordid history of sex-selection abortion as a means of population control. “By August 1969, when the National Institute of Child Health and Human Development and the Population Council convened another workshop on population control, sex selection had become a pet scheme . . . Sex selection, moreover, had the added advantage of reducing the number of potential mothers . . . if a reliable sex determination technology could be made available to a mass market,” there was “rough consensus” that sex selection abortion “would be an effective, uncontroversial and ethical way of reducing the global population.”

Fewer women, fewer mothers, fewer future children.

At the conference, one abortion zealot, Christopher Tietze co-presented sex selection abortion as one of twelve new strategies representing the future of global birth control. Planned Parenthood honored Tietze four years later with the Margaret Sanger Award.

(I would note parenthetically, in March of 2009, Secretary of State Hillary Clinton also received the Margaret Sanger Award and said in her acceptance speech that she was “in awe” of Margaret Sanger, the founder of Planned Parenthood. To our distinguished Secretary of State, I respectfully ask: Are you kidding? In “awe” of Margaret Sanger, who said in 1921, “Eugenics . . . is the most adequate and thorough avenue to the solution of racial, political, and social problems.” And who also said in 1922, “The most merciful thing that a family does to one of its infant members is to kill it.”

Secretary Clinton in her speech said that Margaret Sanger’s “life and leadership” was

“one of the most transformational in the entire history of the human race.” Mr. Speaker, transformational, yes, but not for the better if one happens to be a woman, poor, disenfranchised, weak, a person of color, vulnerable, or among the many so-called undesirables who Sanger would exclude and exterminate from the human race.)

Mr. Speaker, these cruel, anti-woman policies have had horrific consequences.

Hvistendahl writes that today “there are over 160 million females “missing” from Asia’s population. That’s more than the entire female population of the United States. And gender imbalance—which is mainly the result of sex selective abortion—is no longer strictly an Asian problem. In Azerbaijan and Armenia, in Eastern Europe, and even among some groups in the United States, couples are making sure at least one of their children is a son. So many parents now select for boys that they have skewed the sex ratio at birth of the entire world.”

In the *Global War Against Baby Girls* renowned AEI demographer Nicholas Eberstadt wrote in *The New Atlantis* last Fall; “over the past three decades the world has come to witness an ominous and entirely new form of gender discrimination: sex-selective feticide, implemented through the practice of surgical abortion with the assistance of information gained through prenatal gender determination technology. All around the world, the victims of this new practice are overwhelmingly female—in fact, almost universally female. The practice has become so ruthlessly routine in many contemporary societies that it has impacted their very population structures, warping the balance between male and female births and consequently skewing the sex ratios for the rising generation toward a biologically unnatural excess of males. This still-growing international predilection for sex-selective abortion is by now evident in the demographic contours of dozens of countries around the globe—and it is sufficiently severe that it has come to alter the overall sex ratio at birth of the entire planet, resulting in millions upon millions of new “missing baby girls” each year. In terms of its sheer toll in human numbers, sex-selective abortion has assumed a scale tantamount to a global war against baby girls.”

As far back as 1990, Nobel Prize winner Amartya Sen wrote in *The New York Review of Books* that “More than 100 Million Women are Missing.” In 2003 Sen wrote that sex-selection abortion was the primary cause.

A 2008 study by Douglas Almond and Lena Edlund of Columbia University documented “male-biased sex ratios among U.S. born children of Chinese, Korean and Asian Indian parents in the 2000 U.S. census. The male bias is particularly evident for third children: If there was no previous son, sons outnumbered daughters by 50 percent . . . We interpret the found deviation in favor of sons to be evidence of sex selection, most likely at the prenatal stage.”

A study published in 2011 by Sunita Pun and three other researchers undertook “in-depth interviews with 65 immigrant Indian women in the United States who had pursued fetal sex selection on the East and West Coasts of the United States between September 2004 and December 2009 . . .” and

found “that 40% of the women interviewed had terminated prior pregnancies with female fetuses and that 89% of women carrying female fetuses in their current pregnancy pursued an abortion.”

Many European nations including the UK as well as several Asian countries ban sex selection abortion. Only four US states—Arizona, Illinois, Oklahoma and Pennsylvania—proscribe it.

The United States is a destination country for sex selection abortion. According to the House Judiciary Committee Report, “women cross the border from Canada (where it is illegal) to obtain sex selection abortions in the United States.”

The Prenatal Nondiscrimination Act, authored by pro-life champion Congressman TRENT FRANKS, seeks an end to this pernicious form of violence against women by prescribing criminal and civil penalties on abortionists who knowingly perform an abortion based on sex or gender of the child.

If enacted, the Act will also penalize anyone who uses force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex selection abortion. This anti-coercion provision is an extremely important protection for women.

According to the House Judiciary Committee Report; “sex-selection abortions are oftentimes coerced.” The Report notes “women who refuse sex-selection abortions are sometimes physically abused. A woman may be denied food, water, and rest to induce abortion where it is determined that the woman is carrying a female unborn child. Some women described being hit, pushed, choked and kicked in the abdomen in a husband’s attempt to terminate a female unborn child. Pregnancy is already a vulnerable time for women; the most common cause of death for pregnant women in the United States is homicide, often at the hands of the unborn child’s father.”

And the Act will hold accountable anyone who knowingly solicits or accepts funds for the performance of a sex selection abortion or transports a woman into the U.S. or across a state line for a sex selection abortion.

Sex-selection abortion is cruel and discriminatory and legal. It is violence against women. Most people in and out of government remain woefully unaware of the fact that sex-selection abortion was—a violent, nefarious and deliberate policy imposed on the world by the pro-abortion population control movement—it’s not an accident. The Congress can—and must—defend women from this vicious assault today.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Ladies and gentlemen of the House, if this measure is passed into law, we would then require that medical and mental health professionals violate doctor-patient confidentiality and report “known or suspected violations” of the law to law enforcement authorities. The penalty for failure to report would be a fine or incarceration.

Now, it is not by accident, Members of the House, that this measure is opposed by these outstanding organizations: the American Congress of Obstetricians and Gynecologists; American Public Health Association; Association

of Reproductive Health Professionals; American Society for Reproductive Medicine; Medical Students for Choice; National Abortion Federation; National Association of Nurse Practitioners in Women’s Health; National Family Planning and Reproductive Health Association; Physicians for Reproductive Health and Choice; and Planned Parenthood Federation of America.

Now, this is something that would chill communications between doctors and patients because doctors might hear something that would put them at risk for criminal prosecution, and patients because they would fear that their conversations with their doctors would not remain private. And so what we’re doing here is taking the most drastic step that would cause these nine organizations to oppose this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I don’t have time to correct all of the misinformation that my friends on the other side of the aisle have said here today. They’ve talked about everything but what this bill does.

If I thought that America really supported aborting little girls because they were little girls as a people, then I guess I would conclude that the light of human compassion had gone out in our society and it was time to board this place up and go home and be done with it. But, fortunately, Mr. Speaker, I know that 86 percent of the American people favor protecting little girls from sex-selection abortion, and that gives me great hope. I wish I had time to mention all of the groups that are in favor of this bill, but I know that this is going to be the first step, and we’re going to be on the right side of history and the right side of justice, and I urge a “yes” vote on this bill.

I yield back the balance of my time.

Mr. PAUL. Mr. Speaker, as an OB-GYN who has delivered over 4,000 babies, I certainly abhor abortion. And I certainly share my colleagues’ revulsion at the idea that someone would take an innocent unborn life because they prefer to have a child of a different gender.

However, I cannot support H.R. 3541, the Prenatal Nondiscrimination Act, because this bill is unconstitutional. Congress’s jurisdiction is limited to those areas specified in the Constitution. Nowhere in that document is Congress given any authority to address abortion in any manner. Until 1973, when the Supreme Court usurped the authority of the States in the Roe v. Wade decision, no one believed or argued abortion was a Federal issue.

I also cannot support H.R. 3541 because it creates yet another set of Federal criminal laws, even though the Constitution lists only three Federal crimes: piracy, treason, and counterfeiting. All other criminal matters are expressly left to States under the Ninth and Tenth Amendments, and criminal laws relating to abortion certainly should be legislated by States rather than Congress.

I have long believed that abortion opponents make a mistake by spending their energies on a futile quest to make abortion a Federal crime. Instead, pro-life Americans should work to undo Roe v. Wade and give the power to restrict abortion back to the States and the people. It is particularly disappointing to see members supporting this bill who rightfully oppose ludicrous interpretations of the Commerce Clause when it comes to the national health care law, which also abuses the Commerce Clause to create new Federal crimes.

Pro-life Americans believe all unborn life is precious and should be protected. Therefore we should be troubled by legislation that singles out abortions motivated by a “politically incorrect” reason for special Federal punishment. To my conservative colleagues who support this bill: what is the difference in principle between a Federal law prohibiting “sex selection” abortions and Federal hate crimes laws? After all, hate crime laws also criminalize thoughts by imposing additional stronger penalties when a crime is motivated by the perpetrator’s animus toward a particular race or gender.

I also question whether this bill would reduce the number of abortions. I fear instead that every abortion provider in the Nation would simply place a sign in their waiting room saying “It is a violation of Federal law to perform an abortion because of the fetus’ gender. Here is a list of reasons for which abortion is permissible under Federal law.”

Mr. Speaker, instead of spending time on this unconstitutionally, ineffective, and philosophically flawed bill, Congress should use its valid authority to limit the jurisdiction of activist Federal courts and (thereby) protect state laws restoring abortion. This is the constitutional approach to effectively repealing Roe v. Wade. Instead of focusing on gimmicks and piecemeal approaches, true conservatives should address the horror of abortion via the most immediate, practical, and effective manner possible: returning jurisdiction over abortion to the States.

Mr. STARK. Mr. Speaker, I rise in opposition to the so-called Prenatal Non-Discrimination Act, H.R. 3541. This legislation is the latest Republican attack on women’s health and would actually criminalize doctors who provide reproductive health care to women.

Proponents of this bill claim the mantle of civil rights, arguing it will prevent abortions based on the gender of the fetus, particularly when female. We should not be fooled by this claim. The true goal of this legislation is to erode women’s reproductive choices and Constitutional rights while further stigmatizing women who’ve had—or are seeking—an abortion.

Restricting reproductive health services to women will not eliminate or even lessen gender bias. If we truly want to end gender discrimination, there are rational, effective ways to do so: ensuring our communities have the resources they need to address cultural preferences for male children, educating individuals about contraception and family planning, and providing access to quality health care. This bill addresses none of these worthy goals. Not surprisingly, the sponsors of this legislation don’t support funding for family planning, comprehensive sex education, access to affordable birth control, or pay equity.

In addition to undercutting women's rights, this bill punishes health care providers who perform abortions. Specifically, this legislation imposes criminal penalties on doctors who perform abortions if the sex of the fetus is found to be a factor in a woman's decision to terminate her pregnancy. Furthermore, abortion providers would receive a one-year prison term and lose Federal funding if they fail to report a "suspected" gender-based abortion. In other words, Republicans want to criminalize health care professionals who cannot guess a woman's very personal reasons to have an abortion or who refuse to violate the doctor-patient relationship by telling the government about private conversations with patients.

Let's be clear: this bill is not about ending sex selection or protecting women's rights. It is about Republicans trying to take away a woman's right to choose. To claim this legislation is about "civil rights" is reprehensible. I urge my colleagues to join me in opposing this bill and to work toward actual gender equality.

Mr. FARR. Mr. Speaker, the bill we are debating today, the Prenatal Nondiscrimination Act, purports to address gender discrimination by preventing abortions on the basis of sex. While one of the most effective ways to end gender discrimination is to empower women, H.R. 3541 only serves to marginalize women even further. Today, minority women have to overcome additional hurdles to receive the quality healthcare they deserve and this legislation only serves to subject them to even further scrutiny when making healthcare decisions.

This legislation restricts women's access to reproductive healthcare by threatening doctors with up to five years in prison and other penalties if they perform sex selection abortions. If the drafters of H.R. 3541 were really trying to end sex-selective abortions, wouldn't they also be prosecuting those who sought an abortion for these reasons, not only doctors? With doctors fearful of yet even more restrictions to their practice, many will simply refuse to treat women who want to obtain a safe and legal abortion. After all, abortion is still a constitutionally guaranteed right in this country.

In addition, this bill includes language requiring any medical or mental health professional to report known or suspected sex-selective abortions. However, in virtually all circumstances, it would be impossible for reproductive healthcare providers to determine whether a woman seeks a sex-selective abortion, thus amounting to a "witch hunt".

I am lucky enough to be surrounded by women in my family. I have a wife, a sister, a daughter, and a granddaughter. I am deeply troubled by gender discrimination. I support legislation to address the real issues in low-income communities of color, and to promote women's rights, including: S. 1925, the reauthorization of the Violence Against Women Act; H.R. 1519, the Paycheck Fairness Act; and H.J. Res. 69, proposing an amendment to the Constitution on the equal rights for men and women. Since the Majority is so concerned with gender discrimination, I look forward to the day when the Republican leadership decides to bring these bills on the floor for a vote.

Mr. Speaker, I am completely opposed to sex-selective abortions but H.R. 3541 will not

prevent these and, in fact, will do far more harm than good.

Mr. DAVIS of Illinois. Mr. Speaker, I cannot support H.R. 3541, the Republican bill that rolls back critical protections for a woman's right to choose under the guise of preventing prenatal discrimination. While the bill's title includes the names of anti-discrimination activists Susan B. Anthony and Frederick Douglas, its anti-discrimination premise is disingenuous—the bill actually reverses the rights that these leaders fought so hard for centuries ago. Rather than protecting women, this bill is just another thinly-veiled attack on women's rights.

H.R. 3541 is legislation for a fictional problem. Statistics demonstrate that sex selection does not happen with regularity in our nation. Specifically, the Centers for Disease Control reported that 91.4% of abortions in 2008 occurred prior to the 13th week of pregnancy, whereas gender identification by the most common method of ultrasound is not available until between weeks 16 to 20. Further, gender ratios within the U.S. reflect a gender balance consistent with what one would expect it to be. The CIA's World Factbook indicates that the gender ratio at birth 1.05 males to females, which the Guttmacher Institute indicates is "squarely within biologically normal parameters." The United States simply does not have a gender imbalance that would indicate that sex-selection occurs with any regularity. So, if gender selection is not a problem in the United States, one must wonder why the Republican leadership purports it to be one. The answer is that the bill before us simply is a deceptive effort to limit women's choice.

Gender inequity should concern all of us. That we still live in a society that provides preferential treatment to men is deeply disturbing, and Congress should feel compelled to act to correct these inequities. Unfortunately, rather than promoting equal pay for women, advancing protections for all women from domestic violence, increasing access to affordable health care for all women, or addressing racial disparities in health care among women, the Republican leadership offers H.R. 3541 that would undermine the constitutional rights of women under a false cry of gender discrimination. This bill would encourage racial profiling, create additional barriers for women to access comprehensive health care, allow the government to interfere with confidential communications between doctors and their patients, and threaten physicians with criminal penalties for open, honest communication with their patients.

So, I stand with dozens of diverse organizations—including the American Congress of Obstetricians and Gynecologists, American Society for Reproductive Medicine, NAACP, the American Civil Liberties Union, the American Public Health Association, Presbyterian Voices for Justice, and the National Women's Law Center—to strongly oppose House Republican bill H.R. 3541. As twenty-first-century policymakers, we should advance the rights of women and minorities, not weaken them. I vehemently oppose this dangerous and discriminatory bill that would limit women's health care options.

Mr. SMITH of Texas. Mr. Speaker, I would like to thank Chairman FRANKS for introducing

the Prenatal Nondiscrimination Act, also called PRENDA. This legislation prohibits abortions based on the sex of the unborn child.

The bill also prohibits the solicitation or acceptance of funds for such purposes and prohibits the federal funding of abortions based on sex.

As the New York Times has reported, "There is evidence that some Americans want to choose their babies' sex" through abortions.

U.S. Census numbers and national vital statistics show that certain communities achieve unnatural sex ratios at birth that are statistically impossible without medically assisted sex-selection, with the cheapest option being abortion.

These sex-selection abortions discriminate strongly against females and are overwhelmingly opposed by the American people. According to a recent Charlotte Lozier Institute poll, 77% of those surveyed support a law that bans abortion in cases where "the fact that the developing baby is a girl is the sole reason for seeking an abortion."

Regardless of one's views on abortion generally, everyone should be able to agree that no abortions should occur based on the sex of the unborn child.

It is time to end the practice of using sex as an excuse for abortion. I thank Chairman FRANKS again for his leadership on this issue.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to H.R. 3541, the Prenatal Nondiscrimination Act of 2011. I stand with the more than 200 leading organizations that oppose this bill as an unwanted and punitive burden on American women. I stand with those who are focused on women's empowerment and the protection of their civil liberties.

This bill is a misguided proposal that would put additional barriers between women and their healthcare providers rather than seriously tackling gender discrimination. It is an unworkable bill designed with a purely political agenda that will have a damaging effect on women's health and autonomy.

This legislation imposes criminal penalties on healthcare providers who perform certain abortions and requires them to report suspicions of sex-selective abortion. The bill lacks clear definitions and is so dangerously vague that it will force all healthcare providers to stop offering these services due to fear of jail time and civil damages claims. For instance, prosecutors could use shaky circumstantial evidence to suggest gender bias, including routine ultrasounds or profiling based on race or culture.

There rarely exists evidence strong enough to conclude that an abortion is motivated by the sex or any other singular factor. The World Health Organization has analyzed similar laws around the world that criminalize sex-selective abortions but has found that it is nearly impossible to prosecute such cases. The United Nations has argued that the most effective way to fight a pervasive preference for sons is to instead dedicate ourselves to ending economic and social inequalities. By passing H.R. 3541, we would stand at odds with the international community.

As a representative of the 37th District of California, I am particularly concerned that this bill will unfairly subject Asian American women to additional scrutiny and racial profiling. It is

unclear to what extent sex-selection abortions exist in the United States; however, the law specifically targets women of Asian descent and places them under a cloud of suspicion. Minority communities already face difficulties in accessing healthcare, and this bill will cause further marginalization.

We should be uniting around healthcare reform, not legislation that erodes trust on both sides of the patient-doctor relationship. Honest dialogue between women and medical professionals is critical in ensuring safe and appropriate care, and I cannot vote for any bill that does not protect open communication. Medical practices are already governed by strict codes of conduct and regulations. This bill simply adds unnecessary government interference. It puts physicians at risk for criminal penalties while doing absolutely nothing to address root causes of gender biases and inequalities.

There are many proven investments that support women and girls and help them to lead safe and healthy lives. Those include policies that promote equal pay and employment, access to healthcare, and protection from gender-based violence. Nevertheless, in the 112th Congress, House Republicans have voted in favor of reducing protections against gender-based violence and limiting access to reproductive healthcare and birth control.

H.R. 3541 continues this pattern of perpetuating gender inequalities by allowing the state to scrutinize the private decisions made by women and their doctors, notwithstanding the recent lip service being paid to gender discrimination. Additionally, this legislation will have no effect on the rates of abortions and unwanted pregnancies as long as the House Republican majority continues its unbroken and disturbing record of cutting public funding for sex education, family planning, and maternal health services.

Mr. Speaker, the sponsors of H.R. 3541 are continuing to attack the rights of women, albeit now under the guise of gender equality. I urge my colleagues to see the hypocrisy of this bill and to join me in voting against this legislation.

Mr. PASCRELL. Mr. Speaker, I am opposed to H.R. 3541—Prenatal Nondiscrimination Act (PRENDA) of 2012, because it is a backdoor attempt at reversing decades of precedent established by *Roe v. Wade*. I have always believed that a woman's right to choose is a constitutional right. And personal decisions, such as deciding whether or not to have an abortion, should involve a woman, her family and her faith. If an abortion is a personal decision, the government should not interfere.

The passage of the Prenatal Nondiscrimination Act presents would put the onerous on health care providers in deterring the intent of the woman seeking an abortion. The legislation would create a civil cause of action for an injunction that could take months to resolve, leaving the woman with limited options. Most egregiously, the legislation would, for the first time in almost forty years, allow the government to legislate this personal decision in the first trimester of pregnancy. It is clear that the ultimate goal of this legislation is an outright ban on abortion services. For these reasons, I oppose this legislation and urge my colleagues to stand with women and against the Republican continuous attacks on their rights.

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise in strong opposition to H.R. 3541, the Prenatal Nondiscrimination Act (PRENDA) of 2012. Contrary to its misleading title, H.R. 3541 would do nothing to prevent sex discrimination, but instead, would be a huge step backwards for gender equality, by enacting dangerous restrictions on women's reproductive rights. This legislation would place harsh criminal penalties on doctors, asking them to read minds, profile women, violate doctor-patient confidentiality, and make them fearful of providing legal health care. It is a reckless attempt to restrict women's health care rights simply to score political points, and yet another reprehensible example of politicians practicing medicine without a license. American women can and should be trusted to make morally and intellectually sound decisions about their own health.

Ms. DEGETTE. Mr. Speaker, I don't support abortion for gender selection. I don't know anyone who does. Maybe that's because there is no problem in this country of abortion for gender selection.

What H.R. 3541 does—what it really does—is make doctors fear criminal prosecution for their privileged patient relationships. What this bill really does is attempt to scare doctors out of providing a legal medical procedure. And therefore, what this bill really does is jeopardize women's access to full medical care.

I've been racking my brain about how you would enforce this law. Would the "small government" Republican majority require notarized affidavits from women and their doctors? Would we have independent investigators?

We all know what this is about—so I have an idea—let's get back to the agenda Americans really want us to talk about: jobs and the economy.

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this flawed and dangerous bill, which attempts to use the very real issue of gender discrimination as a pretext to roll back women's health and basic reproductive rights.

The authors of this legislation claim it is intended to fight discrimination against female children in America. In fact, this is just another thinly veiled attempt by the Majority to enact their ideological preferences into law, put barriers between a woman and her doctor, and take us back to a time when family planning opportunities did not exist for women.

We have now seen a disturbing pattern from this Majority. From endlessly trying to repeal the Affordable Care Act to, earlier this month, blocking the bipartisan Violence Against Women Act reauthorization that passed the Senate, the Majority has continually worked to roll back women's health protections in America.

It is doubly insulting for them to try it again here, while claiming to stand up for women. If the authors of this legislation are seriously concerned with gender discrimination, I strongly urge them to support the Paycheck Fairness Act, which helps ensure that men and women are paid the same for the same job.

What they should not do is pass another ideological and discriminatory bill that claims to stand up for women while putting their health at risk. I urge my colleagues to vote no on this bill.

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and unable to be present

for the vote on H.R. 3541, the Prenatal Nondiscrimination Act. Had I been present, I want to state for the record that my vote on this bill would have been a resounding no.

This bill is nothing more than a further attack on women and women's health from a majority party that claims to be focusing on job creation and economic growth. Yet, today they present us with the ninth opportunity in this Congress to restrict women's access to reproductive health care.

Passing this bill would mean someone would have to stand in the operating room and judge the motives of a woman seeking a Constitutionally protected medical procedure. A doctor could be sent to prison for five years if it can be shown that sex-selection was a factor in the decision to have an abortion. Of course, the doctor would have to either be a mind reader to know the reasons behind a woman's decision, or subject her to unreasonable scrutiny. If the doctor even suspects that sex-selection was involved, but does not report, she or he can be sent to prison for a year. The idea that threatening to incarcerate an obstetrician is somehow protecting women is ludicrous. It only serves to intimidate doctors and keep them from providing medically necessary and often life-saving services for their patients.

Furthermore, this bill allows for an injunction preventing an abortion to be granted by a court if a woman's husband or her parents allege that sex-selection was a factor in the decision to have an abortion. A simple allegation from a third party can therefore prevent a woman from making a private and legal decision in consultation with her doctor. That is absolutely unacceptable.

Sex-selective abortions are a legitimate concern. But this bill is a false solution to a very real problem. If the supporters of this bill truly wanted to end gender discrimination, they would be working on policies that address the root causes of inequality that plague women in America. They would be working to truly empower women to make decisions about their health and reproductive care. They would be working with us across the aisle to support federal programs that benefit women and their families, such as the Affordable Care Act, Medicaid, and the Lilly Ledbetter Fair Pay Act. Instead they are on record voting to defund domestic and international family planning programs, dismantle health care reform, and in favor of proposals like the Ryan Budget that slash support for the most vulnerable women and families in this country.

I would welcome the opportunity to work with my colleagues across the aisle on actual solutions to the problems of gender discrimination and inequality in this country. The Prenatal Non-Discrimination Act simply does not address the real issues facing America.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to H.R. 3541, which should be called the Straw Man Act of 2012.

Our first priorities in the House of Representatives must be helping to foster job creation and supporting middle class families.

Instead, the Republicans once again have chosen to continue their radical assault on women's health care in the guise of preventing gender discrimination in abortion.

I am concerned about gender discrimination. That is why I support legislation that will address gender bias like the Paycheck Fairness Act, the Violence Against Women Act, and the health reform law that will give women access to preventive health care.

Unlike those bills, H.R. 3541 does nothing to address sex discrimination or gender bias in society, but instead would punish health care providers for performing a legal medical procedure.

Offensively, this bill would create a right for a woman's husband or family member to sue to stop her from obtaining abortion care, which is a constitutionally protected right.

Besides being misguided and offensive, H.R. 3541 is dangerous. This bill would give the federal government the right to inspect people's medical records and interfere with a private doctor-patient relationship.

I oppose this anti-choice and anti-woman bill.

I urge my colleagues to vote no on this offensive, misguided and dangerous piece of legislation and would encourage them to support authentic pieces of legislation that address gender discrimination.

Ms. LEE of California. Mr. Speaker, I'd like to thank Congresswomen DEGETTE and SLAUGHTER, Co-Chairs of the Congressional Pro-Choice Caucus and our colleagues for standing up for women's health today.

As a Member of the Congressional Pro-Choice Caucus and Health Care Task Force Chair of the Congressional Asian Pacific American Caucus, I rise in strong opposition to H.R. 3541.

This bill would do nothing more than lead to the further stigmatization of women—especially Asian-Pacific American women—who seek to exercise their constitutional rights to an abortion.

It is clear that Republicans are not serious about addressing the very real issues of gender discrimination that persist in this country.

Supporters of this bill are exploiting serious issues like racism and sexism to forward their goal of making all abortion illegal.

And we already know that attempts to restrict or deny access to safe abortions is harmful to women's health and would ultimately take us back to the days of back alley abortions.

If this bill passes it would forever change the doctor-patient relationship as we know it, by casting suspicion on doctors that serve communities facing the greatest health disparities—many of which are minority communities.

And this is why the bill is opposed by some 100 organizations, including the American Congress of Obstetricians and Gynecologists; American Public Health Association and the American Society for Reproductive Medicine.

If supporters are serious about advancing the real interests of women, I urge them to vote no on this bill.

Mrs. CHRISTENSEN. Mr. Speaker, there are few things that anger me more than when Members of this body claim that a piece of legislation will accomplish something that it simply will not accomplish. That is certainly the case with H.R. 3541—a bill that my friends on the other side of the aisle claim will prevent sex-selection abortions and will ensure that the United States does not become a sup-

posed "safe-haven" for women seeking an abortion based on the sex of the pregnancy.

The issue of sex-selection is a very real issue in different nations around the globe. However, even leading international health experts in this field agree that the solution does not lie in criminalizing the practice, which would only keep it behind closed doors. The solution lies in addressing the social, economic, political and cultural factors that create, sustain and exacerbate sex inequality in the first place; the very inequalities that lead to sex-selection in the first place.

Unfortunately, this bill will not achieve any of the claims from my friends on the other side of the aisle and this will certainly will nothing to reduce sex discrimination and gender inequality.

What this bill will do, however, is to exacerbate the unfortunate impacts of sex discrimination and gender inequality by leading to greater stigmatization of women and especially Asian-American women who exercise their choice and control over their reproductive lives. And, there is nothing about that suggests or reflects any intention or hope of fighting back against gender discrimination. What this bill also will do is to restrict access to legal and safe abortion services, violate the very-important doctor-patient relationship and needlessly threaten healthcare providers with civil and criminal liability unless they report any suspicions they have about a woman's reason for exercising her right as a human being to control her body.

It is evident that this legislation has nothing to do with empowering women here or around the globe nor does it have anything to do with ensuring that women who are faced with a very, very difficult decision have access to the safest care possible. More evident is that this bill is just another attempt to challenge *Roe v. Wade* and achieve an outright ban on all abortion services.

As a Member of Congress and a physician who has worked tirelessly to eliminate all health disparities those along racial and ethnic, geographic and gender lines I cannot and will not support any policy that I know will not improve the health, wellness and thus life opportunities of those who often are marginalized and on the down side of opportunity, access and privilege. And so, I cannot and will not support any bill that will not improve the lives of women and girls by expanding their reliable access to safe and appropriate comprehensive health care—including reproductive health care and by ensuring gender equality across all facets of their lives, from at work to in the classroom.

And so, I strongly encourage my colleagues not to support H.R. 3541. The issue of sex-selection is a very serious challenge, and serious challenges warrant serious, effective solutions. This bill certainly is not that!

We have a chance to stop in its tracks a bill that could worsen the health disparities that affect women, and that give rise to unsafe, often-lethal back-alley abortions.

Let's stop this bill; let's do so now; and let's go back to the table and develop a thoughtful bill that addresses the root causes the sex discrimination and gender inequalities that leave millions of talented girls and women on the downside of opportunity and hope.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 3541, the Prenatal Nondiscrimination Act of 2012. This is a cynical bill under the guise of preventing sex selection which would undermine a woman's right to choose.

Clearly, sex-selective abortions are offensive and unacceptable. But this bill will only interfere with the doctor-patient relationship. Are doctors supposed to interrogate women to determine their motivation for seeking an abortion? What other means must doctors take to ensure that they are not imprisoned as a result of this bill? These threats will only impede open, honest communication between women and their providers and undermine the doctor-patient relationship. Some providers will be discouraged from offering any reproductive tests and services and as a result, women's access to access safe, legal health care will be jeopardized.

Mr. Speaker, if House Republicans truly wanted to protect women, then they would have allowed a vote on legislation to ensure the right of women to receive equal pay for equal work. Unfortunately they did not. It is for these reasons that I urge my colleagues to oppose H.R. 3541.

Ms. MCCOLLUM. Mr. Speaker, I rise today in opposition to the Prenatal Nondiscrimination Act, PRENDA, of 2012 (H.R. 3541).

Every Member of the House opposes the abhorrent practice of gender selection, including me. In Minnesota, prohibiting sex-selective abortions has passed on a bipartisan basis in the State House of Representatives in 2007 and 2010. Unfortunately, the bill before us is not about protecting girls. It is about politics. H.R. 3541 is an attempt by House Republicans to restrict women's access to legal reproductive health care services by threatening medical professionals with legal action.

Under this bill, health care providers could face civil penalties or even criminal prosecution for failing to report confidential conversations they have with woman about terminating a pregnancy. Ten leading medical associations oppose this bill, arguing that "H.R. 3541 would require that medical and mental health professionals violate doctor-patient confidentiality and report known or suspected violations." Physicians take an oath to be trusted counselors for their patients, not secret informers for the government. Many recite the modern version of the Hippocratic Oath, which states: "I will respect the privacy of my patients, for their problems are not disclosed to me that the world may know." It is wrong for Congress to empower politicians to interfere in the very personal and private relationship between a woman and her health care provider.

Women must have control over their own health care decisions and be able to trust their doctors to provide confidential medical guidance free from ideologically-driven misinformation or government interference. H.R. 3541 threatens these basic principles.

Congress can and should do more to fight gender discrimination and improve the lives of women and girls. I urge my Republican colleagues to join House Democrats in our efforts to increase women's access to affordable, comprehensive health care, achieve pay equity and ensure all girls can obtain a quality education. Bipartisan support for such policies

would be the strongest statement about America's commitment to gender equality.

I urge all my colleagues to oppose H.R. 3541.

Ms. CLARKE of New York. Mr. Speaker, yesterday I voted against H.R. 3541, the Prenatal Nondiscrimination Act. I am proud that as a body we rejected the measure, and relieved that we exposed the true intent of what would have been a disastrous law. The title of the measure was a misnomer. The proposed law did not seek to fight sex-based discrimination in our society, but was rather designed to cut down the personal rights of women.

Let me be clear, I am opposed to sex-selection abortion based on gender. However, the legislation voted upon yesterday was overbroad and dangerous. It proposed harsh sentences for doctors and individuals that strive to provide support to a woman as she makes difficult decisions concerning her personal health. It threatened the sanctity of doctor-patient confidentiality, and would have created an environment that allowed hearsay to be used as a weapon to impose Federal regulation on a purely personal matter.

Let's see this bill for what it truly was. It was yet another attempt to undermine a woman's right to choose. It was an insidious attack on personal rights. We have fought hard for our rights as women, and I will never stand by idly as some in Congress try to destroy something women like me hold so dear! If this Congress was serious about taking up issues of discrimination it would have wasted its time on this bill. We should be using our precious time here to discuss is our unequal education system, our disproportionate access to capital, or the lack of basic medical care that 47 million Americans deal with daily. Apparently, some of us believe that discrimination only exists in the womb. This type of hypocrisy and two handed policy-making must stop, and I suggest proponents of the bill examine whether or not the measure goes along with the ideals of limited government that are supposed to drive their agenda.

I am glad that we defeated the Prenatal Nondiscrimination Act, and promise that I will fight to strike down any other measure of the same nature in the future.

Mrs. ROBY. Mr. Speaker, I rise today to express my strong support for H.R. 3541, The Prenatal Nondiscrimination Act, of which I am a proud co-sponsor. This bill would criminalize the performance of an abortion based solely on the sex of the unborn child.

As you know, on May 31, 2012, the House of Representatives failed to approve H.R. 3541 by a vote of 168-246. I was necessarily absent from Washington on the day of this vote due to the death of a close personal friend. Had I been present, I would have proudly supported the passage of H.R. 3541.

I am unapologetically pro-life and am proud to be a member of the Pro-Life Caucus. I believe that the miracle of human life begins at the very moment of conception. I also believe that every human being, both male and female, has the inherent right to life and that this right must be protected by law.

Throughout my tenure in Congress, I will continue to do everything in my power to fight for the unborn, prevent taxpayer money from funding abortions, and to protect our demo-

cratic system from the encroachment of an all-powerful judiciary. As a woman, a wife, and a mother of two small children, I will continue to fight for the life of every child—regardless of their gender.

Mr. Speaker, I take my responsibilities as a member of this Chamber seriously, and I regret ever having to miss a vote. I am pleased that my attendance record during the 112th Congress remains above 99 percent.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 3541, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANKS of Arizona. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1620

DIVISIONAL REALIGNMENT ACT OF 2012

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5512) to amend title 28, United States Code, to realign divisions within two judicial districts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Divisional Realignment Act of 2012".

SEC. 2. REALIGNMENT WITHIN THE EASTERN DISTRICT OF MISSOURI.

Section 105(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking "Iron," and "Saint Genevieve,"; and

(2) in paragraph (3)—

(A) by inserting "Iron," after "Dunklin,"; and

(B) by inserting "Saint Genevieve," after "Ripley,".

SEC. 3. REALIGNMENT WITHIN THE NORTHERN DISTRICT OF MISSISSIPPI.

Section 104 of title 28, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) The northern district comprises three divisions.

"(1) The Aberdeen Division comprises the counties of Alcorn, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Prentiss, Tishomingo, Webster, and Winston.

"Court for the Aberdeen Division shall be held at Aberdeen, Ackerman, and Corinth.

"(2) The Oxford Division comprises the counties of Benton, Calhoun, DeSoto, Lafayette, Marshall, Panola, Pontotoc, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, and Yalobusha.

"Court for the Oxford Division shall be held at Oxford.

"(3) The Greenville Division comprises the counties of Attala, Bolivar, Carroll, Coahoma, Grenada, Humphreys, Leflore, Montgomery, Sunflower, and Washington.

"Court for the Greenville Division shall be held at Clarksdale, Cleveland, and Greenville."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act take effect on the 60th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5512, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

I support H.R. 5512, the Divisional Realignment Act of 2012, sponsored by Representative BENNIE THOMPSON.

On March 13, 2012, the Judicial Conference of the United States adopted a draft bill that realigns divisions within the Eastern District of Missouri and the Northern District of Mississippi. The Divisional Realignment Act of 2012 reflects the draft developed by the Judicial Conference which the Judiciary Committee marked up on May 16. The realignments equalize workloads among divisions, maximize the use of court facilities, and shorten commutes for jurors and attorneys.

The bill is supported by the judges and attorneys from the two judicial districts and affected Members from Missouri and Mississippi.

The Congressional Budget Office states that H.R. 5512 will have "only minimal administrative costs and thus no significant impact on the Federal budget."

The only changes to the bill subsequent to our markup is the effective date. The local judges and the Judicial Conference asked Representative BENNIE THOMPSON, the bill's sponsor, and the other members of the committee to include a 60-day delayed effective date. This provides the local judges in Mississippi and Missouri with more time to adjust their jury wheels to account for the new realignments. This is a good, commonsense change that helps with the administration of justice in the Northern District of Mississippi and the Eastern District of Missouri.

I hope, Mr. Speaker, that the Divisional Realignment Act of 2012 will be adopted by my colleagues, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 5512, the Divisional Realignment Act of 2012, as amended.

This noncontroversial measure, which the Judiciary Committee ordered reported by voice vote, simply reorganizes divisions within the two Federal judicial districts, namely the Eastern District of Missouri and the Northern District of Mississippi. I hope I pronounced "Missourah" correctly. Some say "Missourah," some say "Missouri." I'll stick with "Missourah" right now—I'm feeling kind of down home.

This divisional realignment is being done at the request of these two districts to improve judicial administration and access to court for jurors and litigants. These proposals were formally adopted by the Judicial Conference of the United States on March 13, 2012, and transmitted to the House Judiciary Committee.

According to the Judicial Conference, these changes are supported by the judicial councils of the circuits in which these districts are located, as well as the United States Attorneys for the affected districts.

Under H.R. 5512, two counties in the Eastern District of Missouri will be shifted from its Eastern Division to its Southeastern Division. The bill also eliminates one of the four divisions within the Northern District of Mississippi and reallocates the counties within the eliminated division among the remaining three divisions.

The Members whose districts would be affected by these divisional changes—that being Representatives BENNIE THOMPSON, GREGG HARPER, ALAN NUNNELEE, JO ANN EMERSON, and RUSS CARNAHAN—have all sponsored or cosponsored this bill. In deference to these Members' familiarity with local conditions, therefore, we do not oppose these changes.

We have made one revision to H.R. 5512 at the request of the Judicial Conference. To give the judges in the two affected districts some additional time to implement the bill's new divisional realignments, the version of the bill that we are considering today includes a 60-day delayed effective date.

I thank Chairman LAMAR SMITH and Subcommittee Chairman HOWARD COBLE for their assistance in moving this bipartisan legislation that should improve the administration of justice in these judicial districts.

I reserve the balance of my time.

Mr. COBLE. I thank the gentleman from Georgia for his generous remarks.

Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield as much time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the sponsor of this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, today I rise in support of my bill, H.R. 5512, the Divisional Realignment Act of 2012, which will improve court management for the United States District Courts in the Northern District of Mississippi and the Eastern District of Missouri.

I introduced this bill to help realign counties in those Federal judicial districts, which includes a change that affects counties within my own congressional district. I am pleased to have my colleagues in the Mississippi delegation who represent impacted counties join me as original cosponsors, Congressman HARPER and NUNNELEE. In Missouri, Representatives EMERSON and CARNAHAN, whose congressional districts overlay the counties affected by the change there, also joined as original cosponsors.

H.R. 5512 will primarily eliminate the Delta Division—one of four existing statutory divisions—in the Northern District of Mississippi. To accomplish this, the eight counties in the Delta Division will be absorbed into the other divisions, while some counties from the other divisions will be realigned.

The proposed also renames the Eastern Division as the Aberdeen Division and the Western Division as the Oxford Division. The two places authorized to hold court now for the Delta Division would continue to exist under the realignment within the Greenville division.

The Delta Division, unlike the other three divisions, is not serviced by a Federal courthouse. This fact has created unnecessary issues regarding venue and jury selection. The realignment will ensure that all counties in the district are statutorily linked to divisions with courthouses. It will also be more economical for jury travel and will more fairly balance the caseload in the Northern District.

This realignment is supported by the judges of the Northern District of Mississippi, the Fifth Circuit Judicial Council, and the Judicial Conference of the United States. In addition, the proposal is backed by the United States Attorney for the Northern District of Mississippi.

Regarding the Eastern District of Missouri, H.R. 5512 simply shifts two counties from the Eastern Division to the Southeastern Division.

□ 1630

This adjustment will enhance convenient access to court services for the public and improve judicial administration of the case load.

More specifically, the realignment will allow cases for those two counties to be held in Cape Girardeau, which has a new state-of-the-art Federal courthouse. This location is also closer for citizens in those counties than in the St. Louis location where the court is now held. As a result, the change will

lessen the burden on jurors traveling, as well as lessen the cost of mileage expenses. In addition, a shift will better align the places of holding court with the total population served today.

This realignment is supported by the judges of the Eastern District of Missouri, the Eighth Judicial Circuit Council, and the Judicial Conference of the United States. In addition, it is supported by the United States Attorney for the Eastern District of Missouri.

Lastly, I note that the bill under consideration today has been amended by adding a section that establishes a 60-day delayed effective date. This will ensure that both courts have sufficient time to transition court operations through local orders and scheduling.

Mr. Speaker, the House Judiciary Committee reported the Divisional Realignment Act favorably by a voice vote on May 16. I urge my colleagues to support this necessary, bipartisan and noncontroversial bill, which would help constituents and improve Federal court operations in my home State of Mississippi and in the State of Missouri.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to debate H.R. 5512, the "Division Realignment Act of 2012." The Division Realignment Act of 2012 proposes to amend title 28, United States Code, to adjust divisions within two judicial districts. The realignment will occur between Missouri and Mississippi boundaries within the U.S. District Court. In response to population shifts and other factors, this legislation will transfer counties divisions in an effort to ensure more resourceful productivity on the district court level.

In particular, H.R. 5512 will separate the Northern District of Mississippi into three divisions consisting of, Aberdeen, Oxford and Greenville. Additionally, it seeks to amend Iron and Saint Genevieve Counties, in Missouri, from the eastern subdivision to the southeastern subdivision.

This legislation will aid in the equitable distribution of cases and administration functions for a faster and more efficient processing within the courts.

H.R. 5512 is necessary in maintaining the regulation of Federal statutory authority governing the Federal judicial system. The passage of this bill will assist in reducing case loads, promoting speedy trials, and ensuring that there is accurate jurisdiction within the federal districts among the states.

It is essential that we continue to aim for judicial effectiveness and sufficiency while adjusting to the continued growth and shifts within our communities.

Consistency is critical when the issue of judicial efficiency arises. It should be noted that while this legislation was acted upon swiftly, other important acts have failed to follow in its path. Proficiency within our courts is imperative therefore I encourage the Senate to act on President Obama's nominees so that

American citizens can rely on an organized and effective judicial system.

As noted by Senator LEAHY, Chairman of the Senate Judiciary Committee, despite the political party of the President in office, nominations to fill the positions of federal district court judges have always been confirmed quickly with deference given to the home state Senators who best know the nominees and their states. Never before in the Senate's history have the district court nominees been blocked for months as we have seen since President Obama's election.

Like many of my colleagues, it is my hope that both Republicans and Democrats in the Senate can end the damage of filibusters and quickly work toward the purpose of easing the burdens on our Federal courts that risk delaying justice.

Federal district court judges play an essential role in ensuring that Federal courts are able to provide fair hearings for all Americans. Similar to H.R. 5512, this is the same judiciary efficiency that the American people deserve.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5512, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FOOD AND DRUG ADMINISTRATION REFORM ACT OF 2012

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5651) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Reform Act of 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References in Act.

TITLE I—FEES RELATING TO DRUGS

- Sec. 101. Short title; finding.
- Sec. 102. Definitions.
- Sec. 103. Authority to assess and use drug fees.
- Sec. 104. Reauthorization; reporting requirements.
- Sec. 105. Sunset dates.
- Sec. 106. Effective date.
- Sec. 107. Savings clause.

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2012

- Sec. 201. Short title; findings.

- Sec. 202. Definitions.
- Sec. 203. Authority to assess and use device fees.
- Sec. 204. Reauthorization; reporting requirements.

- Sec. 205. Savings clause.
- Sec. 206. Effective date.
- Sec. 207. Sunset clause.
- Sec. 208. Streamlined hiring authority to support activities related to the process for the review of device applications.

TITLE III—FEES RELATING TO GENERIC DRUGS

- Sec. 301. Short title.
- Sec. 302. Authority to assess and use human generic drug fees.
- Sec. 303. Reauthorization; reporting requirements.
- Sec. 304. Sunset dates.
- Sec. 305. Effective date.
- Sec. 306. Amendment with respect to misbranding.
- Sec. 307. Streamlined hiring authority to support activities related to human generic drugs.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

- Sec. 401. Short title; finding.
- Sec. 402. Fees relating to biosimilar biological products.
- Sec. 403. Reauthorization; reporting requirements.
- Sec. 404. Sunset dates.
- Sec. 405. Effective date.
- Sec. 406. Savings clause.
- Sec. 407. Conforming amendment.

TITLE V—REAUTHORIZATION OF BEST PHARMACEUTICALS FOR CHILDREN ACT AND PEDIATRIC RESEARCH EQUITY ACT

- Sec. 501. Permanent extension of Best Pharmaceuticals for Children Act and Pediatric Research Equity Act.
- Sec. 502. Food and Drug Administration Report.
- Sec. 503. Internal Committee for Review of Pediatric Plans, Assessments, Deferrals, Deferral Extensions, and Waivers.
- Sec. 504. Staff of Office of Pediatric Therapeutics.
- Sec. 505. Continuation of operation of Pediatric Advisory Committee.
- Sec. 506. Pediatric Subcommittee of the Oncologic Drugs Advisory Committee.

TITLE VI—FOOD AND DRUG ADMINISTRATION ADMINISTRATIVE REFORMS

- Sec. 601. Public participation in issuance of FDA guidance documents.
- Sec. 602. Conflicts of interest.
- Sec. 603. Electronic submission of applications.
- Sec. 604. Notification of FDA intent to regulate laboratory-developed tests.

TITLE VII—MEDICAL DEVICE REGULATORY IMPROVEMENTS

Subtitle A—Premarket Predictability

- Sec. 701. Investigational device exemptions.
- Sec. 702. Clarification of least burdensome standard.
- Sec. 703. Agency documentation and review of significant decisions.
- Sec. 704. Transparency in clearance process.
- Sec. 705. Device Modifications Requiring Premarket Notification Prior to Marketing.

Subtitle B—Patients Come First

- Sec. 711. Establishment of schedule and promulgation of regulation.

- Sec. 712. Program to improve the device recall system.

- Subtitle C—Novel Device Regulatory Relief
- Sec. 721. Modification of de novo application process.

- Subtitle D—Keeping America Competitive Through Harmonization

- Sec. 731. Harmonization of device premarket review, inspection, and labeling symbols; report.

- Sec. 732. Participation in international fora.
- Subtitle E—FDA Renewing Efficiency From Outside Reviewer Management

- Sec. 741. Reauthorization of Third Party Review.

- Sec. 742. Reauthorization of third party inspection.

- Subtitle F—Humanitarian Device Reform
- Sec. 751. Expanded access to humanitarian use devices.

- Subtitle G—Records and Reports on Devices
- Sec. 761. Unique device identification system regulations.

- Sec. 762. Effective device sentinel program.
- Subtitle H—Miscellaneous

- Sec. 771. Custom devices.
- Sec. 772. Pediatric device reauthorization.
- Sec. 773. Report on regulation of health information technology.

TITLE VIII—DRUG REGULATORY IMPROVEMENTS

Subtitle A—Drug Supply Chain

- Sec. 801. Registration of producers of drugs.
- Sec. 802. Inspection of drugs.
- Sec. 803. Drug supply quality and safety.
- Sec. 804. Prohibition against delaying, denying, limiting, or refusing inspection.
- Sec. 805. Destruction of adulterated, misbranded, or counterfeit drugs offered for import.
- Sec. 806. Administrative detention.
- Sec. 807. Enhanced criminal penalty for counterfeit drugs.
- Sec. 808. Unique facility identification number.
- Sec. 809. Documentation for admissibility of imports.
- Sec. 810. Registration of commercial importers.
- Sec. 811. Notification.
- Sec. 812. Exchange of information.
- Sec. 813. Extraterritorial jurisdiction.
- Sec. 814. Protection against intentional adulteration.
- Sec. 815. Records for inspection.

Subtitle B—Medical Gas Safety

- Sec. 821. Regulation of medical gases.
- Sec. 822. Changes to regulations.
- Sec. 823. Rules of construction.

- Subtitle C—Generating Antibiotic Incentives Now

- Sec. 831. Extension of exclusivity period for drugs.
- Sec. 832. Study on incentives for qualified infectious disease biological products.
- Sec. 833. Clinical trials.
- Sec. 834. Reassessment of qualified infectious disease product incentives in 5 years.
- Sec. 835. Guidance on pathogen-focused antibacterial drug development.

Subtitle D—Accelerated Approval

- Sec. 841. Expedited approval of drugs for serious or life-threatening diseases or conditions.
- Sec. 842. Guidance; amended regulations.
- Sec. 843. Independent review.

Subtitle E—Critical Path Reauthorization

Sec. 851. Reauthorization of the critical path public-private partnerships.

Subtitle F—Miscellaneous

- Sec. 861. Reauthorization of provision relating to exclusivity of certain drugs containing single enantiomers.
- Sec. 862. Extension of period for first applicant To obtain tentative approval without forfeiting 180-day exclusivity period.
- Sec. 863. Final agency action relating to petitions and civil actions.
- Sec. 864. Deadline for determination on certain petitions.
- Sec. 865. Rare pediatric disease priority review voucher incentive program.
- Sec. 866. Combating prescription drug abuse.
- Sec. 867. Assessment and modification of REMS.
- Sec. 868. Consultation with external experts on rare diseases, targeted therapies, and genetic targeting of treatments.
- Sec. 869. Breakthrough therapies.
- Sec. 870. Grants and Contracts for the Development of Orphan Drugs.

TITLE IX—DRUG SHORTAGES

- Sec. 901. Discontinuance and interruptions of manufacturing of certain drugs.
- Sec. 902. Drug shortage list.
- Sec. 903. Quotas applicable to drugs in shortage.
- Sec. 904. Expedited review of major manufacturing changes for potential and verified shortages of drugs that are life-supporting, life-sustaining, or intended for use in the prevention of a debilitating disease or condition.
- Sec. 905. Study on drug shortages.
- Sec. 906. Annual report on drug shortages.
- Sec. 907. Attorney General report on drug shortages.
- Sec. 908. Hospital repackaging of drugs in shortage.

SEC. 3. REFERENCES IN ACT.

Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE I—FEES RELATING TO DRUGS

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Prescription Drug User Fee Amendments of 2012”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 735(7) (21 U.S.C. 379g) is amended by striking “expenses incurred in connection with” and inserting “expenses in connection with”.

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

Section 736 (21 U.S.C. 379h) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(B) in paragraph (1)(A)—

(i) in clause (i), by striking “(c)(5)” and inserting “(c)(4)”;

(ii) in clause (ii), by striking “(c)(5)” and inserting “(c)(4)”;

(C) in the matter following clause (ii) in paragraph (2)(A)—

(i) by striking “(c)(5)” and inserting “(c)(4)”;

(ii) by striking “payable on or before October 1 of each year” and inserting “due on the later of the first business day on or after October 1 of such fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section”;

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking “subsection (c)(5)” and inserting “subsection (c)(4)”;

(II) by striking “payable on or before October 1 of each year,” and inserting “due on the later of the first business day on or after October 1 of each such fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for each such fiscal year under this section.”;

(ii) by amending subparagraph (B) to read as follows:

“(B) EXCEPTION.—A prescription drug product shall not be assessed a fee under subparagraph (A) if such product is—

“(i) identified on the list compiled under section 505(j)(7)(A) with a potency described in terms of per 100 mL;

“(ii) the same product as another product that—

“(I) was approved under an application filed under section 505(b) or 505(j); and

“(II) is not in the list of discontinued products compiled under section 505(j)(7)(A);

“(iii) the same product as another product that was approved under an abbreviated application filed under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997); or

“(iv) the same product as another product that was approved under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the language preceding subparagraph (A), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”;

(ii) in subparagraph (A), by striking “\$392,783,000; and” and inserting “\$693,099,000;”;

(iii) by striking subparagraph (B) and inserting the following:

“(B) the dollar amount equal to the inflation adjustment for fiscal year 2013 (as determined under paragraph (3)(A)); and

“(C) the dollar amount equal to the workload adjustment for fiscal year 2013 (as determined under paragraph (3)(B)).”;

(B) by striking paragraphs (3) and (4) and inserting the following:

“(3) FISCAL YEAR 2013 INFLATION AND WORKLOAD ADJUSTMENTS.—For purposes of paragraph (1), the dollar amount of the inflation

and workload adjustments for fiscal year 2013 shall be determined as follows:

“(A) INFLATION ADJUSTMENT.—The inflation adjustment for fiscal year 2013 shall be the sum of—

“(i) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(B); and

“(ii) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(C).

“(B) WORKLOAD ADJUSTMENT.—Subject to subparagraph (C), the workload adjustment for fiscal 2013 shall be—

“(i) \$652,709,000 plus the amount of the inflation adjustment calculated under subparagraph (A); multiplied by

“(ii) the amount (if any) by which a percentage workload adjustment for fiscal year 2013, as determined using the methodology described in subsection (c)(2)(A), would exceed the percentage workload adjustment (as so determined) for fiscal year 2012, if both such adjustment percentages were calculated using the 5-year base period consisting of fiscal years 2003 through 2007.

“(C) LIMITATION.—Under no circumstances shall the adjustment under subparagraph (B) result in fee revenues for fiscal year 2013 that are less than the sum of the amount under paragraph (1)(A) and the amount under paragraph (1)(B).”;

(3) by striking subsection (c) and inserting the following:

“(c) ADJUSTMENTS.—

“(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year by the amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years, and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this paragraph.

“(2) WORKLOAD ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of human drug applications. With respect to such adjustment:

“(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph), efficacy supplements, and manufacturing supplements submitted to the Secretary, and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

“(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the sum of the amount under subsection (b)(1)(A) and the amount under subsection (b)(1)(B), as adjusted for inflation under paragraph (1).

“(C) The Secretary shall contract with an independent accounting or consulting firm to periodically review the adequacy of the adjustment and publish the results of those reviews. The first review shall be conducted and published by the end of fiscal year 2013 (to examine the performance of the adjustment since fiscal year 2009), and the second review shall be conducted and published by the end of fiscal year 2015 (to examine the continued performance of the adjustment). The reports shall evaluate whether the adjustment reasonably represents actual changes in workload volume and complexity and present options to discontinue, retain, or modify any elements of the adjustment. The reports shall be published for public comment. After review of the reports and receipt of public comments, the Secretary shall, if warranted, adopt appropriate changes to the methodology. If the Secretary adopts changes to the methodology based on the first report, the changes shall be effective for the first fiscal year for which fees are set after the Secretary adopts such changes and each subsequent fiscal year.

“(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under this paragraph and paragraphs (1) and (2), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of human drug applications for the first 3 months of fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such process in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

“(4) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, application, product, and establishment fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

“(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of human drug applications.”; and

(4) in subsection (g)—

(A) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “shall be retained” and inserting “shall be collected and available”;

(ii) in subparagraph (A)(ii), by striking “shall only be collected and available” and inserting “shall be available”; and

(iii) by adding at the end the following new subparagraph:

“(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.”;

(C) in paragraph (3), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”; and

(D) in paragraph (4)—

(i) by striking “fiscal years 2008 through 2010” and inserting “fiscal years 2013 through 2015”;

(ii) by striking “fiscal year 2011” and inserting “fiscal year 2016”;

(iii) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2013 through 2016”; and

(iv) by striking “fiscal year 2012” and inserting “fiscal year 2017”.

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B (21 U.S.C. 379h-2) is amended—

(1) by amending subsection (a) to read as follows:

“(a) PERFORMANCE REPORT.—

“(1) IN GENERAL.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

“(A) the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals, including the status of the independent assessment described in such letters; and

“(B) the progress of the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research in achieving the goals, and future plans for meeting the goals, including, for each review division—

“(i) the number of original standard new drug applications and biologics license applications filed per fiscal year for each review division;

“(ii) the number of original priority new drug applications and biologics license applications filed per fiscal year for each review division;

“(iii) the number of standard efficacy supplements filed per fiscal year for each review division;

“(iv) the number of priority efficacy supplements filed per fiscal year for each review division;

“(v) the number of applications filed for review under accelerated approval per fiscal year for each review division;

“(vi) the number of applications filed for review as fast track products per fiscal year for each review division; and

“(vii) the number of applications filed for orphan-designated products per fiscal year for each review division.

“(2) INCLUSION.—The report under this subsection for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.”.

(2) in subsection (b), by striking “2008” and inserting “2013”; and

(3) in subsection (d), by striking “2012” each place it appears and inserting “2017”.

SEC. 105. SUNSET DATES.

(a) AUTHORIZATION.—Sections 735 and 736 (21 U.S.C. 379g; 379h) are repealed October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 736B (21 U.S.C. 379h-2) is repealed January 31, 2018.

(c) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Section 106 of the Prescription Drug User Fee Amendments of 2007 (Title I of Public Law 110-85) is repealed.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Amendments Act of 2007 (Public Law 110-85) is amended in the table of contents in section 2, by striking the item relating to section 106.

(d) TECHNICAL CLARIFICATIONS.—

(1) Effective September 30, 2007—

(A) section 509 of the Prescription Drug User Fee Amendments Act of 2002 (Title V of Public Law 107-188) is repealed; and

(B) the Public Health Security and Biodefense Preparedness and Response Act of 2002 (Public Law 107-188) is amended in the table of contents in section 1(b), by striking the item relating to section 509.

(2) Effective September 30, 2002—

(A) section 107 of the Food and Drug Administration Modernization Act of 1997 (Public Law 105-115) is repealed; and

(B) the table of contents in section 1(c) of such Act is amended by striking the item related to section 107.

(3) Effective September 30, 1997, section 105 of the Prescription Drug User Fee Act of 1992 (Public Law 102-571) is repealed.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 107. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2012.

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2012

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “Medical Device User Fee Amendments of 2012”.

(b) FINDINGS.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device

applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 202. DEFINITIONS.

Section 737 (21 U.S.C. 379i) is amended—

(1) in paragraph (9), by striking “incurred” after “expenses”;

(2) in paragraph (10), by striking “October 2001” and inserting “October 2011”; and

(3) in paragraph (13), by striking “is required to register” and all that follows through the end of paragraph (13) and inserting the following: “is registered (or is required to register) with the Secretary under section 510 because such establishment is en-

gaged in the manufacture, preparation, propagation, compounding, or processing of a device.”.

SEC. 203. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Section 738(a) (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(2) in paragraph (2)(A)—

(A) in the matter preceding clause (i)—

(i) by striking “subsections (d) and (e)” and inserting “subsections (d), (e), and (f)”;

(ii) by striking “October 1, 2002” and inserting “October 1, 2012”; and

(iii) by striking “subsection (c)(1)” and inserting “subsection (c)”;

(B) in clause (viii), by striking “1.84” and inserting “2”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by inserting “and subsection (f)” after “subparagraph (B)”;

(B) in subparagraph (C), by striking “initial registration” and all that follows

through “section 510.” and inserting “later of—

“(i) the initial or annual registration (as applicable) of the establishment under section 510; or

“(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.”.

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

“(b) FEE AMOUNTS.—

“(1) IN GENERAL.—Subject to subsections (c), (d), (e), (f), and (i), for each of fiscal years 2013 through 2017, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), to generate the total revenue amounts specified in paragraph (3).

“(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

| “Fee Type | Fiscal Year 2013 | Fiscal Year 2014 | Fiscal Year 2015 | Fiscal Year 2016 | Fiscal Year 2017 |
|----------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Premarket Application | \$248,000 | \$252,960 | \$258,019 | \$263,180 | \$268,443 |
| Establishment Registration | \$2,575 | \$3,200 | \$3,750 | \$3,872 | \$3,872 |

“(3) TOTAL REVENUE AMOUNTS.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

“(A) \$97,722,301 for fiscal year 2013.

“(B) \$112,580,497 for fiscal year 2014.

“(C) \$125,767,107 for fiscal year 2015.

“(D) \$129,339,949 for fiscal year 2016.

“(E) \$130,184,348 for fiscal year 2017.”.

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) (21 U.S.C. 379j(c)) is amended—

(1) in the subsection heading, by inserting “; ADJUSTMENTS” after “SETTING”;

(2) by striking paragraphs (1) and (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting before paragraph (4), as so redesignated, the following:

“(1) IN GENERAL.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2012, establish fees under subsection (a), based on amounts specified under subsection (b) and the adjustments provided under this subsection, and publish such fees, and the rationale for any adjustments to such fees, in the Federal Register.

“(2) INFLATION ADJUSTMENTS.—

“(A) ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—For fiscal year 2014 and each subsequent fiscal year, the Secretary shall adjust the total revenue amount specified in subsection (b)(3) for such fiscal year by multiplying such amount by the applicable inflation adjustment under subparagraph (B) for such year.

“(B) APPLICABLE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—The applicable inflation adjustment for a fiscal year is—

“(i) for fiscal year 2014, the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(ii) for fiscal year 2015 and each subsequent fiscal year, the product of—

“(I) the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(II) the product of the base inflation adjustment under subparagraph (C) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2014.

“(C) BASE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—

“(i) IN GENERAL.—Subject to further adjustment under clause (ii), the base inflation adjustment for a fiscal year is the sum of one plus—

“(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by 0.60; and

“(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by 0.40.

“(ii) LIMITATIONS.—For purposes of subparagraph (B), if the base inflation adjustment for a fiscal year under clause (i)—

“(I) is less than 1, such adjustment shall be considered to be equal to 1; or

“(II) is greater than 1.04, such adjustment shall be considered to be equal to 1.04.

“(D) ADJUSTMENT TO BASE FEE AMOUNTS.—For each of fiscal years 2014 through 2017, the base fee amounts specified in subsection (b)(2) shall be adjusted as needed, on a uniform proportionate basis, to generate the total revenue amounts under subsection (b)(3), as adjusted for inflation under subparagraph (A).

“(3) VOLUME-BASED ADJUSTMENTS TO ESTABLISHMENT REGISTRATION BASE FEES.—For each of fiscal years 2014 through 2017, after the base fee amounts specified in subsection (b)(2) are adjusted under paragraph (2)(D), the base establishment registration fee amounts specified in such subsection shall be further adjusted, as the Secretary estimates is necessary in order for total fee collections for such fiscal year to generate the total revenue amounts, as adjusted under paragraph (2).”.

(d) FEE WAIVER OR REDUCTION.—Section 738 (21 U.S.C. 379j) is amended by—

(1) redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) FEE WAIVER OR REDUCTION.—

“(1) IN GENERAL.—The Secretary may, at the Secretary’s sole discretion, grant a waiver or reduction of fees under subsection (a)(2) or (a)(3) if the Secretary finds that such waiver or reduction is in the interest of public health.

“(2) LIMITATION.—The sum of all fee waivers or reductions granted by the Secretary in any fiscal year under paragraph (1) shall not exceed 2 percent of the total fee revenue amounts established for such year under subsection (c).

“(3) DURATION.—The authority provided by this subsection terminates October 1, 2017.”.

(e) CONDITIONS.—Section 738(h)(1)(A) (21 U.S.C. 379j(h)(1)(A)), as redesignated by subsection (d)(1), is amended by striking “\$205,720,000” and inserting “\$280,587,000”.

(f) CREDITING AND AVAILABILITY OF FEES.—Section 738(i) (21 U.S.C. 379j(i)), as redesignated by subsection (d)(1), is amended—

(1) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “shall be retained” and inserting “subject to subparagraph (C), shall be collected and available”; and

(ii) in clause (ii)—

(I) by striking “collected and” after “shall only be”; and

(II) by striking “fiscal year 2002” and inserting “fiscal year 2009”; and

(B) by adding at the end, the following:

“(C) PROVISION FOR EARLY YEAR PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.”.

(3) in paragraph (3), by amending to read as follows:

“(3) AUTHORIZATIONS OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for

fees under this section an amount equal to the total revenue amount specified under subsection (b)(3) for the fiscal year, as adjusted under subsection (c) and, for fiscal year 2017 only, as further adjusted under paragraph (4)."; and

(4) in paragraph (4)—

(A) by striking "fiscal years 2008, 2009, and 2010" and inserting "fiscal years 2013, 2014, and 2015";

(B) by striking "fiscal year 2011" and inserting "fiscal year 2016";

(C) by striking "June 30, 2011" and inserting "June 30, 2016";

(D) by striking "the amount of fees specified in aggregate in" and inserting "the cumulative amount appropriated pursuant to";

(E) by striking "aggregate amount in" before "excess shall be credited"; and

(F) by striking "fiscal year 2012" and inserting "fiscal year 2017".

(g) CONFORMING AMENDMENT.—Section 515(c)(4)(A) (21 U.S.C. 360e(c)(4)(A)) is amended by striking "738(g)" and inserting "738(h)".

SEC. 204. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) REAUTHORIZATION.—Section 738A(b) (21 U.S.C. 379j-1(b)) is amended—

(1) in paragraph (1), by striking "2012" and inserting "2017"; and

(2) in paragraph (5), by striking "2012" and inserting "2017".

(b) PERFORMANCE REPORTS.—Section 738A(a) (21 U.S.C. 379j-1(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE REPORT.—

"(A) IN GENERAL.—Beginning with fiscal year 2013, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives annual reports concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Medical Device User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

"(B) PUBLICATION.—With regard to information to be reported by the Food and Drug Administration to industry on a quarterly and annual basis pursuant to the letters described in section 201(b) of the Medical Device User Fee Amendments Act of 2012, the Secretary shall make such information publicly available on the Internet Website of the Food and Drug Administration not later than 60 days after the end of each quarter or 120 days after the end of each fiscal year, respectively, to which such information applies. This information shall include the status of the independent assessment identified in the letters described in such section 201(b).

"(C) UPDATES.—The Secretary shall include in each report under subparagraph (A) information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications and reports, supplements, and premarket notifications in the cohort."; and

(2) in paragraph (2), by striking "2008 through 2012" and inserting "2013 through 2017".

SEC. 205. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the

day before the date of the enactment of this title, shall continue to be in effect with respect to the submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 206. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 207. SUNSET CLAUSE.

(a) IN GENERAL.—Sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 739i; 739j) shall cease to be effective October 1, 2017. Section 738A (21 U.S.C. 739j-1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) is repealed January 31, 2018.

(b) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Section 217 of the Medical Device User Fee Amendments of 2007 (Title II of Public Law 110-85) is repealed.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Amendments Act of 2007 (Public Law 110-85) is amended in the table of contents in section 2, by striking the item relating to section 217.

(c) TECHNICAL CLARIFICATION.—Effective September 30, 2007—

(1) section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107-250) is repealed; and

(2) the table of contents in section 1(b) of such Act is amended by striking the item related to section 107.

SEC. 208. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by inserting after section 713 the following new section:

"SEC. 714. STREAMLINED HIRING AUTHORITY.

"(a) IN GENERAL.—In addition to any other personnel authorities under other provisions of law, the Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint employees to positions in the Food and Drug Administration to perform, administer, or support activities described in subsection (b), if the Secretary determines that such appointments are needed to achieve the objectives specified in subsection (c).

"(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are activities under this Act related to the process for the review of device applications (as defined in section 737(8)).

"(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are with respect to the activities under subsection (b)(1), the goals referred to in section 738A(a)(1).

"(d) INTERNAL CONTROLS.—The Secretary shall institute appropriate internal controls for appointments under this section.

"(e) SUNSET.—The authority to appoint employees under this section shall terminate on the date that is three years after the date of enactment of this section.".

TITLE III—FEES RELATING TO GENERIC DRUGS

SEC. 301. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Generic Drug User Fee Amendments of 2012".

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 302. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

"PART 7—FEES RELATING TO GENERIC DRUGS

"SEC. 744A. DEFINITIONS.

"For purposes of this part:

"(1) The term 'abbreviated new drug application'—

"(A) means an application submitted under section 505(j), an abbreviated application submitted under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997), or an abbreviated new drug application submitted pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984; and

"(B) does not include an application for a positron emission tomography drug.

"(2) The term 'active pharmaceutical ingredient' means—

"(A) a substance, or a mixture when the substance is unstable or cannot be transported on its own, intended—

"(i) to be used as a component of a drug; and

"(ii) to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the human body; or

"(B) a substance intended for final crystallization, purification, or salt formation, or any combination of those activities, to become a substance or mixture described in subparagraph (A).

"(3) The term 'adjustment factor' means a factor applicable to a fiscal year that is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2011.

"(4) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) one business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control, both of the business entities.

"(5)(A) The term 'facility'—

"(i) means a business or other entity—

"(I) under one management, either direct or indirect; and

"(II) at one geographic location or address engaged in manufacturing or processing an active pharmaceutical ingredient or a finished dosage form; and

“(ii) does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: repackaging, relabeling, or testing.

“(B) For purposes of subparagraph (A), separate buildings within close proximity are considered to be at one geographic location or address if the activities in them are—

“(i) closely related to the same business enterprise;

“(ii) under the supervision of the same local management; and

“(iii) capable of being inspected by the Food and Drug Administration during a single inspection.

“(C) If a business or other entity would meet the definition of a facility under this paragraph but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

“(6) The term ‘finished dosage form’ means—

“(A) a drug product in the form in which it will be administered to a patient, such as a tablet, capsule, solution, or topical application;

“(B) a drug product in a form in which reconstitution is necessary prior to administration to a patient, such as oral suspensions or lyophilized powders; or

“(C) any combination of an active pharmaceutical ingredient with another component of a drug product for purposes of production of a drug product described in subparagraph (A) or (B).

“(7) The term ‘generic drug submission’ means an abbreviated new drug application, an amendment to an abbreviated new drug application, or a prior approval supplement to an abbreviated new drug application.

“(8) The term ‘human generic drug activities’ means the following activities of the Secretary associated with generic drugs and inspection of facilities associated with generic drugs:

“(A) The activities necessary for the review of generic drug submissions, including review of drug master files referenced in such submissions.

“(B) The issuance of—

“(i) approval letters which approve abbreviated new drug applications or supplements to such applications; or

“(ii) complete response letters which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The issuance of letters related to Type II active pharmaceutical drug master files which—

“(i) set forth in detail the specific deficiencies in such submissions, and where appropriate, the actions necessary to resolve those deficiencies; or

“(ii) document that no deficiencies need to be addressed.

“(D) Inspections related to generic drugs.

“(E) Monitoring of research conducted in connection with the review of generic drug submissions and drug master files.

“(F) Postmarket safety activities with respect to drugs approved under abbreviated new drug applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety prob-

lems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies) insofar as those activities relate to abbreviated new drug applications.

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(G) Regulatory science activities related to generic drugs.

“(9) The term ‘positron emission tomography drug’ has the meaning given to the term ‘compounded positron emission tomography drug’ in section 201(ii), except that paragraph (1)(B) of such section shall not apply.

“(10) The term ‘prior approval supplement’ means a request to the Secretary to approve a change in the drug substance, drug product, production process, quality controls, equipment, or facilities covered by an approved abbreviated new drug application when that change has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the drug product as these factors may relate to the safety or effectiveness of the drug product.

“(11) The term ‘resources allocated for human generic drug activities’ means the expenses for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers and employees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under subsection (a) and accounting for resources allocated for the review of abbreviated new drug applications and supplements and inspection related to generic drugs.

“(12) The term ‘Type II active pharmaceutical ingredient drug master file’ means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

“SEC. 744B. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) ONE-TIME BACKLOG FEE FOR ABBREVIATED NEW DRUG APPLICATIONS PENDING ON OCTOBER 1, 2012.—

“(A) IN GENERAL.—Each person that owns an abbreviated new drug application that is pending on October 1, 2012, and that has not received a tentative approval prior to that date, shall be subject to a fee for each such application, as calculated under subparagraph (B).

“(B) METHOD OF FEE AMOUNT CALCULATION.—The amount of each one-time backlog fee shall be calculated by dividing \$50,000,000 by the total number of abbreviated new drug applications pending on October 1, 2012, that

have not received a tentative approval as of that date.

“(C) NOTICE.—Not later than October 31, 2012, the Secretary shall cause to be published in the Federal Register a notice announcing the amount of the fee required by subparagraph (A).

“(D) FEE DUE DATE.—The fee required by subparagraph (A) shall be due no later than 30 calendar days after the date of the publication of the notice specified in subparagraph (C).

“(2) DRUG MASTER FILE FEE.—

“(A) IN GENERAL.—Each person that owns a Type II active pharmaceutical ingredient drug master file that is referenced on or after October 1, 2012, in a generic drug submission by any initial letter of authorization shall be subject to a drug master file fee.

“(B) ONE-TIME PAYMENT.—If a person has paid a drug master file fee for a Type II active pharmaceutical ingredient drug master file, the person shall not be required to pay a subsequent drug master file fee when that Type II active pharmaceutical ingredient drug master file is subsequently referenced in generic drug submissions.

“(C) NOTICE.—

“(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall cause to be published in the Federal Register a notice announcing the amount of the drug master file fee for fiscal year 2013.

“(ii) FISCAL YEAR 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall cause to be published in the Federal Register the amount of the drug master file fee established by this paragraph for such fiscal year.

“(D) AVAILABILITY FOR REFERENCE.—

“(i) IN GENERAL.—Subject to subsection (g)(2)(C), for a generic drug submission to reference a Type II active pharmaceutical ingredient drug master file, the drug master file must be deemed available for reference by the Secretary.

“(ii) CONDITIONS.—A drug master file shall be deemed available for reference by the Secretary if—

“(I) the person that owns a Type II active pharmaceutical ingredient drug master file has paid the fee required under subparagraph (A) within 20 calendar days after the applicable due date under subparagraph (E); and

“(II) the drug master file has not failed an initial completeness assessment by the Secretary, in accordance with criteria to be published by the Secretary.

“(iii) LIST.—The Secretary shall make publicly available on the Internet Web site of the Food and Drug Administration a list of the drug master file numbers that correspond to drug master files that have successfully undergone an initial completeness assessment, in accordance with criteria to be published by the Secretary, and are available for reference.

“(E) FEE DUE DATE.—

“(i) IN GENERAL.—Subject to clause (ii), a drug master file fee shall be due no later than the date on which the first generic drug submission is submitted that references the associated Type II active pharmaceutical ingredient drug master file.

“(ii) LIMITATION.—No fee shall be due under subparagraph (A) for a fiscal year until the later of—

“(I) 30 calendar days after publication of the notice provided for in clause (i) or (ii) of subparagraph (C), as applicable; or

“(II) 30 calendar days after the date of enactment of an appropriations Act providing for the collection and obligation of fees under this section.

“(3) ABBREVIATED NEW DRUG APPLICATION AND PRIOR APPROVAL SUPPLEMENT FILING FEE.—

“(A) IN GENERAL.—Each applicant that submits, on or after October 1, 2012, an abbreviated new drug application or a prior approval supplement to an abbreviated new drug application shall be subject to a fee for each such submission in the amount established under subsection (d).

“(B) NOTICE.—

“(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall cause to be published in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

“(ii) FISCAL YEARS 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall cause to be published in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(C) FEE DUE DATE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the fees required by subparagraphs (A) and (F) shall be due no later than the date of submission of the abbreviated new drug application or prior approval supplement for which such fee applies.

“(ii) SPECIAL RULE FOR 2013.—For fiscal year 2013, such fees shall be due on the later of—

“(I) the date on which the fee is due under clause (i);

“(II) 30 calendar days after publication of the notice referred to in subparagraph (B)(i); or

“(III) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of submission of the application or prior approval supplement for which the fees under subparagraphs (A) and (F) apply, 30 calendar days after the date that such an appropriations Act is enacted.

“(D) REFUND OF FEE IF ABBREVIATED NEW DRUG APPLICATION IS NOT CONSIDERED TO HAVE BEEN RECEIVED.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any abbreviated new drug application or prior approval supplement to an abbreviated new drug application that the Secretary considers not to have been received within the meaning of section 505(j)(5)(A) for a cause other than failure to pay fees.

“(E) FEE FOR AN APPLICATION THE SECRETARY CONSIDERS NOT TO HAVE BEEN RECEIVED, OR THAT HAS BEEN WITHDRAWN.—An abbreviated new drug application or prior approval supplement that was submitted on or after October 1, 2012, and that the Secretary considers not to have been received, or that has been withdrawn, shall, upon resubmission of the application or a subsequent new submission following the applicant's withdrawal of the application, be subject to a full fee under subparagraph (A).

“(F) ADDITIONAL FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—An applicant that submits a generic drug submission on or after October 1, 2012, shall pay a fee, in the amount determined under subsection (d)(3), in addition to the fee required under subparagraph (A), if—

“(i) such submission contains information concerning the manufacture of an active pharmaceutical ingredient at a facility by means other than reference by a letter of authorization to a Type II active pharmaceutical drug master file; and

“(ii) a fee in the amount equal to the drug master file fee established in paragraph (2) has not been previously paid with respect to such information.

“(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

“(A) IN GENERAL.—Facilities identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce a finished dosage form of a human generic drug or an active pharmaceutical ingredient contained in a human generic drug shall be subject to fees as follows:

“(i) GENERIC DRUG FACILITY.—Each person that owns a facility which is identified or intended to be identified in at least one generic drug submission that is pending or approved to produce one or more finished dosage forms of a human generic drug shall be assessed an annual fee for each such facility.

“(ii) ACTIVE PHARMACEUTICAL INGREDIENT FACILITY.—Each person that owns a facility which produces, or which is pending review to produce, one or more active pharmaceutical ingredients identified, or intended to be identified, in at least one generic drug submission that is pending or approved or in a Type II active pharmaceutical ingredient drug master file referenced in such a generic drug submission, shall be assessed an annual fee for each such facility.

“(iii) FACILITIES PRODUCING BOTH ACTIVE PHARMACEUTICAL INGREDIENTS AND FINISHED DOSAGE FORMS.—Each person that owns a facility identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce both one or more finished dosage forms subject to clause (i) and one or more active pharmaceutical ingredients subject to clause (ii) shall be subject to fees under both such clauses for that facility.

“(B) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

“(C) NOTICE.—

“(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall cause to be published in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(1)(B).

“(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall cause to be published in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(D) FEE DUE DATE.—

“(i) FISCAL YEAR 2013.—For fiscal year 2013, the fees under subparagraph (A) shall be due on the later of—

“(I) not later than 45 days after the publication of the notice under subparagraph (B); or

“(II) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of the publication of such notice, 30 days after the date that such an appropriations Act is enacted.

“(ii) FISCAL YEARS 2014 THROUGH 2017.—For each of fiscal years 2014 through 2017, the fees under subparagraph (A) for such fiscal year shall be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

“(5) DATE OF SUBMISSION.—For purposes of this part, a generic drug submission or Type II pharmaceutical master file is deemed to be ‘submitted’ to the Food and Drug Administration—

“(A) if it is submitted via a Food and Drug Administration electronic gateway, on the

day when transmission to that electronic gateway is completed, except that a submission or master file that arrives on a weekend, Federal holiday, or day when the Food and Drug Administration office that will review that submission is not otherwise open for business shall be deemed to be submitted on the next day when that office is open for business; and

“(B) if it is submitted in physical media form, on the day it arrives at the appropriate designated document room of the Food and Drug Administration.

“(b) FEE REVENUE AMOUNTS.—

“(1) IN GENERAL.—

“(A) FISCAL YEAR 2013.—For fiscal year 2013, fees under subsection (a) shall be established to generate a total estimated revenue amount under such subsection of \$299,000,000. Of that amount—

“(i) \$50,000,000 shall be generated by the one-time backlog fee for generic drug applications pending on October 1, 2012, established in subsection (a)(1); and

“(ii) \$249,000,000 shall be generated by the fees under paragraphs (2) through (4) of subsection (a).

“(B) FISCAL YEARS 2014 THROUGH 2017.—For each of the fiscal years 2014 through 2017, fees under paragraphs (2) through (4) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to \$299,000,000, as adjusted pursuant to subsection (c).

“(2) TYPES OF FEES.—In establishing fees under paragraph (1) to generate the revenue amounts specified in paragraph (1)(A)(ii) for fiscal year 2013 and paragraph (1)(B) for each of fiscal years 2014 through 2017, such fees shall be derived from the fees under paragraphs (2) through (4) of subsection (a) as follows:

“(A) 6 percent shall be derived from fees under subsection (a)(2) (relating to drug master files).

“(B) 24 percent shall be derived from fees under subsection (a)(3) (relating to abbreviated new drug applications and supplements). The amount of a fee for a prior approval supplement shall be half the amount of the fee for an abbreviated new drug application.

“(C) 56 percent shall be derived from fees under subsection (a)(4)(A)(i) (relating to generic drug facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States, including its territories and possessions, and those located outside of the United States and its territories and possessions.

“(D) 14 percent shall be derived from fees under subsection (a)(4)(A)(ii) (relating to active pharmaceutical ingredient facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States, including its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States and its territories and possessions and those located outside of the United States and its territories and possessions.

“(c) ADJUSTMENTS.—

“(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year, by an amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years multiplied by the proportion of personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years; and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this subsection.

“(2) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for human generic drug activities for the first 3 months of fiscal year 2018. Such fees may only be used in fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such activities in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

“(d) ANNUAL FEE SETTING.—

“(1) FISCAL YEAR 2013.—For fiscal year 2013—

“(A) the Secretary shall establish, by October 31, 2012, the one-time generic drug backlog fee for generic drug applications pending on October 1, 2012, the drug master file fee, the abbreviated new drug application fee, and the prior approval supplement fee under subsection (a), based on the revenue amounts established under subsection (b); and

“(B) the Secretary shall establish, not later than 45 days after the date to comply with the requirement for identification of facilities in subsection (f)(2), the generic drug facility fee and active pharmaceutical ingredient facility fee under subsection (a) based on the revenue amounts established under subsection (b).

“(2) FISCAL YEARS 2014 THROUGH 2017.—Not more than 60 days before the first day of each of fiscal years 2014 through 2017, the Secretary shall establish the drug master file fee, the abbreviated new drug application fee, the prior approval supplement fee, the generic drug facility fee, and the active pharmaceutical ingredient facility fee under subsection (a) for such fiscal year, based on the revenue amounts established under subsection (b) and the adjustments provided under subsection (c).

“(3) FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—In establishing the fees under paragraphs (1) and (2), the amount of the fee under subsection (a)(3)(F) shall be determined by multiplying—

“(A) the sum of—

“(i) the total number of such active pharmaceutical ingredients in such submission; and

“(ii) for each such ingredient that is manufactured at more than one such facility, the total number of such additional facilities; and

“(B) the amount equal to the drug master file fee established in subsection (a)(2) for such submission.

“(e) LIMIT.—The total amount of fees charged, as adjusted under subsection (c), for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for human generic drug activities.

“(f) IDENTIFICATION OF FACILITIES.—

“(1) PUBLICATION OF NOTICE; DEADLINE FOR COMPLIANCE.—Not later than October 1, 2012, the Secretary shall cause to be published in the Federal Register a notice requiring each person that owns a facility described in subsection (a)(4)(A), or a site or organization required to be identified by paragraph (4), to submit to the Secretary information on the identity of each such facility, site, or organization. The notice required by this paragraph shall specify the type of information to be submitted and the means and format for submission of such information.

“(2) REQUIRED SUBMISSION OF FACILITY IDENTIFICATION.—Each person that owns a facility described in subsection (a)(4)(A) or a site or organization required to be identified by paragraph (4) shall submit to the Secretary the information required under this subsection each year. Such information shall—

“(A) for fiscal year 2013, be submitted not later than 60 days after the publication of the notice under paragraph (1); and

“(B) for each subsequent fiscal year, be submitted, updated, or reconfirmed on or before June 1 of the previous year.

“(3) CONTENTS OF NOTICE.—At a minimum, the submission required by paragraph (2) shall include for each such facility—

“(A) identification of a facility identified or intended to be identified in an approved or pending generic drug submission;

“(B) whether the facility manufactures active pharmaceutical ingredients or finished dosage forms, or both;

“(C) whether or not the facility is located within the United States and its territories and possessions;

“(D) whether the facility manufactures positron emission tomography drugs solely, or in addition to other drugs; and

“(E) whether the facility manufactures drugs that are not generic drugs.

“(4) CERTAIN SITES AND ORGANIZATIONS.—

“(A) IN GENERAL.—Any person that owns or operates a site or organization described in subparagraph (B) shall submit to the Secretary information concerning the ownership, name, and address of the site or organization.

“(B) SITES AND ORGANIZATIONS.—A site or organization is described in this subparagraph if it is identified in a generic drug submission and is—

“(i) a site in which a bioanalytical study is conducted;

“(ii) a clinical research organization;

“(iii) a contract analytical testing site; or

“(iv) a contract repackager site.

“(C) NOTICE.—The Secretary may, by notice published in the Federal Register, specify the means and format for submission of the information under subparagraph (A) and may specify, as necessary for purposes of this section, any additional information to be submitted.

“(D) INSPECTION AUTHORITY.—The Secretary's inspection authority under section 704(a)(1) shall extend to all such sites and organizations.

“(g) EFFECT OF FAILURE TO PAY FEES.—

“(1) GENERIC DRUG BACKLOG FEE.—Failure to pay the fee under subsection (a)(1) shall result in the Secretary placing the person that owns the abbreviated new drug application subject to that fee on an arrears list, such that no new abbreviated new drug applications or supplement submitted on or after October 1, 2012, from that person, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(2) DRUG MASTER FILE FEE.—

“(A) Failure to pay the fee under subsection (a)(2) within 20 calendar days after the applicable due date under subparagraph (E) of such subsection (as described in subsection (a)(2)(D)(ii)(I)) shall result in the Type II active pharmaceutical ingredient drug master file not being deemed available for reference.

“(B)(i) Any generic drug submission submitted on or after October 1, 2012, that references, by a letter of authorization, a Type II active pharmaceutical ingredient drug master file that has not been deemed available for reference shall not be received within the meaning of section 505(j)(5)(A) unless the condition specified in clause (ii) is met.

“(ii) The condition specified in this clause is that the fee established under subsection (a)(2) has been paid within 20 calendar days of the Secretary providing the notification to the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the drug master file fee as specified in subparagraph (C).

“(C)(i) If an abbreviated new drug application or supplement to an abbreviated new drug application references a Type II active pharmaceutical ingredient drug master file for which a fee under subsection (a)(2)(A) has not been paid by the applicable date under subsection (a)(2)(E), the Secretary shall notify the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the applicable fee.

“(ii) If such fee is not paid within 20 calendar days of the Secretary providing the notification, the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of 505(j)(5)(A).

“(3) ABBREVIATED NEW DRUG APPLICATION FEE AND PRIOR APPROVAL SUPPLEMENT FEE.—Failure to pay a fee under subparagraph (A) or (F) of subsection (a)(3) within 20 calendar days of the applicable due date under subparagraph (C) of such subsection shall result in the abbreviated new drug application or the prior approval supplement to an abbreviated new drug application not being received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

“(A) IN GENERAL.—Failure to pay the fee under subsection (a)(4) within 20 calendar

days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

“(i) The Secretary shall place the facility on a publicly available arrears list, such that no new abbreviated new drug application or supplement submitted on or after October 1, 2012, from the person that is responsible for paying such fee, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A).

“(ii) Any new generic drug submission submitted on or after October 1, 2012, that references such a facility shall not be received, within the meaning of section 505(j)(5)(A) if the outstanding facility fee is not paid within 20 calendar days of the Secretary providing the notification to the sponsor of the failure of the owner of the facility to pay the facility fee under subsection (a)(4)(C).

“(iii) All drugs or active pharmaceutical ingredients manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(aa).

“(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(4) is paid or the facility is removed from all generic drug submissions that refer to the facility.

“(C) NONRECEIVAL FOR NONPAYMENT.—

“(i) NOTICE.—If an abbreviated new drug application or supplement to an abbreviated new drug application submitted on or after October 1, 2012, references a facility for which a facility fee has not been paid by the applicable date under subsection (a)(4)(C), the Secretary shall notify the sponsor of the generic drug submission of the failure of the owner of the facility to pay the facility fee.

“(ii) NONRECEIVAL.—If the facility fee is not paid within 20 calendar days of the Secretary providing the notification under clause (i), the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of section 505(j)(5)(A).

“(h) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2012, unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor (as defined in section 744A) applicable to the fiscal year involved.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for Type II active pharmaceutical ingredient drug master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(i) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2).

Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for human generic drug activities.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—The fees authorized by this section—

“(i) subject to subparagraphs (C) and (D), shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

“(ii) shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of human generic drug activities (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$97,000,000 multiplied by the adjustment factor defined in section 744A(3) applicable to the fiscal year involved.

“(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for human generic activities are not more than 10 percent below the level specified in such subparagraph.

“(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013 for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013, may be collected and shall be credited to such account and remain available until expended.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted under subsection (c), if applicable, or as otherwise affected under paragraph (2) of this subsection.

“(j) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(k) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in human generic drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

“(l) POSITRON EMISSION TOMOGRAPHY DRUGS.—

“(1) EXEMPTION FROM FEES.—Submission of an application for a positron emission tomography drug or active pharmaceutical ingredient for a positron emission tomography drug shall not require the payment of any fee under this section. Facilities that solely produce positron emission tomography drugs shall not be required to pay a facility fee as established in subsection (a)(4).

“(2) IDENTIFICATION REQUIREMENT.—Facilities that produce positron emission tomography drugs or active pharmaceutical ingredients of such drugs are required to be identified pursuant to subsection (f).

“(m) DISPUTES CONCERNING FEES.—To qualify for the return of a fee claimed to have been paid in error under this section, a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid.

“(n) SUBSTANTIALLY COMPLETE APPLICATIONS.—An abbreviated new drug application that is not considered to be received within the meaning of section 505(j)(5)(A) because of failure to pay an applicable fee under this provision within the time period specified in subsection (g) shall be deemed not to have been ‘substantially complete’ on the date of its submission within the meaning of section 505(j)(5)(B)(iv)(II)(cc). An abbreviated new drug application that is not substantially complete on the date of its submission solely because of failure to pay an applicable fee under the preceding sentence shall be deemed substantially complete and received within the meaning of section 505(j)(5)(A) as of the date such applicable fee is received.”

SEC. 303. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 7 of subchapter C of chapter VII, as added by section 302 of this Act, is amended by inserting after section 744B the following:

“SEC. 744C. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—

“(1) IN GENERAL.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

“(2) REGULATORY SCIENCE ACCOUNTABILITY METRICS.—The report required by paragraph (1) shall describe the amounts spent, data generated, and activities undertaken, including any FDA Advisory Committee consideration, by the Secretary for each of the local acting bioequivalence topics (Topics 1–3) in the Regulatory Science Plan described in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012.

“(b) FISCAL REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for human generic drug activities for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the generic drug industry.

“(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the generic drug industry on the reauthorization of this part, the Secretary shall—

“(A) publish a notice in the Federal Register requesting public input on the reauthorization;

“(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

“(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

“(D) publish the comments on the Food and Drug Administration's Internet Web site.

“(3) PERIODIC CONSULTATION.—Not less frequently than once every month during negotiations with the generic drug industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

“(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the generic drug industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

“(6) MINUTES OF NEGOTIATION MEETINGS.—

“(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of

all negotiation meetings conducted under this subsection between the Food and Drug Administration and the generic drug industry.

“(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.”.

SEC. 304. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744A and 744B, as added by section 302 of this Act, are repealed October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 744C, as added by section 303 of this Act, is repealed January 31, 2018.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this title, whichever is later, except that fees under section 302 shall be assessed for all human generic drug submissions and Type II active pharmaceutical drug master files received on or after October 1, 2012, regardless of the date of enactment of this title.

SEC. 306. AMENDMENT WITH RESPECT TO MISBRANDING.

Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

“(aa) If it is a drug, or an active pharmaceutical ingredient, and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744A(a)(4) or for which identifying information required by section 744B(f) has not been submitted, or it contains an active pharmaceutical ingredient that was manufactured, prepared, propagated, compounded, or processed in such a facility.”.

SEC. 307. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO HUMAN GENERIC DRUGS.

Section 714, as added by section 208 of this Act, is amended—

(1) by amending subsection (b) to read as follows:

“(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are—

“(1) activities under this Act related to the process for the review of device applications (as defined in section 737(8)); and

“(2) activities under this Act related to human generic drug activities (as defined in section 744A).”; and

(2) by amending subsection (c) to read as follows:

“(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are—

“(1) with respect to the activities under subsection (b)(1), the goals referred to in section 738A(a)(1); and

“(2) with respect to the activities under subsection (b)(2), the goals referred to in section 744C(a).”.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 401. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Biosimilar User Fee Act of 2012”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee

on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 402. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after part 7, as added by title III of this Act, the following:

“PART 8—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

“SEC. 744G. DEFINITIONS.

“For purposes of this part:

“(1) The term ‘adjustment factor’ applicable to a fiscal year that is the Consumer Price Index for all urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items) of the preceding fiscal year divided by such Index for September 2011.

“(2) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(3) The term ‘biosimilar biological product’ means a product for which a biosimilar biological product application has been approved.

“(4)(A) Subject to subparagraph (B), the term ‘biosimilar biological product application’ means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.

“(B) Such term does not include—

“(i) a supplement to such an application;

“(ii) an application filed under section 351(k) of the Public Health Service Act that cites as the reference product a bovine blood product for topical application licensed before September 1, 1992, or a large volume parenteral drug product approved before such date;

“(iii) an application filed under section 351(k) of the Public Health Service Act with respect to—

“(I) whole blood or a blood component for transfusion;

“(II) an allergenic extract product;

“(III) an in vitro diagnostic biological product; or

“(IV) a biological product for further manufacturing use only; or

“(iv) an application for licensure under section 351(k) of the Public Health Service Act that is submitted by a State or Federal Government entity for a product that is not distributed commercially.

“(5) The term ‘biosimilar biological product development meeting’ means any meeting, other than a biosimilar initial advisory meeting, regarding the content of a development program, including a proposed design for, or data from, a study intended to support a biosimilar biological product application.

“(6) The term ‘biosimilar biological product development program’ means the program under this part for expediting the process for the review of submissions in connection with biosimilar biological product development.

“(7)(A) The term ‘biosimilar biological product establishment’ means a foreign or domestic place of business—

“(i) that is at one general physical location consisting of one or more buildings, all of which are within five miles of each other; and

“(ii) at which one or more biosimilar biological products are manufactured in final dosage form.

“(B) For purposes of subparagraph (A)(ii), the term ‘manufactured’ does not include packaging.

“(8) The term ‘biosimilar initial advisory meeting’—

“(A) means a meeting, if requested, that is limited to—

“(i) a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product; and

“(ii) if so, general advice on the expected content of the development program; and

“(B) does not include any meeting that involves substantive review of summary data or full study reports.

“(9) The term ‘costs of resources allocated for the process for the review of biosimilar biological product applications’ means the expenses in connection with the process for the review of biosimilar biological product applications for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers employees and committees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under section 744H and accounting for resources allocated for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(10) The term ‘final dosage form’ means, with respect to a biosimilar biological product, a finished dosage form which is approved for administration to a patient without substantial further manufacturing (such as lyophilized products before reconstitution).

“(11) The term ‘financial hold’—

“(A) means an order issued by the Secretary to prohibit the sponsor of a clinical investigation from continuing the investigation if the Secretary determines that the investigation is intended to support a biosimilar biological product application and the sponsor has failed to pay any fee for the product required under subparagraph (A), (B), or (D) of section 744H(a)(1); and

“(B) does not mean that any of the bases for a ‘clinical hold’ under section 505(i)(3) have been determined by the Secretary to exist concerning the investigation.

“(12) The term ‘person’ includes an affiliate of such person.

“(13) The term ‘process for the review of biosimilar biological product applications’ means the following activities of the Secretary with respect to the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements:

“(A) The activities necessary for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(B) Actions related to submissions in connection with biosimilar biological product development, the issuance of action letters which approve biosimilar biological product applications or which set forth in detail the

specific deficiencies in such applications, and where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The inspection of biosimilar biological product establishments and other facilities undertaken as part of the Secretary’s review of pending biosimilar biological product applications and supplements.

“(D) Activities necessary for the release of lots of biosimilar biological products under section 351(k) of the Public Health Service Act.

“(E) Monitoring of research conducted in connection with the review of biosimilar biological product applications.

“(F) Postmarket safety activities with respect to biologics approved under biosimilar biological product applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on biosimilar biological products, including adverse-event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(14) The term ‘supplement’ means a request to the Secretary to approve a change in a biosimilar biological product application which has been approved, including a supplement requesting that the Secretary determine that the biosimilar biological product meets the standards for interchangeability described in section 351(k)(4) of the Public Health Service Act.

“SEC. 744H. AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—Each person that submits to the Secretary a meeting request described under clause (ii) or a clinical protocol for an investigational new drug protocol described under clause (iii) shall pay for the product named in the meeting request or the investigational new drug application the initial biosimilar biological product development fee established under subsection (b)(1)(A).

“(ii) MEETING REQUEST.—The meeting request defined in this clause is a request for a biosimilar biological product development meeting for a product.

“(iii) CLINICAL PROTOCOL FOR IND.—A clinical protocol for an investigational new drug protocol described in this clause is a clinical protocol consistent with the provisions of section 505(i), including any regulations promulgated under section 505(i), (referred to in this section as ‘investigational new drug application’) describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for a product.

“(iv) DUE DATE.—The initial biosimilar biological product development fee shall be due by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(II) The date of submission of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application.

“(v) TRANSITION RULE.—Each person that has submitted an investigational new drug application prior to the date of enactment of the Biosimilars User Fee Act of 2012 shall pay the initial biosimilar biological product development fee by the earlier of the following:

“(I) Not later than 60 days after the date of the enactment of the Biosimilars User Fee Act of 2012, if the Secretary determines that the investigational new drug application describes an investigation that is intended to support a biosimilar biological product application.

“(II) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—A person that pays an initial biosimilar biological product development fee for a product shall pay for such product, beginning in the fiscal year following the fiscal year in which the initial biosimilar biological product development fee was paid, an annual fee established under subsection (b)(1)(B) for biosimilar biological product development (referred to in this section as ‘annual biosimilar biological product development fee’).

“(ii) DUE DATE.—The annual biosimilar biological product development program fee for each fiscal year will be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

“(iii) EXCEPTION.—The annual biosimilar development program fee for each fiscal year will be due on the date specified in clause (ii), unless the person has—

“(I) submitted a marketing application for the biological product that was accepted for filing; or

“(II) discontinued participation in the biosimilar biological product development program for the product under subparagraph (C).

“(C) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product effective October 1 of a fiscal year by, not later than August 1 of the preceding fiscal year—

“(i) if no investigational new drug application concerning the product has been submitted, submitting to the Secretary a written declaration that the person has no present intention of further developing the product as a biosimilar biological product; or

“(ii) if an investigational new drug application concerning the product has been submitted, by withdrawing the investigational new drug application in accordance with part 312 of title 21, Code of Federal Regulations (or any successor regulations).

“(D) REACTIVATION FEE.—

“(i) IN GENERAL.—A person that has discontinued participation in the biosimilar biological product development program for a

product under subparagraph (C) shall pay a fee (referred to in this section as 'reactivation fee') by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued).

“(II) Upon the date of submission (after the date on which such participation was discontinued) of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product.

“(ii) APPLICATION OF ANNUAL FEE.—A person that pays a reactivation fee for a product shall pay for such product, beginning in the next fiscal year, the annual biosimilar biological product development fee under subparagraph (B).

“(E) EFFECT OF FAILURE TO PAY BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT MEETINGS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), the Secretary shall not provide a biosimilar biological product development meeting relating to the product for which fees are owed.

“(ii) NO RECEIPT OF INVESTIGATIONAL NEW DRUG APPLICATIONS.—Except in extraordinary circumstances, the Secretary shall not consider an investigational new drug application to have been received under section 505(i)(2) if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D).

“(iii) FINANCIAL HOLD.—Notwithstanding section 505(i)(2), except in extraordinary circumstances, the Secretary shall prohibit the sponsor of a clinical investigation from continuing the investigation if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee for the product as required under subparagraph (D).

“(iv) NO ACCEPTANCE OF BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS OR SUPPLEMENTS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), any biosimilar biological product application or supplement submitted by that person shall be considered incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

“(F) LIMITS REGARDING BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO REFUNDS.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) or (B), or any reactivation fee paid under subparagraph (D).

“(ii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any ini-

tial or annual biosimilar biological product development fee due or payable under subparagraph (A) or (B), or any reactivation fee due or payable under subparagraph (D).

“(2) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION AND SUPPLEMENT FEE.—

“(A) IN GENERAL.—Each person that submits, on or after October 1, 2012, a biosimilar biological product application or a supplement shall be subject to the following fees:

“(i) A fee for a biosimilar biological product application that is equal to—

“(I) the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required for approval; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for the product that is the subject of the application.

“(ii) A fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are not required, that is equal to—

“(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(iii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application.

“(B) REDUCTION IN FEES.—Notwithstanding section 404 of the Biosimilars User Fee Act of 2012, any person who pays a fee under subparagraph (A), (B), or (D) of paragraph (1) for a product before October 1, 2017, but submits a biosimilar biological product application for that product after such date, shall be entitled to the reduction of any biosimilar biological product application fees that may be assessed at the time when such biosimilar biological product application is submitted, by the cumulative amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(C) PAYMENT DUE DATE.—Any fee required by subparagraph (A) shall be due upon submission of the application or supplement for which such fee applies.

“(D) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a biosimilar biological product application or supplement was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver), the submission of a biosimilar biological product application or a supplement for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

“(E) REFUND OF APPLICATION FEE IF APPLICATION REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under this paragraph for any application or supplement which is refused for filing or withdrawn without a waiver before filing.

“(F) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A biosimilar biological product application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing,

shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived under subsection (c).

“(3) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—

“(A) IN GENERAL.—Except as provided in subparagraph (E), each person that is named as the applicant in a biosimilar biological product application shall be assessed an annual fee established under subsection (b)(1)(E) for each biosimilar biological product establishment that is listed in the approved biosimilar biological product application as an establishment that manufactures the biosimilar biological product named in such application.

“(B) ASSESSMENT IN FISCAL YEARS.—The establishment fee shall be assessed in each fiscal year for which the biosimilar biological product named in the application is assessed a fee under paragraph (4) unless the biosimilar biological product establishment listed in the application does not engage in the manufacture of the biosimilar biological product during such fiscal year.

“(C) DUE DATE.—The establishment fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of such fiscal year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.

“(D) APPLICATION TO ESTABLISHMENT.—

“(i) Each biosimilar biological product establishment shall be assessed only one fee per biosimilar biological product establishment, notwithstanding the number of biosimilar biological products manufactured at the establishment, subject to clause (ii).

“(ii) In the event an establishment is listed in a biosimilar biological product application by more than one applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose biosimilar biological products are manufactured by the establishment during the fiscal year and assessed biosimilar biological product fees under paragraph (4).

“(E) EXCEPTION FOR NEW PRODUCTS.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a biosimilar biological product at an establishment listed in its biosimilar biological product application—

“(i) that did not manufacture the biosimilar biological product in the previous fiscal year; and

“(ii) for which the full biosimilar biological product establishment fee has been assessed in the fiscal year at a time before manufacture of the biosimilar biological product was begun,

the applicant shall not be assessed a share of the biosimilar biological product establishment fee for the fiscal year in which the manufacture of the product began.

“(4) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—

“(A) IN GENERAL.—Each person who is named as the applicant in a biosimilar biological product application shall pay for each such biosimilar biological product the annual fee established under subsection (b)(1)(F).

“(B) DUE DATE.—The biosimilar biological product fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of each such year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

“(C) ONE FEE PER PRODUCT PER YEAR.—The biosimilar biological product fee shall be paid only once for each product for each fiscal year.

“(b) FEE SETTING AND AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, the fees under subsection (a). Except as provided in subsection (c), such fees shall be in the following amounts:

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The initial biosimilar biological product development fee under subsection (a)(1)(A) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The annual biosimilar biological product development fee under subsection (a)(1)(B) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(C) REACTIVATION FEE.—The reactivation fee under subsection (a)(1)(D) for a fiscal year shall be equal to 20 percent of the amount of the fee established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(D) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—The biosimilar biological product application fee under subsection (a)(2) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(E) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—The biosimilar biological product establishment fee under subsection (a)(3) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug establishment for that fiscal year.

“(F) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—The biosimilar biological product fee under subsection (a)(4) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug product for that fiscal year.

“(2) LIMIT.—The total amount of fees charged for a fiscal year under this section may not exceed the total amount for such fiscal year of the costs of resources allocated for the process for the review of biosimilar biological product applications.

“(c) APPLICATION FEE WAIVER FOR SMALL BUSINESS.—

“(1) WAIVER OF APPLICATION FEE.—The Secretary shall grant to a person who is named in a biosimilar biological product application a waiver from the application fee assessed to that person under subsection (a)(2)(A) for the first biosimilar biological product application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

“(A) application fees for all subsequent biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business; and

“(B) all supplement fees for all supplements to biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business.

“(2) CONSIDERATIONS.—In determining whether to grant a waiver of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant.

“(3) SMALL BUSINESS DEFINED.—In this subsection, the term ‘small business’ means an entity that has fewer than 500 employees, including employees of affiliates, and does not have a drug product that has been approved under a human drug application (as defined in section 735) or a biosimilar biological product application (as defined in section 744G(4)) and introduced or delivered for introduction into interstate commerce.

“(d) EFFECT OF FAILURE TO PAY FEES.—A biosimilar biological product application or supplement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

“(e) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Subject to paragraph (2), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of biosimilar biological product applications.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year.

“(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of the process for the review of biosimilar biological product applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$20,000,000, multiplied by the adjustment factor applicable to the fiscal year involved.

“(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013, for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013 may be collected and shall be credited to such account and remain available until expended.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent

to the total amount of fees assessed for such fiscal year under this section.

“(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) WRITTEN REQUESTS FOR WAIVERS AND REFUNDS.—To qualify for consideration for a waiver under subsection (c), or for a refund of any fee collected in accordance with subsection (a)(2)(A), a person shall submit to the Secretary a written request for such waiver or refund not later than 180 days after such fee is due.

“(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in the process of the review of biosimilar biological product applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.”

SEC. 403. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 8 of subchapter C of chapter VII, as added by section 402 of this Act, is further amended by inserting after section 744H the following:

“SEC. 744I. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 401(b) of the Biosimilar User Fee Act of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all biosimilar biological product applications and supplements in the cohort.

“(b) FISCAL REPORT.—Not later than 120 days after the end of fiscal year 2013 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) STUDY.—

“(1) IN GENERAL.—The Secretary shall contract with an independent accounting or consulting firm to study the workload volume and full costs associated with the process for the review of biosimilar biological product applications.

“(2) INTERIM RESULTS.—Not later than June 1, 2015, the Secretary shall publish, for public comment, interim results of the study described under paragraph (1).

“(3) FINAL RESULTS.—Not later than September 30, 2016, the Secretary shall publish, for public comment, the final results of the study described under paragraph (1).

“(e) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for the process for the review of biosimilar biological product applications for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the regulated industry.

“(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.”.

SEC. 404. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744G and 744H, as added by section 402 of this Act, are repealed October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 744I, as added by section 403 of this Act, is repealed January 31, 2018.

SEC. 405. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this title shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this title.

(b) EXCEPTION.—Fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as added by this title, shall be assessed for all biosimilar biological product applications received on or after October 1, 2012, regardless of the date of the enactment of this title.

SEC. 406. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2007, but before October 1, 2012, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 407. CONFORMING AMENDMENT.

Section 735(1)(B) (21 U.S.C. 379g(1)(B)) is amended by striking “(or (k))”.

TITLE V—REAUTHORIZATION OF BEST PHARMACEUTICALS FOR CHILDREN ACT AND PEDIATRIC RESEARCH EQUITY ACT

SEC. 501. PERMANENT EXTENSION OF BEST PHARMACEUTICALS FOR CHILDREN ACT AND PEDIATRIC RESEARCH EQUITY ACT.

(a) PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.—Section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) is amended—

(1) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by inserting “or section 351(m) of this Act,” after “Cosmetic Act,”;

(B) in subparagraph (A)(i), by inserting “or section 351(k) of this Act” after “Cosmetic Act”; and

(C) by amending subparagraph (B) to read as follows:

“(B)(i) there remains no patent listed pursuant to section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act; and

“(ii) every three-year and five-year period referred to in subsection (c)(3)(E)(ii), (c)(3)(E)(iii), (c)(3)(E)(iv), (j)(5)(F)(ii), (j)(5)(F)(iii), or (j)(5)(F)(iv) of section 505 of the Federal Food, Drug and Cosmetic Act, or applicable twelve-year period referred to in section 351(k)(7) of this Act, and any seven-year period referred to in section 527 of the Federal Food, Drug, and Cosmetic Act, has ended for at least one form of the drug; and”;

(2) in subsection (c)(2)—

(A) in the heading of paragraph (2), by striking “FOR DRUGS LACKING EXCLUSIVITY”;

(B) by striking “under section 505 of the Federal Food, Drug, and Cosmetic Act”; and

(C) by striking “505A of such Act” and inserting “505A of the Federal Food, Drug, and Cosmetic Act or section 351(m) of this Act”;

(3) in subsection (e)(1), by striking “to carry out this section” and all that follows through the end of paragraph (1) and inserting “\$25,000,000 for each of fiscal years 2013 through 2017.”;

(b) PEDIATRIC STUDIES OF DRUGS IN FFDCA.—Section 505A (21 U.S.C. 355a) is amended—

(1) in subsection (d)(1)(A), by adding at the end the following: “If a request under this subparagraph does not request studies in neonates, such request shall include a statement describing the rationale for not requesting studies in neonates.”;

(2) by amending subsection (h) to read as follows:

“(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Exclusivity under this section shall only be granted for the completion of a study or studies that are the subject of a written request and for which reports are submitted and accepted in accordance with subsection (d)(3). Written requests under this section may consist of a study or studies required under section 505B.”;

(3) in subsection (k)(2), by striking “subsection (f)(3)(F)” and inserting “subsection (f)(6)(F)”;

(4) in subsection (1)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “YEAR ONE” and inserting “FIRST 18-MONTH PERIOD”; and

(ii) by striking “one-year” and inserting “18-month”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “YEARS” and inserting “PERIODS”; and

(ii) by striking “one-year period” and inserting “18-month period”;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

“(3) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall prohibit the Office of Pediatric Therapeutics from providing for the review of adverse event reports by the Pediatric Advisory Committee prior to the 18-month period referred to in paragraph (1), if such review is necessary to ensure safe use of a drug in a pediatric population.”;

(5) in subsection (n)—

(A) in the subsection heading, by striking “COMPLETED” and inserting “SUBMITTED”; and

(B) in paragraph (1)—

(i) in the text preceding subparagraph (A), by striking “have not been completed” and inserting “have not been submitted by the date specified in the written request issued and agreed upon”; and

(ii) by revising subparagraphs (A) and (B) to read as follows:

“(A) For a drug for which there remains any listed patent or exclusivity protection eligible for extension under subsection (b)(1) or (c)(1) of this section, or any exclusivity protection eligible for extension under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act, the Secretary shall make a determination regarding whether an assessment shall be required to be submitted under section 505B(b).

“(B) For a drug that has no remaining listed patents or exclusivity protection eligible for extension under subsection (b)(1) or (c)(1) of this section, or any exclusivity protection eligible for extension under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.”;

(6) in subsection (o)(2), by amending subparagraph (B) to read as follows:

“(B) a statement of any appropriate pediatric contraindications, warnings, precautions, or other information that the Secretary considers necessary to assure safe use.”; and

(7) by striking subsection (q) (relating to a sunset).

(c) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PROJECTS IN FFDCA.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter before subparagraph (A), by inserting “for a drug” after “(or supplement to an application)”;

(B) in paragraph (3)—

(i) by redesignating subparagraph (B) as subparagraph (D); and

(ii) by inserting after subparagraph (A) the following:

“(B) DEFERRAL EXTENSION.—On the initiative of the Secretary or at the request of the applicant, the Secretary may grant an extension of a deferral under subparagraph (A) if—

“(i) the Secretary finds that the criteria specified in subclause (II) or (III) of subparagraph (A)(i) continue to be met; and

“(ii) the applicant submits the materials required under subparagraph (A)(ii).

“(C) CONSIDERATION DURING DEFERRAL PERIOD.—If the Secretary has under this paragraph deferred the date by which an assessment must be submitted, then until the date specified in the deferral under subparagraph (A) (including any extension of such date under subparagraph (B))—

“(i) the assessment shall not be considered late or delayed; and

“(ii) the Secretary shall not classify the assessment as late or delayed in any report, database, or public posting.”; and

(iii) in subparagraph (D), as redesignated, by amending clause (ii) to read as follows:

“(ii) PUBLIC AVAILABILITY.—Not later than 60 days after the submission to the Secretary of the information submitted through the annual review under clause (i), the Secretary shall make available to the public in an easily accessible manner, including through the Web site of the Food and Drug Administration—

“(I) such information;

“(II) the name of the applicant for the product subject to the assessment;

“(III) the date on which the product was approved; and

“(IV) the date of each deferral or deferral extension under this paragraph for the product.”; and

(C) in paragraph (4)(C)—

(i) in the first sentence, by inserting “partial” before “waiver is granted”; and

(ii) in the second sentence, by striking “either a full or partial waiver” and inserting “a partial waiver”;

(2) in subsection (b)(1), by striking “After providing notice in the form of a letter (that, for a drug approved under section 505, references a declined written request under section 505A for a labeled indication which written request is not referred under section 505A(n)(1)(A) to the Foundation of the National Institutes of Health for the pediatric studies), the Secretary” and inserting “The Secretary”;

(3) by amending subsection (d) to read as follows:

“(d) FAILURE TO MEET REQUIREMENTS.—If a person fails to submit a required assessment described in subsection (a)(2), fails to meet the applicable requirements in subsection (a)(3), or fails to submit a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

“(1)(A) the Secretary shall issue a letter to such person informing such person of such failure;

“(B) not later than 30 calendar days after the issuance of a letter under subparagraph (A), the person who receives such letter shall submit to the Secretary a written response to such letter; and

“(C) not later than 45 calendar days after the issuance of a letter under subparagraph (A), the Secretary shall make such letter, and any response to such letter under subparagraph (B), available to the public on the Web site of the Food and Drug Administration, with appropriate redactions made to protect trade secrets and confidential commercial information, except that, if the Secretary determines that the letter under subparagraph (A) was issued in error, the requirements of this subparagraph shall not apply with respect to such letter; and

“(2)(A) the drug or biological product that is the subject of the required assessment, applicable requirements in subsection (a)(3), or required request for approval of a pediatric formulation may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

“(B) the failure to submit the required assessment, meet the applicable requirements in subsection (a)(3), or submit the required request for approval of a pediatric formulation shall not be the basis for a proceeding—

“(i) to withdraw approval for a drug under section 505(e); or

“(ii) to revoke the license for a biological product under section 351 of the Public Health Service Act.”;

(4) by amending subsection (e) to read as follows:

“(e) INITIAL PEDIATRIC PLAN.—

“(1) IN GENERAL.—

“(A) SUBMISSION.—An applicant who is required to submit an assessment under subsection (a)(1) shall submit an initial pediatric plan.

“(B) TIMING.—An applicant shall submit the initial pediatric plan under paragraph (1)—

“(i) before the date on which the applicant submits the assessments under subsection (a)(2); and

“(ii) not later than—

“(I) 60 calendar days after the date of end-of-Phase 2 meeting (as such term is used in section 312.47 of title 21, Code of Federal Regulations, or successor regulations); or

“(II) such other time as may be agreed upon between the Secretary and the applicant.

Nothing in this section shall preclude the Secretary from accepting the submission of an initial pediatric plan earlier than the date otherwise applicable under this subparagraph.

“(C) CONTENTS.—The initial pediatric plan shall include—

“(i) an outline of the pediatric studies that the applicant plans to conduct;

“(ii) any request for a deferral, partial waiver, or waiver under this section, along with supporting information; and

“(iii) other information the Secretary determines necessary, including any information specified in regulations under paragraph (5).

“(2) MEETING.—

“(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 calendar days after receiving an initial pediatric plan under paragraph (1), the Secretary shall meet with the applicant to discuss the plan.

“(B) WRITTEN RESPONSE.—If the Secretary determines that a written response to the initial pediatric plan is sufficient to communicate comments on the initial pediatric plan, and that no meeting is necessary the Secretary shall, not later than 90 days after receiving an initial pediatric plan under paragraph (1)—

“(i) notify the applicant of such determination; and

“(ii) provide to the applicant the Secretary's written comments on the plan.

“(3) AGREED INITIAL PEDIATRIC PLAN.—

“(A) SUBMISSION.—The applicant shall submit to the Secretary a document reflecting the agreement between the Secretary and the applicant on the initial pediatric plan (referred to in this subsection as an ‘agreed initial pediatric plan’).

“(B) CONFIRMATION.—Not later than 30 days after receiving the agreed initial pediatric plan under subparagraph (A), the Secretary shall provide written confirmation to the applicant that such plan reflects the agreement of the Secretary.

“(C) DEFERRAL AND WAIVER.—If the agreed initial pediatric plan contains a request from the applicant for a deferral, partial waiver, or waiver under this section, the written confirmation under subparagraph (B) shall include a recommendation from the Secretary as to whether such request meets the standards under paragraphs (3) or (4) of subsection (a).

“(D) AMENDMENTS TO THE PLAN.—At the initiative of the Secretary or the applicant, the agreed initial pediatric plan may be

amended at any time. The requirements of paragraph (2) shall apply to any such proposed amendment in the same manner and to the same extent as such requirements apply to an initial pediatric plan under paragraph (1). The requirements of subparagraphs (A) through (C) of this paragraph shall apply to any agreement resulting from such proposed amendment in the same manner and to the same extent as such requirements apply to an agreed initial pediatric plan.

“(4) INTERNAL COMMITTEE.—The Secretary shall consult the internal committee under section 505C on the review of the initial pediatric plan, agreed initial pediatric plan, and any amendments to such plans.

“(5) MANDATORY RULEMAKING.—Not later than one year after the date of enactment of the Food and Drug Administration Reform Act of 2012, the Secretary shall promulgate proposed regulations and guidance to implement the provisions of this subsection.

“(6) EFFECTIVE DATE.—The provisions of this subsection shall take effect 180 calendar days after the date of enactment of the Food and Drug Administration Reform Act of 2012, irrespective of whether the Secretary has promulgated final regulations to carry out this subsection by such date.”;

(5) in subsection (f)—

(A) in the subsection heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS,”;

(B) in paragraph (4)—

(i) in the paragraph heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS,”; and

(ii) in the second sentence, by inserting “, deferral extensions,” after “deferrals”; and

(C) in paragraph (6)(D)—

(i) by inserting “and deferral extensions” before “requested and granted”; and

(ii) by inserting “and deferral extensions” after “the reasons for such deferrals”;

(6) in subsection (g)—

(A) in paragraph (1)(A), by striking “after the date of the submission of the application or supplement” and inserting “after the date of the submission of an application or supplement that receives a priority review or 330 days after the date of the submission of an application or supplement that receives a standard review”; and

(B) in paragraph (2), by striking “the label of such product” and inserting “the labeling of such product”;

(7) in subsection (h)(1)—

(A) by inserting “an application (or supplement to an application) that contains” after “date of submission of”; and

(B) by inserting “if the application (or supplement) receives a priority review, or not later than 330 days after the date of submission of an application (or supplement to an application) that contains a pediatric assessment under this section, if the application (or supplement) receives a standard review,” after “under this section.”;

(8) in subsection (i)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “YEAR ONE” and inserting “FIRST 18-MONTH PERIOD”; and

(ii) by striking “one-year” and inserting “18-month”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “YEARS” and inserting “PERIODS”; and

(ii) by striking “one-year period” and inserting “18-month period”;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

“(3) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall prohibit the Office of Pediatric Therapeutics from providing for the review of adverse event reports by the Pediatric Advisory Committee prior to the 18-month period referred to in paragraph (1), if such review is necessary to ensure safe use of a drug in a pediatric population.”;

(9) by striking subsection (m) (relating to integration with other pediatric studies); and

(10) by redesignating subsection (n) as subsection (m).

(d) PEDIATRIC STUDIES OF BIOLOGICAL PRODUCTS IN PHSA.—Section 351(m)(1) of the Public Health Service Act (42 U.S.C. 262(m)(1)) is amended by striking “(f), (i), (j), (k), (l), (p), and (q)” and inserting “(f), (h), (i), (j), (k), (l), (n), and (p)”.

(e) APPLICATION; TRANSITION RULE.—

(1) APPLICATION.—Notwithstanding any provision of section 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) stating that a provision applies beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007 or the date of the enactment of the Pediatric Research Equity Act of 2007, any amendment made by this Act to such a provision applies beginning on the date of the enactment of this Act.

(2) TRANSITIONAL RULE FOR ADVERSE EVENT REPORTING.—With respect to a drug for which a labeling change described under section 505A(l)(1) or 505B(i)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(l)(1); 355c(i)(1)) is approved or made, respectively, during the one-year period that ends on the day before the date of enactment of this Act, the Secretary shall apply section 505A(l) and section 505B(i), as applicable, to such drug, as such sections were in effect on such day.

(f) CONFORMING AMENDMENT.—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking “for which the Secretary issues a certification in the affirmative under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act”.

(g) PUBLIC MEETING ON PEDIATRIC CANCERS.—Not later than December 31, 2013, the Secretary of Health and Human Services shall hold a public meeting on the impact of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) on the development of new therapies for children with cancer.

SEC. 502. FOOD AND DRUG ADMINISTRATION REPORT.

(a) IN GENERAL.—Not later than four years after the date of enactment of this Act and every five years thereafter, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, including through posting on the Web site of the Food and Drug Administration, a report on the implementation of section 505A and 505B.

(b) CONTENTS.—The report described in paragraph (1) shall include—

(1) an assessment of the effectiveness of sections 505A and 505B in improving information about pediatric uses for approved drugs and biologics, including the number and type of labeling changes made since the date of enactment of this Act;

(2) the number of waivers and partial waivers granted under section 505B since the date of enactment of this Act, and the reasons such waivers and partial waivers were granted;

(3) the number of deferrals and deferral extensions granted under section 505B since the date of enactment of this Act, and the reasons such deferrals and deferral extensions were granted;

(4) the number of letters issued under section 505B(d);

(5) an assessment of the timeliness and effectiveness of pediatric study planning since the date of enactment of this Act, including the number of pediatric plans not submitted in accordance with the requirements of section 505B(e) and any resulting rulemaking;

(6) the number of written requests issued, accepted, and declined under section 505A since the date of enactment of this Act, and a listing of any important gaps in pediatric information as a result of such declined requests;

(7) a description and current status of referrals made under section 505A(n);

(8) an assessment of the effectiveness of studying drugs for rare diseases under 505A;

(9) an assessment of the effectiveness of studying drugs for children with cancer under 505A and 505B, and any recommendations for modifications to the programs under such sections that would lead to new and better therapies for children with cancer;

(10) an assessment of the effectiveness of studying drugs in the neonate population under 505A and 505B;

(11) an assessment of the effectiveness of studying biological products in pediatric populations under 505A and 505B;

(12) an assessment of the Secretary's efforts to address the suggestions and options described in the report required under 505A(p); and

(13) any suggestions for modification to the programs that would improve pediatric drug research and increase pediatric labeling of drugs and biologics that the Secretary determines to be appropriate.

(c) STAKEHOLDER COMMENT.—At least 180 days prior to the submission of the report required in paragraph (1), the Secretary shall consult with representatives of patient groups, including pediatric patient groups, consumer groups, regulated industry, academia, and other interested parties to obtain any recommendations or information relevant to the study and report including suggestions for modifications that would improve pediatric drug research and pediatric labeling of drugs and biologics.

SEC. 503. INTERNAL COMMITTEE FOR REVIEW OF PEDIATRIC PLANS, ASSESSMENTS, DEFERRALS, DEFERRAL EXTENSIONS, AND WAIVERS.

Section 505C (21 U.S.C. 355d) is amended—

(1) in the section heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS,”; and

(2) by inserting “neonatology” after “pediatric ethics”.

SEC. 504. STAFF OF OFFICE OF PEDIATRIC THERAPEUTICS.

Section 6(c) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(c)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following:

“(2) one or more additional individuals with expertise in neonatology;

“(3) one or more additional individuals with expertise in pediatric epidemiology; and”.

SEC. 505. CONTINUATION OF OPERATION OF PEDIATRIC ADVISORY COMMITTEE.

Section 14(d) of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by striking “during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007” and inserting “to carry out the advisory committee's responsibilities under sections 505A, 505B, and 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c, and 360j(m))”.

SEC. 506. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

Section 15(a) of the Best Pharmaceuticals for Children Act (Public Law 107–109), as amended by section 502(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85), is amended—

(1) in paragraph (1)(D), by striking “section 505B(f)” and inserting “section 505C”; and

(2) in paragraph (3), by striking “during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007” and inserting “to carry out the Subcommittee's responsibilities under this section”.

TITLE VI—FOOD AND DRUG ADMINISTRATION ADMINISTRATIVE REFORMS

SEC. 601. PUBLIC PARTICIPATION IN ISSUANCE OF FDA GUIDANCE DOCUMENTS.

Section 701(h)(1) (21 U.S.C. 371(h)(1)) is amended by striking subparagraph (C) and inserting the following:

“(C) For any guidance document that sets forth initial interpretations of a statute or regulation, sets forth changes in interpretation or policy that are of more than a minor nature, includes complex scientific issues, or covers highly controversial issues—

“(i) the Secretary—

“(I) at least 30 days before issuance of a draft of such guidance document, shall publish notice in the Federal Register of the Secretary's intent to prepare such guidance document; and

“(II) during preparation and before issuance of such guidance document, may meet with interested stakeholders, including industry, medical, and scientific experts and others, and solicit public comment;

“(ii) if the Secretary for good cause finds that, with respect to such guidance document, compliance with clause (i) is impracticable, unnecessary, or contrary to the public interest—

“(I) the Secretary shall publish such finding and a brief statement of the reasons for such finding in the Federal Register;

“(II) clause (i) shall not apply with respect to such guidance document; and

“(III) during a 90-day period beginning not later than the date of issuance of such guidance document, the Secretary may meet with interested stakeholders, including industry, medical, and scientific experts and others, and shall solicit public comment;

“(iii) beginning on the date of enactment of the Food and Drug Administration Reform Act of 2012, upon issuance of a draft guidance document under clause (i) or (ii), the Secretary shall—

“(I) designate the document as draft or final; and

“(II) not later than 18 months after the close of the comment period for such guidance, issue a final version of such guidance document in accordance with clauses (i) and (ii);

“(iv) the Secretary may extend the deadline for issuing final guidance under clause (iii)(II) by not more than 180 days upon submission by the Secretary of a notification of such extension in the Federal Register;

“(v) if the Secretary issues a draft guidance document and fails to finalize the draft by the deadline determined under clause (iii)(II), as extended under clause (iv), the Secretary shall, beginning on the date of such deadline, treat the draft as null and void; and

“(vi) not less than every 5 years after the issuance of a final guidance document in accordance with clause (iii), the Secretary shall—

“(I) conduct a retrospective analysis of such guidance document to ensure it is not outmoded, ineffective, insufficient, or excessively burdensome; and

“(II) based on such analysis, modify, streamline, expand, or repeal the guidance document in accordance with what has been learned.

“(D) With respect to devices, a notice to industry guidance letter, a notice to industry advisory letter, and any similar notice that sets forth initial interpretations of a statute or regulation or sets forth changes in interpretation or policy shall be treated as a guidance document for purposes of subparagraph (C).

“(E) The following shall not be treated as a guidance document for purposes of subparagraph (C):

“(i) Any document that does not set forth an initial interpretation or a reinterpretation of a statute or regulation.

“(ii) Any document that sets forth or changes a policy relating to internal procedures of the Food and Drug Administration.

“(iii) Agency reports, general information documents provided to consumers or health professionals, speeches, journal articles and editorials, media interviews, press materials, warning letters, memoranda of understanding, or communications directed to individual persons or firms.”.

SEC. 602. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Section 712 (21 U.S.C. 379d-1) is amended—

(1) by striking subsections (b) and (c) and inserting the following subsections:

“(b) RECRUITMENT FOR ADVISORY COMMITTEES.—

“(1) IN GENERAL.—The Secretary shall—

“(A) develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups;

“(B) seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities;

“(C) at least every 180 days, request referrals for potential members of advisory committees from a variety of stakeholders, including—

“(i) product developers, patient groups, and disease advocacy organizations; and

“(ii) relevant—

“(I) professional societies;

“(II) medical societies;

“(III) academic organizations; and

“(IV) governmental organizations; and

“(D) in carrying out subparagraphs (A) and (B), take into account the levels of activity (including the numbers of annual meetings) and the numbers of vacancies of the advisory committees.

“(2) RECRUITMENT ACTIVITIES.—The recruitment activities under paragraph (1) may include—

“(A) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

“(B) making widely available, including by using existing electronic communications

channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

“(C) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person whom the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

“(3) EXPERTISE.—In carrying out this subsection, the Secretary shall seek to ensure that the Secretary has access to the most current expert advice.

“(c) DISCLOSURE OF DETERMINATIONS AND CERTIFICATIONS.—Notwithstanding section 107(a)(2) of the Ethics in Government Act of 1978, the following shall apply:

“(1) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but (except as provided in paragraph (2)) not later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title, applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 or section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet Website of the Food and Drug Administration—

“(A) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination or certification applies; and

“(B) the reasons of the Secretary for such determination or certification, including, as appropriate, the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.

“(2) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 or 552a of title 5, United States Code) on the Internet Website of the Food and Drug Administration, the information described in subparagraphs (A) and (B) of paragraph (1) as soon as practicable after the Secretary makes such determination or certification, but in no case later than the date of such meeting.”;

(2) in subsection (d), by striking “subsection (c)(3)” and inserting “subsection (c)”;

(3) by amending subsection (e) to read as follows:

“(e) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, a report that describes—

“(A) with respect to the fiscal year that ended on September 30 of the previous year, the number of persons nominated for participation at meetings for each advisory committee, the number of persons so nominated,

and willing to serve, the number of vacancies on each advisory committee, and the number of persons contacted for service as members on each advisory committee meeting for each advisory committee who did not participate because of the potential for such participation to constitute a disqualifying financial interest under section 208 of title 18, United States Code;

“(B) with respect to such year, the number of persons contacted for services as members for each advisory committee meeting for each advisory committee who did not participate because of reasons other than the potential for such participation to constitute a disqualifying financial interest under section 208 of title 18, United States Code;

“(C) with respect to such year, the number of members attending meetings for each advisory committee; and

“(D) with respect to such year, the aggregate number of disclosures required under subsection (d) and the percentage of individuals to whom such disclosures did not apply who served on such committee.

“(2) PUBLIC AVAILABILITY.—Not later than 30 days after submitting any report under paragraph (1) to the committees specified in such paragraph, the Secretary shall make each such report available to the public.”; and

(4) in subsection (f), by striking “shall review guidance” and all that follows through the end of the subsection and inserting the following: “shall—

“(1) review guidance of the Food and Drug Administration with respect to advisory committees regarding disclosure of conflicts of interest and the application of section 208 of title 18, United States Code; and

“(2) update such guidance as necessary to ensure that the Food and Drug Administration receives appropriate access to needed scientific expertise, with due consideration of the requirements of such section 208.”.

(b) APPLICABILITY.—The amendments made by subsection (a) apply beginning on October 1, 2012.

SEC. 603. ELECTRONIC SUBMISSION OF APPLICATIONS.

Subchapter D of chapter VII (21 U.S.C. 379k et seq.) is amended by inserting after section 745 the following:

“SEC. 745A. ELECTRONIC FORMAT FOR SUBMISSIONS.

“(a) DRUGS AND BIOLOGICS.—

“(1) IN GENERAL.—Beginning no earlier than 24 months after the issuance of a final guidance issued after public notice and opportunity for comment, submissions under subsection (b), (i), or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the Public Health Service Act shall be submitted in such electronic format as specified by the Secretary in such guidance.

“(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

“(A) provide a timetable for establishment by the Secretary of further standards for electronic submission as required by such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.

“(3) EXCEPTION.—This subsection shall not apply to submissions described in section 561.

“(b) DEVICES.—

“(1) IN GENERAL.—Beginning after the issuance of final guidance implementing this paragraph, pre-submissions and submissions for devices under section 510(k), 513(f)(2)(A), 515(c), 515(d), 515(f), 520(g), 520(m), or 564 of this Act or section 351 of the Public Health Service Act, and any supplements to such

pre-submissions or submissions, shall include an electronic copy of such pre-submissions or submissions.

“(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

“(A) provide standards for the electronic copy required under such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.”.

SEC. 604. NOTIFICATION OF FDA INTENT TO REGULATE LABORATORY-DEVELOPED TESTS.

The Food and Drug Administration may not issue any draft or final guidance on the regulation of laboratory-developed tests under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) without, at least 60 days prior to such issuance—

(1) notifying the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate of the Administration's intent to take such action; and

(2) including in such notification the anticipated details of such action.

TITLE VII—MEDICAL DEVICE REGULATORY IMPROVEMENTS

Subtitle A—Premarket Predictability

SEC. 701. INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360j(g)) is amended—

(1) in paragraph (2)(B)(ii), by inserting “safety or effectiveness” before “data obtained”; and

(2) in paragraph (4), by adding at the end the following:

“(C) Consistent with paragraph (1), the Secretary shall not disapprove an application under this subsection because the Secretary determines that—

“(i) the investigation may not support a substantial equivalence or de novo classification determination or approval of the device;

“(ii) the investigation may not meet a requirement, including a data requirement, relating to the approval or clearance of a device; or

“(iii) an additional or different investigation may be necessary to support clearance or approval of the device.”.

SEC. 702. CLARIFICATION OF LEAST BURDEN-SOME STANDARD.

(a) PREMARKET APPROVAL.—Section 513(a)(3)(D) (21 U.S.C. 360c(a)(3)(D)) is amended—

(1) by redesignating clause (iii) as clause (v); and

(2) by inserting after clause (ii) the following:

“(iii) For purposes of clause (ii), the term ‘necessary’ means the minimum required information that would support a determination by the Secretary that an application provides reasonable assurance of the effectiveness of the device.

“(iv) Nothing in this subparagraph shall alter the criteria for evaluating an application for premarket approval of a device.”.

(b) PREMARKET NOTIFICATION UNDER SECTION 510(k).—Section 513(i)(1)(D) (21 U.S.C. 360c(i)(1)(D)) is amended—

(1) by striking “(D) Whenever” and inserting “(D)(i) Whenever”; and

(2) by adding at the end the following:

“(ii) For purposes of clause (i), the term ‘necessary’ means the minimum required information that would support a determination of substantial equivalence between a new device and a predicate device.

“(iii) Nothing in this subparagraph shall alter the standard for determining substan-

tial equivalence between a new device and a predicate device.”.

SEC. 703. AGENCY DOCUMENTATION AND REVIEW OF SIGNIFICANT DECISIONS.

Chapter V is amended by inserting after section 517 (21 U.S.C. 360g) the following:

“SEC. 517A. AGENCY DOCUMENTATION AND REVIEW OF SIGNIFICANT DECISIONS REGARDING DEVICES.

“(a) DOCUMENTATION OF RATIONALE FOR SIGNIFICANT DECISIONS.—

“(1) IN GENERAL.—The Secretary shall completely document the scientific and regulatory rationale for any significant decision of the Center for Devices and Radiological Health regarding submission or review of a report under section 510(k), an application under section 515, or an application for an exemption under section 520(g), including documentation of significant controversies or differences of opinion and the resolution of such controversies or differences of opinion.

“(2) PROVISION OF DOCUMENTATION.—Upon request, the Secretary shall furnish such complete documentation to the person who is seeking to submit, or who has submitted, such report or application.

“(b) REVIEW OF SIGNIFICANT DECISIONS.—

“(1) REQUEST FOR SUPERVISORY REVIEW OF SIGNIFICANT DECISION.—Any person may request a supervisory review of the significant decision described in subsection (a)(1). Such review may be conducted at the next supervisory level or higher above the individual who made the significant decision.

“(2) SUBMISSION OF REQUEST.—A person requesting a supervisory review under paragraph (1) shall submit such request to the Secretary not later than 30 days after such decision and shall indicate in the request whether such person seeks an in-person meeting or a teleconference review.

“(3) TIMEFRAME.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall schedule an in-person or teleconference review, if so requested, not later than 30 days after such request is made. The Secretary shall issue a decision to the person requesting a review under this subsection not later than 45 days after the request is made under paragraph (1), or, in the case of a person who requests an in-person meeting or teleconference, 30 days after such meeting or teleconference.

“(B) EXCEPTION.—Subparagraph (A) shall not apply in cases that are referred to experts outside of the Food and Drug Administration.”.

SEC. 704. TRANSPARENCY IN CLEARANCE PROCESS.

(a) PUBLICATION OF DETAILED DECISION SUMMARIES.—Section 520(h) (21 U.S.C. 360j(h)) is amended by adding at the end the following:

“(5) Subject to subsection (c) and section 301(j), the Secretary shall regularly publish detailed decision summaries for each clearance of a device under section 510(k) requiring clinical data.”.

(b) APPLICATION.—The requirement of section 520(h)(5) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to clearance of a device occurring after the date of the enactment of this Act.

SEC. 705. DEVICE MODIFICATIONS REQUIRING PREMARKET NOTIFICATION PRIOR TO MARKETING.

Section 510(n) (21 U.S.C. 360(n)) is amended by—

(1) striking “(n) The Secretary” and inserting “(n)(1) The Secretary”; and

(2) by adding at the end the following:

“(2)(A) Not later than 18 months after the enactment of this paragraph, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report regarding when a premarket notification under subsection (k) should be submitted for a modification or change to a legally marketed device. The report shall include the Secretary's interpretation of the following terms: ‘could significantly affect the safety or effectiveness of the device’, ‘a significant change or modification in design, material, chemical composition, energy source, or manufacturing process’, and ‘major change or modification in the intended use of the device’. The report also shall discuss possible processes for industry to use to determine whether a new submission under subsection (k) is required and shall analyze how to leverage existing quality system requirements to reduce premarket burden, facilitate continual device improvement, and provide reasonable assurance of safety and effectiveness of modified devices. In developing such report, the Secretary shall consider the input of interested stakeholders.

“(B) The Secretary shall withdraw the Food and Drug Administration draft guidance entitled ‘Guidance for Industry and FDA Staff—510(k) Device Modifications: Deciding When to Submit a 510(k) for a Change to an Existing Device’, dated July 27, 2011, and shall not use this draft guidance as part of, or for the basis of, any premarket review or any compliance or enforcement decisions or actions. The Secretary shall not issue—

“(i) any draft guidance or proposed regulation that addresses when to submit a premarket notification submission for changes and modifications made to a manufacturer's previously cleared device before the receipt by the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate of the report required in subparagraph (A); and

“(ii) any final guidance or regulation on that topic for one year after date of receipt of such report by the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(C) The Food and Drug Administration guidance entitled ‘Deciding When to Submit a 510(k) for a Change to an Existing Device’, dated January 10, 1997, shall be in effect until the subsequent issuance of guidance or promulgation, if appropriate, of a regulation described in subparagraph (B), and the Secretary shall interpret such guidance in a manner that is consistent with the manner in which the Secretary has interpreted such guidance since 1997.”.

Subtitle B—Patients Come First

SEC. 711. ESTABLISHMENT OF SCHEDULE AND PROMULGATION OF REGULATION.

(a) ESTABLISHMENT OF SCHEDULE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish the schedule referred to in section 515(i)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(i)(3)).

(b) REGULATION.—Not later than one year after the date that the schedule is established under such section 515(i)(3) (as required by subsection (a)) the Secretary shall issue a final regulation under section 515(b) of such Act for each device that the Secretary requires to remain in class III

through a determination under section 515(i)(2) of such Act.

SEC. 712. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

Chapter V is amended by inserting after section 518 (21 U.S.C. 360h) the following:

“SEC. 518A. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

“(a) IN GENERAL.—The Secretary shall—

“(1) establish a program to routinely and systematically assess information relating to device recalls and use such information to proactively identify strategies for mitigating health risks presented by defective or unsafe devices;

“(2) clarify procedures for conducting device recall audit checks to improve the ability of investigators to perform those checks in a consistent manner;

“(3) develop detailed criteria for assessing whether a person performing a device recall has performed an effective correction or action plan for the recall; and

“(4) document the basis for each termination by the Food and Drug Administration of a device recall.

“(b) ASSESSMENT CONTENT.—The program established under subsection (a)(1) shall, at a minimum, identify—

“(1) trends in the number and types of device recalls;

“(2) devices that are most frequently the subject of a recall; and

“(3) underlying causes of device recalls.

“(c) DEFINITION.—In this section, the term ‘recall’ means—

“(1) the removal from the market of a device pursuant to an order of the Secretary under subsection (b) or (e) of section 518; or

“(2) the correction or removal from the market of a device at the initiative of the manufacturer or importer of the device that is required to be reported to the Secretary under section 519(g).”

Subtitle C—Novel Device Regulatory Relief

SEC. 721. MODIFICATION OF DE NOVO APPLICATION PROCESS.

(a) IN GENERAL.—Section 513(f)(2) (21 U.S.C. 360c(f)(2)) is amended—

(1) by inserting “(i)” after “(2)(A)”;

(2) in subparagraph (A)(i), as so designated by paragraph (1), by striking “under the criteria set forth” and all that follows through the end of subparagraph (A) and inserting a period;

(3) by adding at the end of subparagraph (A) the following:

“(ii) In lieu of submitting a report under section 510(k) and submitting a request for classification under clause (i) for a device, if a person determines there is no legally marketed device upon which to base a determination of substantial equivalence (as defined in subsection (i)), a person may submit a request under this clause for the Secretary to classify the device.

“(iii) Upon receipt of a request under clause (i) or (ii), the Secretary shall classify the device subject to the request under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1) within 120 days.

“(iv) Notwithstanding clause (iii), the Secretary may decline to undertake a classification of a device pursuant to a request under clause (ii) if the Secretary—

“(I) identifies a legally marketed device that would permit a substantial equivalence determination under paragraph (1) for the device; or

“(II) determines that the device submitted is not of low-moderate risk or special controls to mitigate the risks cannot be developed for the device.

“(v) The person submitting the request for classification under this subparagraph may recommend to the Secretary a classification for the device and shall, if recommending classification in class II, include in the request an initial draft proposal for applicable special controls, as described in subsection (a)(1)(B), that are necessary, in conjunction with general controls, to provide reasonable assurance of safety and effectiveness and a description of how the special controls provide such assurance. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.”; and

(4) in subparagraph (B), by striking “Not later than 60 days after the date of the submission of the request under subparagraph (A), the Secretary” and inserting “The Secretary”.

(b) CONFORMING AMENDMENTS.—Section 513(f) of such Act (21 U.S.C. 360c(f)) is amended in paragraph (1)—

(1) in subparagraph (A), by striking “, or” at the end and inserting a semicolon;

(2) in subparagraph (B), by striking the period and inserting “; or”; and

(3) by inserting after subparagraph (B) the following:

“(C) the device is classified pursuant to a request submitted under paragraph (2).”

Subtitle D—Keeping America Competitive Through Harmonization

SEC. 731. HARMONIZATION OF DEVICE PRE-MARKET REVIEW, INSPECTION, AND LABELING SYMBOLS; REPORT.

(a) IN GENERAL.—Paragraph (4) of section 803(c) (21 U.S.C. 383(c)) is amended to read as follows:

“(4) With respect to devices, the Secretary may, when appropriate, enter into arrangements with nations regarding methods and approaches to harmonizing regulatory requirements for activities, including inspections and common international labeling symbols.”

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the Food and Drug Administration’s harmonization activities, itemizing methods and approaches that have been harmonized pursuant to section 803(c)(4) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (a).

SEC. 732. PARTICIPATION IN INTERNATIONAL FORA.

Paragraph (3) of section 803(c) (21 U.S.C. 383(c)) is amended—

(1) by striking “(3)” and inserting “(3)(A)”;

and

(2) by adding at the end the following:

“(B) In carrying out subparagraph (A), the Secretary may participate in appropriate fora, including the International Medical Device Regulators Forum, and may—

“(i) provide guidance to such fora on strategies, policies, directions, membership, and other activities of a forum as appropriate;

“(ii) to the extent appropriate, solicit, review, and consider comments from industry, academia, health care professionals, and patient groups regarding the activities of such fora; and

“(iii) to the extent appropriate, inform the public of the Secretary’s activities within such fora, and share with the public any documentation relating to a forum’s strategies, policies, and other activities of such fora.”

Subtitle E—FDA Renewing Efficiency From Outside Reviewer Management

SEC. 741. REAUTHORIZATION OF THIRD PARTY REVIEW.

(a) PERIODIC REACCREDITATION.—Section 523(b)(2) (21 U.S.C. 360m(b)(2)) is amended by adding at the end of the following:

“(E) PERIODIC REACCREDITATION.—

“(i) PERIOD.—Subject to suspension or withdrawal under subparagraph (B), any accreditation under this section shall be valid for a period of 3 years after its issuance.

“(ii) RESPONSE TO REACCREDITATION REQUEST.—Upon the submission of a request by an accredited person for reaccreditation under this section, the Secretary shall approve or deny such request not later than 60 days after receipt of the request.

“(iii) CRITERIA.—Not later than 120 days after the date of the enactment of this subparagraph, the Secretary shall establish and publish in the Federal Register criteria to reaccredit or deny reaccreditation to persons under this section. The reaccreditation of persons under this section shall specify the particular activities under subsection (a), and the devices, for which such persons are reaccredited.”

(b) DURATION OF AUTHORITY.—Section 523(c) (21 U.S.C. 360m(c)) is amended by striking “October 1, 2012” and inserting “October 1, 2017”.

SEC. 742. REAUTHORIZATION OF THIRD PARTY INSPECTION.

Section 704(g)(11) (21 U.S.C. 374(g)(11)) is amended by striking “October 1, 2012” and inserting “October 1, 2017”.

Subtitle F—Humanitarian Device Reform

SEC. 751. EXPANDED ACCESS TO HUMANITARIAN USE DEVICES.

(a) IN GENERAL.—Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “subparagraph (D)” and inserting “subparagraph (C)”;

(ii) by striking clause (i) and inserting the following:

“(i) The device with respect to which the exemption is granted—

“(I) is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs; or

“(II) is intended for the treatment or diagnosis of a disease or condition that does not occur in pediatric patients or that occurs in pediatric patients in such numbers that the development of the device for such patients is impossible, highly impracticable, or unsafe.”;

(iii) by striking clause (ii) and inserting the following:

“(ii) During any calendar year, the number of such devices distributed during that year under each exemption granted under this subsection does not exceed the number of such devices needed to treat, diagnose, or cure a population of 4,000 individuals in the United States (referred to in this paragraph as the ‘annual distribution number’).”; and

(iv) in clause (iv), by striking “2012” and inserting “2017”;

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(D) in subparagraph (C), as so redesignated, by striking “and modified under subparagraph (C), if applicable.”;

(2) in paragraph (7), by striking “regarding a device” and inserting “regarding a device described in paragraph (6)(A)(i)(I)”; and

(3) in paragraph (8), by striking “of all devices described in paragraph (6)” and inserting “of all devices described in paragraph (6)(A)(i)(I)”.

(b) **APPLICABILITY TO EXISTING DEVICES.**—A sponsor of a device for which an exemption was approved under paragraph (2) of section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) before the date of enactment of this Act may seek a determination under subclause (I) or (II) of paragraph (6)(A)(i) of such section 520(m) (as amended by subsection (a)). If the Secretary determines that such subclause (I) or (II) applies with respect to a device, then clauses (ii), (iii), and (iv) of subparagraph (A) and subparagraphs (B), (C), and (D) of paragraph (6) of such section 520(m) shall apply to such device.

(c) **REPORT.**—Not later than January 1, 2017, the Comptroller General of the United States shall submit to Congress a report that evaluates and describes—

(1) the effectiveness of the amendments made by subsection (a) in stimulating innovation with respect to medical devices, including any favorable or adverse impact on pediatric device development;

(2) the impact of such amendments on pediatric device approvals for devices that received a humanitarian use designation under section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) prior to the date of enactment of this Act;

(3) the status of public and private insurance coverage of devices granted an exemption under paragraph (2) of such section 520(m) and costs to patients of such devices;

(4) the impact that paragraph (4) of such section 520(m) has had on access to and insurance coverage of devices granted an exemption under paragraph (2) of such section 520(m); and

(5) the effect of the amendments made by subsection (a) on patients described in such section 520(m).

Subtitle G—Records and Reports on Devices

SEC. 761. UNIQUE DEVICE IDENTIFICATION SYSTEM REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate the regulations required by section 519(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(f)).

SEC. 762. EFFECTIVE DEVICE SENTINEL PROGRAM.

(a) **INCLUSION OF DEVICES IN POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.**—Section 519 (21 U.S.C. 360i) is amended by adding at the end the following:

“(h) **INCLUSION OF DEVICES IN POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.**—

“(1) **IN GENERAL.**—The Secretary shall amend the procedures established and maintained under clauses (i), (ii), (iii), and (v) of section 505(k)(3)(C) in order to expand the postmarket risk identification and analysis system established under such section to include and apply to devices.

“(2) **DATA.**—In expanding the system as described in paragraph (1), the Secretary shall use relevant data with respect to devices cleared under section 510(k) or approved under section 515, which may include claims data, patient survey data, and standardized analytic files that allow for the pooling and analysis of data from disparate data environments.

“(3) **STAKEHOLDER INPUT.**—To help ensure effective implementation of the system as

described in paragraph (1) with respect to devices, the Secretary shall engage outside stakeholders in development of the system, and gather information from outside stakeholders regarding the content of an effective sentinel program, through a public hearing, advisory committee meeting, maintenance of a public docket, or other similar public measures.

“(4) **VOLUNTARY SURVEYS.**—Chapter 35 of title 44, United States Code, shall not apply to the collection of voluntary information from health care providers, such as voluntary surveys or questionnaires, initiated by the Secretary for purposes of postmarket risk identification, mitigation, and analysis for devices.”.

(b) **AMENDMENTS TO POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.**—Section 505(k)(3)(C)(i) (21 U.S.C. 355(k)(3)(C)(i)) is amended—

(1) by striking subclause (II);

(2) by redesignating subclauses (III) through (VI) as subclauses (II) through (V), respectively; and

(3) in item (bb) of subclause (II), as so redesignated, by striking “pharmaceutical purchase data and health insurance claims data” and inserting “medical device utilization data, health insurance claims data, and procedure and device registries”.

Subtitle H—Miscellaneous

SEC. 771. CUSTOM DEVICES.

Section 520(b) (21 U.S.C. 360j) is amended to read as follows:

“(b) **CUSTOM DEVICES.**—

“(1) **IN GENERAL.**—The requirements of sections 514 and 515 shall not apply to a device that—

“(A) is created or modified in order to comply with the order of an individual physician or dentist (or any other specially qualified person designated under regulations promulgated by the Secretary after an opportunity for an oral hearing);

“(B) in order to comply with an order described in subparagraph (A), necessarily deviates from an otherwise applicable performance standard under section 514 or requirement under section 515;

“(C) is not generally available in the United States in finished form through labeling or advertising by the manufacturer, importer, or distributor for commercial distribution;

“(D) is designed to treat a unique pathology or physiological condition that no other device is domestically available to treat;

“(E)(i) is intended to meet the special needs of such physician or dentist (or other specially qualified person so designated) in the course of the professional practice of such physician or dentist (or other specially qualified person so designated); or

“(ii) is intended for use by an individual patient named in such order of such physician or dentist (or other specially qualified person so designated);

“(F) is assembled from components or manufactured and finished on a case-by-case basis to accommodate the unique needs of individuals described in clause (i) or (ii) of subparagraph (E); and

“(G) may have common, standardized design characteristics, chemical and material compositions, and manufacturing processes as commercially distributed devices.

“(2) **LIMITATIONS.**—Paragraph (1) shall apply to a device only if—

“(A) such device is for the purpose of treating a sufficiently rare condition, such that conducting clinical investigations on such device would be impractical;

“(B) production of such device under paragraph (1) is limited to no more than 5 units per year of a particular device type, provided that such replication otherwise complies with this section; and

“(C) the manufacturer of such device notifies the Secretary on an annual basis, in a manner prescribed by the Secretary, of the manufacture of such device.

“(3) **GUIDANCE.**—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final guidance on replication of multiple devices described in paragraph (2)(B).”.

SEC. 772. PEDIATRIC DEVICE REAUTHORIZATION.

(a) **FINAL RULE RELATING TO TRACKING OF PEDIATRIC USES OF DEVICES.**—The Secretary of Health and Human Services shall issue—

(1) a proposed rule implementing section 515A(a)(2) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360e–1(a)(2)) not later than December 31, 2012; and

(2) a final rule implementing such section not later than December 31, 2013.

(b) **DEMONSTRATION GRANTS TO IMPROVE PEDIATRIC DEVICE AVAILABILITY.**—Section 305(e) of the Pediatric Medical Device Safety and Improvement Act of 2007 (Title III of Public Law 110–85) is amended by striking “2008 through 2012” and inserting “2013 through 2017”.

SEC. 773. REPORT ON REGULATION OF HEALTH INFORMATION TECHNOLOGY.

(a) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, the National Coordinator for Health Information Technology, and the Chairman of the Federal Communications Commission, shall submit to the Committee on Energy and Commerce of the House of Representatives and the appropriate committees of the Senate a report that contains—

(1) a strategy for coordinating the regulation of health information technology in order to avoid regulatory duplication; and

(2) recommendations on an appropriate regulatory framework for health information technology, including a risk-based framework.

(b) **DEFINITION.**—In this section, the terms “health information technology” has the meaning given such term in section 3000(5) of the Public Health Service Act and includes technologies such as electronic health records, personal health records, mobile medical applications, computerized health care provider order entry systems, and clinical decision support.

TITLE VIII—DRUG REGULATORY IMPROVEMENTS

Subtitle A—Drug Supply Chain

SEC. 801. REGISTRATION OF PRODUCERS OF DRUGS.

(a) **TIMING.**—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (b)(1), by striking “On or before” and inserting “During the period beginning on October 1 and ending on”; and

(2) in subsection (i)(1)(B)(i), by striking “on or before” and inserting “during the period beginning on October 1 and ending on”.

(b) **ESTABLISHMENTS NOT DULY REGISTERED; MISBRANDING.**—Section 502(o) (21 U.S.C. 352(o)) is amended by striking “in any State”.

SEC. 802. INSPECTION OF DRUGS.

Subsection (h) of section 510 (21 U.S.C. 360) is amended—

(1) by striking “(h)” and inserting “(h)(1)”; and

(2) by inserting “with respect to the manufacture, preparation, propagation,

compounding, or processing of a device" after "registered with the Secretary pursuant to this section";

- (3) by striking "of a drug or drugs or"; and
- (4) by adding at the end the following:

"(2) **INSPECTIONS WITH RESPECT TO DRUG ESTABLISHMENTS.**—With respect to the manufacture, preparation, propagation, compounding, or processing of a drug:

"(A) **IN GENERAL.**—Every establishment that is required to be registered with the Secretary under this section shall be subject to inspection pursuant to section 704.

"(B) **RISK-BASED SCHEDULE.**—In the case of an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs (referred to in this subsection as a 'drug establishment'), the inspections required under subparagraph (A) shall be conducted by officers or employees duly designated by the Secretary, on a risk-based schedule established by the Secretary.

"(C) **RISK FACTORS.**—In establishing the risk-based schedule under subparagraph (B), the Secretary shall allocate resources to inspect establishments according to the known safety risks of such establishments, based on the following factors:

"(i) The compliance history of the establishment.

"(ii) The inspection frequency and history of the establishment, including whether it has been inspected pursuant to section 704 within the last four years.

"(iii) The record, history, and nature of recalls linked to the establishment.

"(iv) The inherent risk of the drug manufactured, prepared, propagated, compounded, or processed at the establishment.

"(v) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

"(D) **EFFECT OF STATUS.**—In determining the risk associated with an establishment for purposes of establishing a risk-based schedule under subparagraph (B), the Secretary shall not consider whether the drugs manufactured, prepared, propagated, compounded, or processed by such establishment are drugs described in section 503(b)(1).

"(E) **ANNUAL REPORT ON INSPECTIONS OF ESTABLISHMENTS.**—Not later than February 1 of each year, the Secretary shall submit to Congress a report that contains the following:

"(i) The number of domestic and foreign establishments registered pursuant to this section in the previous calendar year.

"(ii) The number of such registered domestic and foreign establishments that the Secretary inspected in the previous calendar year.

"(iii) The number of such registered establishments that list one or more drugs approved pursuant to an application filed under section 505(j).

"(iv) The number of such registered establishments that list one or more drugs approved pursuant to an application filed under section 505(b).

"(v) The number of registered establishments that list both drug products approved pursuant to an application filed under section 505(j) and drug products approved pursuant to an application filed under section 505(b).

"(vi) A description of how the Secretary implemented the risk-based schedule under subparagraph (B) utilizing the factors under subparagraph (C).

"(F) **PUBLIC AVAILABILITY OF ANNUAL REPORTS.**—The Secretary shall make the report required under subparagraph (E) available to

the public on the Internet Web site of the Food and Drug Administration."

SEC. 803. DRUG SUPPLY QUALITY AND SAFETY.

Paragraph (a) of section 501 (21 U.S.C. 351) is amended by adding at the end the following: "For purposes of subparagraph (2)(B), the term 'current good manufacturing practice' includes the implementation of oversight and controls over the manufacture of drugs to ensure quality, including managing the risk of and establishing the safety of raw materials, materials used in the manufacturing of drugs, and finished drug products."

SEC. 804. PROHIBITION AGAINST DELAYING, DENYING, LIMITING, OR REFUSING INSPECTION.

(a) **IN GENERAL.**—Section 501 (21 U.S.C. 351) is amended by adding at the end the following:

"(j) If it is a drug and it has been manufactured, processed, packed, or held in any factory, warehouse, or establishment and the owner, operator, or agent of such factory, warehouse, or establishment delays, denies, or limits an inspection, or refuses to permit entry or inspection."

(b) **GUIDANCE.**—Not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services shall issue guidance that defines the circumstances that would constitute delaying, denying, or limiting inspection, or refusing to permit entry or inspection, for purposes of section 501(j) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

SEC. 805. DESTRUCTION OF ADULTERATED, MISBRANDED, OR COUNTERFEIT DRUGS OFFERED FOR IMPORT.

(a) **IN GENERAL.**—The sixth sentence of section 801(a) (21 U.S.C. 381(a)) is amended by inserting before the period at the end the following: ", except that the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may cause the destruction, without the opportunity for export, of any drug refused admission that has reasonable probability of causing serious adverse health consequences or death, as determined by the Secretary of Health and Human Services, or that is valued at an amount that is \$2,000 or less (or such higher amount as the Secretary of Homeland Security may set by regulation pursuant to section 498 of the Tariff Act of 1930 (19 U.S.C. 1498))".

(b) **NOTICE.**—Section 801(a) (21 U.S.C. 381(a)), as amended by subsection (a), is further amended by inserting after the sixth sentence the following: "The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity for a hearing on the destruction of a drug under the previous sentence. For a drug with a value less than and or equal to \$2,000 (or, as described in the sixth sentence of this subsection, such higher amount as the Secretary of Homeland Security may set by regulation pursuant to section 498 of the Tariff Act of 1930 (19 U.S.C. 1498)) the regulations under the previous sentence shall provide for prompt notice and an opportunity for a hearing for the owner or consignee before or after the destruction has occurred. For a drug with a value greater than \$2,000 (or, as described in the sixth sentence of this subsection, such higher amount as the Secretary of Homeland Security may set by regulation pursuant to section 498 of the Tariff Act of 1930 (19 U.S.C. 1498)) that has reasonable probability of causing serious adverse health consequences or death as determined by the Secretary of Health and Human Services, the regulations under the seventh sentence of this subsection shall provide for no-

tice and an opportunity for a hearing to the owner or consignee before the destruction occurs."

(c) **RESTITUTION.**—In the regulations described in the seventh sentence of section 801(a) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (b)), the Secretary of Health and Human Services shall establish an administrative process whereby an owner or consignee of a drug destroyed without an opportunity for a hearing on destruction may obtain restitution for the value of the drug destroyed under the sixth sentence of such section upon demonstration that such drug was wrongfully destroyed.

(d) **CONFORMING AMENDMENT.**—The first sentence of section 801(a) (21 U.S.C. 381(a)) is amended by inserting ", except as otherwise described in the sixth and seventh sentences of this subsection," after "giving notice thereof".

SEC. 806. ADMINISTRATIVE DETENTION.

(a) **IN GENERAL.**—Section 304(g) (21 U.S.C. 335a(g)) is amended—

(1) in paragraph (1), by inserting ", drug," after "device", each place it appears;

(2) in paragraph (2)(A), by inserting ", drug," after "(B), a device"; and

(3) in paragraph (2)(B), by inserting "or drug" after "device" each place it appears.

(b) **REGULATION.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement administrative detention authority with respect to drugs, as authorized by the amendments made by subsection (a). Before promulgating such regulations, the Secretary shall consult with stakeholders, including manufacturers of drugs.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall not take effect until the Secretary has issued a final regulation under subsection (b).

SEC. 807. ENHANCED CRIMINAL PENALTY FOR COUNTERFEIT DRUGS.

(a) **IN GENERAL.**—Section 303(a) (21 U.S.C. 333(a)) is amended by adding at the end the following:

"(3) Notwithstanding paragraph (2), any person who engages in any conduct described in section 301(i)(2) knowing or having reason to know that the conduct concerns the rendering of a drug as a counterfeit drug, or who engages in conduct described in section 301(i)(3) knowing or having reason to know that the conduct will cause a drug to be a counterfeit drug or knowing or having reason to know that a drug held, sold, or dispensed is a counterfeit drug, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 20 years, or both, except that if the use of the counterfeit drug by a consumer is the proximate cause of the death of the consumer, the term of imprisonment shall be any term of years or for life."

(b) **CONFORMING AMENDMENT.**—Section 201(g)(2) (21 U.S.C. 321(g)(2)) is amended by adding at the end the following sentence: "The term 'counterfeit drug' shall not include a drug or placebo intended for use in a clinical trial that is intentionally labeled or marked to maintain proper blinding of the study."

SEC. 808. UNIQUE FACILITY IDENTIFICATION NUMBER.

(a) **DOMESTIC ESTABLISHMENTS.**—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (b)(1), by striking "and all such establishments" and inserting "all such establishments, and the unique facility identifier of each such establishment"; and

(2) in subsection (c), by striking “and such establishment” and inserting “such establishment, and the unique facility identifier of such establishment”.

(b) FOREIGN ESTABLISHMENTS.—Subparagraph (A) of section 510(i)(1) (21 U.S.C. 360(i)(1)) is amended by inserting “the unique facility identifier of the establishment,” after “the name and place of business of the establishment.”.

(c) GUIDANCE.—Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

“(q) GUIDANCE ON SUBMISSION OF UNIQUE FACILITY IDENTIFIERS.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall, by guidance, specify—

“(A) the unique facility identifier system to be used to meet the requirements of—

“(i) subsections (b)(1), (c), and (i)(1)(A) of this section; and

“(ii) section 801(s) (relating to registration of commercial importers); and

“(B) the form, manner, and timing of submissions of unique facility identifiers under the provisions specified in subparagraph (A).

“(2) CONSIDERATION.—In developing the guidance under paragraph (1), the Secretary shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems.”.

(d) IMPORTATION.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting “or (5) for an article that is a drug, the appropriate unique facility identifiers under subsection (s) (relating to commercial importers) and section 510(i) (relating to foreign establishments), as specified by the Secretary, are not provided,” before “then such article shall be refused admission”.

SEC. 809. DOCUMENTATION FOR ADMISSIBILITY OF IMPORTS.

Section 801 (21 U.S.C. 381) is amended by adding at the end the following:

“(r) DOCUMENTATION.—

“(1) SUBMISSION.—The Secretary may require, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection as determined appropriate by the Secretary, the submission of documentation or other information for a drug that is imported or offered for import into the United States.

“(2) REFUSAL OF ADMISSION.—A drug imported or offered for import into the United States shall be refused admission unless all documentation and information the Secretary requires under this Act, the Public Health Service Act, or both, as appropriate, for such article is submitted.

“(3) REGULATIONS.—

“(A) DOCUMENTS AND INFORMATION.—The Secretary shall issue a regulation to specify the documentation or other information that is described in paragraph (1). Such information may include—

“(i) information demonstrating the regulatory status of the drug, such as the new drug application, abbreviated new drug application, or investigational new drug or Drug Master File number;

“(ii) facility information, such as proof of registration and the unique facility identifier; and

“(iii) indication of compliance with current good manufacturing practice, such as satisfactory testing results, certifications relating to satisfactory inspections, and compliance with the country of export regulations.

“(B) EXEMPTION.—The Secretary may, by regulation, exempt drugs imported for re-

search purposes only and other types of drug imports from some or all of the requirements of this subsection.

“(4) EFFECTIVE DATE.—The final rule under paragraph (3)(A) shall take effect not less than 180 days after the Secretary promulgates such final rule.”.

SEC. 810. REGISTRATION OF COMMERCIAL IMPORTERS.

(a) PROHIBITIONS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(aaa) The failure to register in accordance with section 801(s).”.

(b) REGISTRATION.—Section 801 (21 U.S.C. 381), as amended by section 809, is further amended by adding at the end the following:

“(s) REGISTRATION OF COMMERCIAL IMPORTERS.—

“(1) REGISTRATION.—The Secretary shall require a commercial importer of drugs—

“(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

“(B) consistent with the guidance under section 510(q), to submit, at the time of registration, a unique identifier for the principal place of business for which the importer is required to register under this subsection.

“(2) REGULATIONS.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported drugs are in compliance with the requirements of this Act and the Public Health Service Act.

“(B) EXPEDITED CLEARANCE FOR CERTAIN IMPORTERS.—In promulgating good importer practice regulations under subparagraph (A), the Secretary may, as appropriate, take into account differences among importers and types of imports, and, based on the level of risk posed by the imported drug, provide for expedited clearance for those importers that volunteer to participate in partnership programs for highly compliant companies.

“(3) DISCONTINUANCE OF REGISTRATION.—The Secretary shall discontinue the registration of any commercial importer of drugs that fails to comply with the regulations promulgated under this subsection.

“(4) EXEMPTIONS.—The Secretary, by notice in the Federal Register, may establish exemptions from the requirements of this subsection.”.

(c) MISBRANDING.—Section 502(o) (21 U.S.C. 352) is amended by inserting “if it is a drug and was imported or offered for import by a commercial importer of drugs not duly registered under section 801(s),” after “not duly registered under section 510.”.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) EFFECTIVE DATE.—In establishing the effective date of the regulations under paragraph (1), the Secretary of Health and Human Services shall, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, as determined appropriate by the Secretary of Health and Human Services, provide a reasonable period of time for an im-

porter of a drug to comply with good importer practices, taking into account differences among importers and types of imports, including based on the level of risk posed by the imported product.

SEC. 811. NOTIFICATION.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 810, is further amended by adding at the end the following:

“(bbb) The failure to notify the Secretary in violation of section 568.”.

(b) NOTIFICATION.—Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

“SEC. 568. NOTIFICATION.

“(a) NOTIFICATION TO SECRETARY.—With respect to a drug, the Secretary may require notification to the Secretary by a regulated person if the regulated person knows—

“(1) that the use of such drug in the United States may result in serious injury or death;

“(2) of a significant loss or known theft of such drug intended for use in the United States; or

“(3) that—

“(A) such drug has been or is being counterfeited; and

“(B)(i) the counterfeit product is in commerce in the United States or could be reasonably expected to be introduced into commerce; or

“(ii) such drug has been or is being imported into the United States or may reasonably be expected to be offered for import into the United States.

“(b) MANNER OF NOTIFICATION.—Notification under this section shall be made in such manner and by such means as the Secretary may specify by regulation or guidance.

“(c) SAVINGS CLAUSE.—Nothing in this section shall be construed as limiting any other authority of the Secretary to require notifications related to a drug under any other provision of this Act or the Public Health Service Act.

“(d) DEFINITION.—In this section, the term ‘regulated person’ means—

“(1) a person who is required to register under section 510 or 801(s);

“(2) a wholesale distributor of a drug product; or

“(3) any other person that distributes drugs except a person that distributes drugs exclusively for retail sale.”.

SEC. 812. EXCHANGE OF INFORMATION.

Section 708 (21 U.S.C. 379) is amended—

(1) by striking “The Secretary may provide” and inserting the following:

“(a) CONTRACTORS.—The Secretary may provide”; and

(2) by adding at the end the following:

“(b) ABILITY TO RECEIVE AND PROTECT CONFIDENTIAL INFORMATION.—Except pursuant to an order of a court of the United States, the Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law, any information relating to drugs obtained from a Federal, State, or local government agency, or from a foreign government agency, if the agency has requested that the information be kept confidential. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in section 552(b)(3)(B).

“(c) AUTHORITY TO ENTER INTO MEMORANDA OF UNDERSTANDING FOR PURPOSES OF INFORMATION EXCHANGE.—The Secretary may enter into written agreements regarding the exchange of information referenced in section 301(j) subject to the following criteria:

“(1) CERTIFICATION.—The Secretary may only enter into written agreements under

this subsection with foreign governments that the Secretary has certified as having the authority and demonstrated ability to protect trade secret information from disclosure. Responsibility for this certification shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs.

“(2) WRITTEN AGREEMENT.—The written agreement under this subsection shall include a commitment by the foreign government to protect information exchanged under this subsection from disclosure unless and until the sponsor gives written permission for disclosure or the Secretary makes a declaration of a public health emergency pursuant to section 319 of the Public Health Service Act that is relevant to the information.

“(3) INFORMATION EXCHANGE.—The Secretary may provide to a foreign government that has been certified under paragraph (1), and that has executed a written agreement under paragraph (2), information referenced in section 301(j) in the following circumstances:

“(A) Information concerning the inspection of a facility may be provided if—

“(i) the Secretary reasonably believes, or the written agreement described in paragraph (2) establishes, that the government has authority to otherwise obtain such information; and

“(ii) the written agreement executed under paragraph (2) limits the recipient's use of the information to the recipient's civil regulatory purposes.

“(B) Information not described in subparagraph (A) may be provided as part of an investigation, or to alert the foreign government to the potential need for an investigation, if the Secretary has reasonable grounds to believe that a drug has a reasonable probability of causing serious adverse health consequences or death.

“(d) NO LIMITATION ON AUTHORITY.—This section shall not affect the authority of the Secretary to provide or disclose information under any other provision of law.”.

SEC. 813. EXTRATERRITORIAL JURISDICTION.

Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

“SEC. 311. EXTRATERRITORIAL JURISDICTION.

“There is extraterritorial jurisdiction over any violation of this Act relating to any article regulated under this Act if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.”.

SEC. 814. PROTECTION AGAINST INTENTIONAL ADULTERATION.

Section 303(b) (21 U.S.C. 333(b)) is amended by adding at the end the following:

“(7) Notwithstanding subsection (a)(2), any person that knowingly and intentionally engages in an activity that results in a drug becoming adulterated under subsection (a)(1), (b), (c), or (d) of section 501 and having a reasonable probability of causing serious adverse health consequences or death shall be imprisoned for not more than 20 years or fined not more than \$1,000,000, or both.”.

SEC. 815. RECORDS FOR INSPECTION.

Section 704(a) (21 U.S.C. 374(a)) is amended by adding at the end the following:

“(4)(A) Any records or other information that the Secretary may inspect under this section from a person that owns or operates an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug shall, upon the request of the Secretary, be provided to the Secretary by such person, in advance of or in lieu of an inspection, within a

reasonable timeframe, within reasonable limits, and in a reasonable manner, and in either electronic or physical form, at the expense of such person. The Secretary's request shall include a sufficient description of the records requested.

“(B) Upon receipt of the records requested under subparagraph (A), the Secretary shall provide to the person confirmation of receipt.

“(C) Nothing in this paragraph supplants the authority of the Secretary to conduct inspections otherwise permitted under this Act in order to ensure compliance with this Act.”.

Subtitle B—Medical Gas Safety

SEC. 821. REGULATION OF MEDICAL GASES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter G—Medical Gases

“SEC. 575. DEFINITIONS.

“In this subchapter:

“(1) The term ‘designated medical gas’ means any of the following:

“(A) Oxygen that meets the standards set forth in an official compendium.

“(B) Nitrogen that meets the standards set forth in an official compendium.

“(C) Nitrous oxide that meets the standards set forth in an official compendium.

“(D) Carbon dioxide that meets the standards set forth in an official compendium.

“(E) Helium that meets the standards set forth in an official compendium.

“(F) Carbon monoxide that meets the standards set forth in an official compendium.

“(G) Medical air that meets the standards set forth in an official compendium.

“(H) Any other medical gas deemed appropriate by the Secretary, after taking into account any investigational new drug application or investigational new animal drug application for the same medical gas submitted in accordance with regulations applicable to such applications in title 21 of the Code of Federal Regulations, unless any period of exclusivity under section 505(c)(3)(E)(ii) or section 505(j)(5)(F)(ii), or the extension of any such period under section 505A, applicable to such medical gas has not expired.

“(2) The term ‘medical gas’ means a drug that—

“(A) is manufactured or stored in a liquefied, nonliquefied, or cryogenic state; and

“(B) is administered as a gas.

“SEC. 576. REGULATION OF MEDICAL GASES.

“(a) CERTIFICATION OF DESIGNATED MEDICAL GASES.—

“(1) SUBMISSION.—Beginning 180 days after the date of enactment of this section, any person may file with the Secretary a request for certification of a medical gas as a designated medical gas. Any such request shall contain the following information:

“(A) A description of the medical gas.

“(B) The name and address of the sponsor.

“(C) The name and address of the facility or facilities where the medical gas is or will be manufactured.

“(D) Any other information deemed appropriate by the Secretary to determine whether the medical gas is a designated medical gas.

“(2) GRANT OF CERTIFICATION.—The certification requested under paragraph (1) is deemed to be granted unless, within 60 days of the filing of such request, the Secretary finds that—

“(A) the medical gas subject to the certification is not a designated medical gas;

“(B) the request does not contain the information required under paragraph (1) or oth-

erwise lacks sufficient information to permit the Secretary to determine that the medical gas is a designated medical gas; or

“(C) denying the request is necessary to protect the public health.

“(3) EFFECT OF CERTIFICATION.—

“(A) IN GENERAL.—

“(i) APPROVED USES.—A designated medical gas for which a certification is granted under paragraph (2) is deemed, alone or in combination, as medically appropriate, with another designated medical gas or gases for which a certification or certifications have been granted, to have in effect an approved application under section 505 or 512, subject to all applicable post-approval requirements, for the following indications for use:

“(I) In the case of oxygen, the treatment or prevention of hypoxemia or hypoxia.

“(II) In the case of nitrogen, use in hypoxic challenge testing.

“(III) In the case of nitrous oxide, analgesia.

“(IV) In the case of carbon dioxide, use in extracorporeal membrane oxygenation therapy or respiratory stimulation.

“(V) In the case of helium, the treatment of upper airway obstruction or increased airway resistance.

“(VI) In the case of medical air, to reduce the risk of hyperoxia.

“(VII) In the case of carbon monoxide, use in lung diffusion testing.

“(VIII) Any other indication for use for a designated medical gas or combination of designated medical gases deemed appropriate by the Secretary, unless any period of exclusivity under clause (iii) or (iv) of section 505(c)(3)(E), clause (iii) or (iv) of section 505(j)(5)(F), or section 527, or the extension of any such period under section 505A, applicable to such indication for use for such gas or combination of gases has not expired.

“(ii) LABELING.—The requirements of sections 503(b)(4) and 502(f) are deemed to have been met for a designated medical gas if the labeling on final use container for such medical gas bears—

“(I) the information required by section 503(b)(4);

“(II) a warning statement concerning the use of the medical gas as determined by the Secretary by regulation; and

“(III) appropriate directions and warnings concerning storage and handling.

“(B) INAPPLICABILITY OF EXCLUSIVITY PROVISIONS.—

“(i) NO EXCLUSIVITY FOR A CERTIFIED MEDICAL GAS.—No designated medical gas deemed under subparagraph (A)(i) to have in effect an approved application is eligible for any period of exclusivity under section 505(c), 505(j), or 527, or the extension of any such period under section 505A, on the basis of such deemed approval.

“(ii) EFFECT ON CERTIFICATION.—No period of exclusivity under section 505(c), 505(j), or section 527, or the extension of any such period under section 505A, with respect to an application for a drug product shall prohibit, limit, or otherwise affect the submission, grant, or effect of a certification under this section, except as provided in subsection (a)(3)(A)(i)(VIII) and section 575(1)(H).

“(4) WITHDRAWAL, SUSPENSION, OR REVOCATION OF APPROVAL.—

“(A) WITHDRAWAL, SUSPENSION OF APPROVAL.—Nothing in this subchapter limits the Secretary's authority to withdraw or suspend approval of a drug product, including a designated medical gas deemed under this section to have in effect an approved application under section 505 or section 512 of this Act.

“(B) REVOCATION OF CERTIFICATION.—The Secretary may revoke the grant of a certification under paragraph (2) if the Secretary determines that the request for certification contains any material omission or falsification.

“(b) PRESCRIPTION REQUIREMENT.—

“(1) IN GENERAL.—A designated medical gas shall be subject to the requirements of section 503(b)(1) unless the Secretary exercises the authority provided in section 503(b)(3) to remove such medical gas from the requirements of section 503(b)(1), the gas is approved for use without a prescription pursuant to an application under section 505 or 512, or the use in question is authorized pursuant to another provision of this Act relating to use of medical products in emergencies.

“(2) OXYGEN.—

“(A) NO PRESCRIPTION REQUIRED FOR CERTAIN USES.—Notwithstanding paragraph (1), oxygen may be provided without a prescription for the following uses:

“(i) For use in the event of depressurization or other environmental oxygen deficiency.

“(ii) For oxygen deficiency or for use in emergency resuscitation, when administered by properly trained personnel.

“(B) LABELING.—For oxygen provided pursuant to subparagraph (A), the requirements of section 503(b)(4) shall be deemed to have been met if its labeling bears a warning that the oxygen can be used for emergency use only and for all other medical applications a prescription is required.

“SEC. 577. INAPPLICABILITY OF DRUG FEES TO DESIGNATED MEDICAL GASES.

“A designated medical gas, alone or in combination with another designated gas or gases (as medically appropriate) deemed under section 576 to have in effect an approved application shall not be assessed fees under section 736(a) on the basis of such deemed approval.”

SEC. 822. CHANGES TO REGULATIONS.

(a) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary, after obtaining input from medical gas manufacturers and any other interested members of the public, shall—

(1) determine whether any changes to the Federal drug regulations are necessary for medical gases; and

(2) submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding any such changes.

(b) REGULATIONS.—If the Secretary determines under subsection (a) that changes to the Federal drug regulations are necessary for medical gases, the Secretary shall issue final regulations revising the Federal drug regulations with respect to medical gases not later than 48 months after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) The term “Federal drug regulations” means regulations in title 21 of the Code of Federal Regulations pertaining to drugs.

(2) The term “medical gas” has the meaning given to such term in section 575 of the Federal Food, Drug, and Cosmetic Act, as added by section 821 of this Act.

(3) The term “Secretary” means the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.

SEC. 823. RULES OF CONSTRUCTION.

Nothing in this subtitle and the amendments made by this subtitle applies with respect to—

(1) a drug that is approved prior to May 1, 2012, pursuant to an application submitted

under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360b);

(2) any gas listed in subparagraphs (A) through (G) of section 575(1) of the Federal Food, Drug, and Cosmetic Act, as added by section 821 of this Act, or any combination of any such gases, for an indication that—

(A) is not included in, or is different from, those specified in subclauses (I) through (VII) of section 576(a)(3)(A)(i) of such Act; and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under Section 505 or 512; or

(3) any designated medical gas added pursuant to subparagraph (H) of section 575(1) of such Act for an indication that—

(A) is not included in, or is different from, those originally added pursuant to subparagraph (H) of section 575(1) and section 576(a)(3)(A)(i)(VIII); and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 505 or 512 of such Act.

Subtitle C—Generating Antibiotic Incentives Now

SEC. 831. EXTENSION OF EXCLUSIVITY PERIOD FOR DRUGS.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 505D (21 U.S.C. 355e) the following:

“SEC. 505E. EXTENSION OF EXCLUSIVITY PERIOD FOR NEW QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“(a) EXTENSION.—If the Secretary approves an application pursuant to section 505 for a drug that has been determined to be a qualified infectious disease product under subsection (d), then the four- and five-year periods described in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of section 505, the three-year periods described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) of section 505, or the seven year period described in section 527, as applicable, shall be extended by five years.

“(b) RELATION TO PEDIATRIC EXCLUSIVITY.—Any extension under subsection (a) of a period shall be in addition to any extension of the period under section 505A with respect to the drug.

“(c) LIMITATIONS.—Subsection (a) does not apply to the approval of—

“(1) a supplement to an application under section 505(b) for any qualified infectious disease product for which an extension described in subsection (a) is in effect or has expired;

“(2) a subsequent application filed by the same sponsor or manufacturer of a qualified infectious disease product described in paragraph (1) (or a licensor, predecessor in interest, or other related entity) for—

“(A) a change (not including a modification to the active moiety of the qualified infectious disease product) that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

“(B) a modification to the active moiety of the qualified infectious disease product that does not result in a change in safety or effectiveness; or

“(3) a product that does not meet the definition of a qualified infectious disease product under subsection (f) based upon its approved uses.

“(d) DETERMINATION.—The manufacturer or sponsor of a drug may request that the Secretary designate a drug as a qualified infectious disease product at any time in the drug development process prior to the submission of an application under section 505(b) for the

drug, but not later than 45 days before the submission of such application. The Secretary shall, not later than 30 days after the submission of such request, determine whether the drug is a qualified infectious disease product.

“(e) REGULATIONS.—The Secretary shall promulgate regulations for carrying out this section. The Secretary shall promulgate the initial regulations for carrying out this section not later than 12 months after the date of the enactment of this section.

“(f) DEFINITIONS.—In this section:

“(1) QUALIFIED INFECTIOUS DISEASE PRODUCT.—The term ‘qualified infectious disease product’ means an antibacterial or antifungal drug for human use that treats or prevents an infection caused by a qualifying pathogen.

“(2) QUALIFYING PATHOGEN.—The term ‘qualifying pathogen’ means—

“(A) resistant gram-positive pathogens, including methicillin-resistant *Staphylococcus aureus* (MRSA), vancomycin-resistant *Staphylococcus aureus* (VRSA), and vancomycin-resistant enterococcus (VRE);

“(B) multidrug resistant gram-negative bacteria, including *Acinetobacter*, *Klebsiella*, *Pseudomonas*, and *E. coli* species;

“(C) multi-drug resistant tuberculosis; or

“(D) any other infectious pathogen identified for purposes of this section by the Secretary.”

(b) APPLICATION.—Section 505E of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to a drug that is first approved under section 505(c) of such Act (21 U.S.C. 355(c)) on or after the date of the enactment of this Act.

SEC. 832. STUDY ON INCENTIVES FOR QUALIFIED INFECTIOUS DISEASE BIOLOGICAL PRODUCTS.

(a) IN GENERAL.—The Comptroller General of the United States shall—

(1) conduct a study on the need for incentives to encourage research on and development and marketing of qualified infectious disease biological products; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report to the Congress on the results of such study, including any recommendations of the Comptroller General on appropriate incentives for addressing such need.

(b) DEFINITIONS.—In this section:

(1) The term “biological product” has the meaning given to such term in section 351 of the Public Health Service Act (42 U.S.C. 262).

(2) The term “qualified infectious disease biological product” means a biological product for human use that treats or prevents an infection caused by a qualifying pathogen.

(3) The term “qualifying pathogen” has the meaning given to such term in section 505E of the Federal Food, Drug, and Cosmetic Act, as added by section 831 of this Act.

SEC. 833. CLINICAL TRIALS.

(a) REVIEW AND REVISION OF GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and not later than 4 years thereafter, the Secretary shall—

(A) review the guidance of the Food and Drug Administration for the conduct of clinical trials with respect to antibacterial and antifungal drugs; and

(B) as appropriate, revise such guidance to reflect developments in scientific and medical information and technology and to ensure clarity regarding the procedures and requirements for approval of an antibiotic and antifungal drug under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(2) **ISSUES FOR REVIEW.**—At a minimum, the review under paragraph (1) shall address the appropriate animal models of infection, in vitro techniques, valid microbiological surrogate markers, the use of noninferiority versus superiority trials, and appropriate delta values for noninferiority trials.

(3) **RULE OF CONSTRUCTION.**—Except to the extent to which the Secretary of Health and Human Services makes revisions under paragraph (1)(B), nothing in this section shall be construed to repeal or otherwise affect the guidance of the Food and Drug Administration.

(b) **RECOMMENDATIONS FOR INVESTIGATIONS.**—

(1) **REQUEST.**—The sponsor of a drug intended to be used to treat or prevent a qualifying pathogen may request that the Secretary provide written recommendations for nonclinical and clinical investigations which may be conducted with the drug before it may be approved for such use under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

(2) **RECOMMENDATIONS.**—If the Secretary has reason to believe that a drug for which a request is made under this subsection is a qualified infectious disease product, the Secretary shall provide the person making the request written recommendations for the nonclinical and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request, would be necessary for approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) of such drug for the use described in paragraph (1).

(c) **DEFINITIONS.**—In this section:

(1) The term “drug” has the meaning given to such term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) The term “qualified infectious disease product” has the meaning given to such term in section 505E of the Federal Food, Drug, and Cosmetic Act, as added by section 831 of this Act.

(3) The term “qualifying pathogen” has the meaning given to such term in section 505E of the Federal Food, Drug, and Cosmetic Act, as added by section 831 of this Act.

(4) The term “Secretary” means the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.

SEC. 834. REASSESSMENT OF QUALIFIED INFECTIOUS DISEASE PRODUCT INCENTIVES IN 5 YEARS.

Not later than five years after the date of enactment of this Act, the Secretary of Health and Human Services shall, in consultation with the Food and Drug Administration, Centers for Disease Control and Prevention and other appropriate agencies, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the following:

(1)(A) The number of initial designations of drugs as qualified infectious disease products under section 505E of the Federal Food, Drug, and Cosmetic Act;

(B) the number of qualified infectious disease products approved under this program; and

(C) whether such products address the need for antibacterial and antifungal drugs to treat serious and life-threatening infections.

(2) **Recommendations.**—

(A) based on the information in paragraph (1) and any other relevant data, on any changes that should be made to the list of

pathogens that are defined as qualifying pathogens under section 505E(f)(2) of the Federal Food, Drug, and Cosmetic Act, as added by section 831; and

(B) on whether any additional program (such as the development of public-private collaborations to advance antibacterial drug innovation) or changes to the incentives under this subtitle may be needed to promote the development of antibacterial drugs.

(3) **An examination of—**

(A) the adoption of programs to measure the use of antibacterial drugs in health care settings; and

(B) the implementation and effectiveness of antimicrobial stewardship protocols across all health care settings.

(4) Any recommendations for ways to encourage further development and establishment of stewardship programs.

SEC. 835. GUIDANCE ON PATHOGEN-FOCUSED ANTIBACTERIAL DRUG DEVELOPMENT.

(a) **DRAFT GUIDANCE.**—Not later than June 30, 2013, in order to facilitate the development of antibacterial drugs for serious or life-threatening bacterial infections, particularly in areas of unmet need, the Secretary of Health and Human Services shall publish draft guidance that—

(1) specifies how preclinical and clinical data can be utilized to inform an efficient and streamlined pathogen-focused antibacterial drug development program that meets the approval standards of the Food and Drug Administration; and

(2) provides advice on approaches for the development of antibacterial drugs that target a more limited spectrum of pathogens.

(b) **FINAL GUIDANCE.**—Not later than December 31, 2014, after notice and opportunity for public comment on the draft guidance under subsection (a), the Secretary of Health and Human Services shall publish final guidance consistent with this section.

Subtitle D—Accelerated Approval

SEC. 841. EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.

(a) **FINDINGS; SENSE OF CONGRESS.**—

(1) **FINDINGS.**—The Congress finds as follows:

(A) The Food and Drug Administration (referred to in this subsection as the “FDA”) serves a critical role in helping to assure that new medicines are safe and effective. Regulatory innovation is 1 element of the Nation’s strategy to address serious and life-threatening diseases or conditions by promoting investment in and development of innovative treatments for unmet medical needs.

(B) During the 2 decades following the establishment of the accelerated approval mechanism, advances in medical sciences, including genomics, molecular biology, and bioinformatics, have provided an unprecedented understanding of the underlying biological mechanism and pathogenesis of disease. A new generation of modern, targeted medicines is under development to treat serious and life-threatening diseases, some applying drug development strategies based on biomarkers or pharmacogenomics, predictive toxicology, clinical trial enrichment techniques, and novel clinical trial designs, such as adaptive clinical trials.

(C) As a result of these remarkable scientific and medical advances, the FDA should be encouraged to implement more broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening dis-

eases or conditions, including those for rare diseases or conditions, using a broad range of surrogate or clinical endpoints and modern scientific tools earlier in the drug development cycle when appropriate. This may result in fewer, smaller, or shorter clinical trials for the intended patient population or targeted subpopulation without compromising or altering the high standards of the FDA for the approval of drugs.

(D) Patients benefit from expedited access to safe and effective innovative therapies to treat unmet medical needs for serious or life-threatening diseases or conditions.

(E) For these reasons, the statutory authority in effect on the day before the date of enactment of this Act governing expedited approval of drugs for serious or life-threatening diseases or conditions should be amended in order to enhance the authority of the FDA to consider appropriate scientific data, methods, and tools, and to expedite development and access to novel treatments for patients with a broad range of serious or life-threatening diseases or conditions.

(2) **SENSE OF CONGRESS.**—It is the sense of the Congress that the FDA should apply the accelerated approval and fast track provisions set forth in section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356), as amended by this section, to help expedite the development and availability to patients of treatments for serious or life-threatening diseases or conditions while maintaining safety and effectiveness standards for such treatments.

(b) **EXPEDITED APPROVAL.**—Section 506 (21 U.S.C. 356) is amended to read as follows:

“SEC. 506. EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.

“(a) **DESIGNATION OF DRUG AS A FAST TRACK PRODUCT.**—

“(1) **IN GENERAL.**—The Secretary shall, at the request of the sponsor of a new drug, facilitate the development and expedite the review of such drug if it is intended, whether alone or in combination with one or more other drugs, for the treatment of a serious or life-threatening disease or condition, and it demonstrates the potential to address unmet medical needs for such a disease or condition. In this section, such a drug is referred to as a ‘fast track product’.

“(2) **REQUEST FOR DESIGNATION.**—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act.

“(3) **DESIGNATION.**—Within 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

“(b) **ACCELERATED APPROVAL OF A DRUG FOR A SERIOUS OR LIFE-THREATENING DISEASE OR CONDITION, INCLUDING A FAST TRACK PRODUCT.**—

“(1) **IN GENERAL.**—The Secretary may approve an application for approval of a product for a serious or life-threatening disease or condition, including a fast track product, under section 505(c) of this Act or section

351(a) of the Public Health Service Act upon making a determination that the product has an effect on—

“(A) a surrogate endpoint that is reasonably likely to predict clinical benefit; or

“(B) a clinical endpoint that can be measured earlier than irreversible morbidity or mortality, that is reasonably likely to predict an effect on irreversible morbidity or mortality or other clinical benefit,

taking into account the severity or rarity of the disease or condition and the availability of alternative treatments. The evidence to support that an endpoint is reasonably likely to predict clinical benefit may include epidemiological, pathophysiologic, pharmacologic, therapeutic or other evidence developed using, for example, biomarkers, or other scientific methods or tools.

“(2) LIMITATION.—Approval of a product under this subsection may, as determined by the Secretary, be subject to the following requirements—

“(A) that the sponsor conduct appropriate post-approval studies to verify and describe the predicted effect of the product on irreversible morbidity or mortality or other clinical benefit; and

“(B) that the sponsor submit copies of all promotional materials related to the product, at least 30 days prior to dissemination of the materials—

“(i) during the preapproval review period; and

“(ii) following approval, for a period that the Secretary determines to be appropriate.

“(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a product approved pursuant to this subsection using expedited procedures (as prescribed by the Secretary in regulations, which shall include an opportunity for an informal hearing) if—

“(A) the sponsor fails to conduct any required post-approval study of the product with due diligence;

“(B) a study required to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit of the product fails to verify and describe such effect or benefit;

“(C) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

“(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

“(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.—

“(1) IN GENERAL.—If the Secretary determines, after preliminary evaluation of clinical data submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant—

“(A) provides a schedule for submission of information necessary to make the application complete; and

“(B) pays any fee that may be required under section 736.

“(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1)

until the date on which the application is complete.

“(d) AWARENESS EFFORTS.—The Secretary shall—

“(1) develop and disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions of this section applicable to accelerated approval and fast track products; and

“(2) establish a program to encourage the development of surrogate and clinical endpoints, including biomarkers, and other scientific methods and tools that can assist the Secretary in determining whether the evidence submitted in an application is reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs.”.

SEC. 842. GUIDANCE; AMENDED REGULATIONS.

(a) INITIAL GUIDANCE.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) shall issue draft guidance to implement the amendment made by section 841.

(b) FINAL GUIDANCE.—Not later than one year after the issuance of draft guidance under subsection (a), after an opportunity for public comment, the Secretary shall—

(1) issue final guidance to implement the amendment made by section 841; and

(2) amend the regulations governing accelerated approval in parts 314 and 601 of title 21, Code of Federal Regulations, as necessary to conform such regulations with the amendments made by section 841.

(c) CONSIDERATIONS.—In developing the guidance under subsections (a) and (b)(1) and the amendments under subsection (b)(2), the Secretary shall consider—

(1) issues arising under the accelerated approval and fast track processes under section 506 of the Federal Food, Drug, and Cosmetic Act (as amended by section 841) for drugs designated for a rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act; and

(2) how to incorporate novel approaches to the review of surrogate endpoints based on pathophysiologic and pharmacologic evidence in such guidance, especially in instances where the low prevalence of a disease renders the existence or collection of other types of data unlikely or impractical.

(d) NO DELAY IN REVIEW OR APPROVAL.—The issuance (or non-issuance) of guidance or conforming regulations implementing the amendments made by section 841 shall not preclude the review of, or action on, a request for designation or an application for approval submitted pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by section 841.

SEC. 843. INDEPENDENT REVIEW.

(a) IN GENERAL.—The Secretary may, in conjunction with other planned reviews of the new drug review process, contract with an independent entity with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs, to evaluate the Food and Drug Administration’s application of the processes described in section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by section 841, and the impact of such processes on the development and timely availability of innovative treatments for patients suffering from serious or life-threatening conditions.

(b) CONSULTATION.—Any evaluation under subsection (a) shall include consultation with regulated industries, patient advocacy

and disease research foundations, and relevant academic medical centers.

Subtitle E—Critical Path Reauthorization

SEC. 851. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Subsection (f) of section 566 (21 U.S.C. 360bbb-5) is amended to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$6,000,000 for each of fiscal years 2013 through 2017.”.

Subtitle F—Miscellaneous

SEC. 861. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505(u)(4) (21 U.S.C. 355(u)(4)) is amended by striking “2012” and inserting “2017”.

SEC. 862. EXTENSION OF PERIOD FOR FIRST APPLICANT TO OBTAIN TENTATIVE APPROVAL WITHOUT FORFEITING 180-DAY EXCLUSIVITY PERIOD.

(a) EXTENSION.—

(1) IN GENERAL.—If a first applicant files an application during the 30-month period ending on the date of enactment of this Act and such application initially contains a certification described in paragraph (2)(A)(vii)(IV) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), or if a first applicant files an application and the application is amended during such period to first contain such a certification, the phrase “30 months” in paragraph (5)(D)(i)(IV) of such section shall, with respect to such application, be read as meaning—

(A) during the period beginning on the date of enactment of this Act, and ending on September 30, 2013, “45 months”;;

(B) during the period beginning on October 1, 2013, and ending on September 30, 2014, “42 months”;;

(C) during the period beginning on October 1, 2014, and ending on September 30, 2015, “39 months”; and

(D) during the period beginning on October 1, 2015, and ending on September 30, 2016, “36 months”.

(2) CONFORMING AMENDMENT.—In the case of an application to which an extended period under paragraph (1) applies, the reference to the 30-month period under section 505(q)(1)(G) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(q)(1)(G)) shall be read to be the applicable period under paragraph (1).

(b) PERIOD FOR OBTAINING TENTATIVE APPROVAL OF CERTAIN APPLICATIONS.—If an application is filed on or before the date of enactment of this Act and such application is amended during the period beginning on the day after the date of enactment of this Act and ending on September 30, 2017, to first contain a certification described in paragraph (2)(A)(vii)(IV) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), the date of the filing of such amendment (rather than the date of the filing of such application) shall be treated as the beginning of the 30-month period described in paragraph (5)(D)(i)(IV) of such section 505(j).

(c) DEFINITIONS.—For the purposes of this section, the terms “application” and “first applicant” mean application and first applicant, as such terms are used in section 505(j)(5)(D)(i)(IV) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(IV)).

SEC. 863. FINAL AGENCY ACTION RELATING TO PETITIONS AND CIVIL ACTIONS.

Section 505(q) (21 U.S.C. 355(q)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “subsection (b)(2) or (j)” inserting “subsection (b)(2) or (j) of the Act or 351(k) of the Public Health Service Act”; and

(B) in subparagraph (F), by striking “180 days” and inserting “150 days”;

(2) in paragraph (2)(A)—

(A) in the subparagraph heading, by striking “180” and inserting “150”; and

(B) in clause (i), by striking “180-day” and inserting “150-day”; and

(3) in paragraph (5), by striking “subsection (b)(2) or (j)” inserting “subsection (b)(2) or (j) of the Act or 351(k) of the Public Health Service Act”.

SEC. 864. DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.

(a) IN GENERAL.—Section 505 (21 U.S.C. 355) is amended by adding at the end the following:

“(w) DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.—The Secretary shall issue a final, substantive determination on a petition submitted pursuant to subsection (b) of section 314.161 of title 21, Code of Federal Regulations (or any successor regulations), no later than 270 days after the date the petition is submitted.”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any petition that is submitted pursuant to subsection (b) of section 314.161 of title 21, Code of Federal Regulations (or any successor regulations), on or after the date of enactment of this Act.

SEC. 865. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER INCENTIVE PROGRAM.

Subchapter B of Chapter V (21 U.S.C. 360aa et seq.) is amended by adding at the end the following:

“SEC. 529. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

“(a) DEFINITIONS.—In this section:

“(1) PRIORITY REVIEW.—The term ‘priority review’, with respect to a human drug application as defined in section 735(1), means review and action by the Secretary on such application not later than 6 months after receipt by the Secretary of such application, as described in the Manual of Policies and Procedures of the Food and Drug Administration and goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012.

“(2) PRIORITY REVIEW VOUCHER.—The term ‘priority review voucher’ means a voucher issued by the Secretary to the sponsor of a rare pediatric disease product application that entitles the holder of such voucher to priority review of a single human drug application submitted under section 505(b)(1) or section 351(a) of the Public Health Service Act after the date of approval of the rare pediatric disease product application.

“(3) RARE PEDIATRIC DISEASE.—The term ‘rare pediatric disease’ means a disease that meets each of the following criteria:

“(A) The disease primarily affects individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents.

“(B) The disease is a rare disease or condition, within the meaning of section 526.

“(4) RARE PEDIATRIC DISEASE PRODUCT APPLICATION.—The term ‘rare pediatric disease product application’ means a human drug application, as defined in section 735(1), that—

“(A) is for a drug or biological product—

“(i) that is for the prevention or treatment of a rare pediatric disease; and

“(ii) that contains no active ingredient (including any ester or salt of the active ingre-

dient) that has been previously approved in any other application under section 505(b)(1), 505(b)(2), or 505(j) of this Act or section 351(a) or 351(k) of the Public Health Service Act;

“(B) is submitted under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act;

“(C) the Secretary deems eligible for priority review;

“(D) that relies on clinical data derived from studies examining a pediatric population and dosages of the drug intended for that population;

“(E) that does not seek approval for an adult indication in the original rare pediatric disease product application; and

“(F) is approved after the date of the enactment of the Prescription Drug User Fee Amendments of 2012.

“(b) PRIORITY REVIEW VOUCHER.—

“(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a rare pediatric disease product application upon approval by the Secretary of such rare pediatric disease product application.

“(2) TRANSFERABILITY.—

“(A) IN GENERAL.—The sponsor of a rare pediatric disease product application that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher. There is no limit on the number of times a priority review voucher may be transferred before such voucher is used.

“(B) NOTIFICATION OF TRANSFER.—Each person to whom a voucher is transferred shall notify the Secretary of such change in ownership of the voucher not later than 30 days after such transfer.

“(3) LIMITATION.—A sponsor of a rare pediatric disease product application may not receive a priority review voucher under this section if the rare pediatric disease product application was submitted to the Secretary prior to the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012.

“(4) NOTIFICATION.—

“(A) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay for the user fee to be assessed in accordance with this section.

“(B) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

“(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section.

“(c) PRIORITY REVIEW USER FEE.—

“(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

“(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary, based on the difference between—

“(A) the average cost incurred by the Food and Drug Administration in the review of a human drug application subject to priority review in the previous fiscal year; and

“(B) the average cost incurred by the Food and Drug Administration in the review of a human drug application that is not subject to priority review in the previous fiscal year.

“(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2012, the amount of the priority review user fee for that fiscal year.

“(4) PAYMENT.—

“(A) IN GENERAL.—The priority review user fee required by this subsection shall be due upon the notification by a sponsor of the intent of such sponsor to use the voucher, as specified in subsection (b)(4)(A). All other user fees associated with the human drug application shall be due as required by the Secretary or under applicable law.

“(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection and all other applicable user fees are not paid in accordance with the Secretary’s procedures for paying such fees.

“(C) NO WAIVERS, EXEMPTIONS, REDUCTIONS, OR REFUNDS.—The Secretary may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section.

“(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

“(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

“(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

“(d) DESIGNATION PROCESS.—

“(1) IN GENERAL.—Upon the request of the manufacturer or the sponsor of a new drug, the Secretary may designate—

“(A) the new drug as a drug for a rare pediatric disease; and

“(B) the application for the new drug as a rare pediatric disease product application.

“(2) REQUEST FOR DESIGNATION.—The request for a designation under paragraph (1), shall be made at the same time a request for designation of orphan disease status under section 526 or fast-track designation under section 506 is made. Requesting designation under this subsection is not a prerequisite to receiving a priority review voucher under this section.

“(3) DETERMINATION BY SECRETARY.—Not later than 60 days after a request is submitted under paragraph (1), the Secretary shall determine whether—

“(A) the disease or condition that is the subject of such request is a rare pediatric disease; and

“(B) the application for the new drug is a rare pediatric disease product application.

“(e) MARKETING OF RARE PEDIATRIC DISEASE PRODUCTS.—

“(1) IN GENERAL.—The Secretary shall deem a rare pediatric disease product application incomplete if such application does not contain a description of the plan of the sponsor of such application to market the product in the United States.

“(2) REVOCATION.—The Secretary may revoke any priority review voucher awarded

under subsection (b) if the rare pediatric disease product for which such voucher was awarded is not marketed in the United States within the 365 day period beginning on the date of the approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act.

“(3) POSTAPPROVAL PRODUCTION REPORT.—The sponsor of an approved rare pediatric disease product shall submit a report to the Secretary not later than 5 years after the approval of the applicable rare pediatric disease product application. Such report shall provide the following information, with respect to each of the first 4 years after approval of such product:

“(A) The estimated population in the United States suffering from the rare pediatric disease.

“(B) The estimated demand in the United States for such rare pediatric disease product.

“(C) The actual amount of such rare pediatric disease product distributed in the United States.

“(f) NOTICE AND REPORT.—

“(1) NOTICE OF ISSUANCE OF VOUCHER AND APPROVAL OF PRODUCTS UNDER VOUCHER.—The Secretary shall publish a notice in the Federal Register and on the Web site of the Food and Drug Administration not later than 30 days after the occurrence of each of the following:

“(A) The Secretary issues a priority review voucher under this section.

“(B) The Secretary approves a drug pursuant to an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for which the sponsor of the application used a priority review voucher under this section.

“(2) REPORT.—If, after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, a sponsor of an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for a drug uses a priority review voucher under this section for such application, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a document—

“(A) notifying such Committees of the use of such voucher; and

“(B) identifying the drug for which such priority review voucher is used.

“(g) ELIGIBILITY FOR OTHER PROGRAMS.—Nothing in this section precludes a sponsor who seeks a priority review voucher under this section from participating in any other incentive program, including under this Act.

“(h) RELATION TO OTHER PROVISIONS.—The provisions of this section shall supplement, not supplant, any other provisions of this Act or the Public Health Service Act that encourage the development of drugs for tropical diseases and rare pediatric diseases.

“(i) GAO STUDY AND REPORT.—

“(1) STUDY.—

“(A) IN GENERAL.—Beginning on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, the Comptroller General of the United States shall conduct a study of the effectiveness of awarding rare pediatric disease priority vouchers under this section in the development of on human drug products that treat or prevent such diseases.

“(B) CONTENTS OF STUDY.—In conducting the study under subparagraph (A), the Comptroller General shall examine the following:

“(i) The indications for which each rare disease product for which a priority review

voucher was awarded was approved under section 505 or section 351 of the Public Health Service Act.

“(ii) Whether, and to what extent, an unmet need related to the treatment or prevention of a rare pediatric disease was met through the approval of such a rare disease product.

“(iii) The value of the priority review voucher if transferred.

“(iv) Identification of each drug for which a priority review voucher was used.

“(v) The length of the period of time between the date on which a priority review voucher was awarded and the date on which it was used.

“(2) REPORT.—Not later than 1 year after the date under paragraph (1)(A), the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report containing the results of the study under paragraph (1).”

SEC. 866. COMBATING PRESCRIPTION DRUG ABUSE.

(a) IN GENERAL.—To combat the significant rise in prescription drug abuse and the consequences of such abuse, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs (referred to in this section as the “Commissioner”) and in coordination with other Federal agencies, as appropriate, shall review current Federal initiatives and identify gaps and opportunities with respect to ensuring the safe use of prescription drugs with the potential for abuse.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report to Congress on the findings of the review under subsection (a). Such report shall include recommendations on—

(1) how best to leverage and build upon existing Federal and federally funded data sources, such as prescription drug monitoring program data and the sentinel initiative of the Food and Drug Administration under section 505(k)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(k)(3)), as it relates to collection of information relevant to adverse events, patient safety, and patient outcomes, to create a centralized data clearinghouse and early warning tool;

(2) how best to develop and disseminate widely best practices models and suggested standard requirements to States for achieving greater interoperability and effectiveness of prescription drug monitoring programs, especially with respect to producing standardized data on adverse events, patient safety, and patient outcomes; and

(3) how best to develop provider and patient education tools and a strategy to widely disseminate such tools and assess the efficacy of such tools.

(c) GUIDANCE ON TAMPER-DETERRENT PRODUCTS.—Not later than 6 months after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall promulgate guidance on the development of tamper-deterrent drug products.

SEC. 867. ASSESSMENT AND MODIFICATION OF REMS.

(a) ASSESSMENT AND MODIFICATION OF APPROVED STRATEGY.—Section 505-1(g) (21 U.S.C. 355-1(g)) is amended—

(1) in paragraph (1), by striking “, and propose a modification to,”;

(2) in paragraph (2)—

(A) in the matter before subparagraph (A)—

(i) by striking “, subject to paragraph (5),”; and

(ii) by striking “, and may propose a modification to,”;

(B) in subparagraph (C), by striking “new safety or effectiveness information indicates that” and all that follows and inserting the following: “an assessment is needed to evaluate whether the approved strategy should be modified to—

“(i) ensure the benefits of the drug outweigh the risks of the drug; or

“(ii) minimize the burden on the health care delivery system of complying with the strategy.”; and

(C) by striking subparagraph (D);

(3) in paragraph (3), by striking “for a drug shall include—” and all that follows and inserting the following “for a drug shall include, with respect to each goal included in the strategy, an assessment of the extent to which the approved strategy, including each element of the strategy, is meeting the goal or whether 1 or more such goals or such elements should be modified.”; and

(4) by amending paragraph (4) to read as follows:

“(4) MODIFICATION.—

“(A) ON INITIATIVE OF RESPONSIBLE PERSON.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the responsible person may, at any time, submit to the Secretary a proposal to modify the approved strategy. Such proposal may propose the addition, modification, or removal of any goal or element of the approved strategy and shall include an adequate rationale to support such proposed addition, modification, or removal of any goal or element of the strategy.

“(B) ON INITIATIVE OF SECRETARY.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the Secretary may, at any time, require a responsible person to submit a proposed modification to the strategy within 120 days or within such reasonable time as the Secretary specifies, if the Secretary, in consultation with the offices described in subsection (c)(2), determines that 1 or more goals or elements should be added, modified, or removed from the approved strategy to—

“(i) ensure the benefits of the drug outweigh the risks of the drug; or

“(ii) minimize the burden on the health care delivery system of complying with the strategy.”

(b) REVIEW OF PROPOSED STRATEGIES; REVIEW OF ASSESSMENTS AND MODIFICATIONS OF APPROVED STRATEGIES.—Section 505-1(h) (21 U.S.C. 355-1(h)) is amended—

(1) in the subsection heading by inserting “AND MODIFICATIONS” after “REVIEW OF ASSESSMENTS”;

(2) in paragraph (1)—

(A) by inserting “and proposed modification to” after “under subsection (a) and each assessment of,”; and

(B) by inserting “, and, if necessary, promptly initiate discussions with the responsible person about such proposed strategy, assessment, or modification” after “subsection (g)”;

(3) by striking paragraph (2);

(4) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(5) in paragraph (2), as redesignated by paragraph (4)—

(A) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—

“(i) TIMEFRAME.—Unless the dispute resolution process described under paragraph (3)

or (4) applies, and, except as provided in clause (ii) or clause (iii) below, the Secretary, in consultation with the offices described in subsection (c)(2), shall review and act on the proposed risk evaluation and mitigation strategy for a drug or any proposed modification to any required strategy within 180 days of receipt of the proposed strategy or modification.

“(ii) MINOR MODIFICATIONS.—The Secretary shall review and act on a proposed minor modification, as defined by the Secretary in guidance, within 60 days of receipt of such modification.

“(iii) REMS MODIFICATION DUE TO SAFETY LABEL CHANGES.—Not later than 60 days after the Secretary receives a proposed modification to an approved risk evaluation and mitigation strategy to conform the strategy to approved safety label changes, including safety labeling changes initiated by the sponsor in accordance with FDA regulatory requirements, or to a safety label change that the Secretary has directed the holder of the application to make pursuant to section 505(o)(4), the Secretary shall review and act on such proposed modification to the approved strategy.

“(iv) GUIDANCE.—The Secretary shall establish, through guidance, that responsible persons may implement certain modifications to an approved risk evaluation and mitigation strategy following notification to the Secretary.”; and

(B) by amending subparagraph (C) to read as follows:

“(C) PUBLIC AVAILABILITY.—Upon acting on a proposed risk evaluation and mitigation strategy or proposed modification to a risk evaluation and mitigation strategy under subparagraph (A), the Secretary shall make publicly available an action letter describing the actions taken by the Secretary under such subparagraph (A).”.

(6) in paragraph (4), as redesignated by paragraph (4)—

(A) in subparagraph (A)(i)—

(i) by striking “Not earlier than 15 days, and not later than 35 days, after discussions under paragraph (2) have begun, the” and inserting “The”; and

(ii) by inserting “, after the sponsor is required to make a submission under subsection (a)(2) or (g),” before “request in writing”; and

(B) in subparagraph (I)—

(i) by striking clauses (i) and (ii); and

(ii) by striking “if the Secretary—” and inserting “if the Secretary has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under subparagraphs (B), (F), and (G), respectively.”;

(7) in paragraph (5), as redesignated by paragraph (4)—

(A) in subparagraph (A), by striking “any of subparagraphs (B) through (D)” and inserting “subparagraph (B) or (C)”; and

(B) in subparagraph (C), by striking “paragraph (4) or (5)” and inserting “paragraph (3) or (4)”; and

(8) in paragraph (8), as redesignated by paragraph (4), by striking “paragraphs (7) and (8)” and inserting “paragraphs (6) and (7).”.

(c) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that, for purposes of section 505–1(h)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(h)(2)(A)), describes the types of modifications to approved risk evaluation and mitigation strategies

that shall be considered to be minor modifications of such strategies.

SEC. 868. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 811(b), is further amended by adding at the end the following:

“SEC. 569. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

“(a) IN GENERAL.—For the purpose of promoting the efficiency of and informing the review by the Food and Drug Administration of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, the following shall apply:

“(1) CONSULTATION WITH STAKEHOLDERS.—Consistent with sections X.C and IX.E.4 of the PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017, as referenced in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012, the Secretary shall ensure that opportunities exist, at a time the Secretary determines appropriate, for consultations with stakeholders on the topics described in subsection (b).

“(2) CONSULTATION WITH EXTERNAL EXPERTS.—

“(A) IN GENERAL.—The Secretary shall develop and maintain a list of external experts who, because of their special expertise, are qualified to provide advice on rare disease issues, including topics described in subsection (c). The Secretary may, when appropriate to address a specific regulatory question, consult such external experts on issues related to the review of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, including the topics described in subsection (b), when such consultation is necessary because the Secretary lacks the specific scientific, medical, or technical expertise necessary for the performance of the Secretary’s regulatory responsibilities and the necessary expertise can be provided by the external experts.

“(B) EXTERNAL EXPERTS.—For purposes of subparagraph (A), external experts are individuals who possess scientific or medical training that the Secretary lacks with respect to one or more rare diseases.

“(b) TOPICS FOR CONSULTATION.—Topics for consultation pursuant to this section may include—

“(1) rare diseases;

“(2) the severity of rare diseases;

“(3) the unmet medical need associated with rare diseases;

“(4) the willingness and ability of individuals with a rare disease to participate in clinical trials;

“(5) an assessment of the benefits and risks of therapies to treat rare diseases;

“(6) the general design of clinical trials for rare disease populations and subpopulations; and

“(7) the demographics and the clinical description of patient populations.

“(c) CLASSIFICATION AS SPECIAL GOVERNMENT EMPLOYEES.—The external experts who are consulted under this section may be considered special government employees, as defined under section 202 of title 18, United States Code.

“(d) PROTECTION OF CONFIDENTIAL INFORMATION AND TRADE SECRETS.—

“(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the

protections offered by laws, regulations, and policies governing disclosure of confidential commercial or trade secret information, and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such provisions would be applied to consultation with individuals and organizations prior to the date of enactment of this section.

“(2) CONSENT REQUIRED FOR DISCLOSURE.—The Secretary shall not disclose confidential commercial or trade secret information to an expert consulted under this section without the written consent of the sponsor unless the expert is a special government employee (as defined under section 202 of title 18, United States Code) or the disclosure is otherwise authorized by law.

“(e) OTHER CONSULTATION.—Nothing in this section shall be construed to limit the ability of the Secretary to consult with individuals and organizations as authorized prior to the date of enactment of this section.

“(f) NO RIGHT OR OBLIGATION.—

“(1) NO RIGHT TO CONSULTATION.—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder.

“(2) NO ALTERING OF GOALS.—Nothing in this section shall be construed to alter agreed upon goals and procedures identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012.

“(3) NO CHANGE TO NUMBER OF REVIEW CYCLES.—Nothing in this section is intended to increase the number of review cycles as in effect before the date of enactment of this section.

“(g) NO DELAY IN PRODUCT REVIEW.—Prior to a consultation with an external expert, as described in this section, relating to an investigational new drug application under section 505(i), a new drug application under section 505(b), or a biologics license application under section 351 of the Public Health Service Act, the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research (or appropriate Division Director), as appropriate, shall determine that—

“(1) such consultation will—

“(A) facilitate the Secretary’s ability to complete the Secretary’s review;

“(B) address outstanding deficiencies in the application; and

“(C) increase the likelihood of an approval decision in the current review cycle; or

“(2) the sponsor authorized such consultation.”.

SEC. 869. BREAKTHROUGH THERAPIES.

(a) IN GENERAL.—Section 506 (21 U.S.C. 356), as amended by section 841, is further amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b), as so redesignated, the following:

“(a) DESIGNATION OF A DRUG AS A BREAKTHROUGH THERAPY.—

“(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a drug, expedite the development and review of such drug if the drug is intended, alone or in combination with 1 or more other drugs, to treat a serious or life-threatening disease or condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on 1 or more clinically significant endpoints, such

as substantial treatment effects observed early in clinical development. In this section, such a drug is referred to as a 'breakthrough therapy'.

“(2) REQUEST FOR DESIGNATION.—The sponsor of a drug may request the Secretary to designate the drug as a breakthrough therapy. A request for the designation may be made concurrently with, or at any time after, the submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

“(3) DESIGNATION.—

“(A) IN GENERAL.—Not later than 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a breakthrough therapy and shall take such actions as are appropriate to expedite the development and review of the application for approval of such drug.

“(B) ACTIONS.—The actions to expedite the development and review of an application under subparagraph (A) may include, as appropriate—

“(i) holding meetings with the sponsor and the review team throughout the development of the drug;

“(ii) providing timely advice to, and interactive communication with, the sponsor regarding the development of the drug to ensure that the development program to gather the non-clinical and clinical data necessary for approval is as efficient as practicable;

“(iii) involving senior managers and experienced review staff, as appropriate, in a collaborative, cross-disciplinary review;

“(iv) assigning a cross-disciplinary project lead for the Food and Drug Administration review team to facilitate an efficient review of the development program and to serve as a scientific liaison between the review team and the sponsor; and

“(v) taking steps to ensure that the design of the clinical trials is as efficient as practicable, when scientifically appropriate, such as by minimizing the number of patients exposed to a potentially less efficacious treatment.”;

(4) in subsection (e)(1), as so redesignated, by striking “applicable to accelerated approval” and inserting “applicable to breakthrough therapies, accelerated approval.”;

and

(5) by adding at the end the following:

“(f) REPORT.—Beginning in fiscal year 2013, the Secretary shall annually prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, with respect to this section for the previous fiscal year—

“(1) the number of drugs for which a sponsor requested designation as a breakthrough therapy;

“(2) the number of products designated as a breakthrough therapy; and

“(3) for each product designated as a breakthrough therapy, a summary of the actions taken under subsection (a)(3).”.

(b) GUIDANCE; AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance on implementing the requirements with respect to break-

through therapies, as set forth in section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(B) AMENDED REGULATIONS.—

(i) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by this section to section 506(a) of the Federal Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(ii) PROCEDURE.—In amending regulations under clause (i), the Secretary shall—

(I) issue a notice of proposed rulemaking that includes the proposed regulation;

(II) provide a period of not less than 60 days for comments on the proposed regulation; and

(III) publish the final regulation not less than 30 days before the effective date of the regulation.

(iii) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing the amendments made by section only as described in clause (ii).

(2) REQUIREMENTS.—Guidance issued under this section shall—

(A) specify the process and criteria by which the Secretary makes a designation under section 506(a)(3) of the Federal Food, Drug, and Cosmetic Act; and

(B) specify the actions the Secretary shall take to expedite the development and review of a breakthrough therapy pursuant to such designation under such section 506(a)(3), including updating good review management practices to reflect breakthrough therapies.

(c) INDEPENDENT REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with appropriate experts, shall assess the manner by which the Food and Drug Administration has applied the processes described in section 506(a) of the Federal Food, Drug, and Cosmetic Act, as amended by this section, and the impact of such processes on the development and timely availability of innovative treatments for patients affected by serious or life-threatening conditions. Such assessment shall be made publicly available upon completion.

(d) CONFORMING AMENDMENTS.—Section 506B(e) (21 U.S.C. 356b) is amended by striking “section 506(b)(2)(A)” each place such term appears and inserting “section 506(c)(2)(A)”.

SEC. 870. GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.

(a) QUALIFIED TESTING DEFINITION.—Section 5(b)(1)(A)(ii) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A)(ii)) is amended by striking “after the date such drug is designated under section 526 of such Act and”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—For grants and contracts under subsection (a), there is authorized to be appropriated \$30,000,000 for each of fiscal years 2013 through 2017.”.

TITLE IX—DRUG SHORTAGES

SEC. 901. DISCONTINUANCE AND INTERRUPTIONS OF MANUFACTURING OF CERTAIN DRUGS.

(a) IN GENERAL.—Section 506C (21 U.S.C. 356c) is amended to read as follows:

“SEC. 506C. DISCONTINUANCE AND INTERRUPTIONS OF MANUFACTURING OF CERTAIN DRUGS.

“(a) IN GENERAL.—A manufacturer of a drug subject to section 503(b)(1)—

“(1) that is—

“(A) life-supporting;

“(B) life-sustaining; or

“(C) intended for use in the prevention or treatment of a debilitating disease or condition; and

“(2) that is not a radio pharmaceutical drug product, a product derived from human plasma protein and their recombinant analogs, or any other product as designated by the Secretary,

shall notify the Secretary of a discontinuance of the manufacture of the drug, or an interruption of the manufacture of the drug that is likely to lead to a meaningful disruption in the manufacturer's supply of the drug, and the reason for such discontinuance or interruption, in accordance with subsection (b).

“(b) TIMING.—A notice required by subsection (a) shall be submitted to the Secretary—

“(1) at least 6 months prior to the date of the discontinuance or interruption; or

“(2) if compliance with paragraph (1) is not possible, as soon as practicable.

“(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute information on the discontinuation or interruption of the manufacture of the drugs described in subsection (a) to appropriate organizations, including physician, health provider, and patient organizations, as described in section 506D.

“(d) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

“(e) COORDINATION WITH ATTORNEY GENERAL.—Not later than 30 days after the receipt of a notification described in subsection (a), the Secretary shall—

“(1) determine whether the notification pertains to a controlled substance subject to a production quota under section 306 of the Controlled Substances Act; and

“(2) if necessary, as determined by the Secretary—

“(A) notify the Attorney General that the Secretary has received such a notification;

“(B) request that the Attorney General increase the aggregate and individual production quotas under section 306 of the Controlled Substances Act applicable to such controlled substance and any ingredient therein to a level the Secretary deems necessary to address a shortage of a controlled substance based on the best available market data; and

“(C) if the Attorney General determines that the level requested is not necessary to address a shortage of a controlled substance, the Attorney General shall provide to the Secretary a written response detailing the basis for the Attorney General's determination.

The Secretary shall make the written response provided under subparagraph (C) available to the public on the Web site of the Food and Drug Administration.

“(f) FAILURE TO MEET REQUIREMENTS.—If a person fails to submit information required under subsection (a) in accordance with subsection (b)—

“(1) the Secretary shall issue a letter to such person informing such person of such failure;

“(2) not later than 30 calendar days after the issuance of a letter under paragraph (1), the person who receives such letter shall submit to the Secretary a written response to such letter setting forth the basis for non-compliance and providing information required under subsection (a); and

“(3) not later than 45 calendar days after the issuance of a letter under paragraph (1), the Secretary shall make such letter and any response to such letter under paragraph (2) available to the public on the Web site of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (d), except that, if the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such response, the person had a reasonable basis for not notifying as required under subsection (a), the requirements of this paragraph shall not apply.”.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, after issuing a notice of proposed rule and holding a public hearing, shall promulgate final regulations that implement the amendment made by subsection (a).

(2) CONTENTS.—Such regulations shall, for purposes of section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c)—

(A) define the terms “life-supporting”, “life-sustaining”, and “intended for use in the prevention or treatment of a debilitating disease or condition”; and

(B) define the term “interruption of the manufacture of the drug that is likely to lead to a meaningful disruption in the manufacturer’s supply of the drug” to mean a change in production that is highly likely to lead to more than a negligible reduction in the supply of the drug and affects the ability of the manufacturer to meet demand for such drug, but not to include a change in production due to matters such as routine maintenance or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time.

SEC. 902. DRUG SHORTAGE LIST.

Title V (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following new section:

“SEC. 506D. DRUG SHORTAGE LIST.

“(a) ESTABLISHMENT.—The Secretary shall maintain an up-to-date list of drugs that are determined by the Secretary to be in shortage in the United States.

“(b) CONTENTS.—For each drug on such list, the Secretary shall include the following information:

“(1) The name of the drug in shortage.

“(2) The name of each manufacturer of such drug.

“(3) The reason for the shortage, as determined by the Secretary, selecting from the following categories:

“(A) Requirements related to complying with good manufacturing practices.

“(B) Regulatory delay.

“(C) Shortage of an active ingredient.

“(D) Shortage of an inactive ingredient component.

“(E) Discontinuation of the manufacture of the drug.

“(F) Delay in shipping of the drug.

“(G) Demand increase for the drug.

“(4) The estimated duration of the shortage as determined by the Secretary.

“(c) PUBLIC AVAILABILITY.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall make the information in such list publicly available.

“(2) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

“(3) PUBLIC HEALTH EXCEPTION.—The Secretary may choose not to make information collected under this section publicly available under paragraph (1) if the Secretary determines that disclosure of such information would adversely affect the public health (such as by increasing the possibility of hoarding or other disruption of the availability of drug products to patients).”.

SEC. 903. QUOTAS APPLICABLE TO DRUGS IN SHORTAGE.

Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended by adding at the end the following:

“(h)(1) Not later than 30 days after the receipt of a request described in paragraph (2), the Attorney General shall—

“(A) complete review of such request; and

“(B)(i) as necessary to address a shortage of a controlled substance, increase the aggregate and individual production quotas under this section applicable to such controlled substance and any ingredient therein to the level requested; or

“(ii) if the Attorney General determines that the level requested is not necessary to address a shortage of a controlled substance, the Attorney General shall provide a written response detailing the basis for the Attorney General’s determination.

The Secretary shall make the written response provided under subparagraph (B)(ii) available to the public on the Web site of the Food and Drug Administration.

“(2) A request is described in this paragraph if—

“(A) the request pertains to a controlled substance on the list of drugs in shortage maintained under section 506D of the Federal Food, Drug, and Cosmetic Act;

“(B) the request is submitted by the manufacturer of the controlled substance; and

“(C) the controlled substance is in schedule II.”.

SEC. 904. EXPEDITED REVIEW OF MAJOR MANUFACTURING CHANGES FOR POTENTIAL AND VERIFIED SHORTAGES OF DRUGS THAT ARE LIFE-SUPPORTING, LIFE-SUSTAINING, OR INTENDED FOR USE IN THE PREVENTION OF A DEBILITATING DISEASE OR CONDITION.

Subsection (c) of section 506A (21 U.S.C. 356a) is amended by adding at the end the following new paragraph:

“(3) CHANGES ADDRESSING A DRUG SHORTAGE.—

“(A) CERTIFICATION.—

“(i) DESCRIPTION.—A certification is described in this subparagraph if the manufacturer, having notified the Secretary of an interruption or discontinuance of a drug in accordance with Section 506C, certifies (in such certification) that the major manufacturing change for which approval is being sought may prevent or alleviate a discontinuance or interruption of such drug.

“(ii) BAD FAITH EXCEPTION.—Subparagraphs (B) and (C) do not apply in the case of a certification which the Secretary determines to be made in bad faith.

“(B) EXPEDITED REVIEW.—If a certification described in subparagraph (A) is submitted

in connection with a supplemental application for a major manufacturing change, the Secretary shall—

“(i) expedite any technical review or inspection necessary for consideration of the supplemental application;

“(ii) provide any technical assistance necessary to facilitate approval of the supplemental application; and

“(iii) not later than 60 days after receipt of the certification, complete review of the supplemental application.”.

SEC. 905. STUDY ON DRUG SHORTAGES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine the cause of drug shortages and formulate recommendations on how to prevent or alleviate such shortages.

(b) CONSIDERATION.—In conducting the study under this section, the Comptroller General shall consider the following questions:

(1) What are the dominant characteristics of drugs that have gone into actual shortage over the preceding three years?

(2) Are there systemic high-risk factors (such as drug pricing structure, including Federal reimbursements, or the number of manufacturers producing a drug product) that have led to the concentration of drug shortages in certain drug products that have made such products vulnerable to drug shortages?

(3) Is there a reason why drug shortages have occurred primarily in the sterile injectable market and in certain therapeutic areas?

(4) How have regulations, guidance documents, regulatory practices, and other actions of Federal departments and agencies (including the effectiveness of interagency and intraagency coordination, communication, strategic planning, and decision-making) affected drug shortages?

(5) How does hoarding affect drug shortages?

(6) How would incentives alleviate or prevent drug shortages?

(7) How are healthcare providers, including hospitals and physicians responding to drug shortages, to what extent are such providers able to adjust care effectively to compensate for such shortages, and what impediments exist that hinder provider ability to adjust to such shortages?

(c) CONSULTATION WITH STAKEHOLDERS.—In conducting the study under this section, the Comptroller General shall consult with relevant stakeholders, including physicians, pharmacists, hospitals, patients, drug manufacturers, and other health providers.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the results of the study under this section.

SEC. 906. ANNUAL REPORT ON DRUG SHORTAGES.

Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on drug shortages that—

(1) describes the communication between the field investigators of the Food and Drug Administration and the staff of the Center for Drug Evaluation and Research’s Office of Compliance and Drug Shortage Program, including the Food and Drug Administration’s

procedures for enabling and ensuring such communication;

(2) describes the Food and Drug Administration's efforts to expedite the review of new manufacturing sites, new suppliers, and specification changes to prevent or alleviate a drug shortage;

(3) describes the coordination between the Food and Drug Administration and the Drug Enforcement Administration on efforts to prevent or alleviate drug shortages;

(4) identifies the number of, and describes the instances in which the Food and Drug Administration exercised regulatory flexibility and discretion to prevent or alleviate a drug shortage;

(5) identifies the number of instances in which the Food and Drug Administration asked firms to increase production to prevent or alleviate a shortage;

(6) identifies the number of notifications submitted to the Secretary under section 506C of the Federal Food, Drug, and Cosmetic Act, as amended by section 901 of this Act, including the percentage of such notifications for a drug that is a sterile injectable;

(7) describes the Food and Drug Administration's implementation of section 506D of the Federal Food, Drug, and Cosmetic Act (relating to a drug shortage list), as added by section 902 of this Act, and identifies—

(A) the name of each drug on the list under such section 506D at any point during the period covered by the report;

(B) the name of each manufacturer of each such drug;

(C) the reason for the shortage of each such drug; and

(D) the anticipated or, if known, actual duration of the shortage of each such drug;

(8) identifies whether, and how, the Food and Drug Administration expedited the review of regulatory submissions to prevent or alleviate shortages, including how the Administration utilized the authority in section 506A(c)(3) of the Federal Food, Drug, and Cosmetic Act, as added by section 904 of this Act;

(9) identifies the number of certifications submitted under such section 506A(c)(3) and, for each such certification, whether the Food and Drug Administration completed expedited review within 60 days as required by subparagraph (B) of such section 506A(c)(3);

(10) describes the Secretary's public engagement on drug shortages with stakeholders, including physicians, pharmacists, patients, hospitals, drug manufacturers, and other health providers; and

(11) contains the Secretary's plan for addressing drug shortages in the upcoming year, including with respect to the issues described in paragraphs (1) through (10).

SEC. 907. ATTORNEY GENERAL REPORT ON DRUG SHORTAGES.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on the Judiciary of the Senate a report on drug shortages that—

(1) identifies the number of requests received under section 306(h) of the Controlled Substances Act (as added by section 903 of this Act), the average review time for such requests, the number of requests granted and denied under such section, and, for each of the requests denied under such section, the basis for such denial;

(2) describes the coordination between the Drug Enforcement Administration and Food and Drug Administration on efforts to prevent or alleviate drug shortages; and

(3) identifies drugs containing a controlled substance subject to section 306 of the Controlled Substances Act when such a drug is determined by the Secretary of Health and Human Services to be in shortage.

SEC. 908. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

Chapter V (21 U.S.C. 351 et seq.), as amended by section 902 of this Act, is further amended by inserting after section 506D the following:

“SEC. 506E. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

“(a) DEFINITIONS.—In this section:

“(1) DRUG.—The term ‘drug’ excludes any controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

“(2) HEALTH SYSTEM.—The term ‘health system’ means a collection of hospitals that are owned and operated by the same entity and that share access to databases with drug order information for their patients.

“(3) REPACKAGE.—For the purposes of this section only, the term ‘repackage’, with respect to a drug, means to divide the volume of a drug into smaller amounts in order to—

“(A) extend the supply of a drug in response to the placement of the drug on a drug shortage list described in subsection (b); and

“(B) facilitate access to the drug by hospitals within the same health system.

“(b) EXCLUSION FROM REGISTRATION.—Notwithstanding any other provision of this Act, a hospital shall not be considered an establishment for which registration is required under section 510 solely because it repackages a drug and transfers it to another hospital within the same health system in accordance with the conditions in subsection (c)—

“(1) during any period in which the drug is listed on the Drug Shortage List of the Food and Drug Administration; or

“(2) during the 60-day period following any period described in paragraph (1).

“(c) CONDITIONS.—Subsection (b) shall only apply to a hospital, with respect to the repackaging of a drug for transfers to another hospital within the same health system, if the following conditions are met:

“(1) DRUG FOR INTRASYSTEM USE ONLY.—In no case may a drug that has been repackaged in accordance with this section be sold or otherwise distributed by the health system or a hospital within the system to an entity or individual that is not a hospital within such health system.

“(2) COMPLIANCE WITH STATE RULES.—Repackaging of a drug under this section shall be done in compliance with applicable State requirements in which the health system is located.

“(d) TERMINATION.—This section shall not apply on or after the date on which the Secretary issues final guidance that clarifies the policy of the Food and Drug Administration regarding hospital pharmacies repackaging and safely transferring repackaged drugs to other hospitals within the same health system during a drug shortage.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank, first of all, Chairman PITTS, Dr. BURGESS, Mr. BARTON, Mr. WAXMAN, Mr. PALLONE, Mr. DINGELL, and other committee members on both sides of the aisle for their bipartisanship through this process. H.R. 5651 is a reflection of their hard work, dedication, and willingness to work together. And because of that outstanding work, we have a bill today that will help American patients and innovators, and it will support millions of jobs, believe it or not, millions of jobs in an important sector of our economy.

As I've said since the beginning of this Congress, we need to enact this user fee by the end of June, and I believe that we're on track to accomplish that goal.

And as we put this user-fee package together, I wanted to ensure that it fostered American innovation by improving the predictability, consistency, transparency, and efficiency of FDA regulation. Fostering innovation is essential in getting new treatments to patients and creating American jobs.

This bill will foster American innovation because it includes significant accountability and reform measures designed to hold the FDA responsible for its performance. The measures include independent assessments of FDA's drug-and-device review process. It also requires quarterly reporting from the device center so that we don't have to wait a year to find out their progress.

I commit today that our committee will continue its vigorous oversight of the FDA. For example, we're going to use the independent assessments to determine where the review process can be improved, and we will ensure FDA fixes the problems. Also, we'll use the quarterly data on device reviews and bring the FDA before our committee to explain how it's doing.

This bill will give us the information that we need to understand how the FDA is performing. It is up to us to ensure that we use that information to hold the FDA accountable for their performance.

Together, the committee members have produced a bill that will help American patients, while supporting innovation and job creators. I thank the committee for their participation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Today marks a very exceptional day in this body, one that deserves great

praise. The bill before us, H.R. 5651, the FDA Reform Act of 2012, is the product of bipartisanship, collaboration, and compromise that I'm very proud of. The bill is a result of more than a year of negotiations between industry, FDA, and Congress.

In the Energy and Commerce Committee, we held a number of hearings on the critical issues within the bill, and earlier this month it passed unanimously in both subcommittee and full committee. The bill is slightly modified from the bill reported by committee, as it now includes a bipartisan provision which results in the bill reducing the deficit by \$370 million over the next 10 years.

The FDA Reform Act will ensure that Americans have access to safe and effective new medicines and medical devices by reauthorizing the user-fee programs for prescription drugs and medical devices. It will reduce drug costs for consumers by speeding the approval of lower-cost generic drugs with the establishment of new user-fee programs for generic drugs and for lower-cost versions of biotech drugs.

The bill will also reform and revitalize many FDA programs to improve its regulatory scheme to facilitate a more efficient and predictable review process.

Mr. Speaker, the bill also makes permanent two complementary programs, the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act, which both help to foster the development and safe use of prescription drugs for children.

In addition, a significant improvement was made to the FDA's ability to police an ever-growing global drug supply chain to improve patient safety, and these provisions will give the FDA critical tools it needs to keep our medicine safer.

It also includes important provisions to help prevent and mitigate drug shortages by requiring that drugmakers notify the FDA in advance of any expected disruption in the supply of certain critical drugs, and for the FDA to inform health care providers of the potential drug shortage.

I want to thank Chairman UPTON and Chairman PITTS, Ranking Member WAXMAN, Mr. DINGELL, and my other colleagues on the committee for their leadership and dedication to this important piece of legislation, a special thanks to the staffs, in particular my staff person, Tiffany Guarascio, who's to my right. But on both sides of the aisle, the staff worked hard, and they should be very proud of what we've accomplished.

Reauthorizing and revitalizing the FDA user-fee system is a critical investment to our Nation's public health.

Mr. Speaker, I urge all Members of the House to vote "aye."

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Penn-

sylvania (Mr. PITTS), chairman of the Health Subcommittee on the Energy and Commerce Committee.

Mr. PITTS. Mr. Speaker, the Food and Drug Administration Reform Act of 2012 is a product of nearly a year and a half of work in the Energy and Commerce Health Subcommittee. H.R. 5651 is the result of bipartisan negotiations. The bill passed out of the Health Subcommittee by a unanimous voice vote and passed out of the full committee 46-0.

I would especially like to thank Clay Alspach, Ryan Long, and Paul Edattell and the other staffers for their dedication and hard work in making this bill possible. I know they've put in a lot of hours; and because of that work, we have brought this bill to the floor in a timely manner.

The FDA Reform Act is critical to saving lives and sustaining a dynamic American industry. American companies are the leading developers of new medical devices and drugs to save and sustain life.

To ensure that products are both safe and effective, we've tasked the Food and Drug Administration with reviewing products before they make their way into the market. This is a big job. The device and drug industries are dynamic and innovative. Companies spend tens of millions of dollars and years of work to develop products.

The review stage is a critical time for any company. Inconsistent reviews mean that the true cost of developing a new product is hidden, making it difficult to properly prepare.

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When we began considering this legislation last year, we heard from a number of individuals involved in the medical device industry about the increasing difficulty of working through the review process. American patients were waiting almost 4 years longer for new devices that had already been approved in Europe, and despite the slow review process, the safety outcomes were comparable.

The FDA Reform Act contains critical reforms to the Medical Device User Fee Act which will hold the FDA accountable and keep the reviews on schedule. Under the fourth version of the Prescription Drug User Fee Act, the median time of approval was 9 months. With the reauthorization, we set the goal of reducing the review time to 8 months. Currently, generic drugs have an average approval time of 32 months. Included in this legislation is a new user-fee program that should be able to gradually reduce review times to 10 months for most products. A separate user-fee program for biosimilars has the goal of 10-month approval times for most products. Finally, we also include language to help patients, doctors, and hospitals to deal with drug shortages.

Mr. Speaker, I am proud of the work we have done here. I would like especially to thank full committee Chairman UPTON as well as Health Subcommittee Ranking Member FRANK PALLONE, full committee Ranking Member HENRY WAXMAN, and their staffs for patiently working with us on the FDA Reform Act.

This is legislation to help save lives and create jobs, which are two goals that we can all agree on. It is a bipartisan effort, and I urge all Members to support the legislation.

Mr. PALLONE. Mr. Speaker, I would like to yield 3 minutes to our chairman emeritus, Mr. DINGELL, who has worked so hard and who has been so much a part of this legislation.

Mr. DINGELL. I thank the gentleman from New Jersey.

Mr. Speaker, I rise in strong support of H.R. 5651, to reauthorize the prescription drug and medical device user-fee programs, to establish new user-fee programs for generic drugs and biosimilars, and also to give substantial new authorities to the Food and Drug Administration, with the support of the industry, to provide broad additional protections to American consumers.

H.R. 5651 is an excellent example of the great good that can be done when both parties come together in the spirit of bipartisanship, cooperation, and compromise, and when they work with consumers and the industry to achieve a bill supported by all.

This legislation will ensure the timely access to safe and effective drugs and medical devices, encourage the development of the innovative drug treatments for our children, and improve the Food and Drug Administration's current authority to deal with drug shortages. More importantly, this legislation will provide FDA with much-needed new authorities to secure the safety of our drug supply and to help prevent another incident like that unfortunate one involving heparin, in which over 80 people died from a blood thinner which was contaminated from where it came, in China, and which also sickened over 100 people of whom we know.

H.R. 5651's drug supply chain provisions will improve information FDA has about domestic and foreign drug manufacturers. It will, for the first time in history, provide FDA with information about importers and will enable FDA to control imported pharmaceuticals and devices. It will also allow FDA to detain or to destroy counterfeit or adulterated drugs, prohibit the entry of imported drugs that have been delayed or been denied inspection by FDA, and will encourage parity in the inspections of the domestic and foreign drug establishments. It will permit, for the first time, the real inspection of foreign producers, and it will treat all manufacturers alike.

These provisions mirror those in drug legislation which I authored earlier. The new authorities provided to FDA for our drug supply will enable the leveling of the playing field for our domestic drug manufacturers and will give American families the peace of mind that FDA can and will—and will have the authority to—respond to unsafe, misbranded, counterfeit, or contaminated drugs.

I want to thank my colleagues on the committee for the fine way this legislation was worked on, particularly Energy and Commerce Committee Chairman UPTON, Ranking Member WAXMAN, Subcommittee on Health Chairman PITTS, Ranking Member PALLONE, and their staffs—Clay Alspach, Ryan Long, Rachel Sher, Eric Flamm, Arun Patel, and Tiffany Guarascio, as well as Kimberlee Trzeciak of my staff—for their hard work and their commitment through this process to producing a bipartisan bill.

Mr. Speaker, I am pleased to be a co-author of this important legislation. We have built upon the good work that FDA is already doing as well as the strong agreements negotiated by industry and FDA, and I urge the House to pass this bill.

I look forward to working with my colleagues in the Senate to swiftly pass legislation this summer that can be signed into law by the President.

Mr. UPTON. I yield myself 1½ minutes for the purpose of a colloquy, and I yield to the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I would like to thank you for working with me to advance my pill mill crack-down legislation and for your commitment to curbing prescription drug abuse. This crisis has created enormous pain and suffering on our families and communities, killing tens of thousands of Americans every year—tens of thousands.

I am pleased that the Senate FDA bill contains the central component of my bill to reschedule hydrocodone combination drugs—one of the most addictive and deadly drug mixtures. By reclassifying these drugs from a schedule III to a schedule II drug, we will be making them much more difficult to obtain and abuse. This provision has the support of the medical and the law enforcement communities as well.

I look forward to working with you, Mr. Chairman, to ensure that the final bill addresses this critical issue and contains the Buchanan pill mill provision.

Mr. UPTON. I appreciate your constant leadership on the national problem of prescription drug abuse. I appreciated your input during your phone call to me last week back in Michigan when the Senate passed this amendment. Our committee has focused on this issue, and you have been an outstanding partner with Congressman ED

WHITFIELD and Congresswoman BONO MACK on this.

When used properly, we know that these medications provide needed therapies for those suffering from pain. However, the abuse of some of those products has devastated communities and destroyed families across the country. So, as we move forward on this bill in our discussions with the Senate, I hope that we can continue the partnership and be able to work this issue out.

At this point, Mr. Speaker, I ask unanimous consent that the balance of my time be controlled by the gentleman from Pennsylvania (Mr. PITTS).

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. PITTS) will control the remainder of the time.

There was no objection.

Mr. PALLONE. I yield 3 minutes to the gentlewoman from California (Mrs. CAPPES).

Mrs. CAPPES. I thank my colleague for yielding me time.

I rise today in strong support of the FDA Reform Act of 2012. I must say it is an honor to associate myself with the remarks of our chairman emeritus, Mr. DINGELL, who worked tirelessly over the years with regard to the Food and Drug Administration in making it a good institution that can only become better.

This bill represents the spirit of compromise—compromise across the aisle and also among the many stakeholders that work toward innovations to improve our health. It demonstrates that at a time when most of the country believes that we in Congress can't work together at all or pass a piece of legislation without a long and bitter fight, we can come together to improve health, protect the safety of the American people and, at the same time, to support good jobs and innovation in our health care industry.

I am especially pleased that two of my provisions have been included in this legislation. For example, the SAFE Devices Act will improve the postmarket surveillance of medical devices and the implementation of the unique device identifier program. This is an essential provision that will let us know that our devices work, and it will allow us to identify potential problems early on, protecting patients and identifying issues when they are easier and less costly to address. Additionally, the bill includes the simplification of FDA's de novo process—an important step to helping both medical devices manufacturers and patients.

I thank Chairmen UPTON and PITTS and Ranking Members PALLONE and WAXMAN for their leadership on this bill. I also thank the numerous advocates, the many patients and other stakeholders who came together and contributed to this bill so that it would come to fruition today.

Of course, there is more work in front of us that remains to be done, but

this bill before us is an important step in ensuring that our drug and device pipelines continue to produce needed cures and treatments in order to keep us all healthy, which is why I urge my colleagues to support it.

□ 1650

Mr. PITTS. Mr. Speaker, I yield 2 minutes to a gentleman who showed great leadership in the development of this legislation, in the negotiations, and has been a very integral part, the vice-chair of the Health Subcommittee, the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, this is not a perfect bill, but it's a good bill, and it's a solid bill. It is worthy of the support of everyone on this floor. This bill reauthorizes the FDA's user-fee programs for prescription drugs and medical devices and, in fact, authorizes two new programs for generic devices and what are known as biosimilars. Together, all of these products provide powerful tools to prevent and alleviate human suffering.

The Food and Drug Administration must have the infrastructure and the resources to ensure patient safety and to approve new products in a straightforward and predictable fashion. Delayed reviews increase costs, hurt innovation, cost jobs, and deny patients potentially lifesaving products. These agreements present the tremendous opportunity to ensure that we have a strong and efficient FDA, and the committee responded appropriately and seized that opportunity. This bill will help the FDA build on what's working, address what isn't, and provide resources to meet future goals.

With the ranking member on the subcommittee, Mr. PALLONE, we crafted new guidelines for how the Food and Drug Administration recruits, approaches, and accesses relative scientific and medical expertise. I'm also pleased that we require the Food and Drug Administration to now notify Congress before issuing guidance regarding the regulation of laboratory-developed tests. We still need to strengthen and improve the oversight of laboratory-developed tests instead of promoting duplicative regulation that delays access to lifesaving diagnostics, but it's a good first step. Additionally, the bill takes good first steps to address critical drug shortages. No physician wants to tell a patient they can't receive the care that they need because the product is unavailable.

The process was respectful and resulted from hundreds of hours of negotiation. Certainly, Chairman PITTS and Ranking Members WAXMAN and PALLONE and Chairman Emeritus DINGELL and their staffs should be given tremendous credit, along with Ryan Long and Clay Alspach for the work they did on the majority staff, and my personal

staff, J.P. Paluskiewicz, who put in long hours to get this product to the floor.

This vote is about patients. We need to get it right for them, and I think we've come awfully close to getting it right.

Mr. PALLONE. Mr. Speaker, I want to make a special thanks to another staff person for the committee, Rachel Sher, who is on my right here, as well. Thank you, Rachel.

I would now like to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank Chairman UPTON and Chairman PITTS and I thank Ranking Member PALLONE and Ranking Member WAXMAN for their work in bringing to the floor a bipartisan bill that provides FDA additional resources to bring new drugs and medical devices to market. But today's bill is also a huge missed opportunity. It would be a disservice to patient safety to ignore the bill's major shortfall.

Many Americans would be surprised to learn that 90 percent of medical devices are not required to undergo clinical testing in human beings prior to being sold. Under current law, the FDA is required to clear certain medical devices as long as they demonstrate their similarity to an earlier product, even if the new device is modeled after a similar defective device that caused serious injury or even death. Today's bill offered an important opportunity to address this device-safety loophole, but it doesn't. The loophole remains in place, and patients are still, and will remain, at grave risk.

Four years ago, Jaye Nevarez, a 50-year-old mother of three, was a healthy truck driver who earned a decent living, played in a band, and paid her bills on time. Then her doctor implanted a bladder mesh, a device that traces its origin back to a previous product that was recalled for causing serious injury and in some cases death. Jaye now lives in constant pain. She was forced to quit her job. She can't walk without a cane. She lost her insurance and faces a growing mountain of medical debt. The bank recently began foreclosure proceedings on her home where she lives with her 79-year-old mother.

Jaye isn't the first to be harmed by this loophole. If we fail to fix it, she won't be the last. There will be tens of thousands of others who fall into this loophole who will suffer serious injury.

I introduced the SOUND Devices Act providing FDA the ability to protect the public from these unsafe devices, but this was not included in the bill. The bill we are voting on today is critically important, however. It includes the EXPERRT Act, a bill that I authored to improve communication between FDA and experts in rare diseases. It includes bipartisan provisions that I'm proud to have worked with other Members to promote, especially in pediatric-device development.

This bill must not be the last word on medical-device safety. I hope that my colleagues will join with me to close this loophole so that we can keep the American public safe from harmful medical practices.

Mr. PITTS. Mr. Speaker, at this time I am happy to yield 1½ minutes to the subcommittee chairman of O&I, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, the authorization of the FDA user fees will simply provide stability at FDA's new product review as companies submit new and innovative devices and drugs for their approval.

I'm especially proud that in this bill I had a piece of legislation called the Faster Access to Specialized Treatments—FAST—Act, which is H.R. 4132. It was included in the FDA Reform Act. This act modernizes the FDA accelerated approval pathways to reflect the 20 years of science developed since accelerated approval was first established in 1992. So think of that: since 1992, with this bill that I've included in our FDA bill, it will accelerate approval through the FDA. It will simply allow new drugs to get to market faster for people who are suffering from rare diseases. There are 30 million Americans suffering from one of over 7,000 rare diseases, but only 250 currently have any treatment. This act will save lives.

I would like to enter, Mr. Speaker, this letter of support for FAST signed by over 150 rare-disease groups into the RECORD.

I'm also glad that the FDA Reform Act includes the Expanding and Promoting Expertise in Review of Rare Treatments Act, EXPERRT Act, H.R. 4156. This will help FDA consult with medical experts when evaluating drugs dealing with rare disease such as cystic fibrosis. As the cofounder of the Cystic Fibrosis Caucus, I'm glad we're giving this tool to the FDA.

Mr. Speaker, I support passage of the FDA Reform Act.

MARCH 23, 2012.

Hon. CLIFF STEARNS,
U.S. House of Representatives,
Washington, DC.

Hon. EDOLPHUS TOWNS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMEN STEARNS & TOWNS: On behalf of patients, physicians, and other members of the health advocacy community we are writing to express our support for H.R. 4132, the Faster Access to Specialized Treatments (FAST) Act. This legislation will modernize and expand the FDA's Accelerated Approval pathway to encompass a broader range of diseases and leverage 21st century drug development tools and strategies. This reform will speed the approval of much-needed therapies and cures to patients who are facing serious and life-threatening conditions, including Alzheimer's disease, autoimmune diseases, multiple sclerosis, Parkinson's disease, neuromuscular disease and hundreds of rare diseases that remain untreated.

We commend you for championing legislation that maintains the FDA's high standard

for approval while at the same time ensuring the Agency can help facilitate the development of new and novel therapies to patients in a more timely manner. In many cases our patients have no available treatment for their diseases, or they are using a therapy that is older and may not work as effectively and safely. This is not acceptable. We believe that this legislation will ensure patients receive the best, modern treatment as soon as possible and we applaud your efforts on their behalf.

Thank you for your leadership on this important bill and we look forward to working with you as it moves forward.

Sincerely,

Abigail Alliance for Better Access to Developmental Drugs; Advocacy for Patients with Chronic Illness, Inc.; Affiliated American CSA Foundation; Alliance for Aging Research; Alliance for Patient Access; American Autoimmune Related Diseases Association; American Brain Tumor Association; American Childhood Cancer Organization; American College of Medical Genetics; American Institute for Medical and Biological Engineering; American Society of Clinical Psychopharmacology; Batten Disease Support and Research Association; Break Through Cancer Coalition; Californians for Cures; Celiac Disease Center at Columbia University; Celiac Sprue Association; Charcot-Marie-Tooth Association (CMTA); Children's Cardiomyopathy Foundation, Inc.; Chinese American Association of Greater Chicago; Coalition Duchenne; Coalition for Pulmonary Fibrosis; Colon Cancer Alliance; Cooleys Anemia Foundation; Crohn's and Colitis Foundation of America; Cryoglobulinemia Vasculitis Organization; CureDuchenne; CurePSP; Digestive Disease National Coalition; Erik Metzler Foundation; EveryLife Foundation for Rare Diseases; Fabry Support & Information Group; Georgia PKU Connect; GIST Support International; Hadley Hope Fund; Hannah's Hope Fund; Hayden's Batten Disease Foundation Inc.; HealthHIV; Hope4Bridget Foundation; ICE Epilepsy Alliance; I Have III; In Need of Diagnosis, Inc. (INOD); Inspire; International Cancer Advocacy Network (ICAN); Jacob's Cure, Inc.; Jain Foundation Inc.; Jonah's Just Begun-Foundation to Cure Sanfilippo Inc.; LAM Treatment Alliance; LGS Foundation; Liddy Shriver Sarcoma Initiative; Little Miss Hannah Foundation; Lung Cancer Alliance; Lupus Foundation of America; Lymphangiomatosis & Gorham's Disease Alliance (LGDA); Lymphatic Malformation Institute (LMI); Macular Degeneration Support, Inc.; Madisons Foundation; Midwest Asian Health Association (MAHA); MLD Foundation; Mpdsupport.org—Myeloproliferative Disease Support; Muscular Dystrophy Association; National Family Caregivers Association; National MPS Society; National MS Society; National Niemann-Pick Disease Foundation, Inc.; National PKU Alliance; National Tay-Sachs & Allied Diseases Association; National Venture Capital Association; NBIA Disorders Association; New Jersey Association for Biomedical Research; NKH International Family Network; Noah's Hope—Batten Disease Fund; Oxalosis and Hyperoxaluria Foundation;

Pachyonychia Congenita Project; Parkinson's Action Network; Parry-Romberg Syndrome Resource, Inc.; Partnership for Cures; Polycystic Kidney Disease Foundation; RARE Project; Russell-Silver Syndrome Support; Scleroderma Research Foundation; Sickle Cell Disease Association of America, Inc.; Society for Women's Health Research; Solving Kids' Cancer; Student Society for Stem Cell Research; Sudden Arrhythmia Death Syndromes (SADS) Foundation; Taylor's Tale; The Association for Frontotemporal Degeneration (AFTD); The Children's Medical Research Foundation, Inc.; The Erythromelalgia Association; The Focus Foundation; The Manton Center for Orphan Disease Research, Children's Hospital Boston; The Reflex Sympathetic Dystrophy Syndrome Association (RSDSA); The Stop ALD Foundation; Tuberos Sclerosis Alliance; Veterans Health Council; VHL Family Alliance; Vietnam Veterans of America; ZERO—The Project to End Prostate Cancer.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I thank the gentleman for yielding, and I thank him for his leadership on our committee.

Mr. Speaker, I rise today in support of H.R. 5651, the Food and Drug Administration Reform Act, and want to simply highlight section 865, the Rare Pediatric Disease Priority Review Voucher Incentive program. I'm so pleased this section was included in the base text of the bill. I want to thank my colleagues on the committee and my good friend Congressman Mike McCaul of Texas for joining with me to see to its inclusion. Actually, we joined together in seeing to its inclusion. Also, let me give a strong thank you to Nancy Goodman with Kids vs. Cancer, who was a strong advocate on this issue.

The program will incentivize pharmaceutical companies to develop new drugs for children with rare pediatric diseases such as childhood cancers and sickle cell disease by expanding the cost-neutral priority review voucher program. Expanding the voucher program will allow pharmaceutical companies to expedite FDA review of more profitable drugs in return for developing treatments for rare pediatric disease.

Since 1980, the FDA has approved only one new drug for treatment of childhood cancer while having approved 50 new cancer-fighting drugs for adults. Children living with life-threatening conditions need access to newly developed drugs that can treat these rare diseases.

□ 1700

Whether a disease is rare or common, the need for effective care and potential cures is the same. Therefore, I strongly urge its inclusion in the final bill that will go to the President for his signature.

Mr. Speaker, on a slightly different note, I would also like to discuss another issue of equal importance. My colleagues and I have worked closely with the Pharmaceutical Distribution Security Alliance to craft a consensus proposal that has the support of manufacturers, distributors, wholesalers, and both the community and chain pharmacists in dealing with traceability of prescription medication.

The proposal, known as RxTEC, would establish a national standard to address the serious issue of drug traceability and pedigree. I commend PDSA for their commitment to consumer and patient safety by working so diligently with both Chambers on this very important issue, ultimately securing placeholder language in the Senate FDA reform bill.

I am very supportive of this proposal, as RxTEC increases patient access to safe medicines, improves security of the pharmaceutical distribution chain, and lowers costs and regulatory burdens. Given the seriousness of this issue, and to avoid additional injuries and potential deaths from counterfeit drugs, I urge the FDA and all parties involved in these talks to find common ground so that we can include final supply chain integrity language into the final draft similar to section 865.

I ask my colleagues on the committee to also voice their support for inclusion.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), a member of the Health Subcommittee, really the author of the sections on generic drug user fees and biosimilars in the bill.

Mr. MURPHY of Pennsylvania. I thank the chairman.

This year a typical senior will spend 15 percent of their household income on health care, including \$620 plus on prescriptions.

But that sum would be much higher if there were no FDA-approved generic pharmaceuticals. Without generics, that same senior might pay \$1,000 for medicine, and Medicare would spend some \$67 billion more.

We must always assure that any medication, brand name or generic, is of the highest quality. But currently the Food and Drug Administration cannot assure that medicines coming in from overseas factories such as those in China are pure.

This bill includes my legislation, the Generic Drug and Biosimilar User Fee Act, to authorize for the first time an FDA program that will expedite approval of generics and clear a backlog of over 2,800 generic applications. Currently, the FDA is supposed to make a decision on the application within 16 months.

But the agency is taking twice that time because it lacks resources for conducting reviews and inspecting fac-

tories. U.S. factories are inspected perhaps once every 2 years, and more often if the FDA decides; foreign factories perhaps 7 to 9 years. That means millions of dosages of drugs coming in from overseas without any inspection.

Recall what happened when heparin ended up killing perhaps 100 to 200 people and causing other complications for many people. Ninety percent of pharmaceutical ingredients are made in foreign factories, but we cannot remain dependent on drugs from other countries that are below U.S. standards.

People of all ages deserve peace of mind, and we all want to have the highest trust for all medicines, either brand name or generic. This bill will restore and support that trust for American consumers.

Mr. PALLONE. Mr. Speaker, I am not expecting any more speakers, and I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), another valued member of the Health Subcommittee, the author of the GAIN Act, the section dealing with antibiotics, and a valued participant in all these negotiations.

Mr. GINGREY of Georgia. I thank subcommittee Chairman PITTS, Chairman UPTON, subcommittee Ranking Member PALLONE. The bill that we are passing today in the House of Representatives, H.R. 5651, is an opportunity to come to the well in support of something that we have done in a bipartisan way. I really relish that fairly rare opportunity. Mr. Speaker, once again we are showing the American people that we can, when we have a need, a need and good ideas. Months and months and months went into working on this bill, staffs on both side. I commend them all and, of course, Ranking Member WAXMAN as well.

Let me just say this. Other Members are talking about the many aspects of the bill, talking about the user-fee aspect of prescription drugs, generic drugs, biologic, biosimilars, the drug safety chain aspect, addressing this problem of shortage of drugs. Emeritus Member DINGELL is a big part of that aspect of the bill.

Let me just say one thing about something that I had a lot of input into, and I am very proud of, and that is a specific drug, antibiotics, where we have a tremendous shortage. That inclusion of my bill, the GAIN Act, Generating Antibiotic Incentives Now, in this bill, I think, is hugely important. We have a lack of antibiotics in this country. We need to incentivize manufacturers to come forward with new and better antibiotics.

Mr. Speaker, I want to just mention very briefly anecdotally, in my district, the 11th District of Georgia, northwest Georgia, a young college student fell recently in a stream, the

little Tallapoosa River, deeply gashed her leg. Bacteria got in that leg, which normally 99 out of a 100 times, Mr. Speaker, would cause no problems whatsoever.

In this instance, I guess maybe because of the depth of the wound and the amount of the trauma to the tissue, it resulted in something called necrotizing fasciitis. This young student, 24 years old, has been struggling for months in an Augusta hospital to recover from these injuries. She is on the way to recovery, thank God, but not without significant long-term disabilities. That's why things like the GAIN aspect of the bill is so important so that we can get new and better antibiotics to the market.

I support this bill tremendously in a bipartisan way.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman very much for yielding.

I commend the Energy and Commerce Committee for producing a good piece of legislation. I also want to applaud the efforts to enhance the safety of America's pharmaceutical supply chain. While we are fortunate in America to not yet have a widespread problem, counterfeit drugs pose a serious health risk to all consumers.

The current patchwork of State requirements and licensing, however, makes supply chain compliance and safety inconsistent and challenging, which potentially jeopardizes the safety and welfare of millions of Americans. Unless a uniform Federal policy covering all pharmaceutical supply chain stakeholders is enacted, the U.S. will fail to provide the visibility and leverage technology that will provide a superior cost-effective consumer protection.

Third party logistic providers, or 3PLs, are playing a growing and important role in making sure that safe medicines reach their destinations. The term "third party logistics provider" refers to an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer.

Currently, Federal law does not recognize the role of a 3PL. Only one State today offers a license for 3PLs. Other States require a 3PL to apply for a wholesale distributor license, even though 3PLs don't buy or sell drugs.

The varying patchwork of inconsistent State requirements does not provide for optimum law enforcement, and there is an added cost without a safety benefit. 3PLs need to be defined in Federal legislation and properly licensed. Including a 3PL definition in Federal language is a strong first step towards the development of uniform Federal standards and 3PL licenses.

I want to thank my colleagues on the Energy and Commerce Committee in

advance for a successful and constructive conference process, and I am confident that we can enhance the supply chain safety in a reasonable and cost-effective manner.

Mr. PALLONE. Mr. Speaker, I just want to say in closing that I think it's a great example with this bill of what we can do, not only in the Energy and Commerce Committee but in general in this House, on a bipartisan basis when everyone works together for a common goal.

□ 1710

This is actually a very important piece of legislation. It's important for the pharmaceutical industry. It's important in terms of job creation. It's important in terms of innovation and also bringing low-cost drugs to the American people. Without the type of bipartisan cooperation we had, we would not have been able to get here with this time schedule, which is truly amazing. So I want to thank everyone. I would like to say that I hope that we can do similar good work in the remainder of this Congress, and I would urge my colleagues to vote "aye."

I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, in conclusion, I want to again commend leadership on both sides of the aisle: Ranking Member Emeritus Mr. DINGELL and Ranking Member Mr. PALLONE and Mr. WAXMAN and Chairman UPTON and staff of both sides. They have done a terrific job and spent countless hours. I especially want to mention Clay Alspach and Ryan Long on our side, as well as our personal staff. They have been absolutely terrific. Because of this, this legislation is going to save many lives. It's going to help the United States continue to be the world leader in the pharmaceutical and medical device industries and mean a lot to our economy as well.

I urge all Members to support this very important legislation, and I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, I want to indicate my strong support of H.R. 5651, the Food and Drug Administration Reform Act of 2012, which we are addressing on the House floor today. This bipartisan legislation is not only good for the health of the American public; it is also a key component to restoring the health of our economy.

Nowhere will the impacts of this legislation be felt more than in Southern California and the San Diego region. According to BIOCOM, Southern California's life sciences cluster employs just over 97,000 in five sectors: biopharmaceuticals, industrial biotechnology and biofuels, life sciences trade, medical devices and diagnostics, and research and lab services. Medical devices and diagnostics is the region's largest life sciences sector, employing 33,871, followed by research and lab services with 31,878 jobs. These two sectors account for 68 percent of the total employment in the cluster, with over 65,000 jobs in the region. These innovative companies are on the fore-

front for discoveries from everything from Cancer therapies to the latest medical device that will prolong life.

The Food and Drug Administration Reform Act of 2012 will provide timely and necessary improvements to the user fee programs for drugs, medical devices, generics and biologics. Through this legislation, FDA will now be committed to meeting their performance goals for the review of life saving drugs—thus expediting these products to patients who need them, create an independent review entity to hold FDA accountable for the approval and clearance process for devices, as well as the creation of a new user fee program for generic drug and biologics approval all the while ensuring the safety of U.S. patients.

H.R. 5651 contains many provisions that will improve the lives of American patients and promote the competitiveness of the U.S. life science enterprise. However, there are two provisions in this legislation that I am most proud of including. Included in the final House draft were two pieces of bipartisan legislation that I sponsored and worked with my colleagues on both sides of the aisle to get included. They are:

H.R. 3203, the Novel Device Regulatory Relief Act, coauthored with Representative LOIS CAPPES (D-Santa Barbara) improves the FDA's third party review and inspection of medical devices by making the process more efficient, transparent, and beneficial to the life science industry seeking approval.

H.R. 5334, the Breakthroughs Therapy Act, coauthored with Representative DIANA DEGETTE (D-Denver) expedites the review of breakthrough drugs for patients with serious or life-threatening disease or a condition where preliminary clinical evidence shows an improvement over existing therapies.

As we move forward in reconciling our legislation with the Senate it is my hope that we can address another national crisis that was not included in the House bill—the need for a reliable track and trace system for pharmaceutical products. For years, Congress has attempted to craft legislation that would secure the distribution chain for pharmaceuticals. Either due to lack of consensus from industry and patient participants or poor timing, this was never accomplished. This lack of action has resulted in a patchwork of State laws which create opportunities for bad actors to shop for States with the lowest safety requirements in order to introduce unsafe products into the legitimate supply chain. This patchwork also creates regulatory uncertainty in the supply chain, which adds increased costs and burden to the health care system.

But this year is different. For the first time, we have seen industry stakeholders put aside differences and come to a consensus on a language that is supported by me and my friend Mr. MATHESON that will create a national pedigree system which will replace a patchwork of State laws that are currently in place. While not a perfect solution, this legislation is a first step in creating a secure supply chain system that will protect the U.S. public from counterfeit drugs while preventing unwanted regulatory burden on American businesses. It is my goal to work with my colleagues to include track and trace language in the final legislation which will secure the drug supply

chain and address the concerns of the large pharmaceutical distributors, secondary pharmaceutical distributors, local pharmacists, third party logistical providers and the large scale pharmacies.

In closing, I wish to thank Full Committee Chairman FRED UPTON and Health Subcommittee Chairman JOE PITTS for their commitment to this issue. Without their guidance and hard work, this legislation would never have seen the light of day. I look forward to casting my vote in support of H.R. 5651 and urge my colleagues to do the same.

Mrs. EMERSON. Mr. Speaker, I want to express my support for the reauthorization of the Food and Drug Administration (FDA) under consideration today. The FDA provides essential safeguards for patients in America and around the world, while making possible new treatments and therapies for diseases and conditions which affect millions. This bill supports greater speed of generic medications to market and assures much needed drugs to treat cancer will get to the patients who need them.

However, one provision (Section 805) in this legislation causes me special concern. The section includes the new authority for the Secretary of Health and Human Services to consult with the Department of Homeland Security to cause the destruction of any drug "that has reasonable probability of causing serious adverse health consequences or death . . . or that is valued at an amount that is \$2,000 or less." This section poses a serious concern to hundreds of thousands of Americans who receive their drugs by mail from licensed and regulated pharmacies in Canada and other foreign countries. For these patients, these American consumers, there is often only one choice beyond a Canadian pharmacy, and that is to not purchase the medicines they need at all.

Patients expecting receipt of legitimate prescriptions, written by their doctor and filled by a licensed pharmacy in Canada, could have their shipment of medication destroyed without receiving any notification either before or after the Federal Government takes that action. A bus full of senior citizens which crosses the border into Canada to visit a pharmacy where they can fill their prescriptions for one-third the price of the same medications in the United States could have their pill bottles seized at the border, their meager budget for their monthly health care expenses already exhausted. This is not good policy, nor is it what Americans expect from a free market.

This language threatens a critical, cost-effective supply of medications and pharmaceuticals. These drugs are exactly the same as their counterparts sold in America. I urge further discussion of this critical issue in conference and a full examination of the consequences of passing this provision into law.

Mr. WAXMAN. Mr. Speaker, today, the House considers a bill that represents a significant bipartisan achievement. Our work to find a common approach to legislation to support and strengthen the FDA is truly remarkable. It has been a pleasure to work with Mr. UPTON, Mr. PITTS, Mr. PALLONE, Mr. DINGELL, and other members of the Committee to achieve this result.

When we began this process, there were wildly divergent views on the various issues

contained in this bill. But we worked together and found ways to address those issues in a way that protects both innovation and patients.

This legislation contains several provisions that are critical to the functioning of major parts of FDA. Our reauthorization of FDA's drug and medical device user fee programs will provide resources to enable the efficient review of applications and give patients access to therapies at the earliest possible time. We are also reauthorizing two pediatric programs which foster the development and safe use of prescription drugs in children.

This year we will be establishing two new programs to help speed FDA's review of new generics and biosimilars. These provisions illustrate our bipartisan commitment to ensuring a vibrant generic marketplace. All of us will see the benefits when more low-cost generics are on the market as a result of this legislation.

The bill also includes provisions to modernize FDA's authorities with respect to the drug supply chain. FDA has been trying to keep pace with our increasingly globalized drug supply chain using an outdated statute. This legislation will give FDA critical new tools to police this dramatically different marketplace.

We also have included some important provisions that will go a long way toward addressing drug shortages, which have unfortunately now become an all-too-frequent occurrence.

When we began this process, I had concerns about many of the Republican proposals relating to medical devices. But we worked together to address those concerns and to assure that nothing in this bill will take us backwards in terms of patient safety.

Our bipartisan work has truly paid off.

I support this bill, but I also think we can continue to improve it in the area of antibiotics. I agree that we need to look at ways to incentivize the development of new antibiotics. But we would more effectively address this need if we narrowed the provisions of the GAIN Act to target only drugs that treat serious and life-threatening infections. Additionally, mandating that steps be taken to preserve the effectiveness of antibiotics would strengthen the bill, in my view.

I want to thank my colleagues on both sides of the aisle, and their staffs, for the hard work they have put into making this a strong, bipartisan bill. I particularly want to thank Mr. PALLONE's and Mr. DINGELL's staff members Tiffany Guarascio and Kim Trzeciak as well as Mr. UPTON's and Mr. PITTS' staff, Ryan Long and Clay Alspach. And, finally, my own staff, Karen Nelson, Rachel Sher, Eric Flamm, and Arun Patel.

I expect the same level of bipartisan cooperation will continue as we work together with our colleagues in the Senate to get this to the President before the 4th of July recess.

Ms. KAPTUR. Mr. Speaker, I reluctantly rise today in support of H.R. 5651, the Food and Drug Administration Reform Act of 2012.

First, I would like to commend Chairman UPTON and Ranking Member WAXMAN for putting together a bipartisan bill. Bipartisan bills are a rarity in this Congress and I hope we can use the goodwill gained in this bill to come together on additional measures, such as those that create jobs and promote economic growth.

While this bill has support from both sides of the aisle, from my perspective, it does not go far enough.

The Food and Drug Administration (FDA) is tasked with ensuring the safety of \$2 trillion in products produced by industry. The FDA's approval of a company's products all but guarantees profits for that company.

Companies that benefit from the FDA's approval should significantly contribute to the FDA's budget to reduce the burden on taxpayers who are already paying for tax cuts for millionaires and billionaires and two unpaid wars. In FY 12, user fees comprised a mere 35 percent of the FDA's budget.

The FDA is facing many challenges. Approximately half of medical devices used in the United States come from abroad. Nearly 40 percent of the drugs Americans take are made overseas and about 80 percent of the active pharmaceutical ingredients are imported. Several years ago, contaminated heparin from China caused a number of deaths and illnesses in my Congressional District.

Additional resources are needed to properly investigate, inspect, and police foreign products like heparin to ensure American consumers are fully protected. Industry should be contributing more.

Despite my reservations, this bill is a step in the right direction. It reauthorizes user fees for prescription drug and medical devices at levels that should provide the FDA with sufficient resources to give patients access to therapies at the earliest possible time.

In addition, this legislation authorizes a new user fee for generic drug reviews. In the last decade, the use of generic drugs saved the U.S. health care system more than \$931 billion. Consequently, I'm glad to see the underlying bill provides resources to improve review times to ensure safe generic drugs come into the market as quickly as possible.

Finally, the bill addresses some of my concerns regarding foreign products. I strongly support the provisions that require drug importers to register with the FDA, requiring sufficient information from importers to allow the FDA to implement a risk-based approach to import screening and barring the entry of imported drugs if deemed to have been delayed, limited or denied a full safety inspection.

I also strongly support the section of the bill that provides extraterritorial Federal jurisdiction to enable United States law enforcement to hold those accountable who violate our safety laws, such as those who are responsible for the heparin-related deaths in my Congressional District.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.R. 5651, The FDA Reform Act of 2012. I would like to thank my colleagues for working with me and my staff on this important piece of legislation. As we move forward in the legislative process I would like to state the importance of maintaining the provision in the accelerated approval section that requests guidance from the FDA on how to implement reforms to the drug approval process enacted by Congress. During our discussion in subcommittee I submitted letters in support of this language from NORD, BIO, and fifty other patient groups. I hope that we maintain this guidance language as we continue to move through the legislative process.

I have only a few remaining concerns that I hope we can work through together before the bill is signed into law. One issue is regarding our drug supply chain security and the second is regarding medical device technologies which potentiate drugs.

For many years, creating a national standard on drug traceability, or pedigree, has eluded Congress. Realizing that the U.S. pharmaceutical supply chain has many safeguards in place and companies spend significant amounts of money to ensure the integrity of their products—criminals, thieves and other bad actors will stop at nothing to make profit off of the high value prescription drugs that are manufactured and sent throughout the distribution chain down to our pharmacies, and ultimately to patients and consumers. I support efforts to create consensus language on this issue that has the backing of stakeholders—from manufacturers, to distributors, wholesalers on down to pharmacists—all involved in various aspects of the U.S. supply chain.

We know that the other chamber was able to include “placeholder” language in its version of the FDA bill to ensure that conversations can continue to play out between FDA, supply chain stakeholders and Congressional stakeholders to come to a final consensus over the course of the coming weeks. Given the seriousness of this issue—to avoid additional injuries and potential deaths from counterfeit and adulterated product, and to avoid a patchwork of individual state laws to address an issue which clearly requires a federal solution—I would urge the FDA and all parties involved in these talks to find common ground so that we can include final supply chain integrity language into the final FDA user fee bill that is agreed upon between the two chambers. I would ask my colleagues on the committee to also support this request and signal their support as well.

My final concern is regarding medical device technologies. The Centers for Disease Control and Prevention (CDC) estimates that more than 70% of bacterial and fungal pathogens resist at least one of the drugs typically used to eradicate them. The CDC estimates that these infections are responsible for over 90,000 deaths annually and cost the U.S. an excess of \$4 billion. These life-threatening infections also prolong hospital stays and create substantial additional costs in the fighting of these infections.

With such knowledge, the importance of innovative treatments such as patented laser technology that combat resistant organisms such as MRSA is pivotal. One section of this bill addresses the critical need to improve the pipeline of medical drugs identified as qualified infectious disease products (QIDPs). It has been brought to my attention that new peer-reviewed and patented laser technology is emerging that has the potential to eradicate drug resistant bacteria and fungus by potentiation of existing generic antimicrobial drugs while preserving human tissue. The standard definition of “potentiation” is when one drug enhances a second drug so that the combined effect is greater than the sum of the effects of each one alone.

With these innovative technologies, we can improve post-surgical and inpatient outcomes. Furthermore, these technologies have shown

the potential to successfully treat over 2.7 million patients annually suffering from diabetic ulcers and lower limb and amputations. I hope the FDA will consider medical device technology which potentiate drugs as well QIDPs which have already been identified in this legislation in taking steps toward eradicating bacterial and fungal infections.

Mr. Speaker, this legislation has been the model of bipartisanship. I hope that we can continue our important work together to have these critical provisions affecting patients included in the final bill before it is signed into law.

Ms. DELAURO. Mr. Speaker, while I have serious reservations, I rise in support of the Food and Drug Administration Reform Act of 2012 that we are considering under suspension of the rules today.

As we all know, this bill is critical to patients, consumers, and industry across the country. It will ensure that Americans continue to have access to safe, affordable, and effective medications and medical devices.

And there are several positive things in this legislation. For example, it will help to prevent drug shortages by requiring that companies notify the FDA if certain drugs are expected to experience manufacturing interruptions or discontinuances. Between 2005 and 2010, the number of reported drug shortages nearly tripled—so we must act, and the provisions in this bill are a step forward in addressing this issue.

The bill also permanently reauthorizes pediatric drug programs, including those originally created because of the Best Pharmaceuticals for Children's Act. It requires the electronic submission of new drug applications and issuance of regulations supporting a unique device identification system. It authorizes new efforts to prevent prescription drug abuse.

Unlike the Senate bill passed last week, this bill includes a clause that may result in the destruction of drugs valuing less than \$2,000 entering this country before notifying the individual receiving the package—simply put, some Americans may order medications that never arrive, placing their health at risk as they wait for their affordable medication. We should move to the Senate position on this issue.

Unfortunately, this bill also represents a missed opportunity. We should be going much further to ensure that medications and medical devices are safe and effective, and to improve consumer and patient protections. For example, the bill does not strengthen the premarket review of medical devices, improve the agency's ability to appropriately reclassify medical devices, or even authorize an independent review of the drug approval process. It authorizes changes to the agency's conflict of interest policy for Advisory Committees, but does not strengthen them. And it does not reform the medical device clearance process.

The bill we consider today should not be an end point. American consumers need access to products that are safe and effective, and numerous independent organizations have found the current system lacking. Just last year, the Institute of Medicine found that the 510(k) clearance process is not “a reliable premarket screen of the safety and effectiveness” of some devices. In sum, we should

pass this bill, but we must also do more to strengthen the pre-market and post-market oversight of drugs and devices.

Mrs. CHRISTENSEN. Mr. Speaker, there are so many reasons that I rise in strong support of this bipartisan legislation. Not only will it modernize the FDA review process of new and generic prescription drugs, biosimilars and medical devices, and ensure that Americans have reliable access to new, safe and innovative medicines and devices, as well as to affordable generic drugs, but it also promotes greater equity and safety in the development and use of prescription drugs for children—a level of importance that cannot be stressed enough.

I strongly support this legislation because it prioritizes and protects the health and welfare of consumers, while also being fair and just to the prescription drug and medical device industries. And, this legislation includes incentives for the development of new antibiotics to treat both life-threatening infections as well as those that if not treated, snowball into life-threatening situations.

Finally, I rise in strong support of this legislation because it will take significant steps forward to address our nation's ever-growing challenge with drug shortages. And so, Mr. Speaker, I urge my colleagues to join me with their strong support of this legislation so that we may achieve what we have long hoped to accomplish: reforming and strengthening many of the Food and Drug Administration's key programs which—together—will ensure that Americans have greater and more timely access to safe, affordable therapies and medical devices to treat and manage their conditions, and improve their overall health, quality of life and thus life opportunities.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of the Food and Drug Administration Reform Act of 2012 (H.R. 5651), which will strengthen Minnesota's health care system and economy.

The Food and Drug Administration Reform Act reauthorizes the FDA's drug and medical device user fee programs at a critical time. If these user fees are not reauthorized before the end of June, the FDA will not have the funding it needs to ensure life-saving drugs and medical devices are available to patients in a timely fashion. This bill also accelerates approval of treatments to address rare diseases, reauthorizes two successful pediatric programs, and helps to prevent drug shortages that are affecting families across the country. Overall, the reforms in H.R. 5651 bring the FDA into the 21st century by making the agency more responsive to changes in the U.S. health care system and better equipped to oversee a globalized market for medical products. This legislation will deliver safer treatments, faster innovation and better care for millions of American patients and families.

This legislation is especially important for America's medical device sector. The approval process for medical devices at the FDA slowed by as much as 60 percent since 2005, according to the General Accountability Office. While longer approval times do not contribute to patient safety, they have delayed or even denied life-saving treatments to patients and undermined the international competitiveness of the U.S. medical device industry. There is

general agreement that the broken approval process for medical devices is doing real harm to patients and workers. This is especially concerning for Minnesota because our state is a hub of medical device innovation; the sector employs thousands of highly-skilled workers in our state. H.R. 5651 reforms and reauthorizes the medical device user fee program through fiscal year 2017, providing years of stability and increased regulatory certainty for companies that range from local small business start-ups to global Fortune 500 enterprises. Moreover, the bill will foster innovation in the sector by speeding market access for new and improved medical devices without compromising patient safety.

The Food and Drug Administration Reform Act is a rare bipartisan success story. This legislation comes to the House floor after months of close bipartisan collaboration. The Senate approved a bill very similar to H.R. 5651 by a vote of 96 to 1. The House Energy and Commerce Committee voted 46 to 0 to move H.R. 5651 to the floor. Both Democratic and Republican members of Congress understand that a high-quality health care system requires a strong and effective FDA. Today's bill is a major step forward for the FDA and a demonstration of legislative compromise for the good of the American people.

I urge all my colleagues to support H.R. 5651.

Mr. CHANDLER. Mr. Speaker, I rise today to address the significant bipartisan effort to reauthorize FDA user fee legislation. This reauthorization provides an opportunity to update the relevant FDA laws to reflect changes and challenges in the important area of prescription drugs and medical devices.

One critical area that Congress must continue to focus on is the safety and security of the pharmaceutical supply chain. Counterfeit drugs are a growing problem and put patient safety and health at risk. Patients who rely on certain medications should not have to live in fear they are not receiving the treatment they need because their medicine has been compromised.

This is unacceptable, and we must work to find a national solution to this growing problem of counterfeit drugs. Because so much of the pharmaceutical supply chain relies on interstate commerce, I believe our federal government must ensure that properly licensed entities are involved in our national pharmaceutical supply chain, particularly third-party logistics providers (3PLs).

The way prescription drugs are moved from the manufacturer to the consumer has changed over the past several years with the emerging role of 3PLs. These providers are not in the business of manufacturing, buying, selling, or dispensing prescription drugs; they provide or coordinate warehousing, distribution, or other services on behalf of the manufacturer, wholesaler, or dispenser. We cannot realistically expect to have a thorough and comprehensive national supply chain track-and-trace system without providing for a clear and accurate definition of third party logistics providers. Our federal laws need to reflect this new reality.

I applaud the Chairman and Ranking Member of the Energy & Commerce Committee for their leadership and diligent work on this bill,

and I encourage them to ensure that the final product from the House-Senate conference implements a uniform federal serialization policy covering all pharmaceutical supply chain participants.

Mr. PASCARELL. Mr. Speaker, I stand today to support H.R. 5651—Food and Drug Administration Reform Act of 2012, which reauthorizes the Federal Drug Administration's (FDA) prescription drug and medical device user fee programs through 2017. This legislation will provide the FDA the ability to collect user fees from drug and medical device companies to help fund its reviews of their products. These user fee programs provide the FDA the resources to enable the efficient review of applications and give patients access to therapies at the earliest possible time, and most importantly, help prevent drug shortages that threaten public health.

I am supportive of the legislation because it will authorize a new user fee program for generic drugs, resulting in decreased review times, and it authorizes user fee program for biosimilars, thus ensuring parity. Additionally, the legislation reauthorizes and makes permanent two complementary pediatric drug programs, which foster the development and safe use of prescription drugs for children.

Further, the legislation will assist in the modernization of the FDA's global drug supply chain authority, resulting in improved safety of our prescription drugs. The legislation will also provide new incentives for the development of antibiotics to address the public health threat of antibiotic resistance. Finally, the bill includes important provisions to help prevent and mitigate drug shortages, which have unfortunately now become an all-too-frequent occurrence.

Ultimately, the legislation will ensure that Americans have access to crucial medicines and medical devices, improves access to new and innovative medicines and devices, helps prevent and mitigate drug shortages and reduces drug costs for consumers by speeding the approval of lower-cost generic drugs.

Mr. PAULSEN. Mr. Speaker, I rise today in strong support of H.R. 5651, the Food and Drug Administration Reform Act.

The United States has led the global medical device industry for decades. This leadership has brought hundreds of thousands of high-paying jobs to our country and life-saving, life-improving devices to our nation's patients. U.S. medical device-related employment totals over 2 million jobs, and these are good, rewarding jobs.

This legislation will streamline and modernize the medical device approval process to make it more transparent, more consistent, and more predictable. This much needed reform will help companies bring their products to market quicker and cheaper, ultimately increasing patient access to life improving and life saving technologies.

I would like to highlight one portion of the bill that was taken from my legislation, the FDA REFORM Act. This provision would expand and clarify the FDA's ability to use accredited third party reviewers for low risk devices.

This will free up valuable resources and allow the FDA to function more effectively while still focusing on protecting patient safety.

I want to thank Chairman UPTON and his staff for their continued support and effort on this matter. I urge adoption of this crucial legislation that will help bring new products to market.

Mr. BASS of New Hampshire. Mr. Speaker, I rise in strong support of H.R. 5651, the Food and Drug Administration (FDA) Reform Act of 2012. The user fee process at the FDA is a vital element in maintaining operations at the FDA to bring valuable drugs and devices through the approval pathway and to market. I am optimistic that, with the enhanced financial incentives and resources available to the FDA included in the user fee agreements, we will see shorter approval times and more successful products available to patients. Additionally, there are significant drug and device regulatory improvements that will, I believe, increase transparency, market involvement, and the development of innovative and life-saving drugs and devices.

Consistent throughout this process has been a commitment to bringing the need of the rare disease community to the forefront of this debate, both through medical device legislation as well as a focus on drug development for rare diseases. I am proud to have my bill, the Humanitarian Device Reform Act (H.R. 3211), included as a provision in the device regulatory section. This language will make it easier for device manufacturers to create Humanitarian Use Devices (HUDs) to treat individuals, both children and adults, who suffer from diseases that affect communities of 4,000 or fewer each year. Current law prevents companies who manufacture HUDs from recouping beyond the research and development costs, subsequently restricting entry into this field, particularly for smaller device companies, such as those found in New Hampshire. This provision would lift this outdated profit cap restriction and would do so in a way that maintains incentives for devices developed for both children and adults and keeps in place the necessary product safeguards. It would maintain FDA's current oversight of HUDs but, by allowing manufacturers to generate a profit from the sale of these devices, allow for further development, improvements, and incentives to make it possible for new device developers to enter the marketplace, many of which cannot afford to do so under current statute.

During this debate I have made clear my support for rare diseases and the focus on drug development and expedited approval pathways for drugs to treat rare diseases. With this increased focus on providing incentives to manufacturers to invest in the development of these drugs, it can be an attainable goal for an individual and family affected by rare diseases to not only improve the quality of life but possibly even find a cure. By working together, the FDA and drug developers will be able to maintain the high standards of safety but also fast-track the approval process in order to bring these important drugs to the patient.

While H.R. 5651 makes a number of important reforms, more work needs to be done to strengthen the integrity of the drug supply chain. Congress must maintain its commitment to keeping the American people safe and protect the integrity of drugs, from the manufacturing floor to the medicine cabinet. We need

more than the prospect of a patchwork of state regulations that would prove to be costly and ineffective, and more importantly, would fail to get the job done. Instead, we need a common sense national tracking system that will provide a consistent and workable solution for all parties in the supply chain.

At the beginning of May, I joined a bipartisan group of my colleagues in writing a letter to Chairmen UPTON and PITTS and Ranking Members WAXMAN and PALLONE stressing the importance of the pharmaceutical distribution chain and urging the inclusion of legislative language to establish a prescription drug traceability platform. While I had hoped an agreement would have been included in the bill we are considering today, I am encouraged that a compromise can be reached during a House and Senate conference.

Mr. Speaker, I would like to thank my colleagues on the Energy and Commerce Committee for the work they have done on this user fee agreement and urge its swift passage.

Mr. MARKEY. Mr. Speaker, I want to thank Chairmen UPTON and PITTS and Ranking Members WAXMAN and PALLONE for their work in bringing to the floor a bipartisan bill that provides FDA additional resources to bring new drugs and medical devices to market. These new resources will enable FDA to improve review times for new product applications and provide companies greater clarity about compliance requirements and their responsibilities.

There are many important policy improvements in this bill. They include:

A reauthorization of the user fee programs for prescription drugs and medical devices, as well as the creation of a new generic user fee program that will help slash current review times for these products.

A reauthorization of two programs that foster the development and safe use of prescription drugs for children.

New incentives for the development of antibiotics, which are needed to increase the number of products in the development pipeline.

Today's bill also includes the reauthorization of legislation I authored in 2007 that has helped spur the development of medical devices for children. The Pediatric Medical Device Safety and Improvement Act, PMDSIA, creates grants that bridge the gap between the people who understand the medical need—doctors and innovators—with the people who can help turn their ideas into devices on the shelves, like manufacturers and federal regulators. Since the grant program's inception, the five Pediatric Device Consortia established as a result of this language have assisted in advancing the development of 135 pediatric medical devices. Currently the consortia are managing 80 active pediatric medical device products.

The FDA Reform Act also extends a provision of PMDSIA that provided profit incentives for companies to develop devices for rare pediatric diseases. The original incentive passed in 2007 solely for pediatric diseases proved immensely successful. Today's bill strikes a compromise to extend this incentive for devices used to treat rare diseases in adults as well, while still retaining the incentive for pedi-

atric devices. I urge Congress does not negatively impact the development of devices for children.

In addition, we will need to ensure that companies using this incentive and making a profit on their device because they got pediatric labeling actually continue to sell their device for use in children and not only for adults. The Pediatric Advisory Committee at the FDA will need to play a vital role in this oversight and in monitoring the number of devices sold for adult use as opposed to the number sold for pediatric use.

PMDSIA also included a requirement that device companies provide FDA with information on the pediatric populations that could benefit from a new device they are looking to sell. This was supposed to help FDA track what devices are available for children and where gaps remain. FDA put out a proposed rule and a direct to final rule simultaneously to implement the provision, but it withdrew the direct to final rule after industry voiced opposition. The regulation has languished ever since.

The failure to implement this provision of the law has made it difficult for FDA to provide Congress information about the availability of pediatric medical devices and to identify unmet medical device needs, according to a GAO report. I am disappointed that this important tracking provision has gone unimplemented for nearly five years, and I hope that FDA will comply with the timeframe included in the legislation to issue a final rule implementing the law no later than December 31, 2013.

Despite these advances, today's bill is a missed opportunity because it fails to address a glaring patient safety issue that affects patients around the country.

Many Americans would be surprised to learn that ninety percent of medical devices are not required to undergo clinical testing in humans prior to being sold. Instead, most devices, including brain stents and hip implants, need only to show similarity to an earlier product to make their way to market.

Under current law, the FDA is required to clear certain medical devices as long as they demonstrate their similarity to an earlier product. This is true even if the new device is modeled after a defective device that caused serious injury or even death.

If the device is indeed similar to the earlier model, flaw and all, FDA's hands are tied. The agency does not have the legal authority to deny approval.

This makes no sense.

We wouldn't fast-track approval of a new drug that was based on one that had been recalled.

We shouldn't do it here, either, with medical devices.

This legislation was an important opportunity to address this medical device safety loophole, but it doesn't. The loophole remains in place and patients are still at grave risk.

Thousands of patients have already been seriously harmed by this loophole. Four years ago, Jaye Nevarez, a 50 year-old mother of three, was a healthy truck driver who earned a decent living, played in a band, and paid her bills on time. Then her doctor implanted bladder mesh, a device that traces its origins back to an older product that had to be recalled for causing serious injury and even death.

Jaye now lives in constant pain. She was forced to quit her job. She can't walk without a cane. She lost her insurance and faces a growing mountain of medical debt. The bank recently began foreclosure proceedings on her home where she lives with her 79 year-old mother.

Jaye isn't the first to be harmed by this loophole. If we fail to fix it, she won't be the last.

As documented in the accompanying report prepared by my staff—"Defective Devices, Destroyed Lives", several medical devices that have been recalled because they severely injured patients continue to be used as models for new devices—many of these are on the market and being implanted in patients today.

I introduced the Sound Devices Act, providing FDA the ability to protect the public from these unsafe devices, but this was not included in the bill.

The definition of insanity is doing the same thing over and over again and expecting a different result. When it comes to medical devices we have an insane policy that makes no sense.

Despite repeated testimony from the FDA that the current law restricts their ability to assure the safety of medical devices, Republicans have refused to acknowledge and address this very dangerous loophole.

This bill must not be the last word on medical device safety. I hope my colleagues will join me to close this medical device loophole so that we can keep the American public safe from harm.

Lastly, I remained concerned about the mandatory clinical trials database that was created in the 2007 FDA Amendments. This registry and results database was meant to directly address issues stemming from a lack of transparency of clinical trials. Several high profile examples, including the drugs Paxil and Vioxx, gained national attention when their manufacturers were found to have suppressed clinical trial data that demonstrated safety and efficacy concerns.

Today, the website requires information about certain clinical trials to be publicly posted on the database, but loopholes in the underlying law still allow researchers and companies to avoid publishing unfavorable data, putting human subjects of clinical trials at grave risk. To protect the public from potentially dangerous drugs and medical devices these loopholes must be closed to provide equivalent transparency of all clinical trials. I hope I can work with my colleagues to address this serious issue in the very near future.

Mr. GENE GREEN of Texas. Mr. Speaker, this bill is the result of hard work by our committee. I especially want to thank Chairmen UPTON and PITTS and Ranking Members WAXMAN and PALLONE and I am proud that our committee is setting an example for bipartisan compromise and productive governing.

Contained in the FDA Reform Act is the GAIN Act, a bill introduced by Congressman GINGREY and myself, which is aimed at incentivizing the development of new antibiotics that will fight the serious and life threatening infections that mankind will face in the coming years.

The GAIN Act provisions of this bill represent a careful bipartisan balance that appropriately protects patient safety and responsibly

offers incentives to innovative drug companies seeking the cures to our world's most deadly bacterial pathogens such as extensively drug resistant tuberculosis, MRSA, and others that we are currently ill-equipped to treat. Currently, we are unable to manage many significant public health threats posed by these pathogens.

While a widespread public health threat is in our future, some people in this country are dying today as a result of drug resistance and super bugs. We hear a lot about the challenges of South East Asia, but our health professionals are confronting bacterial infections that are resistant to all currently available antibiotics.

Recently, the World Health Organization Director-General said "things as common as strep throat or a child's scratched knee could once again kill. Hip replacements, organ transplants, cancer chemotherapy and care of preterm infants would become far more difficult or even too dangerous to undertake" due to the rising threat of super bugs.

According to providers I've heard from, drug resistance is already a distinct problem in the front lines of our nation's health delivery.

For example, in one instance, a 15 year old girl got her ears pierced. Her earlobes swelled and got red. She went to the emergency room and was admitted for IV antibiotics. The infection was resistant to the usual antibiotics and she became septic and died.

There are many other cases in which minor injuries and simple procedures produce unexpected complications because of the emerging threat of drug resistance.

Because of the nature of this threat, I urge my colleagues as this heads to the floor and hopefully to conference, that no changes are made to the GAIN provisions to further limit incentives or reduce the list of pathogens. The truth is we do not know what the specific public health threat will be and once it is on top of us it is too late. We have to be prepared and part of this preparedness is getting our drug companies to develop drugs that may not be profit blockbusters but are necessary to help protect us from public health crises.

With the help of Chairman UPTON and Ranking Member WAXMAN, we have struck a careful balance. I strongly oppose any changes to the GAIN Act in an eventual conference with the Senate. I am concerned that any changes could create lopsided incentives that lead to unnecessary drugs or, alternatively, remove incentives and result in too few, if any, drugs.

I believe the GAIN Act as included in this bill, as well as the entire bill, are good policy. The FDA Reform Act deserves to be passed by the House and I strongly urge my colleagues to support it.

Mr. BILBRAY. Mr. Speaker, I rise today to bring to the attention of my colleagues an issue of great importance to the patient and provider community—the availability of critical diagnostic tests. On June 1, 2011, the Food and Drug Administration issued a draft guidance titled, "Draft Guidance for Industry and FDA Staff—Commercially Distributed In Vitro Diagnostic Products Labeled for Research Use Only or Investigational Use Only: Frequently Asked Questions."

As written, this draft guidance could jeopardize the future of personalized medicine and

individualized treatment options for patients. I also want to note that when the FDA sought public comment on this draft guidance, the agency received correspondence from 54 organizations and individuals. Every comment received by the FDA expressed concerns about the draft guidance, and not one endorsed the approach.

For example, the Johns Hopkins University department of pathology surveyed laboratories at the university, and found that dozens of tests could be impacted by the guidance, including diagnostics for viral meningitis, and diagnosis of HIV infection in infants with infected mothers. Mayo Clinic indicated that certain important cancer diagnostics could disappear if this guidance is implemented as currently written. Public health laboratories, including those in my home state of California would lose their ability to identify and provide laboratory-based surveillance for diseases such as measles, West Nile virus, eastern equine encephalitis virus, and multidrug-resistant tuberculosis.

When the academic community expresses such serious reservations, I believe it is important that FDA review and address these concerns. It is important for the Agency to work with all stakeholders, including the patient and provider communities, on a balanced approach before issuing its final guidance.

Ms. SPEIER. Mr. Speaker, I rise today to share my additional thoughts on the Food and Drug Administration (FDA) issue raised by my colleagues Mr. BILBRAY and Mr. TOWNS.

The Research Use Only (RUO) and Investigational Use Only (IUO) products draft guidance issued by the FDA last June could result in serious consequences for the future of health care. Patients and doctors want access to validated tests that will guide and improve their medical care. The development of tests by laboratories and their validation and regulation under the Clinical Laboratory Improvements Act (CLIA) are part of a long-standing regulatory framework. I am concerned that this draft guidance, should it be finalized in its current form, could seriously disrupt this process and the development of new technologies and diagnostics.

Another concern about the FDA draft guidance is that manufacturers could be held accountable for the activities of their customers who purchase these RUO and IUO products. It is quite possible that the draft guidance will cause manufacturers to stop offering important components for diagnostic tests. And what would be the end result? Commercial, academic, and public health laboratories may not be able to continue current tests or develop new tests to help diagnose or prevent the progression of diseases and conditions such as cystic fibrosis, ovarian cancer, organ failure and transplantation, and identifying new infectious organisms.

The FDA must consider the potential impact of this guidance on the practice of medicine and patient access to new and existing diagnostics. The concerns raised by the health care community, including the American Hospital Association and the Association of Public Health Laboratories, should be addressed before finalizing this guidance.

Mr. TOWNS. Mr. Speaker, I rise today to echo the comments of my colleagues, Representative BILBRAY and Representative

SPEIER, and share my concerns about the Food and Drug Administration's draft guidance on Research Use Only and Investigational Use Only products.

This guidance provides no flexibility for tests used infrequently, for example, to identify rare disorders. Rare diseases, such as Gaucher Disease and Fragile X, can be hard to diagnose, but genetic tests developed and validated by laboratories have made them much easier to identify. In some instances, these tests can point the way to successful treatment of the underlying condition.

Emerging public health threats are another key area that could be impacted by this guidance. Three years ago, this country dealt with the H1N1 flu virus, an emerging infectious disease. If another such public health threat became a serious concern, this draft guidance could block the development and deployment of new diagnostics urgently needed during a national crisis.

It is critical that the FDA consider these serious and valid concerns before issuing a final guidance on Research Use Only or Investigational Use Only products.

Ms. ESHOO. Mr. Speaker, I rise today to speak in support of H.R. 5651, the Food and Drug Administration Reform Act of 2012, to reauthorize the Prescription Drug User Fee Act and the Medical Device User Fee Act. These critically important laws have improved patient access to important therapies and expedited the FDA's approval times while upholding the most rigorous standards for patient safety.

The Prescription Drug User Fee Act, PDUFA, was enacted in 1992 when drug review times were lagging and FDA simply couldn't keep up with the flood of new drug applications. Through user fees paid by applicants, PDUFA gave FDA the resources it needed to hire and support more staff. The program has been successful at reducing review-time backlogs and expediting safe and effective therapies to patients.

Along with faster drug approvals, Congress also recognized the need to study drugs in children. As the original author of the Best Pharmaceuticals for Children Act, BPCA, and the Pediatric Research Equity Act, PREA, I'm proud of how successful these programs have been in treating children, resulting in new dosing information, new indications of use, new safety information, and new data on effectiveness. Before BPCA and PREA, the vast majority of drugs (more than 80 percent) used in children were used off-label, without data for their safety and efficacy. Today, that number has been reduced to 50 percent.

We know that children are not just small adults—they have unique medical needs and drugs react differently in their bodies. That's why in this year's reauthorization, it was important for us to look at areas in need of improvement. The bipartisan legislation gives FDA the tools it needs to ensure companies are thinking about pediatric populations as early as possible in the drug development process, and that they're able to enforce timelines that are routinely missed. The language encourages further study into untested age groups, like neonates, and clarifies any confusion over what some see as "loopholes" to allow companies to access the market exclusivity incentive without completing additional studies.

The legislation ensures that companies routinely submit their pediatric plans earlier in the process by establishing a clear timeline and expectations. I will be closely monitoring the regulation that will implement the pediatric plan content, as it was my intention that the regulation closely mirror the 1998 Pediatric Rule.

I thank my colleagues, Rep. MIKE ROGERS and Rep. EDWARD MARKEY who worked tirelessly with me to improve these programs, and the American Academy of Pediatrics, along with 20 other pediatric advocacy groups who provided expert guidance and recommendations throughout the process. Together we've improved BPCA and PREA to benefit medical care for children for generations to come.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 5651, The Bipartisan Food and Drug Administration Act of 2012, which modifies the Food and Drug Administration's (FDA) policies and procedures to enhance Americans' access to effective healthcare. This bill improves the safety, development, and distribution of medications and medical devices to patients and medical providers.

This bill reauthorizes the FDA's user fee program for prescription drugs and medical devices through fiscal year 2017. Further, it introduces a new user fee program for generic medications. These fees, collected from drug and medical device companies, will give the FDA the funding it requires to grant patients rapid access to the treatments they need. This will improve the accessibility of vital medicines to patients throughout the U.S.

Mr. Speaker, this bill permanently reauthorizes two beneficial pediatric drug programs. The first, the Best Pharmaceuticals for Children Act, enhances the safety and availability of prescription drugs for children. It does this by providing mechanisms through which drug companies can test their products for use in pediatrics, and offering a six month patent extension as an incentive to companies who do so.

The second pediatric drug program that is permanently reauthorized is the Pediatric Research Equity Act. This act increases the safety of prescription drugs for children by requiring pediatric testing of certain medications intended for adults in order to fully understand their effects. This will ensure that physicians have a clearer grasp of the effects these medications have before prescribing small dosages to children.

This bill also provides for a vital update of the FDA's global drug supply chain authority, requiring drug importers to register with the FDA, and disallowing the import of medicines from organizations that have limited or denied inspections.

Most importantly, the bill expands the jurisdiction of the Federal Food, Drug, and Cosmetic Act. This allows for the FDA to prosecute foreign violators of the act, and thus discourages such violations in the future. These updates will improve the safety of the prescription drugs that are provided to American patients.

Finally, Mr. Speaker, this bill will implement new FDA requirements that will help to prevent drug shortages. The bill does this by updating the FDA's reporting policies for manufacturers, and ensuring that the agency main-

tains a drug shortage list that is made available to healthcare providers. Additionally, should a shortage still occur, this bill outlines steps to be taken to mitigate the problem. If enacted, these new policies will help protect the country's prescription drug supply, ensuring that Americans always have access to the medication they need.

Mr. Speaker, it is for these reasons that I support H.R. 5651.

Mr. STEARNS. Mr. Speaker, the Food and Drug Administration Reform Act, H.R. 5651, is based on user fee negotiations between FDA and the prescription drug, generic drug, biologic, and medical device industry. This reauthorization of the FDA user fees will provide stability with FDA's new product review as companies submit new and innovative devices and drugs for approval.

In codifying the User Fee Agreement, this committee has included additional provisions designed to address some of the defects of the regulatory structure and overreach by the FDA. Under my Chairmanship of the Oversight and Investigation Subcommittee, we held a hearing into FDA's regulatory efforts in the medical device space. During our hearing, many of the witnesses talked about the reluctance of FDA to approve devices and how FDA continually moved the goalposts for approval. I am glad that Title VII of this bill includes a significant number of reform provisions designed to bring certainty to the medical device field.

In addition to reforming approaches to medical devices through Title VII, the FDA's approach to rare diseases must also be modernized. I'm happy the Committee included the Faster Access to Specialized Treatments Act, FAST Act, H.R. 4132, which I introduced with my friend and colleague, Representative ED TOWNS. FAST updates and modernizes Section 506 of the Food, Drug & Cosmetic Act, and updates the Accelerated Approval statute to reflect two decades worth of medical sciences that has occurred since Accelerated Approval was first created. FAST will help FDA implement broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases by using modern scientific tools.

The use of surrogate endpoints may result in fewer, smaller or shorter clinical trials without compromising FDA's existing high standards for safety or efficacy. Surrogate and clinical endpoints only need to be reasonable predictors of clinical benefit to support accelerated approval. They do not need to be validated or proven first. The changes made to current law permitting the Secretary to require validation of surrogates following accelerated approval is not intended to change FDA's long history of granting accelerated approval based on unvalidated, but predictive, surrogate endpoints.

Additionally, FAST includes explicit language for FDA to think about the challenges of rare diseases when developing their guidance and gives the rare disease community an opportunity to publically comment on FDA's draft guidance. FAST ensures that the voices of the 30 million Americans with a rare disease will be heard by FDA. There are about

7,000 rare diseases and only about 250 have any treatment. FAST will save lives, and give a voice to the voiceless; and I am glad it is in the bill.

Lastly, the committee included the Expanding and Promoting Expertise in Review of Rare Treatments, EXPERRT Act, H.R. 4156, a bill my fellow Co-Chairs of the Cystic Fibrosis Caucus and I introduced. EXPERRT will have the FDA consult with experts in rare diseases. This will ensure that FDA has access to the knowledge needed when dealing with drug approvals for diseases where FDA may lack subject matter expertise. As one of the Co-Founders of the Cystic Fibrosis Caucus, I am glad that we are giving this tool to the FDA.

I'd like to submit this letter of support for FAST signed by over 150 rare disease groups into the RECORD.

H.R. 5651 is a good bill that will help new drugs and new medicines get into the market and be available to patients. I support passage of the FDA Reform Act.

MARCH 23, 2012.

Hon. CLIFF STEARNS,
House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. EDOLPHUS TOWNS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMEN STEARNS & TOWNS: On behalf of patients, physicians, and other members of the health advocacy community we are writing to express our support for H.R. 4132, the Faster Access to Specialized Treatments (FAST) Act. This legislation will modernize and expand the FDA's Accelerated Approval pathway to encompass a broader range of diseases and leverage 21st century drug development tools and strategies. This reform will speed the approval of much-needed therapies and cures to patients who are facing serious and life-threatening conditions, including Alzheimer's disease, autoimmune diseases, multiple sclerosis, Parkinson's disease, neuromuscular disease and hundreds of rare diseases that remain untreated.

We commend you for championing legislation that maintains the FDA's high standard for approval while at the same time ensuring the Agency can help facilitate the development of new and novel therapies to patients in a more timely manner. In many cases our patients have no available treatment for their diseases, or they are using a therapy that is older and may not work as effectively and safely. This is not acceptable. We believe that this legislation will ensure patients receive the best, modern treatment as soon as possible and we applaud your efforts on their behalf.

Thank you for your leadership on this important bill and we look forward to working with you as it moves forward.

Sincerely,

Abigail Alliance for Better Access to Developmental Drugs; Advocacy for Patients with Chronic Illness, Inc.; Affiliated American CSA Foundation; Alliance for Aging Research; Alliance for Patient Access; American Autoimmune Related Diseases Association; American Brain Tumor Association; American Childhood Cancer Organization; American College of Medical Genetics; American Institute for Medical and Biological Engineering; American Society of Clinical Psychopharmacology; Batten Disease Support and Research Association; Break Through Cancer Coalition; Californians for Cures.

Celiac Disease Center at Columbia University; Celiac Sprue Association; Charcot-Marie-Tooth Association (CMTA); Children's Cardiomyopathy Foundation, Inc.; Chinese American Association of Greater Chicago; Coalition Duchenne; Coalition for Pulmonary Fibrosis; Colon Cancer Alliance; Cooleys Anemia Foundation; Crohn's and Colitis Foundation of America; Cryoglobulinemia Vasculitis Organization; CureDuchenne; CurePSP; Digestive Disease National Coalition; Erik Metzler Foundation.

EveryLife Foundation for Rare Diseases; Fabry Support & Information Group; Georgia PKU Connect; GIST Support International; Hadley Hope Fund; Hannah's Hope Fund; Hayden's Batten Disease Foundation Inc.; HealthHIV; Hope4Bridget Foundation; ICE Epilepsy Alliance; I Have IIIH; In Need of Diagnosis, Inc. (INOD); Inspire; International Cancer Advocacy Network (ICAN); Jacob's Cure, Inc.

Jain Foundation Inc.; Jonah's Just Begun—Foundation to Cure Sanfilippo Inc. LAM Treatment Alliance; LGS Foundation; Liddy Shriver Sarcoma Initiative; Little Miss Hannah Foundation; Lung Cancer Alliance; Lupus Foundation of America; Lymphangiomatosis & Gorham's Disease Alliance (LGDA); Lymphatic Malformation Institute (LMI); Macular Degeneration Support, Inc. Madisons Foundation; Midwest Asian Health Association (MAHA); MLD Foundation; Mpdsupport.org—Myeloproliferative Disease Support; Muscular Dystrophy Association.

National Family Caregivers Association; National MPS Society; National MS Society; National Niemann-Pick Disease Foundation, Inc.; National PKU Alliance; National Tay-Sachs & Allied Diseases Association; National Venture Capital Association; NBIA Disorders Association; New Jersey Association for Biomedical Research; NKH International Family Network; Noah's Hope—Batten Disease Fund; Oxalosis and Hyperoxaluria Foundation; Pachyonychia Congenita Project.

Parkinson's Action Network; Parry-Romberg Syndrome Resource, Inc.; Partnership for Cures; Polycystic Kidney Disease Foundation; RARE Project; Russell-Silver Syndrome Support; Scleroderma Research Foundation; Sickle Cell Disease Association of America, Inc.; Society for Women's Health Research; Solving Kids' Cancer; Student Society for Stem Cell Research; Sudden Arrhythmia Death Syndromes (SADS) Foundation; Taylor's Tale.

The Association for Frontotemporal Degeneration (AFTD); The Children's Medical Research Foundation, Inc.; The Erythromelalgia Association; The Focus Foundation; The Manton Center for Orphan Disease Research, Children's Hospital Boston; The Reflex Sympathetic Dystrophy Syndrome Association (RSDSA); The Stop ALD Foundation; Tuberosus Sclerosis Alliance; Veterans Health Council; VHL Family Alliance; Vietnam Veterans of America; ZERO—The Project to End Prostate Cancer.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from

Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5651, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PITTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2012

Mr. SCALISE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3310) to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Communications Commission Consolidated Reporting Act of 2012”.

SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

“SEC. 14. COMMUNICATIONS MARKETPLACE REPORT.

“(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

“(b) CONTENTS.—Each report required by subsection (a) shall—

“(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

“(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment, including whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion;

“(3) assess whether laws, regulations, or regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in sec-

tion 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or foreign governments) pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services;

“(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3); and

“(5) describe the actions that the Commission has taken in pursuit of the agenda described pursuant to paragraph (4) in the previous report submitted under this section.

“(c) SPECIAL REQUIREMENTS.—

“(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

“(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability.

“(3) INTERNATIONAL COMPARISONS AND DEMOGRAPHIC INFORMATION.—The Commission may use readily available data to draw appropriate comparisons between the United States communications marketplace and the international communications marketplace and to correlate its assessments with demographic information.

“(4) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and regulatory barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).”

SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat. 57) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109-34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103 of the Broadband Data Improvement Act (47 U.S.C. 1303) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—

(1) IN GENERAL.—Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (n) as subsections (k) through (m), respectively.

(2) CONFORMING AMENDMENT.—Section 613(a)(3) of the Communications Act of 1934 (47 U.S.C. 533(a)(3)) is amended by striking “623(l)” and inserting “623(k)”.

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) SECTION 706 REPORT.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302) is amended—

(1) in subsection (b)—

(A) in the last sentence, by striking “If the Commission’s determination is negative, it” and inserting “If the Commission determines in its report under section 14 of the Communications Act of 1934 that advanced telecommunications capability is not being deployed to all Americans in a reasonable and timely fashion, the Commission”; and

(B) by striking the first and second sentences;

(2) by striking subsection (c);

(3) in subsection (d), by striking “this subsection” and inserting “this section”; and

(4) by redesignating subsection (d) as subsection (c).

(h) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENTS.—The Communications Act of 1934 is amended—

(A) in section 9(i), by striking “In the Commission’s annual report, the Commission shall prepare an analysis of its progress in developing such systems and” and inserting “The Commission”; and

(B) in section 309(j)(8)(B), by striking the last sentence.

(j) ADDITIONAL OUTDATED REPORTS.—The Communications Act of 1934 is further amended—

(1) in section 4—

(A) in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”; and

(B) in subsection (g), by striking paragraph (2);

(2) in section 215—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(3) in section 227(e), by striking paragraph (4);

(4) in section 309(j)—

(A) by striking paragraph (12); and

(B) in paragraph (15)(C), by striking clause (iv);

(5) in section 331(b), by striking the last sentence;

(6) in section 336(e), by amending paragraph (4) to read as follows:

“(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.”;

(7) in section 339(c), by striking paragraph (1);

(8) in section 396—

(A) by striking subsection (i);

(B) in subsection (k)—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (3)(B)(iii), by striking subclause (V);

(C) in subsection (1)(1)(B), by striking “shall be included” and all that follows through “The audit report”; and

(D) by striking subsection (m);

(9) in section 398(b)(4), by striking the third sentence;

(10) in section 624A(b)(1)—

(A) by striking “REPORT; REGULATIONS” and inserting “REGULATIONS”; and

(B) by striking “Within 1 year after” and all that follows through “on means of assuring” and inserting “The Commission shall issue such regulations as are necessary to assure”; and

(C) by striking “Within 180 days after” and all that follows through “to assure such compatibility.”; and

(11) in section 713, by striking subsection (a).

SEC. 4. EFFECT ON AUTHORITY.

Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. SCALISE) and the gentlewoman from California (Ms. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. SCALISE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SCALISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we’re bringing forward H.R. 3310, the FCC Consolidated Reporting Act. If you look throughout the many different requirements that the FCC has, and the number of reports—this is just a small stack of the reports that FCC has been required to bring to Congress just in the last 2 years. Many of these reports not only place tremendous burden on the industry groups that have to provide this data, but many times, because of the way that they’re structured, by the time the report is issued, the data is outdated and really doesn’t look at any broad spectrum issues. They’re mostly specific to an industry and a specific area of an industry instead of looking at the entire marketplace.

So what we’re doing with the FCC Consolidated Reporting Act is actually bringing forward a measure that reduces the size of government and actually reins in the heavy hand of government and takes eight different annual reports and consolidates them into one consolidated biannual report. And so you’re taking eight reports that in

many cases are outdated by the time they’re released; and, in some cases the FCC, even though they’re required to produce this data annually, because the reports are so burdensome on industry and on the FCC, they’re not even able to produce these reports annually. In many cases, we’ve had reports that are due annually that haven’t been submitted to us since 2009. So we’re actually making a much more commonsense approach to this reporting system.

In addition to that, we’re actually repealing some of the requirements that are still on the books—laws that Congress has passed over the last few decades that are not even required anymore by FCC or other agencies yet are still on the law books. And so we’re cleaning up a lot of those.

One of those I’ll give as an example is we’re still requiring a competitiveness report to be produced with the wireline telegraph industry. I don’t know anybody since Samuel Morse invented that technology in the 1800s that is still using that technology on a broad scale. But surely Congress doesn’t need to still have on the books a requirement that we have a report submitted by the FCC on competitiveness in the wireline telegraph industry.

So this bill is a bipartisan approach to remove so many unnecessary requirements on our job creators who have to have compliance departments to comply with all these requests from the FCC; and, in many cases, they’re getting these requests, and they know that when they submit this data the reports that they’re submitting the data for aren’t even going to be produced annually. And when those reports come out, they’re going to be outdated, yet you still have to have massive compliance departments to go and gather all this information.

I think it makes much more sense for us to tell our job creators that, instead of having these massive compliance departments to do unnecessary work, that dollar would be much better spent going out and creating jobs and building out those wireless networks that people all across this country so desperately need.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3310, the Federal Communications Commission Consolidated Reporting Act of 2012. This bill consolidates various technology-specific competition reports the Federal Communications Commission is required to make to Congress into a new, single communications marketplace report that will be submitted to Congress every 2 years.

The FCC is required to assess the state of competition, deployment, as well as regulatory barriers to market entry and competition in the communications marketplace, taking into

special consideration Internet-based competition. I support efforts to streamline the FCC's reporting requirements, and I am pleased the committee majority, led by Communications and Technology Subcommittee Chairman WALDEN, worked with Democrats to improve the legislation throughout the markup process. These improvements include the adoption of an amendment offered by Ranking Member ESHOO that would ensure the FCC continues to have the ability to consider all forms of competition in producing the communications marketplace report.

H.R. 3310 seeks to reduce the reporting burdens Congress had previously imposed on the FCC while encouraging the agency to analyze competition in the communications marketplace in a much more comprehensive way.

Under Chairman Genachowski's leadership, the FCC has accomplished numerous reforms aimed at improving agency process. The FCC has improved the number of notices of proposed rulemakings that contain the full text of proposed rules from 38 percent to 85 percent. Additionally, the FCC has reduced average time between Commission vote and release of full text of the decision from 14 calendar days to 3 calendar days. In addition, the FCC voluntarily complied with President Obama's Executive order in conducting retrospective analysis of the Commission's existing rules. During the process, the FCC has eliminated over 200 obsolete regulations, including the Commission's elimination of 25 data collections as part of the Data Innovation Initiative.

Looking ahead, the FCC has a major task in implementing the public safety and spectrum provisions of the Middle Class Tax Relief and Job Creation Act. Specifically, the Commission will be undertaking arguably the most complex spectrum auction in history through an incentive auction of the broadcast spectrum. Congress must work closely with the FCC to ensure the auction's success.

As a cochair of the bipartisan Federal Spectrum Working Group, I'm hopeful that we'll have the opportunity to work closely with the FCC and the NTIA and other relevant agencies in identifying underutilized Federal and commercial spectrum for repurposing.

Mr. Speaker, our Nation continues to face a spectrum crunch, particularly as more and more Americans opt for advanced technology and mobile devices and applications. We must ensure that we meet future demand.

Finally, I want to applaud the FCC's recent efforts ensuring that all Americans have access to the communication tools they need to be competitive in the 21st century economy.

□ 1720

Today, one-third of Americans have not adopted broadband, and these num-

bers are particularly high among lower-income Americans, seniors, rural Americans, residents of tribal lands, and people with disabilities.

The commission recently approved responsible reforms to parts of the Universal Service Fund, including the creation of pilot programs to promote broadband adoption. These pilot projects will help make broadband more affordable for lower-income Americans and address other challenges to broadband adoption, including digital literacy and the cost of devices.

I commend the FCC for these efforts, and I look forward to working with the commission when these pilot projects are announced.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I am honored to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee and subcommittee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman, and I do rise to support the Federal Communications Commission Consolidated Reporting Act. It's a commonsense piece of legislation, much like Mr. WALDEN's process reform bill for the FCC that was passed in this House in March on a bipartisan vote.

The FCC Consolidated Reporting Act, as Mr. SCALISE said, will streamline eight annual and triennial FCC reports into one single biennial communications marketplace report. The effect is to ease some of the reporting obligations while providing the FCC a better platform to analyze the converged nature of today's competitive communications marketplace.

It's important to get the reporting in check because the FCC has control over one-sixth of our Nation's economy. This legislation would simply bring back some efficiency and transparency to an agency that is clearly lacking in both categories. We need to redirect the FCC away from its antiquated approach to regulatory policymaking. A streamlined and consolidated reporting system that better reflects today's competitive marketplace is necessary to help in this process, especially for those who understand that we need wholesale change and deregulation at the Nation's leading communications governing agency.

I support the legislation to simplify the FCC's reporting measures. I encourage my colleagues to support the legislation.

Ms. MATSUI. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the Telecommunications Subcommittee.

Mr. WALDEN. Mr. Speaker, I want to thank Mr. SCALISE for his leadership on this issue, and I want to thank Ms.

MATSUI for hers as well, and for the work that we are all doing on the subcommittee to improve the processes and procedures at the FCC, bring about efficiencies and accountability, and look for Federal spectrum that might be freed up to help grow jobs and spur innovation in America.

This particular piece of law, as we move it forward, H.R. 3310, gets about trying to reduce some waste. It really starts with Congress because this is all stuff that is in statute that we have to change. Believe it or not, the Communications Act still requires the Federal Communications Commission to assess the state of telegraph—telegraph—competition. This is not just unhelpful; it's a waste of taxpayer funds. The American public expects and deserves an efficient Federal Government that keeps pace with changes in the market, and this bill helps get us there.

Rationalizing the industry reports the FCC issues not only reduces some of the FCC's administrative burdens but also helps make sure that the agency, the public, and stakeholders have a realistic picture of the marketplace upon which to make their policy judgments.

The communications and technology sector is very competitive. It's very innovative. It's creating jobs, and it's one of the most open sectors of our economy. From fiber optics to 4G wireless service, from the smartphone to the tablet to the connected TV, this sector has been creating new services, new devices, and the high-quality jobs that come with high-tech innovation and investment.

Despite even a lackluster economy, wireline, wireless, and cable providers invested \$66 billion of private capital in broadband infrastructure in 2011. The U.S. is leading in cutting-edge wireless technologies. Industry convergence has led to a boom in competition; voice, video, audio, and data providers are competing across different platforms. And the market is simply moving faster than the law. Despite the convergence of the industry, the FCC is still required by law to evaluate stove-piped industry segments each year. For example, they have to write two reports each year on the satellite industry and two reports on the cable industry, and yet it is one market and there should just be one report covering both.

The FCC Consolidated Reporting Act consolidates eight separate congressionally mandated reports on the communications industry into a single comprehensive report with a focus on competition among technology platforms, deploying communications to unserved communities, eliminating regulatory barriers, and empowering small businesses.

The marketplace report is synched to the congressional calendar. That'll improve our oversight abilities, and it'll help reduce costs. The bill also eliminates 12 additional outdated reports

from the Communications Act, including reports repealed more than a decade ago. The bill is bipartisan, and it's supported by CTIA, NAB, NCTA, USTelecom, and the U.S. Chamber of Commerce, and I urge my colleagues to join in this bipartisan piece of work out of your Subcommittee on Communications and Technology and pass it into law.

Ms. MATSUI. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman.

I rise today in strong support of H.R. 3310, the FCC Consolidating Reporting Act of 2012. I commend the author of this legislation and fellow member of the Communications and Technology Subcommittee, STEVE SCALISE of Louisiana, for his work on this issue. And I also applaud the work of subcommittee chairman GREG WALDEN, who ensured that we moved this legislation through regular order.

H.R. 3310 consolidates eight congressionally mandated studies into a single report with a focus on intermodal competition, deploying communications to underserved and unserved communities, eliminating regulatory barriers, and empowering small businesses. This legislation will also make the FCC more efficient by eliminating a number of duplicative, repealed, or outdated reports that are still listed in statute. For example, in the 21st century, it is simply not necessary for the FCC to provide the report on competition between wire telephone and wire telegraph providers. Think Morse code.

Mr. Speaker, H.R. 3310 passed the full Energy and Commerce Committee by a voice vote on March 6, 2012. It will alleviate the unnecessary and antiquated reporting standards and replace them with an analysis of the 21st century marketplace and its demands on the telecommunications industry. This legislation represents solid policy. I urge my colleagues, support H.R. 3310.

Ms. MATSUI. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), the chairman of the Oversight Subcommittee.

Mr. STEARNS. Mr. Speaker, I thank my colleague.

Mr. Speaker, I rise in strong support of this bill. It streamlines, as mentioned, eight separate congressionally mandated reports into one, a single comprehensive report.

As chairman of the Energy and Commerce Subcommittee on Oversight and Investigation, as Mr. SCALISE mentioned, I, along with Chairman WALDEN, have looked into the backlog and workload of the FCC. In a report we released in November, we found that annual reports to Congress, such as the

Satellite Competition Report and Video Programming Report, have not been completed in years. This is just disconcerting, particularly since the Telecom Act of 1996 was designed with a deregulatory slant—requiring the FCC to conduct these competition reports to determine whether regulation was indeed necessary. How can the FCC appropriately make these decisions and regulate an industry it has not comprehensively analyzed in more than 4 years? This bill is aimed at reducing some reporting burdens on the FCC to ensure that these annual reports are just that—they are simply reported annually.

At the same time, this bill encourages the agency in today's age of convergence to analyze competition in the marketplace as a whole, rather than based on archaic technology-specific silos. We no longer need to consider the Internet, satellite, and cable industries in a vacuum, as they compete head to head in most markets across this country.

□ 1730

In 1992, when we passed the Cable Act, cable occupied about 96 percent of the market. The FCC's most recent data cable now only occupies about a third of this market, competing with FIOS, satellite, Netflix, and the Internet. The report that looks at the marketplace as a whole will inform both the FCC and Congress more sufficiently, and it's a long time due. Therefore, I hope my colleagues will join me in supporting this important legislation, and I appreciate its authors.

Ms. MATSUI. Mr. Speaker, in closing, H.R. 3310 is a step forward to further ensuring transparency by requiring consolidation of various telecommunication reports by the FCC.

As broadband continues to play a critical role in our economy, it is important that we fully understand any and all barriers to Internet services while continuing to allow the Internet economy to grow and innovate.

Again, I want to thank my colleagues on the Energy and Commerce Committee for working in a bipartisan manner on this bill. I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. SCALISE. Mr. Speaker, I want to thank the gentlelady from California for the bipartisan work that she's done on this legislation. Especially, I want to thank Chairman UPTON and Chairman WALDEN for allowing us to bring this bipartisan legislation forward that takes a commonsense approach to so many reports and requirements that are placed on industry and the FCC, frankly, that require a whole lot of work to produce reports that are outdated before they're even filed. The job of government and regulators should not be just to make companies go and

do busy work, to file reports just for the sake of building up reams and reams of papers that nobody can read and nobody can really do anything with because the data is not useful.

So what we're doing with this legislation is taking eight reports—eight reports that all look at very specific sector areas, but don't really tell a picture of what's happening in the industry—and we consolidate those into one report rather than annual, a biannual, and reducing a lot of requirements on business that just have to have these compliance departments because when they're asked by the FCC to provide data, they've got to go provide it, even though they know this data is not going to be used, and in some cases the data is not going to be useful in the context of the report that's going to be filed.

In addition to that, we often hear about all of the laws that are passed in Congress. People say why don't you go and repeal laws that have been sitting on the books for decades that serve no purpose. So we actually do that too with this bill. We go and repeal 12 different reports that are no longer used. As the example has been given a number of times, the telegraph report that is still a law that's on the books, we repeal that as well.

So it's a commonsense approach that tells the people that are out there building this infrastructure, building these wireless networks that so many people, millions and millions of people, in our country use every single day to improve their lives, their quality of life—and frankly the effectiveness of the job creators and our small businesses out there—and it says you don't need to have massive compliance departments to comply with things that nobody reads. You can actually go out and use those resources to create more jobs, to build out that network so that we can do even more innovative things with the technology we have today and that we'll have in the future.

With that, I urge all of my colleagues to support H.R. 3310, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, Americans have demanded a more efficient government that eliminates outdated and unnecessary bureaucracy; a government that takes a hard look at the market before deciding to regulate it—in short, a government that works. The FCC Consolidated Reporting Act accomplishes those goals, all at no cost to the taxpayer.

Today, the FCC is required to write eight separate reports on discrete components of the communications marketplace. Eight separate reports multiplies the number of hours the FCC spends writing reports, multiplies the number of employees working on such reports, and multiplies the number of times industry has to respond to information requests from the Commission.

The FCC Consolidated Reporting Act takes a smarter approach. It consolidates these

eight reports into a single, comprehensive report on the state of the communications marketplace, and eliminates twelve other reports from the Communications Act.

I want to thank Communications and Technology Subcommittee Chairman GREG WALDEN and Representative STEVE SCALISE for working on this important legislation. I support it, and I urge my colleagues to support it as well.

MR. CHRISTENSEN. Mr. Speaker, although, H.R. 3310 is intended to streamline the Federal Communication Commission's reporting requirements. There are concerns that FCC's statutory authority on data collection could be affected and certain pertinent reporting requirements could be eliminated.

H.R. 3310 would consolidate eight separate reports of the FCC into a single comprehensive report in order to reduce the reporting burdens on the FCC while encouraging the agency to analyze competition in the marketplace as a whole. I believe that this bill is not only unnecessary but harmful to the process especially since under Chairman Genachowski many reforms have been made to address the issues the Republicans have indicated they want to fix.

While the FCC has sufficient existing authority to collect data for statutorily required reports, the language contained in Sec. 4 could be construed as denying the Commission its ordinary data collection authority with respect to certain provisions of the bill.

While I support the general intent of the bill to streamline FCC reporting requirements, I did not support it at committee level in its present form and no significant changes were made to improve the bill before it was brought to the House floor.

I urge my colleagues not support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. SCALISE) that the House suspend the rules and pass the bill, H.R. 3310, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SERVICEMEMBER FAMILY PROTECTION ACT

MR. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4201) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servicemember Family Protection Act".

SEC. 2. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

"(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of the child.

"(c) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

"(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

"(e) DEPLOYMENT DEFINED.—In this section, the term 'deployment' means the movement or mobilization of a servicemember for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

"(1) that are designated as unaccompanied;

"(2) for which dependent travel is not authorized; or

"(3) that otherwise do not permit the movement of family members to that location."

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"208. Child custody protection."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentleman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

MR. STEARNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous material on H.R. 4201.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MR. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of the Servicemember Family Protection Act, H.R. 4201, a bill introduced by my good friend from Ohio (Mr. TURNER).

Mr. Speaker, as our Nation's servicemembers continue to endure long deployments overseas, the Servicemembers Civil Relief Act is there to protect their interests at home. At its core, SCRA ensures that servicemembers have certain protections in the event that military service impedes their ability to meet certain financial and legal obligations.

Although the current SCRA covers everything from mortgages to cell phone contracts, it simply fails to protect one uniform framework for protecting servicemembers' rights under child custody actions by State courts. This bill would protect these rights by amending the SCRA to require that if a court gives temporary custody of a servicemember's child to someone else because of the servicemember's deployment, the servicemember has the opportunity to have the previous custody order reinstated upon their return. This would occur unless the court determines that such a move would not be in the best interest of a child. The bill would also prohibit courts from considering the absence or potential absence of a servicemember from being considered as part of the court's determination of the child's best interest. Finally, my colleagues, the bill ensures that if higher protections than that provided by the bill, H.R. 4201, exist under any State law, then the higher standard should be applied.

Mr. Speaker, in previous Congresses, Members have received anecdotal evidence of servicemembers having to make the difficult decision of choosing between their military career and the legal custody of their children because of rulings made by courts that took their military service into account when assigning custody of the child. Mr. Speaker, I believe that our servicemembers who stand guard in constant defense of our liberties should never have to make this choice. That is why this bill's revisions to SCRA are so critically important to unit morale and our Nation as a whole.

So I want to again thank Mr. TURNER from Ohio for introducing this legislation. I also want to thank Chairman JEFF MILLER and Ranking Member Mr. FILNER for their support.

Mr. Speaker, I reserve the balance of my time.

MS. BROWN of Florida. Mr. Speaker and Members of the House, I rise today as the House of Representatives returns from Memorial Day events around the country to honor our Nation's servicemen and their families.

On behalf of a grateful Nation, I want to thank our service men and women for their sacrifices in defense of the freedoms we all hold so dear. As President Obama has said, it is important to

follow these words with deeds, that we must do what we can for the veterans of past, present, and future conflicts.

I am pleased to have been a Member of Congress in 2009 when a Democratic President, Democratic House, and Democratic Senate passed the largest budget in the history of the Department of Veterans Affairs. In addition, we made sure that the VA was not subject to the whims of government shutdown, and the subject of the health care budget of the VA to advanced appropriations, removing the worry for our veterans that their health care would be available.

I am looking forward to the ceremony to be held at the end of June to honor the Montford Point Marines. It is necessary to honor all of America's war heroes' service and sacrifice, and in particular those who served at Montford Point, the marines who were the last group to integrate who are about to be officially recognized as a rich legacy of our Marine Corps. They answered our Nation's call at a time when our society was deeply divided along racial lines.

As our servicemembers continue to deploy, we need to ensure that we're doing everything we need to do to help the families. One item that has often been overlooked is the care of our servicemembers' children when they are deployed. H.R. 4201 would amend the Servicemembers Civil Relief Act to help protect the child custody rights of servicemembers being deployed overseas. This bill would protect a servicemember's custodial rights by requiring that temporary custody orders based solely on the servicemember's deployment will be exactly that—temporary—and that when the servicemember returns, the custody order in effect before deployment will be reinstated.

This bill provides important safeguards and peace of mind to our servicemembers facing overseas deployment and puts the interests of children first. This bill was passed by the House last Congress, and we should do it again.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER).

□ 1740

Mr. TURNER of Ohio. Mr. Speaker, unbelievably, across this country in family law courts, in States, our servicemembers stand before family law court judges who take custody away from our servicemembers upon their return from either, previously, Iraq or, now, Afghanistan based solely on the fact that they were away from their children serving their country.

Mr. Speaker, we should not have one arm of the government ordering our servicemembers to deploy and another

arm of our government taking their children away from them based upon the fact that they were away servicing their country. One servicemember, Eva Slusher, who has been a champion of this issue, has said that she did not understand when she got back, by law, they had to give her her job back but, by law, no one had to return to her her child.

Servicemembers risk their lives in support of the contingency operations that keep our Nation safe. State courts should not be allowed to use a servicemember's previous deployments or the possibility of future deployments when making child custody determinations. State courts should not be allowed to use a servicemember's previous deployments or the possibility when making these child custody determinations.

Our bill would amend the Servicemembers Civil Relief Act to protect servicemembers against this injustice by providing a uniform national standard. The lack of uniform laws creates uncertainty that adversely affects readiness and morale.

State laws differ on the question of whether deployment or the potential for future deployment can be used as a criterion for these courts, and many States have no laws at all. The difference in State laws provides an opportunity for ex-spouses to venue shop to find a State that will alter custody agreements. Many servicemember custody battles involve up to three States: the State of the original custody order, the State where the child is residing, and the State where the servicemember is stationed.

This bill creates a protective floor to ensure that all military parents can feel confident that their service to our country will not be used against them in our courts.

In supporting this legislation, Secretary Gates stated: "I am convinced that the benefits outweigh the concerns and, thus, we should work with Congress to pursue an acceptable legislative formulation."

The language of this bill has passed the House on seven separate occasions, and the bill has strong bipartisan support. I have a letter to Leon Panetta that is signed by every member of the House Armed Services Committee that I will enter into the RECORD.

Our men and women in uniform sacrifice a great deal to serve our country. We owe it to them to provide uniform legal standards regarding child custody. Our service men and women should never be in the position of having to choose between their country and their family; or while they're on service, they should not have to worry what might happen to them when they return.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2012.

Mr. LEON PANETTA,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY PANETTA: We appreciate your interest stated during the February 15, 2012 House Armed Services Committee (HASC) hearing in protecting child custody rights for our men and women in uniform.

As you know, legislative language addressing this issue has already passed the House of Representatives on six separate occasions. It has passed five times as part of the National Defense Authorization Act, every year from 2008 through 2012. Additionally, in 2008 this language passed the House as a stand-alone bill (H.R. 6048) by voice vote. Sixty members from both sides of the aisle signed on to H.R. 6048 as co-sponsors. Most recently, the bill was included in the Managers Package in the FY12 House NDAA and was supported by the Department of Defense (DoD).

Enclosed are letters of support that both Secretary Gates and Secretary Stanley provided for this legislation last year. Also enclosed is the 2010 HASC letter to Secretary Gates. As we move forward with the current legislative session, we look forward to the same level of support from the DoD in addressing this important issue and ensuring that our men and women in uniform have their parental rights protected.

Sincerely,

MICHAEL R. TURNER,
Member of Congress.

ROBERT ANDREWS,
Member of Congress.

HASC SIGNATURES

Michael Turner, Rob Andrews, Howard P. "Buck" McKeon, Chairman, Adam Smith, Ranking Member, Mac Thornberry, Vice Chairman, Roscoe G. Bartlett, Walter B. Jones, W. Todd Akin, J. Randy Forbes, Jeff Miller, Joe Wilson, Frank A. LoBiondo, John Kline, Mike Rogers, Trent Franks, Bill Shuster, K. Michael Conaway, Doug Lamborn, Rob Wittman, Duncan Hunter, John C. Fleming, Mike Coffman, Thomas J. Rooney, Todd Russell Platts, Scott Rigell, Chris Gibson, Vicky Hartzler, Joe Heck, Bobby Schilling, Jon Runyan, Austin Scott.

Tim Griffin, Steve Palazzo, Allen West, Martha Roby, Mo Brooks, Todd Young, Silvestre Reyes, Loretta Sanchez, Mike McIntyre, Robert A. Brady, Susan A. Davis, James R. Langevin, Rick Larsen, Jim Cooper, Madeleine Z. Bordallo, Joe Courtney, David Loebsack, Niki Tsongas, Chellie Pingree, Larry Kissell, Martin Heinrich, William L. Owens, John Garamendi, Mark Critz, Tim Ryan, C.A. Dutch Ruppersberger, Hank Johnson, Betty Sutton, Colleen Hanabusa, Kathleen C. Hochul, Jackie Speier.

Ms. BROWN of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentlewoman has 17½ minutes remaining.

Ms. BROWN of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I would like to thank my friend from Florida for yielding and for putting deeds ahead of words when it comes to serving our veterans, as I know the full committee does as well. This is an issue on which there is no Republican, Democrat, no liberal, conservative divide. There's unanimity we should put our deeds first and our words second. I

commend my friend from Florida for being an exemplar of that principle.

No member of our armed services should ever be told that a custody decision involving their children depends solely on the fact that they have been deployed or will be deployed. Never should that happen.

Now, in the past, there's been arguments, frankly, from the other body against this provision on the argument that we must choose between the best interest of the child and the sovereign parental rights of our servicemembers. This is a false and inaccurate choice.

This bill starts from the premise that the best interest of the child is the paramount value. It in no way disrupts or subverts any State law in that respect, but it adds to that provision a provision that must be added by Federal law, because there must be a uniform standard since it's the Federal Government that is deciding who will be deployed and when. So, supplemental to the guiding principle of the best interest of the child is a principle in this bill that says that deployment cannot be the sole reason for a decision to deprive a man or woman of custody of his or her child.

Now, it strikes me that this is a complex legal issue. I will confess to that. But morally, this is a distinct, clear, and open issue. We all support the best interest of the child. But I think that we all support, and I think in a few minutes we're going to have a vote that demonstrates that we all support, the principle that the sovereignty of parenthood should not be forfeited by taking the oath of office to serve one's country in uniform. This should never happen.

So, again, here is what this means. It means that no child would ever be placed in a situation that's not in his or her best interest in the decision of the decisionmaker, of the judge or the Court. None of us wants that. But it also means that any State or any judge that says the sole reason that we are depriving a man or woman of custody of his or her son or daughter is because they volunteered to serve their country and followed an order to be deployed or are about to follow an order to be deployed.

This is morally clear. It is legally correct, and I hope it will be unanimously supported by the ladies and gentlemen of the House.

Mr. STEARNS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BROWN of Florida. I don't have any other speakers, so I yield back the balance of my time.

Mr. STEARNS. Mr. Speaker, I'll close using such time as I may consume to say:

This is a very important bill. Mr. TURNER just touched on something that I think I want to bring up again. This, the language in this bill, has

passed the House on seven separate occasions, six times as part of the House National Defense Authorization Act in FY 2008, 2009, 2010, 2011, 2012, and 2013, and once, my colleagues, as a standalone bill by voice vote in 2008. And all the while, this bill has had strong bipartisan support.

Mr. Speaker, if I can, I urge the United States Senate that, upon passage today, our colleagues over there simply take up this bill and the 10 other bills that the Veterans' Committee has passed through our committee and the House and pass those also.

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4201, "Service-member Family Protection Act." This legislation amends the Servicemember Civil Relief Act and provides protection for servicemembers who lose temporary custodial responsibility for a child from court due to deployment or anticipated deployment. Upon return from deployment, the court must reinstate the custody order that was in effect preceding the deployment provided that the reinstatement is in the child's best interest.

H.R. 4201 would prevent previous and future deployment from being considered in the determination of a child's best interest in a motion seeking a permanent order to modify custody. In addition, it also creates a uniform nationwide standard for dealing with servicemembers and deployment.

Just as our service men and women are stationed around the world fighting for our rights and freedom, we must protect their rights here at home.

According to a report from USA Today, military divorces reached an all time high in 2011. When children are involved, these divorce proceedings face even greater complications.

It is unfair to say the least, to use a servicemember's previous service to this country and possible future service against them in child custody battles.

Not only does this create division in family households, it also creates negative feelings towards military service in the minds of the dedicated men and women who protect our freedom.

Past problems in these court cases have centered on a lack of uniformity of the law. Many states even lack laws concerning deployment as a criterion by courts. In previous cases this has caused servicemembers to fight custody suits in up to three states: the state where the suit began, the state where the child is residing and the state where the servicemember is stationed. Dealing with child custody battles is difficult even in civilian life. With the additional stress many in our military face, sometimes it can become unbearable. The Department of Defense and Service has even observed a connection between child custody battles and military suicides.

There must be justice and uniformity when deciding child custody disputes for our servicemembers. I urge my colleagues to join me in supporting H.R. 3140 "Mass Transit Intelligence Prioritization Act."

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 4201.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SECURE BORDER ACT OF 2011

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1299) to achieve operational control of and improve security at the international land borders of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Border Act of 2011".

SEC. 2. STRATEGY TO ACHIEVE OPERATIONAL CONTROL OF THE BORDER.

(a) *STRATEGY TO SECURE THE BORDER BETWEEN THE PORTS OF ENTRY.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive strategy for gaining, within five years, operational control of the international borders between the ports of entry of the United States. The strategy shall include an analysis of the following:

(1) *Staffing requirements for all border security functions.*

(2) *Investment in infrastructure, including pedestrian fencing, vehicle barriers, and roads.*

(3) *The use of unmanned aerial vehicles, camera technology, sensors, and other innovative technology as the Secretary may determine.*

(4) *Cooperative agreements with international, State, local, tribal, and other Federal law enforcement agencies that have jurisdiction on the northern border and southern border.*

(5) *Other means designed to detect, respond to, and interdict unlawful cross-border activity and to reduce the level of violence.*

(6) *A schedule for implementing security measures, including a prioritization for future investments.*

(7) *A comprehensive technology plan for major surveillance and detection technology programs, including a justification and rationale for technology choices and deployment locations.*

(8) *The recommendations made in the December 2010 Government Accountability Office report entitled "Enhanced DHS Oversight and Assessment of Interagency Coordination is Needed for the Northern Border".*

(b) *SECURING THE BORDER AT PORTS OF ENTRY.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics to measure the effectiveness of security at ports of entry, which shall consider, at minimum, the following:

(1) *The number of infractions related to personnel and cargo committed by major violators*

who are apprehended by U.S. Customs and Border Protection at such ports of entry.

(2) The estimated number of such infractions committed by major violators who are not so apprehended.

(3) The required number of U.S. Customs and Border Protection Officers, Agricultural Specialists, and Canine Enforcement Officers necessary to achieve operational control at such ports of entry.

(4) Infrastructure improvements required to achieve operational control at such ports of entry, including the installation of nonintrusive detection equipment, radiation portal monitors, biometrics, and other sensors and technology that the Secretary determines necessary.

(5) The deployment of resources based on the overall commercial and passenger traffic, cargo volume, and threat environment at such ports of entry.

(6) The recommendations made in the December 2010 Government Accountability Office report entitled "Enhanced DHS Oversight and Assessment of Interagency Coordination is Needed for the Northern Border".

(c) EVALUATION BY DEPARTMENT OF ENERGY NATIONAL LABORATORY.—The Secretary of Homeland Security shall request the head of an appropriate Department of Energy National Laboratory with prior expertise in border security to evaluate the measurement system required under subsection (b) to ensure its suitability and statistical validity for analyzing progress for the interdiction of illegal crossing and contraband at ports of entry.

(d) CONSIDERATION OF ALTERNATIVE BORDER SECURITY STANDARDS.—If in developing the strategic plan required under subsection (a) the Secretary of Homeland Security makes a determination to measure security between border ports of entry by a standard other than operational control, the Secretary shall request the head of an appropriate Department of Energy National Laboratory with prior expertise in border security to evaluate such alternative standard to ensure the suitability and statistical validity of such standard with respect to measuring the progress for the interdiction of illegal crossings and contraband that pass between such ports of entry.

(e) REPORTS.—Not later than 60 days after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit the appropriate congressional committee a report on the following:

(1) A resource allocation model for current and future year staffing requirements that includes optimal staffing levels at all land, air, and sea ports of entry and an explanation of U.S. Customs and Border Protection methodology for aligning staffing levels and workload to threats and vulnerabilities across all mission areas.

(2) Detailed information on the level of manpower data available at all land, air, and sea ports of entry, including the number of canine and agricultural officers assigned to each such port of entry.

(f) DEFINITIONS.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term "appropriate congressional committee" means the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) MAJOR VIOLATOR.—The term "major violator" means a person or entity that is or has engaged in serious criminal activities at any land, air, or sea port of entry, including possession of narcotics, smuggling of prohibited products, human smuggling, weapons possession, use of fraudulent United States documents, and other offenses serious enough to result in arrest.

(3) OPERATIONAL CONTROL.—The term "operational control" has the meaning given such

term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I would just suggest to the ranking member, since we are running short on time, I'm going to abbreviate my remarks. I know that your eloquence is unbounded, but I will try to restrict myself.

Mr. Speaker, H.R. 1299, the Border Security Act of 2011, requires the Secretary of Homeland Security to develop a strategy to gain operational control of the border within 5 years.

I want to commend Congresswoman MILLER, who's the chair of the Subcommittee on Border and Maritime Security, for her leadership on this issue.

Border security is an integral element of homeland security. We must secure our borders. Since 2004, Congress has allocated billions of dollars to secure the border through investments in personnel, technology, and infrastructure; however, our borders remain vulnerable.

We know from the documents made public after the Abbottabad raid on Osama bin Laden's compound that al Qaeda continues to examine crossing the border to gain access to the U.S. It is critical that the Department produce a comprehensive strategy to gain operational control over the border.

This legislation is commonsense legislation. It has bipartisan support. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. Speaker, H.R. 1299, The Border Security Act of 2011, requires the Secretary of Homeland Security to develop a strategy to gain operational control of the border within 5 years.

I would like to thank Congresswoman MILLER, Chair of the Subcommittee on Border and Maritime Security, for her leadership on this issue.

Border security is an integral element of Homeland Security. We must secure our borders to prevent drug smugglers, terrorists, and others who pose a threat to the Homeland from entering the Country.

Since 2004, Congress has allocated billions of dollars to secure the border through investments in personnel, technology, and infra-

structure. Through such investments, the size of the U.S. Border Patrol has doubled to more than 21,000 agents; almost 700 miles of vehicle and pedestrian fencing have been built; and significant investments have been made in camera detection technology. Without question, these investments have significantly increased security at the border.

However, our borders remain vulnerable and attractive for illegal aliens, criminals, and drug smugglers. We know from documents made public after the Abbottabad raid on Osama bin Laden's compound that al Qaeda continues to examine crossing the border to gain access to the United States.

It is critical that the Department of Homeland Security produce a comprehensive strategy to gain operational control over the border. As we move forward, Customs and Border Protection should explain what technology is being acquired, where it is being placed, and how those choices will fit into a comprehensive strategy to secure the border.

I am concerned that DHS has determined that they will no longer share operational control numbers with Congress as they have always done in past years in the annual budget submission. This legislation will ensure that these figures continue to be shared with Congress and that a National Laboratory will evaluate any new metrics developed by CBP.

We cannot continue to make ad hoc investments in border security; rather, border security funds should only be allocated as part of a larger strategic plan that gets us closer to a legitimately secure border both at and between the ports of entry.

This is a common sense bill, and I urge my colleagues to support it.

□ 1750

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 1299, the Secure Border Act of 2011, and I yield myself such time as I may consume.

This bill would require the Secretary of Homeland Security to submit to Congress a comprehensive strategy for gaining operational control of our borders within the next 5 years. This bill defines operational control as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

While this is a laudable goal, it is also extraordinarily ambitious, and the bill authorizes no additional resources to achieving this goal. I am pleased, however, that the bill would require the Secretary to submit to Congress a resource allocation model for Customs and Border Protection staffing requirements at all land, air, and seaports of entry. This is important information that our committee has repeatedly requested from CBP on a bipartisan basis but has not yet received.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield such time as she may consume to the distinguished chair of the subcommittee, the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, among the enumerated powers of the Constitution, providing for the common defense is, in my mind, the most important responsibility of the Congress. A key part of the common defense, of course, is ensuring that we secure the Nation's borders.

H.R. 1299, the Secure Border Act, moves the Nation closer to a more secure border by requiring the Department of Homeland Security to develop a plan to gain operational control of the border within 5 years. As part of that plan, the Department must account for staffing requirements, investments and infrastructure, and the justification and rationale for technology choices and deployment locations.

Since 9/11, this Nation has spent billions of dollars to increase security along our borders. We've doubled the size of the Border Patrol; built 700 miles of fence; and have invested in technology, such as UAVs and a wide array of surveillance equipment, for use along the border. Most of these investments have been worthwhile. Yet, instead of spending money in an ad hoc fashion, the Department of Homeland Security needs to develop a comprehensive and coherent plan to achieve control of the border while taking into account personnel, technology, and infrastructure needs. The need for a comprehensive strategy is apparent as previous border security efforts succeeded in shifting smuggling and illicit activities from urban areas of the Southwest border to more rural and remote areas, such as Arizona. However, this balloon effect has only succeeded in shifting the problem.

How we determine or measure what a secure border looks like has been the subject of a lot of debate, but the fact remains that the Congress and the American people should have a verifiable way to determine if we are making progress along the border. For years, we've relied on operational control as sort of a proxy for border security, and it has become a de facto term, but at the last count, only 44 percent of the Southwest border was under operational control, and less than 2 percent of the northern border was adequately secured.

In 2010, the Department of Homeland Security stopped reporting the numbers of miles of border under operational control, and as yet has really not supplied an alternative measure of border security to replace the discarded operational control measure. Just a few weeks ago, the Border Patrol released its new 2012 strategic plan, which makes no mention of operational control.

It is clear, Mr. Speaker, that the Department believes operational control is probably not the right measure to describe security at the border, and is working on something called the "bor-

der condition index," which is supposed to be a holistic measure to inform our border security efforts. I think we are all open to a new, more robust standard if it supplements operational control and better describes what is happening with security at our border.

To this point, I don't think we can automatically assume that this new measure stacks up against operational control. With an issue this important, we just can't change the rules if we don't like the results. So, if the Secretary of the Department of Homeland Security decides to use a measure other than operational control, this bill would require that any other measure of border security would be vetted by a national laboratory with prior expertise in border security. I think that boils down to "trust but verify."

Security along the border is more often than not described in terms of fences, Border Patrol agents, UAVs, and camera towers. However, that is only one side of the story. We also need to increase security at our ports of entry—the conduit to much of the commerce and cargo that sustains our way of life. This bill requires the Secretary to develop a measure which gauges our progress at the points of entry so that, when combined with operational control or its successor, we have a very full picture of our border security.

Mr. Speaker, the men and women of the United States Border Patrol and the U.S. Customs and Border Protection have a very difficult job. I know that we all want to thank them for the very hard work that they do in some very demanding conditions to help secure our Nation. Certainly, it is our hope that the requirement for a comprehensive strategy will inform the Congress of the resources needs of the Department of Homeland Security, will give the men and women on the border the tools that they need, and will move us toward a more secure border both at and between the ports of entry.

I certainly would encourage all of my colleagues to support this bipartisan legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers if the gentleman from New York is prepared to close.

Mr. KING of New York. Ranking Member, I have one further speaker.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Thank you for yielding the time, and I appreciate Mrs. MILLER for offering this legislation.

Having been a resident in Texas, a border State with Mexico, I see firsthand the situation on the border. We hear everything politically from "the border is safe" to "it's a war zone," or somewhere in the middle. We actually do have a border security problem. Here are just a couple of statistics to show you how the border is so porous:

In our Federal penitentiaries, there is a group of people called "criminal aliens." These are people who are illegally in the country and commit a felony in the United States. Twenty-five percent of the people in our Federal penitentiaries are criminal illegal aliens—illegally in the country, convicted and sent to our Federal penitentiaries. I regularly go and visit with our border sheriffs, and I ask them periodically, How many people in your jails are foreign nationals? The latest statistic that 17 border sheriffs in Texas gave me was: 34.5 percent of the people in our jails are foreign nationals.

So, yes, that crime comes into the United States is just one aspect of the lack of border security. But there is more.

I recently met with some ranchers down on the Southwest border. The owner of this ranch on the border comes out to meet me, and he is wearing a bulletproof vest. Yes, he has to wear a bulletproof vest on his own land because the drug cartels come through his land, and it's dangerous, which is just one more example of the porous border that we have.

And most recently, to show that the border is porous and that what happens in Mexico doesn't stay in Mexico, a couple of weeks ago, there was a family in our church back in Texas who had this problem: Their cousins in Mexico had been kidnapped by the Zeta drug cartels and held for ransom. The family here in the United States, in Texas, paid the ransom to get the two cousins back. The drug cartels, the Zetas, they murdered them anyway.

So we have the problem of kidnappings taking place; we have the problem of extortion; and we have the problem of cross-border crime—but it is all because of the fact that the border needs to be more secure than it is. A plan is a good idea. A plan to actually address all of these issues of a porous border is something that's long overdue, but I'm glad to see that we're moving in that direction—to have a plan so that we know exactly what will take place and how we will protect our borders.

After all, the job of the Federal Government is to protect the national security.

Mr. THOMPSON of Mississippi. In closing, I thank the lead sponsor of this bill, the gentlewoman from Michigan, Representative MILLER, for her leadership on border and maritime issues and for her willingness to work on a bipartisan basis in areas of shared concern. I support the bill.

With that, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, devising a comprehensive plan to secure our Nation's borders is the first step on the road to a more secure homeland. This bipartisan bill is a good

start, and I ask my colleagues to support its passage.

I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H.R. 1299, the Secure Border Act of 2011, authored by my good friend, CANDICE MILLER, and urge my colleagues to support it.

This bill requires the Department of Homeland Security to develop a comprehensive strategy for gaining control of our borders at all ports of entry. In developing that strategy, an analysis of current security effectiveness will help define the needs and requirements of an implementable border security blueprint.

Mr. Speaker, the reason this is necessary is because illegal immigration is one of the biggest crises facing our nation and securing our borders is of paramount importance.

The Government Accountability Office recently reported that less than half of our southwest border is under operational control. At the same time, only 32 percent of our northern border operates at an "acceptable" security level.

Mr. Speaker, keeping our nation safe is the federal government's chief responsibility, and that's why it is so important that we pass this legislation.

I ask my colleagues to join me in supporting this bill.

Mr. KING of New York. Mr. Speaker, I am submitting the following letter exchange between myself and Chairman DAVE CAMP of the House Committee on Ways and Means.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 5, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN CAMP, Thank you for your letter regarding H.R. 1299, the "Secure Border Act of 2011." I acknowledge that by forgoing action on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation. The Committee on Ways and Means is considered to be an "appropriate congressional committee" in regards to the reports required by H.R. 1299 with respect to resource allocation for staffing requirements and the level of manpower data available as all ports of entry.

I will include our letters on H.R. 1299 in the Congressional Record, and I appreciate your cooperation regarding this legislation. I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

PETER T. KING,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 1, 2012.

Hon. PETER KING,
Chairman, Committee on Homeland Security,
U.S. House of Representatives, H2 176 Ford
House Office Building, Washington, DC.

DEAR CHAIRMAN KING. I am writing to you concerning the bill H.R. 1299, the "Secure Border Act of 2011." This legislation includes several provisions that pertain to the jurisdiction of the Committee on Ways & Means with respect to Customs and Border Protection staffing requirements and commercial traffic.

The Committee recognizes the importance of H.R. 1299 and the need to move expeditiously. Therefore, the Committee is willing to forego action on the bill with the understanding that by doing so, the Committee is not in any way prejudiced with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

In addition, I ask that the Ways & Means Committee be included within the definition of "appropriate congressional committee" so that it will receive the report required in subsections 2(e)(1) and (2) of the bill with respect to resource allocation for staffing requirements as well as the report on the level of manpower data available at all ports of entry.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1299, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD.

Sincerely,

DAVE CAMP,
CHAIRMAN,
Committee on Ways and Means.

Enclosures.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 1299, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

APPLICABILITY OF THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT TO THE TRANSPORTATION SECURITY ADMINISTRATION

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3670) to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT TO THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note; Public Law 107-71) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) GENERAL AUTHORITY.—Except as provided in paragraph (2), and notwithstanding"; and

(2) by adding at the end the following:

"(2) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT.—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 270 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

□ 1800

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I will say again to the ranking member that this is a very vital bill. In the interest of time, because we still have this and three other pieces of legislation to pass in the next half hour, I will limit my remarks other than to say that the gentleman from Minnesota deserves tremendous credit for this bill.

H.R. 3670 is absolutely vital. It's necessary. It would guarantee that TSA employees who are called to active duty would keep their jobs when they come home and would further ensure that existing protections could not be in any way changed by potentially conflicting rules or regulations.

I also want to commend the gentleman from Florida (Mr. BILIRAKIS), who was the original cosponsor of this bill.

And, again, I just want to say with reference to my friend from Minnesota, he has dedicated a life of service to his country in the military, and he's continuing that outstanding service here in the United States Congress.

With that, I reserve the balance of my time.

Mr. Speaker, I rise in support of H.R. 3670, sponsored by the gentleman from Minnesota, Mr. WALZ.

This bipartisan bill addresses a fundamental gap in the protection of veterans' employment rights, which could easily be remedied.

I want to take this opportunity to recognize the efforts of my good friend from Florida, Congressman BILIRAKIS, Chairman of the Emergency Preparedness, Response and Communications Subcommittee, for his work on this issue and for being an original cosponsor of the bill.

Veterans make up roughly 20 percent of TSA's workforce. This bill simply requires TSA to comply with the Uniformed Services Employment and Reemployment Rights Act, or USERRA. This would guarantee that TSA employees who are called to active duty could keep their jobs when they come home.

In recent testimony submitted for the record to the Committee on Veterans' Affairs, TSA stated that its current practice already conforms to the requirements of H.R. 3670. This bill would simply ensure existing protections could not be changed later on by potentially conflicting rules or regulations.

This is a common sense bill and I urge all of my colleagues to support it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3670 and yield myself such time as I may consume.

Mr. Speaker, Memorial Day is a time not only to honor members of our armed services who gave their lives in defense of our liberty, but also to convey our support for veterans and servicemembers. With the commemoration of Memorial Day earlier this week, it is fitting that we're considering H.R. 3670 today.

H.R. 3670, by conferring job protections for servicemembers, conveys our commitment to help reservists and other members of the uniformed services return to civilian life. Specifically, the bill would ensure that the protections afforded under the Uniformed Services Employment and Reemployment Rights Act apply to Transportation Security Administration employees and applicants, just as they do everywhere in the public and private sector.

Mr. Speaker, I would also like to acknowledge TSA's leadership in hiring veterans. Currently, veterans make up over 23 percent of TSA's workforce. I would encourage my colleagues and the general public to keep that number in mind when they encounter a TSA worker at an airport checkpoint. There is a one in four chance that the person conducting the screening is a veteran and deserves the respect and appreciation commensurate with that title.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank Chairman KING for the time. I also rise today in strong support of H.R. 3670, a bill introduced by my good friend, Mr. WALZ from Minnesota.

This bill extends reemployment protections to employees of the Transpor-

tation Security Administration by making them subject to the Uniformed Services Employment and Reemployment Rights Act, or USERRA.

USERRA is a law that protects the reemployment rights of servicemembers so they are able to keep their jobs, benefits, and seniority in their civilian jobs after serving on active duty.

When TSA was created soon after 9/11, it was given a USERRA exemption to allow the agency to hire new employees without delay for airport screenings. There is no evidence that applying USERRA to TSA will impede TSA's mission of protecting our Nation's air travel system. In fact, bringing TSA under USERRA will strengthen their ability to recruit and retain highly qualified veterans.

Mr. Speaker, I would note that in testimony submitted for the record on H.R. 3670, TSA stated that its current practice already conforms to the requirements that H.R. 3670 would put into statute. Therefore, enactment of H.R. 3670 would ensure existing protections could not be weakened by a change in administration rules or regulations.

I want to thank my good friend Mr. WALZ for introducing this legislation. I also thank Chairman JEFF MILLER of Florida and Ranking Member FILNER of California for their support, and I thank Mr. KING.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as he may consume to the original sponsor of the legislation under consideration, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Speaker, I thank the gentleman and the chairman for bringing this bill to the floor. More importantly, I thank you both for your unwavering defense of this Nation in smart policy and an unwavering commitment to make sure we get it right.

I, like my colleagues and millions of other Americans, spent Monday at Memorial Day observances. That's the date we give thanks to those brave patriots who gave the supreme sacrifice so we could all live in freedom. But as the gentleman from Mississippi also said, it's also a time to think of the responsibility we have for those who have served and have come back.

Our responsibility to our veterans is our Nation's highest moral responsibility. After years of war, we have millions of returning veterans who deserve our respect and support. This piece of legislation helps us keep a promise to those brave warriors. As you heard from my colleagues, the Uniformed Services Employment and Reemployment Rights Act was passed by this Congress—a smart piece of legislation—in 1994. It simply says if you serve this Nation in uniform, you will not be disadvantaged in your civilian-sector job; you will have prompt reemployment when that service is done;

and you will not be discriminated against because of current or past military service. It's keeping that commitment that if you put your life on the line, you put your health on the line, you shouldn't have to sacrifice your career progression against your peers just because you were willing to serve this Nation.

That piece of legislation was very clear also that the Federal Government should be a model employer. Also as the gentleman from Mississippi stated, TSA has a very important job of securing this Nation. They have done a wonderful job of hiring veterans. The issue at hand here is asking TSA to abide by the same rules as countless other agencies have. There is not a police force, a firefighting force, a school, or a private employer that hasn't sent a guardsman or a reservist off to do duty. They've had to change schedules and bring them back. In many small towns in my district, when you get a call up from the National Guard unit, most of the police department is gone with them. They've figured out how to do this, and they've done it by abiding by USERRA when they came back home and welcomed them back. It's absolutely unconscionable that TSA wouldn't.

As the gentleman from Florida (Mr. STEARNS) noted, they say they're already complying with most of the regulations. They've had time to adjust to this. We need to make sure at a time of high unemployment against our veterans, that we of all people—the Federal Government—throws up no barriers in front of them, but welcomes them back, replaces them in their jobs, and moves them forward. That's not only morally the right thing to do; that's the right thing to do for national defense. These are our best and brightest willing to put their lives on the line. I want them at the front lines at our airports and ports and other places, and we should get them back into it.

I want to thank these two gentlemen for their unwavering work and also the chairman of the VA, Mr. MILLER, and Mr. FILNER. As was stated earlier, I thank an absolute champion of veterans rights, Mr. BILIRAKIS, who is the original cosponsor of this.

Mr. KING of New York. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlelady from Florida (Ms. BROWN).

Ms. BROWN of Florida. Thank you, Chairman KING and Ranking Member THOMPSON, for bringing this bill to the floor as we return from Memorial Day events with our constituents.

When the TSA was formed in the wake of 9/11, the worst terrorist attack in the history of the United States, Congress was attempting to consolidate many of the Nation's security duties that were spread out over all of the Departments. We were dedicated to the

proposition that this event should never be repeated. Our response was quick that our civilian transportation system should never be used for attack ever again.

Out of the need for better airport security, the Transportation Security Administration was born. However, at the time, Republicans did not want to give the same rights to those Members of the Federal workforce as other Federal employees enjoy. One of those rights was USERRA, the Uniform Services Employment and Reemployment Rights Act.

Under USERRA, individuals retain certain rights when that person needs to be absent from his or her civilian employment to serve in this country's uniformed services.

This bill would require the TSA to comply with USERRA when dealing with air transportation passengers and property screeners.

I support this legislation as a good first step toward giving the same rights available to all Federal employees.

And let me just take this moment to thank TSA for their hard work and dedication in keeping us safe. Sometimes I know it is inconvenient to the traveling public, but remember that they're there to protect us and they would not be there if 9/11 had not occurred. Thank you for your service.

Mr. KING of New York. Mr. Speaker, I advise my colleague that I am prepared to close as I have no further speakers.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

□ 1810

Ms. JACKSON LEE of Texas. Mr. Chairman, I thank you for yielding, and I thank the chairman of the full committee and the ranking member.

As a ranking member of the Transportation Security Subcommittee, it's my privilege to rise to support H.R. 3670.

Let me thank the author of the bill, the gentleman from Minnesota, for his leadership—he is always speaking eloquently but fighting for our veterans, and we thank you very much both for your service and your leadership—and also to thank the gentlelady from Florida for her kind and astute remarks regarding the importance of TSA.

In the last 24 hours, there was a breach of security in San Diego when an individual went through a secured door and boarded a plane. The immediate response of some of the commentators was: What was TSA doing? I think the only comment is: They were doing their job.

And that breach obviously occurred before any entering into the secured area, but it tells us how important TSA really is and being on the front line of securing this Nation and being

part of the team that has allowed us to not have a tragic incident on our soil since 9/11.

It is important to have the TSA comply with the Uniformed Services Employment and Reemployment Rights Act. The Uniformed Services Employment and Reemployment Rights Act, USERRA, ensures that our valued citizens who have served in the Armed Forces, Reserves, National Guard, or other uniformed services are not disadvantaged in their civilian careers because of their service. They deserve this protection.

Under current law, the TSA is not required to comply with certain provisions of Federal labor laws, including USERRA. This is not right. Currently the TSA, which has more than 50,000 employees, is not required to hold positions and promotions for employees who are called away for military service. Ten thousand veterans serve on the TSA's workforce. That is one-fifth, or 20 percent, of their entire workforce.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. The head of my airport, Bush Intercontinental Airport, Colonel Testa, is retired military. The law specifies certain rank for individuals who serve in the uniformed services, including those in the Reserves or the National Guard who are called to duty. I join with my colleagues to support this legislation to ensure that TSA complies with USERRA.

Just 2 days ago we celebrated Memorial Day, and I would offer to say that we must continue to support our veterans but also mourn those who are lost, but in their name, it's important to support this legislation.

Mr. Speaker, I rise today to debate H.R. 3670, "To require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) ensures that our valued citizens who serve or have served in the Armed Forces, Reserves, National Guard or other "uniformed services" are not disadvantaged in their civilian careers because of their service.

Under current law, the Transportation Security Administration (TSA) is not required to comply with certain provisions of federal labor laws, including USERRA. This is not right.

Currently the TSA, which has more than 50,000 employees, is not required to hold positions and promotions for employees who are called away for military service. 10,000 veterans serve on the TSA's workforce. That is 1/5 or 20 percent of their entire workforce.

The law specifies certain rights for individuals who serve in the uniformed services, including those in the reserves or the National Guard who are called to active duty.

In particular, USERRA prohibits employers from discriminating on the basis of military

service or obligation and protects covered individuals' rights to be reemployed upon returning from duty.

H.R. 3670 requires the TSA to comply with USERRA. According to TSA, the agency's existing policies regarding individuals who leave TSA to undertake uniformed service are already consistent with USERRA. We want to make absolutely sure that our veterans, servicemen, and future soldiers are protected by the laws that govern our great Nation. We have to ensure that they are taken care of. They are courageous enough to defend, and sometimes give their lives for the United States. We should do what we can to honor their bravery.

The Congressional Budget Office (CBO) estimates that H.R. 3670 would not significantly affect the TSA's costs nor would enacting the bill affect direct spending or revenues.

I strongly support our troops and the brave men and women who have served in our armed forces. After their honorable service they should not have to face obstacles in finding civilian employment due to their service.

We must do everything in our power to ensure Members of our Armed Services are not discriminated against based upon past, present, or future military service. They have sacrificed for their country and when they return to their civilian life that sacrifice should be honored not viewed as a negative. The federal government should be a "model employer" under USERRA, which is why H.R. 3670 is such a vital piece of legislation. Again, I urge you to honor the sacrifice of our troops.

Mr. THOMPSON of Mississippi. Mr. Chairman, I am prepared to close.

Mr. Speaker, H.R. 3670 enjoys bipartisan support of both the Committee on Veterans' Affairs and the Committee on Homeland Security and deserves the support of the full House today.

I yield back the balance of my time.

Mr. KING of New York. It's only because of the late hour—we have three more pieces of vital legislation to pass in the next 15 or 20 minutes—that I am not speaking at length on this issue because it is so vital. I thank the gentleman from Minnesota for it.

I urge Members to support the bill, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 3670, to require the Transportation Security Administration, TSA, to comply with the Uniformed Services Employment and Reemployment Rights Act.

The Uniformed Services Employment and Reemployment Rights Act, USERRA, is intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other uniformed services: (1) are not disadvantaged in their civilian careers because of their service, (2) are promptly reemployed in their civilian jobs upon their return from duty, and (3) are not discriminated against in employment based on past, present, or future military service.

Soon after the attacks of 9/11, TSA was given USERRA exemption to allow the agency to hire new employees without delay for airport screenings. USERRA protects service members so they are able to keep their job,

benefits, and seniority in their civilian job if they are called up to Active Duty. TSA has voluntarily adopted some USERRA provisions for their employees, but TSA no longer requires special hiring authorities that it required when newly created. With more than 10,000 veterans among the agency's employees, counting for 20 percent of the Transportation Security Officer workforce, TSA, like any other federal agency, should be required to comply with the same USERRA rules as other Federal agencies and private employers.

With the month of May and National Military Appreciation Month concluding, we must continue to appreciate and support our service members by supporting this legislation. Our veterans and servicemembers do not choose our conflicts and we cannot allow employers to punish them for their unrelenting dedication to our nation's freedom.

Mr. Speaker, requiring the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act is the right thing to do. That is why I strongly support H.R. 3670 and I urge my colleagues to support our servicemembers and veterans by supporting H.R. 3670.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 3670.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WMD INTELLIGENCE AND INFORMATION SHARING ACT OF 2012

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2764) to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "WMD Intelligence and Information Sharing Act of 2012".

SEC. 2. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 210G. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

"(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department of Homeland Security shall—

"(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

"(2) support homeland security-focused intelligence analysis of global biological threats, including global infectious disease, public health, food, agricultural, and veterinary issues, through activities such as engagement of international partners;

"(3) support homeland security-focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2) by providing relevant quantitative and nonquantitative threat information;

"(4) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

"(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities as well as other national biosecurity and biodefense stakeholders; and

"(6) perform other responsibilities, as assigned by the Secretary.

"(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall coordinate with other relevant Department components, others in the Intelligence Community, including the National Counter Proliferation Center, and other Federal, State, local, and tribal authorities, including officials from high-threat areas, and enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how they can provide information to the Department.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of this section and annually thereafter, the Secretary shall report to the appropriate congressional committees on—

"(A) the intelligence and information sharing activities under subsection (a) and of all relevant entities within the Department to counter the threat from weapons of mass destruction; and

"(B) the Department's activities in accordance with relevant intelligence strategies.

"(2) ASSESSMENT OF IMPLEMENTATION.—The report shall include—

"(A) a description of methods established to assess progress of the Office of Intelligence and Analysis in implementing this section; and

"(B) such assessment.

"(d) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means the Committee on Homeland Security of the House of Representatives and any committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

"(2) The term 'Intelligence Community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(3) The term 'national biosecurity and biodefense stakeholders' means officials from the Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may have serious health consequences for the United States, including wide-scale fatalities or infectious disease outbreaks."

"(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 210G. Weapons of mass destruction intelligence and information sharing."

SEC. 3. DISSEMINATION OF INFORMATION ANALYZED BY THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPONSIBILITIES RELATING TO HOMELAND SECURITY.

Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended by striking "and to agencies of State" and all that follows and inserting "to State, local, tribal, and private entities with such responsibilities, and, as appropriate, to the public, in order to assist in preventing, deterring, or responding to acts of terrorism against the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. I want to commend Mr. MEEHAN, who is the chairman of the Subcommittee on Counterterrorism and Intelligence, for his work on this matter.

This basically ensures that the intelligence and analyses of chemical, biological, radiological, and nuclear threats are a priority to the Department of Homeland Security.

Again, because of the time constraints, I urge support for the measure, and I reserve the balance of my time.

Mr. Speaker, H.R. 2764 amends the Homeland Security Act of 2002 to ensure that intelligence and analyses of chemical, biological, radiological, and nuclear threats are a priority for the Department of Homeland Security.

I would like to thank Representative MEEHAN, the Chairman of the Subcommittee on Counterterrorism and Intelligence, for his work on this matter.

This measure requires the DHS Office of Intelligence and Analysis (1) to support homeland security-focused intelligence analysis of threats involving chemical, biological, radiological, and nuclear materials and global health hazards such as biothreats to food and agriculture; (2) to provide relevant threat information to partners; (3) to utilize existing homeland security intelligence capabilities to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological or nuclear attack; and (4) to support and share information of these threats with state, local, and tribal authorities.

I urge support for this measure.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2012.

Hon. Peter T. King,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2764, the WMD Intelligence and Information Sharing Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 2764—WMD Intelligence and Information Sharing Act of 2011

CBO estimates that implementing H.R. 2764 would have no significant cost to the federal government. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2764 would direct the Department of Homeland Security (DHS), through the Office of Intelligence and Analysis (OIA), to undertake various activities to combat the threat of weapons of mass destruction. Those efforts would include assessments and analyses of threats and the sharing of such reports with federal, state, local, and tribal authorities as well as other stakeholders. The requirements of H.R. 2764 are similar to the ongoing activities of OIA and other offices within the department therefore, CBO estimates that implementing the bill would not significantly affect spending by DHS.

Because CBO does not provide estimates for classified programs, this estimate addresses only the budgetary effects of unclassified activities. It is possible there could be costs to classified programs, but CBO does not provide such estimates.

H.R. 2764 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Mr. THOMPSON of Mississippi. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2764, the WMD Intelligence and Information Sharing Act of 2011.

Mr. Speaker, this bill would strengthen information sharing at all levels of government with regard to chemical, biological, radiological, and nuclear terrorist threats.

In the decade since the attacks on September 11, 2001, concern about an attack on U.S. soil with weapons of mass destruction or dirty bombs have come in sharper focus, specifically concerns that terrorists and other rogue actors may want to access loose nuclear materials from the former Soviet Union or even weaponized biological agents that originated from stockpiles of now-toppled authoritarian regimes have grown.

This bill also requires DHS to coordinate with other components in the intelligence community and other Fed-

eral, State, local, and tribal authorities to provide recommendations on information sharing.

I would note for the record, Mr. Speaker, that the committee approved, on a bipartisan basis, the Pascrell WMD bill earlier this month.

I look forward to seeing this measure, which was endorsed by a bipartisan commission, considered on the House floor in the very near future.

I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania, Representative MEEHAN, who is chair of the Subcommittee on Counterterrorism and Intelligence.

Mr. MEEHAN. Thank you, Mr. Chairman. I thank you for yielding and I thank you for your kind words, and I thank the ranking member for his kind words in support of this important amendment.

I urge support for H.R. 2764, which provides, as has been explained, important guidance for the weapons of mass destruction and intelligence sharing functions of the Department of Homeland Security.

Now, this work has been built on a framework of important work, the roots of which were set with former Senators Bob Graham and Jim Talent, who were charged by a previous Congress just 2 years ago with establishing the Weapons of Mass Destruction Weapons Commission. They found that unless decisive action was taken, it was their prediction that a WMD attack would occur somewhere in the world by 2013.

I recently returned from the Middle East, and one of the striking takeaways from that trip was the amount of chemical weapons which are currently stockpiled in Syria. Similar concerns have been expressed about missing Libyan chemical weapons stockpiles. And obviously the great fear of all is that these weapons will get into the hands of al Qaeda terrorists or others during times of great instability.

We can't also forget the world's top State sponsor of terrorism, Iran, which has explicitly stated that it would use nuclear weapons to "wipe Israel off the map."

Al Qaeda has reportedly made efforts to acquire what we call chemical, biological, radiological, and nuclear materials, or CBRN, to make weapons of mass destruction in the past. Osama bin Laden's death should not create an atmosphere of complacency. In fact, with multiple affiliate networks around the world targeting the U.S. homeland and interests, it is important that we remain as vigilant as ever. Al Qaeda is now led by Ayman al-Zawahiri, bin Laden's longtime second in command, and the possibility of a WMD terrorist attack cannot be overstated.

The congressionally established WMD Commission has been relentless in its efforts to ensure that actions are being taken to meet what they describe as a very real threat. Congress must do its part to ensure that the Nation is meeting its WMD detection and prevention responsibilities in a meaningful and risk-based way.

□ 1820

CBRN materials can be quite difficult to detect and to prevent, and the danger they pose is unimaginable. This bill will ensure sustained DHS commitment and facilitate the partnership across the intelligence community, other government partners, and with the public.

I urge support for this bipartisan bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I urge passage of H.R. 2764. Enactment of this measure will strengthen the partnership between the Department of Homeland Security and our Nation's first preventers against one of the most vexing homeland security threats: weapons of mass destruction.

Mr. Speaker, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, Representative MEEHAN has spent a great deal of time studying various threats to the homeland, including al Qaeda in the Arabian Peninsula, the Pakistani Taliban, Hezbollah, and Boko Haram. He fully understands the threat to the U.S. homeland and why this legislation is so vital.

I urge Members to support H.R. 2764, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2764, "WMD Intelligence and Information Sharing Act of 2011." This legislation amends the Homeland Security Act of 2002 would direct the Department of Homeland Security (DHS), through the Office of Intelligence and Analysis (OIA), to undertake various activities to combat the threat of weapons of mass destruction. Those efforts would include assessments and analyses of threats and the sharing of such reports with federal, state, local, and tribal authorities.

While our intelligence community is strong and sophisticated, it is made even more powerful through the sharing of information between federal, state, and local officials as well as across bureaus.

We are all working towards a common goal—to keep the US and its citizens safe. In order to ensure we are working with all of our available resources and information, we must continue to advance regulations that allow for the sharing of information between our officials. This also includes ensuring that local law enforcement officers across the nation are trained to identify any potential threats and contact the correct authorities.

A partnership between DHS analysts and local law enforcement can enhance situational awareness with respect to the threat of terrorism to the millions of Americans who rely on mass transit systems, including the threat

of an attack involving a weapon of mass destruction.

Mass transit systems across the world have continually been a target for terrorist threats, namely the 2004 terrorist attack on a packed commuter train in Madrid, Spain that killed 191 people. There was also the suicide bombing attack in London that left 50 dead in 2005.

While we have so far been fortunate to have not had any incidents of terrorism in our mass transit systems, we know of the threat planned by al-Qaeda to commemorate the both anniversary of 9/11 by attacking US mass transit systems. Thankfully, a Naval SEALs raid on Osama bin Laden's compound discovered and thwarted this plot.

Past incidents that were looked over by federal authorities have been resolved by local enforcement officers. It is imperative that they continue to assist the efforts of the DHS and that the DHS is open and accessible to these officers via the communication of appropriate information.

SHORT OVERVIEW OF BILL

H.R. 2764, "WMD Intelligence and Information Sharing Act of 2011," amends the Homeland Security Act of 2002 and would require the Department of Homeland Security (DHS) to:

(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the nation and of global infectious disease, public health, food, agricultural, and veterinary issues;

(2) support homeland security-focused risk analysis and risk assessments of such homeland security hazards by providing relevant quantitative and non-quantitative threat information;

(3) leverage homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack; and

(4) share information and provide tailored analytical support on these threats to state, local, and tribal authorities as well as other national biosecurity and biodefense stakeholders.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of the bill before us, H.R. 2764, the WMD Intelligence and Information Sharing Act of 2012. As a former member of the House Committee on Homeland Security, I am proud to co-sponsor this bill, which will increase coordination and information sharing between the Department of Homeland Security, the Intelligence Community, and Federal, State and local authorities. This bill will also enhance DHS's ability to analyze, prepare for, and prevent potential threats from weapons of mass destruction.

We all know that WMDs continue to pose a serious threat to the United States. As rogue states such as Iran with established ties to terrorism continue to pursue nuclear weapons, the threat is all too real that WMDs could fall into the hands of those who would like to attack our country.

The bill we are considering today is comprised of two provisions from H.R. 2356, the WMD Prevention and Preparedness Act of 2011, which was considered and passed by the Homeland Security Committee earlier this

month. I was proud to introduce H.R. 2356 as a comprehensive bill to prevent a WMD attack along with my colleague from New York and the Chair of the Homeland Security Committee, Congressman PETER KING. This bipartisan legislation would finally begin to implement the recommendations of the 9–11 Commission and the Weapons of Mass Destruction Commission, and I hope we can bring the entire bill to a vote as soon as possible.

I am glad to see that we are taking these long-overdue steps to make our country safer in the wake of the horrific terrorist attacks which occurred over a decade ago on September 11, 2001, and I urge my colleagues to support this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 2764, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jaime Zapata Border Enforcement Security Task Force Act".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

Congress finds the following:

(1) The Department of Homeland Security's (DHS) overriding mission is to lead a unified national effort to protect the United States. United States Immigration and Customs Enforcement (ICE) is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

(2) Mexico's northern border with the United States has experienced a dramatic surge in border crime and violence in recent years due to intense competition between Mexican drug cartels and criminal smuggling organizations that employ predatory tactics to realize their profits.

(3) Law enforcement agencies at the United States northern border face similar challenges from transnational smuggling organizations.

(4) In response, DHS has partnered with Federal, State, local, tribal, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative as a comprehensive approach to addressing border security threats. These multi-agency teams are designed to increase information-sharing and collaboration among the participating law enforcement agencies.

(5) BEST teams incorporate personnel from ICE, United States Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney's Office (USAO), along with other key Federal, State and local law enforcement agencies.

(6) Foreign law enforcement agencies include Mexico's Secretaria de Seguridad Publica (SSP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP).

SEC. 3. BORDER ENFORCEMENT SECURITY TASK FORCE.

(a) **ESTABLISHMENT.**—There is established in United States Immigration and Customs Enforcement (ICE) a program known as a Border Enforcement Security Task Force (referred to as "BEST").

(b) **PURPOSE.**—The purpose of the BEST program is to establish units to enhance border security by addressing and reducing border security threats and violence by—

(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

(c) **COMPOSITION AND DESIGNATION.**—

(1) **COMPOSITION.**—BEST units may be comprised of personnel from—

(A) United States Immigration and Customs Enforcement;

(B) United States Customs and Border Protection;

(C) the United States Coast Guard;

(D) other Federal agencies, as appropriate;

(E) appropriate State law enforcement agencies;

(F) foreign law enforcement agencies, as appropriate;

(G) local law enforcement agencies from affected border cities and communities; and

(H) appropriate tribal law enforcement agencies.

(2) **DESIGNATION.**—The Secretary of Homeland Security, acting through the Assistant Secretary for ICE, is authorized to establish BEST units in jurisdictions where such units can contribute to the BEST program's missions, as appropriate. Prior to establishing a BEST unit, the Assistant Secretary shall consider the following factors:

(A) Whether the area where the BEST unit would be established is significantly impacted by cross-border threats.

(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit.

(C) The extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions of the country.

(D) Whether or not an Integrated Border Enforcement Team already exists in the area where the BEST unit would be established.

(d) **OPERATION.**—After making a designation under subsection (c)(2), and in order to provide Federal assistance to the area so designated, the Secretary of Homeland Security may—

(1) obligate such sums as are appropriated for the BEST program;

(2) direct the assignment of Federal personnel to the BEST program, subject to the approval of the head of the department or agency that employs such personnel; and

(3) take other actions to assist State, local, tribal, and foreign jurisdictions to participate in the BEST program.

(e) *REPORT.*—Not later than 180 days after the date of the establishment of the BEST program under subsection (a) and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the effectiveness of the BEST program in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary of Homeland Security \$10,000,000 for each of fiscal years 2012 through 2016 to—

(1) establish and operate the BEST program, including to provide for operational, administrative, and technological costs to Federal, State, local, tribal and foreign law enforcement agencies participating in the BEST program; and

(2) investigate, apprehend, and prosecute individuals engaged in drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

There is probably no bill that is more meaningful to Members of Congress, particularly the gentleman from Texas, my good friend, Mr. CUELLAR, than the Jaime Zapata Border Enforcement Security Task Force Act. This would authorize for the first time a task force, led by Immigration and Customs Enforcement, known as Border Enforcement Security Task Force, or BEST teams. It is named after ICE Agent Jaime Zapata, who was killed in the line of duty while serving on a BEST team in Mexico in February 2011.

I want to thank the sponsors of the legislation, Mr. CUELLAR, the ranking member of the Border and Maritime Subcommittee, and Mr. MCCAUL of Texas, the chairman of the Oversight, Investigations, and Management Subcommittee, for their dedicated work on this bipartisan bill.

I reserve the balance of my time.

Mr. Speaker, H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act, would authorize for the first time a task force led by Immigration and Customs Enforcement (ICE), known as Border Enforcement Security Task Forces, or BEST Teams.

This legislation is named after the Immigration and Customs Enforcement agent, Jaime Zapata, who was killed in the line of duty while serving on a BEST team in Mexico in February 2011.

I would like to thank the sponsors of this legislation, Mr. CUELLAR of Texas, the Ranking Member of the Border and Maritime Subcommittee, and Mr. MCCAUL of Texas, the Chairman of the Oversight, Investigations, and Management Subcommittee, for their dedicated work on this bipartisan bill.

The Department of Homeland Security's overriding mission is to lead a unified national effort to protect the United States. ICE is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

BEST teams incorporate personnel from ICE, Customs and Border Protection, DEA, ATF, FBI, U.S. Coast Guard, as well as other Federal, state, local and foreign law enforcement agencies.

These task forces focus on the identification, prioritization, and investigation of emerging and existing border security threats including transnational crime, violence associated with drug trafficking, arms smuggling, illegal alien trafficking, and kidnapping along the international borders of the United States.

Since the inception of the BEST program, BEST teams have made over 8,000 criminal arrests and 5,000 administrative arrests resulting in 4,570 indictments and 3,936 convictions. BEST teams have also seized over 69,000 pounds of cocaine, 752,000 pounds of marijuana, 3,800 pounds of methamphetamines, 3,000 vehicles, 13,000 weapons, and approximately \$97 million in U.S. currency and monetary instruments.

In addition, the bill includes language to address a potential duplication identified by the Government Accountability Office in its March 2011 report to ensure that BEST units do not overlap with other Integrated Law Enforcement task forces along the Northern Border.

I urge my colleagues to support this bipartisan legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act. H.R. 915 would, for the first time, statutorily authorize an important border security program, the BEST program.

Under BEST, ICE partners with Federal, State, local, and foreign law enforcement counterparts to establish targeted, cross-agency teams to identify, disrupt, and dismantle criminal organizations posing significant threats to the border security. Currently, the BEST program has 31 teams located at our Nation's northern and southern borders, as well as at seaports

and places as varied as Tucson, Arizona; Detroit, Michigan; the New York Seaport; and Mexico City, Mexico.

To date, BEST units have initiated more than 6,800 cases, resulting in criminal and administrative arrests and the seizure of significant quantities of narcotics, weapons, ammunition, and currency.

Mr. Speaker, I yield such time as he may consume to the original sponsor of the legislation under consideration, the ranking member of the Subcommittee on Border and Maritime Security, the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I want to thank the ranking member for yielding this time to me.

I'm pleased that the House is considering H.R. 915, the Jaime Zapata Border Enforcement Security Task Force, or BEST Act, a bipartisan bill by myself and Congressman MICHAEL MCCAUL from Texas. I would like to thank my friend, Chairman KING; my good friend, Ranking Member THOMPSON; and also Subcommittee Chairwoman MILLER for their support of this bill, as this bill was unanimously reported out of the House Homeland Security Committee.

As many of you know, the Immigration and Customs Enforcement, or ICE, Homeland Security Investigations, in partnership with U.S. Customs and Border Protection, as well as other Federal, State, local, and foreign law enforcement counterparts created the BEST initiative—in fact, my hometown of Laredo is the first one—which is a comprehensive approach to identifying, disrupting, and dismantling criminal organizations posing significant threats to border and maritime security.

H.R. 915 would codify the BEST program by authorizing the Secretary of Homeland Security, acting through the director of ICE, to establish the BEST units to make sure that everybody works together and coordinates and communicates together to make sure that we fight crime.

This bill authorizes \$10 million per year for the program. And this bill, as the chairman said a few minutes ago, is named in the memory of Jaime Zapata, a Homeland Security Investigations special agent and BEST unit member who was killed in the line of duty in Mexico in February of 2011. We are grateful for Special Agent Zapata's service to our Nation and for the exemplary work of his colleagues in support of homeland security.

Currently, the BEST units are comprised of 750 members, representing over 100 law enforcement agencies working together. These BEST units are building an impressive record of success. And I'm asking now that we all support this particular bill.

Again, I want to thank the chairman, the ranking member of the subcommittee, my friend MICHAEL MCCAUL, and urge all Members to support this important bipartisan bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Coming from Texas, I want to thank the gentleman from Texas, the ranking member of the subcommittee, for this legislation.

I rise in support of H.R. 915. We have heard that there has been a constant intrusion of activity over the border, specifically dealing with drug cartels. We recognize that it is important to utilize the combination of resources, and fusion centers represent an excellent logistical use of that, as they have been in our urban centers. Let me support and salute the utilization of fusion centers because it is extremely important that we provide a safe and secure border in the United States and on border States.

Mr. KING of New York. I have no further requests for time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask support of H.R. 915. It's a good bill. I urge its adoption, and I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I want to thank the gentleman from Laredo, Mr. CUELLAR, for introducing this bill and for his outstanding work on the committee, and also my good friend, Mr. MCCAUL, for their cosponsorship of the legislation.

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, as an original co-sponsor of the Jaime Zapata Border Enforcement Security Task Force Act, I rise today in favor of this important legislation. H.R. 915 strengthens our homeland security by codifying the authority to create Border Enforcement Security Task Force, BEST teams and giving the program the resources it needs.

It is an unfortunate fact of life that for generations our border communities have been subjected to crime and violence at the hands of criminals, smugglers and drug cartels. Now with the terrible rise of violence that has occurred in Mexico over the past few years, this threat has never been greater. In response to these realities, the Department of Homeland Security created the Border Enforcement Security Task Force initiative as an innovative approach to combating the increasing threat of transnational crime.

BEST operates by bringing together all of the federal, state and local law enforcement agencies that share the responsibility of securing our borders. Under the auspices of U.S. Immigration and Customs Enforcement (ICE), the BEST program enables the unique capabilities and resources of each participating agency to combine into a synergistic response to border crime and violence. BEST has also expanded to include our seaports and other non-border ports of entry as well. This has allowed the BEST program to evolve into a truly comprehensive security countermeasure against transnational crime and terrorist attack.

It is also altogether fitting and proper that this bill be named after ICE Special Agent

Jaime J. Zapata. On February 15, 2011, Special Agent Zapata gave his life in support of the ideals that are engendered in the BEST program. This legislation will stand as a testament to his selfless sacrifice and steadfast devotion to his duty as an American law enforcement officer.

As chairman of the Homeland Security Subcommittee for Oversight, Investigations and Management, it is clear to me that the BEST program has made our border communities and our Nation safer and more secure. I urge my colleagues to pass this legislation so that we may continue its success in protecting our Nation.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act, which establishes a Border Enforcement Security Task Force program to enhance cooperation amongst border security forces.

This legislation is named in honor of Immigration and Customs Enforcement (ICE) agent Jaime Zapata, who was killed in the line of duty while serving on a Border Enforcement Security Task Force (BEST) team in Mexico. BEST teams incorporate personnel from ICE, Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney's Office (USAO), along with other key Federal, State and local law enforcement agencies.

H.R. 915 establishes a BEST program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States.

Securing our borders from those who would harm Americans is my highest priority as a Member of Congress. As a member of the Homeland Security Committee I am committed to working with my colleagues and the Administration to keep our borders secure from all those who threaten our freedom and liberty. As the Ranking Member on the Subcommittee on Emergency Preparedness, Response, and Communications of the Committee on Homeland Security, I have sponsored and co-sponsored legislation that improves our Nation's ability to secure the Nation's borders. I support H.R. 915 because it is a positive step in the right direction and I strongly urge my colleagues to do so as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 915, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

MASS TRANSIT INTELLIGENCE PRIORITIZATION ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3140) to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mass Transit Intelligence Prioritization Act".

SEC. 2. MASS TRANSIT INTELLIGENCE PRIORITIZATION.

Section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(1) by redesignating subsections (f) through (k) as subsections (e) through (l), respectively;

(2) in subsection (l), as so redesignated, by striking "subsection (i)" and inserting "subsection (j)"; and

(3) by inserting after subsection (e) the following new subsection (f):

"(f) MASS TRANSIT INTELLIGENCE PRIORITIZATION.—

"(1) IN GENERAL.—The Secretary shall make it a priority to assign officers and intelligence analysts under this section from the Department, including the Transportation Security Administration, to participating State and urban area fusion centers located in high-risk jurisdictions with mass transit systems in order to enhance the security of such mass transit systems by assisting Federal, State, local, and tribal law enforcement authorities in identifying, investigating, and otherwise interdicting persons, weapons, and contraband that pose a threat to homeland security.

"(2) MASS TRANSIT INTELLIGENCE PRODUCTS.—When performing the responsibilities described in subsection (d), officers and intelligence analysts assigned to participating State and urban area fusion centers under this section shall have, as a primary responsibility, the creation of mass transit intelligence products that—

"(A) assist State, local, and tribal law enforcement agencies in deploying their resources most efficiently to help detect and interdict terrorists, weapons of mass destruction, and contraband at mass transit systems of the United States;

"(B) promote more consistent and timely dissemination of mass transit security-relevant information among jurisdictions with mass transit systems; and

"(C) enhance the Department's situational awareness with respect to the threat of acts of terrorism at or involving mass transit systems of the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

□ 1830

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Only due to the shortness of time, I will keep my remarks brief. This bill amends the Homeland Security Act of 2002 and directs the DHS Secretary to make it a priority to assign officers and intelligence analysts to participate in State and urban area fusion centers located in high-risk jurisdictions with mass transit systems.

I would like to thank Congresswoman SPEIER and Chairman MEEHAN for their dedicated work in this area.

I reserve the balance of my time.

This bill amends the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to make it a priority to assign DHS officers and intelligence analysts to participate in state and urban area fusion centers located in high-risk jurisdictions with mass transit systems.

I would like to thank Congresswoman SPEIER and Chairman MEEHAN for their dedicated work in this area.

These officers and analysts will enhance the security of mass transit systems by assisting law enforcement authorities in identifying, investigating, and otherwise interdicting persons, weapons, and contraband that pose a threat to homeland security.

The primary responsibility of these officers and analysts will be to create mass transit intelligence products that assist law enforcement agencies in deploying their resources more efficiently, promote more consistent and timely dissemination of mass transit security-related information among jurisdictions with mass transit systems, and improve DHS' situational awareness in regard to the threat of terrorist acts at or involving U.S. mass transit.

It has been noted in documents uncovered from his Abbottabad compound, that Osama bin Laden expressed a continued interest in striking mass transit systems in the United States—railroads in particular.

That raid is a stark reminder that—after 9/11, the Christmas Day plot, Najibullah Zazi, Bryant Neal Vinas, and others—al Qaeda is still focused on striking our transportation systems. I urge support for this bipartisan measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3140, the Mass Transit Intelligence Prioritization Act, and I yield myself such time as I may consume.

Mr. Speaker, as ranking member on the Committee on Homeland Security, I have observed that mass transit systems over the years have consistently been a target for terrorist groups, in-

cluding al Qaeda. H.R. 3140, the Mass Transit Intelligence Prioritization Act, requires the Secretary of Homeland Security to prioritize the assignment of mass transit intelligence analysts, including from TSA, to State and local fusion centers with major mass transit systems in their jurisdictions.

In short, this is a commonsense bill that would enhance security for the mass transit systems of our Nation by improving the sharing of information, and I urge my colleagues' support of it.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as she may consume to the original sponsor of the legislation under consideration and a former member of the Committee on Homeland Security, the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. Mr. Speaker, I thank the ranking member for yielding and the chairman for his leadership as well.

As has been mentioned, this bill is important in our efforts to make sure that mass transit is under the umbrella for the sharing of information. Let us not forget that in 2004 al Qaeda detonated multiple explosives during rush hour on a packed commuter train in Madrid, Spain, killing 191 people. A little more than a year later in London, a terrorist cell linked to al Qaeda carried out four suicide bombings, three of them on the London Underground, killing more than 50. To date, the United States has not experienced the death and destruction associated with dirty bombs or a mass transit attack. But that doesn't mean we haven't had close calls. In fact, in September of 2009, Najibullah Zazi was arrested in New York City for allegedly plotting to blow up New York City subways.

In October 2010, the FBI arrested a man who was plotting a large-scale attack here in Washington, D.C. on the Metro system. Last year he was sentenced to 23 years in Federal prison.

Most recently, we learned through documents taken from the compound of Osama bin Laden following the successful Navy SEAL raid that al Qaeda was plotting to attack U.S. mass transit systems to commemorate the 10th anniversary of 9/11.

Millions of Americans travel each day on mass transit to work, but these systems, such as subways, have relatively few security measures. This bill will change that. It will make sure that fusion centers bring together Federal, State, and local law enforcement and emergency management agencies to share information and protect communities. The bill further requires that officers assigned to these fusion centers create mass transit intelligence products. One of the key lessons of 9/11 is information-sharing is key to terrorism prevention.

I urge my colleagues to support this measure. The CBO has determined that this bill would have no significant impact on the budget. I also would like to pay special respect to the chair of the Counterterrorism and Intelligence Subcommittee, the gentleman from Pennsylvania, who I enjoyed working with immensely.

Mr. THOMPSON of Mississippi. I have no other speakers, and I'm prepared to close.

Mr. Speaker, H.R. 3140, as introduced by our former committee colleague, Ms. SPEIER, is a needed, commonsense piece of legislation with a history of bipartisan support. I urge my colleagues to support this measure and the security of our mass transit systems.

With that, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I come from a region which has almost 6 million daily passengers on subway and commuter lines. This legislation is absolutely vital, I urge its adoption, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, today I rise in support of H.R. 3140, the Mass Transit Intelligence Prioritization Act. Since the catastrophic events of September 11th, 2001 the United States has gone to every possible length to prevent another terrorist attack.

Unfortunately, our enemies cannot be deterred through logic and reason. No matter how secure we make our borders they will always be developing new ways to threaten our citizens. For this reason it is vital that America continues to improve its security and intelligence capabilities.

Since 9/11 mass transit attacks against the West have been on the rise. In 2004 a terrorist cell of Al Qaeda detonated multiple explosives on packed trains in Madrid, Spain, killing 191 people. Only a year later London was attacked by another cell linked to Al Qaeda. Four suicide bombers, all of whom were on public transportation killed more than fifty people. The Mumbai attacks followed, which killed over 200 people during evening rush hour on the local train network.

Mr. Speaker, if there is one lesson to take away from all of these horrific events, it is that America is still frighteningly vulnerable to a mass transit attack. Terrorists continue to develop methods to get around our security systems and inflict as much damage as possible.

As a member of the House Committee on Homeland Security it is my duty to ensure everything possible is being done to prevent another attack on U.S. soil. In my own district in California there are multiple systems that could be prone to attack, but across the country there are systems that have little protection.

The Metropolitan Transportation Authority is North America's largest public transportation system. It serves a population of 14.6 million people in the 5,000-square-mile area fanning out from New York City through Long Island, southeastern New York State, and Connecticut. Each weekday an average of 8,487,642 use this system. If this system is targeted, they have little security or defense and millions of people could be at risk.

The Mass Transit Intelligence Prioritization Act aims to direct the Secretary of Homeland Security to prioritize intelligence officers and analysts, including those from the Transportation Security Administration to high-risk jurisdictions with mass transit systems. The bill also requires the officers assigned to these areas to develop mass transit intelligence products as a primary responsibility.

This bill offers a way to promote the timely sharing of information between Federal, State and local partners, with the ultimate goal of preventing any attack against an American mass transit system.

Mr. Speaker, I fully support H.R. 3140 and the added security it brings to American citizens, and all those using our public transportation systems.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3140, "Mass Transit Intelligence Prioritization Act." This legislation would amend the Homeland Security Act of 2002. It calls for the Secretary of Homeland Security (DHS) to make it a priority to assign DHS officers and intelligence analysts, including from the Transportation Security Administration (TSA), to participating state and urban area fusion centers located in high-risk jurisdictions with mass transit systems to enhance the security of these systems. These officers would help local enforcement authorities identify and investigate any threats to homeland security.

The DHS officers and analysts will also be responsible for creating mass transit intelligence products that will: (1) assist law enforcement agencies in deploying their resources most efficiently to help detect and interdict terrorists, weapons of mass destruction, and contraband at U.S. mass transit systems; (2) promote more consistent and timely dissemination of mass transit security-relevant information among jurisdictions with such systems; and (3) enhance DHS's situational awareness with respect to the threat of terrorist acts at or involving U.S. mass transit systems.

As a Ranking Member on the Subcommittee for Transportation, ensuring the safety and security of the nation's public transportation system is one of my top priorities.

Mass transit systems across the world have continually been a target for terrorist threats, namely the 2004 terrorist attack on a packed commuter train in Madrid, Spain that killed 191 people. There was also the suicide bombing attack in London that left 50 dead in 2005.

While we have so far been fortunate to have not had any incidents of terrorism in our mass transit systems, we know of the threat planned by al-Qaeda to commemorate the 10th anniversary of 9/11 by attacking US mass transit systems. Thankfully, a Naval SEALs raid on Osama bin Laden's compound discovered and thwarted this plot.

Rising gas prices have caused metro transportation systems to be used now more than ever, creating an additional urgency to keep citizens safe on the daily commute.

According to the American Public Transportation Association (APTA), Americans made 10.4 billion trips on public transportation in 2011. This is the second highest annual ridership since 1957. Houston's Metropolitan Transit Authority of Harris County accounted for

5.2 percent of that gain and has seen six consecutive months of increased ridership. In Houston, we understand the importance of a secured public transportation system.

Our metro transit system is closely partnered with the US Department of Homeland Security. It is equipped with surveillance capabilities and our officers are trained in counterterrorism measures as well as in the latest law enforcement techniques. In addition officers regularly check bus and rail lines and perform sweeps through the Transit Center as well as through the Park & Ride lots and bus stops.

As the city grows and new metro employees are hired, it is my goal that the Houston public transportation system maintains its high level of security and a strong relationship with Homeland Security. I desire this same level of security for all of the public transportation systems in the US.

I urge my colleagues to join me in supporting H.R. 3140 "Mass Transit Intelligence Prioritization Act."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 3140.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5743, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013; PROVIDING FOR CONSIDERATION OF H.R. 5854, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2013; PROVIDING FOR CONSIDERATION OF H.R. 5855, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF H.R. 5325, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-504) on the resolution (H. Res. 667) providing for consideration of the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; providing for consideration of the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes; providing for consideration of the bill (H.R. 5855) making appropriations for the Department

of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes; and providing for consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5651, by the yeas and nays;

H.R. 4201, by the yeas and nays;

H.R. 915, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FOOD AND DRUG ADMINISTRATION REFORM ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5651) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 387, nays 5, not voting 39, as follows:

[Roll No. 294]

YEAS—387

| | | |
|-------------|-------------|--------------|
| Ackerman | Bishop (GA) | Cantor |
| Adams | Bishop (NY) | Capito |
| Aderholt | Bishop (UT) | Capps |
| Akin | Black | Capuano |
| Alexander | Blackburn | Cardoza |
| Altmire | Blumenauer | Carnahan |
| Amodel | Bonamici | Carney |
| Andrews | Bonner | Carson (IN) |
| Austria | Bono Mack | Carter |
| Baca | Boren | Cassidy |
| Bachus | Boswell | Castor (FL) |
| Baldwin | Boustany | Chabot |
| Barletta | Brady (PA) | Chaffetz |
| Barrow | Braley (IA) | Chandler |
| Bartlett | Brooks | Chu |
| Barton (TX) | Brown (GA) | Cicilline |
| Bass (CA) | Brown (FL) | Clarke (MI) |
| Bass (NH) | Buchanan | Clarke (NY) |
| Becerra | Bucshon | Clay |
| Benishhek | Buerkle | Cleaver |
| Berg | Burgess | Clyburn |
| Berkley | Butterfield | Coble |
| Berman | Calvert | Coffman (CO) |
| Biggart | Camp | Cohen |
| Bilbray | Campbell | Cole |
| Bilirakis | Canseco | Conaway |

| | | | | | | | | |
|-----------------|-----------------|------------------|-------------|---------------|--------------|---------------|-----------------|------------------|
| Connolly (VA) | Huelskamp | Pearce | Visclosky | Waxman | Wolf | Brown (FL) | Gibson | McCarthy (NY) |
| Conyers | Huizenga (MI) | Pelosi | Walberg | Webster | Womack | Buchanan | Gingrey (GA) | McCaul |
| Cooper | Hultgren | Pence | Walden | Weich | Woodall | Bucshon | Gohmert | McClintock |
| Costello | Hunter | Perlmutter | Walsh (IL) | West | Woolsey | Buerkle | Gonzalez | McCollum |
| Courtney | Hurt | Peters | Walz (MN) | Westmoreland | Yarmuth | Burgess | Goodlatte | McCotter |
| Cravaack | Israel | Peterson | Wasserman | Whitfield | Yoder | Butterfield | Gosar | McDermott |
| Crawford | Issa | Petri | Schultz | Wilson (FL) | Young (AK) | Calvert | Gowdy | McGovern |
| Crenshaw | Jackson (IL) | Pingree (ME) | Waters | Wilson (SC) | Young (IN) | Camp | Granger | McHenry |
| Critz | Jackson Lee | Pitts | Watt | Wittman | | Campbell | Graves (GA) | McIntyre |
| Crowley | (TX) | Platts | | | | Canseco | Graves (MO) | McKeon |
| Cuellar | Jenkins | Poe (TX) | | | | Cantor | Green, Al | McKinley |
| Culberson | Johnson (GA) | Polis | Amash | Labrador | Paul | Capito | Green, Gene | McMorris |
| Cummings | Johnson (IL) | Pompeo | Hinchey | McClintock | | Capps | Griffin (AR) | Rodgers |
| Davis (CA) | Johnson (OH) | Posey | | | | Capuano | Griffith (VA) | McNerney |
| Davis (IL) | Johnson, E. B. | Price (GA) | | | | Cardoza | Grijalva | Meehan |
| Davis (KY) | Jones | Price (NC) | Bachmann | Hirono | Palazzo | Carnahan | Grimm | Mica |
| DeFazio | Kaptur | Quayle | Brady (TX) | Johnson, Sam | Pascarell | Carney | Guthrie | Michaud |
| DeGette | Keating | Quigley | Burton (IN) | Jordan | Roby | Carson (IN) | Hall | Miller (FL) |
| DeLauro | Kelly | Rahall | Costa | Landry | Rohrabacher | Carter | Hanabusa | Miller (MI) |
| Denham | Kildee | Rangel | Doyle | Langevin | Rothman (NJ) | Cassidy | Hanna | Miller (NC) |
| Dent | Kind | Reed | Filner | Lewis (CA) | Rush | Castor (FL) | Harper | Miller, Gary |
| DesJarlais | King (IA) | Rehberg | Fortenberry | Luján | Sires | Chabot | Harris | Miller, George |
| Deutch | King (NY) | Reichert | Frank (MA) | Mack | Slaughter | Chaffetz | Hartzler | Moore |
| Diaz-Balart | Kingston | Renacci | Guinta | Maloney | Smith (WA) | Chandler | Hastings (FL) | Moran |
| Dicks | Kinzing (IL) | Reyes | Gutierrez | Marchant | Towns | Chu | Hastings (WA) | Mulvaney |
| Dingell | Kissell | Ribble | Hahn | McCarthy (CA) | Turner (NY) | Cicilline | Hayworth | Murphy (CT) |
| Doggett | Kline | Richardson | Heinrich | Meeks | Velázquez | Clarke (MI) | Heck | Murphy (PA) |
| Dold | Kucinich | Richmond | Hinojosa | Neugebauer | Young (FL) | Clarke (NY) | Hensarling | Myrick |
| Donnelly (IN) | Lamborn | Rigell | | | | Clay | Herger | Nadler |
| Dreier | Lance | Rivera | | | | Cleaver | Herrera Beutler | Napolitano |
| Duffy | Lankford | Roe (TN) | | | | Clyburn | Higgins | Neal |
| Duncan (SC) | Larsen (WA) | Rogers (AL) | | | | Coble | Himes | Noem |
| Duncan (TN) | Larson (CT) | Rogers (KY) | | | | Coffman (CO) | Hinchey | Nugent |
| Edwards | Latham | Rogers (MI) | | | | Cohen | Hochul | Nunes |
| Ellison | LaTourette | Rokita | | | | Cole | Holden | Nunnelee |
| Ellmers | Latta | Rooney | | | | Conaway | Holt | Olson |
| Emerson | Lee (CA) | Ros-Lehtinen | | | | Connolly (VA) | Honda | Olver |
| Engel | Levin | Roskam | | | | Conyers | Hoyer | Owens |
| Eshoo | Lewis (GA) | Ross (AR) | | | | Cooper | Huelskamp | Pallone |
| Farenthold | Lipinski | Ross (FL) | | | | Costello | Huizenga (MI) | Pastor (AZ) |
| Farr | LoBiondo | Roybal-Allard | | | | Courtney | Hultgren | Paulsen |
| Fattah | Loeb sack | Royce | | | | Cravaack | Hunter | Pearce |
| Fincher | Lofgren, Zoe | Runyan | | | | Crawford | Hurt | Pelosi |
| Fitzpatrick | Long | Ruppersberger | | | | Crenshaw | Israel | Pence |
| Flake | Lowey | Ryan (OH) | | | | Critz | Issa | Perlmutter |
| Fleischmann | Lucas | Ryan (WI) | | | | Crowley | Jackson (IL) | Peters |
| Fleming | Luetkemeyer | Sanchez, Linda | | | | Cuellar | Jackson Lee | Peterson |
| Flores | Lummis | T. | | | | Culberson | (TX) | Petri |
| Forbes | Lungren, Daniel | Sanchez, Loretta | | | | Cummings | Jenkins | Pingree (ME) |
| Fox | E. | Sarbanes | | | | Davis (CA) | Johnson (GA) | Pitts |
| Franks (AZ) | Lynch | Scalise | | | | Davis (IL) | Johnson (IL) | Platts |
| Frelinghuysen | Manzullo | Schakowsky | | | | Davis (KY) | Johnson (OH) | Poe (TX) |
| Fudge | Marino | Schiff | | | | DeFazio | Johnson, E. B. | Polis |
| Gallegly | Markey | Schilling | | | | DeGette | Jones | Pompeo |
| Garamendi | Matheson | Schmidt | | | | DeLauro | Kaptur | Posey |
| Gardner | Matsui | Schock | | | | Denham | Keating | Price (GA) |
| Garrett | McCarthy (NY) | Schrader | | | | Dent | Kelly | Price (NC) |
| Gerlach | McCaul | Schwartz | | | | DesJarlais | Kildee | Quayle |
| Gibbs | McCollum | Schweikert | | | | Deutch | Kind | Quigley |
| Gibson | McCotter | Scott (SC) | | | | Diaz-Balart | King (IA) | Rahall |
| Gingrey (GA) | McDermott | Scott (VA) | | | | Dicks | King (NY) | Rangel |
| Gohmert | McGovern | Scott, Austin | | | | Dingell | Kingston | Reed |
| Gonzalez | McHenry | Scott, David | | | | Doggett | Kinzing (IL) | Rehberg |
| Goodlatte | McIntyre | Sensenbrenner | | | | Dold | Kissell | Reichert |
| Gosar | McKeon | Serrano | | | | Donnelly (IN) | Kline | Renacci |
| Gowdy | McKinley | Sessions | | | | Dreier | Kucinich | Reyes |
| Granger | McMorris | Sewell | | | | Duffy | Labrador | Ribble |
| Graves (GA) | Rodgers | Sherman | | | | Duncan (SC) | Lamborn | Richardson |
| Graves (MO) | McNerney | Shimkus | | | | Duncan (TN) | Lance | Richmond |
| Green, Al | Meehan | Shuler | | | | Edwards | Lankford | Rigell |
| Green, Gene | Mica | Shuster | | | | Ellison | Larsen (WA) | Rivera |
| Griffin (AR) | Michaud | Simpson | | | | Ellmers | Larson (CT) | Roe (TN) |
| Griffith (VA) | Miller (FL) | Smith (NE) | | | | Emerson | Latham | Rogers (AL) |
| Grijalva | Miller (MI) | Smith (NJ) | | | | Engel | LaTourette | Rogers (KY) |
| Grimm | Miller (NC) | Smith (TX) | | | | Eshoo | Latta | Rogers (MI) |
| Guthrie | Miller, Gary | Southerland | | | | Farenthold | Lee (CA) | Rokita |
| Hall | Miller, George | Speier | | | | Farr | Levin | Rooney |
| Hanabusa | Moore | Stark | | | | Fattah | Lewis (GA) | Ros-Lehtinen |
| Hanna | Moran | Stearns | | | | Fincher | Lipinski | Roskam |
| Harper | Mulvaney | Stivers | | | | Fitzpatrick | LoBiondo | Ross (AR) |
| Harris | Murphy (CT) | Stutzman | | | | Flake | Loeb sack | Ross (FL) |
| Hartzler | Murphy (PA) | Sullivan | | | | Fleischmann | Lofgren, Zoe | Roybal-Allard |
| Hastings (FL) | Myrick | Sutton | | | | Fleming | Long | Royce |
| Hastings (WA) | Nadler | Terry | | | | Flores | Lowey | Runyan |
| Hayworth | Napolitano | Thompson (CA) | | | | Forbes | Lucas | Ruppersberger |
| Heck | Neal | Thompson (MS) | | | | Fox | Luetkemeyer | Ryan (OH) |
| Hensarling | Noem | Thompson (PA) | | | | Frank (MA) | Luján | Ryan (WI) |
| Herger | Nugent | Thornberry | | | | Franks (AZ) | Lummis | Sanchez, Loretta |
| Herrera Beutler | Nunes | Tiberi | | | | Frelinghuysen | Lungren, Daniel | Scalise |
| Higgins | Nunnelee | Tierney | | | | Fudge | E. | Schakowsky |
| Himes | Olson | Tipton | | | | Gallegly | Lynch | Schiff |
| Hochul | Oliver | Tonko | | | | Garamendi | Manzullo | Schilling |
| Holden | Owens | Tsongas | | | | Gardner | Marino | Schmidt |
| Holt | Pallone | Turner (OH) | | | | Garrett | Markey | Schock |
| Honda | Pastor (AZ) | Upton | | | | Gerlach | Matheson | Schrader |
| Hoyer | Paulsen | Van Hollen | | | | Gibbs | Matsui | |

NAYS—5

NOT VOTING—39

□ 1859

Mr. HARRIS changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 294, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

SERVICEMEMBER FAMILY PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4201) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 2, not voting 39, as follows:

[Roll No. 295]

YEAS—390

| | | |
|-----------|-------------|-------------|
| Ackerman | Bartlett | Bishop (UT) |
| Adams | Barton (TX) | Black |
| Aderholt | Bass (CA) | Blackburn |
| Akin | Bass (NH) | Blumenauer |
| Alexander | Becerra | Bonamici |
| Altmire | Benishak | Bonner |
| Amodei | Berg | Bono Mack |
| Andrews | Berkley | Boren |
| Austria | Berman | Boswell |
| Baca | Biggart | Boustany |
| Bachus | Bilbray | Brady (PA) |
| Badwin | Bilirakis | Braley (IA) |
| Barletta | Bishop (GA) | Brooks |
| Barrow | Bishop (NY) | Broun (GA) |

Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Speier
Stark
Stearns
Stivers

Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)

Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—2

Amash

Paul

NOT VOTING—39

Bachmann
Brady (TX)
Burton (IN)
Costa
Doyle
Filner
Fortenberry
Guinta
Gutierrez
Hahn
Heinrich
Hinojosa
Hirono
Johnson, Sam

Jordan
Landry
Langevin
Lewis (CA)
Mack
Maloney
Marchant
McCarthy (CA)
Meeks
Neugebauer
Palazzo
Pascarell
Roby
Rohrabacher

Rothman (NJ)
Rush
Sánchez, Linda
T.
Sires
Slaughter
Smith (NJ)
Smith (WA)
Towns
Turner (NY)
Velázquez
Young (FL)

□ 1906

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 295, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. LANGEVIN. Mr. Speaker, on rollcall vote Nos. 294 and 295, I was unavoidably detained. Had I been present, I would have voted “yea” on both votes.

JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 2, not voting 38, as follows:

[Roll No. 296]

YEAS—391

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amdel
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers

Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Hall
Hanabusa
Hanna
Harper

Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungrén, Daniel
E.
Lynch
Manzullo
Marino
Markley
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock

McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)

Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus

Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stark
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—2

Amash

Paul

NOT VOTING—38

Bachmann
Benishke
Brady (TX)
Burton (IN)
Costa
Doyle
Filner
Fortenberry
Guinta
Gutierrez
Hahn
Heinrich
Hinojosa

Hirono
Johnson, Sam
Jordan
Landry
Lewis (CA)
Mack
Maloney
Marchant
McCarthy (CA)
Meeks
Moore
Neugebauer
Palazzo

Pascarell
Roby
Rohrabacher
Rothman (NJ)
Rush
Sires
Slaughter
Smith (WA)
Towns
Turner (NY)
Velázquez
Young (FL)

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 296, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mrs. BACHMANN. Mr. Speaker, during the evening of Wednesday, 30 May 2012, I missed House votes due to an illness in my family. If I had been present, here is how I would have voted:

H.R. 5651—Food and Drug Administration Reform Act of 2012, as amended, “yea.”

H.R. 4201—The Servicemember Family Protection Act, “yea.”

H.R. 915—Jaime Zapata Border Security Task Force, “yea.”

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 294, 295 and 296. Had I been present, I would have voted “yea” on rollcall vote Nos. 294, 295 and 296.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I want to state for the RECORD that on May 30, 2012, I missed the three rollcall votes of the day. Had I been present I would have voted “yea” on rollcall No. 294, H.R. 5651, The Food and Drug Administration Reform Act of 2012; “yea” on H.R. 4201, The Servicemember Family Protection; “yea” on H.R. 915, The Jaime Zapata Border Security Task Force Act.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 1513

Mr. GINGREY of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 1513.

The SPEAKER pro tempore (Mr. TIPPON). Is there objection to the request of the gentleman from Georgia?

There was no objection.

NOTICE OF INTENTION TO OFFER
MOTION TO INSTRUCT CON-
FEREES ON H.R. 4348, SURFACE
TRANSPORTATION EXTENSION
ACT OF 2012, PART II

Mr. BROUN of Georgia. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mr. Broun of Georgia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on provisions that limit funding out of the Highway Trust Fund (including the Mass Transit Account) for Federal-aid highway and transit programs to amounts that do not exceed the following levels:

- (1) \$37,900,000,000 for fiscal year 2012.
- (2) \$37,500,000,000 for fiscal year 2013.

□ 1920

NATIONAL FLOOD INSURANCE
PROGRAM EXTENSION ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5740) to extend the National Flood Insurance Program, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF THE NATIONAL
FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C.

4026) is amended by striking “the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012” and inserting “July 31, 2012”.

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012” and inserting “July 31, 2012”.

SEC. 2. EXCLUSION OF VACATION HOMES AND
SECOND HOMES FROM RECEIVING
SUBSIDIZED PREMIUM RATES.

(a) IN GENERAL.—Section 1307(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)) is amended by inserting before “; and” the following: “, except that the Administrator shall not estimate rates under this paragraph for any residential property which is not the primary residence of an individual”.

(b) PHASE-OUT OF SUBSIDIZED PREMIUM RATES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking “under this title for any properties within any single” and inserting the following: “under this title for—

“(1) any properties within any single”; and

(2) by striking the period at the end and inserting the following: “; and

“(2) any residential properties which are not the primary residence of an individual, as described in section 1307(a)(2), shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).”.

(c) EFFECTIVE DATE.—The first increase in chargeable risk premium rates for residential properties which are not the primary residence of an individual under section 1308(e)(2) of the National Flood Insurance Act of 1968, as added by this Act, shall take effect on July 1, 2012, and the chargeable risk premium rates for such properties shall be increased by 25 percent each year thereafter, as provided in such section 1308(e)(2).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Senate amendment to H.R. 5740, the National Flood Insurance Program

Extension Act. As my colleagues know, the NFIP is set to expire on May 31. This program provides vital flood insurance coverage to homeowners in flood-prone communities.

Just 2 weeks ago, we passed a 30-day extension, H.R. 5740, to spare property owners and the housing market from another lapse in the NFIP. That bill was approved by this Chamber on May 17 by a vote of 402–18.

The Senate has since amended our legislation, extending the authorization for an additional 30 days, for a total of 60 days, or until July 31. The Senate amendment also eliminates subsidized rates for second and vacation homes. According to an unofficial Congressional Budget Office staff estimate, this provision will generate approximately \$2 billion to \$2.5 billion over 10 years.

Although not identical, the Senate’s reform provision mirrors section 5 of H.R. 1309, the 5-year flood reform bill that we in the House passed with overwhelming bipartisan support last July. And if any technical changes are needed, they can be addressed in any long-term reform measure that we consider in the coming weeks.

On that note, I am pleased to report that, as part of reaching an agreement on this extension, Senate leaders have offered their public and private assurances that they will vote this June on the long-term flood insurance reform. This agreement is a major breakthrough for those of us who have been pushing for the Senate passage of the long-term bill since the House completed its work nearly 11 months ago. The Senate Banking Committee has already approved a bipartisan NFIP proposal, and I remain confident that the House and Senate can reconcile any differences that remain between our respective visions for reform.

Mr. Speaker, the NFIP is over \$17 billion in debt to taxpayers, and since 2008 Congress has enacted 16 stopgap measures to keep the program running. Today’s bill can and should be the last short-term extension, because this program is too important to let lapse and too in debt to continue without reform. Today’s bill not only prevents a lapse, it brings us closer to a responsible long-term solution. And the sooner we accomplish this goal, the sooner taxpayers can stop bearing the full expense and risk of an outdated flood program.

With that, I would urge my colleagues to support the Senate amendment to H.R. 5740, and I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, again, it is certainly a pleasure always to work with the gentlewoman from Illinois on this issue.

We brought this issue up awhile back, and we were very successful in getting a 5-year extension, the way this should be dealt with. The Senate,

unfortunately, chose not to immediately pursue that, so we came back 2 weeks ago and asked for a 30-day extension, to our good graces and the good grace of the Senate. They doubled that and came back with a 60-day extension, but yet we still need the 5-year extension, so we hope that this is a sign of us moving in the right direction. We are very pleased that the Senate is moving with the House in the right direction on this very important plan, and this is an important plan.

We are now just 2 days from the start of the hurricane season and, as a matter of fact, as I was here before 2 weeks ago, I said we needed to make sure we were prepared for the storm before the hurricane is raging and that we were just a couple of weeks away from the start of the hurricane season. But we had an early arrival. We had Beryl come in. So you see how pressing and how urgent this is.

This piece of legislation is perhaps the most important piece of legislation that we can pass right now of major benefit for the American people. They will be able to go to sleep tonight to know that at least for the next 2 months this National Flood Insurance Program will be in place. And this will be a great sigh of relief, but that still leaves the heavy lifting to do. We have got the 5-year program and we have got to do that.

I do want to say thank you and my hat is off to Senator REID and Senator COBURN, who came to an agreement. I think it's a good agreement. It's an agreement that we certainly accept here, too. And what we understand happened in the Senate was that the Senate amendment, which was offered in the Senate Banking Committee by Senator TIM JOHNSON, was to make sure that those homes that are second homes or vacation homes would not receive subsidized rates, and we think that's fair. That's a part of what's in our 5-year plan as well, so that is very much appreciated there.

As we look forward now, all we have to do now is pass this out now and move forward in good faith with the Senate to let's move with dispatch and get the 5-year plan. Now, the reason we need the 5-year plan is because of the continuity, of the dependability, so that people will know well in advance exactly that we have this program in place.

If I may, and with just my short time here, in case some of the people do not know why this 5-year plan is so important, I do want to state exactly what it does.

First of all, it does, in fact, extend the flood insurance program for 5 years.

It will also delay, for 5 years, the mandatory purchase requirement resulting from new flood maps.

The bill certainly requires annual notification to homeowners who are liv-

ing in flood zones about the risks to their community. As I noted last week, a couple of weeks ago, many people move into areas, and they don't even know that they are in a flood zone, so it's very important that we will notify people. Our bill, this 5-year program, lets people know every single year because you have people moving in, you have people moving out. Every year there will be a notification as to whether or not they are in a flood zone.

The other important part about this is we have noticed, particularly in my own home State of Georgia where we had such a devastating flood in the year 2009, it was the worst flood we had there since we started taking records of that. As I mentioned, we lost lives. Seven individuals lost their lives in one county in my district. The application of flood maps all across this country, in every corner of this country, our flood maps are outdated.

Well, this bill will make sure that they are dated—so that many of our constituency who are at the risk of flood damage are at that risk without any knowledge—by making the flood maps current, by making sure that information is imparted to individuals who move in and out of communities every year that they are in a flood zone.

Most importantly, most importantly in these tough economic times, under our 5-year plan, individuals will be able to purchase their flood insurance in installments instead of one lump sum. This has caused many people not to be able to be have the flood insurance, because prior to this bill, this 5-year plan, as of right now, to get flood insurance, you have to do it as a lump sum. That's why this 5-year plan is important, and it's important for the Senate to move so that we can get this done right away.

But this is good news for the American people. We do have 2 months, as the hurricane season starts, and I think we have a good agreement here and good energy to move forward, the House and the Senate together, and put the 5-year plan in place.

I reserve the balance of my time.

□ 1930

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. STIVERS), a valued member of the Financial Services Committee.

Mr. STIVERS. Mr. Speaker, I would like to thank the gentlelady from Illinois for yielding me time. I'd like to thank her as chairwoman of the Subcommittee on Insurance and Housing for the Financial Services Committee for her incredible bipartisan effort that she led on this bill, along with Members of the other side, including the gentlelady from California and the gentleman from Georgia. It's been a true bipartisan effort. Obviously, that's reflected in the 402-18 vote coming out of this Chamber in May.

I'm happy that the Senate has finally reached an agreement to move forward with the multiyear extension of the National Flood Insurance Program because if we don't have a multiyear extension, what could happen is it could really cause problems in our housing market. I think the gentleman from Georgia has really talked about the importance of continuity and why that's really important for people that live in a flood plain to be able to know they can sell their house and also know that somebody can buy a home that happens to be in a flood plain.

I think it is important that we have accurate flood maps. This bill will ensure that we have much more accurate flood maps that have three dimensions on them, and that will result in better knowledge of where the flood plains are and where the risk is.

This bill will help stop the taxpayer-funded bailouts. As you know, the National Flood Insurance Program owes \$17 billion to the taxpayers. We've got to make sure that it is sustainable into the future.

I think some of the Senate changes are good. The amendment by Senator COBURN that makes sure that we don't subsidize second and third homes that happen to be vacation homes makes a lot of sense. It steps up the premiums 25 percent a year for multiple years until they become actuarially sound. We need to ultimately move the whole program to an actuarially sound basis. That's why I'm concerned about some of the other provisions in the amended Senate language that removed the GAO study regarding privatization and allowing a chance to look at the flood insurance program's ability to pay claims over the long term.

I think it is important that we know the viability of the flood insurance program. But overall, I think having Senate amendments and a Senate agreement is a major step forward. I'm excited about continuing to work together to move this program forward and reauthorize it, hopefully, for a 5-year term. But this step to agree to Senate amendments to extend the time for a total of 60 days to get us past July so that hopefully the Senate will have time in June to bring this up, I think allows us the time we need to make that happen.

I do think if anybody in this body cares about our housing market or cares about stopping taxpayer-funded bailouts or wants to make sure that we have accurate flood maps, they should vote to agree to these amendments, and I hope all my colleagues will do so.

Mr. DAVID SCOTT of Georgia. I only have myself to close.

Mrs. BIGGERT. I have no further requests for time.

Mr. DAVID SCOTT of Georgia. Again, let me thank the gentlelady from Illinois (Mrs. BIGGERT) for her outstanding leadership on this. It's

been a joy to work with her. The American people are certainly appreciative of her efforts in leading this fight. I also want to thank Ms. MAXINE WATERS, who is our subcommittee ranking member; and I also want to extend congratulations to Senator HARRY REID and Senator TOM COBURN.

I also want to just say a word for the bipartisan relationships that have developed on this bill. This is how we move bills forward. This is how we've got to move the country forward, and this is what the American people are looking to us to do. This is not a Democratic or a Republican Congress. It is a Congress of the American people. And the progress of this flood insurance bill is indicative of that fact.

With that, I yield back the balance of my time.

Mrs. BIGGERT. I yield myself the balance of my time.

Mr. Speaker, as I mentioned earlier, this bill is the 17th short-term extension of the National Flood Insurance Program. Our colleagues in the Senate have assured us that in June they will take up the version of a long-term NFIP reauthorization and reform bill, so I am confident that this will be our last short-term extension.

H.R. 5740, with the Senate amendment, extends the program for an additional 2 months in order to protect homeowners, communities in flood-prone areas, and the housing market. Including at least one reform provision in H.R. 5740—to eliminate subsidized rates for second and vacation homes—reduces some of the NFIP's risk to taxpayers.

H.R. 5740 also buys the House and Senate 2 more months to finalize a larger bill to reauthorize the 5 years and reform the National Flood Insurance Program.

Eleven months ago, over 400 Members of the House from both sides of the aisle voted for H.R. 1309 to reform this program. Actually, the reform bill passed out of the Financial Services Committee 54-0. So this is a real bipartisan effort. The House also has approved the same 5-year NFIP reauthorization and reform bill as part of the Middle Class Tax Relief and Job Creation Act of 2012 in December, and as part of the Reconciliation Act that was passed a couple of weeks ago.

Again, earlier this month over 400 Members of the House voted for the first version of H.R. 5740 to ensure that NFIP doesn't lapse. NFIP is over \$17 billion in debt to taxpayers and it cannot continue without reforms, but shouldn't lapse, particularly at the start of the hurricane season, which begins this week on June 1.

With that, I urge my colleagues to again support H.R. 5740.

Finally, I would really like to thank Ms. WATERS for cosponsoring this bill as the lead cosponsor and Mr. SCOTT from Georgia for managing time for

the other side and all other Members on both sides of the aisle. We've had a really great turnout for the NFIP reform effort.

Mr. DAVID SCOTT of Georgia. Will the gentlelady yield?

Mrs. BIGGERT. I yield to the gentleman.

Mr. DAVID SCOTT of Georgia. I misspoke when I referred to Ms. WATERS as the ranking member of the Housing Subcommittee. That honor goes to the Congressman from Illinois (Mr. GUTIERREZ). So I just wanted to correct that. Ms. WATERS was the former chairman of the Housing Subcommittee. All of us worked together in such a way, but I did want to correct that as Mr. GUTIERREZ as the ranking member.

Mrs. BIGGERT. I thank the gentleman. Both of the Members have been great in working with this. I know that Ms. WATERS has been the ranking member for the committee in the past and has always worked on the flood insurance.

I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I once again rise in strong opposition to the reauthorization of the National Flood Insurance Program.

With all the challenges our nation faces I have a simple question for everyone . . . why in the world is the federal government in the flood insurance business?

The federal government is a bad insurance company. This program which began issuing policies in the 1970's is now almost \$19 billion in debt with no hope to ever repay that debt because it is not run with sound actuarial standards.

I opposed this bill a few weeks ago when it passed this House and while the Senate made improvements by taking away subsidized rates from second homes, which is a start, but it still provides others with subsidies while charging premium rates to others, like many in my district with little risk of ever flooding, to provide that subsidy to others in more flood prone areas.

I believe strongly that this is a practice best left to the private sectors or individual states. It is long past time to get the federal government out of the flood insurance business and I continue to oppose this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the National Flood Insurance Program Extension Act.

I support this bill because any extension is better than no extension. We really owe our constituents more than a 60 day extension and we must pass a long-term reauthorization the NFIP. Last year, the House completed their work on a reauthorization. I supported that bill and wish it was the one we could consider today.

In our district, in Houston and East Harris County, Texas, the flood insurance program is critically important. Many of our constituents are required to carry flood insurance. The flood plain in our district covers thousands of houses and because of the topography of the land, the flood insurance program is the only way building and living here is practical. With-

out it, no policies could be written and no one would want to buy or live with such financial risk hanging over their heads.

I also hope that when we revisit flood insurance that we include provisions that provide a five year phase-in of flood insurance premiums for low-income homeowners or renters whose primary residence is placed within a flood plain through an updating of flood insurance program maps. This language, which was in the bill we passed last July, homes can be valued at no more than 75% of the median home value for the state in which the property is located. The Harris County Flood Control District implements new flood control measures by maintaining bayous, building retention basins, and implementing drainage features, but even the best flood control can be overrun by a particularly bad storm. This language should be included in the final bill that is sent to the President.

I look forward to working with my colleagues so that the next time we consider flood insurance we are reauthorizing and not extending it.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5740.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXPORT PROMOTION REFORM ACT

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4041) to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Promotion Reform Act".

SEC. 2. IMPROVED COORDINATION EXPORT PROMOTION ACTIVITIES OF FEDERAL AGENCIES.

Section 2312 of the Export Enhancement Act of 1988 (relating to the Trade Promotion Coordinating Committee; 15 U.S.C. 4727) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

"(6) in making the assessments under paragraph (5), review the proposed annual budget of each agency described in paragraph (5), under procedures established by the Committee for such review, before the agency

submits that budget to the Office of Management and Budget and the President for inclusion in the budget of the United States submitted to Congress under section 1105(a) of title 31, United States Code; and”;

(2) in subsection (c)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) in conducting the review and developing the plan under paragraph (2), take into account recommendations from a representative number of United States exporters, in particular small businesses and medium-sized businesses, and representatives of United States workers;”;

(3) by adding at the end the following:

“(g) EXECUTIVE ORDER AND REGULATIONS.—The President shall issue an executive order and such regulations as are necessary to provide the chairperson of the TPCC with the authority to ensure that the TPCC carries out each of its duties under subsection (b) and develops and implements the strategic plan under subsection (c).

“(h) DEFINITION.—In this section, the term ‘small business’ means a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632).”.

SEC. 3. EFFECTIVE DEPLOYMENT OF U.S. COMMERCIAL SERVICE RESOURCES.

Section 2301(c)(4) of the Export Enhancement Act of 1988 (relating to the United States and Foreign Commercial Service; 15 U.S.C. 4721(c)(4)) is amended—

(1) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(2) by striking “(4) FOREIGN OFFICES.—(A) The Secretary may” and inserting the following:

“(4) FOREIGN OFFICES.—(A)(i) In consultation with the Trade Promotion Coordinating Committee, the Secretary shall conduct a global assessment of overseas markets to determine those with the greatest potential for increasing United States exports, and to deploy the Commercial Service personnel and other resources on the basis of the global assessment.

“(ii) The assessment conducted under clause (i) shall take into account recommendations from a representative number of United States exporters, in particular small- and medium-sized businesses, and representatives of United States workers.

“(iii) Not later than 6 months after the date of enactment of the Export Promotion Reform Act, the Secretary shall submit to Congress results of the global assessment conducted under clause (i) and a plan for deployment of Commercial Service personnel and other resources on the basis of the global assessment.

“(iv) The Secretary shall conduct an assessment and deployment described in clause (i) not less than once in every 5-year period.

“(B) The Secretary may”.

SEC. 4. STRENGTHENED U.S. DIPLOMACY IN SUPPORT OF U.S. EXPORTS.

(a) DEVELOPMENT OF PLAN.—Section 207(c) of the Foreign Service Act of 1980 (22 U.S.C. 3927(c)) is amended by inserting before the period at the end the following: “, including through the development of a plan, drafted in consultation with the Trade Promotion Coordinating Committee, for effective diplomacy to remove or reduce obstacles to exports of United States goods and services”.

(b) ASSESSMENTS AND PROMOTIONS.—Section 603(b) of the Foreign Service Act of 1980

(22 U.S.C. 4003(b)) is amended, in the second sentence, by inserting after “expertise” the following: “and (with respect to members of the Service with responsibilities relating to economic affairs) of the effectiveness of efforts to promote the export of United States goods and services in accordance with a commercial diplomacy plan developed pursuant to section 207(c).”.

(c) INSPECTOR GENERAL.—Section 209(b) of the Foreign Service Act of 1980 (22 U.S.C. 3929(b)) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

“(5) the effectiveness of commercial diplomacy relating to the promotion of exports of United States goods and services; and”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1940

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend and to submit extraneous materials for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, this bill has been many years in the making and is the result of several hearings, including one I held as chairman of the House Small Business Committee back in 2006. This is simply a good-government bill that costs nothing.

I recognize that market forces play a predominant role in international trade. However, export promotion programs can play a useful role in helping small and medium-sized enterprises find new markets and customers overseas. Several small companies in northern Illinois expanded their operations and hired new workers after U.S. Commercial Service identified new exporting opportunities.

Also, according to the National District Export Council, every \$1 spent on export promotion has resulted in \$135 in exports. However, many of our trade-promotion programs are not fully integrated. This has been confirmed in various Government Accountability Office, GAO, and Inspector General reports measuring the effectiveness of the Trade Promotion Coordinating Committee, which is known as the TPCC. Congressional intent behind the legislation this committee passed in 1992 has not been fulfilled.

Our trading partners are well organized and effectively market their businesses overseas. I recall on one of

my trips to China some years ago, the CEO of a very large Chinese manufacturing company told me he often sees Europeans and Japanese as trade-promotion officials, but he had yet to see Americans doing the same thing. And he asked me the question: Where are the Americans?

According to the National District Export Council, while the U.S. spends about 21 cents per \$1,000 of total exports on trade-promotion programs and services, Japan spends 30 cents, France spends 43 cents, and Great Britain spends 75 cents. With small businesses offering the best prospect to boost export growth, we should make every effort that gets the greatest return for any taxpayer money spent on export promotion.

In 2006 and in 2008, I introduced legislation that would reform the TPCC and move its responsibilities into the executive office of the President. I was pleased in 2010 when the President announced the formation of the Export Cabinet and adopted many of the reform ideas contained in my legislation, such as instituting measurable benchmarks for achieving goals set forth in the annual National Export Strategy report.

However, there is one key reform missing from the President's proposal: having an integrated trade budget. Currently, each trade-promotion agency submits its own budget to the Office of Management and Budget and the President on its own without a separate review as to whether or not each request fits within the overall trade agenda for the U.S. Government.

The TPCC needs budget-review authority in order to be fully effective. In 2010, I was proud to join with our former colleague, Representative Gabby Giffords, in introducing legislation to remedy this problem. While the bill did not pass in the previous Congress, I am proud to join with my good friend, Representative HOWARD BERMAN, in continuing Ms. Giffords' legacy and support the Export Promotion Reform Act.

While the President issued a subsequent memorandum last February that would give the Export Cabinet and the TPCC the ability to make recommendations to the Office of Management and Budget for more effective use of trade-promotion funds, this bill is needed to codify and clarify this role to guarantee that the TPCC will be able to influence decisions on the President's budget request prior to its submission to Congress.

Process and good-government reforms oftentimes do not get the attention they deserve. However, this bill recognizes their importance. I urge my colleagues to support this bill because it will ultimately benefit small and medium-sized exporters.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 4041, and I yield myself such time as I may consume.

Mr. Speaker, the Export Promotion Reform Act is a bipartisan, non-controversial bill that will help increase the export of American goods and services, and in the process create new, high-quality jobs. I want to thank the gentleman from Illinois (Mr. MANZULLO) for working with me on this legislation. He has been one of the strongest voices for export promotion and export control reform in this Chamber, and he's been a great partner to have on this legislation. I also want to thank my chairman of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN, and her staff for helping to move this through the legislative process to this point.

H.R. 4041 would implement recommendations by the GAO, the Government Accountability Office, to make more effective use of our export-promotion programs. According to the Congressional Budget Office, the bill doesn't authorize any new programs, nor does it add any new spending or impose any new mandates.

The bill has been endorsed by a number of prominent business organizations, including the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable.

The Export Promotion Reform Act would make sound, practical improvements that would benefit many of the Nation's 293,000 exporting firms, more than 97 percent of which are small and medium-sized businesses, while exercising fiscal prudence on behalf of the American taxpayer.

American firms have renewed opportunities for growth and increased employment through increased sales overseas. However, the competition in world trade is fierce, and our export-promotion programs often don't measure up to those of our competitors. GAO has told us repeatedly that these programs would be more effective with improved coordination. To that end, H.R. 4041 would eliminate duplicative activities and improve service delivery to exporters; require a global plan to identify and target the best growth markets for U.S. goods and services; and require our ambassadors to develop country-by-country commercial diplomacy plans aimed at increasing U.S. exports, while making the effectiveness of their commercial diplomacy efforts part of their annual performance review.

Mr. Speaker, the U.S. Department of Commerce estimates that every \$1 billion of U.S. exports supports approximately 5,800 jobs here at home. With 95 percent of the world's consumers living overseas, expanding U.S. exports in world markets is one of the best ways for American business to grow and create jobs.

I urge all of my colleagues to support this legislation, and I yield back the balance of my time.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 19, 2012.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, House
of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4041, the Export Promotion Reform Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 4041—Export Promotion Reform Act

H.R. 4041 would require the Secretary of Commerce to assess overseas markets, at least once every five years, to determine which markets present the greatest opportunities to increase United States exports. The Secretary would be required to relocate personnel that promote U.S. trade opportunities based on the outcome of the assessment. The bill also would require Chiefs of Missions in foreign countries to use those assessments in promoting United States exports.

Based on information from the Department of State and the International Trade Administration, the agencies that would administer the bill's provisions, CBO estimates that implementing H.R. 4041 would have discretionary costs of less than \$500,000 a year, totaling about \$1 million over the 2012-2017 period, assuming the availability of appropriated funds.

Enacting H.R. 4041 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4041 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On January 17, 2012, CBO transmitted a cost estimate for H.R. 2987, the American Export Promotion and Job Creation Act, as introduced on September 21, 2011. The language in that bill is similar to that in H.R. 4041 and the estimated costs for the two bills are identical.

The CBO staff contact for this estimate is Sunita D'Monte. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC., April 18, 2012.

Hon. Howard Berman,
House of Representatives,
Washington, DC.

Hon. Donald Manzullo,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES BERMAN AND MANZULLO: The U.S. Chamber of Commerce, the world's largest business federation, representing the interests of more than three million businesses and organizations of every size, sector, and region, supports H.R. 4041, the "Export Promotion Reform Act," which would boost exports of goods and services by improving the coordination of U.S. export promotion programs.

International trade plays a central role in creating American jobs and boosting economic growth at home. More than 38 million American jobs already depend on trade, and

more than 97% of the 275,000 U.S. companies that export are small and medium-sized enterprises (SMEs). However, this figure represents just one of every 100 U.S. SMEs, underscoring how difficult it is for smaller firms to enter export markets. At virtually no cost, this bill would ensure that the federal government's limited export promotion resources are used efficiently to offer these smaller companies the help they need to break into the international marketplace.

The Government Accountability Office (GAO) has determined that the 17 federal agencies with export promotion programs could be made more effective through better coordination, elimination of duplicative activities, and better allocation of resources. In particular, GAO found that strengthening the interagency Trade Promotion Coordinating Committee would improve the effectiveness of U.S. export promotion programs. GAO also found that effective export promotion programs can provide significant benefits to SMEs in the competitive global economy.

H.R. 4041 would put many of the GAO recommendations into effect. It would require the Secretary of Commerce to assess overseas markets at least once every five years to determine which markets present the greatest opportunities for U.S. exporters. The bill also would require U.S. ambassadors abroad to use those assessments as U.S. embassies promote U.S. exports of goods and services.

The Chamber supports H.R. 4041, which would help more U.S. companies tap export markets and create American jobs, and applauds you for your leadership on this important issue. The Chamber looks forward to working with you on this important legislation.

Sincerely,

R. Bruce Josten.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC., April 10, 2012.

Hon. Howard Berman,
House of Representatives, Washington, DC.
Hon. Donald Manzullo
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES BERMAN AND MANZULLO: The National Association of Manufacturers (NAM) very much appreciates the opportunity to support legislation that will streamline U.S. export promotion activities. We believe that The Export Promotion Reform Act (H.R. 4041) will help increase the export of domestically made goods.

The NAM is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states. The ability of U.S. companies to export has always been a critical issue for the NAM, and exports are increasingly important to the U.S. economy and to the success of American manufacturing.

Foreign markets, particularly in emerging economies, are growing faster than the mature U.S. domestic market. That means in order to obtain the jobs growth we all want, manufacturers need to turn increasingly to export markets. Unfortunately, the United States is falling behind. We are still the world's largest manufacturer, but we lack the export orientation of our major competitors and have been losing share in world markets. In fact, the United States exports less than half as much of its manufacturing output as the global average. And in comparing the United States with the 15 major manufacturing economies, we rank 13th in

the proportion of our manufacturing output that is exported.

Increasing U.S. exports contributes directly to jobs for American workers. Global trade flows are recovering, and there are increasing opportunities for sales overseas. However, the more than 90 percent of exporters that are small or medium-sized firms need more effective export promotion assistance in order to compete with the support that foreign firms received from their governments. H.R. 4041 can help here.

According to the GAO, 17 federal agencies have export promotion programs. With improved coordination, these agencies can eliminate duplicative activities and utilize their resources more efficiently. The NAM believes that strengthening the interagency Trade Promotion Coordinating Committee (TPCC), led by the Secretary of Commerce, will improve federal export promotion programs and help the global competitiveness of manufacturers in the United States.

H.R. 4041 will strengthen the TPCC by requiring it to assess current export promotion programs, outline necessary improvement, and coordinate the implementation of export promotion activities by other agencies. The Export Promotion Reform Act will also improve export promotion and provide much-needed practical help to manufacturers and manufacturing workers by providing for the redeployment of U.S. Commercial Service resources. This will help exporters find more customers and better understand foreign Customs rules and regulations.

The NAM hopes to see The Export Promotion Reform Act move quickly toward becoming law, and want to express our strong support for its passage as we all work toward the goal of doubling U.S. exports.

Sincerely,

FRANK VARGO.

BUSINESS ROUNDTABLE,
Washington, DC, April 17, 2012.

Hon. HOWARD BERMAN,
House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. DONALD MANZULLO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES BERMAN AND MANZULLO: Business Roundtable supports your bipartisan legislation, H.R. 4041—the Export Promotion Reform Act, which will help expand U.S. exports and thereby support U.S. economic growth and jobs.

In its recent report, *Taking Action for America: A CEO Plan for Jobs and Economic Growth*, Business Roundtable put forward a comprehensive plan to revitalize U.S. economic growth and job creation. The plan recognizes that expanding international trade and investment is one of several critical areas for action. The facts demonstrate clearly that international trade is an important engine for U.S. economic growth and job creation:

Over the last two decades, 24 million new trade-related jobs for American workers were created.

In 2008, more than 38 million jobs in America—more than one in five—depended on international trade—exports and imports.

In 2009, more than 275,000 U.S. companies exported merchandise to customers abroad.

Exports support higher-paying jobs. Positions in the manufacturing sector linked to the export of goods pay on average 18 percent more than other jobs.

H.R. 4041 will put in place policies and reforms needed to make U.S. export promotion programs more efficient and effective and

help U.S. exporters compete for sales around the world against our foreign competitors. I understand that H.R. 4041 will accomplish these important objectives at existing funding levels.

If given the tools, American companies and exporters can increase their share of world trade. H.R. 4041 will give them more of the tools they need to expand U.S. exports.

Sincerely,

JOHN ENGLER.

COALITION FOR EMPLOYMENT
THROUGH EXPORTS, INC.,
Washington, DC, April 2, 2012.

Hon. JOHN A. BOEHNER,
*Speaker of the House of Representatives,
Office of the Speaker,
Capitol Building,
Washington, DC.*

DEAR SPEAKER BOEHNER: On behalf of its members, the Coalition for Employment through Exports (CEE) writes in support of H.R. 4041, The Export Promotion Reform Act. CEE is comprised of the largest exporters and manufacturers in the country and thus understands the importance of exports to the creation of American jobs and improving the economy. However, with countries all over the world focused on exporting their way out of the economic downturn, it is essential that U.S. companies—large and small—have the necessary tools and support to compete in the global marketplace. H.R. 4041 helps sharpen the focus of U.S. export promotion efforts with special emphasis on small and medium size firms; CEE hopes the House will take up action on this Bill over the next few weeks.

We are especially pleased with the provisions focused on finding export opportunities, granting the Trade Promotion Coordinating Committee (TPCC) more authority, and seeking the advice of SME exporters. The last item is especially critical as it recognizes the unique needs small businesses have when exporting. It is very difficult for small companies to locate customers, verify the stability of the foreign company and line up financing; this bill will enable export promotion efforts to better target the needs of these exporters. If enacted, CEE believes H.R. 4041 would help mitigate the complications faced by the job-creating American small business.

CEE urges the Congress to act quickly on this critical bill.

Sincerely,

JOHN HARDY, JR.

NATIONAL FOREIGN TRADE
COUNCIL, INC.,
Washington, DC, March 19, 2012.

Hon. JOHN A. BOEHNER,
*Speaker of the House of Representatives,
Office of the Speaker,
Capitol Building,
Washington, DC.*

DEAR MR. SPEAKER: The National Foreign Trade Council, a business organization advocating for an open, rule-based global trading system and representing over 250 member companies, would like to express our support for H.R. 4041, The Export Promotion Reform Act. We hope this bill will be considered on the House floor soon.

We believe that the Export Promotion Reform Act would increase the exports of American goods and services, thereby creating more American jobs and spurring more economic growth. It is estimated that one in three manufacturing jobs depends on exports, and, according to the Department of Agriculture, one in three acres on U.S. farm-

land is planted for consumers abroad. If America is to continue reaching consumers all across the globe, we must actively pursue legislation that promotes American exports.

The Export Promotion Reform Act amends the Export Enhancement Act of 1988 requiring the Commerce department to assess global markets to identify opportunities for increases in U.S. exports. Such actions are critical to addressing America's growing trade deficit. Between 2003 and 2009, the U.S. fell from first to third place behind China and Germany in dollar value of exports. Addressing the prospect of new and untapped markets is crucial if American firms are to increase sales and to continue the trend of job growth.

Additionally, by enhancing interagency coordination through strengthening the Trade Promotion Coordinating Committee and by setting directives for ambassadors to develop country-by-country commercial diplomacy, the bill provides a clear and cohesive plan for government agencies to communicate with businesses on U.S. trade promotion.

Finally, the bill addresses the fact that more than 97% of U.S. export companies are small and medium-sized enterprises (SME's) and account for nearly a third of U.S. merchandise exports. By directing the Commerce Department to seek recommendations for U.S. exporters, specifically SMEs, the bill upholds a standard that all companies should have an opportunity to access new markets.

The NFTC urges your full support of H.R. 4041, the Export Promotion Reform Act.

Sincerely,

WILLIAM A. REINSCH,
President.

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I rise in support of the Berman/Manzullo bill to reform how we promote exports. This is a great down payment on a whole host of reforms we can make to how the government works with U.S. businesses to create jobs by exporting our goods and services.

We have enormous business opportunities in overseas markets, and we have overwhelming data and analysis that shows that other countries have been doing a better job at promoting their exports and that we can easily do much better.

Today's bill will focus our export promotions activities and reduce obstacles to exporting without spending any more money.

As you may know, Mr. REICHERT and I also have a bill with a couple of additional export promotion provisions that also have no cost and are uncontroversial.

Because of a quirk in the tax code we are getting inaccurate data on services exports that could be up to one-third wrong. We need to fix it. We also need to have a better annual report and plan from the TPCC on how the government's overall export work is matching up with the needs of U.S. businesses.

I'd ask the members for their support in continuing to push on this bill, to get it through the Senate, and on other measures too, like what Mr. REICHERT and I have put together—costless improvements we can make to improve exports and create jobs.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 4041, the Export Promotion Reform Act, which will revise the duties of the Trade Promotion Coordinating Committee (TPCC) to improve the research conducted for

export promotion efforts. If enacted, this bill will increase the effectiveness of the steps that are taken by the TPCC to boost international trade. I support the bill because expanding America's share of the export market is critical if we are to compete and win in the global economy of the 21st century and provide jobs that will sustain a middle-class standard of living for our people.

Mr. Speaker, this bill will require the government to take into account the recommendations of small- and medium-sized businesses when developing federal trade promotion efforts. This requirement will enable policymakers to better understand the environment in which they are attempting to promote trade.

A more focused understanding of the current economic environment can help the government create more effective export expansion initiatives. By creating targeted initiatives, the Federal Government can help the U.S. economy by expanding economic opportunity for local business to increase foreign sales, thereby creating more good-paying jobs, and economic growth.

This bill also requires the Secretary of Commerce to conduct global assessments of overseas markets to determine which markets have the greatest export potential, and deploy resources accordingly. This will assist U.S. businesses in identifying profitable market opportunities abroad, making it easier for them to begin exporting goods and services. Additionally, the deployed personnel and other resources will help to limit barriers to entry of foreign markets by U.S. businesses.

I support this bill also because of the strong positive impact that an increase in exports will have on the constituents of the 37th Congressional District of California, which I am privileged to represent. The Ports of Los Angeles and Long Beach are major economic engines in the Southern California economy, currently providing nearly \$14.5 billion a year in trade-related wages, and more than \$47 billion in direct and indirect business sales.

An increase in international exports will boost these figures and create jobs. Additionally, an increase in exports will, provide more opportunities for local businesses to thrive by expanding into foreign markets.

For these reasons, I urge my colleagues to join me in support of H.R. 4041.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 4041, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JEWISH AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor May as Jewish American Heritage Month. I'm so pleased to be joined by my colleagues tonight as we honor our Nation's Jewish community through Jewish American Heritage Month.

□ 1950

As the first Jewish woman to represent the State of Florida in the United States Congress, I am so proud to be a strong voice on many issues crucial to our community, from tolerance and understanding to *tikkun olam*—repairing the world.

In 2005, members of the Jewish community in south Florida approached me with the idea to designate a month to honor the contributions that American Jews have made to our Nation. As a result, I was the proud sponsor of Jewish American Heritage Month, which the House and Senate unanimously passed in 2006 and has been proclaimed by both President Bush and President Obama annually since then.

This year, in 2012, is the Seventh Annual Jewish American Heritage Month. JAHM promotes awareness of the contributions American Jews have made to the fabric of American life from technology and literature to entertainment, politics, and medicine.

As we are all well aware, the foundation of our country is built upon the strengths of our unique cultures and backgrounds. The American Jewish experience is the story of the immigrant, the labor movement, the battle for civil rights, and so much more. Jews in America have blazed trails from the battlefield to the Supreme Court, from the sports field and symphony hall to the pages of our Nation's history books and our Nation's Capital.

From the time of the Colonies until today, Jewish communities have played a significant role in American history and telling the American story. That's why communities across the country have come together to celebrate Jewish American Heritage Month during the month of May.

Seven years ago, this idea gained momentum as 250 of my colleagues joined me as original cosponsors of a resolution urging the President to issue a proclamation for this important month. Senator Arlen Specter led the effort in the Senate, and together the House and Senate unanimously passed resolutions supporting the creation of Jewish American Heritage Month.

Now, each year, the month of May introduces Jewish culture to the entire

country in order to raise awareness and dispel harmful prejudices. Unfortunately, Mr. Speaker, we have seen a precipitous rise in intolerance and anti-Semitism, not just in this country but across the globe. It is my hope that by providing the framework for the discussion of Jewish culture and contributions to our Nation we will be able to reduce the ignorance that ultimately leads to anti-Semitism.

Over the last number of years, I have talked about the impact and the contributions of the Jewish community to our country over more than 350 years of Jewish life in America. It has always struck me that Jews in America are less than 2 percent of the American population, and so as much, many of our colleagues—most Americans—never actually spend much time around the Jewish community. So our traditions are unfamiliar, our culture and our religion—of which we are both—are not something that most folks encounter every day. That is the reason that we honor communities like the Jewish community with a cultural awareness month so that we can raise that awareness and make sure that people who don't usually have an opportunity to get the kinds of information that these months provide can really reach out to one another and learn more so that we can be the melting pot and also the salad bowl that is always debated about the United States of America.

Over the last 7 years, we have seen JAHM grow from an inspired idea to a national reality. We've had a group of committed organizations and museums around the country that have worked to get JAHM into the classroom, on the airwaves, and into the halls of our government, as today's activities demonstrate.

Just before votes this evening, President Obama hosted the Third Annual Jewish American Heritage Month reception at the White House, welcoming leaders from the Jewish community into the Nation's House.

The President told the story—not a really wonderful note in our Nation's history—of General Ulysses Grant who, at the time of the Civil War, had actually issued an order, Mr. Speaker, to expel Jews from their homes in the war zone during the Civil War. President Obama went on to also talk about how President Lincoln issued an order rescinding that order. The Library of Congress brought out from its archives all of the documents related to General Grant's order and President Lincoln's order to make sure that we could protect the rights of individuals and make sure that our commitment as a Nation to religious tolerance and freedom was preserved from then through history.

Tonight, I'm so pleased to be joined by my colleagues to commemorate the American Jewish experience. From sports games, to concerts, to lectures

and films, JAHM is truly an interdisciplinary and multimedia experience, and we want to see these efforts continue to grow. However, it's vital that this idea takes hold not only for Jewish organizations, because, after all, we're already familiar with the contributions of Jewish life in America. We want to make sure that this month is an opportunity to grow that knowledge and reach out to communities across the country.

It's our responsibility to continue this education. If we as a Nation are to prepare our children for the challenges that lie ahead, then teaching diversity and celebrating it is a fundamental part of that promise. Together, we can help achieve this goal of understanding with the celebration of Jewish American Heritage Month.

The lessons of Judaism inspire us to do great things, from our commitment to service, to our political advocacy, to our cultural contributions to this Nation. Together, we can and should celebrate our community's history and values so that not only the Jewish people, but all Americans may go from strength to strength.

Now I'm delighted to recognize one of my colleagues who has been an incredible leader for the United States of America, for the people of her district in New York, and someone that I am proud to say has been a mentor throughout my time here in the U.S. House of Representatives, Congresswoman NITA LOWEY from the great State of New York. By the way, let me add, Mr. Speaker, that Congresswoman LOWEY is the ranking member on the Foreign Operations Subcommittee of the Appropriations Committee.

Mrs. LOWEY. Let me thank my outstanding colleague from the State of Florida, Congresswoman WASSERMAN SCHULTZ. I personally want to express my appreciation for the work you have done to make this day a reality so that we can all acknowledge Jewish American Heritage Month. It's because of you that this day is noted, and it's because of you that we have gathered at the White House for a really inspirational speech from President Obama. So as a Jewish American, I want to express my appreciation to you.

I know that it may not be coincidental that this was a special time in your life this past week. I think it's appropriate that we talk about your family and your personal commitment to your Jewish heritage. During this month—last week, I believe—your daughter celebrated her bat mitzvah or bene mitzvah. This is such an amazing, amazing time in your life when your daughter or your son reaches that point where they have studied, they have learned what it is to be a Jewish American here in the United States of America. I am sure that your family was just overflowing with joy. And I just want to say mazel tov to you. That means good luck and congratulations.

So today I not only rise, Mr. Speaker, to express my appreciation to Congresswoman DEBBIE WASSERMAN SCHULTZ for making this Jewish American Heritage Month an annual tradition, but to express my appreciation to you for organizing this event tonight.

I rise to mark the contributions of Jewish Americans to the rich culture and history of our Nation during this Jewish American Heritage Month.

Jewish tradition embraces the concept of Tikkun Olam, repairing the world. Indeed, our actions in Congress are aimed at that concept—helping to improve our society and create equity for all Americans through quality health care, education, and economic opportunity, regardless of their ethnic, cultural, or socioeconomic background. What I am very proud of is that our commitment to justice reaches beyond our borders.

□ 2000

The history of the Jewish people reminds us of our unique responsibility in the international community to stand up for what is right, speak out against hatred and injustice, and ensure that the lessons of the Holocaust are not lost to history. We have a responsibility, and we must defend those unjustly persecuted, no matter where they are, and we must stand by our ally, Israel, in the face of continued threats.

I hope you will join me in celebrating the rich history of Jewish Americans and in looking forward to an even more vibrant and just future for all people.

Thank you.

Ms. WASSERMAN SCHULTZ. Thank you so much, Congresswoman LOWEY. Thank you for your leadership and your commitment as a Jewish American woman, and for blazing a trail. And thank you for acknowledging my daughter and son's bar and bat mitzvah.

Mrs. LOWEY. Oh, it's the twins?

Ms. WASSERMAN SCHULTZ. It was the twins, yes, both of them, and it was a pretty incredible weekend. It was really amazing to, coincidentally, have the B'nai Mitzvah service and ceremony during Jewish American Heritage Month. Their birthday is May 15, and we had a wonderful celebration last weekend.

Thank you so much. And thank you for being an incredible example. As a Jewish mother who is raising Jewish daughters, thank you for being an incredible example for them.

Mrs. LOWEY. Well, as a Jewish mother and a Jewish grandmother, I am very proud of my three children and my 8 grandchildren. And I just want to say, again, that you are really a role model for all women, not just Jewish women, a strong woman with integrity, who is committed to her Judaism, her family, and yet you understand so well that we have an obliga-

tion beyond ourselves, as we lift people up and hope that all people, in the United States of America and around the world, have the opportunity to raise children and have a good life, and can have a future.

So I want to thank you because you are a role model that just does it all. In fact, it's amazing to me that you've done it all. So congratulations. Thank you again for marking this important month for all of us.

Ms. WASSERMAN SCHULTZ. Thank you for joining us. Thank you so much.

It is now my privilege—boy, it's hard to say enough good things about an incredible woman, a fighter, someone who has been a champion for the values that I know I was raised to believe in around my family dinner table growing up, the epitome of Tikkun olam.

Mr. Speaker, let me—we're going to use some Yiddish phrases here and Hebrew expressions tonight that some may not understand. But the foundation of the Jewish community, and our commitments to service and our commitment to fighting injustice, is based in the notion of Tikkun olam, which means repairing the world. And so often, we have mountains in front of us that seem so tough to climb, and repairing the world can seem like an insurmountable obstacle. But working together to address a little bit of injustice, just a small bite at a time, but banding together to do it, is something that the Jewish community has stood for for many years.

And there is no finer example of someone—I have to tell you that JAN SCHAKOWSKY, as a representative from Illinois, and as someone who had a reputation that I became aware of long before I actually had the privilege of serving in this institution, was someone I wanted to be like when I grew up because she has been the absolute epitome of what I know I was taught to believe in around my family table, which was that we should stand up for people who have no voice, fight for the civil rights and civil liberties that are instilled as Jewish values. And I'm so thrilled that you joined us here tonight, Congresswoman JAN SCHAKOWSKY from the great State of Illinois.

Ms. SCHAKOWSKY. Thank you so much, DEBBIE WASSERMAN SCHULTZ, for your leadership role in making Jewish American Heritage Month a reality. Really, this was your idea, and you mobilized the Members of the House in a bipartisan way to make this happen, and we're so appreciative.

I think Jews and non-Jews alike realize that it's important that we honor the culture and the heritage of the Jewish community. Throughout American history, Jewish Americans have helped shape American culture and society. For over 350 years, Jewish Americans have made untold contributions to our country, through science, art,

medicine, education, sports, technology, entertainment, and government. Jewish Americans have served in the military and in government, have helped build and grow our economy, and have served their communities as teachers, nurses, organizers, and in countless other critical roles.

American Jews played a critical role in creating and sustaining a homeland for all Jews around the world—the State of Israel, our beloved State of Israel, first, as a refuge for those who survived the Holocaust, continuing to be a place where all Jews are welcome, and today, an enduring and essential ally of the United States of America.

As a first-generation Jewish American, I have personally witnessed the struggles and successes of Jewish immigrants who came to this Nation in order to create a better life for themselves, their families, and future generations, the reasons that all immigrants seek out the United States. Like other important immigrant communities, the Jewish experience in the United States represents the promise, the opportunity, and the freedom of America.

I think today about my grandparents, Sam and Mary Cosnow, who settled in Chicago with three of their four children. The fourth was born in the United States. My mother was not. They came from Russia. They left a place that they knew they would never return to, left a place where there were pogroms, where it was dangerous for the Jews, and came to Chicago, Illinois.

And every Sunday we would go to my grandparents' House in Humboldt Park, and I would rush out to what is now the garage, but then was the barn, where Teddy, the horse, was there. And I would say hello first to Teddy, I think, even before my grandparents.

Teddy would pull the cart that my grandfather, a peddler, would—every weekday he would get up at the crack of dawn and take Teddy and the wagon to the vegetable and fruit market several miles away and load up the cart and carry bags of potatoes up several flights of stairs in the alleys of Humboldt Park to his customers.

My grandmother stayed home. She made the clothes for her children and was a homemaker. And they put all of their children through college. That was the American Dream.

My grandfather, as a peddler—now, college tuition wasn't what it is today and it was easier to do that, but two teachers, one lawyer, one business college student, all of those children of Sam Cosnow, the peddler, could make it in America. That is the American Dream. It's the immigrant dream. It's the dream of hardworking people who believed that if you are willing to get up at the crack of dawn and carry potatoes up the back porch that you could do it here. That's the America we

dream for everyone and for our children and their children; that they can have a good life if they are willing to work hard.

An estimated 250,000 Jews live in Chicago today. Chicago's vibrant Jewish community has been home to countless prominent figures, from sports to the arts to politics. Saul Alinsky, the father of community organizing, came from a Russian Jewish immigrant family. Nobel Prize-winning author Saul Bellow grew up in Chicago, a Jewish—from Humboldt Park, as my grandparents and my parents lived. And his work strongly reflects both his Jewish roots and the city of Chicago.

Actors Jeremy Piven and Mandy Patinkin were both raised in Jewish households in Chicago. And Benny Goodman, the clarinetist known as the "King of Swing," called Chicago home.

□ 2010

Sidney Yates, my predecessor, served in the House for nearly 50 years, passionately working for environmental protection and government funding for the arts. Also, two current members of the Chicago Bears NFL team, Gabe Carimi and Adam Podlesh, are Jewish Americans.

So, Mr. Speaker, Jewish American Heritage Month is an opportunity to recognize the contributions of Jewish Americans to our community, to our country, to our culture. For 350 years, Jewish Americans have made extraordinary contributions to American life and culture; and in Chicago and throughout the country, American Jews continue to be leaders in their communities.

All of those Jews in America today owe a thank-you to Congresswoman WASSERMAN SCHULTZ for creating the Jewish American Heritage Month of May, so I thank you.

Ms. WASSERMAN SCHULTZ. Thank you, Congresswoman.

Let me also thank you for your leadership as a ranking member of the Subcommittee on Commerce, Manufacturing and Trade for the Energy and Commerce Committee; and your leadership in the area of health care has been incredibly important for America.

I think it's interesting. First of all, you taught me something that I didn't know tonight. I did not know that there are two Jewish players on the Chicago Bears. One of your staffers was joking with my staffer today, saying that there are actually more Jews on the Chicago Bears than there are in the Illinois delegation, which is really kind of ironic, actually. Thank you so much for being here.

Now it is my privilege to introduce and acknowledge a friend and colleague from the neighboring district of mine, someone who is a relatively new Member, who had some big shoes to fill but who has done so capably. He serves as a member of the House Committee on

the Judiciary and on the House Committee on Foreign Affairs, and he was a State senator in the State of Florida. I am fortunate that I don't need his bio as a cheat sheet because I know him so well. He is our colleague from the great State of Florida, Congressman TED DEUTCH.

Mr. DEUTCH. Thank you very much to my dear friend Congresswoman WASSERMAN SCHULTZ, and thank you for your committed work in making sure that not only this Special Order hour takes place tonight but for your work in ensuring that Jewish American Heritage Month has become a reality. You are to be commended for that, and I think we are all the better for it. I appreciate it, and I appreciate the opportunity to be here tonight.

Mr. Speaker, I rise to celebrate the seventh annual Jewish American Heritage Month, which is an opportunity for our Nation to recognize the many contributions of Jewish Americans throughout our history. America's Jewish community has helped shape our country since its inception. Jewish Americans have courageously served in our Armed Forces in every major conflict of our Nation's history. They've also helped drive America as a powerhouse of economic innovation, contributing key advances in everything from science and medicine to the law and the arts.

Today, as we mark this year's Jewish American Heritage Month here in Congress, I would like to highlight our community's tremendous contributions to American social policy. Jewish Americans have a long history of shaping our political priorities as a Nation. I am proud to be part of a community that has led efforts to protect the most vulnerable, to ensure fairness in our justice system, to promote economic opportunity, and to safeguard the religious freedoms and liberties of all Americans.

We need look no further than Social Security, a program that helps keep 50 million Americans economically secure each year. Serving on the committee that helped establish Social Security was Wilbur Cohen, a man who was eventually appointed by President Kennedy as an Assistant Secretary for Legislation of Health, Education, and Welfare. As a member of President Johnson's Cabinet, Wilbur Cohen's influence over issues that impact America's seniors continue to grow, and many today regard him as the man who built Medicare.

Jewish Americans also took an active role in our Nation's struggle for civil rights. In the 1950s and 1960s, Jewish Americans were passionately engaged in the struggle for civil rights:

Rabbi Stephen Wise, the great American Jewish leader, was one of the founders of the NAACP. He made the case that civil rights were not only a Jewish issue but that civil rights were

a quintessential Jewish issue. He understood and believed firmly that the Jewish community and that the Nation—America—were stronger when prejudice was defeated and when equal rights were extended to all;

Rabbi Abraham Joshua Heschel marched with Martin Luther King, Jr., in Selma. In reflecting upon that march, Rabbi Heschel said, When I marched in Selma, my legs were praying. It was his understanding, his commitment, to what he viewed as essentially the holy work of lifting up all Americans and of ensuring equal rights for all;

Several prominent Jewish activists, including Michael Schwerner and Andrew Goodman lost their lives, along with African American activist James Chaney, while fighting for the right to vote alongside organizers in the South;

And perhaps there is no greater indication of Jewish Americans' involvement in the struggle for civil rights than the fact that both the Civil Rights Act of 1964 and the Voting Rights Act of 1965—two landmark pieces of civil rights legislation—were both drafted as legislation at the Religious Action Center of Reform Judaism.

As a Jewish American, I am honored to be part of a community that throughout our Nation's history has helped make America a more fair and a more just Nation—a Nation where opportunity extends to all, where everyone can be lifted up by being given the chance to succeed. It is a commitment to ensuring that seniors live lives of dignity and where the poor receive the support that they need when times are most difficult. Finally, it is the respect for every American—the dignity of every American—that is recognized and fought for still to this day by so many in the Jewish community.

I am so grateful to my friend Congresswoman WASSERMAN SCHULTZ for helping to ensure that we have the opportunity to share these thoughts here on the floor of the U.S. House of Representatives this evening. I am grateful for that opportunity. I thank you for it.

Ms. WASSERMAN SCHULTZ. Thank you so much for your commitment and for your leadership. It is really a privilege to fight side by side with you on behalf of our constituents in south Florida and on behalf of the values that matter so deeply to our community.

For many years, actually, before you were elected to public office, I watched your commitment to the U.S.-Israel relationship and to a strong and vibrant Jewish State of Israel as an AIPAC activist and then as a State senator, now as a Member of Congress and as a colleague. I thank you so much for joining us here this evening.

It is now my privilege to recognize a newer colleague and a newer friend but

someone whom I have seen develop as a leader and someone who has stepped up to represent her constituents in the western part of our country, which I'm sure is a completely different Jewish experience than the east coast experience.

Congresswoman SUZANNE BONAMICI is a new Member who was elected in a special election not even a year ago—actually, just a few short months ago. She has stepped up and represents the Portland area in Oregon. More importantly, she is a member of Congregation Beth Israel, and I am pleased to recognize her here tonight.

Ms. BONAMICI. Thank you so much for yielding me this time, Congresswoman WASSERMAN SCHULTZ, and for your leadership in Jewish American Heritage Month. It is great to join you and our other colleagues here this evening.

Mr. Speaker, I would like to recognize the contributions that so many Jewish Americans have made to our communities, to our States, to our country. There are many Jewish Americans who could be recognized here this evening and who deserve to be recognized for their contributions here this evening in honor of Jewish American Heritage Month.

I rise to pay tribute to a great Jewish American, an Oregonian, Mr. Harold Schnitzer. Born in 1923, Harold Schnitzer was the fifth of seven children of Russian immigrants.

□ 2020

He was born to Rose and Sam Schnitzer, who took a junk business and turned it into a steel empire.

As a boy, Harold earned 25 cents a week for polishing metal at his father's scrap yard. He told his teachers at Lincoln High School in Portland that his future was in steel. By the age of 16, he came back here to the East and he was studying at the Massachusetts Institute of Technology, from which he graduated in 1944. He served in World War II. He dealt scrap metal during his time in the Army, and he was expected to take over the family business, but something happened. He didn't want to compete with his brothers. So he left to start his own real estate company, Harsch Investment Properties.

Throughout his life, Harold, along with his wife Arlene Schnitzer, generously supported education, health care, and cultural and Jewish institutions and organizations not only in Portland, but throughout the State of Oregon. Harold Schnitzer lost his life last year in 2011 at the age of 87. There is no question that he embodied tikkun olam. He made the world a better place.

I want to thank you for this opportunity, Congresswoman WASSERMAN SCHULTZ, to pay tribute to a great Jewish American, but also to say thank you again for making Jewish American Heritage Month a reality so that oth-

ers can learn about the contributions of Jewish Americans around this great country.

Thank you again for this opportunity.

Ms. WASSERMAN SCHULTZ. Thank you so much, and thank you for your service on the House committee on the Budget. We serve on that committee together, and you have represented your constituents well. I appreciate you honoring the contributions of Jewish Americans across this country here tonight.

Now it is my privilege to bring to the rostrum—for lack of a better term—a friend and colleague who represents the southern region of California in San Diego, who has been an incredible leader on the Armed Services Committee, and who has definitely in her own right been a Jewish leader and as a Jewish woman someone who has taken a leadership role in the area of armed services, not only not traditional for women, but one that we have a story to tell about Jewish involvement throughout our American military history. And I'm going to share a little bit about that later, but thank you so much.

Congresswoman SUSAN DAVIS.

Mrs. DAVIS of California. Thank you.

And I want to thank my colleague DEBBIE WASSERMAN SCHULTZ for having us together to talk about Jewish American Heritage Month this evening. It's important for us to do that.

Whenever we think of perfecting our union—the President spoke about this a little bit today as he hosted a number of individuals in the Jewish community and people from around the country. The thing that I always think about is tikkun olam, because it is part of our tradition to repair the world.

Many Jewish people came to the United States having left a community in which they weren't able to make contributions, and I think that's partly why in bringing some talents and some skills—and, yes, in many cases they weren't skills that were honed very well when they first came to this country, but they developed those. And in developing those skills and making a contribution and becoming treasures for each of their communities, they clearly made a great deal of effort to repair the world. They continue to do that in so many ways.

There is another tradition that we have. It's called tzedakah. It's about caring for others. It's about giving to others. It's about engaging people in that effort. It's about going down to soup kitchens from time to time. It's about bringing homeless people into your synagogue or into your temple during the winter. It's about engaging all the time because we know that that's important to do. That caring of tzedakah goes back to so many of the traditions that we all share. It's about

the golden rule. It's about taking care of one another. It's about treating people the way that we want to be treated. That's very much a part of our heritage.

I'm going to share a little story today, and it's a story that I think my colleague is going to be laughing a little bit about because it's not something that I would ordinarily do. But I had a chance to read a little bit about a very special Jewish woman. Her name was Thelma Tiby Eisen, and she was born in 1922 and lives today. I tell this story because she was very famous as a professional athlete in America. Probably people who don't know about Jewish women in athletics or in baseball wouldn't know of her, but those who do would know that name.

I bring that up because my colleague brought me into the first and only bipartisan women's softball team here in the Capitol. I have to share my story because I never played team sports in my life. In fact, I probably picked up a baseball maybe once to hit somebody, but I really don't remember doing that at all.

So when I was asked by my colleague to join with her in this team, which is supporting young survivors of breast cancer, I thought, Well, that's crazy for me to even do this because I can't make a contribution to this team. But I've done it because I've cared about the cause certainly of young survivors who have breast cancer and largely because there are a number of Jewish women who by virtue of their genes have a propensity to develop breast cancer.

Right around the time that I actually had agreed to be on this team—actually, this even goes back to walking in the 3-day march for breast cancer—I learned that my sister had breast cancer. Fortunately, she has been able to overcome that. But it was something that I knew and I had to take account of in my own life, as well. But I wanted to share this story because I enjoyed reading about Thelma Tiby Eisen. I'm going to share that.

One of the most versatile and talented professional athletes in America was Gertrude Tiby Eisen. She was born in Los Angeles in 1922, and she was a star of the All-American Girls Professional Baseball League, the only professional women's league in baseball history. The women's hardball league lasted from 1943 until 1954, and she was one of at least four Jewish women in that professional league. As its only Jewish superstar and a pioneer in American women's sports, she was an outstanding athlete in her native Los Angeles. She started playing semipro softball at age 14. When the league was formed in 1943, she won a spot on the Milwaukee team, which was moved the next year to Grand Rapids, Michigan. Her best season was in 1946, when she led the league in triples. She stole 128 bases and made the all-star team.

The part of the story that I particularly like was that Eisen's family was very ambivalent about the career choice that this "nice Jewish girl" had made, although she ultimately won all of their respect.

"We played a big charity game in Chicago for a Jewish hospital," Eisen recalled in an interview with historian David Spaner. "My name and picture were in every Jewish newspaper. My uncle, who had said, 'You shouldn't be playing baseball—you'll get a bad reputation, a bad name,' was in the stands bursting with pride that I was there."

When she retired from professional baseball in 1952, she settled in the Pacific Palisades area and became a star for the Orange Lionette Softball Team, leading them to a world championship in 1993. She helped establish the women's exhibit at the Baseball Hall of Fame in Cooperstown, New York, and she wanted to have all this recorded to keep the baseball league in the limelight:

"It gets pushed into the background," she said, "just as women have been pushed into the background forever. If they knew more about our league, perhaps in the future some women will say, 'Hey, maybe we can do it again.'"

Well, that's probably how all of us feel here in our bipartisan effort in women's softball. We're going to play this game on June 20. We're going to play against all of our women colleagues in the media: TV, radio, and print.

□ 2030

We certainly hope that we're going to bring back a victory here.

If I may, Mr. Speaker, I wanted to just highlight a few people, really my contemporaries in San Diego, who have made such a contribution because they're well known in our community and certainly when we think of Jewish American Heritage Month, we can't help but think of these individuals who today are continuing to make a contribution. Two of them have passed on.

One, of course, is Jonas Salk that we all know very well. The Salk Institute of San Diego continues to educate our scientists for our country and really for the world, globally. I've had an opportunity to meet with a number of young scientists there from time to time, and their enthusiasm and their desire to really cure diseases in our country are just always inspiring, and I think of them often when I think of the Salk Institute.

The other person who I wanted to highlight very briefly is a gentleman named Sol Price. Sol Price was the founder of Price Club, he and his family. Whenever you think of ingenuity, innovation, entrepreneurs, he was great, great at this. He also founded an organization that I had an opportunity to be the executive director of in its

early years, the Aaron Price Fellows Program, educating a very, very diverse group of young people to repair the world, to find in civic life as a student and then as they go on as adults, to find a way to really make a contribution to their community. It's a wonderful program and the young people come here to Washington every year.

Finally, to just say, in regard to great contributors in our community and across, across the world today, Dr. Irwin and Joan Jacobs. Dr. Jacobs is the founder of Qualcomm along with Doctor Vitebi in San Diego, who have made such extraordinary, extraordinary contributions and continue to do that every day. It's a real honor to be in a community where their philanthropy is so well known.

Finally, we have a very active group of Jewish war veterans in San Diego, and I just wanted to thank Alan Milefsky, who has been the Veteran of the Year in San Diego and continues to reach out and make a great contribution and remind everybody of his extraordinary story as a Jewish war veteran.

Thank you very much to my colleague for bringing us together today, and it's been my honor to have an opportunity to speak about Jewish American Heritage Month.

Ms. WASSERMAN SCHULTZ. Thank you so much. Thank you, Congresswoman DAVIS. Thank you for your leadership and for sharing the stories of the important contributions that Jews in the San Diego community in America have made through the fabric of American history.

It's now my pleasure and my privilege to ask my colleague from the great State of Connecticut, CHRIS MURPHY, to share some things.

I had—this is a reunion of sorts. A number of years ago, when Mr. MURPHY and I, along with Mr. RYAN of Ohio and our former colleague, Congressman Meek from Florida, we used to spend a little time down here on the House floor, around this time of night or later in the 30-Something Working Group, and you may still actually be eligible to participate. I no longer would be.

Mr. MURPHY of Connecticut. Barely. Ms. WASSERMAN SCHULTZ. Maybe I would be part of the "something" in 30-something.

I did have a chance to meet your fantastic Lieutenant Governor, Nancy Wyman, today at the Jewish American Heritage Month reception at the White House. She is obviously an incredible leader, an example of the political leadership that is part of the contributions that American Jews have made to American life.

Mr. MURPHY. Mr. MURPHY of Connecticut. Thank you very much, Congresswoman WASSERMAN SCHULTZ. I don't think that we were ever allowed down on the

House floor this early. It was normally close to the witching hour when I, Representative RYAN, you, and Representative Meek were down here, but it is wonderful to be back here.

I was really touched when you approached me earlier today to ask me to come and say a few words, because the Murphys are not a very well known Jewish American family. Yet in Connecticut we are so, so proud of the legacy that we have helped contribute to with respect to Jewish American heritage, and this is a great way to be part of this month's celebration.

You know, the list is long in Connecticut. You know, I think about somebody like Annie Fisher, who was one of the pioneers of special education in this country trying to segment out a different way to teach kids with learning disabilities. She was the first female principal, first female superintendent in Hartford, Connecticut.

I think about a young guy by the name of Kid Kaplan, who was from my district, from Meriden, Connecticut, was a featherweight champion of the world, one of the top 10 featherweights by most people's estimates. But I think maybe most about some of the political legacy that Jewish Americans from Connecticut have left this country.

I think a lot about Abraham Ribicoff. Abraham Ribicoff was everything in Connecticut. He was our Governor, he was our Senator, he was our Congressman. He faced, not so quietly, the prejudice that so many Jewish Americans faced as they entered into political life and commercial life throughout the last 100 years.

He talked openly when he first ran for Governor about walking into social halls and hearing prejudiced whispers throughout the room as he walked in. He also talked about taking that prejudice head on. He would walk up to the podium, and he would talk about the fact that he had lived the American Dream as the son of Polish immigrants, as a young guy who grew up working in zipper and buckle factories throughout the Hartford region, that he was living the American Dream, that if he could do it so could everybody else and their kids in that room.

He was probably best known for a moment at the podium of the Democratic National Convention in 1968 when Chicago police were outside treating protesters fairly roughly. He was the one member of the political elite to stand up on that podium and call them out for their tactics, and even with the mayor of that city sitting in the front row calling him some pretty unfriendly names. He kept his cool and is credited with essentially marginalizing that kind of violence, certainly with historical hindsight.

Maybe most important is that Abraham Ribicoff also saw his role as one of the leading American Jewish political

figures in this country to help pave the way for others. He had a young intern, not long after he became U.S. Senator, named JOE LIEBERMAN. He hired, in the early 1970s, his administrative assistant, a young hot-shot lawyer named RICHARD BLUMENTHAL.

The two of them, both given their political sea legs by Abraham Ribicoff, are today proudly serving as Connecticut's two United States Senators, both part of our proud political tradition in Connecticut of Jewish American participation in American politics.

I am really thrilled to be down here with you to share my gratitude for what Jewish Americans in Connecticut have meant to our cultural life, to our educational life, to our sporting life and, yes, to our political life. Representative WASSERMAN SCHULTZ, thank you for your leadership and thank you for allowing me and asking me to come down this evening.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. MURPHY, and thank you for your leadership as a member on the Foreign Affairs Committee, as well, and your commitment and support to a strong U.S.-Israel relationship, also an important issue to those of us in the Jewish community and important to Americans, as Israel is our strongest ally and friend.

You are right, and the reason that I wanted you to come down tonight is because growing up as a nice Jewish girl on Long Island, I knew a few folks over your way in Connecticut, being a resident of the tri-State area, and knowing the rich tradition of political activism and involvement of Jewish leaders in Connecticut and your leadership. You know, we will call you an honorary Jew tonight—Murphyberg, or something like that. But thank you so much for your leadership on behalf of your constituents and your State, and thank you for joining me this evening to honor the contributions of American Jews to the fabric and the tapestry of American life.

Mr. Speaker, I am going to wrap up here in a few moments. I want to share a few other things to help tie a ribbon on the second-to-last day of Jewish American Heritage Month. We'll wrap up tomorrow.

□ 2040

I want to share a story of a Floridian, because oftentimes—certainly, recently—Florida would be well-known for our significant, sizable, and accomplished Jewish community, particularly in south Florida, where my district is. I like to say that I'm the person that represents paradise down our way in south Florida. But the paradise that we see today in south Florida was mostly swamp land many, many years ago. And so the pioneers that blazed the trail that allowed for the vibrant communities that we have in our State really were just that—they were pioneers.

I want to share a story of one of those pioneers. For example, Moses Elias Levy, who lived from 1782 to 1854, was one of the earliest and largest developers in the State of Florida. At his Pilgrimage Plantation, which was the first Jewish communitarian settlement in our country, Moses housed several Jewish German families while reintroducing sugarcane to our State. Thanks to his cultivation of the first sugarcane plantation in Alachua County, which also has the good fortune of being the home county to the University of Florida, my alma mater—go, Gators—Florida boasts a thriving sugar production market today, and that can be traced directly to Moses Elias Levy.

As a civil rights activist, though—that's the contribution that I want to highlight—as America's first Jewish abolitionist author, Levy exemplified not only the American entrepreneurial spirit, but the Jewish value that we've been talking about here this evening of *tikkun olam*—repairing the world.

He was an early and ardent advocate for public education for both boys and girls—and that also was not common back then. Education was typically more often left for boys, and girls were kind of lucky if they had someone in their lives that encouraged them to get an education and to continue it for any length of time.

So I'm proud to remember Moses Elias Levy's early contributions and dedication to education and gender equality. Interestingly enough, Levy County today is named after this gentleman, as well as David Yulee Levy, who was our first United States Senator in the State of Florida, and who was also an American Jew.

The other thing I want to mention, Mr. Speaker, is it is also not often that Americans are aware of Jewish contributions to our military history. And there is a way that people can get educated about American Jewish contributions to the military history throughout our history of involvement militarily by going and visiting the National Museum of American Jewish Military History, which is in our Nation's Capitol on Dupont Circle. I had an opportunity to host a Jewish American Heritage Month event month there a few years ago, and was really thrilled to learn about the contributions all the way back, Mr. Speaker, to the Revolutionary War.

Jews were not only a part of fighting the Revolutionary War and fighting for freedom in the United States, but also financing and making sure—Haym Solomon was an important figure in ensuring that the Minutemen had the resources under George Washington's leadership to ultimately be able to make sure that we have a country and that we are the beacon of freedom across the world that we are today. That was in no small measures thanks to the contributions of Jews who were pioneers here in America.

Lastly, Mr. Speaker, I want to share some of the really unique and wonderful events that have happened throughout Jewish American Heritage Month, and that we will continue to foster and thrive in and encourage both Jews and non-Jews to celebrate these rich traditions.

Earlier this month, right at the beginning, on May 2, there was a focus and program on "Religion and Politics: When General Grant Expelled the Jews." It's so important. And Jewish community leaders and religious leaders talk so often about the importance of not forgetting about previous persecution so that we can make sure that history doesn't repeat it. Having an opportunity at the National Museum of American Jewish History in Philadelphia to hold that lecture so that we are familiar with that history was important.

There was also a program in Miami Beach, "Coming to America: The Jewish Impact and the Jewish Response." We had some unique programming, "The American Jewish Deli—A History," because food is so important to the Jewish way of life all over the world. That was held in New York City at the Park East Synagogue.

Two other important events to highlight were the Jewish American Heritage Month Film Festival, which was held right here in Washington, D.C., in the Martin Luther King, Jr., Memorial Library Auditorium. And lastly, the program held in Margate, New Jersey, by the Board of Jewish Education highlighting the contributions of Jewish women in America.

As a Jewish woman in America, I am really proud to have been a part of introducing this resolution ensuring that ultimately we were able to honor the contributions of American Jews to our history, but also to make sure that we can help all Americans make it a priority that we promote tolerance, that we reduce anti-Semitism, reduce bigotry, and hopefully, Mr. Speaker, reach out to non-Jews across this country and help them learn a little bit more about a culture that they may be unfamiliar with, about a tradition and a history that might be a little bit foreign to them, so that we can all come together as we're so committed to do in America as one people standing for freedom, standing for tolerance, and standing for justice.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to share a few words on the vast and significant contributions Jewish Americans have made towards making America the greatest country in the world.

The first Jewish Americans arrived on our shores in 1654, for the same reason millions would follow in later years, as refugees from harm, poverty, and persecution.

These first Jewish Americans would settle in New Amsterdam (now New York) and eventually spread throughout our country from places

as dispersed as Charleston and Philadelphia in the 18th century to nearly every corner of our country today, including a large and thriving community in my hometown of Houston.

The contribution of Jewish Americans to our Nation's history, culture and development are almost too numerous to list—from the legal contributions of Supreme Court Justice Louis Brandeis, to the musical talents of Leonard Bernstein, to the athletic prowess of Sandy Koufax, to the unknown thousands of Jewish American men and women who struggled for equality, workers' rights, and fought and died bravely for our country against tyranny.

Today, the Jewish American community, now over six million strong, continues this long and proud tradition as members of every segment of American society—from the classroom and the boardroom to the battlefield and the halls of Congress.

I ask all my colleagues in this chamber to join me in celebrating May as Jewish American Heritage Month.

CLEARING THE NAMES OF JOHN BROW AND BROOKS GRUBER

The SPEAKER pro tempore (Mr. STIVERS). Under the Speaker's announced policy of January 5, 2011, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, this is not the first time I've been on the floor of the House to speak about the V-22 Osprey crash that took place in Arizona in 2000—the crash that claimed the lives of 19 Marines. Mr. Speaker, the pilots of the Osprey, Major Brooks Gruber and Lieutenant Colonel John Brow, have been blamed for the accident by the media.

The reason I'm standing here 12 years later is that the Marine Corps has not supported the finding of their own accident investigation for 12 years. The fact is, the official report, known as the JAGMAN report, conducted by the United States Marine Corps, clearly states that the pilots were not at fault.

On page 77 of the JAGMAN it says:

"During this investigation, we found nothing that we would characterize as negligence, deliberate pilot error, or maintenance material failure."

After 12 years, the JAGMAN, which has not been—nor do we want to try to change that report that I just read, Mr. Speaker, but we're asking the United States Marine Corps to make the change that is necessary because after the crash on April 8 of 2000, the United States Marine Corps claimed in their own press release:

"The pilots' drive to accomplish the mission appears to be the fatal factor."

Mr. Speaker, the Osprey, for those that might not be familiar, is the helicopter that goes from the helicopter mode into an airplane mode. At the time of this crash the V22 was still an experimental plane. What needed to be asked by the Marine Corps was for Bell-Boeing to do more testing—and

more testing would have probably meant that they would have understood an issue that's called vortex ring state, or VRS. It is well known in most helicopters, but in the Osprey that has the twin engines they did not know how the vortex ring state would impact one engine or the other engine. And that's what caused this tragic accident in April of 2000. Again, there were 19 marines killed and burned to death.

Mr. Speaker, in this 10-year journey that I have been on to clear the names of the two marine pilots—and the picture on my immediate left is Colonel John Brow. His lovely wife, Trish, and their two children, Matthew and Michael, live in California, Maryland.

□ 2050

The other young marine beside Colonel Brow's photograph is the copilot whose name is Major Brooks Gruber. Major Gruber's wife, Connie, lives in my district. She's the one who brought this to my attention.

In these 10 years, in addition to the JAGMAN report I just quoted that says that these pilots were not at fault, I have reached out to so many people that it's unbelievable, including the former Assistant Secretary of Defense Phil Coyle, and I would like to read his comment:

Major Gruber should not be blamed for an accident caused by loss of lift due to the aircraft entering vortex ring state, phenomena which no one in the Marine Corps adequately understood in relation to the Osprey at the time of the accident. Not only did the Marine Corps not understand Osprey performance under VRS, the root cause of the accident, but neither the contractor nor the Marine Corps had not tested the aircraft at near VRS conditions—something which, following the accident, it later took the Marine Corps years to accomplish. Surely, Major Gruber cannot be blamed for something that the Marine Corps itself did not grasp until years after his death.

Mr. Speaker, I further quote Phil Coyle:

Considering that it was ignorance on the part of the Marine Corps that caused the April 2000 accident, the Marine Corps should make it clear to Gruber's family—with no ifs, ands or buts, that Gruber was not responsible for the accident. I don't suppose the Marine Corps ever apologizes, but considering that the accident was their fault, and not major Gruber's, an apology to the family would be in order also.

Mr. Speaker, I don't really like reading that because I have such great respect for the Marine Corps, but I must say today on the floor that I am very disappointed in the Marine Corps; because before I finish in just a few minutes you will understand why I am disappointed because the two wives have asked for something very simple, and I will explain that before I close.

Another one of the experts who has joined us, former adviser to the Secretary of Defense, Rex Rivolo, stated:

The failure of the manufacturer, Bell-Boeing, and the Navy to characterize the slow

speed, high rate of descent handling qualities of the V-22 through flight testing, to describe them for the aircrew in the NATOPS, and to provide an adequate warning system were the causes of the mishap, not aircrew error.

With the passing of 10 years, and the future of the aircraft now secure, I sincerely hope that the names of Lieutenant Colonel Brow and Major Gruber can now be exonerated and cleared for posterity. I strongly support any and all measures to this end, and request this letter be included in any official record regarding the causes of the MV-22 mishap at Marana, Arizona, on April 8 or any resolution attempting to clear the names of Lieutenant Colonel John Brow and Major Brooks Gruber.

Mr. Speaker, so many people in this 10-year effort have joined, it's just unbelievable. I have just read from two of those individuals who are well known to the defense industry.

Another person who was in the air in the third Osprey, Lieutenant Colonel James Schafer, a dear friend of Brow and Gruber's who was in the air with them that night in a separate plane, agrees with me and has gone above and beyond in his quest to clear his friends' names. I want to thank Lieutenant Colonel James Schafer for stepping out. He's a great marine. He loves the Marine Corps, but he knows that these two gentlemen should never be seen as being at fault.

I've gotten to know the two attorneys who defended the families. Jim Furman in Texas was the attorney for the John Brow and Brooks Gruber families. In New York, the attorney was Brian Alexander. He and his associate defended the 17 marines and their families who were killed in the back of the plane. Both these attorneys, Mr. Speaker, have written to the Commandant of the Marine Corps and made it perfectly clear that the lawsuits are all settled and nothing—should the Marine Corps decide to give the two wives what I'm going to describe in just a few minutes, a letter stating clearly that their husbands, Colonel John Brow and Major Brooks Gruber, should not be seen at fault. They have stated in writing and I have copies, Mr. Speaker, that there will be no lawsuits. The lawsuits are over.

This is what Connie Gruber wrote me back in 2002. I want to read part of this for the RECORD:

I contact you in hopes that leaders of integrity, free of bias, would have both the intelligence and the courage it takes to decide the facts for themselves. If you do that, you will agree the human factor/pilot error findings should not stand as it is in the military history. Again, I respectfully ask for your support. Please do not simply pass this matter along to General Jones without offering the support my husband and his comrades deserve. Please remember, these 19 marines can no longer speak for themselves. I certainly am not afraid to speak for them, and I believe somebody has to. Even though it is easier put to rest and forgotten, please join me in doing the right thing by taking the time to address this important issue.

Over the years I have received some help from the United States Marine

Corps, but the Commandant is the person now, Mr. Speaker, that could give the wives what they are looking for, and that is just a simple letter I'm going to read for the RECORD. That is:

On July 27, 2000, the United States Marine Corps issued a press release about the April 8, 2000, MV-22 Osprey crash that killed 19 marines near Marana, Arizona. In that press release, the Marine Corps cited human factors as the cause of the accident. Furthermore, the release included a statement saying "the pilots' drive to accomplish that mission appears to have been the fatal factor." Since that press release, there has been a mistaken perception in the news media and written history that cause of the accident was pilot error. That perception dishonors the pilots who died that night, Lieutenant Colonel John Brow and Major Brooks Gruber. I would like to set the record straight on this matter. The July 27, 2000 press release unfairly placed the blame for the accident at the pilots' feet. It is morally wrong to place the blame for that accident on John Brow and Brooks Gruber. The mishap was not a result of pilot error, but was the result of a perfect storm of circumstances. Any accident is a result of a multitude of factors. The primary causal factors of this accident were:

One, insufficient developmental research and flight testing;

Two, no knowledge of the possible sudden onset of an asymmetrical flight condition and loss of control during vortex ring state;

Three, inadequate MV22 NATOPS VRS discussion, warnings, and procedures;

Four, no VRS avoidance training.

With no knowledge, training, or warning concerning the possible consequences of VRS, John Brow and Brooks Gruber were essentially on their own in uncharted territory. The official investigation into this mishap explicitly states, "During this investigation, we found nothing that we would characterize as negligence, deliberate pilot error, or maintenance/material failure." I wholeheartedly agree with the investigation. Any publication that is contrary to the official Marine Corps investigation and reflects the mishap was a result of pilot error should be corrected and recanted. Lieutenant Colonel John Brow and Major Brooks Gruber were aviation pioneers in the truest sense. The ultimate sacrifice made by all 19 marines aboard the aircraft that night led to a critical advancement in MV-22 safety and capability and overall readiness of the United States Marine Corps. It is because of their sacrifice that the MV-22 is successfully carrying marines in and out of combat today.

□ 2100

Mr. Speaker, the letter I just read has been approved by the marines who wrote the investigation, Colonel Mike Morgan, Colonel Ron Radich and Major Phil Stackhouse, and has been approved by the widows, Connie Gruber down in Jacksonville, and her daughter Brooks, and Trish Brow in California, Maryland, and her two sons, Michael and Matthew. The letter does not go against any word in the investigation. The commandant should send these letters to the two wives.

Mr. Speaker, I have said to the commandant a few months ago: Sir, if you would call a press conference at marine headquarters in Washington, DC and you would invite the families of John

Brow and Brooks Gruber, you would present the two wives, Connie and Trish, on your stationery, exactly, Mr. Speaker, what I just read, this would bring a tragedy to a close.

I'm going to continue to beat this drum, Mr. Speaker, for as long as I can because the dead cannot speak for themselves. If we the living do not speak for the dead and tell the truth, how can you ever correct a mistake if we don't take this upon ourselves?

Mr. Speaker, the last point before I close, I want to read this. This is from the attorneys Brian Alexander and Francis Young. These two attorneys went to an administrative judge, and the lawyers for Bell-Boeing were there, and they made this point:

On April 8, 2000: there was no emergency procedure or recovery technique for asymmetric VRS. The pilot manual lacked adequate content, accuracy and clarity. Because of incomplete development testing there was insufficient explanatory or emphatic test to warn pilots of the hazards of operating in this area. The pilot manual was plagued with inaccuracies that degraded flight operations and contained performance charts provided by the developers which did not reflect actual conditions.

Mr. Speaker, Bell-Boeing, after the lawsuit, had an experimental pilot named Tom Macdonald who spent 700 hours in the air trying to figure out how you respond to vortex ring state. He figured it out. He won the Kincheloe Award, which is only given to one experimental pilot in this country per year, because he solved the problem of vortex ring state—VRS—what pilots are supposed to do when they hit that VRS state.

Mr. Speaker, I hope that the commandant of the Marine Corps, who I have great respect for, will do what is right for John Brow, Brooks Gruber, and actually the 17 marines in the back of the plane that crashed and issue the letter that I just read for the record to the two wives, do it in a public setting, bring the press in and say that the Marine Corps does not forget its dead.

It is so simple, Mr. Speaker, that you will never believe how many people have said to me in this 10-year journey: Why doesn't the Marine Corps do it? I can't explain it. The lawsuits are over. The plane is safe. The V-22 is safe. Nobody's trying to take it out of the program. But for the families of John Brow and Brooks Gruber, this is the right thing to do. In my humble opinion, the Marine Corps is so well respected and thought of in this Nation that they would be even revered more if they would say to Colonel John Brow, to Major Brooks Gruber and their families, you did your job, you did it to the best of your ability. We regret that you were not prepared, but it was not your fault that you were not prepared. It was a rush to get this thing completed by Bell-Boeing and the United States Marine Corps.

With that, Mr. Speaker, I want to thank the staff for staying later tonight. I knew that I could convey my heart in about 25 minutes.

Mr. Speaker, I will continue to be on the floor from time to time with the photographs of these two young marine officers. I wish I had the 17 that were in the back of the plane, but I don't.

With that, Mr. Speaker, as I always do when I think about our troops over in Afghanistan and Iraq, I close by asking God to please bless the families of our men and women in uniform. I ask God to please bless those who have given a child dying for freedom in Afghanistan and Iraq. And I'm going to ask God tonight to please bless this effort to clear the names of John Brow and Brooks Gruber. I'm going to ask God to please bless the House and Senate, that we will do what is right in the eyes of God for his people in America. I ask God to please bless Mr. Obama, that he will do what is right in the eyes of God for the American people. And three times I will ask God, please, God, please, God, please continue to bless America.

With that, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. CANTOR) for today and the balance of the week on account of family health problems.

Mr. FORTENBERRY (at the request of Mr. CANTOR) for today and the balance of the week on account of official business.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today on account of a death in the family.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Ms. VELÁZQUEZ (at the request of Ms. PELOSI) for today on account of family illness.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5740. An act to extend the National Flood Insurance Program, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 18, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 4045. To modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Res-

pitate Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

H.R. 4967. To prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

ADJOURNMENT

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 31, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6174. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No: FEMA-2012-0003] [Internal Agency Docket No. FEMA-8223] received April 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6175. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received April 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6176. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — World Trade Center Health Program Requirements for the Addition of New WTC-Related Health Conditions (RIN: 0920-AA45) received April 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6177. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2011-0577; FRL-9343-4] (RIN: 2070-AB27) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6178. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for the State of Oregon [EPA-R10-UST-2011-0097; FRL-9615-4] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6179. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2012-0182; FRL-9345-4] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6180. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Revisions to the Unregulated Contaminant Monitoring Regulation (UCMR 3) for Public Water Systems [Docket No.: EPA-HQ-OW-2009-0090; FRL-9660-4] (RIN: 2040-AF10) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6181. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Hawaii State Implementation Plan [EPA-R09-OAR-2012-0082; FRL-9634-1] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6182. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Eastern Kern and Santa Barbara County Air Pollution Control Districts [EPA-R09-OAR-2011-0643; FRL-9652-4] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6183. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Modification of Significant New Uses of Tris Carbamoyl Triazine; Technical Amendment [EPA-HQ-OPPT-2011-0118; FRL-9344-7] (RIN: 2070-AB27) received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6184. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2012-0266; FRL-9665-5], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6185. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Direct Final Approval of Hospital/Medical/Infectious Waste Incinerators State Plan for Designated Facilities and Pollutants; Indiana [EPA-R05-OAR-2012-0086; FRL-9663-2] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6186. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arizona; Update to Stage II Gasoline Vapor Recovery Program; Change in the Definition of "Gasoline" to Exclude "E85" [EPA-R09-OAR-2010-0717; FRL-9661-3] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6187. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Approval of Substitution for Transportation Control Measures [EPA-R04-OAR-2012-0136-201162; FRL-9662-8] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6188. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Missouri and Illinois; St. Louis; Determination of Attainment by Applicable Attainment Date for the 1997 Ozone National Ambient Air Quality Standard (NAAQS) [EPA-

R07-OAR-2012-0053; FRL-9666-2] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6189. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts Determination of Attainment of the One-hour Ozone Standard for the Springfield Area [EPA-R01-OAR-2012-0008; A-1-FRL-9664-8] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6190. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Removal of the 1980 Consent Order for the Maryland Slag Company [EPA-R03-OAR-2012-0271; FRL-9664-2] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6191. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Director Final Approval of Hospital/Medical/Infectious Waste Incinerators State Plan for Designated Facilities and Pollutants: Illinois [EPA-R05-OAR-2012-0087; FRL-9663-4] received April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6192. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Hebda Cup Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI [Docket No.: USCG-2012-0340] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6193. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA [Docket No.: USCG-2012-0280] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6194. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Hastings, NE [Docket No.: FAA-2011-0499; Airspace Docket No. 11-ACE-10] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6195. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Areas R-5801 and R-5803; Chambersburg, PA [Docket No.: FAA-2012-0174; Airspace Docket No. 11-AEA-3] (RIN: 2120-AA66) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6196. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lamar, CO [Docket No.: FAA-2011-1262; Airspace Docket No. 11-ANM-25] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6197. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Piseco, NY [Docket No.: FAA-2011-0726; Airspace Docket No. 11-AEA-18] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6198. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marion, AL [Docket No.: FAA-2011-0590; Airspace Docket No. 11-ASO-25] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6199. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bonye City, MI [Docket No.: FAA-2011-0828; Airspace Docket No. 11-AGL-16] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6200. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Wilcox, AZ, and Revocation of Class E Airspace; Cochise, AZ [Docket No.: FAA-2011-1314; Airspace Docket No. 11-AWP-18] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6201. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Springfield, CO [Docket No.: FAA-2011-1247; Airspace Docket No. 11-ANM-24] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6202. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tobe, CO [Docket No.: FAA-2011-1338; Airspace Docket No. 11-ANM-27] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6203. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Southport, NC, and Establishment of Class E Airspace; Oak Island, NC [Docket No.: FAA-2011-1148; Airspace Docket No. 11-ASO-37] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6204. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2011-0409; Directorate Identifier 2011-SW-055-AD; Amendment 39-17020; AD 2011-18-52] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6205. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2011-1115; Directorate Identifier 2010-SW-011-AD; Amendment 39-17017; AD 2012-08-01] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6206. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Turboshift Engines [Docket No.: FAA-2009-0330; Directorate Identifier 2008-NE-43-AD; Amendment 39-17015; AD 2012-07-09] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6207. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes

[Docket No.: FAA-2011-0644; Directorate Identifier 2010-NM-265-AD; Amendment 39-17026; AD 2012-08-09] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6208. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. Airplanes [Docket No.: FAA-2011-1258; Directorate Identifier 2011-NM-184-AD; Amendment 39-17033; AD 2012-08-16] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6209. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1223; Directorate Identifier 2011-NM-173-AD; Amendment 39-17027; AD 2012-08-10] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6210. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. [Docket No.: FAA-2011-1069; Directorate Identifier 2011-NM-025-AD; Amendment 39-17025; AD 2012-08-08] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6211. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2011-1325; Directorate Identifier 2010-NM-250-AD; Amendment 39-17014; AD 2012-07-08] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6212. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Turboshift Engines [Docket No.: FAA-2012-0010; Directorate Identifier 2012-NE-03-AD; Amendment 39-17035; AD 2012-08-18] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6213. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0033; Directorate Identifier 2011-NM-086-AD; Amendment 39-17029; AD 2012-08-12] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6214. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0110; Directorate Identifier 2011-NM-148-AD; Amendment 39-17034; AD 2012-08-17] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6215. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures [EPA-HQ-OW-2010-0192; FRL-9664-6] (RIN: 2040-AF09) received

April 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 3857. A bill to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes; with an amendment (Rept. 112-498). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 4005. A bill to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them; with an amendment (Rept. 112-499). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1237. A bill to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes (Rept. 112-500). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1272. A bill to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; with an amendment (Rept. 112-501). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes (Rept. 112-502). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 460. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; with an amendment (Rept. 112-503 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 667. Resolution providing for consideration of the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; providing for consideration of the bill (H.R. 5854) making appropriations for military con-

struction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes; providing for consideration of the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes; and providing for consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-504). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1818. A bill to designate Mt. Andrea Lawrence, and for other purposes (Rept. 112-505). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 925. An act to designate Mt. Andrea Lawrence (Rept. 112-506). Referred to the House Calendar.

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 1280. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; with an amendment (Rept. 112-507 Pt. 1). Ordered to be printed.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3289. A bill to amend title 5, United States Code, to provide clarification relating to disclosures of information protected from prohibited personnel practices; to require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements are in conformance with certain protections; to provide certain additional authorities to the Office of Special Counsel; and for other purposes; with amendments (Rept. 112-508 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

[The following action occurred on May 30, 2012]

Pursuant to clause 2 of rule XIII, the Committee on the Budget discharged from further consideration. H.R. 460 referred to the Committee of the Whole House on the state of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[The following action occurred on May 30, 2012]

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 1280. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes, with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than October 1, 2012.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII, the following actions were taken by the Speaker:

[The following actions occurred on May 30, 2012]

H.R. 1280. Referral to the Committees on Rules and Energy and Commerce extended for a period ending not later than October 1, 2012.

H.R. 1838. Referral to the Committee on Agriculture extended for a period ending not later than July 16, 2012.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than July 16, 2012.

H.R. 3289. Referral to the Committees on Intelligence (Permanent Select) and Homeland Security extended for a period ending not later than October 1, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HARPER (for himself and Mr. OWENS):

H.R. 5859. A bill to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. WAXMAN, and Mr. PETERSON):

H.R. 5860. A bill to prohibit individuals from insuring against possible losses from having to repay illegally-received compensation or from having to pay civil penalties, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5861. A bill to direct the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development to establish a grant pilot program to provide housing to elderly homeless veterans; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE (for himself and Mr. BOREN):

H.R. 5862. A bill relating to members of the Quapaw Tribe of Oklahoma (O-Gah-Pah); to the Committee on Natural Resources.

By Mr. BURGESS:

H.R. 5863. A bill to clarify section 1702 of the Energy Policy Act of 2005 to include penalties for violations of title XVII of that Act; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. RANGEL, Mr. ROGERS of Michigan, Mr. KUCINICH, Ms. BORDALLO, Mr. HINCHEY, Mr. FARR, Mrs. MALONEY, Mr. KILDEE, and Mr. GRIJALVA):

H.R. 5864. A bill to establish an improved regulatory process for injurious wildlife to prevent the introduction and establishment in the United States of nonnative wildlife and wild animal pathogens and parasites that are likely to cause harm; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI (for himself and Mr. KINZINGER of Illinois):

H.R. 5865. A bill to promote the growth and competitiveness of American manufacturing; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 5866. A bill to enhance Food and Drug Administration oversight of medical device recalls, to provide for the conditional clearance of certain medical devices, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:

H.R. 5867. A bill to designate the facility of the United States Postal Service located at 4605 Tutu Park Mall in St. Thomas, United States Virgin Islands, as the "Kenneth Leslie Hermon Post Office"; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia:

H.R. 5868. A bill to provide children in foster care with school stability and equal access to educational opportunities; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIVERA:

H.R. 5869. A bill to authorize the cancellation of removal and adjustment of status of certain aliens who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF:

H.R. 5870. A bill to revise the regulations regarding estimated cost of the assistance and localized impacts factors used by the Administrator of the Federal Emergency Management Agency, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BONO MACK (for herself, Mr. UPTON, Mr. WAXMAN, Mr. WALDEN, and Ms. ESHOO):

H. Con. Res. 127. Concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multi-stakeholder governance model under which the Internet has thrived; to the Committee on Energy and Commerce.

By Ms. BROWN of Florida (for herself, Mr. BACHUS, Mr. BISHOP of Georgia, Mr. JONES, Mr. CRENSHAW, and Mr. WEST):

H. Con. Res. 128. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines; to the Committee on House Administration.

By Mr. COLE (for himself and Mr. BOREN):

H. Res. 668. A resolution to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-

Gah-Pah) as well as its individual members; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. POMPEO, Mrs. ELLMERS, and Mr. THOMPSON of Pennsylvania):

H. Res. 669. A resolution commending the Patriot Guard Riders for their mission to show sincere respect for fallen members of the Armed Forces by attending the funeral services of a fallen member as invited guests of the family of the member; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Res. 670. A resolution expressing support for designating August 22, 2012, as national "Chuck Brown Day" and honoring Chuck Brown's contributions to music and to the District of Columbia; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HARPER:

H.R. 5859.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. FRANK of Massachusetts:

H.R. 5860.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (the Commerce Clause).

By Mr. FILNER:

H.R. 5861.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. COLE:

H.R. 5862.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 which allows Congress to regulate trade amongst the Indian Tribes.

This bill is enacted pursuant to treaties lawfully entered into and ratified pursuant to the power granted to Congress under Article II, Section 2, Clause 2.

This bill is enacted pursuant to Article III Section 2 which grants Congress power to regulate jurisdiction in courts inferior to the United States Supreme Court

By Mr. BURGESS:

H.R. 5863.

Congress has the power to enact this legislation pursuant to the following:

The attached language falls within Congress' delegated authority to legislate interstate commerce, found in Article I, Section 8, clause 3 of the U.S. Constitution. Further, Congress' authority to regulate the actions of government officials tasked to carry out duly-enacted legislation can be found in Article I, Section 8, clause 18, which authorizes Congress to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . ."

By Ms. SLAUGHTER:

H.R. 5864.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Clause 3 of Section 8 of Article I of the Constitution.

By Mr. LIPINSKI:

H.R. 5865.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate foreign and interstate commerce, as enumerated in Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 5866.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. CHRISTENSEN:

H.R. 5867.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the Constitution, which provides: "The Congress shall have Power to establish Post Offices and post Roads."

By Mr. LEWIS of Georgia:

H.R. 5868.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. RIVERA:

H.R. 5869.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4: Immigration Regulation

By Mr. SCHIFF:

H.R. 5870.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, the necessary and proper clause, which gives Congress the power to make all laws that are necessary and proper.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CRAVAACK.

H.R. 87: Mr. SAM JOHNSON of Texas.

H.R. 139: Mrs. DAVIS of California, Ms. BERKLEY, and Mr. MEEKS.

H.R. 157: Mr. WALDEN, Mr. WILSON of South Carolina, and Mr. GRIMM.

H.R. 191: Ms. KAPTUR.

H.R. 324: Mr. CLARKE of Michigan.

H.R. 345: Mr. RANGEL.

H.R. 436: Mr. BOREN.

H.R. 451: Mr. CRENSHAW, Mrs. NAPOLITANO, and Mr. ROSS of Florida.

H.R. 458: Ms. KAPTUR.

H.R. 459: Mr. PENCE, Mr. ROGERS of Kentucky, and Mr. TONKO.

H.R. 466: Ms. KAPTUR.

H.R. 530: Ms. NORTON.

H.R. 605: Mr. HECK.

H.R. 645: Mr. LOBIONDO.

H.R. 718: Ms. HIRONO and Mrs. BACHMANN.

H.R. 719: Mr. SCHILLING and Mr. ENGEL.

- H.R. 805: Mr. MILLER of North Carolina.
H.R. 811: Mr. MICHAUD.
H.R. 812: Ms. KAPTUR.
H.R. 816: Mr. HARRIS and Mr. ROHR-
ABACHER.
H.R. 860: Mr. PALAZZO and Mr. TURNER of
New York.
H.R. 930: Mr. NADLER and Ms. LORETTA
SANCHEZ of California.
H.R. 938: Mr. LANCE and Mr. MCKINLEY.
H.R. 941: Ms. MCCOLLUM.
H.R. 942: Mr. WILSON of South Carolina,
Mr. HARPER, Mr. SCHILLING, Mr. WAXMAN,
Mr. PETERS, and Ms. LINDA T. SÁNCHEZ of
California.
H.R. 965: Mrs. CAPPS, Mr. FATTAH, and Mrs.
DAVIS of California.
H.R. 997: Mr. ROGERS of Kentucky.
H.R. 1057: Ms. KAPTUR.
H.R. 1063: Mr. KILDEE and Mr. CLEAVER.
H.R. 1177: Mr. HINOJOSA.
H.R. 1195: Ms. BONAMICI.
H.R. 1206: Mrs. BACHMANN, Mr. BUCHANAN,
and Mrs. NOEM.
H.R. 1244: Mr. OLSON.
H.R. 1285: Mr. RIGELL.
H.R. 1332: Mr. GRIMM and Mr. STIVERS.
H.R. 1340: Mr. REED.
H.R. 1366: Mr. CARNAHAN and Mr. GRIJALVA.
H.R. 1370: Mr. YOUNG of Florida, Mr. AUS-
TRIA, and Mrs. MYRICK.
H.R. 1394: Mr. COBLE, Mr. LEWIS of Georgia,
Ms. BROWN of Florida, and Mrs. DAVIS of
California.
H.R. 1416: Mr. NUNNELEE.
H.R. 1418: Mr. RANGEL and Mr. HANNA.
H.R. 1547: Mr. CONNOLLY of Virginia.
H.R. 1639: Mr. PENCE and Mr. YOUNG of
Florida.
H.R. 1653: Mr. THOMPSON of Mississippi and
Mr. BUCHSON.
H.R. 1681: Ms. FUDGE.
H.R. 1687: Mr. HIMES.
H.R. 1735: Mr. PETERS.
H.R. 1736: Mr. RENACCI.
H.R. 1792: Mr. CHANDLER.
H.R. 1860: Mr. SCALISE, Mr. DEUTCH and Mr.
HOLDEN.
H.R. 1897: Mr. PETRI, Mr. GARY G. MILLER
of California and Mr. CICILLINE.
H.R. 1936: Mr. BOREN.
H.R. 1956: Mr. WOLF, Mr. LATTI, Mr. WHIT-
FIELD, Mr. ROYCE, Mr. HUIZENGA of Michigan,
Mr. ROE of Tennessee, Mr. STIVERS, and Mr.
UPTON.
H.R. 1971: Mr. BOREN and Mr. BISHOP of
New York.
H.R. 2051: Mr. WITTMAN.
H.R. 2082: Mr. BOUSTANY and Ms. JENKINS.
H.R. 2139: Mr. GENE GREEN of Texas, Mr.
GRIMM, Mr. HOYER, Mr. ROYCE, Mr. NADLER,
Mr. SCOTT of Virginia, Mr. CROWLEY, and Ms.
VELÁZQUEZ.
H.R. 2140: Mr. BECERRA.
H.R. 2194: Mrs. CAPPS.
H.R. 2245: Ms. KAPTUR and Mr. KEATING.
H.R. 2272: Ms. BONAMICI.
H.R. 2284: Mr. YOUNG of Alaska.
H.R. 2288: Mr. WITTMAN.
H.R. 2353: Mr. RICHMOND.
H.R. 2505: Mr. BACA.
H.R. 2541: Mr. GIBBS.
H.R. 2569: Mr. QUAYLE.
H.R. 2697: Mr. CHABOT.
H.R. 2705: Mr. ANDREWS.
H.R. 2721: Mrs. DAVIS of California, Ms.
CLARKE of New York, Mr. LOEBSACK, Mr.
WATT, Mr. PLATTS, and Mr. CARSON of Indi-
ana.
H.R. 2741: Mrs. CAPPS.
H.R. 2775: Mr. KILDEE, Mr. KUCINICH, Mr.
CLAY, and Mr. SERRANO.
H.R. 2827: Ms. HIRONO.
H.R. 2959: Mr. LANKFORD and Mr. LEWIS of
Georgia.
H.R. 2989: Mr. PAULSEN and Mr. RANGEL.
H.R. 3023: Mr. QUIGLEY.
H.R. 3036: Mr. RICHMOND.
H.R. 3053: Mr. HOLT.
H.R. 3057: Mr. DOYLE and Ms. KAPTUR.
H.R. 3073: Mr. MCCAUL.
H.R. 3091: Mr. ROSS of Arkansas and Mr.
ROE of Tennessee.
H.R. 3187: Mr. PETRI, Mr. BARROW, Mr. BLU-
MENAUER, Mr. GUINTA, Mr. GEORGE MILLER of
California, Ms. DELAULO, Mr. DUFFY, Mr.
MARINO, Mr. BISHOP of New York, Mr. WIL-
SON of South Carolina, Mr. COSTA, Mr. COFF-
MAN of Colorado, and Mr. PIERLUISI.
H.R. 3242: Mr. OLVER.
H.R. 3300: Mr. BRADY of Pennsylvania.
H.R. 3307: Mr. GIBSON.
H.R. 3352: Mr. RANGEL.
H.R. 3368: Ms. FUDGE.
H.R. 3395: Mr. CARNAHAN.
H.R. 3423: Mr. ROSS of Arkansas.
H.R. 3429: Mr. BONNER.
H.R. 3485: Mr. ENGEL, Mr. MURPHY of Con-
necticut, Ms. KAPTUR, and Mr. ISRAEL.
H.R. 3497: Mr. CRENSHAW, Mr. TIBERI, Mr.
LUJÁN, Mr. WOLF, Mr. PALAZZO, Mr. SES-
SIONS, Mr. PASCRELL, and Mr. FILNER.
H.R. 3528: Mr. RAHALL and Ms. FUDGE.
H.R. 3612: Mr. BACA.
H.R. 3613: Mr. NADLER.
H.R. 3618: Mr. POLIS, Mr. VAN HOLLEN, Mr.
CLAY, Mr. BUTTERFIELD, Mr. HASTINGS of
Florida, and Mr. CARSON of Indiana.
H.R. 3619: Mr. MILLER of North Carolina,
Ms. CLARKE of New York, Ms. SCHAKOWSKY,
Mr. GEORGE MILLER of California, Ms. JACK-
SON LEE of Texas, Ms. ROYBAL-ALLARD, Mr.
HINOJOSA, Mr. WATT, and Mr. NEAL.
H.R. 3624: Ms. NORTON.
H.R. 3627: Mr. WALDEN, Ms. ZOE LOFGREN of
California, Mr. BOSWELL, Mr. BARROW, Mr.
QUIGLEY, and Mr. BILBRAY.
H.R. 3643: Mr. REHBERG.
H.R. 3665: Mr. SCOTT of Virginia.
H.R. 3667: Mrs. NOEM and Mr. COSTELLO.
H.R. 3724: Mr. YODER.
H.R. 3769: Mr. BRADY of Texas.
H.R. 3770: Mr. KINZINGER of Illinois.
H.R. 3776: Mr. ANDREWS.
H.R. 3790: Mr. CONNOLLY of Virginia and
Mr. PIERLUISI.
H.R. 3811: Mr. DANIEL E. LUNGREN of Cali-
fornia.
H.R. 3848: Mr. SCALISE, Mr. SAM JOHNSON of
Texas, and Mr. PALAZZO.
H.R. 3863: Mr. CONYERS.
H.R. 3973: Mr. BERG.
H.R. 4054: Mr. CICILLINE.
H.R. 4057: Mr. SHERMAN, Mr. FILNER, and
Mrs. MCCARTHY of New York.
H.R. 4066: Mr. ROHRABACHER.
H.R. 4077: Mr. REICHERT and Mr. TONKO.
H.R. 4091: Mr. DEUTCH.
H.R. 4115: Mr. GRIFFIN of Arkansas.
H.R. 4151: Mr. CRENSHAW.
H.R. 4155: Mr. GARY G. MILLER of Cali-
fornia, Ms. BORDALLO, and Mr. CARTER.
H.R. 4169: Mr. MURPHY of Pennsylvania,
Ms. KAPTUR, and Mr. VAN HOLLEN.
H.R. 4208: Mr. CICILLINE.
H.R. 4215: Mr. BOREN and Mr. BISHOP of
New York.
H.R. 4221: Mr. MANZULLO.
H.R. 4227: Mr. KUCINICH and Mr. LANGEVIN.
H.R. 4231: Ms. SLAUGHTER and Ms. SCHA-
KOWSKY.
H.R. 4232: Mr. STIVERS.
H.R. 4243: Mr. COHEN.
H.R. 4249: Mr. RANGEL.
H.R. 4269: Mr. KINZINGER of Illinois.
H.R. 4277: Mr. CLAY.
H.R. 4287: Mr. McDERMOTT, Mr. DAVIS of Il-
linois, Mr. LEVIN, Ms. MOORE, Ms. CLARKE of
New York, Mr. KUCINICH, Mr. CLARKE of
Michigan, Mr. BRADY of Pennsylvania, Ms.
BERKLEY, Mr. BARTLETT, Mr. RYAN of Ohio,
Ms. NORTON, Mr. LUJÁN, and Mr. JACKSON of
Illinois.
H.R. 4318: Mr. ROTHMAN of New Jersey and
Mr. FILNER.
H.R. 4345: Mr. POE of Texas, Mr. MATHESON,
and Mr. COFFMAN of Colorado.
H.R. 4350: Mr. SIREs, Mr. MILLER of North
Carolina, Mr. LOEBSACK, and Mr. TIERNEY.
H.R. 4367: Mr. WOMACK, Mr. GRAVES of
Georgia, Ms. WATERS, Mr. LARSEN of Wash-
ington, Mr. ROONEY, Mr. GRAVES of Missouri,
Mr. HINOJOSA, Mr. FILNER, Mr. CARSON of In-
diana, Mr. HASTINGS of Washington, Mrs.
MCCARTHY of New York, and Mr. GUTIERREZ.
H.R. 4402: Mr. TIPTON, Mr. COBLE, Mr. LAB-
RADOR, Mr. FRANKS of Arizona, and Mr.
YOUNG of Alaska.
H.R. 4406: Ms. SUTTON, Mr. KUCINICH, Ms.
FUDGE, Mr. CLARKE of Michigan, and Mrs.
MILLER of Michigan.
H.R. 4454: Mrs. BLACKBURN and Mr.
STEARNS.
H.R. 4816: Mr. WAXMAN.
H.R. 4972: Ms. SCHAKOWSKY and Mr. FILNER.
H.R. 5050: Mr. BLUMENAUER and Mr. GENE
GREEN of Texas.
H.R. 5186: Ms. SCHAKOWSKY.
H.R. 5187: Mr. CARNEY.
H.R. 5188: Mr. SABLAN.
H.R. 5638: Mr. SABLAN.
H.R. 5713: Mr. MILLER of North Carolina.
H.R. 5716: Mr. FARR.
H.R. 5741: Ms. HANABUSA, Ms. HIRONO, and
Ms. NORTON.
H.R. 5749: Ms. CLARKE of New York.
H.R. 5826: Mr. LIPINSKI, Ms. WOOLSEY, and
Mr. TONKO.
H.R. 5827: Mr. MILLER of North Carolina,
Mr. LIPINSKI, Mr. COSTELLO, Mr. McNERNEY,
Ms. WOOLSEY, and Mr. TONKO.
H.R. 5842: Mrs. BLACK, Mrs. BLACKBURN,
Mr. JONES, and Mr. PAUL.
H.R. 5850: Mr. CHABOT, Mr. MANZULLO, Ms.
BUERKLE, Mr. HULTGREN, and Mrs. SCHMIDT.
H.R. 5851: Ms. DELAULO, Mr. LOEBSACK, and
Ms. HIRONO.
H.R. 5858: Mrs. BLACK.
H.J. Res. 13: Ms. BORDALLO.
H.J. Res. 28: Mr. HINCHEY, Ms. SLAUGHTER,
and Mr. MCGOVERN.
H.J. Res. 104: Mrs. ELLMERS and Mr.
KISSELL.
H. Con. Res. 40: Mr. BACA.
H. Con. Res. 116: Mr. LEWIS of Georgia.
H. Res. 134: Mr. TURNER of New York and
Mr. CHABOT.
H. Res. 177: Mr. MURPHY of Connecticut.
H. Res. 283: Mr. VAN HOLLEN.
H. Res. 583: Mr. REICHERT and Mr. HONDA.
H. Res. 616: Mr. KING of Iowa.
H. Res. 618: Mr. LEWIS of Georgia, Mr. SES-
SIONS, Mr. ISRAEL, Mr. ROONEY, Mr. HINCHEY,
Mr. MARKEY, Mr. GRIMM, Mr. WILSON of
South Carolina, Mr. HULTGREN, Mr.
McDERMOTT, Mr. THOMPSON of Pennsylvania,
Ms. SPEIER, Mr. BLUMENAUER, Ms. CLARKE of
New York, and Mr. COURTNEY.
H. Res. 662: Mr. WOODALL.
H. Res. 663: Mr. PETERS, Mr. HECK, Ms.
BONAMICI, and Mrs. SCHMIDT.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors
were deleted from public bills and resolu-
tions as follows:

H.R. 1513: Mr. GINGREY of Georgia.

AMENDMENTS

Under clause 8 of rule XVIII, pro-
posed amendments were submitted as
follows:

H.R. 5854

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: Page 31, line 5, after the dollar amount, insert “(reduced by \$35,000,000) (increased by \$35,000,000)”.

H.R. 5854

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 2: Page 4, line 14, insert after the dollar amount the following: “(reduced by \$10,000,000) (increased by \$10,000,000)”.

Page 4, line 23, insert after the dollar amount the following: “(increased by \$10,000,000)”.

H.R. 5854

OFFERED BY: MR. QUAYLE

AMENDMENT NO. 3: Page 66, after line 10, add the following new section:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the final rule published by the National Labor Relations Board in the Federal Register on August 30, 2011 (76 Fed. Reg. 54006).

H.R. 5854

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used for a director of a national cemetery who, on or after the date that is 180 days after the date of the enactment of this Act, is not a veteran.

H.R. 5854

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to censor or otherwise limit the speech of a veterans service organization participating in the funeral or memorial service of a veteran.

H.R. 5854

OFFERED BY: MR. TERRY

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to deny or delay a

waiver request regarding a hospital construction project of the Department of Veterans Affairs that requires an exemption from building requirements that were not included in the original bid for such hospital.

H.R. 5854

OFFERED BY: MR. TERRY

AMENDMENT NO. 7: Page 37, line 15, after the first dollar amount, insert “(reduced by \$1) (increased by \$1)”.

H.R. 5854

OFFERED BY: MR. FRANKS OF ARIZONA

AMENDMENT NO. 8: Page 66, after line 10, add the following new section:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the prevailing wage requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

EXTENSIONS OF REMARKS

TRIBUTE TO BOB CUDWORTH

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to Bob Cudworth for his service to this Nation in World War II and to congratulate him upon the occasion of serving as the Grand Marshall of the Camillus Memorial Day Parade.

Lt. Cudworth arrived in Iwo Jima on February 25, 1945 with Alpha Company, 9th Marines, 3rd Division. During a period of three days, 87 Marines from his Platoon were killed in action; Lt. Cudworth was dangerously close to being injured when an enemy bullet nearly grazed his boot. Lt. Cudworth and his Platoon were instrumental in taking "Hill Oboe" from the Japanese. He departed Iwo Jima in April 1945.

It is important that we remind our Veterans that they are greatly appreciated for their service to this great Nation and that they will never be forgotten. It is because of our service men and women that the United States of America remains the Greatest Nation in the History of Mankind.

The men and woman who served our country in World War II are shining examples of patriotism, strength, courage, and decency. It is with great honor that I pause and reflect upon the sacrifices of men and women like Bob Cudworth.

I wish to extend Mr. Cudworth my gratitude for his dedicated service to the United States of America and congratulate him upon the occasion of serving as the Grand Marshall in this year's Camillus Memorial Day Parade, where we honor and remember all of our heroes of war, past and present.

HONORING ALMA T. GAMMAGE

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, forty-two years ago a virtuous woman of God accepted her calling to serve in the Educational System; and

Whereas, Mrs. Alma T. Gammage began her educational career in teaching in the Chatahoochee County School System in Georgia and this year she retires from teaching at Edward L. Bouie, Sr., Elementary Theme School in Lithonia, Georgia, she has served the DeKalb County Public Schools System well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher, Ed-

ucator and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who want to advance the lives of our youth; and

Whereas, Mrs. Gammage is formally retiring from her educational career today, she will continue to promote education because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Alma T. Gammage on her retirement from the DeKalb County Public Schools System and to wish her well in her new endeavors;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 18, 2012 as Mrs. Alma T. Gammage Day in the 4th Congressional District of Georgia.

HONORING THE WORLD WAR II
VETERANS OF ILLINOIS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. QUIGLEY. Mr. Speaker, I rise to honor the World War II veterans who traveled to Washington, D.C. on May 23, 2012 with Honor Flight Chicago, a program that provides World War II veterans the opportunity to visit the World War II Memorial on The National Mall in Washington, D.C. This memorial was built to honor their courage and service to their country.

The American Veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen who traveled here on May 23 answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men and women for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing gratitude.

Robert Agramonte, Anthony P. Barrett, Raymond J. Bayster, Kenneth I. Beardsley, Howard B. Blumenthal, William Brandfon, Robert Chapman Buckley, Carl C. Burgess, John W. Capron, James P. Carney, Irwin E. Chukerman, Otto Gabriel Chvosta, Frederick A. Coleman, John Fred Corradetti, Edward Cygan, William J. Darras, Francis J. Dawson, Everett L. Dean, David R. Denis, Elaine L.

Detweiler, G. Grant Duncan, Edward A. DuVernay, William J. Eisler, Jr., Harris J. Enervold, Victor F. Erdelac, Charles P. Esposito, Raymond Farley, Clyde F. Friedman, George F. Gebes, Louis Joseph Giannini, Howard Gilbert, Richard D. Golden, Joseph H. Gondek, Robert Fred Groen, Frederick L. Hanson, Hubert K. Hawbecker, Edwin J. Helman, George Hewitt, Harold M. Hogueisson, James M. Holec, Edward J. Hollowed, Richard Casper Hoogenboom, Raymond P. Hynek, Julius Jackson, Albert S. Jacobson, Kenneth Jahnke, Richard J. Kalina, Benjamin F. Kelly, Thomas Stanley Ketcik, John H. Klingberg, Max Kolpas, Albert Kreitzer, Lenon Lathan, Kenneth Lawrence, William Leonard, Samuel David Levine, Edward F. Lobus, Emil L. Martino, Rufus E. Meeks, Marion Messman, Ernest P. Meszaros, Walter G. Moeller, James P. Moffett, Ralph Mollo, Jerome Moss, Jr., William Mossman, Robert E. Murray, Edward Obrochta, John Pankovich, Charles V. Parker, Michael Pill, Carlton Hunt Prindeville, Theodore Purvin, Raymond F. Puszczan, Carl M. Qualeatti, John Thomas Quinn, Louis T. Rivard, Benjamin S. Rosales, Edward J. Rudenga, Walter S. Rybicki, Lawrence N. Sands, Jr., Vaile J. Scott, Vernon P. Seiler, Marguerite K. Smith, Eli Sobat, George F. Soukup, Paul B. Stoxen, Richard Earl Taylor, Joseph E. Tierney, Fred H. Tolzien, Dennis Trettel, Harold S. Troupin, Robert G. Wachholz, Edward C. Williams, Jr., Joseph T. Zich.

TRIBUTE TO BOB MITCHELL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to my loyal district administrator, Bob Mitchell, in honor of his retirement after dedicating more than 32 years as my right-hand-man, my confidant, political adviser and tireless ambassador for southern and eastern Kentucky.

Bob Mitchell is arguably one of the greatest political advisers in the history of the Commonwealth of Kentucky. He understands the power of partnerships, regionalization and communication, yet never underestimates the importance of gratitude and humility.

His father, the late Murrell Mitchell, who served as a member of the Knox County School Board, as well as three terms as a Knox County Magistrate, inspired Bob's political interests and philanthropic heart. It is thus his courage of conviction that has driven his work to transform southern and eastern Kentucky and improve the quality of life in our rural region.

With Bob Mitchell at the helm of all district projects, thousands of families now have access to clean water and sanitation systems,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are protected by flood-control projects and live without the fear of yearly floods, have better roads to travel on, and have good-paying, stable jobs. He also helped launch and provide guidance to non-profit organizations like the Southeast Kentucky Economic Development Corporation for job creation, Forward in the Fifth for education, The Center for Rural Development, TOUR Southern and Eastern Kentucky to promote tourism, PRIDE for environmental education and clean-ups, as well as Operation UNITE in fighting drug abuse.

Countless organizations and political candidates have coveted Bob Mitchell's impeccable leadership skills. He has served on a litany of boards from financial institutions to non-profit organizations and assisted with campaigns from county seats to Presidential hopefuls. His legacy will continue to flourish from the seeds of wisdom, hope, and inspiration he has planted across our great Commonwealth.

Mr. Speaker, I ask my colleagues to join me in honoring my friend and my partner, Bob Mitchell, on his retirement. My wife, Cynthia and I wish Bob and his wife, Nancy all the best in the years to come.

**HONORING CITY OF ORANGE
MAYOR WILLIAM BROWN CLAYBAR**

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor a public servant that I have had the honor to know and work with.

A native and lifelong resident of Orange, Texas, William Brown Claybar is more than just a Mayor, he is a community leader. Brown Claybar runs a small business the community has relied on for more than three decades. While serving our community at city hall, he is also serving our Lord and his flock in many varied roles at the First United Methodist Church.

A graduate of Litcher Stark High School and Stephen F. Austin State University, Brown Claybar pursued further studies at the Commonwealth College of Mortuary Science and Rice Institute—Advanced Management Institute. A Past President of the South East Texas Funeral Directors Association, he has also chaired the Legislative Committee for the Texas Funeral Directors Association, served as Secretary of the Selected Independent Funeral Directors, a board member of the Greater Orange Area Chamber of Commerce and served as a former President and trustee of the West Orange-Cove Consolidated Independent School District.

It is impossible to name all his civic and community service, because the list is so long—the 1999 Community Builders Award from Madison Lodge 126 AF & AM and the Texas Grand Lodge of Texas, the 2002 distinguished Christian Service Award from Salem United Methodist Church, the 2003 Velma Jeter Scholarship Foundation Humanitarian Award, the 2008 Torch Award from the Bereavement Chamber of Commerce and the April 2011 "Person of the Year" award from The Record Newspaper.

While he's proud of his many forms of service, his community is now taking a moment to let him know how proud we all are of him and how honored we all are that his wife Linda and their children and grandchildren have so willingly shared him with the town they all love so much.

When Brown Claybar says he has "thoroughly enjoyed" being Mayor, he means it. Through two severe hurricanes, Mayor Claybar has managed Orange's "competing interests" with a steady grace and a very large dose of common sense. While understanding the impossibility of "being all things to all people," Mayor Claybar has been the glue that has kept Orange together in tough times. His town will miss him. His staff will miss him. I will miss him.

Orange is a unique community that has faced difficulty with a humble and stalwart determination. That is also a fit description for Mayor Claybar who has helped the Golden Triangle's jewel navigate a tough start to the 21st century following Hurricanes Rita and Ike.

After a decade as mayor of Orange, William Brown Claybar is leaving city hall a stronger place than he found it. That truly is the highest compliment a Mayor can pay a community he loves so much.

**CONGRATULATING DELORES
HUERTA FOR BEING AWARDED
THE PRESIDENTIAL MEDAL OF
FREEDOM**

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to congratulate Delores Huerta for being awarded the Presidential Medal of Freedom. As you know, Mr. Speaker, the Presidential Medal of Freedom is the nation's highest civilian honor and I cannot think of anyone in this country more deserving of this distinction than Delores Huerta.

A lifelong labor leader and civil rights activist, Delores Huerta's activism has helped redefine the way laborers in California and across the country are treated. From fighting to ensure safer working conditions to negotiating better salaries, Delores Huerta's influence extends far beyond California's San Joaquin Valley. Her unparalleled drive and dedication embody the spirit of activism that keeps our country moving forward.

In 1962, Delores Huerta co-founded the United Farm Workers Union with labor legend Cesar Chavez. As part of their struggle to ensure that farm workers receive a fair wage and safe working conditions, the UFW led a worldwide grape boycott that helped secure farm workers a seat at the table in contract negotiations.

In 1963, Delores Huerta was successful at securing Aid for Dependent Families and disability insurance for farm workers in California. Delores Huerta's hard work and determination also paid off in 1975 when the California State Legislature enacted the Agricultural Labor Relations Act, which gave farm workers in California the right to organize and bargain for better pay and safer working conditions.

At the age of 82, Delores Huerta continues to fight for social justice, giving a voice to the working poor throughout the country. Through the Delores Huerta Foundation, a non-profit she established in 2002, Ms. Huerta is helping to train a new generation grassroots organizers who are committed to the same ideals and principles she has fought for throughout her lifetime.

Mr. Speaker, not only is Delores Huerta a role model to a new generation of civil rights activists, but she remains an inspiration to those who grew up in the '60s and '70s, myself included.

I urge my colleagues in joining me to congratulate Delores Huerta for being awarded the Presidential Medal of Freedom.

**TRIBUTE TO THE ANCIENT AC-
CEPTED SCOTTISH RITE OF THE
VALLEY OF SYRACUSE**

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to the Ancient Accepted Scottish Rite of the Valley of Syracuse upon the occasion of celebrating 150 years of service to the Syracuse, New York community and surrounding areas.

The Scottish Rite of the Valley of Syracuse operates within the Northern Masonic Jurisdiction of the United States of America and is comprised of four separate Bodies: Central City Lodge of Perfection, Central City Council Princes of Jerusalem, Central City Chapter of Rose Croix, and Central City Consistory. Each of these four Central City Bodies has been active in Syracuse and nearby areas since 1862.

Scottish Rite Masons are a diverse group of Brothers who come from of all walks of life, cultures, religious backgrounds, and careers.

Today, with 750 members in the Valley of Syracuse, The Scottish Rite of Free Masonry supports Schizophrenia research, provides college scholarships to members and their children, and supports many charities and organizations, particularly the Children's Dyslexia Center of Central New York.

It is important that we recognize organizations like the Ancient Accepted Scottish Rite of the Valley of Syracuse for their dedicated service to the community as well as their rich history and involvement in the shaping of the State of New York and the United States of America.

It is with privilege that I pause in my legislative deliberations to congratulate and thank the Scottish Rite of the Valley of Syracuse on their 150th Anniversary.

HONORING JAMES L. LITTLEJOHN

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Ninety years ago on May 16, 1922, a tenacious man of God was born in St. Anns Jamaica West Indies; and

Whereas, Mr. James L. Littlejohn, born to Georgianna and Nehemiah Littlejohn, grew up in Jamaica where he met and married his sweetheart Millicent and to their union two children were born, Barbara and Gilbert; and

Whereas, Mr. Littlejohn has shared his time and talents as a Husband, Father and Motivator, giving the citizens of Jamaica, England and the United States a person of great worth, a fearless leader and a servant to all advancing the lives of others, through service at Brooklyn Baptist Church (1975) in New York and since 2002 at Peace Baptist Church in DeKalb County, Georgia; and

Whereas, Mr. Littlejohn has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mr. Littlejohn along with his family and friends are celebrating a remarkable milestone, his 90th Birthday, we pause to acknowledge a man who is a cornerstone in our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Littlejohn on his birthday and to wish him well and recognize him for an exemplary life which is an inspiration to all;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 16, 2012 as Mr. James L. Littlejohn Day in Georgia's 4th Congressional District of Georgia.

TRIBUTE TO DAN AGUILAR

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. ROONEY. Mr. Speaker, it is with great honor that I rise to pay tribute to a true American hero, Dan Aguilar of Palm City, Florida. Dan has been awarded the Silver Plaque International Alpine Solidarity Award, given to individuals who have risked their lives to save others in dangerous mountain accidents. Dan is a well-known mountain rescuer who deserves both the admiration and the praise of this body.

Dan grew up in Dallas, Texas, where he resided for 18 years. After graduating from Crozier Tech High School, he served in the US Army for four years. Upon returning to the United States, he moved to Vail, Colorado where he began his now renowned career in mountain rescue. Dan's love for the mountains has seen him travel the globe and conquer the most dangerous alpine trails in the world. What's more, his mountain climbing adventures have taken him to Mexico, Ecuador, Alaska, and Argentina. But it is not his accomplishments as a climber or mountain hiker that have earned him this prestigious award, but rather it is his courage as a mountain rescuer.

In the early 1980's, Dan suffered the crushing loss of a dear friend that completely changed his view of climbing. For some time he was unable to even fathom climbing again, but this experience eventually drove him to the line of work that has made him a living legend.

He has been a member of the Vail Mountain Rescue Group in the nearly three decades since.

For Dan, saving the life of another seems to come naturally. In fact, this award is not the first time he has received recognition for his devotion to helping others. He was also awarded the Mountain Rescue Association's Outstanding Individual Service Award. In all, it is estimated that Dan has been involved in around 500 different rescue missions since his involvement with Mountain Rescue. His advanced rescue skills have also been utilized in rescues on Mt. Rainier in Washington, the Pamirs in Russia, and the Aconcagua in South America.

Dan's dedication and incredible compassion to help others have earned him a legendary reputation and the admiration of people around the world. According to Tim Cochrane, a fellow member of Mountain Rescue, in an article in The Vail Daily by Tamara Miller, "Aguilar is the first volunteer rescuer in North America to win the award."

Mr. Speaker, on behalf of the State of Florida and the U.S. Congress, I congratulate Dan on this distinguished and well-deserved award. He is a great American who deserves our gratitude and praise.

Dan, your community, State, and Nation are proud of you.

TRIBUTE TO PASTOR JOEL OSTEN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. DAVIS of Illinois. Mr. Speaker, it was indeed an honor to have Pastor Joel Osten serve as a guest Chaplain to open the House on Tuesday, April 24, 2012 with prayer for members of the House and for our Nation. I also take this opportunity to wish Pastor Osten, his wife Victoria, their family and entire organization well as they prepare and implement a major outpouring of religious favor this week in Washington, DC area.

The ability to fill the DC Stadium with people for religious praise and worship is indeed leadership and I commend Rev. Joel Osten for being able to provide a great deal of that.

TRIBUTE TO SHELDON KOTZIN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize the distinguished service of a dedicated federal employee—Sheldon Kotzin, the Associate Director for Library Operations at the National Library of Medicine (NLM), a component of the National Institutes of Health (NIH). For the past 43 years, Mr. Kotzin has provided outstanding service to NLM, the largest medical library in the world, a hub of national and international scientific medical communication, and a respected leader in informa-

tion innovation. When he retires on June 29, 2012, Mr. Kotzin will have left his imprint not only on NLM but on generations of its employees, librarians, users and stakeholders, information professionals in the United States and around the globe, journal publishers, and countless others whom he has advised, assisted, and mentored, and with whom he has collaborated.

After earning his Master of Library Science degree from Indiana University in 1968, Mr. Kotzin came to NLM as a Library Associate. Over the years, he has served as Head of the Catalog Maintenance Unit in the Technical Services Division; Head of the Collection Access Section in the Public Services Division (then Loan and Stack); and Coordinator of the National Network of Libraries of Medicine (then the Regional Medical Library Network). Mr. Kotzin became Chief of the Bibliographic Services Division in 1981 and assumed his post as Associate Director for Library Operations in 2006.

Since 1998, Mr. Kotzin has been Executive Editor of the widely-used MEDLINE database, which provides the bibliographic information of esteemed international biomedical journals from around the world, and Administrator of the Literature Selection Technical Review Committee, the body that reviews and recommends journals for indexing in MEDLINE. In addition, Mr. Kotzin served as NLM's representative to the International Committee of Medical Journal Editors, a group of clinical journal editors that establishes the standards for the submission of journal articles and comments on ethical principles related to publication in biomedical journals. Mr. Kotzin has chaired the Janet Doe Lecture Jury and the Joseph Leiter Lectureship Committee for the Medical Library Association, which elected him a Fellow in 2007.

Mr. Kotzin's work has had an enormous influence on journal publishers, NLM users, and countless others. His leadership and tireless efforts have had a significant impact on the development of federal information policies that ensure broad public access to electronic government health information resources.

Mr. Speaker, I am pleased to represent Sheldon Kotzin in the U.S. Congress and ask my colleagues to join me in extending to him our gratitude and appreciation for his years of service to our country and his contributions to international scientific medical communication.

MAY 2012 AS NATIONAL CANCER RESEARCH MONTH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. LEVIN. Mr. Speaker, I rise in support of May 2012 as National Cancer Research Month.

National Cancer Research Month recognizes the important role that cancer research plays in the lives of all Americans. Over 570,000 people in the U.S. die from cancer every year. However, federally and privately funded cancer research has led to the development of innovative diagnostics and treatments that have greatly increased the odds of

survival. As a result, the country's cancer death rate has decreased 17 percent in the past 20 years.

Besides improving the health of Americans, cancer research also has dramatic impacts on our economy. Research funding supports employment at universities and research institutes and it also leads to the formation of new businesses that spread biomedical innovation and sustain jobs.

Despite real progress in recent years, now is not the time to rest on our laurels in terms of either funding or attention. There is still significant progress to be made in the battle against cancer. Continued investment in research through the federal government is vital for ensuring that we move forward in this fight for health and survivorship. That is why I joined Representative MARKEY and over 150 of my House colleagues in asking the Appropriations Committee to provide at least \$32 billion in funding to the National Institutes of Health for the 2013 fiscal year. Fighting cancer is a national priority, and Congress must step up and provide the necessary resources.

I urge all my colleagues to join me in recognizing the importance of cancer research and its essential role in supporting the health, economy, and international leadership of our nation.

HONORING THE FORENSICS CHAMPIONS OF THE CARROLL HIGH SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize the accomplishments of Arvind Venkataraman and Azar Hussain, both students of Carroll Senior High School, in the field of forensics activities.

Forensics competitions consist of multiple formats of speech and debate in which students demonstrate their respective skills with the spoken word. The Speech and Debate team at Carroll High, ably led by their director, Diana Forbes, has a strong tradition of success in these competitions. This school year, 1,600 students from 200 high schools competed in the Texas Forensic Association State Tournament at which Carroll produced two champions. Senior Arvind Venkataraman won the state championship in Foreign Extemporaneous Speaking and freshman Azar Hussain won the state championship in Congressional Debate. Their excellence in speech and debate reflects a talent and a work ethic worthy of recognition.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating Arvind Venkataraman and Azar Hussain on their state championships in forensics.

TRIBUTE TO CHIEF FIREFIGHTER, DOUGLAS E. MILTON

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to Chief Firefighter, Douglas E. Milton for 35 years of dedicated service to the Jordan Fire Department, which provides fire and EMS services to the Village of Jordan, New York and neighboring areas.

Chief Milton joined the Jordan Fire Department in 1964 where he served as Lieutenant, Captain, and First Assistant Chief, before being elected to the seat of Chief of Department in 1977. In his role as Chief of Jordan Fire Department, Chief Milton has demonstrated commitment to the safety and well-being of his community through exceptional leadership and management.

Among his many accomplishments, Chief Milton was instrumental in securing several grants which greatly improved service to the community, organizing and overseeing multiple restoration and construction projects, collaborating with local government officials to expand the department's areas of emergency services, and improving the overall efficiency and effectiveness of the Jordan Fire Department.

It is important that we give special recognition to our local leaders in emergency services, particularly firefighters like Chief Douglas E. Milton who put the safety of their community above all else. It is with privilege that I pause and thank Chief Milton for 35 years of leadership and service to others with the Jordan Fire Department.

HONORING HARDY AND ROSE DOGAN

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, the union of Hardy and Rose Dogan in Charleston, Mississippi has blessed us with descendants that have helped to shape our nation; and

Whereas, the Dogan Family has produced many well respected citizens and the patriarchs and matriarchs of the Dogan Family are pillars of strength that have touched many throughout our nation; and

Whereas, in our beloved Fourth Congressional District of Georgia, we are honored to have members of the Dogan family for they are some of our most beloved citizens in our District; and

Whereas, family is one of the most honored and cherished institutions in the world, we take pride in knowing that families such as the Dogan family have set aside this time to fellowship with each other, honor one another and to pass along history to each other by meeting at this year's family reunion in DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Dogan family;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 25, 2012 as Dogan Family Reunion Day in the 4th Congressional District of Georgia.

A TRIBUTE TO THE MIDLAND DAILY NEWS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. CAMP. Mr. Speaker, today I rise to pay tribute to the Midland Daily News on its landmark 75th year in operation. First published on May 1, 1937, the Daily News set out to provide the people of Midland and the surrounding areas with the news and information they would need to thrive as a community. Seventy-five years later, the paper is still standing strong amidst a changing media landscape, having never once missed publication of a single print issue.

News today looks nothing like it did when the Midland Daily News was first published. The paradigms of journalism have shifted and news is being disseminated at an increasingly rapid rate, but the Midland Daily News adapted to change and thrived as a newspaper. It has served as a vital source of information and an important forum for debates on the most pressing issues impacting the Midland area and our nation.

On behalf of the Fourth Congressional District, I congratulate the Midland Daily News on this landmark occasion and commend the Daily News' publisher and staff for 75 years of quality journalism.

RECOGNIZING DR. MARTHA A. SMITH FOR HER DISTINGUISHED SERVICE AS ANNE ARUNDEL COMMUNITY COLLEGE PRESIDENT

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. SARBANES. Mr. Speaker, I rise to pay tribute to Dr. Martha A. Smith for her years of dedication to the people of Maryland, including her 18 years as President of Anne Arundel Community College.

Dr. Smith has a long history of service in Maryland. Prior to her time at Anne Arundel Community College, Dr. Smith served first as the dean of students, then as President of Dundalk Community College in Baltimore County. Under her guidance, Dundalk Community College instituted a diversity plan which significantly increased the enrollment of minority students.

On August 1, 1994, Dr. Smith took over as the 5th President of Anne Arundel Community College (AACC). With her "Students First" mentality, she immediately implemented a 5-year strategy that would take the community

college to new heights. Through community outreach and a realignment of the college administrative structure, she was able to open up new opportunities for students and local businesses alike. With an unwavering vision to make AACC the premier learning institution it is today, she has helped students and graduates become better prepared citizens and employees.

Throughout her career, Dr. Smith has received numerous awards and commendations. In 1995 the YWCA of Annapolis and Anne Arundel County honored her as one of the County's First Women in Education. A year later the Annapolis and Anne Arundel County Chamber of Commerce named Dr. Smith its Business Leader of the Year. From 1998 through 2002, Dr. Smith was named one of Maryland's Top 100 Women three times.

Dr. Smith's work at the college has been integral to the success of AACC and its students. Under her leadership there has been extensive construction and renovation throughout the campus. Her dedication and innovation has been recognized not only locally, but nationally as well. In 2001, the National Alliance of Business named Anne Arundel Community College the Community College of the Year. In addition, AACC's selection as a lead agency for both the Trade Adjustment Assistance Community College and Career Training grant program and the Cybersecurity Careers Consortium is a testament to the innovative programming and academic achievement initiated during Dr. Smith's tenure as President.

Through all of the accolades, publications, and awards Dr. Smith has stayed true to her commitment of "Students First." She has dedicated her life to improving higher education and has helped shape the lives of countless individuals throughout her career. The State of Maryland is forever grateful for all that she has done. As Dr. Smith retires from Anne Arundel Community College, I would like to thank her for her visionary leadership and unparalleled innovation.

IN RECOGNITION OF NORTH HILLS
HOSPITAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. BURGESS. Mr. Speaker, I rise today to recognize North Hills Hospital in North Richland Hills, Texas as the first and only hospital in the nation to be recognized as a Cycle 4 with PCI Chest Pain Center.

The Cycle 4 accreditation by the Society of Chest Pain Centers is the newest and most stringent available, requiring demonstrated commitment and capacity to reduce time to treatment during the critical early stages of a heart attack.

Surveyors with the Society of Chest Pain Centers require demonstration of extensive community education and reduction in door-to-balloon times. A list of the rigorous requirements includes integrating the emergency department with the local emergency medical system; assessing, diagnosing, and treating patients quickly; effectively treating patients

with low risk for acute coronary syndrome without assignable cause for their symptoms; continually seeking to improve processes and procedures; ensuring the competence and training of Accredited Chest Pain Center personnel; maintaining organizational structure and commitment; having a functional design that promotes optimal patient care; and supporting community outreach programs that educate the public to promptly seek medical care if they display symptoms of a possible heart attack.

National recognition for North Hills Hospital and the Center for Chest Pain is a tribute to the cooperative efforts between the Center, capably led by Dr. Roy Yamada, and the dedicated emergency responders of north Tarrant County. As evidence of their skill and professionalism, the EMS and fire departments of the local communities of North Richland Hills, Keller, Hurst and Richland Hills EMS, as well as MedStar, are afforded the unique time-saving authority to activate the catheter lab from the field.

North Hills Hospital and local EMS personnel are integral to the quality of life enjoyed by residents they serve in North Tarrant County. Thanks to their professional commitment, residents have a greater probability of early diagnosis of a possible heart attack and an increased likelihood of accurate and effective treatment for a successful outcome.

It is my honor to recognize the valuable contributions of North Hills Hospital, the Center for Chest Pain and the crucial role of our North Texas emergency responders. It is my honor to represent them and the residents of the communities they serve in the U.S. House of Representatives.

TO RECOGNIZE CHRISTOPHER
ZEOLI OF POUGHKEEPSIE, NEW
YORK

HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. HAYWORTH. Mr. Speaker, I'm proud to recognize Christopher Zeoli of the Town of Poughkeepsie, in New York's Nineteenth Congressional district. Christopher was selected to receive a scholarship from the National Federation of Independent Business (NFIB) Young Entrepreneur Foundation for his business endeavors, and is one of five finalists for the NFIB's 2012 Young Entrepreneur of the Year award.

Christopher embodies the future of American ingenuity and enterprise. When he was just in middle school he started Zeoli Enterprises, a research and online marketing firm that specializes in search engine optimization, advertising, and server configuration. His life goal is "to change the world through innovation, research, and political action." Christopher will study economics at the University of Pennsylvania's Wharton School beginning this Fall.

It's refreshing, Mr. Speaker, in a time of uncertainty regarding America's economic prospects, to meet an optimistic young man who is excited about the future. Christopher wants to

change the world, and there's still no better place to launch a business than our United States. As his Representative in Congress, I'll continue fighting to make sure that he has every opportunity for success—without having to struggle under the burden of unreasonable regulation—and that he will be able to use the profits from his ingenuity to grow his business, create jobs, and improve the lives of others in his community.

America was founded to respect the individual, to allow any person with an idea and drive to realize his or her dreams through work and dedication. I'm confident that Christopher will accomplish his goals, and I wish him well.

HONORING MICHAEL JOHNSON FOR
HIS TWENTY-TWO YEARS OF
DEDICATED SERVICE AT TUCSON
AIRPORT AUTHORITY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. GRIJALVA. Mr. Speaker, I rise today to honor Michael Johnson for his twenty-two years of dedicated service at Tucson Airport Authority. In this time, Mr. Johnson designed and constructed airport capital improvements that significantly enhanced the safety of civilian and military aircraft operations in the airport movement areas at Tucson International Airport and Ryan Field.

I also commend Mr. Michael Johnson for his additional eighteen years of aviation consulting work at Tucson International Airport and Ryan Field. His engineering achievements improved aviation safety and promoted economic sustainability.

HONORING RON MOSER

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today to congratulate Ronald A. Moser on his upcoming retirement.

Ron has served the Village of Hanover Park for 14 years, including 11 years as Police Chief and most recently as Village Manager. Having started his career in police work in 1977, Ron served at 5 municipal police agencies in numerous capacities. He has always worked diligently to improve the safety of his community and its residents.

As Village Manager, Ron has had a significant impact on Hanover Park through his interactions with elected officials, employees, and residents. He has served as a confidant and friend to many. In his positions of leadership, Ron has been highly-respected.

Additionally, Ron has made important contributions to DuPage County. He served as President of the DuPage County Chiefs of Police Association, and in this capacity upheld its mission to reduce crime, maintain order, and improve the quality of everyday life for

DuPage County residents and visitors. In his endeavors, Ron has demonstrated strong professionalism and impressive leadership.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing Ron Moser for his career of service and in wishing him every happiness in the well deserved respite of his retirement.

HONORING MONSIGNOR JOSEPH C.
ANSALDI

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. GRIMM. Mr. Speaker, I rise today to honor Monsignor Joseph C. Ansaldi of Staten Island, New York upon the occasion of the 50th Anniversary of his Ordination to the Priesthood.

Monsignor Ansaldi graduated from St. Joseph Dunwoodie with degrees in Philosophy and Theology and later a Master's Degree in History from Fordham University. He was ordained in 1962 and his first assignment was as Chaplain to the Girls School at Mount Loretto on Staten Island. He later taught History, German and Religion and quickly became Dean of Students at Cardinal Hayes High School in the Bronx. In 1978 Monsignor Ansaldi made his final move to St. Joseph by-the-Sea High School on Staten Island in 1978 and became principal in 1982 where he stayed until his retirement in 2011.

During Monsignor Ansaldi's 33-year long tenure at St. Joseph by-the-Sea he spearheaded over 10 major additions to the school and saw enrollment rise from 1,000 to over 1,300 all while making sure a Catholic education on Staten Island would be affordable to all families. His unstinting dedication to the needs of the thousands of young people that were entrusted to his care and teaching is a testament to the character and ministry of the Monsignor.

Mr. Speaker, please join me and my constituents as I recognize Monsignor Joseph C. Ansaldi for his selfless devotion to Staten Island and the Catholic community of New York City.

HONORING THE RETIREMENT OF
PETER M. CHASE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. MORAN. Mr. Speaker, I rise today to honor Mr. Peter M. Chase, who is retiring after 41 years of dedicated and faithful service to the Department of the Navy, culminating in his position as the Director of Acquisition Policy in the office of the Deputy Assistant Secretary of the Navy for Acquisition and Procurement (DASN(AP)).

Mr. Chase began his federal service in 1971 as a United States Navy (USN) Ensign aboard the USS *Independence*, CV 62, eventually rising to an Assistant Department Head. Lieuten-

ant Chase's second uniformed posting was as Aide to the Commandant, First Naval District HQ, Boston, MA, assisting in policy formulation and public relations which included coordinating participation in programs with public organizations including the Navy League, the Boston Pops, and area universities.

Following four years of active duty, Mr. Chase entered the Navy's Civilian Contracting Intern Development Program at the Naval Electronic Systems Command (NAVELEX). Over the next six years, Mr. Chase developed foundational contracting skills, progressing to multi-million dollar procurements including both competitive and sole-source; production and research and development; fixed price and cost-reimbursement; and incentive and award fee actions.

In 1981, Mr. Chase received his contracting officer warrant, serving as the procurement contracting officer for the Integrated Tactical Surveillance System, executing acquisition processes from pre-planning to post-award management. During this two year period, Mr. Chase also served as the contracting officer for the AN/URN-25 TACAN Transponder and the Navy standard Desktop Tactical-support Computer, as well as many other acquisitions.

In 1983, Mr. Chase became the Head of the Undersea Surveillance Purchase Branch at the Space and Naval Warfare Systems Command (SPAWAR). Mr. Chase was responsible for managing all contracting matters relating to the purchase of electronic and surveillance systems for the Undersea Surveillance Program Directorate, including major systems acquisition programs such as the Sound Surveillance System (SOSUS), in support of the USN's undersea Cold War effort.

Mr. Chase moved into policy in 1989. While also responsible for Cost Estimating and Analysis, Mr. Chase provided authoritative analytical support and advice to the SPAWAR Commander and Executive Director regarding contracting and acquisition policy. For over four years starting in 1992, Mr. Chase left policy to become Director of the C4I Systems Purchase Division, overseeing three contracting branches before returning to acquisition policy in 1996.

In 1997 Mr. Chase joined the DASN(AP) overseeing Department of Navy Acquisition Policy; first as an action officer, and then in 2000, as Director. Mr. Chase analyzed and evaluated all laws and regulations related to Federal Government and Defense acquisition/contracting, determining and leading development of DON policies for the Navy and Marine Corps.

Mr. Speaker, through the commitment and sacrifice of Americans like Pete Chase, our nation is able to continue upon, and defend, the path of democracy while striving for the betterment of mankind. I am proud, as a fellow Virginian, to thank Mr. Chase and his family for his honorable service to our Nation. I wish him fair winds and following seas as he concludes his 41 years of distinguished public service.

IN HONOR OF THE 100TH ANNIVERSARY OF THE HOLLISTER MUNICIPAL AIRPORT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. FARR. Mr. Speaker, I rise today to recognize the 100th anniversary of the Hollister Municipal Airport. The history of this aviation gem is almost as old as aviation itself. It saw its first powered flight departure on April 14, 1912 from what was then a small livestock pasture. And while I rise to recognize this historical milestone for this place, I also rise to recognize the efforts of all the people who have made this place so special over the years. It is their work that makes the Hollister Airport so special.

I have had the great honor of representing Hollister in Congress for many years. It is a remarkable little city that is nestled between scenic coastal mountain ranges and surrounded by some of the world's most productive agriculture. There is little to hint that this beautiful rural community lies just fifty miles south of San Jose and the greater San Francisco Bay Area metropolis. However, along with its neighbor, the City San Juan Bautista, founded in the late eighteenth century, Hollister and its region's history are a microcosm of the California story, and the airport is an important part of that narrative.

After WWI, pilots like Frank Bryant began shipping their planes by rail into Hollister for assembly and flight preparation. The little field just north of town was a popular site for various flying activities. By the mid 1920s, a pioneer in the then new business of crop dusting, a man named Everett Turner, purchased the land and converted the old pasture into Turner Field. For the next twenty years, crop dusters, mail-carrying aircraft, and all manner of recreational airplanes flew in and out Hollister's Turner Field airfield.

With war looming in the early 1940s, the U.S. Navy took control of Turner Field and commissioned it the Naval Auxiliary Air Station, Hollister. After the attack on Pearl Harbor and America's entry into WWII, the U.S. military faced a critical shortage of trained carrier pilots. The Navy began a massive pilot training program, which included the acquisition of the Del Monte Hotel in nearby Monterey to house pilot trainees at the nearby Monterey Naval Air Station and the expansion of the former Turner Field to primarily help train those and other pilots in ground attack techniques. VC-39 was the first squadron to report followed by VC-42 and VC-68 in 1943. The new base soon grew to accommodate two light carrier air groups of four squadrons with the addition of two hangars and a ground training building. By 1945, at the height of the Navy's presence, the base included 210 acres, two 200 foot wide tarmac runways of 4,300 and 4,000 foot lengths, and billeting for 167 officers and 928 enlisted men.

After the War, the Navy no longer needed its Hollister base and it sold the airfield to the City of Hollister. Since that time, the little airport has built upon the excellent facilities left by the Navy to grow into a thriving general

aviation airport. It has become a national center for historic aircraft restoration as well as home to a critical base of aerial operations for Cal Fire, the State of California's wildland fire service. It is also an important business hub. With its close proximity to the San Francisco Bay Area, good flying weather, and high quality transportation links, the Hollister Airport is poised to become a leading regional economic engine. In addition, the Hollister Airport now hosts one of the West's premier air shows.

Mr. Speaker, I know I speak for the whole House in offering our gratitude to the Hollister Airport family—past, present, and future—for making this little gem such an important piece of our nation's aviation economy and culture.

H.R. 5326, THE COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2013

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act for Fiscal Year (FY) 2013. The legislation contains damaging cuts to the National Aeronautics and Space Administration (NASA) and to the Legal Services Corporation. It also contains provisions that would further weaken the National Labor Relations Board (NLRB) and the protections that the agency provides to unionized workers.

H.R. 5326 contains a nearly \$227 million cut to NASA's top-line, putting it at \$1.15 billion below its FY2010 funding level. Thousands of private-sector jobs at NASA centers across the country have already been lost as a result of austere budget reductions. The cuts included in this legislation will result in the loss of hundreds more. NASA must be given adequate funding to ensure that the agency can accomplish its assigned missions, to maintain and grow investments in America's global competitiveness in aerospace technologies, and to preserve the United States' world leadership in space exploration.

This legislation contains a \$20 million cut from FY2012 levels to the Legal Services Corporation (LSC). The LSC provides vital legal support to the most vulnerable populations, including veterans, victims of domestic violence, and those who would not otherwise be able to afford legal representation. The cuts included in H.R. 5326 would force the LSC to lay off over 100 staff attorneys at a time when an increasing number of Americans are experiencing poverty.

This bill includes an amendment that would prevent the National Labor Relations Board from protecting American workers seeking exercise their right to form collective bargaining units by prohibiting funds from being used by the NLRB to litigate conflicts that arise out of secret ballot union elections. When workers attempt to form a union, they must often rely on the support and expertise of the NLRB. This amendment would take that assistance away. This provision further weakens the na-

tion's only agency dedicated solely to protecting workers' rights in this country.

Another amendment to this bill effectively prohibits the Department of Justice from enforcing the most fundamental of civil rights: the right to vote. According to a recent report from the Brennan Center for Justice, in the past year alone, fourteen states have enacted voter identification laws or imposed executive orders about voting or voter registration which have resulted in numerous documented instances of American citizens being denied the right to vote. The Department of Justice's inability to exercise critical oversight of such laws and executive orders will continue to result in the disenfranchisement of racial and ethnic minorities, low-income voters, seniors, and students.

H.R. 5326 puts American jobs, basic rights, and our global leadership in the aerospace sector at risk. I urge my colleagues to join me in opposing this bill.

RECOGNIZING LT. DOMINIQUE WRIGHT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing Lt. Dominique Wright for excellence in education and athletics. On May 29, 2012, Lt. Dominique Wright graduated from the United States Naval Academy, becoming the first African American woman from the District of Columbia to graduate from there, and was commissioned at Annapolis, Maryland.

Lt. Wright, the daughter of a single parent, has overcome many obstacles in her young life. Yet she became the quintessential scholar-athlete. "Dom" or "Domatron," as she is called by friends was a mathematics major who plans on attending law school. She was a star on the Midshipmen's lacrosse team, starting all 21 games during her junior year, just one year after learning the sport. Lt. Wright was lettered in track and field in high school and was a Junior Olympian.

Lt. Wright is only the second African American woman from the District of Columbia to attend the Naval Academy, but is the first one to graduate. I nominated Lt. Wright twice: first in 2008 to the Naval Academy Prep School, then in 2009 to the Naval Academy. Dominique's excellence in scholastics and in sports should encourage other young people, particularly young women of color, to understand that no field is off limits.

Lt. Wright is an inspiration to young girls, to women, and to all the residents of the District of Columbia. Mr. Speaker, I ask the House of Representatives to join me in honoring Lt. Dominique Wright, the first African American woman graduate of the United States Naval Academy from Washington, D.C. and a trail-blazing example of excellence.

ACCUSED PERPETRATORS OF 9/11 SCHEDULED TO FACE TRIAL BEFORE A MILITARY COMMISSION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, no one in this body needs to be reminded that on Sept. 11, 2001, the United States suffered one of the most horrific acts of mass murder in the history of our country. The deaths of nearly 3,000 Americans thrust this nation into a fight against an unconventional, non-state enemy that embraces terror, violence, and human destruction in a purposeful attack on civilian populations. That fight continues today.

In March 2007, the alleged mastermind of the plot, Khalid Sheikh Mohammed, was captured. He and four others have been charged with 169 overt acts in furtherance of the 9/11 attacks on innocent Americans, including 2,973 individual counts of murder in violation of the law of war and providing material support of terrorism. They are now scheduled to face trial at Guantanamo Bay detention facility in Cuba.

Despite the horrific nature of the crime that was perpetrated against our nation and our citizens, a foundation of the American justice system is the right of the accused to receive a fair trial no matter how abhorrent the action. While we have an obligation to use all of the instruments of our national power and authority to counter the threats of terrorists who maim and murder with utter impunity, we cannot allow our outrage and thirst for justice to trump this uniquely American rule of law. We must be guided, and when appropriate, constrained by our core values. This is essential to our effort, and to our legitimacy, in engaging and defeating enemies who traffic in fear and live in darkness. Our enemies continue to pose a serious, adaptive and asymmetric threat and our efforts to deter them must be equally zealous.

We must ensure that all of our efforts are relentlessly empirical and pragmatic, while demanding compliance with the rule of law. All instruments of our national power and authority must be used to oppose these modern asymmetric threats. We must recognize that the instruments that are constrained and guided by our core values, including the rule of law, are the only truly effective and sustainable instruments. While the most effective instruments for countering these threats are those that are constrained and guided by our core values, including the rule of law, we must also, as Justice Jackson said at the Nuremberg Trials, "stay the hand of vengeance" and ensure that "power [pays tribute] to reason." Our reformed military commission will ensure the steady hand of justice is applied with these alleged war criminals. Justice, after all, "is the greatest interest of man on earth . . . and so long as it is duly honored, there is a foundation for general security, general happiness and the improvement and progress of our (human) race." Daniel Webster, Sept. 12, 1845.

Reformed military commissions are fully integrated within our federal framework of criminal justice, are overseen by our Article III appellate courts, and are severely confined to their law of war jurisdiction. Reformed military commissions can and will deal effectively, independently, and fairly with the law of war violations referred to them for trial, and they are already featuring a specialized interagency legal practice within the law of armed conflict and counterterrorism. Our military commissions are comparable to a civilian court, in that they have been modeled on the federal criminal justice system and incorporate all of the guarantees that are essential to a fair and just trial. To begin with, the accused is presumed innocent, and the prosecution has the burden of proving his guilt beyond a reasonable doubt. The accused is also protected against self-incrimination. Statements obtained through the use of torture or cruel, inhuman, or degrading treatment are not admissible, and before any statement of the accused may be admitted, a military judge must find it to be reliable, probative, and voluntary.

The simple fact is, the rights of the accused before a military commission are virtually identical to the rights of the accused in a federal court: the right to notice of the charges; the right to counsel and choice of counsel; the right to be present during the proceedings; the right to present evidence, cross-examine witnesses, and compel attendance of witnesses in his or her defense; the right to exculpatory evidence that the prosecution may have as to guilt, sentencing, and the credibility of adverse witnesses; the right to an impartial decision-maker; the right to suppression of evidence that is not reliable or probative or that will result in unfair prejudice; the right to not be deposed without his or her consent; and the right to appeal to a federal civilian court of appeals and, ultimately, to the United States Supreme Court.

While there may be differences between the military commission and the federal court venue, the divergence exists for principled reasons. It is grounded in necessity. It remains consistent with the rule of law. And it ensures that the commission has the ability to provide accountability during a time of armed conflict when no other adequate or effective means to do so exists.

Finally, let me say that the proceedings before military tribunals are transparent. In this regard, they also closely parallel federal practice. Prosecutors are committed to allowing family members of the victims, the media, and the public to access to the proceedings. This reflects the belief—not only within the commission structure, but among our citizenry as a whole—that there is great value in allowing Americans, and the world, to witness criminal trials and to see first-hand the fairness and impartiality with which our nation dispenses justice.

These cases of alleged terrorists and murderers will be handled fairly within the rule of law, persistently and consistently to their end. Brigadier General Mark Martins, the chief prosecutor of the military commission, recently indicated that he has foregone an opportunity for promotion to ensure consistent handling of these important matters to their conclusion. We have come to expect no less than this

selfless and heroic act from this General. He is a lawyer of exceptional skill and a man of extraordinary principle. He not only understands the form of the law, but also its spirit. And he recognizes, as Dr. Martin Luther King once said, that denial of justice anywhere diminishes justice everywhere. There is no better person for this job than Gen. Martins, a Harvard classmate of our President, and I for one am grateful that he has agreed to remain in this position, and to see this trial through a full and fair hearing of the alleged heinous acts of war and terror on the American public.

Mr. Speaker, it is no secret, nor is it an overstatement, to say that we live in a dangerous world. My state of Mississippi knows this well with the proud service of thousands of our sons and daughters serving the military and the nearly 100 Mississippians who have given their lives in protection of our freedom in Iraq and Afghanistan. We should not allow our fears—or our outrage over acts designed to stoke those fears—however to guide our actions, even in these challenging and sometimes anxious times. Only fairness and justice can lead us to peace, and when the world thinks of fairness and justice, I want it to think of America. I have no doubt that when the accused perpetrators of 9/11 are brought to trial before a military commission, this country, and our system and values, will be considered in precisely that way.

PRESIDENTIAL MEDAL OF FREEDOM TO BE AWARDED TO DR. JAN KARSKI, AMONG THE RIGHTEOUS AMONG THE NATIONS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mrs. LOWEY. Mr. Speaker, I rise today to thank the nearly seventy bipartisan Members of this Chamber who joined with me last December in writing President Obama to urge him to bestow the Presidential Medal of Freedom posthumously on the late Dr. Jan Karski. Earlier this week, at a White House ceremony, Dr. Karski received that well deserved recognition. The announcement that he would receive the honor was made last month by the President at the U.S. Holocaust Memorial Museum in the company of Elie Wiesel.

Dr. Karski was a man of incredible courage. While others fell silent and looked the other way, his conscience and moral compass led him to do what was right. At great personal risk, he infiltrated the Warsaw Ghetto and a Nazi camp so he could report authentically about the suffering of innocent men, women and children. As he recounted the tragic images in his memoir, *Story of a Secret State*: “Everywhere, there was hunger, misery, the atrocious stench of decomposing bodies, the pitiful moans of dying children, the desperate cries and gasps of a people struggling for life against impossible odds.” He shared his eyewitness accounts with the Allied leaders including British Foreign Minister Anthony Eden and President Franklin Roosevelt and pleaded for a strong response. While those pleas were not initially successful, he was persistent in his

efforts to make the world understand the reality of the Holocaust and to open the eyes of those who could—and eventually did—intervene. He was not one to be intimidated. He was one who fearlessly spoke truth to power.

Dr. Karski has since been widely recognized by the governments of Israel and Poland for his contributions. Israel granted him honorary citizenship and Yad Vashem honored him as a “Righteous Among the Nations.” He also received Poland’s highest civilian award, the Order of the White Eagle, along with its premier military decoration, *Virtuti Militari*. Both the American Jewish Committee and the Anti-Defamation League have named awards in Dr. Karski’s honor in recognition of his heroic and consistent efforts to stop the Holocaust.

Many of our colleagues in the House and Senate know about what Jan Karski did to awaken the West to the horrors of the Holocaust as it was unfolding in his native Poland. In fact, several of our colleagues were students of Dr. Karski’s during his forty year career as a professor at Georgetown University here in Washington. I know their chance to study under his guidance left an indelible impact on them that continues to serve the Nation. Former President Bill Clinton, who was also a Georgetown student while Dr. Karski was teaching, summed it up by saying “as a professor, he continued to educate his students about the importance of freedom and the lessons of justice he had so courageously learned firsthand.”

Those are lessons that continue to be important for all to learn. As President Obama said at the Holocaust Memorial Museum last month: “We must tell our children” so they know “about how this evil was allowed to happen.” Educational programs are already being planned for 2014, the centennial year of Dr. Karski’s birth, to continue his efforts instill in future generations the lessons of the Holocaust and the critical importance speaking out against hatred. The Presidential Medal of Freedom is a well deserved recognition of Dr. Karski’s life’s work.

IN HONOR OF WILLIAM FRANK MCFARLANE

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. NUNES. Mr. Speaker, I rise today to honor William Frank McFarlane, who passed away on Tuesday, May 15, 2012. Mr. McFarlane was a pillar of the California agricultural community.

Bill McFarlane was born in Fresno, California, on January 1, 1926, and grew up on a farm in Clovis. He attended Jefferson Elementary School and Clovis Union High School. While at California State University, Fresno, Bill transferred to the University of Southern California, earning Bachelor of Science degrees in Naval Science and Business Administration.

At a young age, Bill began his successful career in agriculture. He and his parents formed a partnership in 1948, McFarlane and McFarlane, growing Muscat grapes for raisins

and wine, cotton, grain, plums, vegetable and flower seeds, almonds, citrus, and rice. While many other achievements would follow in his long career, Bill always remained a farmer at heart.

A tireless supporter of other farmers in the San Joaquin Valley, Bill was a member of the Sun-Maid Raisin Growers Advisory Council; president of Clovis-Sanger Cooperative Gin; joined the board of Calcot, Ltd. in 1955 and was chairman of that organization from 1966 to 1974; served as president of California Cotton Growers Association; a member of the Producers Steering Committee of the National Cotton Council; a director of the Western Cotton Growers Association; the founding president of Central California Almond Growers Association and served on the board of Blue Diamond Growers for 17 years, 4 years as chairman.

Bill was a principal of the family-farming group Cinco Farms; served as president of California Westside Farmers for 8 years; a chairman of Farm-Water Alliance for 6 years, whose effort culminated in the signing into law of the federal Reclamation Reform Act of 1982. Bill was also a member of the board of Westlands Water District, and served on the board of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture during the 8 years of the Reagan Administration. In 1967, he became a director of the National Council of Farmer Cooperatives, as well as the Agricultural Council of California, becoming chairman of the council and was awarded their Co-Op Farmer of the Year Award in 1994.

Bill received the 1994 Agriculturalist of the Year Award at the California State Fair, and in 2000 the Greater Fresno Area Chamber of Commerce Agriculturist of the Year Award. After serving for 14 years on the board of the California State University, Fresno, Agricultural Foundation, Bill's final expression of his love for agriculture was his commitment to Friends of Agricultural Extension, reflecting his belief in the public value of university agricultural research.

While his commitment to the San Joaquin Valley agricultural community was unmatched, Bill's commitment to education was equally impressive. He was a member of the Jefferson Union Elementary governing board; a charter member of the Clovis Unified School District board; a founding member of the board of directors of the Foundation for Clovis Schools; and a member of the Reagan Educational Center Agriculture Department Advisory Committee. Bill was particularly proud when Clovis Unified School District honored him by naming the McFarlane-Coffman Agricultural Center after him.

Bill McFarlane's legacy to his friends, family, colleagues, and countless numbers of students will be remembered for generations to come. The San Joaquin Valley has been blessed with many people whose commitment to the valley has made it the greatest agricultural region in the world. Among these people, Bill was one of the greats.

TRIBUTE TO LIEUTENANT COLONEL MARYJO TIMPANO

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to LTC MaryJo Timpano, Director of Staff, 174th Fighter Wing upon the occasion of her retirement from the United States Air Force Air National Guard.

Lieutenant Colonel Timpano assumed the duties of the Director of Staff and Wing Executive Officer for the 174th Fighter Wing at Hancock Field on June 4, 2008. It was under this assignment that Lieutenant Colonel Timpano has directed all wing and public affairs activities.

Additionally, Lieutenant Colonel Timpano has served as the Hancock Field Sexual Assault Response Coordinator and the Community Manager for the 174th Fighter Wing.

Prior to her assignments with the 174th Fighter Wing, Lieutenant Colonel Timpano served the Office of the Chairman Joint Chiefs of Staff as an Executive Officer to the Assistant to the CJCJS for National Guard and Reserve Matters.

Lieutenant Colonel Timpano earned her Bachelor of Science degree in Developmental Psychology through the State University of New York at Brockport and is currently pursuing a Master's degree in Psychology. She has an extensive military education and has been the recipient of several medals.

It is important that we as a nation recognize our service men and women for their dedication to the United States of America, particularly those as accomplished as LTC MaryJo Timpano.

Mr. Speaker, it is with privilege that I pause to commemorate LTC MaryJo Timpano on her dedicated service to the Nation and congratulate her on her retirement from the United States Air Force Air National Guard.

HONORING LORETTA J. MALOY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, thirty-three years ago a virtuous woman of God accepted her calling to serve in the Educational System; and

Whereas, Mrs. Loretta J. Maloy began her educational career in teaching in Georgia and this year she retires from teaching at Edward L. Bouie, Sr., Elementary Theme School in Lithonia, Georgia; she has served the DeKalb County Public Schools System well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher, Educator, and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar, and a servant to all who want to advance the lives of our youth; and

Whereas, Mrs. Maloy is formally retiring from her educational career today, she will continue to promote education because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Loretta J. Maloy on her retirement from the DeKalb County Public Schools System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 18, 2012 as Mrs. Loretta J. Maloy Day in the 4th Congressional District of Georgia.

Proclaimed, this 18th day of May, 2012.

HONORING SUSAN MOORE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. WOOLSEY. Mr. Speaker, I rise with pleasure today to honor my friend Susan Moore, of Santa Rosa, CA, who recently received a Lifetime Achievement Volunteer Award from Roseland School District in her hometown. This well-deserved accomplishment reflects Susan's passionate efforts as a driving force behind the creation of Roseland University Prep.

Eight years ago, Susan worked with Roseland Superintendent of Schools Gail Ahlas to establish a high school in a largely Latino area where few students went on to attend college. The school's purpose is to give each student both the opportunity to take the necessary classes and the support needed to succeed. Recently U.S. News & World Report ranked Roseland University Prep as one of the top-performing high schools in the nation.

Susan Moore's commitment to children in underserved communities is long-standing. She is a person who sees a need and uses her skills and determination to fill it. In 1999, she developed the Girl by Girl Mentoring Project to serve young girls who are "ethnically underrepresented in the college system" by bringing in the best community resources to help them. She personally mentored many of the girls herself.

Susan also found the time over the years to take leadership roles in the local chapter of the Brady Campaign to Prevent Gun Violence, the Women's Justice Center (Roseland), Worth our Weight (for kids timing out of foster care), and Friends of Graton Rancheria (support of a Native American tribe).

Her upbringing in Port Arthur, TX, and a background as a teacher likely contributed to both Susan's resolve and her understanding that education is the path to a better life. She also counted on the support of the No Name Women's group, formed in the 1980s with other strong local women who wanted not only to network and support each other, but also to promote progressive candidates and causes. Susan was always willing to make the phone calls to urge the group forward, and today she still makes the calls to an expanded group addressing a broad range of issues,

from the Governor's race to astrophysics. I am proud to have had the group's support over the years as we addressed the same causes.

Susan Moore cannot be described without mentioning how much fun she is to work with. When her name is mentioned in a group, you will hear chuckles and someone will always say, "Did you hear about the time Susan . . . ?" Although she doesn't take "no" for an answer when she has an issue in her sights, Susan makes people feel that they are willingly joining her in a great adventure. She even learned tap dancing with a group of women who worked on a routine to tap for women's rights in a Santa Rosa Rose Parade.

Mr. Speaker, Susan Moore is an inspiring role model who makes our community a better place. Please join me in congratulating her on receiving the Lifetime Achievement Volunteer Award from Roseland School District.

HONORING GARLOUGH ENVIRONMENTAL MAGNET SCHOOL ON RECEIVING A 2012 GREEN RIBBON SCHOOLS AWARD FROM THE U.S. DEPARTMENT OF EDUCATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. McCOLLUM. Mr. Speaker, I rise today to honor the teachers, administrators and students of Garlough Environmental Magnet School in West St. Paul, Minnesota which has been named a recipient of the first annual U.S. Department of Education's Green Ribbon Schools Award. On behalf of the families in Minnesota's Fourth District, I am proud to extend my sincere congratulations to Garlough Environmental Magnet School.

The Fourth Congressional District of Minnesota is fortunate to be home to many schools that deliver high quality environmental education. For the past five years, Garlough Environmental Magnet School has been a leader, setting the standard for environmental excellence, winning high praise and numerous accolades throughout the State and Nation while nearly doubling its enrollment in the process. Part of their success is due to outstanding community partnerships that enable students to get out-of-classroom learning experiences. One of the cornerstone partnerships is with the Dodge Nature Center. Starting in 2007, Garlough teamed up with the conveniently located community nature center to provide students outdoor learning opportunities. The nature sanctuary serves as a 320-acre living science lab where students can participate in field studies, use scientific equipment in biological measuring, and study the sanctuary's beehives and farms. Garlough's combination of a targeted curriculum with outside learning opportunities has produced natural experiences that have enhanced students' intellectual, social, emotional and physical development.

Garlough Elementary is a natural choice for the first-ever round of the U.S. Department of Education Green Ribbon Schools Awards. In September 2011, in coordination with the Environmental Protection Agency, the U.S. De-

partment of Education initiated a new federal-recognition program that honored schools implementing environmentally-friendly policies. The selection process targets schools that exercise a comprehensive approach to creating green environments though reducing environmental impact, promoting health, and ensuring high quality environmental and outdoor education. The Green Ribbon Award highlights the necessity of educating our students in preparation for the 21st century global economy, an economy that will rely more on green industry and technology.

As our Nation continues on into the 21st century, our global competitiveness will be tied into jobs that center on technology, science, math, and renewable energy development. To ensure that the United States continues to be an international leader, schools must create engaging curriculum that focuses on preparing students for success. Garlough Environmental Magnet School sets a great example for this strategy.

Mr. Speaker, I am pleased to submit this statement for the CONGRESSIONAL RECORD in honor of Garlough Environmental Magnet School's recognition as a U.S. Department of Education Green Ribbon School.

HONORING BISHOP H.H. BROOKINS

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of Bishop H.H. Brookins, who passed away on Tuesday, May 22, 2012 at the age of 86.

Bishop Brookins was a giant in the Los Angeles community and in the African Methodist Episcopal, A.M.E. Church both nationally and internationally. He was a leader among leaders who had a knack for creating historic "firsts." Bishop Brookins is credited for identifying former LAPD Lieutenant Tom Bradley as the preferred candidate to run for Los Angeles City Council in 1963, and for spearheading Bradley's victory as Los Angeles's first African-American Council member, and again 10 years later as the city's first African-American Mayor.

Another Brookins "first" was the co-founding of the United Civil Rights Council, organizing 75 groups to help the Black community recover from the 1965 Watts Riots. Bishop Brookins served as the first President of UCRC, and later was a founding Board Member of Rev. Jesse Jackson's People United to Serve Humanity, also known as Operation PUSH.

Born Hamel Hartford Brookins in Yazoo City, Mississippi on June 8, 1925, the seventh of 10 children of sharecroppers, he first attended Campbell College in Jackson, Mississippi. There he became pastor of his first church with fewer than 20 members. By 1954, H.H. Brookins was a minister in Wichita, Kansas, where he was elected the first black president of the 200-member Interracial Ministerial Council and led religious and civic leaders in uniting communities following the Supreme Court's order to desegregate the To-

peka, Kansas public schools. Bishop Brookins also was famous for his leadership in the struggle to end Apartheid in South Africa.

The H.H. Brookins legend in Los Angeles centers around his extraordinary accomplishments as Pastor of First A.M.E. Church, whose storied multi-million dollar sanctuary lies in the historic West Adams district, having started with an \$8 building fund. First A.M.E.'s congregation now has nearly 20,000 members, a community development corporation, senior housing, and much more. Although he has passed from this life, Bishop H.H. Brookins lives on in the ministries of First A.M.E., and in all of us who loved and admired him.

I offer my sincere condolences to Bishop Brookins' wife, the Rev. Rosalynn Kyle Brookins, his two sons, Sir-Wellington Hartford Brookins and Steven Hartford Brookins, and his daughter, the Rev. Francine A. Brookins.

TRIBUTE TO MARTHA GREEN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to an outstanding philanthropist and entrepreneur, Martha Green. On June 9, 2012, Martha will be honored with the Tzedakah Award from the Congregation Emanu El for her commitment to charity and passion for bettering her community.

Martha was born and raised in Greenville, South Carolina, where she learned to love cooking. Martha moved to California, where she has owned several cooking schools and kitchen stores in Redlands, Las Vegas, and San Bernardino.

In 1974, Martha began her first cooking class in the back of her husband's mattress store, where she taught a class on microwave cooking. In 1978, she expanded her cooking classes and opened a cooking equipment store in Redlands, California. Since beginning her first cooking classes, Martha has opened the bakery, Dough'Lectibles and the restaurant, The Eating Room in downtown Redlands.

Martha's expertise and creativity in cooking has helped her gain widespread recognition throughout the Inland Empire. Martha has combined her passion for cooking with her drive for helping the local community by hosting approximately 30 fundraising cooking classes annually. Additionally, Martha is known for her celebrity auctioneering in the community, where she has been able to raise over \$2 million to support local charities.

Martha has not only dedicated her life to cooking, but also has generously assisted many local organizations such as SOS Read, the Children's Fund, the Redlands Bowl Association, the Loma Linda University Children's Hospital and Sacred Heart Church. Her genuine spirit and high energy has contributed immensely to these organizations.

On top of her cooking classes, restaurants, and philanthropic events, Martha is a realtor, and also hosts a radio cooking show, which airs on weekdays at 8:33 a.m. and 4:32 p.m.

on KVCR 91.9 FM. Additionally, Martha is the author of Martha Green's Cooking Things, a cookbook that offers over 300 recipes.

Martha's generosity and culinary passion has impacted Inland Empire immeasurably. Her bright personality and dedication to charitable events has made a lasting impact in our community. I extend my congratulations to Martha Green as she is honored with the Tzedakah award by the Congregation Emanu El on June 9th 2012.

TRIBUTE TO VETERANS OF THE
VIETNAM WAR

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to our Veterans of the Vietnam War and to reflect upon their courage, strength, and love for the United States of America.

March 29, 2012, has been proclaimed Vietnam Veteran's Day in the State of New York, but it is important that we recognize our Veterans of the Vietnam War throughout this great Nation.

During the Vietnam War, of the more than 3.4 million Americans that were deployed, over 58,000 were killed, 153,000 were wounded, and over 2,000 remain missing in action.

In April of 1975, the Vietnam War came to a close with the fall of Saigon, but the war will go on forever in the hearts and minds of our Veterans and their families. It is important that we remind our Veterans that they are greatly appreciated for their service to this great Nation and that they will never be forgotten. It is because of our service men and women that the United States of America remains the Greatest Nation in the History of Mankind.

The men and woman who served our country in the Vietnam War are shining examples of patriotism, strength, courage, and decency. It is with great honor that I pause and reflect upon their sacrifice and thank our Vietnam Veterans for their dedicated service to the United States of America.

HONORING KAREN L. MACON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, thirty-eight years ago a virtuous woman of God accepted her calling to serve in the Educational System; and

Whereas, Mrs. Karen L. Macon began her educational career in teaching in South Bend, Indiana at Muessel Elementary School in 1974 and this year she retires from teaching at Edward L. Bouie, Sr., Elementary Theme School in Lithonia, Georgia, she has served the DeKalb County Public Schools System well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher, Educator and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who want to advance the lives of our youth; and

Whereas, Mrs. Macon is formally retiring from her educational career today, she will continue to promote education because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Karen L. Macon on her retirement from the DeKalb County Public Schools System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 18, 2012 as Mrs. Karen L. Macon Day in the 4th Congressional District of Georgia.

A TRIBUTE TO THE LIFE OF
RUTHERFORD "BUD" GASTON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Rutherford "Bud" Gaston, who passed away on May 16, 2012 at the age of 91. Bud will be remembered for his groundbreaking work in education, his loyalty to his friends, family, and students, as well as his role as one of Central California's most visionary leaders.

Bud was born in Georgia and spent his childhood in Pennsylvania, where he attended elementary school and high school. His commitment to service was evident early in his life. Bud served our Nation proudly in the United States Army during World War II and ended his service as a second lieutenant.

Bud and his wife made their way to Fresno in the late 1940s. In 1953, he graduated from California State University, Fresno and began his educational career. His remarkable 33-year educational career was marked with milestones. As Fresno Unified School District's first African-American principal, Bud became an inspiration and source of pride for an entire community.

Bud consistently maintained a positive attitude and worked tirelessly to ensure the success of his students. As a teacher, his gentle spirit and big heart put his students at ease and encouraged them to pursue success. In 1963, Bud was named principal of Teilman and Emerson schools. He retired in 1986 after serving as principal at Bethune Elementary School for 14 years. Throughout his impressive career, he served as a mentor to countless students.

Bud's service to our community did not end in the classroom; he also served on a number of boards and commissions. He served as President of United Black Men of Fresno for ten years and was active on the boards of the Chaffee Zoo, Boys & Girls Clubs of Fresno, St. Agnes Medical Center, and the Kiwanis

Club of Fresno. His hard work and innovative nature made him a respected member of our community and he served as an example to many.

Mr. Speaker, I ask my colleagues to join me in honoring the life of Rutherford "Bud" Gaston, one of Fresno's most distinguished leaders, a trailblazer for education, and a true champion for the people of Central California. His leadership made him a role model and an asset to our community. His caring nature and vibrant spirit will be sorely missed, but his legacy will live on in the lives of those he touched.

HONORING STEVE SIMON THORNTON
ON THE OCCASION OF HIS
RETIREMENT FROM WILSON
COUNTY PUBLIC SCHOOLS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize a friend and constituent, Steve Simon Thornton, who has devoted the last 31 years to serving the children of eastern North Carolina. In a few days, Steve will be retiring as Assistant Superintendent of the Wilson County Public Schools.

Steve Thornton is a native of Halifax County, North Carolina. He was born on November 1, 1959 to Stonewall and Garteem Davis Thornton who were role models and inspired Steve to give of his time and talent to disadvantaged children. His parents believed in the power and opportunity offered by an educated mind and from a very early age ingrained in Steve and his three older siblings the importance of education.

Steve was a product of the Halifax County Public School System, having attended T.S. Inborden Elementary School and graduating in 1978 from Enfield High School. Throughout his formative years, Steve learned that education was key to breaking the cycle of poverty that can so often plague traditionally southern communities. He was determined to give back to the community that gave him so much. And so he attended East Carolina University in Greenville, North Carolina and in 1982 received a Bachelor's Degree in Intermediate Education.

After receiving his undergraduate degree, Steve chose to become an elementary teacher at Benvenue Elementary School in Nash County, North Carolina. He was so highly respected by his colleagues that he was named grade chairman and was also honored as the 1986 Teacher of the Year. The following year, Steve saw a new opportunity to help shape young minds and began serving as Assistant Principal at Carver Elementary School in Edgecombe County, North Carolina.

In 1989, after earning a Master's Degree in School Administration, Steve returned to his native Halifax County and served as Principal of Pittman Elementary School. While there, he instituted a number of successful programs that helped to create an environment in which every child could learn successfully. In 1992, he was appointed Principal of Brawley Middle

School where he was so successful that he was named Halifax County School's Wachovia Principal of the Year. In 1994, Steve returned to the newly merged Edgecombe County—Tarboro City School System where he served as Principal of Stocks Elementary School.

Two years later, Steve Thornton was recruited to serve as Executive Director of Human Resource Services with the Wilson County Public Schools. The following year he ascended to the position of Assistant Superintendent of Human Resource Services, the position that he now holds. Steve is well respected and revered by the community and his colleagues in the entire school system. They will miss his spirit of dedication and excellence.

Mr. Speaker, I ask my colleagues to join me in thanking Steve Simon Thornton for 31 years of service to the precious children of eastern North Carolina and for his commitment to education. I ask that my colleagues wish Steve Thornton God's continued blessings as he continues on life's journey.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,713,655,602,953.23. We've added \$5,086,778,554,040.15 to our debt in a little over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING THE 50TH ANNIVERSARY OF AMERICAN PLASTIC TOYS INCORPORATED

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge American Plastic Toys Incorporated, upon its 50th anniversary. American Plastic Toys is headquartered in Walled Lake, Michigan and operates a total of three facilities in Michigan and Mississippi. As a genuine model of American manufacturing, the company has proudly manufactured safe toys in America since 1962.

American Plastic Toys assembles 100% of the toys in their more than 125 item product line in the United States. It is worth noting less than 4% of their toy value content is imported and the majority of this minuscule percentage are sound components and fasteners, none of which are painted. Proudly, American Plastic Toys molds most of the components in their products in their own plants or purchases them from U.S. companies.

Dedicated to providing youngsters with safe toys and furniture for role play, riding and pre-

school learning along with summer and winter fun, American Plastic Toys mandates every product be tested by at least one independent U.S. safety-testing lab. They are focused on ensuring their toys comply with every applicable safety standard.

The products manufactured by American Plastic Toys are sold by most major North American mass merchants. Their toys are also available in Central and South America and Australia. No doubt, American Plastic Toys has encouraged the imagination of many a child.

Mr. Speaker, for 50 years American Plastic Toys Incorporated has consistently been committed to a truly American product with a legacy of excellence, ingenuity, and the irrepressible spirit of the American entrepreneur. Today, as the company celebrates this enormous milestone, I ask my colleagues to join me in congratulating American Plastic Toys and recognizing their years of loyal service to our community and country.

HONORING TIMBER POINT ELEMENTARY SCHOOL'S 5TH GRADE STUDENTS FOR WINNING THE DISNEY PLANET CHALLENGE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. ISRAEL. Mr. Speaker, I rise today to honor Jennifer Giordano's 5th Grade Class at Timber Point Elementary School of East Islip, NY. Recently, the class was recognized as the Disney Planet Challenge's 2011–2012 New York State winners. They also placed 5th overall in the entire country. I am honored to have this school, Jennifer Giordano and all these students in the 2nd Congressional District of New York.

The Disney Planet Challenge is a competition designed to encourage American youth to play a key role in impacting the environment classroom by classroom. By learning the merits of conservation and innovative energy solutions, students become aware of the importance of protecting our environment. The challenge's interdisciplinary approach involves math, science, and English in order to motivate students to compete for a common goal. This is being applied on Long Island and across the nation.

Ms. Giordano's 5th Grade Class at Timber Point Elementary School embodies the spirit of thinking globally while acting locally. This all started with the film WALL-E, which inspired the students to launch a project focused on keeping non-biodegradable trash and dangerous chemicals out of local landfills. They met this goal by holding themselves and their community accountable. This included urging local restaurants to use biodegradable materials, setting up compost sites, initiating a battery collection program, and starting recycling programs. These 5th graders have successfully made their community more aware of how their habits impact our environment. Their hard work shows that when we all work together to do our part, we can make a big difference.

I commend these students for their dedication to their community and our planet. I would also like to honor their teacher, Jennifer Giordano, and their parents for instilling in these children the importance of protecting our environment for future generations. As the New York State winners of the Disney Planet Challenge, I would like to formally submit all of these students' names in recognition of their achievements:

Zaina Abdelbaky, Brittney Amaru, Nicolette Banville, Charlie Curran, Kyle DeLisi, Nickolas Dimitriou, Ryan Engblom, Lauren Florenz, Steven Geisler, Nicole Graziano, Tom Hazell, Shannon Hubany, Dylan Lopez, Natalia Lozinski, Owen Meddis, Julia Ryan, Kerri Smith, Katelyn Spina, Natalie Stergakos, Ryann Tracy, Cassidy Triolo Matthew Pinz.

IN HONOR OF POLISH CONSTITUTION DAY

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today in honor of Polish Constitution Day: a day in which we celebrate the signing of Europe's first written constitution.

The Polish Constitution was signed into law on May 3, 1791. It was preceded only by the United States Constitution, making Poland the second nation in the world to establish a written constitution.

Once a monarchy, Poland recognized and declared the sovereignty of its citizens through the renunciation of noble power and the signing of the Polish Constitution.

Much like the United States Constitution, the Polish Constitution grants legal rights for all, freedom of religion, separation of powers, and political equality.

To this day, the principles of democracy have been central to the Polish people, including the many Polish-Americans who have made significant contributions to the United States of America and communities across this great nation.

It is with privilege that I pause and join with members of Congress, people across the United States, Poland, and nations around the world in commemorating and celebrating the Polish Constitution and the many efforts that the Polish people have made towards the development and growth of democracy throughout the world.

HONORING DR. THOMAS SMITH

HON. HENRY C. "HANK" JOHNSON JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, Dr. Thomas Smith has distinguished himself as an Educator in American government and civic leadership at Dr. Martin Luther King, Jr. High School in DeKalb County, Georgia; and

Whereas, Dr. Smith for the last ten (10) years has led his ninth grade civic students in the study of civic leadership both through academics and community service; and

Whereas, he spearheaded the effort to bring federal and state legislators to the school on a consistent bases to mentor and expose the students to our government first hand; and

Whereas, this year, the civic leadership students who have been successful in their studies include Abraham Ameer, Dorian Bullock, Tommy Jones, III, Morgan Mathews and Carlton Williams; and

Whereas, his boundless energy and enthusiasm has opened nationally recognized opportunities, helping his students understand that their futures are as limitless as the skies; and

Whereas, we are grateful for the life and work of this outstanding teacher who defines the very essence of the profession; and

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 22, 2012 as Dr. Thomas Smith and the Dr. Martin Luther King, Jr. High School Civic Leadership Students Day in Georgia's 4th Congressional District.

ADVAIT "ADI" PATEL

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. RAHALL. Mr. Speaker, I am proud to honor one of America's newest National Elementary Chess Champions, nine-year-old Advait "Adi" Patel, who hails from Logan County, West Virginia. This Logan Middle School fifth grader placed first in the recent competition that drew 2,200 young people to test their skills, stamina and heart. We salute all those who helped organize the competition and who nurture our country's future generations. In Adi's case, beyond the thrill of victory and the satisfaction of success, we can find useful lessons for both today's and tomorrow's leaders.

Competing with the latest video games and their striking graphics has not been the easiest time for the venerable game of chess, but one thing that can usually trump the newest technology is old fashioned love; especially the love of a grandfather in India, who took the time and patience to teach Adi how to play the game during a visit.

Adi's parents have been very supportive as well, taking him to faraway tournaments and providing him lessons and online access to other players. Importantly, they are behind his pursuit as long as he still loves the game, another feather in their parental caps.

Likewise, Adi is as thoughtful off the board as he is during a tough game. He recently commented in a local news story that, "It's fun to play, and there's no brawl in it—no fighting physically," Advait said. "It helps me with school, too. Math is a lot easier now. I've had straight A's ever since I started playing, because it teaches you how to focus. There is a lot of thinking in chess."

With our national focus on today's student science and math accomplishments translating

into tomorrow's innovations and entrepreneurs, Adi's example sets exactly the right tone for his fellow students, teachers and school administrators alike.

Adi's chess coach, David Saville, believes a chess player's best skill is to be able to "visualize the future." I think we can all visualize a brighter future with the talent, values, hard work and dedication displayed by Adi, his coach and family.

RECOGNIZING ERIC BABCOCK

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. STIVERS. Mr. Speaker, today I rise to recognize the courageous actions of Grove City resident, Eric Babcock. On December 18, 2011, Eric rescued a neighbor's young granddaughter from the second floor of a burning garage.

I ask that all Members of Congress join me and the people of Ohio's 15th Congressional District in thanking Eric Babcock for his brave actions. Despite the grave risk to his own life, he selflessly rose to the occasion and saved the life of his young neighbor. For his heroism, Eric received well-deserved recognition from the Jackson Township Board of Trustees.

I extend my sincere thanks to Eric Babcock for his heroism. While to some he may be an ordinary person, his extraordinary act is exactly what makes me proud to represent the everyday heroes of the Central Ohio area.

TRIBUTE TO THE LIFE OF
CHARLES POWELL

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. BACA. Mr. Speaker, I stand here today to pay tribute to a beloved community member and role model, Charles "Chuck" Powell. Chuck passed away on May 10, 2012 at the age of seventy-eight.

Chuck was born on July 3, 1933 in Franklin, Ohio, to Charles and Mamie Powell. He spent several years in Ohio, working as a steelworker until he joined the Air Force and relocated to the March Air Force Base in Riverside, California. During his time in the Air Force Chuck met his future wife, Geri Linton, whom he was married to for 56 years.

Chuck served as a milk distributor in Bloomington for 40 years, and was affectionately known as the "milk man" to all he served. During his free time, Chuck enjoyed coaching his sons youth baseball teams.

Chuck was also an avid golfer, and member of El Rancho Verde Country Club, where he previously served as President, and Vice President. His sons have fond memories of bonding over golf, the sport he loved.

I remember Chuck's competitive nature, his fondness for smoking his pipe, and how he loved a good debate with friends. We often played rounds of golf together; he was a close

and dear friend of mine. I knew Chuck as having a deep passion for golf; he was always trying to improve his putting stroke in order to compete with the best golfers. Although Chuck was an outstanding golfer, I will always remember him Chuck for his charm, sense of humor, and ability to connect with everyone he met.

Chuck is best known by his family for his big heart and memorable advice for the people he touched. His children and grandchildren have fond memories of times with their father and grandfather. His son noted that he will never forget his father's sense of humor and the phone calls they would share after a good round of golf. Chuck's grandchildren could always count on him to give sound advice and to put a smile on their face, even during the worst days.

Let us take the time to pay tribute to a wonderful man. Let us celebrate the life he led, and the positive example he set for others. Although he is no longer with us, his legacy and spirit will continue to live on through the lives of everyone he has touched.

Chuck is survived by his beloved wife, Geri Powell; his three sons, Bob, Neal, and Scott; two siblings, John and Margaret; and six grandchildren, Alyssa, Brooke, Tyler, Tori, Christine, and Chloe. My thoughts and prayers, along with those of my wife, Barbara, and my children, Rialto City Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Chuck's family at this time. Mr. Speaker, I ask my colleagues to pay tribute to Charles Powell.

HONORING BIG WILLIE ROBINSON

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of Mr. Willie Andrew Robinson III, affectionately known in Los Angeles and around the world as "Big Willie" Robinson. Big Willie Robinson was the founder and president of the International and National Brotherhood of Street Racers. He passed away on May 19, 2012 and will be sorely missed by his fellow Viet Nam veterans and the countless people who found a new sense of purpose in life as a result of Big Willie's work in the greater Los Angeles community.

Born on September 12, 1942 in New Orleans, Louisiana, Willie Robinson attended Louisiana State University in 1960 with the hope of playing football for the university. But because African-Americans were not yet allowed to play at LSU, Willie left after only one year to attend UCLA. Shortly after moving Willie found work in a Los Angeles area body shop. He bought his 1957 Oldsmobile, began street racing, and turned Louisiana's loss into Los Angeles's biggest gain.

Drafted into the Army in 1964, Willie Robinson was one of the first African-Americans to serve in the Green Berets in Vietnam, which he did with honor until 1966. From the time he returned to Los Angeles late that year until his death, Big Willie's trademark beret, fatigues and Brotherhood colors were known worldwide.

At 6'6" and over 300 pounds, Big Willie's immense physical stature paled in comparison to his iconic stature as a peacemaker and truce-broker among LA street gangs and people of all ethnic groups. Legendary Los Angeles Mayor Tom Bradley respected Big Willie's work so much that in 1974 he helped Big Willie to open the Terminal Island Brotherhood Raceway, which hosted street races while promoting non-violence and racial unity for over two decades.

Big Willie Robinson is one of the greatest ambassadors of hope and racial unity in this country during my lifetime. He was truly a God-send, and it is entirely fitting that he chose to live out his life's mission in the City of Angels. May Heaven receive Big Willie Robinson with open arms and declare, "Well done, good and faithful servant."

I extend my deepest condolences to his mother, Ms. Lula Mae Simmons, his sister Jean Davis, and his brother, Don Ray Robinson.

RECOGNIZING THE WESTCHESTER-PUTNAM SCHOOL BOARDS ASSOCIATION (WPSBA)

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the Westchester-Putnam School Boards Association, WPSBA for 50 years of service and dedication toward improving public education in its member districts throughout the Lower Hudson Valley of New York.

Since its founding in 1962, WPSBA has helped school board members to become education leaders in their districts and the larger region. By providing training, outreach, and resources, WPSBA has worked to enhance the effectiveness of the school board members who work so tirelessly on behalf of public school students and their schools. WPSBA has also become a forum to share information and build relationships among people and organizations dedicated to public education. By carrying out its multi-faceted mission, WPSBA has strengthened the quality of education throughout Westchester and Putnam counties.

WPSBA is a forceful advocate at the local and state levels for policies that support public education. It has also demonstrated its commitment through outreach to the public and the media, shaping the conversation to ensure that issues vital to public education are considered.

Mr. Speaker, I ask my colleagues to join me in saluting the past, current and future leaders and members of the Westchester-Putnam School Boards Association for their selfless commitment to public service. We wish all those involved with WPSBA a happy 50th anniversary celebration and continued success in the years ahead.

HONORING COURTNEY KREIGHAUSER OF THE CARROLL SENIOR HIGH TRACK AND FIELD

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize Courtney Kreighauser. She is a student at Carroll Senior High School who won a state championship at the University Interscholastic League's State Championship for Track and Field.

Every year, top high school athletes in Texas compete for the opportunity to advance to the UIL's State Championship. Only the extraordinary athletes that advance from the district and regional meets are qualified to continue to the state competition held in Austin, Texas. Courtney Kreighauser from Carroll Senior High won the 5A Girls 1600 race.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating Courtney Kreighauser for her state championship title in track and field.

HONORING SUNLIGHT FOUNDATION

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. QUIGLEY. Mr. Speaker, I rise, as doth the golden orb pulled across the sky each day by the chariot of Apollo, to decry an ignominy perpetuated on this Body by the captious Sunlight Foundation.

Mr. Speaker, the Sunlight Foundation says we talk dumb. How can the House of Lincoln, Jefferson and Wilbur Mills suffer such exorciation? I deem the Sunlight Foundation's findings fatuous. There has been no deliquescence of Congressional discourse.

Speak we not of life, liberty and hockey? In the words of Francois de la Rochefoucauld, who I believe was a defenseman for the original Canucks, "True eloquence consists in saying all that should be said, and that only." So true. That is why as the elected arbiter of erudition from the 5th Congressional District, I decry the Foundation's obvious schadenfreude in our dictional dystopia. Let me repeat that word again: schadenfreude, which captures the zeitgeist of this badinage.

That is not to say there have been errors in eloquence. But soft! What F-bombs from Rahm's office breaks? His monosyllabic vocabulary evoked images of the corporeal, the priapistic and the unprintable. Alas, our words may not always dance "trippingly on the tongue," as Hamlet encourages of his players in Act III of that eponymous work.

But nor do they need to. As Bertrand Russell said, "To acquire immunity to eloquence is of the utmost importance to the citizens of a democracy." And so we do our best in pursuit of that august goal. As to the Sunlight Foundation's farcical fomentations, I leave you with the thoughts of one post-modern philosopher, known for his dialectical ruminations on the

salubrious effects of fermented hops and barley.

"Facts are meaningless," notes Homer Simpson. "You could use facts to prove anything that's even remotely true!"

So if the Sunlight Foundation must lampoon our verbal buffoonery, reducing us to linguistic lummocks, remember Cecil Terwilliger's immortal retort to his brother Sideshow Bob's comment about spending four years in clown college: "I'll thank you not to refer to Princeton that way."

H.R. 5652: SEQUESTER REPLACEMENT RECONCILIATION ACT OF 2012

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in strong opposition to H.R. 5652, the Sequester Replacement Reconciliation Act. The proposed cuts in this bill directly attack low and moderate-income Americans while protecting an excessive defense budget.

More than 40 percent of the cuts in this legislation come from programs that support low-income families. The bill abandons millions of Americans who rely on food assistance programs by making drastic cuts to the Supplemental Nutrition Assistance Program (SNAP), the Free School Lunch and Breakfast program, and Meals on Wheels. The bill slashes funding for the Social Services Block Grant Program, which provides more than 20 million children and seniors services ranging from protection from abuse to transitional housing. Simply put, H.R. 5652 disproportionately cuts assistance targeted to low- and moderate-income families and will only deepen the poverty that they experience and leave more of them hungry.

H.R. 5652 cuts the Home Affordable Modification Program (HAMP) and restricts any unused funds for deficit reduction. Though initially flawed, my efforts and those of my colleagues to improve HAMP have helped to make it an essential response to the foreclosure crisis. Rather than completely eliminate it, as H.R. 5652 would do, the program should continue to be revamped to better serve the needs of the American people.

This legislation includes provisions to require that all current and future federal workers pay an additional 5 percentage points of their salary toward their federal pensions. This cut in benefits would result in an annuity that is worth approximately 40% less than is the case under existing laws. Federal workers have already endured pay freezes and large programmatic budget cuts. Congress should not be playing politics with the pensions of the thousands of hard-working federal employees that are dedicating their lives to public service.

In addition, H.R. 5652 weakens Americans' protections in the event of another financial crisis like the one that started our current recession. The bill prevents the FDIC from intervening to slow the chain reaction of investment bank failures that happens when one of the firms begins to fail, bringing the others

with it because they are so closely tied together. The bill also eliminates the ability of the Consumer Financial Protection Bureau (CFPB) to fine law-breaking financial entities under its jurisdiction.

The premise behind this legislation is that we should go back on the agreement that was reached and codified in the Budget Control Act by preserving a massively bloated Defense Department with funding from Americans of greatest need. I strongly oppose this bill.

CONGRATULATING BRADY OF
GREENSBORO ON ITS 50TH ANNI-
VERSARY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. COBLE. Mr. Speaker, family-owned businesses provide the structure at the core of every great community. As a result, it is necessary to recognize and celebrate the growth and success of these companies. The citizens of the Sixth District of North Carolina would like to recognize Brady of Greensboro on its 50th anniversary as a North Carolina business.

Brady was started by its current chairman, Don Brady, in 1962, with only four other associates and a station wagon. The original company goal was the sale of HVAC commercial equipment. Today, Brady works to design integrated comfort systems for a broad array of North Carolina industries that exceed expectations of quality, reliability and efficiency. The Brady mission has evolved to helping building owners and asset managers maximize their energy resources by providing a complete suite of cost effective, integrated energy solutions to achieve significant overall cost savings, a goal which not only affects these industries, but our economy and the state, as well.

What began as a small sales operation in Greensboro, Brady now employs more than 300 North Carolinians in offices and stores across the state. Brady values its employees as the backbone of its business, providing extensive training for personal growth and development, creating a skilled work force in our state.

This year, Brady was also honored with the mid-sized "North Carolina Family Business of the Year" award from Wake Forest University. On behalf of the citizens of the Sixth District of North Carolina, we would like to recognize and celebrate this leading local business on its 50th year of operation. We wish Brady more success and growth in the years to come.

50TH ANNIVERSARY OF
WALWORTH-SEELY LIBRARY

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor the Walworth-Seely Public Library, as it celebrates its 50th anniversary this year.

Located in Wayne County, New York, the original site of the Walworth-Seely Public Library was purchased from Bessie Seely, the daughter of a tinsmith who sold her father's shop to the Walworth Chamber of Commerce for one dollar under the condition that the space was used for educational purposes. The Walworth Town Board unanimously decided that there was a need for a library.

The Walworth-Seely Public Library officially opened its doors in 1962. It quickly grew to require an expansion to the existing building in 1970 and in 1992 the library moved to a new facility to accommodate continued growth.

Fifty years from its inception, the Walworth-Seely Public Library still serves a vital role in the community by allowing free access to books and bringing the community together.

It is important that we give special recognition to our libraries, as they welcome all members of the community to share and enjoy the many benefits of reading, as well as educate and inspire our future leaders of tomorrow.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Walworth-Seely Public Library as they celebrate 50 years of service to the community by supporting free access to knowledge and information.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 253, 254, 255, 256, 257, and 258. Had I been present, I would have voted "aye" on rollcall vote Nos. 256 and 257. Had I been present, I would have voted "no" on rollcall vote Nos. 253, 254, 255 and 258.

TRIBUTE TO TOKYO RAIDER
WILLIAM FARROW

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. WILSON of South Carolina. Mr. Speaker, in a Memorial Day recognition of the incredible heroism and sacrifice of Tokyo Raider William Farrow, The Lexington County Chronicle on May 24, 2012, published the following article by Ron Shelton on behalf of the South Carolina Historic Aviation Foundation.

[From the Lexington Chronicle, May 24, 2012]
MEMORIAL DAY RECALLS COURAGE AND LEGACY OF GAMECOCK AND TOKYO RAIDER WILLIAM FARROW

(By Ron Shelton)

Heeding philosopher Edmund Burke's oft-repeated quotation "For evil to flourish, all that is needed is for good men to do nothing", Rich Lashley does plenty.

The retired psychiatrist, who for 25 years served at the University of South Carolina's health center, believes the Ultimate Sacrifice made by Tokyo Raider William Farrow, pilot of Plane 16, can inspire others

today as it has him for many years. He "talks up" Farrow to any who will listen.

South Carolinian William Farrow, one of three Tokyo Raiders executed by the Japanese military, had been a USC Civil Engineering student only a few short years before his untimely death. Lashley views the psychological discipline and moral courage Farrow summoned in the face of his demise as models contemporaries can apply.

"His legacy is as fresh today as it was seven decades ago. Farrow left behind a personal creed that could be taken up by any one of us," said Lashley, who volunteers at The Cooperative Ministry's C.A.R. program. "Over the years, as I have learned more and more about Farrow, I feel this Memorial Day, during the 70th anniversary of the Doolittle Raid, is an appropriate time to be taught by his lessons on life."

Lashley, a lover of history, was well aware of Columbia's ties to the famed Tokyo Raiders who 70 years ago rained bombs on Japanese industrial sites in retaliation for that nation's Pearl Harbor attack December 7, 1941.

"At first I knew only vaguely that one of the Raiders studied at USC. The more I learned, the more fascinated I became—that a kid so young would have had Christian principles, and exemplified them so courageously. Memorial Day is an opportunity to reflect on how we might handle such a life threat. Surely, we all have wondered if we could survive what POWs endure, all the while praying to be spared," said Lashley, a member of First Presbyterian Church.

Clipping articles, reading voraciously and making notes, drafting documents over many years, Lashley now is well aware Farrow wrote letters of comfort home to his family in Darlington, reminding them of his abiding faith, even when he knew he was to be executed.

While a student at USC, Farrow developed a personal creed as manifestation of his spiritual searching and growth. In Fall 1939 he was selected by the Civil Aeronautics Authority for air training. He interrupted his studies the next year to enlist at Fort Jackson, completed flight training at Kelly Field, TX, and was commissioned Second Lieutenant in July 1941. The Japanese attack on Pearl Harbor, only months later, plunged America into a war the nation had been determined to sit out.

Farrow's fate was not set yet. The sixteenth plane he piloted was not supposed to be included in the Raiders' surprise attack on Japanese industrial sites. According to Ron Shelton, vice president of South Carolina Historic Aviation Foundation (SCHAF), that plane was to be held in reserve.

"At the last minute, Doolittle made the decision to use every plane available. With inadequate fuel supply to land in friendly Chinese territory, because the Mitchell bombers had to launch from the deck of the USS Hornet prematurely—and from a greater distance from the target than planned—after being discovered by a Japanese picket boat, Farrow's aircraft went down," said Shelton, science curator emeritus, South Carolina State Museum. "Farrow and two other airmen were ultimately executed by the Japanese."

After his execution his mother found the creed, written while at USC, in a trunk the teen had brought home from college. Of the tenets, this one has been pulled out and repeated most often:

Fear not for the future—build on each day as though the future for me is a certainty. If I die tomorrow, that is too bad, but I will have done today's work.

Farrow's poignant words were leaked out into the public and swept the nation, through publication in various media. As a Blue Star Mother, Mrs. Farrow was asked to address the nation and read the creed on the Blue Network, and her message was called Mother Courageous.

American president Franklin D. Roosevelt learned of it, and praised it as an example to the nation; calling it An American Creed for Victory Nationwide, newspapers as well as church bulletins published it.

On January 27, 1943 USC President J. Rion McKissick used Farrow's creed instead of his own words in his farewell message to the winter graduating class. When McKissick requested that all members of the graduating class who were entering service to rise, nearly every man rose to his feet.

Farrow's Creed—as applicable, purposeful today as it was 70 years ago.

1. Stay in glowing health—take a good, fast one-hour workout each day.

2. Search our current, past, and future topics on aviation.

3. Work hard on each day's lessons—shoot for an "A".

4. Stay close to God—do His will, obey His commandments. He is my friend and protector. Believe in Him—trust in His ways—not in my own confused understanding of the universe.

5. Do not waste energy or time in fruitless pursuits—learn to act from honest fundamental motives—simplicity in life leads to the fullest living. Order my life—in order, there is achievement, in aimlessness, there is retrogression.

6. Fear nothing—be it insanity, sickness, failure—always be upright—look the world in the eye.

7. Keep my mind always clean—allow no evil thoughts to destroy me. My mind is my very own, to think and use just as I do my arms. It was given me by the Creator to use as I see fit, but to think wrong is to do wrong.

8. Concentrate! Choose the task to be done, and do it to the best of my ability.

9. Fear not for the future—build on each day as though the future for me is a certainty. If I die tomorrow, that is too bad, but I will have done today's work.

10. Never be discouraged over anything. Turn failure into success.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 250, 251 and 252.

REMEMBERING THE LIFE OF PIONEER RADIO MAN HAL JACKSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. RANGEL. Mr. Speaker, I stand with a heavy heart as I honor Harold B. "Hal" Jackson who recently passed away. It is a testament to his vitality and passion that he de-

voted over seventy years of his life entertaining America's radio audiences and was still working only a few weeks before he left us at the age of 96. I remember fondly the life of a man who broke down numerous racial barriers: Mr. Jackson was the first black announcer in network radio, the first black M.C. of a network jazz show, the first host of an interracial network jazz show and the first host of an interracial network television presentation.

The death of Hal Jackson brought immense sorrow to me, his family and friends, and to the countless people who loved and respected his groundbreaking work in radio. The announcer, M.C., host and executive never looked back after he got a foot in the door of radio in the 1930s. He would go on to acquire the first radio station to be owned and operated by blacks.

Mr. Jackson was probably born on November 3rd, 1915 in Charleston, South Carolina. Like many Southern blacks at the time, his birth was not officially recorded. After growing up in Washington, D.C., he attended Howard University, where he began his broadcasting career by announcing the play-by-play home games for Howard and other schools in addition to Negro League games. Only a few years later, Mr. Jackson's voice could be heard on three distinct stations each day. His broad skill set allowed him to thrive hosting news interview programs, sports shows and, later, music programs.

After moving to New York City, Mr. Jackson once again could be heard daily on three different radio stations, the only New York City radio personality with that exposure. Each night, four million people tuned to hear his interviews with jazz and show business greats and to enjoy his eclectic musical taste. By the early 1960s, he had begun his decades-long run as a radio executive, a position in which he excelled, even if he felt the itch to host again in 1982, returning to a seat in front of the microphone.

Mr. Jackson's contributions to Harlem, in particular, should stand out in our minds. His numerous concerts and live broadcasts from the Apollo Theater brought joy both into our homes and into our hearts. The work he did behind the scenes at Inner City Broadcasting helped to grow America's first major black-owned radio empire.

Mr. Jackson will long be remembered for his creative and charismatic radio broadcasts, as well as his important place in the Civil Rights Movement. In his own words, "When I started, the business was so segregated. Fortunately, that didn't last long." Stretching back to the 1940s, he was a civil rights fundraiser. In the 1950s, with his popularity perhaps at an apex, both black and white listeners enthusiastically tuned in to his three daily shows. Later, Mr. Jackson was one of the first people to lobby for a Martin Luther King, Jr. Day. In 1990, he became the first African American inductee to the National Association of Broadcasters.

Mr. Speaker, I am proud to honor this great man, and I ask my colleagues to join me in celebrating his life by remembering his tremendous contributions to American culture and society. The death of Hal is a great loss to our country and to New York City. We will all miss his skill and passion both behind the

microphone and as a radio executive. We give our condolences to his wife, Debi, his two daughters and son, and all of his family and friends.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE GIRL SCOUTS OF THE USA

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. McNERNEY. Mr. Speaker, today I rise to ask my colleagues to join me in honoring the Girl Scouts of the USA in recognition of the 100th anniversary of its founding. The Girl Scouts has a long and proud history, and I am pleased to recognize the group's achievements and many successes.

Since 1912, the Girl Scouts has helped millions of girls develop into strong, confident women of character. With a current membership of 3.2 million people, the Girl Scouts seeks to develop informed and engaged leaders who will make a positive contribution to the world. Many of these leaders can be found here at the U.S. Capitol, where 45 of the 75 congresswomen in the House of Representatives are former Girl Scouts along with 10 of the 17 women senators. These representatives are a testament to the significant impact that the Girl Scouts has made on the lives of American women and the Nation as a whole.

The Girl Scouts proclaimed 2012 as the "Year of the Girl," and the organization continues to help girls across this nation reach their full potential. I applaud the dedicated efforts of the Girl Scouts, and I have no doubt that the group's work is just as important today as it was a century ago. I am confident that the Girl Scouts will continue making our country a better place long into the future. I ask my colleagues to join me in congratulating the Girl Scouts on the occasion of its 100th anniversary.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Numbers 259, 260, 261, 262, 263, 264, 265, 266, 267, 268 and 269. Had I been present, I would have voted "aye" on rollcall vote Numbers 261, 262, 263, 264, 265, 268 and 269. Had I been present, I would have voted "no" on rollcall vote Numbers 259, 260, 266 and 267.

REGARDING TRANSPORTATION REAUTHORIZATION

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. SCHILLING. Mr. Speaker, as the House and Senate continue to work in a bipartisan

fashion to produce a transportation reauthorization, I wanted to submit for the CONGRESSIONAL RECORD a copy of a letter I sent to Senate Chairman BARBARA BOXER of the Environment and Public Works Committee and House Chairman JOHN MICA of the Transportation and Infrastructure Committee.

But first I wanted to clarify my vote on the Rahall Motion to Instruct Conferees on the Transportation Bill that occurred on May 18, 2012. According to the House Clerk, the instructions contained in the motion "seek to require the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 to be instructed to agree to sections 1528, 20017 (to the extent that such section amends section 5323 of title 49, United States Code, to provide subsection (k) relating to Buy America), 33007, 33008, and 35210 of the Senate amendment."

This motion urges House conferees to agree to the Senate provisions in their transportation bill that pertain to Buy American requirements for highway projects, Buy American Waiver Requirements, and the Make It In America Initiative. I agree with the sentiments of this motion and intended to vote "aye" but voted "nay" in error. I support American jobs and American workers and believe that we should be using American made goods when growing our infrastructure. If the Buy America provisions are offered as a Motion to Instruct on the Transportation Conference in the future, I intend to vote "aye".

I urge the Conferees to push for a multi-year transportation bill. Congress has a tremendous opportunity to provide five or six years of certainty when it comes to transportation policy and projects. The construction industry in particular suffers from 14.5 percent unemployment and we can put these men and women back to work by agreeing to a long term bill that includes transportation priorities like the Keystone XL Pipeline project.

I refer to these subjects in my letter to Chairmen BOXER and MICA below, but this Congress has proven it can provide certainty and bipartisanship when it passed a four-year Federal Aviation Administration law. It took five years and 23 short-term extensions, but this Congress was able to get the job done. It should be the goal of this Congress to achieve similar success this year with a multi-year transportation bill.

MAY 8, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation & Infrastructure, Washington, DC.

Hon. BARBARA BOXER,
Chairman, Environment & Public Works, Washington, DC.

DEAR CHAIRMAN MICA, CHAIRMAN BOXER, AND CONFEREES, our country as a whole is in need of a long, multi-year surface transportation authorization bill. This long-term certainty will allow our state departments of transportation to truly address our infrastructure needs and not push them off down the road until it is too late and too expensive. Our country is closing in on \$16 trillion in debt—totaling more than \$50,000 per American. We must invest wisely, while also coming to grips with our fiscal situation. I

would like to share with you some priorities from the people I have the privilege of representing.

When the near-trillion dollar stimulus was signed into law in 2009, many citizens wondered why Congress was not focused on a true job-creating measure like a long-term highway plan. The fact that such a small percentage of the stimulus plan was devoted to transportation and infrastructure represents an unfortunate missed opportunity, especially at a time when our infrastructure is rated as "D" by the American Society of Civil Engineers and construction unemployment in the industry is 14.5 percent. The time to focus on a long-term transportation bill is now.

The certainty that a long-term bill will provide would allow programs like the Projects of National and Regional Significance to help build much-needed infrastructure in our country. Projects that fall in this category are high in cost and large in scope and for that reason federal support is necessary for them to go forward. These projects affect localities directly through economic development and more jobs. I encourage you to continue to support the Projects of National and Regional Significance program within the surface transportation authorization bill you are currently confereencing. Projects that do not reach the threshold of National and Regional Significance, such as highway expansions and overpasses, can bring in a great amount of economic development as well. We must continue to support programs and grants that would allow these projects to go forward so they are not politicized.

Another important issue for Illinois is our rail system. We are at a crossroads for this mode of transportation, and it is vital that we take care of that infrastructure so that existing lines which contribute to both commuter mobility and freight shipments are not shortchanged. Rail allows people and products to travel to and from all over the country, and from there to ports across the world. While we must be careful to separate needs from wants, growth in our economy and long-term sustainability must always weigh heavily when making decisions on infrastructure priorities.

I also encourage you to include provisions that would address the job-creating Keystone Pipeline. This pipeline and other projects like it can help ease global energy strains due to our reliance on oil from foreign countries. Pipelines are the energy lifelines of our country and will not only address access to oil, but will also encourage job growth and therefore growth in our economy. This is a project that has the support of Republicans, Democrats, labor and business.

Another important issue that we must not overlook is our locks and dams. These vital pieces of our infrastructure need to have dedicated work and funding. After all, this infrastructure is vital to both commerce and jobs. More than 30,000 workers are employed on vessels and an additional 800,000 jobs are dependent on our waterways. That is why I support the continued inclusion of the RAMP Act, H.R. 104, in the final Surface Transportation bill. This would guarantee that the total amount available for spending from the Harbor Maintenance Trust Fund be equal to the Trust Fund receipts as estimated by the President's budget for that year. This is important to addressing our nation's dredging requirements and keeps our

ports and waterways at a competitive advantage with the rest of the world's waterways.

I also support the inclusion of the bipartisan, House-passed H.R. 2273, the Coal Residuals Reuse and Management Act, into a final transportation package. There are many types of projects across this great country that require the use of concrete, and proposed regulations on coal ash can be detrimental to getting our economy back on track and our infrastructure back up to the appropriate safety standards. This is symptomatic of large issues of overregulation that place unnecessary hindrances on meeting our infrastructure needs.

Finally, I encourage you to carefully consider the need for farmers to transport all farm supplies from any distribution point to a local farm retailer or end consumer. The restriction to a single farm supply excludes multiple other critical farm supplies and severely hinders the flexibility of farmers during planting and harvesting season. The Federal Motor Carrier Safety Administration has granted several waivers over the last two years because it has recognized the need to exempt these supplies. Please consider making this exemption of agriculture hours of service permanent.

Conventional wisdom is that Congress cannot get anything done, but in the spirit of Mark Twain, I believe that reports on the death of bipartisanship have been greatly exaggerated. After all, it was this Congress that advanced three market-opening trade agreements, passed the VOW to Hire Heroes jobs bill for veterans, passed the STOCK Act, passed a Defense Authorization that will benefit manufacturing and our industrial base, and passed the Jumpstart our Business Startups legislation. These are all now the law of the land and were accomplished through bipartisanship. Perhaps one of the best examples is the four-year Federal Aviation Administration reauthorization. It took five years and 23 short-term extensions, but this Congress finally got the job done. It should be the goal of this Congress to achieve similar success this year with a multi-year transportation bill.

I appreciate your time and consideration of my concerns and the priorities of the 17th District of Illinois.

Sincerely,

BOBBY SCHILLING,
House of Representatives.

PERSONAL EXPLANATION

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292 and 293. Had I been present, I would have voted "aye" on rollcall vote Nos. 270, 273, 275, 276, 278, 279, 282, 284, 285, 287, 289, 290, and 293. Had I been present, I would have voted "no" on rollcall vote Nos. 271, 272, 274, 277, 280, 281, 283, 286, 288, 291, and 292.

SENATE—Thursday, May 31, 2012

The Senate met at 12:00 and 34 seconds p.m., and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

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**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 31, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. LEVIN thereupon assumed the Chair as Acting President pro tempore.

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**ADJOURNMENT UNTIL 2 P.M. ON
MONDAY, JUNE 4, 2012**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 4, 2012.

Thereupon, the Senate, at 12:01 and 03 seconds p.m., adjourned until Monday, June 4, 2012, at 2 p.m.

HOUSE OF REPRESENTATIVES—Thursday, May 31, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 31, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

HILL 303, KOREA—AUGUST 17, 1950

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, when the world is in trouble, when peoples throughout history are in need of help because of oppression, and they need freedom and liberty, those nations always call 911.

And who answers on the other end of that call? Throughout the history of this great Nation, America answers. We always answer the call when somebody is in trouble and they need help. And such an occurrence occurred in 1950.

In 1950, World War II was over with. The United States had downsized its military. Basically, we were unprepared for another war. But war picks its own opportunities.

What occurred in 1950 was that in the Korean Peninsula, North Korea, with the aid of the Chinese, invaded our ally South Korea. They went into the heartland of South Korea and, of course, South Korea called 911.

America answered. They called it a U.N. operation, but history shows that U.N. operations basically are American

operations, where Americans go and fight those battles.

Our country also called it a conflict. Our own President, at that time, referred to it as a police action, but it was neither of those. It was a war. It was a war where Americans went and fought.

I want to tell you about one such action that occurred in the Korean War, Mr. Speaker. You may or may not have ever heard of Hill 303 in South Korea. The Americans, under the control and operation of the 2nd Battalion, 5th Cavalry Regiment of the 1st Cavalry Division, had the high ground on Hill 303. Approaching them were a superior number of North Korean communists coming to take that hill. The Americans were pushed off that hill, except for a small group of Americans who refused to leave.

Company G, a mortar company, and Company H stayed on the hill. Approaching troops—at first the Americans thought that these approaching troops were South Koreans coming to help them. But it turned out, of course, they were North Koreans. But they held their ground anyway, and they were overrun by the North Koreans.

And here's what happened after the Americans retook the hill. As they retook the hill, they found out that those members of Mortar Company G and Company H, those that had been captured, had their hands tied behind their backs, that they were put in a gully there in South Korea, unknown to anybody, and they were machine-gunned down. Forty of the 45 were murdered. The other five were able to survive, and some escaped.

This weekend, this Nation honored our war dead for all wars. And I want to thank a school in my district, Creekwood Middle School in Kingwood, Texas, for honoring and remembering those 40 Americans that were murdered on Hill 303 in 1950 when the Americans held that ground and were overrun by the North Koreans.

Creekwood Middle School has a history of honoring American history, especially in our wars. They did a history project not too many years ago on World War I. But with this project that they had on Saturday of last weekend, they honored these men, as they should have, that were murdered on Hill 303. They have a memorial there at Creekwood Middle School for them, probably the only memorial in the United States that honors those men at Hill 303 in Korea. There is one in South Korea, however.

One of the people that was present then and also present Monday on Memorial Day at the Houston National Cemetery was Donald Foisie. Donald Foisie, of Atascocita, Texas, is 80 years old. He got the Purple Heart that day because he was able to survive that onslaught of the North Koreans.

At this time, Mr. Speaker, I want to mention the names of the 40 members of the Army that were captured and murdered that day by the North Korean communists.

Pvt Leroy Abbott; Pvt Leo W. Jacques; Pfc Leroy Bone; Pfc Richard Janhnke; Pvt Arthur W. Borst; Pfc Raymond J. Karaiseky; Sgt. Ray A. Briley; Pvt Herbert R. McKenzie; Pfc Benjamin Bristow; Pvt Milton J. Mlaskac.

Pvt Billie J. Causey; Pvt Houston Monfort; Pvt John W. Collins; Pvt Melvin W. Morden; Pvt Johnny K. Dooley; 2Lt Cecil Newman, Jr.; Pvt Cecil C. Edwards; Pvt Robert J. O'Brien; Pfc Harlon Feltner; Pfc Brook T. Powell.

Pvt Richard T. Finnigan; Pvt Bruce A. Reams; Pvt Kenneth G. Fletke; Cpl Ernest Regney, Jr.; Pvt Arthur S. Garcia; Pfc Walter Schuman; Pvt Charles Hastings; Pvt George Semosky, Jr.; Pfc Antonio Hernandez; Pfc John W. Simmons.

Pvt Joseph M. Herndon; Cpl Glen L. Tangman; Pvt John J. Hilgersen, Jr.; Pfc Tony Tavares; Pvt Billy R. Hogan; Pvt William D. Trammel; Pvt Glenn E. Huffman; Cpl William M. Williams; Sgt Robert A. Humes; Cpl Siegfried S. Zimniuch.

Thirty-seven thousand Americans died in Korea. When the war was over, it just ended. There was no peace treaty. It just stopped. It's a cease-fire. We still have Americans at the 38th Parallel guarding that border.

When those troops came home 60 years ago, they were ignored. Unlike Vietnam—those veterans were abused. Those troops that came home from Korea were just basically ignored. America was more interested in Marilyn Monroe marrying the great baseball player, Joe DiMaggio, and this new rock star, Elvis Presley, than it was in honoring our Korean veterans and our war dead.

It's important that America always honor those that served and did not return, and those that served and returned, those that served and returned with the wounds of war. For, Mr. Speaker, the worst casualty of war is to be forgotten.

And that's just the way it is.

TAXATION IS SERIOUS BUSINESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. BLUMENAUER. Mr. Speaker, taxation is serious business. How to pay for what America needs should be at the core of a thoughtful policy and political discussion. Unfortunately, going into a campaign "silly season," it will be hard to have any thoughtful conversation.

Here on Capitol Hill, we've been trapped in a twilight zone for years, making a reasonable discussion for revenue extraordinarily difficult, if not impossible.

The simple fact is that we are an aging and growing Nation. Our tax collections in recent years have fallen due to a combination of the near economic collapse and the maddening slow economic recovery, which, together, with the series of tax cuts since 2001, have reduced total collections to levels not seen since Harry Truman was President. And they continue to lag.

As important as it is to do business differently, to rein in and reform defense spending, our bloated agricultural programs, and health care, the tax system itself must be addressed. More revenues are required to meet our needs, service the debt, and avoid more borrowing.

Most Americans understand this. While no one wants to pay higher taxes, the public understands and will support them, if done right: balanced, simple, and fair.

The worst tax is a tax on our future, the result of unsustainable spending and debt, coupled with tax cuts for people who don't need or deserve them.

The second worst tax is the complex mess we inflict on the public right now. The tax system has a compliance cost to taxpayers of over \$160 billion a year for a system that is unfair and inefficient.

Now, there are only a few tax choices we should examine and discuss before we start arguing about the ultimate solution. We can only tax work, wealth, consumption, user fees, investment.

We can also tax what we don't like, the so-called sin taxes, like pollution or tobacco.

And finally, there are royalties for what, if anything, we get back when we give away public wealth like oil, gas, gold, and other valuable minerals. This is not an insignificant source of revenue, going not to some faceless government, but for the public. This is too seldom discussed in the context of paying for services or reducing the debt.

All seven have advantages and disadvantages, but we should be clear-eyed about them, especially this year, when we will be considering before December 31, what the CBO says will cost \$5.4 trillion to extend all the expiring tax provisions for the next 10 years. This would be a good place to start in reforming the tax system and collecting badly needed revenue.

This should be done only after careful examination. Changes that we may

want have to be done very carefully. They don't have to be done all at once or suddenly, because that can have unintended consequences.

□ 1010

There are some areas where we need to continue current policy. Something that should happen as soon as possible is to extend the production tax credit, which is one of those provisions due to expire at the end of the year. This modest subsidy has helped jump-start alternative energy, particularly for wind; and it could be a model on how to do it right for energy and economic growth. It doesn't have to be a permanent entitlement, but merely help the industry come to scale. But the threat that it won't be extended has already shut down new project development and has curtailed manufacturing in the United States. Bipartisan legislation could be passed next week overwhelmingly, and I hope it's something that we would consider.

Some areas need bold action, like the alternative minimum tax. This has been perverted into a grossly unfair tax on millions of American families and threatens tens of millions more. It will never be imposed. We will do everything we can to blunt its full effects. It should just be eliminated outright as part of this end-of-the-year process. Other provisions, like carried interest, where billionaire hedge fund managers get wildly favorable tax treatment on unbelieveable wealth, cry out for reform.

Using the looming deadline to deal with the basics, we can phase in adjustments over the full 10-year period to be fair in transition, avoid dislocation and continue to nurture the still-fragile recovery; and if we start now, we will be able to make commitments, hopefully, that will be honored by both parties over the course of the next decade.

Done right, we can meet the revenue requirements for what America needs, simplify the system, reduce unfairness and complexity, and reduce cheating so that it is fair and more efficient.

VETERANS OPPORTUNITY TO WORK ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. This past Monday, we gathered together to honor America's fallen soldiers—the men and women who gave their lives sacrificially in exchange for our freedoms. Amid the Memorial Day parades and picnics, we reflected on their courage and their bravery to fight for these freedoms at any cost, including the ultimate cost.

We must never take for granted the privileges we enjoy because of their sacrifice, such as being able to worship where and how we want; that our

media can share information without fear of censorship; and that we can freely vote for public officials without fear of punishment. Let us also remember the young men and women spread across the world who continue to fight for that freedom. To them, we also say thank you and pray for a safe and soon return.

But our commitment to the men and women who serve in our Armed Forces should not end when they return. Each year, thousands of new veterans return home, many to Michigan's Seventh District, still wearing the physical, mental, and emotional scars from their time in combat. I am fighting in Congress to make sure that veterans receive the highest-quality medical care that they have earned and deserve.

I also want to provide our Nation's heroes with the resources they need to settle back into civilian life, which is why I cosponsored the Veterans Opportunity to Work Act. Specifically, this legislative package, which became law last November, will smooth the transition for veterans from military service back into the job market through job counseling, training, and placement.

Too often, our troops return home, expecting to trade their fatigues and weapons for a suit or a hard hat, only to find out that the employment situation is a battlefield, to say the least, of a different kind. Millions of Americans are without work under the current administration's failed economic policies, with the unemployment numbers being considerably higher for veterans.

To me, there is no greater way to honor our Nation's servicemen and -women than by making sure they can get a job when they return. I've held a number of job fairs back in my district that have been tailored specifically to assisting veterans. At each and every event, experts are on hand to offer advice for how to effectively search for a job, write a resume and impress during an interview. Up to 50 vendors and local businesses, which would be honored to hire our Nation's heroes, attend these events.

Republicans have also put forth a plan for America's job creators built around small businesses, not Big Government. It includes reining in Federal regulations and out-of-control spending, which hold back small businesses; repealing the costly health care law; and tapping into the abundance of natural resources right in our own backyard. We are focused on long-term growth and not a short-term stimulus. Our veterans need jobs now and in the future.

Those who answer the call of duty from their country should not be overlooked when they return home. I remain committed to providing the best care and a strong economy for our Nation's heroes. It is the least we can do for those who have already given so much.

As always, may God bless and protect our troops and their families.

BROADCAST EMERGENCY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. Tomorrow is June 1, and it marks the very start of the hurricane season in the United States.

First, I want to take a moment to thank our first responders—those police officers, those firefighters, those EMS personnel, and all of our emergency personnel—who risk their lives to save Americans' lives.

I also want to stand and thank and recognize another group of first responders, those who are our brave and talented—and at many times courageous—local broadcasters of television and radio and the journalists, many of whom are the first right after the first responders, sometimes before the first responders, bringing to the American people vital, life-saving information. So it is very important that as we begin this hurricane season that we take a moment and say a word for our local broadcasters of television and radio.

I know firsthand how important this is, for I represent a district in Georgia that had a devastating, history-making flood and storm situation in 2009. I represent Cobb County and Douglas County, which were two of the hardest-hit counties, along with Fulton County. We lost 10 lives. Seven of those lives that we lost were from one county alone, in Douglas County. Many of you might have seen the devastation at the Six Flags Over Georgia, which is an amusement park. It was completely under water. We lost over 500 businesses and homes in that area. Most importantly, we would have lost so much more if we had not had the timely, vital, life-saving information from our local radio and television broadcasters.

A broadcaster's commitment to public service is never more apparent than during a time of crisis. During an emergency, no other service can match the ability of broadcasters to deliver the comprehensive, up-to-date warnings and information affected by citizens. Just think, we have senior citizens, many of whom live alone, and their only contact with the outside world is that radio or that television letting them know what is coming and how to prepare for it. Television broadcasters reach millions of households across the country every day, and radio reaches more than 241 million Americans each week.

Yet, if we are to improve disaster preparedness in our Nation, we have got to make sure that local stations of television and radio have the necessary

tools to continue to communicate with people and to communicate with each other in these times of crisis.

So as the 2012 hurricane season gets under way and as local communities continue to face erratic weather conditions, I know that every American feels safer in knowing that their local broadcasters are dedicated and committed to saving lives by providing critical news and information to our local communities. It is so important that we always remember that we must prepare for the storms before—before—the hurricanes are raging, and we thank our local broadcasters for helping us to prepare for the storms before the hurricanes are raging.

□ 1020

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I wanted to come to the floor and say that I was very disappointed during the debate on the NDAA bill, the National Defense Authorization Act. We spent hours debating, and we only had 20 minutes to debate Afghanistan, with 10 minutes allotted to each side. Congresswoman LEE had her amendment, which I supported on the floor, but the amendment that Mr. MCGOVERN and I had worked together for weeks crafting, the McGovern-Jones amendment, basically said accountability on 2014, bringing our troops out.

We need to have these guidelines, and I was very disappointed that our leadership would not bring our amendment to the floor. I think it's tragic that our young men and women are dying in Afghanistan and Iraq and we're not meeting our constitutional responsibility when it comes to debating war.

Last Saturday, like many of my colleagues, I was invited to speak at a Memorial event down in Beaufort, North Carolina. Primarily those in attendance were our veterans of yesterday and some of our Active Duty marines of today. It was amazing. I'm not a great speaker, but when I talked about bringing our troops out of Afghanistan before 2014, I got a strong applause in agreement.

We have a tremendous responsibility to take care of our wounded from Afghanistan and Iraq. In this financial crisis, I truthfully don't know how we're going to take care of them, to be honest about it. What I do know is that we will deal with it. Yet we continue to spend \$10 billion a month—it is borrowed money from the Chinese—to prop up Karzai in Afghanistan and to pay his bills, to fix his roads, to fix his water systems, but in America we can't fix our roads and our water systems. Somewhere along the way, Mr. Speak-

er, it doesn't make any sense to me at all.

Last Saturday, before I went down to Beaufort, North Carolina, to give the speech, the Raleigh News & Observer published 27 names of Americans who had been killed in Afghanistan. Mr. Speaker, to honor those 27 who gave their life to this country, I will submit those 27 names for the RECORD.

Mr. Speaker, 2014 is a long way from 2012. How many more names must appear in the paper? Congress needs to have more debates about our policy in Afghanistan. We've got those in this country right now that want to go in and bomb Syria, bomb Iran, and do all these things, and yet we in Congress just sit by and pass more and more bills to pay for all this funding overseas that we can't even account for.

Mr. Speaker, before closing, I bring this poster of this young woman who is in tears holding a little baby in her lap. The baby has no idea why this man in uniform is on his knees presenting a flag to this little girl's mother. How many more scenes like this must happen while Congress sits by and passes more and more spending bills to take care of Afghanistan while we deny the American people? Senior citizens can't get sandwiches at the senior citizen center, children can't get a pint of milk before school because we're going to cut those programs, but we're going to take care of a corrupt leader in Afghanistan. Mr. Speaker, it makes no sense at all.

When we should have been debating Afghanistan a week ago, 72 percent of the American people in a poll that week said, Get out of Afghanistan now. We had 20 minutes, 10 to the Democratic side and 10 to the Republican side. That's no way to say thank you to those serving. That's no way to say thank you to the families who have given a loved one.

Mr. Speaker, in closing, as I always do, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

I ask God to bless the House and Senate, that we will do what is right in the eyes of God for God's people here in the United States of America.

And I ask God to bless President Obama, that he will do what is right in the eyes of God for God's people in America, today and tomorrow.

And three times I will say, God, please, God, please, God, please, continue to bless America.

RECENT U.S. MILITARY PERSONNEL DEATHS FROM DoD

Staff Sgt. Israel P. Nuanes; Sgt. Brian L. Walker; Pfc. Richard L. McNulty III; Spc. Alex Hernandez III; Sgt. Wade D. Wilson; 1st Lt. Alejo R. Thompson; Petty Officer Second Class Jorge Luis Velasquez; Sgt. Jacob M.

Schwallye; Spc. Chase S. Marta; Pfc. Dustin D. Gross; Spc. Junot M. L. Cochilus; 2nd Lt. David E. Rylander; Staff Sgt. Thomas K. Fogarty; Sgt. John P. Huling; Master Sgt. Gregory L. Childs; Staff Sgt. Zachary H. Hargrove; Capt. Bruce K. Clark; Sgt. Nicholas M. Dickhut; Pfc. Christian R. Sannicolas; Master Sgt. Scott E. Pruitt; Staff Sgt. Andrew T. Brittonmihalo; Spc. Manuel J. Vasquez; Staff Sgt. Brandon F. Eggleston; Sgt. Dick A. Lee Jr.; Lt. Christopher E. Mosko; Spc. Moises J. Gonzalez; Spc. Jason K. Edens; Spc. Benjamin H. Neal.

DON'T BE FOOLED BY PRENDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, I rise today in strong opposition to the falsely named Prenatal Nondiscrimination Act, or PRENDA. This might be one of the most disingenuous bills to ever come to the floor of the House. The authors of this bill are talking out of both sides of their mouth. Today, I want to set the record straight.

In one breath, the proponents of this bill say they are protecting female fetuses by preventing abortions based on sex and that we must pass this bill to protect women everywhere and show that girls are as valid as boys. Yet, just last week, these same Members obstructed the passage of an expanded Violence Against Women Act that would have protected all victims of violence.

The same Members who today espouse equality for women voted against the Lilly Ledbetter Fair Pay Act, which will help combat the discrimination against women that keeps them earning 77 cents for every dollar that men earn.

The same Members who today talk about protecting female babies continue to vote to gut the Prevention and Public Health Fund, which will be used to provide lifesaving breast and cervical cancer screenings to millions of the very women PRENDA's proponents claim to care so much about.

Here's the truth: this is not about women's equality. PRENDA is simply another attempt by choice opponents to obstruct women's access to reproductive health care.

I agree with the bill's proponents that abortions based on sex are a problem around the world, and I agree that we must take action to stop these abusive practices both at home and around the world. But let me be clear that this bill will not prevent sex-selective abortions.

Here's why:

First, criminalizing such practices simply will not work. Banning sex-selective abortions has already been tried in various countries around the world, and what expert agencies such as the World Health Organization—which operate in these countries—have found is that these bans don't prevent abortions. Rather, they simply result “in a

greater demand for clandestine procedures which fall outside regulations, protocols, and monitoring and basic safety.” These restrictions serve only to drive these procedures underground, making them less safe. Our own history proves this point;

Second, criminalization of sex-selective abortions would force physicians to question women about their reasons for seeking abortion. It would likely compel physicians to target certain groups of women from cultures where sex-selection abortion is more prevalent. To avoid liability, physicians may even cease providing such care to entire groups of women simply because of their race. This bill would promote racial profiling and discrimination;

Additionally, targeting such motivations in practice would be nearly impossible. According to an analysis by the World Health Organization and four other U.N. agencies, “prosecuting offenders is practically impossible.” And, further, “proving that a particular abortion was sex selective is equally difficult.”

These expert international organizations do offer a viable solution to address this issue, a solution unmentioned in H.R. 3541. Address the root causes which drive individuals to prefer sons over daughters. The United Nations, through its work in nations where sex selection is prevalent, has stated that the most effective way to address this son preference is by fighting the root economic, social, and cultural causes of sex inequality.

South Korea successfully lowered its male-to-female ratio from 116 boys for every 100 girls in the nineties to 107 boys per 100 girls in 2007. They did this by passing laws to improve the legal status of women and by implementing a public education campaign emphasizing the importance of women.

If we're going to consider this bill, let's be honest about it. Its supporters are not promoting women's equality, and they are not serious about preventing sex-selective abortions. If they were, they would be promoting programs to empower women and girls to combat son preference. Instead, they are criminalizing physicians, profiling cultural groups, and driving abortion services underground. The truth is that this bill is another attempt to restrict women's reproductive health care wrapped in the rhetoric of women's rights.

Don't be fooled by PRENDA. Vote “no.”

□ 1030

25TH ANNIVERSARY OF MONTGOMERY GI BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. HARPER) for 5 minutes.

Mr. HARPER. Mr. Speaker, I rise today to take note of the 25th anniversary

of the Montgomery GI Bill on June 1, and to share with my colleagues that this landmark legislation continues to pay dividends in strengthening our all-volunteer military and providing far-reaching educational opportunities for so many Americans.

I'm also proud to note that the author of this GI Bill was G.V. “Sonny” Montgomery of Mississippi. He served the Third Congressional District from 1967–1997, the same congressional district that I'm so honored to represent today. Sonny was chairman of the House Veterans' Affairs Committee for 14 years and a senior Member of the House Armed Services Committee. He understood military and veterans issues and worked tirelessly in support of a strong national defense and the men and women who served our great Nation.

All across central Mississippi, one can find many tributes to Sonny. The VA Medical Center in Jackson bears his name, as does the G.V. “Sonny” Montgomery National Guard Complex in his hometown of Meridian, Mississippi.

Another facility that deserves mention is the G.V. “Sonny” Montgomery Center for America's Veterans at his alma mater, Mississippi State University. The professionals at the center have won national praise for their work in helping veterans, dependents, and family members transition from military life to the classroom, including administering benefits for the GI Bill. Their efforts enhanced Sonny's legacy as the champion for military and veterans causes. His 35-year background as a World War II veteran and Korean war veteran, and as a retired major general in the Mississippi National Guard, gave Sonny a unique perspective for the leadership role he played in Congress on national security and veterans issues.

The United States abolished the military draft in 1973, and by the late 1970s, the success of the all-volunteer force was in peril because the service branches had difficulty recruiting quality individuals. One high-ranking U.S. Army official referred to it as a “hollow army” and decried the need for help in crafting a plan to boost enlistments.

As chairman of the Veterans' Affairs Committee, Sonny recognized these needs and proposed a cost-effective education incentive that would be popular with college-age youth. Sonny's vision won high praise, with one admiral saying it “reversed expectations of failure and planted the promise of success” in our post-Vietnam era military.

One official at the U.S. Military Academy at West Point wrote:

Transitioning to the all-volunteer force was the most important change the Army made since World War II. The Montgomery GI Bill was the policy vehicle that allowed this to happen.

I should also note that the law made National Guard and Reserve personnel eligible for educational benefits for the first time in history. It reflected Sonny's understanding of the importance of our reserve components and our national defense picture. The role of our Guard and Reserve today is even stronger, and I'm confident that the Montgomery GI Bill has been key to that success.

Over the past quarter century, more than 2.6 million veterans have used the Montgomery GI Bill. It has made a difference in the lives of the men and women who have pursued higher educational opportunities that otherwise might not have been available. It is also one of the foundations upon which our military continues to stand as the greatest military power in history.

POVERTY AND FARM WORKERS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, as the cofounder of the Congressional Out of Poverty Caucus, I rise today to continue talking about the crisis of rising poverty devastating families in every single congressional district all across our country.

Mr. Speaker, I also rise today to recognize Linda Lee and Geraldine Matthew. These two extraordinary women are among a group of farmworkers who spent their lives working in the swampy fields bordering Lake Apopka in Florida. Their backbreaking work helped to provide the bulk of the winter season produce on the eastern seaboard.

In the early 1990s, a settlement was negotiated with the large farming corporations where 20,000 acres of land were sold for roughly \$100 million. A negligible amount of 200,000 was allocated for the 2,500 farmworkers, and most were simply given pink slips, despite decades of service on the farm.

For years, these workers were exposed to a chemical mixture of carcinogens and other contaminants as planes crop-dusted the fields. Now these workers are suffering from an array of diseases that have been linked to long-term pesticide exposure. Their children suffer from defects caused by prenatal exposure to harmful contaminants.

These women have worked for over a decade to bring attention to their cause, while many of their former colleagues, unfortunately, have passed away. Although these women are desperately seeking some relief and good health, what they ask for more than anything else is their dignity. Dignity is the contribution of their community to feeding this Nation and the sacrifices they made in doing so.

I would, therefore, offer my profound and earnest gratitude to these incredible women, to their community, and

to farmworkers across the country, for theirs truly are the hands that feed us. Mr. Speaker, now more than ever, we need to redouble our efforts to reward hard work. We must work to be sure that Americans who work all of their lives have something to show for it.

This does not just affect Linda Lee or Geraldine Matthew. We cannot ignore the fact that millions of Americans have seen their retirement savings decimated, their pensions short-changed, and their wages stagnant or falling.

Even in the face of a rising tide of poverty and an economy with high unemployment, the Tea Party-led Republicans continue their efforts to slash programs which protect the health and well-being of millions of low-income and working poor families.

In the coming weeks and months, we will begin to see the impact of the, quite frankly, immoral cuts to vital unemployment benefit extensions as thousands of people, thousands of people across our country who are struggling to find a job will be thrown off of unemployment benefits, thrown off, kicked off the rolls.

Some of them may be lucky enough to find work, but far too many will be suddenly cut off with nearly nothing, nothing to keep them from falling behind into poverty. They will have been left out and left behind.

We may disagree on how to help families in need and workers who are struggling find work access needed health services or feed their children, but we can all agree that leaving struggling families completely cut off of unemployment insurance with nowhere to turn for help is not the American way.

When Republican politicians protect tax cuts for millionaires, we must be very adamant about protecting the working poor. When Tea Party Republicans fight to protect tax writeoffs for corporations and Big Oil, we must fight to protect hardworking Americans.

When Republican Tea Party members continued to expend their energy protecting the dividend gains on investments, we must fight to protect Linda Lee and Geraldine Matthew, women who have worked their entire lives and are left with nothing to show for it.

Mr. Speaker, unfortunately there are some who continue to support policies for the 1 percent where profits, rather than people, matter. We need a jobs bill for those who are desperately in need of a job, and we need to help with their support for themselves and their families. So we do need a strong safety net to act as a bridge over these troubled economic times. It's critical to reaffirm that the needs and the aspirations of the poor and the working poor are really important and critical for us to address where they too are aspiring to be part of the middle class.

I want to thank Congresswoman JACKSON LEE for her support because I

know she cares about Linda Lee and Geraldine Matthew and all of the issues that she continues to fight for.

YUCCA MOUNTAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I come back to the floor again—this is my 13th time, really—doing a tour of the United States highlighting the locations where we currently store high-level nuclear waste in this country.

□ 1040

With the end of this location, I will have placed in the RECORD the position of our U.S. Senators in each one of these States on where they stand on either keeping high-level nuclear waste in their State at their location or helping us move to a centralized repository at Yucca Mountain in the desert in Nevada.

So let's go to the location. Here's Yucca Mountain, which is, by law, the site, based upon the 1982 Nuclear Waste Policy Act and the amendments passed in 1987. So I'm comparing it to a place in Virginia very close by, the North Anna Nuclear Generating Station on North Anna Lake, which is a recreational lake that many people in Virginia know.

Yucca Mountain right now has currently no nuclear waste on site. What about North Anna? North Anna has 1,200 metric tons of uranium, spent nuclear fuel, on site.

If we had nuclear waste in Yucca Mountain, where would it be? It would be stored 1,000 feet underground. Where is the nuclear waste stored at North Anna? It's stored above the ground in pools and in casks.

If it was at Yucca Mountain, as designed by law, where would it be in comparison to the groundwater? Well, it would be a thousand feet above the water table because Yucca Mountain is in a desert. What about North Anna? Well, it is 53 feet above the groundwater. And as you can see from the photo, it's right next to a major lake in the Commonwealth of Virginia.

If the waste was at Yucca Mountain, how far would it be from the largest body of water in the area? It would be 100 miles from the Colorado River. Again, from the photo, you see that North Anna is right next to the lake.

So let's look at the Senators from the Commonwealth of Virginia, and in their time serving, what's their position on where the nuclear waste should be? Should it stay in the Commonwealth of Virginia or should it move to the desert underneath a mountain?

Well, let's start with Senator WEBB, who's not running for reelection. He's been in the Chamber now 5½ years. No stated position. It's kind of hard to believe you can be a U.S. Senator who

has nuclear waste on site and does not have a stated position on whether you want nuclear waste stored right next to a recreational lake in your State or moved underneath a mountain in the desert. Senator WARNER came 2 years after Senator WEBB. He's been there 4 years. No stated position.

Why is this concerning? Well, we go to the total tally of our 100 U.S. Senators based on either votes taken in the Senate or public statements rendered, and this is what we have as of today. Remember, I've come to the floor 13 different times identifying nuclear waste storage facilities all around the country. Most of the time they're generating stations. Sometimes they're Department of Defense waste sites like Hanford, Washington, which is the first place that I talked about.

Based upon our tally, we have 55 votes for a high-level nuclear waste central repository at Yucca Mountain. We have 22 individuals—we noticed two today—who have never taken a position whether the high-level nuclear waste should be in their State, in their locality, or in the desert underneath a mountain. We also have 23 that have cast votes or made statements against that.

Now, why is this tally important? Well, it only takes 60 votes to move a piece of legislation in the U.S. Senate, cloture debate based upon a filibuster than a simple majority vote. So the question is: When will these 22 Senators at least make some position statement on the high-level nuclear waste repository?

Now, there are four other Senators that I've included in this—two from Alaska, two from Hawaii. They have no nuclear waste in their State. But Senator BEGICH from Alaska has no stated position. Senator MURKOWSKI voted for the high-level nuclear waste storage site. She's also from Alaska. Senator AKAKA voted "no" in a 2002 vote. Senator INOUE voted "no" in a 2002 vote. So that finishes the culmination of all the Senators.

Based upon the problem in Japan with Fukushima Daiichi and the issue of high-level nuclear waste, isn't it about time we stop this administration's attack and move to Yucca Mountain?

ISSUES FACING AMERICA TODAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Let me, first of all, say how pleased I am to have Benjamin with me, who is representing and advocating for the fairness and treatment of the foster care system and foster children as they mature into adulthood. This is an important aspect of democracy.

Mr. Speaker, I come this morning with a series of issues regarding rights.

First of all, let me acknowledge that this was Memorial Day week, when I hope all of us were doing more commemorating than possibly celebrating with tasty food. I had the privilege of joining our community in a national Memorial Day celebration at the Houston Veterans Cemetery and then going to The Heights, a historic community, and commemorating the fallen soldiers at the World War II Monument in The Heights of the 18th Congressional District. On this past Saturday, I had a fun festival day of veterans and celebration commemorating the service of our soldiers—those who have fallen and those who live.

That's why I rise today to ask and encourage—even after the NATO meeting—that we have a quick resolution of the Afghan war. And I join my colleagues, Congresswoman BARBARA LEE and WALTER JONES, in their discussion this afternoon of what's next in Afghanistan. We thank those soldiers on the front line. None of our commentary to bring this war to an end has anything to do with their brave, wonderful, heroic acts of service and fighting for democracy and justice.

We ask President Karzai and his government to end its corruptness and to begin to transition so that the people of Afghanistan can live in peace. We want peace as well, and we want their rights to prevail.

Mr. Speaker, I now move to a tragic situation of huge proportions. I joined Syrian Americans on Tuesday in my community, standing in front of the Federal courthouse, crying out for peace and justice for the Syrian people. Alongside of me were Syrian Americans whose families were in Houla and Homs and had seen the brutality. We had projections of the violence against children and bodies wrapped in white cloth.

Mr. Speaker, we cry out and wonder why there cannot be more done by the world. Where is the outrage?

I congratulate the Secretary of State and the President of the United States and other Western countries and others who have expelled the Syrian envoys. Get them out now because, obviously, Dr. Assad does not recognize that people are valued.

And so I call upon the Arab League to put pressure on China and Russia. Let us not put our individual needs of energy—oil and gas, oil in particular—over the deadly violence that is going on in Syria. Shame on you.

I ask the U.N. Security Council that is now blocked by China and Russia to institute a U.N. Unity of Peace Resolution No. 377, which was done during the Korean War, where you go to the General Assembly and put forward recommendations that would engage or provide for peace and provide for the involvement of other countries providing for the assistance of the Syrian free army.

No, I'm not asking for war. I'm asking for the end of the violence in Syria. How can we stand by as we once stood by looking at Darfur, as we once stood by looking at Rwanda? How can we stand by?

I cry out for this Congress to issue sanctions. I cry out for actions.

Let me conclude by simply saying today we will have on the floor of the House a bill by the name of PRENDA. As I've heard from my colleagues, not one of us disagree with the idea of forced abortions, meaning that we do not disagree that that is heinous and horrific. I fear the PRENDA legislation because it is not thoughtful and has not been drafted in a way that distinguishes the rights of women in this Nation to have choice. And what it does, Mr. Speaker, is it criminalizes a doctor and criminalizes a relationship between a patient and a physician.

In this country, we have the right of choice. That choice is between a woman, her God, her faith, her family, and her physician. And what you do in PRENDA is that you taint and stigmatize the relationship between the doctor and the patient. Because how do you get in the mindset and the psyche of a physician who is doing his job providing the care that the woman has asked—her choice—and begin to demonize and suggest that she is forcibly deciding to abort because she is forcibly deciding what gender she wants?

Then, of course, you add insult to injury by profiling various countries. As my colleague has previously said, why can't we look for more positive ways of providing women's rights and discerning or educating people that women are equally valuable as human beings as men? But the PRENDA bill demonizes the patient-physician relationship. We cannot have that. I ask for a "no" vote.

□ 1050

CONGRATULATING CAROL MARTIN GATTON ACADEMY OF MATHEMATICS AND SCIENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. GUTHRIE) for 5 minutes.

Mr. GUTHRIE. Mr. Speaker, I rise today to congratulate the Carol Martin Gatton Academy of Mathematics and Science for being named America's Best Public High School for 2012 by Newsweek magazine.

Each year, Newsweek publishes a ranking of the Nation's top 1,000 public high schools. Schools are judged on criteria such as percentage of graduates accepted to college, advanced placement and international baccalaureate test scores, and average SAT scores. Year after year, one quarter of the schools making the list are located near major metropolitan areas. However, I am proud to announce that this

year's number one school, the Gatton Academy of Mathematics and Science, is in my hometown of Bowling Green, Kentucky.

I witnessed firsthand the Gatton Academy grow from a dream of a few committed individuals into a reality. I was serving in the Kentucky senate back in 2004 when rumblings of the school first began. Named after renowned Kentucky entrepreneur Carol Martin "Bill" Gatton, the school first opened its doors in 2007 to a select group of 126 public high school students. Aside from meeting stringent admission criteria, today's Gatton Academy students embody a love and talent for science and math. Students there also share a common hunger for college-level academics, and that is exactly what they get at Gatton Academy.

Students are submerged in academics as they live and study in a residence hall built especially for them on Western Kentucky University's campus. Most classes are college level and are taken on the WKU campus alongside college undergrads.

At the Gatton Academy, students break the traditional high school mold, trading locker-filled hallways and 8 a.m. bells for access to college-level innovative technology and the study of DNA and alternative fuels. Students work regularly with their instructors on scientific research projects, and also take advantage of the school's study abroad programs. This past winter, several students had the opportunity to study in Western Europe and Costa Rica.

Students at the Gatton Academy graduate with more than just a high school diploma, as many students are well on their way to obtaining college and postgraduate degrees by the time they graduate high school.

The Gatton Academy is one of 16 residential public high schools in the Nation specializing in science, technology, engineering, and math—STEM subjects. In a world of increased global competitiveness, enhanced STEM education is critical if we want to remain one of the world's most technologically advanced nations. I applaud the faculty and staff at both the Gatton Academy and WKU for fully recognizing this and making a commitment to the education of the Commonwealth's best and brightest students.

Specifically, I would like to recognize the Gatton Academy's executive director and visionary for the academy, Dr. Julia Roberts, and director Dr. Tim Gott, and congratulate them on this recognition, which is a testament to their years of hard work. I would also like to congratulate and thank Dr. Gary Ransdell, the president of Western Kentucky University, for making WKU's partnership with the Gatton Academy possible.

Again, I offer my congratulations to the entire Gatton Academy community

on this outstanding accomplishment. I look forward to following the future success of the Gatton Academy and its students.

FOSTER YOUTH SHADOW DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I am proud today to participate in the Foster Youth Shadow Day Program in honor of National Foster Youth Month. Many of my colleagues today have been paired with a foster youth to give them a firsthand glimpse of life in and around the Capitol. It is our goal to encourage them to nurture their innate talents, develop their leadership qualities, and even explore potential careers here in Washington. I would like to thank all of the cochairs of the Congressional Caucus of Foster Youth, of which I am proud to be a member, for planning this important event today.

I am also pleased to be paired with Dee Saint-Franc, a young woman who shows us all what determination and perseverance truly look like. Coming from a family that took in foster children, one of my priorities in Congress has been to ensure that this population has every opportunity to access and achieve success. Drawing on her personal experiences and leadership abilities, Dee has emerged as a strong advocate on this issue.

I have had the privilege of working with Dee on issues affecting youth in the foster care system, and I have deep respect for her commitment, courage, and capabilities. Among her many accomplishments, she has demonstrated tremendous passion and skill through her role as board cochair of The Voice and as Rhode Island's delegate to the New England Youth Coalition. She attained an associate's degree in business management from Johnson & Wales University, and works for the Rhode Island Foster Parents Association.

Dee came under the care of the Department of Children, Youth and Families at the age of 7 years old. She lived in group homes and with foster families, and, unfortunately, at some point along the way became a victim of identity theft. This issue of identity theft came to my attention a few years ago, and Dee's personal story, as well as the stories of numerous other foster youth brave enough to step forward, was crucial in passing legislation to deal with this problem.

I'm pleased to report that last year President Obama signed into law the Child and Family Services Improvement and Innovation Act, which contained a provision I authored to address identity theft in the foster care system. The measure requires States to provide foster youth ages 16 and older with a free copy of any consumer credit

report pertaining to them while under State care, and to fix any problems if they are found so that when the child leaves State care, they do so with their identity and their credit intact. While this law would have protected Dee and others like her, she has nevertheless persevered and has done remarkable work with her peers in Rhode Island.

Moving forward, Congress needs to do its part to further support Dee's efforts to level the playing field for foster youth. I'm proud to support bipartisan legislation being introduced by caucus Members today to remove obstacles to ensuring that foster youth get the education that they deserve. We can all take simple steps to help them apply for State benefits and financial aid they need when they age out of the system, and I have introduced legislation for that very purpose.

Now at the age of 22, I am pleased to report that Dee is attending Rhode Island College, my alma mater, to pursue a bachelor's degree in social work. I'm also proud that Dee is working to give something back to her community, and wants to focus her academic career in the area for which she is uniquely qualified. She is a role model for her daughter and for all of us here today. And perhaps, Mr. Speaker, one day she will be down speaking on the House floor herself in the not-too-distant future. I thank everyone for their support of Foster Care Awareness Month.

HONORING FORMER CONGRESSMAN WILLIAM WAMPLER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. GRIFFITH) for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Speaker, on behalf of myself, Representatives BOB GOODLATTE, and ROBERT HURT, I am deeply saddened to report the passing of a former Member of this body. On May 23, 2012, former Ninth District United States Congressman William Wampler passed away at his home in Bristol, Virginia. A man of principle, integrity, and courage, our Nation has truly lost a great man.

Born in Pennington Gap and raised in Bristol, Bill attended the Bristol public schools. The son of a hardware store businessman and a schoolteacher, Bill was a budding leader even in his youth. He was voted class president each of his 4 years at Virginia High School.

At the height of World War II in May of 1943, Bill, just 17 years old, enlisted in the United States Navy. For the next 27 months, Bill served as a seaman until the end of the war. Upon returning to southwest Virginia, Bill resumed his studies, pursuing his undergraduate degree from Virginia Polytechnic Institute in 1948 and then his law degree from the University of Virginia.

A Republican by birth, Bill joined the party his family supported because of its opposition to slavery. His first

foray into politics came in 1948 while working as the Republican assistant campaign manager for the Ninth District congressional elections. Shortly thereafter, in 1953, at the ripe old age of 26, Bill was elected to the 83rd Congress. For the next 2 years, Bill had the distinction of being the youngest Member of Congress.

□ 1100

Though Bill spent nearly 20 years in office, one incident from the 83rd Congress stayed with him for the rest of his life. On May 1, 1954, four Puerto Rican nationalists, apparently on a tour of this very congressional gallery, pulled out pistols and fired 41 rounds of ammunition at Members of Congress. When the shooting ceased, five Representatives were wounded in the attack. By an act of God, none were killed.

After a short period of time in the private sector, Bill returned to Congress in 1967. He went on to serve in seven succeeding Congresses until 1983. The ranking Republican member of the House Agriculture Committee, a member of the Committee on Aging and the Committee on Committees, Bill always considered it a great privilege to serve the people of the "Fighting Ninth." Fondly known as "The Bald Eagle of the Cumberlands," I assure you and the people of the Ninth District that his legend will never die.

Even though he was in failing health, I was greatly honored, when I was elected in 2010, to have Bill Wampler show up at our victory party in Bristol and hand me his No. 9 license plate as a part of his legacy. I hope that I can achieve the greatness that he achieved and have the abilities that he had. He was truly a great man.

His legacy and influence will long be remembered across the Ninth and throughout southwest Virginia. I am honored to pay tribute to Bill's many contributions to our community, our region, and our Nation. He was a friend and a courageous public servant. My thoughts and prayers go out to his wife, Lee; his children; friends; and loved ones. May God give them comfort during this difficult time.

HEARING FROM A BRAVE AFGHANISTAN TRUTH-TELLER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, later today I will join a bipartisan group of Members at a panel discussion about the ongoing war in Afghanistan. Joining us as a special guest will be Lieutenant Colonel Daniel Davis, one Afghanistan veteran who has spoken the devastating truth about conditions on the ground.

During his second tour of duty in 2010 and 2011, he interviewed or interacted

with 250 soldiers at all levels in several Afghan provinces. He also spoke with Afghan security officials and with civilians. He prepared both a classified and an unclassified report about what he saw and what he heard. Here is some of what he concluded in his own words, Mr. Speaker. He said:

What I saw bore no resemblance to rosy official statements by U.S. military leaders.

He said:

I witnessed the absence of success on virtually every level. I heard many stories of how insurgents controlled virtually every piece of land beyond eyeshot of a U.S. or international security assistance force base.

And he said:

From time to time, I observed the Afghan security forces collude with the insurgency.

Davis tells us that one Afghan police captain actually laughed at him when Davis asked about how they responded to a Taliban attack. No, we don't go after them, said the captain. That would be dangerous.

One senior officer told Lieutenant Colonel Davis: How do I look a soldier's wife in the eye and tell her that her husband died for something meaningful?

Mr. Speaker, is that what we have to show for nearly 11 years of war and hundreds of millions of dollars of taxpayers' money? As we recognized Memorial Day on Monday and over the past weekend, don't we at least owe it to the war dead and their families to ensure that their sacrifice was for a worthy cause?

Lieutenant Colonel Davis did not have to come forward. Without a doubt, it would have been better for his military career to keep his head down and his mouth shut. But with the stakes so great and the costs so high, he felt that he had a greater obligation to the truth.

Lieutenant Colonel Davis' story must be heard. It needs to be heard because it balances the last 10 years at the Armed Services Committee and in various other briefings and forums where we've been exposed to nothing more than the official line on how this war is going. It's time we got firsthand experience and a firsthand version from someone who has seen the dysfunction of our Afghan policy at the ground level.

In February, a group of Members sent a letter to House leadership asking that Lieutenant Colonel Davis have the opportunity to testify at a formal hearing of a relevant committee of the House, but this invitation has not been extended to him. So, thanks to the leadership of my friends, Congresswoman BARBARA LEE and Congressman WALTER JONES, we will convene a panel later today to give Lieutenant Colonel Davis a chance to tell what he saw in Afghanistan.

I invite all Members of Congress to attend. It's at 2 p.m. at B-318, Rayburn. If you do, you will hear convincing and

overwhelming evidence that this war is a colossal failure, and it's time, finally—after more than a decade—to bring our troops home.

CANCER SURVIVOR BEAUTY AND SUPPORT DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, I rise today to recognize Cancer Survivor Beauty and Support Day.

To my left here is a poster for Cancer Survivor Beauty and Support Day, which appears right now in hundreds of businesses all across our Nation and will be read by over a million survivors. This important day is observed on the first Tuesday in June, which falls this year on June 5. I am very pleased to help draw attention and raise awareness for this important day.

Mr. Speaker, there are nearly 12 million cancer survivors living in the United States, and each year that number continues to grow. In 2012, about 1.6 million new cases are expected to be diagnosed, and each individual will face challenges both during and after treatment. Each individual will need a tremendous amount of care and support.

Since its inception in 2003, Cancer Survivor Beauty and Support Day has helped bring warm support, comfort, and pride to survivors. This day is one of a kind, bringing together all cancer survivors in this country—men, women and children, regardless of their type of cancer or when they were diagnosed—with thousands of volunteer stylists, beauticians, barbers, and industry professionals who are looking to offer a little personal kindness to our Nation's cherished cancer survivors. These individuals have overcome so much and have shown us all the courage to fight on in the face of so many uncertain challenges. This day simply is an opportunity to provide relaxation and to connect survivors with one another and with caring volunteers.

Cancer Survivor Beauty and Support Day is the only event of its kind in our Nation, with complimentary services being offered to all survivors by salons, barbershops, day spas, and other beauty and massage therapy facilities. The event is nationwide, with support in literally all 50 States. It is also important to note that participation in this day is purely voluntary by these businesses, with no monetary solicitation or donations before, during, or after the event.

Support for this important day continues to grow, thanks to the hard work of so many good people and dedicated supporters. I'd like to especially recognize Barbara Paget, the founder and dynamic leader of this cause, for her hard work. It certainly would not be the event that it is today without her leadership.

In addition to the signs and flyers like this one we have right here, Mr. Speaker, all around the country, Stand Up To Cancer will reach over 1 million survivors on their Facebook page on June 5, 2012.

This day is very established and deserves recognition by this body. To this end, I have introduced House Resolution 494, a bipartisan resolution which expresses the support for designating the first Tuesday in each June as National Cancer Survivor and Beauty Support Day. I certainly urge all of my colleagues to recognize and jump on board this important resolution. But more importantly, I ask everyone to take a moment to recognize this day. Put something on your Web site. Urge survivors and volunteers in your districts to participate on this day, June 5, and honor the cancer survivors all across our Nation.

□ 1110

ONGOING TROUBLES AT VETERANS AFFAIRS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Mrs. ADAMS) for 5 minutes.

Mrs. ADAMS. Mr. Speaker, I rise today to bring attention to the ongoing troubles at the VA and its apparent inability to effectively manage major construction projects, specifically, the new veterans hospital at the Veterans Affairs Medical Center in Orlando, Florida, in my congressional district.

Our Nation's veterans have served our country honorably, putting everything on the line to protect our freedoms. After all they have done for us, it is Congress' duty to ensure that our veterans' service-connected medical needs are taken care of.

The American people were told that for \$665 million they would receive a state-of-the-art medical facility to care for the hundreds of thousands of veterans in central Florida, which is one of the most underserved veteran populations in this country. This project is desperately needed in our community. Our veterans cannot wait any longer, nor can hardworking taxpayers afford more expensive delays.

Recently, Chairman MILLER held a hearing with the Veterans' Affairs committee to examine these delays. During the hearing, it became clear that incompetence and a lack of leadership from the VA is to blame for the egregious amount of errors with this project. Those errors include forgetting to order medical equipment, designing incompatible power sources in patient rooms, and designing doorways too small for the equipment that needs to get through them. These basic design errors are absolutely unacceptable, and we must hold the VA accountable for them.

While I am not a member of the committee, I felt it was my duty, as the

Representative for central Florida veterans, to participate in the hearings and conduct the oversight necessary to get answers and move the project forward.

Having toured the hospital construction site recently, I knew that the project was behind schedule and over budget. Listening to the hearing testimony, coupled with seeing the site firsthand, reinforced the fact that the VA has fallen down on the job and is failing our veterans.

Veterans in my district have to drive hundreds of miles in some cases to get the cure and the care they need and have been promised—they've been promised—in return for their service to our Nation. These are often elderly men and women who cannot afford the trips. And we have young veterans of the wars in Iraq and Afghanistan who have sustained injuries that make those long trips incredibly painful.

This is not the best we can offer; and we should be ashamed, in the VA, that those brave warriors have to travel long distances with the vague hope of getting the care they need. The VA can do better. We can do better.

Today's consideration of the Military Construction and Veterans Affairs Appropriations Bill helps put the VA's feet to the fire and will spur them to return the focus to our veteran population and not on bureaucratic mismanagement and political infighting.

The language of the bill makes it clear that, while the hospital construction remains fully funded, it is no longer an open-ended construction project with bills to be paid years into the future. The legislation states quite clearly that funds obligated to complete construction have to be spent within 5 years. The message should be heard loud and clear by the VA: get your management in gear and finish this hospital.

Mr. Speaker, the delays at this hospital are despicable, and the inability of the VA to provide what our veterans have been promised is unacceptable. Our veterans and their families have put everything on the line to defend our country. Making sure their service-connected needs are taken care of is the very least we can do to repay our Nation's heroes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 14 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Rabbi Aaron Melman, Congregation Beth Shalom, Northbrook, Illinois, offered the following prayer:

We invoke the blessing of Almighty God upon the Members of this House.

Bless our leaders and all who work tirelessly for the good of our people with an understanding and discerning mind, a listening ear, a compassionate heart, and insightful thoughts.

Bless the people of the United States of America.

Help us to gain the insight to know what is good and true, for it is through Your spirit and love that we learn to become more human.

We thank You for enabling us to live in a free country, and we remember those who do not yet live with the same freedoms.

We pray that the leaders of our Nation help all those who are in need.

Shield our leaders and bless them. Protect our Armed Forces and speed our victory over tyranny. Let us make each day more meaningful, helping others move towards a life of peace.

May the words of our mouths and the meditations of our hearts be acceptable to You, O Lord, our rock and our redeemer.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DOLD) come forward and lead the House in the Pledge of Allegiance.

Mr. DOLD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI AARON MELMAN

The SPEAKER. Without objection, the gentleman from Illinois (Mr. DOLD) is recognized for 1 minute.

There was no objection.

Mr. DOLD. Mr. Speaker, I'm proud to welcome my friend, Rabbi Aaron Melman. Rabbi Melman has served the families at Congregation Beth Shalom in Northbrook, Illinois, for the past 9 years, where he works with children and adults to help them better develop their faith.

Previously, he studied and taught in New York City, where he served as a student chaplain to the New York City

Fire Department. On September 12, 2001, he found a way to get to Ground Zero, and thereafter provided comfort and support to those first responders in need.

Rabbi Melman is devoted to helping others. He serves as the president of the Chicago Region of the Rabbinical Assembly; he provides valued education to families through his work as a board member for the Chicago Center for Jewish Genetic Disorders; and he continues to support firefighters by serving as the chaplain to the Northbrook Fire Department.

Mr. Speaker, I'm honored to call Rabbi Melman my friend.

I do want to also congratulate Rabbi Melman and his bride, Elisa, on their 13th wedding anniversary, which they celebrated last night. We certainly appreciate you joining us and celebrating that with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY of Georgia). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

ON THE AIR DURING HURRICANES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, my congressional district in southeast Texas is right in Hurricane Alley. When Katrina, Rita, Humberto, Gustav, and Ike struck with all their fury, people were left in the dark with no Internet or cell service, but local TV and radio reporters were still on the air telling folks what they needed to know.

Hurricane Rita was the fourth most intense Atlantic hurricane ever recorded and the most intense hurricane ever observed in the Gulf of Mexico. The storm was devastating to our communities, but many folks were able to stay safe because they were tuned in to the news. Our broadcasters provide communities with vital lifesaving information before and after storms. They are the most reliable resource we have when disaster strikes.

Today, on the first day of hurricane season, we should thank all of our local first responders, police, and firefighters. But we should also thank all the broadcasters who do their part to keep us safe in southeast Texas when the storms come crashing ashore.

And that's just the way it is.

PERPETUAL WAR FOR PERPETUAL PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Gore Vidal called it "Perpetual War for Perpetual Peace."

The administration's unrestricted use of drones has taken us into undeclared wars in Pakistan, Yemen, Somalia, Sudan, and who knows where else, destroying not only alleged militants, but making a direct hit on international law and the U.S. Constitution.

Drone strikes are killing militants now identified as males of fighting age. What are the rules? Trust us. What are the legal justifications? Trust us. Haven't 350 civilians been killed, innocents? Trust us, we're told.

No transparency, no accountability—until now, no Congress.

The Constitution requires Congress to weigh in and demand information and legal justification for drone strikes. That's in my letter to the administration. Drone strikes, absent a constitutional basis, sanctions the wholesale slaughter of innocents. One nation's drones over another nation's airspace is an act of war. With 50 nations exploring the development of drones—a \$100 billion business—we cannot permit this Nation to further incite perpetual war for perpetual peace.

□ 1210

THANKING RADIO BROADCASTERS

(Mr. YOUNG of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to talk about the important work of our broadcast radio stations in emergency situations.

Back in March, a violent tornado ripped through a 49-mile stretch of my southern Indiana district. It leveled entire towns, did millions of dollars in damage, and took numerous lives. The death toll probably would have been higher were it not for the early warnings to seek shelter so many received by radio. In the aftermath of the storm, with no power or TV or Internet and virtually no cell service, radio instructed Hoosiers where to find first aid, food, and shelter.

So I'd like to thank our broadcasters today for the valuable service they provide. In the midst of chaotic situations, it is our Nation's radio broadcasters who provide needed direction.

PROTECT MEDICARE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, after a lifetime of service to our Nation, America's seniors deserve a secure retirement, a strong Medicare and Social Security safety net. Sadly, The House Republicans are choosing to give tax breaks to millionaires and billionaires over paying for Medicare.

The GOP budget will give those already making over \$1 million a year an average tax cut of \$394,000. All told, the Republican budget gives away \$3 trillion in tax breaks to big oil companies that ship jobs overseas and the ultra-rich, and it does not reduce the deficit. That is wrong.

We should be giving tax breaks to hardworking middle class families, small businesses, and not the wealthiest few. We must end the Bush tax cuts for the rich. No new taxes, no new jobs. No new taxes, no new jobs. Let's work together on a bipartisan budget plan that protects Medicare and makes all Americans pay their fair share.

KEEPING SOUTH CAROLINA SAFE DURING HURRICANE SEASON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow marks the official first day of hurricane season. Each year, South Carolinians remain alert from June through the summer, hoping another Hurricane Gracie, Hugo or Andrew does not reach our beaches, bringing massive destruction.

During times of emergency, radio and television stations have proven themselves as the most reliable source by being the first to promote important life-saving and time-sensitive information. When disaster strikes, these broadcast networks are still available.

I am grateful for each of these services and look forward to working with our National Guard led by Adjutant General Bob Livingston and Emergency Management Director George McKinney, II.

In addition, I would like to welcome the group of foster young adults who are visiting today, including Jasmine Thompson of Washington. I appreciate each of you sharing your challenges with us, and we look forward to hearing of your success in the future.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PAYCHECK FAIRNESS ACT

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Mr. Speaker, today I rise on behalf of the women who are part of the fabric of our Nation's workforce.

Nationally, women working full time are paid 77 cents for every dollar paid to men. These disparities are even worse for women of color. In Ohio, my home State, African American women are paid only 62 cents, and Hispanic American women only 54 cents for every dollar paid to white males.

The gender wage gap not only hurts women; unfair wages hurt entire families. In nearly two out of three American families, a woman is either the

bread winner or co-bread winner of their household. That means if women are not paid fairly, many families will not get fed.

I cosponsored the Paycheck Fairness Act because I cannot and will not stand by as pay disparities persist. Gender discrimination is shameless and intolerable, and it must be stopped.

SEVERE WEATHER WARNINGS

(Mr. LONG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG. Mr. Speaker, when a weather emergency strikes, local radio and television stations play an instrumental role in keeping families informed on vital warnings and emergency response efforts.

A little over 1 year ago, the city of Joplin, Missouri, was changed forever when an EF-5 tornado struck. Local radio stations like KZRG, the Zimmer Radio Group, Community Radio Group, and KDMO provided Joplin residents with critical information as it was happening. After the tornado, they helped families locate their loved ones and provided information on where they could seek shelter and food.

Local stations are a tremendous asset to their communities, especially during weather emergencies. These stations keep their communities informed on the latest weather conditions and provide support after the storms pass.

I want to thank all of the local radio and TV stations across the country, especially those in the Joplin area, for the great public service they provide their communities before, during, and after these weather emergencies.

GETTING THINGS DONE

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, like so many of us, I am back from 10 days in my district and the constant question of: Why can't Congress come together to get some things done?

I was thinking about that because the Republican majority says we passed the Violence Against Women Act. We passed an extension of the lower student interest rate bill. But when you look at those bills, you really have to scratch your head. The Violence Against Women Act that they passed was opposed by not dozens but by hundreds of women's organizations. Let me say that again: the Violence Against Women Act was opposed by women's organizations from one coast to the other.

I say all of this not to strike partisan points, but because on July 1, student loan interest rates double, putting \$1,000 of additional cost on each and

every student in this country. The Republicans said let's pay for that by removing preventive health care. To my mind, health care and education are what create jobs. It is time for this institution to act intelligently and help the true job creators in this country.

HONORING PATRIOT GUARD RIDERS

(Mr. POMPEO asked and was given permission to address the House for 1 minute.)

Mr. POMPEO. Mr. Speaker, just a few days after Memorial Day, I rise in support of a new resolution introduced by Mr. GINGREY to honor America's Patriot Guard Riders. The Patriot Guard started in August of 2005 in Mulvane, Kansas, the southern part of the district which I represent, with a group of folks from VFW Post 136; and it now numbers over 220,000 patriotic Americans.

These great Patriotic Guard Riders attend funerals and protect the families from unwanted intrusion during this important time after the service-members have fallen. They visit veterans at hospitals and meet with the family members of the soldiers, and they contribute their time and their dollars to scholarships for the families of America's fallen soldiers.

I urge my colleagues to join me in cosponsoring Mr. GINGREY's resolution, H. Res. 669, and in honoring this group of patriotic Americans known as our Patriot Guard Riders.

CHALLENGES FACING AMERICA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, faced with a number of challenges, I have lived through hurricanes Rita, Katrina, Ike, Storm Allison; and I realize the importance of emergency radio and television giving us the information as a lifeline, and I rise to thank Charity Productions going on in my district right now, the Sixth Annual Ecumenical Hurricane Forum. Thank you so very much for educating our public.

I also wanted to rise today to congratulate CNBC and the Congressional Black Caucus Faith Forum that has been going on for the last 2 days. We realize that America's faith institutions, and in this instance African American denominations, are crucial, coming together to reach out for empowerment, for social justice, and certainly freedom. We thank them so much for the work that they do.

In conclusion, Mr. Speaker, let me say that in this particular body, and in the Judiciary Committee, we are facing the question of FISA and the impact of the FISA amendments, as it has reversible impact on spying on Ameri-

cans. We must look to get the data and insist that we are securing the homeland, but we must also ensure that Americans are not in essence spied upon, are not surveilled by the impact of international needs.

□ 1220

HONORING SERGEANT JABRAUN S. KNOX

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. Mr. Speaker, on May 18, 2012, Sergeant Jabraun Knox from Auburn, Indiana, died at the age of 23 of injuries sustained when his unit received indirect fire in Kunar Province in Afghanistan.

Sergeant Knox joined the Army in January 2009 and reported to Joint Base Lewis-McChord, Washington, and was assigned to 1st Battalion, 377th Field Artillery Regiment, 17th Fires Brigade in June 2009. Within a month, Sergeant Knox was deployed in support of Operation Iraqi Freedom until May 2010. His unit was then deployed in support of Operation Enduring Freedom in November 2011.

Sergeant Knox's awards and decorations include the Army Achievement Medal, Meritorious Unit Citation, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, NCO Professional Development Ribbon, Army Service Ribbon, Overseas Ribbon, and the Marksmanship Qualification Badge.

Sergeant Knox and his wife, Courtney, married on November 9, 2009 in the middle of his deployment to Iraq. Their first child, Braylon, was born October 17, 2011, just 2 weeks before Sergeant Knox was deployed to Afghanistan.

Sergeant Knox selflessly gave his life as a service to defend our country's freedom in support of both Operation Iraqi Freedom and Operation Enduring Freedom. My heart goes out to his family, and I want to express my gratitude to them both for the service they have made for our Nation.

REVERSING PROGRESS ON WOMEN'S HEALTH

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, during this Congress, we have seen numerous bills that would reverse decades of progress for women's health. Today we take our ninth such floor vote.

We have seen H.R. 358, which permits hospitals and hospital workers to choose to deny women care that would save their lives, putting ideology above all. We have seen H.R. 3, a bill that

would cause insurers to start refusing to cover a legal and safe procedure. We have seen bills that would restrict women's access to preventive care, and efforts to eliminate all funding for the only Federal program dedicated to providing comprehensive family planning services.

At home, our constituents are pleading for us to focus on job creation, but here we are again today about to debate H.R. 3541, yet another ideologically driven bill that intrudes on the relationship between a woman and her doctor. In particular, this bill puts doctors in situations where they would be forced to report confidential conversations with women to law enforcement.

Let's reject H.R. 3541 and start looking at bills that can solve problems for women.

THE IMPORTANCE OF HURRICANE PREPAREDNESS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, June 1 marks the start of another Atlantic hurricane season. The time to prepare for hurricanes—or any natural disasters—is now.

The Federal Government, led by FEMA, is gearing up to respond to hurricanes that may impact the United States and is working with State and local emergency management officials, first responders, and nonprofit partners to make sure all are prepared.

The private sector also plays a vital role by preparing their businesses and often donating goods and services to response and relief efforts. Broadcasters and wireless providers work to ensure communication systems are up and running to provide vital information during an emergency.

We all play a role in preparedness, and I urge Americans to pledge to prepare—put together an emergency kit, develop a family plan, encourage others to prepare. Taking those steps now will make a huge difference should disaster strike.

STUDENT LOAN INTEREST RATES

(Mr. TIERNEY asked and was given permission to address the House for 1 minute.)

Mr. TIERNEY. Mr. Speaker, during the last 2 months, students from my district have spoken out about their struggles to afford college, to pay their loans, to keep up their grades, and to maintain their jobs. Many of them are working multiple jobs and still graduated with \$20,000 to \$30,000 in debt, and it's way too much for them.

So now they're just watching as the days tick by, and we're getting closer to July 1, when student loan interest rates will actually double if Congress doesn't act. They are understandably scared and frustrated.

At Middlesex Community College recently, the students that I met with added their voices to the debate and signed their names on the "Wall of Debt." In the days following, hundreds of students, parents, and even grandparents added their names to what has now become the virtual "Wall of Debt." They're letting Congress know that we can't let those interest rates double on July 1.

So, again, I'm standing here today on behalf of 177,000 students from the Commonwealth of Massachusetts and 7 million students across the country whose student loans rates are set to double if Congress doesn't act, and I call upon my Republican colleagues to put the partisanship and the political games aside and take real action on this important issue.

While I believe the bill that I put forward a month ago to prevent the interest rate from doubling to 6.8 percent and was fully paid for by just one tax subsidy to Big Oil was fair and reasonable, I continue to be open to find other ways to compensate for that bill. I urge my colleagues to join me in doing that and make sure that this interest rate does not double.

REPUBLICAN PLAN FOR AMERICA'S JOB CREATORS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, in 2009, the Obama administration said unemployment would never reach 8 percent if the stimulus was approved. Three years and \$1.2 trillion in spending later, unemployment has remained above 8 percent for 39 consecutive months, the longest span since the Great Depression. Even more alarming is that 8 percent doesn't illustrate how grim the situation really is.

More than half a million more Americans are out of work since President Obama took office, and currently the percentage of working Americans is at a 30-year low. Unemployment would be 40 percent higher if more Americans hadn't given up looking for jobs.

With these numbers, it is clear that President Obama's policies have failed and are making the economy worse.

House Republicans have a plan for America's job creators to help turn this economy around. It's time for the President and Senate Democrats to stop blocking our jobs bill and help us put Americans back to work.

PRENATAL NONDISCRIMINATION ACT

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. Mr. Speaker, I rise in opposition to the Prenatal Nondiscrimination Act, which is yet an-

other misleading bill that purports to help women, when in reality it takes away their freedom to control their own reproductive health. Mr. Speaker, we should be talking about jobs, but instead we're spending time on this divisive issue.

We can all agree that women should not choose to terminate a pregnancy based solely on gender, but this bill criminalizes a legal procedure and puts doctors in the role of legal and moral arbiter, and could give almost anyone who asserts an interest an effective veto over a woman's intimate personal health care decision.

This bill is another attempt to limit a woman's ability to make her own decisions about her life and her health. It will restrict the rights of women to obtain a completely legal and constitutionally protected medical procedure. If we want to truly and effectively address the issue of gender-selective abortion—a problem much more pervasive in other parts of the world—there are much better ways to do it than making suspects out of women and criminals out of doctors.

WAR ON WOMEN LEGISLATION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, this week, Republicans are bringing to the floor a bill that purports to stop abortions based on sex selection, but it is so broadly written and so clearly unconstitutional that it is obvious that they are really after rolling back the clock and undermining comprehensive health care for women.

The bill includes a provision that would allow a woman's husband or parents—by merely alleging that an abortion is because of gender—to seek injunctive relief to prevent the doctor from performing abortion procedures, sending an incredibly private and personal decision into the courts and potentially forcing women against their will or health to go through with a pregnancy.

Republicans oppose protections for immigrant women under the Violence Against Women Act, they oppose pay equity and access to contraceptives, but with this bill they claim to be defenders of women?

Today marks the third anniversary of the death—and the murder—of Dr. George Tiller of Wichita, Kansas, who performed legal abortions. His motto was "Trust women." He believed that women—not the government—should make the decisions about their health and their lives. I'm not fooled, and American women aren't fooled. This bill is just the latest strike by Republicans in the war on women.

□ 1230

ACCESS TO EDUCATION

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, from an early age, my parents instilled the importance of obtaining a quality education. They cultivated a love of learning and made it clear how important an education is to success in life. They could not have been more right. Higher education is the single biggest determining factor for lifetime earning potential, with those holding a bachelor's degree earning double the yearly salary of someone with a high school diploma.

And yet, while the benefits of education are clear for America's families, my Republican colleagues seem deaf to the message. Even as college tuition has increased 28 percent in the last decade, Republicans continue to play partisan and ideological politics that will only ensure that 7 million students across the country will see their interest rates double in July. They're more concerned with gutting health care reform and protecting the wealthiest 2 percent and Big Oil and corporations than making college more affordable for America's students. And the one time House Republicans put the student loan issue to a vote, they insisted on slashing critical funding for women and children's preventative health care in exchange.

If you're thinking, "Oh, no, not again," you're right. It's time for my Republican colleagues to recognize that students deserve better, and it's time to take action to ensure that student loan rates don't increase, don't double by July. Actually, time is running out.

PASS THE PAYCHECK FAIRNESS ACT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, it's absolutely appalling that in the year 2012 women still make 77 cents for every dollar earned by their male peers.

This isn't just an issue of fundamental fairness. With so many women heading households and being the primary breadwinner, it's a matter of economic security for American families. These women face the same financial pressures as any other American. They certainly don't get a 23 percent discount on their rent or mortgage payment, on the groceries they buy or on the children's shoes they have to replace.

We must pass the Paycheck Fairness Act, which the Senate plans to vote on next week and the House passed in the last Congress. I ask my Republican

friends, Mr. Speaker, why the Republicans aren't making this a priority instead of today we're voting on a divisive abortion bill that criminalizes a woman's most private health care decisions.

Women do not need yet another attack on their reproductive rights. What they need is economic justice. When will the majority get it?

STUDENT LOAN INTEREST RATES

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, imagine the shocked faces of daughters and sons all across the country when they open up their July billing statement, add up all the figures, and find it's cheaper to buy a home than pursue their higher education.

Come July 1, Republicans are going to let interest rates on student loans double. At the same time, they're making sure wasteful tax breaks for yacht and private jet owners stay in place. In fact, it's the best way for them to keep the Millionaires Club an exclusive club for good old boys, by blocking the best avenue for success that this country has ever known—a college education.

The GOP is turning the aspirations of young Americans into a revenue stream for the wealthy. They're financing reckless tax policies on the hopes and dreams of our children. I urge them to join Democrats in a serious proposal to stop these interest rates from doubling. The next generation is counting on us to act responsibly.

FOOD AND DRUG ADMINISTRATION REFORM ACT

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, I rise in support of the Food and Drug Administration Reform Act and, in particular, the provisions it contains to address critical drug shortages. Across the country, patients are not getting critical medications they need to battle diseases and stay healthy. This crisis is hitting cancer patients especially hard, with serious shortages of chemotherapy drugs.

In response to this crisis, I introduced the Drug Shortage Prevention Act with my colleague, Representative LARRY BUCSHON. I'm pleased that key provisions of this bill are included in the legislation that the House passed last night. These provisions help FDA and the DEA fix some of the regulatory problems that are causing these shortages.

This is not a partisan issue. Drug shortages affect all of us. I'm pleased that the Senate passed its own version of this legislation last week, and I'm hopeful that both Chambers can quick-

ly come together to present a final package for the President's signature.

When a family gets hit with a diagnosis like cancer, they have enough things to worry about. Running out of chemotherapy drugs should not be one of them.

SUPPORT LOCAL BROADCASTERS

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. Mr. Speaker, tomorrow marks the official start of this year's hurricane season. As ranking member of the Subcommittee of Emergency Communications Preparedness and Response that supports the Department of Homeland Security, I'm speaking today to note that broadcasters have demonstrated a continued commitment to local communities in providing critical information during times of disaster.

When disaster strikes, Americans depend upon their local television and radio stations for access to lifesaving information and emergency announcements. Broadcasters' commitment to public service is never more apparent than in the time of a crisis.

As we typically see during times of disasters, whether it's a hurricane, flood, fire, tornado, earthquake, or a widespread power outage, broadcasters remain to cover the dangerous situations, and, most importantly, they provide vital assistance to those who might need it.

During an emergency, broadcasters deliver comprehensive, up-to-date warnings and information to those affected areas, which helps victims and also brings comfort to family members who are awaiting any kind of information. This issue is very important to all of us. Broadcasters can provide information in a moment's notice when we need it most.

I ask my colleagues to join me to commend our local broadcasters for their work, their continued readiness, and the important role that they play in the time of an emergency.

EMERGENCY PREPAREDNESS

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Mr. Speaker, as has just been mentioned by my colleague from California, tomorrow, June 1, is the official start of the 2012 Atlantic hurricane season, which would potentially mean bad news for areas across the Nation, including folks on Long Island in my congressional district.

Last year, Hurricane Irene and the earthquake felt along the east coast reminded us of the importance of the Nation's first responders, specifically, the importance of our broadcasters.

Emergency plans are only effective if they are able to be communicated to the folks in need. This fact underscores the importance of our broadcasters.

With that in mind, I have constantly supported efforts for both the Department of Homeland Security and the Federal Communications Commission to explore the potential benefits of including radio tuners in mobile telephones. Since technology would ensure that folks have an outlet to receive critical information in times of need, I encourage this Congress to act swiftly to consider any and all opportunities that would facilitate communication during emergencies.

As we embark on hurricane season, let's take this moment to recognize the importance of broadcasters and all of our first responders that selflessly provide services in our time of need.

PROVIDING FOR CONSIDERATION OF H.R. 5743, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013; PROVIDING FOR CONSIDERATION OF H.R. 5854, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2013; PROVIDING FOR CONSIDERATION OF H.R. 5855, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF H.R. 5325, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that, upon adoption of House Resolution 667, amendments number 4 and 6 printed in House Report 112-504 be modified to include the amendatory instructions that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

Amendatory instructions for amendment No. 4 printed in House Report 112-504:

At the end of title III, add the following new section:

Amendatory instructions for amendment No. 6 printed in House Report 112-504:

At the end of title IV (page 21, after line 2), add the following new section:

The SPEAKER pro tempore. Is there objection to the modifications?

Without objection, that will be the order.

There was no objection.

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 667 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 667

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of any bill specified in section 3 of this resolution. The first reading of each such bill shall be dispensed with. All points of order against consideration of each such bill are waived. General debate on each such bill shall be confined to that bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate each such bill shall be considered for amendment under the five-minute rule. Points of order against provisions in each such bill for failure to comply with clause 2 of rule XXI are waived. During consideration of each such bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee

raises and reports any such bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on that bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 3. The bills referred to in section 2 of this resolution are as follows:

(a) The bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

(b) The bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

(c) The bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

□ 1240

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this resolution and of the four rules that it contains.

The rules provide for the consideration of critically important pieces of legislation meant to fund the Federal Government, provide for our Nation's veterans and protect our national security. With this resolution, I have the distinct honor of bringing three appropriations bills to the House floor under open rules. I'm not sure when the last time is that somebody got to say he was bringing three open rules to the House floor at one time, but I am proud to be able to do that today.

House Res. 667 continues the majority's promise to the American people to bring openness, debate, and transparency back to Congress. As a father of three sons in the military and as the Representative of over 116,000 veterans, I'm particularly happy that this resolution provides an open rule for the bill that funds our Nation's veterans programs and meets our military construction needs. We owe our veterans a debt that can never be repaid, but the very least we can do is provide them with the benefits they so bravely and so selflessly earned.

I applaud the Appropriations Committee for the bipartisan way they

worked together to fund these programs for our American heroes and their families. It shouldn't go unnoticed that at a time when it seems difficult to work across the aisle, the Appropriations Committee did just that, and they passed it unanimously. We shouldn't play politics with our veterans, and the Military Construction and Veterans Affairs appropriations bill doesn't.

House Res. 667 includes a structured rule for the Intelligence Authorization Act for 2013. This is a bill that authorizes our Nation's intelligence and intelligence-related activities. It includes our National Intelligence Program and Military Intelligence Program. It specifically ensures that nothing in this bill gives the government the authority to conduct any intelligence activity not otherwise authorized by the U.S. Constitution or our laws.

Although this rule may not be an open rule, it is necessarily so. The classified nature of the Intelligence authorization bill means that we can't debate a lot of the specifics of the underlying bill on the House floor. If we were to debate some of these amendments, we would be put in the impossible position of supporting or opposing the amendments based on facts that we simply can't discuss for reasons of national security. Still, in our efforts to be open, the Rules Committee managed to allow nine amendments on this debate. Seven of those amendments are Democratic, and two are Republican. This too is a bipartisan bill, and the Intelligence Committee passed it unanimously with a 19-0 vote. As the minority views of this bill stated, the stakes are simply too high to make our intelligence programs political.

For all of these reasons, I am proud to support this resolution, a resolution that provides for an extremely open process while balancing the transparency with our national security when it comes to debating our intelligence programs.

With that, I encourage my colleagues to vote "yes" on the rule, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague from Florida, my friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Departing for the moment at hand, Mr. Speaker, just to identify that, today, the bipartisan Foster Youth Program has on the Hill with many of us foster care youth from around this Nation. This bill directly affects their lives. I have the good fortune of having a constituent, Breon Callins, and Washington, D.C. youth Goldie Brown following me today, and I hope they hear my remarks and understand the importance to them and to all children in America's future.

The rule provides for the consideration of four bills—the Intelligence au-

thorization, Energy and Water appropriations, Homeland Security appropriations, and Military Construction and Veterans Affairs appropriations. While I agree with my colleague Mr. NUGENT that it is important that this is customarily an open process—and I commend my Republican colleagues in that regard—I do as I did in the Rules Committee—and he was there last evening—object to the significant number of amendments that were not allowed, and I am sure there are Members who will be present to speak to them.

Once again, we are looking at broken Republican promises on spending levels. Once again, we are shortchanging our future for the selfish demands of today.

□ 1250

And once again, we're missing the opportunity to fully invest in our Nation. The choices made in these bills make no sense to me, Mr. Speaker. Nuclear weapons instead of nonproliferation. Fossil fuels instead of renewable energy. Divisive abortion provisions instead of bipartisan agreement on Homeland Security.

It's almost as if Republicans enjoy jabbing a finger in the eye of progress. They seem to be doing everything they can to find ways not to grow our economy and create jobs. They do not seem to understand that clinging to fossil fuels and nuclear weapons at the expense of scientific research and energy efficiency will not bring about the kind of progress that this great Nation needs. When you cut the Office of Science, when you cut the Advanced Research Projects Agency, and when you cut energy-efficiency programs, you harm our ability to invest in the kinds of research that lead to innovation and job creation.

Mr. Speaker, I could go through all of these bills and point out everywhere the majority has not sufficiently invested in the kinds of programs we need to make progress. It would not be hard, because unless it involves military spending or oil, you can be sure that the majority has cut it under the argument that we're in a fiscal crisis and cannot forward it.

Mr. Speaker, I reject that notion. We can afford to invest in our future, we can afford to create jobs, and we can afford to make the choices now that will reap the benefits for future generations, including those foster children that I mentioned.

When President Bush wanted to invade Iraq, Congress spent a trillion dollars. When Republicans wanted to cut taxes for the best off among us in America, Congress spent a trillion dollars. When Congress wanted to fight the war on terror, it appropriated and still does nearly unlimited funding to do so. So this is not about the deficit. The United States does not lack the

money to prioritize our future. What we do lack is the political willpower and the leadership necessary to set gainful priorities.

Spend some now, save more later. What is obvious to middle class and working poor Americans seems entirely lost to my Republican colleagues. This Nation should be benefiting from American ingenuity and products made here in America. My colleagues on the other side of the aisle would rather let other countries take the lead in scientific advancement, energy efficiency, and clean energy. I'm not just talking about this year's appropriations, Mr. Speaker. I'm talking about the trend under the Republican majority of defunding and deprioritizing the long-term needs of the Nation. It's just plain depressing.

I know that many of my colleagues on the other side of the aisle would prefer to see climate change as a liberal hoax, clean energy as a Socialist cabal, and science as a Communist plot. But drastic changes are upon this country and indeed upon this world, and our failure to adequately address these challenges now will cost us more in the future.

We need energy efficiency, not environmental degradation. We need nuclear nonproliferation, not more nuclear weapons. And we need more investments in science, because the next generation—including those foster children that I spoke about—of American scientists and innovators might not be one of the billionaires or millionaires so beloved by my Republican colleagues, but instead might be a desperate entrepreneur in need of a little bit of Federal assistance in order to make that great scientific breakthrough.

The sacrifices continually demanded by the Republican majority—in order to provide ever more money for foreign wars and tax cuts for the wealthy, including those of us in Congress—are shortchanging the future of this Nation. Rather than work with Democrats to develop bipartisan policies and funding priorities to address the country's challenges, House Republicans are continuing to use the appropriations process for partisan gimmickry and political gamesmanship, and pretending by deeming something that ain't going to happen in the Senate as law.

I can't tell you what business anti-abortion provisions have in a bill about funding the Department of Homeland Security. I can't tell you why it's more important for the Republicans to target women's health than it is to achieve bipartisan consensus on funding our Nation's first responders. And I can't tell you why, Mr. Speaker, we still have to debate this issue when there are so many other pressing concerns before us today.

Rather than garner Democrat support for the Homeland Security bill,

Republicans felt the need to poison the legislation with the erroneous abortion provisions regarding the Immigration and Customs Enforcement agency. Rather than take seriously the need to fund disaster relief—and, yes, it is true, tomorrow hurricane season begins, and we haven't done all or nearly as much as we should have, and there were amendments that would have addressed some of the things that we should, in fact, be prepared to do. Rather than take seriously firefighter assistance grants, cybersecurity efforts that are growing exponentially, the Coast Guard, the Secret Service, and other Federal frontline agencies, the majority has cast aside cooperation in the name of what I believe is reckless ideological point-scoring.

So in this latest season of appropriations, Mr. Speaker, we find ourselves yet again cutting from valuable, worthwhile, and essential programs that would create jobs made in America, grow our economy, and ensure prosperity for the millions of Americans still struggling to get by.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

I'm always at a loss sometimes when I hear certain things, but this is really about there is no energy policy in America. We're talking about actually investing in some of the resources that we're standing on today in America to help us become more energy independent, not more energy dependent.

We've seen what Solyndra did. We've seen what some of these ideas have been. While some are very intuitive or can lead to some directions that we want to go in, we have resources here today in America that can help us become more energy independent. This appropriations bill actually increases that R&D, that development of clean coal. We have over 300 years of energy just in coal alone. Why would we not look at how we can clean it by utilizing technology to do so? This bill does that.

Mr. Speaker, as we move forward, you've got to remember that three of these bills are open for amendment. My good friend on the other side probably remembers back to the 111th Congress when they never had an open rule on appropriations. But with this, we have three open rules and one structured rule. So if you don't like something that's contained in any one of those three bills, you have the opportunity to amend it on the floor. You can do that.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I personally tire of using one bad example on energy creation—Solyndra, which was and is a bad example—and ignoring all of the other kinds of investments that we have made in this Nation that are going about the

business of solar and wind. I saw in my congressional district this weekend a wind program that is the future that is working with existing energy infrastructure.

Mr. Speaker, I yield 3 minutes to my distinguished good friend, the gentlewoman from California (Ms. MATSUI), a former member of the Rules Committee.

□ 1300

Ms. MATSUI. I thank the gentleman from Florida for yielding.

Mr. Speaker, since I was elected to office in 2005, increasing the level of Sacramento's flood protection has been my highest priority. Sacramento is the most at-risk metropolitan area for major flooding, as it lies at the confluence of two major rivers—the Sacramento and the American. Sacramento is home to California's State capitol, an international airport, and half a million people. If Sacramento were to flood, the economic damages would range up to \$40 billion. We have a lot at risk.

We are all well aware of our country's austere budget environment, but it is imperative that Sacramento's basic flood protection needs be met. The Federal Government must continue to fulfill its commitment to protect the lives and the livelihoods of the capital area of the largest State in the Union.

I want to applaud the Energy and Water Appropriations Subcommittee for including adequate funding for Sacramento's top flood protection projects:

For the American River Common Features, the bill includes more than \$6 million, which would be for work within the American River watershed, including American River Common Features General Reevaluation Report, further design work in support of levee improvements in Natomas and levee improvements on the American River.

For the Folsom Dam Joint Federal Project and Dam Raise Project, the bill includes more than \$87 million to continue construction on the auxiliary spillway, which will provide greater efficiency in managing flood storage in Folsom Reservoir and critical dam safety work.

Mr. Speaker, each one of the projects is a critical component in improving the flood protection for the entire Sacramento region. Taken together, these projects help us to achieve the flood protection levels that families and businesses throughout the Sacramento area need and deserve. In addition, the legislation includes a reserve fund that will allocate over \$92.5 million to the Corps for the purpose of funding flood protection projects.

Since I remain concerned that the Corps did not request its full capability for Sacramento flood protection projects in their budget, I will work

vigorously to secure additional funding for Sacramento's flood protection priorities during the Corps' reserve fund competitive process, as outlined in this bill.

Mr. Speaker, I will continue to push for higher levels of funding to meet our flood protection needs and priorities, not only for the Sacramento area region but for the country as a whole.

Mr. NUGENT. Mr. Speaker, I yield such time as he may consume to the to the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I want to thank my good friend for his able management of this important rule.

I say to my friend from Fort Lauderdale, I'm really surprised to see Democratic opposition to this rule. Why? Well, we're dealing with an issue that has been near and dear to my friend from Ft. Lauderdale for years—intelligence issues. He served with distinction on the Permanent Select Committee on Intelligence, and we have come up with a structured rule.

That structured rule makes seven amendments in order that were submitted by Democrats and two amendments in order that were submitted by Republicans. If you look at the litany of those amendments the Democratic Members are offering, it's very clear that we have—we will have a wide-ranging debate, which, as we all recognize, Democrats and Republicans alike, has to be somewhat limited when we're discussing our Nation's intelligence issues.

So we've got a rule that makes in order seven Democratic amendments and two Republican amendments to deal with intelligence. Then we have three appropriations bills—three appropriations bills—all of which—all of which—under this proposed rule will be considered under an open amendment process, regular order, full, open amendment.

I have got to say that when I think back to being in the minority—and we served for 4 years in the minority here—if our friends on the other side of the aisle had come up with a structured rule that made seven Republican amendments in order and only two Democratic amendments in order on the Intelligence authorization bill and they had three completely open rules, I would feel very sanguine in saying that we would not only embrace, but we would enthusiastically support, that kind of rule.

That's why I've got to say that as the American people continue to ask us to work together, I mean, we have the CBO report that came out, just came out, talking about the prospect of another economic recession coming after the first of the year if we don't deal with issues like spending and taxes. And I'm not going to get into a big debate on that. We all know where we

stand on those issues. But if we don't deal with those, we face the threat of another serious economic downturn based on this study that the Congressional Budget Office has just put out. They're saying to me, as I talk to people in California and around the country, they want us to work together. We've come forward with a rule, Mr. Speaker, that allows for three open rules.

To remind my colleagues what that means is it means that any Member, Democrat or Republican, will have the opportunity to stand up and submit their amendment, debate it here on the House floor and have an up-or-down vote on it, and we're going to deal very responsibly in what I believe will be a bipartisan way with intelligence issues.

Now, I understand, to be fair, that there are some concerns of what was included in the appropriations bills themselves. But the process itself is one which has existed under both Democrats and Republicans. It provides protection for the work product of the Appropriations Committee but has an open amendment process on floor.

Mr. Speaker, I would just like to say that I hope that as we move ahead with these appropriations bills and other items that our colleagues on the other side of the aisle will recognize that we would have been grateful—we would have been grateful on our side of the aisle when we were in the minority—to have the kind of treatment that is now being rejected when we have put it forward on our side. Again, this is a very fair opportunity which recognizes the rights of Republicans and Democrats alike, and I hope we will have a bipartisan vote in support of the rule and then move to this very, very important work that we have that lies ahead.

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire as to the time remaining for both sides?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 18 minutes, and the gentleman from Florida (Mr. NUGENT) has 21 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my classmate and good friend, the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, when the Republican majority came to power, they promised transparency and greater debate. But today they have once again failed to keep that promise by refusing to allow a vote on a critical amendment requiring a report on human rights abuses in Argentina over 30 years ago.

For 20 years, I have fought for human rights and transparency in this House, and today the majority refuses to spare me 10 minutes for debate. But what's worse is they won't spare 10 minutes for the hundreds of children born in

prison camps, for the thousands of grandparents that still hold out hope day after day that they will be reunited with their lost loved ones, for the 30,000 people who've disappeared at the hands of a brutal military regime and the millions of Argentine citizens who still seek justice and closure.

This amendment has been made in order numerous times in the past and has even been accepted without objections by both Democrats and Republicans. But it seems this year the House Republican leadership doesn't have time for human rights.

As I have said before, with this amendment we have an opportunity to provide answers to thousands of families who have waited for years to learn the fates of their loved ones and help close this troubling chapter in Argentina's history. To reject my amendment would have been one thing, but to silence it entirely is unconscionable.

The majority's handling of this issue is irresponsible and shameful. I urge opposition to this rule so these critical facts can be made clear for our country and for Argentina.

□ 1310

Mr. NUGENT. Mr. Speaker, the gentleman's amendment, I believe, was made in order in 2001 when it was Democratically controlled—and it failed in the House. In fiscal year 2012, the Rules Committee actually made the amendment in order but the gentleman failed to submit it on the House floor.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. If the fact that something failed in one year allows that it's not to be brought up another year, then we would be out of business around this joint. But if my colleague is seeking me to yield, I understand your point in the end, but I just want to say that Mr. HINCHEY should have had an opportunity to make his presentation.

Mr. NUGENT. If the gentleman would yield, I understand his position as it relates to something that occurred 30 or 40 years ago. But last year he didn't even offer it. It was made in order during the fiscal year, and he didn't even offer it.

Mr. HASTINGS of Florida. Well, he offered it now and we didn't accept it. Therefore, perhaps he'll get another chance.

Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. HOLT), with whom I served on the Intelligence Committee for 8 years.

Mr. HOLT. I thank my friend.

Mr. Speaker, I rise in opposition to this rule which covers, in part, the Intelligence authorization debate.

I want to address not what the bill contains, but what it does not. It does not contain any prohibition on the ex-

ecutive branch using drones to target American citizens for death. I offered a commonsense proposal to address this matter, but the Rules Committee declined to allow it to come to the floor for a vote.

Also missing from this bill is any kind of protection for national security whistleblowers who seek to report waste, fraud, abuse, or criminal conduct to the House and Senate Intelligence Committees. I offered a proposal to address that problem, expanding on language from a whistleblower provision that passed this House in 2002 as part of the bill creating the Homeland Security Department—a proposal that likewise was blocked from being considered on the floor.

Finally, among other things, this bill contains no provision to tell Americans in simple raw numbers how many Americans have had our private communications intercepted by the government over the past several years. Just the number is all we were asking for. That proposal as well was blocked from floor consideration.

The Intelligence authorization bill should never serve simply as a rubber stamp for funding and programs that the intelligence community wishes. This committee, the Intelligence Committee, was created to provide oversight of that community, particularly for the most controversial programs and practices. The bill before us today fails on those counts, which is why the rule and the bill should be opposed.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. I am very pleased at this time to yield 2 minutes to the distinguished gentleman from Illinois, my good friend, Mr. DAVIS.

Mr. DAVIS of Illinois. I want to thank the gentleman from Florida for yielding.

I rise in opposition to the rule and to the underlying bill, H.R. 5854, the Military Construction and Veterans Affairs Act, as related to project labor agreements. This bill would prohibit the use of project labor agreements. It takes away the ability of the Department of Defense, the Department of Veterans Affairs, the American Battle Monuments Commission, the Court of Appeals for Veterans Claims, and the Arlington National Cemetery to use a project labor agreement business model to determine what would be the most optimal and effective way to build construction projects.

Currently, all of these agencies have two choices: either "yes" to use a project labor agreement or "no" to not use a project labor agreement. The bill before us eliminates the choice for these agencies in seeking the most effective and efficient use of taxpayers' money to perform construction projects in the best interest of our brave men and women.

By banning project labor agreements it would contribute to delays in new

construction and add more cost to the projects. If we want smart government, then I encourage all of my colleagues to vote "no." And without passage of the Grimm amendment, I would oppose both the rule and the bill.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to my friends on the other side, remember that that's an open rule. If you don't like a portion of it, then amend it. Bring an amendment to the floor. I know they're confused about that, and I know they didn't have it in the 111th Congress, but in this Congress you have the ability to amend it.

No piece of legislation is perfect. That's why you have the ability for amendments. So I would encourage my friends on the other side, or any Member, Republican or Democrat alike, if they want to see something different, amend it. That's the beauty of this.

I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. If we defeat the previous question, I will offer an amendment to the rule to require that immediately after we adopt this resolution, the House will consider H.R. 1519, the Paycheck Fairness Act, introduced by my friend, Ms. DELAURO. And I am proud to be an original cosponsor of this bill.

I yield 2 minutes to the distinguished gentlewoman from Connecticut, my friend, Ms. DELAURO.

Ms. DELAURO. I rise in opposition to the previous question. Defeating the previous question will allow the gentleman from Florida to amend the rule to include consideration of the Paycheck Fairness Act, an act that addresses the financial pressures facing women today and the need to close the gender wage gap.

Almost 50 years after Congress passed the Equal Pay Act to end the "serious and endemic" problem of unequal wages, women—now one-half of the workforce—are still making only 77 cents on the dollar as compared to men. This holds true across occupations and education levels.

Some have called unequal pay a "myth" or a "distraction." It is neither. Women should be paid the same as men for the same work. That is what paycheck fairness is all about—same job, same pay.

Yesterday, the Democratic Steering and Policy Committee heard from two women affected by pay discrimination—Ann Marie Duchon and Terri Kelly. Both women were eloquent in sharing their stories of fighting for 7 years to see that their pay and equity was remedied.

And like the nearly-two thirds of women today who are either a breadwinner or co-breadwinner, both women said that their families depend and rely on their income. Pay discrimination not only affects them, but their children and their husbands.

Pay inequity is at the root of the financial pressures facing women today. It is critical that we pass the Paycheck Fairness Act. Take steps to stop discrimination in the first place by putting an end to pay secrecy, strengthen workers' abilities to challenge discrimination, and bring the equal pay law into line with other civil rights law. The House has passed the bill twice on a bipartisan basis. Let's do it again.

I urge my colleagues to defeat the previous question.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from California, my friend, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I rise to urge my colleagues to defeat the previous question and amend this rule to allow consideration of the Paycheck Fairness Act. This bill is critical to women and families, and its time has come. It's not only about basic fairness for women—getting equal pay for equal work. It's also an economic issue for families. Getting paid less for just being a woman means fewer resources to pay the mortgage or to put food on the table.

Today, women earn 23 percent less than men do for doing the same job. But those women don't get a 23 percent cut in their health care costs. They don't get 23 percent off their rent. They don't get 23 percent off their grocery bill. But they do get 23 percent off their paycheck.

It's outrageous that this Congress is not doing all it can to eliminate pay discrimination, and it's outrageous today that American corporations have as a matter of their business plan to pay women less than they pay men for the identical jobs, identical responsibilities, identical education, and identical experience.

□ 1320

Corporations have made a decision that they will pay those women less, and that's why women earn only 77 cents for every \$1 that their male counterparts earn for doing the same job.

Congress ought to let us take up this bill and get rid of this inequity to America's women, women who are working to support their families and to provide for their families.

Mr. NUGENT. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, would you advise again how much time remains?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 9 minutes remaining, and the gentleman from Florida (Mr. NUGENT) has 20 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased at this time

to yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY) with whom I served, again I say, on the Intelligence Committee for 8 years.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the Paycheck Fairness Act, which would help end the pay disparity between men and women in the workplace. You heard that women earn 77 percent of what men earn; that's the average. But for African American women, it's 62 percent, and Latinas, it's only 53 percent. In Illinois, as a group, full-time working women lose approximately \$21 billion a year due to the wage gap. If the Illinois wage gap, which amounts to nearly \$12,000 a year, were eliminated, a working woman in Illinois would have enough money for approximately 108 more weeks of food, 7 more months of mortgage and utility payments, 14 more months of rent, 36 more months of family health insurance premiums, and over 3,000 additional gallons of gasoline.

American families and our economy are paying the price of this wage discrimination, and it is time to end it. I urge all my colleagues who support fairness, who support women, to support the Paycheck Fairness Act.

Mr. NUGENT. I continue to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased to yield 1 minute to another of my classmates, the gentlewoman, my good friend from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I urge defeat of the previous question and the consideration of the Paycheck Fairness Act to correct a terrible injustice where women are systematically paid less than men for doing the same work.

On average, women receive 77 cents for every dollar paid to male workers. This disparity means a loss of nearly \$11,000 a year, or the equivalent of 4 months of groceries, 5 months of child care, and over 6 months of rent and utilities.

The wage gap is even more pronounced for black and Latina women, who receive just 62 cents and 54 cents, respectively, for every dollar paid to white men. It is unbelievable that in the 21st century, wage discrimination against women remains so rampant in a Nation that values family and fairness so highly.

In good conscience, how can this House do nothing while our wives, daughters, mothers, and grandmothers are discriminated against in the workplace? Don't they deserve equal pay for equal work and the opportunity for a better life?

I urge my Republican colleagues to do the right thing and help pass the Paycheck Fairness Act to fulfill our Nation's promise of fairness, equality, and justice for all.

Mr. NUGENT. I continue to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 1 minute to the distinguished gentlewoman from California (Ms. LEE), who is my good friend and also has served on these committees for a long time.

Ms. LEE of California. Mr. Speaker, I want to thank Mr. HASTINGS for his leadership and for yielding, and also to Congresswoman ROSA DELAURO for her relentless leadership on the Paycheck Fairness Act and also as the ranking member of the Labor, Health and Human Services Appropriations Subcommittee.

I rise to support the Paycheck Fairness Act. It's totally unacceptable that in 2012 women continue to be blatantly discriminated against in the workplace in terms of equal pay for equal work. This is just downright wrong. It contributes to the economic insecurity of women, also of children and of men.

In 2011, African American women earned 62 cents to every dollar earned by white males, and for Latinas, it was 62 cents per dollar. This discrimination against women of color and all women must end.

Now it's been nearly 50 years since the passage of the Equal Pay Act, but at the rate we're going, if we continue to do nothing, women will not have pay equity until the year 2056. So we need a comprehensive solution to this historical and systemic discriminatory practice, and that is what Congresswoman DELAURO has introduced.

So I urge consideration and passage of the Paycheck Fairness Act. Women deserve economic justice.

Mr. NUGENT. I continue to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. TIERNEY) with whom I served on the Intelligence Committee for 8 years.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman.

The Paycheck Fairness Act deserves attention, and it deserves attention now. We passed the Lilly Ledbetter Act very quickly because it was essential. It shows that this House can work together when it wants to. We kept the courthouse doors open for recourse for pay discrimination. More has to be done to prevent that discrimination from happening in the first place.

My mother worked split shifts when we were growing up. My father worked sometimes two jobs, but his income was limited. Every dollar my mother brought home was critical to our family and to our household, and that's true in so many households across this country today.

A household's bills don't go down by \$10,000 just because a woman is treated unfairly and paid less. The clothing bills don't go down; the gas bills don't go down; the food bills don't go down. So it's important that we get this bill moving at this point in time.

The Paycheck Fairness Act reasserts the principle that women should get equal pay for equal work. It holds employers accountable if they discriminate. It puts an end to pay secrecy so women will be able to determine whether or not they are getting treated fairly. And it prohibits retaliation for someone who wants to talk about paycheck fairness.

This bill is important for families across this country. It deserves attention. I urge my colleagues to take it up now and pass it.

Mr. NUGENT. I continue to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, I would ask of my good friend from Florida whether he intends at this time to have any additional speakers other than himself?

Mr. NUGENT. I do not.

Mr. HASTINGS of Florida. Mr. Speaker, I'm prepared to close.

I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I do and will urge my colleagues to vote "no" and defeat the previous question.

But at this time, I will close by saying our future economy, national security, and way of life depend on harnessing the power of scientific advancement, technological progress, and clean energy. And in this respect, America has no peers in the world. These efforts will enable us to reduce our dependence on oil, develop better energy infrastructure, and mitigate the effects of climate change. At the same time, we have to ensure our frontline homeland security resources are adequately funded and sufficiently prepared to meet new challenges.

We cannot be distracted by ideological poison pill amendments on abortion. We cannot be dissuaded from making the necessary investments because of false claims that we cannot afford them. And we cannot be so willing to sacrifice our Nation's future prosperity to fund more tax cuts for the wealthiest—and I continue to say, including those of us in Congress, the wealthiest Americans—and more nuclear weapons for the military.

These appropriations measures are Congress's best opportunity to set our Nation's priorities and to invest in our economy. Continually defunding these programs is the opposite direction of where we need to go. We must provide the funds necessary to make the advances that will ensure America's continuing global leadership.

□ 1330

I urge my colleagues to oppose this rule and to defeat the previous ques-

tion, and I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

This is a responsible use as relates to a budget that we passed in this House. These appropriations bills live within the confines of the budget that was passed within this House. Now, I can't say that's always been the case here. As we look back over the last 4 years prior to my coming here, that was definitely not the case in regards to living within a budget, living within our means.

Mr. Speaker, I've heard some of my colleagues on the other side of the aisle complain about certain provisions in the underlying appropriations bills. Once again, I'd just like to remind our colleagues this is not the 111th Congress that you're used to. The beauty is that you have an open amendment process, one that did not exist in the last Congress. So you can offer whatever amendment you want as it relates to any of these issues—strike it, defund it, do whatever you want to it. You can do that on this floor. That's why we have the open amendment process.

Remember, it's different than it was in the 111th Congress—at least that's what I've read. You know, you get to vote on the issues that are important to the American people. I hope that anyone who opposes any one of the underlying bills will join me in supporting this rule because it gives you the ability to actually amend it and craft it in a way that you think is best for this country.

Mr. Speaker, I support this rule and encourage my colleagues to support it as well. We're talking about issues today that already have bipartisan agreement. You hear those on the other side of the aisle talk about issues that are in these appropriations bills, but they passed out of committee unanimously. Democrats and Republicans alike all voted for it unanimously to pass those out of committee. That's pretty telling in regards to what's contained within the appropriations bill. So I can't say it enough: they were passed out of committee unanimously, Democrats and Republicans alike, without dissension.

We're talking about funding the Federal Government, something that is fundamental to what we do, something that we have to do as a Member of Congress. And we're doing it in a fiscally responsible way that provides for our government, our veterans, our Homeland Security, and our intelligence community, while simultaneously taking steps to reduce Federal spending, which is what we have to do.

I commend the Appropriations and Select Intelligence Committees for their diligent, bipartisan work on these four underlying pieces of legislation. I commend Chairman DREIER and my fellow Rules Committee members on

bringing these bills to the floor in an open process.

I know that my good friend from Florida likes the open process. We hear about it every time we have a Rules Committee meeting about the open process and the ability to amend it on the floor. "Let the House work its will" is what we talk about, and we have that opportunity. While some may not know how to do that because they just haven't had the experience, we're all in this together. We're learning as we go along what that open process means and allowing Democrats and Republicans alike to come to the floor and debate the issues that they want to make a piece of underlying legislation better.

That's what's good about this whole system. We know it can be better, and we're making sure that the House does work its will in allowing these amendments.

Mr. Speaker, it's about changing how we do business in this House, and we're taking one of the first steps in doing this through our appropriations process and having an open process to allow the ability to submit amendments on the House floor to make all of these pieces of legislation better. That's the goal. I know that's the goal on both sides of the aisle when they submit these amendments—I hope that is. We'll see how the House works its will on all of the amendments.

So I support this resolution, I support the open process, and I encourage my colleagues to do the same. If they want to make a bill better, then offer the amendments on the floor on the three appropriations bills that you have the ability to do it on. Under the structured bill, there are already seven Democratic amendments made in order and two Republican.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 667 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause (b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1519) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may

have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 4 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, with that, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 667, if ordered, and suspending the rules and passing H.R. 3541.

The vote was taken by electronic device, and there were—yeas 233, nays 180, not voting 18, as follows:

[Roll No. 297]

YEAS—233

| | | |
|-------------|---------------|-----------------|
| Adams | Chabot | Gingrey (GA) |
| Akin | Chaffetz | Gohmert |
| Alexander | Coble | Goodlatte |
| Amash | Coffman (CO) | Gosar |
| Amodel | Cole | Gowdy |
| Austria | Conaway | Granger |
| Bachmann | Cravaack | Graves (GA) |
| Bachus | Crawford | Graves (MO) |
| Barletta | Crenshaw | Griffin (AR) |
| Bartlett | Culberson | Griffith (VA) |
| Barton (TX) | Denham | Grimm |
| Bass (NH) | Dent | Guthrie |
| Benishek | DesJarlais | Hall |
| Berg | Diaz-Balart | Hanna |
| Biggert | Dold | Harper |
| Billbray | Dreier | Harris |
| Billirakis | Duffy | Hartzler |
| Bishop (UT) | Duncan (SC) | Hastings (WA) |
| Black | Duncan (TN) | Hayworth |
| Blackburn | Ellmers | Heck |
| Bonner | Emerson | Hensarling |
| Bono Mack | Farenthold | Herger |
| Boustany | Fincher | Herrera Beutler |
| Brady (TX) | Fitzpatrick | Huelskamp |
| Brooks | Flake | Huizenga (MI) |
| Broun (GA) | Fleischmann | Hultgren |
| Buchanan | Fleming | Hunter |
| Bucshon | Flores | Hurt |
| Buerkle | Forbes | Issa |
| Burgess | Fox | Jenkins |
| Calvert | Franks (AZ) | Johnson (IL) |
| Camp | Frelinghuysen | Johnson (OH) |
| Campbell | Galleghy | Johnson, Sam |
| Canseco | Gardner | Jones |
| Cantor | Garrett | Jordan |
| Capito | Gerlach | Kelly |
| Carter | Gibbs | King (IA) |
| Cassidy | Gibson | King (NY) |

Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent

NAYS—180

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch

Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert

Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton

Aderholt
Burton (IN)
Davis (KY)
Doyle
Ellison
Fortenberry

NOT VOTING—18

Guinta
Heinrich
Lewis (CA)
Lewis (GA)
Mack
McCarthy (CA)

□ 1359

Messrs. JACKSON of Illinois, HONDA, LYNCH, GARAMENDI, and Ms. SEWELL changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 166, not voting 19, as follows:

[Roll No. 298]

AYES—246

Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pastor (AZ)
Pelosi
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble

Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)

Pascrell
Rangel
Roby
Slaughter
Velázquez
Young (FL)

Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce

Pence
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin

NOES—166

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Edwards
Engel
Eshoo
Farr

Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markay
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)

Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin

Miller, George
Moore
Nadler
Napolitano
Neal
Oliver
Pallone
Pastor (AZ)
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman
Schultz
Waters

Watt
Waxman

Welch
Wilson (FL)

Woolsey
Yarmuth

NOT VOTING—19

Burton (IN)
Davis (KY)
Doyle
Ellison
Fortenberry
Guinta
Heinrich

Johnson (GA)
Lewis (CA)
Lewis (GA)
Mack
McCarthy (CA)
Pascrell
Pelosi

Rangel
Roby
Slaughter
Velázquez
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1406

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRENATAL NONDISCRIMINATION ACT (PRENDA) OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3541) to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 246, nays 168, not voting 17, as follows:

[Roll No. 299]

YEAS—246

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy

Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi

Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Harper
Harris
Hartzer
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan

Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Manzullo
Marchant
Marino
Matheson
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)

Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise

NAYS—168

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell

Doggett
Dold
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Hayworth
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey

Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney

Tonko
Towns
Tsongas
Van Hollen
Vasclosky
Walz (MN)
Wasserman
Schultz
Waters

Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—17

Burton (IN)
Chandler
Doyle
Ellison
Fortenberry
Guinta

Heinrich
Lewis (CA)
Mack
McCarthy (CA)
Napolitano
Pascrell

Rangel
Roby
Slaughter
Velázquez
Young (FL)

□ 1414

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASCARELL. Mr. Speaker, on May 31, 2012, I missed the three rollcall votes of the day.

Had I been present I would have voted: “no” on rollcall vote 297, Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855; “no” on rollcall vote 298, H. Res. 667, Rule providing for consideration of H.R. 5743—Intelligence Authorization Act for Fiscal Year 2013, H.R. 5854—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2013, H.R. 5325—Energy and Water Development and Related Agencies Appropriations Act, 2013 and H.R. 5855—Department of Homeland Security Appropriations Act, 2013; “no” on rollcall vote 299, H.R. 3541, The Prenatal Nondiscrimination Act (PRENDA) of 2012.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 5743.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5743.

The Chair appoints the gentleman from Kansas (Mr. YODER) to preside over the Committee of the Whole.

□ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States

Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. YODER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I first wish to make an announcement with respect to the availability of the classified annex to the bill for the Members of the House. This is to reinforce a previous announcement made to Members by the Committee on Rules on May 23, 2012, and an informal announcement by leadership.

□ 1420

Mr. Chairman, the classified Schedule of Authorizations and the classified annex accompanying the bill remain available for review by Members at the offices of the Permanent Select Committee on Intelligence in room HVC-304 of the Capitol Visitors Center. The committee office will open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House.

I recommend that Members wishing to review the classified annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified documents.

Mr. Chairman, we're especially pleased with this year's fiscal 2013 Intelligence authorization bill and its presence here on the floor today. This will be our third authorization since I assumed the chairmanship and my colleague, Mr. RUPPERSBERGER, assumed the ranking member position on the House Intelligence Committee.

The bill is a vital tool for congressional oversight of the intelligence community's classified activities and is critical to ensuring that our intelligence agencies have the resources and authorities they need to do their important work.

The Intelligence authorization bill funds U.S. intelligence activities spanning 17 separate agencies. This bill is significantly below last year's inactive budget, but up modestly from the President's roughly \$72 billion in the unclassified number budget request for fiscal year 2013. It is also completely in line with the House budget resolution, which provides for a modest increase of defense activities above the President's budget.

The FY13 bill sustains our current intelligence capabilities and provides for the development of future capabilities, all while achieving significant savings and ensuring the intelligence agencies are being good stewards of the taxpayers' dollars. The U.S. intelligence community plays a critical role in the war on terrorism and securing the country from many threats that we face. Effective and aggressive congressional oversight is essential to ensuring continued success in the intelligence community. The current challenging fiscal environment demands the accountability and financial oversight of our classified intelligence programs that can only come with an Intelligence authorization bill.

The bill's comprehensive classified annex provides detailed guidance on intelligence spending, including adjustments to costly but important programs. The bill funds requirements of the men and women of the intelligence community, both military and civilian, many of whom directly support the war zones and are engaged in other dangerous operations designed to keep America safe.

It provides oversight and authorization for vital intelligence activities, including global counterterrorism operations such as the one that took out Osama bin Laden; efforts by the National Security Agency to defend us from advance foreign state-sponsored cyberthreats; countering the proliferation of weapons of mass destruction; global monitoring of foreign militaries and advanced weapons tests; and research and development of new technology to maintain our intelligence agencies' technological edge, including work on code breaking and spy satellites.

To stay competitive amidst declining budgets, the IC must wring out cost in all realms of operations—collection, processing, analysis, logistics, and “back office” operations. This bill promotes operating efficiencies in a number of areas, particularly in information technology, the ground processing of satellite data, and the intelligence, surveillance, and reconnaissance departments. The bill holds personnel levels, one of the biggest cost drivers, at last year's levels. Even so, the bill adds a limited number of new personnel positions for select, high-priority positions, such as FBI surveillance officers to keep watch on terrorists.

The bill contains additional funding for intelligence collection programs, including increased counterintelligence to thwart foreign spies. The bill also increases funding for our intelligence community's comparative advantage—cutting-edge research and development.

While we're on the subject of funding our intelligence agencies, I think I would be remiss if we didn't briefly discuss the looming threat of sequestra-

tion and the devastating consequences it would have for our vital intelligence operations. The intelligence community and the congressional intelligence oversight committees have worked together over the last year, in recognition of the current challenging fiscal environment, to find efficiencies in the intelligence budget. And we've done that. We've actually done more in certain areas by finding efficiencies in other areas and reducing the overall cost of our 17 agencies.

Unlike the dangerous, across-the-board cuts of the 1990s, however, these funding cuts were carefully selected to ensure that no important operational intelligence capabilities were impacted. Let me be clear: The intelligence community has given until it hurts to produce better budget efficiencies, but we have done this without adversely affecting the mission, which is critically important.

All of this careful work, however, will have been done for nothing if Congress doesn't avert the sequestration train wreck. Sequestration will require a devastating cut to defense spending that will also entail dangerous across-the-board reductions in intelligence funding. The across-the-board nature of the sequester means that there is very little discretion left to our intelligence agencies on how to apportion these reductions.

Let me give you just a few examples of the dangerous impact this would have. Thousands of intelligence officers and specialized technicians will be laid off, to include those working around the world, and around the clock, to stop terrorist plots before they arrive on U.S. shores. The National Security Agency would have to significantly reduce its ability to intercept, translate, and analyze terrorist communications about their plans to attack the United States and Western targets. This would significantly reduce our odds of detecting and disrupting those terrorist plots. Intelligence community support to our soldiers and marines in harm's way in Afghanistan would significantly be curtailed. Also, the National Geospatial-Intelligence Agency would be forced to cut back the number of satellite images that it analyzes, reducing our odds of detecting significant foreign military activity, such as North Korean preparations for an attack on our troops in South Korea.

Our intelligence agencies and the important work they do is our first line of defense against the many threats around the world to our national security. Sequestration would be dangerous and irresponsible for many reasons, not the least of which is the threat to those vital intelligence capabilities, and Congress must act to avoid it. The House has put an offer on the table that would avert this disaster. We passed a bill earlier this month with responsible spending reforms that will

bring down the debt without endangering our national security. I urge my colleagues in the Senate to take up this bill without further delay.

The bipartisan fiscal year 2013 Intelligence authorization bill preserves and advances national security and is also fiscally responsible. We have proven it can be done. The secrecy that is a necessary part of our country's intelligence work requires that the congressional Intelligence Committees conduct strong and effective oversight on behalf of the American people. That strong and effective oversight is impossible, however, without an annual Intelligence Authorization bill.

I want to thank all of the members on the committee for their bipartisan effort to find agreement on a bill that saves money and moves forward smartly on protecting the interests of national security for the United States.

I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of the Intelligence Authorization Act for Fiscal Year 2013. It is a bipartisan bill that gives our intelligence professionals the resources, capabilities, and the authorities they need to keep our country safe. When Chairman ROGERS and I took over the leadership of the Intelligence Committee, we made a commitment to bipartisanship. We believe politics has no place on the Intelligence Committee. The stakes are just too high.

We also made a commitment to passing intelligence budgets to give the intelligence community financial direction and to conduct proper oversight. I commend Chairman ROGERS for making this an open process where we reached agreement on issues that will make this country safer and the intelligence process more efficient.

But we also know we're facing tough economic times so we must use every dollar wisely. This budget is about 4 percent below the enacted levels for FY 2012. It holds personnel at last year's levels and authorizes an initiative to achieve major efficiencies and improve performance and information technology. We made cuts where appropriate, eliminated redundancies, and pushed programs to come in on time and on budget.

The bill allocates resources to critical national security priorities: space, cybersecurity, counterintelligence, and counterterrorism.

We restored some of the cuts to commercial satellite imagery to ensure the warfighter and policymakers have the images they need. I believe commercial competition is important to ensure the warfighter and other policymakers get high-quality products while keeping costs down. It drives innovation and provides a much-needed policy in case there are problems with other government problems.

□ 1430

The bill reinforces cybersecurity by protecting the intelligence community's networks from countries like China and others trying to steal our valuable data.

The bill also makes counterintelligence a priority by increasing surveillance of foreign spies from countries like China, Russia, and Iran.

The bill improves supply-chain security and adds the counterintelligence analysts this Nation needs.

The bill enhances counterterrorism efforts to continue the fight against al Qaeda and its affiliates around the world.

The bill increases oversight on the spending of domestic intelligence agencies.

The bill also expands the intelligence community's capabilities around the globe to ensure the United States is capable and ready to address the threats worldwide.

The bill authorizes the Defense Clandestine Service created by the Department of Defense to reorganize its human intelligence collection and partner with the CIA's National Clandestine Service.

The Democrats on the House Intelligence Committee remain committed to giving our intelligence professionals what they need to do their jobs while also providing proper oversight and protecting personal privacy.

Provisions offered by the minority members were accepted as part of the chairman's mark and other amendments were adopted unanimously by the committee.

Congresswoman SCHAKOWSKY introduced an amendment that protects the inspector general of an intelligence agency from across-the-board cuts to preserve their role as a watchdog of an organization. I commend Ms. SCHAKOWSKY for her good work on this bill.

Congressman THOMPSON introduced an amendment to expand our efforts to prevent drug cultivation on Federal lands. I commend Mr. THOMPSON for his efforts on this bill as well.

In fact, we wouldn't be here today without the hard work of all of the members of the Intelligence Committee. This is truly a bipartisan product. The bill passed through markup by a margin of 19-0, a true testament to the bipartisan spirit of the committee.

I urge my colleagues to support the Intelligence Authorization Act for 2013. This bill ensures the Nation's intelligence community is effective, fiscally sound, and subject to appropriate oversight.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to a distinguished member of the committee, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, today is another milestone in our work to con-

duct strong oversight of the intelligence community. In just under 2 years as chairman and ranking member, the gentleman from Michigan and the gentleman from Maryland have proven that the Intelligence Committee is now really not just a bipartisan committee, but I think more importantly a nonpartisan committee, which is why this bill passed out of committee 19-0.

During these austere times, it is also important to not only sustain our Nation's intelligence capabilities and provide for future needs, but to do so in a fiscally responsible way. This bill achieves significant savings by holding the line on authorizing spending below last year's levels—curbs unnecessary personnel growth—and targets intelligence investments. Included in this bill are the tools necessary to reduce operational costs of the intelligence community's front-line operators and provisions to conduct a house cleaning of "back office" operations.

Moreover, this bill ensures that acquisitions are done on cost and on schedule while still expanding the IC community's comparative advantage of cutting-edge research and technology.

One of the critical gaps this bill fixes is with structural deficiencies in the CIA Inspector General's Office. We are taking steps to allow the CIA to better recruit and retain a professional staff of investigators. This is done by allowing the IG to designate certain positions as law enforcement officers for retirement purposes.

Mr. Chairman, it is critical that the Congress demand accountability and financial oversight of our classified intelligence programs. That can only be done through consistent passage of an intelligence authorization bill. I urge all Members to support the bill before us today.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 4 minutes to my distinguished colleague from the State of California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding, and I also thank the chairman and the ranking member for making sure that we're able to work together to produce a document that will benefit the entire country in regard to our national security, and I rise in strong support of this year's Intelligence authorization bill.

As the ranking member of the Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, I'm pleased that we're able to put this product forward, and I strongly support the bill's emphasis on developing stronger counterintelligence capabilities throughout the intelligence community.

Every time I travel overseas to observe operating conditions, I've been impressed by the work being done by our intelligence personnel, but also

concerned about the increasing threats and challenges that we face. Today, our intelligence officers are facing increasingly hostile foreign intelligence services, insurgent groups, terrorists organizations, industrial spies, and the threat of cyberattacks. Many of our adversaries are working together in ways we haven't seen before. This is no longer the Cold War world with little cameras and secret compartments. It's now more complicated to find out how our enemies are getting intelligence on the United States and how these same enemies are protecting their own secrets.

To address this threat, this bill provides additional resources to enable our intelligence community to collect better information and provide better analysis on how our adversaries are working against us.

Second, since the emergence of the Arab Spring, our subcommittee has been examining how the intelligence community has been identifying the types of trends that have literally transformed countries overnight, countries like Tunisia and Egypt.

I've heard firsthand from our intelligence personnel that they need more to better get a handle on the dynamics in their countries and their regions. The Arab Spring phenomenon can happen anywhere anytime, and our intelligence community must be better prepared the next time. This bill enables the intelligence community to rebuild its global mission by realigning and adding to its current resources dedicated to this collection effort. With these resources, intelligence personnel will have more tools to identify and report signs of instability in real-time.

This bill also includes a number of other provisions that I believe are important to our national security. The bill requires the Director of National Intelligence to continue compiling threat assessment of foreign drug traffickers that are turning our public lands in the United States into hostile areas to further their operations. This threat assessment was first required in last year's authorization; and given the scope of the problem, it's essential that our efforts to combat foreign drug traffickers on our Federal property be continued.

Also, the bill restores funding for the National Gang Intelligence Center. The analysis that the NGIC has provided on the growing gang influence in the U.S. military, for example, is critical to finding an adequate solution to this problem and the very reason Congress created the NGIC in the first place. It's important that this work continue.

I am a little disappointed that we weren't able to do some things that we all believe are necessary. For example, the expansion of the Science, Technology, Engineering and Math cooperative programs at colleges and universities is extremely important; and I

think we need to continue to do more to make sure that we're able to grow that resource.

Mr. Chairman, our intelligence community must be prepared for any and all threats. While Osama bin Laden may no longer pose a direct threat to our country's safety and security, the remaining elements of al Qaeda and other emerging terrorist organizations are more determined than ever. It's critical for Congress to pass this bill, and I strongly support that we do so today.

Mr. ROGERS of Michigan. Mr. Chairman, I would yield 2½ minutes to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Mr. Chairman, I want to first start by commending Chairman ROGERS and Ranking Member RUPPERSBERGER for their great work on crafting this bipartisan bill, a strong piece of legislation that addresses some tremendously important issues that face our country.

While this legislation in its detail—and we've heard the chairman speak about it—talks about new initiatives and programs and three-letter Agencies, this is about something different from that. This is about protecting the American people. This is about keeping the citizens of El Dorado and Coffeyville and Wichita and Anthony, Kansas, safe against a staggeringly large and very real threat.

On September 11, now over a decade ago, we began to enter a very different time, very different war. Now 15 years ago, I was serving in the military. I served along the East German border. Then it was different. We could see the enemy. They wore uniforms. There were fences and boundaries. And today, we live in a very, very different world. And this legislation, the 2013 Intelligence bill, attempts to, in a fiscally responsible way while protecting the privacy of every American citizen in a conscientious way, address those very real threats.

□ 1440

It is easy sometimes to forget—to forget from a decade ago and forget that al Qaeda is still there, active and trying, fighting vigorously to take down the American way of life. And to see this thoughtful piece of legislation put together in a way that both parties could agree to, that both parties could say this makes sense, these are the resources we have available, we're going to do this in a fiscally prudent way, is something that I think should encourage each of us and cause every Member to support this legislation.

We can't allow anyone to forget that this threat is real. The gravity and consequences of not having an active and capable intelligence set of agencies and forces is too important. I know the chairman and ranking member both understand this, and I want to thank them for their work. I want to encour-

age each and every one of my colleagues to support the FY 2013 Intelligence Authorization bill.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 2 minutes to my distinguished colleague from the State of Rhode Island (Mr. LANGEVIN), whom I consider one of the foremost experts in the area of cybersecurity. Thank you for your work in that field, Mr. LANGEVIN.

Mr. LANGEVIN. I thank the gentleman for yielding.

I thank both Chairman ROGERS and Ranking Member RUPPERSBERGER for their outstanding work on this very important legislation and so many aspects contained in it.

Last September, I proudly spoke in support of the fiscal year 2012 Intelligence authorization bill because it addressed critical cybersecurity needs as well as many issues of great importance, not just to me but to our country and to the men and women of our intelligence services. I was pleased to be a part of a bipartisan effort within the Intelligence Committee to craft that legislation and gratified by the overwhelming bipartisan support that it garnered.

Earlier this year, the House considered the Cyber Intelligence Sharing and Protection Act, which also received bipartisan support and, in my opinion, is a critical first step to confront the serious challenges our Nation faces in the realm of cybersecurity.

Now, I continue to advocate for action on CISPA and on the comprehensive cybersecurity legislation that will ultimately be necessary to address this issue, but today I'm proud to support H.R. 5743, the fiscal year 2013 Intelligence authorization bill because it builds on these earlier efforts to give the U.S. intelligence community the tools and funding it needs to meet the challenges of the future. Just as importantly, it supports the men and women of the intelligence community who enable those investments and keep our Nation secure.

The National Counterintelligence Executive recently warned that China and Russia are conducting sophisticated cyberespionage against the U.S., in addition to more traditional espionage operations. They and other countries seek to undermine our military, technological, and innovative edge by exploiting our vulnerabilities in the cyber realm, in particular, our critical infrastructure. This situation presents a pervasive threat to U.S. economic security, and I'm very sad to say that they're having success.

The estimates on the losses to U.S. industry and government from economic espionage range from \$2 billion to over \$400 billion a year. Now, this massive spread only emphasizes that we don't yet have the information we need to fully understand and combat this threat.

The CHAIR. The time of the gentleman has expired.

Mr. RUPPERSBERGER. I yield the gentleman an additional 30 seconds.

Mr. LANGEVIN. The National Counterintelligence Executive cautions that the intelligence community can't entirely prevent cybertheft of national and industrial secrets, but the community can minimize the hostile activity and mitigate the effects. Those efforts will be more successful if the agencies collaborate, build public-private partnerships, and improve intelligence collection and analysis of the cyberthreat to our country.

The FY 2013 bill responds by giving the intelligence agencies the resources they need to develop a strong, unified effort to counter China, Russia, and other actors that might threaten our economic security or technological edge. The bill also does a lot to protect our supply chain, which is another area of vulnerability.

This is a good bill, it's an important bill, and I urge my colleagues to support it.

Mr. ROGERS of Michigan. Mr. Chairman, I'll reserve my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 2 minutes to my distinguished colleague from the State of California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I want to rise to congratulate our chairman, Mr. ROGERS, and our ranking member, Mr. RUPPERSBERGER, for their extraordinary work in putting this bill together, and the incredible and bipartisan operation of the committee. This work product and the committee operations I think were a model that many of the rest of the committees on the Hill would do well to follow.

I rise in strong support of H.R. 5743, an authorization bill that gives our intelligence community the tools they need to keep America safe.

I'd like to focus on the technical aspects of the bill, specifically the intelligence community's future investments in key overhead technologies. This is a good bill, as it makes necessary budget cuts without affecting the mission of the intelligence community. And there is one issue in particular I would like to highlight.

Since 9/11, we have been investigating the potential advantages of persistent video. Current systems that simply snap pictures miss critical dynamics of the adversary. Standard pictures limited to capturing isolated points in time can't tell where a bad actor came from or where they went after they committed an act of terror.

Hypothetically consider: What if we could use a video and video a hostile area 24 hours a day, 365 days a year, and during this period a roadside bomb occurred? With a variety of capabilities, we could simply rewind and watch the perpetrators as they planted the

device and trace their locations both before and after the device exploded. Independent of the source—whether space, ground, or air—we simply can't do that with still photography. Similarly, such a capacity might help us identify proliferators of nuclear and missile technology.

I favor an approach that invests in new technologies that go beyond our past and present capabilities. In my role as ranking member for the Technical and Tactical Subcommittee, I work to ensure that cost, schedule, and performance are met as we strive to explore this potential advantage for national security.

Mr. Chairman and Ranking Member, again, I want to thank you for the opportunity to express my views on this bill. I support it wholeheartedly and recommend its passage.

Mr. ROGERS of Michigan. Mr. Chairman, I continue to reserve my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 3 minutes to my distinguished colleague from the State of Kentucky (Mr. CHANDLER).

Mr. CHANDLER. First, I want to start by saying just how wonderful it is to be a part of a committee that actually works well together, and I thank Chairman ROGERS and Ranking Member RUPPERSBERGER for that. In this place these days, it seems a bit unusual, but on this committee, in my view, they are not Republicans and Democrats; there are patriots and Americans, and I appreciate that.

I'm proud to support this bill, the Intelligence Authorization Act for Fiscal Year 2013. This bill authorizes vital funding for our intelligence activities which we need to protect America and American interests.

Congress has an obligation to support intelligence gathering while also protecting our civil liberties and considering our fiscal responsibilities. I believe this bill does just that, ensuring that we have resources and tools needed to keep our country safe even in this tough economic time.

We live in complicated times, when terrorists can execute a cyberattack from halfway around the world, bringing down a nation's infrastructure or compromising individuals' identities and bank accounts. Now, more than ever before, our intelligence capabilities are critical to the safety and security of our country.

In my tenure on the Intelligence Committee, I've had the privilege of working with the fine men and women of the intelligence community, and I'm here to tell you they are committed patriots who protect our Nation and our way of life every day. I cannot overstate how important the work they do is to the safety of our Nation.

This bill, which passed out of the committee with overwhelming bipartisan support, allocates resources to critical national programs, including

those that detect, prevent, and disrupt terrorist attacks against Americans. It enhances counterterrorism efforts to continue the fight against al Qaeda and its affiliates around the world. Furthermore, this bill shows the committee's commitment to giving our intelligence professionals what they need to do their jobs while providing oversight and protecting personal privacy.

The world just saw how first-rate our intelligence community is after the successful mission to kill Osama bin Laden last year. This legislation ensures that we can continue to have the world's premiere intelligence capabilities.

Again, I thank the chairman and I thank the ranking member for the tremendous way that they cause the committee to work together. It's an honor to serve on this committee, and I thank you.

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Mr. ROGERS of Michigan. Mr. Chairman, I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, can I ask how much time each side has remaining?

The CHAIR. The gentleman from Maryland has 15 minutes remaining. The gentleman from Michigan has 18 minutes remaining.

Mr. RUPPERSBERGER. Mr. Chairman, I reserve the balance of my time, also.

Mr. ROGERS of Michigan. Mr. Chairman, I have one more speaker who is on his way to the floor, I understand, so I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

I'm proud that the bill under consideration has an emphasis on supporting counterintelligence resources. Last year, the chairman and I made it a priority to review the community's counterintelligence posture after learning more about the aggressive ways foreign intelligence and security services continue to steal U.S. secrets, including trade secrets, from U.S. companies.

One of the most disturbing reports came from the National Counterintelligence Executive which said that Russia and China are both aggressively utilizing cyberspace to steal U.S. economic secrets. This informative unclassified report is available on the Director of National Intelligence Web site. I encourage every U.S. business to read it to understand the threat they face today. The hard work and money it takes to innovate and conduct research are all at risk.

What China, Russia, and any other country who engage in espionage realize is that it's faster and cheaper to steal U.S. creativity than to develop it themselves. The report also gives examples of the millions of dollars that

are at stake, like a single proprietary paint formula from Valspar valued at \$20 million. These are some economic impacts of espionage, but they are also the cost to our national security and those of our allies.

A spy within our intelligence community, with access to our most sensitive secrets, can mean the lives of our sources and our troops. In these cases, it is impossible to calculate the impact. Espionage is countered by the villages of our counterintelligence professionals. These are the people we depend upon to discover the spies within our midst. I'm proud that this bill adds the resources and personnel for this critical mission.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. HECK).

Mr. HECK. Mr. Chairman, I rise today in support of H.R. 5743, the Fiscal Year 2013 Intelligence Authorization Act.

This bill strikes the appropriate balance between the necessity for fiscal restraint and providing our intelligence community the resources they need so that they can continue to play a vital role in our national security. This is especially true in the technical collection systems that are the focus of the Subcommittee on Technical and Tactical Intelligence.

H.R. 5743 puts the focus on how well our entire technical collection architecture systems work together. In the past, we have had a tendency to focus on a few large acquisition programs and not on the total capability that all systems bring to the nation. This bill leverages advancements in technology by making changes that are focused on ensuring collection platforms work together to simultaneously collect and correlate data.

Additionally, through funding for the National Geospatial-Intelligence Agency programs, this bill incrementally advances the ability to coordinate collection across a diverse set of collection platforms that are fielded by the intelligence and military communities.

H.R. 5743 also takes an important first step toward reducing the cost of launch, and encourages the further development of commercial launch services. While the cost of getting to space has not traditionally been the focus of the intelligence community, these essential reforms will allow us to reallocate these savings to our Nation's core intelligence missions.

Mr. Chairman, again I urge support of H.R. 5743. I thank the chairman and the ranking member for their leadership on this issue.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself as much time as I may consume.

For the third time in 3 years, Chairman ROGERS and I have stood on the floor of the House encouraging our col-

leagues to support our intelligence budget bill. We both rise in support of the Intelligence Authorization Act for Fiscal Year 2013. I would like to thank Chairman ROGERS for his bipartisan leadership on this bill.

The bill gives our intelligence professionals the resources, capabilities, and authorities they need to protect American and American interests. We crafted a bill that addresses our core needs, including space, cybersecurity, counterintelligence, and counterterrorism, while also keeping an eye on the bottom line. This bill is about 4 percent below last year's budget and holds personnel at last year's levels.

The Intelligence Committee came together as Democrats and Republicans to do what is right for our country and for the intelligence community. The bill unanimously passed out of our committee by a margin of 19-0.

I would also like to thank the staff of the Intelligence Committee for their hard work on this bill. You're only as good as your team and your staff.

I urge my colleagues to support the Intelligence Authorization Act for FY 2013.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself as much time as I may consume.

I, too, want to thank the ranking member for his bipartisan leadership on this very, very important issue, our national security, and the staffs of both committees. We did something very unusual. We have the staffs work together to produce an authorization bill, and we think it makes a much better product with a lot more voices in the mix. We think we have gotten to a place that will protect America and save money for the taxpayers. That's a good place to be.

And at the end of the day, this is about a very serious issue. It's about the fact that we have folks all around the world who are getting up in the morning trying to commit acts of violence against U.S. citizens or our allies. It's about nation-states who want to steal the very prosperity of America by stealing our intellectual property through spying or cyberspying. It's about nation-states who are making an investment in cyberattack capability that would actually cause catastrophic harm to the United States economy. It is about nation-states who are engaged in the development of nuclear weapons for certainly no good purpose.

In the nineties we had a peace dividend because the structure of the threat changed fundamentally, and we could rearrange the way we looked at the world and our defense posture and our national security posture around the world. And I think this is a good moment to caution where we go in the future.

This is not like the nineties. We don't enjoy the same peace dividend in

the sense that the world is more complicated and, in many ways, more dangerous than it has ever been before. Those intelligence services are getting aggressive. Our adversaries are getting better. They are investing in space and cyber in a way that is breathtaking if we don't keep pace. We don't have to spend dollar for dollar, but we do have to match intellectual capital with the solutions that we need to keep America safe.

The very brave men and women who risk their lives all over the globe to protect our soldiers by providing them state-of-the-art and up-to-date information, or by recruiting somebody in a very dangerous place somewhere else that might give us that little bit of advantage in knowing what our adversaries are up to, we owe a great debt of gratitude to those very brave Americans who risk their lives every single day in defense of this Nation. They are silent and quiet warriors, but deserve no less of our appreciation and gratitude for faithful service to this great Nation.

This bill reflects that, and it reflects the important status that we are going to have to take in the intelligence community when it comes to protecting America in what is promising to be a dangerous future when it comes to our adversaries. This bill, we think, takes head-on those new challenges, so that America can be equally prosperous in the future and as safe as we have ever been.

With that, Mr. Chairman, I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chair, today I rise in support of H.R. 5743, the Intelligence Authorization Act for Fiscal Year 2013. This bipartisan bill, which was reported by the Permanent Select Committee on Intelligence by a unanimous 19-0 vote, provides funding and policy guidance to the America's intelligence community. Few bills are as important to our nation's security as this one.

H.R. 5743 provides the necessary resources to vital security programs, many of which focus on detecting and preventing terrorist attacks. It is critical that America maintains its qualitative security edge with respect to intelligence gathering, data analysis, and counterterrorism. This bill would ensure that happens.

I recognize that given these challenging economic circumstances, difficult choices have to be made. This has led the Committee to authorize funding for intelligence activities at level that is four percent below last year's enacted budget. I appreciate the way Chairman ROGERS and Ranking Member RUPPERSBERGER have worked together in an effort to fashion a bill that strikes an appropriate balance.

The committee has made fiscally responsible choices when deciding where to cut funding, eliminating redundancies and directing that other programs be managed more efficiently.

Mr. Chair, for obvious reasons many of the programs authorized by this legislation cannot

be discussed publicly. However, these programs are subjected to congressional oversight and scrutiny by the Intelligence Committee, which takes seriously obligation to ensure that the programs authorized under this legislation and the officials who administer them operate within constitutional and legal bounds.

I am pleased that the bill also contains provisions to strengthen the protection of the identities of covert agencies, to combat attempts by other countries to buy technology that could be used to develop weapons of mass destruction, and to enhance our counterterrorism efforts. As a member of the Committee on Homeland Security I know how important it is to make counterintelligence and counterterrorism efforts priorities.

It is a sad truth that we live in an age where our most pressing concern is the imminent threat of another terrorist attack. Our enemy does not respond to logic or reason, and therefore we must be prepared for every situation.

Mr. Chair, I support this bill because I am persuaded that it furthers the nation's security interests and is the right thing to do. I urge my colleagues to join me in voting for H.R. 5743.

Mr. VAN HOLLEN. Mr. Chair, I commend Chairman ROGERS and Ranking Member RUPERSBERGER for continuing their tradition for the third straight year of reporting a bipartisan Intelligence Authorization bill. H.R. 5743, the Intelligence Authorization Act, comes to the floor today after having passed the Intelligence Committee by a unanimous 19–0 vote.

The bill allocates resources to critical national security programs including those that detect, prevent, and disrupt potential terrorist attacks against the American people. The bill enhances counter terrorism efforts against al Qaeda and its global affiliates; increases oversight of the spending at intelligence agencies and supports global initiatives to address emerging threats to our national security.

The measure provides funding to the Central Intelligence Agency, the Office of the Director of National Intelligence, the National Security Agency and other agencies, for operations, personnel and equipment. Though much of the funding is classified, each dollar is intended to address the funding needs of this country's clandestine services.

The valiant American men and woman who toil anonymously in the shadows of the intelligence world deserve our full support for their dedicated service. The funding authorized by this bill will help ensure they have the resources they need to do their job.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2013”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Non-reimbursable details.

Sec. 304. Strategy for security clearance reciprocity.

Sec. 305. Repeal or modification of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Sec. 401. Clarification on authority of CIA to transfer funds to CIA activities authorized by law.

Sec. 402. Authorities of the Inspector General for the Central Intelligence Agency.

Sec. 403. Working capital fund.

Sec. 404. Intelligence community assistance to counter drug trafficking organizations using public lands.

TITLE V—OTHER MATTERS

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 502. Technical amendment to title 5, United States Code.

Sec. 503. Technical amendment to the National Security Act of 1947.

SEC. 2. DEFINITIONS.

In this Act:

(1) *CONGRESSIONAL INTELLIGENCE COMMITTEES.*—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) *INTELLIGENCE COMMUNITY.*—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.*—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2013, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 5743 of the One Hundred Twelfth Congress.

(b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.*—

(1) *AVAILABILITY TO COMMITTEES OF CONGRESS.*—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) *DISTRIBUTION BY THE PRESIDENT.*—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) *LIMITS ON DISCLOSURE.*—In carrying out paragraph (2), the President may disclose only that budget-related information necessary to execute the classified Schedule of Authorizations and shall not disclose the Schedule or any portion of the Schedule publicly.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) *AUTHORITY FOR INCREASES.*—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2013 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) *AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.*—

(1) *IN GENERAL.*—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) *CONCURRENCE AND APPROVAL.*—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) *NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.*—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2013 the sum of \$530,652,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2014.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 831 full-time or full-time equivalent personnel as of September 30, 2013. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2013 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2014.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2013, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2013 the sum of \$514,000,000.

TITLE III—GENERAL PROVISIONS**SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. NON-REIMBURSABLE DETAILS.

Section 113A of the National Security Act of 1947 (50 U.S.C. 404h-1) is amended—

(1) by striking “An officer or employee of the United States or member of the Armed Forces” and inserting “(a) **CIVILIAN EMPLOYEES.**—An officer or employee of the United States”;

(2) by striking the second sentence; and

(3) by adding at the end the following new subsections:

“(b) **MEMBERS OF THE ARMED FORCES.**—A member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program on a non-reimbursable basis, as jointly agreed to by the head of the receiving

and detailing elements, for a period not to exceed three years.

“(c) **NO LIMITATION ON OTHER AUTHORITY.**—This section does not limit any other source of authority for or non-reimbursable details.

“(d) **NO EFFECT ON APPROPRIATIONS.**—A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the element of the intelligence community receiving such detail.”.

SEC. 304. STRATEGY FOR SECURITY CLEARANCE RECIPROCITY.

(a) **STRATEGY.**—The President shall develop a strategy and a timeline for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strategy and timeline shall include—

(1) a process for accomplishing the reciprocity required under such section for a security clearance issued by a department or agency of the Federal Government, including reciprocity for security clearances that are issued to both persons who are and who are not employees of the Federal Government; and

(2) a description of the specific circumstances under which a department or agency of the Federal Government may not recognize a security clearance issued by another department or agency of the Federal Government.

(b) **CONGRESSIONAL NOTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of the strategy and timeline developed under subsection (a).

SEC. 305. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **REPEAL OF REPORTING REQUIREMENTS.**—

(1) **ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.**—Section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) is repealed.

(2) **THREAT OF ATTACK ON THE UNITED STATES USING WEAPONS OF MASS DESTRUCTION AND THE SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND NUCLEAR MILITARY FORCES.**—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(A) in the heading, by striking “ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF NATIONAL INTELLIGENCE” and inserting “ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES”;

(B) by striking subsections (a), (c), and (d);

(C) by striking “(b) ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.”.

(D) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively;

(E) in subsection (b) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively; and

(ii) in paragraph (2) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(F) in subsection (e) (as redesignated by subparagraph (D)), by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively.

(3) **MEASURES TO PROTECT THE IDENTITIES OF COVERT AGENTS.**—Title VI of the National Security Act of 1947 (50 U.S.C. 421 et seq.) is amended—

(A) by striking section 603; and

(B) by redesignating sections 604, 605, and 606 as sections 603, 604, and 605, respectively.

(b) **MODIFICATION OF REPORTING REQUIREMENTS.**—

(1) **INTELLIGENCE ADVISORY COMMITTEES.**—Section 410(b) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259; 124 Stat. 2725) is amended to read as follows:

“(b) **NOTIFICATION OF ESTABLISHMENT OF ADVISORY COMMITTEE.**—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each notify the congressional intelligence committees each time each such Director creates an advisory committee. Each notification shall include—

“(1) a description of such advisory committee, including the subject matter of such committee;

“(2) a list of members of such advisory committee; and

“(3) in the case of an advisory committee created by the Director of National Intelligence, the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App) that an advisory committee cannot comply with the requirements of such Act.”.

(2) **CUSTOMER FEEDBACK ON DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE REPORTING.**—Section 210A(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(A) by inserting “and the Select Committee on Intelligence” after “Committee on Homeland Security and Governmental Affairs”; and

(B) by inserting “and the Permanent Select Committee on Intelligence” after “and the Committee on Homeland Security”.

(3) **INTELLIGENCE INFORMATION SHARING.**—Section 102A(g)(4) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(4)) is amended to read as follows:

“(4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.”.

(c) **CONFORMING AMENDMENTS.**—

(1) **REPORT SUBMISSION DATES.**—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(A) in subsection (a)—

(i) by striking “(1) The date” and inserting “The date”;

(ii) in the matter preceding subparagraph (A), by striking “subsection (c)(1)(A)” and inserting “subsection (c)(1)”;

(iii) by striking paragraph (2);

(iv) by striking subparagraphs (A) and (C);

(v) in subparagraph (G), by striking “114(c)” and inserting “114”; and

(vi) by redesignating subparagraphs (B), (D), (E), (F), (G), (H), and (I), as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(B) in subsection (c)(1)—

(i) by striking “(A) Except as provided” and inserting “Except as provided”; and

(ii) by striking subparagraph (B).

(2) **TABLE OF CONTENTS OF THE NATIONAL SECURITY ACT OF 1947.**—The table of contents in the first section of the National Security Act of 1947 is amended—

(A) by striking the item relating to section 114 and inserting the following new item:

“Sec. 114. Annual report on hiring and retention of minority employees.”; and

(B) by striking the items relating to sections 603, 604, 605, and 606 and inserting the following new items:

“Sec. 603. Extraterritorial jurisdiction.

“Sec. 604. Providing information to Congress.

“Sec. 605. Definitions.”.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**SEC. 401. CLARIFICATION ON AUTHORITY OF CIA TO TRANSFER FUNDS TO CIA ACTIVITIES AUTHORIZED BY LAW.**

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is

amended by striking “any of the functions or activities authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).” and inserting “any functions or activities of the Agency authorized by law”.

SEC. 402. AUTHORITIES OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(7)) is amended—

(1) by striking “Subject to applicable law” and inserting “(A) Subject to applicable law”; and

(2) by adding at the end the following new subparagraph:

“(B)(i) The Inspector General may designate an officer or employee appointed in accordance with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, if such officer or employee is appointed to a position in which the duty is to investigate suspected offenses against the criminal laws of the United States.

“(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with the provisions of section 3307 of title 5, United States Code, as they relate to law enforcement officers.

“(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, United States Code, the Inspector General may exercise the functions, powers, and duties of an agency head or appointing authority with respect to the Office.”.

SEC. 403. WORKING CAPITAL FUND.

Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking “; and” and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) authorize such providers to advertise through Federal Government-owned websites the services of such providers to the entities to which such providers are providing items under the program, provided that the Director shall not authorize such providers to distribute gifts or promotional items.”; and

(2) in subsection (c)—

(A) in paragraph (2)(E), by striking “equipment or property” and inserting “equipment, recyclable materials, or property”; and

(B) in paragraph (3)(B), by striking “subsection (f)(2)” and inserting “subsections (b)(1)(D) and (f)(2)”.

SEC. 404. INTELLIGENCE COMMUNITY ASSISTANCE TO COUNTER DRUG TRAFFICKING ORGANIZATIONS USING PUBLIC LANDS.

Section 401(b) of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87; 125 Stat. 1887) is amended in the matter preceding paragraph (1)—

(1) by inserting “and annually thereafter,” after “Not later than 180 days after the date of the enactment of this Act.”;

(2) by striking “submit to” and inserting “inform”;

(3) by striking “a report on the results” and inserting “of the results”; and

(4) by striking “Such report” and inserting “Information provided under this subsection”.

TITLE V—OTHER MATTERS

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

Section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50

U.S.C. 401 note) is amended by striking “Not later than one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010” and inserting “Not later than March 31, 2013”.

SEC. 502. TECHNICAL AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting “, the Office of the Director of National Intelligence” after “the Central Intelligence Agency”.

SEC. 503. TECHNICAL AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

Section 605 of the National Security Act of 1947 (50 U.S.C. 426) (as redesignated by section 305 of this Act) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking “intelligence agency” each place it appears and inserting “element of the intelligence community”;

(B) in subparagraph (B)(i), by striking “intelligence agency” and inserting “element of the intelligence community”; and

(C) in subparagraph (C), by striking “intelligence agency” and inserting “element of the intelligence community”;

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively; and

(4) in paragraph (5) (as so redesignated), by striking “intelligence agency” and inserting “element of the intelligence community”.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–504. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–504.

Mr. ROGERS of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule, amendment No. 1.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 401 (page 18, lines 4 through 12).

Strike section 403 (page 19, line 13 through page 20, line 11).

The CHAIR. Pursuant to House Resolution 667, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, this is a manager's amendment to the bill, and very simply—and I don't want to waste a lot of time on it—it would simply strike two

technical provisions to allow us to resolve any potential issues going forward.

There were two technical issues that were deemed by the Parliamentarian as appropriation language. We just wanted to take that language out to make sure that there were no issues. It doesn't change the nature of the bill in any way, and it has bipartisan support. I would urge the body's support of the Rogers amendment.

I yield back the balance of my time.

□ 1500

Mr. RUPPERSBERGER. I rise in opposition to the amendment, but I do support the amendment.

The CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. RUPPERSBERGER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. THOMPSON OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–504.

Mr. THOMPSON of California. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 306. SUBCONTRACTOR NOTIFICATION PROCEEDS.

Not later than October 1, 2013, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the method by which contractors at any tier under a contract entered into with an element of the intelligence community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method. Such report shall include—

(1) an assessment of the current method by which contractors at any tier under a contract entered into with an element of the intelligence community are notified of classified contracting opportunities;

(2) an assessment of any problems that may reduce the overall effectiveness of the ability of the intelligence community to identify appropriate contractors at any tier under such a contract;

(3) an assessment of the role the existing security clearance process has in enhancing or hindering the ability of the intelligence community to notify such contractors of contracting opportunities;

(4) an assessment of the role the current security clearance process in enhancing or hindering the ability of contractors at any tier under a contract entered into with an element of the intelligence community to execute classified contracts;

(5) a description of the method used by the Director of National Intelligence for assessing the effectiveness of the notification process of the intelligence community to produce a talented pool of subcontractors;

(6) a description of appropriate goals, schedules, milestones, or metrics used to measure the effectiveness of such notification process; and

(7) recommendations for improving such notification process.

The CHAIR. Pursuant to House Resolution 667, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. I yield myself such time as I may consume.

My amendment will help small businesses that have the proper security clearances to better navigate the intelligence community's contracting process, and will ensure that they get a fair shot at business opportunities should these companies have the technical expertise and capabilities needed. This change will be good for small businesses and will strengthen our national security.

Second- and third-tier contractors produce highly specialized technology for the intelligence community, but work directly for larger companies. These small businesses have extraordinary talent and expertise, but often find themselves excluded from many business opportunities with the larger intelligence community because, for example, they lack access to the classified databases where these opportunities are presented. Sometimes that access is as simple as a computer connection for cleared experts to review contracting opportunities.

By limiting small businesses that have the appropriate security clearances from these contracting opportunities, we all lose. The intelligence community loses access to the best technical solutions by limiting who is able to fulfill or to even bid for those contracts. Small businesses lose the opportunity to display their expertise and to expand their companies. As important, the taxpayer loses by virtue of a lack of market competition and is given no assurance that the government is getting the best price for its classified contract requirements.

My amendment addresses this problem by requiring an assessment of the IC's current contracting practices and a review of these practices to determine if they present unfair barriers to competition for small businesses. In particular, my amendment requires the Director of National Intelligence to report to Congress how the intelligence community is currently working with second- and third-tier contractors and to identify any problems that may reduce the overall effectiveness of this contracting process. In this report, the DNI will be required to offer recommendations to improve the methods by which second- and third-tier contractors are granted security clearances and notified of classified contracting opportunities.

Mr. Chairman, second- and third-tier contractors who support the technical

efforts of the intelligence community are an underutilized asset. These same second- and third-tier contractors are also small businesses that many of our communities depend upon for jobs and for the economies in their local areas. My amendment ensures that the intelligence community is getting access to the best available technology while ensuring that small businesses around the country have a fair shot at expanding their companies.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I rise to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to thank Mr. THOMPSON for working with us, not only on the overall bill, but on any amendment that might strengthen the process. I am committed to continue to work with Mr. THOMPSON on these very issues, and I would support the amendment.

I yield back the balance of my time. Mr. THOMPSON of California. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-504.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 306. REPORT ON CONSEQUENCES OF MILITARY STRIKE AGAINST IRAN.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing an assessment of the consequences of a military strike against Iran.

The CHAIR. Pursuant to House Resolution 667, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Chairman and Members, I rise in support of this amendment with my colleagues Mr. ELLISON of Minnesota and Ms. LEE of California. Our amendment would require the Director of National Intelligence to submit to the congressional Intelligence Committee within 60 days a report containing an analysis of the potential consequences of a military strike against Iran.

In recent months, the possibility of a preemptive military strike against Iran has been openly discussed as a policy option of last resort as our country and our allies determine how best to confront the challenge posed by Iran's nuclear program. At the same time, the national discussion has prompted a large number of current and former military and intelligence officials to come forward to encourage the Congress and the administration to consider the possible consequences both intended and others that may be unintended of such a strike.

These high-level officials include former United States and Israeli national security officials, including a former Bush administration National Intelligence Council chairman, a former National Intelligence officer for the Near East and South Asia, General Colin Powell's former chief of staff, five retired generals, the former director of the Israeli Mossad, and a former chief of staff of the Israel Defense Forces.

All of these experts have raised concerns that an attack on Iran could possibly result in serious harm to the global economy, potentially ignite a regional war and even push Iran into building a nuclear weapon. With consequences as serious as these being raised by outside and former national security experts, it is critical that the expertise and collective wisdom of our intelligence community be added to this debate so that our country's policy options involving war and peace can be rigorously examined by this body.

For these reasons, I encourage my colleagues to support my amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I rise to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

This is an interesting amendment. This is something that we do as a matter of course in the committee, and it is as serious a matter as we consider: issues of war. It is also interesting that the consequences of a nuclear Iran are not a part of this. We would encourage that to happen, and we will engage in that discussion in the committee. A nuclear arms race in the Middle East is a catastrophe that is the worst part of a nightmare. Saudi Arabia has said, Hey, if Iran goes nuclear, we very well can't not go nuclear.

We believe that other nations—Turkey, Egypt, others—have said it's probably in our best interests not to be the ones without a nuclear weapon program if Iran gets a nuclear weapon. The proliferation of nuclear weapons across the Middle East is dangerous,

incredibly dangerous. That's one outcome. We also have to consider that outcome as well.

□ 1510

Think about where Israel is today. This is a talk about U.S. action against Iran, something that we should consider. We should be very careful about all of those considerations. Now think about Israel and what they may or may not have to do when it comes to taking out a nuclear weapon program where they know one of its destinations will impact the very existence of the people of Israel. They live in a dangerous neighborhood. Egypt is now an uncertain partner in peace. There is violence breaking out in the Sinai because of the turmoil and the changes happening in Egypt. Hamas is well armed, as well armed as we have ever seen them, with missiles aimed at Israel. Hezbollah has about 30,000—the public number—we believe of very accurate missile systems pointed at Israel. Iran is moving and marching forward. Clearly the IAEA just recently reported a 27 percent enrichment rate on traces of uranium. That doesn't get you to the all-important 95, but it crosses a very critical threshold and a dangerous one, that 20 percent enrichment rate. That is a dangerous place for them to be. You hit 20, it's a lot easier to get to 95.

They have certainly shown that they are bad actors in the world. We should consider that as well, and we do in the Intelligence Committee. Imagine the fact that somebody would make the calculation, a nation-state, to assassinate an ambassador of another nation in our Nation's capital. And if they killed U.S. civilians, so be it.

We have seen a proliferation of these types of attacks from Iran. They haven't been very good at it yet. We've caught most of them. But they're learning from every event. And it's happening in places like Turkey, Pakistan, Argentina, and other places around the world. We are in a scary place indeed.

I won't oppose this amendment, but we need to look at this in total. I will tell you that if you want to stop Iran from getting a nuclear weapons program, we have to step up. We're doing a fine job on the sanctions now—thanks to this body leading the way for sanctions working—but they also have to believe that military options are on the table. If they do not believe it, they'll continue down this path that is dangerous for the national security interests of the United States, of the Middle East, and indeed the world. Nuclear weapons in the hands of rogue elements is a thing that keeps me up every single night. I can't imagine that arms race in the Middle East making the job of stopping that any easier indeed.

I will not oppose this amendment, but I do think it's important that we

put it in all of the context of the threat that a nuclear Iran poses, not just to the Middle East but to the world.

With that, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. CONYERS. And I want to thank the chair as well for accepting the amendment, and I rise in support of the amendment.

I think that Chairman ROGERS' concerns are well stated. I know that the security of this country is something that you're committed to, as am I. This amendment, I think, will help slow down the rush towards war by asking those who are involved in our intelligence gathering to focus on just what a war with Iran will mean.

I've been studying this in terms of the effects because we had a discussion a few years ago in Congress about the potential of bunker busters being used, and I looked at that and consulted with medical scientists who told me that a bunker buster would cause radiation to go hundreds, even thousands, of miles not only through Iran, but outside the country and into other countries, as well. It would be a major health catastrophe with a lot of innocent people killed.

We have to think of the broad impact here of a potential attack. And I think that it's good that you're including this in the bill.

Mr. CONYERS. Mr. Chairman, I want to thank the ranking member and the chairman of the Intelligence Committee for their concern about this phase of intelligence, and I hope to enjoy their support and the support of the committee as a whole in having this amendment added to the work that is going on here today.

I urge support of the amendment, and I yield back the balance of my time.

Ms. LEE of California. Mr. Chair, first, let me thank my esteemed colleague Congressman JOHN CONYERS for giving me the opportunity to speak on this important amendment.

I would also like to recognize Congressman KEITH ELLISON who has been an outstanding leader on issues affecting the Middle East.

Mr. Chair, first let me say unequivocally that we can all agree that we must work to prevent an Iran armed with nuclear weapons—which would never be acceptable.

That is not what this amendment is about, this amendment is noncontroversial.

This amendment is really just about common sense.

It would simply require that the National Intelligence Director give Congress a report outlining their assessment of the consequences of launching a military strike against Iran.

This amendment is necessary because, once again, we have saber rattling voices who are beating the war drum.

If we have learned anything from the past 10 years, it is that we have to be deliberate, be thoughtful, be careful, and know exactly

what we are getting ourselves into before we launch another war in the Middle East.

These decisions should not be taken lightly, and they must be based on sound reasoning, and the best information, and the best intelligence.

We have a duty to our brave men and women in uniform who have sacrificed so much during the past decade of war to have an informed debate about the consequences of military action.

I urge you to vote "yes" on this amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. FARR

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-504 as modified by the order of the House of today.

Mr. FARR. I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 306. SENSE OF CONGRESS ON THE CONSIDERATION OF FOREIGN LANGUAGES AND CULTURES IN THE DEVELOPMENT OF CYBER TOOLS BY THE INTELLIGENCE COMMUNITY.

It is the sense of Congress that the head of each element of the intelligence community should take into consideration foreign languages and cultures during the development by such element of the intelligence community of training, tools, and methodologies to protect the networks of the United States against cyber attacks and intrusions from foreign entities.

The CHAIR. Pursuant to House Resolution 667, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FARR. Mr. Chairman, I yield myself such time as I may consume.

I want to thank our colleagues on this committee. Those of us who are not on the committee have the opportunity to share in participating in the debate on this bill and voting for it. I have to say over the years I've been here, I don't think this bill has been brought to the floor in such bipartisan unity as it has this session. I want to congratulate both of them for their leadership.

Mr. Chairman, I also want to point out with this amendment that cyberanalysis is a relatively new field to the intelligence community. Training and tool development have focused on computer networks, but it's also important to understand the plans and intentions of foreign actors who are involved in cyberattacks and intrusions.

How do we best understand foreign plans and intentions? Is it by providing some aspects of foreign language and cultural training to intelligence professionals that includes cyberanalysts?

This training is essential because it helps the intelligence community to understand the behavior of our potential adversaries. It helps them anticipate the actions that they may be taking, and it helps them develop potential allies.

The traditional missions of the intelligence community have undergone many changes, and the community must invest in new tools and develop creative ways to train its men and women. My amendment is necessary because the intelligence community department heads are not as focused as they should be on the gaps in foreign language skills and cultural knowledge in the workforce.

The intelligence community provides specialized training for its men and women in foreign languages and culture, in analysis, in cybersecurity. However, aspects of all these areas should be brought together as a part of the toolkit for cyberanalysts to best meet our Nation's challenges.

My amendment will not cause undue burden to the intelligence community. It will serve as an essential reminder to those whose decisions impact training and tool development to remember the value and importance of including foreign languages and cultural knowledge in all aspects of our intelligence mission.

I know of no opposition to my amendment, and I would hope that it would be supported by both sides of the aisle.

I reserve the balance of my time.

When we talk about critical STEM knowledge and skills for our Intel workforce, we should also be talking about STEM-L, which combines STEM with foreign language.

STEM is Science, Technology, Engineering, and Math. Including foreign language and culture training with STEM would create a powerhouse workforce for the Intelligence Community.

For example, just as cyber analysts should understand some aspects of foreign language and culture, language and intelligence analysts should also have some understanding of computer network concepts and technology.

The Intelligence Community trains its workforce in STEM and foreign language, but not together. The training is stove-piped by career field.

This does not suggest that all types of intelligence analysts need to be experts in STEM or even in a foreign language. However, the Intelligence Community should consider exploring cross-pollination of knowledge.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. Thank you, Mr. Chairman. I just want to applaud the gentleman for his work. We look forward to working with him as we move forward, and I will support the amendment.

With that, I yield back the balance of my time.

Mr. FARR. Thank you for your support, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. FARR).

The amendment was agreed to.

□ 1520

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-504.

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, add the following new section:

SEC. 405. INTELLIGENCE SHARING WITH MEXICO AND CANADA.

(a) AUTHORIZATION.—The Director of National Intelligence may—

(1) if the Director determines that the sharing of intelligence information with Mexico and Canada for purposes of reducing drug trafficking would not threaten national security, allow the sharing of such intelligence information with Mexico and Canada; and

(2) make use of intelligence information from Mexico and Canada for such purposes.

(b) TYPE OF INFORMATION.—Information shared or used under subsection (a) may include the movements of drug cartels and other criminal behavior.

The CHAIR. Pursuant to House Resolution 667, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today and encourage my colleagues to support my amendment to the Intelligence Authorization Act of Fiscal Year 2013.

Particularly, I want to thank Chairman ROGERS and our ranking member, Mr. RUPPERSBERGER, for their bipartisan approach on this particular piece of legislation.

My amendment would authorize the Director of National Intelligence to participate in information sharing with the Republic of Mexico and Canada for the purposes of border security and combating drug trafficking and any related crimes.

Nothing in this amendment requires the Director of National Intelligence to share their information, but based on this information, this amendment simply gives the agency the power to do so in the event that the Director sees the real benefit in combating the flow of drugs throughout the United States and our neighbors.

This important amendment will go a long way in making sure that our northern and southern neighbors have all the tools we can offer to stop the vi-

olence and trafficking caused by drug cartels. The Republic of Mexico, Canada, and the United States share a deep concern over the threat to our societies by drug trafficking and other criminal organizations operating on both sides of our common borders. The growing operational and financial capabilities of criminal groups that traffic in drugs, arms, persons, as well as transnational criminal activity, pose a clear and present threat to our lives and the well-being of U.S., Canadian, and Mexican citizens.

North America must make it a priority to break the power and impunity of drug and criminal organizations that threaten the health and public safety of their citizens and the stability and security of the region. Both the Canadian and Mexican Governments are profoundly committed to the concerted bilateral strategic and tactical cooperation necessary to combat effectively this criminal activity, particularly the threat it presents to our Nation's youth and the importance of having adequate access to intelligence information.

This amendment will make whatever intelligence gathered by the United States that can be shared, will be shared to stop the flow of illegal drugs. In addition, this amendment will ensure that whatever intelligence gathered by our neighbors can be properly used by our law enforcement to make sure that we stop the drugs.

Finally, Mr. Chairman, I certainly want to say that I do appreciate, again, the work of our ranking member, the chairman. I hope that the chairman is supportive of this amendment, and I certainly want to thank all the committee members.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to compliment the gentleman for his work in bringing attention to this very important issue.

We have a serious problem on our southern border with our friend, neighbor, and ally, Mexico. They are under siege by organized criminal narcotrafficking organizations.

If you have just looked at the sheer death count and the murder and mayhem in some of the provinces along our southern border, it is shocking; and I think this will serve to at least make an advance on trying to help our southern neighbors get a handle on what is a serious and growing violent problem to our neighbor to the south. And I commend the gentleman and look forward to working with him in the future on this very important issue, and I would support the amendment.

I yield back the balance of my time.

Mr. CUELLAR. Again, I want to thank Chairman ROGERS for his work, our ranking member also, and the committee staff. Thank you for the support.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. HAHN

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-504 as modified by the order of the House of today.

Ms. HAHN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV (page 21, after line 2), add the following new section:

**SEC. 405. CIVIL LIBERTIES PROTECTION OFFICER
REVIEW OF CYBERSECURITY POLICIES,
PROGRAMS, AND ACTIVITIES.**

Section 103D(b) of the National Security Act of 1947 (50 U.S.C. 403-3d(b)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph:

“(7) ensure that any coordination and training between an element of the intelligence community and a law enforcement agency does not violate the Constitutional rights of racial or ethnic minorities; and”.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from California (Ms. HAHN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HAHN. I also want to start out by thanking Chairman ROGERS and Ranking Member RUPPERSBERGER for bringing forward this bipartisan bill, and I am echoing I think what everyone is feeling today, that I think it's important for the American people to see this, to see us come together on such an important issue when it comes to protecting all Americans, so it feels good to be a part of this today.

I know that we face complex challenges and threats to our national security, and I don't think anyone ever wants to see another September 11 terrorist attack on this Nation. To prevent that, I know we need to use many tools at our disposal to combat the ever-evolving dangers that threaten our society. We need all levels of law enforcement to work together to ensure that we're safe.

We must protect the rights of all of our citizens as we do this. We cannot allow our desire to protect our country come at the expense of any group in this great country. This is the promise of our Nation's Founding Fathers. The promise of equal justice under the law is etched in our Supreme Court build-

ing. This is part of our Nation's DNA that there is the promise of equality.

My amendment furthers this promise. It requires the Civil Liberties Protection Officer, which is in the Office of the Director of National Intelligence, to ensure that any training between the intelligence community and law enforcement includes the protection of constitutional rights of racial and ethnic minorities.

Mr. Chairman, we cannot take our national security for granted, but we have to ensure that everyone has equal justice under the law.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to thank the gentlelady for her concern on these very important issues. One of the things that's so important, I think, to our country, is that we do have a strong and robust national security service of all sorts.

In order for that to work and be the most effective, people have to have trust in it. They have to understand that their rights are protected, and I think this amendment states exactly where they are and where they should be. And, therefore, I won't oppose the amendment, and I applaud the gentlelady's concern and effort. It will serve as a valuable reminder, I think, to the men and women who are standing tall in our defense what it's all about and why they do it.

I support the amendment, and I yield back the balance of my time.

Ms. HAHN. Thank you to the chairman and the ranking member for bringing this bipartisan bill forward that I think will have such great support.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. HAHN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-504.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV (page 21, after line 2), add the following new section:

SEC. 405. SENSE OF CONGRESS ON HIRING OF MINORITY EMPLOYEES BY THE CENTRAL INTELLIGENCE AGENCY.

It is the sense of Congress that the Director of the Central Intelligence Agency should take such actions as the Director considers

necessary to increase the recruitment and training of ethnic minorities as officers and employees of the Central Intelligence Agency.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairperson of the Intelligence Committee and the ranking member and speak in the spirit of bipartisanship, and I congratulate both gentlemen for recognizing that the security and intelligence of America speaks loudly to the idea of bipartisanship.

Just a few hours ago, I was in a classified briefing—for fear of anyone thinking that I will share that classified briefing, I will not. But what I will say is it is clear that intelligence is a key to the peace and security that the American people have experienced since 9/11. Through the work of Members of Congress and the intelligence community, of which we owe a great deal of that gratitude, we have been able to, for now some 11 years plus on our soil, experience the safety and security, although we have had many attempts.

For that reason, I believe this is important work. My amendment says that it is important for the Director to consider the necessary processes to increase the recruitment and training of ethnic minorities as officers and employees of the CIA.

□ 1530

We have done this before. We have encouraged them to do so. And we can say that there have been gradual steps. And we applaud that. But the men and women who conduct this important work certainly deserve our support and all of the resources that we can muster to make sure they are successful in their endeavors. Yet we also ensure that the CIA itself reflects the American population and that of the world. Having agents who can be deployed anywhere at any time is vital to our national security, as well as the ability to interact with foreign nationals who speak the language is truly important. A diverse workforce can make America safer and more secure.

Historically, there's been an exclusion of minorities, particularly African Americans and Latinos, in the highest levels of national security. Let's continue to break that barrier. It's taken decades for minorities to make inroads into America's national security apparatus. And I know that this is a sense of Congress, but I always have faith that people will adhere to a positive statement by this body.

Although the number of CIA employees remains a classified secret, the Agency has released some numbers over the years. In 1966, blacks represented 10 percent of the CIA's total

workforce and only 3 percent of the Agency's officers in senior intelligence service, whereas 17 percent of the clerical staff and 22 percent of the Agency's blue collar workforce was African American.

Over this past weekend, we commemorated, mourned, and celebrated our fallen soldiers. I had the privilege of having uncles who went off to war in World War II, one who served as a chief petty officer in the United States Navy. That was the integrated United States Navy. I can tell you that we are better for it when we utilize the talents of all Americans.

In 1992, a declassified study of CIA personnel found that about half of all black intelligence officers reported that they had been victims of racial harassment by the Agency. As of today, of the CIA's core of case officers, which is believed to number more than 1,000, only 11 percent are minorities and 18 percent are women. The majority of the Agency's top managers are still predominantly nonminorities.

According to CIA officials, one-third of the new operations officers hired in 2011 have been women, while just 11 percent have been minorities, as traditionally defined: African Americans, Asian Americans, or Latinos. Twenty percent of all new operations officers are native speakers of a foreign language and 75 percent have advanced proficiency in foreign languages, many because they've lived abroad. Almost half have advanced degrees.

I applaud that and I truly believe, as some may be listening and saying, Aren't we all Americans? Yes, we are. If we are all Americans, then our CIA, one of our most storied Agencies, needs to join and continue to recruit and improve on bringing in the diverse picture of the face of America because we'll be better for it.

When President Truman integrated the United States military, we became better for it. We celebrate all people who are willing to put the Nation's uniform on and die for their country. Likewise, for this wonderful intelligence Agency, we do the same.

With that, I ask my colleagues to support my amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, though I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I thank the gentlelady for her amendment. Certainly, the good news is, as she said, she has pointed out the progress that has been made. And that's right, they have done an exceptionally good job of understanding that diversity is part of the success of our intelligence services. So restating that

policy is probably a good idea. I will not oppose the amendment, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I thank the gentleman. I thank the ranking member as well.

In closing, let me just pay tribute to Garrett Jones, who served as a CIA station chief in Somalia during peacekeeping operations in 1993 and was cited as an African American officer who was able to work undercover for weeks in North Mogadishu, which his duty officers said would have been all but impossible by Jones' other officers.

We all have a contribution to make. And I look forward to this sense of Congress not being weeded out in conference and reemphasizing the importance of this effort.

With that I ask support of my amendment, and I yield back the balance of my time.

Mr. Chair, I rise to debate my amendment #7 to H.R. 5743 "Intelligence Authorization Act," which is a Sense of Congress that the Director of the Central Intelligence Agency should take such actions as the Director considers necessary to increase the recruitment and training of ethnic minorities as officers and employees of the Central Intelligence Agency.

The men and women who conduct this important work certainly deserve our support and all of the resources that we can muster to make sure that they're successful in their endeavors. Yet, we must also ensure that the CIA itself reflects the American population and that of the world. Having agents who can be deployed anywhere at any time is vital to our national security. As is a diversity of thought and perspectives that can be garnered by having a diverse workforce.

Historically there has been an exclusion of minorities, particularly African Americans and Latinos in the highest levels of national security.

It has taken decades for minorities to make inroads into America's national security apparatus.

Although the number of CIA employees remains a classified secret, the agency has released some numbers over the years. In 1996 Blacks represented 10 percent of the CIA's total work force and only 3 percent of the agency's officers in senior intelligence service whereas 17 percent of the clerical staff and 22 percent of the agency's blue-collar work force was African American.

In 1992 a declassified study of CIA personnel found that about half of all black intelligence officers reported that they had been victims of racial harassment by the agency.

As of today the CIA's corps of case officers which is believed to number more than 1,000 and only 11 percent are minorities and 18 percent are women.

The Majority of the agency's top managers are still predominantly White males.

According to the CIA officials one-third of the new operations officers hired in 2011 have been women. While just 11 percent have been minorities as traditionally defined (African Americans, Asian Americans or Latinos), 20 percent of all new operations officers are native speakers of a foreign language and 75

percent have advanced proficiency in foreign languages, many because they have lived abroad. Almost half have advanced degrees.

There have been improvements since 1992, however, more must and should be done to ensure that diversity is reflected at the highest levels of the CIA.

The value of diversity in a spy service that operates in almost every country would seem to be obvious.

Garrett Jones who served as CIA station chief in Somalia during peacekeeping operations in 1993, cited the example of an African American officer who was able to work undercover for weeks in north Mogadishu, which he said would have been all but impossible for Jones or any of the station's other white officers. As we must deploy CIA agents all over the world. We need agents that are able to blend into a variety of situations. We need diversity.

Interest in working for the CIA rose after the Sept. 11 attacks. Between October 2001 and October 2002, the agency received 170,000 resumes.

Since founding of Office of the Director of National Intelligence minority representation increased to nearly 23 percent in 2009 in FY 2009, up since FY05, when it was 20 percent. Minorities received nearly 25 percent of promotions in FY09 and over 27 percent of new hires were minority. Women earned 46 percent of promotions in FY09, significantly higher than their representation at about 39 percent.

Letitia "Tish" Long is the first woman to head a major intelligence agency as director of the National Geospatial-Intelligence Agency, the office responsible for collecting and analyzing overhead imagery and geospatial information.

Women have held the #2 spot at several intelligence agencies, including National Security Agency, National Reconnaissance Office and NGA. CIA however has never had a woman as #2, but has had a woman in its #3 spot.

My amendment is a reflection of the need to continue to place the spotlight on the intelligence community to ensure that they continue in their efforts to reflect the needs of this country by recruiting, training, and retaining qualified minorities.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-504.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 501 (page 21, after line 14), insert the following new section:

SEC. 502. SENSE OF CONGRESS ON THE NEED FOR THE INTELLIGENCE COMMUNITY TO PROTECT CIVIL LIBERTIES OF RELIGIOUS AND ETHNIC MINORITIES.

It is the sense of Congress that the intelligence community should take all appropriate actions necessary to protect the civil liberties of religious and ethnic minorities.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Again, let me thank the chairman of the committee and the ranking member for bringing forward a bipartisan initiative, and I hope that this would add to, again, reemphasizing what we have begun to do and that we will continue to do, and that is to recognize the value of security, but also recognize what Americans hold dear—their privacy, their respect for individual rights, their civil liberties. And so this amendment speaks specifically to the importance of protecting the civil liberties of religious and ethnic minorities.

I can cite the moments in history where we have failed. Certainly, the Japanese interment loudly speaks in current, modern-day history of the tragedy of not respecting the civil liberties of Americans. Certainly, if we went as far back as the slave history of America, we can see that those who are on American soil who would have sought well to be Americans, their civil liberties were not protected.

But America has made great progress, and I think it is important as we look at new populations that come to this country that we particularly focus on this whole concept of religious liberty. It is a concept that sometimes is very difficult to adhere to. I may not agree with your faith and your religion, but you have the right to practice it as long as you're not doing harm to the American people.

For example, President George W. Bush in 2001 told the American Congress during that very difficult time that terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics, a fringe movement that perverts the peaceful teachings of Islam.

And so this particular faith certainly has been one that has been most noted. I think we have all come to the conclusion that we should protect the civil liberties of those who practice their faith under the Constitution of the United States, which the First Amendment guarantees the right to the freedom of access, freedom of movement, freedom of religion, freedom of speech.

I would hope that in the intelligence community, as they do their work fighting terrorism, fighting the potential of those terrorist cells that may find themselves on our soil, that they

will recognize the right of individuals to practice the faith and the aspect of the faith that follows the tenets of their faith and not categorize those individuals simply because of their faith that they might be intending to do us wrong.

There are many incidences where we have the kind of treatment of individuals because they happen to be of a particular background, particular ethnicity, racial background, and then, of course, faith. But I want to speak to this amendment so that people will know that it is a broad base, because many times we have disagreement with a number of subsets of different faiths, whether it's Protestant, whether it's faith that we are used to addressing.

So it is a statement that says that the civil liberties of all Americans will not be deprived through the necessity of protecting this land through our intelligence community on the basis of their religion and ethnic minorities.

We know that in some jurisdictions there have been incidences of individuals that believe that their privacy has been intruded upon. I would hope that in the framework of the fine work that the intelligence community has to do that there is no intimidation of making sure that civil liberties can be protected.

Many of us have debated a number of bills on the floor of the House dealing with privacy questions. I think it is important in this sense of Congress to always restate that we are committed to national security, but we're committed to the civil liberties of those within our soil—American citizens.

With that, I ask my colleagues to support my amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to thank the gentlelady. Civil liberties are incredibly important. It's important that the American people have faith in their intelligence services that they are, in fact, catching bad guys and protecting Americans' civil liberties. The good news is that as a part of the Director of National Intelligence they have a Civil Liberties Protection Officer. This is a reaffirmation, I think, of that valuable work that that particular officer does, and really all of the members of our intelligence community need be reminded that protection of American civil liberties is an important value and an important thing to do while in fact you're catching the bad guys.

I support the amendment and yield back the balance of my time.

Ms. JACKSON LEE of Texas. Let me capture what the chairman said. I like

the terminology that says the American people must have faith in their intelligence community, but faith in the principles upon which we live. And they must know that the Constitution is a living, breathing document. And we as Members of Congress must as well.

□ 1540

So, again, I make a plea that this sense of Congress is a reaffirmation, but also an encouragement and a statement that should be in this bill that we respect the civil liberties of racial, ethnic, and religious minorities, and in fact so will our intelligence community.

With that in mind, I would ask my colleagues to support the amendment and also ask that it be maintained even in conference, the reaffirmation of this important instruction as the civil liberties protection officer operates and does the work that they need to do. I ask my colleagues to support the amendment, and I yield back the balance of my time.

Mr. Chair, I rise to debate my amendment #8 to H.R. 5743, "Intelligence Authorization Act," which is a Sense of Congress that the intelligence community should take all appropriate actions necessary to protect the civil liberties of religious and ethnic minorities.

We can obtain vital intelligence without compromising our civil liberties. As you know, risks to civil liberties are inherent in the very nature of domestic intelligence. This is because intelligence necessarily operates in secret and as a result, it is difficult to subject intelligence activities to the checks and balances that the Framers of the Constitution realized were essential to prevent abuses of power. Even judicial reviews of intelligence activities are often given deference.

Intelligence is the information we use to identify and locate individuals involved in planning terrorist acts. This information must then be used to prevent any potential attack and can be done in ways that are legally permissible.

Domestic intelligence community left unchecked could pose significant dangers to open government, individual privacy, and civil liberties. My amendment is designed as a limitation for a reason. We need a bill that is strong on civil liberties, and includes protections against infringement of our constitutional right to privacy.

My amendment serves as a reminder that the American people have put their faith in the intelligence community and in Congress to protect not only their security but the very essence of what makes America great . . . our freedoms.

Thomas Jefferson in 1787 stated that "[A] bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse."

The September 11, 2001 terrorist attacks on America have forced serious reflections about the institutional framework of civil society and the commitment to democratic principles. Although the balancing of the protections of citizens' rights and liberties against their peace

and security is a continuous constitutional struggle. Especially during war and national crisis.

According to Justice Sandra Day O'Connor "We're likely to experience more restrictions on our personal freedom than has ever been the case in our country . . . it will cause us to re-examine some of our laws pertaining to criminal surveillance, wiretapping, immigration and so on" (New York Times, Sept. 29, 2001).

Our efforts to provide for the safety and security has required Americans to accept certain restriction on their freedoms—more surveillance of their papers and communications, more searches of their belongings, possible detention without a writ of habeas corpus, and proceedings by military tribunals without the standard protections of due process of civil courts.

I realize that we must give our intelligence community the proper tools to protect us while upholding the civil liberties of Americans.

We must always recognize that the American people are being asked to trade off civil liberties and personal freedom for a greater sense of security from the threat of terrorist.

It is no answer to these legitimate concerns that police officers or member of the intelligence community who monitor political or religious meetings, compile dossiers on political activists, or infiltrate lawful protest organizations are complying with the Fourth Amendment and are doing no more than any member of the public could do on his or her own. When government acts, it has a special obligation to respect constitutional rights—which include the First as well as the Fourth Amendment—an obligation not imposed on private citizens. My amendment is a Sense that it is the intent of this body to protect the civil liberties of the very groups that may be monitored as a direct response to our concerns about a terrorist attack. We must be led not by fear but by reason!

The challenge to our intelligence community is the same as the challenge for the nation as a whole. Securing the Nation's freedom depends not on making a choice between security and liberty, but in designing and implementing policies that allow the American people to be both safe and free.

Increased threats of terrorism after September 11, 2001, lightning-fast technological innovation, and the erosion of key privacy protections under the law threaten to alter the American way of life in fundamental ways.

Terrorism threatens—and is calculated to threaten—not only our sense of safety, but also our freedom and way of life. Terrorists intend to frighten us into changing our basic laws and values and to take actions that are not in our long-term interests.

While the government has both the power and the obligation under the Constitution to defend the nation and its security, these powers cannot be exercised in a manner that contravenes individual constitutional liberties. Among others, these include the First Amendment's guarantee of freedom of speech, religion, and association, and the Fourth Amendment's protection against unreasonable searches and seizures. In addition, as with all government powers, national security and intelligence gathering powers should be subject to checks and balances, including meaningful

judicial review and probing oversight by the Congress.

The internment of thousands of Japanese serves as a reminder for why we must protect the civil liberties of religious and ethnic minorities.

JAPANESE INTERNMENT—A LESSON ON THE IMPORTANCE OF PROTECTING CIVIL LIBERTIES

One week after the Pearl Harbor attack, President Franklin D. Roosevelt promised to preserve constitutional freedoms, "We will not, under any threat, or in the face of any danger, surrender the guarantees of liberty our forefathers framed for us in our Bill of Rights" but it was not long after that speech that the War Department was concerned about a foreign threat to the west coast.

Congress held hearing and in 1942 the Congressional Subcommittee on Aliens and Sabotage recommended "the immediate evacuation of all persons of Japanese lineage and all the other, aliens and citizens alike, whose presence shall be deemed dangerous or inimical to the defense of the U.S. from all strategic areas". President Roosevelt signed the Executive order 9066 calling for the evacuations . . . Roosevelt justified the action as "war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises . . ."

The result: More than 120,000 Japanese Americans, the majority of whom were American citizens or legal permanent residents were placed in internment camps violating their civil rights to be treated with fairness and equality, without discrimination and their Fifth Amendment right to due process.

It was not until 1988 that victims received a reparation check and an apology from President Reagan. "The United States unjustly interned, evacuated, or relocated you and many other Japanese Americans . . . and unfairly denied Japanese Americans and their families fundamental liberties during World War II . . . the Nation's actions were rooted deeply in racial prejudice, wartime hysteria, and a lack of political leadership."

My amendment stands as a reminder that we must not repeat the mistakes of our past.

PROTECT PERSONAL PRIVACY

When the Bill of Rights was written, protecting personal privacy was largely an issue of protecting the integrity of physical property—and so the Fourth Amendment speaks of the people's right to security in their "persons, houses, papers, and effects . . ."

Today, our most intimate conversations, correspondence and records are apt to be recorded digitally, rather than contained in paper records secured in private homes and offices. Likewise, the most routine details of daily life—credit card purchases at a drug store or bookstore, passage through a toll booth or subway station, the television shows recorded by a digital video recorder—now leave electronic footprints scattered across a myriad of computer databases.

Today, the transformation of our society from one dependent primarily on the privacy of "persons, houses, papers, and effects" in the physical world is accelerating exponentially. As the result of this transformation, a host of previously anonymous behavior and private information can now be captured and linked to

a specific person without any trespass into the person's home or office.

Our laws are struggling to catch up. So far, the courts have left largely immune from Fourth Amendment scrutiny a range of highly personal information—including financial records, medical records, and library and book records—on a theory that there is no reasonable expectation of privacy in information in the hands of third parties. See, e.g., *United States v. Miller*, 425 U.S. 435 (1976).

Today, we live a world in which a personal calendar or journal—once stored in paper form in a home, office, or briefcase—is now as likely to be stored on a personal digital assistant connected to a server owned by a third party. In such a world, the courts should reconsider the idea that information held by third parties lacks constitutional protection.

In *United States v. United States District Court ("Keith")*, 407 U.S. 297 (1972), the Supreme Court decided that wiretapping was subject to the Fourth Amendment even if it was conducted for national security purposes. That case involved a domestic terrorist conspiracy to bomb the office of the Central Intelligence Agency in Ann Arbor, Michigan. Still, without dismissing the real national security threat posed by such illegal activity, the Supreme Court rejected Attorney General John Mitchell's claim of a clandestine domestic intelligence gathering power that would allow the executive branch to wiretap without court review or congressional authorization.

Such an unchecked power, the Supreme Court observed, would inevitably pose dangers to lawful dissent: "Though the investigative duty of the executive may be stronger in such [national security] cases, so also is there greater jeopardy to constitutionally protected speech. . . . History abundantly documents the tendency of government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. . . . The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power." *Keith*, 407 U.S. at 313–314.

Safeguards also must exist to protect First Amendment freedoms of speech, worship and association. When conducting counter-terrorism and counter-intelligence investigations, the Department of Justice operates under guidelines approved by the Attorney General. The purpose of investigative guidelines is to ensure that intrusive investigative techniques are used to monitor terrorists, spies, and foreign agents, not political or religious organizations engaged in lawful dissent. These guidelines recognize that such techniques, which are left largely unregulated by the Fourth Amendment, pose a risk to First Amendment freedom of association.

The Supreme court has recognized a "vital relationship between freedom to associate and privacy in one's associations." *NAACP v. State of Alabama*, 357 U.S. 449, 462 (1958). Where individuals participate in unpopular political or religious organizations, members of those organizations fear—often with good reason—"economic reprisal, loss of employment, threat of physical coercion, and other manifestations of public hostility." Routine, intrusive government investigations of lawful, but unpopular, political organizations would clearly

pose a serious risk to the First Amendment because their members would fear that such information, if leaked, could be used against them.

It should be the Government's burden to establish, to the satisfaction of Congress, that intelligence gathering initiatives do not pose a threat to fundamental American values. Congress can decide simply to forbid the policy from going forward at all because it cannot be implemented consistently with fundamental American civil liberties. Support my amendment!

RACIAL PROFILING/RELIGIOUS PROFILING

The Department of Justice, DOJ, banned any use of racial profiling in 2003. Despite this, racial profiling still occurs; there are some who claim racial profiling led to the 50 percent decrease in violent crime. In reality, racial profiling is against our basic values, it does not work, and it actually hinders effective law enforcement. That opinion is shared by law enforcement professionals and legal scholars, as well as advocates of populations most likely to be targeted by profiling. The overwhelming weight of statistical data supports this position.

As the Ranking Member on the Homeland Security Subcommittee on Transportation and Senior Member of the Judiciary Committee, I am aware of the injustices that are faced by minorities in this country due to racial profiling. In Homeland Security I had to sit through a hearing on the Radicalization of our Prisons, the need to watch Muslim Americans, and certain Somali Americans.

In the days following the devastating attacks of September 11, 2001, this country came together in an unprecedented and inspiring display of unity and patriotism. Americans of differing ethnicities, background and religions came together in support of the nation.

In his address to a joint session of Congress on September 20, 2001, President George W. Bush told Congress, the American people, and the world that "terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics; a fringe movement that perverts the peaceful teachings of Islam."

The Homeland Security Committee continues to focus on the Islamic faith and those who follow it, as a threat to national security. We set the example that the Intelligence Community follows. We must stand up to violations of a person's civil liberty, but most especially for religious and ethnic minorities. It is clear that Muslim Americans since 9/11 have been singled out and targeted for their religious beliefs.

Racial and religious profiling is against our basic values, it does not work, and it actually hinders effective law enforcement. That opinion is shared by law enforcement professionals and legal scholars, as well as advocates of populations most likely to be targeted by profiling. The overwhelming weight of statistical data supports this position.

And yet, there are still those who insist that it is a valid tool for crime fighting and anti-terrorism work. They insist that if you have nothing to hide, you have no reason to mind answering a few simple questions, that it is a minor inconvenience. I find that inexplicable.

It is more than a minor inconvenience to have the police or FBI come into your workplace, to question you in front of your cowork-

ers, and put your job at risk. It is more than a minor inconvenience to be stopped on the street, to be pulled over on a pretext, so that police officers can find a reason to question you. When the use of force or threat of force by police officers is dramatically increasing, it is more than a minor inconvenience to be more likely to be pulled over and put in that position, because of the color of your skin.

Thirty two million Americans have reported that they were the victims of racial profiling. That is thirty two million Americans humiliated, intimidated, and treated as second class citizens in service of a policy that does nothing to keep us safer.

In past years, I have supported measures that would end this practice. I look forward to hearing from the witnesses about how we can end this ineffective, un-American practice, whether through training, executive orders, or through legislation we craft in Congress.

RACIAL PROFILING AND TERRORISM

"DRIVING WHILE ARAB"

The events of September 11, 2001, have had a profound impact on racial profiling. Following the terrorist attacks, law enforcement agents have subjected individuals of Arab or South Asian descent, Muslims, and Sikhs to racial profiling. While national and local statistics are not yet available, anecdotal accounts show Arabs, Muslims, and Sikhs have endured racial profiling.

For example, in the months following September 11th, a new type of racial profiling has developed: "driving while Arab." Arabs, Muslim, and Sikhs across the country were subjected to traffic stops and searches based in whole or part on their ethnicity or religion.

On October 4, 2001, in Gwinnett, Georgia, an Arab motorist's car was stopped, he was approached by a police officer whose gun was drawn, and he was called a "bin Laden supporter" all for making an illegal U-turn. On October 8, 2001, two Alexandria, VA, police officers stopped three Arab motorists. The officers questioned the motorists about a verse of the Koran hanging from the rear view mirror, and asked about documents in the back seat. The police officer confiscated the motorists' identification cards and drove off without explanation. He returned 10 minutes later, and claimed he had had to take another call.

On December 5, 2001, a veiled Muslim woman in Burbank, Illinois, was stopped by a police officer for driving with suspended plates. The officer asked the woman when Ramadan was over, asked her offensive question about her hair, and pushed her into his patrol car as he arrested her for driving with suspended plates. The woman was released from custody later that day.

DEPORTATION WITHOUT DUE PROCESS

A particularly egregious form of terrorism profiling occurs when Arab men and women are detained and deported without due process.

Since September 11th, hundreds of Arab and Muslim individuals have been detained on suspicion of terrorist activity. Practically none of these individuals was involved with terrorism. However, many were detained for weeks and eventually changed with minor immigration violations.

Based on these minor immigration violations some were deported. In one case, two Paki-

stani immigrants were arrested and detained 45 days for allegedly overstaying their visas.

In another case an Israeli was detained for 66 days before being charged with entering the United States unlawfully.

In a particularly shocking case, a French teacher from Yemen, who was married to an American citizen and therefore eligible to become a citizen himself, was reporting for duty as an army recruit at Fort Campbell, Kentucky, on September 15, 2001. The man was apprehended by Federal agents, separated from his wife and interrogated for 12 hours. The agents accused him of violating immigration laws, conspiring with Russian terrorists, spousal abuse, and threatened him with beatings. The man was given a lie detector test which proved he was telling the truth when he denied being associated with terrorists.

CONSEQUENCES OF RACIAL PROFILING

The consequences of Racial Profiling for minority groups in the United States, for Arab, Muslim and Sikh groups, and in the immigration context are dire for individual who are both innocent and guilty of criminal activity.

In the case of the innocent, for every person in possession of drugs apprehended through profiling, many more law-abiding minorities are treated as if they are criminals.

Racial profiling increases the stops and arrests of minority groups. Frequent stops and arrests of minorities generate more extensive criminal histories, and result in longer sentences.

Racial profiling results in increased arrests and convictions of minorities. In many states, a felony conviction can impact a person's ability to exercise their basic social rights. In 46 States and the District of Columbia, convicted adults cannot vote. Thirty-two States disenfranchise felons on parole, while 29 States disenfranchise felons on probation.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE). The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MRS. MYRICK

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-504.

Mrs. MYRICK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 501 (page 21, after line 14), insert the following new section:

SEC. 502. PROTECTING THE INFORMATION TECHNOLOGY SUPPLY CHAIN OF THE UNITED STATES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that—

(1) identifies foreign suppliers of information technology (including equipment, software, and services) that are linked directly or indirectly to a foreign government, including—

(A) by ties to the military forces of a foreign government;

(B) by ties to the intelligence services of a foreign government; or

(C) by being the beneficiaries of significant low interest or no interest loans, loan forgiveness, or other support by a foreign government;

(2) assesses the vulnerability to malicious activity, including cyber crime or espionage, of the telecommunications networks of the United States due to the presence of technology produced by suppliers identified under paragraph (1).

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) TELECOMMUNICATIONS NETWORKS OF THE UNITED STATES DEFINED.—In this section, the term “telecommunications networks of the United States” includes—

- (1) telephone systems;
- (2) Internet systems;
- (3) fiber optic lines, including cable landings;
- (4) computer networks; and
- (5) smart grid technology under development by the Department of Energy.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from North Carolina (Mrs. MYRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, first, like other Members today, I want to express my gratitude and thanks to Chairman ROGERS and Ranking Member RUPPERSBERGER for all of the work that they've done, just the incredible bipartisan working relationship that they've established on our committee. It really is kind of unheard of, and we're very proud of it, and I'm very proud to be a member of the committee.

I rise today to urge my colleagues to support my amendment to the Intelligence authorization bill, and I'm pleased that Representative WOLF is a cosponsor of this initiative, and I'd like to thank him for his support and all his work on this issue.

This amendment would require the Director of National Intelligence to submit an unclassified report to Congress that would identify foreign suppliers of information technology with ties to a foreign government, military, or intelligence service. It would also require the DNI to provide an assessment of the risks associated with such entities.

The U.S. Government has serious concerns about public and private sector information technology supply chains. A network is only as secure as the components that make up that network. If the origin of those components is unknown or the security of those components is compromised, that's a major flaw in the network.

I believe these concerns need to be better shared with industry and the public. Sharing more information along these lines will help the private sector better understand potential risks and take action that will help the U.S. Government mitigate its supply-chain concerns.

The more that the private sector knows of potential problems, the better it can protect itself. If the private sector is more aware of potential risks,

then it can better work with the Federal Government to mitigate potential supply-chain concerns.

I would like to thank Chairman ROGERS for his support of this amendment, and I again urge my colleagues to support the amendment on the floor.

I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I rise in opposition to the amendment, though I do not oppose it.

The CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. RUPPERSBERGER. First, I support this amendment as a continuation of the work that we have begun in Congress as an attempt to focus our intelligence community and the executive Agencies to this important threat that my friend and colleague has made.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. RUPPERSBERGER. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I do not rise on the gentlelady's amendment. In the statement I made on amendment No. 7, I indicated that the CIA officer's name that was undercover, that was not the CIA's undercover agent's name, which I would not give. It was the section station director's name, Mr. Garrett Jones. The CIA agent was undercover and remains unnamed. But he was an African American who did his duty because of his background.

Mr. RUPPERSBERGER. I yield back the balance of my time.

Mrs. MYRICK. Mr. Chairman, I yield such time as he may consume to the chairman of our committee, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. I want to thank the gentlelady from North Carolina, say thank you very, very much for her work on the supply chain and its vulnerabilities. She has spent a lot of time on our committee making sure that we're doing all the right things to try to protect the supply chain when it comes to cyberthreats and other vulnerabilities that may exist, so I couldn't support the amendment more.

Lastly, I would just like to thank the gentlelady. This will be her last authorization bill. She has been a fantastic member of this committee and has brought a lot of stature to the issues she's engaged in—everything from home-grown terrorism to cyber to supply chain management. She has been a national treasure on that committee. She will be sorely missed. I wanted to offer our congratulations and our thanks to a job well done.

Mrs. MYRICK. I thank the gentleman for his kind words, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment was agreed to.

The Acting CHAIR (Mr. PLATTS). The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. PLATTS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and, pursuant to House Resolution 667, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CRITZ. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CRITZ. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Critz moves to recommit the bill, H.R. 5743, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

After section 501 (page 21, after line 14), insert the following new section:

SEC. 502. PROTECTING UNITED STATES MILITARY STRENGTH, TECHNOLOGICAL PROWESS, AND AMERICAN JOBS.

(a) IN GENERAL.—In obligating and expending funds authorized to be appropriated by this Act, the head of each element of the intelligence community shall take all steps necessary to protect and ensure that—

(1) the intelligence and military capability of the United States is not improperly transferred to or stolen by a foreign nation or a state sponsor of terrorism;

(2) the intelligence and military capability of the United States and sensitive information pertaining to economic, financial, and consumer information is protected from cybersecurity attacks, including cybersecurity attacks from Iran and China; and

(3) contracts and work performed for such element of the intelligence community is first provided to United States companies and workers and not outsourced to foreign-owned companies, unless the Director of National Intelligence determines that it is in the interests of national security.

(b) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term “state sponsor of terrorism” means any country the government of which the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law.

Mr. CRITZ (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

Mr. ROGERS of Michigan. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1550

Mr. ROGERS of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. CRITZ. Mr. Speaker, intelligence gathering has always been a key component of keeping America strong and resilient through our history, and it is imperative in this post-9/11 era.

It is crucial that the intelligence community be provided the resources they need to combat threats from foreign powers and global terrorist organizations. This is why I'm offering this final amendment today, to help strengthen our defenses against physical and cybersecurity attacks.

Mr. Speaker, this is the final amendment to the bill. This amendment will not kill the bill or send it back to the committee. If it is adopted, the bill will immediately proceed to final passage as amended.

My amendment contains three components that will ensure we continue to provide the best security to our Nation.

First, it would instruct the head of each element of the intelligence community to take all steps and precautions to ensure that the intelligence and military capability of the United States is not improperly transferred or stolen by a foreign nation or a state sponsor of terrorism.

Mr. Speaker, we live in a time where information is readily available and transferable at the click of a mouse or the stroke of a keyboard. While the advantages of such readily available in-

formation have helped spur economic opportunities and growth, it has also opened the door for one of the many intelligence challenges we face as a Nation.

We already have in place a number of protocols that dictate how and under what circumstances our military can transfer technology, goods, and services to our allies across the globe, but it is imperative that we do everything we can to ensure this information doesn't end up in the hands of unfriendly foreign powers or state sponsors of terrorism.

Within the past few years, we have seen foreign nations attempt to steal our Nation's military technology and sensitive information through the use of joint ventures and other techniques. We must do everything that we can to ensure that our military and intelligence secrets remain our secrets. Many of those same capabilities reside in, are accessed through, or are enabled through cyberspace.

Reliable access to cyberspace is critical to U.S. national security, public safety, and economic well-being, but cyberthreats continue to grow in scope and severity daily. Tens of thousands of new malicious software programs originating from Iran or China are identified each day, threatening our security, our economy, and our citizens.

No longer do we need to just worry about foreign spies infiltrating our military and intelligence agencies. Our worry must now extend to the young man or woman sitting in their apartment 6,000 miles away utilizing a laptop to tap into our government mainframes.

Secondly, my amendment would direct the head of each element of the intelligence community to take those steps necessary to ensure that our Nation's intelligence and military capabilities, as well as sensitive economic, financial, and consumer information, remain protected from improper transfer, theft, or cybersecurity attack.

Finally, my amendment would ensure that we continue to promote American businesses and keep jobs—especially one of such crucial importance—in America.

As the number of threats to our Nation has grown and the required response has put a large demand on the intelligence community, we have increasingly relied on contractors to perform tasks to ensure the safety of our Nation. This amendment would instruct our intelligence community to always put American workers first and not outsource these jobs to foreign-owned companies.

Mr. Speaker, I have witnessed the detrimental effects that outsourcing has had. Numerous areas of our country have also seen the ugly effects of outsourcing, and we must put American workers and businesses first, especially in the critical sphere of intelligence.

Compounding the economic damage outsourcing has done to our country, the national security risk posed by allowing foreign companies to operate our intelligence capabilities would be catastrophic to the environment of our Nation.

Mr. Speaker, in the global environment in which we operate, we must keep America strong, keep America competitive, and keep America first.

Mr. Speaker, again, my amendment will be the final amendment to the bill. I have great respect for the chairman, Mr. ROGERS, and the ranking member, Mr. RUPPERSBERGER, for the bipartisan bill they put together. It is important to note that this amendment will not kill the bill or send it back to committee. If it is adopted, the bill will immediately proceed to final passage as amended. My amendment will ensure we have an even stronger American intelligence community.

I urge a “yes” vote on this final amendment, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Michigan. First of all, this is a motion to recommit. Let's not fool ourselves. And I understand this is the loyal opposition portion of the debate. It happens in each and every bill; I get it.

We've spent a lot of time in a bipartisan way getting the bill, and I think it's one of our better products given the detail with which we went over every budget line and operational detail in this budget. So when I read this, it looks like it was prepared fairly quickly in order to meet the time demand here, and it's very concerning.

In some of the things that we've done—even in this Chamber, we debated the cybersecurity bill and people had strong passions on both sides of the aisle of that bill about protection of civil liberties and just making sure there were checks and balances on our ability just to share information, a very small little piece. When you read this bill, that makes our cybersecurity bill look like a walk in the park. This is an expansion of the government involved in the Internet in a way that I find a little bit scary and shocking that they would allow it to get this far. Let me read it:

The intelligence community shall take all steps necessary to protect and ensure that—

Sensitive information pertaining to economic, financial, and consumer information is protected from cybersecurity attacks.

That means you've got to reach way out into the Internet. Now you've just empowered the intelligence community—the very people we said we want to keep separate—into the Internet. This is dangerous. That's what happens when you get in a hurry and try to

have a political amendment on a very bipartisan bill, and that's unfortunate about this.

The first paragraph, I would submit, we should make as a part of the "department of redundancy department." All of that already happens. We do that as a matter of course and mission.

Again, it's a little bit surprising that they would allow this. I would even hope that your Members would take a very close look at this. You have just put your Members in a pretty bad spot about making them vote on something that will actually have the government involved in your Internet. Welcome to the laptop near you. Very concerning to me.

I will passionately oppose this, would urge all of my colleagues to passionately oppose this, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CRITZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 180, nays 235, not voting 16, as follows:

[Roll No. 300]

YEAS—180

| | | |
|---------------|---------------|----------------|
| Ackerman | Courtney | Hochul |
| Altmire | Critz | Holden |
| Andrews | Crowley | Holt |
| Baca | Cuellar | Honda |
| Baldwin | Cummings | Hoyer |
| Barrow | Davis (CA) | Israel |
| Bass (CA) | Davis (IL) | Jackson (IL) |
| Becerra | DeFazio | Jackson Lee |
| Berkley | DeGette | (TX) |
| Berman | DeLauro | Johnson (GA) |
| Bishop (GA) | Deutch | Johnson, E. B. |
| Bishop (NY) | Dicks | Jones |
| Blumenauer | Dingell | Kaptur |
| Bonamici | Doggett | Keating |
| Boren | Donnelly (IN) | Kildee |
| Boswell | Edwards | Kind |
| Brady (PA) | Engel | Kissell |
| Braley (IA) | Eshoo | Kucinich |
| Brown (FL) | Farr | Langevin |
| Butterfield | Fattah | Larsen (WA) |
| Capps | Filner | Larson (CT) |
| Capuano | Frank (MA) | Lee (CA) |
| Cardoza | Fudge | Levin |
| Carnahan | Garamendi | Lewis (GA) |
| Carney | Gonzalez | Lipinski |
| Carson (IN) | Green, Al | Loeb sack |
| Castor (FL) | Green, Gene | Lofgren, Zoe |
| Chandler | Grijalva | Lowey |
| Chu | Gutierrez | Lujan |
| Cicilline | Hahn | Lynch |
| Clarke (MI) | Hanabusa | Markey |
| Clarke (NY) | Hastings (FL) | Matheson |
| Cleaver | Heinrich | Matsui |
| Clyburn | Higgins | McCollum |
| Cohen | Himes | McDermott |
| Connolly (VA) | Hinchev | McGovern |
| Cooper | Hinojosa | McIntyre |
| Costello | Hirono | McNerney |

| | | |
|----------------|------------------|---------------|
| Meeks | Rahall | Sires |
| Michaud | Reyes | Smith (WA) |
| Miller (NC) | Richardson | Speier |
| Miller, George | Richmond | Stark |
| Moore | Ross (AR) | Sutton |
| Moran | Rothman (NJ) | Thompson (CA) |
| Murphy (CT) | Roybal-Allard | Thompson (MS) |
| Nadler | Ruppersberger | Tierney |
| Napolitano | Rush | Tonko |
| Neal | Ryan (OH) | Towns |
| Oliver | Sánchez, Linda | Tsongas |
| Owens | T. | Van Hollen |
| Pallone | Sanchez, Loretta | Visclosky |
| Pascarella | Sarbanes | Walz (MN) |
| Pastor (AZ) | Schakowsky | Wasserman |
| Pelosi | Schiff | Schultz |
| Perlmutter | Schrader | Waters |
| Peters | Schwartz | Watt |
| Peterson | Scott (VA) | Waxman |
| Pingree (ME) | Scott, David | Welch |
| Polis | Serrano | Wilson (FL) |
| Price (NC) | Sewell | Woolsey |
| Quigley | Sherman | Yarmuth |

NAYS—235

| | | |
|--------------|-----------------|---------------|
| Adams | Forbes | McCotter |
| Aderholt | Foxo | McHenry |
| Akin | Franks (AZ) | McKeon |
| Alexander | Frelinghuysen | McKinley |
| Amash | Gallegly | McMorris |
| Amodei | Gardner | Rodgers |
| Austria | Garrett | Meehan |
| Bachmann | Gerlach | Mica |
| Bachus | Gibbs | Miller (FL) |
| Barletta | Gibson | Miller (MI) |
| Bartlett | Gingrey (GA) | Miller, Gary |
| Barton (TX) | Gohmert | Mulvaney |
| Bass (NH) | Goodlatte | Murphy (PA) |
| Benishek | Gosar | Myrick |
| Berg | Gowdy | Neugebauer |
| Biggart | Graves (GA) | Noem |
| Bilbray | Graves (MO) | Nugent |
| Bilirakis | Griffin (AR) | Nunes |
| Bishop (UT) | Griffith (VA) | Nunnelee |
| Black | Grimm | Olson |
| Blackburn | Guthrie | Palazzo |
| Bonner | Hall | Paul |
| Bono Mack | Hanna | Paulsen |
| Boustany | Harper | Pearce |
| Brady (TX) | Harris | Pence |
| Brooks | Hartzler | Petri |
| Broun (GA) | Hastings (WA) | Pitts |
| Buchanan | Hayworth | Platts |
| Bucshon | Heck | Poe (TX) |
| Buerkle | Hensarling | Pompeo |
| Burgess | Herger | Posey |
| Calvert | Herrera Beutler | Price (GA) |
| Camp | Huelskamp | Quayle |
| Campbell | Huizenga (MI) | Reed |
| Canseco | Hultgren | Rehberg |
| Cantor | Hunter | Reichert |
| Capito | Hurt | Renacci |
| Carter | Issa | Ribble |
| Cassidy | Jenkins | Rigell |
| Chabot | Johnson (IL) | Rivera |
| Chaffetz | Johnson (OH) | Roe (TN) |
| Coble | Johnson, Sam | Rogers (AL) |
| Coffman (CO) | Jordan | Rogers (KY) |
| Cole | Kelly | Rogers (MI) |
| Conaway | King (IA) | Rohrabacher |
| Conyers | King (NY) | Rokita |
| Costa | Kingston | Rooney |
| Cravaack | Kinzinger (IL) | Ros-Lehtinen |
| Crawford | Kline | Roskam |
| Crenshaw | Labrador | Ross (FL) |
| Culberson | Lamborn | Royce |
| Davis (KY) | Lance | Runyan |
| Denham | Landry | Ryan (WI) |
| Dent | Lankford | Scalise |
| DesJarlais | Latham | Schillling |
| Diaz-Balart | LaTourette | Schmidt |
| Dold | Latita | Schock |
| Dreier | LoBiondo | Schweikert |
| Duffy | Long | Scott (SC) |
| Duncan (SC) | Lucas | Scott, Austin |
| Duncan (TN) | Luetkemeyer | Sensenbrenner |
| Ellmers | Lummis | Sessions |
| Emerson | Lungren, Daniel | Shimkus |
| Farenthold | E. | Shuler |
| Fitzpatrick | Manzullo | Shuster |
| Flake | Marchant | Simpson |
| Fleischmann | Marino | Smith (NE) |
| Fleming | McCarthy (NY) | Smith (NJ) |
| Flores | McCaul | Smith (TX) |
| | McClintock | Southerland |

| | | |
|---------------|--------------|-------------|
| Stearns | Turner (NY) | Whitfield |
| Stivers | Turner (OH) | Wilson (SC) |
| Stutzman | Upton | Wittman |
| Sullivan | Walberg | Wolf |
| Terry | Walden | Womack |
| Thompson (PA) | Walsh (IL) | Woodall |
| Thornberry | Webster | Yoder |
| Tiberi | West | Young (AK) |
| Tipton | Westmoreland | Young (IN) |

NOT VOTING—16

| | | |
|-------------|---------------|------------|
| Burton (IN) | Guinta | Roby |
| Clay | Lewis (CA) | Slaughter |
| Doyle | Mack | Velázquez |
| Ellison | Maloney | Young (FL) |
| Fortenberry | McCarthy (CA) | |
| Granger | Rangel | |

□ 1620

Messrs. GOWDY, STIVERS, GRIMM, THOMPSON of Pennsylvania, KINGSTON, COLE, CARTER, MULVANEY and NUNNELEE changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 386, noes 28, not voting 17, as follows:

[Roll No. 301]

AYES—386

| | | |
|-------------|---------------|---------------|
| Ackerman | Brown (FL) | Cuellar |
| Adams | Buchanan | Culberson |
| Aderholt | Bucshon | Cummings |
| Akin | Buerkle | Davis (CA) |
| Alexander | Burgess | Davis (IL) |
| Altmire | Butterfield | Davis (KY) |
| Amodei | Calvert | DeFazio |
| Andrews | Camp | DeGette |
| Austria | Campbell | DeLauro |
| Baca | Canseco | Denham |
| Bachmann | Cantor | Dent |
| Bachus | Capito | DesJarlais |
| Baldwin | Capps | Deutch |
| Barletta | Cardoza | Diaz-Balart |
| Barrow | Carnahan | Dicks |
| Bartlett | Carney | Dingell |
| Barton (TX) | Carson (IN) | Doggett |
| Bass (CA) | Carter | Dold |
| Bass (NH) | Cassidy | Donnelly (IN) |
| Becerra | Castor (FL) | Dreier |
| Benishek | Chabot | Duffy |
| Berg | Chaffetz | Duncan (SC) |
| Berkley | Chandler | Edwards |
| Berman | Chu | Ellmers |
| Biggart | Cicilline | Emerson |
| Bilbray | Clarke (MI) | Engel |
| Bilirakis | Clyburn | Eshoo |
| Bishop (GA) | Coble | Farenthold |
| Bishop (NY) | Coffman (CO) | Farr |
| Bishop (UT) | Cohen | Fattah |
| Black | Cole | Fincher |
| Blackburn | Conaway | Fitzpatrick |
| Bonamici | Connolly (VA) | Flake |
| Bonner | Conyers | Fleischmann |
| Bono Mack | Cooper | Fleming |
| Boren | Costa | Flores |
| Boswell | Costello | Forbes |
| Boustany | Courtney | Fox |
| Brady (PA) | Cravaack | Franks (AZ) |
| Brady (TX) | Crawford | Frelinghuysen |
| Braley (IA) | Crenshaw | Fudge |
| Brooks | Critz | Gallegly |
| Broun (GA) | Crowley | Garamendi |

Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larsen (CT)
Latham
Latta
Levin
Lipinski
LoBiondo
Loeback
Long
Lowey
Lucas
Luetkemeyer

Luján
Lummis
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen

Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Moore
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (IN)

Lewis (GA)
Lofgren, Zoe
Markey
McDermott
McGovern
Burton (IN)
Clay
Cleaver
Doyle
Ellison
Fortenberry

Miller, George
Olver
Paul
Polis
Rush
Guinta
LaTourette
Lewis (CA)
Mack
McCarthy (CA)
Rangel

Stark
Woolsey
Young (AK)
Roby
Slaughter
Tiberi
Velázquez
Young (FL)

NOT VOTING—17

□ 1628
Mr. RUSH changed his vote from
“aye” to “no.”

So the bill was passed.

The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

□ 1630

AUTHORIZING THE CLERK TO MAKE CORRECTIONS
IN ENGROSSMENT

Mr. ROGERS of Michigan. Mr.
Speaker, I ask unanimous consent that
in the engrossment of the bill, H.R.
5743, the Clerk be authorized to make
such technical and conforming changes
as necessary to reflect the actions of
the House.

The SPEAKER pro tempore (Mr.
WOODALL). Is there objection to the re-
quest of the gentleman from Michigan?

There was no objection.

PERMISSION TO INCLUDE EXCHANGE OF LETTERS

Mr. ROGERS of Michigan. Mr.
Speaker, I ask unanimous consent to
include an exchange of letters with the
chairman of the Committee on Home-
land Security with respect to the bill
at this point in the RECORD.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from Michigan?

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 29, 2012.

Hon. MIKE ROGERS,
Chairman, House Permanent Select Committee
on Intelligence, House of Representatives,
Washington, DC.

DEAR CHAIRMAN ROGERS: I am writing in
regards to the Intelligence Authorization
Act for Fiscal Year 2013 recently approved by
the House Permanent Select Committee on
Intelligence—specifically, the section of the
legislation that authorizes the newly created
Homeland Security Intelligence Program
(HSIP) at the Department of Homeland Secu-
rity (DHS).

As you know, the HSIP, in essence, con-
sists of several activities within the Office of
Intelligence and Analysis at DHS that the
Director of National Intelligence has deemed
should no longer be part of the National In-
telligence Program (NIP). While the details
of the program are classified, the creation of
the HSIP raises new issues that are of mu-
tual interest to our committees and requires
further discussion between our staffs and
clarification from DHS.

While those discussions are ongoing and
will take time, I understand the importance
of advancing this legislation to the House
floor in an expeditious manner and I do not,
in any way, wish to impede that from hap-
pening. However, given that there remains

issues that our committees must work
through with DHS—including how to best
fund, organize, and budget certain HSIP ac-
tivities—I respectfully request that we for-
mally memorialize our mutual agreement to
continue our dialogue regarding the HSIP as
legislation moves forward as you approach a
conference with the Senate.

I also request that this letter and your re-
sponse be included in the House Permanent
Select Committee report of this bill and in
the Congressional Record during consider-
ation of this measure on the House floor.
Thank you for your attention to this matter.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE ON
INTELLIGENCE,

Washington, DC, May 31, 2012.

Hon. PETER KING,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your
letter regarding certain intelligence and in-
telligence-related programs and/or activities
of the Department of Homeland Security
that are authorized in H.R. 5743, the Intel-
ligence Authorization Act for Fiscal Year
2013.

While the Permanent Select Committee on
Intelligence continues to authorize these
programs and intelligence-related activities
consistent with the legislative history de-
scribing the respective jurisdictions of the
Permanent Select Committee on Intelligence
and the Committee on Homeland Security
(Congressional Record, January 4, 2005, page
H25), I agree that certain elements of these
activities could raise issues that would ben-
efit from discussion amongst the Commit-
tees and the Department of Homeland Secu-
rity with respect to the overall organization
of the Department, and would be glad to dis-
cuss such issues.

As you asked, I will include a copy of your
letter to me and this response in the Con-
gressional Record during consideration of
H.R. 5743 on the House floor.

Sincerely,

MIKE ROGERS,
Chairman.

MILITARY CONSTRUCTION AND
VETERANS AFFAIRS AND RE-
LATED AGENCIES APPROPRIA-
TIONS ACT, 2013

GENERAL LEAVE

Mr. CULBERSON. Mr. Speaker, I ask
unanimous consent that all Members
may have 5 legislative days to revise
and extend their remarks and to in-
clude extraneous material on H.R. 5854,
and that I may include tabular mate-
rial on the same.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursu-
ant to House Resolution 667 and rule
XVIII, the Chair declares the House in
the Committee of the Whole House on
the state of the Union for the consider-
ation of the bill, H.R. 5854.

The Chair appoints the gentlewoman
from Michigan (Mrs. MILLER) to pre-
side over the Committee of the Whole.

NOES—28

Amash
Blumenauer
Capuano
Clarke (NY)
Duncan (TN)
Filner
Frank (MA)
Gibson
Holt
Jackson (IL)

Johnson (IL)
Jones
Kind
Kucinich
Lee (CA)

□ 1632

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. CULBERSON) and the gentleman from Georgia (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Madam Chair, I yield myself such time as I may consume.

I know that my colleagues feel the same way I do that one of the most gratifying, most rewarding parts of this extraordinary job that we're entrusted with in addition to being guardians of the Treasury, to being good stewards of the public's business, is to do everything in our power to help ensure that our men and women in uniform have all that they need to do their job as they stand guard over this Nation 24 hours a day, 7 days a week in every scary, dark corner of the world.

Today, Madam Chair, it's my privilege, with my good friend from Georgia (Mr. BISHOP), to lay before the House and ask for its approval the Military Construction and Veterans Affairs appropriations bill for 2013.

On our committee, we feel as though we are the peace of mind committee for the United States military. We want to ensure in the work that we do in the Military Construction and in Veterans Affairs that we have done everything we can to ensure that our men and women in uniform don't have any worries, that they don't have to worry about when they are in uniform; they don't have to worry about the quality of their barracks, their living conditions; they don't have to worry about the condition of the military facilities that they are living and working in.

We want to make sure that they have got everything that they need. The United States Navy, when it comes to piers or sub pens, or the Air Force for runways, or the Marine Corps or for the Army, we have done everything in this bill that the Pentagon has asked us to

do and fully funded it in a way that's fiscally responsible, Madam Chair.

We have also taken care of our veterans, of our men and women in uniform when they leave the Armed Forces and become veterans, because they will spend most of their time out of the military, and we wanted to be sure that our Veterans Affairs Administration was fully funded, that they have got all the resources that they need in order to take care of our men's and women's health care needs, psychological and physical, and in a way that's fiscally responsible.

In this environment, Madam Chair, in this era of record debt and deficit, our subcommittee, along with the full Appropriations Committee, has done everything in our power to find ways to save money, to be good stewards of the public's precious, hard-earned tax dollars. And in our subcommittee, something we have done together in a bipartisan way, arm-in-arm, we have made sure to ferret out every unspent dollar from previous years that could be returned to taxpayers, to avoid spending increases while making sure that our men and women in uniform are taken care of while they are in uniform and also, as I say, when they leave active duty and become veterans under the care of the Department of Veterans Affairs.

We have, because of decreases, Madam Chair, of the Air Force, the Army, the Pentagon, our Armed Forces are reassessing their deployment needs around the world. We've seen a reduction this year in the level of spending requests for military construction around the world that enabled us to increase spending for the Department of Veterans Affairs while holding overall spending for this bill flat. That reflects not only our finding cost savings in various parts of the bill, but, in particular, the Air Force, among the branches of the service, asked for significantly less money this year.

But we have also taken into account in our legislation the pay freeze that is in place for the entire Federal Government. We have applied that to Federal civilian contractors working in the military construction field or for the VA.

We have also, Madam Chair, in our legislation, made sure that the VA uses their construction funds within 5 years. In the past, they simply could hold that money year after year after year; and we want to make sure that that money is used for the purpose that

Congress intended it, and that is to build VA facilities.

We have been able to find savings in a variety of other areas, Madam Chair, all of which have permitted us to fully fund the request of the Pentagon in giving our Armed Forces around the world everything that they need to do their job without a worry in the world. If they are out there on watch, guarding the United States of America and protecting our liberty, our committee has made sure to give them as much peace of mind as possible.

Two other things I want to make sure to bring to the Members' attention that is extremely important.

At the Veterans Administration, for years there's been an effort to get a combined medical record. When you're in uniform, on active duty, you have got one set of medical records with the Department of Defense. Then when you enter the Veterans Administration, that medical record is not compatible with the computer systems or their recordkeeping systems at the Veterans Administration, which causes terrible inefficiencies and threatens lives, endangers the health of our men and women in uniform.

This committee has taken very seriously the task that Chairman ROGERS has charged us with to ensure that we move the Department of Defense and the Veterans Administration as rapidly as possible to a unified medical record. Then when our young men and women leave the active duty service, that medical record stays with them in the VA.

□ 1640

Finally, I want to also make sure to thank my good friend, SANFORD BISHOP from Georgia. It's been a privilege to work with Mr. BISHOP and his staff. We are blessed with an extraordinarily capable staff on this committee.

This bill, more than I think perhaps any other, Madam Chair, illustrates how unified the Congress is in support of our men and women in uniform. We have found common ground on every section of this bill, on every issue. We've worked together arm-in-arm to make certain that the men and women of the United States military can focus on their mission of protecting this great Nation with complete peace of mind, knowing that the Congress of the United States is behind them and will support them in all they do.

I reserve the balance of my time.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|--|--------------------|--------------------|--------------|---------------------|---------------------|
| TITLE I - DEPARTMENT OF DEFENSE | | | | | |
| Military construction, Army..... | 3,006,491 | 1,923,323 | 1,820,323 | -1,186,168 | -103,000 |
| Military construction, Navy and Marine Corps..... | 2,112,823 | 1,701,985 | 1,551,217 | -561,606 | -150,768 |
| Military construction, Air Force..... | 1,227,058 | 388,200 | 388,200 | -838,858 | --- |
| Military construction, Defense-Wide..... | 3,431,957 | 3,654,623 | 3,569,623 | +137,666 | -85,000 |
| Total, Active components..... | 9,778,329 | 7,668,131 | 7,329,363 | -2,448,966 | -338,768 |
| Military construction, Army National Guard..... | 773,592 | 613,799 | 613,799 | -159,793 | --- |
| Military construction, Air National Guard..... | 116,246 | 42,386 | 42,386 | -73,860 | --- |
| Military construction, Army Reserve..... | 280,549 | 305,846 | 305,846 | +25,297 | --- |
| Military construction, Navy Reserve..... | 26,299 | 49,532 | 49,532 | +23,233 | --- |
| Military construction, Air Force Reserve..... | 33,620 | 10,979 | 10,979 | -22,641 | --- |
| Total, Reserve components..... | 1,230,306 | 1,022,542 | 1,022,542 | -207,764 | --- |
| Total, Military construction..... | 11,008,635 | 8,690,673 | 8,351,905 | -2,656,730 | -338,768 |
| North Atlantic Treaty Organization Security Investment Program..... | 247,611 | 254,163 | 254,163 | +6,552 | --- |
| Family housing construction, Army..... | 176,897 | 4,641 | 4,641 | -172,256 | --- |
| Family housing operation and maintenance, Army..... | 493,458 | 530,051 | 530,051 | +36,593 | --- |
| Family housing construction, Navy and Marine Corps..... | 100,972 | 102,182 | 102,182 | +1,210 | --- |
| Family housing operation and maintenance, Navy and Marine Corps..... | 367,863 | 378,230 | 378,230 | +10,367 | --- |
| Family housing construction, Air Force..... | 60,042 | 83,824 | 83,824 | +23,782 | --- |
| Family housing operation and maintenance, Air Force..... | 429,523 | 497,829 | 497,829 | +68,306 | --- |
| Family housing operation and maintenance, Defense-Wide | 50,723 | 52,238 | 52,238 | +1,515 | --- |
| Department of Defense Family Housing Improvement Fund..... | 2,184 | 1,786 | 1,786 | -398 | --- |
| Homeowners assistance fund..... | 1,284 | --- | --- | -1,284 | --- |
| Total, Family housing..... | 1,682,946 | 1,650,781 | 1,650,781 | -32,165 | --- |
| Chemical demilitarization construction, Defense-Wide.. | 75,312 | 151,000 | 151,000 | +75,688 | --- |
| Base realignment and closure: | | | | | |
| Base realignment and closure account, 1990..... | 323,543 | 349,396 | 349,396 | +25,853 | --- |
| Base realignment and closure account, 2005..... | 258,776 | 126,697 | 126,697 | -132,079 | --- |
| Rescission..... | --- | --- | --- | --- | --- |
| Total..... | 258,776 | 126,697 | 126,697 | -132,079 | --- |
| Total, Base realignment and closure..... | 582,319 | 476,093 | 476,093 | -106,226 | --- |
| Rescission (Sec. 127): | | | | | |
| Military Construction, Army..... | -100,000 | --- | --- | +100,000 | --- |
| Military Construction, Navy and Marine Corps..... | -25,000 | --- | --- | +25,000 | --- |
| Military Construction, Air Force..... | -32,000 | --- | --- | +32,000 | --- |
| Military Construction, Defense-Wide..... | -131,400 | --- | -20,000 | +111,400 | -20,000 |
| Rescission (Sec. 128): | | | | | |
| Base Realignment and Closure, 2005..... | -258,776 | --- | -212,291 | +46,485 | -212,291 |
| Rescission (Sec. 129): | | | | | |
| Civilian pay raise reduction..... | --- | --- | -2,334 | -2,334 | -2,334 |
| Total, title I, Department of Defense..... | 13,049,647 | 11,222,710 | 10,649,317 | -2,400,330 | -573,393 |
| Appropriations..... | (13,596,823) | (11,222,710) | (10,883,942) | (-2,712,881) | (-338,768) |
| Rescissions..... | (-547,176) | --- | (-234,625) | (+312,551) | (-234,625) |

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|--|--------------------|--------------------|--------------|---------------------|---------------------|
| TITLE II - DEPARTMENT OF VETERANS AFFAIRS | | | | | |
| Veterans Benefits Administration | | | | | |
| Compensation and pensions..... | 51,237,567 | 61,741,232 | 61,741,232 | +10,503,665 | --- |
| Readjustment benefits..... | 12,108,488 | 12,607,476 | 12,607,476 | +498,988 | --- |
| Veterans insurance and indemnities..... | 100,252 | 104,600 | 104,600 | +4,348 | --- |
| Veterans housing benefit program fund | | | | | |
| (indefinite)..... | 318,612 | 184,859 | 184,859 | -133,753 | --- |
| (Limitation on direct loans)..... | (500) | (500) | (500) | --- | --- |
| Administrative expenses..... | 154,698 | 157,814 | 157,814 | +3,116 | --- |
| Vocational rehabilitation loans program account..... | 19 | 19 | 19 | --- | --- |
| (Limitation on direct loans)..... | (3,019) | (2,729) | (2,729) | (-290) | --- |
| Administrative expenses..... | 343 | 346 | 346 | +3 | --- |
| Native American veteran housing loan program account.. | 1,116 | 1,089 | 1,089 | -27 | --- |
| Total, Veterans Benefits Administration..... | 63,921,095 | 74,797,435 | 74,797,435 | +10,876,340 | --- |
| Veterans Health Administration | | | | | |
| Medical services: | | | | | |
| Advance from prior year..... | (39,649,985) | (41,354,000) | (41,354,000) | (+1,704,015) | --- |
| Current year request..... | --- | 165,000 | --- | --- | -165,000 |
| Advance appropriation, FY 2014..... | 41,354,000 | 43,557,000 | 43,557,000 | +2,203,000 | --- |
| Subtotal..... | 41,354,000 | 43,722,000 | 43,557,000 | +2,203,000 | -165,000 |
| Medical support and compliance: | | | | | |
| Advance from prior year..... | (5,535,000) | (5,746,000) | (5,746,000) | (+211,000) | --- |
| Advance appropriation, FY 2014..... | 5,746,000 | 6,033,000 | 6,033,000 | +287,000 | --- |
| Subtotal..... | 5,746,000 | 6,033,000 | 6,033,000 | +287,000 | --- |
| Medical facilities: | | | | | |
| Advance from prior year..... | (5,426,000) | (5,441,000) | (5,441,000) | (+15,000) | --- |
| Advance appropriation, FY 2014..... | 5,441,000 | 4,872,000 | 4,872,000 | -569,000 | --- |
| Subtotal..... | 5,441,000 | 4,872,000 | 4,872,000 | -569,000 | --- |
| Medical and prosthetic research..... | 581,000 | 582,674 | 582,674 | +1,674 | --- |
| Medical care cost recovery collections: | | | | | |
| Offsetting collections..... | -3,326,000 | -2,527,000 | -2,527,000 | +799,000 | --- |
| Appropriations (indefinite)..... | 3,326,000 | 2,527,000 | 2,527,000 | -799,000 | --- |
| DoD-VA Joint Medical Funds (transfers out)..... | --- | (-280,000) | (-280,000) | (-280,000) | --- |
| DoD-VA Joint Medical Funds (by transfer)..... | --- | (280,000) | (280,000) | (+280,000) | --- |
| Total, Veterans Health Administration..... | 53,122,000 | 55,209,674 | 55,044,674 | +1,922,674 | -165,000 |
| Appropriations..... | (581,000) | (747,674) | (582,674) | (+1,674) | (-165,000) |
| Advance from prior year..... | (50,610,985) | (52,541,000) | (52,541,000) | (+1,930,015) | --- |
| Advance appropriations, FY 2014..... | (52,541,000) | (54,462,000) | (54,462,000) | (+1,921,000) | --- |
| National Cemetery Administration | | | | | |
| National Cemetery Administration..... | 250,934 | 258,284 | 258,284 | +7,350 | --- |
| Departmental Administration | | | | | |
| General administration..... | 416,737 | 416,737 | 416,737 | --- | --- |
| General operating expenses, VBA..... | 2,018,764 | 2,164,074 | 2,164,074 | +145,310 | --- |
| Information technology systems..... | 3,111,376 | 3,327,444 | 3,327,444 | +216,068 | --- |
| Office of Inspector General..... | 112,391 | 113,000 | 113,000 | +609 | --- |
| Construction, major projects..... | 589,604 | 532,470 | 532,470 | -57,134 | --- |
| Construction, minor projects..... | 482,386 | 607,530 | 607,530 | +125,144 | --- |

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|--------------------|--------------------|--------------------|---------------------|---------------------|
| Grants for construction of State extended care facilities..... | 85,000 | 85,000 | 85,000 | --- | --- |
| Grants for the construction of veterans cemeteries.... | 46,000 | 46,000 | 46,000 | --- | --- |
| Total, Departmental Administration..... | 6,862,258 | 7,292,255 | 7,292,255 | +429,997 | --- |
| General provision- block pay raise COLA (both advance and current)..... | --- | --- | -93,798 | -93,798 | -93,798 |
| Total, title II..... | 124,156,287 | 137,557,648 | 137,298,850 | +13,142,563 | -258,798 |
| Appropriations..... | (71,615,287) | (83,095,648) | (82,836,850) | (+11,221,563) | (-258,798) |
| Advance from prior year..... | (50,610,985) | (52,541,000) | (52,541,000) | (+1,930,015) | --- |
| Advance appropriations, FY 2014..... | (52,541,000) | (54,462,000) | (54,462,000) | (+1,921,000) | --- |
| (Limitation on direct loans)..... | (3,519) | (3,229) | (3,229) | (-290) | --- |
| Discretionary..... | (60,391,368) | (62,919,481) | (62,660,683) | (+2,269,315) | (-258,798) |
| Mandatory..... | (63,764,919) | (74,638,167) | (74,638,167) | (+10,873,248) | --- |
| TITLE III - RELATED AGENCIES | | | | | |
| American Battle Monuments Commission | | | | | |
| Salaries and expenses..... | 61,100 | 58,400 | 59,290 | -1,810 | +890 |
| Foreign currency fluctuations account..... | 16,000 | 15,200 | 15,200 | -800 | --- |
| Total, American Battle Monuments Commission..... | 77,100 | 73,600 | 74,490 | -2,610 | +890 |
| U.S. Court of Appeals for Veterans Claims | | | | | |
| Salaries and expenses..... | 30,770 | 32,481 | 31,187 | +417 | -1,294 |
| Department of Defense - Civil | | | | | |
| Cemeterial Expenses, Army | | | | | |
| Salaries and expenses..... | 45,800 | 45,800 | 173,733 | +127,933 | +127,933 |
| Armed Forces Retirement Home - Trust Fund | | | | | |
| Operation and maintenance..... | 65,700 | 65,590 | 65,590 | -110 | --- |
| Capital program..... | 2,000 | 2,000 | 2,000 | --- | --- |
| Armed Forces Retirement Home - General Fund | | | | | |
| Capital program..... | 14,630 | --- | --- | -14,630 | --- |
| Total, Armed Forces Retirement Home..... | 82,330 | 67,590 | 67,590 | -14,740 | --- |
| Total, title III..... | 236,000 | 219,471 | 347,000 | +111,000 | +127,529 |
| TITLE IV - OVERSEAS CONTINGENCY OPERATIONS | | | | | |
| Military Construction, Army..... | 80,000 | --- | --- | -80,000 | --- |
| Military Construction, Navy and Marine Corps..... | 189,703 | --- | 150,768 | -38,935 | +150,768 |
| Rescission (P.L. 112-10 and P.L. 112-74)..... | -269,703 | --- | -150,768 | +118,935 | -150,768 |
| Total, title IV..... | --- | --- | --- | --- | --- |

• Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|--------------------------------------|--------------------|--------------------|--------------|---------------------|---------------------|
| Grand total..... | 137,441,934 | 148,999,829 | 148,295,167 | +10,853,233 | -704,662 |
| Appropriations..... | (85,448,110) | (94,537,829) | (94,067,792) | (+8,619,682) | (-470,037) |
| Rescissions..... | (-547,176) | --- | (-234,625) | (+312,551) | (-234,625) |
| Advances from prior year..... | (50,610,985) | (52,541,000) | (52,541,000) | (+1,930,015) | --- |
| Advance appropriations, FY 2014..... | (52,541,000) | (54,462,000) | (54,462,000) | (+1,921,000) | --- |
| Overseas contingency operations..... | --- | --- | --- | --- | --- |
| (By transfer)..... | --- | (280,000) | (280,000) | (+280,000) | --- |
| (Transfer out)..... | --- | (-280,000) | (-280,000) | (-280,000) | --- |
| (Limitation on direct loans)..... | (3,519) | (3,229) | (3,229) | (-290) | --- |
| | ===== | ===== | ===== | ===== | ===== |

Mr. BISHOP of Georgia. I yield myself such time as I may consume.

Madam Chairman, as you know, the allocation provides \$71.7 billion for the FY 2012 Milcon-VA bill, which is equal to the FY12 enacted bill. In my opinion, the allocation is what we could have expected if the Republicans would have stuck to the bipartisan agreement that established \$1.047 as the committee's allocation.

I've stated at every step of this process that I strongly disagree with the path that the majority has chosen to take. I just want to point out that the \$1.028 trillion allocation puts House Republicans at odds with House Democrats, Senate Democrats, Senate Republicans, and the White House. In fact, the Statement of Administration Policy recommends a veto of this bill because the overall 302(a) allocation fails to stick to the framework established by the Budget Control Act. I believe the lower allocation does nothing but slow down the appropriations process, and if it stands, will stall economic growth and impede job creation.

With that being said, I'm pleased to join Chairman CULBERSON as the House takes up the fiscal year 2013 appropriations bill for Military Construction, Veterans Affairs, and related agencies. The Milcon-VA bill is critically important to the strength and the well-being of our military, our veterans, and the families who sacrifice so much to defend our country. In fact, Madam Chairman, I find it quite fitting that we're debating this bill after observing Memorial Day earlier in the week.

Working with Chairman CULBERSON and the members of the subcommittee, we've crafted a bill that will address the funding needs of military construction and family housing for our troops and their families, as well as other quality of life construction projects. In addition, it will provide funding for many important VA programs as well as agencies like the Veterans Court of Appeals and the American Battle Monuments Commission.

The bill before us today touches every soldier, sailor, marine, and airman. In addition, the bill will also impact military spouses, their children, and every veteran that participates in our VA programs.

I want to commend the chairman for his work. Together, we sat through numerous hearings, gaining valuable insight into the workings of all of the agencies under our subcommittee's jurisdiction. I would also like to thank all of our subcommittee members and recognize them for their hard work on the bill. We had a lot of contributions and a lot of input. I believe that the minority was treated fairly during this process, and I want to thank the chairman for ensuring this bipartisan result.

Chairman CULBERSON has already provided the funding highlights in the bill, and I won't repeat them all, but I

would like to point out a few items that I think are very important.

DOD Schools. The bill before us today includes \$546 billion for the renovation and replacement of 10 Department of Defense schools. Madam Chairman, I believe that providing the funds for DOD schools will help our servicemembers' children get a quality education in a safe facility, and it will give our servicemembers and their families some peace of mind.

Medical Center Replacement. I was pleased that in the bill we were able to include \$127 million for the second increment for Medical Center Replacement in Germany. As you know, a large proportion of serious casualties from the Iraq and Afghanistan theaters are treated there, and I'm pleased to see that we're making this important investment in Landstuhl.

Veterans Affairs. For Veterans Affairs, I'm very pleased that the bill meets the discretionary budget request in all areas of administrative expenses, research, medical care, information technology, and facilities. The bill contains \$54.4 billion in advance appropriations for medical services, medical support and compliance, and medical facilities at the VA, which is \$1.9 billion above the amount included in FY12.

Madam Chairman, I strongly believe that advance funding provides timely and predictable funding for the veterans' health care system, and they don't have to worry about the exigencies of a budget not being agreed to or appropriations bills not being passed for their medical care.

Overall, the bill provides adequate funding for programs included in the bill. However, I'm especially troubled by one of them. Unfortunately, during the full committee markup an amendment was adopted that essentially nullifies the decisionmaking ability of the Department of Defense to use a project labor agreements business model. The sponsor of this language believes that it doesn't limit the Department from using PLAs. Unfortunately, that's not the case. I had the minority subcommittee staff check with the Department regarding this language. The Department confirmed that if this bill is enacted with the current PLA language included, it would prohibit the Department from soliciting bills for FY13-funded construction contracts where, as a condition of award, the awardee must negotiate a project labor agreement.

In addition, we do not know the effect this language could have on other agencies included in this bill. Using the Milcon-VA bill to address this issue is really the wrong place to do it. This language is purely an ideological and political provision that goes well beyond the scope of this bill. The Milcon-VA bill has always enjoyed broad bipartisan support and avoided divisive issues like this one, no matter which

party held the gavel. I believe that including this language will only cause unnecessary complications and does nothing to help our servicemembers and our veterans.

Madam Chairman, please know that as we continue through the process I will work to address this issue because an item like this has no place in a bill that has always placed our troops, their families, and our veterans above ideology.

Before I close, Madam Chairman, I would like to recognize the staff for all of the hard work and the time that they have put into this bill. From the minority committee staff I would like to thank Matt Washington, Danny Cromer, as well as Michael Reed and Chris Chon from my personal office. From the majority committee staff I would like to thank Donna Shabazz, Sue Quantius, Sarah Young, and Tracey Russell.

I would also like to thank Mr. DICKS and Mr. ROGERS, who serve as the distinguished ranking member and chairman of this committee and who set an extremely great example of how committees and ranking members and chairmen should work together. There's a collegial atmosphere, although we do have reasonable minds disagreeing on several of the issues. But we work together collegially, and I thank the chairman and the ranking member, Mr. DICKS and Mr. ROGERS, for their example in doing so.

I reserve the balance of my time.

Mr. CULBERSON. It's my privilege at this time to yield 5 minutes to the chairman of the full committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the chairman for yielding the time.

Madam Chair, I rise in support of this bill. Earlier this week, we celebrated Memorial Day—a day to commemorate those warfighters who made the ultimate sacrifice in the name of our great Nation. I can think of no better bill to take up this week in honor of those heroes.

□ 1650

We know the risks our troops take to fight for our freedom, and it's the duty of Congress to care for them accordingly.

This bipartisan legislation ensures that our troops and veterans have the vital resources they need and deserve to fight successfully, have a sufficient quality of life, and stay healthy. This bill is funded at the same level as last year, \$71.7 billion in discretionary funding for construction efforts here and abroad, and for veterans health, job training, and disability and education benefits programs.

Included in this total is \$1.65 billion for military family housing, ensuring quality housing for more than 1.2 million military families. Also included is

funding for the improvements of existing military medical facilities and the continued construction of new ones to ensure rapid and quality care for our wounded troops.

As a result of savings from the planned drawdowns in construction and declining BRAC costs, as well as rescissions of excess prior-year funds and other efficiencies, we were able to increase spending on veterans health discretionary funding by more than \$2 billion while holding the line on overall spending.

But these increases were not without stringent oversight. We know there are areas where the VA can improve, so we've required them to report on construction expenditures and savings, and restricted them from taking certain spending actions without telling the Congress first. This bill continues to implement our committee-wide—indeed, House-wide—mission to smart, sustainable spending without negatively impacting our warfighters or vets.

You'll see that this bill was written very deliberately to most effectively provide for our troops and our veterans with the most careful and streamlined use of taxpayer dollars.

I want to commend Chairman CULBERSON and the ranking member, Mr. BISHOP, for their dedication and mutual respect as they crafted this legislation. There's not a subcommittee in our full committee that has the kind of cooperative spirit that this subcommittee has. Their staff and the members have worked hard and well to ensure that we bring a great piece of bipartisan legislation before the body today.

Last but not least, I also want to thank one former member of the subcommittee staff specifically for his tireless service, Tim Peterson, as he embarks on his retirement after more than 30 years of Federal service. Tim was most recently the clerk of this subcommittee, and as a member of the appropriations staff, has worked on veterans issue, among others, for almost 20 years. He also served on the Defense Subcommittee for 6 years. Before joining the committee staff in 1989, Tim was a budget analyst in the Office of the Navy Comptroller. Staff and members of the committee alike all agree that he was one of our best—knowledgeable, accurate, always professional.

He was a very calming presence. No matter what was thrown his way, he always rose above the fray and the hardships in order to get things done. His expertise and dedication will be greatly missed, and I thank him for his years of service.

One thing I want to mention in closing, the chairman mentioned language in the bill which I'm very grateful for dealing with the sharing of medical records between the DOD and the Vet-

erans Department. A few years ago, 2 or 3 years ago, I learned of a young soldier in my district who was hit by an IED in Iraq and was blinded in one eye and had some vision in the other eye. And when he was discharged, went to the veterans hospital because he was losing the vision of the other eye. They were unable to help him because they didn't know what the military hospital had done when they operated in his forehead around his eyes, and they couldn't get the records out of DOD at the veterans hospital to help him with his problem. The result was he lost his remaining eyesight.

The CHAIR. The time of the gentleman has expired.

Mr. CULBERSON. I yield the gentleman an additional 1 minute.

Mr. ROGERS of Kentucky. He lost the vision of the second eye simply because the veterans hospital could not get access to the military hospital after he was injured, I assume, from the hospital in Germany. That is unforgivable, that two Federal Agencies both dealing with military and veterans, can't share records. And so the language in the bill, which I am very grateful to the chairman and the ranking member for including, hopefully will force these two Departments to mesh these medical records so that we can save lives and save veterans and soldiers from untold misery.

As we remember those who lost their lives in battle, Madam Chair, we are reminded that we can provide our Nation's troops, our veterans, our military families, with the programs and services they have earned as a result of their service and sacrifice. So I urge my colleagues to support this bill.

Mr. BISHOP of Georgia. At this time I'd like to yield such time as he may consume to the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the full committee.

Mr. DICKS. Madam Chair, I rise in support of the Fiscal Year 2013 Military Construction and Veterans Administration Appropriation bill. This bill continues the strong tradition of bipartisanship and finding common ground as members traditionally work together to fund construction of military facilities and strive to improve the quality of life and care afforded to our veterans and military families.

I want to associate myself with the remarks made by Chairman ROGERS about Tim Peterson. He was and has been one of our outstanding clerks on the committee. I have had the pleasure of working with him throughout his entire career, and we're going to miss him, but wish him well in his future endeavors.

I also would say that this subcommittee has a very strong staff, and it's great to see the way Chairman CULBERSON and Ranking Member SANFORD BISHOP have worked together.

And I want to say also that Chairman ROGERS is absolutely correct, we have

to overcome this inability to get information between our military and veterans hospitals, and the private sector as well. We've got to do everything we can to improve the treatment of our troops.

I have previously stated my objection to the Majority's decision to renege on the bipartisan agreement that was reached less than a year ago in the Budget Control Act. I believe the reduced discretionary allocation in the Ryan budget threatens to stall economic growth and job creation, and in the near term it introduces uncertainty in our appropriations process that imperils our ability to produce these bills in a timely manner. Accordingly, it is my belief that we could save a considerable amount of time in the appropriations process if we simply returned to the agreement reached last August—the \$1.047 trillion allocation level for this year—a level which even the Republican Senate leadership concedes is where we will eventually end up.

I am, however, encouraged that this bill fully funds the Department of Veterans Affairs discretionary budget request of \$60.7 billion. It meets the overall budget request in all areas of administrative expenses, research, information technology and facilities. The recommendation contains \$74.6 billion for the mandatory VA programs providing compensation and pensions, educational benefits, vocational rehabilitation, life insurance and housing loan programs.

I am particularly pleased that the Military Construction account includes \$546.9 million for construction and replacement of Department of Defense Education Activity schools. A total of 10 schools will be refurbished with this funding—six in the United States and nine schools at overseas installations. Many of these schools are in exceedingly poor condition and these improvements are long overdue. I have been a strong advocate for the modernization of schools serving the children of our nation's service members and I commend the Chairman and Ranking Member on their commitment to this effort.

In addition, this bill continues to ensure that we are providing high-quality, safe, and healthy living accommodations for our single military members. Many of the older barracks in the military are at the end of their 30 to 50-year design life cycle and do not meet current design standards or current building codes. This bill includes \$927 million for 21 barracks, dormitories, and bachelor enlisted quarters that will address substandard living conditions and boost morale among our troops. While this bill makes significant progress in addressing current deficiencies, it does not address all the housing shortfalls for our single service members. The quality of our installations is a measure of the nation's commitment to the troops who defend it, and we must continue to improve the substandard conditions of the military's barracks, dormitories, and bachelor quarters in the future. I encourage the Department of Defense to continue to replace these facilities in a timely manner.

There is one provision in the bill that concerns me. During full committee consideration, an amendment was passed that would restrict the use of Project Labor Agreements on military construction projects. Current policy gives

the Defense Department the option to choose whether a PLA is appropriate for a particular project—whether it will save money or accelerate construction schedules at the government's convenience. An amendment will be offered on the floor later today to remove this harmful language and I encourage my colleagues to vote for it.

Mr. CULBERSON. Madam Chair, at this time I would like to yield 2 minutes to my good friend, the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Madam Chair, I rise in support of this legislation and commend Chairman CULBERSON and Ranking Member BISHOP on their work and the subcommittee on this bill.

Earlier this week, we remembered Memorial Day and many of us around the Nation gave words in recognition of those who paid the ultimate sacrifice in defense of freedom. It is altogether fitting and proper that we would do that, but our words need to be backed up with actions. This bill provides the action that backs up our words.

In hearings before the subcommittee, we heard from Marine Corps Sergeant Major Michael Barrett; and in his testimony, his phrase echoed in my mind. He said keeping the faith goes both ways.

Well, our Constitution makes it clear that the obligation of our Federal Government is to provide for the common defense. This bill keeps the faith for those men and women who are providing for that common defense. We make sure that our military has the resources and the facilities needed to train, to house, to educate their families, to equip our servicemembers. But it also makes sure that we have the resources to provide health care and benefits to those veterans who have served. And to make it quite clear, we're not giving those veterans anything. They have earned every bit of it. They honored their commitment. It's important that the Nation honor our commitment back to them.

And while this bill keeps the faith with our military, it also keeps the faith with the taxpayers. We're doing our part to curb spending by funding those Departments at a more responsible and effective-use level. It provides an increase in funding for veterans health care; but by cutting military construction, we provide level funding, and that's a responsible thing to do.

Mr. BISHOP of Georgia. At this time I'm happy to yield 2 minutes to the gentlewoman from California (Ms. LEE).

□ 1700

Ms. LEE of California. First let me thank you, Congressman BISHOP, for yielding time, and also for your very thoughtful and steady leadership as our ranking member on this Appropriations Subcommittee. We appreciate your leadership.

Also, I want to thank the chairman and, again, our ranking member for

your bipartisan efforts, and also for including language in this bill which would require the Department of Veterans Affairs to report to Congress detailed plans to eliminate the backlog and improve the accuracy of the claims process within 6 months.

I introduced this language because, first, I just have to say, as the daughter of a military veteran, I know firsthand the sacrifices and the commitment involved with military service. But let me say this: It is just totally unacceptable and shameful to force the very people who put their lives on the line to wait months—and, in some cases, years—to receive the benefits that they have earned.

Last week, I joined with my colleague, Congresswoman JACKIE SPEIER, and over 200 veterans at an event to address the backlog at the Oakland Veterans Affairs regional office. We listened to the veterans as they came up to speak one by one with a story and a struggle. The pain and suffering of these veterans, it was overwhelming. I wish, Mr. Chairman and Mr. Ranking Member, you could have been there to listen to this testimony. Hopefully, we'll be able to share some of that with you and with the subcommittee because this language that we put in really will address many of the issues that were raised.

For example, I heard one of my constituents say that he waited 6 months just for the paperwork and spent another 2 years waiting for the Oakland Veterans Affairs office to consider his request to upgrade his disability rating for posttraumatic stress. This young man sacrificed a great deal going overseas to fight for our country, and yet now he has been asked to put his life on hold—really, just on hold—until his claim is processed. There are thousands of other stories just like his where veterans are waiting an average of 320 days to see some relief.

The CHAIR. The time of the gentlewoman has expired.

Mr. BISHOP of Georgia. I yield the gentlelady an additional 30 seconds.

Ms. LEE of California. I just want to conclude by saying, now the VA is saying that they will reduce this backlog and improve accuracy by 2015, but waiting 3 more years is really quite unacceptable. Veterans in my district and throughout the country cannot wait any longer, Madam Chair. These veterans served our country when we needed them, and it's our responsibility as a Nation to be there when they need us.

So I want to thank you again for inserting this language into the bill, and hopefully this will be the beginning of some justice for these veterans who deserve it.

Mr. CULBERSON. Madam Chairman, I want to assure my colleague from California and all the Members, and all the members of the military tonight

listening, if you have retired recently, our subcommittee is going to really bore in on this and make sure that the claims backlog is dealt with, that it's done expeditiously. Obviously, we want to make sure that these men and women who, again, have earned everything that this country can possibly give them, to make their life comfortable and secure, to make sure that their health is taken care of, that that claims backlog is dealt with.

I also want to reassure my colleagues—and I know that we've got a rapt audience at the Veterans Administration here tonight as well—that we are going to really bore in on this medical records problem. It is utterly unacceptable for Federal bureaucracies to not work together on something as vitally important as medical records.

The example that Chairman ROGERS gave us of a young man who lost his eyesight because of a bureaucratic inadequacy and just foolishness is just not acceptable. We had another story of a young man who actually lost his life in BILL YOUNG's district, Chairman YOUNG of Florida. So we're going to make sure that those issues are dealt with, and again, to make sure that our men and women in uniform don't ever have to look over their shoulder to worry about what the United States Congress has done to support them.

I reserve the balance of my time.

Mr. BISHOP of Georgia. At this time I'd like to yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I certainly want to thank the ranking member for yielding. I want to thank my good friend from Texas, Chairman CULBERSON, thank both of them for this bipartisan approach.

Mr. Chairman, contract and other non-VA medical providers play a vital part in the VA medical system, providing veterans medical services throughout the State of Texas and the United States where the VA doesn't currently operate VA-run and -staffed facilities.

Despite the critical role that they play throughout Texas, many of these providers in my south Texas district are experiencing continuing issues with receiving timely compensation for services rendered. Many of the past-due claims are well over 60 days past due.

Non-VA medical providers are dedicated to providing the highest quality medical care possible to the veterans, providing them choice; however, they operate on a fee basis and rely on timely compensation for services rendered to continue to operate. If these providers are unable to receive timely payment from the VA, economic reality will eventually force them to stop providing services to the veterans.

A factor that further complicates this situation is the VA's overall lack of responsiveness to inquiries from medical providers and even Members of

Congress about past-due medical payments.

Mr. CULBERSON. Will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Texas.

Mr. CULBERSON. Yes, Mr. CUELLAR. Absolutely, we're going to bore in on this.

MD Anderson, of course, is one of the Nation's greatest cancer centers. We have had complaints and concerns expressed to my office about the slow pay of the Veterans' Administration for MD Anderson's treatment of VA patients. And absolutely, we're going to get to the bottom of it. There's just no excuse for it.

If services have been rendered—and clearly, MD Anderson, again, if you're lucky enough to be treated by MD Anderson, they're the greatest in the world. We're going to make sure that they're paid promptly. I understand that MD Anderson is currently owed over \$1 million. It's just unacceptable. We'll do everything we can to help.

The CHAIR. The time of the gentleman has expired.

Mr. BISHOP of Georgia. I yield the gentleman an additional 30 seconds.

Mr. CUELLAR. I yield to the gentleman from Texas.

Mr. CULBERSON. I also want to be sure to thank my colleague from Texas (Mr. CUELLAR) and say how much I've enjoyed working with him over the years in securing our border in Texas. We've got language in the bill, which Mr. CUELLAR suggested, to encourage the Army National Guard to work with our Border Patrol and law enforcement authorities on the border in a cooperative way to ensure that the laws are enforced because, of course, we want that border to work securely and fairly so we get that strong economic growth back and forth while keeping out the criminals and gunrunners. HENRY, you've been a leader in this effort to secure the border, and it's a privilege to work with you on this.

Mr. CUELLAR. Thank you, Mr. Chairman and ranking member.

Mr. CULBERSON. Madam Chairman, at this time I'd like to yield 2 minutes to my good friend from Kansas (Mr. YODER).

Mr. YODER. Thank you, Mr. Chairman.

I just want to join the chorus of those who appreciate the work done on the Military Construction-Veterans Affairs Committee. The work by Chairman CULBERSON and Ranking Member BISHOP is a true spirit of bipartisanship, and it shows what we're capable of when we work together towards a common goal.

It's hard to think of an issue more important than honoring our Nation's veterans, those men and women who stood in the field of battle, who assumed the call of duty, served admirably, protecting our Nation and pro-

tecting freedom and liberty around the world. So this committee and this appropriations bill is important to me.

As a freshman member of the committee, I can think of no better place than to be in a position to help advocate for our men and women who serve the country. After that service is concluded, it's our responsibility as a Nation to honor that commitment by ensuring that the benefits are high quality and are there, and that the access is available to those whom it was promised to.

I commend the committee for working with the Veterans Affairs Department and other areas of the government to find and ensure that our constituents and folks across this country who served receive the benefits they were promised, and they receive the access and quality and all sorts of things, from physical to mental health care, to our facilities, making sure they're quality facilities, renovated, and that the men and women receive the care that was promised, because these benefits are earned, not given. That's a topic I think that's very near and dear to these veterans is that these services were earned in the field of battle. They were earned through service, and it is our responsibility and our duty to honor that commitment.

So I look forward to continuing to work with the committee, look forward to working with Members of both parties as we continue to do all that we can. And I join the efforts of the chairman to ensure that resources are going to the proper spots, that it's being done quickly and adequately, and that we don't have veterans waiting and waiting forever to get the services they were promised. It's our duty and responsibility to honor that commitment, and I am here to stand in strong support of the budget that the committee has put together today.

Mr. BISHOP of Georgia. At this time, Madam Chairman, I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, at this time I'd like to yield such time as he might consume to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE) for the purpose of a colloquy.

Mr. ALTMIRE. Madam Chairman, let me thank Chairman CULBERSON for his excellent work on this important bill which funds our Nation's military construction projects and provides support to the infrastructure that serves our Nation's veterans.

□ 1710

The Veterans Affairs campus located in Butler, Pennsylvania, provides critical health care services to veterans across western Pennsylvania. Two years ago I worked with my colleagues to provide \$8.5 million to make improvements to the campus to ensure the veterans in our community receive

the best care in the most up-to-date facilities.

Despite these improvements, the VA has plans to move forward with construction of an offsite health care center. And while this is a laudable initiative by the VA, many veterans in our community are worried that the construction of this new center will lead to the elimination of services that are currently available to them at the Butler VA, which is a valuable asset to the community relied upon by veterans throughout western Pennsylvania.

Valid questions about the rationale behind constructing a new facility have been raised in the veterans' community, and their input should be heard. Any new, offsite facility should complement, not replace services currently provided at the Butler VA campus. My colleagues and I will continue to monitor this issue to ensure the highest quality services to veterans will continue to be provided at that facility now and in the future.

I yield to the Representative of the Butler VA facility, my friend, Congressman MIKE KELLY.

Mr. KELLY. Madam Chairman, I thank the chairman for the hard work on this vital appropriations bill.

I met with some veterans back in Butler on Tuesday morning, and their concern is with the Butler campus and the building of a new health care center. Now, here's where the questions come. Specifically, they want to know why the VA would build a brand new, \$16 million health care center while the existing facility, Building Number 1, was recently renovated, upgraded, and provides roughly 70,000 more square feet than the new health care center.

The decision to build the new health care center was done with no public hearing, which the VA readily admits. And according to local veterans, the VA failed to provide a forum for their input.

Now, veterans in my district would like to be reassured that the services they currently receive will be met and exceeded without any disruption in continuity. Many would like to know why a new facility is being built when the current facilities could have been further upgraded, and the potential savings could have been used to improve the quality of the service provided.

The VA should respond to the veteran community with reassurances that the care and service at the Butler VA is being enhanced, not diminished by the construction of a new health care center.

Mr. CULBERSON. Will the gentleman yield?

Mr. ALTMIRE. I yield to the gentleman from Texas.

Mr. CULBERSON. Madam Chairman, my colleagues from Pennsylvania raise a really important issue that absolutely the subcommittee will look into.

It's a constant source of concern for us to see Federal agencies waste our constituents' precious tax dollars for, it appears to me from the way you've described it, possible elimination of existing good service, duplication of existing service, and unnecessary expenditure of tax dollars.

We will work very closely with you and do all that we can to help make sure that the veterans that you represent are being given the very best possible health care at the best value for taxpayers.

Thank you very much.

Mr. BISHOP of Georgia. I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, I yield 2 minutes to a friend and colleague from Texas, Judge JOHN CARTER.

Mr. CARTER. Madam Chairman, I thank the distinguished chairman of the Military Construction and Veterans Affairs Appropriations Subcommittee, on which I have the joy to serve, and I commend him on a great product, and I commend Mr. BISHOP on a great product.

Madam Chair, I rise today in support of H.R. 5854, the Military Construction and Veterans Affairs appropriations bill. This bill is very important because it takes care of our soldiers and our warriors, wherever they may be, their families, and the Nation's veterans.

This bill ensures our warriors and their families will have quality housing, schools, medical and dental facilities, training facilities and much, much more. In fact, this bill provides a recommendation of over \$546 million for the construction or replacement of DOD education activities and schools.

As a consequence, what we appropriate with this bill is a peace of mind dividend to our warriors because they're like parents everywhere: you've got to worry about your kids and their schools when you're away doing your job. So this is an indication by us that our Nation cares for our soldiers and our warriors, wherever they may be, and want to provide the best.

Madam Chair, this bill is a good bill. And yet, it meets the obligations we have to these warriors, and we stay within our projected view that it's time for us to keep a close eye on and squeeze every budget to make sure that we're saving the taxpayers' dollars.

Chairman CULBERSON has been a warrior on behalf of those savings and, joined by Mr. BISHOP, they have produced a good product, one that is worthy of this Congress and worthy of this country. And I'm glad to have had a small part in that.

Mr. BISHOP of Georgia. I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, at this time I'd like to engage in a colloquy with the distinguished chairman of the House Transportation Com-

mittee, Mr. MICA of Florida. I yield 2 minutes to the gentleman for that purpose.

Mr. MICA. Thank you so much, Mr. CULBERSON, for yielding to me. I appreciate the gentleman yielding for the purpose of this colloquy.

Madam Chairman, as you may know, the new Veterans' Administration Medical Center under construction in central Florida has experienced some serious delays and possible cost overruns that have raised significant concerns for Florida veterans who have earned and deserve this facility.

With Florida's growing veteran population and more veterans returning to our State from current conflicts, this facility is, in fact, key to keeping our pledge to aid those who served our Nation. It is important to clearly state the intent and the serious commitment of Congress that this new facility should be completed as soon as possible, and also make certain that we do everything in our power to ensure that the Federal resources necessary are available to complete that project.

Is this your intent?

Mr. CULBERSON. Will the gentleman yield?

Mr. MICA. I yield to the gentleman from Texas.

Mr. CULBERSON. Yes, absolutely, Chairman MICA. We're going to ensure that there are enough Federal resources to complete that veterans facility, but also to ensure that we're good stewards of the treasury and that our tax dollars are spent wisely and carefully. And we're going to make certain that the VA is not wasting money and not engaging in cost overruns, sir.

Mr. MICA. Well, thank you. And I'm so appreciative of your commitment and support. This is very important to our veterans, and we are most appreciative of the commitment you've made to central Florida and those that have served our Nation, not only on this, but all the projects.

Mr. CULBERSON. Thank you, Chairman MICA. You've been a stalwart leader on behalf of veterans for many years here in Congress. And thank you for bringing this to our attention. The subcommittee is going to give it our full attention and make sure that facility is built in a way that's cost effective and takes care of your veterans.

Mr. BISHOP of Georgia. Madam Chairman, we have no more speakers. I yield back the balance of my time.

Mr. CULBERSON. Madam Chairman, as we wrap up the opening part of this bill, I think it's important to point out to the Members of the House, to the country, that this is the third appropriations bill that has been brought to the House floor under the leadership of Chairman ROGERS, the third appropriations bill that we've brought up as a new majority in the House. And this, to my knowledge, is the first time in American history that there have been

three successive spending bills in a row.

Mr. DICKS. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. I know the gentleman wouldn't want to mislead the House. This is the second bill. We're going to get to the third bill, but this is number 2.

Mr. CULBERSON. What I was remembering, my good friend, Mr. DICKS, is when we first came in the spring, I think there was an omnibus bill that had to be dealt with.

Mr. DICKS. That was last year. H.R. 1. We remember it. It was 800 amendments, 600 on your side, 200 on our side.

Mr. CULBERSON. What we've done, I know on this committee, is work arm-in-arm to find ways to solve the Nation's problems.

Mr. DICKS. We're going to get the third one up tomorrow or maybe tonight even.

Mr. CULBERSON. We are indeed. We're going to finish this bill tonight, Mr. DICKS. But it's important to point out, I think, that Chairman ROGERS deserves a great deal of credit. This committee has worked. We have searched every nook and cranny we can of the Federal budget under our jurisdiction to save every possible dollar we can, and this is the first time, certainly in my memory and my knowledge of American history, that we've had multiple appropriations bills in a row that have reduced Federal spending.

□ 1720

Our constituents want us to do, obviously, far more. Yet when it comes to the military, when it comes to Veterans Affairs, we have worked arm in arm to save every possible dollar while at the same time preserving the quality of care for our veterans in the VA health care system. Then, in the armed services of the United States, when they're in uniform, we have made certain that all of their needs are taken care of when it comes to housing, when it comes to the education of their kids, when it comes to the caliber of the facilities that they have to live and work in. So it is our privilege to bring this bill to the House tonight in a bipartisan fashion.

I yield back the balance of my time.

Mr. FARR. Madam Chair, this past weekend, we remembered the patriotic sacrifice of those that have lost their lives in service to our country, and, today we renew our commitment to keep our promise to the nation's more than 2 million troops and reservists, their families, 22.2 million veterans, and 35.5 million family members of living veterans or survivors of deceased veterans.

This committee has a strong history of working in a bipartisan way to produce a bill that supports our active duty servicemembers, our veterans and their families, and this bill is no exception.

I commend the Chairman and Ranking Member for their hard work in ensuring that this bill is another significant step in fulfilling the promise our country made to leave no veteran behind.

For example, the Office of the Inspector General recently filed a report that identified weaknesses in the VA's mental health care system. With the mental health needs of our returning servicemembers increasing, it is vital that the VA get this right.

The bill before us today provides resources to implement the recommendations of the OIG to provide timely access to mental health care services. We have an obligation to take care of our veterans' physical AND mental health, and I am glad this bill recognizes that critical fact.

Additionally, I am pleased to see that this bill again emphasizes the needs of our veterans in rural areas. The National Cemetery Administration has stated that 10% of all veterans will not have access to a burial option in a national, State or tribal cemetery within 75 miles of their home.

While the strategy to extend services to some rural veterans outlined in the 2013 budget request is a good first step, it fails to address a long term strategy to fix this problem. This bill instructs the VA to correct this oversight and, on behalf of Central Coast veterans, I look forward to the Secretary's report on the VA's long term strategy to address the burial needs to rural veterans.

I would note that while this bill is \$13.2 billion above last year's enact level, it is also \$259 million less than the President's request. While I am glad to see this bill has been protected from Ryan budget cuts, I strongly believe this Congress needs to get back to the balanced approach we agreed to in the bipartisan Budget Control Act.

Mr. MORAN. Madam Chair, I move to strike the last word.

It seems Republicans are incapable of legislating without exacting a toll from federal employees.

Earlier this year, in order to prevent a Social Security tax increase on all Americans, House Republicans insisted that future federal employees nearly quadruple the amount they contribute to their own retirement.

Without a corresponding increase in benefits, the larger contribution was simply a pay cut.

After the tax extenders bill, Republicans sought a toll from federal employees on the Transportation Reauthorization bill.

That bill's price for federal employees was a 1.5 percent reduction of agencies' contribution to their retirement benefit.

Federal employees would have been forced to make up the difference—again, a pay cut.

The most egregious attack, unsurprisingly, came from the Budget Resolution offered by Mr. RYAN.

Mr. RYAN's budget directed the House Oversight and Government Reform committee to identify nearly \$80 billion in "savings" from federal employee benefit programs over a ten year window.

The committee recommended increasing retirement contributions by 5 percent with no corresponding increase in benefits for all current federal employees, immediately increas-

ing retirement contributions to 5.8 percent for all new federal employees, and eliminating the Social Security supplement for all federal employees who retire before becoming eligible for their earned Social Security benefit.

And just today, it was revealed that the Republican Leadership has proposed using federal compensation cuts to offset a student loan rate reduction extension. What a shame.

This evening I rise to speak against the federal employee cuts contained in the underlying bill.

The MILCON/VA bill would freeze the pay of some 305,000 civilian employees of the Veterans Administration and some DoD employees for a third consecutive year.

It is astounding that Members of this body would stand up this evening and proclaim the solemn debt our country owes to our veterans knowing this bill cuts the benefits of those who treat and care for our retired servicemembers.

Today there are approximately 100,000 homeless veterans. VA employees work every day to reduce that tragedy and as a reward this body will freeze their pay.

According to the most recent reports, veteran unemployment has actually dropped below the national average.

The VA counselors that assist veterans in their search for employment undoubtedly deserve some recognition for this trend.

To thank them, this body will again try to freeze their pay.

Finally, an estimated one in five veterans from our conflicts in Iraq and Afghanistan will return home with some type of post-traumatic stress disorder.

Mental health providers and counselors in the VA and DoD will treat these wounded warriors.

In fiscal year 2013, if this body gets its way, they will see no increase in their pay.

The United States has unarguably the greatest civil service in the world.

Republican attacks against civil servants are unwarranted, unjustified, and extremely disappointing.

Every day, federal employees provide vital services that help keep our nation healthy, safe and strong.

I strongly oppose the federal employee cuts contained in this bill.

Ms. MCCOLLUM. Madam Chair, I rise in support of H.R. 5854, the FY13 Military Construction-VA Appropriations Act. This subcommittee has a strong record of bipartisan collaboration and I want to commend Subcommittee Chairman CULBERSON and Ranking Member BISHOP for their leadership in advancing this important bill.

However, I remain disappointed that the Republican Majority continues to depart from the spending caps agreed to in the Budget Control Act of 2011, which already mandates deep spending cuts across the Federal budget. As we continue passing appropriations bills under the constraints of the Republican Budget Resolution, it is crucial that we protect our veterans and military families from any deep and harmful budget cuts. Members of the Committee were able to do so in this bill by providing ample funding for veterans healthcare, education, and construction improvements on our military bases. It also takes much needed action to improve the VA and Pentagon's health records sharing program.

It is an honor to serve on the subcommittee that ensures that our armed forces, their families, and our veterans get the critical resources they have earned. After listening to veterans in my District and meeting with military families on bases across the country, I worked to further strengthen H.R. 5854 to reflect their priorities. I am pleased that this bill contains language that helps women veterans gain access to important medical needs, including prosthetics for women amputees. This bill also contains language that fully supports the Defense and Veterans Affairs Departments in their efforts to increase their use of clean alternative energy sources. Lastly, it encourages our military to continue their strong commitment to providing the best quality child care and housing on base.

Although the Subcommittee reported a "clean" bill, I was disappointed that a harmful and unnecessary amendment restricting project labor agreements was adopted during Full Committee markup. I am strongly opposed to the inclusion of the provision and it is my hope that members vote to remove it before final passage of the legislation.

America has a debt to pay for the service and sacrifices our veterans have made for all of us. The funding provided in this bill is absolutely essential to provide the services and support to all our veterans, especially those returning from Iraq and Afghanistan. We can and must meet our commitments to the millions of veterans, service members and their families here and across the world.

Passage of this bill would help accomplish this and I urge my colleagues to support it.

Ms. RICHARDSON. Madam Chair, I rise today in support of H.R. 5854, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act for Fiscal Year 2013, which supports our military and their families and provides the benefits and medical care that our veterans have earned for their service.

H.R. 5854 provides the facilities and infrastructure needed to house, train, and equip our military personnel to defend this Nation, both in the United States and abroad, provides the housing and military community infrastructure that supports a good quality of life for them and their families, and allows the military to maintain an efficient and effective base structure. The bill also funds programs to ensure that all veterans receive the benefits and medical care that they have earned as a result of their sacrifices in the service to our Nation.

This bill builds on the progress of Democratically-led Congresses from 2007 through 2010 for veterans. Just as our military pledges to leave no one behind on the battlefield, Democrats in Congress have pledged to leave no veteran behind when they come home. This bill provides \$71.7 billion in discretionary spending for Fiscal Year 2013, equal to last year's level.

For VA programs, the bill provides \$60.7 billion in discretionary funding, \$2.2 billion above the FY 2012 enacted level. The bill also assumes \$74.6 billion in mandatory funding. With this funding, the VA will be able to provide quality medical care to more than 6.3 million patients in 2013, including 610,000 veterans of Iraq and Afghanistan.

Madam Chair, let me note my strong opposition to a number of provisions in this bill.

This bill enacts a pay freeze on federal workers and rejects the President's proposed 0.5 percent pay raise.

I also oppose the language banning the implementation of the executive order encouraging government agencies to require contractors for large-scale Federal construction projects to negotiate or participate in labor agreements with unions. Republicans are trying to use this critical measure for our military and veterans to advance their controversial anti-worker agenda of no project labor agreements in Federal contracting.

I would like to take a moment to express my strong support for the Grimm amendment. Last year, I worked with Congressman LATOURETTE on defeating anti-Project Labor Agreements (PLAs) language in the MilCon/VA Appropriations bill and this year I rise in support of the Grimm amendment.

Section 517 of H.R. 5854 prohibits agencies from being able to use all available methods to ensure that Federal contracts are cost-efficient. Section 517 of this legislation increases the risk of project cost overruns, delays, and fails to protect our workers.

The Grimm amendment ensures that funds for large-scale construction projects utilize the most cost-effective and efficient process for the awarding of Federal contracts and simply saves taxpayers money!

Madam Chair, however one feels about Project Labor Agreements, the MilCon/VA bill is not the appropriate vehicle to have this debate. The MilCon/VA bill is intended to reflect our commitment to our veterans and our service members in uniform and should be limited to that purpose.

The Grimm amendment simply allows Federal agencies to use all tools at their disposal in awarding large-scale contracts that ensure taxpayer funds are used efficiently and that projects are completed on time and on budget.

All of us in Congress are looking at ways to rein in our deficit. This amendment protects workers and taxpayer funds. I urge my colleagues to support the Grimm amendment.

Madam Chair, in my remaining time let me discuss an additional reason why I support this legislation. This bill includes \$169 million for the ongoing effort to create an integrated electronic health record system that transitions from an individual's active service in the military to the VA and requires the VA and Defense Department to provide Congress with an execution and spending plan for FY 2013 and outline a road map for completing the project.

The bill also includes the requested levels of \$1.4 billion for VA homeless assistance programs and \$4.8 billion for homeless veterans' treatment costs. The bill provides the requested \$250 million to improve access and quality care for the more than three million veterans residing in rural areas and \$6.5 billion for mental health programs including \$443 million for post-traumatic stress disorder and \$76 million for suicide prevention.

This is not a perfect bill but this piece of legislation addresses the most critical needs of our service members, military families, and veterans. The positive provisions outweigh the negative ones and I urge my colleagues to support H.R. 5854.

Mr. VAN HOLLEN. Madam Chair, I rise today to express my qualified support for H.R.

5854, the FY13 Military Construction and Veterans Affairs Appropriations bill. While I commend Chairmen ROGERS and CULBERSON and Ranking Members SMITH and BISHOP for their efforts to craft bipartisan legislation dedicated to addressing the needs of current and former servicemembers and their families, I support this bill with strong reservations about how the measure treats the very civilian employees who will be asked to provide the services and carry out the instructions outlined in the bill.

H.R. 5854 contains a number of important provisions designed to serve our military with an eye toward trimming spending, eliminating waste and directing taxpayer dollars more effectively.

The MilCon-VA bill, as it is called, funds construction by the Department of Defense for hospitals, clinics, schools, family housing and other facilities in order to deliver timely and vital medical care to our Nation's veterans, active military members and their families. The measure also provides funding for disability care, educational benefits and other resources to help advance U.S. missions abroad.

Specifically, I applaud the committee for funding support for medical services and facilities; for veteran's compensation, pension and burial benefits for former servicemembers, survivors and their dependents; and for the important family housing here and abroad that helps ease some of the financial burden faced by our men and women in uniform.

Despite providing necessary support for these and other important projects and programs, this bill also continues a troubling new Republican pattern in the Congress of balancing our fiscal accounts on the backs of our Federal employees. It seems like every time the Republicans bring a bill to the floor, they use it as a vehicle to attack public servants by cutting their pensions, or pay, or benefits to pay for other spending items. Federal employees have already given up \$60 billion of salary over 10 years as part of the two-year pay freeze. Starting in January 2013, new Federal employees will contribute more to their pensions to offset the \$15 billion cost of Unemployment Insurance Extension legislation. And with this MilCon bill, Federal employees are asked to give up the very small .5% partial COLA allotted in the President's FY13 budget request.

Nurses and rehabilitation specialists, weapons systems mechanics and border guards are among the many dedicated Federal employees that serve our country. They sometimes serve shoulder-to-shoulder on the battlefield with our uniformed servicemembers. They should not be a piggy-bank that Republicans turn to whenever they need a source of funds.

Mr. ISRAEL. Madam Chair, I rise today in strong opposition to section 517 of the Military Construction, Veterans Affairs and Related Agencies Appropriations Act. That is because it would prevent the Department of Veterans Affairs, and related construction agencies from using project labor agreements (PLA) when they determine that they would benefit from doing so. If an agency decides that it is in their best interest to enter into a PLA, they should be given the ability to make that call.

Project labor agreements increase efficiency and quality of construction projects and are an effective tool for ensuring that large and com-

plex projects are completed on time. They provide construction contractors with access to a highly skilled and well trained workforce and ensure that contractors comply with equal employment rules and environmental standards. And, workers have found that it protects their safety and wages. For these reasons, PLAs have been used in all 50 states and the District of Columbia; on the local, state, and federal level; and in the public and private sector.

You might have even heard of the Tappan Zee Bridge, Fort Drum, Walt Disney World and the Kennedy Space Center—all were built with project labor agreements. And any attempt to restrict even the consideration of project labor agreements where they would promote economic efficiency is simply the height of anti-union tactics getting in the way of good government.

There is an Executive Order that encourages agencies to use project labor agreements if it finds that an agreement would promote economic efficiency. During this time of fiscal restraint when the government must tighten its belt, it does not make sense to prohibit use of a proven business model that increases efficiency and keeps costs down. That is why I support the use of project labor agreements and am opposed to this anti-labor provision.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,820,323,000, to remain available until September 30, 2017: *Provided*, That of this amount, not to exceed \$80,173,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,551,217,000, to remain available until September 30, 2017: *Provided*, That of this amount, not to exceed \$102,619,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$388,200,000, to remain available until September 30, 2017: *Provided*, That of this amount, not to exceed \$18,635,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$3,569,623,000, to remain available until September 30, 2017: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$315,562,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, of the amount appropriated, notwithstanding any other provision of law, \$26,969,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters.

AMENDMENT NO. 2 OFFERED BY MR.

BLUMENAUER

Mr. BLUMENAUER. I have an amendment to offer.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 14, insert after the dollar amount the following: “(reduced by \$10,000,000)(increased by \$10,000,000)”.

Page 4, line 23, insert after the dollar amount the following: “(increased by \$10,000,000)”.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. I commend Chairman CULBERSON and Ranking Member BISHOP for their outstanding work and leadership on this appropriations bill. It provides for our veterans, for our military families, and it makes great strides for greater energy efficiency on military installations.

But I think it might be able to go farther.

My amendment would strengthen military national security and save taxpayers money by decreasing the Pentagon's energy consumption. The amendment would simply align the House bill with the Senate mark for the Energy Conservation Investment Program, ECIP, by providing an additional \$10 million for planning and design.

The Department of Defense is the largest manager of infrastructure in the United States and the largest consumer of energy in the world, using over 300,000 barrels of oil per day and almost 4 billion kilowatt hours of electricity per year.

That's as much energy as the entire State of Oregon, which I call home.

The Pentagon operates 500 installations with over a half million buildings and structures worldwide. Given the size and scope of our military's infrastructure, it's not surprising to find that the Department of Defense accounts for more than 70 percent of all energy consumed by the entire Federal Government.

I believe that the Pentagon and Congress have an obligation to taxpayers, who foot the Pentagon's bill of \$17 billion a year, which is spent on gasoline and diesel fuel, to not only decrease the military's overall level of energy consumption through efficiency efforts, but to move towards greater energy independence from the petrodictators.

It's a necessity for our continued national security, that of freeing our military from the tethers of foreign oil as resources grow scarcer and suppliers more unstable. It's also an obligation for anyone who is serious about cutting our national debt. Every \$10 increase in the price of petroleum costs the Pentagon an extra \$1.3 billion a year on top of what we're already spending.

There are alternatives. There are solutions.

Congress needs to act by providing the resources and the authorities the Pentagon needs because “supporting our troops” means securing their energy future. In some cases, Congress simply needs to stand out of the way so that the Pentagon can continue making progress. The \$160 million in the Senate bill is only a drop in the giant gasoline can if it is not accompanied by

a significant investment in alternative energy sources for use by the military. Leaders in the Pentagon and our veterans returning home from Iraq and Afghanistan stand behind the idea of making the military leaner and meaner by reducing its reliance on fossil fuel.

Speaking in reference to this amendment, Mike Breen, a veteran and vice president of the Truman National Security Project, said:

As an Operation Free veteran and former captain in Iraq and Afghanistan, I saw firsthand that we have a 21st-century military shackled to a 20th-century fuel. All of our civilian leaders must match the military's commitment and stop putting shortsighted politics ahead of good policy.

But some colleagues are tied to the past, and they've scuttled any and all efforts to provide for greater efficiency and alternatives in military vehicles.

The amendment I offer today must be accompanied by future investment in sustainable fuels in the military, and I hope my colleagues on both sides of the aisle will recognize that the only way to truly sustain a strong military and achieve energy independence is to stand up for these investments, not only today, but in future appropriations as well.

I thank the chair and ranking member of the subcommittee for their hard work. This appropriations bill puts us closer to where we need to be, and I hope they will join me in making this last push. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. CULBERSON. I rise to accept the gentleman's amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, the gentleman's amendment seeks to increase by \$10 million the Department of Defense's investment in planning and design funds for the Energy Conservation Investment Program, which is certainly a worthwhile program. I accept the amendment, but I cannot stand idly by when I hear the gentleman refer to energy independence.

There is no greater energy independence for America than a “drill here and drill now” for American energy resources. I proudly represent the west side of Houston. My neighbors, my friends, my colleagues are geophysicists and engineers who have kids in school and who play at the beach. I've grown up on the Galveston seawall while watching oil and gas rigs right off the shore. We can produce American oil and gas cleanly, safely, immediately, creating hundreds of thousands of jobs, vast wealth for the Nation and making America energy independent in the short run and in the medium run.

Clearly, we need to make investments in the future for alternative sources of energy, and I certainly agree with the gentleman from Oregon about

the need to make investments looking out into the future. Rice University, which I also proudly represent, is doing extraordinary work in developing ways of using carbon nanostructures to transmit electricity ballistically so that we can transmit, store, and transport electricity in ways that were never possible before. That holds the promise of making America energy independent, but that's way down the road.

I do have to say that, while I support the gentleman's amendment, I feel compelled to point out, if you would just unleash the entrepreneurship, the good judgment and the extraordinary technological capability, then the people of America, many of whom I proudly represent in west Houston, would be able to produce vast amounts of American oil and gas right here in the United States immediately. It would be a tremendous boost to the Nation's economy, making America energy independent in the short run. Clearly, because we've got enough shale gas, we could, frankly, support ourselves on shale gas and oil for who knows how long.

I do agree with the gentleman: for the long term, we do need to look at energy alternatives. Certainly, with regard to the Department of Defense, you've reduced one account by \$10 million and plussed up this account by \$10 million so that the overall cost of the bill does not go up. I do accept the gentleman's amendment, but I have a respectful disagreement with the premise of his argument.

I yield back the balance of my time.

Mr. BISHOP of Georgia. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Madam Chairman, I agree with the gentleman that the Department of Defense should be doing all that it can to reduce energy costs and to help us be energy independent. The Energy Conservation Investment Program is a fairly small, but key, component of the Defense Department's energy strategy.

□ 1730

The goals are to improve supply resiliency, implement energy security plans, and alter energy consumption at individual installations. Investing in this small program helps the Department to reduce its energy costs and help meet its facility energy mandates.

The Department has been funding ECIP as far back as 2001, and the committee has seen great progress on energy savings. For example, at Fort Liggett, they are building a 1-megawatt solar grid which will help that installation ease its energy consumption.

ECIP is a cost-saving program I think all Members should be happy to support. Therefore, I urge all Members to vote "yes" on this amendment, and

I'm delighted that the chairman has accepted it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by law, \$613,799,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed \$26,622,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by law, \$42,386,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed \$4,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Mr. HOLT. I move to strike the last word, Madam Chair.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chair, our Nation just marked another Memorial Day at war and another year in which the epidemic of suicides of our country's servicemembers and veterans continues. In April of this year, The New York Times' columnist Nick Kristof noted that for every American lost on the battlefield, about 25 servicemembers and veterans are dying by their own hands. These are silent casualties of war. And if we're to stop the epidemic, we must recognize it.

I want to thank the ranking member, Representative BISHOP of Georgia, and the subcommittee chair, Representative CULBERSON, for their recognition that continued funding for suicide prevention and outreach programs for our veterans must be a national priority. I'm pleased that the committee looked favorably on my request and included an additional \$20 million for suicide prevention outreach programs, including social media in this bill. This is the second year in a row that the House has taken this step because the administration and the VA have yet to create a dedicated programmatic funding

stream for suicide prevention and outreach.

Let me take this opportunity to urge the administration and our President to direct the Office of Management and Budget to create such a dedicated funding stream for such programs. Our suicide prevention response must be coordinated and must be funded properly over the lifetime of our veterans, because this is not a problem that will go away once the guns fall silent.

I thank my colleagues on the committee for all they have done to craft a bill that will help provide the services that our veterans need and deserve.

I yield back the balance of my time.

The CHAIR. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by law, \$305,846,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed \$15,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by law, \$49,532,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed \$2,118,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by law, \$10,979,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed \$2,879,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts,

\$254,163,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$4,641,000, to remain available until September 30, 2017.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$530,051,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$102,182,000, to remain available until September 30, 2017.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$378,230,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$83,824,000, to remain available until September 30, 2017.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$497,829,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$52,238,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$1,786,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$151,000,000, to remain available until September 30, 2017, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$349,396,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$126,697,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries within the United States Central Command Area of Responsibility, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 120. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be

submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission.

SEC. 121. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 122. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 123. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 124. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicapped-reserved spaces) to be provided by the BRAC 133 project: *Provided*, That this limitation may be waived in part if: (1) the Sec-

retary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.

SEC. 125. None of the funds made available by this Act may be used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 126. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5-10 relating to the policy, procedures, and responsibilities for Army stationing actions.

(INCLUDING RESCISSION OF FUNDS)

SEC. 127. Of the unobligated balances available for "Military Construction, Defense-Wide", from prior appropriations Acts, \$20,000,000 are hereby cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(INCLUDING RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances available for "Department of Defense Base Closure Account 2005", from prior appropriations Acts, \$212,291,000 are hereby cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 129. The total amount available in this Act for pay for civilian personnel of the Department of Defense for fiscal year 2013 shall be the amount otherwise appropriated or made available by this Act for such pay reduced by \$2,334,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 130. Of the proceeds credited to the Department of Defense Family Housing Improvement Fund pursuant to subsection (c)(1)(C) of section 2883 of title 10, United

States Code, from a Department of Navy land conveyance, the Secretary of Defense shall transfer \$10,500,000 to the Secretary of the Navy under paragraph (3) of subsection (d) of such section for use by the Secretary of the Navy as provided in paragraph (1) of such subsection until expended.

Mr. CULBERSON (during the reading). Madam Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$61,741,232,000, to remain available until expended: *Provided*, That not to exceed \$9,204,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses, Veterans Benefits Administration", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

AMENDMENT OFFERED BY MS. HAYWORTH

Ms. HAYWORTH. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 14, after the dollar amount, insert "(reduced by \$1) (increased by \$1)".

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Ms. HAYWORTH. Madam Chair, the purpose of this amendment is to equally increase and decrease funding by \$1 to address an issue for many of our guardsmen, reservists, and their families. A number of these men and women, these guardsmen and reserv-

ists, who dutifully serve our country for many years are never called into active duty. Under current law they are ineligible to receive a government memorial headstone or marker for their grave site.

This issue came to my attention in our own home district in New York when I heard from Mr. Charles Ricotta, who is a constituent of ours. He lost his son Joe to a heart attack. It was Joe's 47th birthday, and he had served in the Navy Reserve from 1997 to 2007. And despite his 10 years of service in the Reserves, he was not eligible to receive a government headstone or marker honoring his service.

Mr. Charles Ricotta, Joe's father, isn't looking for a handout. He's not looking for payments for any other burial services. He simply would like to purchase, at his own expense, a foot marker from the VA for his son's grave site to recognize Joe's service to our country.

So there is a piece of legislation that I've introduced, H.R. 2305, the Memorialize Our Guardsmen and Reservists Act, and that would correct this inequity by making available for purchase, through the Department of Veterans Affairs, headstones or markers for members of the Reserve components who did not serve on active duty.

A government memorial may cost less than other headstones. This particular one would seem to be a modest monument, but it's more than a simple appearance. It's a symbol of service and sacrifice for our Nation. Our servicemen and -women, active and inactive, have contributed or sacrificed their time and efforts for our Nation, and they've been separated from their families, friends, and civilian lives. Our Reserve components deserve the opportunity to be recognized for the commitment they have made to serve and defend our country. They share the same spirit of patriotism as the millions of soldiers who came before them and served in hopes that no others would be needed to serve in time of war.

Headstones or markers for our guardsmen or reservists would be paid for by the individual or family member at no additional cost to taxpayers. This has been endorsed by the National Guard Association of the United States, Reserve Officers Association, and the Association of the United States Navy.

This issue deserves our attention as we consider this legislation, and I look forward to working with my colleagues to address it.

With that, Madam Chairman, I yield back the balance of my time.

□ 1740

The CHAIR. Does anyone seek time in opposition?

If not, the question is on the amendment offered by the gentlewoman from New York (Ms. HAYWORTH).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, and for the payment of benefits under the Veterans Retraining Assistance Program, \$12,607,476,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$104,600,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2013, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$157,814,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$19,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,729,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$346,000, which may be paid to the appropriation for "General operating expenses, Veterans Benefits Administration".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,089,000.

VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States

Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note); \$43,557,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014: *Provided further*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$6,033,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$4,872,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$582,674,000, plus reimbursements, shall remain available until September 30, 2014.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, in-

cluding uniforms or allowances therefor; cemetery expenses as authorized by law; purchase of one passenger motor vehicle for use in cemetery operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$258,284,000, of which not to exceed \$25,828,000 shall remain available until September 30, 2014: *Provided*, That none of the funds under this heading may be used to expand the Urban Initiative project beyond those sites outlined in the fiscal year 2012 or previous budget submissions or any other rural strategy, other than the Rural Initiative included in the fiscal year 2013 budget submission, until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a strategy to serve the burial needs of veterans residing in rural and highly rural areas and that strategy has been approved by the Committees: *Provided further*, That the strategy shall include: (1) A review of previous policies of the National Cemetery Administration regarding establishment of new national cemeteries, including whether the guidelines of the Administration for establishing national cemetery annexes remain valid; (2) Data identifying the number of and geographic areas where rural veterans are not currently served by national or existing State cemeteries and identification of areas with the largest unserved populations, broken down by veterans residing in urban versus rural and highly rural; (3) Identification of the number of veterans who reside within the 75-mile radius of a cemetery that is limited to cremations or of a State cemetery which has residency restrictions, as well as an examination of how many communities that fall under a 75-mile radius have an actual driving distance greater than 75 miles; (4) Reassessment of the gaps in service, factoring in the above conditions that limit rural and highly rural veteran burial options; (5) An assessment of the adequacy of the policy of the Administration on establishing new cemeteries proposed in the fiscal year 2013 budget request; (6) Recommendations for an appropriate policy on new national cemeteries to serve rural or highly rural areas; (7) Development of a national map showing the locations and number of all unserved veterans; and (8) A time line for the implementation of such strategy and cost estimates for using the strategy to establish new burial sites in at least five rural or highly rural locations: *Provided further*, That the Comptroller General of the United States shall review the strategy to ensure that it includes the elements listed above prior to the submission of the report by the Secretary: *Provided further*, That this strategy shall be submitted no later 180 days after the date of enactment of this Act.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$416,737,000, of which not to exceed \$20,837,000 shall remain available until September 30, 2014: *Provided*, That funds provided under this heading may be

transferred to "General operating expenses, Veterans Benefits Administration".

AMENDMENT OFFERED BY MR. WELCH

Mr. WELCH. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 2, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Veterans Affairs to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7)).

The CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Madam Chair, this amendment, offered by my colleague from Colorado (Mr. GARDNER) and I, does something straightforward. It forces, really encourages, the VA to do something that it has been required to do, and that's report on energy efficiency.

One of the goals I think all of us have, regardless of our point of view about what is the best fuel source, is to do everything we can to make sure that we use less, not more. One of the best places for us to save on energy is in our Federal buildings. Anything we can do to encourage them, to do the inventory, so that they know what steps can be taken to use less energy means we are going to save taxpayers money and help their bottom line budget.

In previous legislation this Congress authorized, actually directed, that our agencies make these reports available. That's a step that would then allow them to participate in energy saving contracts with some of our energy saving companies. This legislation basically says let's get that job done.

I yield to my colleague from Colorado (Mr. GARDNER).

Mr. GARDNER. Thank you, Mr. WELCH, for allowing me to sponsor this amendment with you.

Energy savings performance contracts present a great opportunity for this government to do two of our highest priorities: number one, create jobs and, number two, reduce spending. It's an opportunity that we can all work together, something that has bipartisan support to make sure that we're doing the right thing when it comes to making our government buildings more efficient, and do it in a way that actually creates private sector jobs.

By some estimates the Federal Government can save \$20 million or more by implementing energy savings measures in Federal buildings. Again, this is a program that's been approved, it's in law, and it's something that we have seen before used in a way that can create jobs, private sector opportunity, but benefit all taxpayers by reducing spending.

I thank the gentleman from Vermont for the opportunity to work with him

and ask and urge the adoption of this amendment.

Mr. CULBERSON. Will the gentleman yield?

Mr. WELCH. I yield to the gentleman from Texas.

Mr. CULBERSON. Madam Chair, we have no objection to the amendment and will be happy to accept it.

Mr. WELCH. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

The CHAIR. The Clerk will read:

The Clerk read as follows:

GENERAL OPERATING EXPENSES, VETERANS
BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$2,164,074,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That of the funds made available under this heading, not to exceed \$113,000,000 shall remain available until September 30, 2014.

INFORMATION TECHNOLOGY SYSTEMS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$3,327,444,000, plus reimbursements: *Provided*, That \$1,021,000,000 shall be for pay and associated costs, of which not to exceed three percent of this amount shall remain available until September 30, 2014: *Provided further*, That \$1,812,045,000 shall be for operations and maintenance, of which not to exceed seven percent of this amount shall remain available until September 30, 2014: *Provided further*, That \$494,399,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2014: *Provided further*, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development,

modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the "Information technology systems" account for development, modernization, and enhancement may be transferred between projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the report accompanying this Act: *Provided further*, That of the funds provided to develop an integrated Department of Defense Department of Veterans Affairs (DOD-VA) integrated health record, not more than twenty-five percent shall be available for obligation until the DOD-VA Interagency Program Office submits to the Committees on Appropriations of both Houses of Congress a completed fiscal year 2013 execution and spending plan and a long-term roadmap for the life of the project that includes, but is not limited to, the following: (a) annual and total spending for each Department; (b) a quarterly schedule of milestones for each Department over the life of the project; (c) detailed cost-sharing business rules; and (d) data standardization schedules between the Departments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$113,000,000, of which \$6,000,000 shall remain available until September 30, 2014.

AMENDMENT NO. 7 OFFERED BY MR. TERRY

Mr. TERRY. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 37, line 15, after the first dollar amount, insert "(reduced by \$1) (increased by \$1)".

The CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Madam Chair, this is to request a dollar in and a dollar out to be used in that process for the inspector general to look into the VA Office of Acquisition, Logistics, and Construction, which is a subdivision of the Office of Construction and Facilities Management of the VA. This is the organization that builds and remodels new clinics and hospitals.

What I have discovered, because of experiences in Omaha, Nebraska, regarding a proposed new facility to replace a very obsolete and decayed facility, is that the Office of Acquisition, Logistics, and Construction of the Office of Construction and Facilities Management hires the engineering firms to do what turns out to be a skeleton request for proposal or bids.

They go out and then they start adding a bunch of stuff on there, because I don't know if it's because they're afraid to put all of the stuff they want in a bid because then it will look really big and too expensive. So what happens then, because they do that, there are literally two pages of projects that are needed for veterans.

But because of their practices and procedures, I don't know if it's purposeful or just competency issues, but the reality then is because of the cost overruns of these additions and the way that they're doing, it is perhaps increasing the price of the project by 25 percent, 50 percent, even accusations at the Orlando facility of doubling to almost a billion dollar hospital. What that does is it takes money away from future projects to complete the ones that they have miscalculated, again, either purposefully or unintentionally, but it's occurring.

What happens is they start canceling future projects or pushing them out even further. And by doing that what it means is that facilities that are decaying, need replacement, are continuing to be used, and really place the veterans' health in jeopardy. I will guarantee you that if some of these facilities are not replaced in the near future, there will be veterans who die because of the structural and infrastructure problems within these buildings.

□ 1750

So something has to change and an inspection and IG review has to be done to get the VA on the right course to do these in an affordable way without having to raid future funds from other projects.

So with that, Madam Chairman, I have one question, if I can ask the chairman, my friend from Texas.

I understand you're willing to accept this amendment?

Mr. CULBERSON. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Texas.

Mr. CULBERSON. We will accept the gentleman's amendment. He raised an important point for the committee's consideration.

Mr. TERRY. I appreciate that very much.

With that assurance, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

Mr. CULBERSON. Madam Chairman, I ask unanimous consent to consider out of order amendment No. 1 by the gentleman from Oregon (Mr. BLUMENAUER) and an amendment by the gentleman from Illinois (Mr. SCHOCK).

The CHAIR. Is there objection to considering the amendments at this point in the reading?

Without objection, that will be the order.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR.
BLUMENAUER

Mr. BLUMENAUER. I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 5, after the dollar amount, insert “(reduced by \$35,000,000) (increased by \$35,000,000)”.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. This is such a well-oiled machine, the subcommittee galloping ahead, and I apologize that I turned my head. I think it is worthy to go back and deal with this amendment offered on behalf of my colleague, CATHY McMORRIS RODGERS, and myself.

Today, America stands on the precipice of discovery when it comes to understanding how the human brain operates. These discoveries have huge implications for taxpayers—who cumulatively spend over a half trillion dollars a year on treatments for brain-related issues—and for some of the most pressing medical challenges we face.

Scientific breakthroughs in neuroscience research have led to a higher quality of life for the 50 million Americans who are affected by neurological illnesses every year. Two of the most pressing examples of how outside trauma and events can drastically alter the structure and function of our brain are under the purview of this subcommittee: posttraumatic stress disorder and traumatic brain injury.

These injuries can often be hidden from the naked eye. Almost one in five soldiers in the previous decade suffered a traumatic brain injury, and 15 percent of veterans are diagnosed with posttraumatic stress disorder. That represents hundreds of thousands of cases of cognitive and physical impairment due to TBI and PTSD that impact the lives and the loved ones of our servicemen and -women.

Today, Congresswoman McMORRIS RODGERS and I, as cochairs of the Congressional Neuroscience Caucus, are offering an amendment to the Military Construction and Veterans Appropriations Act to ensure that the Veterans Administration continues to have the resources it needs to find innovative new medicines and enhanced diagnostics for what can truly be termed an epidemic. The amendment does not increase or decrease any accounts in the appropriations bill. It simply requires that no fewer than \$35 million of the medical and prosthetic research account go towards posttraumatic stress disorder and traumatic brain injury so that we can expedite a cure for active duty personnel and veterans suffering the effects of brain and psychological trauma incurred during their service.

We are keenly aware that translating research into effective treatments and therapeutics is a long and difficult process. Every area of research undertaken by the VA to help our veterans must be a priority. But we believe that TBI and PTSD research must be further prioritized in this bill because we are so close to the finish line in our race to find the right treatments for these brain injuries that now is the time to dig deep and make the final push.

Also, these items demand our special attention because their effects can so easily harm a soldier's family and loved ones if not properly diagnosed. Early detection and prevention preempts chaos, hardship and, indeed, in some cases, further loss of life.

We must commit to better understand how the brain's 100 billion nerve cells grow, interact, and are altered by our environment. It's hard to think of a more fitting gesture from this body a few days after Memorial Day than supporting this amendment to demonstrate our commitment to finding effective treatments and therapies for these neurological impacts which plague our military personnel who dutifully serve our country. We must remember our duty to the wounded warriors who face a long journey to recovery. These harms may not be as visible as a missing limb but can be even more damaging to a veteran's future and relationships.

I urge my colleagues to support this amendment, a commitment from Congress to our servicemembers that we will continue to do all we can to develop new medicines and technologies to improve the lives for those in need.

Again, I appreciate the extraordinary courtesy of the subcommittee and respectfully urge adoption of this amendment.

I yield back the balance of my time.
Mr. CULBERSON. I rise in support of the gentleman's amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. The gentleman brings to the attention of the Congress and the country an extraordinarily important issue that the committee is focused on. Post-traumatic stress disorder is so extraordinarily important and difficult to diagnosis in many cases.

I appreciate the gentleman's amendment. We welcome it and will continue to do everything we can to help make sure to alleviate the suffering of a lot of our veterans and what they go through as they return from serving this great Nation.

We accept the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHOCK

Mr. SCHOCK. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 23, insert after the dollar amount the following: “(reduced by \$16,000,000) (increased by \$16,000,000)”.

The CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SCHOCK. First, let me say thank you to my good friend from the great State of Washington for his cooperation in allowing me to offer this amendment at this time.

This amendment specifically dedicates \$16 million within the Office of Rural Health to expand the current rural veterans' access to covered health services through qualifying non-VA health providers to a new area within each VISN they currently operate and new VISNs altogether. This came about in talking to veterans who live, in many cases, hours away from the qualified VA facility. It expands a very popular program within the VA that allows these veterans who are in need of health services to visit an approved health care provider closer to them, limiting their cost, the time and travel required to get their needed benefits.

At this time, I yield to my friend from Illinois, Congressman SCHILLING, who's been working tirelessly on this effort of expanding health care for rural veterans.

Mr. SCHILLING. I believe in the concept of allowing our veterans to receive medical care closer to home. I remember taking care of my dad during the last few months of his life and driving him back and forth from Iowa City hospitals several hours at a time for my dad to get the care he needed.

While we appreciated the service and the care provided through the VA, I believe that we must continue to make improvements to the care our veterans receive. I talked to many constituents in the Illinois 17th District who feel the same way.

In 2008, a law was passed that created a pilot program called Access Received Closer to Home, also known as Project ARCH. This program helps veterans who are more than 60 minutes away from the nearest VA health care facility to receive primary care for services at non-VA health centers that contract with the VA. I believe this is a very promising program for our veterans, and this amendment would allow Project ARCH to serve more veterans, and here's how:

A 2011 audit of the Office of Rural Health found that, at the end of fiscal year 2010, the Office of Rural Health had obligated \$16 million of its budget.

□ 1800

The audit went on to find examples of lapsed funding that “constituted missing opportunities for the Office of Rural Health to improve access and quality of care for rural veterans.”

This amendment would help turn these missed opportunities into more veterans served. This amendment by Representative SCHOCK and myself would take unused and unobligated funds from the Office of Rural Health and devote this money to Project ARCH so that it can serve more of our veterans. I support Project ARCH's goals of improving access for veterans in cost-effective ways and provide an easing of travel requirements for the care that our servicemembers receive.

I also support another program similar to Project ARCH. In 2006, Congress directed the Veterans Health Administration to implement a contracting pilot program to better manage the fee-basis care program that the VA runs for veterans seeking care outside the VA system. That pilot project is called Project HERO. The VA has stated that Project HERO has resulted in annual savings of \$16 million in the four VISNs it operates in with less than 20 percent of the potential workload. This means that the savings figure will be much higher if Project HERO is utilized across all of the VISNs and at a higher workload level.

That is why I believe that we should support this program and provide it funding so it can help more veterans who do not have easy access to facilities across the United States of America.

Mr. SCHOCK. With that, I would just say I urge my colleagues to support this amendment to increase funding for rural health care.

I yield back the balance of my time.
The Acting CHAIR (Mr. WOODALL). Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$532,470,000, to remain available until September 30, 2017, of which \$5,000,000 shall be to make reimbursements as provided in section 7108 of title 41, United States Code, for claims paid for contract disputes: *Provided*, That except for advance planning activities,

including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2013, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2013; and (2) by the awarding of a construction contract by September 30, 2014: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$607,530,000, to remain available until September 30, 2017, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or im-

proving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2013 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2013, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts: *Provided*, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations

required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2012.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2013, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General operating expenses, Veterans Benefits Administration" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2013 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2013 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed \$42,904,000 for the Office of Resolution Management and \$3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General administration" and "Information technology systems" accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than \$1,000,000, unless the Secretary submits a report the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hos-

pital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and

"Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses, Veterans Benefits Administration", "General administration", and "National Cemetery Administration" accounts for fiscal year 2013, may be transferred to or from the "Information technology systems" account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2013, in this Act or any other Act, under the "Medical facilities" account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2013 for "Medical services", "Medical support and compliance", "Medical facilities", "Construction, minor projects", and "Information technology systems", up to \$247,356,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010

(Public Law 111-84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts available in this title for “Medical services”, “Medical support and compliance”, and “Medical facilities”, a minimum of \$15,000,000, shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 225. (a) Of the funds appropriated in title II of division H of Public Law 112-74, the following amounts which became available on October 1, 2012, are hereby rescinded from the following accounts in the amounts specified:

(1) “Department of Veterans Affairs, Medical services”, \$1,800,000,000.

(2) “Department of Veterans Affairs, Medical support and compliance”, \$200,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, \$400,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2014:

(1) “Department of Veterans Affairs, Medical services”, \$1,800,000,000.

(2) “Department of Veterans Affairs, Medical support and compliance”, \$200,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, \$400,000,000.

SEC. 226. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 227. The scope of work for a project included in “Construction, major projects” may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 228. The Secretary of the Department of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$2,000,000.

SEC. 229. The Secretary of the Department of Veterans Affairs shall include in the sufficiency letter required by section 117(d) of title 38, United States Code, that is due to the Congress on July 31 of each year a description of any changes exceeding \$250,000,000 in funding requirements for the Medical Services account resulting from the spring recalculation of the Enrollee Healthcare Projection Model. Any such revised data shall not be modified to align with the pending budget request.

SEC. 230. The Secretary of the Department of Veterans Affairs shall submit a re-

programming request to the Committees on Appropriations of both Houses of Congress whenever a change of ten percent or more is proposed in funding for the current year or advance year in the Medical Services initiatives listed in the Congressional submission. Such reprogramming may only go forward if the Committees have approved the request or if a period of fourteen days has elapsed.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 231. Of the discretionary funds made available in Public Law 112-74 to the Department of Veterans Affairs for fiscal year 2013, \$62,924,000 are rescinded from “Medical services”, \$12,737,000 are rescinded from “Medical support and compliance”, and \$5,593,000 are rescinded from “Medical facilities”. Amounts rescinded in this section shall be derived from amounts that would otherwise have been available for the increase in civilian pay for fiscal year 2013 proposed in the President’s request.

SEC. 232. (a) The amounts otherwise made available by this Act for the following accounts of the Department of Veterans Affairs are hereby reduced by the following amounts:

(1) “Veterans Health Administration—Medical and prosthetic research”, \$809,000.

(2) “National Cemetery Administration”, \$360,000.

(3) “Departmental Administration—General administration”, \$1,575,000.

(4) “Departmental Administration—General operating expenses, Veterans Benefits Administration”, \$6,100,000.

(5) “Departmental Administration—Information technology systems”, \$3,250,000.

(6) “Departmental Administration—Office of Inspector General”, \$450,000.

(b) Amounts reduced in subsection (a) shall be derived from amounts that would otherwise have been available for the increase in civilian pay for 2013 proposed in the President’s fiscal year 2013 budget request.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$59,290,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR

VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$31,187,000 *Provided*, That \$2,726,000 shall be available for the purpose of providing finan-

cial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$1,000 for official reception and representation expenses, \$173,733,000, to remain available until expended, of which, not less than \$84,000,000 shall be for the Millennium Project. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the “Lease of Department of Defense Real Property for Defense Agencies” account. Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$67,590,000, of which \$2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$150,768,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 401. Of the unobligated balances in section 2005 in title X, of Public Law 112-74, \$150,768,000 are hereby rescinded: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 402. Availability of funds.—Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE V
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 504. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 505. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 506. Hereafter, none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 508. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 509. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal

investigations, prosecution, or adjudication activities.

SEC. 510. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries or successors.

SEC. 511. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to exercise the power of eminent domain (to take the private property for public use) without the payment of just compensation.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—
(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 513. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

SEC. 514. None of the funds provided in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 515. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 516. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corpora-

tion and made a determination that this further action is not necessary to protect the interests of the Government.

Mr. CULBERSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 65, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 517. None of the funds made available by this Act may be used by any Government authority or agent thereof awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, to require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; nor shall such funds be used to discriminate against or give preference to such bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such agreements. The previous sentence does not apply to construction contracts awarded before the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. GRIMM

Mr. GRIMM. I offer my amendment to strike the anti-Project Labor Agreement language in section 517.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, beginning on line 17, strike section 517.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. Mr. Chairman, construction is an inherently complex endeavor. Any owner funding a construction project faces a variety of challenges, such as time and cost constraints, maintaining quality control, safety, and of course recruiting a skilled workforce. Public and private project owners are always looking for effective ways to meet demand and manage risks to the financial investors of those projects, whether they're funded through private investors or by the taxpayers, as is the case here with military construction projects.

Project labor agreements are a proven tool to accomplish these objectives. The PLA is a pre-hire agreement and business model that increases efficiency and quality while decreasing the overall cost of a construction project since it is based on employing skilled craftsmen and -women. Use of a PLA increases the chance that a project will be done right the first time, on time, and on budget. This also helps to ensure future building maintenance costs are reduced, providing long-term benefits to the taxpayer.

However, section 517 in practical terms would deny the DOD and other Agencies the option to use a PLA business model even if they determine that using one would best serve the interest of taxpayers. At a time when Federal Agencies are required to do more with less, it does not make sense to remove this proven, cost-effective, and efficient option that saves taxpayers money.

Also, enacting a strict prohibition on the use of PLAs represents a regulatory barrier imposed by the Federal Government on free market participation. Companies like Wal-Mart, Toyota, Boeing, just to name a few, all currently use this type of business model because of these very same advantages that I mentioned.

Recently, I toured the 75-story Beekman building in New York City which, without the use of a PLA, would have been capped at 40 stories. And since we're talking about public projects, according to an audit commissioned by the New York City School Construction Authority, these agreements saved taxpayers over \$221 million—\$221 million—from 2005 to 2009. In 2009, Mayor Bloomberg projected that PLAs would save New York City over \$300 million.

And as a veteran myself, I have to point out that this is one of the only business models that guarantees the hiring of military veterans and results in career job training. Taking this option away would disadvantage the DOD, the VA, and, most importantly, our returning servicemen and -women seeking jobs to support themselves and their families.

Therefore, I urge you to vote "yes" on this amendment and to strike the language from the bill that disadvantages the DOD, VA, American taxpayers, and our military veterans.

I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I stand today with my colleague from New York (Mr. GRIMM) to support the working men and women of this great Nation.

You might take a quick look at section 517 of this legislation, the appropriations bill, and think it doesn't stop the Department of Defense from using a project labor agreement. But you must know, in reality, this confusing language is carefully hiding a back door, a back door opening to do away with PLAs.

Specifically, while currently the Department of Defense can choose whether they want to use a PLA, this language would prohibit even the option of choice whether to use a PLA. That's unacceptable.

This amendment doesn't dictate using PLAs. It just gives the Defense Department back the option to use them. Agencies like the Department of Defense need the flexibility and choice

to use PLAs because of the variables they face in doing their job—from security issues, a very critical part of every contract; onsite safety, just as critical; to the skills needed to build unique facilities and structures.

Furthermore, the use of PLAs establishes a required skill level for what the project and the government require or desire, ensuring that these highly sensitive and complex projects are performed on time and on budget.

Let's cut to the chase, Mr. Chairman. The jobs where PLAs are used require higher skill sets.

The Acting CHAIR. The time of the gentleman from New York has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. GRIMM was allowed to proceed for 2 additional minutes.)

Mr. GRIMM. I yield to the gentleman from New Jersey.

□ 1810

Mr. PASCRELL. I thank the gentleman for yielding.

The jobs where PLAs are used require higher skills, higher wages for engineers and laborers. Undercutting their ability to bid on contracts will not only hurt the project and the Department of Defense's bottom line, but it will also hurt the working men and women who are building our future.

I urge a "yes" vote on the Grimm amendment.

Mr. GRIMM. Mr. Chairman, I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, I'm the first one to be a strong advocate of the 10th Amendment. As a Jeffersonian, I really believe very strongly in the whole idea of individual liberty and letting local governments make local decisions and State governments make decisions at the State level.

In some States, as in New Jersey and New York, certainly the labor union movement is very strong and PLAs may work in those States. It certainly may make sense in New York or New Jersey, but Texas is a right-to-work State, and proudly so. We don't have many labor unions—in fact, very few at all. In the construction industry in particular, there really are no unionized construction firms. There are none.

So if the President's executive order—which he issued almost as soon as he came in, President Obama signed an executive order that said the President of the United States—now, just imagine if you're the head of a local VA and you get an order from the President of the United States saying the President recommends that you, as the head of the VA, hire a construction firm that uses a project labor agreement, you're probably going to follow

that advice. It is impossible to do that in the State of Texas.

My friend from Arizona, Arizona is a right-to-work State. Many States across the country are right to work. We don't have labor unions. I believe Georgia is a right-to-work State. We don't have a State income tax in Texas. We don't have many labor unions. Trial lawyers have to really have a good lawsuit before they can go to the courthouse. Taxes are generally low. The streets are safe. We've got, in Texas, a thundering economy.

If I recall right, Texas has created most of the jobs in this Nation over the last 10 years. And one of the reasons Texas' economy is so strong is we don't have many labor unions. But of course that's up to us in Texas. And people have been voting with their feet and moving to Texas. We've had tremendous influx of people from other parts of the country.

The language that is in the bill, my good friend from New York, my friend from New Jersey, the language in the bill does not prohibit the use of project labor agreements; it really doesn't. The language was carefully written so that the government cannot discriminate against or give preference to a construction firm that uses PLAs. Nor can the government—and I'm going to read it here exactly—nor can the government require a contractor to enter into or adhere to a project labor agreement.

A project labor agreement—I need to make sure folks understand what we're talking about—is essentially a requirement that if you want to do business with the Federal Government, you have to unionize your shop. That doesn't make any sense in Texas, it doesn't make any sense in Georgia, it doesn't make any sense in Arizona where we have no unionized contractors—or virtually none, to my knowledge. You can't build a house, you can't build a building in Houston, Texas, if you require the use of a unionized contractor. They don't exist.

Mr. DICKS. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. The distinguished chairman—who does a great job, and we're trying to work together—if we understand this, a non-union shop can be considered for work under a project labor agreement. You don't have to be a union shop. So a non-union company can do it. All they have to do is to agree to the terms that are part of the project labor agreement; in other words, that they will use the wages and other standards that the project labor agreement has. If they will abide by that, then they can be considered for work. So that doesn't mean that there aren't any.

Thank you for yielding.

Mr. CULBERSON. Reclaiming my time, you're right. And that's the problem, my friend, Mr. DICKS, from Washington State. Truly, you're exactly right. The VA can and will require a nonunion contractor in Texas to unionize before they can even—

Mr. DICKS. No, no, no, no. If the gentleman will yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. They don't have to unionize. They just have to agree to the prevailing wage and other things that are part of the project labor agreement, but they don't have to be unionized.

Mr. CULBERSON. Yes, sir. That's correct. I'm about to run out of time.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. CULBERSON was allowed to proceed for 2 additional minutes.)

Mr. CULBERSON. If I could point out, the gentleman from Washington is correct; on this vote, they're not required to unionize, but they're required to adopt the higher prevailing wage. They're required to adopt all the other higher, more expensive standards that a union may require. That puts that contractor at an immediate competitive disadvantage with all of the other contractors out there.

There are no unionized—or very few unionized contractors in Houston, Texas—throughout the whole State, and that's the problem. While perhaps in New York, while perhaps in New Jersey, while perhaps in Washington State PLAs may actually wind up saving you money—for reasons mysterious to me as a free market guy, but it may save you money.

This language does not prohibit the use of a unionized contractor in New York. Let me repeat, in the brief time I've got left: none of the funds in this act can be used to discriminate against or give preference to a union shop, and the government cannot require a contractor to enter into an agreement. So, you see, the language, as written, we're all on the same page here, guys. This language does not require unionization. It doesn't force a non-union shop to adopt a prevailing wage, for example. And it enables everyone to bid without discrimination.

Our concern is, with the President's executive order, which says that the President of the United States encourages the local VA to hire a contractor that follows union guidelines, they don't exist in Texas. That makes no sense. That's why the gentleman from Arizona wrote this amendment this way. And that's why it's important that the House defeat this amendment to save taxpayer dollars and to allow non-union contractors in right-to-work States to compete for these government construction projects.

Mr. Chairman, I yield back the balance of my time and thank you for the extra time.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in strong support of this amendment.

The language included in the bill says that none of the funds made available by this act may be used by any government authority or agent thereof awarding a construction contract on behalf of the government, and any solicitations, bids, specifications, project agreements, or other controlling documents, to require or prohibit bidders, offerers, contractors, and subcontractors to enter into or adhere to agreements with one or more labor organizations. Language currently included essentially nullifies the decisionmaking ability of not only the Department of Defense, but also the Department of Veterans Affairs, the American Battle Monuments Commission, the Court of Appeals for Veterans Claims, and Arlington National Cemetery to use a PLA business model.

To put it another way, all of these agencies currently have two choices: yes, we want to use a PLA, or no, we don't want to use a PLA. Without this amendment, the agencies will no longer be able to make that yes or no choice. If this language is maintained, then every agency in this bill will literally not be able to make a decision on the business model that they want to use for their construction projects.

The language is a backdoor way to ensure that the project labor agreement business model is not available as an option for the Federal Government to even consider using on any of the construction projects in the bill.

Keeping this language would be a mistake since PLAs ensure that construction projects are built correctly the first time, on time, and as a result, on budget for the end-user. Furthermore, PLAs prevent costly delays that usually result from an unskilled workforce's lack of knowledge regarding the use of building materials or tools, as well as job site safety measures.

Furthermore, Mr. Chairman, we don't know the effect this language could have on VA projects. And I don't believe that this Congress should include any language that could further delay vital Veterans Affairs projects.

I find this language to be unclear and believe it will only add uncertainty and confusion to the construction process. I don't understand why we would take this option off the table. If a project labor agreement is good for Toyota, or Boeing, or Wal-Mart, why isn't it good enough for the Federal Government?

□ 1820

I urge all the Members to vote "yes" on the Grimm amendment. It's sound, and it will help us to get our construc-

tion done on time and on budget and safely.

I yield back the balance of my time. Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, I have enjoyed hearing this, and I would say, if the gentleman from New York, if what he were saying were correct, he would be right and I think all of us would vote for this amendment. But he's not. He's not right.

The amendment, the language he seeks to strike does not forbid or prohibit the use of PLAs. You don't have to take my word for it. I was the author of the amendment, and we expressly did it so as not to prohibit or allow or anything. It would simply be neutral.

And this is what CRS said. So you can say all you want about motives or anything else, but this is what CRS said. They wrote back to us and said:

Based on the plain language of the amendment's text, PLAs for military construction projects would not be forbidden.

Again, "would not be forbidden." It is expressly—let me read that again so I'll be clear.

Based on the plain language of the amendment's text, PLAs for military construction projects would not be forbidden, as it expressly provides that "[n]one of the funds made available by this act may be used by any government authority . . . to require or prohibit . . . bidders . . . to enter into . . . agreements with one or more labor organizations."

Here we have it. It's neutral. That's what we're intending to do. The problem is what we sought to correct with the amendment in committee was when the President issued this executive order. The executive order, in itself, does not expressly prohibit non-union organizations or shops from getting a contract. But what Federal agencies have interpreted it as meaning is that they should favor PLAs. And so certain Federal agencies have written guidance, based on the President's executive order, that actually favor PLAs. And that's wrong.

And so all the amendment seeks to do is put it back on neutral ground, to keep the thumb of the President or this body or Republicans or Democrats or anybody off the scale in this regard. That's what this language that the gentleman is seeking to strike does. It brings neutrality that has been missing after the President's executive order.

Again, when the President issued his executive order, some Federal agencies took that to mean that they would have to or could require the use of PLAs, and that means that the thumb is placed on the scale in favor of PLAs. So this language was drafted to make it neutral again. That's what it does.

If this amendment here is adopted, it will put a thumb back on the scale, and

we can't have that. So you can say all you want about motives, what they really want to do, or this is a back door or whatever. But if you look at the amendment, again, from CRS, not from me, says that it doesn't require or prohibit, so it's neutral.

Mr. GRIMM. Will the gentleman yield?

Mr. FLAKE. I will yield first to the gentleman from Washington, but only briefly.

Mr. DICKS. It will be very brief.

The Office of General Counsel of the Department of Defense says about the gentleman's amendment:

If enacted, the attached provision would prohibit the Department from soliciting bids for FY13-funded construction contracts where, as a mandatory condition of award, the awardee must negotiate a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

Mr. FLAKE. Reclaiming my time.

Mr. DICKS. That means they can't do it.

Mr. FLAKE. No. There's an important word there, "mandatory." It wouldn't allow the mandatory use. It's back to neutrality.

Mr. DICKS. That's not what they think. They think that if your language does what I think you—

Mr. FLAKE. That's what you just read.

Mr. DICKS. Well, that's not how they interpret it.

Mr. FLAKE. I'm not sure if they know what they're interpreting then. But CRS, which looks at this, says it's neutral, so make no mistake—

Mr. GRIMM. Will the gentleman yield for a question on CRS?

Mr. DICKS. If it's neutral, what does it do then?

Mr. GRIMM. Did CRS actually speak to these agencies?

Mr. FLAKE. If they spoke to the agency—

Mr. GRIMM. Does the gentleman know if they spoke to the agencies? Did the gentleman speak to these agencies to see how they would interpret it?

Mr. FLAKE. We don't have to because the agencies have issued guidance that we can look at where they have interpreted the President's executive order as to require the use of PLAs. That's why we offered the amendment.

Mr. GRIMM. Exactly. And the amendment that you have in is going to be interpreted to preclude them from using PLAs.

Mr. FLAKE. No, it doesn't.

Mr. DICKS. Well, what does it do then?

Mr. FLAKE. It simply takes the thumb off the scale that's there right now because these agencies have issued guidance. Now, you can say that the agencies may take this as a thumb on the other side of the scale.

Mr. GRIMM. That's exactly what I'm saying.

Mr. FLAKE. Nobody can control what they're doing. But this language simply makes it neutral, and that's what I'm trying to correct here.

I yield back the balance of my time.

Mr. LATOURETTE. I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chairman, I hadn't planned on speaking on this amendment—there are plenty of other voices to do it—but I argued against this amendment in committee. I repeatedly argue against this amendment. I really don't know why we have to repeat this exercise, other than it won by one vote the other time, and we're going to correct that mistake tonight, I will tell you.

But the author of the amendment—the amendment is a wolf in sheep's clothing in that the gentleman offering the amendment isn't in favor of project labor agreements. As a matter of fact, all the people who have spoken—

Are you in favor of project labor agreements? I don't want to slight you if you are.

I yield to the gentleman.

Mr. FLAKE. Wherever they make sense, that's fine. I just don't want a finger on the scale either way.

Mr. LATOURETTE. I hear you. And if that was true, the wording of your amendment would be—

Mr. DICKS. Will the gentleman yield just briefly on that point?

Mr. LATOURETTE. I yield to the gentleman from Washington.

Mr. DICKS. Just briefly, the President doesn't require that they use a project labor agreement. He just suggests that they might be able to use it. That's pretty neutral.

Mr. LATOURETTE. Reclaiming my time, well, let me say this. You know, I do agree with the gentleman from Arizona, which I very rarely do, that, in fact, under this administration, there's sort of a feeling that we should have PLAs, which I happen to think is a good thing into my part of the world. However, this language is almost identical to the Bartlett amendment that was in the defense authorization.

To my belief, this was written by the Associated Builders and Contractors, and the Associated Builders and Contractors are not in favor of project labor agreements. Neither are most of the people, including Mr. CULBERSON. He's very proud of the fact that they don't have any unions in Texas. Well, we've got them in Ohio.

And I'll tell you, here's the difficulty with this and why this is a wolf in sheep's clothing. What the problem is is, if an agency determines that they want to proceed with a project labor agreement, this language prohibits them from doing it because it prohibits any contractor or subcontractor who may bid a piece of that job to be required to enter into a union contract.

And that's the difficulty, because if the agency, independent, without any thumbs on the scale, says, You know what—well, I've got to tell you, CRS is wrong. CRS is flat-out wrong. They're a great organization. They're flat-out wrong.

But what this does is say that if the agency, and let's just take one that's in the news here in Washington, D.C. So the Metropolitan Airport Authority that controls the three airports in this area decides they want to do a project labor agreement, the board votes that way to do a project labor agreement on the silver line which is going out to Dulles Airport and it's covered by this bill, they cannot do a project labor agreement because this language isn't neutrality. This language says you can't have a project labor agreement because nobody, subcontractors can't be required to the terms and conditions that would be in a project labor agreement.

So make no mistake about it, CRS notwithstanding, this is to kill project labor agreements. And if you have that position, that's a great position. You can have that position. Mr. CULBERSON, I believe, has that position.

Mr. CULBERSON. I do.

Mr. LATOURETTE. He does. I know he does, and we've talked about this. And you know what? He can have that position.

But what you can't do is bring an amendment to the floor that pretends to do one thing and, in fact, does another.

If you don't want project labor agreements to even be considered, vote against Mr. GRIMM's amendment. If you think that they should be in the mix, you need to vote for it.

Mr. CULBERSON. Will the gentleman yield?

Mr. LATOURETTE. I am happy to yield to my friend from Texas.

Mr. CULBERSON. Our point was that in right-to-work States where we have virtually no labor unions, we don't want contractors to be required to adopt prevailing wages or adopt union guidelines in order to bid on a contract. And in States like yours, Ohio, New York, New Jersey, you should be free to do so.

And I think the way, truly, if I may, the way the amendment is written, we have obviously a difference of opinion, but it is written very clearly that the government cannot require or prohibit contractors from adopting these PLAs, so it leaves it really up to the local VA to decide whether they're going to bid it out to a nonunion shop or a union shop, depending on the State. In your State, fine. In Texas, you know, we're a nonunion State.

Mr. LATOURETTE. Let me take back my time and say that I think it's unfortunate that Texas doesn't feel they have to pay living wages for construction jobs. But beyond that, let me say

that, if the language said that, we wouldn't be having this discussion. But the language doesn't say that.

□ 1830

So let's say the VA down in Texas makes a determination that they want to do a project in Texas under a project labor agreement. They can't do it. They can't do it under this language. They are deprived of doing it because, to have a project labor agreement, they would be forced to require the contractors and subcontractors to abide by the terms and conditions of that agreement. I'm telling you that that's what it says, JOHN, honest to gosh. There is a better way to write this. This wasn't written by friends of PLAs, and it needs to be passed.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. LATOURETTE was allowed to proceed for 2 additional minutes.)

Mr. LATOURETTE. I yield to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I think we're headed in the same place, which is that you'd like to preserve the ability to hire union contractors in Ohio, New York, and New Jersey. We share that. I have no objection. Under the 10th Amendment, if that's what you guys want to do, God bless you.

So what I would ask is that perhaps we could postpone the consideration of this amendment briefly. Would you guys come up with some language to amend Mr. FLAKE's language to make it even clearer in your mind; so let New Jersey run New Jersey and New York run New York and Ohio run New York, and let Texans run Texas?

Mr. LATOURETTE. We don't want Ohio to run New York. I think the gentleman misspoke.

Mr. CULBERSON. I want Ohio to run Ohio.

Mr. LATOURETTE. We've got enough stuff going on in Ohio.

Mr. CULBERSON. Will you offer an amendment, because you're a very capable legislator, and may we postpone the consideration of this amendment briefly so that you could amend his language to let Texans run Texas and Arizona run Arizona and Ohio run Ohio?

Mr. LATOURETTE. And you're a gifted orator.

A couple of things. One, I appreciate the gentleman's invitation, but I don't want to postpone the consideration of the amendment.

Mr. CULBERSON. We've got other work.

Mr. LATOURETTE. There is going to be a rolled vote, I assume. You're not going to take extra real time.

Mr. CULBERSON. No, but we could fix this, though. Let's fix this.

Mr. LATOURETTE. There is going to be a rolled vote, and I will be happy to

work with the gentleman; but we're going to stand on the Grimm amendment in case we can't come to some accommodation, which I hope we can, not written by the ABC.

I yield back the balance of my time.

Mr. LYNCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. In my own experience before coming to Congress, I was actually an ironworker for about 18 years. I have actually run work on projects with PLAs. I've been a general foreman on a large, complex construction project such as the ones that are covered by this bill. These large projects are \$25 million and over, so it's not somebody who's throwing up a house here or there. I also worked in Louisiana, and we had a PLA where half the job was union and half the job was nonunion. There are situations in which PLAs are extremely important and extremely helpful. This bill would prohibit that from happening.

The gentleman from Ohio (Mr. LATOURETTE) is absolutely correct in his interpretation of the language of the bill. For instance, if the VA, which is right now considering building a spinal cord injury hospital in Brockton, Massachusetts, would like to put an agreement on that project that says they want 30 percent of the workers or 50 percent of the workers on this job to be United States veterans, they would not be able to put that language into effect because they would not be able to require a contractor to sign an agreement to hire veterans on a VA project. That's exactly what's wrong with the bill.

Mr. GRIMM has a very good amendment. It is on point. He is absolutely right. I know this from my own work on PLA projects. This amendment seeks to strike a provision from the underlying bill which would prevent any Federal agency from requiring contractors to sign a project labor agreement.

Now, PLAs have been highly efficient in coordinating many, many contractors on these complex construction projects. Despite the arguments of some, PLAs are not a guarantee of union employment. Under a PLA agreement, construction contractors can hire people regardless of union or nonunion status. What it does do is require that contractors abide by the law. There is also great scrutiny on these projects. They are required to properly classify their workers, as the gentleman from Texas pointed out, on some jobs where there otherwise might be illegal immigrant workers on those projects. That doesn't happen on a PLA project because they've all got to be citizens.

We have a Helmets to Hardhats program that's run by the building trades. They actually make sure that espe-

cially our returning veterans from Iraq and Afghanistan get the first crack at those jobs—Helmets to Hardhats, from the military right into those apprenticeship programs—so that we train our young men and women coming back from Afghanistan and Iraq a skilled trade. The PLAs are most commonly used on large, multiyear projects that are complex and that present considerable difficulty for contractors to bid those jobs.

The key here is that under current law Federal agencies—the VA at the spinal cord injury hospital or the DOD if they're building a defense complex—can use a PLA when appropriate. They can put an agreement together that makes sure, if you've got a plumber on the job, he's properly licensed, or if you've got an electrician on the job, he's properly licensed; and they abide by a drug-free workplace program. They can put in a lot of good things that make sure that that project comes in on budget and ahead of schedule. What this would do would be to prevent the VA or the DOD from requiring that on a job.

It's the worst contractors who are afraid of this agreement because they would be required to comply with the law. They would be required to have workers' comp. They would be required to meet with the OSHA and safety regulations. The construction industry—I worked in it for 18 years—is a very dangerous industry, and sometimes it costs more to run a safe job.

Look, PLAs are a good idea. We should continue, when appropriate, to allow these Federal agencies to use them on these construction projects. They're a good idea, and up to now they've been evenly administered. This bill would change that dynamic. It would basically ban the VA from requiring that veterans be used on those projects or ban the DOD from saying, Look, we want to have veterans on this project; 50 percent of the workers on this project we want to be veterans. It's entirely appropriate for the VA or the DOD to do that. They would be prohibited from doing that under the language in this bill.

I yield back the balance of my time.

Mr. WALBERG. I move to strike the last word.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Before I let a train of thought go, I yield 30 seconds to my good friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I just want to say first that the gentleman mentioned that he thought that this bill had been written by the Associated Builders and Contractors. That's not the case. This issue was first brought to my attention after a meeting my office had with the Army Corps of Engineers. So a government agency brought it to our attention.

Second, we are trying to bring back the same neutrality that existed during the Bush administration, which was before this President put the finger on the scale. During the Bush administration, during that 8 years in which we had the neutrality like this amendment of mine returns to, there were contracts awarded with project labor agreements and there were contracts awarded without them. That's what neutrality does. Where it makes sense to use a PLA, it's used. When it doesn't make sense, it isn't. It's neutrality. That's what this bill returns to. That's why this amendment should be rejected.

Mr. WALBERG. I thank the gentleman from Arizona, and I thank him for his amendment. I support it, but I respectfully do not support the Grimm amendment.

I'm from Michigan. Michigan takes no backseat in this country to union labor. It is the returning auto capital of the world. It's a proud union State, and there is a proud, solid union workforce in Michigan. Just this past summer, the State legislature, in majority with the Governor's concurring and signing, signed into law a prohibition against the mandatory requirement of PLAs in government contracts. The State of Michigan, with its 10th Amendment responsibilities, did that.

Now, unlike what took place under the past Bush administration, as the gentleman from Arizona correctly pointed out, the Federal appellate court ruled in favor of doing away with the mandate and leaving neutrality there. That's all the provision of this section 517 does. It simply restores the neutrality. That's all we're asking: that when PLAs make sense and ultimately bring about a better project and an outcome, fine; but when they don't, for whatever reason that is, there should be no mandate, and there ought to be the opportunity within these contracts and within a State like Michigan to make a decision not to go with a PLA if that's the best outcome or result.

□ 1840

Again, this provision in the bill does not prohibit PLAs. It is neutrality. Studies have found that PLA mandates increase the cost of construction between 12 percent and 18 percent compared to non-PLA projects subject to prevailing wage laws. That's a decisionmaking process. That's a point that ought to be considered. It doesn't do away with PLAs, but it says it ought to be considered in the cost. Shouldn't taxpayers have that consideration? Shouldn't quality have that consideration?

PLA mandates typically restrict jobs to construction workers referred from union hiring halls, effectively shutting out in Michigan and other places 86 percent of the Nation's construction

workforce. I don't think that's right. However, if it's necessary to have the union workforce with a PLA agreement and it will work better and be more efficient—contrary to these studies—if that's the case, then this provision in the act does not do anything except allow neutrality.

Mr. Chairman, that's what we're asking for, to continue what this Congress put in place by a vote last week in saying we believe that PLAs are good sometimes, may not be as good other times, and there ought to be neutrality and an opportunity for decisionmaking on the local level, at the State level, at the contract-construction level that meets the best of abilities. Federal agencies should not mandate that contractors enter into project labor agreements as a condition of winning Federal contracts.

Again, we're looking at nearly \$16 trillion in debt. And when our construction industry still suffers—and I can tell you that's the case in Michigan in my district—from a 14½ percent unemployment rate, we in Congress should not be tying the hands of taxpayers and construction workers by making requirements—with the thumb of the President of the United States on the scale—that really disregard the will and the opportunity of States like Michigan to make their own decisions here.

I thank the Chair for this opportunity, and I yield back.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. First, I want to thank Mr. GRIMM for offering this bipartisan amendment.

Last year, we saw the same effort to attack project labor agreements in the military construction appropriations bill. This House on a bipartisan basis made the right choice, and we voted to support negotiated contract labor agreements. Why? It's the American way. It's the American way to respect the dignity of the individual. Yes, we respect their lives, their liberty, and indeed their pursuit of happiness. In northern Ohio, we've seen how important project labor agreements are. We use them to save lives as skilled laborers perform extremely dangerous work that I would dare say almost no one in this House is capable of performing.

These agreements are absolutely essential for workplace safety, for ensuring quality construction, and protecting the lives and rights of those men and women who perform extremely difficult, sophisticated, and superhuman work on a regular basis. I'm reminded in Toledo, Ohio, not so long ago we were replacing a major interstate lift bridge—the largest transportation project in Ohio history—over \$400 million over several years.

We knew we needed a project labor agreement to complete the job with as few accidents as possible because we were replacing a lift bridge along one of the region's most important interstate highway systems adjoining three States. We insisted, and I worked so hard, to achieve a project labor agreement for the construction of this complex skyway bridge over the Maumee River, the largest river that flows into the Great Lakes. I didn't want it to be like Mackinaw Bridge, with the names listed for posterity of all the dead workers who were responsible for building that bridge, and whose names are left to history.

We hoped and worked so hard to try to limit the danger to the men and women who would build our bridge. We knew we needed a project labor agreement to write the rules of the road for that construction project. People were literally placing their lives at great risk every single day. If you don't believe me, you should have seen those talented individuals lofted at hundreds of feet in the air and then in bitterly freezing weather trying to put the pieces together above the river to construct the giant spires, physically creating the modern architectural wonder of the Glass City Skyway, which was dedicated to all the veterans of our country. But despite all our noble efforts and the safety precautions, our community still lost precious lives in two separate tragedies that were avoidable.

In the middle of February in 2004, one of the cranes collapsed, killing four workers and injuring four others. Why did they collapse? Because the company decided to cut corners and created a contest between which parts of the roadbed would be built faster by separate teams of workers. All the inspectors missed what was happening. Four workers were killed. I went to every single funeral. I never want to have to do that again. I never want to have to try to comfort the families of the tragedy that happened. Three years later, another man died when the platform he was working on collapsed. I know we would have lost more lives, were it not for the project labor agreement, but we shouldn't have even lost those lives. Yet, we would have lost more lives if there had not been a project labor agreement in place.

I don't believe in neutrality. Some of my colleagues have talked about neutrality. No, there should be no neutrality when it comes to workers' lives. These workers were helping to build our country's future for the benefit of us all. They deserve a safe work environment. They deserve to have their lives represented in a contract agreement. The value of a completed project is worth more than the concrete, it's worth more than the spires, and it's worth more than the metal. It should be measured in the dignity of life. But

workers were crushed to death. Thank God we had an agreement in place. It wasn't neutral. It defended those workers who lived. It defended the workers whose lives were saved because we knew we were a Nation of laws and that their lives were worth everything to us. That's the American way.

When we as a Nation invest in our physical infrastructure, those that are actually building up our country deserve to have their lives protected through contracts. Values derives not just from the cost of the concrete, but the value of their lives. Support project labor agreements, support this amendment.

I ask my colleagues to vote for the Grimm amendment, and I yield back the balance of my time.

Mr. HARRIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HARRIS. Mr. Chairman, this discussion is not about safety, and it's not about making projects safe or making them more efficient. This is about politics. This is about an Executive order the President put in place that takes jobs out of the First Congressional District of Maryland and other districts where there may not be union workforces.

Mr. Chairman, the unemployment rate is high enough in the First Congressional District.

Mr. DICKS. Will the gentleman yield?

Mr. HARRIS. No, I will not yield.

The unemployment rate in the First Congressional District of Maryland—lower shore of Maryland—is higher than the national average, and we don't have union workers. So if some bureaucrat in Washington, because of a Presidential Executive order, says we have to have a project labor agreement on a project under this bill, under this appropriation, unemployed workers in my district aren't going to work on that project, and the hardworking taxpayers in my district, as the gentleman from Michigan has said, will be paying 12 percent to 18 percent more of their hard-earned tax dollars to pay for a project labor agreement in a district that they don't want that some bureaucrat in Washington decided they needed.

Mr. Chairman, we can't afford that. This country can't afford it. We have a \$1.3 trillion deficit. We have a debt that approaches \$50,000 per person in this United States. And we're debating tonight about whether just to be neutral about language regarding project labor agreements.

□ 1850

The gentleman from Arizona is absolutely right. This is plain English reading. It just says that the bureaucrat, for curing that contract, can't require

a project labor agreement. If someone wants to know bid on it, they can bid union labor. They can bid all the union labor they want. It just says you can't require it as a condition of the contract.

Mr. Chairman, we got sent here to do the right thing for our hardworking taxpayers back at home, those who want to have a job, who want to be involved in some of these Federal contracts. Without this provision, if this amendment passes, and this provision is struck from the underlying appropriations bill, people in the First Congressional District, those unemployed workers are not going to have the opportunity to work on those projects for the simple reason that they don't belong to a labor union.

That's what will disqualify them. Not that they're unemployed, not that they don't want to work, not that they don't know all the safety rules, not that they can't do the job, not that they don't have a plumbing license or an electrician's license, because they all have to have that license to hold a job. And the proponents of this amendment know that full well.

It's only because they don't belong to a labor union. That's what this fight is all about.

Mr. Chairman, I hesitate to rise to oppose the amendment of the gentleman from New York, but in the First Congressional District of Maryland this hurts our unemployment situation. This hurts our hardworking taxpayers. I rise to oppose the amendment because in districts around America, just like the First Congressional District of Maryland, this amendment doesn't do justice to those unemployed workers.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Let's get back to some facts here. Under the CRS report that was referenced earlier, the National Labor Relations Act, as we know, gives most private sector workers the right to join or form a labor union and to bargain collectively.

A project labor agreement is a collective bargaining agreement that applies to a specific construction project and lasts only for the duration of that project. In February 2009, President Barack Obama signed an executive order that encourages Federal Agencies to consider requiring the use of project labor agreements on large-scale construction projects.

The EO describes a large-scale project as one where the total cost to the Federal Government is \$25 million or more. The order States that Agencies are not required to use project labor agreements. Regulations implementing the executive order went into effect in May 2010.

Now, if that isn't neutrality, what is neutrality? I think this is a big to-do about nothing.

I mean, this amendment is not necessary. The President didn't mandate anybody to do anything. The Agencies decide if it is in the interests of the government to do this in a particular case. This administration has hardly done any project labor agreements as far as my understanding is, at least with the Department of Defense.

Again, I don't quite understand all of this concern, especially when nonunion contractors can be part of the agreement. They can bid, they can be part of the agreement as long as they will abide by the law, but with the prevailing wage agreements or things of that nature.

Mr. FLAKE. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. FLAKE. I thank the gentleman for yielding.

The reason it's needed, as I mentioned, is because some of the Federal Agencies have taken the President's language in the executive order to mean that they can require or should require PLAs.

Mr. DICKS. There is no evidence of that.

Mr. FLAKE. Yes, there is.

Mr. DICKS. Tell me who's done project labor agreements?

Mr. FLAKE. There is. In fact, there was a project in St. Louis, I will mention one specifically, under the stimulus funds, frankly, and that was a shovel-ready project. But then—and a nonunion shop actually offered the low bid, but was refused the contract because the language that the President issued, or the executive order, was taken to mean that they had to look for a PLA, that they should be encouraged to use PLA.

Mr. DICKS. That's not what it says. That's not what the President's statement says.

Mr. FLAKE. But that's how it has been interpreted. That's why we're saying let's make it clear that we can neither forbid nor deny.

Mr. DICKS. Reclaiming my time, I would just point out that the Department of Defense thinks the gentleman from Arizona's language is prohibitive, that it doesn't give them any leeway, that they must not do a project labor agreement.

May I ask the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Washington has 1½ minutes remaining.

Mr. DICKS. I yield to the gentleman from New York (Mr. GRIMM), the author of the amendment, if he would like to make any further comments here.

Mr. GRIMM. Actually, I would, and I thank the gentleman for yielding.

I think the point is we're both making each other's point that you feel the language of the President is somehow restricting nonunion shops from bidding. I firmly feel and strongly feel that the language in your amendment absolutely prohibits the use of PLAs.

I think what we are both looking for is neutrality; but if language on either side is not working, we need to come up with a way to make this neutral so that everyone can bid and no one is prohibited. I think we're saying the same thing, and I think we're working towards that. I'm going to work with the chairman.

For now, my amendment is going to stand, and we're going to work as quickly with haste to see if we can come up with something that we can all agree with.

Mr. DICKS. The best and safest thing to do is to defeat the Flake amendment. That's kind of a standard. That's the surest way of protecting the executive order.

I yield back the balance of my time.

Mr. CARNAHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. CARNAHAN. I want to first say thank you to the gentleman from New York for his efforts on this amendment and also that he has done this in a bipartisan way. I also want to thank President Obama for his executive order in doing this to encourage project labor agreements, not require them. I think they speak for themselves.

My friends on both sides of the aisle have a responsibility to the American people to get both low cost and high quality in job-creating military construction projects. Project labor agreements have a proven track record to ensure that. We should come together to support the Grimm amendment. We can help create fewer cost overruns, faster project completion and a fair day's wage for an honest day's work for American workers.

I support the Grimm amendment that strikes the anti-PLA measures in the Military Construction appropriations bill.

PLAs are simply rules of the road for workers and management on construction projects. We know they cut taxpayer spending. They save time; they save headaches. They create good, local jobs and better quality and value. Why would we not want that?

Very simply, unions prefer PLAs because they treat workers like human beings instead of investment capital. Some people here think unions are unacceptable. I think those people are wrong. History shows unions have largely helped create America's middle class and workers' rights enjoyed by all Americans, whether they are members of a union or not.

I urge my colleagues on both sides of the aisle, if you want to help cut spending and improve efficiency, stand with American taxpayers and with American workers. Vote for the Grimm amendment. Remove the anti-PLA language to fix this bill. Let's get it right.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DAVIS of Illinois. The longer I listen to this debate, the more confusing it becomes.

□ 1900

I remember a wise man telling me once, You can't get blood out of a turnip, but you can slice it, you can dice it, whip it, and do everything, but it still ends up being turnip juice.

I rise in strong support of Mr. GRIMM's amendment, and I do so because there seems to be a tremendous lack of clarity. It's amazing how we can all read the same words but arrive at a different meaning. And we can read them over and over and over again. So it would seem to me that the best way to have clarity is to make absolutely certain that these agencies understand that yes, they do in fact have the authority to say yea or nay, yes or no, to entering into project labor agreements.

I'm a strong supporter of organized labor. It doesn't mean that I think labor unions are perfect. Oftentimes, many of the people in the community where I live feel that they cannot access labor unions; that they can't get in, that they can't get membership. Yet and still, I think that project labor agreements are the best way to get the quality and the assurance that we're getting the best bang for the buck.

So, again, I reiterate my support for the Grimm amendment, and I yield back the balance of my time.

Ms. HIRONO. Mr. Chair, I rise today in support of the bipartisan Grimm Amendment on Project Labor Agreements, or PLAs.

In construction, contractors often do not have a permanent workforce.

This makes it hard to predict the length and cost of a project.

On large projects with many employers, a labor dispute with just one can delay the entire project.

PLAs are short-term agreements for the length of a project that can reduce a project's length and cost.

PLAs lead to higher-quality work by spelling out the work requirements, pay, benefits, and dispute resolution in advance.

PLAs prevent worker strikes and reduce turnover.

In 2009, President Obama issued an Executive Order on PLAs.

The Executive Order encouraged Federal agencies to consider requiring PLAs for large Federal construction projects of \$25 million or more.

In Hawaii, last week Governor Neil Abercrombie announced a PLA plan for five large state construction projects.

This can help save taxpayer money and create Hawaii jobs, while minimizing project uncertainty.

While PLAs are regarded as cost efficient, sadly, this Majority in Congress has tried again and again to undermine the use of Project Labor Agreements.

Today's FY 2013 MilCon-VA bill forbids military construction contracts from requiring PLAs.

The bipartisan Grimm Amendment would remove this prohibition to allow Federal contractors a choice on PLAs.

Today's amendment vote feels like déjà vu. Congress has had vote after vote on this issue.

Last year at this time we debated the FY 2012 MilCon-VA bill.

I supported at that time a similar bipartisan amendment to preserve PLAs.

That amendment by Mr. LATOURETTE, Republican of Ohio, passed 204 to 203, with over two dozen Republican votes.

This issue shouldn't be about Democrats and Republicans. It's about supporting flexibility, common sense, and job creation.

We need to put our differences aside and do the right thing.

In Hawaii we call this *laulima*—cooperation.

I'm proud to stand with Republican Congressman MICHAEL GRIMM and Republican Congressman STEVE LATOURETTE on this issue.

I urge all my colleagues to support the Grimm Amendment today as well.

Mr. LANGEVIN. Mr. Chair, I rise in support of the Grimm Amendment to H.R. 5854, the Military Construction and Veterans Affairs Appropriations Act. This amendment strikes a provision in the underlying bill that would prevent Federal Government agencies, including the Department of Defense and Veterans Affairs, from requiring the use of project labor agreements.

A project labor agreement (PLA) is a pre-hire agreement that establishes the terms and conditions of employment during a construction project. Any contractor—union or non-union—can work on projects under a PLA, as long as they abide by the wages, benefits and other terms of employment negotiated in the agreement. They have been used in all 50 states and the District of Columbia on both private and public projects.

In February 2009, President Obama signed an Executive Order that encourages Federal agencies to consider requiring the use of PLAs on large-scale construction projects of \$25 million or more. The order states that agencies are not required to use PLAs.

In its current form, H.R. 5854 would strike these regulations, and instead discourage commonsense labor agreements on large-scale construction projects. The Grimm Amendment would allow agencies to require project labor agreements when they determine that it is in their interest to do so, which would follow the path of private businesses.

Successful corporations use PLAs to ensure high-quality, on-time work through good jobs with meaningful training programs for local workers. Boeing, Disney, Harvard University,

and Toyota are among the large number of private entities that use PLAs. If the agreements make sense for these successful organizations, why would we compromise Federal agencies' ability to use them, especially when we are looking to reduce government spending?

Mr. Chair, the priority of Congress should not only be to create jobs, but to raise the living standards of the middle class and working families across America. I urge my colleagues to vote for the Grimm Amendment.

Mr. MORAN. Mr. Chair, the amendment before us would correct a fundamental misunderstanding that has been allowed to slip into H.R. 5854, the FY 2013 Military Construction/VA Appropriations bill.

The Grimm Amendment would not have the effect of mandating that public contracting entities adopt Project Labor Agreements, as its opponents claim. In fact, as has been amply pointed out by my colleagues, Section 517 of the bill would prevent the Department of Defense, Veterans Affairs, and related agencies from requiring the use of project labor agreements (PLA).

Similar efforts to bar PLAs have been tried in other venues, including a recent attempt in Michigan which was declared unconstitutional by a U.S. District Judge. The court correctly ruled that federal law explicitly allows for PLAs in the construction industry, when the government entity determines that it is in the best interest—in terms of efficiency, quality, safety or any number of other factors—of the local community.

But it isn't only constitutional; it is also smart. There is ample evidence demonstrating that PLAs can serve as an important tool to manage large construction projects and maximize efficiency by creating collective bargaining benefitting both contractors and workers. Washington Nationals Park, Disney World, and the Trans-Alaska Pipeline all benefited from the use of PLAs.

In Northern Virginia, taxpayer interests were best served by employing a PLA in the first phase of the massive construction project on the rail extension to Dulles Airport. Facilitating better access to Dulles Airport is important to my constituents in Northern Virginia, and it is important to me that the project makes the most of public money it receives. The PLA utilized has helped to accomplish this goal.

Academic research confirms that PLAs can contribute to the quality of large, complex infrastructure projects. The Cornell School of Industrial Labor Relations released a study stating that PLAs "make sense for public works projects" and their use increases the efficiency of planning while reducing labor costs. The Federal Government does not mandate PLAs. Executive Order 13502 specifies that federal agencies may require them to be used on construction projects that are valued at more than \$25 million. This is smart policy. It provides flexibility for local norms. At this time of concern over budgets as well as employment, we should retain that flexibility to make use of PLAs.

PLAs can contribute to efficiencies, quality and cost savings. We should not be forcing Federal, State or local governments to rule them out for large construction projects, based on misguided, ideological grounds, which as-

sume that everything that benefits workers must be bad for everyone else.

I support the Grimm Amendment because it will ensure that government contracting authorities are not barred in a disingenuous effort to tie their hands with regard to the use of PLAs where they might be appropriate.

Mr. HOLT. Mr. Chair, I rise in strong support for Project Labor Agreements (PLAs).

Today the Republican majority is again playing politics. They have brought to the House floor a bill to support our Nation's veterans and provide them with the care they earned. This bill should be approved by a unanimous vote; we all support our veterans and want to fully fund the various programs that care for them after they cared for us.

But in a cynical and politically motivated attack on working women and men across the country the Majority has tucked into this bill a ban on the use of PLAs. They are attempting to ban PLAs based on their ideology not based on any evidence. This is one more part of their anti-worker agenda.

I have always supported PLAs. PLAs are important, they have been used for many years and they work. PLAs ensure high skilled workers complete high quality work and provides fair local wages and benefits for all workers. I will be voting to support working women and men by repealing this anti-PLA provision.

On February 6, 2009 President Obama signed Executive Order 13502 encouraging federal agencies to consider requiring the use of PLAs for large-scale construction projects. In the Executive Order, President Obama noted correctly that by setting the terms and conditions of employment and coordinating the various employers, PLAs provide stability and help contribute to the efficient completion of Federal construction projects.

Last year, I joined a majority of my colleagues in the House to beat back this same anti-worker attack on PLAs and I am hopeful that we will be successful again today. President Obama has already indicated that he will veto this bill if the attack on PLAs reaches his desk.

While Republicans play politics today, I will be standing up for and voting for working women and men across the country and opposing this continued attack on them.

Ms. RICHARDSON. Thank you, Mr. Chair, for allowing me to speak on the Grimm Amendment to the Fiscal Year 2013 Military Construction/Veterans Affairs Appropriations bill.

I also want to thank Chairman CULBERSON and Ranking Member BISHOP for their efforts in bringing this bill forward.

Last year, I worked with Congressman LATOURETTE on defeating anti-Project Labor Agreements (PLAs) language in the MilCon/VA Appropriations bill.

This year, I rise in support of the Grimm Amendment. This amendment simply saves taxpayers money!

The Grimm Amendment ensures that funds for large-scale construction projects utilize the most cost-effective and efficient process for the awarding of Federal contracts.

Section 517 of H.R. 5854 prohibits agencies from being able to use all available methods to ensure that federal contracts are cost-efficient.

Section 517 raises the risk of project cost overruns and delays. Section 517 of this legislation fails to protect our workers.

Mr. Chair, however one feels about Project Labor Agreements, the MilCon/VA bill is not the appropriate vehicle to have this debate.

The MilCon/VA bill is intended to reflect our commitment to our veterans and our service members in uniform and should be limited to that purpose.

I would like to inform my colleagues about the benefits of Project Labor Agreements.

There is no credible evidence that Project Labor Agreements decrease the number of bidders on a project, or increase the costs of construction projects.

In fact, Project Labor Agreements promote cost-effectiveness and efficiency in construction projects.

Project Labor Agreements prevent labor disputes and project delays by having an agreement negotiated prior to starting a construction project.

Project Labor Agreements establish working conditions and safety standards for workers.

Project Labor Agreements are used by both union and non-union contractors.

Project Labor Agreements promote providing employment to workers in our local communities and help address the employment situation in many of our economically distressed communities.

Mr. Chair, the Grimm Amendment simply allows Federal agencies to use all tools at their disposal in awarding large-scale contracts that ensure taxpayer funds are used efficiently and that projects are completed on time and on budget.

All of us in Congress are looking at ways to rein in our deficit. This amendment protects workers and taxpayer funds.

Mr. Chair, I urge my colleagues to support the Grimm Amendment.

Mr. CONNOLLY of Virginia. Mr. Chair, the Military Construction and Veterans Affairs Appropriations before us will fund a number of vital infrastructure projects, including a facility at Fort Belvoir in my district. Unfortunately, the bill also inextricably contains language that would actually make it more difficult to deliver this and other projects in a safe, cost-efficient manner.

In today's cost-constrained environment, we ought to be placing a premium on completing infrastructure projects on time and on budget. We ought to place a premium on creating safe working conditions and good relations between management and labor to achieve those results.

Since they were first employed by the Federal Government to help defeat the Germans during World War I, Project Labor Agreements have been used by both the public and private sectors to reduce costs on major infrastructure projects.

Iconic American projects like the Hoover Dam, the Trans-Alaska Pipeline and Walt Disney World were completed under Project Labor Agreements. Wal-Mart and Toyota have touted the benefits of PLAs, and findings from the GAO and Cornell University show PLAs maximize productivity and minimize risk to yield savings. Right here in the National Capital Region, a PLA for the drawbridge on Woodrow Wilson Bridge helped complete that

portion of the project 6 months ahead of schedule. Construction on the Dulles Rail project, which will link our Nation's capital with the premier international airport, also is being performed under a PLA.

I urge my colleagues to support the Grimm amendment and strike this restrictive language in the bill so we can make use of this valuable tool to control project costs, promote worker safety and realize savings for taxpayers.

Ms. CLARKE of New York. Mr. Chair, yesterday, the House of Representatives took a vote on H. AMDT. 1159 to H.R. 5854, the Military Construction/VA Appropriations Bill. I voted in support of this amendment because it strikes the anti-project labor agreement language within section 517 of this bill.

This amendment was pro-labor and will keep Project Labor Agreements from being eliminated within the bill. Project Labor Agreements (PLAs) have been essential and successful tools used by both governments and private sector companies for years. They help not only employees, but also employers. PLAs have been used since the 1930s in the U.S. and studies show they not only promote fair labor practices, but also are cost-effective.

For these reasons, I voted to protect PLAs because we, in Congress, need to stand strong in our fight for fair labor practices and in protecting policies that prove to be successful.

Ms. SLAUGHTER. Mr. Chair, I was unavoidably detained and unable to be present for the vote on the Grimm Amendment to H.R. 5854, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act. I want to state for the RECORD that I strongly support this amendment, and had I been present, I would have voted yes.

Mr. GRIMM's amendment would strike the anti-project labor agreement language inserted into the bill. This bi-partisan amendment is an important defense against Republican attacks on labor and project labor agreements.

As a Member of Congress, I take the responsibility to protect workers' rights seriously, and I support economic solutions that protect and lift all Americans—not just the privileged few—in order to create a safe and prosperous nation for all. A cornerstone of this economy are Project Labor Agreements, which are pre-hire agreements that establish the terms and conditions of employment to ensure tax payer funded projects use local workers to finish on time and under budget.

It is time to rebuild our economy in a way that is consistent with our values. Until all Americans are back to work, more must be done on behalf America's middle class and working families. Project Labor Agreements are a vital part of this process, and I strongly support all attempts to protect them.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GRIMM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. LYNCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. Mr. Chairman, while I strongly support some of the programs supported by this funding bill, it contains a number proposals that I believe are detrimental.

Firstly, H.R. 5854 includes language that will amount to an unwarranted extension of the pay freeze that's currently in effect for Federal employees. Specifically, sections 129, 231, and 232 would freeze the pay for Federal civilian employees across the Departments of Defense and Veterans Affairs through FY 2013 even though these employees, like all Federal employees governmentwide, have already sacrificed their fair share when it comes to reducing the Federal budget deficit. In this Congress alone, Federal employees have given up over \$75 billion towards deficit reduction efforts and to offset the costs of unemployment benefits for millions of other workers.

Let us remember that our Federal employees are in the second year of a 2-year Federal pay freeze that will save the Federal Government \$5 billion by the end of fiscal year 2012 and an estimated \$60 billion over the next 10 years. For the average middle-income Federal employee, this will amount to a loss of approximately \$47,000 in income over a 20-year period that could go toward a child's education or a family's retirement security.

Our Federal employees have already done more than their part to achieve government cost savings, and in recognition of their dedication President Obama recently proposed a modest pay raise of 0.5 percent—a half a percent—in 2013 for Federal workers. This bill, however, rejects the President's funding request for 0.5 percent for civilian employees at DOD and the VA and freezes their salaries for a third consecutive year, even though a 0.5 percent raise will still not adequately protect Federal pay from being eroded by an inflation rate that is currently over 3 percent. So they're still going to get a pay cut, but it would have been a 2½ percent pay cut instead of 3 percent. And we can't live with that.

Mr. Chairman, this is yet another in a series of legislative attacks that have targeted middle class workers in this Congress. It will further erode employee morale and diminish the Federal Government's ability to attract the best and brightest to carry out its work.

I don't know if you read Politico today. They did a survey of job satisfaction among Federal employees in the VA. The docs are doing great work. The nurses are doing fantastic work. The therapists over there are. We all say we're really protective about our veterans. Well, these are the people

that take care of our veterans every single day. They clean the bedpans. They do their therapy. They do their surgery. They watch out for them. And we were going to give them a 0.5 percent raise this year. Instead, what this bill does is cuts their pay. It cuts out that 0.5 percent that they would have gotten.

These are the people that are taking care of our veterans. God bless them. A lot of them are veterans themselves. And these are DOD employees. We all say we're pro-military. These are people that are supporting our fighting men and women in Iraq and Afghanistan on a daily basis in a direct way. We were going to give them a 0.5 percent raise. But no, we're going to cut their pay in order to have them help us balance the budget some more. They're already in a 2-year pay freeze.

Our dedicated civil servants play a vital role in many critical areas, especially in the work they do every day to support our military and our veterans. They should not continue to bear a disproportionate burden when it comes to addressing our Nation's budget problems.

I also want to express my strong opposition to section 517, which, again, prohibits the use of project labor agreements, as we said before.

There's a lot of disappointments in this bill. I cannot believe that we're going after VA workers in this bill and against Defense Department workers in this bill. I think they do a lot for this country. They do a lot for the most vulnerable, especially at the VA. They do heroic work there. I have three VA hospitals in my district. I'm blessed with the Brockton Hospital. They're doing tremendous work there with a lot of our World War II veterans, who, for the first time in their lives, have to rely on the VA.

And these are the people that are doing that job, Mr. Chairman. They're doing a tremendous job. They're already working at less wages than they could get at a private hospital. But because they love our veterans and believe in it, they stay there at the VA out of the goodness of their heart. And now we've got them in a 2-year pay freeze. The President was trying to give them a 0.5 percent increase in cost of living, and they're being denied even that.

I yield back the balance of my time.

AMENDMENT OFFERED BY MS. SPIER

Ms. SPIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, after line 4, insert the following:
SEC. _____. (a) Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “not” after “Army of the United States, shall”; and

(B) by striking “, except benefits under—” and all that follows in that subsection and inserting a period;

(2) in subsection (b)—

(A) by striking “not” after “Armed Forces Voluntary Recruitment Act of 1945 shall”; and

(B) by striking “except—” and all that follows in that subsection and inserting a period;

(3) by amending subsection (c) to read as follows:

“(c) DETERMINATION OF ELIGIBILITY.—

“(1) IN GENERAL.—In determining the eligibility of the service of an individual under this section, the Secretary shall take into account any alternative documentation regarding such service, including documentation other than the Missouri List, that the Secretary determines relevant.

“(2) REPORT.—Not later than March 1 of each year, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report that includes—

“(A) the number of individuals applying for benefits pursuant to this section during the previous year; and

“(B) the number of such individuals that the Secretary approved for benefits.”; and

(4) by amending subsection (d) to read as follows:

“(d) RELATION TO FILIPINO VETERANS EQUITY COMPENSATION FUND.—Section 1002(h) of the American Recovery and Reinvestment Act of 2009 (title X of division A of Public Law 111–5; 123 Stat. 200; 38 U.S.C. 107 note) shall not apply to an individual described in subsection (a) or (b) of this section.”.

(b)(1) The heading of such section is amended to read as follows:

“§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts”.

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

“107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.”.

(c)(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

(2) No benefits shall accrue to any person for any period before the effective date of this section by reason of the amendments made by this section

Mr. CULBERSON (during the reading). Mr. Chairman, I ask that the reading be dispensed with.

The Acting CHAIR. Without objection, the reading is dispensed with.

There was no objection.

Mr. CULBERSON. Mr. Chairman, I reserve a point of order on the gentleman’s amendment.

The Acting CHAIR. The point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Ms. SPEIER. Our Nation is great because in times of trial when we do the wrong thing, we will come back and do the right thing.

What this amendment does is attempt to address a wrong that we did many years ago, and right that wrong by restoring a promise that we made to Filipinos that fought side-by-side with us in World War II. We promised them

in no uncertain terms that they would enjoy the same veterans benefits that others received for putting their lives at risk.

More than 200,000 Filipinos fought in defense of the United States in the Pacific theater against the Japanese in World War II, and more than half of them were killed. As citizens of a commonwealth of the United States before and during the war, Filipinos were legally American nationals, and they were promised the same benefits afforded to those serving in the United States Armed Forces.

□ 1910

But in 1946, Congress passed the Rescission Act, a law that stripped Filipinos of the benefits that had been promised them by Franklin Delano Roosevelt. The Rescission Act created a wrong that will not be righted unless our Nation restores the veteran status it promised to Filipino soldiers more than 65 years ago.

Now the irony here, Mr. Chairman, is that there were other countries that provided us with men and women who served during World War II, and they were also promised veterans benefits. In fact, there are 65 countries that provided servicemembers to fight alongside us. Every one of those other soldiers were provided veterans benefits from other countries. And yet the Filipinos, who were part of a commonwealth at the time, who were nationals of this country, who were promised veterans benefits, were denied them by the Rescission Act that was passed in 1946.

What this amendment does is make all Filipino veterans fully eligible for veterans benefits, similar to those received by U.S. veterans. Specifically, the amendment eliminates the distinction between regular or old Filipino scouts and the other three groups of veterans—Commonwealth Army of the Philippines, Recognized Guerilla Forces, and New Filipino Scouts. Veterans that have received lump sum payments would be eligible for these benefits.

Now, we tried to sort of cover this all up by giving them a \$15,000 stipend. Frankly, that’s not good enough. And there are about 15,000 living Filipino veterans of World War II right now. They’re 85 years old. They’re not going to live much longer, but they certainly deserve the benefits that we promised them but we then rescinded with the Rescission Act of 1946.

For these veterans and their families, I believe the time has come to right this horrific wrong, and I yield back the balance of my time.

POINT OF ORDER

Mr. CULBERSON. Mr. Chairman, I insist on my point of order.

I make a point of order against the amendment because it proposes to change existing statutory law and con-

stitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: “An amendment to a general appropriations bill shall not be in order if changing existing law . . .”

In this case the amendment directly amends existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that the amendment proposes directly to change existing law, to wit: section 107 of title 38. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SPENDING REDUCTION ACCOUNT

SEC. 518. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

AMENDMENT OFFERED BY MR. FITZPATRICK

Mr. FITZPATRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as that term is defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2))).

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FITZPATRICK. Mr. Chairman, I rise this evening to offer an amendment that levels the playing field and promotes fairness for veterans when it comes to contracting with the Federal Government. According to the most recent census, there are almost 22 million veterans living in the United States and over 2.4 million of them now manage their own company. Providing opportunities for veteran-owned small businesses I believe utilizes the talents and training of our Nation’s heroes and can help end epidemic levels of veteran unemployment.

Unfortunately, not all of our servicemen and -women have found opportunities upon their return home. The Bureau of Labor Statistics has reported that the unemployment rate among veterans, including those returning from Iraq and Afghanistan, was at a

staggering 21.9 percent. These numbers are unacceptable. These brave men and women who have served our country deserve every effort from this body to give them the tools they need to provide for themselves and their families. It should be the explicit policy of this Congress and all government agencies to support our veterans and our veteran entrepreneurs.

Therefore, Mr. Chairman, the amendment I am again offering to the Military Construction and Veterans Affairs Appropriations Act would give veteran-owned small businesses the preference for contracts equal to that of any group eligible for a preferred consideration except for service-disabled veteran-owned small businesses.

The practice of the Federal Government providing preferences to encourage government to do business with certain groups is very well established. This amendment does not look to restrict or change the current preference process. It merely serves to level the playing field for our veterans. This amendment would also preserve the current policy of giving greater preference to service-disabled veteran-owned small businesses.

This exact same amendment was unanimously passed in last year's Military Construction and Veterans Affairs act. It was signed into law as part of last year's budget process.

As our Nation continues to emerge from this Great Recession, we need to create an economic climate that encourages innovation and also rewards hard work. By serving this great Nation nobly, often in far-off and dangerous locations, our Nation's veterans have displayed exceptional determination and leadership skills. Character traits like these are paramount for long-term economic prosperity and for private sector success. I and many of my colleagues have made a commitment to our constituents, and to the American people, to do everything possible to create jobs and to do everything possible to help returning veterans. The self-discipline and innovation of our veterans could lead our economic recovery.

Ultimately, this amendment would give our veterans a level playing field to help spur economic growth and help spur job creation. With many servicemen and -women returning home from their combat missions in Iraq and Afghanistan, and nearly a quarter of veterans saying they are interested in starting or buying their own small businesses, we need to preserve accountability of these contract programs. In order to do so, we define small businesses by using the current definition outlined by the Small Business Administration, and eligible businesses must be registered with the Department of Veteran Affairs where the VA Center for Veteran Enterprises maintains a database of certified and registered veteran-owned businesses.

In addition, this amendment would apply to all Federal contracts authorized by this act and would be applied to any portion of State or local projects receiving Federal funds. In many cases, this law will simply be reinforcing existing practices and ensuring that this will continue to be the policy.

Let this Congress once again bring fairness to the government contracting system and ensure that our veterans, who put their lives on the line and their lives on hold to defend our freedoms, make sure that they are receiving the same preferential contracting status that this Congress has given to others.

I urge my colleagues to support this important amendment, and I yield back the balance of my time.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, veteran-owned companies do two really important things: First, they create jobs and provide positive impact on our economy. And most importantly, veteran-owned small businesses provide a great venue for unemployed veterans to find work.

Mr. Chairman, I believe that the government has done poorly in reaching the 3 percent contracting goal for veterans. For example, agency contractor awards are below 1 percent from 2003 to 2006. The most recent figures for 2009 show agencies awarded only 1.98 percent to service-disabled veterans. Agencies need to do better, and I believe this amendment will help the Department of Defense and Veterans Affairs do a better job.

□ 1920

I support this amendment, and I urge its adoption.

Mr. DICKS. Will the gentleman yield?

Mr. BISHOP of Georgia. I yield to the gentleman from Washington.

Mr. DICKS. I want to join in supporting this amendment and commend the gentleman from Pennsylvania for his hard work on this effort. I hope we can adopt this amendment unanimously. I appreciate the gentleman yielding.

Mr. CULBERSON. Will the gentleman yield?

Mr. BISHOP of Georgia. I yield to the gentleman from Texas.

Mr. CULBERSON. We're pleased to accept the gentleman's amendment. We accepted it last year, and we're proud to accept it this year to help encourage the VA to look to better-known businesses.

Mr. BISHOP of Georgia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FITZPATRICK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to hire a director of a national cemetery who is not a veteran.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. Mr. Chairman, during the hot days of last summer, the Veterans of Foreign Wars went to battle with the Veterans Administration in Houston, Texas. The VFW claimed the Veterans Administration was censoring free speech and preventing the free exercise of religion at the National Cemetery in Houston.

I appreciate the chairman, Mr. CULBERSON's, work on this project after the Veterans of Foreign Wars notified not only me, but notified him as well. The result is this:

This cemetery, Mr. Chairman, is the second largest in the Nation; it's a place where four Medal of Honor recipients are buried. The VA said that the chapel at the cemetery would be closed, and it was closed. The Bible, the cross, and the Star of David were removed by the Veterans Administration and the chapel became a storage shed. The VFW members also said that the director of the cemetery censored the prayers and prohibited the religious ceremony during the burial of America's veterans.

The VFW had to sue the Veterans Administration, and the Veterans Administration naturally denied the whole thing. But, recently, a Federal judge in Texas approved and agreed to an order requiring the chapel to be reopened, the Bible, the cross and the Star of David to be returned to their proper places, and said that the Veterans Administration must not interfere with free speech or the free exercise of religion at burials of America's war veterans.

Mr. Chairman, it's ironic that Americans have gone to war all over the world, fought for the principles of the U.S. Constitution, then when they come home, they face government hostility and the denial of First Amendment rights to the citizens when these veterans are buried in VA cemeteries.

Now the veterans have won a battle against a government that wanted to deny them the American freedoms they fought for in lands far, far away.

Mr. Chairman, a fundamental problem in the Houston case was the director of the cemetery was not a veteran. She did not understand the needs of veterans because she was not a veteran herself. And according to the Veterans of Foreign Wars, she disrespected the veterans and their most fundamental

rights. She censored prayers and speeches.

The amendment is simple. It says that any new hires of cemetery directors must be veterans. Eighty percent of current cemetery directors are veterans—on the application, when they apply to be a director, they must state whether they're a veteran or not—so clearly the Veterans Administration agrees that cemetery directors should be veterans themselves. This amendment would not force the remaining 20 percent that are not veterans to be fired. It would say that if the Veterans Administration is going to hire new directors, they will be veterans.

Our veterans need to know the directors of cemeteries understand what veterans and their families go through. They are the ones who best understand the needs of veterans in their time of grief, so they need to be veterans.

And that's just the way it is.

I yield back the balance of my time.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, I raise a point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. DICKS. Which amendment is before the House?

The Acting CHAIR. Without objection, the Clerk will reread the amendment.

The Clerk reread the amendment.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. I agree to the amendment and accept it. I think it's important. Had the cemetery director in Houston been a veteran, this problem never would have arisen.

I also thank the gentleman for bringing both of these amendments to the floor tonight. I have personally witnessed the cemetery director interfering with the funeral services of veterans. It is outrageous, just absolutely unacceptable. I thank the gentleman for his amendments and speaking on this amendment first. I have no objection and will accept this amendment.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word and to speak in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, I have great empathy for the concerns that the gentleman from Texas has raised in his discussions about the amendment on hiring a national cemetery administration director, but I just want to address some of them because I don't think it's good policy, and I don't think it will make for the best management and operation of our national cemeteries.

Employees of the National Cemetery Administration are proud to serve veterans and to serve veterans' families in

their time of need, and they do it with dignity and compassion. While the National Cemetery Administration has one of the highest percentages of veteran employees of any Federal agency—79 percent of the employees and 80 percent of its cemetery directors are veterans—the desire and the passion to serve our Nation's veterans is not limited to just veterans.

VA national cemeteries are nationally recognized for their commitment to excellence and top-rated customer satisfaction. Since 2001, the National Cemetery Administration has earned the American Customer Satisfaction Index's rating as a top-performing public or private organization in the country. This continues to be achieved by dedicated National Cemetery Administration employees, both veterans and nonveterans.

Who says a nonveteran cannot be patriotic and support the United States of America? If such an amendment passes, who would it impact? Most of our nonveteran cemetery directors have family ties with veterans. For example, one of our long-serving national cemetery directors had a father who served in the U.S. Army during World War II and saw combat in the Philippines, a brother who served as an Army infantryman in Vietnam, a husband who served in the Marine Corps during the Vietnam War, and most recently a son-in-law in the Marines who served two tours overseas during Operation Desert Storm.

This bill will result in a child, a sibling, or a spouse of a veteran losing his or her job or being denied the opportunity for a promotion. These individuals supported their family members as they put their lives on the line for our Nation, and now they wish to continue to honor and care for the graves of veterans in their final resting place.

VA follows all Federal laws and OPM regulations requiring hiring preference for eligible veterans. This legislation would make VA vulnerable to litigation by the displaced cemetery directors through the Merit Systems Protection Board.

The NCA requires all new national cemetery directors to have completed a 1-year intensive internship program that provides comprehensive training in all aspects of cemetery operations and management. Even if qualified veterans could be hired within 180 days to fill these critical positions, they would be coming in without the specific knowledge and skills to effectively run a cemetery to meet the needs of our veterans and their grieving families.

I think this amendment is well-intentioned, but I don't think that it would accomplish what is desired, and I think ultimately it will end up with chaos in our personnel system regarding our national cemeteries. I urge that this amendment be defeated.

Mr. Chairman, I yield back the balance of my time.

□ 1930

Mr. RUNYAN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. I yield to the gentleman from Texas.

Mr. POE of Texas. I thank the gentleman for yielding.

I just want to clarify one comment the ranking member made. This amendment would not require the firing of anybody. It's future hires of the veterans cemetery directors. So I just wanted to make that clear. That wouldn't put anybody out of work.

This specific problem at the Houston cemetery was all centered around the director's insensitivity to veterans. And one of the problems that came out during all of the litigation was she had no relationship to veterans, didn't understand veterans, she wasn't a veteran, and therefore, that's why this legislation is important. But it would not require the firing of anybody. It's about future directors.

Mr. RUNYAN. Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The Poe amendment states none of the funds made available by this act may be used for a director of a national cemetery who, after the date that is 180 days, whatever date, however he rephrased it.

According to the VA, compliance with this provision would be extremely disruptive to the NCA operations by requiring 20 percent of VA national cemetery directors to lose their current jobs for no other reason than that they are not a veteran. That is unfair.

The gentleman may have a grievance about one funeral director, but you can't take this out on the rest of these people who are doing a good job. So I would hope that we would defeat this ill-considered amendment.

I yield back the balance of my time.

Mr. POE of Texas. Mr. Chairman, I ask unanimous consent to amend the amendment to insert the word "new" before the word "director."

The Acting CHAIR. The gentleman will need to submit the modification to the desk.

Mr. DICKS. As I understand it—will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Washington.

Mr. DICKS. Is it none of the funds made available by this act may be used to hire a new director of a national cemetery who is not a veteran?

Mr. POE of Texas. The gentleman is correct.

Mr. DICKS. Thank you for clarifying that.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. POE of Texas:
Insert "new" between "a" and "director."

The Acting CHAIR. Is there objection to the modification?

Mr. BISHOP of Georgia. Mr. Chairman, reserving the right to object, is it not true that if we adopt this amendment for new hires, that it still restricts the option of getting the best possible manager for the cemetery?

Mr. POE of Texas. Will the gentleman yield?

Mr. BISHOP of Georgia. I yield to the gentleman.

Mr. POE of Texas. It would require that the person be a veteran for all new hires of the director of a cemetery. You are correct.

Mr. BISHOP of Georgia. That's what I thought. Thank you.

I withdraw my reservation.

The Acting CHAIR. Is there objection to the modification?

Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to hire a new director of a national cemetery who is not a veteran.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Texas (Mr. POE).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to prohibit a veterans service organization that is participating in the funeral or memorial service of a veteran from reciting any words as part of such service or memorial.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. POE of Texas. Once again I thank Chairman CULBERSON for his work on this situation that occurred at the veterans cemetery in Houston last year. That has been resolved in one specific case.

This amendment does something very simple. It ensures that the First Amendment rights of veterans and their families will not be violated by anyone at burial services at our national cemeteries. It's a free speech issue, and it would not allow what has occurred in the past, the speech police of the Veterans Administration to control the words of those that attend burials of our veterans. It would not allow censorship of religion.

So I urge support of this amendment, which will ensure the constitutional rights that are in the First Amendment to those that will be buried in the future at all of our national cemeteries.

Mr. BISHOP of Georgia. Will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Georgia.

Mr. BISHOP of Georgia. We have no objection.

Mr. CULBERSON. Will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Texas.

Mr. CULBERSON. I strongly support the gentleman's amendment and thank him for bringing it to the floor tonight, and urge its adoption.

Mr. POE of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RUNYAN

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, after line 10, insert the following new section:

SEC. 519. None of the funds made available by this Act may be used to modify, maintain, or manage a structure, building, or barracks for a person, unit, or mission of the Armed Forces or Department of Defense outside of the normal tour or duty restationing or authorized base closure and realignment process.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. Mr. Chairman, I will be really brief.

My amendment states that none of the funds made available by this Act could be used to do an informal base realignment and closure.

As you may be aware, the Senate version of the National Defense Authorization Act calls for an independent commission that would help determine the Air Force's force structure. I know that many Members of this Chamber also want Congress to have our say on this issue. And my amendment will help ensure that we do.

I thank the chairman and the members of the subcommittee for working with me on this important amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. 519. None of the funds made available by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. FLORES. Mr. Chairman, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its lifecycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Milcon-VA bill.

The initial purpose of section 526 was to stifle the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum.

□ 1940

We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel. Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department. This is why I am offering this amendment again today to the MilCon-VA appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix, and that is to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce our domestic energy resources. Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's energy policy, independence, and our national security. Mr. Chair, section 526 makes our Nation more dependent on Middle East oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy and create American jobs.

Let's remember the following facts about section 526: It increases our reliance on Middle Eastern oil. It hurts our military readiness, our national security, and our energy security. It also prevents the potential increased use of

some sources of safe, clean, and efficient American oil and gas. It increases the cost of American food and energy. It hurts American jobs and the American economy. Last but certainly not least, it costs our taxpayers more of their hard-earned dollars.

In some circles, there is a misconception that my amendment somehow prevents the Federal Government and the military from being able to produce and use alternative fuels. Mr. Chairman, this viewpoint is categorically false. All my amendment does is to allow the purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs. I offered a similar amendment to the CJS appropriations bill, and it passed with strong bipartisan support. My friend Mr. CONAWAY also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

I urge my colleagues to support the passage of this commonsense amendment, and I yield back the balance of my time.

Mr. BISHOP of Georgia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. I rise in opposition to the gentleman's amendment.

Section 526 of the Energy Independence and Security Act of 2007 is intended to ensure that the environmental costs from the use of alternative fuels are at least no worse than the fuels in use today. It requires that the Federal Government do no more harm when it comes to global climate change than it does today through the use of unconventional fuels.

Section 526 precludes the use of fuels, such as coal-to-liquids, as well as unconventional petroleum fuels, such as tar sands and oil shale, unless advanced technologies, such as carbon sequestration, are used to mitigate the greenhouse gas emissions. The corollary is that domestic production could be achieved with carbon sequestration. Further, the EIA predicts that these alternative fuels may well take decades to develop and that the additional fuel production capacity of these alternatives is unlikely to exceed 10 percent of the fuel supply by 2030.

A number of the reports have concluded that the potential adverse national security impacts of climate change, such as political unrest due to famines and droughts, may very well be severe. These consequences can outweigh the security benefits of the domestic production of these fuels.

The Department of Defense alone is the largest single energy consumer in the world. It consumes approximately as much energy as the nation of Nigeria. Its leadership in this area is critical to any credible approach to dealing with energy security issues in a

way that will not result in dangerous global climate change. This prohibition provides an opportunity for the DOD to play a substantial role in spurring innovation to produce alternative fuels which will not worsen global climate change.

I urge Members to vote "no" on this amendment, and I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in support of the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. We accepted this amendment, and it passed the House last year.

I am happy to yield to my friend from Texas for any further comments he would like to make.

Mr. FLORES. I thank the gentleman from Texas.

Let's restate what this amendment does.

It prevents section 526 from restricting the fuel choices available to our military and to our Federal agencies. It doesn't say that they cannot go ahead and develop alternative fuel sources. We can debate whether or not that's appropriate. The Navy recently made a purchase of biofuel for \$27 a gallon, which was five to six times more expensive than traditional fuels. Now, we can debate if that's the appropriate use of taxpayer money. I think it's wrong. This amendment would not affect that whatsoever. All it says is that the Navy or the other branches of the military or any Federal agency affected by MilCon-VA can buy whatever fuel it deems most appropriate for its needs.

Mr. CULBERSON. Mr. Chairman, I urge the adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEBSTER

Mr. WEBSTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the salary or compensation of a Director of Construction and Facilities Management of the Department of Veterans Affairs (or an individual acting as such Director) who does not meet the qualifications for such position required under section 312A(b) of title 38, United States Code.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. WEBSTER. My amendment is simple. It requires the Department of Veterans Affairs to follow existing law and to insist on having an experienced Director of Construction and Facilities

Management. All it requires is that the holder of this position have a degree in architecture or engineering and have professional experience in construction project management.

Not many people have heard of this position, but it carries enormous responsibility, not only for the stewardship of our tax dollars, but also for ensuring that our veterans have the facilities necessary for the health care and medical treatment we promised them and they earned. The VA manages over 5,000 buildings nationwide. According to the GAO, it has nearly 70 ongoing major construction projects around the country, 33 of which are major medical facilities. Of these 33, many have experienced considerable cost overruns and schedule delays.

Four of the largest projects under construction are full service hospitals designed to provide health care to the hundreds of thousands of American veterans. The VA will spend an estimated \$3 billion on these four facilities. One of these sites is in Orlando. The construction of the Orlando VAMC has been a classic example of government waste and inefficiency. The VA broke ground on the site in 2008 with a scheduled completion date of 2010. The estimated completion date now has been pushed back well into 2013.

Several GAO reports and House Veterans Affairs' Committee hearings have sought to determine the root cause of these problems. However, it is increasingly clear that the lack of expertise on the part of the Department of Construction and Facilities Management within the VA bears responsibility. The VA has violated public law by ignoring the required qualifications to occupy a position that oversees these projects. The result is a cost to the taxpayers of an additional \$1.1 billion on the four largest projects alone and multiple-year delays in health care services to our veterans.

The qualifications are shockingly simple for a position that oversees the construction of veterans' health care facilities that cost billions of dollars. An individual who holds the position of Director of Construction and Facilities Management, under current law, must meet two qualifications: (1) hold an undergraduate or a master's degree in architectural design or engineering; (2) have professional experience in the area of construction and project management.

My amendment simply requires that the funds used to hire this person meet that criteria. The Director of Construction and Facilities Management will potentially oversee as much as \$15 billion in construction and repairs over the next 5 years. We owe it to our Nation's heroes to have qualified, experienced people behind these critical projects.

I urge my colleagues to vote "yes" on this Webster amendment to ensure

that not only valuable taxpayer dollars are appropriately managed but that our veterans have access to the high-quality health care facilities that they deserve.

I yield back the balance of my time.

□ 1950

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. WEBSTER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. FRANKS OF ARIZONA

Mr. FRANKS of Arizona. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 66, after line 10, add the following new section:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the prevailing wage requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Chairman, I rise today in support of this amendment to H.R. 5854, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2013. I also want to thank my colleagues—Mr. GOSAR, Mr. STEVE KING, and Mr. AMASH—for joining me in cosponsoring this amendment.

Mr. Chairman, my amendment would ensure that no funds made available by H.R. 5854 could be used to implement, administer, or enforce the Davis-Bacon Act requirements for government contracts.

Mr. Chairman, the Davis-Bacon Act is an anachronistic law that was enacted during the Great Depression to prevent wayfaring contractors from lowballing local construction bids. The sponsors of this act originally intended for it to discriminate against non-unionized black workers in favor of white workers belonging to white-only unions. This vestigial remnant of the Jim Crow era has no place in our military construction contracts and should be abandoned.

Furthermore, the Davis-Bacon Act results in billions of wasted taxpayer dollars every year. The act requires Federal construction contractors to pay their workers higher government-mandated wages, which would be as much as 1½ times greater than their basic pay rate. This results in artificially high costs of construction, Mr. Chairman, which are ultimately shouldered by American taxpayers. Contractors wishing to offer a lower bid would still be required by law to pay their employees the higher government-mandated wage and file a weekly report of the wages paid to each worker. This has a particularly negative effect on small businesses as they are often

unable to compete due to the Davis-Bacon wage and benefits requirements, which reduces competition and further inflates contract rates.

Moreover, Mr. Chairman, Davis-Bacon was enacted before the Fair Labor Standards Act and the National Labor Relations Act; and, according to GAO, these acts have rendered Davis-Bacon obsolete and unnecessary. There are a number of laws passed by this body that protect construction workers without the discriminatory intent and effect of Davis-Bacon.

During this time of fiscal austerity and responsibility, Congress must do all it can to lower Federal contract costs and decrease the burden on American taxpayers. This amendment is an attempt to stop the hemorrhage of wasteful spending and rein in our debt.

I urge my colleagues to support this amendment that would ensure no funds are made available by H.R. 5854 that could be used to implement, administer, or enforce the wasteful Davis-Bacon Act, and I yield back the balance of my time, Mr. Chairman.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, this is a very ill-conceived amendment, and I must stand in opposition to it.

The Davis-Bacon Act requires that workers on federally funded construction projects be paid no less than the wages paid in the community for similar work. It requires that every contract for construction of which the Federal Government is a party in excess of \$2,000 contain a provision defining the minimum wages paid to various classes of laborers and mechanics. This is a pretty simple concept, and it is a fair one. What the Davis-Bacon Act does is protect the government, as well as the workers, in carrying out the policy of paying decent wages on government contracts.

I would like to just mention quickly that Davis-Bacon has no effect on the total cost of construction. Study after study reveals productivity makes up for any additional labor costs, essentially eliminating any cost savings if the law were repealed. But this amendment seeks to prevent Federal agencies from administering these requirements in statute. Let me give you a few examples of how this poorly thought-out proposal could actually play out in the real world if it's enacted into law.

The amendment, as is written, could prevent Federal agencies that use funds through this legislation from monitoring, investigating, transmitting conformances, and providing compliance assistance to existing Davis-Bacon covered contracts that were awarded prior to this funding legislation. Contractors requesting H2B visas could conceivably request non-U.S.

workers receive permits for employment at wage rates not in concert with the Davis-Bacon wage rates of that locality. Procurement agencies may not be able to proceed with the award of contracts that were solicited in the prior fiscal period but awarded under this funding legislation. During the period covered by this funding, bidders could use wages as a method of undercutting the locally established wage rates of that community that might promote the use of workers from different geographic areas. The amendment could prevent Federal agencies that use money from this appropriation from advising State, local, and other grant recipients of DBA application to federally assisted programs that would otherwise be subject to the DBA provisions.

This is not responsible legislation, and it's not responsible governing. I urge the defeat of this amendment, and I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in support of the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. I want to say again, as I mentioned earlier—and I think much of this has been said, so I won't belabor it—the State of Texas is a right-to-work State. There are very few, if any, labor unions in the State of Texas. We have them in a few industries, but not many.

We have to be good stewards of the taxpayers' precious dollars, and the gentleman from Arizona's amendment makes good sense. We should pay the free-market wage. We should not force taxpayers to pay an artificially high union wage when a free-market wage is available and you can get a job done well at a far better price. That just makes common sense.

Mr. Chairman, I urge adoption of the gentleman's amendment, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, let me just clear up a couple of things, especially what the gentleman from Texas just had to say.

This may be something that will be hard for him to believe, but this is, as I understand it, from the Labor Department. A Davis-Bacon wage usually is not a union wage. The Davis-Bacon prevailing wage is based upon surveys of wages and benefits actually paid to various job classifications of construction workers—an example is iron workers—in the community without regard to union membership.

According to the Department of Labor, a whopping 72 percent of the prevailing wage rates issued in 2000 were based upon nonunion wage rates.

A union wage prevails only if the DOL survey determines that the local wages are paid to more than 50 percent of the workers in the job classification. So 72 percent of these prevailing wages are nonunion. I'm sure the gentleman from Texas and the gentleman from Arizona are thrilled to hear that. Sometimes the facts are revealing.

Again, we've defeated this amendment over and over and over again. Mr. Chairman, I urge the House to defeat the Franks amendment this evening, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Secretary of Veterans Affairs to pay a performance award under section 5384 of title 5, United States Code.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

□ 2000

Mr. STEARNS. Mr. Chairman, I am not going to take the full 5 minutes. My amendment is pretty simple. It will prohibit funds from being paid as bonuses to employees that are classified in the Senior Executive Service.

What we found when we looked at this, the Veterans' Affairs Committee held a hearing on this, on the budget, in February of this year. The Secretary of the VA testified that their budget request was held accountable for the program results. Of course, one of the issues that came up, Mr. Chairman, was the enormous bonuses and awards that were given out to VA employees.

I think, like many of us here in the House, we are concerned about bonuses when we have so many problems in this economy, high employment, and also we have an unmanageable backlog of cases, an extremely long wait for our veterans to see mental health professionals.

Of course, the VA has a history of poor contracting process and oversight. For example, at the Miami VA Health Center, veterans may have been exposed to HIV/AIDS due to poor sterilization

procedures down there. Despite these poor records, they are giving out huge bonuses for simple things like suggestions, foreign language award, travel, savings incentives, referral bonuses.

In fact, on recruitment and relocation retention alone, almost 60,000 recipients received over \$450,000 in cash bonuses. My simple amendment is saying enough is enough. What we want to do is say all of government should make a sacrifice, particularly the VA. If they're giving out these huge bonuses, why don't they cut back on their senior, senior employees.

Mr. DICKS. Will the gentleman yield?

Mr. STEARNS. I yield to the gentleman.

Mr. DICKS. Could we work out an agreement here that we could take the savings from the gentleman's amendment and use that to pay the workers, the half of 1 percent raise that is denied in this? Is there a way we could work this out?

Mr. STEARNS. I thank the gentleman for his suggestions. I am just going to go with my amendment at this point. Having an opportunity to look this over, I think we have talked to the veterans committee, and we think it is a viable amendment. I think certainly as we move into conference, we can look at what you're suggesting, but right now I would just like to press this.

Mr. DICKS. I appreciate the gentleman yielding.

Mr. STEARNS. With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

Mr. CULBERSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS of New Hampshire) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE VIRGINIA FOXX, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable VIRGINIA FOXX, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court for the State of North Carolina, Surry County in connection with a criminal prosecution currently pending before that court.

After consultation with the Office of General Counsel, I have determined that because the subpoena is not "material and relevant," compliance with the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

VIRGINIA FOXX,
Member of Congress.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5325, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5325.

The Chair appoints the gentleman from Georgia (Mr. WOODALL) to preside over the Committee of the Whole.

□ 2009

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. WOODALL in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 2010

Mr. FRELINGHUYSEN. Mr. Chairman, it is my honor to bring the fiscal year 2013 Energy and Water bill before the full House.

Before I begin my remarks, let me thank the full chairman, Mr. ROGERS,

as well as the ranking member, Mr. DICKS, for their support of a very open process. I would also like to thank my ranking member, Congressman PETE VISCLOSKEY, for his dedication to our joint mission and our close working relationship. The bill is stronger for his input and knowledge.

I would also like to thank the committee staff: Rob Blair, our clerk; Joe Levin; Loraine Heckenberg; Angie Giancarlo; Perry Yates; and Trevor Higgins. On the minority side, I would like to thank Taunja Berquam. I would also like to thank my personal staff, Nancy Fox and Katie Hazlett, and Mr. VISCLOSKEY's personal staff in the form of Joe DeVo.

Mr. Chairman, the Energy and Water Development appropriations bill supports programs critical to our Nation's security, safety, and economic competitiveness. Our recommendation prioritizes investments in our nuclear security enterprise, programs to address gasoline prices, and opportunities to advance American competitiveness, including the key role of the Army Corps of Engineers.

The bill for fiscal year 2013 totals \$32.1 billion. Security funding is increased by \$275 million over last year, while non-security funding is cut by \$188 million.

Mr. Chairman, there are no earmarks in this legislation.

We also reclaim most unused funds from previous Congresses, so this bill actually cuts spending by \$623 million below last year, forcing our agencies down to more appropriate sizes and to operate with less money. The only significant increases over last year's level are to nuclear security and to develop a true all-of-the-above energy strategy. We also provide more funding to the Corps, including \$1 billion for Harvard Maintenance Trust Fund projects. The

recommendation also fully funds Weapons Activities to ensure that the Secretary of Energy has the investments he needs to certify to the President that our nuclear stockpile is reliable.

We have also heard from the public frustration about "stimulus fund" investments into failed energy projects. This bill will remove the Energy Department back to its core responsibilities—to serve Americans by protecting their security and improving our energy independence. Our bill will help improve that independence by sustaining fossil and nuclear energy research development, the latter of which is leading to investments in new nuclear power plants and developing small modular reactors. And, unlike the President, we have always considered "clean coal" to be part of our national energy security.

At the same time, the Department of Energy's energy programs are cut by nearly \$600 million, or 6 percent, by reducing programs which received the largesse of the largely failed so-called "stimulus" program. No funding is provided for the Solyndra-like loan guarantee programs in our bill.

All of our constituents are wrestling with how to pay for higher gasoline bills on limited budgets. This bill does not provide a quick fix, since there's little that the Department can do in its programs to immediately change oil supply and demand. However, the bill provides over \$1.01 billion—\$36 million above fiscal year 2012—to strengthen the Department of Energy's programs addressing the causes and impacts of higher gasoline prices down the road.

Within this, the recommendation funds a new program to promote shale oil recovery. If we could fully use this resource, our country's reserves could equal all global conventional reserves. This would make a major dent in oil

prices and reduce our dependency on foreign oil.

Additionally, scientific research at the Department of Energy strengthens American competitiveness and enables true breakthroughs in the energy sector, and the bill preserves and protects it. The bill also protects public safety and keeps America literally open for business by providing \$4.8 billion for the Army Corps of Engineers, \$83 million above the request and \$188 million below fiscal year 2012.

As in fiscal year 2012, our bill maintains the constitutional role of Congress in the appropriations process by ensuring that all worthy Corps of Engineers projects have a chance to compete for funding. The bill provides \$324 million in addition to the President's requested projects, investing in navigation and flood control—activities most critical to public safety, jobs, and our economy.

Finally, a word about Yucca Mountain. The recommendation includes \$25 million for Yucca Mountain with language prohibiting activity which keeps that facility from being usable in the future. The recommendation also denies funding for Blue Ribbon Commission activities, which need legislative authorization. Research and development activities to support Yucca Mountain are permitted. This will ensure that we keep Congress in the driver's seat for nuclear waste policy.

Mr. Chairman, this is a tight, fiscally conservative bill which funds critical national security, jobs, and infrastructure priorities while helping to fight future gasoline price increases. This bill deserves our Members' support, and I look forward to an open and full discussion and open process.

I reserve the balance of my time.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2013 (H.R. 5325)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|--|--------------------|--------------------|-------------|---------------------|---------------------|
| ----- | | | | | |
| TITLE I - DEPARTMENT OF DEFENSE - CIVIL | | | | | |
| DEPARTMENT OF THE ARMY | | | | | |
| Corps of Engineers - Civil | | | | | |
| Investigations..... | 125,000 | 102,000 | 102,000 | -23,000 | --- |
| Construction..... | 1,694,000 | 1,471,000 | 1,477,284 | -216,716 | +6,284 |
| Section 902 outlays..... | --- | --- | --- | --- | --- |
| Mississippi River and Tributaries..... | 252,000 | 234,000 | 224,000 | -28,000 | -10,000 |
| Disaster relief category (P.L. 112-77)..... | 802,000 | --- | --- | -802,000 | --- |
| Operations and Maintenance..... | 2,412,000 | 2,398,000 | 2,507,409 | +95,409 | +109,409 |
| Disaster relief category (P.L. 112-77)..... | 534,000 | --- | --- | -534,000 | --- |
| Regulatory Program..... | 193,000 | 205,000 | 190,000 | -3,000 | -15,000 |
| Formerly Utilized Sites Remedial Action Program (FUSRAP)..... | 109,000 | 104,000 | 104,000 | -5,000 | --- |
| Flood Control and Coastal Emergencies..... | 27,000 | 30,000 | 27,000 | --- | -3,000 |
| Disaster relief category (P.L. 112-77)..... | 388,000 | --- | --- | -388,000 | --- |
| Expenses..... | 185,000 | 182,000 | 177,500 | -7,500 | -4,500 |
| Office of Assistant Secretary of the Army (Civil Works)..... | 5,000 | 5,000 | 5,000 | --- | --- |
| ===== | | | | | |
| Total, title I, Department of Defense - Civil... | 6,726,000 | 4,731,000 | 4,814,193 | -1,911,807 | +83,193 |
| Appropriations..... | (5,002,000) | (4,731,000) | (4,814,193) | (-187,807) | (+83,193) |
| Disaster relief category..... | (1,724,000) | --- | --- | (-1,724,000) | --- |
| ===== | | | | | |
| TITLE II - DEPARTMENT OF THE INTERIOR | | | | | |
| Central Utah Project Completion Account | | | | | |
| Central Utah Project construction..... | 25,154 | --- | 18,500 | -6,654 | +18,500 |
| Fish, wildlife, and recreation mitigation and conservation..... | 2,000 | --- | 1,200 | -800 | +1,200 |
| ----- | | | | | |
| Subtotal..... | 27,154 | --- | 19,700 | -7,454 | +19,700 |
| Program oversight and administration..... | 1,550 | --- | 1,300 | -250 | +1,300 |
| ----- | | | | | |
| Total, Central Utah project completion account.. | 28,704 | --- | 21,000 | -7,704 | +21,000 |
| Bureau of Reclamation | | | | | |
| Water and Related Resources..... | 895,000 | 818,635 | 833,635 | -61,365 | +15,000 |
| Central Valley Project Restoration Fund..... | 53,068 | 39,883 | 39,883 | -13,185 | --- |
| California Bay-Delta Restoration..... | 39,651 | 36,000 | 36,000 | -3,651 | --- |
| Policy and Administration..... | 60,000 | 60,000 | 57,000 | -3,000 | -3,000 |
| Indian Water Rights Settlements..... | --- | 46,500 | --- | --- | -46,500 |
| San Joaquin Restoration Fund..... | --- | 12,000 | --- | --- | -12,000 |
| Central Utah Project Completion..... | --- | 21,000 | --- | --- | -21,000 |
| ----- | | | | | |
| Total, Bureau of Reclamation..... | 1,047,719 | 1,034,018 | 966,518 | -81,201 | -67,500 |
| ===== | | | | | |
| Total, title II, Department of the Interior..... | 1,076,423 | 1,034,018 | 987,518 | -88,905 | -46,500 |
| ===== | | | | | |
| TITLE III - DEPARTMENT OF ENERGY | | | | | |
| Energy Programs | | | | | |
| Energy Efficiency and Renewable Energy..... | 1,825,000 | 2,337,000 | 1,450,960 | -374,040 | -886,040 |
| Rescission..... | -9,909 | -69,667 | -69,667 | -59,758 | --- |
| Sec. 309 - Contractor pay freeze rescission..... | -5,453 | --- | --- | +5,453 | --- |
| ----- | | | | | |
| Subtotal..... | 1,809,638 | 2,267,333 | 1,381,293 | -428,345 | -886,040 |
| Electricity Delivery and Energy Reliability..... | 139,500 | 143,015 | 123,000 | -16,500 | -20,015 |

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2013 (H.R. 5325)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|--------------------|--------------------|-----------|---------------------|---------------------|
| Sec. 309 - Contractor pay freeze rescission..... | -397 | --- | --- | +397 | --- |
| Subtotal..... | 139,103 | 143,015 | 123,000 | -16,103 | -20,015 |
| Nuclear Energy..... | 768,663 | 770,445 | 765,391 | -3,272 | -5,054 |
| Sec. 309 - Contractor pay freeze rescission..... | -3,272 | --- | --- | +3,272 | --- |
| Subtotal..... | 765,391 | 770,445 | 765,391 | --- | -5,054 |
| Fossil Energy Research and Development..... | 534,000 | 420,575 | 554,000 | +20,000 | +133,425 |
| Rescission..... | -187,000 | --- | --- | +187,000 | --- |
| Sec. 309 - Contractor pay freeze rescission..... | -297 | --- | --- | +297 | --- |
| Subtotal..... | 346,703 | 420,575 | 554,000 | +207,297 | +133,425 |
| Naval Petroleum and Oil Shale Reserves..... | 14,909 | 14,909 | 14,909 | --- | --- |
| Elk Hills School Lands Fund..... | --- | 15,580 | 15,580 | +15,580 | --- |
| Strategic Petroleum Reserve..... | 192,704 | 195,609 | 195,609 | +2,905 | --- |
| SPR Petroleum Account (rescission)..... | -500,000 | -291,000 | --- | +500,000 | +291,000 |
| Northeast Home Heating Oil Reserve..... | 10,119 | 10,119 | 10,119 | --- | --- |
| Rescission..... | -100,000 | -6,000 | -6,000 | +94,000 | --- |
| Subtotal..... | -89,881 | 4,119 | 4,119 | +94,000 | --- |
| Energy Information Administration..... | 105,000 | 116,365 | 100,000 | -5,000 | -16,365 |
| Non-defense Environmental Cleanup..... | 235,721 | 198,506 | 198,506 | -37,215 | --- |
| Sec. 309 - Contractor pay freeze rescission..... | -415 | --- | --- | +415 | --- |
| Subtotal..... | 235,306 | 198,506 | 198,506 | -36,800 | --- |
| Uranium Enrichment Decontamination and Decommissioning Fund..... | 472,930 | 442,493 | 425,493 | -47,437 | -17,000 |
| Sec. 309 - Contractor pay freeze rescission..... | -750 | --- | --- | +750 | --- |
| Subtotal..... | 472,180 | 442,493 | 425,493 | -46,687 | -17,000 |
| Science..... | 4,889,000 | 4,992,052 | 4,824,931 | -64,069 | -167,121 |
| Rescission..... | --- | --- | -23,500 | -23,500 | -23,500 |
| Sec. 309 - Contractor pay freeze rescission..... | -15,366 | --- | --- | +15,366 | --- |
| Subtotal..... | 4,873,634 | 4,992,052 | 4,801,431 | -72,203 | -190,621 |
| Advanced Research Projects Agency-Energy..... | 275,000 | 350,000 | 200,000 | -75,000 | -150,000 |
| Nuclear waste disposal..... | --- | --- | 25,000 | +25,000 | +25,000 |
| Title 17 Innovative Technology Loan Guarantee Program Offsetting collection..... | 38,000 | 38,000 | 38,000 | --- | --- |
| Offsetting collection..... | -38,000 | -38,000 | -38,000 | --- | --- |
| Subtotal..... | --- | --- | --- | --- | --- |
| Advanced Technology Vehicles Manufacturing Loans program..... | 6,000 | 9,000 | 6,000 | --- | -3,000 |
| Departmental Administration..... | 237,623 | 230,783 | 230,783 | -6,840 | --- |
| Miscellaneous revenues..... | -111,623 | -108,188 | -108,188 | +3,435 | --- |
| Net appropriation..... | 126,000 | 122,595 | 122,595 | -3,405 | --- |
| Office of the Inspector General..... | 42,000 | 43,468 | 43,468 | +1,468 | --- |
| Total, Energy programs..... | 8,813,687 | 9,815,064 | 8,976,394 | +162,707 | -838,670 |

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2013 (H.R. 5325)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|--|--------------------|--------------------|------------|---------------------|---------------------|
| Atomic Energy Defense Activities | | | | | |
| National Nuclear Security Administration | | | | | |
| Weapons Activities..... | 7,233,997 | 7,577,341 | 7,577,341 | +343,344 | --- |
| Sec. 309 - Contractor pay freeze rescission..... | -19,877 | --- | --- | +19,877 | --- |
| Rescission..... | --- | --- | -65,000 | -65,000 | -65,000 |
| Subtotal..... | 7,214,120 | 7,577,341 | 7,512,341 | +298,221 | -65,000 |
| Defense Nuclear Nonproliferation..... | 2,324,303 | 2,458,631 | 2,283,024 | -41,279 | -175,607 |
| Rescission..... | -21,000 | --- | -7,000 | +14,000 | -7,000 |
| Sec. 309 - Contractor pay freeze rescission..... | -7,423 | --- | --- | +7,423 | --- |
| Subtotal..... | 2,295,880 | 2,458,631 | 2,276,024 | -19,856 | -182,607 |
| Naval Reactors..... | 1,080,000 | 1,088,635 | 1,086,635 | +6,635 | -2,000 |
| Office of the Administrator..... | 410,000 | 411,279 | 400,000 | -10,000 | -11,279 |
| Total, National Nuclear Security Administration..... | 11,000,000 | 11,535,886 | 11,275,000 | +275,000 | -260,886 |
| Environmental and Other Defense Activities | | | | | |
| Defense Environmental Cleanup..... | 5,023,000 | 5,009,001 | 4,930,078 | -92,922 | -78,923 |
| Sec. 309 - Contractor pay freeze rescission..... | -20,050 | --- | --- | +20,050 | --- |
| Rescission..... | --- | --- | -10,000 | -10,000 | -10,000 |
| Subtotal..... | 5,002,950 | 5,009,001 | 4,920,078 | -82,872 | -88,923 |
| Defense Environmental Cleanup (legislative proposal)..... | --- | 463,000 | --- | --- | -463,000 |
| Other Defense Activities..... | 823,364 | 735,702 | 813,364 | -10,000 | +77,662 |
| Total, Environmental and Other Defense Activities..... | 5,826,314 | 6,207,703 | 5,733,442 | -92,872 | -474,261 |
| Total, Atomic Energy Defense Activities..... | 16,826,314 | 17,743,589 | 17,008,442 | +182,128 | -735,147 |
| Power Marketing Administrations /1 | | | | | |
| Operation and maintenance, Southeastern Power Administration..... | | | | | |
| Administration..... | 8,428 | 8,732 | 8,732 | +304 | --- |
| Offsetting collections..... | -8,428 | -8,732 | -8,732 | -304 | --- |
| Subtotal..... | --- | --- | --- | --- | --- |
| Operation and maintenance, Southwestern Power Administration..... | | | | | |
| Administration..... | 45,010 | 44,200 | 44,200 | -810 | --- |
| Offsetting collections..... | -33,118 | -32,308 | -32,308 | +810 | --- |
| Subtotal..... | 11,892 | 11,892 | 11,892 | --- | --- |
| Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration..... | | | | | |
| Administration..... | 285,900 | 291,920 | 291,920 | +6,020 | --- |
| Offsetting collections..... | -189,932 | -195,790 | -195,790 | -5,858 | --- |
| Subtotal..... | 95,968 | 96,130 | 96,130 | +162 | --- |
| Falcon and Amistad Operating and Maintenance Fund..... | | | | | |
| Administration..... | 4,169 | 5,555 | 5,555 | +1,386 | --- |
| Offsetting collections..... | -3,949 | -5,335 | -5,335 | -1,386 | --- |
| Subtotal..... | 220 | 220 | 220 | --- | --- |
| Total, Power Marketing Administrations..... | 108,080 | 108,242 | 108,242 | +162 | --- |
| Federal Energy Regulatory Commission | | | | | |
| Salaries and expenses..... | 304,600 | 304,600 | 304,600 | --- | --- |

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2013 (H.R. 5325)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|--|--------------------|--------------------|--------------|---------------------|---------------------|
| Revenues applied..... | -304,600 | -304,600 | -304,600 | --- | --- |
| General Provision | | | | | |
| Section 309 - Contractor pay freeze (Rescission) | (-73,300) | --- | --- | (+73,300) | --- |
| | ===== | ===== | ===== | ===== | ===== |
| Total, title III, Department of Energy..... | 25,748,081 | 27,666,895 | 26,093,078 | +344,997 | -1,573,817 |
| Appropriations..... | (26,639,290) | (28,033,562) | (26,274,245) | (-365,045) | (-1,759,317) |
| Rescissions..... | (-891,209) | (-366,667) | (-181,167) | (+710,042) | (+185,500) |
| | ===== | ===== | ===== | ===== | ===== |
| TITLE IV - INDEPENDENT AGENCIES | | | | | |
| Appalachian Regional Commission..... | 68,263 | 64,850 | 75,317 | +7,054 | +10,467 |
| Defense Nuclear Facilities Safety Board..... | 29,130 | 29,415 | 29,415 | +285 | --- |
| Delta Regional Authority..... | 11,677 | 11,315 | 11,677 | --- | +362 |
| Denali Commission..... | 10,679 | 10,165 | 10,679 | --- | +514 |
| Northern Border Regional Commission..... | 1,497 | 1,425 | 1,425 | -72 | --- |
| Southeast Crescent Regional Commission..... | 250 | --- | 250 | --- | +250 |
| Nuclear Regulatory Commission: | | | | | |
| Salaries and expenses..... | 1,027,240 | 1,042,200 | 1,038,800 | +11,560 | -3,400 |
| Revenues..... | -899,726 | -914,832 | -911,772 | -12,046 | +3,060 |
| Subtotal..... | 127,514 | 127,368 | 127,028 | -486 | -340 |
| Office of Inspector General..... | 10,860 | 11,020 | 11,020 | +160 | --- |
| Revenues..... | -9,774 | -9,918 | -9,918 | -144 | --- |
| Subtotal..... | 1,086 | 1,102 | 1,102 | +16 | --- |
| Total, Nuclear Regulatory Commission..... | 128,600 | 128,470 | 128,130 | -470 | -340 |
| Nuclear Waste Technical Review Board..... | 3,400 | 3,400 | 3,400 | --- | --- |
| Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects..... | 1,000 | 3,084 | 1,000 | --- | -2,084 |
| | ===== | ===== | ===== | ===== | ===== |
| Total, title IV, Independent agencies..... | 254,496 | 252,124 | 261,293 | +6,797 | +9,169 |
| Appropriations..... | (254,496) | (252,124) | (261,293) | (+6,797) | (+9,169) |
| Rescissions..... | --- | --- | --- | --- | --- |
| | ===== | ===== | ===== | ===== | ===== |
| Grand total..... | 33,805,000 | 33,684,037 | 32,156,082 | -1,648,918 | -1,527,955 |
| Appropriations..... | (32,972,209) | (34,050,704) | (32,337,249) | (-634,960) | (-1,713,455) |
| Disaster relief category..... | (1,724,000) | --- | --- | (-1,724,000) | --- |
| Rescissions..... | (-891,209) | (-366,667) | (-181,167) | (+710,042) | (+185,500) |

1/ Totals adjusted to net out alternative financing costs, reimbursable agreement funding, and power purchase and wheeling expenditures. Offsetting collection totals only reflect funds collected for annual expenses, excluding power purchase wheeling.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

I would like to begin by expressing my appreciation to Chairman FRELINGHUYSEN for his efforts to be inclusive and transparent in drafting this legislation. The process has been collegial, and the chairman has ensured that the Energy and Water Subcommittee continues its tradition of bipartisanship and cooperation. I would like to join the chairman in thanking the other members of the subcommittee and also all of their staffs for their exceptionally good and dedicated work. Finally, this bill could not have been written without the dedication, hard work, and sound judgment of our committee staff. The chairman has kindly enumerated them by name.

Given the constrained allocation that the subcommittee was dealt, I believe that Chairman FRELINGHUYSEN has crafted a good bill. While I hope that we can modify some elements of the bill going forward, I would observe that our differences are marginal.

As the chairman mentioned in his remarks, the allocation for the Energy and Water bill is \$31.2 billion, which is \$964 million below the administration's budget request and \$88 billion above last year's level. As a result, the bill makes dramatic reductions to vital energy programs to stay within the allocation.

While I recognize that difficult choices must be made to address the Nation's serious financial situation, and I believe that Chairman FRELINGHUYSEN has made a considerable effort to craft a balanced bill, this legislation is severely hampered by the shortsighted nature of the spending cap set by the House-approved budget resolution. The allocation for Energy and Water is simply insufficient to meet the challenges posed by our energy crisis, the need to maintain our water infrastructure, and our national security requirements.

That being said, I would like to point out some of the very positive aspects of the bill. I am grateful that additional funds for core Nonproliferation activities and Vehicle Technologies were included. These are very smart investments. The first is vital to our national security as securing, removing, and curbing the spread of nuclear materials is one of the great international challenges our country faces. I would argue the increased funding for Vehicle Technology is also a smart national security investment. Specifically, the program researches the development of lightweight materials, high-powered batteries, and hybrid electric drive motors. As the cars and trucks of our citizens and the ships, planes, and tanks of our military rely heavily on petroleum fuels, technology breakthroughs and fuel efficiency are crucial to reducing our dependency on carbon fuels and

crucial to improving our national security since so much of our current fuel mix is imported from unfriendly nations.

Additionally, I truly appreciate the chairman's commitment to American manufacturing. This was a theme of many of our subcommittee hearings this year and he has included strong language in this regard. I believe we need to pull out all the stops to support domestic manufacturing, which remains one of the most important drivers of our economy.

Further, I see very little merit to using Federal dollars to foster breakthroughs for products that are not ultimately manufactured domestically. The bill upholds and continues many of the efforts to improve program and projects management at all of the agencies under its jurisdiction. I strongly support the committee in this effort and all the provisions, old and new, aimed at increased oversight and improved project management at the Corps of Engineers and the Department of Energy. I am grievously disappointed that the bill has to carry these commonsense provisions year after year after year, and I hope that the agencies begin to incorporate these policies into their management structure.

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That being said, with the recent Inspector General report detailing egregious overpayments to lab employees by DOE, including an example of one worker receiving a taxpayer-funded per diem for more than a decade, I am not optimistic that the message is yet engrained in Energy's culture. Where were the auditors? Where was the Inspector General for the last decade?

The bill includes continued funding for the Office of Health, Safety and Security and the Defense Nuclear Facilities Safety Board. These Agencies play important roles in oversight of DOE and NNSA projects. Their independent assessment and enforcement are crucial to worker health and safety at these facilities.

With regard to the Army Corps of Engineers, I am pleased that the bill provides \$83 million above the President's woefully inadequate request, ensuring that some ongoing projects will not be terminated. However, the bill provides \$188 million less than current-year funding. We must invest in our infrastructure by making preventive and proactive investments. Just last year, this bill carried more than \$2 billion in emergency funding to respond to natural disasters. I believe this again proves that it makes more fiscal sense to prevent a disaster than to respond to one.

Specific to the applied energy programs at the Department of Energy, the bill provides appropriate funding for fossil and nuclear energy, which

continue to provide the bulk of our energy needs. However, I am disappointed that renewable energy programs in this bill are reduced by over \$400 million from 2012 and nearly \$900 million from the President's request. This disinvestment is a serious setback to our energy future. We know energy can achieve cost competitiveness, but at this time a continued and sustained research and development program is necessary and appropriate.

Lastly, I would like to express my support for the chairman's inclusion of funding for the Yucca Mountain nuclear waste disposal project and for including the provision to prohibit the use of funding to abandon the project. I agree with him and the other subcommittee members that the administration's actions to close the project run counter to the Nuclear Waste Policy Act of 1982.

In closing, I am pleased that we are considering this bill under an open rule and that the Appropriations Committee continues to function amidst the turmoil that has stagnated so many other legislative efforts. Much of this credit is due to Chairman ROGERS and Ranking Member DICKS. I commend them for their efforts in this regard. I would also like to reiterate my sentiments at the beginning of my statement that Chairman FRELINGHUYSEN has done an excellent job, and I support the bill we are considering today.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky, Chairman ROGERS.

Mr. ROGERS of Kentucky. I thank the chairman for that generous offer.

Mr. Chairman, this is a good bill. It is a hard-fought bill. It is a tough bill, and I want to commend the chairman and the ranking member for their hard work because the allocation to this subcommittee was not greatest in the world. But Chairman FRELINGHUYSEN and Mr. VISCLOSKY, I think, have done wonders with a short allocation.

It funds the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation \$32.1 billion. That's a cut of nearly \$1 billion off of the President's request; and within the bill we've placed the highest priorities on programs that shore up our national security, help tackle skyrocketing gasoline and energy prices, and support American competitiveness.

We know this is a bill that can do a great deal to help promote job creation, improve public safety and regional commerce, and help relieve some of that pain at the pump in the future. So we've made those smart investments that will help boost the American economy.

Nuclear security programs, as the chairman mentioned, are increased by \$275 million over last year. We've made

the key investments that are needed to modernize our nuclear weapons stockpile and its supporting infrastructure, advance our nuclear nonproliferation activities around the world, and power the reactors that run our Navy—all in order to maintain the safety and readiness of our national defense. To achieve this, the President's request of \$7.6 billion for weapons activities is fully funded.

In total, nonsecurity spending in this bill is cut \$188 million below last year. Within this nonsecurity category, the committee prioritized programs that support energy security and American competitiveness.

For instance, the Corps of Engineers budget contains \$83 million more than what the President requested, directing funds to ensure our waterways stay open in support of commerce that will help our economy thrive.

The committee also invests in finding ways to help America achieve greater energy independence, providing over \$1 billion to strengthen DOE programs to help address rapidly rising gasoline prices.

The bill also creates a new shale oil research and development program, and promotes advanced research into coal, natural gas, and other fossil energy resources that provide more than 83 percent of our Nation's energy.

In order to strengthen defense programs and these other national priorities, the committee had to find cuts elsewhere in the bill, cuts that targeted inefficiencies and waste and did the least harm to our Nation's infrastructure and competitiveness.

We've also cut certain energy programs that aren't as valuable to manufacturing and commerce, and we've rescinded prior-year funds wherever possible.

I want to stress that we're still able to fund important programs at adequate levels in order to ensure the safety of our citizens and our future economic security. But as we face the dangers of unresolved debts and skyrocketing deficits, we simply cannot fund everything at elevated amounts. We have to cut back—just as families know they have to cut back in these precarious times.

As I said, Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY did an excellent job working together as they distributed their 302(b) suballocation in the most responsible and effective way possible. The subcommittee and its staffs from both sides of the aisle should be proud, as I know they are, of their hard work on this bill, and I want to thank them for the many hours they spent crafting this bill.

Mr. Chairman, this is a good piece of legislation. I think any reasonable person looking at this bill will find that this committee did the very best that they could with the allocation that they have received. It gives priority to

programs that boost our national defense, supports competitiveness and innovation, and helps reduce the volatility of gasoline prices. So I urge my colleagues to support this bill. And with that, I thank Mr. FRELINGHUYSEN and Ranking Member VISCLOSKY and members of your subcommittee and staff for a job well done.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the ranking member of the committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, first of all I would like to commend Chairman FRELINGHUYSEN, whom I've enjoyed working with both here and on the Defense Subcommittee, and Ranking Member VISCLOSKY on their efforts to continue in the tradition of bipartisanship and cooperation. I know that all members of the Energy and Water Subcommittee, in addition to the staff, have worked hard to bring this bill forward and get us where we are today. And I want to commend our chairman, Mr. ROGERS, for again presenting us with an open rule which allows the Members to have a chance to offer amendments. In an era when we don't have earmarks, it is very important that Members have an opportunity to come here to the floor and offer an amendment. I'm not trying to encourage anybody, but it is a reality.

Now, despite the decision made by the Republican leadership, unfortunately, to abandon the overall spending level contained in the Budget Control Act agreement reached last year, I'm encouraged that this bill provides funding above last year's level.

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The reality, however, is that if we do not return to the overall levels we agreed to in August, proceeding with additional appropriations bills here in the House will be exceedingly difficult.

Many programs in the Energy and Water bill are sufficiently funded; however, I do have concerns about the funding levels provided to certain accounts. Of particular concern to me are deep cuts in the Energy Efficiency and Renewable Energy program, as well as steep reductions in the ARPA-E program. These programs are vital to continue our Nation's innovation in the energy sector.

I would also like to reiterate Mr. VISCLOSKY's concern over the funding levels of the Army Corps of Engineers relative to FY12, particularly as the Corps struggles with its aging structure. The bill provides the Corps with \$188 million less than 2012. We must invest in our infrastructure by making preventative and proactive investments.

Although this subcommittee mark does not fully fund the budget request for the clean-up at the Hanford nuclear site in Washington State, I understand that the funding level is sufficient for

continued progress and a realistic work schedule for FY13.

I want to applaud the chairman and ranking member for continuing the funding for the Yucca Mountain nuclear waste storage facility. During the amendment process of this bill, I expect to join an effort led by Chairman SHIMKUS to increase funding in this account in order to underscore the strong bipartisan support in the House for moving ahead with the plan to open the Nation's high-level waste storage facility. I believe, as many do in the House, that the administration's position to close the Yucca Mountain site runs counter to the letter and spirit of the Nuclear Waste Policy Act passed by the Congress.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to a valuable and knowledgeable member of our Subcommittee on Energy and Water, the gentleman from Arkansas (Mr. WOMACK).

Mr. WOMACK. I want to thank the chairman of our committee and the ranking member, Mr. VISCLOSKY, for their great leadership.

As has been mentioned in the limited discussion we've had already, great kudos have been given to Rob and the staff team here that have done such a remarkable job. I'm just a freshman on this committee, and this is my first trip through these appropriations processes. But I've got to tell you that when I go back to my district, I brag on the competence of the staff that work so hard to ensure that the intent of the Congress and of our committee is carried out. So to Rob and his team, I can't thank them enough for the work that they've done.

We've also mentioned Chairman ROGERS and the ranking member, Mr. DICKS, and the full committee for the great leadership that they provide. Hopefully, tonight people can see that amidst all of our difficulties and all of our divisions between the Congress, that people can understand that there are things that we can agree on.

Mr. Chairman, I think that this Energy and Water bill reflects the priorities of our country. There's no question that one of the great priorities facing our country today is the fiscal condition that we're in. And while we'd like to see funding levels at greater than what we're marking tonight, clearly the fiscal condition of our country, money is an object, and it is something that we have to take into consideration.

But I think, as I said, it reflects the priorities, conservative values that lead, guide and direct our fiscal position; but it also addresses some very key national security issues with regard to the National Nuclear Security Administration. And as has already been mentioned, it does put money into programs that drive energy—common-sense, all-of-the-above energy strategies for our Nation.

So, with that, I would commend this bill to this Congress in hopes that we can run rapidly through it. I know there will be amendments. The open rule is a great process, and we're fully supportive of that. But again, I want to commend the chairman and the ranking member for the great leadership, their staffs, and encourage support for this bill and look forward to the process with amendments.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman and ranking member of the Subcommittee on Energy and Water, Mr. FRELINGHUYSEN and Mr. VISCLOSKY, on the Army Corps of Engineers' policy on vegetation on levees.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I'd be glad to engage in a colloquy with the gentlelady from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentlemen from New Jersey and Indiana.

Mr. Chairman, in many areas of the country, such as the communities I represent, Federal flood control projects are essential. Indeed, Sacramento, California, is the most at-risk city in the Nation for potentially catastrophic flooding.

I am a strong supporter of the work done by the Army Corps of Engineers to protect our communities and strengthen our levees. It is therefore with some reservation that I rise to address a matter where the Corps' good intentions could inadvertently have adverse consequences.

In its laudable efforts to ensure that flood control levees function as intended, the Corps has issued draft guidelines regarding the presence of vegetation on and adjacent to flood control levees that could, if implemented without close collaboration with State and local authorities and without flexibility to take into account site-specific conditions, result in the unwarranted and unacceptable loss of critical environmental resources as well as the misapplication of limited Federal and non-Federal dollars.

On May 18, I introduced H.R. 5831, the Levee Vegetation Review Act, a bipartisan bill which is cosponsored by 30 of my colleagues. The bill directs the Corps to review its current policy, taking into account a broad array of factors, including potential regional or watershed-based variances to the national policy where appropriate. It also provides flexibility to the Corps to exempt certain areas from the policy where deemed necessary by the Corps.

Mr. Chairman and Mr. Ranking Member, I ask that you consider the objectives of our bill and the potential impacts of the Corps' current policy, not

just on California, but on the Nation, as you move to conference with the Senate on the Fiscal Year 2013 Energy and Water Development Appropriations Bill.

I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I thank the gentlelady from California for bringing this important matter to our attention.

The committee has heard from a number of our colleagues on the Corps' vegetation-on-levees policy. While we commend the Corps for its continued efforts to improve its policies and thereby improve public safety for everyone, we also understand and appreciate that occasionally new policies have unintended consequences. As we move forward with this bill, we intend to have further discussion on this subject.

I commend, again, the gentlewoman from California for her leadership on this issue.

Mr. FRELINGHUYSEN. Mr. Chairman, I, too, commend the gentlewoman's efforts to bring this matter to our attention. She has described well the sometimes conflicting concerns regarding vegetation and levees. I look forward to continuing to work with her and our other colleagues interested in this issue to ensure that the Corps gives serious consideration to their concerns and perhaps conducts additional research if it is deemed advisable prior to finalizing its levee vegetation policy.

Ms. MATSUI. I thank the chairman and the subcommittee ranking member.

Mr. VISCLOSKY. It is my privilege to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to give special thanks to Mr. VISCLOSKY and his staff, as well as Congressman DICKS and his staff, for their tremendous support for fusion energy in this bill.

I would like to enter into a colloquy with the distinguished chairman of the Energy and Water Development Subcommittee.

Mr. Chairman, since the need for a national ignition facility was first established in the 1990s, the project had a mandate of supporting nuclear weapons science expertise required for stewardship of our Nation's stockpile and the development of fusion power.

Basic science research has always been a central mission of NIF. In the 1997 Facility Use Plan for NIF, the Statement of Mission projected that the uses of the facility fall into five major areas: one, ignition physics; two, weapons physics; three, weapons effects; four, inertial fusion energy; and, five, basic science and technology.

□ 2040

I want to affirm with you that the mission of NIF has not changed and

that inertial fusion energy and basic science research, as well as stockpile stewardship, will continue to be vigorously pursued at NIF.

Mr. FRELINGHUYSEN. Mr. Chairman, I want to thank the gentlewoman for her concern about sustaining the mission of science, fusion energy, research, and other activities at the National Ignition Facility. I know she's a strong advocate for science, and I commend her for her attention and support.

While this facility's primary purpose is to support sustenance of our nuclear weapons stockpile, it was also envisioned to be a user facility. Basic science and fusion energy will always remain an important part of the NIF's mission.

I thank her for her advocacy and work on behalf of the NIF.

Ms. ZOE LOFGREN of California. Thank you, Mr. Chairman, for that reassurance. And thank you, Mr. VISCLOSKY.

Mr. VISCLOSKY. Mr. Chairman, I want to add my remarks, along with the chairman, to thank the gentlewoman for her vision of our energy future, for her doggedness, and for her commitment to basic scientific research in this country, as well as the issue of fusion.

Too often people lose sight that we have to be consistent, we have to be persistent and dogged, and some day we are going to achieve success and primarily because of the gentlelady from California. I appreciate her remarks very much.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I continue to reserve the balance of my time, Mr. Chairman.

Mr. VISCLOSKY. I yield such time as he may consume to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding, and I rise for the purpose of entering into a colloquy.

I also want to thank the chairman and his staff, the ranking member and his staff for the help that they've provided on this very important issue.

Mr. Chairman, and Members, the Bureau of Reclamation manages Lake Berryessa in my district. They manage it for the purposes of recreational access, and they ensure that the facilities are safe and accessible to local residents and visitors. As part of this, they award concessions to third-party bidders for resort operations.

Since the Bureau of Reclamation began the most recent bidding process in 2007, their performance has been disappointing, at best. The concession contract was finally awarded in January 2010, and the third-party contractor has not met the terms of that agreement.

The BOR is the responsible agency for concession bidding, and they conducted an inefficient process, provided

lax oversight, and refused to take action in a timely manner, despite constant requests from me and local government officials. Now, BOR is entering into mediation, which means even more time to dispute the concessionaire's shortcomings and provide yet another second chance.

Mr. Chairman and Members, enough is enough. Reassurances and placations from the Board of Reclamation that they're fixing the problem are no longer enough. We need the matter resolved. The residents of Lake Berryessa and the tourists who visit the area deserve to have this situation fixed.

Recreational access to the lake has been restricted, tourism is down, and the local economy has taken a hit. The summer season officially began last weekend, and there's no solution in sight to these problems.

I expect the Bureau of Reclamation to take immediate action to right these wrongs and take steps to prevent a similar nightmare from happening in my district or any of your districts.

I trust that the chairman and the ranking member share my concerns of the mismanagement of Lake Berryessa by the Bureau of Reclamation and ask that you, Mr. Chairman, and the ranking member work with me to find a way to correct BOR's previous errors and amend the concession bidding process to ensure this doesn't happen again.

Mr. FRELINGHUYSEN. Mr. Chairman, I want to thank the gentleman, Mr. THOMPSON, for bringing this issue to our committee's attention. We take seriously our obligation of ensuring that Reclamation is efficiently using its appropriated funds to maximize the taxpayer return on investment, and I would be happy to work with the gentleman to continue congressional oversight of the actions at Lake Berryessa specifically.

Mr. VISCLOSKY. Mr. Chairman, I would also be happy to work with the gentleman from California to ensure that Reclamation is executing its mission in the best interests of the taxpayer. I expect the Bureau of Reclamation to take immediate actions to right these wrongs and to take steps to prevent a similar situation in the future.

Mr. THOMPSON of California. Mr. Chairman, I thank the chairman and the ranking member for their commitment to work with me on this. It's a serious problem. It's hurting people in my district and the surrounding area. I want it stopped, and I don't want to see any of you have to suffer through this process again.

Mr. VISCLOSKY. Mr. Chairman, I would only add that I hope to avoid any further confusion in addressing this issue. And I do appreciate the gentleman's very serious concern here.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I want to thank the chairman of the subcommittee and the chairman of the full committee for working with me to try to rectify a problem with the Harbor Maintenance Trust Fund and the big-time shortfall we've got in dredging funds going forward.

Our top 60 ports in the country are not being dredged to their authorized specifications, and this is hurting commerce. It's inhibiting our ability to export. It's creating all kinds of problems. It's a jobs bill if we can get these ports and waterways dredged adequately.

It's at a crisis level. For instance, the Lower Mississippi River, for every foot of draft we lose, it's \$1 million per ship per day lost in economic activity.

Now, the Harbor Maintenance Tax generates \$1.3 to \$1.6 billion a year, but little over half of it's being used for the appropriate purpose. The rest is being funneled off into other accounts. This is not fair to those who pay this tax, which, in effect, is a user fee. It was designed as a user fee.

And so I hope that the chairmen of the subcommittee and full committee will continue to work with me to correct this inequity. This is not right, and it's hurting American competitiveness. This tax can do better than this.

This tax is a tax that was created as a user fee. It's ad valorem tax on the owners of the goods based on the value of the goods. This is supposed to be used for operations and maintenance dredging. And as the chairman of the Oversight Subcommittee on Ways and Means, where we have oversight on the tax revenues, I have a problem with the misuse of these funds. It's hurting American competitiveness.

We can do better, and I hope that the chairman of the subcommittee and the chairman of the full committee will continue to work with me to solve this problem. We can solve it without adding a single dime to the deficit. It will help create jobs. We've got numerous studies to show the job impact, the commercial impact, the impact on trade.

It is imperative that we move forward on things that we can fix, and it really is disappointing to me that we've not done better.

Mr. VISCLOSKY. Mr. Chair, if I could ask how much time each side has, please, remaining in general debate?

The CHAIR. The gentleman from Indiana has 10 minutes remaining, and the gentleman from New Jersey has 16 minutes remaining.

Mr. VISCLOSKY. I continue to reserve the balance of my time, Mr. Chair.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HARRIS).

Mr. HARRIS. Mr. Chairman, I rise with my colleague from New Jersey to

discuss the funding provided to the Department of Energy for unconventional fossil energy research and development.

I first want to commend Mr. FRELINGHUYSEN, the chairman of the subcommittee, for his strong support of the unconventional fossil energy research at the Department of Energy. As the committee report notes, the United States' oil shale reserves are estimated to exceed 2 trillion barrels of oil, more than five times the proven oil reserves held by Saudi Arabia. However, additional research is necessary to enable economic and environmentally safe production from this incredibly plentiful domestic resource.

In order to accelerate the safe and effective development of the Nation's oil shale reserves, this legislation provides \$25 million for oil shale technology research and development activities.

□ 2050

As chairman of the Science, Space, and Technology Subcommittee on Energy and Environment, I recently chaired a hearing to examine the challenges and opportunities associated with expanding the development and use of unconventional oil and gas production technologies. The subcommittee received testimony from expert witnesses about the need for targeted government research to address specific issues associated with developing these unconventional oil resources.

These research areas include but are not limited to: oil shale resource characterization, the minimization and reuse of process water, the use of high-end computing applied to the physics and chemistry of oil shale production, the modeling and simulation of oil shale exploration and production technologies, and surface and groundwater protection.

It is my hope that the funding provided in this bill will address these and other key science and technology areas that are critical to enabling oil shale production and will be used to advance the environmentally sound and efficient production of our resources rather than a regulatory agenda aimed at restricting such production or limiting access to oil shale reserves located on Federal lands.

I would now like to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Maryland for yielding and for the additional and very valuable extra background information regarding his subcommittee's very important and critical work on shale oil.

As the gentleman noted, our bill's all-of-the-above energy strategy to address high gasoline prices includes \$25 million for research to reduce barriers to the safe environmental and economic development of the United

States' vast, untapped oil shale resources.

I strongly agree with the gentleman that this funding is intended for investments in technology and scientific research, not regulatory action, which can ultimately enable economic and environmentally responsible shale oil production. The gentleman has identified some very important, specific research areas in his remarks, and we will continue to consider these and other lines of work as we look to further shape the program. I look forward to continued discussion with my colleague as we move forward in that process, and I thank him for his work on this very critical issue.

Mr. VISCLOSKY. My understanding, Mr. Chairman, is that we have one more speaker on this side and that the other side does not have any more speakers.

With that, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I congratulate my colleague from New Jersey and you, Mr. VISCLOSKY, for your very diligent and focused work on this bill. I know it was difficult.

Mr. Chairman, we thank these Members for their leadership.

Today, the people of the United States sent about \$1 billion overseas to countries from whom we bought imported oil. This is \$1 billion that could have been spent to employ American construction workers, to give more activities to American research scientists, to reward the investment of American entrepreneurs, and to create domestic energy and American jobs here in the United States.

One of the most effective ways to create a nearly \$200 billion annual stimulus program paid for entirely by private sector dollars and not by government would be to dramatically reduce the amount of oil we import into our country. This is an issue on which I think there is strong agreement. We obviously part company on exactly how to do that, and I think this bill illustrates three of the ways in which there is some disagreement.

Let me begin by thanking the chairman and the ranking member for what I view as a very wise decision to make a funding investment in nuclear waste disposal at the Yucca Mountain facility. This is a very controversial issue, particularly in the other body, but I think that clean and well-managed nuclear energy is a key part of this country's economic future. Sadly, there has been a backpedaling from years of research and investment in the Yucca Mountain facility.

I think that the geological evidence is compelling, and I think that the national security arguments are compelling. I think that the best way for us to dispose of nuclear waste at one site is as isolated from any population center

and geologically insulated from any water table that would be nearby. I think that the Yucca Mountain site has been proven to be the right move. I think for unfortunate political situations we've not invested in that.

I commend the chairman and the ranking member for reversing that decision to the extent possible in this bill and for moving forward with the further exploration of that option.

One of the areas of the bill in which I would agree with Mr. VISCLOSKY is somewhat disappointing is its relatively meager investment in alternative renewable energy. Now, I do think, as the President has said and as our Speaker has said, that an all-of-the-above energy independence policy is the right choice for our country. So we must understand that investing in wind or solar or geothermal or hydrogen is not meant to be completely in lieu of more traditional fuels. It's meant to be a supplement and a transition.

I think that the transition here is insufficient for the possibility of powering our country through wind and the growing solar industry. Our State of New Jersey is actually number two in solar energy in the country, which is, I think, a tribute to our innovation given our relative climatological disadvantage relative to other States. There is promising research in hydrogen and other areas. I think that we are being, frankly, somewhat shortsighted and penny-wise and pound-foolish by not making a more robust investment in these areas of alternative energy in this bill, which leads me to my third point.

I understand the justification, not by the subcommittee chairman or the ranking member, but by the budget resolution that was passed. The justification for what I view as an unduly meager investment in alternative energy is because of the budget allocations adopted by the House several weeks ago.

The CHAIR. The time of the gentleman has expired.

Mr. VISCLOSKY. I yield the gentleman an additional minute.

Mr. ANDREWS. I thank the gentleman.

That budget allocation was short of the agreement that the majority and minority in the House and Senate struck last year on August 1. We've adhered to that agreement in so many other ways. I think the right thing to do is what the other body is likely to do, which is to fund these appropriations bills at levels consistent with that August 1 agreement.

I believe, Mr. Chairman, that we will and should be back in this Chamber at some point this year enacting final legislation that is consistent with that August 1 agreement. That meager increase, that small increase in allocations, would, in my view, go a long way

toward funding the wind and solar and hydrogen and other alternative energies that we should be seeking.

Let's continue to try to work together as the authors of this bill have. Let's try to truly have an energy independence policy where, instead of sending \$1 billion a day to the Middle East, we are investing \$1 billion a day of private sector money in manufacturing, innovation, and economic growth here in the United States. This bill, I think, makes an important step in that direction.

I commend the authors, but look forward to even a better result later in the year when the bill comes back from the other body.

Mr. VISCLOSKY. I appreciate the gentleman's remarks. I would note that we have no further requests for time and would conclude by simply, again, thanking the chair, all of the subcommittee members and staff for their very good work that has brought us to this point.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Let me associate my remarks with the ranking member's. We thank all of those who have come forward. We look forward to a vigorous couple of days ahead as we consider the rest of the energy and water bill. I thank the gentleman and all those who have participated.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chair, I am concerned about the Energy and Water Appropriations bill for several reasons. One of these reasons is that while this bill increases funding for the Army Corps of Engineers over the President's request, it is not enough. The Army Corps completes critical flood control projects and also, through dredging at our port, fuels a major economic engine in Harris County, Texas and has been underfunded for years.

Additionally, by cutting New Starts completely, this bill prevents funding for a vital project in Houston that will explore widening and deepening the shipping channel to the Turning Basin. This funding is critical to preparing our Port for the years ahead.

The Port of Houston is the largest foreign tonnage port and the largest petrochemical port in the country. In fact, it moves the second largest amount of cargo in the country, as 8.5 percent of our nation's cargo moves through the Port of Houston. The commerce that occurs at our port is critical to our Nation's energy and chemical sectors and to our country's ability to trade and move goods throughout our country. It is a port of national significance, but has not received the attention that is necessary to answer the challenges we face in the near future. Despite the national importance of our port, it is facing a dredging crisis.

In 1998, the Federal Government and the Port of Houston invested \$700 million over the course of years, to deepen

and widen the Ship Channel. An investment we have benefitted from tremendously.

As the years have passed silt has settled and reduced the draft in the channel significantly. Today, only .4 percent of the channel is dredged to its proper depth across the entire width of the channel. That is astounding. Our Nation's investment is rapidly deteriorating.

Currently, the Houston Ship Channel is dredged to a depth of 43 feet, but it should be 45 feet. The Panama Canal is expanding and when it is completed, the Port of Houston should be at a minimum of 45 feet and we could take advantage of additional depth.

In the most recent President's budget request, the Administration asked for \$700,000 in new dredging money and new start funding of \$100,000 toward study on the widening and deepening of the Houston Ship Channel to the Turning Basin. The new start funding is particularly important, once a project gets new start money it is more likely to be funded in the future. Unfortunately, in the bill we are considering today, the funding for the new start will be eliminated.

This increased funding level for dredging just over \$24 million, which is maintained in the Energy and Water Appropriations bill, is welcome and I am pleased that Congress and the Administration are committing more resources to our maintenance dredging needs, particularly in a budget environment when most programs are cut. However, it's about a third of the total needed to bring our channel back to its authorized depth. The reduced draft costs our region money.

As we confront the dual challenges of adopting policies that create jobs and reduce the debt, funding for dredging projects is an item that, while costly, will have more of a positive impact on our economy than a negative impact on our deficit. The Texas Transportation Institute performed a study and determined that a direct economic impact of the loss of 1 foot of draft is \$373 million. The majority of this impact is lost business opportunities due to light loading of non-containerized vessels. If the dredging crisis at the port continues to worsen, this cost will quickly increase.

Mr. ANDREWS. Mr. Chair, I stand today in opposition to this legislation because it provides funding for the fundamentally flawed and wasteful Delaware Deepening project. Prior to the Army Corps' recent decision to partially fund this \$300 million project, it had previously only been funded through Congressional earmarks for the previous 6 years.

In June of 2002 the General Accounting Office (report # GA0-02-604) found that the Army Corps grossly misrepresented the costs and benefits of the project. The GAO determined that the

economic analysis provided for the project contained a number of "material errors," "miscalculations, invalid assumptions, and the use of significantly outdated information." Based on the GAO's findings, the benefit to cost ratio of the project is closer to 0.49 to 1 as opposed to the 1.4 to 1 originally asserted by the Army Corps. A re-analysis completed by the GAO in 2010 (report # GA0-10-420) came to the same conclusion that the Delaware River Main Channel Deepening would not provide a good return on investment for the taxpayers. The latest re-analysis completed by the Army Corps last year fails to reexamine the costs. It also makes highly questionable projections about future benefits based on limited historical data.

The OMB, at President Obama's direction, has said the federal government should only provide funding for projects that are a demonstrated benefit for the nation; i.e. projects that have a benefit cost ratio of at least 2.5 to 1. As noted by the Corps of Engineers, the Delaware River Deepening is the only navigation project nationwide that had a benefit cost ratio less than the 2.5 minimum criteria. Previous Presidents, both Democrat and Republican, have not supported this project because it makes no economic sense.

Mr. Chair, there also continues to be an overwhelming number of serious environmental concerns raised by state and federal environmental protection agencies and experts about the project's impact on drinking water, commercial and recreational fish, shellfish, wetlands, wildlife, water quality—not to mention the hundreds of millions of dollars of economic revenue and jobs these natural resources support. This project is an economic loser and Congress should not be in the business of funding old earmarks.

Ms. KAPTUR. Mr. Chair, I strongly support two important provisions in this bill, included at my request, which provide necessary direction to the U.S. Army Corps of Engineers. This bill withholds Additional Funding for Ongoing Work until the Corps provides this Committee with an acceptable explanation of their allocation decisions. The accompanying report from the Committee also recommends various national domestic priorities for additional funds, including harbors that support domestic manufacturing. This language will greatly enhance the Corps' ability to ensure that our maritime infrastructure meets the changing needs of our nation.

The Fiscal Year 2013 Energy and Water Appropriations bill provides \$325 million in additional funding for the Corps to address priority projects throughout the country. When given a similar allocation last year, the Corps disregarded this Committee's directive to establish a rating system of projects to be funded and explain why each project was given priority.

This is unacceptable. I share the concern of the Chairman and many of my colleagues that the Corps must be accountable for their distribution of these extra funds.

Given significant backlogs in many of our nation's ports, these additional funds provide an opportunity for improved maintenance of our water borne infrastructure, which is so crucial for growing our economy and creating jobs.

But it would be irresponsible to provide these dollars without exercising proper oversight to ensure that these funds are spent responsibly.

The Committee report already included direction to the Corps to report to the Committee their decisions regarding the use of these funds, but given the previous disregard for this directive last year, it became necessary to include this directive in the bill itself and establish consequences for the Corps, should it fail to meet this obligation.

Additionally, the report accompanying this bill recommends several priorities for the rating system to be created by the Corps. In particular, I strongly support the inclusion of domestic manufacturing as a component of the economic assessment for determining funding.

The significant backlogs of Corps maintenance activity across the country, especially in the Great Lakes region, greatly reduce the competitiveness of American manufacturing.

In the Great Lakes region, which has long been the heart of manufacturing in the U.S., heavy manufacturers are severely affected by light loading restrictions in our harbors. Bulk commodity shipments, which are essential to heavy manufacturing, are being transported inefficiently, preventing domestic manufacturers in the region from competing with foreign manufacturers.

The directive language in the report establishes this necessary manufacturing-oriented priority in determining which projects are to be funded by the additional funds provided in the bill.

The Corps' work is critical for maintaining critical U.S. maritime infrastructure. The language in this bill and the accompanying support will ensure that this work meets the needs of our nation.

I appreciate the willingness of the Chairmen and the Ranking Members of both the full Appropriations Committee and the Energy and Water Subcommittee to work with me to include this language. In response to the Army Corps' disregard for Congressional directives during fiscal year 2012, language in this bill demand proper compliance to the Constitutional authority of Congress.

Mr. QUIGLEY. Mr. Chair, since late 2009, the Army Corps of Engineers has been working on a study of the Great Lakes and Mississippi Interbasin—

“To evaluate options and technologies to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River.”

Recently, the Corps indicated this study may not be completed until March 2016.

When it comes to aquatic invasive species, 7 years is 7 years too long.

Senator SHERROD BROWN of Ohio introduced and passed an amendment to the Senate Energy and Water Appropriations Bill, ensuring that the Corps finishes their study no later than July 1, 2014.

Further, the amendment ensures that the Corps fully examines the feasibility of all options, including permanent hydrological separation.

I can't help but stand here today and express my sincere disappointment for the missed opportunities in the legislative vehicle before us.

The Energy and Water Appropriations bill that we consider on the House floor this week is not only missing this vital amendment, but its priorities are way out of whack.

The bill increases funding for the Nation's nuclear weapons stockpile, as well as for fossil fuels programs and nuclear energy research and development.

Meanwhile, funding would be reduced for a wide range of very important activities including: Army Corps of Engineers projects, Energy Department science programs, advanced energy research, defense and non-defense environmental cleanup activities, nuclear non-proliferation programs, and most renewable energy programs (including solar, wind, water and geothermal programs).

But, to the point at hand—the Great Lakes and the terrifying prospect that we might continue standing still on this issue of invasive species prevention.

First and foremost, I must recognize the hard work and bipartisan effort from the Senators, including Senator DURBIN, and am hopeful that this provision is preserved throughout the appropriations process.

After all, this amendment does not tell anybody what to do.

It simply recognizes the urgency of the Asian carp threat to the Great Lakes and compels the Corps to quicken its study of solutions in the face of a potential catastrophe that no one wants.

The Great Lakes make up 20 percent of our fresh water and are home to a fishing and boating industry worth 7 billion dollars annually.

The Lakes are a priceless treasure for the millions of people who live in the region.

We must do all we can to encourage a speedy creation of an action plan to block Asian carp from entering the Great Lakes.

In 1998 the late Senator Paul Simon predicted wars would be fought over water.

Let us not pretend this is near as drastic as war.

But, at the same time, let us not neglect or fail to acknowledge that the importance of today's actions will weigh heavily on the successes of tomorrow. I urge the Committees to preserve and protect Senator BROWN's amendment and hope that the final Energy and Water package looks far better for our land, air and water than it does today.

Ms. RICHARDSON. Mr. Chair, I rise today in reluctant opposition to H.R. 5325, the Energy and Water Development and Related Agencies Appropriations Act. This bill provides \$32.1 billion, an \$88 million increase from Fiscal Year 2012 levels but \$965 million below the President's Fiscal Year 2013 request.

The purpose of the annual energy and water spending bill is to provide the funding necessary to ensure that the nation's energy and water resources are sufficient to address the nation's needs. This year's spending bill, H.R. 5325, provides funding for critical national priorities such as Army Corps of Engineers, Department of the Energy, Department of the Interior, and independent agencies that provide research and development of future energy industries, job training, and health care.

Mr. Chair, I thank Chairman FRELINGHUYSEN and Ranking Member PETER J. VISCLOSKEY for shepherding this bill to the floor. I appreciate the way they worked together and with my office to accommodate several of my legislative priorities regarding energy and water development programs.

Although this bill provides adequate funding for some programs that I support, it also includes numerous other provisions that are unacceptable. On balance, these unpalatable provisions outweigh the positive aspects of the bill.

This bill substantially underfunds key priorities like science and innovation which are critical to the recovery of our economy and rebuilding our waterways and ports. The bill only provides \$1.45 billion for energy efficiency and renewable energy research programs, which is \$374 million below Fiscal Year 2012 and \$886 million below the President's request.

The bill only provides \$200 million for the Advanced Research Projects Agency—Energy (ARPA-E), which is \$75 million below Fiscal Year 2012 levels and \$150 million below the President's request. ARPA-E supports breakthrough of domestic clean energy innovations.

Mr. Chair, the bill before us dramatically cuts funding for energy efficiency and renewable energy research programs by 39 percent and reduces funding for several other energy innovation programs:

Solar energy research funding is cut by nearly 50 percent from Fiscal Year 2012;

Wind energy development research is underfunded at only \$70 million, \$24 million below the Fiscal Year 2012 and \$25 million below the President's request;

Building technologies research funding is cut by more than 50 percent from fiscal year 2012 and \$185 million below the President's request. These funds are used to research energy-efficient technologies in buildings, which account for roughly 40 percent of all U.S. energy use.

This bill does not stop there. It also contains provisions that weaken energy reduction targets in new and renovated federal buildings. Buildings account for almost 40 percent of U.S. energy consumption, and as the largest consumer of energy in the U.S., the federal government should lead the way in designing and building facilities that use less energy to spur the development of new materials and technologies and to show that these reductions are practical, achievable, and cost-effective.

Section 110 of the bill would stop an Administration effort to provide clarity on which water bodies are covered by Clean Water Act (CWA). The existing regulations were the subject of two Supreme Court cases in 2001 and 2006, in which the Court indicated the need for greater regulatory clarity on the scope of CA jurisdiction.

Mr. Chair, for many of these same reasons the President has put the Congress on notice that he will “veto” H.R. 5325 if it is presented to him for signature in its present form. It makes no sense to pass a bad bill that has no chance of becoming law. We should instead be working together across the aisle to craft a bill that can win and be worthy of bipartisan and bicameral support. The bill before us does not meet this standard.

For these reasons, I will vote no on H.R. 5325 on final passage. I urge my colleagues to join me.

Mr. ISRAEL. Mr. Chair, I rise to oppose attempts to weaken energy efficiency standards for lighting that were included in the bipartisan Energy Independence and Security Act of 2007. Plain and simple—these attempts to do away with energy efficiency standards will hurt our competitive advantage against China.

America's lighting industry has invested millions of dollars to manufacture new energy efficient incandescent light bulbs here in the United States. These bulbs produce the same type of light as the former bulbs but use 28 percent to 33 percent less energy. An amendment to prohibit enforcement of the energy efficiency standards is an attack on our domestic lighting industry. Denying the Department of Energy the power to enforce an existing law opens the door to the importation of non-compliant products from foreign manufacturers that will not only harm

the investments made by American manufacturers but put American jobs at risk.

The current lighting efficiency standards are creating American jobs because the manufacturing of these light bulbs is done in the United States. Most of the operations producing less efficient lighting were moved offshore years ago. We are creating American jobs making better light bulbs that meet the new standards. The energy-efficient lighting industry currently employs more than 14,000 American workers. I do not want to send those jobs to China!

The light bulb has been a symbol of American ingenuity since the late 1800s. When Thomas Edison invented the light bulb, it revolutionized our economy and electricity around the world. If America wants to lead, we need to become more efficient. That is the way of the future.

Supporting America's energy-efficient lighting industry is about more than jobs. It's about saving money, saving each American household \$100 per year in the form of lower electric bills. I know my constituents want that \$100 in their pockets.

That is why I urge my colleagues to join me in opposing any amendment that would prohibit the Department of Energy from utilizing energy efficiency standards for lighting to help save money and energy while supporting U.S. manufacturing.

Mr. VAN HOLLEN. Mr. Chair, at its best, the Energy and Water Appropriations bill sets forth a forward-looking agenda for our national investment in ports and waterways, clean energy development, environmental reclamation, scientific innovation, the responsible management of our nuclear weapons stockpile and our ongoing commitment to nuclear nonproliferation. Unfortunately, in too many places, H.R. 5325 falls short of that forward-looking agenda.

As Ranking Member of the Budget Committee, I fully understand the need to cut federal spending. Indeed, I supported last year's Budget Control Act, which cut about \$1 trillion in federal spending over the next ten years. However, we also need to compete in clean energy, science, innovation and advanced manufacturing—and that is where this legislation misses the mark.

For example, this legislation cuts funding for clean energy and energy efficiency by \$374 million below FY 2012 and \$886 million below the President's request. The budget for the Department of Energy's Office of Science is cut \$64 million below current levels and \$167 million below the President's request. And the Advanced Research Projects Agency, or ARPA-E—which is doing transformational, potentially game-changing work on behalf of our nation's long term energy security—is provided only \$200 million, which is \$75

million below FY 2012 and \$150 million below the President's request.

Additionally, the underlying bill contains a misguided policy rider blocking the Administration from restoring long-standing Clean Water Act protections for stream and wetlands across the country—and an amendment was adopted during floor debate which will block enforcement of common sense light bulb energy efficiency standards.

Mr. Chair, we can do better. I urge a no vote.

The CHAIR. All time for general debate has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEST) having assumed the chair, Mr. WOODALL, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5854.

Will the gentleman from Georgia (Mr. WOODALL) kindly resume the chair.

□ 2102

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. WOODALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, an amendment offered by the gentleman from Florida (Mr. STEARNS) had been disposed of and the bill had been read through page 66, line 10.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. GRIMM of New York.

Amendment No. 8 by Mr. FRANKS of Arizona.

The Chair will reduce to 2 minutes the minimum time for the second electronic vote in this series.

AMENDMENT OFFERED BY MR. GRIMM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. GRIMM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 198, not voting 15, as follows:

[Roll No. 302]

AYES—218

| | | |
|---------------|----------------|------------------|
| Ackerman | Eshoo | McCarthy (NY) |
| Altmire | Farr | McCollum |
| Andrews | Fattah | McCotter |
| Baca | Filner | McDermott |
| Baldwin | Frank (MA) | McGovern |
| Barrow | Fudge | McIntyre |
| Bass (CA) | Garamendi | McKinley |
| Becerra | Gibson | McNerney |
| Berkley | Gonzalez | Meehan |
| Berman | Green, Al | Meeks |
| Biggert | Green, Gene | Michaud |
| Bishop (GA) | Grijalva | Miller (NC) |
| Bishop (NY) | Grimm | Miller, George |
| Blumenauer | Gutierrez | Moore |
| Bonamici | Hahn | Moran |
| Boswell | Hanabusa | Murphy (CT) |
| Brady (PA) | Hastings (FL) | Murphy (PA) |
| Braley (IA) | Heinrich | Nadler |
| Brown (FL) | Higgins | Napolitano |
| Buchanan | Himes | Neal |
| Butterfield | Hinchey | Olver |
| Capito | Hinojosa | Owens |
| Capps | Hirono | Pallone |
| Capuano | Hochul | Pascarelli |
| Cardoza | Holden | Pastor (AZ) |
| Carnahan | Holt | Pelosi |
| Carney | Honda | Perlmutter |
| Carson (IN) | Hoyer | Peters |
| Castor (FL) | Huelskamp | Peterson |
| Chandler | Israel | Petri |
| Chu | Jackson (IL) | Pingree (ME) |
| Ciциlline | Jackson Lee | Polis |
| Clarke (MI) | (TX) | Price (NC) |
| Clarke (NY) | Johnson (GA) | Quigley |
| Cleaver | Johnson (IL) | Rahall |
| Clyburn | Johnson, E. B. | Rangel |
| Cohen | Kaptur | Reichert |
| Connolly (VA) | Keating | Renacci |
| Conyers | Kildee | Reyes |
| Cooper | Kind | Richardson |
| Costa | King (NY) | Richmond |
| Costello | Kinzing (IL) | Ros-Lehtinen |
| Courtney | Kissell | Roskam |
| Cravaack | Kucinich | Ross (AR) |
| Critz | Lance | Rothman (NJ) |
| Crowley | Langevin | Roybal-Allard |
| Cuellar | Larsen (WA) | Runyan |
| Cummings | Larson (CT) | Ruppersberger |
| Davis (CA) | LaTourette | Rush |
| Davis (IL) | Lee (CA) | Ryan (OH) |
| DeFazio | Levin | Sánchez, Linda |
| DeGette | Lewis (GA) | T. |
| DeLauro | Lipinski | Sanchez, Loretta |
| Deutch | LoBiondo | Sarbanes |
| Diaz-Balart | Loebach | Schakowsky |
| Dicks | Lofgren, Zoe | Schiff |
| Dingell | Lowey | Schmidt |
| Doggett | Lujan | Schuck |
| Dold | Lynch | Schrader |
| Donnelly (IN) | Maloney | Schwartz |
| Edwards | Markey | Scott (VA) |
| Emerson | Matheson | Scott, David |
| Engel | Matsui | Serrano |

Sewell
Sherman
Shimkus
Shuler
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Terry

Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner (OH)
Van Hollen
Visclosky
Walsh (IL)
Walz (MN)

Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

SCHULTZ, Messrs. PRICE of North Carolina, MCINTYRE, and RENACCI changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR (Mr. BASS of New Hampshire). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 237, not voting 14, as follows:

[Roll No. 303]

AYES—180

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Eilmlers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foss
Franks (AZ)
Frelinghuysen
Gallegly

Noem
Nugent
Nunes
Nunnelee
Palazzo
Paul
Paulsen
Pearce
Pence
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

Adams
Aderholt
Akin
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brooks
Hall
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Eilmlers
Farenthold
Fincher
Flake
Fleischmann

Fleming
Flores
Forbes
Foss
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Paulsen
Harper
Harris
Hartzel
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Lantry
Lankford
Latham
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo

Marchant
Marino
McCaul
McClintock
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Renacci
Ribble
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns

Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Turner (NY)

Walberg
Webster
West
Westmoreland
Wilson (SC)
Wittman

Wolf
Womack
Woodall
Yoder
Young (IN)

NOES—237

Ackerman
Alexander
Grimm
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleave
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Duffy
Edwards
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene

Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Bonamici
Honda
Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell

Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Roe (TN)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (OH)
Upton
Van Hollen
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NOT VOTING—15

Burton (IN)
Clay
Doyle
Ellison
Fortenberry

Guinta
Hurt
Lewis (CA)
Mack
McCarthy (CA)

Olson
Slaughter
Stutzman
Velázquez
Young (FL)

□ 2126

Messrs. KINGSTON, MILLER of Florida, and RIVERA changed their vote from “aye” to “no.”

Messrs. GEORGE MILLER of California, CARDOZA, Ms. WASSERMAN

NOT VOTING—14

Burton (IN)
Clay
Doyle
Ellison
Fortenberry

Guinta
Hurt
Lewis (CA)
Mack
McCarthy (CA)

Slaughter
Stutzman
Velázquez
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2131

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WEBSTER). The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2013".

Mr. CULBERSON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS of New Hampshire) having assumed the chair, Mr. WEBSTER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BARROW. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARROW. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barrow moves to recommit the bill H.R. 5854 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 11, line 17, insert after the dollar amount the following: "(reduced by \$56,652,000)".

Page 31, line 5, insert after the dollar amount the following: "(increased by \$28,326,000)".

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. BARROW. Mr. Speaker, I rise to offer one final amendment to the Military Construction and Veterans Affairs and Related Agencies appropriations bill.

Three days ago on Memorial Day, I held town hall meetings at the American Legion posts in Augusta and Statesboro, Georgia. During these town hall meetings, veterans repeatedly expressed two of their most pressing concerns for our country.

First, they're concerned that our increasing debt puts America on a path toward a fiscal crisis that threatens our national defense and the promises we've made to veterans and seniors.

Second, they're concerned that the men and women returning home today, after fighting for our freedoms, are not receiving the proper medical care for the injuries they face, like traumatic brain injury, post-traumatic stress disorder, and loss of limb.

After my town hall meeting in Augusta, a Vietnam veteran came up to me and described how he had suffered from an undiagnosed case of PTSD until just a few years ago, and that his life had been a struggle for a long time as a result.

This gentleman's candor reminds us of what we already know. In too many cases, we fell short in providing Vietnam veterans the care and dignity they deserved after giving the best years of their lives to our service. We cannot make the same mistakes today we made then.

My amendment will do two things to try to be responsive to the veterans I represent. It takes \$56 million of pre-existing surplus money from the BRAC closure account and applies half, just \$28 million, to veterans' medical and prosthetic research, and the other half to deficit reduction.

This figure doesn't come out of thin air. That's the unanimous recommendation of the VFW, the Paralyzed Veterans of America, the Disabled Veterans of America, and AMVETS—in their annual independent budget recommendations—as the additional amount necessary to provide for appropriate program growth and to cover anticipated inflation. This money will go directly to research and treatments unique to the 21st century combat our soldiers face overseas today.

Again, this is the final amendment to the bill. It will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage as amended. For all these reasons, I encourage my colleagues to support this motion, and I yield back the balance of my time.

□ 2140

Mr. CULBERSON. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Speaker, this is not an amendment to the bill. This is a procedural stunt, a motion to recommit that the public and the Members should not be confused about. This is a last-minute, a very sad, I think, and shallow and disappointing political stunt that the Members of the minority—this bill, more than any other—Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman is correct. The House will be in order.

Mr. CULBERSON. Mr. Speaker, our subcommittee, SANFORD BISHOP, your colleague from Georgia, our entire subcommittee has worked arm in arm since early this year, held numerous hearings, sought testimony from every organization, from the Veterans Administration—from any veterans organization. We have all worked arm in arm in producing a piece of legislation tonight that fully funds every need of every veteran and every active-duty military member of the United States anywhere in the world. We've funded every request. We've met every need. We've left no gap unfilled. In fact, not only during the committee process, but also tonight. We've been on the floor from 4:30 until 8 o'clock. Anyone could have come to the floor and offered an amendment. Frankly, you could have walked down and drafted it right here on a yellow notepad and given it to the Clerk and offered an amendment at any time.

So this is not an amendment. This is a procedural stunt. It's disappointing and disheartening to see it offered at the last minute when we, on this subcommittee, more than any other subcommittee, have worked arm in arm in an absolutely bipartisan way in support of our troops.

It is important for the Members to know that our committee has fully funded the request of the Veterans Administration. We've given them everything that they needed, that they asked for—\$583 million for medical and prosthetic research. We've increased funding for the VA by \$2.3 billion to make sure that the needs of our veterans are met. We have increased Veterans Administration research by almost \$1.9 billion. And we have, throughout this entire appropriations season, been open to any Member at any time to bring us any good idea on any subject that would help our veterans.

So this is not an amendment. This is a procedural motion that has nothing to do with the merits of the bill. In fact, I want to stress to my colleagues that during conference, if the Veterans Administration, if anyone can demonstrate to Mr. BISHOP and me and to the subcommittee that there is a valid need, a demonstrable need that the VA

comes to us and says, Yes, we need additional money for more research, of course we'll find room for it.

There is no gap between any of us on this House floor when it comes to supporting the needs of our men and women in uniform. We on this committee, more than any other, have worked together in a bipartisan fashion.

I urge the Members to reject this last-minute procedural motion to recommit. We will work together in conference if there is truly any additional need for funding, but Members, we have left no gap unfilled when it comes to our men and women in uniform, and I urge the Members to vote "no."

PARLIAMENTARY INQUIRY

Mr. ACKERMAN. Parliamentary inquiry, Mr. Chairman.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ACKERMAN. My inquiry is: Is there a motion before the House or is there a stunt before the House?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. ACKERMAN. Is there a motion before the House, Mr. Speaker? And could you state it if there is.

Mr. Speaker, parliamentary inquiry. What is before the House?

The SPEAKER pro tempore. Does the gentleman from New York have a parliamentary inquiry?

Mr. ACKERMAN. Yes, Mr. Speaker. What is before the House?

The SPEAKER pro tempore. The House is considering a motion to recommit.

Mr. ACKERMAN. A motion to recommit. Did the Speaker say a motion? Thank you, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARROW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 188, noes 230, not voting 13, as follows:

[Roll No. 304]

AYES—188

| | | |
|-----------|-------------|-------------|
| Ackerman | Becerra | Boren |
| Altmire | Berkley | Boswell |
| Andrews | Berman | Brady (PA) |
| Baca | Bishop (GA) | Braley (IA) |
| Baldwin | Bishop (NY) | Canseco |
| Barrow | Blumenauer | Butterfield |
| Bass (CA) | Bonamici | Capps |

| | | |
|---------------|----------------|------------------|
| Capuano | Hochul | Pelosi |
| Cardoza | Holden | Perlmutter |
| Carnahan | Holt | Peters |
| Carney | Honda | Peterson |
| Carson (IN) | Hoyer | Pingree (ME) |
| Castor (FL) | Israel | Polis |
| Chandler | Jackson (IL) | Price (NC) |
| Chu | Jackson Lee | Quigley |
| Cicilline | (TX) | Rahall |
| Clarke (MI) | Johnson (GA) | Rangel |
| Clarke (NY) | Johnson, E. B. | Reyes |
| Cleaver | Jones | Richardson |
| Clyburn | Kaptur | Richmond |
| Cohen | Keating | Ross (AR) |
| Connolly (VA) | Kildee | Rothman (NJ) |
| Conyers | Kind | Roybal-Allard |
| Cooper | Kissell | Ruppersberger |
| Costa | Kucinich | Rush |
| Costello | Langevin | Ryan (OH) |
| Courtney | Larsen (WA) | Sanchez, Linda |
| Critz | Larson (CT) | T. |
| Crowley | Latham | Sanchez, Loretta |
| Cuellar | Lee (CA) | Sarbanes |
| Cummings | Levin | Schakowsky |
| Davis (CA) | Lewis (GA) | Schiff |
| Davis (IL) | Lipinski | Schrader |
| DeFazio | Loeb | Schwartz |
| DeGette | Loeb | Scott (VA) |
| DeLauro | Lofgren, Zoe | Scott, David |
| Deutch | Lowe | Serrano |
| Dicks | Lujan | Sewell |
| Dingell | Lynch | Sherman |
| Doggett | Maloney | Shuler |
| Donnelly (IN) | Markey | Sires |
| Edwards | Matheson | Smith (WA) |
| Engel | Matsui | Speier |
| Eshoo | McCarthy (NY) | Stark |
| Farr | McCollum | Sutton |
| Fattah | McDermott | Thompson (CA) |
| Filner | McGovern | Thompson (MS) |
| Frank (MA) | McIntyre | Tierney |
| Fudge | McNerney | Tonko |
| Garamendi | Meeks | Towns |
| Gonzalez | Michaud | Tsongas |
| Green, Al | Miller (NC) | Van Hollen |
| Green, Gene | Miller, George | Visclosky |
| Grijalva | Moore | Walz (MN) |
| Gutierrez | Moran | Wasserman |
| Hahn | Murphy (CT) | Schultz |
| Hanabusa | Nadler | Neal |
| Hastings (FL) | Napolitano | Watt |
| Heinrich | Oliver | Waxman |
| Higgins | Owens | Welch |
| Himes | Pallone | Wilson (FL) |
| Hinchey | Pascarella | Woolsey |
| Hinojosa | Pastor (AZ) | Yarmuth |
| Hirono | Paul | |

NOES—230

| | | |
|-------------|---------------|-----------------|
| Adams | Carter | Gardner |
| Akin | Cassidy | Garrett |
| Alexander | Chabot | Gerlach |
| Amash | Chaffetz | Gibbs |
| Amodei | Coble | Gibson |
| Austria | Coffman (CO) | Gingrey (GA) |
| Bachmann | Cole | Gohmert |
| Bachus | Conaway | Goodlatte |
| Barletta | Cravack | Gosar |
| Bartlett | Crawford | Gowdy |
| Barton (TX) | Crenshaw | Granger |
| Bass (NH) | Culberson | Graves (GA) |
| Benishek | Davis (KY) | Graves (MO) |
| Berg | Denham | Griffin (AR) |
| Biggart | Dent | Griffith (VA) |
| Bilbray | DesJarlais | Grimm |
| Bilirakis | Diaz-Balart | Guthrie |
| Bishop (UT) | Dold | Hall |
| Black | Dreier | Hanna |
| Blackburn | Duffy | Harper |
| Bonner | Duncan (SC) | Harris |
| Bono Mack | Duncan (TN) | Hartzler |
| Boustany | Ellmers | Hastings (WA) |
| Brady (TX) | Emerson | Hayworth |
| Brooks | Farenthold | Heck |
| Broun (GA) | Fincher | Hensarling |
| Buchanan | Fitzpatrick | Herger |
| Bucshon | Flake | Herrera Beutler |
| Buerkle | Fleischmann | Huelskamp |
| Burgess | Fleming | Huizenga (MI) |
| Butterfield | Flores | Hultgren |
| Calvert | Forbes | Hunter |
| Camp | Fox | Hurt |
| Campbell | Franks (AZ) | Issa |
| Canseco | Frelinghuysen | Jenkins |
| Cantor | Gallegly | Johnson (IL) |
| Capito | | |

| | | |
|-----------------|--------------|---------------|
| Johnson (OH) | Neugebauer | Schock |
| Johnson, Sam | Noem | Schweikert |
| Jordan | Nugent | Scott (SC) |
| Kelly | Nunes | Scott, Austin |
| King (IA) | Nunnelee | Sensenbrenner |
| King (NY) | Olson | Sessions |
| Kingston | Palazzo | Shimkus |
| Kinzinger (IL) | Paulsen | Shuster |
| Kline | Pearce | Simpson |
| Labrador | Pence | Smith (NE) |
| Lamborn | Petri | Smith (NJ) |
| Lance | Pitts | Smith (TX) |
| Landry | Platts | Southerland |
| Lankford | Poe (TX) | Stearns |
| LaTourette | Pompeo | Stivers |
| Latta | Posey | Stutzman |
| LoBiondo | Price (GA) | Sullivan |
| Long | Quayle | Terry |
| Lucas | Reed | Thompson (PA) |
| Luetkemeyer | Rehberg | Thornberry |
| Lummis | Reichert | Tiberi |
| Lungren, Daniel | Renacci | Tipton |
| E. | Ribble | Turner (NY) |
| Manzullo | Rigell | Turner (OH) |
| Marchant | Rivera | Upton |
| Marino | Roby | Walberg |
| McCauley | Roe (TN) | Walden |
| McClintock | Rogers (AL) | Walsh (IL) |
| McCotter | Rogers (KY) | Webster |
| McHenry | Rogers (MI) | West |
| McKeon | Rohrabacher | Westmoreland |
| McKinley | Rokita | Whitfield |
| McMorris | Rooney | Wilson (SC) |
| Rodgers | Ros-Lehtinen | Wittman |
| Meehan | Roskam | Wolf |
| Mica | Ross (FL) | Womack |
| Miller (FL) | Royce | Woodall |
| Miller (MI) | Runyan | Yoder |
| Miller, Gary | Ryan (WI) | Young (AK) |
| Mulvaney | Scalise | Young (IN) |
| Murphy (PA) | Schilling | |
| Myrick | Schmidt | |

NOT VOTING—13

| | | |
|-------------|---------------|------------|
| Aderholt | Fortenberry | Slaughter |
| Burton (IN) | Guinta | Velázquez |
| Clay | Lewis (CA) | Young (FL) |
| Doyle | Mack | |
| Ellison | McCarthy (CA) | |

□ 2159

Mr. DEFAZIO changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 12, not voting 12, as follows:

[Roll No. 305]

YEAS—407

| | | |
|-------------|-------------|-------------|
| Ackerman | Berman | Bucshon |
| Adams | Biggart | Buerkle |
| Aderholt | Bilbray | Burgess |
| Akin | Bilirakis | Butterfield |
| Alexander | Bishop (GA) | Calvert |
| Altmire | Bishop (NY) | Camp |
| Amodei | Bishop (UT) | Canseco |
| Andrews | Black | Cantor |
| Austria | Blackburn | Capito |
| Baca | Blumenauer | Capps |
| Bachmann | Bonamici | Cardoza |
| Bachus | Bonner | Carnahan |
| Baldwin | Bono Mack | Carney |
| Barletta | Boren | Carson (IN) |
| Barrow | Boswell | Carter |
| Bartlett | Boustany | Cassidy |
| Barton (TX) | Brady (PA) | Castor (FL) |
| Bass (CA) | Brady (TX) | Chabot |
| Bass (NH) | Braley (IA) | Chaffetz |
| Becerra | Brooks | Chandler |
| Benishek | Broun (GA) | Chu |
| Berg | Brown (FL) | Cicilline |
| Berkley | Buchanan | Clarke (MI) |

Clarke (NY)
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich

Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huijenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradner
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus

Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)

Amash
Campbell
Capuano
Duncan (TN)

Burton (IN)
Clay
Doyle
Ellison

Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters

NAYS—12

Paul
Sensenbrenner
Stark
Wolf

NOT VOTING—12

Fortenberry
Guinta
Lewis (CA)
Mack
McCarthy (CA)
Slaughter
Velázquez
Young (FL)

□ 2205

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUINTA (at the request of Mr. CANTOR) for May 30 and the balance of the week on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today on account of a death in the family.

Ms. VELÁZQUEZ (at the request of Ms. PELOSI) for today and June 1 on account of family illness.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2947. An act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

H.R. 3992. An act to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel.

H.R. 4097. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 21, 2012, she presented to the President of the United

States, for his approval, the following bill.

H.R. 2072. To reauthorize the Export-Import Bank of the United States, and for other purposes

Karen L. Haas, Clerk of the House, reported that on May 29, 2012, she presented to the President of the United States, for his approval, the following bills.

H.R. 4849. To direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes

H.R. 2415. To designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building".

H.R. 3220. To designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office".

H.R. 3413. To designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office".

H.R. 4119. To reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

ADJOURNMENT

Mr. CAMPBELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Friday, June 1, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6216. A letter from the Secretary, Navy, Department of Defense, transmitting notification that increases in both the Program Acquisition Unit Cost (PAUC) and the Procurement Unit Cost (PUC) for the AIM-9X program has exceeded the baseline estimate by at least 50 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6217. A letter from the Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2011, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

6218. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending March 31, 2012; to the Committee on Armed Services.

6219. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of 5 officers to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

6220. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final

Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6221. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6222. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary during the period January 1, 2011, through December 31, 2011; to the Committee on Financial Services.

6223. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notice of 41 competitive and non-competitive bidding violations; to the Committee on Financial Services.

6224. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting during the period of January 1, 2011 through December 31, 2011, there were no significant modifications to the auction process; to the Committee on Financial Services.

6225. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6226. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Requirements for Fingerprint-Based Criminal History Records Checks for Individuals Seeking Unescorted Access to Non-power Reactors (Research or Test Reactors) [NRC-2008-0619] (RIN: 3150-AI25) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6227. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Secretary's determination that six countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Eritrea, Iran, North Korea (DPRK), Syria, and Venezuela; to the Committee on Foreign Affairs.

6228. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the fifteenth quarterly report on the Afghanistan reconstruction; to the Committee on Foreign Affairs.

6229. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2012, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

6230. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 2011 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

6231. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector Gen-

eral of the Farm Credit Administration for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6232. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XB116) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6233. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC001) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6234. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 111220786-1781-01] (RIN: 0648-XC002) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6235. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Shrimp Fisheries of the Gulf of Mexico and South Atlantic; Revisions of Bycatch Reduction Device Testing Protocols [Docket No.: 111104664-2106-02] (RIN: 0648-BB61) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6236. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2012 Atlantic Bluefish Specifications [Docket No.: 120201086-2418-02] (RIN: 0648-XA904) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6237. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XB176) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6238. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BC02) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6239. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XB119) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6240. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; West Coast Salmon Fisheries; 2012 Management Measures [Docket No.: 120424023-1023-01] (RIN: 0648-XA921) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6241. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Lowcountry Splash Open Water Swim, Wando River and Cooper River, Mount Pleasant, SC [Docket No.: USCG-2012-0252] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6242. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; TriMet Bridge Project, Willamette River, Portland, OR [Docket No.: USCG-2011-1173] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6243. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Galveston Bay, Kemah, TX [Docket No.: USCG-2012-0170] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6244. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Magothy River, Sillery Bay, MD [Docket No.: USCG-2012-0001] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6245. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Potomac River, Charles County, MD [Docket No.: USCG-2011-1176] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6246. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Tuscaloosa Dragon Boat Race; Black Warrior River; Tuscaloosa, AL [Docket No.: USCG-2012-0218] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6247. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Technical Revisions to Update Reference to the Required Assessment Tool for State Nursing Homes Receiving Per Diem Payments from VA (RIN: 2900-AO02) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6248. A letter from the Special Inspector General For Iraq Reconstruction, transmitting the Special Inspector General for Iraq

Reconstruction (SIGIR) April 2012 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

6249. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2011"; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4027. A bill to clarify authority granted under the Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes" (Rept. 112-509). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4222. A bill to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes; with an amendment (Rept. 112-510). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. BASS of California (for herself, Mr. MARINO, Mrs. BACHMANN, Mr. McDERMOTT, Mr. HASTINGS of Florida, Ms. CLARKE of New York, Mr. STARK, Mr. CICILLINE, and Mr. LANGEVIN):

H.R. 5871. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Education and the Workforce.

By Mr. HENSARLING (for himself, Mr. RYAN of Wisconsin, Mr. CHAFFETZ, Mr. SMITH of Texas, Mr. YOUNG of Indiana, Mr. CRAVACK, Mr. HUIZENGA of Michigan, Mr. RIGELL, Mrs. BLACK, Mr. AKIN, Mr. QUAYLE, Mr. PRICE of Georgia, Mr. MILLER of Florida, Mr. COLE, Mr. WALSH of Illinois, Mr. CALVERT, Mrs. ADAMS, Mr. LANKFORD, Mr. McKEON, Mr. FARENTHOLD, Mr. WEST, Mr. ROSS of Florida, Mr. KING of Iowa, Mr. LOBIONDO, Mr. TURNER of Ohio, Mr. THORNBERRY, Mr. OLSON, Mr. CANSECO, Mr. LATTI, Mrs. HARTZLER, Mrs. MYRICK, Mr. BRADY of Texas, Mr. ROKITA, Mr. CASSIDY, Mr. CONAWAY, Mr. RIBBLE, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mr. BROOKS, and Mr. GRIFFIN of Arkansas):

H.R. 5872. A bill to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013; to the Committee on the Budget.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. SCHRADER, Mr. MCINTYRE, Mr. GOODLATTE, Mr.

MICHAUD, Mr. OWENS, Mr. FLEMING, Mr. GRAVES of Georgia, Mr. RIBBLE, Mr. BONNER, Mr. JONES, Mr. DUFFY, Ms. KAPTUR, Mr. TIPTON, Mr. WELCH, Mr. WOMACK, Mr. NUNNELEE, Mr. KISSELL, Mr. ROSS of Arkansas, Mr. SOUTHERLAND, Ms. PINGREE of Maine, Mr. BENISHEK, Mrs. EMERSON, Ms. SEWELL, Mrs. LUMMIS, Mr. BISHOP of Georgia, and Mrs. ELLMERS):

H.R. 5873. A bill to amend the Farm Security and Rural Investment Act of 2002 to modify the definition of the term "biobased product"; to the Committee on Agriculture.

By Mr. POLIS:

H.R. 5874. A bill to facilitate foreign investment by permanently reauthorizing the EB-5 regional center program, and for other purposes; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 5875. A bill to establish a visa waiver program for the United States Virgin Islands; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself and Ms. BASS of California):

H.R. 5876. A bill to amend the Elementary and Secondary Education Act of 1965 to provide educational stability for children in foster care, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5877. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 5878. A bill to amend the Internal Revenue Code of 1986 to expand deductions allowed for education-related expenses and to extend the American Opportunity Tax Credit; to the Committee on Ways and Means.

By Mrs. NOEM (for herself and Mr. WALZ of Minnesota):

H.R. 5879. A bill to amend the Federal Crop Insurance Act to modify the ineligibility requirements for producers that produce an annual crop on native sod, and for other purposes; to the Committee on Agriculture.

By Mr. RUNYAN:

H.R. 5880. A bill to extend the authority of the Secretary of Veterans Affairs to enter into contracts with private physicians to conduct medical disability examinations; to the Committee on Veterans' Affairs.

By Mr. RUNYAN (for himself and Mr. WALZ of Minnesota):

H.R. 5881. A bill to amend title 38, United States Code, to provide certain employees of Members of Congress and certain employees of local governmental agencies with access to case-tracking information of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CASSIDY:

H. Res. 671. A resolution expressing the sense of the House of Representatives concerning the need for a comprehensive public alert and warning system for the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN:

H. Res. 672. A resolution expressing the sense of the House of Representatives that the energy, environmental, and foreign policies of the United States should reflect appropriate understanding and sensitivity con-

cerning issues related to climate change, as documented by credible scientific findings and as evidenced by the extreme weather events of recent years; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

230. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 55 memorializing the Congress to support the 259th Air Traffic Control Squadron Louisiana National Guard; to the Committee on Armed Services.

231. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 2641 requesting the Congress and the Board of Governors of the Federal Reserve to review and amend the Expedited Funds Availability Act; to the Committee on Financial Services.

232. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2007 urging the Congress to send a balanced budget amendment to the Constitution to the States for ratification; to the Committee on the Judiciary.

233. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 12-1006 recognizing the bravery and sacrifice of the crew of the U.S.S. Pueblo; jointly to the Committees on Armed Services and Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. BASS of California:

H.R. 5871.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 1.

Article. I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. HENSARLING:

H.R. 5872.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7. Which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. THOMPSON of Pennsylvania:

H.R. 5873.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution which

gives Congress the power “to regulate Commerce with foreign Nations, and among the several states, and within the Indian Tribes.”

By Mr. POLIS:

H.R. 5874.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mrs. CHRISTENSEN:

H.R. 5875.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

By Mr. DAVIS of Illinois:

H.R. 5876.

Congress has the power to enact this legislation pursuant to the following:

To the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mrs. LOWEY:

H.R. 5877.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution

By Mrs. LOWEY:

H.R. 5878.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution

By Mrs. NOEM:

H.R. 5879.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, the Commerce Clause.

By Mr. RUNYAN:

H.R. 5880.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. RUNYAN:

H.R. 5881.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 436: Mr. GRIFFITH of Virginia.
H.R. 507: Mr. GRIMM.
H.R. 529: Mr. MATHESON.
H.R. 777: Ms. HIRONO.
H.R. 904: Mrs. ADAMS.
H.R. 942: Ms. GRANGER, Mr. JOHNSON of Ohio, Mr. NUNNELEE, Mr. KINZINGER of Illinois, and Mr. WITTMAN.
H.R. 973: Ms. JENKINS.
H.R. 1054: Ms. NORTON.
H.R. 1084: Mr. WELCH.
H.R. 1145: Mr. CASSIDY.
H.R. 1190: Mr. CHANDLER.
H.R. 1219: Mrs. CAPPS.
H.R. 1331: Mr. REED.
H.R. 1370: Mr. BRADY of Texas, Mr. MACK, and Mr. YOUNG of Indiana.
H.R. 1394: Mr. MATHESON, Mr. RUPPERSBERGER, and Mr. BILBRAY.
H.R. 1428: Ms. SCHWARTZ.
H.R. 1479: Mr. CARSON of Indiana.
H.R. 1489: Mr. GENE GREEN of Texas.
H.R. 1519: Mr. DICKS, Mr. CUELLAR, Ms. BONAMICI, Mr. RUPPERSBERGER, Mr. DEUTCH, Mr. PIERLUISI, and Mr. BISHOP of Georgia.

H.R. 1546: Mr. GRAVES of Missouri.

H.R. 1616: Mr. ANDREWS.

H.R. 1648: Ms. BASS of California, Mr. LOEBSSACK, Mr. GRIMM, and Mr. DEFAZIO.

H.R. 1675: Mr. KING of Iowa, Mr. POLIS, Mr. WILSON of South Carolina, Mr. BONNER, Mr. BOREN, Mr. PENCE, Mr. LAMBORN, and Mr. SIRE.

H.R. 1700: Mr. BROUN of Georgia.

H.R. 1781: Ms. ROYBAL-ALLARD.

H.R. 1802: Mr. MCKINLEY.

H.R. 1860: Mr. ROSKAM.

H.R. 1866: Mr. OLVER.

H.R. 1876: Ms. KAPTUR.

H.R. 1919: Mr. CONNOLLY of Virginia.

H.R. 1946: Mr. BISHOP of New York and Mr. PALAZZO.

H.R. 1956: Mrs. NOEM, Mr. ROHRBACHER, Mr. SMITH of Nebraska, Mr. ROSKAM, and Mr. CASSIDY.

H.R. 1994: Mr. CICILLINE.

H.R. 2052: Mr. KINGSTON.

H.R. 2077: Mr. ROHRBACHER.

H.R. 2086: Mr. CARSON of Indiana.

H.R. 2140: Mr. ROGERS of Kentucky.

H.R. 2198: Mr. KINZINGER of Illinois.

H.R. 2245: Mr. HECK and Mr. HIMES.

H.R. 2268: Mr. HUIZENGA of Michigan.

H.R. 2315: Mr. SIRE.

H.R. 2342: Mr. WATT.

H.R. 2353: Mr. CASSIDY.

H.R. 2364: Ms. DEGETTE.

H.R. 2492: Mr. WALSH of Illinois.

H.R. 2529: Mr. WALDEN.

H.R. 2557: Mr. TONKO and Mr. HURT.

H.R. 2564: Mr. OWENS.

H.R. 2595: Ms. ROYBAL-ALLARD, Mr. WALDEN, and Mr. JOHNSON of Georgia.

H.R. 2697: Ms. ESHOO.

H.R. 2721: Mr. POLIS.

H.R. 2746: Mr. MARKEY, Ms. LEE of California, Mr. FILNER, Mr. FARR, and Ms. MOORE.

H.R. 2900: Mr. REHBERG.

H.R. 2969: Mr. CRENSHAW, Mr. GRIJALVA, and Mr. CARSON of Indiana.

H.R. 3066: Mrs. BLACK.

H.R. 3098: Mr. WALSH of Illinois.

H.R. 3187: Mr. KINZINGER of Illinois, Mr. LUETKEMEYER, Mr. ROE of Tennessee, Mr. BOUSTANY, Mr. ROKITA, Mr. MCINTYRE, Mr. LARSEN of Washington, and Mr. GOSAR.

H.R. 3337: Mr. RUNYAN, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. HULTGREN, Mr. MARINO, and Ms. NORTON.

H.R. 3353: Mr. BACA.

H.R. 3423: Mr. TONKO and Mr. KEATING.

H.R. 3489: Mr. HIMES and Mr. COURTNEY.

H.R. 3586: Mr. GOSAR.

H.R. 3609: Mr. PALAZZO.

H.R. 3612: Mr. ALEXANDER.

H.R. 3618: Mr. NADLER.

H.R. 3624: Mr. MCGOVERN.

H.R. 3665: Mr. MCGOVERN and Ms. NORTON.

H.R. 3668: Mr. BARROW.

H.R. 3729: Mr. WELCH.

H.R. 3761: Mr. POLIS.

H.R. 3769: Mr. BRADY of Pennsylvania.

H.R. 3790: Mr. LOEBSSACK.

H.R. 3798: Mr. LANGEVIN.

H.R. 3839: Mr. HECK and Mr. FINCHER.

H.R. 3849: Mr. QUAYLE.

H.R. 3993: Mr. CAMP.

H.R. 4018: Mr. GIBSON and Mr. COLE.

H.R. 4055: Mr. RUSH, Mr. HINCHEY, Ms. HIRONO, Ms. CHU, Mr. COURTNEY, and Ms. ESHOO.

H.R. 4057: Ms. BORDALLO.

H.R. 4070: Mr. POE of Texas.

H.R. 4096: Mr. MICHAUD.

H.R. 4115: Mr. PAULSEN, Mr. TURNER of Ohio and Mr. MURPHY of Pennsylvania.

H.R. 4122: Mr. UPTON, Mr. PETERS, and Ms. PINGREE of Maine.

H.R. 4134: Mr. DAVIS of Illinois and Mr. YARMUTH.

H.R. 4160: Mr. POE of Texas.

H.R. 4165: Mr. CRENSHAW.

H.R. 4174: Mr. AUSTIN SCOTT of Georgia.

H.R. 4202: Mr. QUIGLEY, Mr. BRALEY of Iowa, Mr. WAXMAN, Mr. BOREN, Ms. PINGREE of Maine, Mr. MICHAUD, and Mr. JOHNSON of Georgia.

H.R. 4232: Mr. CAMP.

H.R. 4235: Mr. CROWLEY, Mr. DIAZ-BALART, Ms. CASTOR of Florida, Ms. WASSERMAN SCHULTZ, and Mr. HASTINGS of Florida.

H.R. 4238: Mrs. CAPPS.

H.R. 4256: Mr. SCHOCK and Mr. LOBIONDO.

H.R. 4259: Mr. WOLF.

H.R. 4287: Ms. SEWELL, Mr. POLIS, Mr. REYES and Mr. BENISHEK.

H.R. 4296: Mr. MARKEY and Mr. DINGELL.

H.R. 4306: Mr. ROTHMAN of New Jersey.

H.R. 4345: Mr. POMPEO.

H.R. 4362: Mr. CARNEY and Ms. NORTON.

H.R. 4367: Mr. SCHRAMER, Mr. GOSAR, Mr. ROSS of Florida, Ms. PINGREE of Maine, Mr. BILBRAY, Mr. LEVIN, Mr. KILDEE, and Mr. WOODALL.

H.R. 4454: Mr. CASSIDY.

H.R. 4965: Mr. KISSELL, Mr. MATHESON, Mrs. CAPITO, Mr. BERG, and Mr. PEARCE.

H.R. 5044: Mr. GARY G. MILLER of California, and Mr. GRIFFIN of Arkansas.

H.R. 5188: Mr. ELLISON and Mr. BACA.

H.R. 5331: Mr. FILNER.

H.R. 5381: Mr. FRANKS of Arizona, Mr. SCHWEIKERT, Mr. GOSAR, and Mr. BUSHON.

H.R. 5646: Mr. HALL, Mr. PAUL, Mr. SCALISE, Mr. SCHILLING, Mrs. BACHMANN, and Mr. PEARCE.

H.R. 5647: Ms. KAPTUR.

H.R. 5653: Mr. RANGEL.

H.R. 5684: Mr. HIMES.

H.R. 5717: Mr. SMITH of Nebraska.

H.R. 5719: Mr. NADLER, Ms. JACKSON LEE of Texas, and Ms. BASS of California.

H.R. 5727: Mr. CONYERS and Ms. NORTON.

H.R. 5738: Mr. MCCOTTER and Mr. ROGERS of Michigan.

H.R. 5742: Mr. RUNYAN and Ms. NORTON.

H.R. 5842: Mr. WALDEN.

H.R. 5843: Mr. BILIRAKIS and Mr. MARINO.

H.R. 5848: Ms. NORTON.

H.R. 5850: Mr. FRANKS of Arizona and Mr. MCGOVERN.

H.R. 5859: Mr. KELLY.

H.R. 5864: Mr. ELLISON.

H.J. Res. 106: Mr. QUAYLE.

H. Con. Res. 101: Mr. FLEISCHMANN.

H. Con. Res. 114: Mr. CHAFFETZ.

H. Con. Res. 127: Mr. BASS of New Hampshire, Mr. LATTI, Mr. TERRY, Mr. STEARNS, Mrs. BLACKBURN, Mr. DINGELL, Ms. MATSUI, Mr. BILBRAY, Mr. SHIMKUS, Mr. MARKEY, Mr. ROGERS of Michigan, Mrs. CHRISTENSEN, and Mr. KINZINGER of Illinois.

H. Res. 111: Mr. SCHILLING and Ms. SUTTON.

H. Res. 577: Mr. AUSTRIA.

H. Res. 618: Mr. GRIJALVA and Mr. KING of New York.

H. Res. 630: Mr. GRIMM, Mr. WILSON of South Carolina, Mr. WESTMORELAND, Mr. LAMBORN, Ms. BUERKLE, Mr. WEST, and Mr. PEARCE.

H. Res. 646: Mr. POE of Texas.

H. Res. 662: Mr. BURTON of Indiana and Mr. NUNNELEE.

H. Res. 669: Mr. KISSELL and Mr. HUELSKAMP.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered to H.R. 5743, the Intelligence Authorization Act for Fiscal Year 2013, by Representative MIKE ROGERS of Michigan or a designee does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

46. The SPEAKER presented a petition of State Lands Commission, California, relative to Resolution requesting that the federal government prohibit new offshore oil and gas leasing off the coast of California; to the Committee on Natural Resources.

47. Also, a petition of State Lands Commission, California, relative to Resolution opposing H.R. 1837; to the Committee on Natural Resources.

48. Also, a petition of State Lands Commission, California, relative to Resolution supporting H.R. 104; jointly to the Committees on Transportation and Infrastructure and Rules.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5325

OFFERED BY: MR. GRAVES OF MISSOURI

AMENDMENT No. 1: At the end of the bill (before the short title), insert the following:
SEC. _____. Of the funds appropriated in title I of this Act, not more than \$50,000,000

may be used for the Missouri River Recovery Program.

H.R. 5325

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 2:

Page 20, line 15, after the dollar amount, insert "(reduced by \$1,450,960,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$1,450,960,000)".

H.R. 5325

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 3:

Page 22, line 3, after the dollar amount, insert "(reduced by \$514,391,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$514,391,000)".

H.R. 5325

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 4:

Page 22, line 23, after the dollar amount, insert "(reduced by \$554,000,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$554,000,000)".

H.R. 5325

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 5:

Page 22, line 23, after the dollar amount, insert "(reduced by \$554,000,000)".

Page 22, line 24, after the dollar amount, insert "(reduced by \$115,753,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$554,000,000)".

H.R. 5325

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 6:

Page 20, line 15, after the dollar amount, insert "(reduced by \$1,450,960,000)".

Page 20, line 16, after the dollar amount, insert "(reduced by \$115,000,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$1,450,960,000)".

H.R. 5325

OFFERED BY: MR. GARDNER

AMENDMENT No. 7: Page 29, line 10, insert before the period at the end the following:

Provided further, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7)).

H.R. 5325

OFFERED BY: MR. KUCINICH

AMENDMENT No. 8: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005.

H.R. 5854

OFFERED BY: MR. SCHOCK

AMENDMENT No. 9: Page 28, line 23, insert after the dollar amount the following: "(reduced by \$16,000,000) (increased by \$16,000,000)".

H.R. 5854

OFFERED BY: MR. ENGEL

AMENDMENT No. 10: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

EXTENSIONS OF REMARKS

IN RECOGNITION AND HONOR OF
DOCTOR WILLIAM UHLAND

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. AKIN. Mr. Speaker, I rise today to recognize and honor Doctor William Uhlend.

Dr. William Uhlend grew up in the town of Arbuckle, California, which at the time had a population of 800. When he was fifteen, his father died, and he went to work to support his mother and younger brother. After graduating high school, he went on to earn a bachelors degree from Chico State University, a masters degree from San Jose State University, and a Ph.D. from Rutgers University.

Dr. Uhlend is a nuclear chemist who is involved in the production and research of radiopharmaceuticals. For the past decade he has been with Covidien-Mallinckrodt, at their plant in Maryland Heights, Missouri. This plant has six cyclotrons, capable of accelerating protons up to 30 MeV kinetic energy. Several times a year he travels to the Covidien-Mallinckrodt plant in Petten, Holland, where they have two cyclotrons and a nuclear reactor.

At these facilities he is busy ensuring that the badly needed supply of radiopharmaceuticals is available to the hospitals and nuclear pharmacies. He is involved with the production of such essential drugs as thallium-201 for cardiac imaging, indium-111 for tumor detection, gallium-67 for tumor and infection detection, iodine-123 for thyroid imaging, iodine-131 for thyroid therapy, and molybdenum-99 to be used for technetium-99m generators (aka "Moly Kows"). In addition to this, he is currently involved in the production of a new radiopharmaceutical, which is proprietary at this time. Dr. Uhlend's contributions also include eight text-books on chemistry and physics (REA Press, Piscataway, New Jersey), and eight patents.

He and his wife, Dr. Elaine T. Jurkowski, are also active in their community. They are active in their parish, Incarnate Word, where they are lectors, Eucharistic ministers, and deliver Holy Communion to the ill and elderly. They are also members of the Wellness Ministry, Bereavement Ministry, and Disability Ministry. Dr. Uhlend provides free tutoring in mathematics and science to students in high school and college. Some of these youngsters are first generation college attendees from single parent families.

Dr. Uhlend is a shining example of the innovation, scholarship and leadership that we have in Missouri. I thank Dr. Uhlend for his service to his community, the St. Louis region and the nation. I ask my colleagues to join me in recognition of his contributions.

HONORING ROBERT A. BARTRON

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Robert Bartron, for his recognition as the Montrose Area Chamber of Commerce's Citizen of the Year.

Robert, a current resident of Montrose, Pennsylvania, has been an active community advocate and business leader for many years. Since 1968, he has provided comfort and assurance to families throughout the area, as well as providing part-time employment to numerous residents, in his role as owner and director of the Bartron Funeral Home.

Additionally, Robert has served his community through his membership in numerous civic organizations including, former president of the Montrose Chamber of Commerce, former president of the Tri-County Funeral Directors Association, and retired Susquehanna County Coroner.

Currently, Robert is serving his 33rd year on the Board of Directors of the Susquehanna County Housing and Redevelopment Authority. He is also a Paul Harris fellow with the Montrose Rotary Club, where he has previously held titles of secretary, treasurer, director, and sergeant at arms.

Robert and his wife Marie are the proud parents of three children, and have dedicated significant involvement to area-youth through their support of local club and high school sports. Robert was instrumental in establishing the Montrose High School Cross Country team, as well as encouraging the continuance of the high school ski and tennis clubs. Robert and his wife are both long-time members of the Montrose Presbyterian Church.

Mr. Speaker, I rise today to honor my constituent, Robert Bartron, and ask my colleagues to join in praising his commitment to country, community, and family.

A TRIBUTE TO DR. JOSEPH BARBA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Joseph Barba, a man that has served his community through educating, mentoring and encouraging students to innovate and succeed at their greatest potential. It behooves us to pay tribute to this outstanding leader as we recognize his impressive accomplishments on his 60th birthday.

Dr. Barba was the first of four children born to Lily and Guillermo Barba, who instilled lessons of hard work and accomplishment into

their children. Born on May 28, 1952 in New York, he followed the discipline of his father and used his mother's sacrifices to shape his upbringing. As a student attending high school, he performed well ahead of his grade in the sciences and mathematics. He was encouraged by a teacher to continue his studies in advanced mathematics at the University level instead of following a vocational occupation.

With the support of that teacher and his own desire to achieve, Dr. Barba attended City College of New York to pursue a Bachelor's in Electrical Engineering. He would later earn his Masters and PhD in Electrical Engineering from CCNY. When he finished his thesis and dissertation, CCNY had a professional position waiting for him.

The son of immigrants, he understood the importance of having a sound foundation built on education. He joined the CCNY faculty as an Adjunct Lecturer in Electrical Engineering in 1977 and in 1982 became a tenure-track faculty member when he was appointed Assistant Professor. He was promoted to Associate Professor in 1987 and to full Professor in 1993.

As a Professor, Dr. Barba authored over 100 scientific papers and has served as Principal Investigator for both research and institutional grants. From 1997 to 2000, he was Associate Dean of Undergraduate Studies for the School of Engineering. In 2000, he joined the Office of the Provost as Acting Associate Provost. Two years later, he was appointed Deputy Provost. He became Acting Dean in July 2004, having served previously as Deputy Provost from June 2002 to June 2004.

Currently, Dr. Barba serves as the Dean of The Grove School of Engineering, recognized for its rich history of opportunity and resources. Along with being an educator, Dr. Barba has been a pillar of the CCNY community. For over 20 years he has led the nation's largest Latin American Engineering Student Association-Society of Professional Engineers (LAESA-SHPE) as well as being the director of the New York S.T.E.M. Institute. A visionary for and product of CCNY, Dr. Barba has continued to push the envelope for what the school, student body, and community can achieve.

Dr. Barba is the proud father of his only son, Jesse Barba. Dr. Barba is an accomplished individual with a distinguished track record in improved education standards. Mr. Speaker, I urge my colleagues to join me in paying tribute to Dr. Joseph Barba on his 60th birthday. He continues to live a life full of joy and is a model citizen to us all.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. GERLACH. Mr. Speaker, on May 16, 2012, I was on official business at the White House and unfortunately missed two recorded votes on the House floor. Had I been present, I would have voted "aye" on rollcall 255 and "aye" on rollcall 256.

HONORING THE ACADEMY FOR GLOBAL CITIZENSHIP FOR BEING NAMED A GREEN RIBBON SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. LIPINSKI. Mr. Speaker, I rise to congratulate the Academy for Global Citizenship in Chicago, Illinois, for its recognition by the U.S. Department of Education as a "Green Ribbon School."

Green Ribbon Schools (GRS) is an award program launched in 2011 that recognizes schools participating in activities that promote and encourage a healthy and environmentally friendly learning environment. This year, the Department of Education recognized 78 schools across the United States, including the Academy for Global Citizenship located in Garfield Ridge on Chicago's Southwest Side.

The Academy for Global Citizenship engages students in a green experience from the moment they set foot on campus. Its asphalt parking lot was transformed into an organic garden that the students help sow, cultivate, and tend throughout the year. Inside the school students are fed organic and locally-sourced meals each day, after which they separate their garbage and recyclables, as well as their compost waste which is used to fertilize the gardens around the campus.

In class, students learn about sustainable and renewable energy and lifestyles, including a transportation unit that includes the study of walking, biking, and alternative fuels, and a wellness class that focuses health, nutrition, and environmental sustainability as a lens to understand how the world works.

Through these formal and informal activities, teachers enhance students' education as they teach the biology and chemistry behind composting and fertilization, the energy physics behind alternative energy sources, and the health-science behind good nutrition.

The Academy for Global Citizenship is also green at the administrative level. The school hosts community workshops on topics such as small space gardening, backyard composting, and energy use reduction. In addition, the school tracks its energy and water usage, setting reduction goals each year, and purchasing 100% of its electricity from a provider that produces only wind power.

Green schools, like the Academy for Global Citizenship, benefit our communities in numerous ways. In buying food from local sources,

they contribute to the local economy and local jobs. In reducing their energy usage, these schools help improve our energy independence. In producing a rich and interactive curriculum on green living, they educate our children and create the workforce needed for the future of our economy. I am happy to see such important work being done on a local level and the Academy for Global Citizenship acting as a model for other institutions.

I commend the Academy for Global Citizenship and I hope my colleagues will join me in congratulating all 78 of the Green Ribbon School award winners.

FIRST GRADUATION OF SOUTH GIBSON COUNTY HIGH SCHOOL

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. FINCHER. Mr. Speaker, I rise today to honor South Gibson County High School (SGC), which will be holding its first ever Graduation on Friday, May 18th. SGC, located in Medina, Tennessee, opened its doors in August of 2009 to approximately 250 students. Since then, SGC's first freshman and sophomore classes have developed into critical thinkers who are active participants in their communities.

Few institutions are as vital to preserving our country's future as our public schools, and SGC has done its part to foster a spirit of academic success.

On behalf of the residents of the 8th Congressional District of Tennessee, I am proud to congratulate each and every student in SGC's first graduating class, and I wish them the very best in their upcoming endeavors.

HONORING THE SISTERS OF ST. JOSEPH OF ORANGE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today along with my colleagues Representatives LORETTA SANCHEZ, ED ROYCE, JOHN CAMPBELL, GARY MILLER, JERRY LEWIS, RANDY NEUGEBAUER and LYNN WOOLSEY in recognition of the Sisters of St. Joseph of Orange, one of the youngest of the American congregations, for its historic and ongoing contributions to the proliferation of education and health care across the country. The assembly traces its roots through the St. Joseph congregations of La Grange, Illinois; Concordia, Kansas; Rochester, New York; and Carondelet, Missouri, all of which are traced back to around 1650 in Le Puy, France.

The Sisters of St. Joseph of Orange was established in 1912 by Mother Bernard Gosselin when she and eight sisters left La Grange, Illinois, near Chicago with 60 cents among them to establish a school in Eureka, California. With the outbreak of the flu epidemic in 1918 the Sisters expanded their min-

istries from teaching to include providing for the medical needs of the community, and opened St. Joseph Hospital in Eureka in 1920.

By 1922, the Sisters were teaching in several Southern California areas and recognized that the community could better develop its ministries by moving the Motherhouse to Orange, California.

The Sisters of St. Joseph of Orange are dedicated to transcending language, culture and access-to-care barriers to bring healthcare to people in need throughout the world. The Sisters extended their work in health, education and religious instruction to the people of Papua New Guinea and Australia in the 1940s.

Today, the congregation's commitment to education is expressed in a variety of forms including elementary, secondary, university and other adult education. The organization remains committed to the cause of promoting and providing an outstanding level of health care through acute-care hospitals, rehabilitation programs, home health care, community education, primary care clinics, and wellness programs.

The works of the congregation have expanded beyond education and health care to also include such things as helping new immigrants and women in need, feeding the hungry, giving shelter to the homeless, and fostering spiritual development.

As a result of their dedication to the same spirit of charity, simplicity, and humility characteristic of the Sisters of St. Joseph throughout the world and Mother Bernard's further guiding words of faith, foresight and flexibility, the Sisters of St. Joseph of Orange help thousands of people in need each year.

Mister Speaker, it is appropriate at this time that we recognize and thank the Sisters of St. Joseph of Orange for their dedication and service to the people of California and the world. We congratulate the Sisters of St. Joseph of Orange on their 100th anniversary, on the occasion of their 100 year Jubilee.

RECOGNIZING THE ACHIEVEMENTS OF THE THOMAS JEFFERSON HIGH SCHOOL NATIONAL HIS- TORY BOWL TEAMS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the two teams of Thomas Jefferson High School students who have qualified for the National History Bowl's Championships in Washington, DC.

The teams made up of seniors John David McClearly, Sarah Lee, and Matthew Kullberg, and juniors Abigail Rood, Julia Huber, Hanna Moore, Anna Metcalf, Elissa McDavid, and Paul Jaquish, battled teams from across Washington State to qualify for the National Championship. They were challenged with questions ranging from Chinese dynasties to the lyrics of the ACDC hit "Back in Black." The two teams placed second and fourth to qualify for the National Championships.

In addition to participating in National History Bowl, these students belong to the rigorous International Baccalaureate program,

which gives students a global education experience that prepares them to thrive in today's intercultural world. They are coached by International Baccalaureate history teacher, Steven Hall, an Air Force Military Police Veteran.

The National History Bowl is an interscholastic team history competition. Each year between 60 and 75 regional tournaments are held to determine the top teams that will move on to the National Championships in Washington, DC. This year competitions were also held in Europe and Asia, and over 100 teams will compete in the National Championships. The goal of the National History Bowl is to instill a curiosity for the past that will help students as they grow into tomorrow's leaders.

Mr. Speaker, it is with great honor that I recognize the accomplishments of the Thomas Jefferson High School National History Bowl teams. Qualifying not just one, but two teams is a prestigious achievement very few schools can hope to accomplish. I wish them all the best of luck.

REVEREND MARK MACKEY SR.,
NEW PASTOR OF MACEDONIA
MISSIONARY BAPTIST CHURCH

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. FINCHER. Mr. Speaker, I rise today to celebrate the installation of Macedonia Missionary Baptist Church's new pastor, Reverend Mark Mackey, Sr. Macedonia Missionary Baptist Church is located in Jackson, in the 8th District of Tennessee.

On May 7th, Pastor Mackey became Macedonia Missionary Baptist Church's 10th Pastor. Mr. Speaker, I ask that my colleagues join me in congratulating Macedonia Missionary Baptist Church, for finding the shepherd for its flock, and beginning a new legacy in the community with Pastor Mackey.

TRIBUTE TO HAL JACKSON, PIONEER
NEW YORK CITY RADIO
BROADCASTER

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to note that there are many persons in the history of the African American community who have broken down important racial barriers, and that one of the most important of these was Harold Baron Jackson—better known as Hal Jackson—who helped to break down such barriers as a popular cross-over New York City radio broadcaster for over 50 years. He remained an active broadcaster on WBLS-FM Radio until just a few weeks before his passing. He died last Wednesday at age 96.

Mr. Jackson's easy manner and multiple interests in music didn't make it any easier for him to break into the radio business in the 1930s—before the 1954 Brown decision when

Jim Crow de jure legal segregation was still the law of the land, while hangings of Blacks in the South were still a major concern in Black life and de facto segregation ruled the North.

The New York Times pointed out in its obituary, "At a time when segregation was widespread, he was a familiar voice to black and white listeners alike. At one point in the 1950s, he was hosting three shows—one rhythm-and-blues, one jazz and one pop—on three different New York radio stations.

He was also a significant player, along with Percy Sutton, in the establishment of the African American wholly-owned Inner City Broadcasting Corporation in 1970 where he established an urban contemporary format rooted in African American music but which also appealed to a racially mixed audience. While getting his start in broadcasting in Washington, DC, he moved to New York in 1954 and helped to establish WBLS as the highest rated radio station in New York City. Mr. Jackson dominated the airwaves, eventually expanding his reach across the country.

In 1990 he became the first African American inducted into the National Association of Broadcasters Hall of Fame, Mr. Speaker, and in 1995 was among the first five inducted into the Radio Hall of Fame.

Hal Jackson's birth, as was true of many southern Blacks then, was not officially recorded but it's believed that he was born on November 3, 1915 in Charleston, SC. He was one of five children. His father, Eugene Baron Jackson, was a tailor, and his mother was the former Laura Rivers. Both of his parents died when he was a child, so he was raised by "relatives in Charleston and New York before settling in Washington, where he graduated from Dunbar High School and attended classes at Howard University." (New York Times)

Mr. Jackson was also an avid sports fan who broadcast Howard University football and Negro league baseball games and organized an all-black basketball team known as the Washington Bears. He also raised money for civil rights causes, established Hal Jackson's Talented Teens International and was one of the first advocates of the Dr. Martin Luther King, Jr. Holiday. And, as they say, the rest is history.

He was married four times and divorced three. His current wife, the former Debi Bolling, survives him, along with two daughters, Jane and Jewell; his son, Hall Jackson, Jr., a former Wisconsin Supreme Court Justice; and numerous grandchildren and great-grandchildren.

IN RECOGNITION OF OXFORD HIGH
SCHOOL YELLOW JACKETS BASE-
BALL TEAM FOR WINNING THE
6A STATE CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention to pay recognition to the Oxford High School Yellow Jacket baseball team in Oxford, Alabama,

who recently won the Alabama High School Athletic Association Class 6A State Championship.

This is the first State Championship for the Oxford baseball team after coming in as runners up in 1978, 1989 and 2009. They are led by Head Coach Wes Brooks.

All of us across Calhoun County and East Alabama are deeply proud of these talented young Alabamians. I'd like to congratulate the team, their coaches and Oxford High School on this outstanding achievement.

PERSONAL EXPLANATION

HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. PALAZZO. Mr. Speaker, on May 30, 2012 I was unavoidably delayed due to a mechanical problem during travel causing me to miss rollcall vote 295 on H.R. 4201, the Servicemember Family Protection Act. Had I been present for this vote, I would have voted "aye".

PERSONAL EXPLANATION

HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. TURNER of New York. Mr. Speaker, on rollcall No. 295 I was away from the floor due to a memorial service for first responders at the World Trade Center Memorial in New York. Had I been present, I would have voted "yea."

HONORING WARMINSTER PRODUCTION TEAM

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the Warminster based production team responsible for the anti-bullying album "All About Bullies . . . Big and Small." Congratulations to Steve Pullara, Jim Cravero, Gloria Domina, Kevin Mackie and Patrick Robinson for their Grammy award winning production for best children's album. Your album is inspiring to us all, and it paves the way in the fight against bullying amongst our nation's youth.

Today, bullying is a serious problem in our schools, and it has manifested into cyber bullying in our homes. Statistics show that nearly 77 percent of our children have been bullied at some point in their lives, and some of these cases have even led to suicide.

In order to prevent bullying throughout our nation, it is necessary to apply unique and creative methods that resonate with younger generations. Featuring 37 songs, poems and short stories performed by prominent American artists, "All About Bullies . . . Big and

Small" sends a powerful anti-bullying message to its listeners.

Thank you once again to the producers of the album for doing their part to make not only Bucks County, but the entire nation, a better, safer place for everyone. I am honored to represent these Grammy winners in Congress, and hope they will continue their efforts.

**HONORING TL HANNA HIGH
SCHOOL GIRLS' SOCCER TEAM**

HON. JEFF DUNCAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today to honor the TL Hanna High School Girls' Soccer Team for winning the State 4A Championship. These young women had a phenomenal 27-2 season, defeating Wando High School two to nothing to capture the state title for the first time in school history.

Led by their coach, Katelyn Davis, and their trainer Jason Powell, the team had three players named "all state", and five named "all region".

After winning the State Championship in Columbia, South Carolina, on May 18, one of the players was asked about her head coach by a member of the press and stated: "She is the rock of this team. Our big sister. We look up to her so much, and wouldn't be here without her."

Coach Davis did an excellent job leading her team to the state title, keeping them focused on their motto "one team, one goal."

Competitive sports are valuable for teaching important life lessons such as determination, hard work, and being part of a team. I'm confident that these young women will carry their experiences with them out into the world, and use them to boldly succeed in life.

Congratulations to: Tatiana Guarin, Madison Anderson, Madyson Strong, Paige Miller, Baylee Gillmore, Chelsea Drennan, Catherine Roberts, Madison Cutts, Amber Bowles, Kelly Shaw, Meredith Parker, Jan Wilson, Anna Brannon, Olivia Bair, Kylie Miller, Christina Barrington, Lina Baroni, Margaret McElwee, Fantasia Todd.

You all have many reasons to be proud. I know that you'll never forget your 2012 Championship season, and I hope you'll take the same level of boldness that you brought to the field with you everywhere you go in life.

Congratulations Yellow Jackets, and God Bless.

**HONORING REVEREND RICHARD
CARRUTH'S 35 YEARS OF MIN-
ISTRY**

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. FINCHER. Mr. Speaker, I rise today to recognize Reverend Richard Carruth of Newbern, Tennessee for his 35 years of serv-

ice to Methodist communities in Mississippi, Kentucky, and West Tennessee.

Even as a retiree, Reverend Carruth has a long history of enriching and supporting the lives of his communities tri-state area. Since then, he has actively served small membership churches in the 8th District of Tennessee after making his retirement home in Dyer County.

Mr. Speaker, I ask that my colleagues join me in congratulating Reverend Carruth on the occasion of his 35th Anniversary as a Methodist Reverend this May. There is no doubt that throughout those 35 years, his ministry has touched thousands of lives.

**TRIBUTE TO SECOND LIEUTENANT
THEODORE REMINGTON WOO**

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the accomplishment of a hero from the Second Congressional District of West Virginia, Second Lieutenant Theodore Remington Woo; a highly honored West Virginian soldier who served in two wars for his country. He was the first soldier of Chinese descent to die in combat for the state of West Virginia. He was awarded the Bronze Star, Distinguished Service Cross Citation, Purple Heart, Combat Infantryman's badge, Korean Service Medal, United Nations Service Medal, National Defense Service Medal, Korean Presidential Unit Citation, and the Republic of Korea War Service Medal.

Theodore Remington Woo's accomplishments of his life exceed his collection of medals. I am honored to have requested his name stand forever within the 20-64-53.27wb bridge on Interstate 64 in his home of Kanawha County, West Virginia. The bridge will be located only minutes away from where his high school once stood. Second Lieutenant Woo grew up in a patriotic family with several relatives being named after American presidents. He and his brother George, who went on to become a House Delegate, played along the Kanawha River and helped out in their family restaurant, The Canton.

Second Lieutenant Woo was a student at West Virginia University before he enlisted in the Army. Woo then served with the 93rd Division of the Third Army in France, Germany, and Czechoslovakia where he received the Bronze Star for "Meritorious Achievement in Ground Operations Against the Enemy in European Theater of Operations."

After World War II, he reenrolled in West Virginia University, but was needed during his senior year to train at Fort Knox as an infantry leader until 1951. Second Lieutenant Woo then served in the Korean War as Platoon Leader in Company E, 2nd Battalion, 5th Cavalry Regiment in the 1st Cavalry Division. A story of heroism echoed through our nation when he and his men destroyed an enemy bunker while dodging overwhelming mortar and small arms fire. Out distancing his leading elements, he was forced to retreat the hill to regroup. Despite being wounded in the arm,

he continued to lead and retake the hill. Upon capturing the hill, Second Lieutenant Woo was tragically killed during counter attack while evacuating the wounded. Woo's courage and devotion will be forever recognized and serve as a symbol of our commitment to peace.

West Virginians are truly honored to count Second Lieutenant Woo, a real American hero, among us.

**CELEBRATING THE GARY NAACP'S
47TH ANNUAL LIFE MEMBERSHIP
BANQUET**

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to stand before you today to recognize and commend the members of the Gary, Indiana, branch of the National Association for the Advancement of Colored People (NAACP). On Saturday, June 2, 2012, the Gary NAACP will hold its 47th Annual Life Membership Banquet at the Genesis Convention Center in Gary, Indiana.

This annual event is a major fundraiser for the Gary NAACP. The funds generated through this event directly support the organization's many outstanding programs and advocacy efforts. Through its membership and the support of the community, the Gary NAACP is able to serve the people of Northwest Indiana and continue the mission started by the national organization in 1909 by working diligently to combat injustice, discrimination, and unfair treatment for all people in today's society. In addition, the banquet serves to update and keep the community aware of the NAACP's activities and formally honor its new life members.

The keynote speaker at this year's event will be Reverend Dr. Michael Eric Dyson. Dr. Dyson is a Georgetown University professor of sociology and a political analyst for MSNBC. Dr. Dyson has been able to positively influence the lives of numerous individuals through his remarkable career and his noteworthy dedication to charitable endeavors. In addition to his outstanding professional career, Dr. Dyson is well-known as a social activist, renowned orator, and prophetic preacher.

This year, the Gary NAACP will honor twelve outstanding individuals from Northwest Indiana who will join the hundreds of other outstanding civil, community, and religious leaders that have previously been recognized as life members. For 2012, the distinguished individuals who will be inducted as life members of the Gary NAACP are: Indiana Supreme Court Justice Robert Rucker, Dr. Judy Ball, Shontrai Irving, Esq., Gage Brown, Kamden Brown, Shante Brown, Zachery Brown, Stephen Mays, Dr. Linda Peterson, Renee Ceaser-Patterson, Kennedy Winfrey, and Kya Winfrey.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to the newest life members of the Gary branch of the NAACP, as well as Attorney Karen Pulliam, the current Gary NAACP president, and all members of the organization for their

extraordinary efforts and for their tremendous leadership. These outstanding men and women have worked tirelessly to improve the quality of life for all residents of Indiana's First Congressional District, and for that they are to be commended.

THE LIFE AND LEGACY OF
MARILYN (KK) AUGBURN SHARP

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. PENCE. Mr. Speaker, I rise today to honor the life and legacy of an icon in her hometown of Muncie, IN. Following a battle with pancreatic cancer, Marilyn (KK) Augburn Sharp passed away earlier this month.

Marilyn earned a degree in English from DePauw University in 1963 and a master's in journalism from Ball State University in 1974. In between her time at DePauw and Ball State, Marilyn lived in New York, where she served on the editorial staff of The New Yorker magazine. She later worked in publicity and advertising and volunteered with a Little League team in Harlem.

After spending time in New York, Marilyn returned to the Hoosier state and married Phil Sharp in 1972. Phil Sharp later served as U.S. Representative for the then-Second District of Indiana from 1974–1994.

Marilyn will be remembered for her incredible work ethic and as a champion of social justice. Her heart for helping people was evident to those who knew her.

She authored three novels, including Sunflower, Masterstroke, and Falseface. Her other interests included painting and reading.

Marilyn is survived by her sons, Jeremy and Justin, her daughter-in-law, Elizabeth Pika Sharp, and her husband Phil Sharp.

Her presence and lively spirit will certainly be missed, but her legacy of advocacy and love will live on.

HONORING THE 2012 FREDERICKSBURG, VIRGINIA AREA HIGH SCHOOL SENIOR MILITARY ENLISTEES

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the seventy-five Fredericksburg, Virginia area high school seniors who plan to enlist in the United States Armed Forces after graduation. These students have excelled in their academic and extracurricular activities and I offer my sincere congratulations upon their high school graduation.

I commend these student leaders for their selfless and courageous decision to serve their country as members of the Armed Forces:

Alvarado, Navar Almir; Alvarez, Fernando Isidro; Anderson, Floyd Oneal; Askin, Alexander P; Atherley Bowe, Kevin Kareen;

Barbee, Jordan C; Barry, Christopher E; Bednarski, Lucille Darline; Biaselli, Darien Marvellediquan; Bibbens, Deont'e Odell; Blevins, Kyle Ronald; Brisbin, Ian H; Brosilow, Anthony Joseph; Bowman, Donald Marcus; Bushong, Austin Spencer; Burch, Brannon Matthew; Butler, Joseph Samuel; Carson, Zachary Michael; Chang, Ferris; Chapman, Robert John Joseph; Childress, Brandon Kyle; Cornell, Andrew Scott; Cruz, Thomas Joseph; Dent, Sean M; Drew, William George; Ferguson, Zachary Tyler; Flanagan, Tyler Laveene; Galligan, Patrick Gabriel.

Graves, Robert Andrew; Greene, Kenneth R; Greenhalgh, Matthew Tylerzhabi; Grogan, Matthew L; Gustafson, Adam Davis; Heard, Dymel R; Hubbell, Brian Jacob; Husar, Cornelius G; James, Marquise T; Keane, Eric Carter; Kearney, Kyle Patrick; Kelly, Victoria; King, Wesley Konrad; Lawrence, Robert Dominique; Love, Joshua; Marshall, Adam William; Mateos, Thomas Alexander; Middlebrook, Devyn Taylor; Morey, Jonathan Charles; Motzer, Jacob D; Mullikin, James Richard.

Murphy, John Sylvestre; Mussomele, Matthew Hunter; Nash, Michael; Nuckols, Kevin G; Oursler, Daniel S; Peyton, Jacob K; Piazza, James Anthony; Principe, Jesse S; Porter, Kyleigh Michelle; Ramirezrincon, Hector Alexander; Roark, Zachary D; Robertson, John David; Ruyts, Zachary A; Ryder, Russell S; Schlenk, Joseph M; Stephens, Perry Allan; Stinson, Joshua Quinn; Taylor, Madison; Thomas, Hunter Austin; Townley, Jennifer Danielle; Villaruel, Jacob Timothy; Wagner, Kyle Daniel; Weakley, David J; White, Stormy A; Williams Washington, Mosiah Sallasie; Witter, Clayton J.

These students will be honored by the Greater Fredericksburg Chapter of Our Community Salutes at their 1st Annual Military Enlistee Recognition Ceremony on Monday, June 4, 2012 at the University of Mary Washington in Fredericksburg, Virginia.

Mr. Speaker, I ask my colleagues to join me in thanking these young men and women and their families for their dedication to serving this great Nation. We owe them and the many Americans who have served and will serve a debt of gratitude.

HONORING BRIGADIER GENERAL
JETHRO EXUM SUMNER

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. COBLE. Mr. Speaker, the citizens of the Sixth District of North Carolina wish to honor Revolutionary War Brigadier General Jethro Exum Sumner's recent re-interment at the Guilford Courthouse National Military Park in Greensboro, North Carolina. Brig. General Sumner received his full Masonic Rites for his great contributions to the Ancient Free and Accepted Masons, as well as to the state of North Carolina and the United States.

Born in 1733 in Virginia, he was a Sheriff, Justice of the Peace, and a member of the Provincial Congress of North Carolina. He fought during the French and Indian War as a commissioned officer in the Virginia Regiment, and served as Paymaster of the provincial troops of North Carolina. In 1776, he was ap-

pointed to the Provincial Congress as Colonel of the 3rd North Carolina Regiment. He earned his way from Colonel and all the way to Brigadier General of the Continental Army during the American Revolutionary War, fighting at Eutaw Springs and Camden. He recruited soldiers for General Nathaniel Greene, before the battle of Guilford Courthouse. If it wasn't for Sumner's recruiting, Gen. Greene would not have been as successful.

He was a member of Blandford-Bute Lodge, which is now Johnston-Caswell Lodge #10 of the Ancient Free and Accepted Masons. He was the one who planted the seed to form the Grand Lodge of North Carolina after the American Freemasons split from the Grand Lodge of England. He also was an officer of the lodge. Sumner was active in the creation of the Society of Cincinnati, serving as its first president. After he died in 1785, he was buried in Warren County, North Carolina. In 1891, his remains were moved to Guilford Courthouse by order of the North Carolina General Assembly.

In a public event on May 29, 2012, Brigadier General Jethro Sumner was laid to rest under a newly-restored memorial at Guilford Courthouse National Military Park in a Masonic Funeral Ceremony. As a member of the Masonic Society, I was invited to attend the ceremony, but because of my congressional responsibilities, I had to return to Washington and was unable to participate.

On behalf of the citizens of the Sixth District of North Carolina, we wish to honor Brigadier General Jethro Exum Sumner's re-interment and recognize his service and accomplishments.

COMMENDING JUDITH BURD OF
HUNTERDON COUNTY, NEW JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. LANCE. Mr. Speaker, I rise today to join the Lebanon Township Board of Education in Hunterdon County, New Jersey in honoring Judith Burd. After thirty-nine years of distinguished public service as an educator in Hunterdon County, Mrs. Burd retired in May 2012 as the Superintendent of the Lebanon Township School District.

On June 21, 2012, Mrs. Burd will be honored by the Lebanon Township Board of Education in Hunterdon County, New Jersey during a special retirement dinner to be held in Glen Gardner, New Jersey with her family, friends and respected colleagues in attendance. I fully expect the event will celebrate and honor her many professional accomplishments and educational advancements on behalf of parents, teachers and students in Hunterdon County.

As a lifelong resident of Hunterdon County, I have known Mrs. Burd since we were students together at North Hunterdon Regional High School in the late 1960s. Her uncle, the Honorable James Howard, was a distinguished Member of Congress from January 3, 1965 until his untimely passing on March 25, 1988.

I can attest to her dedication and tireless efforts educating young people. Mrs. Burd began her career in education in 1974 as a teacher at Valley View Elementary School, where she taught the third grade from September 1975 to June 1979. From 1979 to 1994, Mrs. Burd served as a special education teacher and taught a resource room class for the perceptually impaired. From 1994 to 1996, Mrs. Burd taught seventh grade language arts and in 1996, Mrs. Burd became Principal of Woodglen Middle School, a position she held until August of 2003. In 2003, Mrs. Burd became the Superintendent of the Lebanon Township School District. For nearly four decades, Mrs. Burd has served the community with great professionalism and dedication.

I am proud to join members of the Lebanon Township Board of Education and many Hunterdon County residents in thanking Judith Burd for her hard work and devotion to the Hunterdon County community. Her lifetime accomplishments and achievements in education will stand as a testament to her dedication to young people.

I am pleased to praise Judith Burd of Hunterdon County, New Jersey and to share her story with my colleagues in the U.S. House of Representatives and with the American people.

A TRIBUTE TO NYEMASTER,
GOODE, P.C.

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize the Des Moines-based law firm, Nyemaster Goode, for being named among our nation's Top 30 Employers by the Employer Support of the Guard and Reserve. In earning this recognition, Nyemaster Goode is also nominated to receive the 2012 Freedom Award from the ESGR.

The ESGR is an agency within the Department of Defense that supports employers who facilitate career opportunities for members of the National Guard and Reserve. The Freedom Award is the DoD's highest recognition given to employers for "exceptional support" of Guard and Reserve employees. Nyemaster Goode is one of only 30 employers selected to be nominated for this award out of the staggering 3,236 nationwide nominations received this year. In September, up to 15 recipients will be announced and honored in Washington, D.C., at the 17th annual Freedom Award Ceremony. Since its establishment in 1996, only 160 employers have been honored with this prestigious award.

The honor that is bestowed on finalists of the Freedom Award is put best by the ESGR in stating, "Employers named as finalists for the award distinguish themselves not only for adhering to the employment and reemployment rights of Guard and Reserve members, but for actively creating opportunities to assist and support the service of both Guard and Reserve employees and their families." Nyemaster Goode's unwavering support of our citizen warriors has truly placed the firm as a

shining example to our nation's most prominent businesses.

Mr. Speaker, the commitment Nyemaster Goode has shown to the members of the Guard and Reserve is a testament to the respect lowans share for our men and women in uniform. It is with great pride that I thank Nyemaster Goode for representing Iowa through their efforts, and I wish them luck in September. I trust my colleagues in the House will join me in congratulating Nyemaster Goode for their remarkable achievement, as well as thanking all the members of the United States Armed Forces, at home and abroad, for their service and sacrifice.

CELEBRATING THE 100TH BIRTHDAY OF AGUDATH ACHIM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, on Saturday, June 9th, I will have the honor of addressing the Congregation and friends of Agudath Achim and Jewish Community House in the City of Taunton, which I have been privileged to represent for these past 10 years. It will not be my first appearance at this temple, which is an important institution in the Greater Taunton Area. But this will be a meeting of particular significance, because it is part of a celebration of the Centennial Anniversary of this congregation.

Mr. Speaker, on May 7th, the Taunton Gazette published an article about Agudath Achim, which is a good summary of the work it does and the role it has played in the community. I can attest to the work that Agudath Achim does, both for the Jewish community, and for the broader society—for example, it was the host for the most recent Martin Luther King Day Interfaith Observation in Taunton.

Mr. Speaker, because this is an example of how an institution serves both the needs of its own people and the society at large, and because the Taunton Gazette did a very good job of describing this, I ask that the article from the Taunton Gazette be printed here, and I ask all Members to join me in congratulating this congregation and the work that they do.

(By Marc Larocque—Taunton Gazette Staff Reporter)

TAUNTON—The Congregation Agudath Achim marked 100 years in the city with a rededication ceremony held at the synagogue this weekend, featuring several guest speakers who talked about their years as part of the Jewish community in Greater Taunton.

"We had a chance for people of all ages to participate," Rabbi Anne Heath said. "The rededication was a chance for us to acknowledge all of our ancestors over the past 100 years and rededicate ourselves, as much as rededicating the building to continue to be a home for the Jewish community for the greater Taunton area. There was no champagne bottle broken or major renovations, but we recognized that this has been the religious and cultural home for generations of Jewish people from the area."

Heath said the rededication was a chance to recognize some of the goodwill that has come as a product of the Congregation Agudath Achim throughout the last century.

"The synagogue has been a focal point for Jews to gather, to study, to pray, and to support each other in good times and bad," Heath said. "It's a base of operation or a home so that many of our members are involved in, doing a lot of good works and good deeds throughout the community. It gives us a chance to socialize and celebrate holidays. Like many other organizations, especially religious ones, it helps us sustain ourselves as a community."

Taunton resident Mike Thurman said that the rededication was a chance to realize just how much the synagogue has enriched his family and many others, bringing everyone together, creating a great sense of community.

"It kind of brought back memories of when we first joined," Thurman said. "Some of the people who came have gotten older and have moved away. It was nice to see them again."

Thurman, a Milton native, moved to the Taunton area in 1975. His wife soon discovered the synagogue through word of mouth, bringing the family into the fold.

"The synagogue is very family oriented," Thurman said. "The congregation is small enough that we know everyone. You end up knowing how everyone's children are growing up, having their bar mitzvah parties. My four daughters had their bat mitzvahs there. It's good to have the synagogue in your life. Basically, it's like having an extended family. Everybody knows everybody. It's a generational thing. We're very fortunate."

On June 30, there will be a reunion celebration for Congregation Agudath Achim. It is another event as part of the congregation's centennial celebrations.

Congressman Barney Frank is also scheduled to be a special guest speaker at a June 9 event with services starting at 9 a.m.

While the congregation has grown with the times—at one point it was an Orthodox synagogue in which men were separated from the women, while now it is a more modern and independent organization—the mission remains the same, Rabbi Heath said.

Heath said that she hopes the next century will be one in which the Congregation Agudath Achim will reach further into the community, touching the lives of many using the religious teachings of Judaism.

"I think one of the most important things for our Jewish community, like all other religious communities, is meet people where they are, find out what's going on in their lives, and to find out what we have to offer to support people where they need it," Heath said. "That's part of the rededication and recommitment. Judaism has a strong ethical component. We believe the teachings of Judaism can support that, whether for a young person, a parent, an empty nester, dealing with all different kinds of issues. Our teachings and availability of community will play a big role. It's part of the path that we really take into the future."

HONORING THE CARROLL SENIOR HIGH SCHOOL STUDENT COUNCIL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize the Student Council of Carroll Senior High School for winning a State medal in the Texas Future Problem Solving Program.

The young people who serve on an effective Student Council are skilled leaders, and nowhere is that more evident than in an exceptional school like Carroll Senior High. In addition to fulfilling their demanding leadership duties, many of the members of the Student Council participate in the Future Problem Solving Program. This international program aims to foster students' skills in creative thinking and working together to solve real and significant problems. They then take these skills and bring them to the world beyond the classroom walls as they grow into tomorrow's leaders.

In Carroll Senior High School, Greg Lang, Courtney Smith, Megan Gill, and Mattie Shirley worked tirelessly on their project, "Dragons Dig Deeper". They looked to their special needs peers right at home in the halls of Carroll and improved methods of including them in the community. As a Community Problem Solving effort, "Dragons Dig Deeper" received a State medal from the Texas Future Problem Solving Program. The compassion exemplified by these students serves as an example to us all and encourages my hope for a better future both in my district and in our Nation. I would also like to recognize the fine work of the Student Council's director, Niki Gilley, and the invaluable assistance of Laura Wood-Smith.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating the Student Council of Carroll Senior High School on their earning a State medal in the Future Problem Solving Program. And I also ask that we thank the members of the council for the service they have lent our community.

**HONORING LIEUTENANT GENERAL
RICHARD P. ZAHNER**

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. RUPPERSBERGER. Mr. Speaker, I and Mr. ROGERS of Michigan rise to congratulate JC Richard P. Zahner, the 43rd Deputy Chief of Staff, G-2 (Intelligence) of the United States Army on his monumental and invaluable contributions to our national security from June 1976 until June 2012.

Commissioned into the Regular Army as a Military Intelligence Officer from Cornell University in June 1976, Lieutenant General Zahner consistently distinguished himself in difficult jobs that required superior leadership and keen innovation.

His distinguished 36 year military career included assignments in peace and war, at the tactical and national levels, in both conventional and Special Operations, and within the Army and at Joint and Combined Commands.

A 1980 plank owner of the Joint Special Operations Command, he was a cornerstone in the foundation that created the culture of excellence and achievement that exists to this day.

A dynamic force for innovation and technology balanced with a keen commitment to soldiers, he consistently challenged himself to be a change agent and transformation catalyst

while integrating Army intelligence with wider Intelligence Community initiatives. He demonstrated unwavering resolve to build wartime readiness and provide brilliant and visionary Intelligence leadership.

His success is manifested in Army Intelligence support throughout the globe. His legacy will remain with the Army and in the Intelligence Community for years to come.

We wish him and his family Godspeed and good fortune as they complete their Army service and transition to the next successful chapter of their lives. Our nation is better and safer because of this superb Military Intelligence Soldier.

**RECOGNIZING THE ACHIEVEMENTS
OF THE FEDERAL WAY HIGH
SCHOOL AIR FORCE JROTC TEAM**

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the Federal Way High School Air Force JROTC team for qualifying for the National Academic Bowl in Washington, DC. Advancing to compete in this national event is a tremendous accomplishment and these cadets should be extremely proud.

The Federal Way High School Air Force JROTC Team is comprised of David Yang (Junior, Team Captain), Blaise Pascual (Junior), Roger Arenas (Sophomore), Benjamin Swartz (Sophomore), Varun Sharma (Junior, Alternate), Arishma Prasad (Freshman, Alternate). The team is coached by Randall Long, Lt Col, USAF (Ret.). In addition to participating in the Academic Bowl, these JROTC cadets have learned about citizenship and community service, while developing core values of responsibility, character, and self-discipline through the JROTC program.

Prior to qualifying for the National Academic Bowl, team members competed in two preliminary rounds where they were tested on standard high school curriculum, including math, science, English, and current events. The Federal Way High School Air Force JROTC team placed among the top of 183 teams that competed nationwide. The top 16 Air Force Academic Bowl teams advanced to the finals in Washington, DC and the winner of the Air Force Academic Bowl will advance to the JROTC Tri-Service Academic Championship.

The Academic Bowl helps students prepare for success on ACT and SAT exams, develop interest in college admission, demonstrate the academic strength of the JROTC program, and build team and unit spirit. The Federal Way High School Air Force JROTC team will spend the next few months preparing for the Academic Bowl Championship by developing and studying a SAT tutorial plan.

It is with great honor that I recognize the work of the Federal Way High School Air Force JROTC team and their qualification for the National Academic Bowl. I know that this accomplishment is indicative of the future successes of these dedicated cadets.

TRIBUTE TO BARBARA GRAVES

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. JACKSON of Illinois. Mr. Speaker, everyone is familiar with the saying that behind every good man is a good woman. I rise today to note that there is probably no person who exemplifies that homily more than Barbara Kydd Graves—the wife of Black Enterprise Magazine's founder, chairman, and publisher Earl G. Graves, Sr.—who died this week and will be laid to rest on Saturday, June 2.

Mrs. Graves was not only a good wife and the family matriarch, but she was also a major guiding light of Black Enterprise with her quiet strength, inspiration, and caring personality. Mrs. Graves died at Howard University Hospital in Washington, DC after a three-year battle with gall bladder cancer at the age of 75.

As Black Enterprise itself acknowledges, "she played a vital role in the growth and development of the publication and media company, and its mission of economic empowerment and wealth building for African Americans."

"Since the launching of the Black Enterprise Magazine in 1970, Barbara Graves, an alumna of Brooklyn College and a former elementary school teacher, held every major position, including editorial director, circulation director and chief financial officer, during the 40-plus-year history of this company. Along the way, she is credited with grooming and developing several generations of executive leadership, including sons Earl Jr., Johnny and Michael, all of whom have worked as executives at Black Enterprise. Mrs. Graves also co-founded and guided the Black Enterprise Women of Power Summit, the premier networking event and conference for women executives of color."

Her son, Earl Graves, Jr., president and CEO of Black Enterprise, testified to how special his mother was: "My mother was a steadfast and loving partner and counselor to my father; his quiet source of strength and inspiration. She served as mentor and guide to several generations of employees, managers and professionals. Above all, she genuinely cared for every member of the Black Enterprise family, and held a special passion for children and young people in particular."

Mrs. Graves' funeral services will be held at 11 a.m., to be preceded by a public viewing from 9 a.m. to 10:30 a.m., on Saturday, June 2, at Grace Missionary Baptist Church in Mount Vernon, NY.

IN RECOGNITION OF THE 125TH ANNIVERSARY OF PARKER MEMORIAL BAPTIST CHURCH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize the 125th anniversary of Parker Memorial Baptist Church in Anniston, Alabama.

Parker Memorial Baptist Church was founded on July 3, 1887, in Anniston, Alabama, and has faithfully shared the love of God with the city of Anniston and Calhoun County.

The beautiful Worship Center that was constructed in 1891 is one of the best known landmarks in downtown Anniston. It stands majestically along one of the busiest streets in the city, proclaiming to both residents and visitors that faith in God is a hallmark of the city.

The beauty of the physical structure serves as a testimony to the love and ministry of the people of Parker Memorial who have given, and continue to give, of their time, talents and resources to touch lives in the Anniston area and across the world.

In three different centuries, the congregation at Parker allowed the teachings and love of their Lord to transform lives and give a message of hope to a needy world.

On July 1, the Parker Memorial Family will gather to commemorate their 125th year of ministry. Former pastors, leaders and members will join the present Parker Family to express appreciation for the past and to affirm a new vision for the future.

Mr. Speaker, I offer my congratulations to Parker Memorial Baptist Church on this milestone and encourage them to continue their outstanding service to Anniston.

PERSONAL EXPLANATION

HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. PALAZZO. Mr. Speaker, on May 30, 2012, I was unavoidably delayed due to a mechanical problem during travel causing me to miss rollcall vote 294 on H.R. 5651, the Prescription Drug User Fee Amendments of 2012. Had I been present for this vote, I would have voted "aye."

PERSONAL EXPLANATION

HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. TURNER of New York. Mr. Speaker, on rollcall No. 296 I was away from the floor due to a memorial service for first responders at the World Trade Center Memorial in New York. Had I been present, I would have voted "yea."

THE LAND OF THE FREE AND THE HOME OF THE BRAVE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to officially congratulate and formally recognize the future leaders of our armed forces—the graduates of the Class of 2016 at

the nation's prestigious service academies. Each young adult listed will become a highly trained and exceptionally skilled commissioned officer in the most elite military in the world. As you know, each year I have the privilege of nominating a limited number of people to four of the five service academies. The honor of attending a service academy comes with an obligation and commitment to serve in the military for a minimum of five years upon graduation.

As a 29-year Air Force veteran and a former Prisoner of War in Vietnam for nearly seven years, more than half of that time in solitary confinement, it gives me great joy to help you serve our blessed nation. Best wishes to you as you pursue your goal of attending one of the U.S. Service Academies and serving our country. It is because of selfless people like you that we humbly remain "the land of the free and the home of the brave." The names of the appointees, their hometowns and high schools follow.

UNITED STATES MILITARY ACADEMY

Cody Christopher Guerry—Garland, Texas—Naaman Forest High School

Austin Yupyo Kong—Allen, Texas—Allen High School

Shannon Elizabeth Rogers—Plano, Texas—Plano Senior High School

UNITED STATES NAVAL ACADEMY

William Benac Allred—Richardson, Texas—Plano East Senior High School

Travis Ross Beach—Garland, Texas—Trinity Christian Academy

Nicholas Gregory Cerf—McKinney, Texas—Liberty High School

Mitchell Martin Larios—Frisco, Texas—Frisco High School

Kamron Alexander Murrell—Allen, Texas—Allen High School

UNITED STATES AIR FORCE ACADEMY

Allie Nicole Baumgarten—Plano, Texas—Plano Senior High School

Constance Ruth Gabel—Plano, Texas—Canyon Creek Christian Academy

Cameron Kistler—Plano, Texas—Plano Senior High School

Joseph Paul Lamb—Plano, Texas—Plano East Senior High School

Melissa Lynn Leonhardt—Plano, Texas—Plano Senior High School

* Adam Ayelle Melaku—Garland, Texas—Garland High School

Andrew Stephen Parks—McKinney, Texas—Austin Tennis Academy College Preparatory School

Adam Joseph Wilkins—McKinney, Texas—McKinney North High School

UNITED STATES MERCHANT MARINE ACADEMY

Colin Spencer Can—Plano, Texas—Plano West Senior High School

Kinser Dean Newkirk—Plano, Texas—Prince of Peace Christian School

Jack Andrew Westrich—McKinney, Texas—McKinney Boyd High School

* Adam Melaku will attend the U.S. Air Force Academy Preparatory School.

Congratulations are in order for these 18 appointees and 1 U.S. Air Force Preparatory School student. God bless you, God bless Texas, God bless America, and I salute you.

RECOGNIZING THE MANY FINE ACHIEVEMENTS OF MR. JIM BRUBAKER OF THE CARLSBAD HI-NOON ROTARY CLUB

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BILBRAY. Mr. Speaker, today I rise to honor the many outstanding achievements of Jim Brubaker, the outgoing president of the Carlsbad Hi-Noon Rotary Club. Mr. Brubaker's leadership during the 2011–2012 Rotary year has contributed significantly to the Hi-Noon Rotary Club, the community of Carlsbad and the mission of Rotary. During his tenure, the Carlsbad Hi-Noon Rotary Club sponsored; RYLA, a youth awareness leadership conference; provided a Christmas party and provided meals and gifts to needy elementary school children; co-sponsored the Oktoberfest fundraiser that benefited the Carlsbad Women's Resource Center, Carlsbad Boys and Girls Club and other charitable community organizations; sponsored a golf tournament which funded scholarships for Carlsbad high school students and Marines returning from Iraq and Afghanistan, and provided support to other needy military personnel and their families; promoted literacy by providing dictionaries for English and Spanish speaking elementary school children; conducted a Business and Ethics conference for AVID high school students; provided support to La Posada, a facility for the homeless and sponsored the Four-Way Speech Contest, a program to help develop public speaking skills of our community high school students. We assisted in the distribution of food, clothing and toys to over 400 needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau. Under President Brubaker's leadership the Carlsbad Hi-Noon Rotary and its membership completed a number of other projects and provided over 9,400 volunteer hours of community service.

In the international arena, under Mr. Brubaker's leadership, a team of Carlsbad Hi-Noon Rotarians joined with others to build a house in Mexico for a needy family. Through our support of the Paul Harris Foundation, the Carlsbad Hi-Noon Rotary co-sponsored numerous other humanitarian projects all over the world including the effort to eradicate polio worldwide. We partnered with the Golden Triangle Rotary club in a program to build a school for girls in Afghanistan. Foreign exchange students were hosted as part of a program to promote better understanding of other cultures, and participated in developing a source of safe drinking water for Belize and the Ivory Coast. During Mr. Brubaker's tenure we also participated in "Heart to Heart in Africa," a program to provide much needed medical help to children with heart problems in third world countries, and computers were provided for school children at the Los Tambos School in Mexico.

I hope my colleagues will join me in recognizing the many fine achievements of Jim Brubaker. Without question, his leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

HONORING MONSANTO EMPLOYEES

HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mrs. HARTZLER. Mr. Speaker, I rise today to recognize the employees of Monsanto who have played a major role in great agricultural advancements, and have positively impacted the lives of Americans and people around the world. I rise today to congratulate the employees of Monsanto who have gone above and beyond their normal duties and have been honored by the company's most prestigious award—the Sustainable Yield Pledge Award.

These outstanding workers stand out in the overall mission of the company. Monsanto has risen to the challenge of providing sustenance for an ever-increasing world population and has become a world-leader in advancing sustainable global agriculture. They have a vision to work with farmers to produce more, conserve more and improve lives on a global scale. This is all made possible by researching and advancing biotechnology to help corn, cotton, soybean and other specialty crop farmers overcome challenges and hardship. Monsanto is going the extra mile to produce enough food, fuel and fiber for a booming world population, which is expected to reach 9 billion by 2050.

The 61 Monsanto employees are prime examples of individuals who combined the vision and values of their company. These award winners display the integrity, dialogue, transparency, sharing, benefits, and respect—all values promoted by Monsanto—and have paid it forward by acting as owners and creating a high-quality work environment. Through their efforts, lives have been improved in the U.S., Mexico, Brazil, India and Africa.

Mr. Speaker, it is an honor to have the opportunity to congratulate the following employees receiving a 2012 Monsanto Sustainable Yield Pledge Award for their positive impacts in science, agriculture and their communities.

Zellipah N. Githui, Nikki F. Davis, Elizabeth A. Vancil, Jeff Woessner, Agnes Adel Bolwell, Anne W. Troupis, Ken Rinkenberger, Jose M. Madero, Jose Jaime Mijares, Nery N. Echeverria, Jorge Christlieb, Gerardo F. Vaquero, Angela Maria Bastidas, Enrique Whelen, Manuel J. Bravo, Andres Felix, Manuel Oyervides, Aurelia Skipwith, Kinyua Mbijjewe, Natalie DiNicola, Glynn Young, Kathleen Manning, Kate Humphrey, Darren Wallis, Raegan Johnson, Mark I. Sutherland, Lisa Bannon-Bergmann, Chris Paton, Juan Ferreira, Kobus Lindeque, Deborah Patterson, B. Yogesh, Hitendra Singh Rana, Shrikant Mallinath Patil, Sandeep Bansal, Datta Ithape, Nilesh Bobade, Rahul Haribhau Kapse, Shrijan Gupta, Nick Lammers, Steve Pike, Wendy Martin, Ron Gardner, Tom Good, Krystal Einspahr, Tanner Oliphant, Julie Edmonds, Steve Schaefer, Greg Erler, Marcia Rhodus, Patrick Siler, Jenny Backhaus, Jennifer Tarr, Debra Vohs, Theresa Fitzsimmons, Scott Middelkamp, Andrew Jeremiah, Jason Huelsing, Jeff Hughes, Greg High, and Oseyi Ikuenobe.

Accordingly, I ask my colleagues to join me in recognizing these exceptional Monsanto

employees for their extraordinary work and thank them for the impact they have had, and will continue to have, worldwide.

HONORING THE REPUBLIC OF AZERBAIJAN ON "REPUBLIC DAY"

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SHUSTER. Mr. Speaker, I ask my colleagues to join me in honoring the Republic of Azerbaijan in celebration of the 94th anniversary of Republic Day on May 28th.

Azerbaijan and the United States have developed a robust and growing relationship over the last two decades. I am proud extremely that we have established what Secretary Clinton has called "deep, important, and durable bonds between the United States and Azerbaijan."

Although located in a geopolitical dynamic region sandwiched between Russia and Iran, Azerbaijan has consistently looked to the United States as an ally despite these difficult neighbors. A secular country with a predominantly Muslim population, Azerbaijan has also been home for over a millennia to vibrant Christian and Jewish communities representing a role model for peaceful coexistence and harmony of different religions and ethnic groups.

Azerbaijan was also the first country to open Caspian energy resources to development by U.S. and European companies and has emerged as a key player for global energy security. The Baku-Tbilisi-Ceyhan pipeline project, supported by both the Clinton and George W. Bush Administrations, is the most successful project contributing to the development of the South Caucasus region. Exporting around 1 million barrels of oil and gas from the Caspian Sea basin to international markets, Azerbaijan also provides nearly 40 percent of all crude oil supplies to Israel. Additionally, the successful launch and continued exploration of the Shah Deniz project will open up the Southern Gas Corridor delivering alternative gas supplies to Europe, further contributing towards a movement away from dependence on Middle Eastern Oil and energy suppliers.

Azerbaijan has also continued to take steps to ensure the strength and security of its infrastructure in a tumultuous region. The completion of the Baku-Tbilisi-Kars railroad connection expected in early 2013, expansion of cargo and passenger terminal of the Backup international airport, and construction of the brand new Backup International Sea Trade Port all are key contributors to Azerbaijan's increasing role as a transportation hub in the region linking European and Asian markets.

On a security front, Azerbaijan has been a key ally in a post 9–11 era, emerging as one of the first countries to offer strong support and assistance to the United States. Actively participating in joint operations in both Iraq and Afghanistan, Azerbaijan has also extended important over-flight clearances of U.S. and NATO flights and provided key supply routes to Afghanistan by making available its

ground and Caspian naval transportation facilities providing ground and naval transit for roughly 40 percent of the Coalitions supplies bound for Afghanistan.

As the Co-Chairman of the Congressional Azerbaijan Caucus, it is my distinct pleasure to honor the Republic of Azerbaijan in celebration of the 94th anniversary of Republic Day and to recognize the valuable bilateral relationship between the United States and Azerbaijan. I also encourage my colleagues who are interested in supporting Azerbaijan to join me as a member of Congressional Azerbaijan Caucus, a bipartisan group of more than 50 Members of Congress working to help foster the growing partnership between the United States and Azerbaijan and to advance U.S. interests in this pivotal region.

TRAGEDY ON THE HIGHWAY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. POE of Texas. Mr. Speaker, I am here today because of a terrible tragedy that occurred in my Congressional district nearly 6 years ago.

In 2006, the City of Beaumont was still recovering from Hurricane Rita. The West Brook High School girl's soccer team and their successes were good news that brought joy to a city in need of something to cheer for.

The Bruins were coming off a 14–5–2 record, and they were traveling to Humble, Texas, to take on the Houston Lamar Redskins in the Class 5A playoffs.

The game had already been postponed once and it was raining again, but the game was set to take place at 5 p.m. in Humble.

Unfortunately, the team never made it to the game.

Around 2 p.m., about 28 miles from home in Devers, Texas, the chartered bus carrying the team, swerved to miss debris that had fallen off a truck in front of them.

The bus rolled onto its side into a muddy ditch.

Senior Alicia Bonura and sophomore Ashley Brown lost their lives in this tragedy.

Six other girls were hospitalized in serious condition. Goalie Devin Martindale lost her arm in this accident.

Stephen Forman and Brad Brown, parents of two of the victims of the accident are here today and I would like to thank them for their work on this issue.

Because of this accident, I became involved in the Motorcoach safe issue, and I was happy to work with my colleague Rep. JOHN LEWIS (GA) to push for some common-sense provisions in the Transportation bill to apply to the Motorcoach industry so that another West Brook tragedy can be avoided.

These provisions are:

1. Requiring safety belts to ensure that occupants stay in their seats in a crash.
2. Requiring anti-ejection glazing on windows to help prevent passengers from being easily thrown from the motorcoach.
3. Ensuring that strong, crush-resistant roofs can withstand rollovers.

4. Improving oversight and enforcement requirements for motorcoach companies.

I strongly believe that these long overdue safety improvements can go a long way in making our nations buses safer.

And that's just the way it is.

TRIBUTE TO ESTHER FELDMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BERMAN. Mr. Speaker, I am pleased to pay tribute to Esther Feldman, President of Community Conservation Solutions, in recognition of her outstanding achievements as one of the most effective conservation leaders in California.

Under her leadership, Community Conservation Solutions, CCS, has worked to solve the complex and challenging problems that emerge wherever people and nature meet. CCS creates innovative and practical solutions to serious environmental problems affecting California's natural and human communities.

Esther Feldman is one of California's most valued conservation leaders. For nearly three decades, she has worked continuously to protect the environment for future generations. Her technical, financial, community and policy expertise combined with her great organizing ability has lead to countless victories for conservation. Nearly every park, wilderness area, river, beach or trail in Los Angeles County has benefited from Esther's work. Esther's ability to unite diverse interests for a common goal created new parks and open space, and established over \$3 billion dollars in new public funding sources to further expand conservation in California and throughout the United States.

Since founding CCS in 1998, Esther has built the organization into a leader in conserving natural lands and water resources and in working with communities. Under Esther's visionary leadership, CCS conceived of and spearheaded the two-square mile Baldwin Hills Park Project in the heart of urban Los Angeles, launched wetland restoration efforts in Upper Newport Bay, and has developed new project and funding approaches to creatively solving polluted runoff problems through CCS's Water Quality Improvement and Green Solution Projects as well as working on multiple projects of vital importance across my district in the San Fernando Valley.

Esther is known for being pragmatic and for her proficiency at acquiring funding to guarantee the longevity of the projects she directs. This has translated into a long list of successful outcomes and lasting public and environmental benefits.

Mr. Speaker and distinguished colleagues, I ask you to join me in recognizing Esther Feldman for her invaluable service and dedication to the community and the environment.

IN COMMEMORATION OF MUSIC LEGEND CHUCK BROWN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. BROWN of Florida. Mr. Speaker, I rise today on this bitter sweet occasion. My heart goes out to Chuck's family and friends, too numerous to mention, and the City of Washington, DC that mourns with you.

I could not let this moment pass without saying a few words about a man who was a great artist, consummate professional and wonderful man. I have been a public servant for 30 years and I truly believe that to whom much is given, much is expected. Chuck Brown is the ultimate example of that statement.

Chuck believed in giving back to the community. He inspired young people through his mentoring efforts and positive music. His brand of "Go-Go" inspired generations of musicians. Over the past six years I have gained firsthand knowledge of the versatility and vastness of his works as he has performed for me and my colleagues at events surrounding the Congressional Black Caucus Foundation's Annual Legislative Conference as well as the historic inauguration of our current president, President Barack Obama. At each program the crowds double in capacity making his performance one of the signature events.

I will tell you a funny story about how I discovered Chuck Brown's music. My long time friend and scheduler Darla Smallwood-Wran suggested I consider a local artist for entertainment during an event I host during an annual conference. She played the music for me over the computer and I liked it. Being from Florida, I had never heard of "Go-Go". I was so excited about what I heard that I began to tell my colleagues and friends I was having Chuck Berry performing at my event! My staff quickly corrected me and we all had a good laugh. Then I went to the event and I was filled with the warmth and love of his music and his character. He was always reliable, always professional and he always turned the party out. The only thing he asked in return was to take care of the "family" and the band that travelled with him.

Chuck Brown was the sound of the people. His music transcended generations weaving the best elements of Black music into a sound that called to our African ancestry. Jazz, funk, soul, blues, Latin and African rhythms—Chuck took that new sound with its familiar notes that called to the soul of our people and he called it "Go-Go". He wrapped it up and gifted it to DC and it has been the sound track of the people of DC for more than 30 years.

He was deeply loved and he will be sorely missed. I know, through my faith, that this is a time to rejoice because he has gone home to be with the Father where there is no more pain and suffering. God Bless you all.

THE ARMENIAN GENOCIDE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire Henry Morgenthau documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories:

MY GRANDMOTHER ARAXI

This story is dedicated to my children so they may always remember their family heritage. It is in memory of my grandfather and grandmother, Garabed and Araxi Kechbouladian. This is my way to honor them and to immortalize my grandmother's legacy.

My "Nana," Araxi, was born in Zeitoun, in 1914, around the time of the Armenian Genocide. My "Dede," Garabed, was born there as well. He died in the 1960's and my Nana lived with us in Germany until the day she died. One of my most vivid memories of her is her singing a particular song. She used to sing this song often. It is called "Yeraz" which means dream. I remember the first verse word for word. It goes like this, "Yes lehezy me anoush zain, eem zerahzadz mor mod ehr. Paylez neshouil ouraghoutyan. Payz absos vor yeraz ehr." It means, "I heard a sweet voice. It was my mother's. It was a gleam of joy. But, unfortunately, it was just a dream." My grandmother would sing it when she was cooking or doing chores. She would cry every time she sang this song. She had never known her mother and her father. Their names were Neshan and Vartouhy Shanlian.

Nobody knows what really happened to my great grandparents. All my grandmother would tell is that she was about a year old, perhaps a little older, when she was taken to a German orphanage in Lebanon, located somewhere between the cities of Sour and Saida. She thought that it was called Ghazir. She had heard many stories growing up and she believed that her parents were either killed during the massacre, in 1915, or died during the deportation. If the Armenians were not massacred, they were ordered by the Turks to leave their lands and march through the deserts towards Syria. Those marches were called death marches because many perished of dehydration, starvation, and exhaustion. If the march did not kill them, they were going to be killed eventually. This must have been my great grandparents' fate. As for my grandmother, she

must have been kept by other Armenians. Eventually, she was given to the Germans who were gathering up orphans at that time.

My great grandparents had seven children. Only four of them survived, my grandmother being the youngest one. Their names were Flora, Maritza, Bedros, Stepan, Hagop, Avedis, and my grandmother Araxi. The siblings surviving the Genocide were Maritza, Avedis, and Hagop. However, my grandmother grew up separated from them in the German-run orphanage. She was found by Badvely Aharonian, a pastor and family friend of the Shannians. Badvely Aharonian's mission was to seek out and reunite children and family members who were displaced during the deportation. My grandmother was about 11-years-old when the Badvely found her. The only way he recognized my "Nana" was by the name plate that was hung on my then infant grandmother's neck displaying her full name. This was recorded in the orphanage and was the only proof of her family lineage. She was taken to Cypress where she was reunited with her sister Maritza and her brother Avedis. Her brother Hagop had immigrated to France by then and she never got to meet him. It is not known how her brothers, Bedros and Stepan, died. However, the story of her sister, Flora, and the way she died, was well-known and talked about many decades later in the Zeitounzy community.

When my grandmother had her first child, a daughter, her mother-in-law requested that she be named Flora, after my grandmother's courageous sister. Flora was very beautiful people told my grandmother. She must have been the oldest, or one of the older ones, as she was married to a doctor and had a child by the time of the massacre. Her husband was arrested and most probably killed soon after. The Turks asked her to convert so that she could become a wife to one of them. They would have spared her and her child if she agreed. My great aunt Flora knew that she would be raped, tortured, and killed if she did not accept their offer. However, she chose not to give in. They must have been marching through a mountainous area. She somehow got away and jumped off a cliff into her death. Some said that she jumped with her child. When I was born, my grandmother requested that my parents name me Flora to continue her sister's legacy.

My grandmother was a strong woman. She continued to live in Cypress with her sister, Maritza, up to the age of 19. Then she moved to Syria where she got married and bore eight children, two of whom died in their childhood. She was widowed too soon and worked hard for her family. Eventually, most of her children immigrated to France and Germany. She moved to Germany with my father and mother. She lived with us for many years and died in our house at the age of 81. Now she rests in peace in the land of the people who took her in as an infant.

It was a privilege to grow up with my grandmother. She was amazing. She was able to sing the German Anthem word for word up to the day she died. She had learned it at the orphanage from her "Mutter." She started her day with prayer and ended her day in prayer. She instilled in me great values such as faith and courage. I learned many things from my grandmother, Araxi.

I am grateful to my Nana for naming me after her courageous sister, Flora. I am grateful that she told me all these stories so that I would know about my heritage and never forget. I am grateful for her many prayers and blessings.

Here I am grandma, telling your story to the whole world! I love you, your granddaughter, Flora

TRIBUTE TO BOB MITCHELL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to my loyal district administrator, Bob Mitchell, in honor of his retirement after dedicating more than 32 years as my right-hand-man, my confidant, political adviser and tireless ambassador for southern and eastern Kentucky.

Bob Mitchell is arguably one of the greatest political advisers in the history of the Commonwealth of Kentucky. He understands the power of partnerships, regionalization and communication, yet never underestimates the importance of gratitude and humility.

His father, the late Murrell Mitchell, who served as a member of the Knox County School Board, as well as three terms as a Knox County Magistrate, inspired Bob's political interests and philanthropic heart. It is thus his courage of conviction that has driven his work to transform southern and eastern Kentucky and improve the quality of life in our rural region.

With Bob Mitchell at the helm of all district projects, thousands of families now have access to clean drinking water and sanitary waste water systems, are protected by flood-control projects and live without the fear of yearly floods, have better roads to travel on, and have good-paying, stable jobs. He also helped launch and provide guidance to non-profit organizations like the Southeast Kentucky Economic Development Corporation for job creation, Forward in the Fifth for education, The Center for Rural Development, TOUR Southern and Eastern Kentucky to promote tourism, PRIDE for environmental education and clean-ups, as well as Operation UNITE in fighting drug abuse.

Countless organizations and political candidates have coveted Bob Mitchell's impeccable leadership skills. He has served on a litany of boards from financial institutions to non-profit organizations, and assisted with campaigns from county seats to Presidential hopefuls. His legacy will continue to flourish from the seeds of wisdom, hope and inspiration he has planted across our great Commonwealth.

Mr. Speaker, I ask my colleagues to join me in honoring my friend and my partner, Bob Mitchell, on his retirement. My wife, Cynthia and I wish Bob and his wife, Nancy all the best in the years to come.

RECOGNIZING THE ACHIEVEMENTS OF DEBBI FISHER AND RAINIER THERAPEUTIC RIDING

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Debbi Fisher, founder and Operations Director of Rainier Therapeutic Riding. Her work gives active duty servicemembers at

Joint Base Lewis McChord and veterans in our community a facility for therapeutic riding and relief from mental and physical injuries.

Debbi founded Rainier Therapeutic Riding in Yelm, Washington in 2008 after nearly 40 years of riding and horse training experience. As the widow of a Marine Pilot and Air Force Colonel, and the mother of a son in the Marines and daughter in the Air Force, she aspired to use her skills to help those who have served our country. She has described horses and servicemembers and veterans as perfect companions.

Rainier Therapeutic Riding is now the largest provider of equine therapy to military personnel in the country, serving 75 people a year at no cost to the individual or the government. They work with the Warrior Transition Battalion and Air Force Medical Flight at Joint Base Lewis McChord to give those suffering from post-traumatic stress syndrome, traumatic brain injuries, and other injuries a place to rediscover a happiness for life.

Mr. Speaker, it is with great honor that I recognize the work of Debbi Fisher and all of the volunteers at Rainier Therapeutic Riding. By giving back to our servicemembers and veterans who have sacrificed so much for our country, Debbi has helped many to vastly change their outlook and improve their happiness.

A TRIBUTE TO KATIE JACOBSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Katie Jacobson of St. Charles, Iowa for being awarded the Girl Scout Gold Award.

The Gold Award is the highest award that a high school-aged Girl Scout can earn. This is an extremely prestigious honor as less than 6 percent of all Girl Scouts will attain the Gold Award's rigorous requirements.

To earn a Gold Award, a Girl Scout must complete a minimum of 80 hours towards a community project that is both memorable and lasting. For her project, Katie built habitats for the bats in her community that are losing their roosts to deterioration. The work ethic Katie has shown to earn her Gold Award speaks volumes about her commitment to serving a cause greater than herself and assisting her community.

Mr. Speaker, the example set by this young woman and her supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Katie and her family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating her in obtaining the Gold Award, and will wish her continued success in her future education and career.

RECOGNITION OF NATIONAL
STROKE MONTH**HON. TERRI A. SEWELL**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. SEWELL. Mr. Speaker, I rise today in recognition of National Stroke Awareness Month. As the daughter of a multiple stroke victim, I personally know how important it is for people across our nation and this world to be informed of the risk factors, warning signs and side effects of strokes.

In 1989, my father Coach Andrew Sewell suffered a series of strokes that left him wheelchair bound and with limited speech. If not for access to quality healthcare, I know my father would not be alive today nor would he have made the significant strides and advancements in his recovery.

With strokes being the fourth leading cause of death in the United States, as well as a leading cause of serious, long-term adult disability, it is critically important that Americans know the warning signs and the importance of early response.

African Americans are disproportionately affected by this disease due to our higher risk for diabetes, high-blood pressure and obesity, which are key triggers to the disease. African Americans have almost twice the risk of stroke compared to Caucasians.

This year alone, approximately 795,000 strokes will occur or one stroke every 40 seconds!

These statistics can diminish if we diligently exercise proper cholesterol management, blood pressure control, maintain a balanced diet and eliminate smoking. We must remain committed to providing quality healthcare for everyone across this nation.

There is no better time to stress the importance of Affordable Care Act and Healthcare Reform. The Affordable Care Act is the first step toward strengthening our health care system and is already helping improve the lives of so many people in my district, the State of Alabama and across this nation—including my dear father.

Due to the multiple strokes that has left my father wheelchair bound, my mother recently had to purchase a new van with an accessible retro wheelchair lift to transport my father. Without affordable quality healthcare this would not have been possible.

This law puts Americans back in charge of their health care and gives millions of American families better access to healthcare benefits and protections, which are so critical to the welfare of our nation.

Public awareness and education is vital to prevention and rehabilitation. To the families affected, like mine, who cherish every day with a stroke victim, let us stand tall to prevent this debilitating disease from affecting more Americans.

I applaud the efforts of organizations like the National Stroke Association and the caregivers of Stroke victims for bringing greater awareness, care and comfort to those affected.

IN HONOR OF BISHOP H.H.
BROOKINS—CONCLUDES A LIFE
OF SERVICE**HON. JESSE L. JACKSON, JR.**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. JACKSON of Illinois. Mr. Speaker, the African Methodist Episcopal Church's Bishop Hamel Hartford Brookins—widely known as Bishop H.H. Brookins—went to be with his heavenly father on Tuesday, May 22. He died in Los Angeles at the age of 86.

I first became acquainted with Bishop H.H. Brookins as the Board Chairman of my father's organization, Operation PUSH. He was a great preacher with a commitment to civil rights and economic and political justice on a national and international scale. He served in a variety of AME church districts in the U.S. and Africa throughout his distinguished religious career, and was known as an activist, a visionary and a great church leader committed to justice for all. He was an early supporter and played an important role in mobilizing the religious community in my father's two presidential campaigns.

In 2002 former President Bill Clinton joined a host of religious luminaries, elected officials and celebrities in a tribute to Bishop Brookins, the son of Mississippi sharecroppers who rose to become a Los Angeles and international champion of black political empowerment. The former President praised Brookins for his civil rights legacy and reminisced about the days when the clergyman ministered in a country church in Arkansas while he was the Governor.

Bishop Brookins became active politically in the 1950s when, as a clergyman in Topeka, Kansas he helped to implement the 1954 Brown desegregation decision and plan ordered by the U.S. Supreme Court. In 1965 he worked to quell the Watts riots. He was an architect of Tom Bradley's campaigns for Los Angeles mayor and, while working in Africa, was ousted from Rhodesia because of his work on behalf of the Zimbabwe liberation movement. In 1981 Zimbabwe invited him back for its first presidential inauguration.

Bishop Brookins was born in Yazoo City, Mississippi. He received a Bachelor of Arts degree from Ohio's Wilberforce University and a Bachelor of Divinity degree from Payne Seminary. Prior to his election as a bishop in the African Methodist Episcopal Church, Bishop Brookins served as the pastor of the First AME Church of Los Angeles, California leading the congregation through the building of a multi-million dollar cathedral at its present location on Harvard Boulevard in Los Angeles.

Bishop Brookins is survived by his wife, the Rev. Rosalynn Kyle Brookins, pastor of the Walker Temple AME Church in Los Angeles and their son, Wellington Hartford Brookins and two stepchildren, Steven Hartford Brookins and the Rev. Francine A. Brookins. His family and numerous friends were at his bedside when he died.

IN RECOGNITION OF SAKS HIGH
SCHOOL LADY WILDCATS SOFT-
BALL TEAM FOR WINNING THE
3A STATE CHAMPIONSHIP**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention to pay recognition to the Saks High School Lady Wildcat's softball team in Saks, Alabama, who recently won the Alabama High School Athletic Association Class 3A State Championship.

Pitcher Taylor West along with her teammates was able to pull off a perfect game to clinch this year's championship title. This is the first State Championship for the Lady Wildcats. They are lead by Head Coach Mike Tucker.

All of us across Calhoun County and East Alabama are deeply proud of these talented young Alabamians. I'd like to congratulate the team, their coaches and Saks High School on this outstanding achievement.

PERSONAL EXPLANATION

HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. PALAZZO. Mr. Speaker, on May 30, 2012 I was unavoidably delayed due to a mechanical problem during travel causing me to miss rollcall vote No. 296 on H.R. 915, the Jamie Zapata Border Enforcement Security Task Force Act. Had I been present for this vote, I would have voted "aye."

PERSONAL EXPLANATION

HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. TURNER of New York. Mr. Speaker, on rollcall No. 294, I was away from the floor due to a memorial service for first responders at the World Trade Center Memorial in New York. Had I been present, I would have voted "yea."

TRIBUTE TO KEVIN DAVIS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. OLSON. Mr. Speaker, I rise today to pay tribute to a young man who did not wear a uniform, but did lay down his life on behalf of this great Nation. Kevin Davis, of Houston, Texas lost his life on Christmas Day, 2010 at Kandahar Airfield in Afghanistan when he was struck by shrapnel from indirect fire. Kevin's

chest and abdomen were hit and he later succumbed to his wounds.

Kevin worked as a contracting Warehouse man for DynCorp International, supporting our troops. He was serving as part of the Army's Logistic Civil Augmentation Program in the southern region of Afghanistan. This civil augmentation program is the Army component of a military effort to engage U.S. companies in providing a broad range of support services for U.S. and allied forces during combat, peacekeeping, humanitarian, and training operations.

These services include supply operations, such as the delivery of food, water, fuel, spare parts, and other items. They provide field operations, such as dining and laundry facilities, housing, sanitation, waste management, postal services, and other operations; including engineering and construction, support to communication networks (IT), transportation and cargo services, and facilities maintenance and repair.

Civilians like Kevin Davis provide critical support for the men and women defending our liberty.

After Kevin graduated from Kashmere High School with honors in 1990, he received a certification in Paint and Auto Repairs from Houston Community College. He worked with the Metropolitan Transit Authority as a bus operator and auto body mechanic for 16 years. After working for the Metropolitan Transit Authority, Kevin worked as a civilian contractor providing support for our Armed Forces.

Kevin was also an active and devoted member of Riverwood Missionary Baptist Church. He is survived by his mother, Francis Murray, his sister, Taniesha Davis, and a daughter, Ashley Milburn. Kevin, like the many civilian contractors who provide support to our military, served an important function in the Global War on Terror and his sacrifice for America will never be forgotten.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 250, 251 and 252. Had I been present, I would have voted "aye" on rollcall vote Nos. 250, 251 and 252.

RECOGNIZING DR. SHETAL I. SHAH

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize Dr. Shetal I. Shah, MD, FAAP, who this year celebrates his fifth anniversary serving as Legislative Chairman for the Long Island Chapter of the American Academy of Pediatrics.

Dr. Shah is a lifelong resident of Long Island after his parents, Dr. Indravadan C.

Shah, MD, FACS and Dr. Saroj Shah, MD, FACOG emigrated from India over 40 years ago. Upon earning degrees from Princeton, Cornell, Duke and New York Universities, Dr. Shah returned to Long Island as a pediatrician and neonatologist, focusing his work on caring for vulnerable and critically-ill newborns.

In his capacity as Legislative Chairman, Dr. Shah has provided thorough analyses of health care policy proposals and their impact on the welfare of children on Long Island. He has served as a valuable resource on important topics such as immunization policy, research funding for child health, and children's health insurance coverage.

Dr. Shah's expertise was particularly valuable during the 111th Congress as House and Senate committees worked to draft the Affordable Care Act. Guided by the American Academy of Pediatrics, Dr. Shah ably assisted my office in understanding the impact of the various legislative proposals on children's health, providing a local context in which to frame my assessment and support of the final legislation.

In addition to providing intensive care to premature infants at Stony Brook Long Island Children's Hospital, Dr. Shah's immunization research and subsequent advocacy work has resulted in the passage of two New York State laws aimed at protecting newborns from influenza and whooping cough, both of which can be life-threatening to young children. He has been recognized as a "Physician-Leader" by the American Medical Association, is a former Fulbright Scholar, and has been honored by the American Association of Physicians from India.

Mr. Speaker, Dr. Shah has been an ardent advocate for our nation's children and I thank him for his contributions to the policymaking process. On behalf of New York's first congressional district, I ask my colleagues to join with me in congratulating Dr. Shah on his accomplishments in the field of pediatric and child health and extend best wishes to him and his family on this celebratory occasion.

RECOGNIZING BATTLEFIELD HIGH SCHOOL'S ROBOTICS AND TECHNOLOGY TEAMS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize the Inspiring Leaders in Technology and Engineering, ILITE, Robotics Team at Battlefield High School in Haymarket, Virginia, for its outstanding performance in winning the FIRST Robotics World Championship.

Ninety thousand students from around the world competed in the FIRST Robotics competition. Battlefield's FIRST Tech Challenge team won the world championship title at the world championship in St. Louis, Missouri, this April, while the First Robotics Competition, FRC, team finished as a quarter-finalist. Both teams won awards at the regional and state level prior to participating in the world championship.

I was pleased to visit Battlefield High School on May 21, and meet with students from the

robotics team after their championship victory. Educating American students in science, technology, engineering and mathematics, STEM, is critical to maintaining U.S. competitiveness, and I commend ILITE Robotics at Battlefield High School on their success.

The ILITE Robotics Team is coached by Professor Gail Drake, and is comprised of: Chris Blaylock, Gaelan Dean, Jon Gallion, Aaron Guo, Logan Hambrick, John Hitt, Jacob Hogan, Natalie Jones, Terri Jones, Joel Kaminski, Colin Kauv, Kent Komine, Jakob Kressel, William Lahann, Jaehoon Lee, Daniel Lopez, Jacob Maltbie, Joseph Melir, Alex Missar, Deanna Moser, Matt Moser, Sara O'Malley, Garrett Ormond, Wonsik (David) Park, David Powell, Rainier Rabena, Cary Reese, Melanie Sattler, Erik Seastead, Joanna Senseng, Clayton Shablom, Donny Shaw, Justin Shaw, Jordan Soriano, Evan Teitelman, Michael Toman, Logan Wilding.

ON THE OCCASION OF SUPER-INTENDENT DR. JOANN ANDREES' RETIREMENT FROM THE WEST BLOOMFIELD PUBLIC SCHOOL SYSTEM

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. PETERS. Mr. Speaker, I rise today to honor my friend, Dr. JoAnn Andrees, as she retires from her position as Superintendent of the West Bloomfield Public School System (WBPS), which she has held since 2008.

Dr. Andrees' tenure in primary and secondary public education exemplifies the passion and commitment of a true public servant. Throughout her time at WBPS, Dr. Andrees has held many different roles in the system from being a special education teacher to Assistant Superintendent for Curriculum and Instruction. She has also served as a guidance counselor, Assistant Principal at West Bloomfield High School (WBHS) and Principal of Abbott Middle School and WBHS. With a career that spans so many perspectives within public education, Dr. Andrees has developed a dynamic and unique perspective that has given her the insight needed to design and implement many programs that have benefited not only the youth of West Bloomfield but also the broader community.

With her knowledge and leadership, Dr. Andrees has overseen the creation of a number of programs within WBPS. One such program that she created while she was Assistant Superintendent was a strategic plan aligning the curriculum of all schools within the WBPS system. Dr. Andrees also used her background in special education to create the Oakland Opportunity Academy, an adult postsecondary education program for individuals with special needs. With an eye toward providing all WBPS students with the environment to excel, she supported programs which have helped minority students close the education gap. Additionally, through partnerships she helped to forge with Ford Motor Company and Henry Ford Health Systems, the students of WBPS have been provided greater academic

opportunities in the fields of robotics and health sciences.

The results of Dr. Andrees' leadership speak for themselves. At a time of unprecedented uncertainty in our communities, she has guided WBPS to a deficit-free budget while leading the district's 800 employees. Furthermore, she has gone beyond good stewardship of WBPS and directly engaged with the West Bloomfield community to lead in the passage of a bond initiative to enhance WBPS' facilities and technology. During her tenure as Principal of Abbott Middle School, the school was recognized with a National Blue Ribbon of Excellence, the highest honor which can be bestowed for exceptional leadership in education. Dr. Andrees has received many other community awards including the 2012 MASA Winner's Circle Award, the 2012 Michigan Week Dr. Seymour Gretchko Youth Advocate Award and the 2012 Greater West Bloomfield Chamber of Commerce Community Excellence Award in Education.

Mr. Speaker, Dr. JoAnn Andrees has not only been a leader for quality public education in West Bloomfield; she has been its staunchest advocate and in doing so, has worked with other area leaders to build a thriving community. I admire her commitment to the virtues of public service and I know that her leadership will be fondly remembered by the thousands of students, families, teachers and staff who have benefitted from her work in WBPS and the broader community.

RECOGNIZING DR. FRANK BURKE

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. DENHAM. Mr. Speaker, I rise today to recognize retired Stanislaus County administrator, Dr. Frank Burke, who turns 100 years old on June 19, 2012.

Frank was born June 19, 1912, in Denver, Colorado. He was the first child of Frank and Emma Burke, children of Irish immigrants who had fled Ireland's potato famine of 1846 and settled in Iowa. Frank spent his formative years in Oregon with his brother, Larry, and mother, Emma, who worked as an elementary school teacher in several small schools in the eastern region of Oregon.

Dr. Burke graduated from Gonzaga University in 1932, and after a variety of sales and merchandising jobs, moved to San Francisco. Under the urging of his aunt, a former school teacher, he enrolled in San Francisco State University to seek a teaching credential. In 1940, he married Dorothy Grennan and returned back to school at UC Berkeley, where he graduated with a Doctorate in Education in 1958.

Since 1939, Frank has had an exciting career that took him all over California as an elementary school teacher for Alturas Elementary in Modoc County and Mann Elementary School in Alameda County, to principal to assistant superintendent in Siskiyou, Contra Costa, and Stanislaus Counties.

Frank's final position was in Stanislaus County as the Director of Elementary Edu-

cation, where he was later promoted to Assistant Superintendent of Stanislaus County Office of Education.

Frank retired in 1975, but spent 16 more years supervising student teachers, working for Stanislaus State University as a college instructor, and working for the county office.

Frank was the recipient of Association of California School Administrators Region VII's Retired Administrator of the Year Award and continues to be very active in the Association of California School Administrators, ACSA, the ACSA Retirees' group, and the Exchange Club.

Frank currently resides in Modesto and is quick to jump into a discourse on improving education—providing stimulating opportunities to discuss new ways in which to help students learn and grow. Frank is committed to improving our community and is a frequent writer of letters to the editor of the Modesto Bee.

Frank was married for 63 years to Dorothy, who passed away in 2004. He has six children and many grandchildren and great grandchildren.

Mr. Speaker, please join me in honoring Dr. Frank Burke for his unwavering leadership, and recognizing his accomplishments and contributions. Frank serves as an example of excellence to those in our community.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. JORDAN. Mr. Speaker, I was absent from the House Floor during yesterday's three rollcall votes.

Had I been present, I would have voted in favor of H.R. 5651, H.R. 4201, and H.R. 915.

94TH ANNIVERSARY OF THE REPUBLIC DAY OF AZERBAIJAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. FOXX. Mr. Speaker, I invite my colleagues to join me today in tribute to the 94th Anniversary of the Republic Day of Azerbaijan this week.

Republic Day celebrates Azerbaijan's declaration of its independence from the Russian Empire in 1918, becoming the region's first Muslim democratic secular republic in Central Asia.

While that independence was short lived, from 1918–1920, the young Democratic Republic of Azerbaijan made tremendous strides, granting women the right to vote and laying the foundation for architecture and formal education for future Azeris.

But the new Democratic Republic of Azerbaijan was soon occupied by the Soviet Union, losing the hard-won independence, and forced to become a republic in the U.S.S.R.

In 1990, as the U.S.S.R. crumbled, Azerbaijan regained its independence from the So-

viets, ending a 70 year nightmare, but the journey to freedom was a bloody one.

In January 1990, referred to as "Black January" by Azeris, the Soviet army crushed peaceful demonstrations in the streets of the capital Baku.

On August 30, 1991, Azerbaijan's Parliament restored its country's independence for the second time in a century and weeks later adopted their Constitution.

A valuable international ally, Azerbaijan was among the first nations offering unconditional support to the United States in the war against al Qaeda, providing a safe transit route to resupply our troops in Afghanistan.

Azerbaijan leads the Central Asian area in regional economic cooperation and is a key player in European energy security matters.

Mr. Speaker, I ask the House to join me in thanking the people of Azerbaijan for their friendship and in congratulating Azerbaijanis around the world on the anniversary of Republic Day.

THE 200TH ANNIVERSARY OF MOUNT ZION BAPTIST CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to congratulate Mount Zion Baptist Church in Charles County, Virginia on the occasion of its 200th anniversary. I would like to highlight some moments from the history of the church.

Mount Zion Baptist Church was first established by slaves in 1812. The original church was built on a parcel of land that was purchased for \$20. The church worshipped in this sanctuary until it was destroyed by fire. After the sanctuary's destruction, the church was without a place to worship until a new building was deeded to the Church in 1885 and a sanctuary erected in 1886. Mount Zion continues to worship in this sanctuary to this day.

Over the years, the building has undergone many beneficial additions including the construction of a vestibule, choir stand, choir room, annex, Pastor's Study, Secretary's Office, baptismal pool, central heating, and air cooling system as well as new siding, pews, and carpet.

Over the past two hundred years, Mount Zion has been fortunate to have many dedicated pastors including Revs. Silas Richardson, J.H. Harrison, William Sayles, E.T. Banks, J.H. Williams, James Lee, W.H. Gaines, Gandhi G. Hester, Daniel L. Adams, Sr., and its current Pastor, George Magazine. The Church has also been fortunate to receive the service of numerous deacons, trustees and other officials over the years.

Their leadership helped the church thrive over its 200 year history. Examples of this include the organization of the Tones of Zion Gospel Chorus, the Youth Choir, the Male Chorus, the Nurses' Aides, the Christian Education Department, the Missionary Ministry, and publication of "The Spirit of Zion" newsletter, as well as additional Worship Sundays and the Wednesday night Praise and Prayer Service.

As Mount Zion Baptist Church gathers to celebrate its 200th anniversary, the church can truly remember its past, celebrate its present, and focus on the future with great expectations. I would like to congratulate Pastor Magazine and all of the members of Mount Zion on this monumental occasion.

A TRIBUTE TO SHELLY YANOFF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Shelly Yanoff. For 25 years, Ms. Yanoff has served as executive director of the Public Citizens for Children and Youth, PCCY, and in the fall will celebrate her retirement after decades of service to her community.

Ms. Yanoff's celebrated career began in the mid-1960's when she crafted the strategy to save the "Get Set" day care program of 5,000 children in Philadelphia. She went on to lead a rally in Harrisburg of 2,000 Philadelphians who insisted on more State support for neglected children. In 1987, Ms. Yanoff began her career as executive director for PCCY where she has touched thousands of children and their families through her leadership.

During her career, she has played a major role in expanding the scope and quality of services to children and their families in the region. Ms. Yanoff launched a child health watch in neighborhoods around the City of Philadelphia and taught families how to secure health insurance for their children. In addition she has advocated and helped craft the Children's Health Insurance Program, CHIP, and continued to work on securing healthcare for the region's children.

Ms. Yanoff's long and impressive career showcases her commitment and service to her community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Shelly Yanoff for her work and congratulate her on the occasion of her retirement.

PERSONAL EXPLANATION

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. HIRONO. Mr. Speaker, on rollcall Nos. 294—"yes"; 295—"yes"; and 296—"yes." Had I been present, I would have voted "yes" on all.

IN RECOGNITION OF DAN DULCHINOS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. NEAL. Mr. Speaker, I would like to acknowledge the retirement of high school base-

ball coach Dan Dulchinos from Chicopee, Massachusetts. Mr. Dulchinos is retiring after fifty-years of coaching at Chicopee Comp High School. His accomplishments over the course of a career have been remarkable. Mr. Dulchinos helped create the Chicopee Comp basketball program in 1962. Under his leadership, the basketball team won a Western Massachusetts Championship. Mr. Dulchinos went on to coach the high school baseball team, earning over six hundred victories, including four Western Massachusetts Championships.

As a coach, Mr. Dulchinos excelled at teaching high school student athletes the fundamentals of the game. It is not just the decades of coaching that makes his retirement worthy of commemoration, but the impact he had on the lives around him. He has inspired many of his former players to pursue coaching positions, thus passing on the skills he taught to other generations. Mr. Dulchinos taught the importance of teamwork and instilled a strong work ethic in his players. The skills he taught his students over five decades would go on to help them become successful, not only in baseball and basketball, but also in life. Those who live in Western Massachusetts have come to know Mr. Dulchinos as a recognizable face in town, who regularly attends and is a strong supporter of local high school sporting events. While coach Dan Dulchinos may be retiring, his accomplishments and the lessons he taught his players will live on.

For these reasons I wish to recognize Dan Dulchinos for his contributions to his community. Congratulations again to Mr. Dulchinos on the accomplishments of his career.

HONORING THE FEMALE PRESIDENTIAL MEDAL OF FREEDOM RECIPIENTS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to honor the outstanding accomplishments of the women who were presented with the Medal of Freedom yesterday by the President Barack Obama at the White House. These women come from a variety of backgrounds, but they are all leaders, and inspirations for young women across the country to become strong and powerful, compassionate and wise themselves.

Those honored have helped women's rights evolve over the last century. Starting with Juliette Gordon Low, who in 1912 registered 18 girls to create the first troop of American Girl Guides, who later became the Girl Scouts.

The Girl Scout movement brought girls into the out-of-doors, and helped to develop their self-reliance and resourcefulness. Today it is still going strong, and continues to be an organization that is accepting of people from all backgrounds, with a membership that has grown to 3.7 million girls. Although she passed away in 1927, Ms. Low's efforts are still being felt today, and her memory will continue in the lives of the remarkable Girl Scouts who serve their communities.

Madeline Albright was born in Prague, Czechoslovakia, in the years right before

World War II. Her family was forced to flee with the rise of Hitler, and after a number of years spent in Europe, Ms. Albright found her way to America. While raising a family she was able to earn her Ph.D. and eventually work her way up to the position of U.S. Ambassador of the United Nations.

In 1997 she was sworn in as the first female Secretary of State, and therefore became the highest ranking woman in America's history. Ms. Albright broke into a male dominated world and rose to the top. She has inspired many young women to do the same, and truer words were never spoken when she said, "Only in America can a refugee become the Secretary of State."

Toni Morrison's first novel was *The Bluest Eye*. This controversial book brought about a frank conversation on ideas of beauty in relation to race and class. These kind of issues made people uncomfortable, and it was placed on multiple banned book lists. However, Ms. Morrison understood the necessity of speaking openly about these issues in order to move forwards from them. She went on to win the Nobel Prize in Literature and continues to bring important issues to the table through her writings.

Pat Summitt has won more championships than any other coach in NCAA history. Even with a recent diagnosis of Alzheimer's disease she is still coaching, claiming that the players are her "best medicine." Outside of her tremendous athletic accomplishments, every single one of her players has either graduated, or is currently on her way to a degree. She is a true teacher and inspiration to all women and those suffering from dementia alike.

Mr. Speaker, we should all be proud to be fellow citizens of these women. I would also like to recognize the great Delores Huerta, co-founder of the Farm Workers Union who also received the Medal of Freedom. I will describe her contributions and achievements later today.

The significant contributions of these extraordinary women have influenced people across the world. They have shown us that it is okay to be strong and commanding, and that a woman has as much right as a man to hold a position of power. These women have influenced generations of people with their words and actions, and they truly deserve this honor.

CONGRATULATIONS TO MOUNT WASHINGTON CRUISES ON THEIR 140TH ANNIVERSARY

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Mount Washington Cruises on reaching your 140th Anniversary.

New Hampshire is proud to be home to some of the most beautiful sights in the Northeast. The White Mountains and Lakes Region have attracted tourists from all over the world, and the beauty and grandeur of Lake Winnepesaukee has been shared with thousands of visitors thanks to the M/S *Mount Washington*.

The M/S *Mount Washington* is truly one of New Hampshire's greatest treasures and continues to be one of the state's leading tourist attractions in the Lakes Region and for Weirs Beach. The daily in season tours give visitors the chance to view firsthand the beauty and majesty of Lake Winnepesaukee. With the ability to hold 1250 passengers, the "*Mount*" has also been a popular venue for parties, weddings and various celebrations. Today Mount Washington Cruises is owned and operated by local individuals ensuring that this fine vessel and her operations maintain in New Hampshire and are run by New Hampshire's great citizens.

I congratulate the owners, officers and crew of the Mount Washington Cruises for their continued success and their dedication to maintain the great legacy of the M/S *Mount Washington* here in the Granite State. I wish you all the best for continued success in the future.

HONORING THE AROOSTOOK
MEDICAL CENTER

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize The Aroostook Medical Center in advance of its 100th anniversary. The City of Presque Isle has proclaimed June 9th TAMC Day to commend the medical center's outstanding work on behalf of the community.

The Aroostook Medical Center began as the Presque Isle General Hospital in 1912. Established to meet the healthcare needs of the growing Northern Maine community, the hospital has since expanded to include top services and facilities in many Aroostook communities including Presque Isle, Mars Hill, Fort Fairfield, Caribou, and Ashland. TAMC is one of the area's largest economic drivers, employing over 1000 staff members and 60 physicians. The hospital is also a member of the Eastern Maine Healthcare Systems allowing TAMC to connect its patients with specialty physicians and advanced services.

Providing access to quality health care in rural areas like Maine can be a challenge for many health providers, yet TAMC continues to thrive in Aroostook County. The hospital was recognized nationally last year for the positive feedback it received from patient satisfaction surveys. After receiving the award, TAMC went back to work on finding new ways to improve patient comfort.

On June 9, 2012, the State of Maine will express its thanks to TAMC for its many years of tremendous service. I am pleased to share in the celebration of TAMC Day and the 100th anniversary of the hospital's establishment.

Mr. Speaker, please join me in congratulating The Aroostook Medical Center on its outstanding service to the people of Maine.

A TRIBUTE IN HONOR OF THE
LIFE OF CAROLINE OTTEN SHEA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the tragically abbreviated life of an extraordinary woman, Caroline Otten Shea, who passed on May 11, 2012, at the age of 63. She was a loving wife, a devoted mother, a doting grandmother, a beloved sister, a teacher, and a community leader. She will be missed by every person who had the good fortune to know her, and I count myself among those so blessed.

Caroline Shea, a fourth generation San Franciscan, was raised on Potrero Hill and attended St. Theresa's Elementary School and Presentation High School. Caroline was a stalwart in her Millbrae community. Her door was always open to the children she loved so much and to so many others who were made to feel that her home was their own. Caroline was named Millbrae's Woman of the Year in 2004; served on the Millbrae School Board since 1993; was President of the Mills Booster Club; and the Mills PTA. She also served on the Board of the Meadows Swim Club where she spent her summers. She loved spending time at the beach with her family. She also served capably as Banquet Manager at Kikkari Estiatorio in San Francisco.

Her family wrote of Caroline "She was our diamond; the strongest and brightest rock in every situation, making sure everything went smoothly for those around her." This captures Caroline, and it is an eloquent statement about the loving, caring, selfless woman she was. Caroline said, "Remember, whether you are a teacher, secretary custodial staff, instructional aide, anyone who works with children—you do make a difference."

Caroline is survived by her loving husband James, her children Tracy Montserrat (Paul), Kevin (Christie), and Brian. Caroline lost her beloved daughter Kelly Gallo 8 years ago, and in her honor established the Kelly Shea Gallo Foundation. Caroline is survived by her adored grandchildren Mia, Chloe, Alyssa, Thomas, Claire and Kiley. She will be sorely missed by her sister Judy (George) and brother Pete. She also leaves nieces Jennifer, Mary Jane, Demetra, and Alexandria and nephews John and Mike.

Mr. Speaker, I ask my colleagues to join me in extending our most sincere sympathy to Caroline Shea's entire family and to the many who were part of her large Millbrae community of friends. Caroline Otten Shea's life was one of an exceptional citizen. As she strengthened her community in countless ways, she strengthened our country as well.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mrs. MALONEY. Mr. Speaker, on May 30, I attended a family event and missed rollcall

votes Nos. 294, 295, and 296. Had I been present, I would have voted "aye" on each of these votes. Specifically, I believe that rollcall vote 294, the Prescription Drug User Fee Amendments of 2012 is critical to the health and safety of all Americans. It ensures that people have access to crucial medicines and medical devices, improves access to new and innovative medicines and devices, helps prevent and mitigate drug shortages, and reduces drug costs for consumers by speeding the approval of lower-cost generic drugs. Very importantly, the bill includes important provisions to help prevent and mitigate drug shortages which have become too frequent and with dire consequences. These provisions include:

Require manufacturers of critical or life-saving drugs to notify the agency within six months, or as soon as possible, of an interruption or permanent stop in manufacturing;

Require FDA to expedite the review and approval of manufacturing changes that could help mitigate or prevent a shortage;

Require FDA to maintain a public updated list of drugs experiencing shortages.

RECOGNIZING THE CITY OF DUBLIN'S DESIGNATION AS AN "ALL-AMERICA CITY"

HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. MCNERNEY. Mr. Speaker, I ask my colleagues to join me in honoring the city of Dublin for its designation as a 2011 "All-America City" by the National Civic League (NCL).

The NCL established the All-America City Award in 1949. Each year, the NCL presents this award to 10 cities that effectively work to find solutions to local challenges. Dublin was the only city from California to receive this prestigious award in 2011.

Dublin was recognized for its tireless work to address the challenges its residents face. The city improved its educational system by supporting the School of Imagination, which is a non-profit preschool that serves children with special needs. Dublin also focused on establishing new sustainability programs and implementing effective affordable housing policies. I commend Dublin's resourcefulness in finding ways to solve problems in the community.

Dublin serves as an excellent example to the rest of the Nation of what can be accomplished when communities come together to address common issues. It is my privilege to serve the residents of this great city. I ask my colleagues to join me in congratulating Dublin for receiving the All-America City Award.

CONGRATULATIONS F.A. "ANDY" LOWREY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on June 6, 2012, F.A. "Andy" Lowrey will

retire from his position as chief executive officer of AgFirst Farm Credit Bank in Columbia, South Carolina, a wholesale bank and operations center serving nineteen retail lenders in the AgFirst territory. AgFirst Bank holds assets of \$29.5 billion dollars, making it the most well-capitalized bank headquartered in the Columbia area. Due to his outstanding leadership, I would like to recognize Andy for his hard work and dedication over the past fourteen years.

In addition to serving on the Board of Directors of the Federal Farm Credit Banks Funding Corporation, Andy remains very active within the Columbia and Midlands communities. He serves on the Board of Trustees for the Business Partnership Foundation and resides as Chairman of the Board of Directors for the Education Foundation at the University of South Carolina. Additionally, he is a member of the Board of Directors for Big Brothers Big Sisters of Greater Columbia. Andy is also a recipient of the Honorary American FFA Degree and serves as chairman of the Finance Committee for the National 4-H Council.

Andy Lowrey graduated in 1974 from the University of Georgia with a Bachelor of Business in Accounting and received a Master of Business Administration from the Moore School of Business at the University of South Carolina in 1990. He and his wife Jan Cromer have three daughters. I wish Andy and the rest of his family best wishes in the future.

PREPARING FOR WEATHER EMERGENCIES

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BACHUS. Mr. Speaker, the devastating tornadoes that struck my home state of Alabama on April 27, 2011 taught all of us important lessons about emergency preparedness. Countless lives were saved because of the early warnings provided to citizens and the availability of community storm shelters. Our broadcasters performed a great public service by providing early and accurate forecasts about the coming storms. We have been working together to further expand this warning system through the greater use of weather radios and the development of technology to deliver mobile alerts by cell phone. In addition, we are working cooperatively to try to ensure that the National Oceanic and Atmospheric Administration (NOAA) can deploy the next generation of enhanced weather satellite technology in a timely manner. In Alabama, as in many other states, there will be tornadoes and severe storms. But with good preparation and emergency planning, lives can be saved and damage minimized when a natural disaster strikes. We cannot afford to be complacent and should never be afraid to ask the question, "What can we do better?"

HONORING THE VOLUNTEERS OF THE GREAT SWAMP WILDLIFE REFUGE FOR 150,000 VOLUNTEER HOURS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the hundreds of volunteers at the Great Swamp National Wildlife Refuge, who are celebrating the milestone of logging 150,000 volunteer service hours in aiding the Refuge since 1982.

The volunteers of the Great Swamp, through their dedicated hard work, have made the Great Swamp National Wildlife Refuge a vibrant source of pride and activity for the local community. Although the volunteer program was formally founded in 1982, volunteers have been helping preserve the Great Swamp National Wildlife Refuge since it was formed by an Act of Congress in 1960. Over the years, volunteers have provided a variety of guest services and assistance with maintaining the 7,768 acres of the Great Swamp.

Upon arriving at the Great Swamp NWR, guests are welcomed by the lush gardens near the visitor center maintained by volunteers. From spring through fall, the volunteers staff the Wildlife Observation Center, where visitors are introduced to the Great Swamp and all of its trails, paths and "must see" locations. Volunteers also provide tours for schools and community organizations, which educate students and the surrounding residents about the Great Swamp and all of the wildlife and plants that make it so unique. As another part of their very important work in preserving the natural beauty of the Refuge, they join the effort in controlling invasive plants, which threaten to disrupt the Great Swamp's fragile ecosystem.

Outreach to local communities has always been a hallmark of the volunteers of the Great Swamp. They help build and display exhibits at libraries and off-refuge events. Through these displays they are able to educate the community about the Great Swamp and the value the Great Swamp represents to the environment of Morris County and New Jersey. They also spread the news about the Great Swamp by giving presentations to various community organizations. Volunteers assist in raising funds through planning of special events and ceremonies.

The hard work and dedication of the volunteers has provided \$3.2 million in value to the Great Swamp and to the American people. Their work on behalf of the Great Swamp has allowed the Refuge to grow into the one-of-a-kind educational center that it is today. Even though the volunteers come from all walks of life and represent all ages, their love of the Great Swamp and nature has built a close bond between them. Many of the volunteers have even taken another step in their commitment and have joined the independent non-profit group dedicated to preserving the Great Swamp called the Friends of the Great Swamp National Wildlife Refuge. The volunteers of the Great Swamp are truly the backbone of this New Jersey institution.

Mr. Speaker, I ask you and my colleagues to join me in congratulating all of the volunteers of the Great Swamp National Wildlife Refuge for 150,000 hours of service to the great State of New Jersey and the United States.

TO RECOGNIZE THE FIRST ANNUAL MILITARY TENNIS CAMP

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BILBRAY. Mr. Speaker, I rise today to recognize the United States Tennis Association, San Diego District Tennis Association, Naval Medical Center San Diego, and Balboa Tennis Club for working together to create the First Annual Military Tennis Camp for Ill, Injured and Wounded Service Members and Veterans. This remarkable event took place at Balboa Tennis Club in San Diego, May 16, 2012 through May 19, 2012, and brought over forty military heroes together to play tennis while working to improve their physical well-being and overall quality of life.

Serving our ill and wounded military service members, veterans, and their families through a variety of tennis programs is a major focus for these outstanding organizations. Tennis therapy clinics are providing exciting benefits to participants, including improved endurance, balance, hand-eye coordination and weight transfer abilities. Additionally, by enabling them to learn a new sport, these organizations are truly improving the lives of wounded service members and veterans. Tennis is an activity that service members can continue to play when they return to their hometowns and will help them reduce stress and anxiety while also improving their physical activity.

Lastly, I would like to thank the U.S. Olympic Committee, the Department of Veterans Affairs, and private donors for providing all airfare, meals, local transportation and hotel costs for each participant. Taken together, these groups raised over \$40,000 to fund this great cause, and this event could not have taken place if it were not for the work and generosity of these great organizations.

I ask my colleagues to please join me in recognizing and congratulating the United States Tennis Association, the San Diego District Tennis Association, Naval Medical Center San Diego, the U.S. Olympic Committee and Balboa Tennis Club for the outstanding work they have done, and are continuing to do, for our nation's heroes and their families.

THE NEED FOR URGENT ACTION TO ADDRESS CLIMATE CHANGE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. MORAN. Mr. Speaker, last month we celebrated Earth Day with the slogan: One Billion People—192 Countries. During the celebration, people of different religious faiths in

the United States and abroad participated, issuing proclamations on the moral imperative to be good stewards of the Earth and for action on climate change.

Since Senator Gaylord Nelson first introduced the idea of Earth Day in 1969 here in Congress and founded the first Earth Day in 1970, we have come a long way. An estimated 20 million Americans participated in the first Earth Day. Each year since, Earth Day has been observed around the world.

It is fitting that we remember that Senator Nelson's underlying premise behind creating "a nationwide demonstration of concern for the environment" was to heed the call to action. Just like 1970, Earth Day 2012 comes at a time of great challenge for our nation and everyone on this planet.

The climate is changing and will endanger the very future of our children and grandchildren. The buildup of greenhouse gases in the atmosphere as a result of human activities will lead to extraordinary heat waves, storms and floods will kill many people and harm many others. This increasing toll of death and destruction will not be limited to developing countries. Tropical diseases will increase their range of infection and exact their toll in human lives. Prolonged droughts will threaten the productivity of even our nation's agricultural lands. Ocean acidification will destroy coral reefs and the chain of sea life they support, endangering a leading food source for up to one-third of humanity.

If coastal ice shelves in the Antarctic continue to disintegrate, sea levels will rise several meters this century. At such a rate, many of the world's great cities will face chronic floods and many coastal settlements will disappear. Large-scale human migrations in response to rising sea levels, food and water insecurity and other climate-induced stresses will impoverish many people and threaten our national security. An increasingly harsh climate will greatly endanger future generations' life expectancy and diminish everyone's quality of life. Mass extinction of species is a distinct possibility, leaving a far more desolate planet for our descendants than the world that we inherited.

This is not just an environmental or ecological issue. It is a national security, food, water, and quality of life issue. Knowing these potentially disastrous outcomes and knowing we can avert many of them makes this a moral and ethical issue. And it is why I am pleased that religious leaders from many faiths are willing to back the resolution I am introducing today that calls on Congress to take immediate action on climate change. This resolution calls for action on the part of the House to ensure that the energy, environmental, agricultural, national security, and foreign policies of the United States reflect appropriate understanding and sensitivity concerning issues related to climate change, as documented by credible scientific findings and as evidenced by the extreme weather events of recent years.

Many faith traditions proclaim our moral obligation to be good stewards of the Earth and the imperative to act upon the climate crisis. It is a call to our shared existence and our interdependence upon God's creation that transcends political considerations. By failing to

act on climate change, we unjustifiably cause human suffering and death, which many vulnerable peoples are experiencing now, and which may visit our children and future generations.

It is a call to honor our moral obligation for equity and justice, which can be addressed by shifting to a sustainable, energy efficient and renewable energy economy that will create millions of good jobs and support healthy families and communities. Lastly, it is a call to protect the Earth, which is the source of all life. For, to disrupt the climate that is the cornerstone of all life and to squander the extraordinary abundance of life, diversity, and beauty of the planet is a moral failure of the first order.

I applaud these organizations and communities of faiths who have joined together to advance this critically important issue. I also applaud their commitment to be true to their faith by recognizing that we have a moral obligation to be good stewards of the earth and all of its creatures and processes.

I encourage my colleagues, to safeguard the welfare of the people of the United States by enacting policies that—

reduce energy consumption and increase energy efficiency;

shift the power supply strategy away from oil, coal, and natural gas to wind, solar, geothermal, and other renewable energy sources to reduce dependence on fossil fuels;

capture and store carbon by planting and greening urban landscapes and improving land and forest management practices;

help people of the United States and abroad prepare for and withstand the significant impacts of climate change that are already occurring and that are likely to accelerate in years ahead; and

support the prompt introduction and passage of legislation to achieve these goals.

Again, I encourage my colleagues to support this measure.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. LUETKEMEYER. Mr. Speaker, on roll-call No. 229, I voted incorrectly. I am recorded as a "no." My intent and purpose was to vote "aye," but I voted mistakenly.

HONORING EDDIE "THE POLKA KING" BLAZONCZYK, SR.

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the life of Eddie Blazonczyk, Sr., who passed away on May 21, 2012 at the age of 70. Mr. Blazonczyk was a Polish-American icon who spread the beauty and joy of polka music around the world.

Mr. Blazonczyk was born the son of Polish immigrants in Chicago on July 12, 1941. His

parents owned Polish music clubs in the city, influencing their son to play the accordion, drums, guitar, and bass guitar, and to sing in classic Polka tradition.

Eddie was so versatile and talented that he was signed to play pop music by Mercury Records, even making an appearance on American Bandstand. However, Eddie returned to his polka roots and founded The Versatones, one of the most popular polka bands in the world. Eddie and his band spread his unique Chicago Style polka around the world, introducing the fun music to people of all backgrounds. Eddie would become known as the "Polka King" as he opened one of the most prestigious polka music recording studios in America, Bel-Aire Recordings, in 1963. He then founded the International Polka Association in 1968 to promote the genre of music throughout the world, and is now enshrined in the Association's Hall of Fame.

Eddie played the music he loved with The Versatones until 2001. During his tenure with The Versatones, the band gained many honors including a Grammy Award for Best Polka Album in 1987 with their hit record, Another Polka Celebration. Mr. Blazonczyk was also awarded a National Heritage Fellowship in 1998 for his work in celebrating the art of polka music.

I ask my colleagues to join me in offering condolences to Mr. Blazonczyk's family, and to thank Eddie Blazonczyk for spreading his art, his joy, and his passion to generations of polka fans.

TO APPLAUD THE CONTRIBUTIONS OF THE PRESIDENTIAL MEDAL OF FREEDOM RECIPIENTS TO THE STRUGGLE FOR CIVIL RIGHTS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to applaud the recipients of the Presidential Medal of Freedom and to thank them for their contributions to the struggle for civil rights. The Medal of Freedom is the highest civilian honor in the United States, and its very name serves as an important reminder that we owe our freedom to the hard work and sacrifice of these American heroes. Each recipient is a shining example of quiet courage and unwavering dedication to equality. They have used their own personal talents to advance the rights of the disenfranchised, and for that, our nation stands stronger today.

Delores Huerta has spent her entire career in the fight for farm workers' rights and has fiercely defended marginalized populations. From promoting Spanish-language ballots for voters to securing drinking water free from pesticides, Ms. Huerta has demonstrated the incredible power of community organizing and is a leader in a class of her own. Ms. Huerta has made such a tremendous impact on the state of California and across the nation that I have dedicated a separate statement to her.

John Doar served as Assistant Attorney General during the most pivotal years of the

Civil Rights Movement. He used his position to bridge the local struggles he witnessed in the south with the national efforts of the federal government. Mr. Doar is remembered for escorting the first African-American student at the University of Mississippi to classes as well as for diffusing an angry mob following the assassination of Medgar Evers. He also helped draft the Civil Rights Act of 1964 and the Voting Rights Act of 1965. He again and again put himself in the line of fire, armed only with a call for nonviolence and justice.

Bob Dylan was the poet laureate of the sixties generation, and his lyrics will forever be ingrained in American history. Through groundbreaking songs like "Blowin' in the Wind" and "Times They Are A-Changing," Mr. Dylan coupled his talents as a songwriter with his visions as an activist. He never caved to outside voices or criticisms, instead remaining steadfast in his quest for truth and justice.

Gordon Hirabayashi was honored posthumously for his actions on behalf of Japanese-Americans during World War II. Mr. Hirabayashi was one of three Americans to defy internment, calling it racial discrimination. He took his case all the way to the Supreme Court, which ruled against him. Mr. Hirabayashi waited over forty years for the court to overturn that conviction, but he was not embittered by his struggle. Rather, he saw it as part of a greater mission to uphold the integrity of the U.S. Constitution and ensure that its protections are extended to every American.

Mr. Speaker, this year's award recipients are a personal inspiration to me as well as to millions of other Americans. They have all persevered against fierce opposition, not for their own personal gain but in defense of the core values on which this nation was founded. I would like to personally thank them and am pleased to see them honored with great distinction.

RECOGNIZING THE OPENING OF THE LOUIS AND BEATRICE LAUFER CENTER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize Doctors Henry and Marsha Laufer and their family for the many outstanding contributions to scientific research and learning on the occasion of the opening of the new Louis and Beatrice Laufer Center for Physical and Quantitative Biology at Stony Brook University in my district.

For more than forty years, the Laufer family has demonstrated an unyielding commitment and tremendous generosity with their time, talents and resources in supporting Stony Brook University. Their influence and many contributions have made an indelible impact on the campus and surrounding community.

Dr. Henry Laufer is a former member of Stony Brook's faculty who won the prestigious Alfred P. Sloan Fellowship and helped distinguish the Mathematics Department through his breakthrough work on complex variables and

algebraic topology. Dr. Marsha Laufer is a former speech pathologist and research associate professor in the School of Allied Health Professions who directed graduate student research, taught courses in research design and communications disorders, and is a founding member of the Friends of Staller Center Advisory Council.

The culmination of these ongoing efforts is the May 7, 2012 opening of the newly remodeled building to house the Laufer Center on Stony Brook's campus. The Center was established in 2008 in loving memory of Louis and Beatrice Laufer by their children Helen Laufer Kaplan and Howard Kaplan, Jeffrey and Barbara Laufer, and Henry and Marsha Laufer. At that time, Stony Brook University President Shirley Kenny praised the Laufers as "people of remarkable vision and generosity" and recognized the Center's potential to "explore new frontiers in research and education and . . . have a profound impact on the future of biomedical research and health care for generations to come."

The Center brings together academic experts and students in math, physics, genetics, biochemistry, engineering, and computer sciences to advance research and innovation that will lead to groundbreaking discoveries in biology and medicine. The Center uses an interdisciplinary approach and involves collaborations among scientists at Stony Brook University, Brookhaven National Laboratory and Cold Spring Harbor Laboratory to provide an important interface between the physical and life sciences.

Mr. Speaker, I am honored to have known the Laufer family for many years and am very proud to call them close friends of mine. They are a great source of inspiration, enthusiasm, and dedication to major advances in research, learning, and a better way of life. On behalf of New York's first congressional district, I congratulate the Laufer family for its generosity and outstanding contributions to Stony Brook University and to our community on this occasion marking the opening of the Louis and Beatrice Laufer Center for Physical and Quantitative Biology.

HONORING ODYSSEY OF THE MIND OF CARROLL SENIOR HIGH SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize the Odyssey of the Mind teams of Carroll Senior High School for their winning the state championship in two categories this year.

Odyssey of the Mind is a widespread program for students that develops team problem-solving and creative thinking. Grouped into teams, students spend many weeks working on solutions to long-term problems which they then present at competitions along with a short-term problem and solution that they are given at the competitions. Odyssey fosters creativity by allowing students to choose from problems that each have multiple possible solutions.

There were 115 teams participating in the Texas state competition this year and Carroll Senior High produced two teams that won state titles. Ann Dahl, Allison Newman, Braden Anderson, Christie Ballew, Spencer Lankford, Mackenzie Murphy and Jack Veenker earned the state title for Vehicular Problem-Solving and also the award for Most Creative team. The team was led by coaches Megan Anderson, Carl Anderson, and Shauna Newman. A second team, comprised of Jenna Buckley, Nico Scalzo, Emilie Featherston, Nathalie Scherer, Annie Newman, and Lindsey Weiss, won the state title for Technical Problem-Solving. Their coaches were Cindy Featherston and Micki Scalzo. In the course of their accomplishments, these students developed and demonstrated skills in creativity, dialogue, and teamwork.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all of my distinguished colleagues to join me in congratulating the Carroll Senior High School Odyssey of the Mind Teams for their respective titles at the Texas state competition.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. SMITH of Washington. Mr. Speaker, on Wednesday, May 30, 2012, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on vote No. 294 (on the motion to suspend the rules and pass H.R. 5651, as amended); "yes" on vote No. 295 (on the motion to suspend the rules and pass H.R. 4201); and "yes" on vote No. 296 (on the motion to suspend the rules and pass H.R. 915, as amended).

RECOGNIZING THE KEEP PRINCE WILLIAM BEAUTIFUL VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the volunteers of Keep Prince William Beautiful.

Keep Prince William's objective is to protect the environment. Through the implementation of six programs, the overall focus is on three areas of environmental stewardship: litter removal, recycling education, and water quality initiatives. The six programs include:

Volunteer Storm Drain Initiative, Adopt-A-Spot Program, Volunteer Speakers Bureau, Fall and Spring Cleanup, Litter Survey, Community Cleanup.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for Keep Prince William Beautiful:

Barbara Bell, Starbucks-Hoadly Road, Tawnia Jeffery, JoAnn Sherrill, Ron Haynes, Meagan Andrews, Vic Doppee, Delores Gee, Tina McCoy, American Red Cross Youth Task

Force, Robert Duecaster, Antoinette Chaisson, Stanley Mahdi, Leigh-Anne Vaughn, Thomas Davis, Sam Shankar, Mary Johnson, Frank Simms, Ed Howell, Allyson Avery, David Mercer, Barbara Conrad, Eric VanNortwick, Minister Spann, Connie Moser, Richard Grant, Linda Gosnell, James Faison, Gwen Bourke, Joel Contrucci, Randy Baum, Joyce Jolly, Ruth Baxter, Heather Abney, Mark Clark, Jim Hollis, Sunset Lions Club, Abdul Hayee, Jay Leach, Robert Mancini, Pete Mason, Sonia Wood, Gar-Field HS Ecology Club, Marie Vayer, Zoe Vitter, Linda Seemen, Marie Alarcon, Andrew Chung, Diane Puckett, New Life Anointed Ministries International, Brenda Jenkins, LaToya Boyd, Joy Weaver, Misty Hayes-Lee, Nicole Brown, Jacqueline Freeman, Kim Silver, LaLinda McMillon Street, Kelly Easterly, Board President, Delain Moyers, Vice President Connie Moser, Kim Sawicki, William Smith, David Brown, Susan Johnson, Anthony King, Donny Gray, Josh Clark, Mount Zion Baptist Church, Peter Lineberry.

Mr. Speaker, I ask that my colleagues join me in commending the volunteers of Keep Prince William Beautiful and in thanking them for their dedication.

RECOGNIZING THE MOTHERS AGAINST DRUNK DRIVING VOL- UNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Prince William volunteers of Mothers Against Drunk Driving.

MADD's volunteers in Prince William County, Virginia have increased public awareness of the dangers of drunk driving and the assistance families need to survive such tragedies. Volunteers organized a tribute to local victims/survivors at the Walk Like MADD event at Battlefield High School. Volunteers provided literature and displays at National Night Out Against Crime events throughout the county. Monthly volunteer victims spoke of the impact of drunk driving on their lives to court-ordered convicted drunk drivers.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for Mothers Against Drunk Driving:

Darlene Adams
Susan Baldassari
Laura Dawson
Whitney Manning
Debbie Sausville
Ann Taylor
Dorothy Waldron

Mr. Speaker, I ask that my colleagues join me in commending the Prince William volunteers of Mothers Against Drunk Driving for their service and in thanking them for their dedication to our community. These volunteers work to prevent families from experiencing the pain of losing a loved one to drunk driving.

CONGRATULATING THE AMERICAN PODIATRIC MEDICAL ASSOCIA- TION ON ITS 100TH ANNIVER- SARY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize and congratulate the American Podiatric Medical Association on its 100th anniversary.

Founded in 1912, the American Podiatric Medical Association (APMA), located in Bethesda, is the nation's leading and recognized professional organization for doctors of podiatric medicine (DPMs), and the preeminent trade association representing podiatric medicine and surgery. I am very proud that the APMA's national headquarters is in Maryland's Eighth Congressional district.

DPMs, also known as podiatrists, are recognized as physicians and surgeons, qualified by their education, training and experience to diagnose and treat conditions affecting the foot, ankle, and structures of the leg. The medical education and training of a DPM includes four years of undergraduate education, four years of podiatric medical education at an accredited podiatric medical college, and at least three years of hospital residency training. In short, Mr. Speaker, podiatric medicine is to the foot and ankle what ophthalmology is to the eye, cardiology is to the heart, or otolaryngology is to the ear, nose, and throat.

Podiatric medicine has witnessed a tremendous evolution over the past 100 years, and podiatrists are now the preeminent providers of foot and ankle care. On July 1, 1912, 225 charter members gathered at the LaSalle Hotel in Chicago to organize a national association dedicated to the needs of practicing chiropodists. Today, what began as the National Association of Chiropodists is the American Podiatric Medical Association, home to more than 12,000 member podiatrists. APMA has 53 component organizations across the United States and its territories, and all practicing APMA members are licensed by the state in which they practice podiatric medicine.

It seems at times that many Americans may not think about podiatrists until they experience foot or ankle problems. But we should be thankful that we have the expertise of thousands of podiatric physicians throughout the country as focused and dedicated medical professionals, medical professionals who really do help keep America walking.

Within the field of podiatric medicine and surgery, podiatrists can focus on specialty areas such as surgery, sports medicine, biomechanics, geriatrics, pediatrics, orthopedics, or primary care. Podiatric physicians routinely perform comprehensive medical history and physical examinations; prescribe drugs and order and perform physical therapy; perform basic and complex reconstructive surgery; repair fractures and treat sports-related injuries; prescribe and fit orthotics, insoles, and custom-made shoes; and perform and interpret X-rays and other imaging studies.

Mr. Speaker, an individual's feet often reveal indicators of that individual's overall

health. The feet are affected by chronic diseases leading to decreased mobility and disability for individuals already in poor health. Arthritis, diabetes, and neurologic and circulatory disorders can all have an effect on our feet. Therefore, we must ensure that all individuals receive the expert foot care they need regardless of their disability status or expected longevity, and at all stages in their lives.

In a 2010 survey by APMA, 50 percent of Americans indicated that they experience foot pain and discomfort. The same survey found that those who had foot pain were much more likely to experience problems in other areas of the body. Specifically, 65 percent of Americans who were overweight experienced regular foot pain, 32 percent with foot pain also had circulatory problems, and 20 percent of Americans with foot pain suffered from heart problems. The connection between chronic diseases and foot pain is not coincidental. Foot pain, regardless of its cause, can limit the mobility of individuals and contribute to a more sedentary lifestyle and the onset of numerous chronic conditions.

Medically necessary care provided by podiatrists can reduce the risk of and prevent complications from diabetes as well as other diseases, while at the same time offer savings to our heavily burdened health care system. A recent study conducted by Thomson Reuters indicates that foot and ankle care furnished by podiatric physicians improves patient health and has a positive return on investment. According to the study, patients with diabetes presenting with foot ulcers who see podiatrists are less likely to suffer hospitalization or amputation than patients who had not received care from a podiatrist. Moreover, the study found that each dollar invested in care furnished by podiatric physicians offers the payer up to \$51 in savings.

In its first century, APMA has served the nation through two world wars and other conflicts; helped standardize and enhance educational standards; promoted the profession to patients and the public; and built lasting relationships with other medical specialties. The association regularly hosts medical and scientific meetings dedicated to highlighting and disseminating research findings and clinical advances in the prevention, detection, treatment, and the cure of foot, ankle and related conditions. And it continues to meet its clinical and scientific mission through its publication of academic journals and clinical statements on the prevention, diagnosis, treatment, and cure of foot and ankle disorders; through providing continuing medical education in foot and ankle care; and through consumer education on foot and ankle health.

Mr. Speaker, I ask my colleagues to join with me in congratulating the American Podiatric Medical Association on its 100th anniversary, and in recognizing its members' significant service and contributions to our country's health-care delivery system.

RECOGNIZING THE PROJECT
MEND-A-HOUSE VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the volunteers of Project Mend-A-House.

Project Mend-A-House volunteers are committed to improving the living conditions for low-income, seniors and/or disabled persons in Prince William, Manassas City, and Manassas Park by offering free home repairs and home modifications. Thanks to the dedication of its volunteers, residents can remain safely and independently in their own homes for as long as possible.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for Project Mend-A-House:

Ed Trotman, Brian Henkel, Linda Pulley, Bill Okuly, Kevin Tamai, Dean Quick, Robin Bayles, Ray Stuckey, Howard Horner, Bill Hoehn, Pat Wesley, Linda Wesley, Jon Ulm, Tom Smith, Scott Sells, Rich Beamer, Frederick Parish, Ernestine Jenkins, Janice Rossi-Carr, Joseph Swetnam, M.A. Sargo, Richard Baucom, Jo-Ellen Benson, David Carr, Maxine Coleman, Kevin English, Lillian Garland, Beja Harper, Candi Johnson, Linda Leiker, Gloria Rouse, Andrea Savitch, Kathy Strauss, Michael Turch, Andrea Saccoccia, Karen Garvin.

Mr. Speaker, I ask that my colleagues join me in commending the volunteers of Project Mend-A-House for their service and in thanking them for their dedication to our community.

LEADING THE WAY FORWARD FOR
THE NEXT 20 YEARS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. RANGEL. Mr. Speaker, I wish to commemorate the 20th anniversary of the Leadership Alliance, a national consortium of renowned institutions of higher education that seeks to mold underrepresented students into academic, business, and public service leaders. The Alliance aims to prime young scholars from underserved populations for graduate training and professional apprenticeships through a comprehensive program of research, networking, and mentorship at critical transition points along their academic path.

In the twenty years since its inception, the Leadership Alliance has mentored over 2000 undergraduates who participated in a summer identification program. Over 53 percent of students enroll into a graduate level program—a number that is greater than the national average.

New York City's Columbia University has helped lead the charge in reaching out to these future leaders to help prepare them for professional life. In mentoring a significant number of participants in their Leadership Alliance summer program, Columbia prepared young students to enter a range of fields. I

would now like to highlight some examples of the success of this program: Marcel Agueros, a 1992 summer program participant, went on to become an Astronomy professor at Columbia; Amber Spry, now a first year Ph.D. student in political science, was a graduate of the summer program that received award funding from the American Political Science Association; and George Aumoithe, a 2010 Leadership summer program alumnus, currently researches the prevalence of HIV and the means to fight it.

These individuals are only a few of the outstanding cases produced by this model program. I am pleased to recognize them today as a testament to the importance of sustaining efforts to invest in programs that identify, train, and mentor talented underrepresented and underserved students. I am happy to proclaim the past twenty years work from Columbia University and the Leadership Alliance a resounding victory in this regard. I can only hope that the next twenty years will be just as if not more successful at reaching those students who have been historically underserved in the academic arena.

RECOGNIZING THE PRINCE WILLIAM
FOREST PARK VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the volunteers for Prince William Forest Park.

The volunteers at Prince William Forest Park give their time and talents to assist in many facets of park operations. Volunteers come from all over the country and from the local community to help with visitor services, camp hosting, park maintenance, trail work and much more. They greet visitors with a smile, whether they are there for a day hike or a week's stay in one of the cabin camps. They are the eyes and ears of the park, making sure that visitors have a safe and enjoyable stay. And most of all, they exemplify the mission of the National Park Service and play an integral role to spreading that mission, creating stewards for the future.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for the Prince William Forest Park:

Mac Kelly
Mary Ann Kelly
Mac Kelly Jr.
Rhonda Farmer
Jim Hurdle
Gloria Hurdle
Ferd Westermeyer
Betty Westermeyer
Ann Todd

Mr. Speaker, I ask that my colleagues join me in commending the volunteers at the Prince William Forest Park for their service and in thanking them for their dedication to our community.

SUPPORTING NATIONAL CANCER
RESEARCH MONTH AND ARKAN-
SAS'S CANCER INSTITUTES

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in honor of National Cancer Research Month. In 2012, an estimated 570,000 Americans will lose their life to cancer, including more than 6,500 Arkansans. Sadly, in my home state of Arkansas more than 16,000 new cases of cancer will be diagnosed this year, and Arkansas has the fifth highest cancer death rate in the nation. That's why cancer research is so critical and why scientists and doctors work tirelessly not only to treat cancer, but to prevent it.

Arkansas's Second Congressional District is home to the Winthrop P. Rockefeller Cancer Institute, a first class treatment and research facility at the University of Arkansas Medical Sciences, UAMS, in Little Rock. I am proud to represent the Cancer Institute, which provides care to cancer patients from every Arkansas county and many others from around the country and the world. UAMS researchers are on the cutting edge of treatments for breast cancer, radiological and nuclear emergency situations as well as identifying ways to stop the spread of tumors.

The effects of cancer research reach us all, regardless of whether or not we are the ones directly affected by this devastating illness. I commend the Winthrop P. Rockefeller Cancer Institute and UAMS on their dedication to vital research and improving the lives of Arkansans and Americans.

RECOGNIZING THE SIX WEEKS TO
MAKE A DIFFERENCE VOLUN-
TEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Six Weeks to Make a Difference Volunteers.

These dedicated families helped seven conservation projects from March 17 through April 28 at local natural areas. Many of the families helped at several projects. Through the projects, they improved trails, disposed of tons of debris, tires and invasive plants, planted over 1000 trees and bushes, corrected erosion problems, and left our community better than the way they found it.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for the Six Weeks to Make a Difference Program:

Adams Family, Aleman Family, Anwar Family, Babar Family, Bassett Family, Broadhurst-Bibbee Family, Butkus Family, Chiodo Family, Couture-Morales Family, Crespo-Galliver Family, Cronin Family, Darcy Family, Dinga Family, Donovan Family, Ehtasham Family, Glass Family, Goodwine Family, Gough Family, Gross Family, Hopkins Family, Huang Family,

Hunter Family, Hylton Family, James Family, Jampole Family, Kaps Family, Kay Family, Kristy Family, Kromer Family, Kronthal Family, Kulakowski Family, Makoge Family, McGeehan Family, McKinnon Family, McPike Family, Melusen Family, Menon Family, Mockenhaupt Family, Morris Family, Mory Family, Moser Family, Nielsen Family, Nieves Family, Norman Family, Ogawa Family, Phillippi Family, Protacio Family, Reedy Family, Rodriguez Family, Rosario Family, Saul Family, Seagle Family, Simmons Family, Simmons Family, Thompson Family, Thompson Family, Thompson Family, Tilden Family, Verosko Family, Walker Family, Yoon Family

Mr. Speaker, I ask that my colleagues join me in commending these families for their service and in thanking them for their dedication to our community.

NATIONAL CANCER RESEARCH MONTH

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor May as National Cancer Research Month.

This month recognizes those clinicians, scientists and advocates who have dedicated untold time and energy to cancer research. It is imperative that we reaffirm our commitment to this vital research so that we can help the one and a half million Americans who will face diagnosis and more than 500,000 who will die from cancer this year.

Research toward understanding the causes, prevention, and treatment of cancer has made remarkable gains over the past 50 years. Often through government funding, researchers at the National Institutes of Health and Centers for Disease Control and Prevention have conducted the innovative work that has been central to countless scientific breakthroughs and saved millions of lives.

So many major health breakthroughs for cancer or other chronic diseases would not have happened without federal support.

These necessary investments are at the core of why mortality from cancer and other chronic diseases has declined in recent years. A cancer diagnosis is no longer the death sentence it used to be, and the statistics are only getting better.

As one of the 2.5 million breast cancer survivors living in our country today, a living statistic, this is deeply personal to me. I intimately understand the importance of strong and successful medical research, and I am so grateful for the hundreds of thousands of people working tirelessly to end this deadly disease once and for all.

As we work toward these cures, it is critically important that Americans have every possible cancer-fighting tool at their disposal.

Over the past 30 years our nation has been a leader in discovering innovative methods for the detection and treatment of cancer.

In the mid-1990s, it was a team of researchers at the National Institutes of Health who discovered the link between the BRCA1 and

BRCA2 genes and the risk of breast cancer. Now, women have more access to knowledge about their risks of disease and options for appropriate treatment.

The fight against cervical cancer is another success story. Research at the National Cancer Institute was pivotal in the development of the human Papillomavirus vaccine which protects against this disease. By June 2011, more than 35 million doses of the vaccine have been distributed in the United States.

We know that progress in research and treatment has led to increased survival and that early detection has the power to save lives. That is one reason that the Affordable Care Act has placed such a high premium on cancer research and care—from establishing the independent Patient-Centered Outcomes Research Institute to support high-quality, cost-effective research initiatives, to the Cures Acceleration Network, which will speed up the translation of research from bench to bedside.

Continuing our support of cancer research will expand the toolkit available to clinicians to improve both individual health outcomes and also the health of our nation. Our funding for cancer research is a significant factor in reducing long-term health care costs and increasing economic growth.

On average, each dollar of NIH funding generated more than twice as much in state economic output in 2007. In 2010, federal investment in NIH research led to the creation of 487,900 jobs and generated \$68 billion in new economic activity across the country.

We must continue to stand behind the more than 31,000 members of the American Association of Cancer Research by continuing to appropriately fund their research into finding a cure based on developing the best strategies for prevention and treatment of this disease. Supporting National Cancer Research Month reaffirms our commitment to attracting and retaining the highest caliber scientists to fight this disease and spur future breakthroughs.

For all the progress we've made over the last 50 years, we must work together to ensure that we beat this disease for good over the next 50 years.

Cancer incidence is projected to nearly double by 2020, particularly among the aging baby boomer population. It has never been more vital that we continue to develop the tools to increase early detection and effective treatments, and ultimately, cures.

Today, millions of individuals around the world still lose the battle against cancer.

We cannot forget their struggles, and we must continue our mission and support cancer research in honor of their memory.

Working together we must keep up our dedication and vigilance to help men and women know their risks, discover cancer early, access the best treatment possible, and work toward eliminating this disease.

Let us commemorate National Cancer Research Month with a renewed dedication to support the scientists, clinicians and advocates to eradicate cancer once and for all!

RECOGNIZING THE UN-TRIM-A-TREE HOLIDAY GIFT PROGRAM VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Un-Trim-A-Tree Holiday Gift Program Volunteers.

Un-Trim-A-Tree Holiday Gift Program volunteers were able to pack the gift bags for over 1,000 children in one week before Christmas. These volunteers utilized the Santa Shop toys and donated gift cards to fill the individual wishes of all these children. To this end, the Un-Trim-A-Tree Holiday Gift Program was able to serve 6,019 children.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for the Un-Trim-A-Tree Holiday Gift Program:

Karen Raniford
Barbara Breyfogle
Kathy Wortman
Mary Hull
John Hull
Kathy Simmons
Peggy Jones
Stephanie Vogel
Susan Campbell
Peggy Shaffer
Karen Storie
Teresa Cosman

Mr. Speaker, I ask that my colleagues join me in commending the volunteers of the Un-Trim-A-Tree Holiday Gift Program for their service and in thanking them for their dedication to our community.

THE FY13 NATIONAL DEFENSE AUTHORIZATION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. VAN HOLLEN. Mr. Speaker, I regret that I will not be able to support this National Defense Authorization Act. I hope that will change when it returns from the Senate.

This is only the second time I have voted against the NDAA. The first was last year. That bill contained a number of serious flaws including an overly broad provision that allowed the Executive wide latitude to commit U.S. forces to military action without congressional approval. Similarly, this bill contains provisions that I cannot support in their current form. It is unfortunate that the Republican majority has chosen to depart from the longstanding tradition of trying to shape bipartisan defense authorization bills.

The recently departed Chairman of the Joint Chiefs of Staff, Admiral Mullen, said that "Our national debt is our biggest national security threat." He also made clear, "... with the increasing defense budget, which is almost double, it hasn't forced us to make the hard trades. It hasn't forced us to prioritize. It hasn't forced us to do the analysis."

In accordance with that advice, the top civilian and military leaders developed a strategy

to meet our national security needs more efficiently. Recognizing that the Defense Department still has not passed a Government Accountability Office audit, they identified important savings without compromising our national security. That plan was incorporated into the Budget Control Act enacted last August.

In developing its plan, the Defense Department conducted a comprehensive review of force needs, capabilities and obligations. Difficult choices were made about which programs to keep and which to cut in order to maintain a fiscally responsible mission ready capability. In his testimony before the Senate Armed Services Committee in February, the Chairman of the Joint Chiefs of Staff, General Dempsey, said of the Defense budget, "This budget will maintain our military's decisive edge and help sustain America's global leadership. It will preserve our ability to protect our vital national interests and to execute our most important missions."

Unfortunately, the Republican Budget and the NDAA violate the bipartisan agreement reached just 9 months ago by adding billions of dollars of unwanted and unnecessary expenditures to the Pentagon. At a time when we need to be putting our fiscal house in order, this excessive spending cannot be justified.

These are some of my specific objections to the bill:

I oppose the provisions that put limits on the end-strength reductions put in place by the Administration. According to DoD, the limitations set by the bill would limit the Defense Department's ability to reduce the end strength of the Army and Marine Corps as troops return home from Afghanistan. Since the Administration has set these reductions in light of declining commitments in Iraq and Afghanistan and in order to implement a new defense strategy which emphasizes a smaller and leaner force, maintaining excessively high troop levels will unnecessarily drive up costs.

The bill contains provisions that block the Administration's ability to retire aging and unnecessary military aircraft including C-27J, C-23, C-130 and other aircraft and the RQ-4 Global Hawk without including necessary funding for the manning, repair, maintenance and modernization of these aircraft. Additionally, I oppose the bill's insistence on maintaining a minimum of 12 ballistic missile submarines in the fleet because it limits the Navy's ability to manage the strategic force.

The bill authorizes the establishment of a missile defense site on the East Coast that the DoD says threatens funding for the maintenance and construction of other more urgent elements of the country's missile defense.

I also oppose the bill's provisions that limit the reduction of nuclear forces that the Administration says are necessary to implement the New Start Treaty requirements and to set the country's nuclear policy.

And finally, I oppose sections 1035-1043 of the bill which would constrain the flexibility needed by the Nation's armed forces to deal with evolving counterterrorism threats. These provisions pertain to the treatment by the military of terror suspects captured on American soil and elsewhere.

RECOGNIZING THE PRINCE WILLIAM COUNTY RETIRED AND SENIOR VOLUNTEER PROGRAM (RSVP) VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Prince William County Retired and Senior Volunteer Program (RSVP).

RSVP is a federally funded program with over 750 chapters nationwide, with approximately half a million senior volunteers giving more than 81 million hours annually to their communities. Retired and Senior Volunteer Program Volunteers work on many different jobs. RSVP is the nation's largest network for volunteers 55 and over. The volunteers tutor at eight elementary schools, provide literacy skills to adults, help with cultural events, are Red Cross volunteers, work with the Sheriff's office, and the Hospital Auxiliary, just to name a few.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for the Prince William County RSVP:

Marjorie Adams, Thelma Allen, Joann Amidon, Martha Andrews, Lynn Ashe, George R. Ashley, Louis Balboni, Marie Balboni, Joann Barron, Ruby Bellinger, Bertram Benson, Margaret Binning, Arline Blanke, Doris Bodwin, Misako Bonner, Carol Brauzer, Ann L. Bullock, Chester A. Burke, Jr., Kathryn Burns, Suzanne Burns, Linda Callin, Doris Caporale, Keating Carrier, Glenda Chambers, Nancy Chen Tsou, Noma C. Chittenden, Roger Chittenden, Cynthia Colborn, Phyllis Coleman, Gwendolyn Coles, Lillian Coney, Katherine Cooke, Diane Cooley, Iris M. Cooper, Ignatius D'Souza, Severina D'Souza, Marlys Daack, Ronald Daack, Anna May Davis, Annette Davis, Gretchen Day, Bobbie Dean-Henderson, Dorothy DiMartino, Betty Dow, Ardena Eanes, Lawrence Earl, Betty Edenhart, Mary Jane Ellis, Gillian Emery, George Fahmy, Bob Finch, Marian Fink, Claire Flaherty, Suzanne Flatequal, David Forcier, David Ford, Glorious Ford, Jayne Frelin, Joan Galvin, Lillie Garrett, Lenore George, Susan Gillion, Sidney Goldsby, Louise Goode, Ethel Gorham, Helen Graves, Beulah Green, Dona Green, Thelma Green, Alane Greyson, Ronald Grieff, Sieglinde Hall, Joan Haneklau, Marion Harpine, Barbara Harris, George Harris, Patricia Harris, Carol Henderson, Iris Hodges, Margaret Hoeffel, Nancy Holland, Norma Holmgren, Patricia Hoyle, Elizabeth Hudson, John F. Hull, Elizabeth Irvin, Larry Jackson, Marina Jackson, Ellen Jaeger, Debbie Jarrell, Harold Jenkinson, Michael Johnson, Janet Jones, Charlene Joseph, Marie Kelleher, Margaret L. Kirby, Robert L. Kirby, Adenia Kitt, Frederick M. Knox, Theresa Koger, Martin Kruger, Martin Kruger, Wayne Kurtz, Terence Kuszewski, Miguelina Landrau, Therese Lang, Ron Lawray, Jane Lehman, Rene Lehman, Susan Levin, Patricia Lozinak, Lawrence L. Lum, II, Irma M. Machado, Donald Macintosh, II, Carolyn Maghan, George Maghan, Annie Mason, Mary McCabe, Dianne Metzler, Sadhna Minter, Mary Anne Money, James

Moore, Leo Moore, Constance Mosakowsky, Sue Murphy, Ruth Natale, Ellen Newdorf, Martin Newdorf, Julie Nieves, Carol Ann Nolan, Clifford Nolan, Phyllis Norling, Carol Norsworthy, Susie O'Neal, Clancy Olson, Jr., Al Osborne, Nancy S. Osborne, Margaret Palomares, John Parker, Enola Peebles, Edith Peel, Dianne Peyton, Margaret Phillips, Joseph Phoenix, Marie Phoenix, Joyce Pieritz, Kathleen Plutz, Jacqueline Potter, Velma C. Pridemore, Patricia Prochnow, Eileen Pugh, Linda Pulley, Wanda Pulliam, Anita Rasmusson, Sanae Richardson, Sandra Richmond, Charles Rigby, Mary Jo Rigby, James Riley, Valerie Ritter, William Ritter, Stephen Rodkey, Edward Roman, Mitzi Roman, Nannette Ross, Suzanne Rucker, Lianetta Ruettgers, Bertha Russ, Gwen Ryfinski, Anna Ryman, Mohinder Saini, E.L. Schneider, Andrea Schu, Joseph Schu, Violet Shannon, Raj Singla, Diane Skerrett, Trudy Slater, Sam Slowinski, Sal Smeraglio, Cheryl Smith, Ellen Smith, Sandra Smith, Michael Somma, Penny Spatzer, Cyme Spicer, Sharon Steele, Anita Stride, Ruth Starker, Dyanne Street, Ralph Sutherland, Mary Sweesy, Helen Tang, Louise Taylor, Michael J. Timko, Lana Tobey, Alan Turner, Marilyn Turner, Ronald Turner, Wilma Turner, James Van Ess, Shirley Temple Van Ess, Patricia Van Hintum, Patricia Venti, Sally Vincent, Sherry Wagenbach, Claudette Warner, William H. Warner, Brenda Warren, Anna Mae Washington, Bea Wells, Helen Wells, David Whitman, Patricia Whitman, Eugene Whitt, Juanita Whitt, Pearl Wilson, Theresa Winiesdorffer, Sherri Wussow, Susan Young.

Mr. Speaker, I ask that my colleagues join me in commending these dedicated volunteers. I would like to extend my personal appreciation to the men and women who participate in the Retired and Senior Volunteer Program. We all owe a debt of gratitude to these selfless community activists.

100TH BIRTHDAY OF SENATOR HENRY M. JACKSON

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. DICKS. Mr. Speaker, today would mark the 100th birthday of Henry Martin Jackson, who served for six terms in the House of Representatives prior to a long and successful career in the United States Senate.

Since the day I came to Washington as a young legislative aide to Washington's other legendary Senator, Warren G. Magnuson, I admired Senator Jackson's dedication to the job as well as the personal connection he made to generations of our state's citizens. He set a high standard for all of us charged with representing the views of our constituents because he knew so many of them personally.

Senator Jackson, known to all as "Scoop," is remembered as a "strong-on-defense" Democrat, and he clearly was that: the consummate Cold War Liberal in the Truman/Kennedy tradition.

What many observers may not realize is that Scoop was also the longest serving chairman in the history of the Senate Interior and

Insular Affairs Committee—from 1963 until 1981. As chair of that committee, later renamed the “Energy and Natural Resources Committee,” Scoop Jackson sponsored or cosponsored the 1964 National Wilderness Act, the 1965 Land and Water Conservation Fund Act, the Redwoods National Park Act of 1968, the North Cascades National Park Act of 1968, and the Wild and Scenic Rivers Act of 1968—and that was in just the first few years of his chairmanship.

His signature achievement—the National Environmental Policy Act of 1969—has been emulated by more than 80 countries. With the Alaska Native Claims Settlement Act of 1971, both Canada and Australia have embraced it as an example. The list goes on—from the Alpine Lakes Wilderness Act of 1976 to ANILCA—the Alaska National Interest Lands and Conservation Act of 1980. During the Scoop Jackson era, there was more wilderness and more national parks preserved for future generations than at any other time in American history.

Looking back on history, it is clear that Scoop Jackson’s greatest achievements revolve around preserving and enhancing our natural heritage. These were achievements that flowed from his formative years in the Pacific Northwest and his understanding of our commitment as lawmakers to future generations.

Scoop also demonstrated that while politicians measure their lives in getting re-elected, statesmen measure their lives in getting things done. He stood then as he stands now as a profile of the virtues of taking risks and of putting service before self.

So on the occasion of Scoop Jackson’s 100th birthday I would like to submit a very meaningful and poignant remembrance of Senator Jackson written this week by his son, Peter. It was published in the Herald newspaper in Everett, Washington—the same paper that young Scoop Jackson delivered around the town in the 1920s.

[From the Herald, May 27, 2012]

SCOOP JACKSON NEVER FORGOT HIS ROOTS
(By Peter Jackson)

My father. When he was a boy, Henry M. “Scoop” Jackson, who later became a U.S. senator and Democratic presidential candidate, watched a Fourth of July parade as an actor dressed like an American doughboy pitchforked a caricature of Kaiser Wilhelm II.

Scoop was someone who survived smallpox. He was someone who first learned to navigate Everett’s washboard roads in a Ford Model T. (He even got to see Roald Amundsen, the famed polar explorer and pride of Norway.)

It’s ancient history, yes, but history just a lifetime removed.

On May 31, he would have turned 100. His example, work, and legacy rest with the city he loved.

In the 1920s, Scoop spent his teen and pre-teen years delivering the Everett Herald to speakeasies and brothels. He made friends that lasted generations, memorizing their addresses only to rattle off street names to their incredulous descendants decades later. All the while, Everett was a town, poet Gary Snyder wrote, “where shingle weavers lost their fingers in the tricky feed and take of double saws.”

Today we recognize a certain gravity to place, especially in the American West. It

shapes our values, cuts our attitudes, and defines our politics. Life in Everett in the 1920s and ‘30s was hardscrabble, but it was also anchored in a spirit of community. The city of smokestacks became Scoop’s version of Norman Maclean’s Missoula. To paraphrase Maclean, the world is full of bastards, the number increasing the further one gets from Everett, Washington.

Writer Tony Hiss calls the transmission of ideas and experiences through generations “the great span.” The span has a telescoping effect, a reminder that the post-colonial American West is still very young.

Everett was Scoop’s touchstone, the city of his birth and his death, the city with dirt under its nails. Scoop never bemoaned Everett’s dishwasher skies or the throat-sting from the pulp mills. Everett and the Pacific Northwest were always, for him, a radiant place.

I still picture him in the flat light of an Everett winter, legs braced like a gunslinger, chatting up every millwright, legionnaire and housewife strolling down Colby. He’d gesture in the sky with an imaginary pen or rattle off the street address of someone’s uncle or aunt, a number memorized during his paperboy days.

As a U.S. senator, he emphasized constituent services to such a degree that for years after his death in 1983, Everett-ites would knock on my mom’s door, asking for help with a Social Security check or a military-academy appointment. Mom would invite them in, serve them coffee, and gently explain that Rep. Al Swift’s office would be delighted to help.

My mom, Helen Hardin, was the linchpin to Scoop’s success. She was as animated and funny as he sometimes was not. She demanded that he smile and wear clean shirts. She breathed life into his unfinished work when, less than a year into his sixth term, he suddenly died.

My mom saw, as we all did, that Scoop’s often complex political vision was rooted in a kind of Lutheran realism, a belief in the permanence of human nature and the impermanence of politics. For Scoop this translated into a uniquely consistent vision: Harranguing oil executives (liberals made happy, conservatives irked) while bashing the Soviets and the Fidel Castros of the world (conservatives made happy, liberals irked).

Implicit with tackling the big ideas was the notion of a long, twilight struggle. Political dividends don’t yield returns for years, or decades even. Scoop shared President Kennedy’s belief, borrowed from Dante, that “the hottest places in Hell are reserved for those who, in a time of great moral crisis, maintain their neutrality.”

Scoop was a believer in the primacy of ideas—big ideas. Over his 43 years in Congress, as faith in government whipsawed from New Deal optimism to Reagan-era mistrust, Scoop never yielded on government’s progressive mission.

This meant big dams as well as big parks. In the process, he would embrace causes that upset or delighted a variety of interests, but he didn’t weathervane or rely on a swarm of consultants to navigate his way.

Over time, Scoop became a politician and a statesman. Politicians measure their lives in getting re-elected. Statesmen measure their lives in getting things done. He managed both.

When Scoop, a nickname given him by his sister in honor of a Tom Sawyer-ish cartoon-strip character, was born in Everett in 1912, Everett was barely 20 years old. Both of his

parents had emigrated from Norway. Pieter Gresseth, who changed his name at Ellis Island, was born three years after the U.S. Civil War. Scoop’s mom, Marine Anderson, was slightly older.

For a time, along with Swedes and Germans, Norwegians were the vanguard of Washington’s post-colonial settlers. The Norse were weaned and influenced by the Jante Law, a sense not that everyone is equal per se, just that no one is better than anyone else. Suck it up. Don’t be a braggart and accept life on life’s terms.

My paternal grandparents were part of the great Norwegian diaspora which, unlike other ethnic dispersals, never quite made sense. There was no political or economic disaster to flee. My grandparents received the promotional brochures brandishing the American West, and they bit. They discovered a near-identical climate and a land that blended nature with labor. After a time, they happened upon Our Savior’s Lutheran Church in Everett and the stolid Rev. Karl Norgaard, who conducted his sermons in Norwegian. For them, the Pacific Northwest was Norway, only more so.

As a kid, I remember watching as my dad waved at ghost buildings downtown and conjured what stood before. He pointed to the pavement at Colby and Hewitt avenues and said that is where his father, a newly minted Everett cop still trying to master English, picked up drunks by the scruff of their work shirts and pitched them onto the back of a horse-drawn police wagon.

Many of us play the ghost-building game today. We point to the veined marble that hems Union Bank and say, “that’s the old Friedlander’s Jewelers.” We point to the corner of Broadway and Hewitt and long for Sam’s Western Wear.

From the time he was a Herald paperboy to his 30 years in the U.S. Senate, Scoop demonstrated that in life each of us can enlarge or diminish our roles. But to diminish the public sphere is to commit an injustice, a sin of omission.

Scoop was also a human being, and he’d laugh at any mattress-sale heroizing. Imagine an ordinary man who accomplished extraordinary things because of hard work, the vagaries of life, a supportive community, identifying good mentors, and marrying well.

Of course, there were things that as a son I never told him. I never told him that I was proud that he put the kibosh on Norman Vincent Peale’s anti-Catholic bigotry in 1960. I never told him that I was grateful for his sponsorship of the North Cascades and Redwoods National Park Acts. Like many of his elbow-throwing constituents, I was skilled at highlighting his real or perceived missteps.

Decades from now, kids who stare vaguely (or end up pitching snowballs) at the newly unveiled Scoop bust at Grand Avenue Park don’t need to know his name. Memories cloud and history falls away. All they need to know is here was a local kid, a child of immigrants, who worked hard, stayed true to his principles, and did his best to make his community and his country a better place.

They can do the same.

RECOGNIZING VOLUNTEER PRINCE
WILLIAM VOLUNTEERS AND
BOARD OF DIRECTORS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the stand-by volunteers and Board of Directors of Volunteer Prince William.

In the event of an emergency, these trained and capable members of the stand-by team step-up for everything from administrative work to caring for household pets and shoveling snow. The volunteers are at the ready and Volunteer Prince William could not function without them. They give selflessly of their time and energy whenever they are called. The volunteers are the unsung heroes, quietly working behind the scenes. Their contributions to the community and to our organization make all of us safer, stronger and more resilient.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for Volunteer Prince William:

Ralph Neeper, Nancy Neeper, Francis Daily, Jennifer Dailey, Debby Bruce, David Bruce, Denise Dubie, Julia Drake, Karen Bakken, Karen Lyle, Karen Wilkens, Margaret Flores, Nancy Bireley, Judson Bireley, Nancy Carney, Terry Richey, Trisha Fravel, The Fuller Center for Housing Northern Virginia, Vicki Smith, Pam Pandolfi, Debbie Page-Maples, Jack Maples, Connie Moser, Kim Kirkwood, Patricia DeSaliva, Dick Lee, Dick Abt, David Lane, Rodger Blinn

It is my honor to enter into the CONGRESSIONAL RECORD the names of Board of Directors for Volunteer Prince William:

Mike Higgins, President
Gina Post, Vice President
Gary Hale
Dr. Mark Mason
Sarah Harrover
Nora Jewell
Eileen Pugh
Stephanie Ney

Mr. Speaker, I ask that my colleagues join me in commending the volunteers and Board of Directors of Volunteer Prince William for their service and in thanking them for their dedication to our community.

CHARLES D. LEMMOND, JR.

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. BARLETTA. Mr. Speaker, I rise today with a heavy heart on the passing of former Pennsylvania State Senator Charles D. Lemmond, Jr., who represented the people of the 20th District in Northeastern Pennsylvania for more than two decades.

A native son of Hazleton, born on the anniversary of Ben Franklin's birthday to Charles D. and Ruth Zierdt Lemmond, Charlie grew up in Forty Fort, Luzerne County. He graduated

as the president of his senior class. Charlie served in the United States Army in occupied Italy.

Using the GI Bill, Charlie majored in Government at Harvard College. While there, he excelled as the principal trumpet player in the Harvard Band. He graduated from Harvard in 1952, then went to the University of Pennsylvania's School of Law. He practiced law for a quarter of a century, serving as the solicitor for several Northeastern Pennsylvania municipalities and as first assistant district attorney of Luzerne County. In 1980, he was appointed as a Judge of the Luzerne County Court of Common Pleas by former Governor Dick Thornburgh. Presiding over Orphans' Court, Charlie used his knowledge of the law and an even hand to affect the lives of those who came before him.

In 1985, Charlie was elected as the senator representing Pennsylvania's 20th District, and he began a quest that would consume his 20 plus years in office—improving the quality of state government and of the judicial system. As chairman of the State Senate Government Committee and as vice chairman of the Judiciary Committee, Charlie focused on election reform, governmental ethics, and the penal system. As a member of the Criminal Justice Commission and the Reapportionment Task Force of the National Conference of State Legislatures, Charlie pursued good government and an improved judicial system. Charlie worked to secure the rights of abused children, to modify the workmen's compensation laws to make Pennsylvania more business-friendly, and to protect the tax-exempt status of charitable organizations. There was virtually no area of life that Charlie did not touch, from finance and budgets, to military and veterans' affairs, to education.

From 1985 until 2006, Charlie served the people of the 20th District—and of the Commonwealth of Pennsylvania—with integrity, honor, and dignity. Charlie served his constituents equally, without regard for their political affiliation. For his first few terms, Charlie had no opposition in either the primary or general elections, something that speaks to his character and his abilities.

Charlie was often referred to by his colleagues as "The Gentleman of the Senate." Indeed, in early 2000, when Charlie received an honorary doctorate degree from Wilkes University, Charlie was described as "a man of unblemished integrity and broad popularity, a political leader with virtually no antagonists."

But Charlie's selfless service extended far beyond the chambers of the Pennsylvania Senate. He served on numerous committees and boards of directors for community and charitable organizations. He was a life member of Wyoming Seminary's Board of Trustees, and an advisory board member of both the Salvation Army and the Penn State University Wilkes-Barre Campus. He was a lay leader of the First United Methodist Church of Wilkes-Barre, and over a period of years served in many leadership roles in the Wyoming Conference of the United Methodist Church.

For more than 30 years, Charlie's family and the Naylor-Murphy family hosted a special annual tradition in Northeastern Pennsylvania—the Naylor/Lemmond Memorial Com-

munity Thanksgiving Dinner. Volunteers—including members of Charlie's family who had returned home—helped serve that free dinner, which brought holiday warmth and cheer to thousands of area residents who needed it.

Family was extremely important to Charlie Lemmond. He met his wife, Barbara, shortly after he finished law school. Together, they raised four children: Charles, John, Judith, and David. Today, they survive him and mourn his passing, as do his brother, George; four grandchildren; and numerous nieces, nephews, and other relatives.

Mr. Speaker, Senator Charles Darwin Lemmond, Jr., represented the highest standard of public service. He stands as an example of professionalism, commitment, dedication, integrity, and honor to other elected officials at all levels of government. He leaves behind a proud legacy, and his impact on Northeastern Pennsylvania and the entire Commonwealth of Pennsylvania will be felt for many years to come.

RECOGNIZING BETTE COOK AND
HER 47 YEARS OF SERVICE TO
USAID

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Bette Cook on the occasion of her second attempt at retiring after 47 years of dedicated public service. Bette served for 42 years in both the Foreign Service and the Civil Service, working with USAID and its predecessor, the International Cooperation Administration, the Department of Defense, and SSA. Despite the fact that she "officially" retired in 2004, Bette has continued to serve the public at USAID as a consultant in the office of Legislative and Public Affairs and as a congressional liaison officer.

Bette began her career in development in 1961 when she was hired as Foreign Service staff at the United States Operations Mission in the newly independent Tunisia. Working as the American Secretary, she helped to manage a successful economic and technical assistance program that ultimately led to the nation's graduation from USAID funding in 1994. Leaving for Saigon in 1963, Bette was confronted with the rising threat of the Viet Cong as the conflict in Vietnam escalated, and she braved many attacks and bombings to carry out USAID's mission.

When she returned to the United States in 1965, Bette continued to devote herself to the many humanitarian and development challenges that Vietnam faced by joining the newly-established Vietnam Bureau. As a member of the Congressional Affairs and Public Relations Division, she devoted the next four years to explaining USAID's Vietnam programs to Congress and the public. She served as an on-air spokesperson, publicizing USAID's recruiting visits across the country to enlist people in what she called "The other war: The war against hunger, poverty, illiteracy, and disease." Her work was instrumental in emphasizing the promotion of development in any effective foreign policy.

Throughout her years of service, Bette has played a pivotal role in ensuring that USAID continues to deliver on its mission. She's known for her 15 years of skillfully managing the Congressional Budget Justification preparation and submission and for her efforts on the Hill to continually share information about the Agency's humanitarian assistance efforts. Additionally, her work has securely positioned development as vital to maintaining national security. I have fond memories of working closely with Bette during my days on the staff of the Senate Foreign Relations Committee, and I developed a profound respect for her abilities and commitment. Her dedication to bettering the lives of people around the world was always clear.

Mr. Speaker, I ask my colleagues to join me in recognizing Bette Cook and thanking her for her years of service and for her dedication to improving the awareness of issues that developing nations face. Her distinguished service has greatly contributed to the advancement and emphasis on development as an effective foreign policy strategy.

IN RECOGNITION OF THE FAMILY
PANTRY OF CAPE COD

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize and congratulate the Family Pantry of Cape Cod and its dedicated staff and volunteers.

The Family Pantry of Cape Cod has consistently provided such essentials as food and clothing to those in need for nearly 23 years. The organization serves an average of 900 families each month, making it the largest food pantry on Cape Cod, and has more than doubled the supply of food and services to those in need over the past five years. They do this not with a large budget, but with a very dedicated set of volunteers, embodying the spirit of community and reminding us all what it truly means to be a good neighbor.

Mr. Speaker, please join me in congratulating the Family Pantry of Cape Cod as it continues to fight against hunger in Massachusetts today.

PERSONAL EXPLANATION

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. MEEKS. Mr. Speaker, on rollcall No. 295, H.R. 4201, had I been present, I would have voted "no."

IN RECOGNITION OF MICHAEL
LUSSIER

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize Michael Lussier, President and CEO of Webster First Federal Credit Union, as he completes his tenure as Chairman of the Board at the National Association of Federal Credit Unions (NAFCU). Elected to the NAFCU Board in 2005, Mike has been a devoted and effective leader in the credit union industry.

Given the challenges the country faces in recovering from the financial crisis, Mike's responsibilities as chair have been particularly strenuous. Nonetheless, he has done a masterful job balancing his time as Chairman of the NAFCU Board and his responsibilities at Webster First Federal Credit Union where he first became President/CEO in 1990 at the age of 29. Originally founded as a Polish-ethnic credit union in the 1920's, Webster First currently serves over 47,000 member-owners in Massachusetts' Worcester, Essex, Middlesex, and Suffolk counties.

Throughout his tenure as Chairman of the NAFCU Board of Directors, Mike has been a tireless advocate for credit unions and the members they proudly serve. He has testified before both chambers of Congress on regulatory relief issues for credit unions ranging from member business lending to those stemming from the Dodd-Frank financial reform legislation signed into law in 2010. Mike is also currently a board member of Mass Share Insurance Corp (MSIC) and on the board of Pentegra Retirement Services. Over the years, he has been a trustee of Becker College, on the boards of the Better Business Bureau, Rotary Club, local hospitals, and the American Red Cross. Mike is also a licensed General Aviation Pilot.

Mr. Speaker, I urge my colleagues to join me today in congratulating Michael Lussier as he reaches the end of his tenure as the NAFCU Board Chairman. It is my understanding that Mike will remain on the NAFCU Board in another capacity and I am sure his experience in credit union management will continue to be an asset to the NAFCU and the larger credit union community.

CONGRATULATING THE SALISBURY UNIVERSITY MEN'S LACROSSE TEAM ON WINNING THEIR 10TH NATIONAL CHAMPIONSHIP IN THE 2012 NCAA TOURNAMENT FINAL ON MAY 27TH, 2011

HON. ANDY HARRIS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. HARRIS. Mr. Speaker, I rise today to congratulate the Salisbury University Men's Lacrosse team on winning the 2012 division three lacrosse national championship with a

14 to 10 victory in the 2012 NCAA tournament final over Cortland University, on May 27th, 2012.

The Salisbury Sea Gulls join an elite group of Division III programs in NCAA history in collecting at least 10 national championships.

They became the seventh squad under head coach Jim Berkman to complete a perfect season with 23 wins and no losses. Also, senior midfielder Sam Bradman was named the Most Outstanding Player in the NCAA Tournament for the second consecutive season.

Salisbury University is located in the heart of the Eastern Shore of Maryland and is a Maryland University of National Distinction. I am honored and proud to represent them in Maryland's 1st Congressional District.

IN RECOGNITION OF LUPUS
AWARENESS WEEK

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. KEATING. Mr. Speaker, I rise today as co-chair of the Congressional Lupus Caucus, to recognize and honor Lupus Awareness Week. As Members of Congress, we need to do all that we can to get the word out about this little understood, yet life-threatening autoimmune disease.

Lupus affects 1.5 million Americans, of which 90% are female, yet no one patient experiences the same pattern of symptoms. In fact, a wide variety of medications must be used to treat the disease since the manifestations of Lupus vary dramatically from one person to another.

Unfortunately, many more people suffer in silence as they have yet to be diagnosed with Lupus. Many symptoms of Lupus mimic those of other illnesses, and symptoms can come and go over time, which makes diagnosis difficult. Consequently, an accurate diagnosis of Lupus can take as long as four years and usually comes after visits to more than three physicians.

But, through Lupus awareness month and other grassroots efforts to raise awareness, more and more people with Lupus are leading healthier lives and living longer than at any time in history.

Furthermore, researchers are working to better understand the complexity of lupus and are making great strides in the quest for more effective treatments. Today, there are more than two dozen potential drugs for Lupus in the development pipeline.

Lupus is still complex and unpredictable, but with each day that passes, we are coming closer to greater relief from this disease. For this reason, I will continue to raise awareness and do what I can to secure the resources needed to build upon the steady strides already achieved in Lupus research and development.

THANKING OUR LOCAL BROADCASTERS FOR KEEPING US SAFE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. RANGEL. Mr. Speaker, tomorrow marks the official start of the 2012 hurricane season. As we prepare for the potential disasters that could strike our city, I want to recognize and thank the men and women who put their lives at risk and work 24/7 to provide lifesaving information to our local communities: America's broadcasters.

Local broadcasters are the most important source of vital emergency information for all Americans and serve as the backbone of the public warning system.

Everyone remembers Hurricane Irene from late last August. Although it had been downgraded to a tropical storm by the time it made landfall in New York, the city and my district narrowly escaped serious damages. The day after Irene hit, there was no service on the Metro-North Railroad and flooding along the Harlem Line. New York City Transit employees had to pump water out of the 148th Street/Lenox Subway Yard. In fact, my district office is only half a block from a Zone B evacuation area. Thankfully, the damage to New York City and my district from Irene was minimal, but next time we might not be so lucky. In any such event, the invaluable contribution of our local broadcasters will be critical to our safety.

Disasters like these remind us of the essential role that broadcasters play in our communities. Local radio and television stations provide our local communities with important news and other critical information, such as emergency and severe weather warnings and Amber alerts.

Broadcasters' commitment to public service is never more apparent than during times of crisis. During an emergency, no other service can match the ability of full power broadcasting to deliver comprehensive, up-to-date warnings and information to affected citizens. Television broadcasters reach millions of households across the country, while radio reaches more than 241 million Americans each week.

As the 2012 hurricane season gets underway and local communities continue to face erratic weather conditions, I feel safer knowing local broadcasters are dedicated and committed to saving lives by providing critical news and information to our local communities.

IN RECOGNITION OF STANDARDS DEVELOPMENT ORGANIZATIONS

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the vital contributions that independent, not-for-profit standards development organizations (SDOs) make to our nation's economy and Americans' quality of life.

The National Fire Protection Association (NFPA), headquartered in my district in Quincy, Massachusetts, is a leading SDO. I am familiar with the work of the NFPA and other, similar non-profit SDOs through my service on the Massachusetts Joint Committee on Public Safety, where model fire codes and sprinkler standards developed and updated by SDOs were integral to the Joint Committee's statewide effort to promote fire safety.

SDOs and the voluntary consensus standards that they develop are crucial to preserving the quality of life that we, as Americans, enjoy. From the safety of industrial machinery to standard interfaces for audio equipment, SDOs such as the NFPA, the American Society of Mechanical Engineers, and ASTM International, have been safeguarding our health, safety and prosperity for over a century. Additionally, standardization is essential to the health of our economy. Uniform methods, specifications, and interfaces improve efficiency and reduce uncertainties in the marketplace.

The Federal government has repeatedly affirmed the benefits of SDOs. In his first term, President Ronald Reagan directed all Federal agencies to turn to private-sector voluntary consensus standards whenever appropriate, rather than developing separate government standards. In 1995, Congress codified this policy with the passage of the National Technology Transfer Advancement Act. This legislation recognizes the expertise of private-sector specialists, and their ability to react to emerging challenges more nimbly than their government counterparts. It also recognizes the value of a stakeholder-driven process oriented towards achieving consensus.

NFPA recently demonstrated this responsiveness in the wake of the tragic explosion that occurred during the final stages of construction at Kleen Energy Plant. Six workers died and nearly 50 others were injured in the explosion. An investigation by the U.S. Chemical Safety Board (CSB) revealed that the explosion was caused by the use of natural gas to remove construction debris from the plant's piping. After its investigation and subsequent safety recommendations, the CSB turned to the NFPA to develop a new safety standard to prevent such explosions in the future. After

seeking input from numerous interested parties, the NFPA Standards Council voted in October 2010 to establish a consensus technical committee to develop new standards for gas process safety. Just 18 months after the accident, the NFPA committee issued a new industry standard to prevent future fires and explosions during gas pipe cleaning and purging. I applaud the NFPA for its prompt response to this tragedy. This is just one example of the benefits that standard development organizations provide.

Mr. Speaker, I urge my colleagues to join me in supporting the important work that not-for-profit standards development organizations contribute to developing health, safety and environmental standards that serve the Commonwealth of Massachusetts and beyond.

IN RECOGNITION OF BOURNE'S HIGH WATER MARK SIGN

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the unveiling of the high water mark sign in Bourne, Massachusetts, commemorating the hurricane that struck the northeastern United States on September 21, 1938. This storm was among the most powerful tropical cyclones ever recorded in the region.

Striking with virtually no warning, the hurricane devastated the unprepared Northeast and resulted in over 500 deaths and over 1,700 injuries. In the upper Buzzards Bay region, the hurricane produced a storm surge of 11 to 13 feet across. This resulted in significant financial damages, including the total destruction of 2,600 boats and almost 9,000 homes, as well as severe damage to businesses, roads, and railroads. In addition to record-setting gusts and devastating floods, the hurricane severed power lines in Connecticut, sparking catastrophic fires.

The 1938 hurricane serves as a sobering reminder of the raw power of nature, and of the constant need to safeguard our coasts against these deadly storms. We must never forget the contributions and sacrifices that public safety officials make daily to protect us from disaster, and we must never forget the need to support their critical endeavors. Preparedness is every bit as necessary now as it was in 1938, and we neglect the danger posed by tropical storms at our own peril.

Mr. Speaker, please join me in remembering the lives lost on September 21, 1938, as well as reaffirming our commitment to protecting our nation from the ever-present threat of natural disasters.

HOUSE OF REPRESENTATIVES—*Friday, June 1, 2012*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We pause now in Your presence, and acknowledge our dependence on You.

We ask Your blessing upon the men and women of this, the people's House. Keep them aware of Your presence as they face the tasks of this day, that no burden be too heavy, no duty too difficult, and no work too wearisome.

Help them, and indeed, help us all, to obey Your law, to do Your will, and to walk in Your way. Grant that they might be good in thought, gracious in word, generous in deed, and great in spirit.

Make this a glorious day in which all are glad to be alive, eager to work, and ready to serve You, our great Nation, and all our fellow brothers and sisters.

May all that is done this day be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side of the aisle.

STUDENT LOAN DEBT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, the other day, I received a letter from a con-

stituent, Lana Kunkel. Like many Vermonters, she is concerned about the doubling of Stafford student loan interest rates scheduled for July 1.

This is very personal for her. She used the Stafford loan to get a good education and start a career as a nurse. She is now a contributing member of the community. She is also the granddaughter of former U.S. Vermont Representative and Senator Bob Stafford, for whom the Stafford student loan program is named. Here is what she had to say about her grandfather:

I know my grandfather's intention for these loans was accessibility and not profit. I understand that times are tough and people are looking everywhere, but this is just not right. My grandfather was known as a gentle giant, but if he were alive today, I think he would oppose this with force.

Mr. Speaker, Bob Stafford knew that a higher education was the clearest path to the middle class in this country—and he was a good Republican. We should not let the interest rates double. There is no justification for having these interest rates go from 3.4 to 6.8 percent. We have 30 days to act.

THE FOREST PRODUCTS FAIRNESS ACT OF 2012

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the USDA Biobased Markets program was created to provide new markets for farm commodities and to encourage consumers to purchase environmentally friendly biobased products. Unfortunately, under the current law, most forest products are excluded from both the Federal procurement preference and the market label of the USDA Biobased Markets program. For instance, bamboo plywood is already eligible for the BioPreferred label and is used as a "green" alternative for hardwood flooring or lumber.

The Forest Products Fairness Act of 2012 modifies the definition of "biobased product" to clarify that forest products should be included in the Biobased Markets program if they meet the minimum biobased content requirements. The Forest Products Fairness Act of 2012 will enable U.S. producers to build back a competitive advantage through stronger, expanded product markets and new economic opportunities so that the industry can better compete in the global marketplace.

Including U.S.-made forest products as part of the USDA's BioPreferred program is a win-win for consumers and producers. It will promote healthy, well-managed forests and the protection of communities that rely on these jobs and industries to survive.

EXPIRATION OF INTEREST RATE FOR STAFFORD STUDENT LOAN PROGRAM

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, in 29 days, the interest rate for the Stafford student loan program is going to increase from 3.4 percent to 6.8 percent. This will add thousands of dollars of additional debt costs for middle class students all across America.

Yesterday, The Christian Science Monitor reported that Speaker BOEHNER called this issue a phony issue and a distraction from the real issues. There is nothing phony about adding thousands of dollars of added debt to middle class students. There is nothing phony about the Federal Reserve Board report that came out yesterday that showed that student loan debt increased by \$30 billion in the first quarter of this year, surpassing credit card debt. The only thing, frankly, that is a pretense around here is the work schedule: in this week, only 1 full day, 2 part-time days, and 40 days for the next 5 months.

It is time for us to get to work in this Chamber and to fix problems like the Stafford student loan interest rate.

VETERANS SKILLS TO JOBS ACT

(Mr. DENHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENHAM. Members, the recent Memorial Day weekend and now the ever-escalating high unemployment numbers remind us of how many veterans are out of work and of how many who will be returning home to no jobs.

For the last year, I've worked on the Veterans Skills to Jobs Act. When I left the active duty military, I realized that it would take me several years to get the credentialing on the civilian side that I already had on the military side.

We have the best, most sophisticated, trained workforce in the military. As they return home, we need to make sure that not only do they have jobs

but that they have high-paying skilled jobs. By credentialing them through the Department of Defense before they get discharged, we give them the opportunity to capture those jobs immediately.

When I introduced this bill, several weeks later, the Senate introduced a companion bill, and now, today, the President has declared his support for the bill. It is time to show leadership in both Houses, to show leadership in the Presidency, and to pass this bill.

Our brave men and women who have served so bravely and sacrificed so much deserve jobs when they get home, high-paying jobs that will allow them to get back into our society.

□ 0910

PASS THE DISCLOSE ACT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Americans are growing more and more cynical of politics and politicians with good reason. Citizens United opened the floodgates to unrestricted special-interest campaign spending in elections, and we need to put an end to the influence of secret money in our elections.

I advocate the DISCLOSE Act. It would shine the light on secret money in political campaigns. The DISCLOSE Act requires public reporting by super-PACs, corporations, unions, and outside groups within 24 hours of making a campaign expenditure or transferring funds of \$10,000 or more to other groups for campaign-related activities.

Mr. Speaker, I tell you, when I'm on the trail and I talk to my constituents, everyone is outraged by the millions, and possibly billions, of dollars that are going to be spent on the Presidential, congressional, and Senate campaigns. It makes sense to have some transparency. We should pass the DISCLOSE Act so that at least those who make these contributions have to say who they are. It's only fair.

FIGHT AGAINST OBAMACARE

(Mrs. BLACK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACK. Mr. Speaker, as one of the most outspoken opponents of ObamaCare, I hope in the upcoming week that the Supreme Court strikes down this disastrous piece of legislation. But the fact is, no matter what the Supreme Court decides about ObamaCare, it does not change the reality that this law is horrible policy. That is why I voted more than two dozen times to either defund or repeal ObamaCare since being elected to Congress.

Yesterday, in the House Ways and Means markup, we successfully passed out of committee two bills that would repeal the ObamaCare tax hikes: one, the medical tax device; and, number two, the medicine-cabinet tax.

It is clear that the House must continue to fight against ObamaCare until either the Supreme Court overturns this law in its entirety or until we have willing partners in the Senate and the White House.

SUZANNE McDANIEL: A HERO TO VICTIMS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, today I rise to celebrate the life of a friend and someone who changed the lives of victims throughout the Nation.

Suzanne McDaniel appeared in my court years ago as one of the first prosecutor-based victim assistance directors in the State of Texas. She went on to start the Texas Crime Victims Clearinghouse, the first of its kind anywhere in the United States.

In recognition of her incredible work, she was tapped as the State's crime victim information officer, educating and influencing the community and the State legislature with her vast knowledge of victims' issues. This led to her role as a legislative liaison for the State coalition of victim organizations and her leadership on the board of the National Organization of Victim Assistance.

Suzanne's accomplishments are far reaching, touching lives in Texas and throughout our Nation. A crime victim wrote:

Suzanne feels everyone is important and needed in the fight to improve assistance for crime victims. I have never heard her say, It's not my job. In fact, she has never been shy about poking her nose into things and offering assistance. Her enthusiasm and dedication is boundless.

Mr. Speaker, her work will continue to touch crime victims for many years to come, and victims are safer in America because of Suzanne McDaniel and her life.

And that's just the way it is.

REPORT ON H.R. 5882, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

Mr. CRENSHAW, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-511) on the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. DENHAM). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the further consideration of H.R. 5325, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

Will the gentleman from Texas (Mr. POE) kindly take the chair.

□ 0916

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. POE of Texas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, May 31, 2012, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I—CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic

information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration, projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$102,000,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,477,284,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund: *Provided*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2013 to any project that receives funds provided in this title.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 16, after the dollar amount, insert "(increased by \$10,000,000)".

Page 28, line 16, after the dollar amount, insert "(reduced by \$10,000,000)".

The Acting CHAIR. The gentleman from Louisiana is recognized for 5-minutes.

Mr. SCALISE. Mr. Chairman, I appreciate the opportunity to present this amendment.

What we're doing is we're transferring \$10 million from the Department of Energy salary and expenses account over the Corps of Engineers' construction account. The reason this is critical is because it allows us to move forward on infrastructure improvements, including in Louisiana something that we've been trying to do to restore our coast and get moving on the Louisiana coastal area, which is one of many projects in the Corps' budget that is backlogged and not funded, and yet is critical for improving infrastructure, for creating jobs, and for doing things to protect our wetlands.

Mr. Chairman, I bring this football because in Louisiana we lose one foot-

ball field of land every hour along the gulf coast in Louisiana due to coastal erosion. We have a plan that we put forth. Governor Bobby Jindal and his team have a solid plan in place that they've moved forward on. Mr. Chair, this is an authorized program. We're just trying to make sure that this program can move forward like so many others across the country that would improve our waterways and would strengthen our coastlines.

You've got salaries that are being funded for projects now. And if you look at the Department of Energy, we've actually cut back on a lot of the work that they do at the Department of Energy. Rightfully so. They are eliminating programs that are unnecessary, and yet their salaries still continue to go up.

□ 0920

You know, we ask people to do more with less. In this case, they're doing less with more, and so we're moving money out of a salaries account for people that are doing less work and moving it into actually doing coastal projects, actually doing work that improves our coasts and strengthens the area, protects the vital infrastructure for the oil and gas industry that feeds this Nation's energy needs and the seafood that feeds this Nation's great taste for great things like shrimp and oysters and crabs.

This is a bipartisan amendment, and I want to thank the gentleman from Louisiana (Mr. RICHMOND) for helping us with this amendment.

I yield to the gentleman from Louisiana (Mr. RICHMOND).

Mr. RICHMOND. Thank you to my colleague from Louisiana. We have the great honor and awesome responsibility of representing the coast of Louisiana.

Mr. Chairman, the coast of Louisiana, since 1950, has sent to the American Treasury almost \$150 billion. Up until 2006, we didn't receive any revenues back from the Federal Government for drilling off of our Outer Continental Shelf.

What we do today is ask for the ability to help ourselves, protect our citizens, and make this country safer. At the end of the day, I'd like to remind the Chair that our State has over 40 percent of the Nation's wetland losses. We have 80 percent of wetland loss, we only have 40 percent of the Nation's wetlands.

If you look at what we give back to this country, I think that you will see that a \$10 million investment would be a very good investment into our country, into our State, if you look at the cost-benefit analysis.

Our wetlands produce a third of the Nation's seafood supply and much of our domestic energy. Our coast is the home to the port, the country's largest port system. These ports move the

overwhelming majority of our imports and exports in this country.

It's not just about the oil and gas production, it's not just about Louisiana's importance in terms of our energy production for this country, but it also makes the residents of Louisiana safer. That coastal land and those barrier islands produce the first defense against hurricanes. We also saw during Hurricane Katrina, the devastation that could be caused.

We're just asking this body to approve this amendment, which will help Louisiana protect our citizens, protect America's energy production.

Mr. SCALISE. I thank my colleague from Louisiana for his comments, and I just urge all of our colleagues to vote for this amendment so that we can actually use money to do real projects instead of to fund the bureaucracy of Washington. Especially when we're actually reducing the workload that they have to do, let's actually shift that money over to an area where we can actually increase jobs, protect our Nation, protect our energy and infrastructure that benefits the entire country.

With that, I would urge passage of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I do appreciate the passion of both of these gentlemen for coastal restoration. I know it's a high priority for his district and his State. Of course, the focus is Louisiana, and they have suffered greatly.

The bill before us includes \$10 million to continue studies, engineering, and design work on various components of their program in Louisiana. That is more than 9 percent of the entire investigations account dedicated to continuing work on coastal restoration in Louisiana.

The committee has had to make some tough choices in this bill, though. While overall funding for the Corps of Engineers has increased slightly above the President's request, unfortunately, it is reduced by 4 percent from fiscal year 2012. The construction account, specifically, is also slightly above the President's budget request, but that is still a reduction of almost 13 percent from fiscal year 2012.

The Corps has numerous projects already under construction that were not included in the President's budget and so are unlikely to be funded in fiscal year 2013. While construction funding is trending downward, I believe it is most prudent to prioritize funding for ongoing projects so they can be completed, actually completed, and the Federal Government can realize the public safety, economic and other benefits from previous spending rather than starting new projects.

Given this particular project as currently authorized approaches \$2 million and likely will continue to grow in costs, it would not be prudent to begin another new major new project while we have so many existing commitments.

For these reasons, I must oppose the amendment and urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition and rise to express, first of all, to my colleague and friend from Louisiana my appreciation for his argument today, and particularly the football analogy that he used. I say that as a Notre Dame graduate, and I would congratulate him on his victory the last time our two teams played on the field.

Having said that, however, both he and my colleague on the Democratic side, I join with the chairman in reluctant opposition to the amendment. The chairman has opted for a policy of no new starts, a policy that I strongly support and have opted for during these times of budgetary constraints.

I would point out that while there is only \$10 million in the amendment before the House today, the fact is this project will cost several billion dollars by the time we are done, and starting it now is a cost that we cannot afford to adequately fund because we do not have the resources in the bill.

Over the last several years, we have, in fact, terminated hundreds of ongoing projects, to our great dismay and to the weakening of the infrastructure of our economy in this country. But until we as an institution, the Congress, have the intestinal fortitude to adequately fund our infrastructure in these types of very necessary investment—that is not the argument before us—I cannot support adding to the inventory of projects that we must start but cannot.

If the allocation for the bill were different, I might be able to support the gentleman's amendment. Again, as it now stands, we are short of cash. The fact is the amount in the bill today—and the chairman and I and every member of the subcommittee fought to add \$82 million to the President's request. We are \$631 million today, in this bill, below what we were spending as a Nation on these projects 2 years ago. We don't have the money, unfortunately, to fund the gentleman's amendment, and therefore, again, I express my sincere appreciation for what he wants to do but my reluctant opposition to his amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SCALISE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 16, after the dollar amount, insert "(increased by \$2,000,000)".

Page 7, line 4, after the dollar amount, insert "(reduced by \$2,000,000)".

□ 0930

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, today the 2012 Atlantic hurricane season officially begins, and so I come to the floor to speak for increased resources to prevent flood damage, as they have devastated our communities in New Jersey and around the eastern United States.

In H.R. 5325, Chairman FRELINGHUYSEN and the committee have provided for the U.S. Corps of Engineers \$1.5 billion for planning, training, and other measures to ensure the readiness of the Corps to respond to floods, hurricanes, and other natural disasters. I thank the chairman and the committee for that work.

This amount is \$216.7 million below the amount that the Corps received for flood preparation in 2012. My amendment would provide an additional \$2 million so the Corps can continue critical lifesaving flood preparation work. Although this won't close the funding gap, my amendment would demonstrate the commitment of Congress to addressing proactively the variety of problems that can result from severe weather events and flooding.

Last August and September, many central New Jersey residents experienced flood damage due to Hurricane Irene and Tropical Storm Lee. Evacuations and property damage can be a heavy burden to bear for many of our constituents. In recent years, there have been deaths in New Jersey from such flooding.

I was traveling through my district during and after last year's hurricane and saw firsthand the flooding damage in the Delaware and Raritan River Basins and elsewhere. When Hurricane Irene hit New Jersey last year, it cast more than 10,000 people from their homes and left more than 190,000 utility customers without power; 11 inland rivers and their tributaries crested, with some at record levels.

The best time to address flooding is before the severe weather occurs. Un-

fortunately, it seems that severe weather events like floods and droughts will become only more common as the Earth's temperature continues to rise. There are a number of critical infrastructure and public works projects throughout central New Jersey that the Corps is at work on, that the Corps is aware of, that the Corps is planning to deal with, and they must continue in order to prepare for these severe weather events.

Again, I appreciate the foresight and the wisdom of Chairman FRELINGHUYSEN. This amendment would provide additional funds and incentives to the Corps to continue with these important projects.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I understand the gentleman, my colleague from New Jersey, is trying to show support for the Army Corps of Engineers' construction program. He's been a longtime advocate for projects important to his district, and I commend him for that.

And I agree with him in his desire to invest more in water resources infrastructure. There have been numerous flood control needs, for instance, across the entire country, including our home State of New Jersey. Experience has shown us that it's cheaper to try to prevent flood damages than trying to recover from them.

Although I believe the underlying bill that we've put together—Mr. VISCLOSKY and I—struck a careful balance among all priorities in the bill, including national security and innovation, I do not have any objection to his amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I would join the chairman in supporting the amendment.

I would mention that the Corps' investment in 2010 alone protected infrastructure in this country and prevented over \$28 billion worth of damages. The amendment is a modest one and it is spread across all of the accounts for a 0.14 percent increase. As the chairman noted, he worked very vigorously to increase the amounts over the President's request by \$6 million. We remain \$217 million below last year's level.

So, again, I would join the chair in supporting the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 16, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 5, line 1, after the dollar amount, insert “(increased by \$571,429)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, I offer this amendment, which strikes a million dollars out of the Fish and Wildlife account and it inserts \$571,429 into the Reserve Maintenance account. So it is a net savings of \$428,571, which would go to deficit reduction.

But my purpose is not to focus on the deficit reduction component of this, Mr. Chairman. My purpose is to make the statement that we have watched in that Missouri River system, the Pick-Sloan system that has six dams upstream and the longest channel in the United States going downstream, and we suffered a flood last summer, the 2011 flood of epic proportions.

The system had been designed and completed in 1968 based upon the largest runoff ever, which was 1881. Now it's 2011. Now the Corps of Engineers declares that last year's flood was a 500-year event. USGS says it's between a 70- and a 1,000-year event. The Corps picked the 500-year event, which defines it as an anomaly for them, and they refuse to manage the river in a fashion that protects us from serious downstream flooding. So instead of creating a habitat for fish and wildlife, which is the least tern, the piping plover, and the pallid sturgeon, now we have hundreds of miles of camel habitat—sand and dead trees—from the flooding.

I have a bill, H.R. 2942, that needs to move through this Congress. This is an opportunity to speak to the necessity to direct the Corps of Engineers to protect us from serious downstream flooding and consider fish and wildlife in the interests upstream. This redirects some of those funds to that to send a message to the Corps of Engineers to take a little bit out of their Fish and Wildlife account, which is around \$70 million, and put a little bit into their Maintenance account, which is around \$7 million, and start to adjust this proportion.

But it is a token vote, Mr. Chairman, because there's much more that needs to be done. We need to be able to discharge 120,000 cubic feet per second out of Gavins Point Dam and be able to maintain that within the channel. If we can do that, then the fisheries' interests upstream have a very minimal impact when the Corps is finally, under H.R. 2942, directed to adjust the levels to protect us from serious downstream flooding.

That is the argument. I urge the adoption of this amendment, the message that would be sent, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, let me commend the gentleman from Iowa for his strong advocacy and passion for his district and his State and his constituents. First and foremost, he's very, very concerned about a critical issue.

We all know that there are significant water resource needs across our country, and we're doing our best in our bill to address them responsibly. The clarification I would like to be make is that the amendment simply adjusts overall account numbers. It does not direct funding to any specific project.

I would advise, respectfully, the gentleman and any other colleagues thinking of offering similar amendments—and we understand why people do; because they have a passion—that under the earmark ban, the final bill will not include funding towards specific projects in an amount above the President's budget request.

Instead of listing specific projects, our bill includes additional funding for categories of ongoing projects, primarily navigation and flood control. Final project-specific allocations will be made by the administration following the enactment of our bill.

With that clarification in mind, I'm pleased to support the gentleman's amendment, and I yield back the balance of my time.

□ 0940

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. While I regret that we just received a copy of the gentleman's amendment while he was speaking, I have no objection to it, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Clerk will read.

The Clerk read as follows:

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the

Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$224,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,507,409,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$190,000,000, to remain available until September 30, 2014.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$104,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$27,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. CLEAVER

Mr. CLEAVER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 18, after the dollar amount, insert “(increased by \$3,000,000)”.

Page 7, line 4, after the dollar amount, insert “(reduced by \$3,000,000)”.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. CLEAVER. Mr. Chairman, I rise today to offer an amendment to bolster the Army Corps of Engineers’ ability to fight floods and to quickly begin repair efforts as the floodwaters recede. Last year, my constituents, as well as thousands of others living along the Missouri River, experienced a flood of historic proportions and catastrophic damages. Levees were overtopped or breached, fields were damaged, and hundreds of farmers, homeowners, and businesses had to evacuate. Over 400,000 acres of farmland were flooded along the river, including approximately 207,000 in Missouri. Total repair costs from the flood are estimated to reach \$2 billion.

The Flood Control and Coastal Emergencies account provides funding to assist in the immediate flood-fighting efforts and the repairs. Historically, Congress has provided limited funding annually for this account, mainly relying on supplemental appropriations as emergencies arise.

Funding for this account the last 2 years has been lower than the 5-year average appropriation of \$55 million. As was the case last year, after an emergency the Corps must wait on supplemental appropriations from Congress or they must transfer funds from existing appropriations for temporary emergency efforts. The Corps did this internal transfer last year during and after the 2011 flood. However, it takes time to transfer those funds and temporarily deprives other worthy projects of funding. This is especially burdensome given the Corps’ long construction backlog of over \$62 billion worth of projects.

This amendment is a straight transfer of funds to increase funding for the Corps’ Flood Control and Coastal Emergencies account and in turn reduce funding for the Corps’ expenses account. This transfer would increase the funding to equal the amount that the Senate Appropriations Committee allocated, bringing total funding for that account to \$30 million for fiscal year 2013.

Mr. Chairman, ensuring adequate annual funding for emergencies will better prepare the Corps to respond and save time and effort in trying to re-route funds. And we all know that emergencies will continue to occur as our climate continues changing and development continues in flood-prone areas. It is incumbent upon us to provide the people who respond to these emergencies with the most resources

possible. And so on behalf of the families living along the Missouri River who are in desperate need of help from this body, I ask for your support by adopting this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of this amendment. Let me assure the gentleman that we are very sympathetic to his concern for fixing the infrastructure that was damaged in last year’s flood event. In fact, we provided \$1.7 billion to the Corps of Engineers for that exact purpose.

The issue the gentleman raises, however, is something that all Members need to be aware of: based on the definitions in last year’s amendments to the Budget Control Act, disaster relief funds may only be used in locations declared major disasters under the Stafford Act.

For some agencies, like FEMA, that may make sense. But for the Corps of Engineers, there are times when that definition is too restrictive. We all need to be aware of the potential consequences of forcing regular appropriations to the account for these disaster-related damages that happen to be in the wrong location according to the Budget Control Act.

That notwithstanding, the gentleman’s amendment would try to address some of these needs, and I’m pleased to support his amendment.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting Chair. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I rise in support of the amendment, and join with the comments made by the chairman, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. CLEAVER).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$177,500,000, to remain available until September 30, 2014, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation pro-

vided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 4, after the dollar amount, insert “(reduced by \$5,325,000)”.

Page 7, line 22, after the dollar amount, insert “(reduced by \$150,000)”.

Page 13, line 16, after the dollar amount, insert “(reduced by \$45,000)”.

Page 16, line 20, after the dollar amount, insert “(reduced by \$1,710,000)”.

Page 31, line 23, after the dollar amount, insert “(reduced by \$12,000,000)”.

Page 47, line 22, after the dollar amount, insert “(reduced by \$2,259,510)”.

Page 48, line 6, after the dollar amount, insert “(reduced by \$882,450)”.

Page 48, line 14, after the dollar amount, insert “(reduced by \$350,310)”.

Page 48, line 20, after the dollar amount, insert “(reduced by \$320,370)”.

Page 49, line 9, after the dollar amount, insert “(reduced by \$42,750)”.

Page 49, line 17, after the dollar amount, insert “(reduced by \$7,500)”.

Page 50, line 17, after the dollar amount, insert “(reduced by \$3,810,840)”.

Page 51, line 20, after the dollar amount, insert “(reduced by \$102,000)”.

Page 52, line 6, after the dollar amount, insert “(reduced by \$30,000)”.

Page 56, line 24, after the dollar amount, insert “(increased by \$27,036,730)”.

Mr. BROUN of Georgia (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

Mr. DICKS. I object to the suspending of the reading.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. The gentleman from New Jersey reserves a point of order.

The gentleman from Georgia is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, this amendment would reduce the administrative and salaries and expenses accounts in the underlying bill by just 3 percent. It is similar to an amendment that I offered to the Commerce, Justice, and Science appropriations bill just a few weeks ago.

My message today is the same as it was then: we are in a fiscal emergency, and it is imperative that we work to get spending under control here in Washington, D.C.

Over the last 2 years, the House has voted to reduce our own administrative

accounts—our Members representational allowances—by over 11 percent. As we all know, this has resulted in pay freezes, and in some cases pay cuts, for a number of our own staff members.

Yet during this same period of time, many agencies have seen reductions which are much lower than those which we have taken here in the House.

□ 0950

Amazingly, some of these agencies funded under this bill have seen large increases in their administrative accounts. For example, under this bill, the Appalachian Regional Commission would receive a 9 percent increase in its administrative account over the FY11–FY13 period. Likewise, the salaries and the expenses account for the Defense Nuclear Facilities Safety Board would see a 21 percent increase. But if you think those increases are big, think again. This legislation would provide the Department of Energy's departmental administration account with a 64 percent increase over 2 years.

Mr. Chairman, I'm not arguing the merits of any of these agencies. But during this fiscal crisis, just 3 percent could yield significant savings—nearly \$30 million in the case of agencies funded under this bill.

It's time to tighten our belts. I urge support on my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the amendment, but certainly understand it and share the passion of the gentleman for reducing Federal spending, and our bill does plenty of that. As we went through the process, we did exactly that.

This amendment would cut administrative expenses across the entire bill. Over many months and public hearings, our committee, in a bipartisan way, has already considered each administrative account separately and has made specific cuts while maintaining oversight to prevent wasteful spending. We've done our job. The gentleman's amendment cuts all administrative accounts indiscriminately without regard to where funds are needed and where cuts are possible.

We understand where he is going, but the committee has done its work. Therefore, I must strongly oppose his amendment.

I yield back the balance of my time. I continue to reserve my point of order, though.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I move to express my strong opposition

to the amendment. Some would suggest outrage; I will simply say opposition.

The fact is, across-the-board cuts to administrative accounts when we have significant problems as far as the administration of some of these programs in the Department of Energy is a profound mistake.

What I really want to emphasize at this point to all of our colleagues in the House is that members of this subcommittee and the full Appropriations Committee—which approved this bill, the people of this committee approved this bill—have made value judgments account by account.

The fact is, for renewable energy—and we will have amendments on this issue—there is a \$428,345,000 reduction in this bill. In the Office of Science, there is a \$72,203,000 reduction. For environmental clean-up for defense sites, for example, there is an \$88,872,000 cut. These were all discrete decisions made and value judgments.

So I would emphasize to my colleagues that there are significant cuts and savings in this bill. I strongly oppose the gentleman's amendment, and I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I make the point of order that the amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of new budget authority in the bill.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

To amend portions of the bill not yet read pursuant to section 3(j)(1) of House Resolution 5, an amendment must propose only to transfer appropriations from an object or objects in the bill to a spending reduction account.

Because the amendment offered by the gentleman from Georgia proposes to increase the spending reduction account by more than the amount being transferred out of other accounts, it may not avail itself of section 3(j)(1) of House Resolution 5 to address the spending reduction account.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2014.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL (INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Development Act of 1996, or section 204 of the Water Resources Development Act of 1992.

(c) The Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662) is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary of the Army may transfer to the Fish and Wildlife Service, and

the Fish and Wildlife Service may accept and expend, up to \$4,300,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 107. None of the funds appropriated in this Act shall be available for use by the Chicago District of the United States Army Corps of Engineers to fund any travel that is outside of the District's area of operation unless such travel is directly project-related or is specifically requested by a Member of Congress.

SEC. 108. Of the funds provided for "Olmsted Locks and Dam, Ohio River, IL & KY" in the table under the heading "Corps of Engineers Civil—Construction" in the report of the Committee on Appropriations accompanying this Act, not more than 50 percent may be available for obligation until—

(1) the Corps of Engineers completes a review of the project, including method of construction;

(2) the Corps of Engineers develops a plan for the expeditious completion of project construction;

(3) the findings of the review and the project completion plan have been communicated to the appropriate committees of the Congress.

SEC. 109. Amounts made available by this Act for the "Investigations", "Construction", and "Operation and Maintenance" accounts of the Corps of Engineers may not be used as provided under the heading "Additional Funding for Ongoing Work" in the matter relating to each such account in the report of the Committee on Appropriations to accompany this Act until the report required under such heading is submitted.

SEC. 110. None of the funds made available by this Act or any subsequent Act making appropriations for Energy and Water Development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, beginning on line 6, strike section 110.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, as the Clerk read, this would strike section 110 of this bill.

This is a legislative rider that is bad policy and does not belong in an appropriations bill. This rider, 110, permanently blocks the Army Corps of Engineers from fixing existing policies that are confusing and inconsistent and not working. It risks great harm to fresh sources of drinking water, and it jeopardizes flood protection and outdoor recreation, specifically because section 110 prohibits the Army Corps from clarifying the limits of Federal and State authority under the Clean Water Act.

Mr. Chairman, two Supreme Court cases over the last decade addressed the scope of the Federal Government's authority under the Clean Water Act. The Court's rulings did not require less regulation and protections, but urged the Congress and the executive branch to provide a sound rationale and consistency to clarify the limits of Federal authority. The Corps and the EPA have now issued draft guidance clarifying Federal authority that adheres to the Court's rules. Congress, by contrast, has not.

With this rider, Congress is about to make matters much worse—worse because blocking completion of the guidance and any subsequent regulations which the bill's rider would do would be bad for the public's health, bad for businesses, and bad for farmers. It's especially bad for 117 million Americans whose drinking water comes from headwaters and non-perennial streams. Shouldn't we be concerned about what toxic material is dumped into these streams?

It's bad for American businesses who need certainty. Without updated guidance, businesses will often not know when they need a Corps' permit in order to develop land.

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This uncertainty could subject them to civil and criminal liability, and certainly will cost them extra money.

It's bad for farmers because this rider eliminates the agricultural exclusion for prior converted cropland that was added to the waters of the United States rule at the farmers' request.

Section 110 invalidates all rules issued after the rule dated November 13, 1986, but not until 1993 did the Corps and EPA define the waters of the U.S. to exclude "prior converted cropland."

Claims that Federal guidance and regulations are unnecessary because of State clean water programs are wrong as well. Thirty-three States joined a brief in the most recent of the Supreme Court cases urging the Court to uphold Federal protections for wetlands adjacent to non-navigable streams. States noted that Federal safeguards were critical (A) because water flows between States, (B) because maintaining a Federal floor of pollution control creates parity between States, and (C) because States have come to rely on Federal protections and would face serious administrative and financial burdens if they were solely responsible for these requirements.

Finally, even though the rider may block the guidance clarifying Federal and State authority, it does not make the Clean Water Act requirements for a permit go away. States are still required to implement and enforce the law, and dischargers still must obey it. Likewise, third parties may still file lawsuits.

The real consequence of this rider will be to frustrate the Federal Govern-

ment's efforts to explain where State or Federal authority under the Clean Water Act ceases to exist. If this rider prevails, more lawsuits will ensue.

So I urge my colleagues to vote to strike this rider to bring clarity to a confusing issue.

Let me say, Mr. Chairman, that many of the groups involved have finally come together and realized that they need clarity on a very difficult issue. There are times when water goes underground during the summer and the surface dries up, but that water is still present, and much of that water is interstate. You need Federal control.

One of the biggest things that I think perhaps the gentleman may not be aware of is the fact that this rider, if it is passed in this bill, would eliminate the agricultural exclusion for prior converted cropland. The fact is that this rider invalidates all rules that were issued after November 13, 1986, and it wasn't until 1993 that the Corps and EPA defined the waters of the U.S. to exclude prior converted cropland. So a lot of the farm community is going to be very upset if the gentleman's rider is not removed. And the fact that 33 States have joined a brief asking the Federal Government to do what the EPA and the Federal Corps of Engineers is doing means that we are going to cause major problems if this rider is passed in this bill.

With that, I yield back the balance of my time.

Mr. REHBERG. I move to strike the last word.

The Acting CHAIR. The gentleman from Montana is recognized for 5 minutes.

Mr. REHBERG. Mr. Chairman, you heard it here first. My urban colleague says the Federal Government wants to control your water on private property in rural areas like Montana.

The life of a Montana farmer is hard, up before the sun rises, working all day just to make ends meet. Between the cycle of plowing, planting, and harvesting, there are tractors to fix, barns to repair, and products to bring to market. The last thing any Montana farmer needs is another Federal mandate to follow, more red tape to cut through, and more Federal paperwork to fill out.

This country was founded by farmers. They understood from personal experience that farming is a full-time job and you can't do it right if you only do it part of the time. So the Framers of the Constitution set up a representative government that lets farmers elect men and women to fight on their behalf so they can go about their business.

The House of Representatives was meant to be the closest to the people. It's not just our privilege to stand up for our Constitution; it's our constitutional duty.

The Constitution delegates legislative power to the Congress, but lately, President Obama has, in too many

cases, tried to circumvent the constitutional separation of powers. Congress managed to prevent the disastrous cap-and-trade energy tax from becoming law, so President Obama expanded the definition of a harmful pollutant in the Clean Air Act to include carbon dioxide, the stuff that we exhale.

Congress blocked the massive legislation landgrabs like the Northern Rockies Ecosystem Protection Act, so the Obama administration crafts secret plans to designate 13 million acres as national monuments using the Antiquities Act. The Antiquities Act, by the way, was passed to protect archaeological sites.

And now the Obama administration is looking to expand its reach, over the objections of both the Congress and the Supreme Court, to control water, all water everywhere.

You know, if there's one resource that's more important to dryland farmers than time, it's water. And in arid States like Montana, where we've got plenty of land, there's lots of dirt between light bulbs. The difference between feast and famine can be a little bit of water. And now some folks in the Federal Government want to get involved.

It's been a long fight. Let me show you how we got there.

Back in 2001 and 2003, the Supreme Court limited the authority of the Federal Government to regulate water. Unelected bureaucrats were trying to control water, all water, including melted snow, mud puddles and prairie potholes and irrigation ditches. But the Supreme Court said no.

This makes sense. There is a role for the Federal Government. We want clean water and a safe environment. But living in Montana means you live off the land. It means you grew up learning how to take care of your environment. In fact, Montanans were some of the first conservationists. But the role of government is not unlimited. We don't need the Federal Government thinking for us, and we don't need the Federal Government to tell us how to take care of our irrigation ditches.

The Clean Water Act gives the Federal Government authority to regulate navigable waters of the United States. President Obama and his allies in Congress are trying to eliminate the requirement that waterways be navigable. Simply eliminating that word gives the Federal Government nearly unlimited power. Fortunately, those legislative efforts have failed.

So in December 2010, the Corps of Engineers crafted a plan to identify water subject to jurisdiction under the Clean Water Act. The goal is to significantly expand Federal jurisdiction over water. The Obama administration and his allies are trying to solve a problem that does not exist.

Fortunately, the Constitution provides a check to the Obama adminis-

tration's power grab. Montana farmers have a safety net—the House of Representatives. It's our job to fight this battle so that they don't have to. It's our job to act as a check and balance to over-reaching executive actions.

That's what this language does. It simply prevents the President from carrying out his plans. It ensures that when a farmer wakes up before the sun rises, they don't have to worry about onerous Federal regulation. They can just go to work on their farm. That's what the Founding Fathers would have wanted, and that's why I hope you'll join me in opposing this amendment.

I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. I want to begin by expressing great respect and affection for my friend from Montana who has just spoken. It was a fine speech, but it has nothing to do with the issues before us.

What the committee, in this legislation, has done has been to simply assure that the Corps of Engineers may not put forth guidelines clarifying the law as it was enunciated by the Supreme Court in the case that we are discussing in connection with the Clean Water Act.

It does something more. It fixes it so that farmers will lose certain protections which have been put in for their benefit by the law. And you're going to find, as my friend from Maryland has so wisely observed, that you are going to hurt a bunch of American farming public by denying them a protection which has been given them. Citizens, under the language of the committee bill, will have no way of knowing what the law is or how it is interpreted by the committee.

It is not an issue before us today whether or not you agree with the Clean Water Act. The question is, simply: Is the Corps of Engineers going to be able to tell people what the law is and how it is to be interpreted by the Corps and how citizens will then have to behave?

□ 1010

Under the law, the amendment simply says the Corps may inform people of what the law, as set forth in the Supreme Court's rulings, means. I think that is something which is important in terms of seeing to it that people may go forward with their planning, with economic development and everything of that sort.

It is not wise to deny citizens this kind of information. It is extremely unwise to deny business the opportunity to know what it is they must do to comply with the law as enunciated by the Supreme Court. The amendment makes great sense. The bill, as written,

simply re-fights an issue that is not before this body at this time. I hate to see the kind of confusion that is being inflicted upon this body by a simple misunderstanding of what the law is, what the bill does, and what the amendment does.

I urge my colleagues to support the amendment. If you want clarity, if you want people to know how to comply with the law as set forth by the Supreme Court, adopt the amendment. If you want confusion and if you want misfortune to be visited on farmers and the public and confusion to afflict economic development and business, then support the bill as it is and oppose the amendment.

There is a tremendous lack of wisdom here in this fight. Let us understand the issue that plagues us, which is simply whether or not the Corps of Engineers is going to be able to tell people what the law is. At issue is not any change in the law. The amendment accepts the fact that the Supreme Court has made a decision. I happen to strongly disagree with that decision by the Supreme Court. Unfortunately, I am going to have to wait until some future time to come down and attack what is clear misbehavior by the Supreme Court. I was on the floor and had a colloquy with the management of the legislation at the time the bill was passed, and the Supreme Court has clearly disregarded and ignored the legislative history and, worse than that, the clear language of the bill. That issue is not before us today.

What is before us today is simply: Are the Corps of Engineers and the U.S. Government going to be able to tell the people what the law is as set forth by the Supreme Court?

To say anything else about this legislation is either to be misled or to mislead. I would beg my colleagues to vote in favor of the intelligent approach of seeing to it that we are going to allow people to know what the law is and allow the Corps of Engineers to set out what the law is for the benefit of business, industry, and people.

I yield back the balance of my time.

Mr. Chair, I rise in support of the Moran-Dingell amendment which will protect not only the Clean Water Act but also the power and integrity of the United States Congress.

When the Clean Water Act was passed, I stood on the floor of this House as one of its authors and explained the intent of the Conference Report on the Clean Water Act in a colloquy with Representative Jim Wright of Texas, who was managing the bill. I said, "the conference bill defines the term 'navigable waters' broadly for water quality purposes. It means all 'the waters of the United States' in a geographical sense. It does not mean the 'navigable waters of the United States' in the technical sense as we sometimes see in some laws."

In 2006, the Supreme Court significantly restricted the original Congressional intent of the Federal government's authority under the

Clean Water Act. The Supreme Court completely ignored Congress' intent to provide a broader definition of "U.S. waters" and instead upended 35 years of precedence simply because they refused to properly review the legislative history of laws made on this floor by those managing the bill.

Because of the Supreme Court's misguided decision, the Army Corps of Engineers is working on new guidelines that will take into account the decision of the Court and define what their new jurisdiction will be under the Clean Water Act. This is not a massive expansion of power by the Corps as some would have the House believe. This is simply an honest attempt to comply with the Supreme Court's decision.

By preventing the Corps from spending any funds to implement these new guidelines, this House would be casting a dark pall of uncertainty over the country. If someone wants to build a home or new business near a wetland or other body of water, do they need to consult with the Army Corps of Engineers before doing so? The language in this bill would not answer that question and would lead to more costs and confusion to that homeowner or businessperson in legal and court fees. The language in this bill would lead to more court battles and create a wonderful mess that would lead to lawyers making plenty of money.

I ask my colleagues to not let the Supreme Court blatantly ignore established Congressional intent and to instead allow the Army Corps of Engineers to do the work we told them to do and to implement new guidelines conforming to the court's decision.

Please vote for the Moran-Dingell Amendment.

Mr. GIBBS. I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. GIBBS. I rise today in strong opposition to this amendment.

My friends on the other side of the aisle are absolutely right in that, currently, there is an assault going on with regard to the Clean Water Act; but it is not by us, rather by this administration. We are not trying to roll back the Clean Water Act but, instead, allow it to work as it was written.

This administration is currently trying to circumvent congressional intent and expand the scope of the law beyond its drafted words. This guidance would substantially change the agency's policy on waters subject to the jurisdiction under the Clean Water Act, undermine the regulatory community's rights and obligations under the Clean Water Act, and erode the Federal-State partnership that has long existed between the States and the Federal Government in implementing the Clean Water Act.

By developing this guidance, the agencies have ignored calls from State agencies and environmental groups, among others, to proceed through the normal rulemaking procedures; and they have avoided consulting with the States, which are supposed to be the

agencies partnering in and implementing the Clean Water Act. The agencies cannot circumvent the Administrative Procedure Act through this guidance or change the scope and meaning of the Clean Water Act or the statute's implementing regulations.

If the administration and the Members on the other side of the aisle seek statutory changes in the Clean Water Act, then a proposal must be submitted here in Congress for legislative action, and we should have a healthy debate. Until that time, we must stop this current process.

Also, I would like to add to the gentleman's earlier comments in that I think the intent of the Clean Water Act passed constitutional muster because of the word "navigable" in the Interstate Commerce Clause. This guidance put out essentially circumvents the word "navigable," so I have to raise a question of the constitutionality of this type of amendment.

I urge strong opposition to this amendment, and I yield back the balance of my time.

Ms. EDWARDS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, I rise in support of my colleague Mr. MORAN's amendment to strike this rider in the fiscal year 2013 Energy and Water Development Appropriations Act. For 40 years, the Clean Water Act has helped remove pollution from our drinking water and protect our precious natural resources.

The act regulates the discharge of pollution into navigable waters; but put simply, it makes sure that a glass of water you get from the tap or the fish you catch in any fishing hole or river isn't contaminated by pollutants. Now, some of my colleagues on the other side of the aisle forget that, before the Clean Water Act was passed, rivers caught on fire; oil spills in inland waters were rampant; and few communities had modern wastewater treatment facilities.

The ill-conceived rider in this bill would have a severe impact on my home State of Maryland. In fact, the EPA estimates that 55 percent of the streams in Maryland either do not flow year-round or are "first order" headwater streams. These are waters most vulnerable to pollution or destruction if the Army Corps and EPA are not able to adopt policies to restore the longstanding protections for these waters. Without these protections, sewage and industrial waste discharges, oil spills and completely filling in streams for development may not be subject to Federal law even when streams provide drinking water, as they do in the Fourth Congressional District of Maryland.

The EPA says that 3,990,016 people in Maryland receive some of their drinking water from areas containing these smaller streams. In Montgomery County alone, 1,846,500 residents are at risk of having their drinking water polluted. These residents use surface water supplied by public drinking water systems that rely on smaller streams that are at risk of losing clean water protections. Also, many waters in Maryland, from small streams to the Chesapeake Bay, are interstate waters. Without strong Federal safeguards for waters of the United States, those States that want to or are able to take State-level steps to protect waters will be unsuccessful.

Even with the Clean Water Act, the Potomac River—I live on the banks of the Potomac River—is listed as the most endangered river by the group American Rivers as part of their America's Most Endangered Rivers of 2012. The river receives this inauspicious award because it's polluted by agriculture runoff, sewage runoff from roadways and from enough pharmaceuticals that male fish have been caught with female characteristics. The Anacostia River, which also flows through my district, is polluted by trash, sewage, and other contaminants. A cleanup of the Anacostia is slowly taking place due in no small part to the guidance provided under the Clean Water Act. Urban rivers like the Potomac and Anacostia are affected by runoff from streets and parking structures.

I want to pause here for a minute because all of us here in this Capitol receive our water, our tap water and our drinking water, from those waters that I am talking about, from the Anacostia and the Potomac. So keep that in mind, Members of Congress, when you're drinking a glass of water.

It's one of the many reasons that I favor public transportation, transit-oriented development, and bike riding. Our air and water are protected when we make smart transportation decisions, and I have to say that we haven't made a single smart transportation and jobs decision in this Congress since the Republicans took over. This is why I support a bipartisan and Senate-passed MAP-21 and hope that the conferees agree to a report that reflects the priorities in that bill, because that's about protecting our drinking water.

So let's be clear about what's at stake. The Clean Water Act protects almost 60 percent of U.S. streams, and that's why 33 States joined a brief in the most recent Supreme Court case on the issue urging the Court to uphold Federal protections for wetlands adjacent to non-navigable tributaries.

□ 1020

These States noted that Federal safeguards were critical because water

flows between States, because maintaining a Federal floor of pollution control creates parity among States, and because States have come to rely on Federal protections and would face significant administrative and financial burdens if they were solely responsible for these requirements. Now the success of the Clean Water Act is being threatened by a dirty-water rider attached to the FY 2013 Energy and Water appropriations bill.

I hope you'll join with me and millions of people across the country to stand up for clean water, for safe drinking water, for the health of fishermen, and for fish and wildlife. Future generations will not remember the industries we've made slightly wealthier by rolling back this bipartisan passed bill, but our future generations will know that we are the reason their drinking water is making them sick.

I urge my colleagues to vote for the Moran-Dingell amendment and to strike this dangerous and reckless rider.

With that, Mr. Chairman, I yield back the balance of my time.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chair, I have to rise in strong opposition to my friend's amendment.

Today, the EPA and the Corps of Engineers are writing guidance in order to dramatically expand the reach of the Clean Water Act and the Federal Water Pollution Control Act. The EPA and Corps' understanding of waters of the United States would grow to encompass—in my rural district and a lot of rural districts all over this country—dry ditches, culverts, and—who knows—swimming pools and snow, as well.

This guidance is called "Identification of Waters Protected by the Clean Water Act," and it's clear that the draft guidance, which has already been published, says it is not a rule and it is not binding. But let me tell you what's happened in my congressional district. Number one, this guidance is actually causing already the Corps of Engineers to fine a couple of people in my congressional district who supposedly have dry ditches on their property, and they are about 10 different streams removed from the Mississippi River, perhaps. Only when it rains does it stay wet for a day. These people are being told that they're going to have to pay hefty fines unless they stop the development of this particular area on their land. This is absolutely the craziest thing I've ever heard. Nobody is talking about impacting your clean water. This is out in the country. This is in rural areas. This is where there hasn't been a stream running in 100 years. Why that would be called a navigable water is beyond me.

The language included in the underlying bill is just simply going to stop the Corps, along with the EPA, from expanding their regulatory reach. And as I said, it's going to drastically be expanded to include culverts, dry ditches, and the rain falling on our fields. God knows there's going to be a mud puddle there, and it's suddenly going to become a navigable water because you might be able to put somebody with an inner tube in there in the puddle in the yard to be able to swim until it dries up.

Come on. Let's use sound science. Let's use some common sense. Let's follow proper rulemaking. The last thing we need to do is to continue to increase the power of the Federal Government. And this amendment under consideration—and I love my colleagues who are offering it—would further empower the regulatory agencies, and it would endanger more than anything else our private property rights.

Mr. Chair, I urge my colleagues to support private property rights and join me in demanding transparency and accountability of our regulatory agencies. I urge my colleagues to vote "no" to defeat this amendment.

With that, I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I rise in strong support of Mr. MORAN's amendment and would point out that I think the gentleman from Michigan in his earlier remarks hit the nail on the head. This is an issue of clarity versus confusion.

The fact is we have become the "Congress of Confusion." We are charged with running a Nation of 300 million people with domestic and international responsibilities. We have now confused the physician community of the United States more than 17 times—sometimes at a 2-week interval—as to what the reimbursements are going to be under the Medicare program. We have people who have suffered loss of life, significant property damage, and dislocation through floods in our Nation. We are unable as an institution to resolve our differences on flood insurance and have continued it—if I am correct—at least 11 times. The fact is we have an infrastructure, as far as our highways and bridges, that is crumbling. We have now eight or nine times continued that because we cannot make a decision, and we continue to confuse the States, contractors, and our communities as to what the policy of the United States Government is going to be. And depending on what year you died, the last four years—including 2012—this Nation has had three different estate-tax laws, and the current one expires at the end of this year, leading to confusion and

the hiring of numerous accountants, insurance agents, and attorneys, all of whom I love.

Why confuse this Nation more by not adopting the clarity of the Moran amendment? There is no question that the two Supreme Court decisions have significantly confused this issue and created uncertainty as to the scope of the Clean Water Act. During multiple hearings before the Committee on Transportation and Infrastructure, witness after witness spoke of how these cases have blurred the lines on what the waters subject to Federal protection are.

The reason in short is because in neither case could the majority of Supreme Court justices agree on what was the appropriate test for determining the scope of Federal protections based on their reading of the term "navigable." No majority or the court could agree what navigable means. In fact, in one of the cases the level of confusion on the court is reflected in that there are five separate opinions filed in the case with no opinion having more than four supporters on the Supreme Court of the United States.

The resulting confusion in interpreting the Clean Water Act is apparent to both the regulated community and regulators. The fact is, the industry has asked for clarification of this confusion through agency rulemaking. The gentlewoman mentioned that we need a rule in this. We do need a clarified rule. However, this legislative rider that is in the bill proposes the status quo of confusion and that that is acceptable. It will only result in increased implementation costs to the Federal Government, to the States, and to the regulated community. It will increase delays in the implementation of important public works projects and protracted litigation on the disparity of this language.

We need to adopt Mr. MORAN's amendment to ensure that we have clarity. We should be taking actions to address the legitimate concerns that have been expressed. But the fact is this is an issue that Congress and the administration needs to address in the authorizing process to clarify it. This is not an issue that should be continued in confusion and perpetuity through the appropriations process.

Again, I strongly support the gentleman's amendment, and I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FITZPATRICK. Mr. Chairman, I rise in support of the amendment and urge my colleagues to support a clarification of the Clean Water Act.

Mr. Chairman, Republican administrators of the EPA—from William

Reilly to Russell Train—have all expressed support for protecting our streams, rivers, wetlands, lakes, and other waters of the United States from pollution and from destruction. The rider in this bill will perpetuate the current confusing and cumbersome bureaucratic situation.

□ 1030

I would suggest it's time to take a step forward, not take a step backward, and I urge my colleagues to oppose the rider and to support the amendment.

I yield back the balance of my time.

Mr. DICKS. I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I received a letter from the American Fisheries Society, the American Fly Fishing Trade Association, the Sportfishing Association, Backcountry Hunters and Anglers. I think these are very important groups. As a westerner, I pay attention to these people. It says:

MARCH 30, 2012.

DEAR REPRESENTATIVE: As sportsman-conservation organizations representing millions of hunters, boaters, and anglers nationwide, we ask you to oppose any legislation that would block the administration's very deliberate and vital action to clarify and restore long-standing Clean Water Act protections for streams and wetlands across the country. We reaffirm our support for Clean Water Act guidance currently being reviewed and finalized in an interagency process coordinated by the Office of Management and Budget (OMB).

Sportsmen rely on clean water to ensure the opportunity to enjoy hunting, angling, and other outdoor-based recreation (and business) in the great outdoors. When wetlands are drained and filled and streams are polluted, sportsmen are often the first to be directly impacted. Consequently, hunters, boaters, and anglers have consistently advocated for conserving our nation's waters.

Since 2001, U.S. Supreme Court decisions in *SWANCC* (2001) and *Rapanos* (2006), along with 2003 and 2008 agency guidance that is inconsistent with those decisions and the related science, have combined to erode long-standing Clean Water Act safeguards for headwater streams and critical wetlands.

Headwater and intermittently flowing streams comprise 59 percent of all stream miles in the continental United States, and are particularly vulnerable under the decisions and existing agency guidance. At-risk wetlands and tributaries provide clean water for iconic systems such as the Mississippi River Delta and the Chesapeake Bay. They recharge aquifers like the Ogallala, help retain floodwaters in areas such as the Prairie Pothole region and Missouri River Basin, and provide important fish and wildlife habitat throughout the nation. According to the U.S. Fish and Wildlife Service (FWS), prairie pothole wetlands in the northern Great Plains, together with similar wetlands in southern Canada, produce 50 to 70 percent of all North American ducks. However, in its most recent report on the status of wetlands nationwide, the FWS found the rate of wetland loss jumped 140 percent between 2004 and 2009. As these waters are polluted and diminished, their ecological, public health, and recreational benefits are lost, as well.

As we all work to create jobs and support economic recovery, we should nurture rather than neglect the economic benefits of hunting, angling, and other outdoor recreation. Hunting, boating, and angling have a tremendously positive impact on the nation's economy, including in rural communities, and support millions of jobs across the country. Consider the following:

Using data from the FWS, the American Sportfishing Association estimates angling generates \$125 billion in annual economic activity and supports more than 1 million jobs.

Using similar information, the Congressional Sportsmen's Foundation estimates hunters contribute nearly \$25 billion to the economy, which supports 600,000 jobs.

Data from the National Marine Manufacturers Association indicates that recreational boating contributes over \$41 billion and 337,000 jobs to the U.S. economy.

The FWS reports duck hunting alone generates \$2.3 billion for the economy every year and supports 27,000 private sector jobs.

In order to effectively safeguard key components of our economy, the sports and traditions that millions of Americans enjoy, and the health and integrity of some of our most important fish and wildlife resources, it is essential to act now to restore lost Clean Water Act protections consistent with existing law and science.

The Army Corps of Engineers and Environmental Protection Agency (EPA) proposed new guidance last spring for determining Clean Water Act jurisdiction. The draft guidance is science-based and clearly respects the Supreme Court's decisions. Over the course of three months last summer, the agencies conducted an almost unprecedented public engagement process for a guidance document. More than 200,000 Americans commented and EPA has reported that the clear majority of those comments support the proposed guidance. During this process, more than 250 hunting, angling, and conservation groups from 28 states also weighed in backing the guidance and subsequent rulemaking.

To complete this process the guidance must be finalized as a first step in affirming longstanding clean water protections for many wetlands and streams. This guidance importantly maintains existing exemptions for normal agricultural activity. At the same time, it will provide increased clarity and consistency that is badly needed by land owners, developers, conservationists, and state and federal agencies alike. We urge you to support—and not oppose—this important first step.

As a follow-up to final guidance, we also support agency action to further clarify and strengthen the regulatory definition of “waters of the United States.” There is widespread agreement among groups across the spectrum about the inherent value of rulemaking to address critical aspects of this issue. In closing, we urge you to support—and not oppose—the important and careful steps being taken by the administration to clarify and affirm long-standing protections for wetlands and streams across the United States.

Respectfully,

Gus Rassam, Executive Director, American Fisheries Society; Randi Swisher, President, American Fly Fishing Trade Association; Gordon Robertson, Vice President, Government Affairs, American Sportfishing Association; Jim Akenson, Executive Director, Backcountry Hunters and Anglers; Bruce Akin, Chief Executive Officer,

BASS, LLC.; Jim Martin, Conservation Director, Berkley Conservation Institute; Rob Olson, President, Delta Waterfowl; David Hoskins, Executive Director, Izaak Walton League of America; Thom Dammrich, President, National Marine Manufacturers Association; Larry Schweiger, President and CEO, National Wildlife Federation; Paul Krausman, CWD, President, The Wildlife Society; Whit Fosburgh, President and CEO, Theodore Roosevelt Conservation Partnership; Chris Wood, President, Trout Unlimited; Steve Williams, President, Wildlife Management Institute.

So that's why we must today enact the Moran amendment that takes out the language unfortunately added in full committee on this subject. It is the right thing to do. It is the right thing to do. From an environmental perspective and from a hunter, fisherman, outdoor recreational perspective, it's necessary to protect our future.

I yield back the balance of my time.

Mr. SIMPSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. I thank the chairman for his recognition. I don't have the letter to read, but listen, the only argument that's being made here that makes any sense is we have got to bring clarity to this issue. We have got to bring clarity to the confusion of this issue.

Well, I will tell you that a hanging is clarity, but it's not necessarily the right option. That's essentially what we're doing here. We're giving control of all these waters that have traditionally been in the control of the States to the Federal Government. And I will tell you, we will have an opportunity to debate this same issue again on the Interior bill dealing with the EPA. This deals with the Army Corps of Engineers.

The fact is is that you don't need this to clarify this, the policies proposed by the Army Corps of Engineers. You can clarify it by legislatively defining what “navigable” means. If the Supreme Court has a problem trying to decide what “navigable” means, then let's address that so we know what we intend by that.

The argument is made repeatedly by some of those that have supported this amendment, whether you are from Virginia or Maryland, and I will tell you, if you want in Virginia or Maryland or Washington or Michigan, the Army Corps of Engineers and the EPA to control every drop of water that falls on your State, I'll help you do it. Let's write legislation to do that so that you guys can have the clarity of the EPA and the Army Corps of Engineers. But in western States, we actually protect those waters by State law. What you are trying to do is exempt State law or override State law and have the Federal Government take control of these. That's just flat wrong.

If you don't think Virginia protects its headwaters enough, then put a bill in to allow the EPA and the Army Corps to control every drop of water that falls in the State of Virginia. You don't need this to bring clarity to this, and the States are doing a good job that do State regulations of headwaters.

Mr. MORAN. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman.

Mr. MORAN. I would like to ask the gentleman what we do about waters that are interstate, they flow down.

Mr. SIMPSON. Well, let me answer that question for you.

Mr. MORAN. Yes, please.

Mr. SIMPSON. If there are waters that the State is not regulating and they will eventually flow into navigable waters, and the only way to control the pollution in those navigable waters—the State is going to ultimately start controlling those headwaters if they're not doing their jobs.

You seem to think that States have no ability to control the State waters that are under State control. They do have the ability to control those State waters, and they do a good job of it in most States. I'm not sure about Virginia. I haven't followed Virginia.

Mr. MORAN. But I suggest to the gentleman, they use the Federal definition in order to enforce the quality of the water coming from other States. That's the problem.

Mr. SIMPSON. The point is that they become navigable waters at some point. If they are being polluted by waters that are controlled by the States, eventually the State is going to have to say, You know what, we have got to get control of this; otherwise, we're going to have problems downstream.

Mr. MORAN. How do they control water from another State?

Mr. SIMPSON. You seem to think that the only way to address this problem is to have a Federal bureaucracy. You know what, we could bring clarity to all of our problems by just eliminating the States. Why have States? Why not have everything under Federal control? That makes sense, because everything goes from State to State eventually. It makes no sense to me.

This does not bring clarity to the situation and it does not help in the regulation of our Clean Water Act. This does not make the waters of the United States cleaner. All it does is give more authority to the Army Corps of Engineers and the EPA.

□ 1040

If you want to bring clarity, then bring a bill down here to define what navigable means. And you can do that. As I said, a hanging is clarity—not necessarily the best outcome.

I yield back the balance of my time.
Mr. CARNAHAN. Mr. Chair, I rise in support of the Moran Amendment.

The streams, lakes, and wetlands of America are in desperate need of protection. These areas provide citizens with clean drinking water, are essential to sports and recreation, and, importantly to my district in St. Louis, protect cities from floods. The Army Corps of Engineers, and the Environmental Protection Agency developed a guidance plan this past summer to clarify the jurisdiction of the Clean Water Act, the paramount piece of legislation protecting these important areas. This guidance will confirm the water protections we depend on to keep our water safe. Thus, I support the Moran Amendment which would eliminate Section 110. Section 110 prevents the Corps from doing a critical part of its job: maintaining our country's significant water resources.

The Corps has already proposed guidance that would significantly clarify the Clean Water Act and ensure the safety of American waterways. Without these clarifications, 20 million acres of wetlands will continue to be left without legal protections. The American public depends on this Act for clean drinking water, protection from flood waters, and maintaining the habitats of important wildlife. The American public depends on us to support the Corps and place safeguards to keep our water clean. I urge my colleagues to vote in support of the Moran Amendment and not prevent the Army Corp of Engineers from doing their job. We must allow the Army Corps of Engineers to clarify the scope of the Clean Water Act, so that Americans can trust their waterways are clean.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 111. As of the date of enactment of this Act and thereafter, the Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and
(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act,

\$19,700,000, to remain available until expended, of which \$1,200,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,300,000.

For fiscal year 2013, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$833,635,000, to remain available until expended, of which \$29,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$6,985,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$39,883,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with

plans to be approved by the Secretary of the Interior, \$36,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2014, \$57,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits—

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

TITLE III—DEPARTMENT OF ENERGY ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY (INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,450,960,000 to remain available until expended: *Provided*, That of such amount, \$115,000,000 shall be available until September 30, 2014, for program direction: *Provided further*, That for the purposes of allocating weatherization assistance funds to States and tribes during fiscal year 2013, the Secretary of Energy may waive the allocation formula established pursuant to section 414(a) of the Energy Conservation and Production Act (42 U.S.C. 6864(a)): *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, \$69,667,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 15, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 28, line 16, after the dollar amount, insert “(reduced by \$10,000,000)”.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise today to offer an amendment that takes another step toward restoring energy independence for America and new jobs for Americans. My amendment shifts an additional \$10 million for energy efficiency and renewable energy development from departmental administrative accounts. My goal is to better support a diversified energy portfolio and restore continental energy security.

American security and competitiveness hinge on affordable energy for our businesses and families, and our energy future depends on innovation. Fossil fuels continue to provide the bulk of our energy needs, and those accounts are left intact in this bill. But we all should know that a diversified energy portfolio protects America from the instability of a single source of energy dependence.

Our future security depends on diversified energy research and development that provides significant return on investment both financially and in technological advancement and the jobs that go with it. We must ensure that American innovators are on a level playing field with competitors across the globe, including China, and even Russia, and other nations looking for a competitive edge.

For years, the United States has been the global leader in these technologies, but we now are losing edge. Investment in energy efficiency and renewable energy technologies are absolutely essential in securing America's future.

Now, I understand the difficulty in drafting this bill, given the 302(b) allocation and the cuts for energy and water that the subcommittee endured. And I appreciate Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY's dedication to making difficult choices in a tight budget climate. Yet for fiscal 2013, critical energy research accounts have been drastically reduced to \$1.38 billion that actually exacted a \$428 million cut below fiscal year 2012.

Compared to last year, for example, solar energy was cut nearly in half—to \$155 million—and wind energy, the fastest energy sector growing globally, was cut by one-quarter, to \$70 million for R&D. Other programs like geothermal, water power, and building energy technologies received similar large cuts.

Last year, this body came together in a bipartisan fashion to support a modest increase in energy efficiency and renewable energy technologies; and faced with further cuts this year, I ask my colleagues to reaffirm that commitment to a diversified energy policy and lead our country, and indeed the world, toward a new energy age. In

fact, this amendment increases funds for the renewable portion of our energy portfolio while maintaining the proposed increases for fossil fuel development. And from a budgetary and accounting standpoint, my amendment actually decreases outlays for fiscal year 2013.

Let me add, this \$10 million transfer we are proposing represents less than 1/20th of the \$230 million administrative budget of the Department of Energy. This is a prudent adjustment to our energy policy strategy. It is forward looking. It makes sense from a budgetary standpoint. It will spur new job creation. And I urge my colleagues' support.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentlewoman's amendment. I appreciate my colleague's passion for solar energy. She has been a tireless supporter of American innovation in this energy and technological area. I also have the pleasure of serving with her on the Defense Appropriations Committee, and she's been an innovator and promoter of responsible energy policy with the Department of Defense as well.

But within tight budgets, we need to focus funding on our highest priorities, which is what we've done in our Energy and Water bill. To make room for our national security and infrastructure responsibility, our bill cuts energy efficiency and renewable energy by \$428 million and reprioritizes funds within the program to support American manufacturing and address rising gas prices. The focus is on jobs, the economy, and American manufacturing.

Our bill also preserves \$155 million for solar energy research that continues to advance American manufacturing and helps our companies compete globally. While I support activities that help American manufacturers compete, we cannot afford to add unnecessary funds to solar energy by cutting other important priorities.

Indeed, the amendment would cut departmental administration, a cut that we all know simply cannot be sustained in the final appropriation without jeopardizing the Department of Energy's ability to run and oversee their operation. They have enough management problems now. Reducing that management amount would make it difficult for them to run and oversee the problems that they really need to oversee.

So this amendment uses money we simply do not have. It has perhaps the effect of crippling management by the Department. We need to live within our means. And I, regretfully, oppose the gentlewoman's amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

□ 1050

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the gentlewoman's amendment. There is \$10 million contained in her amendment. That is a significant sum of money. When compared, however, to current year level spending for the renewable accounts of \$1.825 billion, and as the chairman rightfully pointed out, a reduction of \$428 million from that account, the gentlewoman's amendment is as much a statement of Congress as it is a monetary initiative. That is, we need to make an investment in our energy future as well as our economic future.

Renewable energy must be a part of that future, and the vast majority of industries in our country throughout our history have received substantial support from the government to become established and to be part of this great Nation.

This amendment offered by the gentlewoman from Ohio takes a very small, but very positive, step towards making that investment, and I do urge my colleagues to join me in supporting the amendment; and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. HULTGREN

Mr. HULTGREN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 15, after the dollar amount, insert "(reduced by \$30,000,000)".

Page 26, line 2, after the dollar amount, insert "(increased by \$15,000,000)".

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. HULTGREN. Mr. Chairman, my amendment would transfer \$15 million from the Energy Efficiency and Renewable Energy research program to the Office of Science. It would also reduce the EERE account by an additional \$15 million, which could be put towards deficit reduction.

The Obama administration has consistently prioritized industrial policy, under the guise of applied science, at the cost of reduced support for our Na-

tion's critical basic science research and our national labs.

EERE's Advanced Manufacturing Office is \$35 million above current fiscal year 2012 levels. EERE's water technologies program is \$25 million above the President's budget request. EERE's vehicle technologies program is \$42 million above where it was just last year. EERE's solar technology program receives \$155 million, despite billions of dollars of recent loan guarantees to solar companies and several high-profile industry failures.

This amendment would remove \$15 million from the EERE account, which is spent on subsidizing solar power and wind energy, and move it back to the Office of Science, where I would hope report language could specifically target it for the high-energy physics program which is critical to our long-term economic success and scientific leadership.

At this time, I yield to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Mr. Chairman, I would like to thank the gentleman from Illinois for yielding to me, and I appreciate working with him on this important amendment.

This amendment would increase funding for the Office of Science by \$15 million while cutting an additional \$15 million from the underlying bill.

Mr. Chair, the field of high-energy physics is becoming increasingly competitive; and without critical deep underground research spaces, we will continue to put our historic leadership in this area at risk, while continuing to send our best and brightest overseas to conduct their research.

But we can compete. Just this week in my State of South Dakota, the Sanford Underground Research Facility dedicated the Davis campus—4,850 feet underground. Later this year, this campus is scheduled to hold a dark matter detector that after only 4 days of operation stands to add more to our knowledge than all previous dark matter research experiments. We're not talking about subsidies and giveaways for ideas that are years or decades down the road. This is cutting-edge science that's within our grasp.

We need to make tough choices in our current budget situation, but we also need to recognize the role that U.S. research plays in our ability to compete and to innovate. So I urge my colleagues to support our ability to lead the world in underground science in a fiscally responsible way, and I urge support of this amendment.

Mr. HULTGREN. Just briefly, Mr. Chairman, I urge adoption of this amendment. It does make sense. It's a commitment to basic scientific research and fiscal accountability, and I urge support of the amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PRELINGHUYSEN. Mr. Chairman, I rise very reluctantly to oppose the amendment. I do recognize the passion of the Members of Congress from Illinois and South Dakota who have spoken, and I may say repeatedly spoken and advocated to me over the last couple of months on behalf of the high-energy physics program and national laboratories in their congressional districts and, in fact, all relevant national laboratories that play a critical role in maintaining our Nation's scientific leadership and competitiveness. So I recognize their advocacy, I appreciate it, and I certainly will be working with them to do whatever we can to be of assistance.

We tried our very best in our bill to help those and all of the Department's remarkable national laboratories, but our constraints did not afford us the luxury of bringing more money to the table in many cases. Many labs wanted money, and these are remarkable labs, and they are deserving as well.

We did what we could for high-energy physics by shifting \$16 million into project engineering and design for the Long Baseline neutrino experiment. This allows the Department to move quickly in choosing a path forward for the program.

We also ensured that the Homestake mine, which is a remarkable mine and a remarkable structure and a national asset, has sufficient minimal funding to operate while that path forward is yet to be determined.

If more funding were available, we certainly would have brought more resources to bear. Unfortunately, the amendment finds resources by cutting a program—and we discussed this earlier—that has already been reduced by \$428 million. That's a 24 percent reduction from fiscal year 2012 and a 40 percent reduction below 2010.

I recognize—the committee recognizes—the importance of these programs, and I promise we'll work with our colleagues as we move forward in the appropriations process to be supportive and helpful, but I must reluctantly oppose the amendment.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I also would rise in reluctant opposition to the gentleman's amendment. As a resident of the neighboring State, I realize all of the great scientific research that is done in the State of Illinois alone at some of our wonderful Federal facilities. There is no question that we need to invest in the science account, as evidenced by the fact it is in this bill. Again, we had a very difficult allocation. Science is cut by \$72,203,000.

But, unfortunately, I do think the gentleman's amendment is counter-productive in that he, because of the budget rules, needs a \$30 million cut from renewable research to gain a \$15 million add for scientific research. Given the constraints we face, I think that's a bad bargain and we ought to leave the \$30 million right where it is and have that aptly applied.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. HULTGREN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 15, after the dollar amount, insert “(reduced by \$1,450,960,000)”.

Page 20, line 16, after the dollar amount, insert “(reduced by \$115,000,000)”.

Page 56, line 24, after the dollar amount, insert “(increased by \$1,450,960,000)”.

□ 1100

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment saves nearly \$1.5 billion by ending the failed Energy Efficiency and Renewable Energy program.

If we're serious about an all-of-the-above energy policy, we have got to stop using taxpayer money to pick winners and losers based on political connections. Instead, we need to require every energy company to compete on its own merit as decided by the customers it attracts by offering better products at lower cost.

For too long we have suffered from the conceit that politicians can make better energy investments with taxpayer money than investors can make with their own money. It is this conceit that has produced the continuing spectacle of collapsing energy scandals epitomized by the Solyndra fiasco. At least Solyndra was funded from a loan program in which the public has a chance to get some of its money back when these dubious schemes go bankrupt. This program is direct spending that funds commercialization projects for ideologically pleasing technologies and the politically favored firms that make them, money that taxpayers have no chance of recovering after it's spent.

This amendment and the two that I will offer soon protect taxpayers from being forced into being venture capitalists by incompetent politicians. It gets government out of the energy business and requires all energy companies and all energy technologies to compete equally and on their own merits.

Most of the money in this program goes to wind, solar, and car research development subsidies. We're told that's necessary to nurture these new and promising technologies. Well, these technologies are not new and they are not promising. Photovoltaic cells, for example, were invented by French physicist Edmund Becquerel in 1839, and in more than 170 years of technological research and innovation and billions of dollars of taxpayer subsidies we have not yet invented a more expensive way to produce electricity. So we hide its true costs to consumers through subsidies taken from their taxes.

Nor is there any earthly reason why taxpayers should be forced to serve as the research and development department for General Motors or for any other company or technology. We're told that, well, someday this research might pay us back many times over. We've been told that for 40 years. Now, I hope someday that these empty promises will be redeemed, but that's still not a reason for taxpayers to foot the bill. It's a reason for the actual research and development to be paid for by the companies that will profit from this long-promised breakthrough. And if they're not willing to finance it with their own money, we have no business forcing our constituents to finance it with theirs.

All we've accomplished with these programs is to take dollars that would have naturally flowed into the most effective and promising technologies and divert them instead to those that are politically favored. This misallocation of resources not only destroys jobs and productive ventures, it ends up minimizing our energy potential instead of maximizing it and destroying our wealth instead of creating it.

Madam Chairman, voters entrusted Republicans with the House majority with the very specific mandate to stop wasting money. Moreover, the House is where spending bills must originate. The government doesn't spend a dollar unless the House says that it will spend a dollar.

A day doesn't go by that we don't hear an indictment of Solyndra and its multiplying scandals, and yet here we have the Republican Energy appropriations bill that continues to shovel billions of dollars on the very same folly that produced Solyndra.

Politicians love to appear at ribbon cuttings and issue self-congratulatory press releases at government-supported “alternative energy” businesses, but they fall strangely silent when asked

to actually account for the billions of our dollars that they've wasted. Well, that day of reckoning has arrived. These policies are impoverishing our country. Our taxpayers are exhausted. Our treasury is empty. It is past time that this House majority proved worthy of the trust the American people gave it more than a year and a half ago.

I yield back the balance of my time.
Mr. FRELINGHUYSEN. Madam Chairman, I move to strike the last word.

The Acting CHAIR (Mrs. CAPITO). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chairman, I rise to oppose this amendment, which would eliminate the Office of Energy Efficiency and Renewable Energy at the Department of Energy.

This year, the committee continued fulfilling its responsibility to reduce government spending by eliminating ineffective and wasteful programs. Our bill cuts EERE by \$428 million. That's a 24 percent cut below fiscal year 2012, nearly 40 percent below 2010, and well below the 2000 level. Our bill slashes programs that are ineffective and cuts activities that improperly intervene in private markets.

The committee will continue its work to reduce spending and to keep the government out of private enterprise where private enterprise could make those substantial investments themselves.

I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recommendation and also rise in opposition to the gentleman's amendment, and will simply state that my objection is based on national security concerns.

The fact is, as the senior Senator from Indiana, Senator LUGAR has characterized our energy crisis for years, and I absolutely agree with him. The fact is the importation of petroleum products in our use of carbon, because of where we buy them, has created a significant national security issue for the United States of America.

One of the accounts in the renewable accounts that will be eliminated under the gentleman's amendment is vehicle technology. There is no question American citizens are suffering today because of high gas prices. I myself—and I only speak for myself—can't do anything about that particular price at the pump today. But if through the vehicle technology program and the wise investment of the Federal taxpayers dollars we can get every American another mile per gallon, we have removed some of their economic discomfort and burden. We have also helped to begin to

ensure our national security by reducing our dependency on foreign oil. Therefore, I do strongly oppose the gentleman's amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MCCLINTOCK. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. TONKO

Mr. TONKO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 15, after the dollar amount insert "(increased by \$180,440,000)".

Page 30, line 5, after the dollar amount insert "(reduced by \$180,440,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, first I want to thank my colleagues, Representative BISHOP, Representative HIRONO, and Representative WELCH, for offering this amendment with me.

Madam Chair, the Tonko-Bishop-Hirono-Welch amendment is simple and straightforward. It increases funding for two important State energy efficiency programs in the Energy Efficiency and Renewable Energy accounts at the Department of Energy.

The amendment would increase spending for the Weatherization Assistance Program. Weatherization is the largest residential efficiency program in our Nation. Weatherization reduces energy costs for low-income families and the elderly and disabled. It creates jobs, invests in local businesses, and advances technology—state-of-the-art technology. Weatherizing homes under this program saves \$437 in annual utility bills for the average homeowner. These energy savings insulate families from rising energy costs by permanently lowering household energy demand for both heating and cooling.

Our amendment also restores funding to the State Energy Program, or SEP. SEP is the only cost-shared program administered by the United States Department of Energy that provides resources directly to the States to support their efforts in energy efficiency. This includes 56 State and territory energy offices. And, according to a study by the Oak Ridge National Laboratory, for every dollar in Federal SEP funds we have 1.03 million source Btus, along with the cost savings of \$7.22, and a leveraging of \$10.71 on that same very dollar.

Madam Chair, these programs traditionally have received strong bipartisan support. Saving money by saving energy is good—good for everyone.

The bill's deep cuts in weatherization programs from recent years' allocations is so-called "justified" in the report by the claim that there are large amounts of unspent funds from previous appropriations, including those from the American Recovery and Reinvestment Act, ARRA.

□ 1110

Well, the majority of these funds have, in fact, been allocated, and I understand they will be completely spent by April 1 of next year, the beginning of the Weatherization Program year for States. So that means there will be little to nothing available by the time that FY13 funds get to these States.

The ARRA money and the money from fiscal year 2011 has been obligated in contracts to subgrantees. In addition to the cuts in weatherization in this bill, the other source of Federal funds for this program, 10 percent of LIHEAP funds, is also reduced due to the reductions in funding for that program.

We're going in the wrong direction. If someone can make the case that we have fully exploited all of our opportunities in weatherization or can demonstrate that we have done all that we can to make citizens' homes and businesses energy efficient, then winding down the program would perhaps be reasonable. But we are a long way from achieving that goal.

Energy we do not have to use is, in fact, the cheapest energy available to us. We need to be doing much more in efficiency, not less. Efficiency should be our fuel of choice.

This bill is skewed to reinforce our existing energy use patterns. It continues outsized investments in the established energy industries that have received generous Federal support for nearly a century while renewable energy technologies are shortchanged.

We should be lending Federal assistance where it is most needed: to individual citizens and to developing industries that are struggling to bring new energy technologies forward, such as solar, wind, and geothermal. The petroleum industry has the means to support its own research.

Madam Chair, we are likely to be reliant on fossil fuels for quite some time, and we should use these fuels wisely. An all-of-the-above strategy must include energy efficiency, and we should support States' efforts to encourage the adoption of new energy technologies and increase energy efficiency.

Let's continue our history of bipartisan support for programs that save money, create jobs, and improve our energy security. Weatherization and SEP are such programs worthy of our

support. I urge adoption of this amendment.

With that, Madam Chair, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to strongly oppose the gentleman's amendment. His amendment would put at risk our nuclear security activities, the things we're doing to modernize our nuclear stockpile, the type of investments we're making there that help protect our country. And we would be adding money to programs that, quite honestly, don't need the money. He referenced some of those programs.

The Weatherization Program has hundreds of millions of dollars in unspent money. Some of it's been obligated; some of it has not been obligated. But sitting in that program and in the State programs he referred to is a lot of Federal money from the stimulus and other prior appropriations that remains unspent. So it's not a question of not having enough money. They just haven't spent it down.

Our bill provides enough funding, new funding, that when combined with the unspent funds, our bill will fully fund each State at the fiscal year 2010 level. That's enough money for the States. More funding is unnecessary.

This amendment has unnecessary funding, adds unnecessary funding, and it cuts our security, our national security, things we need to do for our nuclear stockpile, and I strongly oppose it.

I yield back the balance of my time.

Mr. BISHOP of New York. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of New York. Madam Chair, I rise to support the Tonko-Bishop-Hirono-Welch amendment, and I commend my good friend and fellow New Yorker on his steadfast commitment and long-standing leadership on this issue.

The increase to weatherization funding provided in this amendment brings the Weatherization Assistance Program funding close to its pre-Recovery Act levels, which helped States retrofit close to 100,000 homes a year. In addition, nearly 92 percent of the Recovery Act funds appropriated to the Weatherization Program have been spent, meaning that the recommended funding level in this bill will result in a majority of States receiving reduced Federal funding for weatherization. Arguments to the contrary with respect to available funds are simply not accurate.

New York has spent the entirety of its Recovery Act funds on time and under budget, weatherizing nearly 70,000 units, 20 percent, over its initial

goal. On Long Island, the Community Development Corporation of Long Island weatherized 3,000 units, thanks to the Recovery Act, and has continued to spend down the regularly appropriated funds it receives to retrofit qualified homes.

Weatherization Assistance continues to be a successful program, and we must build on its success. Even after the Recovery Act and regular appropriations, the CDC of Long Island has a wait list of 8,000 qualified homes that could be retrofitted for energy efficiency. The demand is there. And this is just Long Island.

Adequately funding the Weatherization Assistance Program to meet this demand will have several positive effects on communities and the economy. It will reduce energy costs for homeowners, which is absolutely critical as these costs continue to climb. Perhaps most important, it will put local contractors back to work retrofitting homes to be more energy efficient. This means job creation in local communities.

Most recognize that this is the time when Washington must balance spending reduction with wise investment. If we all agree that this Congress must do more to foster an environment of job creation, then I urge all of my colleagues to support this amendment.

I yield back the balance of my time.

Ms. HIRONO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. Madam Chair, I rise to support the Tonko-Bishop-Hirono-Welch amendment. This amendment would increase the funding for the State Energy Program and the Weatherization Assistance Program.

The bill before us slices the State Energy Program in half, from \$50 million to \$25 million. I'm not sure what the justification for this is. This program is effective and we should continue to support it. In fact, each dollar invested through the State Energy Program translates into \$7.23 of savings on energy costs. It also helps to leverage State and local funds for bigger impacts.

Hawaii has utilized this funding for a variety of beneficial activities. It has been used to support expanded clean vehicle infrastructure, more energy-efficient buildings, and other purposes.

This amendment also invests in the Weatherization Assistance Program. This program helps the elderly, disabled, and low-income families benefit from energy efficiency upgrades.

Most folks think of helping weatherize homes against cold weather, and certainly that's one of the key benefits of this program. In warm Hawaii, which has the highest energy costs in the country, we also use in this program. We help our families weatherize

by installing money-saving things like energy-efficient water heaters or insulating existing water heaters. Since 2009, at least 800 homes in Hawaii have been able to improve energy efficiency through this program. A modest beginning, but more, of course, needs to be done. This has helped to create jobs and give families the benefit of increased energy efficiency.

I recognize the hard decisions that are made in this bill, but these programs that we just talked about may seem small but represent big savings for families all across our country, and, in fact, it will save our country money over the long term.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. CHAFFETZ

Mr. CHAFFETZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 15, after the dollar amount insert "(reduced by \$74,000,000)".

Page 56, line 24, after the dollar amount insert "(increased by \$74,000,000)".

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. Madam Chair, I have a simple amendment that takes a line item within the Energy Efficiency and Renewable Energy program back to the fiscal year 2011 level. Now, I think that's probably a pretty reasonable approach to it. It's not too long ago. If left to my own devices, I'd probably zero it out.

But if you go back and look within energy efficiency and renewable energy and then go back down and look at advanced manufacturing, which is the line item that I'm talking about, what this amendment suggests is that we would reduce spending on this, what is proposed, by \$74 million, taking it back to the fiscal year 2011 level, which would be \$76 million.

□ 1120

Now, that was not just some random number. There was real justification for this, and I hope my colleagues on both sides of the aisle will find this reasonable. I'm going back, and I'm looking at the committee report for Energy and Water appropriations, and there are three things that I want to highlight within that committee report, so I will read from that.

The first one I want to highlight reads:

For example, the Advanced Manufacturing Program within Energy Efficiency and Renewable Energy currently funds more than 40 centers in a variety of sizes, ages and effectiveness levels, only a portion of which are mentioned in the budget request. These centers vary in how well they support the program's new manufacturing mission.

Now, I don't think it's appropriate to literally double—double—from 2011 levels the spending that we are going to have on these programs when we can't basically answer the questions about the effectiveness levels.

In fact, I would go further into the committee's report where it reads:

Addressing this problem requires a higher degree of transparency, evaluation and prioritization to ensure that only highly effective centers closely aligned to program missions are funded.

I would agree with that. Until we can as a body answer that question, it's hardly a time to double the funding for this particular program.

The report further reads:

The Department is directed to submit to the committee no later than February 10, 2013, a comprehensive list of all centers funded through fiscal year 2013, including the date of establishment, the funding level in fiscal year 2013, the total funding received to date, purpose, milestones, and expectation of termination date.

Those are all reasonable things to look at in making this determination, but until we can answer that question, I don't think it's appropriate to double the spending.

The third point I'd like to make from the committee report on this particular line item reads:

The committee is concerned that, historically, technology innovations developed through the EERE research and development programs ultimately lead to the manufacturing of new or cheaper products overseas.

So, if the conclusion of the committee is that the money we spend ultimately leads to the development of products overseas, maybe it's not time to double the spending there.

This amendment, Madam Chair, simply reduces the spending on this back to 2011 levels. It's a reasonable thing. We can live within that. Again, if it were up to me, I would zero it out, but I am trying to be reasonable here. Let's save the \$76 million, answer these questions, and reevaluate the program. That's why I urge the adoption of this amendment.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman from Utah's amendment.

Our bill works hard to cut Federal spending. We're on his side. We want to

reduce spending. Our committee has gone through the budget for the Department of Energy. We've taken a look at it, and we've prioritized. In fact, we've already said in other debates on other amendments that we've cut this EERE, Energy Efficiency and Renewable Energy, by \$428 million. That's 40 percent below the fiscal year 2011 level. With the remaining funds, we re-prioritize to invest in our Nation's most pressing needs, one of which is in doing more research to help American manufacturers compete and survive.

Let me restate: We do not increase this account. We re-prioritize to address our Nation's most pressing needs. In this case, the challenge is to keep our American manufacturers competitive and to keep jobs here. Our bill does that. Therefore, I must oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I would join the chair in opposition to the amendment.

I would point out one of the fallacies of the gentleman's argument that he used on the floor in his language of the committee's report, that being our very serious concern that in the past we have applied moneys to research that has essentially been siphoned off overseas.

During general debate yesterday on this floor, in my opening remarks, I commended the members of the subcommittee and particularly Chairman FRELINGHUYSEN for making sure we don't do that in this bill this year, and that there is throughout this bill and that report language directives to the Department of Energy to be focused on using this money wisely so that we maintain and begin to grow our industrial base and our manufacturing base and keep these jobs here.

This would be a mistake, and I am opposed to the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CHAFFETZ. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT OFFERED BY MS. HAHN

Ms. HAHN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 15, after the dollar amount insert "(increased by \$50,000,000)".

Page 22, line 23, after the dollar amount insert "(reduced by \$100,000,000)".

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. I think it is time that we begin to allow Americans to ease off their dependence of oil and give them a real alternative. Every day, we see the damage done by our dependence on oil. We see high gas prices threatening our economic recovery and burdening families already struggling to make ends meet. We see higher respiratory disease rates. And we see any number of distant regimes holding our foreign policy hostage, weakening our ability to stand by our principles and our friends.

I think it's time for us to throw off these burdens and step into the future, not double down on the dependencies of the past. Yet somehow this bill allocates almost five times more funding to deepening and extending our relationship with fossil energy than it does on advancing energy efficiency and clean, renewable energy technologies.

One of the most promising and necessary things we can do to give Americans an alternative to oil is to speed our transition to electric vehicles. Passenger cars alone use more than 40 percent of the oil consumed in this country. By 2020, the Natural Resources Defense Council estimates Americans will spend \$260 billion a year on gas.

Just think of what we stand to gain from helping Americans switch to electric vehicles. The technology is here, and all we need to do is implement it. My amendment would help us begin to make the kind of investments the scale of the opportunity before us requires, giving \$50 million to the Department of Energy's Energy Efficiency and Renewable Energy section.

I drive an electric vehicle back in Los Angeles, and I haven't been to a gas station since last September. Unfortunately, I don't get to drive as far as I want to because we haven't yet built the electric vehicle charging infrastructure that would help electric vehicle owners continue to drive as far as they want. The "range anxiety" of not being able to find a charging station when the battery goes low means that many EV drivers don't drive as far as they can and that many prospective electric vehicle owners are scared off. That's why we need to get serious about addressing the barriers to the adoption of electric vehicles.

Later this year, Nissan will be making the LEAF, their electric vehicle, right here in America, in Tennessee. Just last month, the Department of Energy announced they were offering \$5 million to spur electric vehicle adoption, seeking proposals that address barriers to the adoption of these vehicles and that drive market development and transformation to make Alternative Fuel Vehicles and fueling infrastructure widely available.

We need to be bolder. We ought to have 100 times that much here, but I know my friends on the other side are a little timid about electric vehicles, so I am only proposing 10 times as much. I've even reduced the budgetary authority of this bill by \$50 million because I know how much my Republican friends like to cut spending. With the right investments and electric vehicle infrastructure, we can clean our skies, free our foreign policy, strengthen our hand with regimes like Iran, and put money lost at the pump back into the pockets of American consumers.

Madam Chair, I hope my colleagues on the other side will meet me halfway on this, will meet Americans halfway. I hope you will support this amendment. This is about jobs in America. This is about giving our American consumers an alternative to their sole dependence on oil.

I yield back the balance of my time.

□ 1130

Mr. FRELINGHUYSEN. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise to oppose the amendment.

The amendment will reduce fossil fuel energy by \$50 million. And let's start by noting that fossil fuels produce most of our Nation's energy, nearly 70 percent of our electricity and nearly all of our transportation fuels.

But I do appreciate the gentleman's passion for electric vehicles. In fact, our bill already funds research in that area at above the fiscal year 2012 level as part of our focus on programs that address future gas prices. Therefore, I do oppose her amendment. I understand her views and her passion, but I strongly oppose it.

With that, I yield back the balance of my time.

Mr. VISCLOSKEY. Madam Chairwoman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Madam Chairwoman, I rise in reluctant opposition to the gentleman's amendment for the very reasons that I mentioned earlier in debate when the gentleman from Illinois had an amendment to cut EERE—the renewable accounts—to add \$15 million to science. Again, in this case, I don't think it is wise for us to make a choice of cutting fossil energy research by \$100 million to increase the energy efficiency account by one-half that amount, \$50 million.

The fact is I understand that some people have a significant concern about the use of fossil fuels. I certainly do myself. But the fact remains that 83 percent of all energy consumption in the United States today is generated

by fossil fuel, and we need to apply ourselves to the wise and efficient use of that fuel as well.

Again, I would reluctantly be opposed to the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Ms. HAHN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HAHN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 15, after the dollar amount insert "(reduced by \$335,000,000)".

Page 56, line 24, after the dollar amount insert "(increased by \$335,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chairman, my amendment would reduce funding for the Energy Efficiency and Renewable Energy account by \$355 million, with the intention of removing all funding for vehicle technologies. This reduction would be transferred to the spending reduction account.

Madam Chairman, I'm 100 percent supportive of the automobile industry producing more fuel-efficient automobiles if they choose to do so; however, there is simply no good reason that the Federal Government should be subsidizing billion-dollar companies at a time when our Nation is broke.

Over the past few years, we have seen the automobile industry receive an unprecedented amount of government assistance. We've seen an industry bailout, the market-distorting Cash for Clunkers, and many more subsidies all done with little regard for taxpayer money. It's time we begin to reverse this disturbing trend and let the automobile industry succeed or fail on its own merits.

I urge support of my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, briefly I rise to oppose the amendment.

I share my colleague's concerns that we should not be funding activities that the private sector should do on its own. That's why our bill cuts 24 per-

cent out of this account, only preserving appropriate Federal activities that are too risky for the private sector to take on alone. The amendment goes too far, undercuts our ability to address gas prices, and therefore I must oppose it.

With that, I yield back the balance of my time.

Mr. VISCLOSKEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I simply would add my agreement to the chairman's opposition to the amendment.

I had already remarked earlier in the day relative to my support for vehicle technology and am opposed to the gentleman's amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$123,000,000, to remain available until expended: *Provided*, That of such amount, \$27,600,000 shall be available until September 30, 2014, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses and 2 ambulances, all for replacement only, \$765,391,000, to remain available until expended, of which \$10,000,000 shall be derived from the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)), to be made available only to support the high-level waste geologic repository at Yucca Mountain: *Provided*, That, of the amount made available under this heading, \$90,015,000 shall be available until September 30, 2014, for program direction.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

An amendment by Mr. SCALISE of Louisiana.

An amendment by Mr. KING of Iowa.
An amendment by Mr. MORAN of Virginia.

An amendment by Mr. HULTGREN of Illinois.

An amendment by Mr. CHAFFETZ of Utah.

Amendment No. 6 by Mr. MCCLINTOCK of California.

An amendment by Ms. KAPTUR of Ohio.

An amendment by Mr. TONKO of New York.

An amendment by Ms. HAHN of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SCALISE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. SCALISE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 177, not voting 38, as follows:

[Roll No. 306]

AYES—216

| | | |
|--------------|---------------|-----------------|
| Adams | Crawford | Heck |
| Akin | Critz | Hensarling |
| Alexander | Cuellar | Herrera Beutler |
| Altmire | Culberson | Hinojosa |
| Amash | Cummings | Hochul |
| Amodei | Davis (IL) | Holden |
| Bachmann | DeFazio | Huelskamp |
| Barletta | DeGette | Hultgren |
| Barrow | Denham | Hurt |
| Barton (TX) | Deutch | Israel |
| Bass (CA) | Dingell | Jackson (IL) |
| Becerra | Duncan (SC) | Jackson Lee |
| Benishkek | Duncan (TN) | (TX) |
| Bilbray | Edwards | Jenkins |
| Bilirakis | Ellmers | Johnson (IL) |
| Bishop (GA) | Farenthold | Johnson (OH) |
| Bishop (UT) | Fitzpatrick | Johnson, E. B. |
| Boren | Flake | Johnson, Sam |
| Boustany | Fleming | Jones |
| Brady (TX) | Forbes | Jordan |
| Brown (FL) | Franks (AZ) | Keating |
| Buchanan | Fudge | Kelly |
| Buerkle | Gardner | Kildee |
| Burgess | Garrett | King (IA) |
| Butterfield | Gibbs | Kinzinger (IL) |
| Campbell | Gibson | Kissell |
| Canseco | Gingrey (GA) | Kline |
| Cantor | Gohmert | Kucinich |
| Carney | Gonzalez | Lamborn |
| Carson (IN) | Goodlatte | Landry |
| Cassidy | Gosar | Langevin |
| Chabot | Gowdy | Larson (CT) |
| Chaffetz | Graves (GA) | Lee (CA) |
| Cicilline | Graves (MO) | Lewis (GA) |
| Clarke (MI) | Green, Al | Lowe |
| Clarke (NY) | Griffin (AR) | Lucas |
| Cleaver | Griffith (VA) | Luetkemeyer |
| Coffman (CO) | Grimm | Lujan |
| Cohen | Hall | Lummis |
| Cole | Hanabusa | Lungren, Daniel |
| Conaway | Hanna | E. |
| Conyers | Harper | Manzullo |
| Courtney | Hastings (FL) | Marchant |
| Cravaack | Hayworth | Markey |

| | | |
|---------------|---------------|---------------|
| McCarthy (NY) | Quayle | Shimkus |
| McCaul | Rahall | Smith (TX) |
| McClintock | Rangel | Smith (WA) |
| McCotter | Reed | Southerland |
| McHenry | Renacci | Stearns |
| McMorris | Reyes | Sullivan |
| Rodgers | Richardson | Sutton |
| Meehan | Richmond | Thompson (MS) |
| Meeks | Rigell | Thornberry |
| Mica | Roe (TN) | Tipton |
| Michaud | Rogers (MI) | Tonko |
| Miller (FL) | Rokita | Towns |
| Miller (MI) | Rooney | Turner (NY) |
| Mulvaney | Ros-Lehtinen | Upton |
| Nugent | Ross (FL) | Walberg |
| Nunnelee | Royce | Wasserman |
| Olson | Runyan | Schultz |
| Pastor (AZ) | Scalise | Watt |
| Paulsen | Schakowsky | Welch |
| Pearce | Schmidt | West |
| Pelosi | Schock | Westmoreland |
| Pence | Schweikert | Whitfield |
| Peters | Scott (SC) | Wilson (FL) |
| Petri | Scott (VA) | Wilson (SC) |
| Pingree (ME) | Scott, Austin | Wittman |
| Pitts | Sensenbrenner | Woodall |
| Platts | Serrano | Yarmuth |
| Polis | Sessions | Young (AK) |
| Posey | Sewell | |
| Price (GA) | Sherman | |

NOES—177

| | | |
|---------------|----------------|------------------|
| Ackerman | Fox | Nunes |
| Aderholt | Frank (MA) | Olver |
| Andrews | Frelinghuysen | Owens |
| Austria | Garamendi | Palazzo |
| Bachus | Gerlach | Pallone |
| Baldwin | Granger | Perlmutter |
| Bartlett | Green, Gene | Peterson |
| Bass (NH) | Grijalva | Poe (TX) |
| Berg | Guthrie | Pompeo |
| Berkley | Gutierrez | Price (NC) |
| Berman | Hahn | Quigley |
| Biggert | Harris | Rehberg |
| Bishop (NY) | Hartzler | Reichert |
| Black | Hastings (WA) | Ribble |
| Blackburn | Higgins | Rivera |
| Blumenauer | Himes | Roby |
| Bonamici | Hinche | Rogers (AL) |
| Bonner | Hirono | Rogers (KY) |
| Bono Mack | Holt | Rohrabacher |
| Boswell | Honda | Roskam |
| Brady (PA) | Hoyer | Ross (AR) |
| Braley (IA) | Huizenga (MI) | Roybal-Allard |
| Brooks | Hunter | Ruppersberger |
| Broun (GA) | Issa | Rush |
| Bucshon | Johnson (GA) | Ryan (OH) |
| Camp | Kaptur | Ryan (WI) |
| Capito | King (NY) | Sánchez, Linda |
| Capps | Kingston | T. |
| Capuano | Labrador | Sanchez, Loretta |
| Carnahan | Lance | Sarbantes |
| Carter | Lankford | Schiff |
| Castor (FL) | Larsen (WA) | Schrader |
| Chandler | Latham | Schwartz |
| Chu | Latta | Shuster |
| Connolly (VA) | Levin | Simpson |
| Cooper | Lipinski | Sires |
| Costello | LoBiondo | Smith (NE) |
| Crenshaw | Loeb | Smith (NJ) |
| Crowley | Loftgren, Zoe | Speier |
| Davis (CA) | Long | Stark |
| Davis (KY) | Lynch | Stivers |
| DeLauro | Maloney | Stutzman |
| Dent | Marino | Terry |
| DesJarlais | Matheson | Thompson (CA) |
| Diaz-Balart | Matsui | Thompson (PA) |
| Dicks | McDermott | Tiberi |
| Doggett | McGovern | Tierney |
| Dold | McIntyre | Turner (OH) |
| Donnelly (IN) | McKinley | Van Hollen |
| Dreier | McNerney | Visclosky |
| Duffy | Miller (NC) | Walden |
| Emerson | Miller, George | Waxman |
| Engel | Moran | Webster |
| Eshoo | Murphy (CT) | Wolf |
| Farr | Murphy (PA) | Womack |
| Fattah | Myrick | Woolsey |
| Filner | Nadler | Yoder |
| Fincher | Napolitano | Young (IN) |
| Fleischmann | Neugebauer | |
| Flores | Noem | |

NOT VOTING—38

| | | |
|-------------|---------------|--------------|
| Baca | Heinrich | Paul |
| Burton (IN) | Herger | Rothman (NJ) |
| Calvert | Kind | Schilling |
| Cardoza | LaTourette | Scott, David |
| Clay | Lewis (CA) | Shuler |
| Clyburn | Mack | Slaughter |
| Coble | McCarthy (CA) | Tsongas |
| Costa | McCollum | Velázquez |
| Doyle | McKeon | Walsh (IL) |
| Ellison | Miller, Gary | Walz (MN) |
| Fortenberry | Moore | Waters |
| Gallegly | Neal | Young (FL) |
| Guinta | Pascrell | |

□ 1209

Mr. WALDEN, Mrs. ROBY, Mr. MORAN, Ms. SCHWARTZ, Messrs. LATTA, KINGSTON, LABRADOR, BASS of New Hampshire, Ms. BONAMICI, Ms. LORETTA SANCHEZ of California, Messrs. SIMPSON, FINCHER, SMITH of Nebraska, DESJARLAIS, Mrs. BLACKBURN, Messrs. RYAN of Ohio, HONDA, RUSH, and FRANK of Massachusetts changed their vote from “aye” to “no.”

Messrs. JACKSON of Illinois, SCOTT of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, Messrs. DAVIS of Illinois, THOMPSON of Mississippi, GRIFFITH of Virginia, Ms. WILSON of Florida, Messrs. REED, KINZINGER of Illinois, WESTMORELAND, CANTOR, Ms. SCHAKOWSKY, Mr. WHITFIELD, Ms. CLARKE of New York, Messrs. AL GREEN of Texas, ISRAEL, AMODEI, Mrs. ELLMERS, Mr. CUELLAR, Mrs. LOWEY, Messrs. MEEKS, CLEAVER, FORBES, CONYERS, BECERRA, Mrs. MILLER of Michigan, Messrs. PASTOR of Arizona, CICILLINE, GRAVES of Missouri, LUJAN, POLIS, NUGENT, GONZALEZ, Ms. WASSERMAN SCHULTZ, Messrs. LANGEVIN, DEUTCH, and HASTINGS of Florida changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 185, not voting 43, as follows:

[Roll No. 307]

AYES—203

| | | |
|----------|---------|----------|
| Adams | Amash | Bachmann |
| Aderholt | Amodei | Bachus |
| Akin | Austria | Barletta |

Bartlett
Barton (TX)
Benishek
Berg
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chu
Coffman (CO)
Cole
Conaway
Cravaack
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Franks (AZ)
Frelinghuysen
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)

NOES—185

Ackerman
Altmire
Andrews
Baldwin
Barrow
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boren
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler

Griffith (VA)
Guthrie
Hall
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herrera Beutler
Higgins
Hinojosa
Hochul
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Lankford
Latham
Lipinski
Loebach
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
McCauley
McClintock
McHenry
McIntyre
McMorris
Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NY)
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen

Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Turner (NY)
Turner (OH)
Visclosky
Walberg
Webster
Westmoreland
Wilson (SC)
Wittman
Wolf
Woodall
Yoder
Young (AK)
Young (IN)

Edwards
Engel
Eshoo
Farr
Fattah
Filner
Foxy
Frank (MA)
Fudge
Garamendi
Gardner
Gibson
Gonzalez
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Hastings (WA)
Himes
Hinche
Hirono

Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Latta
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Long
Lowey
Lujan
Lynch
Maloney
Markay
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern

Alexander
Baca
Bass (CA)
Burton (IN)
Calvert
Cardoza
Clay
Clyburn
Coble
Costa
Doyle
Ellison
Fortenberry
Gallegly
Guinta

McKinley
McNerney
Meehan
Meeks
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Oliver
Pallone
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

NOT VOTING—43

Heinrich
Herger
Huizenga (MI)
Kind
Landry
LaTourette
Lewis (CA)
Mack
McCarthy (CA)
McCollum
McKeon
Miller, Gary
Moore
Neal
Pascrell

Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tipton
Tonko
Towns
Upton
Walden
Wasserman
Schultz
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Womack
Woolsey
Yarmuth

Paul
Rothman (NJ)
Schilling
Scott, David
Shuler
Slaughter
Tsongas
Van Hollen
Velázquez
Walsh (IL)
Walz (MN)
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1212

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MR. MORAN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Virginia (Mr. MORAN)
on which further proceedings were
postponed and on which the ayes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 152, noes 237,
not voting 42, as follows:

[Roll No. 308]

AYES—152

Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Higgins
Himes
Hinche
Hinojosa
Hirono
Holt
Honda
Richmond
Hoyer
Israel
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Gonzalez

NOES—237

Capito
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen

Oliver
Pallone
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Butterfield
Hoyer
Israel
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Gonzalez

Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herrera Beutler
Hochul
Holden
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam

Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
LoBiondo
Loeb sack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCauley
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)

Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan

Ryan (WI)
Scalise
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—42

Alexander
Baca
Burton (IN)
Calvert
Cardoza
Clay
Clyburn
Coble
Costa
Doyle
Ellison
Emerson
Fortenberry
Gallegly

Guinta
Heinrich
Herger
Huizenga (MI)
Kind
LaTourette
Lewis (CA)
Mack
McCarthy (CA)
McCollum
McKeon
Miller, Gary
Moore
Neal

Pascarell
Paul
Rothman (NJ)
Schilling
Scott, David
Shuler
Slaughter
Stivers
Tsongas
Velázquez
Walsh (IL)
Walz (MN)
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1216

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MR. HULTGREN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Illinois (Mr.
HULTGREN) on which further pro-
ceedings were postponed and on which
the ayes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 130, noes 256,
not voting 45, as follows:

[Roll No. 309]

AYES—130

Adams
Aderholt
Akin
Amash
Amodei
Bachmann
Bachus
Benishek
Berg
Biggart
Bilirakis
Black
Blackburn
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Campbell
Canseco
Cantor
Cassidy
Chabot
Conaway
Costello
Cravack
Dent
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Flake
Fleming
Flores
Forbes
Franks (AZ)
Garrett
Gingrey (GA)
Gohmert
Goodlatte

Gosar
Gowdy
Graves (MO)
Griffith (VA)
Grimm
Hall
Hartzler
Hensarling
Hinojosa
Hochul
Huelskamp
Hultgren
Hunter
Hurt
Jenkins
Johnson (IL)
Jordan
Kelly
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lofgren, Zoe
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McClintock
McCotter
McHenry
McKinley
Miller (FL)
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Olson
Paulsen
Pearce

Pence
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schick
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Thornberry
Turner (NY)
Walberg
Webster
Westmoreland
Wilson (SC)
Wittman
Woodall
Young (AK)
Young (IN)

NOES—256

Altmire
Andrews
Austria
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Camp
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Coffman (CO)
Cohen

Cole
Connolly (VA)
Conyers
Cooper
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Edwards
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fleischmann
Fox
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez

Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Guthrie
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
King (IA)
King (NY)
Kingston
Kissell
Kucinich
Lance
Langevin
Lankford
Larsen (WA)

Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Long
Lowey
Lucas
Lujan
Lynch
Maloney
Marino
Markay
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Nunes
Nunnelee
Oliver
Owens

Palazzo
Pallone
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Robby
Rogers (AL)
Rogers (KY)
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)

Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Peterson
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Turner (OH)
Upton
Van Hollen
Visclosky
Walden
Wasserman
Schultz
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Yoder

NOT VOTING—45

Ackerman
Alexander
Baca
Bucshon
Burton (IN)
Calvert
Cardoza
Clay
Clyburn
Coble
Costa
Doyle
Ellison
Fortenberry
Gallegly

Graves (GA)
Guinta
Heinrich
Herger
Huizenga (MI)
Johnson, Sam
Kind
LaTourette
Lewis (CA)
Mack
McCarthy (CA)
McCauley
McCollum
McKeon
Miller, Gary

Moore
Neal
Pascarell
Paul
Rothman (NJ)
Schilling
Scott, David
Shuler
Slaughter
Tsongas
Velázquez
Walsh (IL)
Walz (MN)
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1219

Mr. PALLONE changed his vote from
“aye” to “no.”

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MR. CHAFFETZ

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Utah (Mr. CHAFFETZ)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic device, and there were—ayes 140, noes 245, not voting 46, as follows:

[Roll No. 310]

AYES—140

| | | |
|--------------|--------------------|---------------|
| Adams | Gowdy | Paulsen |
| Akin | Graves (GA) | Pearce |
| Amash | Graves (MO) | Pence |
| Amodel | Guthrie | Petri |
| Bachmann | Hall | Pitts |
| Bachus | Harris | Poe (TX) |
| Barton (TX) | Hayworth | Pompeo |
| Benishek | Hensarling | Posey |
| Bilirakis | Huelskamp | Price (GA) |
| Bishop (UT) | Hultgren | Quayle |
| Black | Hunter | Ribble |
| Blackburn | Hurt | Rigell |
| Bono Mack | Issa | Roe (TN) |
| Boustany | Jenkins | Rohrabacher |
| Brady (TX) | Johnson (IL) | Rokita |
| Brooks | Johnson (OH) | Rooney |
| Broun (GA) | Jones | Ross (FL) |
| Buchanan | Jordan | Royce |
| Bucshon | King (IA) | Ryan (WI) |
| Buerkle | Kline | Scalise |
| Burgess | Labrador | Schmidt |
| Camp | Lamborn | Schock |
| Campbell | Lance | Schweikert |
| Canseco | Landry | Scott (SC) |
| Cantor | Lankford | Scott, Austin |
| Cassidy | Latta | Sensenbrenner |
| Chabot | Long | Sessions |
| Chaffetz | Luetkemeyer | Smith (NE) |
| Conaway | Lummis | Smith (TX) |
| Cravaack | Lungren, Daniel E. | Southerland |
| DesJarlais | | Stearns |
| Duffy | Manzullo | Terry |
| Duncan (SC) | Marchant | Thornberry |
| Duncan (TN) | Matheson | Turner (NY) |
| Farenthold | McCaul | Upton |
| Fincher | McClintock | Walberg |
| Flake | McMorris | Walden |
| Fleming | Rodgers | Webster |
| Flores | Mica | West |
| Forbes | Miller (FL) | Westmoreland |
| Fox | Miller (MI) | Wilson (SC) |
| Franks (AZ) | Mulvaney | Wolf |
| Garrett | Myrick | Woodall |
| Gibbs | Neugebauer | Yoder |
| Gingrey (GA) | Nugent | Young (AK) |
| Gohmert | Nunes | Young (IN) |
| Goodlatte | Nunnelee | |
| Gosar | Olson | |

NOES—245

| | | |
|-------------|---------------|-----------------|
| Aderholt | Clarke (NY) | Fattah |
| Altmire | Cleaver | Filner |
| Andrews | Coffman (CO) | Fitzpatrick |
| Austria | Cohen | Fleischmann |
| Baldwin | Cole | Frank (MA) |
| Barletta | Connolly (VA) | Frelinghuysen |
| Barrow | Conyers | Fudge |
| Bartlett | Cooper | Garamendi |
| Bass (NH) | Costello | Gardner |
| Becerra | Courtney | Gerlach |
| Berg | Crawford | Gibson |
| Berkley | Crenshaw | Gonzalez |
| Berman | Critz | Granger |
| Biggert | Cuellar | Green, Al |
| Bilbray | Culberson | Green, Gene |
| Bishop (GA) | Cummings | Griffin (AR) |
| Bishop (NY) | Davis (CA) | Griffith (VA) |
| Blumenauer | Davis (IL) | Grijalva |
| Bonamici | Davis (KY) | Grimm |
| Bonner | DeFazio | Gutierrez |
| Boren | DeGette | Hahn |
| Boswell | DeLauro | Hanabusa |
| Brady (PA) | Denham | Hanna |
| Braley (IA) | Dent | Harper |
| Brown (FL) | Deutch | Hartzler |
| Butterfield | Diaz-Balart | Hastings (FL) |
| Capito | Dicks | Hastings (WA) |
| Capps | Dingell | Heck |
| Capuano | Doggett | Herrera Beutler |
| Carnahan | Dold | Higgins |
| Carney | Donnelly (IN) | Himes |
| Carson (IN) | Dreier | Hinche |
| Carter | Edwards | Hinojosa |
| Castor (FL) | Ellmers | Hirono |
| Chandler | Emerson | Hochul |
| Chu | Engel | Holden |
| Cicilline | Eshoo | Holt |
| Clarke (MI) | Farr | Honda |

| | | |
|----------------|----------------|-------------------|
| Hoyer | Michaud | Sánchez, Linda T. |
| Israel | Miller (NC) | T. |
| Jackson (IL) | Miller, George | Sanchez, Loretta |
| Jackson Lee | Moran | Sarbanes |
| (TX) | Murphy (PA) | Schakowsky |
| Johnson (GA) | Nadler | Schiff |
| Johnson, E. B. | Napolitano | Schrader |
| Kaptur | Noem | Schwartz |
| Keating | Olver | Scott (VA) |
| Kelly | Owens | Serrano |
| Kildee | Palazzo | Sewell |
| King (NY) | Pallone | Sherman |
| Kingston | Pastor (AZ) | Shimkus |
| Kinzinger (IL) | Pelosi | Shuster |
| Kissell | Perlmutter | Simpson |
| Kucinich | Peters | Sires |
| Langevin | Peterson | Smith (NJ) |
| Larsen (WA) | Pingree (ME) | Smith (WA) |
| Larson (CT) | Platts | Speier |
| Latham | Polis | Stark |
| Lee (CA) | Price (NC) | Stivers |
| Levin | Sullivan | Sutton |
| Lewis (GA) | Quigley | Thompson (CA) |
| Lipinski | Rahall | Thompson (MS) |
| LoBiondo | Rangel | Thompson (PA) |
| Loeb sack | Reed | Tiberi |
| Loftgren, Zoe | Rehberg | Tierney |
| Lowey | Reichert | Titon |
| Lucas | Renacci | Tipton |
| Lujan | Reyes | Tonko |
| Lynch | Richardson | Towns |
| Maloney | Richmond | Turner (OH) |
| Marino | Rivera | Van Hollen |
| Markley | Roby | Visclosky |
| Matsui | Rogers (AL) | Wasserman |
| McCarthy (NY) | Rogers (KY) | Schultz |
| McCotter | Rogers (MI) | Watt |
| McDermott | Ros-Lehtinen | Waxman |
| McGovern | Roskam | Welch |
| McHenry | Ross (AR) | Whitfield |
| McIntyre | Roybal-Allard | Wilson (FL) |
| McKinley | Runyan | Wittman |
| McNerney | Ruppersberger | Womack |
| Meehan | Rush | Woolsey |
| Meeks | Ryan (OH) | Yarmuth |

NOT VOTING—46

| | | |
|-------------|---------------|--------------|
| Ackerman | Guinta | Pascarell |
| Alexander | Heinrich | Paul |
| Baca | Herger | Rothman (NJ) |
| Bass (CA) | Schilling | Schilling |
| Burton (IN) | Johnson, Sam | Scott, David |
| Calvert | Kind | Shuler |
| Cardoza | LaTourette | Slaughter |
| Clay | Lewis (CA) | Stutzman |
| Clyburn | Mack | Tsongas |
| Coble | McCarthy (CA) | Velázquez |
| Costa | McCollum | Walsh (IL) |
| Crowley | McKeon | Walz (MN) |
| Doyle | Miller, Gary | Waters |
| Ellison | Moore | Young (FL) |
| Fortenberry | Murphy (CT) | |
| Gallegly | Neal | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1223

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 275, not voting 43, as follows:

[Roll No. 311]

AYES—113

| | | |
|--------------|--------------|-------------|
| Adams | Goodlatte | Pearce |
| Aderholt | Gosar | Pence |
| Akin | Gowdy | Petri |
| Amash | Graves (GA) | Poe (TX) |
| Amodel | Graves (MO) | Pompeo |
| Bachmann | Harris | Posey |
| Bachus | Hartzler | Price (GA) |
| Benishek | Hensarling | Quayle |
| Bilirakis | Huelskamp | Ribble |
| Bishop (UT) | Hultgren | Roe (TN) |
| Blackburn | Hunter | Rohrabacher |
| Boustany | Hurt | Rokita |
| Brady (TX) | Issa | Rooney |
| Brooks | Jenkins | Ross (FL) |
| Broun (GA) | Jones | Royce |
| Buerkle | Jordan | Ryan (WI) |
| Burgess | Kline | Scalise |
| Camp | Labrador | Schmidt |
| Campbell | Landry | Schweikert |
| Canseco | Cassidy | Scott (SC) |
| Cantor | Chabot | Long |
| Cassidy | Chaffetz | Lummis |
| Chabot | Conaway | Manzullo |
| Chaffetz | Culberson | Marchant |
| Conaway | DesJarlais | McClintock |
| Cravaack | Duffy | McHenry |
| DesJarlais | Duncan (SC) | McMorris |
| Duffy | Duncan (TN) | Rodgers |
| Duncan (SC) | Farenthold | Mica |
| Duncan (TN) | Fincher | Miller (FL) |
| Farenthold | Flake | Miller (MI) |
| Fincher | Fleming | Mulvaney |
| Flake | Flores | Myrick |
| Fleming | Fox | Neugebauer |
| Flores | Franks (AZ) | Nugent |
| Forbes | Garrett | Nunes |
| Fox | Gingrey (GA) | Nunnelee |
| Fox | Gohmert | Olson |
| Franks (AZ) | | Paulsen |
| Garrett | | |
| Gibbs | | |
| Gingrey (GA) | | |
| Gohmert | | |
| Goodlatte | | |
| Gosar | | |

NOES—275

| | | |
|--------------|---------------|-----------------|
| Altmire | Cohen | Gibson |
| Andrews | Cole | Gonzalez |
| Austria | Connolly (VA) | Granger |
| Baldwin | Conyers | Green, Al |
| Barletta | Cooper | Green, Gene |
| Barrow | Costello | Griffin (AR) |
| Bartlett | Courtney | Griffith (VA) |
| Bass (NH) | Cravaack | Grijalva |
| Becerra | Crawford | Grimm |
| Berg | Crenshaw | Guthrie |
| Berkley | Critz | Gutierrez |
| Berman | Crowley | Hahn |
| Biggert | Cuellar | Hall |
| Bilbray | Cummings | Hanabusa |
| Bishop (GA) | Davis (CA) | Hanna |
| Bishop (NY) | Davis (IL) | Harper |
| Blumenauer | Davis (KY) | Hastings (FL) |
| Bonamici | DeFazio | Hastings (WA) |
| Bonner | DeGette | Hayworth |
| Boren | DeLauro | Heck |
| Boswell | Denham | Herrera Beutler |
| Brady (PA) | Dent | Higgins |
| Braley (IA) | Deutch | Himes |
| Brown (FL) | Diaz-Balart | Hinche |
| Buchanan | Dicks | Hinojosa |
| Bucshon | Dingell | Hirono |
| Butterfield | Doggett | Hochul |
| Camp | Dold | Holden |
| Canseco | Donnelly (IN) | Holt |
| Capito | Dreier | Honda |
| Capps | Edwards | Hoyer |
| Capuano | Ellmers | Israel |
| Carnahan | Emerson | Jackson (IL) |
| Carney | Engel | Jackson Lee |
| Carson (IN) | Eshoo | (TX) |
| Carter | Farr | Johnson (GA) |
| Castor (FL) | Fattah | Johnson (IL) |
| Chandler | Filner | Johnson (OH) |
| Chu | Fitzpatrick | Johnson, E. B. |
| Cicilline | Fleischmann | Kaptur |
| Clarke (MI) | Forbes | Keating |
| Clarke (NY) | Frank (MA) | Kelly |
| Cleaver | Frelinghuysen | Kildee |
| Coffman (CO) | Fudge | King (IA) |
| | Garamendi | King (NY) |
| | Gardner | Kingston |
| | Gerlach | Kinzinger (IL) |
| | Gibbs | Kissell |

Kucinich
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCauley
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano

Noem
Oliver
Owens
Palazzo
Pallone
Pastor (AZ)
Pelosi
Perlmuter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schock
Schrader
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Turner (OH)
Van Hollen
Visclosky
Walden
Wasserman
Schultz
Watt
Waxman
Webster
Welch
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth

NOT VOTING—43

Ackerman
Alexander
Baca
Burton (IN)
Calvert
Cardoza
Clay
Clyburn
Coble
Costa
Doyle
Ellison
Fortenberry
Gallegly
Guinta

Heinrich
Herger
Huizenga (MI)
Johnson, Sam
Kind
Lamborn
LaTourette
Lewis (CA)
Mack
McCarthy (CA)
McCollum
McKeon
Miller, Gary
Moore
Neal

Pascarell
Paul
Rothman (NJ)
Schilling
Scott, David
Shuler
Slaughter
Tsongas
Velázquez
Walsh (IL)
Walz (MN)
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1227

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MS. KAPTUR

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Ohio (Ms. KAPTUR)
on which further proceedings were
postponed and on which the ayes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 183, noes 200,
not voting 48, as follows:

[Roll No. 312]

AYES—183

Andrews
Baldwin
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boren
Bowell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Coffman (CO)
Cohen
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Edwards
Engel
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi

Gardner
Gerlach
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
King (IA)
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
Meeks
Mica
Michaud
Miller (NC)
Miller, George
Murphy (CT)

Nadler
Napolitano
Oliver
Owens
Pallone
Pastor (AZ)
Pelosi
Perlmuter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tipton
Tonko
Towns
Van Hollen
Visclosky
Wasserman
Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—200

Bucshon
Buerkle
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Cole
Conaway
Connolly (VA)
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Brooks
Broun (GA)
Buchanan

Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guthrie
Hall

Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Holden
Hoyer
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Landry
Lankford
Latta
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCauley
McClintock

McCotter
McHenry
McKinley
McMorris
Rodgers
Meehan
Miller (FL)
Miller (MI)
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen

Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—48

Ackerman
Akin
Alexander
Baca
Burgess
Burton (IN)
Calvert
Cardoza
Carter
Chaffetz
Clay
Clyburn
Coble
Costa
DeFazio
Doyle

Ellison
Eshoo
Fortenberry
Gallegly
Guinta
Heinrich
Herger
Huizenga (MI)
Johnson, Sam
Kind
LaTourette
Lewis (CA)
Mack
McCarthy (CA)
McCollum
McKeon

Miller, Gary
Moore
Neal
Pascarell
Paul
Rothman (NJ)
Schilling
Scott, David
Shuler
Slaughter
Tsongas
Velázquez
Walsh (IL)
Walz (MN)
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1230

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New York (Mr. TONKO)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 236, not voting 47, as follows:

[Roll No. 313]

AYES—148

| | | |
|---------------|----------------|------------------|
| Baldwin | Green, Al | Nadler |
| Bass (CA) | Green, Gene | Napolitano |
| Bass (NH) | Grijalva | Oliver |
| Becerra | Gutierrez | Pallone |
| Bishop (GA) | Hahn | Pelosi |
| Bishop (NY) | Hanabusa | Perlmutter |
| Blumenauer | Hanna | Peters |
| Bonamici | Hastings (FL) | Peterson |
| Boswell | Higgins | Pingree (ME) |
| Brady (PA) | Himes | Polis |
| Braley (IA) | Hinchev | Price (NC) |
| Brown (FL) | Hinojosa | Quigley |
| Butterfield | Hirono | Rahall |
| Capps | Hochul | Rangel |
| Capuano | Holden | Richardson |
| Carnahan | Holt | Richmond |
| Carney | Hoyer | Roybal-Allard |
| Carson (IN) | Israel | Ruppersberger |
| Castor (FL) | Jackson (IL) | Rush |
| Chu | Jackson Lee | Ryan (OH) |
| Cicilline | (TX) | Sánchez, Linda |
| Clarke (MI) | Johnson (GA) | T. |
| Clarke (NY) | Johnson (IL) | Sanchez, Loretta |
| Cleaver | Johnson, E. B. | Jones |
| Cohen | Jones | Schakowsky |
| Connolly (VA) | Kaptur | Schrader |
| Conyers | Keating | Schwartz |
| Cooper | Kildee | Scott (VA) |
| Costello | Kucinich | Serrano |
| Courtney | Langevin | Sewell |
| Crowley | Larson (CT) | Sherman |
| Cummings | Lee (CA) | Sires |
| Davis (CA) | Levin | Speier |
| Davis (IL) | Lewis (GA) | Stark |
| DeFazio | Lipinski | Sutton |
| DeGette | Loeb sack | Thompson (MS) |
| DeLauro | Lowe y | Tierney |
| Deutch | Lynch | Tonko |
| Dingell | Maloney | Towns |
| Doggett | Markey | Turner (NY) |
| Edwards | Matsui | Van Hollen |
| Engel | McCarthy (NY) | Wasserman |
| Eshoo | McDermott | Schultz |
| Farr | McGovern | Watt |
| Fattah | McNerney | Waxman |
| Filner | Meeks | Welch |
| Fitzpatrick | Michaud | Wilson (FL) |
| Frank (MA) | Miller (NC) | Woolsey |
| Fudge | Miller, George | Yarmuth |
| Garamendi | Moran | |
| Gibson | Murphy (CT) | |

NOES—236

| | | |
|-------------|---------------|-----------------|
| Adams | Campbell | Flores |
| Aderholt | Canseco | Forbes |
| Akin | Cantor | Fox |
| Altmire | Capito | Franks (AZ) |
| Amash | Cassidy | Frelinghuysen |
| Amodel | Chabot | Gardner |
| Andrews | Chandler | Garrett |
| Austria | Coffman (CO) | Gerlach |
| Bachmann | Cole | Gibbs |
| Bachus | Conaway | Gingrey (GA) |
| Barletta | Cravaack | Gohmert |
| Barrow | Crawford | Gonzalez |
| Bartlett | Crenshaw | Goodlatte |
| Barton (TX) | Critz | Gosar |
| Benishek | Cuellar | Gowdy |
| Berg | Culberson | Granger |
| Berkley | Davis (KY) | Graves (GA) |
| Berman | Denham | Graves (MO) |
| Biggert | Dent | Griffin (AR) |
| Bilirakis | DesJarlais | Griffith (VA) |
| Bishop (UT) | Diaz-Balart | Grimm |
| Black | Dicks | Guthrie |
| Blackburn | Dold | Hall |
| Bonner | Donnelly (IN) | Harper |
| Bono Mack | Dreier | Harris |
| Boren | Duffy | Hartzler |
| Boustany | Duncan (SC) | Hastings (WA) |
| Brady (TX) | Duncan (TN) | Hayworth |
| Brooks | Ellmers | Heck |
| Broun (GA) | Emerson | Hensarling |
| Buchanan | Farenthold | Herrera Beutler |
| Bucshon | Fincher | Huelskamp |
| Buerkle | Flake | Hultgren |
| Camp | Fleischmann | Hunter |
| | Fleming | Hurt |

| | | |
|-----------------|--------------|---------------|
| Issa | Murphy (PA) | Scalise |
| Jenkins | Myrick | Schiff |
| Johnson (OH) | Neugebauer | Schmidt |
| Jordan | Noem | Schock |
| Kelly | Nugent | Schweikert |
| King (IA) | Nunes | Scott (SC) |
| King (NY) | Nunnelee | Scott, Austin |
| Kingston | Olson | Sensenbrenner |
| Kinzinger (IL) | Owens | Sessions |
| Kissell | Palazzo | Shimkus |
| Kline | Pastor (AZ) | Shuster |
| Labrador | Paulsen | Simpson |
| Lamborn | Pearce | Smith (NE) |
| Lance | Pence | Smith (NJ) |
| Landry | Petri | Smith (TX) |
| Lankford | Pitts | Smith (WA) |
| Larsen (WA) | Platts | Southerland |
| Latham | Poe (TX) | Stivers |
| Latta | Pompeo | Stutzman |
| LoBiondo | Posey | Sullivan |
| Lofgren, Zoe | Price (GA) | Terry |
| Long | Quayle | Thompson (CA) |
| Lucas | Reed | Thompson (PA) |
| Luetkemeyer | Rehberg | Thornberry |
| Lujan | Reichert | Tiberi |
| Lummis | Renacci | Tipton |
| Lungren, Daniel | Reyes | Turner (OH) |
| E. | Ribble | Upton |
| Manzullo | Rigell | Visclosky |
| Marchant | Rivera | Walberg |
| Marino | Roby | Walden |
| Matheson | Roe (TN) | Webster |
| McCaul | Rogers (AL) | West |
| McClintock | Rogers (KY) | Westmoreland |
| McCotter | Rogers (MI) | Whitfield |
| McHenry | Rohrabacher | Wilson (SC) |
| McIntyre | Rokita | Wittman |
| McKinley | Rooney | Wolf |
| McMorris | Ros-Lehtinen | Womack |
| Rodgers | Roskam | Woodall |
| Meehan | Ross (AR) | Yoder |
| Mica | Ross (FL) | Young (AK) |
| Miller (FL) | Royce | Young (IN) |
| Miller (MI) | Runyan | |
| Mulvaney | Ryan (WI) | |

NOT VOTING—47

| | | |
|-------------|---------------|--------------|
| Ackerman | Gallegly | Neal |
| Alexander | Guinta | Pascrell |
| Baca | Heinrich | Paul |
| Burgess | Herger | Rothman (NJ) |
| Burton (IN) | Honda | Schilling |
| Calvert | Huizenga (MI) | Scott, David |
| Cardoza | Johnson, Sam | Shuler |
| Carter | Kind | Slaughter |
| Chaffetz | LaTourette | Stearns |
| Clay | Lewis (CA) | Tsongas |
| Clyburn | Mack | Velázquez |
| Coble | McCarthy (CA) | Walsh (IL) |
| Costa | McCollum | Walz (MN) |
| Doyle | McKeon | Waters |
| Ellison | Miller, Gary | Young (FL) |
| Fortenberry | Moore | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1233

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Madam Chair, on rollcall No. 313 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. HAHN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. HAHN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 139, noes 245, not voting 47, as follows:

[Roll No. 314]

AYES—139

| | | |
|---------------|----------------|------------------|
| Amash | Filner | Miller (NC) |
| Andrews | Frank (MA) | Miller, George |
| Baldwin | Garamendi | Moran |
| Bass (CA) | Gibson | Nadler |
| Bass (NH) | Grijalva | Napolitano |
| Becerra | Gutierrez | Oliver |
| Berkley | Hahn | Pallone |
| Berman | Hanabusa | Pastor (AZ) |
| Bilbray | Hastings (FL) | Pelosi |
| Bishop (GA) | Higgins | Perlmutter |
| Bishop (NY) | Himes | Peters |
| Blumenauer | Hinchev | Pingree (ME) |
| Bonamici | Hinojosa | Polis |
| Boswell | Hirono | Price (NC) |
| Brady (PA) | Hochul | Quigley |
| Braley (IA) | Holt | Rangel |
| Brown (FL) | Honda | Reyes |
| Butterfield | Hoyer | Roybal-Allard |
| Capps | Israel | Ruppersberger |
| Capuano | Jackson (IL) | Rush |
| Carnahan | Johnson (GA) | Sánchez, Linda |
| Carney | Johnson (IL) | T. |
| Carson (IN) | Johnson, E. B. | Sanchez, Loretta |
| Castor (FL) | Jones | Sarbanes |
| Chu | Kaptur | Schakowsky |
| Cicilline | Keating | Schiff |
| Clarke (MI) | Kildee | Schrader |
| Clarke (NY) | Kissell | Schwartz |
| Cleaver | Kucinich | Scott (VA) |
| Cohen | Langevin | Serrano |
| Connolly (VA) | Lee (CA) | Sherman |
| Conyers | Levin | Sires |
| Cooper | Lewis (GA) | Smith (WA) |
| Crowley | Lipinski | Speier |
| Cummings | Loeb sack | Stark |
| Davis (CA) | Lofgren, Zoe | Thompson (CA) |
| Davis (IL) | Lowe y | Tierney |
| DeFazio | Lujan | Tonko |
| DeGette | Lynch | Van Hollen |
| Deutch | Maloney | Wasserman |
| Dicks | Markey | Schultz |
| Dingell | Matsui | Watt |
| Doggett | McDermott | Waxman |
| Edwards | McGovern | Welch |
| Eshoo | McNerney | Wilson (FL) |
| Farr | Meeks | Woolsey |
| Fattah | Michaud | Yarmuth |

NOES—245

| | | |
|-------------|---------------|---------------|
| Adams | Cantor | Fitzpatrick |
| Aderholt | Capito | Flake |
| Akin | Cassidy | Fleischmann |
| Altmire | Chabot | Fleming |
| Amodel | Chandler | Flores |
| Austria | Coffman (CO) | Forbes |
| Bachmann | Cole | Fox |
| Bachus | Conaway | Franks (AZ) |
| Barletta | Costello | Frelinghuysen |
| Barrow | Courtney | Fudge |
| Bartlett | Cravaack | Gardner |
| Barton (TX) | Crawford | Garrett |
| Benishek | Crenshaw | Gerlach |
| Berg | Critz | Gibbs |
| Biggert | Cuellar | Gingrey (GA) |
| Bilirakis | Culberson | Gohmert |
| Bishop (UT) | Davis (KY) | Gonzalez |
| Black | DeLauro | Goodlatte |
| Blackburn | Denham | Gosar |
| Bonner | Dent | Gowdy |
| Bono Mack | DesJarlais | Graves (GA) |
| Boren | Diaz-Balart | Graves (MO) |
| Boustany | Dold | Green, Al |
| Brady (TX) | Donnelly (IN) | Green, Gene |
| Brooks | Dreier | Griffin (AR) |
| Broun (GA) | Duffy | Griffith (VA) |
| Buchanan | Duncan (SC) | Grimm |
| Bucshon | Ellmers | Guthrie |
| Buerkle | Emerson | Hall |
| Camp | Engel | Hanna |
| Campbell | Farenthold | Harper |
| Canseco | Fincher | Harris |

| | | |
|-----------------|--------------|---------------|
| Hartzler | McMorris | Ross (FL) |
| Hastings (WA) | Rodgers | Royce |
| Hayworth | Meehan | Runyan |
| Heck | Mica | Ryan (OH) |
| Hensarling | Miller (FL) | Ryan (WI) |
| Herrera Beutler | Miller (MI) | Scalise |
| Holden | Mulvaney | Schmidt |
| Huelskamp | Murphy (CT) | Schock |
| Hultgren | Murphy (PA) | Schweikert |
| Hunter | Myrick | Scott (SC) |
| Hurt | Neugebauer | Scott, Austin |
| Issa | Noem | Sensenbrenner |
| Jackson Lee | Nugent | Sessions |
| (TX) | Nunes | Sewell |
| Jenkins | Nummellee | Shimkus |
| Johnson (OH) | Olson | Shuster |
| Jordan | Owens | Simpson |
| Kelly | Palazzo | Smith (NE) |
| King (IA) | Paulsen | Smith (NJ) |
| King (NY) | Pearce | Smith (TX) |
| Kingston | Pence | Southerland |
| Kinzinger (IL) | Peterson | Stearns |
| Kline | Petri | Stivers |
| Labrador | Pitts | Stutzman |
| Lamborn | Platts | Sullivan |
| Lance | Poe (TX) | Sutton |
| Landry | Pompeo | Terry |
| Lankford | Posey | Thompson (MS) |
| Larsen (WA) | Price (GA) | Thompson (PA) |
| Larson (CT) | Quayle | Thornberry |
| Latham | Rahall | Tiberi |
| Latta | Reed | Tipton |
| LoBiondo | Rehberg | Towns |
| Long | Reichert | Turner (NY) |
| Lucas | Renacci | Turner (OH) |
| Luetkemeyer | Ribble | Upton |
| Lummis | Richardson | Visclosky |
| Lungren, Daniel | Richmond | Walberg |
| E. | Rigell | Walden |
| Manzullo | Rivera | Webster |
| Marchant | Roby | West |
| Marino | Roe (TN) | Westmoreland |
| Matheson | Rogers (AL) | Whitfield |
| McCarthy (NY) | Rogers (KY) | Wilson (SC) |
| McCaul | Rogers (MI) | Wittman |
| McClintock | Rohrabacher | Wolf |
| McCotter | Rokita | Womack |
| McHenry | Rooney | Woodall |
| McIntyre | Ros-Lehtinen | Yoder |
| McKinley | Roskam | Young (AK) |
| | Ross (AR) | Young (IN) |

NOT VOTING—47

| | | |
|-------------|---------------|--------------|
| Ackerman | Fortenberry | Moore |
| Alexander | Galleghy | Neal |
| Baca | Granger | Pascarell |
| Burgess | Guinta | Paul |
| Burton (IN) | Heinrich | Rothman (NJ) |
| Calvert | Herger | Schilling |
| Cardoza | Huizenga (MI) | Scott, David |
| Carter | Johnson, Sam | Shuler |
| Chaffetz | Kind | Slaughter |
| Clay | LaTourette | Tsongas |
| Clyburn | Lewis (CA) | Velázquez |
| Coble | Mack | Walsh (IL) |
| Costa | McCarthy (CA) | Walz (MN) |
| Doyle | McCollum | Waters |
| Duncan (TN) | McKeon | Young (FL) |
| Ellison | Miller, Gary | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1237

So the amendment was rejected.

The result of the vote was announced
as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Madam Chair, I was unavoidably detained and missed rollcall vote Nos. 306, 307, 308, 309, 310, 311, 312, 313 and 314. Had I been present, I would have voted "aye" on rollcall vote Nos. 308, 312, and 313. Had I been present, I would have voted "no" on rollcall vote Nos. 306, 307, 309, 310, 311 and 314.

Mr. FRELINGHUYSEN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TURNER of New York) having assumed the chair, Mrs. CAPITO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

□ 1240

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Virginia, the majority leader, for the purposes of inquiring about the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House is not in session. On Tuesday the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. The last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business today. I expect the majority of these bills to come from the Natural Resources Committee, and I want to thank Chairman DOC HASTINGS and his staff for their tireless work in assisting Members on both sides of the aisle with their bills to responsibly remove Federal red tape that stands in the way of local economic development.

Members are also advised that the House will resume consideration of H.R. 5325, the Energy and Water Development Appropriations Act, on Tuesday, our first day back next week. Those wishing to offer amendments to the bill should be prepared to do so as soon as they return to Washington.

The House may also consider two additional appropriations bills next week: H.R. 5855, the Department of Homeland Security Appropriations Act, sponsored by Representative ROBERT ADERHOLT; and H.R. 5882, the Legislative Branch Appropriations Act, sponsored by Representative ANDER CRENSHAW. Chairman HAL ROGERS and the entire Appropriations Committee on both sides of the aisle should be congratulated for helping to restore the open process of allocating and prioritizing the Nation's spending.

Finally, Mr. Speaker, the House will consider H.R. 436, the Protect Medical Innovation Act, a very important bill for jobs and innovation in the medical device industry, that Representative ERIK PAULSEN is sponsoring. The Paulsen bill will be combined with H.R. 5842, the Restoring Access to Medication Act, sponsored by Representative LYNN JENKINS, and H.R. 1004, the Medical FSA Improvement Act, sponsored by Representative CHARLES BOUSTANY.

Mr. HOYER. I thank the gentleman for that information, and I want to make the comment that the gentleman correctly congratulated the appropriations leadership on his side of the aisle.

I also want to observe that on our side of the aisle there has been cooperation, and there's not been an effort to either delay or dissemble. That is why this process works. That's the way it should work. It hasn't always been that way, as the gentleman knows, but I'm pleased that it is working. I think that's best for our institution, and I think it's best for the country. So I'm pleased at that, as well.

I tell my friend—and he knows this—according to the schedule I have, the House is scheduled to be in session a total of 28 days until the August break and 41 days from now until November. Of the 41 days available, 10 are 6:30 days in which we come in for an abbreviated evening session which usually takes a half hour to an hour to conclude after afternoon debate on suspension bills.

With the limited time we have available, Mr. Leader, I am very concerned, as the gentleman knows, of the extraordinarily large number of very big fiscal questions that will be coming to roost at the end of this year. My view is that we need to address those. Hopefully, we will address them in a bipartisan way. If we do not address them, we will put the economy at continuing risk.

The Bush tax cuts, as you know, expire as of December 31. The payroll tax cut expires December 31. The sustainable growth rate—which we affectionately refer to as the doc fix—the alternative minimum tax, and the debt limit all come to bear at the end of the year.

In addition to that, the sequester—which I think all of us believe is not the appropriate way to go, but is the way we set up to force us to take action on a comprehensive, big, bold, balanced plan. Unfortunately, the supercommittee was unable to reach agreement on that.

I wanted to say to my friend, the majority leader, I would hope that you would be urging all of us and I would join with you in that effort in urging all of us to be ready to make some tough decisions, but decisions which need to be made in order to stabilize our economy and stabilize the fiscal posture of the United States. I am hopeful that we can reach a credible

and sustainable fiscal path for our country.

□ 1250

The only way we are going to do that is if we work together in a bipartisan fashion. The gentleman and I were very successful in working on the Export-Import Bank legislation in a bipartisan fashion in which we got over 300 votes for on the House floor. The gentleman was unable to make the signing but it was signed this week, I think a very positive step forward. I appreciated the gentleman's work on that piece of legislation.

I would like to urge the gentleman that because of the extraordinarily short number of days that we have left to meet, to focus on what I think is going to be what some people call a fiscal train wreck, some people call it a fiscal perfect storm, some people call it a fiscal perfect cliff. Whatever you call it, it clearly will have a great impact on not only the confidence that Americans have in this body and the Senate to work and to make effective plans for meeting that challenge, but also for getting our country on a fiscally sustainable path. I don't know whether the gentleman has any comments on that.

I yield to the gentleman.

Mr. CANTOR. I thank the gentleman.

I agree with him that all of us should be very focused on the months ahead as we approach the date at which this country will, by operation of law, experience the largest tax increase in its history, that sequester will be imposed, that we perhaps will face another debt ceiling vote as well as many of the items the gentleman mentioned. I think all of us understand the gravity of those issues.

Mr. Speaker, I think we have also seen in operation around here, together with the White House, the difficulties that the two sides have had coming together on two very important issues that run throughout all of the matters that the gentleman mentioned, and those two issues are health care and taxes.

As the gentleman knows, we have put forward a solution to the health care entitlement issue, which is the disproportionate cause of the unfunded liabilities of the Federal budget. The gentleman, the President, and his party have rejected our solution that has been validated by the Congressional Budget Office as an actual fix to the deficit.

To date we have not seen any counterproposal with the gentleman, his party, or the President coming to the table saying here's how we would fix it. All we continue to hear, Mr. Speaker, is we need to raise taxes, and we need to raise more taxes on people who have been successful.

The gentleman knows that those are the two issues, the taxes and the health

care fix, that we've just had real difficulty in trying to come together. I would say to the gentleman we remain ready to work with him and his colleagues on that other side of the aisle to try and produce a result for the American people so we can re-inject some certainty back into the minds of the American people that the economy is going to get better.

Again, we tried to focus on issues having to do with growth in the private sector. How do we speak to that small businessman or -woman who's having difficulty now assessing what his or her taxes are going to be? How do we speak to that working mother there when she questions whether her health care will still be available given the uncertainty around the Obama health care bill?

These are the kinds of things we are trying to work together on. So many other things elude us because the gulf is so wide philosophically in dealing with taxes and health care.

Mr. Speaker, we remain ready to work with the gentleman. We share the concern about what lies ahead.

Mr. HOYER. I thank the gentleman. I was not trying to make political points or rhetoric in raising the issues that I did. I frankly think that it doesn't get us very far, I would suggest to the majority leader, and we need to get someplace. America expects us to get someplace.

Many of your members have indicated that revenues need to be on the table. The gentleman knows that every bipartisan commission that has dealt with this says revenues need to be on the table. The same entitlements need to be on the table. Neither are easy to deal with, but they must be dealt with if we're going to be responsible stewards of this Nation's finances and this Nation's future.

Political rhetoric is not going to get us there. We all want to help small business, and we believe we have helped small business very substantially. Frankly, if you get into the analysis, small businesses did very well during the Clinton administration under policies that were in place at that point in time.

That aside, we need to deal with this, and I think a number of members on your side have, in fact, indicated that they understand that everything needs to be on the table, and that is what I think as well. I think both sides have things that they don't want to deal with, but Americans expect us to deal with tough things and make tough decisions on behalf of them, on behalf of their children and on behalf of their families.

On small business and economic growth, this leads me to the highway bill. We continue to be very concerned, Mr. Majority Leader, that we have not reached agreement on the highway bill. The Senate was able to reach an overwhelmingly bipartisan agreement on the highway bill, which is a jobs bill.

I was disappointed, and I hope the gentleman was disappointed at the jobs numbers that came out today: 82,000 in the private sector, lost 13,000 in the public sector, net: 69,000 jobs. That does not get us to where we want to be after losing millions and millions of jobs in the previous administration and losing a substantial number of jobs in the administration before. Over the last 26 months, we have grown 4 million jobs, but the hole was very deep, and we're not out of it. If you don't have a job, you know we're not out of it. I would hope that we could at least, with certainly our side believing, that the highway bill is a jobs bill.

Ray LaHood, as I pointed out in the past, a former leader in your party and chairman of a subcommittee in the Appropriations Committee, says that it's a jobs bill but unfortunately concludes that bill is not passing, he believes, for largely political reasons. I hope that's not the case and don't assert it to be the case.

Do you have any idea what kind of progress we're making on the highway bill so that bill can come to the floor before the June 30 expiration of the highway authorization?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, as he knows, the House has passed its bill, the Senate has passed theirs, conferees have been appointed, and obviously we're very mindful, as you see, of the expiration of the current authorizing language and law. We are prepared to make sure that there is no stoppage of transportation programming and funding, all the while desiring a much longer term solution to the problem.

I think the problem remains, as the gentleman knows, just not enough money to address all the things that the country is experiencing in terms of the needs for roads and infrastructure repair, as well as the needed expansion. As the gentleman knows, we all are mindful of the limited resources that are available to address these needs.

Just trying to prioritize, I am hopeful that the conference committee can come to a solution prior to the expiration of the authorizing language in place right now. Again, we are very mindful. We don't want to allow for shutdown of any program at the end of this month.

Mr. HOYER. I thank the gentleman.

I appreciate his observation. Clearly we don't want to have the authority for the highway bill to expire without action, but I will reiterate my offer to my friend, the majority leader, and say that given the bipartisan, the overwhelming bipartisan, support of the bill that came from the other party, that if we brought that bill to the floor, I would tell the gentleman that we will have the overwhelming, perhaps unanimous support, which would be 190 votes on our side of the aisle for

that bill because we believe it is a jobs bill. We believe it will grow the economy, it will put people back to work.

It will give confidence to the American people, as we did with the Export-Import Bank in my view, give confidence to the American people that we can come together and move forward through reaching agreement.

□ 1300

Obviously, the Senate was able to do that. And they did it overwhelmingly, with over half of the Republican caucus voting for it in the Senate and three-quarters of the Senate voting for it.

I would say to my friend, I think that would be a real shot in the arm for the economy. And I agree with the gentleman, certainty is important. Confidence building is important. And if we did that, in my view, and if you could bring half of your caucus to that vote, we would pass that bill overwhelmingly. And I think it would be a very positive step for the economy, very positive step for the confidence of the American people and our economy and put people back to work.

I don't know whether the gentleman wants to comment on that further, but if he does, I will yield to him.

Mr. CANTOR. Thank you.

Mr. Speaker, I say to the gentleman I have no further comment.

Mr. HOYER. Lastly, if I might, the student loan interest rate, as you know, will go up at the end of this month from 3.4 to 6.8 percent. That will add substantially additional cost to literally millions of students, some thousand dollars of additional cost to most students at a time when we want to make higher education, so necessary for success in our country, available to as many people as we possibly can so we can be competitive worldwide and, from our perspective further, a Make it in America agenda of growing our economy and getting jobs for our people.

I know that there was opposition to that reduction when it was originally on the floor in 2007. I know there was some opposition to it earlier this year. But I also know that I think both you and the Speaker have indicated now that they support that. We passed legislation on this floor which brought that down when there was, obviously, very substantial disagreement and controversy with reference to the funding source, given the preventive health fund that was used to fund the student aid.

Can the gentleman tell me whether or not he believes there's a possibility for us to reach agreement on how to do this? I know the Speaker said this was a "phony" fight, but it is a real fight and it will have real consequences if we don't resolve our differences. Can the gentleman comment on what he believes to be the possibility of reaching agreement with the Senate on the student loan bill?

Mr. CANTOR. I would say to the gentleman that the Speaker and I, together with the Republican leader and whip in the Senate, have sent a letter to the President—perhaps the gentleman has seen it—suggesting a way forward on the issue of student loans so that there will not be an expiration of the subsidy provided to students.

We suggested two options to allow for the continuation of the lower rates for students to be paid for by provisions which the President has suggested that he would agree to. The two options are to limit the length of in-school interest subsidy and the other is to revise the Medicaid provider tax threshold and to phase it down so that we can actually achieve some savings so that we can allow for the continuation of the subsidized rates for students who are struggling on their tuition bills.

These are two options that we suggest. They are bipartisan in nature. There shouldn't be any reason why we couldn't get this done prior to the expiration of the current law.

Mr. HOYER. I thank the gentleman.

Just for his information, I would be a very strong opponent of your first option, which continues to want to reduce the take-home pay of Federal employees. Federal employees, under the plans that you have passed through this House, will have already been asked to pay \$105 billion in reduction in pay and benefits over 10 years. That's \$10 billion per year you're suggesting that our employees have their net take-home pay reduced.

In addition, the additional proposal in your reconciliation bill would add another \$78 billion to that, \$183 billion in total, or \$18.3 billion per year reduction in pay and benefits for Federal employees. The gentleman, in his State, has a lot of those Federal employees. They happen to be civilian employees.

I know the gentleman supported the pay raise for the military personnel, which I supported as well. The gentleman is aware that largely, through my tenure in the Congress, we've treated our civilian employees and our military employees with parity. I would hope that the gentleman would not think of continuing to go to the Federal employee, as we go to no other employees, and the gentleman is not interested in asking anybody else to participate more in paying for this in terms of revenues. But your side has been continuing to propose reducing the pay and benefits of the Federal employees.

My view is, and I have said this publicly, that if we can reach a big, bold, balanced deal and it's balanced—but just going to one pocket, one group of people, who studies show, depending upon the level you're working at, many are not paid comparably to their private sector, some others are, is not a

fair, balanced way to proceed. I would hope that that option would be not on the table. I know the administration put it on the table for a larger deal, but I'm going to urge that that not be an option.

I know that I have talked to some of your side from your State who believe that's not an option that ought to be pursued. As a matter of fact, one of them voted against the MilCon bill yesterday because of a provision dealing with further reducing the net take-home pay for Federal employees.

So I would hope that would not be an option, and I would hope that we can reach an option so we can contain the cost of college for young people, because that's not only good for them, it's good for the competitive stature of the United States of America.

With respect to the reconciliation bill that you mentioned, you mentioned the fact that you were dealing with the deficit. In fact, as the gentleman knows, in terms of your health care provisions, they do not, within the next 20 years, get the Federal budget to balance in the Ryan budget. So although you deal with that in some respects, it doesn't get us to balance and therefore does not, in my opinion, give the confidence and certainty that the American economy needs and that American citizens need.

I want to ask the gentleman, lastly, if he expects all 12 appropriations bills—I know we're going to do Energy and Water; we've now already done two of our bills—whether or not he expects all 12 appropriations bills to be on the floor, considered, and completed prior to the August break.

Mr. CANTOR. If I could, Mr. Speaker, just point the gentleman's attention back to the student loan issue.

I specifically did not offer up the option of the Federal employee pay-for because I do know that we have a difference on that. So the gentleman explained the differences. We understand that. That's why we're trying to avoid differences and come together where we can agree, which is why I discussed the two other provisions which are bipartisan in nature and that the President has said he supports, which could, in a responsible fashion, allow us to continue the lower rates.

Mr. HOYER. I don't want to interrupt, other than to clarify.

As I understand the two options, one was the option of making additional—in the letter I read. Maybe I'm incorrect. If you can correct me.

Mr. CANTOR. Mr. Speaker, there were two options: One was the Federal employee pay-for in and of itself, the reductions in the size of the Federal Government, would have taken care of the pay-for, if you will, for the student loan issue. The other option was composed of two different provisions, both of which are bipartisan in nature and the President says he supports. One of

those is to limit the length of in-school interest subsidies; the other was to revise the Medicaid provider tax threshold. It was those two components that comprise option two. That is my point.

Mr. HOYER. I thank the gentleman for his clarification.

Mr. CANTOR. I'm not quite sure about the note he made about our budget not balancing within the budget window. I would say to the gentleman, we understand that, but it is a plan that we could adopt that would provide a blueprint for getting us back on track as far as managing down the debt and deficit. And my point originally was, Mr. Speaker, there's been no such plan, there's been no such proffer from the President or the gentleman's side of the aisle.

□ 1310

So in order for us to move forward, we need participation from both sides. We can't just have one side providing a solution without the ability to get that solution put into place because the gentleman's party is in control in the other body and in the White House. So how do we go about trying to find commonality if there is no proffer of solution? That was my point, Mr. Speaker. And there has been no solution, balanced or not, provided by the other side.

And I would say lastly to the gentleman's inquiry about the appropriations process, we certainly maintain the position we'd like to see all of our bills brought to the floor through regular order, consistent with the Speaker's policy of an open debate that we have seen thus far in the appropriations bills. We had a successful completion yesterday, and we are continuing in the Energy and Water appropriations measure today and as we come back next week.

Mr. HOYER. I thank the gentleman for that information, and I want to say to the gentleman that I disagree that there is no plan. Mr. VAN HOLLEN, the ranking member of the Budget Committee, did in fact have a plan, presented that plan, and it was voted on on the floor of the House. It did not prevail, but that is a plan which, frankly, was a more balanced plan from our perspective. Obviously, the House did not agree with that. But it is a more balanced plan that would have reached balance in fact more quickly, I believe, than the Ryan plan.

So we do have a plan. We presented that plan. We offered it on the House floor. I voted for that plan. The overwhelming majority of the party on this side of the aisle voted for that plan. So there is a plan, so I think the gentleman is not correct in saying that we haven't offered a plan. We have; the plan has not passed, the gentleman is absolutely correct on that. The Senate and the House have not agreed on a plan. I'm not sure that they will be

able to agree on a plan. I think that's unfortunate, but perhaps we can agree on the appropriations bills.

We are hopeful that the appropriations bills will be agreed upon consistent with the agreement that we thought we had at the funding levels of \$1.047 trillion for discretionary spending. The bills that have been offered are closer to that number than I think we will find as later bills come, we don't know that, but that is the speculation. The Senate has agreed that we ought to mark up to that figure, but we haven't marked up to that figure in the appropriations bills. But if we complete the appropriations bills, as the gentleman says he wants to do, I think it would be good to do.

Is it the gentleman's perspective that we will mark to \$1.047 trillion or \$1.028 trillion? That's a \$19 billion difference, a substantial difference, we understand that. In the Senate, the Republicans and Democrats have agreed to mark to the higher number. Can the gentleman comment on whether or not at the end of the day we'll be able to get agreement on the agreement that we thought we had in the Budget Control Act?

Mr. CANTOR. Mr. Speaker, I would just say to the gentleman, he and I have discussed this before in these colloquies, and I would suggest turning attention to a Senate that hasn't even begun considering its appropriations bills, to suggest that we would come to an agreement with the Senate, I think, you know, the Senate has got to really start to do its work as far as the appropriations process is concerned.

I yield back.

Mr. HOYER. I don't have a rebuttal to that, so I will yield back my time.

ADJOURNMENT TO TUESDAY, JUNE 5, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

HONORING KANSAS STATE REPRESENTATIVE BOB BETHELL

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise to honor the life of a true public servant from the great State of Kansas. Kansas State Representative Bob Bethell represented the 113th District in the State House and hailed from Alden, Kansas, not too far from the farm where I grew up. Representative Bethell served the

people of Kansas in the State House for 14 years and was a staunch advocate for education, health, and long-term care. His distinguished career includes serving as mayor of Alden, as a pastor in his community, a school principal, and a director of college admissions. Additionally, Bob was a private business owner, operating long-term health care facilities.

I was saddened to learn of the tragic car accident State Representative Bob Bethell suffered while driving home from the Kansas legislature recently on Sunday, May 20. I served with Bob for 8 years in the Kansas House, and I always remembered him as a kind and caring man who never took himself too seriously—always wearing his trademark Mickey Mouse ties.

A true public servant. Bob, we're going to miss you.

BRINGING FOCUS TO TICK-BORNE DISEASES

(Mr. GIBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBSON. Mr. Speaker, over the last district work period, my colleague PAUL TONKO and I hosted a conference to bring focus to better prevention, testing, treatment, and insurance coverage for victims of Lyme and associated tick-borne diseases.

This conference was constituent-driven. Over the past couple of years, I've heard from hundreds of constituents who were suffering from Lyme or who had family members of close friends suffering from this disease. Two of these constituents took the lead and organized this conference, Christina Fisk and Holly Ahern. They did a terrific job.

We had a dynamic keynote speaker, experts on the scope and the economic burden of Lyme, and a very encouraging presentation by Dr. Horowitz on a new approach for the diagnosis and treatment that identifies co-infections and other environmental hazards as the cause for chronic Lyme symptoms.

This approach could potentially unite the medical community, presently divided over whether chronic Lyme exists. We also received briefings on supporting doctors who treat chronic Lyme patients, protecting the blood supply, new approaches to testing, and a dynamic summary by Dr. Leigner, which provides a comprehensive roadmap for the way ahead.

Last year, I was proud to support an \$8.75 million increase for the better testing and reporting of Lyme, but much more needs to be done. I am submitting for the RECORD our conference materials, and I look forward to working with my colleagues on this vital public health issue.

A FORUM ON TICK-BORNE DISEASES—
WHAT'S NEXT?

(at Skidmore College, Saratoga Springs, NY,
May 21, 2012)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2012.

DEAR FRIENDS: Welcome to the Forum on Tick-Borne Diseases—What's Next here at Skidmore College. I am pleased that you took the time to attend what I believe will be an informative and thought provoking exchange of ideas from a variety of perspectives.

As a Member of Congress representing communities in the eastern part of New York State, I have received a number of requests over the past year asking me to look into the subject of Lyme and other tick-borne diseases. Lyme disease and its co-infections are prevalent throughout the country, with the northeast section of the US suffering especially high incidence rates. My studies of the subject have revealed not only the unpleasant realities of the diseases and their impact on victims, but also the confusion and divergence of opinions surrounding the identification, understanding, and treatments of the diseases that are appearing with ever increasing frequency in all our communities.

New studies, including an important one conducted at SUNY Adirondack (State University of New York), indicate that Lyme disease may be far more prevalent than we had originally suspected. Additionally, other studies place the financial burden of the disease at levels much higher than we'd previously understood. It is my feeling, and that of a number of my colleagues, that closer examination of the situation is not only warranted, but is absolutely necessary to understand the state of the science, the needs of the victims, and the opportunities for new initiatives. The goal is to create the forward momentum necessary to put efforts to fix these problems on a fast track and get some help for the victims of these debilitating diseases.

Based on input from this Forum and other sources, I intend to make sure that the Federal Government is doing all it can be reasonably expected to do to move forward on all aspects of this situation. I know there are a growing number of my colleagues in Congress who are committed to this as well. Together we will do all we can to achieve this goal. Thank you and God bless you for your personal commitment to this cause.

Very sincerely,

CHRIS GIBSON,
CONGRESSMAN,
20th District, New York.

WELCOME

On behalf of the organizing committee, we would like to welcome you to the Helen Filene Ladd Concert Hall in the Arthur Zankel Music Center at Skidmore College, for the LymeNEXT forum. Thank you for your participation.

We wish to extend our gratitude to Congressman Chris Gibson, who has recognized the impact that undiagnosed and untreated Lyme disease and the associated tick-borne infections have had not only in his district, but also across the state and country. Congressman Gibson has taken a leadership role in encouraging forward thinking, collaborative problem solving, and the search for new ideas, to improve the lives of patients and families affected by Lyme and other TBDs. We all hope that this forum will inspire new initiatives in both the public and

private sectors to advance these critical issues.

We are hopeful that LymeNEXT will be only the first of many such events that will lead to greater public awareness, better diagnostics, and effective treatments for these multifactorial, protean, and debilitating diseases.

Sincerely,

CHRISTINA T. FISK,
Co-Chair.
HOLLY AHERN,
Co-Chair.

Organizing Committee: Steve Bulger, District Director for Congressman Gibson; Steve Borgos, Logistics; JoAnn Borgos, Volunteers; Mary Beth Bulger, Social Media.

KEYNOTE ADDRESS

(By Pamela Weintraub, Executive Editor,
Discover Magazine)

*Into the Woods: The Patient Journey through
Lyme Disease*

Inspired by her own family's personal nightmares with Lyme disease, Pamela Weintraub called upon her professional skills as an investigative journalist and science writer to undertake a meticulous and detailed investigation of the elaborate and complex issues that constitute the medical, political, cultural, and economic components of Lyme disease. Her findings are chronicled in her powerful book, *Cure Unknown*, which won the American Medical Writers Association book competition in 2009. Her work has served to define the varied and contentious elements that are part of all conversations concerning Lyme disease, and her investigatory skill and literary precision helped to uncover the real story behind the multi-faceted Lyme "issue". Ms. Weintraub is currently the Executive Editor at Discover. She has traveled extensively around the country educating people about Lyme disease, among other subjects, and has won numerous awards and has been featured on dozens of major radio shows including Leonard Lopate and Diane Rehm, to discuss biomedicine, science, and the future. Pam's work in this arena has earned her the respect and gratitude of thousands of Lyme victims who feel that they have a voice through her work.

SPEAKERS

Holly Ahern, MS is an award winning professor of microbiology and a science writer who has authored textbooks on laboratory science and published numerous articles in scientific and trade journals. Ahern has a B.S. degree and national board certification (American Society of Clinical Pathologists—ASCP) in medical technology, and an M.S. degree in Molecular Biology from the University at Albany. Named an NSF/ASM Biology Scholar in 2008, Ahern has become an outspoken advocate for truth in science and medicine particularly as it relates to Lyme disease. As head of a groundbreaking undergraduate research program at SUNY Adirondack in Queensbury NY, Ahern and her group are currently researching the complex biology of the Lyme disease spirochete, the incidence of bacterial and protozoal pathogens in the Ixodes tick, and investigating enhanced ways to destroy the disease-causing organisms.

Lorraine Johnson, JD, MBA is an attorney advocate on issues related to the medicolegal and ethical aspects of Lyme disease and has published over 30 peer-reviewed articles on this topic. She earned her JD from Loyola University and an MBA from USC. She is the Chief Executive Officer of the LymeDisease.org and is a director and an of-

ficer of the International Lyme and Associated Diseases Society. She sits on the steering committee of Consumers United for Evidence-Based Healthcare, a nationwide coalition of consumer groups associated with the Cochrane Collaboration. She is also a member of the international Cochrane Consumer Network and serves as a consumer peer reviewer for Cochrane Collaboration evidence-based protocols and reviews. She has spoken before state legislatures, the CDC, at the Canadian government consensus hearings on Lyme disease, and at the IDSA review panel hearing and before the Cochrane Consumer Network.

Richard I. Horowitz, MD is a Board Certified Internist and Director of the Hudson Valley Healing Arts Center, in Hyde Park, New York, USA. He is a founding member of ILADS, and is President of the International Lyme and Associated Disease Educational Foundation (ILADEF), an organization dedicated to the education of health professionals in the diagnosis and treatment of tick-borne disorders. Dr. Horowitz has treated over 12,000 chronic Lyme disease patients in the last 25 years, and has researched and published extensively on the role of co-infections in patients with persistent symptoms. He was awarded the Humanitarian of the Year award by the Turn the Corner Foundation in 2007, for his ongoing work with chronic Lyme disease. Dr. Horowitz has presented his work to institutions, organizations, and government agencies around the world, including ILADS conferences around the globe; UNESCO in Paris and JNI—National Infectious Disease conference France. Dr. Horowitz was recently invited to consult with the top officials within the government of China (CDC/Ministry of Health) on the difficulties of diagnosing and treating Lyme disease and co-infections, and the efficacy of an integrative approach to these diseases.

Daniel Cameron, MD, MPH graduated from the University of Minnesota followed by residencies at Beth Israel Medical Center and Mt. Sinai School of Medicine in New York. Dr. Cameron is widely recognized for conducting epidemiologic research while practicing medicine. He has been viewed as a pioneer in Lyme disease as an author of practice guidelines, analytic reviews, and clinical trials. He has published 9 peer reviewed articles based on his research in the past 5 years. Dr. Cameron led ILADS, the International Lyme and Associated Diseases Society, to new heights as its president from 2007 to 2009. He has testified as an expert on Lyme disease for legislation in Connecticut, Massachusetts, and Pennsylvania for physicians' rights to diagnose Lyme disease using clinical judgment without state interference. He has been interviewed as an expert on the NBC today show, Good Morning America, Fox News, Sirius radio and in newspapers. Dr. Cameron currently sees patients in his private practice in Mt. Kisco, New York while continuing his research and writing. He maintains the website www.LymeProject.com.

David A. Leiby, PhD received a B.S. in Biology from Lafayette College, Easton, Pennsylvania, an M.S. in Biology from Rutgers University, Camden, New Jersey, and an M.S. and Ph.D. in Zoology from the Ohio State University, Columbus, Ohio. He was a National Research Council, Postdoctoral Resident Research Associate in the Cellular Immunology Department at the Walter Reed Army Institute of Research, Washington, D.C. For the past 19 years, Dr. Leiby has been affiliated with the American Red Cross, where he is the Head of the Transmissible

Diseases Department at the Jerome H. Holland Laboratory for the Biomedical Sciences in Rockville, Maryland. He is the principal investigator for comprehensive, multi-center epidemiologic studies of Chagas' disease, tick-borne pathogens and malaria in blood donors. Dr. Leiby has published over 75 refereed papers and book chapters and is frequently invited both nationally and internationally to speak at meetings and institutions. Dr. Leiby also is an associate professor of Microbiology and Tropical Medicine at the George Washington University, Washington, D.C.

Ahmed Kilani, PhD is the President and Laboratory Director of Clongen Laboratory. The company, founded in 1999 in Mountain View, California, is now located in Germantown, MD. Dr. Kilani holds a Bachelor's degree in Medical Technology, a Master's in Clinical Science (San Francisco State University) and a Ph.D. in Infectious Diseases and Immunity (University of California at Berkeley, 1999). He is also board certified nationally (American Society of Clinical Pathologists—ASCP) and in California (Clinical Laboratory Scientist—CLS/MT). Dr. Kilani has extensive experience in Microbiology, Virology, Molecular and Cell Biology. The laboratory facility in Germantown, MD was established in 2004. The company consists of two main divisions: Clinical Diagnostics for Infectious Diseases and Contract Research. Clongen Laboratory holds state and national licenses in laboratory medicine (CLIA-Certified).

Kenneth Liegner, MD is a board certified Internist with additional training in Pathology and Critical Care Medicine, practicing in Pawling, New York. He has been actively involved in diagnosis and treatment of Lyme disease and related disorders since 1988. He has published articles on Lyme disease in peer-reviewed scientific journals and has presented poster abstracts and talks at national and international conferences on Lyme disease and other tick-borne diseases. He has cared for many persons seriously ill with chronic and neurologic Lyme disease. His work has focused on the serious morbidity and (occasional) mortality that can eventuate from this aspect of the illness. He has emphasized the urgent need for widespread clinical availability of improved methods of diagnostic testing and for development of improved methods of treatment for Lyme disease in all its stages. He holds the first United States patent issued proposing application of ascaricide to deer for area-wide control of deer-tick populations as a means of reducing the incidence of Lyme disease.

DOES OBAMA ADMINISTRATION SUPPORT ISRAEL?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, it's always an honor to speak here on the House floor, and there's been a lot of interesting attention that's been given to an issue of whether or not the Obama administration supports Israel, doesn't support Israel, is more supportive of its enemies, and apparently, according to an article in the *Weekly Standard* this week, May 30, 2012, by Daniel Halper, and I'm quoting from the article here, it says:

"Obama stressed he probably knows about Judaism more than any other President because he read about it," Haaretz reports. "He wondered how come no one asks Speaker of the House of Representatives John Boehner or Senate minority leader Mitch McConnell about their support to Israel."

Similarly, he said to the group, "I am not going to tell you again how I even feel about Israel, but why are we still talking about it?"

He then suggested that he should not be questioned about his commitment to the Jewish state because "all his friends in Chicago were Jewish."

I think there's a lot to be learned when we read people's comments or learn of people's comments that were not scripted, that were said just off the top of the head. Nobody put it in the teleprompter. It's not somebody else's words; it's words directly from the individual in question. So I've got to say, you know, the President says all his friends in Chicago were Jewish. I learned a lot from that. I didn't know that Jeremiah Wright was Jewish. I mean, I meet people all the time and it never crosses my mind, you know, what descent is this person.

So it's fascinating for me to find out from the President that apparently Jeremiah Wright was Jewish; Tony Rezko that got the lot right next to the President and got them a sweetheart deal of some kind, that real estate deal, even though Rezko's gone to prison, I didn't know Tony Rezko was Jewish. And Bill Ayers who unashamedly blew up a bomb hoping that he would kill people back in the seventies, the man that gave Barack Obama his first fund-raiser at his home, I didn't know what lineage Bill Ayers was, but according to the President's comment, all his friends in Chicago were Jewish. Apparently Bill Ayers must have been Jewish as well.

So it's interesting to find out about people's friends and who they are and what their background really is.

□ 1320

My background, having been at one time early on a prosecutor—I've been a judge, I've been a chief justice. It helps me, some of us that are a little slower, to work through and plod through material methodically. It helps me to make a chart.

I know, having collected the notes of jurors after they had heard long cases—I guess the longest case I tried was about 10 weeks long, a murder case, as a judge. But it was always interesting to read notes that jurors had left. So, often they would take evidence and they would make notes of evidence and try to decide what category that evidence fit into—did it support what the prosecution was saying, since they had the burden of proof, or did it support a defense contention or an affirmative defense, that kind of thing?

So I found this week, since I read that article about the President's de-

fensiveness, that it would be interesting to take and just run through some evidence so that we could try to decide, since the President says he's not even going to comment how he feels about Israel anymore, I think it would be helpful to go through and look at the evidence and decide whether it supports the notion that the President is very pro-Israel or that he's not.

When the President said that he wondered why no one asked Speaker of the House of Representatives JOHN BOEHNER about his support for Israel, well, I know that Speaker BOEHNER and I have had some rather profound disagreements—and that, I'm sure, will continue—but when it came to the issue of Israel, I couldn't come up with anything that indicated any lack of complete support for the Nation of Israel. In fact, 2 years ago, I started pushing to get Prime Minister Netanyahu invited to address a joint session of Congress here in this very Hall. I know when I approached Speaker PELOSI about it—this was June of 2010—she thought it was a nice idea but there just wasn't going to be time to get that done before the end of the year, we just had so much on our plate. And I think we did have a lot of courthouses we hadn't named yet, so we got those done.

Then, when the Republicans took the majority in 2011, I redid a letter and got lots of Republicans to sign on. The Speaker asked Prime Minister Netanyahu to come and address the House here, and as best I understand it, got the majority leader down the hall, HARRY REID, to go in on it so that it would be a joint session. So all the evidence indicates complete support by Speaker BOEHNER for Israel. I really haven't been able to find anything to the contrary.

But, again, since the President says he's not going to comment anymore about how he feels about Israel, I thought it would be good—and it sure helps me—to go through and just chart out evidence and which notion it supports. So I went through, and we took points from stories—whether on television, in the news media, on the Internet—that appeared to have a good basis for being factual and just decided to chart out: Is this evidence that President Obama is for or against Israel? Does he love Israel or does he love Israel not?

We know that back in 2011, most of us heard the comments—apparently they didn't know that microphone was live—when Prime Minister Netanyahu came up in the comments by President Sarkozy of France, when he made a comment something about what a problem Netanyahu was, and President Obama made comments to the effect that, Oh, yeah, well, I have to deal with him every day. It was clearly belittling of Prime Minister Netanyahu. I

know people that heard the comment thought, Ooh, if you're Prime Minister Netanyahu, that's got to hurt to hear the guy that you may talk to quite a bit agreeing with another leader that Netanyahu is just a real pain to deal with. So it really doesn't show a love for Israel really. That was more of a loves Israel not.

Then, the comments in 2011, when Prime Minister Netanyahu last year was on his way, coming to the United States—he was going to speak to an AIPAC convention here—and it seemed to be rather short notice. The President hurriedly consulted with people that he trusted. Imam Magid, who is president of the Islamic Society of North America. Of course, they are a named coconspirator in the Holy Land Foundation prosecution for supporting terrorism. ISNA, Islamic Society of North America, he's the president of that organization. And we heard on the news that Imam Magid had been consulted. In fact, Imam Magid, the president of this coconspirator supporting terrorism, was even invited to the inner sanctum of the State Department to hear the speech that he had apparently, according to sources, had helped give advice to President Obama on.

So, during his comments, President Obama says that Israel should return to its 1967 borders. And people that are familiar with Israel and know the history of that area, including going back to 1000 or so B.C. when King David was the ruler in that land—1,500, 1,600 years or so before a man named Muhammad came to Earth. Anyway, he's suggesting that Israel, in those comments, should return to those borders, which military people indicate make Israel indefensible. That's why they were so subject to attack in 1967. So that really was not a comment suggestive of a love for Israel. That's really more of a loves Israel not.

Then the Obama administration, they have wholly failed to condemn any of the Palestinians' building of illegal settlements. Here the Palestinians keep building and building in areas they're not authorized, that are illegal settlements being built, and we hear not one single word from the Obama administration about the illegal settlements being constructed by Palestinians. That also included his criticism of Israeli housing plans for East Jerusalem. So that's really a loves Israel not on that one as well.

You've got the Obama administration's decision to eradicate missile defense programs that would have helped Israel. There are articles and information about that. Obviously, since it didn't help Israel to have eradicated missile defense programs that would have helped Israel, despite some that would, that actually is an act that indicates loves Israel not.

Now, I think it was a wonderful thing that Prime Minister Netanyahu, in

2010, was invited to the White House. That was a great thing, very good of the President to invite him. But all of the reference to that visit seemed to make very clear that when the President intentionally snubbed the Prime Minister who had traveled all this way to meet with the President, and he was left waiting for an hour or so while the President went off with his family—they knew that Prime Minister Netanyahu was coming, he came by invitation, and yet the President created an intentional snub, unless his staff, of course, is so incompetent they didn't let him know that the leader of our dear ally Israel was waiting in the White House to visit. But anyway, he went and dined with his family. Also, it was considered by most who know about internal relations to be quite a snub that, although the President's been pictured with all kinds of folks in the Middle East that would just as soon Israel be eliminated from the map, to refuse to have a picture with him, which was the norm, really was an indication of loves Israel not.

□ 1330

Now, Secretary of State Hillary Clinton announced that the Obama administration planned to send \$147 million to the West Bank and to the Hamas-run Gaza Strip.

Well, Congress had made very clear, since we have the purse strings under the Constitution, that there should not be money being sent to any organization that is supportive of terrorism. Hamas is a named organization that supports terrorism. And yet, this administration has decided to send a group who has made very clear they want to see Israel eliminated, wiped off the map—sending them \$147 million is not really evidence of a love for Israel, so that would go in that category.

Over here, you also have President Obama stating that all his friends in Chicago were Jewish, and that he was sometimes accused of being a Jewish puppet. Well, for those people who accused the President, according to the President only, of being a Jewish puppet, and that always his friends in Chicago were Jewish, well, that is some indication of a love for the Jewish Nation of Israel.

The President's administration though, earlier this year, leaked to The Washington Post of the time window in which Israel would take out Iran's nuclear program. Well, any ally is supposed to know that if you go leaking information, putting it out there in public, that damages an effort of your close ally to defend itself, that's not a good thing. It's not a sign of love and affection for an ally when you leak information that would prevent or harm the efforts of that ally in defending itself. So that was not a good indication of a love for Israel; more of a "Loves Israel Not."

And then also, the Obama administration had a leak to the media that Israel was going to use the Azerbaijan airspace to take out Iran's nuclear program. Well, if that's the kind of thing you do for friends, America's not going to have a lot of friends for very long because our friends will know, wow, Israel is said to be one of America's closest allies, and yet they're leaking information about private deals that their so-called ally has made to try to defend themselves. That surely would fall into the category of "Loves Israel Not."

And then also, you have the immense pressure that was placed by this administration on Israel not to defend itself without the United States' permission. Does a friend really do that? I thought we believed in the sovereignty of our friends, our nation friends, so they could make their own decisions about self-defense. I thought that's the case. And yet, we keep hearing reports, reading reports about pressure by this administration on Israel not to take action to defend itself. So that's really in that category as well, "Loves Israel Not."

Then also, the Obama administration has never rejected or condemned the racist, hateful teachings about Jewish people going on in the Palestinian schools in the Middle East, and in some Muslim schools here in the United States. No condemnation or rejection at all could be found anywhere. And yet, anyone that cares to see the kind of hateful, biased, nasty things that are being said about Jewish and Israeli people just need let our office know.

There are people in Israel, there are Web sites that can provide that information. They've gotten copies of textbooks. There are commercials that are run. There are great events that Palestinian areas, in fact—that are even named for Palestinian terrorists, Islamic jihadists that blew themselves up and killed a lot of Israelis. And yet, we have no condemnation from this administration of any of that type activity.

Israel, of course is repeatedly warned by this administration to be nicer to the Palestinians, and we can't find any evidence that this administration has ever warned the Palestinians, quit inciting hatred in your children for Jewish or Israeli people.

And the list goes on, helping us assess the evidence of whether President Obama is for or really against Israel. Since his comment this week, he's not going to tell us any more how he feels about Israel. We'll just look at the evidence.

Continuing, we remember not long after President Obama came into office he traveled to Turkey, to Iraq, Saudi Arabia, Egypt, apologized to them on behalf of the United States. Somebody uses really good word choices, a beautiful group of words about the United

States being divisive and dismissive. Anyway, really nice words in what many dubbed as the apology tour. That really was not a strong sign of love and affection for Israel.

And then we have the fact that this President, although he went on an apology tour all around our so-called ally, Israel, he never actually went to Israel. I don't know, you can't blame him. Maybe he'd be concerned that Prime Minister Netanyahu would leave him sitting around twiddling his thumbs while Prime Minister Netanyahu went and had dinner with his family.

But I've met with Prime Minister Netanyahu. I'm not anybody, and yet he took time and was very punctual in his meeting, so I really don't think the President should have to worry that Prime Minister Netanyahu might try to snub him the same way. I think President Obama would find Prime Minister Netanyahu to be very congenial, as he normally is. Although again, we go back to the President's comments when he didn't know the mic was open indicating he didn't have a lot of love for having to deal with Prime Minister Netanyahu every day.

So as for now, until we actually have a visit from President Obama to Israel, that really has to go into the "Loves Israel Not" category.

And then of course, we have the Obama administration's support for the Muslim Brotherhood's rise to power in Egypt. This administration was encouraging Mubarak to step down, get out of the way, and actually made quite interesting quotes about the radical Islamist protesters in Egypt.

But anyway, they supported the Muslim Brotherhood's rise to power in Egypt and have reached out in numerous ways to the Muslim Brotherhood, thinking that this may really be a good thing, indicating a great thing for the Middle East. Well, it may be a good thing for the Muslim Brotherhood, but we have the documentation, the quotes are easily accessible, about what the Muslim Brotherhood truly stands for, and they want to see Israel gone.

So some would say, well, it's a good thing when any administration reaches out to a people. But if that people, if the leaders of a group are demanding that a dear, close, friendly ally be wiped off of the map and have to live under a caliphate, not Judaism, which the President says he knows more about than any other President, apparently—but live under a caliphate, which, of course, as Ahmadinejad believes, the 12th imam, the Mahdi, will be coming back.

□ 1340

Anyway, that really wasn't showing a lot of love for Israel. Of course, Israel expressed a great deal of concern. They had concerns about what was going on

in Egypt. Mubarak was a problematic man, a problematic leader, but at least he was trying to keep up the agreement, the treaty with Israel. He at least made some pretense that he was trying to protect the Egyptian-Israeli border.

Now we have the Muslim Brotherhood, who has no such intention, and it didn't take an intelligence department to advise this administration of that. It certainly should have been clear. Yet, in 2011, President Obama was calling the radical Islamist protesters in Egypt "an inspiration to people around the world," and he stated he supported a new regime in Egypt. Well, you had radical Islamists; you had the Muslim Brotherhood; and as we see in these elections as they go forward, the Muslim Brotherhood is taking charge, and they have no interest in agreeing to the treaties that have long since been made with Israel. Although they have come back and said, Well, we might put it up to a vote, the same people who are voting the Muslim Brotherhood into power, because they know the Muslim Brotherhood wants to see Israel gone, will obviously not be supporting a treaty.

So those kinds of comments that put Israel at such extreme risk on their border just cannot be deemed to be an indication of a loves Israel. It's more a loves Israel not.

Then we have the fact that, though Syrian leader Assad has been ruthless in killing and abusing his people and has not been helpful to Israel to the extent Egyptian leader Mubarak was, this administration, the Obama administration, has failed to support the Syrian rebels the way it did the Egyptian rebels. That has really been interesting to see how that developed.

For example, in Libya, gosh, the President says he didn't need support from Congress because there were people like NATO and the Muslim Brotherhood. There were folks who wanted us to help get rid of Qadhafi. Well, Qadhafi was sure no angel, and he certainly had blood on his hands, but Qadhafi was not a threat to Israel, and this administration militarily—militarily—supported the people who are a threat to Israel, unapologetically. Now, there were some games, some wordsmanship games—wordsmithing went on by this administration—saying, Look, look, this is really a NATO action. Guess who makes up 60 percent or more of the NATO military. Guess who gives more to NATO than anybody else. It's the United States. So it was a little bit of sleight of hand to say, You know, Libya really is more of a NATO action. It's not really us.

It is very clear. This administration has not demanded the ouster of a leader with blood on his hands, who continues to abuse and kill Syrians who want some freedom. This administration hasn't supported those rebels the

way they did in Libya and the way the administration called for Mubarak to be gone—forcefully. So that's also a loves Israel not.

Then you've got to note that the Obama administration's support for giving Israel's enemies money and weapons has been at the same time Israel has been given assistance. That's not showing a lot of love for Israel, but the Obama administration has supported providing Israel financial aid that they can use to buy U.S. weapons for Israel's defense. Well, now, there's a good one to show some love for Israel. So this administration has shown some love for Israel by pushing to provide them with financial aid to buy U.S. weapons for their own defense. Unfortunately, that comes at the same time the administration keeps supporting Israel's enemies—giving them money, pushing to give them money and weapons—at the same time Israel is getting that same assistance.

Then there is one other thing that I think is worthy of note. I believe it was 2 years ago—in May 2 years ago, I believe—that the Obama administration voted with Israel's enemies to require Israel to disclose any and all nuclear capabilities or weapons. Israel is a tiny country in the middle of a number of countries and of hostile peoples that want to see Israel gone, and nobody has made that more clear than Ahmadinejad. It is certainly worthy of note that it was right after this administration parted from decades of tradition of support for Israel—and their very tenuous situation there in the Middle East—that it sided with all of Israel's enemies and voted to require them to disclose all they really had that could protect them.

It brought to mind that story from the Old Testament about King Hezekiah and how King Hezekiah was confronted by Isaiah. Those of us who believe what's printed there believe that God sent the prophet to confront Hezekiah, and he basically said, What have you done with these people from Babylon, with these leaders that came over from Babylon?

This is a Texas paraphrase, but basically, King Hezekiah said, Oh, I took these Babylonian leaders around, and I showed them all our treasure, and I showed them all the defenses we have in the armory.

In essence, Hezekiah was told by Isaiah, You fool. Because you have done this, you're going to lose your country. And he did. Actually, he begged the Lord to let it not be on his watch, and it ends up being under his son's, but that's another story.

The point here that came to mind, though, is we were demanding that Israel do what Hezekiah similarly did, which made their country vulnerable and caused them to lose their country—and we voted with Israel's enemies to demand that. This administration did. Congress would never have

voted in the majority to do such a thing, but this Obama administration did.

It's a dangerous time in the world, and it's time for America not to be stupid. Some have referred to Israel as being the free world's miner's canary, because as people know, in the old days, before sensitive electronic equipment, canaries were taken into mines so that if noxious, poisonous gas began to fill the air, the canary would die before the miners would, and if the canary keeled over dead, the miners would know they've got to get out or they could be next.

Our assistance to Israel is as a democracy in the middle of a hostile world, a hostile area, with people who want to see our type of freedom and liberty gone, whose very definition of the word "freedom" means freedom to worship under a joint caliphate under shari'a law. But Israel's definition of "freedom" is like ours. We should be supporting Israel. We should not be supporting Israel's enemies.

□ 1350

Those who have studied history, you know that when a nation's enemies see that nation's strongest ally pulling away from him, that's when their enemies move against them. So was it any surprise that after the Obama administration voted with Israel's enemies to make Israel more vulnerable, that all of a sudden here came a flotilla to challenge the lawful blockade of the Gaza Strip that Israel had to at least try to ensure their own protection?

Of course, that was a disastrous and embarrassing time for Israel, but I can't help but believe it goes back to this administration telling Israel's enemies we're standing with you and not with Israel. Yes, this administration has gone back and issued statements to the contrary. But when you look at the evidence, look at the unguarded evidence, look at the leaks, look at the support for whom, it still keeps coming back that even though this President says, I'm not going to answer any more questions about whether or not I support Israel, the evidence is clear.

I hope in the ensuing months between now and the next inauguration, that this administration will go out of its way to assure Israel's enemies that despite the overwhelming evidence that Israel is not loved by this administration from past actions and comments, that it will take action if for no other reason than to try to help this administration win some votes that it's been losing. I don't really care what the reason is. I care about supporting our allies, supporting those who stand for liberty, who will allow freedom of worship by Muslims, freedom of worship by Christians, freedom of worship by other groups in Israel that Jews and Christians are not afforded in other countries that this administration keeps sucking up to.

The evidence seems pretty clear. It keeps coming back—despite some minor indications to the contrary—that this administration loves Israel not.

With that, Mr. Speaker, I yield back the balance of my time.

STAFFORD STUDENT LOAN PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. COURTNEY. Mr. Speaker, I assure you that I will not use the full 60 minutes, but there is an issue that I wanted to spend a few minutes discussing today because it is extremely time sensitive.

As the chart next to me indicates, we are today on June 1, twenty-nine days away from the increase in interest rates for the subsidized Stafford Student Loan Program, a program which today presently offers middle class college students loans at a rate of 3.4 percent, and on July 1, by law, that number will double to 6.8 percent unless Congress acts.

The situation right now is the result of a measure that was passed in 2007, the College Cost Reduction and Access Act, which at that time—again, the statute under the Stafford program required a 6.8 percent interest rate. I was part of a group that passed the College Cost Reduction and Access Act that cut that rate down to 3.4 percent. For an average student using the Stafford Student Loan Program, which carries a loan limit up to \$23,000 a year for a student, that cut in interest rate saved the average student who uses this program about \$5,000 to \$10,000 in added interest cost, obviously a huge number for young people in this country who are struggling to try to deal with the costs of higher education.

Again, it was a 5-year bill, and it has a sunset date of July 1. That is not uncommon in terms of the way legislation is designed in Washington. But in January, President Obama, while he was standing at that podium right behind me, reminded the Congress during the State of the Union address that this doubling of rates was a few months away. Up to this point, we still have not dealt with this issue. And for young people who are trying to budget in terms of the upcoming school year, young seniors who got their acceptance letters to go to college, the failure of this Congress to address this issue and get it done is, frankly, completely unacceptable. And the schedule that we've been following in this House—for example, this week we had only one full session day. At a time when so many issues like this are piling up and crying out for action, that is really just unacceptable.

The good news is that there has been some movement. Since the President made his call in January, I introduced legislation to lock in the lower rate the following day. We have 152 cosponsors to lock in the lower rate at 3.4 percent. About 3 weeks ago, the Republican majority did move a bill forward. It was paid for, I think, completely inappropriately by dipping into a fund to pay for preventive health care. In other words, it took money out of a fund to pay for cervical cancer screening, diabetes treatment, all the measures that are preventable illnesses in this country. Again, many uninsured individuals need that fund to operate to get those tests done and avoid higher health care costs.

Yesterday, there was again additional movement where the Republican leadership in the House and the Senate acknowledged that that's not going to work in terms of a way to pay for it, and two additional ideas have been put forward on the table to deal with the way to offset the cost of cutting that rate from 6.8 percent to 3.4 percent. We'll see. Next week, the Senate is back, and that really is the Chamber where we may see some movement forward in terms of this issue.

I think it's important to note that this is only a 1-year fix that is being proposed right now. For families out there dealing with the cost of college, saying that we're going to only provide relief for 1 year for interest rates is not a good enough answer.

We know that because the Federal Reserve—which tracks the amount of consumer debt that families are accumulating in this country—just yesterday reminded us that student loan debt now exceeds all other forms of consumer debt. It exceeds credit card debt. It exceeds car debt.

This is a trajectory which is just going up and up and up. And adding to that debt level by allowing interest rates to be at a ridiculous level in the economy that we're in right now—you can go out and get a 30-year fixed rate mortgage on a house for about 3 percent or 4 percent right now. Certainly in Connecticut those kinds of loans are being offered. There are 10-year Treasury notes being sold at record lows. Yesterday, it was reported that 1.45 percent was the yield rate that Treasury was selling 10-year notes.

To have 6.8 percent, with this picture in our economy here today, is just unacceptable. The impact it's having in terms of the higher education system is tragic for our country. In the 1980s, we were number one in the world in terms of graduating people with either 2-year or 4-year degrees. Today we are 12th. Think about that. The United States of America now is 12th in terms of graduating people with 2-year and 4-year degrees, and cost is the biggest driving factor that is preventing people from going to college and getting degrees.

□ 1400

When we look at the workforce needs in this country in terms of medical professions, in terms of research, in terms of engineering and science, the fact of the matter is this country is in an almost crisis situation right now in terms of being able to refresh and replenish the workforce needs of this country.

Now, how did we get here? The Stafford student loan program, which was created in 1965, was an attempt to try and reach out to families and give them more affordable interest rates so that they could pay for colleges. From the 1960s to the 1990s it was a variable rate interest program that went up and down with interest rates in the economy. In 2002 the Congress passed a budget law which locked in a fixed rate at 6.8 percent.

Why did they do that? Well, that interest revenue, when people pay back their loans, actually goes into the Treasury. It goes into the coffers of this country. It's almost like a tax, essentially. To cut that rate to a lower level requires other places in the government to sort of offset the reduction of 6.8 percent to a lower rate. The measure that we passed in 2007 accomplished that with a pay-for because it eliminated a lot of wasteful bank subsidies and fees to make sure that that cut from 6.8 percent to 3.4 percent was actually going to take place.

We are here today in a situation where student loan debt now is the largest challenge that faces middle class families who are trying to just do the right thing and give their children the opportunity to get the skills that they are going to need to compete in their lives and help our economy, by the way, perform in a very competitive global environment.

Yet we have still not come up with a sustainable, long-term path in terms of trying to make college affordable. We need to address this.

My bill, H.R. 3826, locks in the lower rate at 3.4 percent, not just for 1 year, but permanently. We also need to look at the issue of college costs. We need to start putting incentives out there in terms of Federal programs to make sure that colleges are not running wild with tuition increases. I think it's important to note that President Obama, when he gave the State of the Union address and challenged Congress to protect this lower interest rate, he coupled it with a number of reforms to the title 4 programs that pay for higher education from the Federal Government.

That basically tells universities and colleges if your tuition rates go up at an unacceptable level, you're going to be basically disqualified from participating in these programs. That is the first time that has ever been cited or suggested as a way of trying to put some carrots and sticks into the sys-

tem right now. Because college costs are driving, again, that affordability challenge.

To some degree they are driving that high loan level, those high debt levels that families are almost forced to take on to pay for college. It's almost like buying a house now, if you are going to a 4-year private college, in terms of paying the bills.

We need to again not just look at this issue in terms of protecting lower interest rates, which again it looks like we may have a glimmer of hope of a 1-year fix coming up in the Senate next week, but we also need to frankly have a longer-term strategy for providing lower interest rates on a longer term basis for middle class families, and we need to be looking at what's the driving factor in terms of college costs. We need to start creating incentives within the financing system to make sure that colleges are doing a better job of managing their overhead so that they again aren't just shifting that cost on students and their families.

Again, the stakes could not be higher in terms of success of this country. We must as a Nation make sure that we continue to invest in our education system, in our higher education system.

I would close by just citing another benchmark that's coming up in a short period of time. Again, as my chart indicates, on July 1, we are going to hit the doubling of the interest rates unless Congress acts.

What's also going to happen, though, on July 2 is that we are actually going to observe an anniversary in this country. It will be the 150th anniversary of when Abraham Lincoln signed the Morrill Act. The Morrill Act was a law that was passed during the darkest days of the Civil War, again a time when we were literally going through an existential crisis in this country about whether or not we were going to survive as a republic.

Despite all that challenge, President Lincoln was able to look above and beyond the immediate and look in the long term and sign into law this measure which created the land grant college program. That is the program which basically said that each State must establish an institution of higher education for the purposes of propagating agricultural sciences and engineering.

What an amazing act for someone, again, whose Nation was fighting for its life to see that long term we must continue to look forward, and we must invest in our future. Over time, since the Morrill Act was signed, we, on a bipartisan basis, have passed the Stafford Act, the Stafford student loan program, which I mentioned here. It was sponsored by a Republican Senator, Robert Stafford, from Vermont.

We passed the Pell grant program, named after Claiborne Pell, a Demo-

cratic Senator from Rhode Island. We passed the Perkins Loan Program, which is named after Carl Perkins, a Democrat from Kentucky.

But over time and even the darkest, most challenging, critical days of our Nation's history, we have had leadership in Washington which understood that we must keep our eye on the real crown jewels of our country, which is our people. We are a Nation that is blessed with great material wealth. We are a Nation that is blessed with the greatest military fighting force in the world. We are blessed with great financial institutions.

What really makes this country tick is our people, is investing in future generations. That is, at the end of the day, what's at stake with this issue, which has 29 days for Congress to act and fix.

I'm an optimist. I think we can do this. I think we have seen some movement—took a little external pressure on the political system here, with the President's visits to college campuses in Iowa, North Carolina and Colorado, and the ticking clock that I have been putting on this floor day in and day out, and the 130,000 petition signatures from colleges all across the country. We brought those to the Speaker's office on day 110. That external pressure has finally gotten some movement on this issue. Hopefully next week we are really going to see the glimmers of a real solution to making sure that families are not going to see their rates double to 6.8 percent.

Again, our work is not done if we get that measure passed. We must deal with long-term sustainable solutions to the issue of higher education costs if we as a Nation are going to have any viable future and success. We can do this, but it's going to take a lot of bipartisan concerted effort to come together and solve this critical problem.

With that, Mr. Speaker, I yield back the balance of my time.

COUNTRY ENVISIONED BY FOUNDING FATHERS

The SPEAKER pro tempore (Mr. WALBERG). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, as always it's my privilege and honor to address you here on the floor of the United States House of Representatives and take up a series of issues that I think you should be considering, and I would recommend that be the case as long as the broader part of the body of this Congress and the public is listening in to this conversation that we are having, Mr. Speaker.

I would make a series of points on where our Nation needs to focus our energy, where this Congress needs to focus its energy, and how we turn this

country back into the country that was envisioned by our Founding Fathers. I would make the point, Mr. Speaker, that we have now, coming on almost 4 years ago, elected a President who rode into office with a large majority in his party, in both the House of Representatives and the Senate.

I warned then, going into the 2008 election, that if America elected—and I quote it this way—the ruling troika, the troika of President Obama, the majority leader of the United States Senate, HARRY REID, and Speaker of the House NANCY PELOSI, that the three of them could go into a phone booth and thereafter make a decision on what they decided to do to America without accountability that could check them in their very active endeavor to shape America in a way that wasn't envisioned by the Founding Fathers.

Lo and behold, Mr. Speaker, that is what happened. The voters in 2008 made that decision. They expanded the Democrat majority here in the House of Representatives. They also elected Barack Obama to the Presidency, the most liberal President America has ever seen and, of course, maintained a majority of Democrats in the United States Senate.

What unfolded was an effort here in the House that passed cap-and-trade, and we stood here on the floor, Mr. Speaker, over and over again and did battle with cap-and-trade. We called it cap-and-tax. Cap-and-tax was the right way to describe the bill that would tax people who were burning hydrocarbons and, doing so, create a disadvantage for American industry and an advantage for the industries in places like India and China, where they care less about what goes into the atmosphere than we do here in this country.

That legislation, which I will always believe we had the ability to kill—even in the House Republican minority at the time—if we had turned up all of our efforts, we had the ability to kill it, Mr. Speaker. We didn't get that done.

□ 1410

We came close. We didn't get that done. And the cap-and-tax legislation passed over to the United States Senate, where it was subsequently killed in the Senate. But the sentiment of the President of the United States; the Speaker of the House, then NANCY PELOSI; and the majority leader of the United States Senate was to impose cap-and-trade or cap-and-tax on us. And they tried. They tried mightily. And President Obama has since said that if he can't get cap-and-tax passed—he would say cap-and-trade, Mr. Speaker—that he would implement it by rule and implement it by regulation if the Congress will not comply with his directive.

Now, we haven't heard very much about that effort in the media—not very much from the President, not

very much from Democrats in this Congress or Democrats in the United States Senate. But it remains that this executive branch is implementing rules and regulations to carry out the initiative of cap-and-tax, cap-and-trade, which has been so rejected by the American people and exposed to be at least perpetuated by a fraud of dated information that went back and forth between the United Kingdom and the United States.

So that's one piece that has been coming at us. It's a result of that decision made by the voters in 2008. And as they pushed on cap-and-tax from that election, we saw then also that supermajority of the House Democrats, Senate Democrats, and the most liberal President America has ever seen. By the way, Mr. Speaker, I'm not making that number up. That is the data that shows that when they measured the votes of the United States Senators during the entire tenure of Barack Obama as a United States Senator, which I recognize wasn't long, he voted to the left of every Senator in the United States Senate, including BERNIE SANDERS, the Independent Senator from Vermont, who I served with in the House of Representatives. I personally like the gentleman. He's a self-professed socialist. Yet Barack Obama voted to the left of the self-professed socialist Senator, BERNIE SANDERS, and the left of every United States Senator.

While he was a Senator advancing cap-and-tax, cap-and-trade, he said that under his proposal of cap-and-tax, cap-and-trade, that the costs of electricity generated by coal would "necessarily skyrocket." Well, that's happening. They have written regulations through the EPA and other means of the executive branch of government to the point now where it's been I think clearly established that from a regulatory perspective it is not just virtually, Mr. Speaker, but literally impossible for a new coal-fired generating plant, no matter how clean burning that coal might be, to be constructed in the United States.

We tried that in Iowa a year and a half or so ago, to build a coal-fired plant in Marshalltown. It had the best combination of entities that you could bring together that could utilize this and the longest-term, best vision you could put together with the engineering and the business model. And they finally had to, as we say on the chess board, tip over their king and concede that they couldn't build a new coal-fired plant.

Now it's become ever increasingly clear that expanding coal-fired generation also is regulatorily virtually impossible, perhaps literally impossible as well.

So the costs of our electricity go up and the leverage that comes in on creating subsidized forms of energy that fit within the political wishes of the

President seems to be pushed well out of the White House. In any case, Mr. Speaker, that was one of the fights that went on here in this Congress back in those years between 2008 and the election in 2010.

Of course, another one was the passage of ObamaCare. ObamaCare sometimes is described as the pejorative way that it should define the health care plan that the President advanced and that had the full support of then-Speaker PELOSI. I would remind people of that—then-Speaker PELOSI.

That legislation first came to this floor as H.R. 3200. That was the precursor to the final package of ObamaCare. In the end, the bill that they define it as—two different bills, by the way. One, a reconciliation package that was slid around the filibuster in the Senate. That's a component of ObamaCare. The other one was legislation that passed out of the House and Senate with a supermajority in the Senate, I might add—and that was only passed because there was a promise made here that the President would sign an executive order that in effect amended legislation that the House was about to pass.

Now, Mr. Speaker, if there are any civics students listening to this discussion, I imagine that I have just heard their jaws drop across America, to think that the President of the United States, who taught constitutional law at the University of Chicago as an adjunct professor, would think that he, now as President of the United States, could sign an executive order that could amend legislation under the promise that it would amend legislation that was about to be passed on that condition in the House of Representatives.

That took place right here, Mr. Speaker. That's what's happened to this country. That's what's happened to the constitutional constructs of this country when you have leftist activists in charge of this government and they took the bit in their teeth and they ran off the cliff into the left and we ended up with ObamaCare, which they call the Patient Protection and Affordable Care Act. The Patient Protection and Affordable Care Act. You can walk up and down the streets of America, and with the exception of right around the Capitol here in Washington, D.C., I would suggest that you wouldn't find two people in 100 that would know what that means.

We know what ObamaCare means. That's the President's advance of the health care policy that takes away our constitutional right to manage our own health care. And I tell people often that ObamaCare needs to be repealed for a lot of reasons. It's unaffordable, it's unsustainable, and it does set up rationing. Sarah Palin was right: it reduces research and development. It

means that America will no longer be the lead in the innovation and health care systems in the world.

All of those things are bad and wrong and unsustainable about it, but the worst thing is that ObamaCare is unconstitutional. It's a direct assault on Americans, on our sovereign right. Mr. Speaker, the most sovereign thing that any of us has in the United States or anyplace in the world is our own soul. We protect that. We decide. That's freedom of religion that's in the First Amendment in the United States Constitution, take care of your soul. That's sovereign.

The second most sovereign thing we have is our health: our bodies, our skin, and everything inside it. And what is ObamaCare? They went in and nationalized Chrysler. They nationalized General Motors. For a time, they nationalized three large investment banks, AIG, Fannie Mae-Freddie Mac. The entire flood insurance program in the United States and the student loan program in the United States, all of that taken over by the Federal Government in the last few years.

And then ObamaCare came along. And that is, Mr. Speaker, the nationalization of your skin and everything inside it and a 10 percent tax on the outside if you go to the tanning salon, just to add a little extra insult to injury.

That's what ObamaCare has done. It has tapped into this vigorous American people, the most vigorous people the world has ever seen. We've skimmed the cream of the crop off of every donor civilization on the planet and gotten the best that any civilization had to offer because they were inspired by the American Dream, inspired by those visions that are embodied within the Statue of Liberty. Those visions altogether attracted people to come here to this country so they could live free, be free, breathe free, and do as they will in a free enterprise system that has a rule of law, freedom of speech, religion, and the press and assembly, and no double jeopardy and tried by a jury of your peers and states' rights that flow down to the States or the people respectively.

All of that is the promise of America. And when you come to America and you embrace that promise, then you can work to achieve the American Dream. But the Federal Government taking over the nationalization of our bodies takes that away from us. And the 1,300 health insurance companies that we had 2½ years ago when the ruling troika imposed ObamaCare on this country are fewer now. The 100,000 possible health insurance policies that were out there on the marketplace that one could choose from are fewer now. And the government stepped in and reached more.

And just yesterday, I got the news that Nemschoff Company, which is a subsidiary of Herman Miller, Inc., and

provides 111 jobs up in Sioux Center, Iowa—111 jobs making furniture and other equipment, a lot of it that goes into medical clinics and hospitals, a specialized type of a production facility, 111 jobs, will close its doors, and they cited, Mr. Speaker, ObamaCare. The uncertainty and the cost and the burden of the imposition of ObamaCare upon a company that's building products for health care causes them to shut their doors down. They didn't give any other reason. I didn't talk with them. I didn't solicit this. That was what came out in their press release. And I learned it when I read the paper.

□ 1420

ObamaCare forces them into a situation where they are shutting down a company that has been there for years, and it has 1,100 jobs. Well, the profit has been taken out of it for them. That's why the plant has to be closed.

We need to remember that this economy doesn't function to produce jobs. This economy and this free enterprise system we have functions to give a return on capital. When capital is invested, it needs to be invested with an anticipation that there will be profits. And that anticipation for profit is what brings about jobs. And keeping those jobs competitive is what is an incentive to produce the expanses in technology so that America can be the innovators for the world and the most competitive economy in the world.

But this administration seems to believe that you can't have a business model unless you can have the government at the table. And the government will decide what kind of health insurance policy you can buy and that you shall buy it, and that there is an individual mandate in ObamaCare that takes away our constitutional rights, and that's the unconstitutional taking of the second most sovereign thing we have, which is our skin and everything inside it.

And if the Supreme Court—and I believe, Mr. Speaker, they will make a prudent constitutional decision, and I anticipate that decision very early—well, I will say next month sometime I anticipate that decision. They will be deliberate on this, that the Constitution defines a limited government, the principle of federalism.

The principle of federalism isn't to grow the Federal Government, it is to limit the size of the Federal Government and for those powers to be devolved down as close to the people as possible. The Federal Government should be the last resort, not the first option. If you can take care of things at the family level, take care of it at the family level. If you can't do that, take care of it at the friend level. If you can't do that, do so in your church. Do so in your neighborhood. Do so in your school. Do so in your community. Do so in your county. And if you can't

do that, do so in your State. But as a last desperate resort, the Federal Government then maybe can step in if the cause is high enough and there is a constitutionally enumerated power to do so.

But this enumerated power of the Commerce Clause is where the proponents of ObamaCare pointed to argue that they have the constitutional authority to require every American that fits within their defined category to a buy health insurance policy that's approved by Barack Obama with the mandates on it that are approved by Barack Obama which, by way, include by Presidential edict—legislation by not Executive order; not legislation from the bench as we sometimes complain about with an activist judicial branch. The President of the United States legislated by press conference when he directed Kathleen Sebelius to issue the order that even our faith-based organizations, and especially our Catholic health care providers, but it also includes many of the Protestant organizations, that they shall provide contraceptives, sterilizations, and abortifacients, and they shall do so free of charge, that it should be part of every health insurance policy.

So, Mr. Speaker, can you imagine if you were someone who had committed your life to Christ, for example, a celibate priest, a celibate nun, you're required to provide contraceptives for those who are not, and if it violates your religious convictions, whether or not you wear a collar? We can't discriminate in favor of someone who happens to be a professional reverend or pastor or a bishop or a cardinal. And a layperson on the street whose convictions may be as deep needs to have the same conscience protections from a religious perspective. And so for the Federal Government to step in and declare, You're going to provide health care services; you're going to buy this health insurance policy, and you will guarantee that it'll cover contraceptives, sterilizations, and abortifacients, abortion-causing drugs for every one of your employees even if you're in the business to oppose the idea of abortion-causing drugs.

The President got the political pushback on that, Mr. Speaker, and over a couple-weeks period of time of taking the crossfire that came from across this country directed at the White House for the audacity to make that declaration, the President held a press conference and said—it was at noon on a Friday several weeks ago now, and he said this: I'm going to make an accommodation to the religious organizations, and, therefore, rather than requiring Catholic Hill Services, for example, to provide abortion-causing drugs and sterilization and Cadillac contraceptives, I'm going to instead make that accommodation and require the insurance companies to do that for free.

Now, you heard me say a little bit ago "legislation by press conference," Mr. Speaker, and I say that because of this: The rule that was issued by Health and Human Services' Kathleen Sebelius that imposed this thing on religious health care providers especially, that rule was never changed. The language is identical to what it was. There is not an "i" dotted differently or a "t" crossed differently. The rule is the same. So the only thing that changed was the President did a press conference and said: Okay, I'm going to cut you some slack, religious organizations. I'm going to make an accommodation to you, and I'm now going to require the insurance companies provide it for free. He repeated himself: For free.

The audacity. King George would not have the audacity to step up and do a press conference 230 years ago and say to America: Well, regardless of what the Parliament thinks, I'm just going to go ahead and require you to, let's say, buy tea at the rate that the British would like us to buy. No, there would be a tea party in Boston Harbor if that happened.

Well, there's going to be a tea party in this country, too, only it's going to take place in November, and the American people will reflect on what has happened over these 3-plus, going now on 4 years, the imposition of ObamaCare on all of America without regard to the Constitution and the restraint, requiring people to buy a health insurance policy that's approved by the Federal Government that has mandates that are stuck into it by what? Not by legislative action. Not by a rule approved by the United States Congress. By an executive branch that's directed out of the White House to write up the rules however they see fit and a President that has the audacity—and that's one of his favorite words, by the way, Mr. Speaker—the audacity to seek to legislate by press conference. Edicts by press conference. It is breathtaking the extra-constitutional reach that's been taken by this President and this administration, and this country needs to rise up and get back to our constitutional underpinnings. We need to reject ObamaCare.

I want to see this House vote again this summer after the Supreme Court decision, no matter what the Supreme Court decision is, and I'm optimistic about getting a constitutional decision from the Supreme Court. But I want to see this Congress vote again for a 100 percent repeal of ObamaCare so everybody's on record, everybody understands that it must all go. It must all be pulled out by the roots. There can be no vestige of ObamaCare left behind. It's an unconstitutional taking of American liberty. In a vigorous Nation, Mr. Speaker, we cannot reach our destiny if we are tied to the anchor of

ObamaCare that directs and rules our lives and consumes about 17 or more percent of our gross domestic product.

And so the difference is this: The troika of HARRY REID, NANCY PELOSI, and Barack Obama has been broken. It was broken in the election of 2010 when they saw the extra-constitutional reach of ObamaCare. They saw the effort on cap-and-trade. They saw Dodd-Frank pass through the House and the Senate and become law, an overreach. You had the people involved in the solution for the economic downward spiral that were contributing to the problem.

There are a whole series of things that we need to put this aright, Mr. Speaker. One of them is to scrub out the regulations that have been put in place in an effort to try to implement cap-and-trade around the resistance of this United States Congress, the separation of powers that's clear in the Constitution itself between the legislative and the executive and the judicial branches of government. I'm just very confident that Barack Obama taught those separations of powers, that the article I component of this that says, Here, this is how we set up the legislature. They set the laws. They set the policy, and the establishment of the executive branch of government whose job it is to carry out the laws and take care that the laws are faithfully executed.

□ 1430

We have a President who apparently encourages someone like Eric Holder to disregard especially immigration laws and only enforce those laws that, let me say, do not make them politically vulnerable. They decided they had 300,000 people that were in this country illegally that had been already adjudicated for deportation, and they said we don't have the resources to enforce the law against everybody that's here illegally, and so they committed their resources to going back through the files, looking through 300,000 forms of people that had been adjudicated for deportation and coming up with a reason or an excuse to try to let them stay in America, to try to turn another blind eye. Those resources had already been used to enforce the law; all they had to do was follow through with the directive of Congress.

The administration created this new argument that has never been heard before, I think, in the history of jurisprudence that Congress had directed the executive branch—this is in their assertion in the Arizona immigration case—to establish and maintain a "careful balance" between the various immigration laws because it affects the different interests of the executive branch.

Enforcing immigration affects our foreign relations, so the State Department has an interest. It affects our

homeland security, so Janet Napolitano has an interest. It affects, perhaps, the educational system, and so you have the Secretary of Education with an interest. And it goes on and on and on. These are not competing interests. Congress has directed that all of these laws be faithfully enforced, and the administration has refused. That's a new approach to, let me say, prosecutorial discretion, Mr. Speaker. It goes on and on.

We have to repeal ObamaCare, repeal Dodd-Frank, pass a balanced-budget amendment to the United States Constitution. It's clear this Congress doesn't have the will to balance the budget. Maybe a simple majority in the House could be convinced to do so; it would be very tough. You can't get it done in the United States Senate. Even if we could balance the budget, we can't keep that happening year after year and pay down and then off this national debt. We need a balanced-budget amendment to the United States Constitution.

My advice, Mr. Speaker, to the next President of the United States would clearly be: refuse to sign a debt ceiling increase as President unless and until the House of Representatives and the Senate of the United States pass an acceptable balanced-budget amendment out of each Chamber that's identical in message to the States for ratification. If we can get that done, then there is a justification to give a short-term extension to our debt ceiling here in this Congress. If not, we need to hold the line until such time as the will is brought into this Congress to bring forth a balanced budget and to pay down and then off our national debt.

My youngest little granddaughter, Reagan Ann King, was born about 19—or maybe now 20 months—ago. Into the world she came with her share of the national debt at \$44,000. I looked at that little girl and I thought, you know, a typical student loan might be \$24,000, might be \$30,000, but she's got a \$44,000 loan and a mortgage on her head with interest accumulating every day, and she has just drawn her first breath. By the time she turned 1 year old, her share of the national debt was \$48,000. And this little blonde-haired, brightest blue-eyed little girl with a beautiful giggle and smile doesn't know what kind of responsibility has been stuck on her by people that are living today at her expense and the expense of all of those babies that have been born and those yet to be born that will be taxpayers—and only about half of them fit that category today.

So, Mr. Speaker, that little girl turned 1½ years old, and now her \$44,000 debt that was \$48,000 on her first birthday, it became \$51,000 when she's 1½ years old. She's going to be a taxpayer and a producer, and so you have to take that times two because only half the people have a Federal income tax liability.

So, \$102,000 on the head of every American, young and old, that's our national debt. And we've watched trillion-dollar deficits roll up over the last 3½ years. The President's budget came to this floor at \$1.33 trillion in deficit—\$1.33 trillion, Mr. Speaker—and now we're approaching \$16 trillion in national debt and it's got to stop.

We have to turn this country around. The American voters spoke in 2010. They sent 87 freshmen here into this House of Representatives who are constitutional conservatives, and every one of them voted to repeal ObamaCare. They want a balanced budget; they want a balanced-budget amendment. They are God's gift to America.

We need another one in November 2012, and more fresh faces and more vigorous people here that will adhere to repeal of ObamaCare, a balanced-budget amendment, an all-of-the-above energy plan. We need more of the same kind of people in the United States Senate and a President that will sign that legislation into law. I look forward to the privilege to work with those new faces as they arrive here and work to make the case before the American people every day from now until November, and thereafter.

Mr. Speaker, I appreciate your attention, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHILLING (at the request of Mr. CANTOR) for today on account of attending a family funeral.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today on account of a death in the family.

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of family function.

Ms. MCCOLLUM (at the request of Ms. PELOSI) for today on account of official business in district.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 5, 2012, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6250. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, United States Special Operations Command case number 09-02; to the Committee on Appropriations.

6251. A letter from the Acting Under Secretary, Department of Defense, transmitting the Accreditation Report for the Armed Force Retirement Home (AFRHS) for Fiscal Year 2011; to the Committee on Armed Services.

6252. A letter from the Surgeon General, Army, Department of Defense, transmitting a report on incentives for recruitment and retention of Army healthcare professionals; to the Committee on Armed Services.

6253. A letter from the Acting Under Secretary, Department of Defense, transmitting a report entitled, "Future Capability of DoD Maintenance Depots"; to the Committee on Armed Services.

6254. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: New Free Trade Agreement with Columbia (DFARS Case 2012-D032) (RIN: 0750-AH72) received May 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6255. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Contingency Contract Closeout (DFARS Case 2012-D014) (RIN: 0750-AH71) received May 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6256. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Utilization of Domestic Photovoltaic Devices (DFARS Case 2011-D046) (RIN: 0750-AH43) received May 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6257. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on Head Start Monitoring for Fiscal Year 2009"; to the Committee on Education and the Workforce.

6258. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Enhancement of Electricity Market Surveillance and Analysis through Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators [Docket No.: RM11-17-000; Order No. 760] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6259. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-15, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6260. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-16, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6261. A letter from the Secretary, Department of Commerce, transmitting Periodic Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979 for August 26, 2011 — February 25, 2012; to the Committee on Foreign Affairs.

6262. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in

Arms Regulations: International Import Certificate BIS-645P/ATF-4522/DSP-53 and Administrative Changes (RIN: 1400-AC85) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6263. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Exemption for Temporary Export of Chemical Agent Protective Gear (RIN: 1400-AC71) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6264. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Foreign Affairs.

6265. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

6266. A letter from the Special Inspector General For Iraq Reconstruction, transmitting seventh lessons learned report entitled "Iraq Reconstruction: Lessons in Criminal Investigations of U.S.-funded Stabilization and Reconstruction Projects"; to the Committee on Foreign Affairs.

6267. A letter from the Secretary, Department of Education, transmitting the Department's fiscal year 2011 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6268. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6269. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2011, pursuant to 20 U.S.C. 57; to the Committee on Oversight and Government Reform.

6270. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decision of the district court in the case of the United States v. Zhen Zhou Wu, et al., No. 08:10386-PBS, 2011 West Law 31345 (D. Mass. Jan. 4, 2011); to the Committee on the Judiciary.

6271. A letter from the Clerk of the Court, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Second Circuit United States of America v. Sergey Aleynikov, docket no. 11-1126-cr; to the Committee on the Judiciary.

6272. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Pacific Sound Resources and Lockheed Shipyard EPA Superfund Cleanup Sites, Elliott Bay, Seattle, WA [Docket No.: USCG-2010-1145] (RIN: 1625-AA11) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6273. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — MARPOL Annex V Special Areas: Wider Caribbean Region [Docket No.: USCG-2011-0187] (RIN: 1625-AB76) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6274. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone [Docket No.: USCG-2012-0045] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6275. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Volvo Ocean Racing Youth Regatta, Biscayne Bay, Miami, FL [Docket No.: USCG-2012-0178] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6276. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; East River, Brooklyn Bridge Scaffolding Repair, Brooklyn, NY [Docket No.: USCG-2012-0263] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6277. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sunken Vessel, Puget Sound, Everett, WA [Docket No.: USCG-2012-0282] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6278. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Saginaw River, Bay City, MI [Docket No.: USCG-2011-1013] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6279. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; North Atlantic Treaty Organization (NATO) Summit, Chicago, Illinois [Docket No.: USCG-2012-0052] (RIN: 1625-AA87) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6280. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Subpart A — Special Anchorage Regulations, Newport Bay Harbor, CA [Docket No.: USCG-2010-0929] (RIN: 1625-AA01) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. CRENSHAW: Committee on Appropriations. H.R. 5882. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-511). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee Natural Resources. H.R. 2512. A bill to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes; with an amendment (Rept. 112-512). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4607. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on midnight rules during a President's final days in office, and for other purposes (Rept. 112-513 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 4607 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COLE:

H.R. 5883. A bill to make a technical correction in Public Law 112-108; to the Committee on Oversight and Government Reform.

By Ms. BASS of California (for herself, Mr. DOLD, and Mr. GUTIERREZ):

H.R. 5884. A bill to establish a 1-year pilot program to reduce up-front premiums on FHA mortgage insurance for first-time homebuyers who complete a homeownership counseling program and thereby help to reduce default rates on residential mortgages; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself and Mr. ISRAEL):

H.R. 5885. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes; to the Committee on Natural Resources.

By Mr. ISRAEL (for himself and Mr. RYAN of Ohio):

H.R. 5886. A bill to amend the Internal Revenue Code of 1986 to improve the dependent care credit by repealing the phasedown of the credit percentage and making permanent the increased dollar limitations; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. LARSEN of Washington):

H.R. 5887. A bill to authorize appropriations for the Coast Guard for fiscal years 2013 through 2015, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SARBANES:

H.R. 5888. A bill to establish a demonstration program to facilitate physician reentry

into clinical practice to provide required primary health services; to the Committee on Energy and Commerce.

By Mr. BARROW:

H. Res. 673. A resolution expressing support for designation of May 2012 as "National Mobility Awareness Month"; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CRENSHAW:

H.R. 5882.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. COLE:

H.R. 5883.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 7 which grants Congress the power to establish Post Offices and post roads.

By Ms. BASS of California:

H.R. 5884.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article I.

Section 8.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. BISHOP of New York:

H.R. 5885.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. ISRAEL:

H.R. 5886.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. LOBIONDO:

H.R. 5887.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. SARBANES:

H.R. 5888.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. MICHAUD, Mr. COHEN and Ms. DEGETTE.
 H.R. 100: Mr. QUAYLE.
 H.R. 140: Mr. QUAYLE.
 H.R. 273: Mr. HERGER, Mr. SCHOCK, and Mr. CRAWFORD.
 H.R. 458: Mr. CROWLEY.
 H.R. 692: Mr. QUAYLE.
 H.R. 718: Ms. BERKLEY.
 H.R. 904: Mr. TERRY.
 H.R. 1066: Mr. CLARKE of Michigan.
 H.R. 1112: Mr. MATHESON and Mr. GRIFFIN of Arkansas.
 H.R. 1116: Ms. WILSON of Florida and Mr. DINGELL.
 H.R. 1206: Mr. CLAY.
 H.R. 1317: Ms. DELAURO.
 H.R. 1327: Ms. SCHAKOWSKY.
 H.R. 1375: Mr. LIPINSKI, Mr. COURTNEY, and Mr. CAPUANO.
 H.R. 1381: Ms. BONAMICI.
 H.R. 1519: Mr. SHULER, Mr. ROSS of Arkansas, and Mr. LARSEN of Washington.
 H.R. 1562: Mr. RAHALL, Ms. MOORE, Mr. PETERSON, and Mr. BOREN.
 H.R. 1596: Mr. PASCRELL.
 H.R. 1639: Mr. PEARCE, Mr. HALL, Mr. GOHMERT, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mrs. SCHMIDT, and Mr. RUPPERSBERGER.
 H.R. 1672: Mr. CLEAVER.
 H.R. 1821: Mrs. CHRISTENSEN.
 H.R. 1867: Mrs. LOWEY and Mr. MILLER of North Carolina.
 H.R. 1956: Mr. PRICE of Georgia, Mr. BILIRAKIS, and Mr. WALBERG.
 H.R. 1960: Mr. CONYERS and Mr. MICHAUD.
 H.R. 2000: Mr. HUNTER.
 H.R. 2012: Mr. ANDREWS.
 H.R. 2057: Mr. NUGENT.
 H.R. 2077: Mr. PAULSEN.
 H.R. 2086: Mr. WELCH.
 H.R. 2139: Mr. LANKFORD.
 H.R. 2140: Mr. PLATTS.
 H.R. 2267: Ms. ROYBAL-ALLARD, Mr. PETRI, Ms. MOORE, and Mr. CARNEY.
 H.R. 2494: Mr. CAPUANO.
 H.R. 2528: Mr. LONG.
 H.R. 2529: Mr. BRADY of Texas.
 H.R. 2569: Mr. GIBSON.
 H.R. 2678: Ms. JACKSON LEE of Texas and Mr. HINOJOSA.
 H.R. 2962: Mr. CRENSHAW and Mr. BROWN of Georgia.
 H.R. 2969: Mr. LOEBACK.
 H.R. 3042: Ms. CHU and Ms. HAHN.
 H.R. 3067: Mr. POSEY, Ms. ZOE LOFGREN of California, Ms. SUTTON, Mr. AUSTRIA, Mr. GEORGE MILLER of California, Mrs. DAVIS of California, Mrs. CAPPS, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 3086: Mr. CUMMINGS and Mr. McDERMOTT.
 H.R. 3158: Mrs. MILLER of Michigan.
 H.R. 3173: Mr. McDERMOTT.
 H.R. 3269: Mr. OLVER, Mr. SCHIFF, and Mr. LEWIS of Georgia.
 H.R. 3341: Mrs. NAPOLITANO.
 H.R. 3352: Mrs. MCCARTHY of New York and Ms. CLARKE of New York.
 H.R. 3395: Mr. KELLY and Mr. CLAY.
 H.R. 3399: Mr. RANGEL.
 H.R. 3423: Ms. BALDWIN.
 H.R. 3482: Mr. HINCHEY.
 H.R. 3511: Mr. GINGREY of Georgia, Mr. WALBERG, Mr. CHABOT, Mr. FLEMING, Mrs.

BLACKBURN, Mr. DESJARLAIS, Mr. FRANKS of Arizona, and Mr. HUIZENGA of Michigan.
 H.R. 3612: Mr. CALVERT.
 H.R. 3668: Mr. CARSON of Indiana.
 H.R. 3720: Mr. CULBERSON.
 H.R. 3762: Ms. MCCOLLUM.
 H.R. 3803: Mr. TURNER of New York.
 H.R. 4066: Mr. BURGESS.
 H.R. 4091: Mr. JOHNSON of Ohio.
 H.R. 4096: Mr. KING of New York.
 H.R. 4134: Mr. RIGELL.
 H.R. 4164: Mr. BASS of New Hampshire.
 H.R. 4259: Mrs. BACHMANN.
 H.R. 4269: Mr. LONG.
 H.R. 4282: Mr. NEAL.
 H.R. 4323: Mr. CAMPBELL and Mr. PETERS.
 H.R. 4336: Mr. DUFFY and Mr. GIBSON.
 H.R. 4367: Mr. ROSKAM, Mr. SMITH of Texas, Mr. LONG, Ms. MOORE, and Mr. BOREN.
 H.R. 4403: Mr. SCHWEIKERT and Mr. CRAWFORD.
 H.R. 4405: Mr. MARINO.
 H.R. 4406: Mr. PETERS and Mr. HUIZENGA of Michigan.
 H.R. 4454: Mr. NUNNELEE.
 H.R. 4470: Mr. BUTTERFIELD, Ms. MOORE, Mr. NADLER, and Mr. ACKERMAN.
 H.R. 5188: Mrs. MCCARTHY of New York and Ms. CHU.
 H.R. 5195: Mr. CARNAHAN, Mr. DEUTCH, and Mr. BURTON of Indiana.
 H.R. 5646: Mr. KELLY.
 H.R. 5705: Mr. KIND, Mr. LARSON of Connecticut, and Ms. MOORE.
 H.R. 5714: Mr. CAPUANO and Mr. SHERMAN.
 H.R. 5736: Mr. ROHRBACHER.
 H.R. 5745: Ms. LEE of California and Mr. CONYERS.
 H.R. 5796: Mr. BURTON of Indiana, Mr. NADLER, Mr. YOUNG of Indiana, Mr. TURNER of New York, Mr. SMITH of Nebraska, Mr. WILSON of South Carolina, Mr. JOHNSON of Illinois, and Mr. MICHAUD.
 H.R. 5823: Mr. SCHIFF.
 H.R. 5842: Mr. BRADY of Texas, Mr. ROSS of Florida, Mr. BENISHEK, Mr. HECK, Mrs. MCMORRIS RODGERS, Mr. LUETKEMEYER, Mr. MILLER of Florida, Mr. BERG, Mr. POMPEO, Mrs. ELLMERS, Mr. BURTON of Indiana, Mr. GOSAR, and Mr. POSEY.
 H.R. 5846: Mr. AKIN, Mr. CONAWAY, and Mr. BROOKS.
 H.R. 5848: Mrs. DAVIS of California.
 H.R. 5864: Mr. DINGELL.
 H.R. 5873: Mr. WALDEN and Mr. GIBBS.
 H. Res. 187: Ms. SLAUGHTER and Mr. SABLAN.
 H. Res. 397: Mr. DUNCAN of Tennessee and Mr. YOUNG of Alaska.
 H. Res. 484: Ms. HIRONO, Mr. BACA, Mr. HONDA, Mr. SCHIFF, and Ms. CHU.
 H. Res. 490: Mr. DUNCAN of Tennessee.
 H. Res. 506: Mr. SHERMAN.
 H. Res. 616: Mrs. HARTZLER.
 H. Res. 618: Mr. CUMMINGS, Ms. BROWN of Florida, and Ms. LORETTA SANCHEZ of California.
 H. Res. 624: Mr. GRIFFIN of Arkansas.
 H. Res. 646: Mr. KELLY and Mr. PALAZZO.

AMENDMENTS

Under clause 8 or rule XVIII, proposed amendments were submitted as follows:

H.R. 5325

OFFERED BY: Mr. BURGESS

AMENDMENT No. 9: Page 30, line 25, after the dollar amount, insert “(reduced by \$100,000,000)”.

Page 56, line 24, after the dollar amount, insert “(increased by \$100,000,000)”.

H.R. 5325

OFFERED BY: Mr. BURGESS

AMENDMENT No. 10: At the end of the bill, before the short title, insert the following new section:

SEC. ____ None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulation; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

H.R. 5325

OFFERED BY: Mr. GOHMERT

AMENDMENT No. 11: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Energy for the new construction, purchase, or lease of any facility, land, or space in the District of Columbia except where a contract for the construction, purchase, or lease was entered into before the date of the enactment of this Act.

H.R. 5325

OFFERED BY: Mr. TIPTON

AMENDMENT No. 12: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to conduct a survey in which money is included or provided for the benefit of the responder.

H.R. 5325

OFFERED BY: Mr. BROWN OF GEORGIA

AMENDMENT No. 13: Page 20, lines 17 through 23, strike “Provided further” and all that follows through “6864(a):”.

H.R. 5325

OFFERED BY: Mr. BROWN OF GEORGIA

AMENDMENT No. 14: At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Energy Advanced Research Projects Agency—Energy to provide awards to projects with expected Technology Readiness Levels (TRL) of TRL-7, TRL-8, or TRL-9 at the end of the project, as described by the ARPA-E eXCHANGE User Guide (updated March 1, 2012).

H.R. 5325

OFFERED BY: Mr. BROWN OF GEORGIA

AMENDMENT No. 15: At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds made available under this Act for the Advanced Research Projects Agency—Energy may be used for unallowable expenditures related to advertising, promoting the sale of products or services, and raising capital in contravention of the requirements of sections 31.205-1 and 31.205-27 of title 48 of the Code of Federal Regulations.

H.R. 5325

OFFERED BY: Mr. BROWN OF GEORGIA

AMENDMENT No. 16: At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Energy to subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) or to subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10 of the Code of Federal Regulations.

H.R. 5325

OFFERED BY: Mr. CRAVAACK

AMENDMENT No. 17: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Department of Energy to require grant recipients to replace any lighting that does not meet or exceed the energy efficiency standard set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

H.R. 5325

OFFERED BY: MR. HARRIS

AMENDMENT NO. 18: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act may be used to fund any por-

tion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).

EXTENSIONS OF REMARKS

RECOGNIZING THE NORTHERN HIGH SCHOOL PATRIOTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. HOYER. Mr. Speaker, I rise today to honor and congratulate an extraordinary team of young women from Maryland's fifth congressional district. The Northern High School Patriots won the 3A Maryland "state softball finals on May 26, 2012. This is their fifth consecutive softball state championship and ninth softball championship overall. This incredible achievement was made all the more significant given the caliber of their competition.

After an undefeated season, the Patriots emerged victorious over Thomas Stone High School, Chopticon High School, Huntingtown High School, and Reservoir High School to ultimately meet Linganore High School in the state championship game at Robert E. Taylor Stadium at the University of Maryland. The Patriots prevailed, overcoming the Linganore Lancers with a final score of 10–0.

This victory demonstrates that with determination, willpower, and discipline we can work to overcome any obstacle in the path of achieving success. The Northern High School Softball team has gone above and beyond expectations. The Patriots end their 2012 season not only with a state championship, but also a perfect record of 25–0. Additionally, Northern High School has become the first softball program in state history to win five consecutive state titles.

Eighteen student-athletes contributed to this triumphant season, remaining focused and determined to continue the streak of Northern High School softball state championships.

Mr. Speaker, I offer my heartiest congratulations to the members of the championship team—Jessie Clemons, Kierstie Schaefer, Jess Cummings, Sarah Bennett, Sam Gatton, Caroline Clarry, Marleigh Smith, Lindsey Schmeiser, Madison Marinaccio, Baylee Hutchinson, Erin Adams, Julie Keleti, Carleigh Ruleman, Kristina Lozupone, Kailin Case, Allison Garzone, Kayla Grantham, and Sabrina Beil—on their victory. And, I also want to applaud Head Coach Robert Earl Radford and his coaching staff—Devin Hall, Beth Radford, and Qyntia Parks-Lewis—for their dedication and commitment while guiding these talented student-athletes.

Like all Southern Marylanders, I am very proud of these young women and I congratulate all of those involved in bringing home a state title. I ask that my colleagues join me in applauding this great accomplishment.

IN RECOGNITION OF EVAN R. CORNUS UPON RECEIVING THE HERMAN "RUSTY" SHIPPS LEADERSHIP AWARD

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. TIBERI. Mr. Speaker, I rise in recognition of Evan R. Cornus upon him receiving the Herman "Rusty" Shipp's leadership award. This prestigious award is named in honor of Rusty Shipp, Class of 1913. The Award, bestowed by the Ohio Wesleyan Alumni Board of Directors, recognizes exemplary leadership, stewardship, dedication, and commitment to the advancement of the university.

Mr. Cornus' support of his alma mater is legendary at Ohio Wesleyan University, as is his commitment to private liberal arts education as reflected in his 2010 induction into the Ohio Foundation of Independent Colleges Hall of Excellence.

Throughout a tremendously successful business career, Evan R. Cornus has made his mark both at Ohio Wesleyan and around the State of Ohio. An active member of the university's Board of Trustees for more than 20 years and a supporter of many Ohio Wesleyan initiatives, Mr. Cornus has never ceased to find new ways to enhance the campus and mission of his beloved school. For example, in an effort to make college available to others he graciously provided financial support for a number of campus scholarship programs, including the Woltemade Center's Corns Business and Entrepreneurial Scholars program, all in an effort to support the students, faculty, and staff at Ohio Wesleyan University. Alumni like Evan R. Cornus represent the finest aspects of Ohio Wesleyan University and symbolize the finest traditions of citizenship.

TRIBUTE TO BARBARA HUNDLEY, JACKSON CITIZEN OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Barbara Hundley, who has enhanced life in Jackson, Alabama through her civil service, dedication to her church and talent with gardening, earning her Jackson's Citizen of the Year award.

Mrs. Hundley has served a variety of roles in the Jackson area, working for the city planning commission on projects like a new complex for the Jackson Police Department, remodeling the White Smith Memorial Library, the construction of the Jackson Senior Citizen Center and also a new fire station for the downtown Jackson area.

In addition to this, Mrs. Hundley volunteered at the library, helped bring the Regional Child Advocacy Center to Grove Hill, prevented voter fraud as a poll worker at Jackson City Hall and was a member of the Jackson Area Chamber of Commerce, helping to revitalize the downtown Jackson Area. Mrs. Hundley also has been a 35-year member and a past president of the Jackson Woman's Club, and taught drug awareness and other classes at Jackson High School.

Even while doing all of the aforementioned activities, Mrs. Hundley has taught Sunday school at the Jackson First United Methodist Church, provided lunch for senior citizens and those with bereaved families, sang in the choir and researched and authored a history of the church.

However, Mrs. Hundley's greatest passion might be gardening, which has developed such a reputation that groups will take tours of the gardens at her home on Golfview Drive. As is her nature, Mrs. Hundley also teaches gardening, landscaping and classes on birds and butterflies for the communities of Jackson, Grove Hill and Monroeville.

On behalf of the people of Alabama, I want to congratulate Barbara Hundley on her recent recognition and thank her for her service and example to her fellow citizens in Jackson and the surrounding communities. We wish her and her family continued success in the years to come.

43 CATHOLIC ORGANIZATIONS FORCED TO SUE TO PROTECT THEIR BASIC RIGHTS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. POE of Texas. Mr. Speaker, "... I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

Thomas Jefferson's words reflect the basis for religious liberty in our country.

A freedom which is guaranteed in the first amendment.

The provisions in the first amendment are listed first because they are the most important.

Yet this essential freedom is being trampled on by the administration under the guise of providing essential health care.

The administration has demanded religious groups violate their religious convictions.

Last week the 43rd Catholic organization joined in lawsuits against the administration based on the Government's blatant disregard for religious freedom.

Organizations throughout the country have joined in these suits.

They are:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Archdiocese of Washington, D.C.
 Consortium of Catholic Academies
 Archbishop Carroll High School
 Catholic Charities of D.C.
 The Catholic University of America
 University of St. Francis, Joliet, IL
 Diocese of Joliet, IL
 Catholic Charities of Joliet, IL
 Diocese of Springfield, IL
 Catholic Charities of Springfield, IL
 The University of Notre Dame
 Diocese of Fort-Wayne-South Bend, IN
 Catholic Charities of Fort Wayne-South Bend, IN
 St. Anne Home, Indiana
 Franciscan Alliance
 Our Sunday Visitor
 Michigan Catholic Conference
 Archdiocese of St. Louis, MO
 Catholic Charities of St. Louis, MO
 Diocese of Jackson, MS
 Catholic Charities of Jackson, MS
 Vicksburg Catholic School
 St. Joseph's Catholic School
 Diocese of Biloxi, MS
 De l'Epee Deaf Center, Inc., Biloxi, MS
 Catholic Social and Community Services, Inc., Biloxi, MS
 Resurrection Catholic School, Pascagoula, MS
 St. Dominic Health Services, Jackson, MS
 Diocese of Rockville Centre
 Catholic Health Services of Long Island
 Catholic Charities of Rockville Centre
 Archdiocese of New York
 ArchCare
 Franciscan University of Steubenville, OH
 Diocese of Erie, PA
 St. Martin Center, Erie, PA
 Prince of Peace Center
 Diocese of Pittsburgh, PA
 Catholic Charities of Pittsburgh, PA
 Catholic Cemeteries Association of the Diocese of Pittsburgh, PA
 Diocese of Dallas, TX
 Diocese of Fort Worth, TX

Religions should not and will not be bullied into violating their beliefs.

A government edict is not a substitute for religious doctrine.

It is a sad day in our country when groups have to sue the Government in order to protect a basic right guaranteed in our Constitution.

And that's just the way it is.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. SMITH of Washington. Mr. Speaker, on Tuesday, May 8, 2012, I recorded an erroneous vote on the amendment offered by Mr. HUIZENGA of Michigan to H.R. 5326. I intended to vote "no" on rollcall vote No. 215, on agreeing to the Huizenga amendment to H.R. 5326.

TRIBUTE TO GEORGE SMITH
 LINDSEY, ALABAMA-BORN
 ACTOR, PHILANTHROPIST

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to—and honor the life of—a great Alabamian and devoted philanthropist. It is with sadness that I acknowledge the loss of George Lindsey, one of the finest actors to call Alabama home, who passed away on May 6, 2012, at the age of 83.

Born in 1928, George Lindsey grew up in Jasper, Alabama, where he attended Walker County High School. It was there that, while also starring on the football field and playing basketball, he discovered his love of acting through school plays. He went on to attend Walker Junior College and then the Kemper Military School in Boonville, Missouri. In 1952, after earning a scholarship for his skills at quarterback, George received his Bachelor of Bioscience from the Florence State Teachers College, which is now the University of North Alabama.

After college, George enlisted in the U.S. Air Force and, while stationed in Puerto Rico, married Joyanne Herbert. Upon his discharge from the Air Force in 1955, he returned to Alabama and began a brief career in education at Hazel Green High School, teaching history and coaching baseball and basketball.

It was in 1956 that George Lindsey's acting career began with his acceptance to the American Wing Theater in New York City. After a stint on Broadway, he portrayed various characters on popular television shows such as *The Rifleman*, *Gunsmoke*, *The Twilight Zone*, and *The Alfred Hitchcock Hour*. Then, in 1964, George began his career-defining role as the lovable, kind-hearted Goober Pyle on *The Andy Griffith Show*. This character, known for his "Goober Dance" and Cary Grant impression, followed him through the shows *Mayberry R.F.D.* and *Hee Haw* as well.

Above all his success on the screen, George was most passionate about giving back to his home state of Alabama. From 1973 to 1988, he raised over \$1 million for the Alabama Special Olympics through the George Lindsey Celebrity Golf Weekend, which drew countless actors and athletes to Montgomery every year. He also raised \$50,000 for the Alabama Association of Retarded Citizens through his participation with the Minnesota Special Olympics National Competition, and in 1998 he founded the George Lindsey UNA Film Festival at the University of North Alabama, which promotes the talents of local filmmakers.

Aside from providing wholesome laughter for three decades through his career as an actor, it goes without saying that George Lindsey's contributions to the state of Alabama are indeed vast and significant. A recipient of the Governor's Achievement Award and the Minnie Pearl Lifetime Achievement Award, George has left a legacy of passionate generosity that will certainly be missed.

Mr. Speaker, it is on behalf of the people of Alabama that I would like to extend my con-

lences to the family and many friends of George Lindsey during this time of loss. His sense of humor and passion for his home will never be forgotten.

MURFREESBORO ISLAMIC CENTER

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CARSON of Indiana. Mr. Speaker, I rise today saddened that yet another community in America is attempting to stop construction of an Islamic Center, this time in Murfreesboro, Tennessee.

Unlike the controversy that surrounded the construction of the Islamic Center near the World Trade Center Memorial, the opponents here cannot mask their disdain for Muslim Americans by claiming to act on behalf of the families of the victims of 9/11. In fact, the opponents have not even tried, instead letting their prejudice and paranoia dictate their course.

It is ironic that these opponents contend, without any evidence, that Muslim Americans in Murfreesboro want to replace the Constitution, while they hypocritically ignore freedom of worship, a belief so central to our Nation it is enshrined in the 1st Amendment.

What makes America great is our people's unshakeable love of freedom and a monumental history that welcomes every viewpoint, faith, and background. As our Nation grows and its diversity widens, we must not forget the values on which we were founded.

We cannot, in one instance, celebrate freedom of expression, and in the next, silence those with whom our viewpoints differ. We cannot, in one breath, claim that all Americans are free to worship as they see fit, and in the next, oppose an effort to build the house of worship that makes exercising that freedom possible.

Anyone can embrace freedom of expression when their viewpoints go unchallenged. The American way means that those who vehemently disagree are able to speak their views side by side and that differing faiths can be practiced streets apart. We must all ask ourselves—will we abandon our Constitutional principles when they allow others to voice opinions that are contrary to our own or practice a faith different than our own? Or will we stand up for the freedom of all Americans to practice their own beliefs? That is the true test of what it means to be American.

The Murfreesboro Islamic Center has been facing down protests since 2010 and is once again making headlines after a judge ruled that the local officials did not provide sufficient public notice under local law before approving the project. I know that the Muslim American community would want this project completed in accordance with local ordinances, so I fully expect they will work with officials to ensure the appropriate process is followed.

Once these processes are completed, I hope that opponents will recognize that construction is protected by our Constitution. Additional vandalism and intimidation is counter to everything we stand for as Americans and everything that makes our country great.

We are better than this as a Nation. Our proud history and hard-fought principles demand more.

CONGRATULATING BETTY
ESNAULT AS THE 2012 COMMU-
NITY SERVICE HONOREE FOR
THE LAMBDA RHO ZETA CHAP-
TER OF ZETA PHI BETA SOROR-
ITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. PETERS. Mr. Speaker, I rise today to honor Mrs. Betty Esnault of the Lambda Rho Zeta Chapter of Zeta Phi Beta Sorority, Inc. as she is recognized by the chapter as the 2012 Community Service Honoree.

Whether in a professional setting or during her countless hours of community service, Mrs. Esnault has dedicated herself to the improvement of others' lives. Her commitment to the health and safety of her co-workers was evident from the beginning of her career at General Motors, where she worked to improve the conditions of the assembly processes through the introduction of ergonomics. Using her knowledge of ergonomics from her studies at the former General Motors Institute and the University of Michigan, Mrs. Esnault worked with industry designers to implement ergonomically-sound policies. Through Mrs. Esnault's efforts to acquire ergonomically designed tools and safer production practices, innovative assembly processes were developed to both improve working conditions and eliminate employees' risk of injury. Mrs. Esnault retired from General Motors after a successful 32-year career as a Technical Integration Engineer.

After retiring from GM, Mrs. Esnault shifted her focus to helping her neighbors and fellow Southeast Michigan residents. As a member of the St. Damien Catholic Parish and a graduate of the Sacred Heart Major Seminary with a diploma in Pastoral Ministry, Mrs. Esnault is active in planning worship services, serving as a substitute teacher for religious education, and singing in the choir. Mrs. Esnault also spends her time volunteering with various organizations, reaching out to help her community in a variety of ways. Mrs. Esnault volunteers at American House in Pontiac where she leads Communion services. She is also on the Board of Directors and volunteers at the Matchan Nutrition Center, an organization that serves nutritious lunches to residents of Oakland County in need. She also serves on the Board of Directors and volunteers at Fr. Pops' Clinic, a free clinic with volunteer doctors who provide health care services to those without insurance.

In addition to her service in the community, Mrs. Esnault is a loving wife and mother. She has also been recognized as a Life Member of the NAACP and a Gold Life Member of the Zeta Phi Beta Sorority.

Mr. Speaker, Mrs. Betty Esnault has made it her mission to improve the lives of others. She has dedicated countless hours to this pursuit both professionally and philanthropically

over many decades. Her zeal to serve others is both inspiring and moving, as there is no doubt that her work has been felt by so many across Southeast Michigan. I am pleased to honor Mrs. Esnault as she receives her award from Lambda Rho Zeta Chapter of Zeta Phi Beta Sorority, Inc.

HONORING ROBIN GREGORIUS,
ALABAMA SMALL BUSINESS
PERSON OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BONNER. Mr. Speaker, I rise to honor Ms. Robin Gregorius, who was recently selected the 2012 Alabama Small Business Person of Year by the U.S. Small Business Administration.

Ms. Gregorius' personal story is a testament to her determination to realize her dream of establishing an assisted living center that addresses the needs of her patients for the comforts and of home rather than a care facility.

The daughter of immigrant parents from the former nation of Czechoslovakia, Ms. Gregorius grew up on a farm in Robertsedale in Baldwin County, Alabama.

Her career as a registered nurse took her across the country, both near and far, including the cities of New Orleans and Los Angeles. Yet, she returned to the Mobile area to put her knowledge to work for local patients who would benefit from her new approach to assisted living care.

In a recent interview with the Mobile Press-Register, Ms. Gregorius noted that over her career she had observed that her older patients longed for "homey" surroundings in their care facilities with home cooking—important touches that were often lacking in assisting living quarters. And equally important, the staff in many care facilities seldom offered the "family touch" that many older patients sought.

Ms. Gregorius knew there was a better way and she sought to implement a new approach of "assisted living with a heartbeat." While the journey to fulfilling her dream was a long one, involving two decades of saving money—often working double shifts to earn for a down payment—she eventually secured a \$1 million bank loan. The results have been rewarding.

Today, she owns and operates the Country Gables Assisted Living Home in Grand Bay where she and her staff of 14 care for patients in a novel way. As she put it, her care facility "is pretty much run like a big bed-and-breakfast hotel, except it's breakfast, lunch and dinner with a 24-hour continuum of care."

Ms. Gregorius is joined by her mother, Lahoma, and her sister, Ramona, in running their small assisted living facility like a large family home. Their hard work has been rewarded with the satisfaction of their patients and the knowledge that County Gables is a special place.

Fittingly, in March, Robin Gregorius was named as Alabama's Small Business Person of the Year. On May 20, 2012, she officially received her award at a Small Business Ad-

ministration conference honoring the nation's other Small Business awardees here in Washington, DC.

On behalf of the people of Alabama and my colleagues in the Alabama Delegation, I wish to extend personal congratulations to Ms. Gregorius and her family for not only receiving this wonderful honor, but also for their substantial contributions to the lives of many local seniors.

REPRESENTATIVE KIND FLOOR
AMENDMENT 67 (RULES AMEND-
MENT 143) TO THE NATIONAL DE-
FENSE AUTHORIZATION ACT
(H.R. 4310)

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. KIND. Mr. Speaker, I rise today in support of the amendment to permit the National Guard and Federal agencies performing homeland defense activities to enter into a military cooperative agreement with facilities capable of providing emergency response training.

Providing our National Guard units and public service employees with increased opportunities to train at the state of the art homeland defense training facilities is just plain common-sense. It's a win for the military and service personnel who will be better prepared to safely work in the field and a win for the local communities, who will see local job creation.

My amendment does not call for any increase in funding. It is simply a legislative fix to allow the training facilities to competitively bid for training contracts with the National Guard and Federal agencies. This will allow for additional, comprehensive training for those who are on the front lines during a domestic emergency.

I encourage my colleagues to support this amendment to ensure that our National Guard and homeland disaster first responders have all of the training and tools necessary to carry out their mission.

PERSONAL EXPLANATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BUCHANAN. Mr. Speaker, on rollcall No. 302 I was inadvertently recorded as voting "aye."

I oppose the Grimm amendment and my vote should be recorded as "nay."

HONORING UNIVERSITY OF ALA-
BAMA GYMNASICS COACH
SARAH PATTERSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BONNER. Mr. Speaker, I rise to honor University of Alabama gymnastics coach

Sarah Patterson who led the Crimson Tide to its sixth national championship this spring. In addition to racking up an impressive record of victories over her 34 seasons in Tuscaloosa, Coach Patterson has helped establish Alabama as a dominate force in college gymnastics.

It is fitting that Coach Patterson was hired by then-Athletic Director Paul "Bear" Bryant, himself no stranger to bringing home national titles to Alabama. Since arriving in Tuscaloosa after graduating from Slippery Rock State College in Pennsylvania, Coach Patterson has proven time and again her ability to lead the Crimson Tide's gymnastics team and maintain its dominance in the college sport.

Coach Patterson vaulted the University to prominence as one of only four teams to capture the NCAA Women's Gymnastics championship since Women's Gymnastics was declared a championship sport in 1982. Her excellence in coaching also helped to earn the Crimson Tide gymnastics team spots in 29 consecutive NCAA championship competitions. Coach Patterson has also led the Tide to 27 years of a top six finish and 20 top three finishes.

Fittingly, Coach Patterson was named NCAA Women's Gymnastics Coach of the Year in 1986, 1988, 1991, and 2002; and Southeastern Conference Women's Gymnastics Coach of the Year in 1985, 1995, 2000 and 2010.

Coach Patterson's distinguished record includes: Six NCAA Women's Gymnastics championships—1988, 1991, 1996, 2002, 2011, and 2012; Seven Southeastern Conference Championships—1988, 1990, 1995, 2000, 2003, 2009, and 2011; 27 NCAA Regional Titles—1983, 1984, 1985, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1998, 1999, 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012.

Coach Patterson is assisted by her husband, David, who helps with coaching the athletes. Their hard work, along with other volunteer coaches and assistant coaches, have led the Alabama gymnastics team to six national championships and the enviable position of being one of the best in the nation, year in and year out, as well as the many well-rounded athletes who have graduated to go on to great success in many fields.

Inducted in the Alabama Sports Hall of Fame in 2003, Coach Patterson has brought the gymnastics team to the forefront of intercollegiate athletics and she has kept them in the forefront. In a recent interview with The Huntsville Times, Coach Patterson noted that she felt "fortunate" to be a component of the "history and tradition" at the University of Alabama.

It's safe to say that Coach Patterson has certainly earned her position as a part of the University's proud athletic history.

On behalf of the people of Alabama and my colleagues in the Alabama Delegation, I wish to extend personal congratulations to Coach Sarah Patterson for her remarkable record of achievement at the University of Alabama and for her many contributions to the lives of all who have called her coach.

ART DIRECTORS GUILD 75TH BIRTHDAY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BERMAN. Mr. Speaker, I am pleased to honor the Art Directors Guild, IATSE, Local 800, on the occasion of its 75th birthday on June 2nd of this year. Many of the movies and television shows we all enjoy would not exist without the hard work of the ADG and its members.

The Art Directors Guild is a trade union comprised of production designers, art directors, illustrators, storyboard artists, scenic, title and graphic artists, and set designers. Its members represent 2,000 creative crafts people who design motion pictures, television shows and commercials. These dedicated artists bring pleasure to millions across the globe.

In 1924, pioneers of art direction founded a fraternal order called the Cinemagundi Club, which, in 1937, became the Society of Motion Picture Art Directors. That assembly has become the Art Directors Guild we know today, a group that has served the industry proudly for 75 years. We are celebrating the Guild's journey this year, honoring their past and supporting and encouraging the many contributions they will make to the industry in the future.

The ADG also provides many cultural opportunities for members of the community to enjoy. The Guild runs an art gallery in North Hollywood that is open to the public. It provides panels, workshops and training for members as well as others interested in the field to foster a spirit of innovation in the entertainment industry. It also publishes "Perspective," a monthly magazine that covers topics of importance to entertainment industry professionals.

Mr. Speaker and distinguished colleagues, I ask you to join me in recognizing the Art Directors Guild and its members for their years of hard work and dedication to the entertainment industry.

IN MEMORY OF TOM GLANCY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in memory of Tom Glancy, who passed away earlier this month after more than 12 years of exceptional service to the citizens as an appointed and elected official for the City of Thousand Oaks, California.

After serving 6 years on the city's Planning Commission, Tom was appointed to the Thousand Oaks City Council in 2005. He was elected to a full term in 2008 and served as mayor in 2009. He resigned on May 11 due to declining health.

A dentist who specialized in implants and reconstructive dentistry, Tom treated his time in public office as a second full-time job. He

was known to bring Planning Commission and later City Council binders with him on vacations or weekend getaways so he could be prepared when sitting on the dais. He served on 23 separate committees and boards during his time on the council.

Those included turns as vice president, president, and immediate past president of the Association of Water Agencies of Ventura County; chair of the League of California Cities Community Services Policy Committee; and vice-chair and chair of the League of California Cities Transportation, Communication & Public Works Committee.

Tom's service was not limited to appointed and elected office however. After 30 years of active and reserve duty, Tom retired from the U.S. Navy as a captain. He was also an active Rotarian for 25 years and served as president of the Rotary Club of Thousand Oaks from 1992–1993. He served on the board of the Southeast Ventura County YMCA, was general chairman and executive chairman of the Conejo Valley Days Committee, and served as Conejo Valley Days Grand Marshal in 2011.

When not serving his community, Tom and his wife, Karen—who is an artist and served as his dental assistant—enjoyed local and international travel, hiking, fishing, sailing, and spending time with their four children and four grandchildren. Tom was also an accomplished cook and pilot.

His was a life well-lived.

Mr. Speaker, I know my colleagues join me in celebrating the life of Tom Glancy, in remembering his many accomplishments, in thanking him for his many years of service to his country and community, and in offering our condolences to Karen, their children and grandchildren, and all who were touched by Tom's friendship and dedication.

Godspeed, Tom.

CHIU MOON CHAN

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor Chiu Moon Chan, a fellow Texan. From a humble beginning, Mr. Chan founded Dynacq International, Inc., providing jobs and quality healthcare for thousands of people. Mr. Chan passed away on May 17th and the Houston Chronicle printed his obituary. In honor of Mr. Chan, I would like to submit the text into the CONGRESSIONAL RECORD:

Chiu Moon Chan, died on Thursday, the 17th of May 2012, in Houston, at the age of 59. His life made a lasting impact on his family, on the business community, and on the people who knew him. Mr. Chan will be remembered as extremely intelligent, highly energetic, and totally devoted to his family and to the company which he founded and presided over for two decades. He was a person who visualized and actualized the American dream.

Born in Hong Kong on the 30th of September 1952, Mr. Chan graduated from Wah Yan College in Hong Kong before moving to the United States in 1970 to attend college at the University of Houston. He worked

through college, earning a Bachelor of Science degree in Pharmacy, and became a registered pharmacist in 1978.

Mr. Chan was widely known as an entrepreneur and innovator in the healthcare field. He had been involved in that industry since 1971. During the period from May 1978 to July 1988 he was employed by various healthcare service organizations in Houston, Texas including Lifemark Corporation and M.D. Anderson Cancer Center.

He started his own home infusion therapy business in 1988. From this humble beginning, he went on in 1992 to found Dynacq International, Inc., now known as Dynacq Healthcare, Inc. Dynacq became a publicly traded company, and achieved national recognition as one of the 200 fastest growing small businesses in the United States from magazines such as Forbes and FSB. Mr. Chan served as President, CEO, and Chairman of the Board of Dynacq for 20 years. During those two decades, his efforts resulted in gainful employment for hundreds of families and quality healthcare for thousands of patients in Houston, Pasadena, and Dallas, Texas, and in Baton Rouge, Louisiana. Dynacq's hospital facilities in Houston and Dallas were nationally recognized as centers of healthcare excellence.

Mr. Chan was a member of the Pasadena Chamber of Commerce, a supporter of the Rotary Club and the Neighborhood Centers, and an active member of the Wah Yan Alumni Chapter in Houston. He was an avid golfer and a member of Redstone Country Club and Bay Oaks Country Club. He truly enjoyed life and loved to travel, having traveled with his beloved wife to many places around the world. Mr. Chiu Moon Chan is survived by his wife Ella; sons, Dr. Eric K. Chan, and wife Michelle, and Bert K. Chan; three grandchildren; Kailee, Connor, and Emmy; brothers, sisters, and numerous nieces and nephews.

It is with great respect, I honor Chiu Moon Chan for lasting impact he had on his family and community, and his many wonderful accomplishments upon his death.

TRIBUTE TO BOB HOWELL, LONG-TIME WSFA TV NEWS ANCHOR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the outstanding contributions of one of South Alabama's most distinguished and trusted broadcast journalists, Mr. Bob Howell. As of today, June 1, 2012, Bob Howell officially retires from WSFA TV 12 in Montgomery where he anchored the evening news for more than three decades.

A native of Geneva, Alabama, Bob Howell first set foot on his lifelong career path in broadcasting while still a high school student. After taking the mic at WGEA radio in his hometown, he traveled east to Dothan, Alabama to deliver the news at WTVY TV 4 for five years. In 1976, Bob moved to Alabama's capital city to take the helm of the region's largest television news operation, WSFA TV, where he anchored the weekday 6 and 10 p.m. newscasts.

As WSFA's press release announcing Bob's retirement aptly observed, "He has had the

job of delivering the day's news to thousands of viewers with a calm, trusted, steady and caring approach through difficult, challenging and happy times."

Over the years, he has anchored more than 10,000 live newscasts in addition to serving as the Managing Editor of WSFA's news department. His three decade career at WSFA witnessed his live reporting of gubernatorial inaugurations, most of the State's historic events of the last thirty years, as well as foreign assignments covering stories in Britain, France, Germany, and Kuwait.

In addition to his anchoring role, Bob also produced award-winning documentaries, hosted WSFA's "Newsmakers" program, "Alabama Illustrated," "Inside Alabama's Legislature," and co-hosted the Jerry Lewis MDA Telethon and the Children's Miracle Network fundraisers. He also hosted the regular news feature, "Exploring Alabama with Bob Howell."

Despite his busy schedule covering and delivering breaking news to thousands of South Alabama residents, including Clarke, Monroe and Escambia counties in my congressional district, Bob also returned his knowledge and expertise to college journalism students as an instructor at Troy University's Hall School of Journalism for more than 20 years.

As Bob officially begins his retirement from WSFA and broadcasting, he has made it clear that he will not be giving up work. He is already busy making plans for his next career for which he promises he still has a lot to offer.

On behalf of the people of South Alabama, and as someone who grew up watching Bob deliver the evening news, I thank Bob for his dedication and professionalism and wish him and his wife and family all the best in their future endeavors.

PAYING TRIBUTE TO CONGRESSMAN BILL WAMPLER

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. HURT. Mr. Speaker, today I rise to pay respects to Congressman Bill Wampler, former representative of Virginia's "Fighting 9th District," who will truly be missed.

Congressman Wampler served the people of Southwest Virginia for nearly two decades, and with his passing, the Commonwealth has lost a great leader and a great man.

Congressman Wampler took pride in working in his family's business in Bristol, he served our country with honor during World War II, and he worked tirelessly for the people of Southwest Virginia for nearly 20 years in the United States House of Representatives.

Mr. Speaker, though Congressman Wampler is in a better place now, he will surely be missed. Our thoughts and prayers are with the Wampler family and I know that my colleagues join me today as we remember our friend and honor his legacy to the Commonwealth of Virginia and to our nation.

CONGRESSIONAL PORTUGUESE CAUCUS MEMORIAL DAY STATEMENT

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CARDOZA. Mr. Speaker, with respect and admiration I, along with my colleagues Mr. COSTA, Ms. LOFGREN, Mr. MCGOVERN, Mr. KEATING, Ms. TSONGAS, Mr. HONDA, and Mr. CICILLINE, gather today to both celebrate the freedoms we enjoy as Americans, and to honor all the brave service men and women who have fallen defending those freedoms.

To all the mothers, fathers, wives, husbands, and extended family members of those who have served, we offer our deepest gratitude. The sacrifice of your loved ones is a debt that can never be repaid.

As members and friends of the Congressional Portuguese American Caucus, we would also like to pay special tribute to our soldiers of Portuguese descent who have made the ultimate sacrifice to protect our country. Portuguese Americans have served with distinction in our military forces from the revolutionary war to current conflicts in Iraq and Afghanistan, and I have no doubt they will continue to answer America's call into our future.

On this Memorial Day, Americans everywhere join in honoring those we have lost. It is a time to recognize the sacrifices made to defend our country, and remember the freedoms and liberties for which our service members fought for.

We honor you and all soldiers who have answered the call of duty and we send our profound appreciation to the families of our fallen heroes. As we reflect on the tragedy of those we have lost, we should realize our great fortune to live in a free country, and recognize the sacrifices required to defend it.

RECOGNIZING THE BEACON FOR ADULT LITERACY PROGRAM VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the BEACON for Adult Literacy Program Volunteers.

BEACON for Adult Literacy is an award-winning non-profit proudly serving the adult literacy needs of the Northern Virginia community for 20 years. In its first year BEACON served 30 learners; today BEACON serves over 400 adults a year. Over 3,500 low-income non-native Americans have gained English-language literacy skills over the past two decades.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for BEACON for Adult Literacy Program:

Brendan Baldwin, Sally Harrison, Richard Corbett, Carole O' Sullivan, Martisa Brown, Corinne DeGrazia, Sasha Haleblan, Donna

McNeally, David Covin, Robert Lynch, Ed Walsh, Brian Bell, Erika Arellano, Gene Strausbaugh, Alex Kersis, Ruth Porter, Henry Hastings, James McPheeters, Star Muir, Ilana Naylor, Erica Seymour, James Gillespie, Skip Brown, James Porter, David House, Joyce Rozier, James Sowers, Suzanne Morgan, Tina Cox, Jane Arseneault, Satya Khadka, James Drummond Jr., Janet Radzinski, Jessica Higham, Jean Gentry, Pat Hodgdon, Jeanne Endrikat, Richard Flaherty, Anne Walsh, Jim Zech, Carmella Coley, Yolanda Daniels, Joan Appleton Costanza, Venkat Viswanathan, Kelley Studholme, Armena Springs, Nancy Schalk, Lianetta Ruettgers, William McGuire, Liz Alcausa, David McDermott, Bob Schlipp, LTC Peter Stenner, Sue Kang, Vivek Koppikar, Martha Walsh, Jayne Hazen, Melissa MacIntyre, Nancy Nelson, Katherine DeSilva, Patrick McNeally, Caroline Zong, Jeanne Lynch, Rhonda Vanover, Clara Hipp, Robert Brown, Karen Shankles, John Manning, Robert Mechler, Ruth Passarge, Joyce Andrew, Robert Stinson, Jim Hipp, Roberta Knussmann, Justin Terry, Rosanne Schubring, Fabiana Parker, Rosie Jones, Aaron Burdick, Bob Sowers, Ruth Thomas, Doris Thomas, Sheri McGlothlin, Lyn Hildebrandt, Leslie Stagg, Sonya Jacob, Martha Muirhead, Tiffany Laseter, Walter Godlewski, William Cratty, and Sister Theresa Anderson.

Mr. Speaker, I ask that my colleagues join me in commending the volunteers of the BEACON for Adult Literacy Program and in thanking them for their dedication to our community.

CONGRATULATING FLINT'S CLARESSA SHIELDS AS SHE PREPARES FOR THE 2012 OLYMPIC GAMES AND THE FIRST WOMEN'S BOXING COMPETITION IN OLYMPIC HISTORY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. KILDEE. Mr. Speaker, on July 28 a skilled, savvy and courageous high school student from Flint, Michigan will make history as one of only 36 women in the world competing in the inaugural women's Olympic boxing competition in London, England. At the age of 17, this Northwestern High School junior's drive and determination has already earned her recognition as the world's top ranked women's fighter. At the Summer Olympics, Claressa will be punching her way toward the gold.

It was 19 years ago that another teenage girl named Dallas Malloy went to federal court and won the right for women to participate in amateur boxing. Years later, a father in Flint, hoping to set his daughter on a positive course, encouraged his 12-year-old to consider boxing, his own sport. Claressa, wanting to bond with her father and attracted to the idea of competing outside of team sports, was introduced to trainer Jason Crutchfield. Once Mr. Crutchfield overcame his disbelief that a girl was truly serious about taking up boxing, he provided the path for Claressa Shields' historic journey. Just a few days ago, Claressa learned she had earned her Olympic spot after

competing in the AIBA women's world championships in Qinhuangdao, China.

Her success has ignited Flint and her extraordinary accomplishments at a young age in an incredibly demanding sport have made her a national star. Claressa's dedicated and talented trainer describes her as the complete fighter, equally talented on defense and offense. Her high school principal, Cheryl Adkins, praises her student's academic focus, positive image and dedication to her goals. Claressa has been featured in Time magazine and is fielding media interviews, all the while maintaining her academic focus and training daily for the Olympics. She advises others not to rush headlong toward success but to take everything in stride. Her life goals include winning 10 to 15 professional boxing titles in multiple weight classes.

Mr. Speaker, please join me in congratulating Claressa Shields on her historic achievement representing the United States and Flint, Michigan in the first women's boxing competition at the Summer Olympics. She is an outstanding individual who is truly a world-class example for us all.

RECOGNIZING THE PRINCE WILLIAM DEPARTMENT OF PUBLIC WORKS VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Prince William County Department of Public Works Volunteers.

Public Works staff works to ensure that effective, practical, and safe techniques are used in all employment operations. They provide much needed training and support for employees and hold all practices accountable. The staff offers guidance and understanding of how tasks are accomplished, helping employees provide services that are needed in the community.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for Prince William County Department of Public Works:

Stonewall Jackson HS Ecology Club, Jessica Hruska, Rich Smith, Prince William Trails and Streams Coalition, Friends of the Occoquan, Vulcan Materials—Manassas Quarry, Windy Knoll Farm, Eric VanNortwick, Ed Dandar, Adams Family, Aleman Family, Anwar Family, Babar Family, Bassett Family, Broadhurst-Bibbee Family, Butkus Family, Chiold Family, Couture-Morales Family, Crespo-Galliver Family, Cronin Family, Darcy Family, Dinga Family, Donovan Family, Ehtasham Family, Glass Family, Goodwine Family, Gough Family, Gross Family, Hopkins Family, Huang Family, Hunter Family, Hylton Family, James Family, Jampole Family, Kaps Family, Kay Family, Kristy Family, Kromer Family, Kronthal Family, Kulakowski Family, Makoge Family, McGeehan Family, McKinnon Family, McPike Family, Melusen Family, Menon Family, Mockenhaupt Family, Morris Family, Mory Family, Moser Family, Nielsen

Family, Nieves Family, Norman Family, Ogawa Family, Phillippi Family, Protacio Family, Reedy Family, Rodriguez Family, Rosario Family, Saul Family, Seagle Family, Simmons Family, Simons Family, Thompson Family, Thompson Family, Thompson Family, Tilden Family, Verosko Family, Walker Family, Yoon Family.

Mr. Speaker, I ask that my colleagues join me in commending the Prince William County Department of Public Works Volunteers for their service and in thanking them for their dedication to our community.

IN RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. JAMES H. BREWSTER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize the 50th wedding anniversary of James and Mary Brewster.

James Harvey Brewster was born on January 6, 1939, in Ohatchee, Alabama. Mary Emma Smith was born on March 17, 1943 in Ohatchee, Alabama. On June 2nd in 1960, James and Mary were united in marriage in Calhoun County.

James worked for 21 years before retiring with Alagasco Gas Company in Anniston and Mary stayed at home raising their family. They had six children, three boys and three girls: Gregory Lynn Brewster, Paul Harvey Brewster, the late James Rossie, Janice Denise Tillman, Connie McKinzie Redwine and Sharron Redwine.

They are also blessed with 11 grandchildren and 16 great grand-children. James is an Auburn Tigers fan while Mary cheers for the Alabama Crimson Tide.

Mr. Speaker, I offer my congratulations to Mr. and Mrs. Brewster on this milestone and wish them many more happy years together.

RECOGNIZING THE CHOPTICON HIGH SCHOOL MARCHING BAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. HOYER. Mr. Speaker, I rise today to recognize the Chopticon High School Marching Band on earning the title of United States Scholastic Band Association Group IIIA Maryland State Champions. "The Showband of Southern Maryland" from Morganza, Maryland, has earned this title for the past three consecutive years.

This momentous victory was made all the more significant given the caliber of their competition. After competing previously at three regional competitions, the band took first place at the State Championship, hosted by Towson University on October 15, 2011 with their performance titled "The Heart of Madness." The band went on to compete and place fourth at

the National Championship in Allentown, Pennsylvania.

This victory demonstrates that with hard work, determination, and discipline, we can reach our goals. The band also received awards for best music, effect, visual, performance, and guard. Fifty-three musicians qualified for the performance, and they remained focused and determined to achieve their dream of victory at the statewide competition.

I want to applaud the band's staff—Todd Burroughs, Christina Burroughs, Bobby Jones, Mark Lortz, Megan Howell, Briscoe Thompson, and Kevin Burroughs for their dedication and commitment to training these superb musicians. I also send my hardest congratulations to the members of the marching band on their victory—Carrie Barrett, Alexis Badovski, Samantha Lockard, Breanna Thorne, Brendan Utt, Bailie Anthony, Elizabeth Barnes, William Husk, Kacey Roberts, Jennifer Russnogle, Paula Wills, Robert Konen, Chris Mitchell, Marlena Krauth, Jennifer Thalman, Sam Prettyman, Dakota Sparks, Josh Wetherald, Geoffrey Westbrook, Joey Coleman, Kelsie Gill, Philip Hayden, Garret Ordille, Matt Ordille, Megan Mosier, Nick Nelson, Ryan Nelson, Kelly Purdy, Jacob Thorne, Kayla Bean, Kolleen Dare, Jake Flowers, Jennafer Harris, Rachel Kaper, Kayla Morris, Taylor McQueeney, Nicole Sadecki, Hunter Sparks, Madison Bateman, Rachel Escolopio, Amber Griffith, Sabrina Hill, Danielle Hilton, Carly Keating, Hannah Kozlowski, Emily McKoy, Rachel Nussberger, Darby Powell, Layne Thompson, Melanie Thompson, Kristen Wetzell, Mackenzie Wood, Meredith Wood, and Gina Zanelotti.

I'm very proud of these young men and women, and I congratulate all those involved in bringing home the championship title. I ask that my colleagues join me in applauding this significant accomplishment.

RECOGNIZING THE GREATER PRINCE WILLIAM MEDICAL RESERVE CORPS VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the volunteers of The Greater Prince William Medical Reserve Corps.

The Greater Prince William Medical Reserve Corps (GPWMRC) is a cadre of volunteer health care professionals and community members trained to respond to emergencies and assist with public health events in Prince William County and the cities of Manassas and Manassas Park. This unit is one of approximately 800 units that are part of the national Medical Reserve Corps program under the direction of the Office of the U.S. Surgeon General and 1 of 31 in the Commonwealth of Virginia. GPWMRC volunteers frequently provide important services at events such as health fairs, vaccination clinics and large public gatherings. Volunteers also spend a lot of their time attending trainings and exercises so that they are prepared to help the community during an emergency.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for The Greater Prince William Medical Reserve Corps:

Vickie Andrews, Evelyn Ansah-Agyei, Heather Baldwin, Valerie Bampoe, Hassan Bangura, Harry Beaver, Charlotte Bediako, Diondra Blyden, Sarah Boughman, Susan Brewer, Josh Brown, Eileen Brown, Pamela Brown, David Bruce, Alisa Bruce, Kathryn Cantoni, Janice Chambers, Gabriella Chimenz, Kathy Cobb, Nancy Collins, Debbie Constable, Judy Corcoran, Sonia Coughlin, Marguerite Crozier, Lisa Cullom, Valerie Cyrus, Theresa Dailey, Estelle Daniels, Tele Dasilveira, Brian Davis, Annette Davis, Molly Davis, Monique Davis, Faduma Deghill, Patricia Demain, Mary Dessimoz, Joseph Dibisceglie, Kalima Drga Abreu, Douglas Dulaney, Blossom Ellicott, Gloria Ephraim, Bernadette Espy, Adrienne Foose, Sandra Francis, Victoria Gammon, Bianca Garcia, Fil Beth Gatmaitan, Miguel Granillo, Masako Griffith, Brenda Grimes, Margaret Hayes, Shenna Hess, Jenny Ho, Joan Howard, Miwa Hwang, Annie Johnson, Kimberly Johnson, Lucinda Jones, Jennifer Jones, Fatmata Kamara, Jane Keady, Katherine Ketchum, Stephanie Keyes, Elizabeth Koren, Hawa Kun, Cecilia Kusi, Janiece Lacy, Grace Langebeck, Blake Leggett, Brunette Lewis, Joyce Lund, Nghi Lu-Tran, Linda Manley, Iris Matos, Jessica Maybar, Kamil McClain, Pamela McGrath, Megan McHugh, Cary McMahon, John Meehan, Judy Merring, Ryan Metz, Heather Miranda, Emerita Mogrovejo, Esther Moniba, Monica Moore, Virginia Morales, Troy Morton, Chrystal Morton, Margaret Nee, Ralph Neeper, Nancy Neeper, Rachel Nissley, Lawrence Ofosuhene, Juanita Oliver, Jose Quinones, Renee Ray, Teresa Rice, Mark Rivera, Melissa Rivera, Donna Robinson, Julie Russell, JoAnn Saenz, Mary Simon, Shekhar Sharma, Anne Shaw, Carrie Slavens, Zondra Smith, Kathleen Smith Peters, Jane Stottlmyer, Kamar Sumrall, Raquel Upshur, Susana Vega, Karen Villar, Valecia Washington, Margaret Watkins, Shalanda Weems, Gail West, Mary Weybright, Collis Williams, Siewadaye Williams, Rhondra Willis, Kathryn Willis, Gladys Wise, Reeza Woode.

Mr. Speaker, I ask that my colleagues join me in commending the volunteers of The Greater Prince William Medical Reserve Corps for their service and in thanking them for their dedication to our community.

SGT. WADE DANIEL WILSON, TEXAS WARRIOR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. POE of Texas. Mr. Speaker, I rise today to pay tribute to one of Texas' native sons who served his country honorably in support of Operation Enduring Freedom. I was deeply saddened to learn that Sergeant Wade Daniel Wilson of Leona, Texas was killed by enemy action in the Helmand Province of Afghanistan on May 11, 2012.

Wade Wilson was one man whose life made a difference at a very young age. He personi-

fied the core values of the United States Marine Corps: honor, courage, and commitment.

Wade grew up in Leona, a small city near Centerville, Texas. He was a graduate of Centerville High School, and he was known to have a heart of a champion; whether on the football field or in the classroom.

With his faith in God and country, at age 17, Wade enlisted in the United States Marine Corps. He served in the 2nd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. On his second tour of duty, Wade understood that the nation was at war, yet he chose to charge headlong into battle for a second time. There are not many of us who would be willing to volunteer to leap into the lion's den of Afghanistan where the cowardly enemy hides in caves. It says something special about the quality of this American fighting man that he would boldly face those who kill in the name of religion.

On Friday, May 11, 2012, Sergeant Wade Wilson was killed while conducting a combat operation in Afghanistan. He was just 22 years of age. As a soldier in Afghanistan fighting the forces of the Taliban, Wade defended freedom. He defended it for his mother, Cindy Lee; his stepfather, Ward; his father, Rusty; his stepmother Tammy, his three brothers, his sister, his three step-sisters; and all of their families. He defended freedom for all of us. Sergeant Wade Wilson was a true soldier. We all owe a debt that can never be repaid to Sergeant Wilson's sacrifice, and today and tomorrow, we will mourn with his family and friends for the tragic loss of their son, brother, friend, citizen, soldier and hero.

My friend, Mayor Steve Stephens of Dayton, Texas, has a farmhouse in Leona, Texas. His long time neighbors are Ward and Cindy Lee Easterling, Sergeant Wade Wilson's stepfather and mother. As a teen, Wade worked for Mayor Stephens on his farm. Mayor Stephens said on May 18, 2012, hundreds of residents lined the streets of Leona and Centerville, paying tribute to the family of this patriot. Many of those on the streets carried flags and yellow ribbons. Others held banners saying, "Greater love hath no man than one who gives his life for a friend" John 15:13. Patriotism is alive and well in Texas. And, Sergeant Wilson's commitment to his country is one reason why.

Wade's funeral on Saturday, May 19, 2012, happened to fall on Armed Services Day. Held in Centerville High School's auditorium, hundreds of supporters from Leon County came out to mourn the loss of America's son, Wade Wilson, and all those who came before him. We know that freedom is not free, and we thank this fearless Marine for dedicating his life to America.

Our young people who go to the valley of the gun and the desert of the sun are relentless, remarkable characters. They go where others fear to tread and where the faint-hearted are not found. These warriors represent the best of our nation. They are the sons of liberty and the daughters of democracy. These few, these noble few, are American warriors who take care of the rest of us.

Sergeant Wade Wilson, your tour of duty has been honorably concluded.

And that's just the way it is.

RECOGNIZING THE ACCOMPLISHMENTS OF PRAMILA JAYAPAL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the accomplishments of Pramila Jayapal, founder of the Hate Free Zone, now called OneAmerica. For more than a decade she has worked tirelessly to ensure that people from immigrant communities have a voice in America. Her efforts have made Washington State and our Nation a better place for all people who call it home.

In the days immediately following the attacks of September 11, 2001, Pramila began the Hate Free Zone Campaign of Washington as an entirely volunteer-run organization to combat discrimination against immigrants, especially from communities of color—primarily Muslim, Arab American, East African and South Asian—and to work against stereotypes in a post 9/11 world. At first, the mission was to advocate for the rights of those who were likely to be victims of hate crimes.

Soon after, Pramila began to shift the focus of the Hate Free Zone towards identifying and addressing violations of the rights and civil liberties of immigrants. Through these efforts, she began working with community leaders and elected officials to address these concerns on local, State, and Federal levels.

In 2008, the Hate Free Zone became OneAmerica: With Justice for All, reflecting the mission of advocating for the fundamental principles of democracy and justice by giving voices to all immigrant communities. Today, OneAmerica works with allies and community leaders to educate, engage and advocate, and has become an active and trusted immigrant advocacy organization in Washington State.

Pramila's dedication to the protection of civil rights and civil liberties is important to every single group of Americans, immigrants and non-immigrants alike. The promotion of civic education, voting rights and civil liberties benefits everyone who calls the United States home.

Mr. Speaker, it is with great pleasure that I honor Pramila Jayapal and all of her work at OneAmerica. Though she is moving on from OneAmerica, I have no doubt she will continue to advocate for those in need. Her dedication to improving the lives of all persons living in Washington State has been an inspiration to us all, and I look forward to her next endeavors.

RECOGNIZING THE 2012 GREEN COMMUNITY AWARD WINNERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the winners of the 2012 Green Community Awards.

Every year the Green Guiding Committee of Prince William County awards people or orga-

nizations for their work towards bettering the community and sustaining the environment. Each of this year's winners has tackled an issue in their immediate area that presents a larger environmental problem. The Green Awards are the highest honor given for environmental service in Prince William County, and this year's winners exemplify the qualities and work ethic that are required to keep our community green.

I extend my personal congratulations to:

Stonewall Jackson High School Ecology Club—for raising awareness about environmental issues, inspiring fellow students to get involved, hosting events for younger students and taking the lead on conservation projects in the field.

Prince William Trails and Streams Coalition—for their ongoing efforts, projects and programs to create, restore, clean and preserve trails and access to natural areas for the entire community.

Friends of the Occoquan—for their ongoing fall and spring projects to clean up the Occoquan River in Prince William County for the past 13 years.

Vulcan Materials—Manassas Quarry—for their corporate practices to conserve resources and reduce waste, plus their efforts to support schools and organization in their efforts to protect the environment.

The Taylor Family of Windy Knoll Farm—for their generous offer to allow local conservation groups to host programs and demonstrations on the farm, as well as their use of sound and environmentally wise management practices.

Eric VanNortwick—for his ongoing efforts to clean up, maintain and enhance trails along Neabsco Creek in Prince William County.

Ed Dandar—for his dedication in coordinating and overseeing logistics for the 26 mile clean up along the Occoquan River.

Mr. Speaker, I ask that my colleagues join me in commending the winners of the 2012 Green Community Awards and in thanking them for their dedication to our community.

RECOGNIZING THE IMPORTANT ROLE THAT LOCAL BROADCASTERS PLAY IN ALERTING THE PUBLIC DURING WEATHER EMERGENCIES

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CARSON of Indiana. Mr. Speaker, in recent years, unpredictable and sometimes violent weather has struck our Nation. The months of May and June are the most likely times for tornadoes to strike the great Hoosier state. Getting to safety before a tornado strikes can be the difference between life and death. Success in that effort depends on access to timely information. For this reason, I want to thank local broadcasters in the 7th District of Indiana for providing critical information during weather emergencies.

Last year, a violent storm caused the sudden collapse of the concert stage at the Indiana State Fair. This tragic incident killed seven and severely injured dozens more. It

could have been much worse. Timely alerts from local broadcasters enabled Fair officials to clear the Midway minutes before the storm struck, potentially saving the lives of hundreds.

Radio and television stations are our Nation's most reliable network for distributing emergency information. When electrical lines are knocked down and Internet and mobile networks become inoperable, broadcasters are the last line of defense—transmitting public safety information over the airwaves.

Local television and radio stations play a critical role in ensuring public safety. Now is the time to expand their ability to provide emergency notifications. Increasingly, the American people have access to mobile phones. By equipping these devices to receive FM radio signals, millions of Americans could depend on their mobile phones to provide critical information in advance of a weather emergency.

As a former official with the Department of Homeland Security, I know first-hand how cell phone networks can become overloaded and inoperable during an emergency. By adopting this technology, broadcasters can provide timely information to mobile phones—enabling the American people to take shelter in advance of a weather emergency. I call upon my colleagues in Congress, the Federal Emergency Management Agency, the Federal Communications Commission and the mobile phone industry to work together to expand the reach of local broadcasters in providing critical information during a weather emergency.

I want to once again thank local broadcasters in my district for their essential role in promoting public safety.

RECOGNIZING HABITAT FOR HUMANITY OF PRINCE WILLIAM COUNTY VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Habitat for Humanity of Prince William County Volunteers.

Habitat for Humanity seeks to eliminate poverty housing and to make decent shelter a matter of conscience and action. Habitat invites people from all walks of life and faiths to work together in partnership to build and repair houses with families in need through our Neighborhood Revitalization Initiatives: New Construction, Home Rehabs, Home Repairs and the Habitat Restore. Home repairs consist of A Brush with Kindness, Weatherization, Critical Home Repairs and Critical Home Repairs for Veterans. None of their work is possible without the funding and time that their donors and volunteers give so generously. 490 volunteers donated more than 6,867 hours in 2011 and eleven of those volunteers individually donated more than 100 hours each.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers of Habitat for Humanity of Prince William County:

Susan Jacobs, Karen Wilkinson, Rob Major, Chris Daffan, Theresa Accoo, Christine Rowe,

Kisha Sogunro-Wilson, Anita Duecaster, Renee Wolfolk, John McBride, Brian Swanson, Marci Swanson, Dob McCubbin, Frank Jacquette, Sandi Stark, Mike Stark, George Braun, Matthew Watkins, Bob Gainer, Al Harris, Lynn Ashe, Razan Azzarkani, Betty Reichert, Lynn Eklund, Kristine Reyes, Justin Marohnic, Darren Fischer, Casey Brewster, Gary Wright, Elizabeth Hayde, Ashley Tyler, Cheryl Novogradac, Joseph Bolos, Scott DeGroat, Kim Morris, Teresa Blacksmith, Jennifer Miller, Rich Feickert, Chris Reilly, Timothy Grembowski, Andi Pollard, Kenneth Morlak, Jeffrey Beathard, Quinton Morris, Kudzaishie Mlambo, Pam Hart, Barbara Atwell, David Wurst, Mayumi Ferrin, Matthew Whalen, Rita Ayanga, Michael Renfro, Nathanael White, Kurt Wall, Sheryl Madison, Rodney Owens, Richard Revaz, Denise A. Womack, Phyllis Hall, Polynice Paul, John Grennek, Carmen T. Courchene, Sharon Dangerfield, Isalee Jackson, Cortni Robinson, Lauren Hughes, Christina Frank, Marletha Dyer, Paul Whalen, Dara Dentham, Patrick Stolte, Maikao Yang, James Zhang, Ying Zhang, Connie Moser, Mark Luiggi, Jim Floyd, Al Ferguson.

Mr. Speaker, I ask that my colleagues join me in commending the volunteers of Habitat for Humanity of Prince William County for their service and in thanking them for their dedication to our community.

THE OCCASION OF PHILLIP THOMPSON'S RETIREMENT AS EXECUTIVE VICE PRESIDENT OF SEIU LOCAL 517M

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. PETERS. Mr. Speaker, I rise today to honor my friend, Phil Thompson, the Executive Vice President of the Service Employees International Union (SEIU) Local 517M on the occasion of his retirement. For over 30 years, Phil has been an important leader in the SEIU, working to ensure that the rights of workers are respected.

True to the form of a leader and advocate, Phil is passionate about fighting for the rights of those he represents, whether it was his constituents when he was Shiawassee County Commissioner or the Michigan public employees he works for every day in his current role. It is no surprise, given his spirit for serving and protecting others, that prior to his time with Local 517M, Phil had been planning to go to law school. Instead, as often happens to those with the drive to serve, Phil fulfilled his passion as a voice protecting the rights of others. Having arrived at Local 517M in April 1981 as a staff representative, Phil quickly ascended to become the branch's Executive Director in 1986.

What was originally supposed to be only a part-time job quickly became Phil's central work. As a leader for the SEIU in Michigan, Phil took it upon himself to represent the members of Local 517M at every collective bargaining session since he became Director in 1986. Phil strongly believes that communication between the unions and their mem-

bers and unions and their communities is essential to ensuring that all workers have their rights protected. Phil has strived to keep his members connected to their local through strengthening member services.

Like so many who are thrust into positions of leadership by their peers, Phil has never forgotten his brothers and sisters who put him there. He strongly believes that it has been an honor to work with so many talented and dedicated union and staff members.

In recognition of his exceptional leadership skills and his effectiveness, Phil's peers have consistently given him increased responsibilities that extend beyond Local 517M. He has been elected to SEIU's International Executive Board three times between 2000 and 2008, where he is finishing up his current term as Vice President. Between 2002 and 2010 he served as President of Michigan's SEIU State Council and currently serves as its Treasurer. Phil is constantly sought to be a voice for professionals in State government, by news agencies and was recently awarded the 2012 Michigan Labor Press Award for his contributions which have supported the growth of the labor movement.

Mr. Speaker, Phil has spent his life working to strengthen the labor movement, which in Michigan and around the world has secured and protected important rights for all workers. His dedication and passion have benefited so many and I know that his colleagues and fellow SEIU members will surely miss him, his insights and his experience. I know that as a voice for fairness, even in retirement, he will continue to fight for the rights of workers and I wish him many happy and productive years to come.

REPRESENTATIVE KIND FLOOR AMENDMENT 78 (RULES AMENDMENT 145) TO THE NATIONAL DEFENSE AUTHORIZATION ACT (H.R. 4310)

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. KIND. Mr. Speaker, I rise today in support of the amendment to waive the time limitation for awarding Lt. Alonzo Cushing the Medal of Honor.

A Wisconsin native, Lt. Cushing, on the third day of the Battle of Gettysburg, commanded 110 men and six cannons positioned on Cemetery Ridge, where they received the full force of Pickett's Charge. Despite the death of all of his officers and receiving multiple gunshot wounds, Lt. Cushing refused to withdraw from battle and was killed by Confederate fire. In February 2010, Secretary of the Army John McHugh recommended the approval of the nation's highest honor for Lt. Cushing.

Lt. Cushing's actions in the Battle of Gettysburg were so inspiring that a book detailing his life, *Cushing of Gettysburg*, was written in 1998.

I would like to give special thanks to Margaret Zerwek and the city of Delafield for their tireless advocacy to ensure Lt. Cushing receives the honor he deserves. I encourage

my colleagues to support this amendment and honor a true American hero.

HONORING THE CITY OF PRINCETON, INDIANA

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BUCSHON. Mr. Speaker, I rise today to honor the City of Princeton, Indiana, located within my district. Princeton was recently named, one of two, Stellar Communities by the Lt. Governor's office in Indiana. The Stellar Community award, created in 2011, is specific to city revitalization projects.

The program is a partnership between multiple state agencies to help fund community renovation projects, and is the latest example of a state balancing a budget, without raising a penny in taxes—all while reaping the benefits of a surplus.

The downtown Courthouse Square in Princeton will be upgraded with new sidewalks, curbs, landscaping, and signage. The housing market will receive a much needed shot in the arm too. New loft condominiums and senior housing cottages are included in the plan.

Tourism will improve as well with restoration to old historic Courthouse Square building facades, and groundbreaking construction of a Bicentennial Plaza will only increase the foot traffic in the downtown area.

We've seen government grants work for several other Main Street projects across the country, and for the second year in a row, I'm honored that a city in my district will receive the chance to improve the quality of life for local residents. Lastly, I want to congratulate the Mayor of Princeton, Bob Hurst, for his excellent work on promoting a friendly economic environment in Indiana's 8th Congressional District.

RECOGNIZING THE PRINCE WILLIAM COUNTY HISTORIC PRESERVATION VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Prince William County Historic Preservation Volunteers.

The dedicated Historic Preservation Volunteers are an essential part of the Historic Preservation Division. They are part of an endless effort to preserve and enhance the historical and natural resources of Prince William County. They bring these resources alive for citizens with special programs events and daily efforts to maintain and beautify our historic sites. They graciously sacrifice their personal time to volunteer as docents, garden volunteers, education volunteers, research and collection volunteers, restoration volunteers, and special event volunteers.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers following Prince William County Historic Preservation Volunteers:

Morgan Breeden, Kay Breeden, Daniel Breeden, John F. Wolfe, Belinda Brummel, Jennifer Andreani, Wren Hubbell, Jill Hubbell, Ed Moore, Susan Moore, Tom Costa, Suzanne Costa, Carolyn Hartman, Comfort Uanserme, Chris McConnell, Bernie McConnell, John Nuzum, Avery A. Born, Rex D. Born, Sue Born, JoAnn Craft, Jim Craft, Wayne Hutzell, Paul Penrod, James D. Owens, Paige Gibbons, Emmanuel Dabney, Christine Jaworski, Lionel Raymond, Curtis Hoagland, Jay Greevy, Jim Pearson, John DePue, James Ivancic, Tom McGinlay, Mike Miller, Jacque Siegel, Kathryn Barrows, Brenda Caricofe, Nerine Clemenzi, Elaine Davis, George Erhart, Becky Hornyak, Kelly Hunsaker, Phyllis Ingram, Bryan Lewis, Belinda Lewis, Jeff Loeffler, Sandy Melson, Janice Overman, John Overman, Jacque Rowberry, Ginny Sanderson-Brown, Rosemary Schatz, Andy Schatz, Linda Walls, Lin Weeks.

Mr. Speaker, I ask that my colleagues join me in commending the Prince William County Historic Preservation Volunteers for their service and in thanking them for their dedication to our community.

HONORING VINCE GILL

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. STIVERS. Mr. Speaker, today I rise to recognize the courageous actions of Hilliard resident and 2011 graduate of Hilliard Davidson High School, Vince Gill. On May 27, 2012, Vince rescued a drowning man in New York's Genesee River.

I ask that all Members of Congress join me and the people of Ohio's 15th Congressional District in thanking Vince Gill for his brave actions. Despite the grave risk to his own life, he selflessly rose to the occasion when he dove into the river and swam almost a pool's length to save the life of 26-year-old Abdulma Alhari, of Rochester, NY. For his heroism, the New York State Park Police will nominate Vince for a well-deserved civilian lifesaving award.

I extend my sincere thanks to Vince Gill for his heroism. While to some he may be an ordinary young man, his extraordinary act is exactly what makes me so proud to represent the everyday heroes of the Central Ohio area.

HONORING THE CAREER OF MR. WILLIAM "BILL" SANDERSON

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CAMPBELL. Mr. Speaker, I rise today to honor the career of Bill Sanderson, a constituent of California's 48th Congressional District and a noble servant to our country. Mr. Sanderson will retire this month from Big

Brothers Big Sisters of Orange County's Board of Directors, where he's dedicated nearly two decades of service to underprivileged youth in local communities. Mr. Sanderson has built a distinguished career in business, most recently serving as Chief Financial Officer at Golden State Foods, President of the Supply Chain Services Group at Golden State Foods, and Director of Financial Planning & Analysis at W.R. Grace Restaurant Group. In addition, he continues to be an influential and respected member of the Business Growth Alliance.

While his commitment to growing businesses and creating jobs in our community is worthy of praise, I am most proud of Mr. Sanderson's selflessness and eagerness to help others in need. As a board member at Big Brothers Big Sisters of Orange County, Mr. Sanderson led by example as he devoted his time to mentor at risk youth. His actions encouraged countless others to volunteer and make a difference in the lives of thousands of young men and women. His leadership and limitless energy provided a new way forward for these young lives and offered an alternative to joining gangs, dropping out of school, and making avoidable mistakes that would adversely affect their future and the State of California.

Mr. Sanderson's commitment to education and his community blossomed as a student at San Diego State University and at the University of Southern California. He is a model citizen, dedicated husband to his wife, Diana, and committed father to his twin sons and young daughter. I salute Mr. Sanderson's work and believe it is worthy of high praise and national recognition from the U.S. House of Representatives.

MR. WILLIAM (BILL) SANDERSON'S BIOGRAPHY

William (Bill) D. Sanderson is Senior Vice President and Chief Financial Officer for Golden State Foods, a world-wide food processor and distributor to the quick service restaurant industry.

Mr. Sanderson began his career as a financial analyst with W.R. Grace and Company after earning his Masters in Business Administration from the University of Southern California. Mr. Sanderson later became the Director of Finance for Far West Services Restaurants, a wholly owned subsidiary of W. R. Grace where he was responsible for all financial planning, budgeting and acquisition analysis. Mr. Sanderson was instrumental in negotiating a license agreement with Kasumi Stores of Japan and was directly involved in the opening of the first 3 Coco's restaurants in Japan.

In 1982, Mr. Sanderson left Far West Services to start his own chain of retail popcorn and confectionary stores. Mr. Sanderson grew the company from a single store in 1982 to a chain of 20 stores in Southern California. He transformed his small business into a mail order gift company and licensed his concept in Japan and Korea.

In 1989 as chief executive officer of Cal Corn, Inc., Mr. Sanderson acquired the mall based Bob's Big Boy Restaurants from the Marriott Corporation. Mr. Sanderson and Bob's founder, Bob Wyan, worked together to develop a new restaurant concept called the Big Boy Diner.

In 1994, Mr. Sanderson negotiated a joint venture agreement with ConAgra to open retail popcorn stores throughout the United States. Mr. Sanderson served as managing director of Orville Redenbacher Retail

Stores where he developed a retail concept and mail order gift division under the Orville Redenbacher brand.

From 1998 to 2000 Mr. Sanderson served as president of a middle market designer and manufacturer of arts and crafts products where he was brought in to turn around a struggling entrepreneurial company. During his tenure, he acquired a complimentary crafts products company, established a children's toy division which included licensed product such as "Pokemon", and focused the company on key account sales. The company regained profitability and grew its revenues by 95% in two years.

In 2002, Mr. Sanderson joined Golden State Foods where he was appointed president of Golden State Service Industries, a wholly owned subsidiary of Golden State Foods. Golden State Foods is a full line manufacturer and distributor of food products for the quick service restaurant industry serving McDonald's and other quick service restaurant chains worldwide. Mr. Sanderson was named senior vice president of finance and administration in 2009 and chief financial officer in 2011.

Mr. Sanderson is active in the Young Presidents' Organization, where he has held many leadership roles over the past 17 years. Mr. Sanderson has been involved in giving back through volunteer and fundraising efforts supporting Boys and Girls Club of Irvine, Muscular Dystrophy, the March of Dimes, and the All American Boys' Chorus. Mr. Sanderson also chairs the Golden State Foods Foundation committee in Irvine. In that role, Mr. Sanderson founded and has been instrumental in spearheading the "Good News for Kids" fundraising event which holds an annual fundraising event at the Grove in Anaheim. The proceeds raised from this event have benefited a variety of children's charities throughout Southern California. Mr. Sanderson has been a member of the board of directors of Big Brothers/Big Sisters of Orange County for more than 15 years and served as chairman of the board from 1997 through 2000.

Mr. Sanderson and his wife, Diana, live in Irvine with their twin 17 year old sons and their 10 year old daughter.

RECOGNIZING THE INDEPENDENCE EMPOWERMENT CENTER VOLUNTEERS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the volunteers for the Independence Empowerment Center.

Independence Empowerment Center is a community-based advocacy organization operated by and for people with disabilities in the state of Virginia. IEC promotes disability rights, equal access, and full community participation for persons with disabilities. They work with individuals with disabilities to maintain or take back charge of their own lives and make their own choices and decisions in order to be as self-sufficient as possible. Independence Empowerment Center is associated with a national movement of almost 500 Centers for Independent Living. These Centers are advocacy-based organizations governed and operated by persons with disabilities for persons with disabilities.

Volunteers for the Independence Empowerment Center perform essential tasks in and outside of the office. They assist the staff on daily functions and projects, as well as manage events that the IEC hosts. Additionally, IEC is staffed with volunteers constantly to help with their Annual Americans with Disabilities Act Fair in July.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for the Independence Empowerment Center:

Patricia Johnson
Judy Humphrey
Don Rhoades
Stephanie George
Marlene Orf
David Beverage
Alfredo Foz
Joshua Rammelsberg
Emilia Prokop
China McEachern

Mr. Speaker, I ask that my colleagues join me in commending the volunteers at the Independence Empowerment Center for their service and in thanking them for their dedication to our community.

PERSONAL EXPLANATION

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. HURT. Mr. Speaker, I was not present for rollcall vote No. 302 on agreeing to the Grimm of New York Amendment to H.R. 5854. Had I been present, I would have voted "no."

Mr. Speaker, I was not present for rollcall vote No. 303 on agreeing to the Franks of Arizona Amendment No. 8 to H.R. 5854. Had I been present, I would have voted "yea."

IN MEMORY OF PHYLLIS MARIE MUCCINI

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. REED. Mr. Speaker, I rise today to commemorate the life of a great citizen of my district who passed away earlier this month. Phyllis Marie Muccini of Corning, New York, was a dear friend and family member to many in the 29th District of New York.

Phyllis was employed by my hometown's Corning Incorporated for over 35 years. Outside of work, she spent her time volunteering at organizations that included the Girl and Boy Scouts of America, Cinderella Softball, the American Cancer Society, and the Corning Lioness Club. She received numerous awards for these activities, but that was never her goal or intention. Phyllis' activities allowed her to impact the lives of countless individuals over the years. She will forever be missed. However I, like many others, have been touched by her compassion and generosity that will provide a legacy of her life for many generations to come.

Thus, it is right and proper for Phyllis Muccini to forever be enshrined in the records

of the United States Congress as a true American heroine for all of us to pause and pay tribute.

HURRICANE SEASON

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as you know, June 1, marks the official start to the Atlantic hurricane season. Mother Nature decided to start a little earlier, unfortunately, and over the recent Memorial Day weekend my home state of Florida had an early scare with Tropical Storm Beryl. Thankfully, it turned out not to be as bad a storm as we initially feared.

It was a reminder that we all have to work together to make sure our families, neighbors and friends stock up on essential supplies and develop a plan of action in the event another storm appears headed our way.

You cannot wait until a storm is coming. Taking early precautions, as well as having a recovery plan, is very important to minimize damage to your own property.

If enough people take precautions, government agencies are free to help those who need it most: the elderly, children, the handicapped, and people in shelters.

So make sure you have a three day supply of non-perishable food and water;

Make sure that you have a change of batteries for your flashlights, radios, and other devices;

Fill up your car's gas tank; and keep all your important papers in a safe, dry place.

Please don't wait until the last minute to prepare. It's up to all of us to make sure we're safe.

I also want to thank President Obama and his entire administration for working with state and local authorities throughout the year to prepare for hurricane season and all types of disasters. I'd also like to thank the President and his Administration for including the State of Florida Emergency Manager Bryan Koon, Florida Adjutant General Major General Emmett Titshaw, and Florida Power & Light President Eric Silagy in his hurricane preparedness briefing at the White House yesterday.

Lastly, I'd like to salute the important role that our first responders and local television and radio broadcasters play in coordinating and providing critical information during hurricanes and times of disaster.

It takes a tremendous amount of planning and coordination, and we are grateful for the collaboration that the public and private sectors play in times of emergency.

Hopefully we'll have an uneventful hurricane season this year. But we must always be prepared so that we can weather the storm and come out safe and sound on the other end.

CELEBRATING CHEMICOMAYS LLC ON THE OCCASION OF THEIR THIRD CONSECUTIVE SELECTION AS GENERAL MOTORS SUPPLIER OF THE YEAR

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. PETERS. Mr. Speaker, I rise today to recognize ChemicoMays LLC and its CEO Leon Richardson as the company is honored for its third consecutive year as a General Motors Supplier of the Year. Each year, General Motors (GM) awards this distinction to less than one percent of its nearly 20,000 suppliers worldwide.

ChemicoMays, based in Southfield, Michigan, was formed as a joint venture between Chemico System and Mays Chemical in 2005. Since that time, it has used its more than 20 years of experience to deliver chemical management solutions for industry customers. With over 250 employees and a focus on providing high quality service to its many customers, the company's client base has grown to include great American companies like General Motors, Boeing and Eli Lilly.

Through its unique proprietary Web interface system, ChemicoMays has labored to provide its customers a user-friendly tool that enables them to easily access the more than 150 million pounds of chemicals it procures annually. ChemicoMays also provides to its clients a specialized array of inventory management tools that allow companies to efficiently identify and utilize previously wasted supplies. In concert with its policy to provide simple, transparent pricing, ChemicoMays has a proven track record that has resulted in not one of its clients having a work stoppage due to chemical availability.

ChemicoMays' commitment to excellence in production and service is a standard that emanates from its CEO Leon Richardson. Prior to the creation of ChemicoMays, Mr. Richardson established Chemico Systems, Inc. in 1989 and served as its president. Throughout his career, Mr. Richardson has strived to ensure that his clients receive the best and most comprehensive customer support. More importantly, Mr. Richardson brings out the best in his employees in fulfillment of the company's mission. With his tenacity and experience, he led Chemico Systems from a mere start-up company to one of the world's top suppliers of chemical products and chemical management services in the automotive, bio-tech and academic sectors.

Today, Mr. Richardson's effective leadership continues as CEO of ChemicoMays. His dedication and that of ChemicoMays' employees have earned the company numerous industry accolades including three consecutive Supplier of the Year Awards from GM, GM's 2007 Environmental Excellence Award and being named one of Michigan's top 50 companies to watch in 2006.

Mr. Speaker, I ask my colleagues to join me today in congratulating ChemicoMays and Mr. Leon Richardson on earning the company's third consecutive Supplier of the Year Award from GM. ChemicoMays' commitment to excellence in production and service has greatly

benefited its customers, employees and the communities it calls home.

REP. PETRI FLOOR AMENDMENT 25 (RULES AMENDMENT 46) TO THE NATIONAL DEFENSE AUTHORIZATION ACT (H.R. 4310)

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. KIND. Mr. Speaker, I rise today in support of the amendment to compensate National Guard troops for miscalculated leave time.

This amendment corrects a government error to pay approximately 575 Army National Guard troops for leave time they earned but were unable to take after their last deployment. These soldiers have spent time overseas defending our great nation—some in multiple deployments—and have earned their leave benefits.

The Army agrees that these Guardsmen should have received PDMRA leave. However, the Army's only legal remedy is to allow them to use their PDMRA leave after a future deployment. Since some of these soldiers will not deploy again and others have left the service entirely, this remedy has no value in many cases.

I would like to give special thanks to Congressman PETRI for working with me to ensure that this egregious bureaucratic error is rectified. I encourage my colleagues to support this amendment and properly support our service members who selflessly serve.

TRIBUTE TO ELLIOTT DUCHON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Jurupa Valley are exceptional. Our area has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent to make their communities a better place to live and work. Elliott Duchon is one of these individuals. On Saturday, May 19, 2012, Duchon was recognized as the Citizen of the Year by the Jurupa Valley Chamber of Commerce for his work as the Jurupa Unified School District Superintendent.

In 1974, Duchon graduated from the University of California, Riverside (UCR) with a Master's Degree in Education and Psychology. After graduation, he was an elementary teacher for the Jurupa Unified School District where he also served on school planning committees, including the school site council. After three years of teaching, Duchon was self-employed and served as a consultant to the Riverside County Superintendent of Schools where he performed land use studies and demographic research and analysis to form a

Long Range Facility Plan for the 22 school districts in Riverside County. In 1981, Duchon became a Systems Planning Analyst for the Riverside County Office of Education (RCOE) where he performed planning and administrative duties related to the management of a fourteen building, \$20 million facility construction program.

After two years as the Systems Planning Analyst, Duchon became the Instructional Computing Project Manager for the Inland Empire Teacher Education and Computer Center within RCOE. In this role, he was responsible for an array of services related to the instructional uses of education technology. The services were provided to the 58 school districts in Riverside and San Bernardino counties. In 1985, Duchon was promoted to Director of the Region 13 Teacher Education and Computer Center where he was responsible for the two-county staff development program in all areas of the curriculum. In 1991, he was promoted again to Director of Administrative Services for RCOE where he was responsible for administration and management for the Department of Administrative Services, which included the Geographic Information Center, internal and external support for school facilities development, school district elections, staff support to the County Committee on School District Organization and other management services. After ten years as the Director, Duchon was promoted to the Riverside County Assistant Superintendent of Schools, Administrative Support Services, Division of Information Technology/Governmental Relations. In 2001, Duchon became the Deputy Superintendent for the Jurupa Unified School District and after three years became the Superintendent of Schools for the District.

As Superintendent, Duchon was responsible for all aspects of operating a 20,000 student school district with over 2,000 employees and a \$160 million budget. His major accomplishments include a District Academic Performance Index (API) that has risen 100 points during his tenure; the District has four Distinguished Schools and two Title I Achieving Schools; a 100% rating of Highly Qualified Teachers; the completion and opening of a new high school; the establishment of an Early College High School Academy with Riverside Community College; the District has received three Golden Bell awards; and the student achievement gap has narrowed. During his time, Duchon has been recognized by the Region XIX Association of California School Administrators as the 2007 Superintendent of the Year; recognized as the West Riverside School Administrators 2006 Superintendent of the Year; and recognized by the Riverside County, California School Bilingual Educators chapter as the 2006 Superintendent of the Year.

In light of all Elliott Duchon has done for the students, parents and community of Jurupa Valley it is only fitting that he be honored as the Superintendent of the Year. Elliott Duchon's tireless passion for education and public service has contributed immensely to the betterment of our community and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

THE 25TH ANNIVERSARY OF THE MONTGOMERY GI BILL

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. SIMPSON. Mr. Speaker, today, June 1, 2012, marks the 25th anniversary of the first permanent Department of Veterans Affairs-administered Montgomery GI Bill. Enacted in 1987, the landmark New GI Bill Continuation Act offered a life changing incentive for veterans returning from active duty to the workforce. By offering veterans access to higher education, it both strengthened our national defense and helped revitalize our economy.

The GI Bill has proved over the years to be a boon for many of our veterans. Veterans are able to return home with a plan for their future. The education they receive helps many enter the workforce and provide for themselves and for their families in ways that were not previously possible.

This program has blessed our Nation and continues to do so by benefiting not only veterans, but many sectors of the economy by injecting highly qualified individuals to the workforce and the community. Veterans are able to combine the skill sets they learn both from their schooling and from their military training and often become excellent leaders and contributors to society. As I have said in the past—hiring former service members for patriotic reasons expresses appreciation and respect. Hiring them for business reasons gets results.

Our veterans fought to protect our freedoms and way of life, and as they serve our Nation in this time of need, we must remember them in their time of need. Veterans have made tremendous sacrifices to preserve our way of life, and the American people are indebted to the men and women who served our Nation. I am proud of the work Congress has done to improve veterans' benefits. It is important that we continue to honor our commitments to our Nation's veterans through legislation that benefits them, like the Montgomery GI Bill.

So as the former Chairman of the House Veterans' Affairs Subcommittee on Benefits, and as a grateful American, I want to pay tribute to the thousands of veterans in Idaho and the United States who have given us so much.

WHO WILL DEFEND THE DEFENDERS?

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. KING of New York. Mr. Speaker, since the tragic Islamist terrorist attacks of September 11, 2001 no law enforcement agency has been more effective in preventing another successful terrorist attack than the New York Police Department. Under Commissioner Ray Kelly's leadership the NYPD has had 1,000 police officers working 24/7, building a counterterrorist infrastructure and taking proactive action to stop at least 14 terrorist plots against New York City.

Despite this outstanding record which should warrant national acclaim, the NYPD has been viciously and falsely attacked in a disgraceful series of articles by the Associated Press, aided and abetted by such politically correct apologists as the New York Times and the ACLU.

As Chairman of the Homeland Security Committee and a member of the Intelligence Committee I am proud to stand with the NYPD. I am also proud to introduce into the record an article written by Mitchell D. Silber entitled "Who Will Defend the Defenders" from the June issue of *Commentary*. Mr. Silber, who retired from his position yesterday, worked directly for the deputy commissioner of the NYPD's Intelligence Division, overseeing all the city's terrorism investigations.

I thank Mitchell Silber for his service and commend this article to my colleagues.

[From the *Commentary Magazine*, June 2012]

WHO WILL DEFEND THE DEFENDERS?

(By Mitchell D. Silber)

In April, the Pulitzer Prize for investigative reporting was awarded to the Associated Press for a series of articles it published about the New York Police Department's "clandestine spying program that monitored daily life in Muslim communities." The AP's assertions were so extensive that they filled more than 50 separate pieces, the first published in August of last year. Its reporters alleged that since the attacks of September 11, the New York City Police Department's Intelligence Division had placed entire Muslim communities under scrutiny with "no evidence of wrongdoing." The department, they wrote, had infiltrated mosques and Muslim student groups with no legal basis to do so. It had operated far outside its geographical jurisdiction and had cast too wide a net when monitoring and analyzing American Muslims.

The NYPD had joined the CIA in an "unprecedented partnership," blurring the line between foreign and domestic intelligence-gathering, and had operated in secrecy with "scant oversight." It had run afoul of legal constraints, especially a series of limitations on its intelligence-gathering to which the NYPD itself had agreed following a court case in 1985. It had violated civil-liberties rules in a way that would not be permitted of federal institutions. And after all this misbehavior, the results were mixed in any case.

The articles were quickly and widely disseminated and elicited expressions of deep outrage among Muslim Americans and civil-liberties activists. They created fissures between the police and the communities it sought to protect, undermined confidence in the NYPD, and attracted national attention—which, according to the AP's Pulitzer citation, "result[ed] in congressional calls for a federal investigation and a debate over the proper role of domestic intelligence-gathering." As well they should have. A free citizenry relies on a free press to uncover civil-liberties abuses.

But any serious discussion about the alleged methods and practices of the NYPD Intelligence Division should have begun with one question: Was the AP's investigation accurate? The answer is no.

The articles misrepresent the scope, purpose, and rationale behind many of the NYPD Intelligence Division's programs. They confuse events and policies in ways that are misleading and cast the tale they are telling in the worst possible light. I know

all this to be true, because I worked directly for the deputy commissioner of the Intelligence Division for the last seven years, first as a special assistant and then, for the last four years, until May 2012, as his director of intelligence analysis, overseeing all the city's terrorism investigations.

Nonetheless, the articles were accepted as gospel—perhaps because the accuracy of the work was beside the point. They were celebrated precisely for what they alleged, not what they proved. Their purpose was not to foster serious debate about NYPD anti-terrorism activities, and there has been no such serious debate in their wake.

The legal and policy questions surrounding how to safeguard civil liberties while defending society from acts of terrorism are certainly complex. There is, inevitably, a difficult balance we most strike between security and liberty, and it demands rigorous and ongoing debate about American anti-terrorist methods. Rather than raising these issues in a thoughtful way to inspire reasoned discussion, however, the series of articles made broad allegations and cherry-picked and misconstrued examples to support particularly damaging charges.

This article is intended to restore the context, accuracy, and critical detail left out by the AP and thereby convey the truth of what is an honorable and successful story of sustained, life-saving police work in a climate of unprecedented threat. It is impossible to respond to every AP allegation and distortion even in this generous space. I will therefore focus on the three subjects that have dominated headlines about alleged NYPD misconduct since the articles were published: first, a supposed human-mapping program run by the department; second, counterterrorism efforts outside New York City; and third, actions involving universities. In honing in on these hot-button issues, I will also refute a number of attendant accusations about the ethics and efficacy of NYPD methods.

But first, some background on the evolution of the Intelligence Division and its strategy.

On February 26, 1993, a massive car bomb was detonated below the North Tower of the World Trade Center. The 1,336-pound device was intended to knock the North Tower into the South Tower, bringing both down and killing thousands. The plot failed but still killed six people and injured 1,042 more.

Although the suspects were dismissed as incompetent, their associates were already plotting another attack. The extremist cleric Omar Abdel Rahman, also known as the Blind Sheikh, was at the heart of this follow-up plan to attack the United Nations, the Lincoln and Holland tunnels, the George Washington Bridge, and the FBI's New York office. That so-called Landmarks Plot was thwarted by an informant who had infiltrated the group.

Almost all the participants in both plots were ultimately arrested, tried, and brought to justice, and that temporarily closed the case for most Americans. But on the morning of September 11, 2001, Islamist terrorism crashed back into New York City when 19 al-Qaeda members hijacked four commercial passenger airliners and rammed two of them into the World Trade Center, killing 2,749 people and completing the mission begun in 1993.

Having been attacked twice successfully in the span of eight years, the city could no longer completely defer the responsibility of counterterrorism to the federal government, determined Police Commissioner Raymond

Kelly. While the NYPD was prepared to work with the federal agencies, the department determined it would have to make systemic and autonomous changes in how to protect the city from further attacks.

To meet that challenge, in January 2002, the NYPD became the first police department in the country to develop its own Counterterrorism Bureau. The new mayor, Michael Bloomberg, and Commissioner Kelly appointed Marine Corps Lieutenant General Frank Libutti to run it. To head a restructured Intelligence Division, the department recruited David Cohen, a 35-year veteran of the CIA who had led both the operational and analytical branches of the agency.

This was no mere cosmetic relabeling or shuffling of the bureaucratic deck. The department increased its representation on the FBI-led Joint Terrorism Task Force from 17 detectives to 120. It reassigned fluent speakers of Arabic, Pashto, Farsi, and Urdu to counterterrorism duties. And it posted senior officers in 11 cities around the world to build relationships with local police agencies and visit the scenes of terrorist attacks abroad.

The NYPD also incorporated a crucial civilian component to fight terrorism. A corps of expert analysts in foreign affairs, intelligence, and counterterrorism were recruited from top graduate schools as well as from the intelligence community inside the Beltway. These well-trained and well-educated civilians were tasked with studying evolving methods of attack and terrorist hot spots around the world.

Additionally, the department cast a wide net for collaboration, working with law-enforcement agencies throughout the northeast and mid-Atlantic and partnering with 11,000 members of the region's private-security industry through a program called NYPD Shield.

Preventing another 9/11 meant studying the attacks of 1993 and 2001 and the thwarted Landmarks Plot. The 1993 attack and the plot were local affairs, planned by groups of regionally based conspirators, six of whom originated from the Palestinian territories, Egypt, and Kuwait. The men lived in New York City and New Jersey, and the sites of their radicalization included the Al Kifah Refugee Center and Al Farouq Mosque, both on Atlantic Avenue in Brooklyn, and the Al Salam Mosque in Jersey City. These mosques were in thrall to the Blind Sheikh.

The 9/11 attack was carried out by men from Saudi Arabia, the United Arab Emirates, Egypt, and Lebanon. They had been trained overseas before blending into the population of the United States. At least six of them chose to live in Paterson, New Jersey, specifically because there was "an Arabic-speaking community there," as the 9/11 Commission Report says. Vitally, in the Landmarks Plot (the only one against New York that was derailed during this eight-year period) a confidential informant who was able to penetrate the conspiracy was the critical factor in detecting and disrupting the plan before it became an attack.

These trends meant that the department had to figure out how to (a) find individuals from abroad who had buried themselves in local communities and (b) utilize human intelligence (confidential informants) to penetrate conspiracies before they came to fruition.

If the task wasn't challenging enough, the NYPD also had to contend with a piece of legal architecture known as the Handschu Guidelines, a binding agreement overseen by a federal judge following the settlement of a

lawsuit in 1985. No other police department in the country is bound by these rules, which at the time stipulated in part that police were not allowed to investigate political activity before having specific knowledge of criminal activity. After 9/11, the department was understandably concerned that prohibitions in the guidelines might interfere with its ability to prevent terrorist attacks. As a result, in 2002, the NYPD proposed to a federal court that the terms of the guidelines be modified; the court agreed.

The modified guidelines begin by stating a general principle: "In its effort to anticipate or prevent unlawful activity, including terrorist acts, the NYPD must, at times, initiate investigations in advance of unlawful conduct." Clearly, conducting an investigation following a successful attack, as was done in 1993 or 2001, was no longer acceptable. Plots had to be disrupted before they went operational.

The new Handschu rules also state: "The NYPD is authorized to visit any place and attend any event that is open to the public" and "to conduct online search activity and to access online sites and forums on the same terms . . . as members of the public." The department is further authorized to "prepare general reports and assessments . . . for purposes of strategic or operational planning." It is therefore entirely legal for the Police Department to search online, visit public places, or map neighborhoods.

I. THE DEMOGRAPHICS UNIT

The AP Claim: The NYPD has engaged in a "human-mapping" program without citing any evidence of wrongdoing. This program has placed entire Muslim communities under scrutiny.

For some, the very act of gathering intelligence is an illegitimate use of police power. But to find and stop terrorists, the Police Department uses many of the same methods that are used to arrest drug dealers, human traffickers, and gang leaders. Detectives develop detailed information about the nature of the crime and the people involved. While tips from the public are useful, the police cannot rely on them exclusively to detect terrorism conspiracies.

In 2003, with that in mind, the Intelligence Division created the Demographics Unit. Its mission was to identify "venues of radicalization" or "hot spots" in order to detect and disrupt terrorist plots in their beginning stages. The unit was also charged with identifying the locations in certain communities where foreign operatives might hope to lie low, just as the 9/11 hijackers did in Paterson, New Jersey. Given the rich diversity of the ethnic and cultural landscape of New York City, officers in the unit were specifically chosen for their unique language capabilities and cultural knowledge. Individuals were matched to geographic areas where they would be best able to distinguish the benign from the threatening. Proud to be Americans and members of the NYPD, the majority of these officers were Muslims.

A September 22, 2011, AP article paints a frightening portrait of the Demographics Unit and the work it did: "The New York Police Department put American citizens under surveillance and scrutinized where they ate, prayed, and worked, not because of charges of wrongdoing but because of their ethnicity, according to interviews and documents obtained by the Associated Press," runs the article's opening paragraph. "The documents describe in extraordinary detail a secret program intended to catalog life inside Muslim neighborhoods as people immigrated, got jobs, became citizens, and started businesses.

The documents undercut the NYPD's claim that its officers only follow leads when investigating terrorism."

But this police-state nightmare bears no resemblance to the nuanced work of the Demographics Unit. The unit employed what is called a risk-basis model. In the three Islamist plots against New York between 1993 and 2001, the vast majority of the conspirators were from a limited group of countries: Egypt, Kuwait, Lebanon, the Palestinian territories, Saudi Arabia, the United Arab Emirates, and Yemen. The risk-basis model would therefore indicate that these countries could be deemed "higher risk" or "of concern" in relationship to terrorism.

A similar risk-based model is exactly what the Transportation Safety Agency (TSA) recently adopted in the wake of a different terrorist plot—that of the 2009 Christmas Day Bomber, who failed to bring down a plane above Detroit only because he couldn't ignite the explosive device concealed in his underwear. The TSA made a list of "countries of concern," and now passengers from those 14 states face additional scrutiny, such as pat-downs and having their carry-on luggage examined under the new rules. (There is a great deal of overlap between the countries on the TSA list, developed by the Department of Homeland Security and the State Department, and those states the NYPD has considered "countries of concern.")

Plainclothes officers of the Demographics Unit were deployed for this mission. They went into neighborhoods that had heavy concentrations of populations from the "countries of interest" and walked around, purchased a cup of tea or coffee, had lunch and observed the individuals in the public establishments they entered. This is an important point: Only public locations were visited. Doing so was perfectly within the purview of the NYPD, for, as the Handschu Guidelines say: "The NYPD is authorized to visit any place and attend any event that is open to the public."

Here's what they did not do: Plainclothes officers did not conduct blanket ongoing surveillance of communities. Not only is that an impossible task, but it also would have been inefficient and had a low likelihood of identifying terrorist plots in their early stages. At its largest, during a brief period after the July 7, 2005, attacks in London, the unit had 16 officers—hardly enough to monitor a neighborhood, much less whole communities. Officers would take a first pass to familiarize themselves with luncheonettes, dollar stores, and other legitimate businesses and record what they saw. They would be very unlikely to return unless there was reason to believe that a location might be a "venue of radicalization."

How did the AP treat this? Its writers claimed that "the department has dispatched teams of undercover officers, known as 'rakers,' into minority neighborhoods as part of a human-mapping program, according to officials directly involved in the program." As mentioned above, individuals involved were not undercover officers. Undercover officers are provided with fake identities and misrepresent who they are. Plainclothes officers of the Demographics Unit carried no false identification and did not purport to be anyone in particular. This was a blatant error on the part of the AP. In addition, the AP claimed, "Police have also used informants, known as 'mosque crawlers,' to monitor sermons, even when there's no evidence of wrongdoing." As a matter of Police Department policy, undercover officers and confidential informants do not

enter a mosque unless they are following up on a lead vetted under the terms of the Handschu Guidelines. The AP's description of "mosque crawlers" roving from mosque to mosque without express legal permission to enter that location is pure fiction.

Still, there was the collection of information, and that is really what troubled people. So why cover social and recreational sites to begin with? The answer: Radicalization frequently occurs in nontraditional locations, not only religious centers. One of the key findings of the 2004 attack on a Madrid train station (inspired by al-Qaeda) and the 2005 attack on the London Underground (committed by al-Qaeda) was that the plotters had not radicalized in mosques. In Spain, different members of the terrorist cluster were radicalized in a barbershop, an apartment, and an unidentified store where some "watched videos containing images of exercises in training camps, as well as images that exalted the value of the jihad," according to court testimony. In the U.K., the venues of the radicalization of the 7/7 bombers included the Iqra Learning Center bookstore and the "al-Qaeda gym" (the Hamara Healthy Living Centre), both in Beeston.

The AP articles claimed that the NYPD "kept files on individuals" gathered by the Demographics Unit. This is a significant distortion of reality. Yes, to be sure, observation reports were prepared. Naturally, such reports included the names of store owners and customers and the information gleaned from conversations. However, no files about particular individuals were created. The Word-document reports and area-familiarization summaries about visits to public locations were kept on the shelf so that they might be accessed in the event of a fast-moving plot. It would give the department a head start on geographically based knowledge, including data about venues of radicalization and potential "flophouses" or other locations where operatives from specific countries might seek to conceal themselves.

For example, the Demographics Unit was critical in identifying the Islamic Books and Tapes bookstore in Brooklyn as a venue for radicalization. Information the unit collected about the store provided a predicate for an investigation that thwarted a 2004 plot against the Herald Square subway station. The unit also played a role in forming the initiation of an investigation that led to the 2008 identification of Abdel Hameed Shehadeh, a New Yorker who was arrested and is currently facing federal charges for allegedly lying about his plans to travel to Afghanistan in order to kill U.S. servicemen. Both operations were conducted in accordance with the Handschu Guidelines.

Anyone who suggests that the efforts of this unit (which was renamed the Zone Assessment Unit in September 2010) did not comport with legal rules either has not read the Handschu Guidelines, has misunderstood them, or has willfully overlooked their meaning. The AP's reporters and editors were in one of these categories. Anyone who denies the success of the demographics initiative is fortunate not to carry the burden of responsibility should there actually be a counterterrorism failure resulting in an attack. I, for one, would have borne that responsibility. The AP team would not have.

II. OUTSIDE CITY LIMITS

The AP Claim: The NYPD's Intelligence Division operates far outside its geographical jurisdiction without the knowledge of local agencies.

If vast oceans and international borders cannot hinder terror plots against the

United States, invisible lines separating states and counties certainly cannot. The 1993 attack on the World Trade Center was launched from Jersey City. The 2005 attack on the London Underground was launched from Leeds, 180 miles north of the capital. More recently, Faisal Shahzad's 2010 plot to explode a bomb in an SUV in Times Square on a summer Saturday night on behalf of the Pakistani Taliban was launched from Bridgeport, Connecticut.

It is perfectly legal for the NYPD to travel beyond the boundaries of New York City to investigate cases or visit commercial establishments where terrorists might be radicalizing. Similarly, it is legal to obtain information outside of New York that the Intelligence Division may use "to prepare general reports and assessments concerning terrorism and other unlawful activities or the purposes of strategic or operational planning."

In order to help its partner agencies better understand their own jurisdictions, the Demographics Unit was deployed on select occasions to jurisdictions in New Jersey and Long Island. This led the AP to determine that "the NYPD operates far outside its borders and targets ethnic communities in ways that would run afoul of civil-liberties rules if practiced by the federal government." What's more, according to the August 23 article, "it does so with unprecedented help from the CIA in a partnership that has blurred the bright line between foreign and domestic spying."

The notion of the NYPD as a rolling team of rogue spies would be comically preposterous if it weren't so damaging. First, the NYPD is not the federal government. Second, these operations were not unilateral.

Local agencies were involved. Any reports or assessments were shared with the local police agencies. What local police chose to tell or not to tell the politicians in their areas was beyond the NYPD's purview.

As the New Jersey Star-Ledger reported on March 6, 2012:

Although recent disclosures that in 2007 the New York Police Department spied on Muslims in New Jersey have unleashed a furor, interviews with a dozen former state and federal officials show the department's presence was widely known among the state's law enforcement officials. In fact, it seems that after the 9/11 terrorist attacks, almost everyone—including Gov. Chris Christie, who was U.S. Attorney for New Jersey at the time—knew to varying degrees the NYPD was scouring the state, where some of the hijackings were planned and one was launched.

A different initiative included the selective use of undercover officers and confidential informants outside city limits. As with the investigation of the 1993 plot against the World Trade Center, which refused to be limited to one side of the Hudson River, a number of terrorist investigations that began inside city limits bled over into adjacent jurisdictions. Any such investigative activity involving human sources had to be conducted in strict accordance with the Handschu Guidelines, just as if those investigations were limited to New York City.

NYPD efforts beyond city limits led to the arrests of the New Jersey-based Mohamed Alesha and Carlos Almonte at John F. Kennedy Airport in June 2010. They were headed to Somalia to join the terrorist organization al Shabaab. Their apprehension marked the conclusion of a three-and-a-half-year investigation by the FBI and Joint Terrorism Task Forces in New York and New Jersey.

Also involved: the New Jersey Office of Homeland Security and Preparedness and the U.S. Attorney's office in Newark. The case against Alesha and Almonte was developed through the careful work of an NYPD undercover officer who made contact with the men in 2009 and became a trusted confidant in northern New Jersey.

Similarly, the investigation that led to the arrest of Jose Pimentel began with an investigation in New York City and moved upstate to the Albany region. In November 2011, Pimentel was one hour away from completing the construction of a pipe bomb intended for detonation in New York City when he was nabbed by police. The department's intelligence program was built to facilitate exactly the kind of regional collaboration that made his detention possible.

One AP headline blared, "NYPD's spying programs yielded only mixed results." Strictly speaking, "mixed results" is accurate in that for the programs to have yielded non-mixed results, they would have been 100 percent successful or 100 percent unsuccessful. But the implication of the headline is that results have been disappointing. The record of just one aspect of these initiatives tells a dramatically different story. Read on.

III. ON CAMPUS

The AP Claim: The NYPD has investigated and infiltrated Muslim student groups without any legal basis to do so.

At universities students are expected to explore new ideas, challenge themselves, and engage in robust debate involving multiple dissenting opinions. The NYPD has been especially sensitive in any operational work that risks infringing on this protected space. Allegations that police have been infiltrating Muslim student groups at colleges in the city and schools beyond city limits, including Yale and the University of Pennsylvania, are serious and need to be addressed.

But in covering this topic, the AP conflated two different elements of investigative work: open-sourced Internet searches and undercover officers. "Investigators have been infiltrating Muslim student groups at Brooklyn College and other schools in the city, monitoring their Internet activity and placing undercover agents in their ranks," reads an October 11 story. "Legal experts say the operation may have broken a 19-year-old pact with the colleges and violated U.S. privacy laws, jeopardizing millions of dollars in federal research money and student aid." This is a dramatic misinterpretation of the nature and scope of the department's actions.

The first investigative initiative involving students began in 2006 and involved the NYPD Intelligence Division's Cyber Unit. Officers reviewed Muslim Student Association (MSA) websites, all of which were publicly available, for a period of six months—and with good reason.

Consider the following stories from Great Britain: On March 30, 2004, British authorities disrupted an al-Qaeda plot to mount a bomb attack in the United Kingdom. The individuals involved had obtained 1,300 pounds of ammonium nitrate fertilizer for making bombs. They considered targeting a shopping mall, a nightclub, the U.K.'s 4,200-mile network of underground high-pressure gas pipelines, various British synagogues, Parliament, and a soccer stadium. Four of the seven conspirators were either current university students, dropouts, or graduates of London Metropolitan University, the University of Hertfordshire, and Brunel University. One was an active member of the latter's Islamic society.

The 2005 London subway plot killed 52 commuters, injured 700, and severely disrupted the city's transport infrastructure. One of the suicide bombers was a recent graduate of Leeds Metropolitan University, one a recent dropout from the same university, and one a university student at Thomas Danby College in Leeds at the time of the attack.

Next summer, on August 9, British authorities disrupted an al-Qaeda conspiracy to detonate liquid explosives on nine transatlantic airliners traveling from the United Kingdom to the United States and Canada. Four of the nine conspirators were either current university students, dropouts, or graduates from London Metropolitan University, City University, Brunel University, and Middlesex University. One had been president of London Metropolitan University's Islamic Society.

Most important, the trend is not limited to the U.K. Right here in New York, Mohammed Junaid Babar and Styled Fahad Hashmi, who were arrested in connection with the previously referenced 2004 plot in the U.K. and pled guilty to al-Qaeda-related terrorist activities, had been radicalized through the university-based New York branch of al-Muhajiroun, an Islamist student group in Britain to which several of the subway bombers were linked. The group actively recruited at the Muslim Student Associations of Brooklyn College, Queens College, and other universities in New York City. More recently, the NYPD learned that Adis Medunjanin, indicted for his participation in the most serious plot on American soil since 9/11—the 2009 Najibullah Zazi plot to detonate explosives in the New York City subway system—was an active member of the Queens College Muslim Student Association.

So what did the NYPD do about campus radicalization and recruitment? For a six-month period, beginning in November 2006 and ending in May 2007, Intelligence Division detectives conducted public-information Internet searches to determine if radicalization and recruitment to terrorism were occurring on local university campuses and, if so, to what extent.

Detectives visited publicly available websites of universities and colleges in and around New York City, catalogued what they saw, and assembled the information into 23 biweekly reports. (Once again, NYPD members investigating counterterrorism activities are authorized by the Handschu Guidelines to search websites open to the public for the purpose of developing intelligence information to detect or prevent terrorism or other unlawful activities.) They were looking mostly at speakers, conferences, and events held at MSAs that might—even if inadvertently—support terrorism or provide a recruiting venue for extremist Islamist groups.

Fortunately, the vast majority of speakers, conferences, and events held at Muslim Student Associations in the tristate area were nonthreatening in nature, and in May 2007 the initiative was closed. The information from the biweekly reports was not entered into any database.

Nevertheless, not everything going on at universities was benign. Detectives learned that Jesse Curtis Morton, who has just recently pled guilty to "using his position as a leader of Revolution Muslim Internet sites to conspire to solicit murder, make threatening communications, and use the Internet to place others in fear," according to the Eastern District of Virginia, spoke at Stony Brook University as a leader of the Islamic Thinkers Society. In April 2007, detectives

learned that Morton's co-founder of Revolution Muslim, Yousef al-Khattab, spoke at Brooklyn College's Islamic Society.

Wholly separate from this initiative is the use of undercover officers in investigations that sometimes involved MSA-related activities. Of course, one could be forgiven for thinking that an investigation involving students from City University of New York on a whitewater-rafting trip was a direct consequence of these open-source Internet searches, given how the AP conflated the two. It was not.

Here is how the AP managed to conflate the discrete phenomena in a February 18 article: "Police talked with local authorities about professors 300 miles (480 kilometers) away in Buffalo and even sent an undercover agent on a whitewater-rafting trip, where he recorded students' names and noted in police intelligence files how many times they prayed. Detectives trawled Muslim student websites every day and, although professors and students had not been accused of any wrongdoing, their names were recorded in reports prepared for Police Commissioner Raymond Kelly."

The trip fell under a classic investigative framework after information obtained by the NYPD raised the possibility that an individual or group of individuals were engaged in or planning to engage in unlawful activity.

Much has been made of the benign nature of this particular event where no discussion of terrorism occurred. A post about the trip on New York magazine's website claims, "What has civil-liberties advocates really worried is just how far the NYPD has stretched the parameters of its domestic espionage program—until now, at least, the official line was that the force only pursued leads about suspected criminal activity. Clearly, that's no longer the case."

Such histrionics are hardly warranted. In the subway-bomb-plot trial of Najibullah Zazi and Adis Medunjanin, it was disclosed that operational planning for the plot occurred on the basketball courts of Kissena Park and while hiking on Bear Mountain, north of New York City. Neither a bucolic setting nor a recreational endeavor guarantees peaceful intentions.

The AP also has claimed that these and other investigations have occurred with insufficient oversight. One article uncritically quoted New York Civil Liberties Union lawyer Christopher Dunn, who declared of the NYPD anti-terrorism program: "At the end of the day, it's pure and simple a rogue domestic surveillance operation." He continued: "One of the hallmarks of the intelligence division over the last 10 years is that, not only has it gotten extremely aggressive and sophisticated, but it's operating completely on its own. There are no checks. There is no oversight."

In particular, the AP has asserted that the modified Handschu Guidelines gave the NYPD operational carte blanche. "He scrapped the old rules and replaced them with more lenient ones," reads an August 23, 2011, article describing U.S. District Judge Charles S. Haight Jr.'s decision to modify the guidelines in 2002. "It was a turning point for the NYPD."

But far from providing evidence of this charge, the whitewater-rafting case reveals it as folly. The Handschu Guidelines require written authorization from the deputy commissioner of intelligence when utilizing human intelligence. That requirement was met here as it has been in every other case. Moreover, an internal committee reviews

each investigation to ensure compliance, and a legal unit based in the Intelligence Division evaluates every field intelligence report generated through an investigation. This committee meets regularly every month, and at one meeting at the end of my tenure, no fewer than 10 attorneys and five assistant or deputy commissioners were in attendance. It is important to note that investigations are discontinued unless they reasonably indicate that an unlawful act has been, is being, or will be committed.

As a matter of Police Department policy, undercover officers and confidential informants do not enter a mosque unless they are doing so as part of an investigation of a person or institution approved under the Handschu Guidelines. Likewise, when undercover officers or confidential informants have attended a private event organized by a student group, they have done so only on the basis of a lead or investigation reviewed and authorized in writing at the highest levels of the department.

Given my dual role as a former director of intelligence analysis at the NYPD and a visiting lecturer at Columbia University, I took a special interest in this issue and personally reviewed the documents in question to see the number of times that NYPD human sources were present on local campuses in the last five years. The numbers are very small and almost always involved intelligence-collection efforts limited to individuals who were under investigation, not the broader student body.

So, yes, in 2006, given the trends observed both here and overseas, the NYPD thought it prudent to learn more about what was occurring at Muslim Student Associations in the region via open sources, and the six-month initiative generated six months' worth of public-information reports. The NYPD did not send undercover sources to infiltrate MSAs throughout the northeast. Both the open-source initiative and the few investigations where undercover officers examined the activities of university students as part of an ongoing investigation authorized by Handschu Guidelines have led to a greater understanding of the relationship between terrorism and university organizations and have, as a result, kept New York City safer.

In total, the NYPD has helped to prevent 14 terrorist attacks on New York City and its surrounding areas and permitted exactly zero deadly plots to materialize in the 11 years since 9/11. Its success, based on the math alone, is indisputable. But in a free country, success is not enough. Civil libertarians are correct in asserting that safety at the cost of political freedom would betray the highest American ideals. And the unlawful targeting of New York City's minorities would constitute nothing less than a cultural and spiritual gutting of the greatest, most diverse city history has seen. But neither of those travesties have occurred, thanks to the genius of America's Constitution and the NYPD's exquisite adherence to it.

Sadly, the absence of wrongdoing goes only so far in a media-driven society shaped by the 24-hour news cycle and explosive headlines. The damage the AP inflicted upon the NYPD's reputation cannot be mitigated wholly by this or any other honest airing of the facts. Indeed, one can argue that inflicting such damage—not debating police methodology—was the point of the AP's series.

The war on the NYPD's method of combating terrorism is a war on the war on terror by proxy—an effort to portray the least controversial aspect of homeland security as

instead a matter of great civil-libertarian concern. Long before the AP series, the war on the war began with efforts to discredit the federal government's endeavors to collect intelligence from combatants and terror suspects captured on the battlefields of Afghanistan and Iraq. It zoomed in on the rights of those detained overseas and at the American base in Guantánamo Bay. Now it has come home, to take on a once universally heralded and supported effort at domestic counterterrorism at the epicenter of the 9/11 attacks, New York City.

Having impugned military and intelligence efforts to fight terrorism, these foes are now taking aim at the most conventional kind of anti-terror approach—one that works within the domestic criminal-justice system, is overseen by courts, and is being managed by a police department that has rigorously kept to the terms of legal limits to which it agreed nearly 30 years ago.

By portraying the NYPD efforts as rogue operations, the AP and the Pulitzer committee are seeking to slacken attempts inside the United States to stop terrorist plots before they happen. Letting these false and misleading stories alter local counterterrorism work would be catastrophic. It has taken many hard years to craft the effective anti-terrorism policies that serve us so well today. Now, with al-Qaeda on the ropes, our renewed sense of security can morph easily into complacency—and terrorists will be sure to exploit any new opportunities to attack. The price of maintaining the safety of New Yorkers has been kept remarkably low, not only for residents but for the country as a whole. Preventing another devastating attack from occurring in the city after 2001 was much more than a local necessity. Such an attack would have been devastating to national morale.

And it still would be.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 297, 298, 299, 300, 301, 302, 303, 304 and 305. Had I been present, I would have voted "Aye" on rollcall vote Nos. 300, 301, 302, 304 and 305. Had I been present, I would have voted "No" on rollcall vote Nos. 297, 298, 299, and 303.

PERSONAL EXPLANATION

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. ROE of Tennessee. Mr. Speaker, on May 30, 2012 I was recorded as voting "no" on rollcall No. 303, the Franks amendment to H.R. 5854. I intended to vote "aye" and would like that to be noted in the RECORD.

H.R. 5186, THE HALT INDEX TRADING OF ENERGY COMMODITIES OR HITEC

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. MARKEY. Mr. Speaker, I rise today to discuss H.R. 5186, the Halt Index Trading of Energy Commodities, or HITEC, Act. I recently introduced this bill with Representatives FRANK and DELAURO because I believe urgent action is needed to protect our nation's oil and refined product commodities markets from artificial and excessive levels of volatility caused by the trading practices of certain Wall Street traders. Since 1991, Wall Street investment banks such as Goldman Sachs have created and marketed a new financial product known as commodity index funds, which are really energy speculation funds, gasoline gambles. These energy speculation funds track the financial performance of one or more commodities. If a speculation fund has an investment in oil and the value of oil goes up, then the value of the fund goes up; if the value of oil goes down, the value of the speculation fund goes down.

These investments have been incredibly popular with investors but have had an adverse effect on the operation of the markets for the commodities that comprise the funds. Hundreds of billions of dollars have been invested in various energy speculation funds, artificially inflating the prices of our commodities. While these energy speculation funds may be driving up prices for many different commodities, they are having an especially pernicious effect on energy commodities. According to testimony submitted to the House Natural Resources Committee, excessive speculation added nearly \$1.00 to the per gallon price of gasoline this spring, and energy speculation funds appear to be largely responsible. Due to the activities of these energy speculation funds, Wall Street investment banks have profited by introducing new and unprecedented levels of volatility and speculation into oil and refined product markets.

Energy speculation funds have changed the very nature of our commodities markets. Traditionally, the commodities market was dominated by companies who actually used the commodities to hedge the business risk associated with oil or refined products prices. Large oil, gasoline, diesel or jet fuel consumers such as airlines, trucking firms, and shipping services were the largest participants in these markets. Indeed, in 1996, companies who actually bought oil on the commodities market so they could use it owned 93% of the oil futures or derivatives in that market. Now, however, these companies only own 37% of the oil futures or derivatives in that market. The bulk of the remaining 63% is owned by speculators who have invested in these energy speculation funds, none of whom will actually use any of the oil or natural gas in which they have invested.

Despite only being twenty-one years old, energy speculation funds have already had a profound impact on our country. They have increased the size of our commodities market.

They have increased the volatility of our commodities prices. They have hurt consumers' wallets and small businesses by making them pay more at the pump. They have slowed the growth of our economy by requiring that we devote even more money to energy instead of creating new jobs. These energy speculation funds are a danger to our economy, our financial system, and the average American's wallet.

The HITEC Act will restore order to our energy commodity markets and end this experiment. The bill will ban all new investment in energy commodities like light sweet crude oil, natural gas, heating oil, and gasoline by these commodity index funds from the date of enactment. The day the President signs this bill, energy speculation funds will not be allowed to grow any more if they count speculators among their investors. Existing energy speculation funds that continue to count speculators among their investors will then have two years to wind down their investments. As the average length of a "spot" commodity contract is one year, this should allow energy speculation funds that continue to house speculators more than enough time to wind down their investments in a fair and orderly fashion.

This bill does not prohibit energy speculation funds from investing in agricultural commodities like wheat or corn, nor does it prohibit those funds from investing in metals such as gold. The bill also does not implicate trading of electricity in any way, shape, or form. Instead, this bill just prohibits energy speculation funds from interfering with our energy commodities, a market that determines the prices for the fuels that power our economy.

This bill will end an unnecessary and harmful source of excessive price volatility that has only served to benefit Wall Street traders and has harmed our economy by pumping up oil, gasoline, and other refined product prices. Enactment of this legislation will address one major source of the pain American consumers have recently been feeling at the pump, and I urge all of my colleagues to co-sponsor this critical legislation.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes the afternoon of May 31, 2012, which included rollcall votes 294, 295 and 296. If I had been present, I would have voted in favor of rollcall vote 294, Representative UPTON's (MI-6) bill, H.R. 5651. If I had been present, I would have voted in favor of rollcall vote 295, Representative TURNER's (OH-3) bill, H.R. 4201. Lastly, I would have voted in favor of rollcall vote 296, Representative CUELLAR's (TX-28) bill, H.R. 915.

RECOGNIZING THE 90TH ANNIVERSARY OF THE KIWANIS CLUB OF STOCKTON

HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. MCNERNEY. Mr. Speaker, today I rise to ask my colleagues to join me in honoring the Kiwanis Club of Stockton on the occasion of its 90th anniversary.

The Kiwanis Club of Stockton was first chartered in 1922. It is a part of Kiwanis International, a global organization that is represented around the world. Kiwanis International works to make a difference in children's lives by providing grants to local Kiwanis clubs that benefit community projects, scholarships to high school students, and youth leadership programs.

In my district, the Kiwanis Club of Stockton works tirelessly to support the youth of the Stockton area. One of the chief ways the Kiwanis Club assists students is through its High School Scholarship Program. Each year, the club awards accomplished high school seniors with funds to help support their college educations. The Kiwanis Club promotes the well-being of children in the community by donating "wish list" items to the St. Mary's Service Center in Stockton and by hosting an annual clean up day of Pixie Woods, a local children's park in Stockton.

I commend the Kiwanis Club of Stockton for its outstanding service and I have no doubt that its efforts have made, and will continue to make, a positive impact on the lives of many children and families throughout our community. I ask my colleagues to join me in honoring the Kiwanis Club of Stockton on the occasion of its 90th anniversary.

RECOGNIZING MS. SNIGDHA NANDIPATI

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BILBRAY. Mr. Speaker, I rise to recognize Ms. Snigdha Nandipati, the 2012 Scripps National Spelling Bee champion from Rancho Penasquitos, a community from my district in San Diego, California.

The winning word, guetapens, means to ambush, snare or trap. While not many people know what this word means, even less know how to spell it. Ms. Nandipati did. The eighth-grader from Francis Parker Middle School, armed with her lucky key chain, defeated 277 of the country's best spelling bee competitors in a three-day competition to win the coveted title.

As with all things, the achievement does not tell the entire story. In preparation for this competition, Ms. Nandipati studied six hours a day on a computer program created by her father, designed to generate random words for her to spell. If that was not enough, she showed initiative by founding her school's own spelling bee club so students could hone their competition skills and challenge each other.

Consider this: as this statement is typed on Microsoft Word, spell check displays its signature hashed-red line below the winning word indicating that it is either incorrectly spelled or the computer does not recognize the word; concluding that even Bill Gates, founder of Microsoft, does not recognize or know how to spell the word Ms. Nandipati prevailed with.

I hope my colleagues will join me along with many proud San Diegans in recognizing the fine achievement of Ms. Nandipati. Without question, her hard work, initiative and success are worthy of recognition by the House of Representatives.

HONORING THE 2012 GRADUATES
OF CHARLES DREW UNIVERSITY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to honor the 2012 graduates of Charles Drew University in Los Angeles. This unique school is a true national treasure. Formally established in 1966 as a postgraduate medical school, CDU is a private, non-profit, minority-serving medical and health science institution. But it is much more than that; it is one of only four historically black graduate institutions in this country, and the only one located west of the Mississippi.

The men and women who graduate from this institution go on to have remarkable careers. Since 1971, when the first student matriculated, CDU has graduated over 550 physicians, 1,200 physician assistants, 2,800 physician specialists and numerous other healthcare professionals from diverse backgrounds, most of whom dedicated their careers working in underserved communities.

In Los Angeles County nearly one in every three minority doctors were trained at CDU, and graduates of the College of Medicine are two to three times more likely to practice in diverse and medically underserved communities than physicians trained in other medical schools. The school is simply indispensable to the minority communities in LA County.

African Americans, who account for only 13 percent of the U.S. population, account for more than 50 percent of all new HIV/AIDS diagnoses. African Americans die from diabetes at twice the rate of white Americans, and die from cancer at a rate 25.4% higher than white Americans.

Mr. Speaker, these statistics are grim, and there are many more shocking health disparities that exist between racial groups in our country. This is why health research institutions, like CDU, that are focused on eradicating these disparities are of vital importance.

With so many patients to serve, it is critical that we have enough trained health care professionals to adequately serve all communities, especially those that are economically disadvantaged like the area surrounding CDU. The graduates that emerge from this institution are fundamental in fulfilling that role.

As the Member of Congress for the 37th District of California in which the Charles Drew University is located, I am personally familiar

with CDU's accomplished record of service. Each member of the graduating class has chosen a career path that will not only be exciting and rewarding, but will make a true difference in the lives of so many people.

Mr. Speaker, today I honor this exceptional University, and the 2012 graduates who will be moving on to provide health care with excellence and compassion. I know that it will be men and women like them that will transform the health of underserved communities.

CONGRATULATING TERESA A.
RODGES AS THE 2012 WOMAN OF
THE YEAR FOR THE LAMBDA
RHO ZETA CHAPTER OF THE
ZETA PHI BETA SORORITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. PETERS. Mr. Speaker, I rise today to honor an exemplary member of our community, Mrs. Teresa A. Rodges, for her abundant service to the community and her outstanding achievements as recognized by the Lambda Rho Zeta Chapter of Zeta Phi Beta Sorority Inc.'s 29th Finer Womanhood Luncheon.

Mrs. Rodges dedicates both her free time and professional career to community service. She has held top-level executive positions at organizations that work to make a difference in the community, including Matrix Human Services in Detroit, St. Joseph Mercy Hospital in Pontiac, and her current position as Executive Director of the McLaren Oakland Riley Foundation.

As an outstanding member of her community, Mrs. Rodges saw a need to help those experiencing economic misfortune and unemployment in Pontiac and the surrounding area. Realizing fewer women could afford health insurance, Mrs. Rodges created the Sister & Sister Free Mammogram Program in 2007. She worked relentlessly to raise funds in order to ensure adequate care for economically disadvantaged women. The Sister & Sister program has provided over 3,000 free mammogram screenings, detected breast cancer in several women, and provided follow-up treatment to women in need. With the leadership of Mrs. Rodges, funds were raised to purchase a digital mammography system. This program and Mrs. Rodges have received recognition and support from elected officials statewide.

Mrs. Rodges has also dedicated her time to helping the Pontiac school system. As a member of the Pontiac Promise Zone Authority Board, she was instrumental in raising \$750,000 in funding for scholarships to Pontiac students. She also created the Riley Scholars program to recruit mentors, hire managers, and tutors to ensure that every student in the Pontiac School District has access to postsecondary education.

An astonishing number of boards and committees for local non-profits have been the beneficiaries of Mrs. Rodges commitment to helping others. Some of the boards and committees she has served on include: the Women's Survival Center, Oakland University

School of Nursing Board of Visitors, Baker College Business Advisory Committee, and the United Way Executive Committee. Mrs. Rodges' service to these and other local organizations shows her dedication to the community and over the years they have recognized her with many awards for her leadership and service.

Mr. Speaker, Mrs. Teresa A. Rodges has dedicated her life to helping others in need. From organizing post-secondary education programs to creating affordable mammogram screenings for underprivileged women, she is a role model to the community and the epitome of an excellent leader. She has changed and saved the lives of many people through her service. I am pleased to honor Mrs. Rodges as the Lambda Rho Zeta Chapter of Zeta Phi Beta Sorority recognizes her as its 2012 Woman of the Year.

HONORING PRESIDENT MA OF TAIWAN
FOR HIS RE-ELECTION VICTORY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONYERS. Mr. Speaker, I rise to recognize and honor President Ma of Taiwan for his re-election victory. I believe that the people of Taiwan and the United States have a reason to celebrate President Ma's second inauguration, which occurred on May 20, 2012.

I hope that during his second term, President Ma and the United States can work together to address the concerns that both our countries share, such as enhancing our mutual security, and exchanging ideas to improve the health care of both of our societies.

These efforts, with the countless successes in the past and the close relationship we have maintained with Taiwan, assure a bright and peaceful future for both of our countries.

PERSONAL EXPLANATION

HON. TIM HUELSKAMP

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. HUELSKAMP. Mr. Speaker, on rollcall No. 302, the Grimm Amendment to H.R. 5854, I inadvertently voted yes when I intended to vote no. I believe every worker should be able to decide for themselves whether or not they would like to join a union. Project Labor Agreements violate workers' rights and inhibit business growth. No one should ever face compulsory membership in any group. Given our current fiscal situation, the last thing Congress should be doing is imposing more burdensome regulations on businesses and workers. I am proud that Kansas is a Right-to-Work state, and I am committed to promoting workers' rights at the federal level.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. GUTIERREZ. Mr. Speaker, on May 30, 2012, I was unavoidably absent for votes in the House chamber. Had I been present, I would have voted "yea" on rollcall Votes 294, 295 and 296.

CONGRESSIONAL SHADOW DAY
FOR FOSTER YOUTH**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Ms. CLARKE of New York. Mr. Speaker, I rise to support of National Foster Care Month, which is observed in May to increase awareness of the challenges faced by children in the foster care system. Yesterday, I participated in Congressional Shadow Day for Foster Youth and had the pleasure of being shadowed by Dontysa Torry of Washington, DC. Dontysa shares the experience of over 400,000 children in America who are a part of our Nation's child foster care system. I would also like to urge my colleagues to not lose sight of the challenges facing thousands of children who find themselves in the foster care system. These 400,000 children are our children, and the responsibility for their successful development into adulthood remains our responsibility. This is why foster care policies should be shaped, or reconsidered with the aim of: 1) increasing the amount of eligible parents willing to adopt; 2) minimizing traumatic changes in a child's educational career and developmental process; 3) curbing the risk of homelessness in early adulthood; 4) and addressing the serious realities of sexual abuse.

I would be remiss if I did not also mention the importance of remaining mindful of the impact foster care policy has on underprivileged communities. African-Americans, who make up approximately 60 percent of my constituents in Brooklyn, but approximately 12 percent of the larger U.S. population, make up a staggering 27 percent of children who enter foster care. Unfortunately, African-Americans are more likely to remain in the foster care system longer and in many instances will never be permanently placed.

Finally, we all know that often quoted proverb "it takes a village to raise a child." Similar to villages, which comprise of a number of different community members that serve different purposes, the community established to support foster care children should also be a diverse one. The success of a child is dependent on the influence of a number of persons including: those willing to adopt; those willing to serve as court appointed special advocates; and those willing to serve as tutors and higher education counselors. Let us all encourage our community members to get involved regardless of how minor one may assume their role to be. We can hardly imagine the impact a small deed may have on a child.

As National Foster Care Month comes to an end, I urge all of my colleagues to join the Foster Youth Caucus and support initiatives and legislation that brings to issue what foster youth face in the nation to light.

RECOGNIZING THE PRINCE WILLIAM
COUNTY JUVENILE DETENTION CENTER
VOLUNTEERS**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Prince William County Juvenile Detention Center Volunteers.

JDC Volunteers ensure the efficiency of Juvenile Detention Center's after-school program. They treat the youth with respect, dignity and worth, becoming role models for youth who wish to change their lives. The volunteers promote healthy social, educational, emotional, and physical development. The JDC Volunteers are truly an integral part of the center, as well as these children's lives.

It is my honor to enter into the CONGRESSIONAL RECORD the names of volunteers for the Prince William County Juvenile Detention Center:

Joshua Ahmadi, Jean Andreas, Antonio Ante, Mileydi Ante, Warren Anthony, Alex Arevalo, Jose Argueta, Melis Argueta, Anthonese Barlow, Beverly Barnes, Tina Barnett, Edwardo Barrow, Paul Bauer, Robin Bauer, Matt Behnke, Katherine Best-Brown, Patricia Black, Renee Blakey, Leah Bogden-Collins, Barbara Borthwick, Patrick Bowens, Diana Bowers, Angela Brown, Michael Brown, Renee Brown, Peggy Bruhn, Richard Buckholt, Isabella Buckley, William Burrell, Brigitte Caboteja, Keisha Cameron, Daniel Card, Alfred Cardwell, Christopher Cavaluzzi, Elizabeth Charity, Louis Chevalier, Marcia Clark, Triane Clowers, Erin Collins, Carolyn Craig-Spro, Elaine Crocker, Vincent Currie, David Danieli, Jacqueline Daugnon, Randy Davenport, Carolyn Demps, Joel Devallon, Arthur Diggs, Paul Dressler, Henry During, Michael Edwards, Christopher Floyd, Ingrid Floyd-Casco, Emilio Fogerty, Barbara Fortenberry, Stephanie Fox, Doug Freeman, Michael French, Lohrland Gandy, Ariea Gee, Keith Givens, Patsy Gordon, CeCe Greco, Tabatha Guion, Linda Hammon, Darrell Harris, Ruth Hellwig, Sherri Hines, Ernest Hines II, Rebecca Hixon, Mary Hoffman, Corey Holean, Gay Howard, Bob James, Vondetta James, Jackie James-Bond, Kimberly Jappell, Breanna Jones, Matthew Jones, Karen King, William Lewis, Dudley Ligon, Vickey Logan, John Louisor, Cora Lynch, Floyd Mangin, Sherman Manley, Leonardo Manning, Bruce Marchal, Ardine Marie, Antonio Mason, David Masters, John McKie, John McMackin, Liz Medina, Robert Melvin, Dan MenMuir, Charles Miller, Jeanne Moore, William Moore, Gregory Morris, Dona Mosley-Williams, Tyler Newton, Dianne Noble, Debbie Page-Maples, Robin Paglianite, Sheila Parocia, Caris Penzien, Christy Phillips, Bernice Piasare, LaTasha Pless, Daniel Ramirez, Paul Ramos, Carlos Recono, Hugo Retana, Rhonda Richardson,

Sabeana Roberts, Reina Rodriguez, Suzanne Rucker, Joy Russom, Brandis Sanchez, Cathy Sanders, Charlene Scott, Pastor Angel Serrano, Natasha Severe, Cathy Shaffer, Dennis Smith, Latonya Smith, Odell Smith, Victoria Soberanis, Jeanne Spears, Martin Steinberg, Kevin Stewart, Sherry Stone, Anita Sullivan, Carolyn Taylor, Brenda Todd, Shonietta Travers, Doyoberto Trejo, Aimee Tucker, Ortho Vines, Diane Walden, Andrew Walker, Kenneth Wallace, Patricia Wallace, Amy Ward, Sandra Watjen, Shirley Watson, Delores Weikert, Stephen Weikert, Sandy Weinger, Elizabeth Williams, Stacy Williams, Brianne Wilson, Carol Wilson, Michael Wilson, Robert Wilson, Erica Wright, Reynold Wright, Laurie Raines, Kelly Jimenez, Tracey Wilkins-Clark, Tricia Wyman.

Mr. Speaker, I ask that my colleagues join me in commending the Prince William County Juvenile Detention Center Volunteers for their service and in thanking them for their dedication to our community.

IN RECOGNITION OF BRENDAN
HAAS**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. KEATING. Mr. Speaker, I rise today in recognition of nine-year-old Brendan Haas, a resident of Kingston, Massachusetts, who has displayed the most profound sense of generosity and caring to the family of a fallen soldier.

In February, Brendan set up a Facebook page called "A Soldier for a Soldier," which involves "trading up" items for something bigger and better. His intention was always to donate the best item he received to a military family. Through this project, Brendan began with a single toy soldier and spent three months dedicated to trading for bigger and better things before he received the item he wanted to donate. Brendan then held a raffle with the names of families across the country and ended up drawing the name Liberty Hope Steele, the daughter of Timothy Steele, a soldier from his native Massachusetts who was killed in Afghanistan last August. On Memorial Day, Brendan presented the Steele family with a free vacation to Disney World.

Brendan's generosity knows no bounds, as he recently demonstrated a second time. Recognized for his actions during the morning telecast of "Good Morning America," Brendan was informed that the Walt Disney Company was awarding him and his family an all-expense paid vacation to Disney World for what he had done on behalf of the Steele family. Brendan, however, refused to accept the trip for himself; instead, he said it would be raffled away to another military family.

This type of selflessness is years beyond what we would expect of a young boy. Brendan has made his community and his country very proud.

Mr. Speaker, please join me in recognizing Brendan Haas for his remarkable spirit, dedication and generosity. I know we will see more great things from him in the future.

COMMEMORATING AZERBAIJAN'S
REPUBLIC DAY**HON. DAN BOREN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. BOREN. Mr. Speaker, I rise today to honor the people of the Republic of Azerbaijan and their celebration of Republic Day on May 28.

Azerbaijan first declared independence from the Russian Empire on May 28, 1918. Though the Azerbaijan Republic later succumbed to Soviet forces in 1920, in its 2 years of independence Azerbaijan achieved a number of measures on state-building, armed forces, education, economy, and universal suffrage, from which it benefits today. Azerbaijan restored its independence in 1991 after the collapse of the Soviet Union.

Azerbaijan is a key global security partner for the United States. Azerbaijan was among the first nations to offer unconditional support for US and its allies in anti-terrorism efforts, providing use of its airspace, airports, and troops for operations in Afghanistan. Azerbaijani troops were also part of international contingent in Kosovo and Iraq.

Azerbaijan has opened Caspian energy resources to development by U.S. companies

and has emerged as a key player for global energy security. The Baku-Tbilisi-Ceyhan pipeline project is the most successful project contributing to the development of the South Caucasus region and has become the main artery delivering Caspian Sea hydrocarbons to the U.S. and our partners in Europe.

As a proud Co-Chair of Congressional Azerbaijan Caucus I call my colleagues to join me in congratulating the Republic of Azerbaijan on this important occasion.

RECOGNIZING THE GOODWILL IN-
DUSTRIES OF THE HEARTLAND,
IOWA CITY, AND THE
ABILITYONE PROGRAM**HON. DAVID LOEBSACK**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. LOEBSACK. Mr. Speaker, I rise today to recognize the AbilityOne Program. Over the last few years, AbilityOne has helped more than 50,000 Americans who are blind or have other significant disabilities gain the skills necessary for gainful employment.

The AbilityOne Program, through Federal purchasing, supports community-based non-profit agencies that are dedicated to training

and employing people with disabilities. Opportunities through the AbilityOne program have brought individuals into working society and afforded them the ability to receive competitive wages and benefits. The job skills and training these individuals receive go a long way to foster greater independence and quality of life. Those who benefit from the program have historically suffered from significant unemployment, but AbilityOne is turning this trend around.

I would also like to acknowledge Goodwill Industries of the Heartland of Iowa City, an AbilityOne Program affiliate. As one of 207 regional Goodwill organizations, Goodwill Industries of the Heartland serves Iowa communities by empowering people with significant disabilities to seek education and employment. With the support of the AbilityOne Program, Goodwill Industries of the Heartland's training and job placement programs help clients and their families live more independently while making positive contributions to their communities.

I want to commend the dedication and commitment of the staff of both AbilityOne and Goodwill Industries of the Heartland of Iowa City. Their work helps people with disabilities live full lives as active members of society.

SENATE—Monday, June 4, 2012

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose presence is the source of our strength, as we return from Memorial Day recess, we pause to thank You for those who have made the ultimate sacrifice for the freedoms we enjoy. Please hold all our service men and women in Your strong arms, protecting them from dangers seen and unseen. Bless the families of our servicemembers, fill their lives with Your peace and provision, strengthening them to trust in Your mighty power to sustain them.

Help our Senators this day to live lives worthy of Your goodness and grace. May they discover that real fulfillment comes when they seek to glorify You. Place Your hand on the Senators' shoulders today, reminding them that You are with them and will guide them.

We pray in Your great Name.
Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PAYCHECK FAIRNESS ACT— MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 410, S. 3220.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

Motion to proceed to S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Mr. REID. Mr. President, we are now on the motion to proceed to this measure called the Paycheck Fairness Act. At 5 p.m. this afternoon the Senate will proceed to executive session to consider the nomination of Timothy Hillman to be U.S. District Judge for Massachusetts. There will be 30 minutes of debate at that time led by Senator LEAHY. At 5:30 p.m., there will be a rollcall vote on confirmation of the Hillman nomination.

MEASURE PLACED ON THE CALENDAR—
S.J. RES. 41

Mr. REID. Mr. President, S.J. Res. 41 is at the desk and now due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the joint resolution by title for the second time.

The bill clerk read as follows:

A joint resolution (S.J. Res. 41) expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this joint resolution.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, back in 1963, when Congress passed the Equal Pay Act, women at that time were working year-round and took home about 59 cents for every dollar paid to their male coworkers doing the same job. While passage of that landmark legislation helped narrow the pay gap, today American women still only take home 77 cents on the dollar compared to their male colleagues for doing the exact same job.

Jane, who works in a job, gets 77 cents, while Jack, who also works at that job, gets \$1. That is why women are concerned about how they are being treated. It is simply not fair that

any woman working the same hours at the same job should make less money.

Often these inequities stretch over decades, and many women don't even know they are victims. It took one Las Vegas woman 15 years to find out she made \$20,000 per year less than her male colleagues although she did the same work and worked just as hard. That is \$20,000 a year over 15 years. She was paid about 66 cents on the dollar compared to her male coworkers despite being a top sales associate with a Las Vegas payroll company.

Over the decade and a half she worked there, her employers cheated her out of literally hundreds of thousands of dollars' worth of pay. Why? Because she is a woman. Her story, though, has a happy ending. She got a lawyer, settled out of court, and has now gone on with her own successful business.

But many victims don't have that happy ending. Many victims of years or even decades of gender-based pay discrimination have nothing to be happy about. The average woman who works full time, year-round in Nevada makes \$7,300 less than a man doing the same job. I am sure, Mr. President, it is about the same in Connecticut.

Although the wage gap has narrowed in the last half century since Congress declared women are entitled to equal pay for equal work, gender discrimination remains a serious problem in the workplace. That is why Democrats overcame the Republican obstructionism last Congress to pass the Lilly Ledbetter Fair Pay Act. It was the second thing we did in a very productive Congress.

Why did we do it? Lilly Ledbetter had worked for years and years doing the same job as her male counterparts until she finally found out one day they were being paid a lot more money than she was for doing the same work. So she went to court. The court said the statute of limitations had run out.

The Presiding Officer is one of the most gifted lawyers we have in the Senate. He was a long-time attorney general in the State of Connecticut and understands the law very well. Lilly Ledbetter's case was so unfair because she didn't bring her case soon enough. She didn't know she was being cheated. They said people have a certain period of time to bring up this matter—I think it was 3 years. Even though it had been well more than a decade she had been working there, she was out of luck.

So we passed the Lilly Ledbetter Pay Act. I met her on a number of occasions and, boy, she has a lot of spunk in

her. And rightfully so because a lot of people would not have fought. She took her case to the U.S. Supreme Court and she lost there. That is why we had to do something legislatively.

This law, the Lilly Ledbetter legislation, makes it possible for victims of gender discrimination to successfully challenge unequal pay even if the indiscretion has been going on for years.

Despite that achievement in the last Congress, there is a great deal of work to be done to ensure that American women earn comparable pay for a day's work. It is crucial that we pass the bill that is now before this body, the Paycheck Fairness Act. It is common sense. It would give workers stronger tools to combat wage discrimination, bar retaliation against workers for discussing salary information, and help ensure more adequate compensation for victims with gender-based pay discrimination.

I am fortunate that I have five children. My oldest is my daughter. She was a good student and a wonderful daughter. No one could be a better daughter than my daughter Lana. She graduated from college, and she came to Washington to spend some time with her parents before she decided what she wanted to do permanently. She went around looking for a job on Capitol Hill.

The first question every person she interviewed with asked was, Do you type? Can you imagine that? She could type. How do you start a debate with that? They asked her that because she is a woman. Women get an unfair shake in modern-day America, and we are trying to do something about it.

We want workers to have stronger tools to combat wage discrimination. We want to bar retaliation against workers for discussing salary information. Some people get fired because they have gone around and found out that a man working the same job as them makes a lot more money than they do. They get fired for just telling another employee what they made.

We also want this paycheck fairness bill to pass because it would help ensure more adequate compensation for victims of gender-based pay discrimination. Today women make up nearly half of the workforce, and an increasing number of women are the primary wage earners for their families.

When I went to law school in Washington—a good school, George Washington University—I can only recall one woman in our class. There may have been two or three, but I don't think so. Now over half the women in law schools in America are women. There is no reason that a woman graduating from law school should get paid less than a man graduating from law school when they are doing the same work.

Today women make up nearly half of the workforce. As I said, an increasing

number of women are the primary wage earners for the family. We can tell that by what is going on in college. More than half of the students in college are women. So this problem affects women, children, and families across the country. And it really does.

With the economy struggling and families stretching every dollar, closing the pay gap is more important than ever. No woman working to support herself or her family should be paid less than a male counterpart. They are doing the same job, so they should be paid the same.

Some employers have taken advantage of women, knowing they would work for less. It might be a single parent, and they have said: We don't have to pay her what we pay him. Now with all of this going on, with the examples I have given, the Republicans are filibustering this bill. They will not even let us vote on it. But what else is new? They have filibustered even what they agree with. They don't agree with this. They don't want women to make the same amount of money, so they are filibustering this bill—they are filibustering even letting us get on the bill. They are filibustering what is called a motion-to-proceed rule that I think needs to be changed in this body, and it will someday.

They are filibustering the Paycheck Fairness Act. This legislation would help even the playing field for women in the workplace. If it seems unbelievable that the Republicans would block such a commonsense measure. Consider their track record in this Congress. Republicans have blocked legislation to hire more teachers, cops, firefighters, and first responders. They blocked that. They stalled important jobs measures such as the aviation bill. The FAA bill had 22 extensions. They finally got it done, but it was so hard. The FAA was closed down on one occasion for a week.

The highway bill has been stalled for months. It is in conference now. They opposed legislation to restore basic fairness to our Tax Code. What does that mean? We agree with the American people. About 80 percent of the American people believe someone who is making more than \$1 million a year should pay more than somebody making \$100,000 a year. But not our Republican friends. So they opposed legislation to restore basic fairness to our Tax Code. They twice derailed attempts to stop interest rates on student loans from doubling which put affordable education at risk for 7 million students.

What I am saying is if we don't get something done by the end of this month, the interest on a large number of student loans—the so-called Stafford loans—will grow from 3.4 percent to 6.8 percent. It will double. They have stopped that twice.

They put women's lives at risk by holding the Violence Against Women

Act in limbo on a hypertechnical issue. When I say "hypertechnical," I mean just that. They would not let us go to conference on what we had passed and done here because it had a tax measure in it. By Washington standards, almost no money, a few million dollars. I know that is a lot, but is it a reason to stop this bill? Of course not.

They launched a series of attacks on women, their access to health care, and even contraception. They have amassed an impressive record of destruction, of being on the wrong side of almost every issue. Unfortunately, it seems that the Paycheck Fairness Act may have two strikes against it. No. 1, it will be good for women and good for the economy, so Republicans are going to oppose it. Paycheck fairness is right for the country, but it appears Republicans will wind up on the wrong side of this issue as well. They will send the message to little girls across the country that their work is less valuable because they happen to be born female.

Little kids are so impressionistic. I hope everybody in this country saw the picture that appeared in major newspapers around the country last week.

There is a man who served as a U.S. marine at the White House. It is an important job—helping to provide security to the White House. It is traditional for Democratic Presidents and Republican Presidents. When the marine finishes their tour, the President brings that person and their family into the Oval Office to say thanks and goodbye. Well, the man who came in and who is represented in these pictures had a wife and two children, including a cute little 5-year-old boy all dressed up with a tie. The President asked the boys if they had a question. The 5-year-old had a big brother who was 9 or 10 years old. The little boy had a question, demonstrating the honesty of a 5-year-old.

The President couldn't hear him the first time. He said: What did you say?

The little boy said: Is your hair like mine?

He is a little African-American boy.

Is your hair like mine?

I am sure this little boy—I don't know, but I am sure people had questioned his hair, and he wanted to know if the President of the United States had hair just like his.

So the President leaned over and said: You can feel it.

When he felt the President's hair, he said: It is just like mine.

Doesn't that speak volumes about little children? That is what I am talking about. This little boy knew that even though his hair was different than everybody's hair whom he went to school with, he could be President just like the man whose hair he was able to feel.

What I have said here today is that it appears Republicans wind up on the wrong side of this issue we have talked

about—paycheck fairness—sending the message to little girls across the country that their work is less valuable because they happen to be born female. I hope the Republicans will change. They are not going to—we all know that—but hope springs eternal.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PRESIDENTIAL LEADERSHIP

Mr. MCCONNELL. Mr. President, I wish to start out this afternoon by calling attention to what appears to be a pretty serious disconnect over at the White House between the President's legislative advisers and his political team.

For weeks, President Obama has been running around ginning up college students and late-night television audiences over an impending interest rate change on college loans, pointing the finger at Republicans. But not only are Republicans supportive of solving this problem, we are the only ones who actually passed legislation to do so. House Republicans passed a bill weeks ago that would have preserved current rates, and late last week Speaker BOEHNER, Leader CANTOR, Senator KYL, and I sent a joint letter to the President proposing multiple solutions to the problem that were thoughtfully and carefully designed to gain the President's support. In fact, the solutions were based on the President's own proposals.

Let me say that again. We sent a letter to the President advocating continuing the current rate for another year and proposed pay-fors that he himself has endorsed. So one can imagine how surprised we were to see one of the President's political advisers say on one of the Sunday shows yesterday that Republicans in Congress are sitting on our hands and an op-ed this morning by the Education Secretary saying that Congress isn't lifting a finger to resolve the problem.

So let's be very clear about all of this. Republicans in Congress are the only ones actually working to solve the student loan issue. Unless the Presi-

dent isn't having his mail forwarded to him on the campaign trail, he knows it as well as I do.

I couldn't help but notice that the President is on a fundraising blitz in Manhattan today. No doubt it is easier to walk into these events when one has a good piece of fiction to sell about Republican obstructionism. But the President's campaign rhetoric is increasingly at odds with reality. On the student loan issue, at least, it is Republicans who have been working on a solution and the President who has been totally AWOL. All he has to do is pick up the phone and tell us which one of his own proposals he will accept. It is that easy. But the truth is that the President doesn't really want to solve this problem. He seems to prefer the talking point, as disingenuous as it is.

Speaking of talking points, it has been suggested by some on the President's political team that Republicans are rooting for economic failure. That is absolutely preposterous. If Republicans wanted failure, we would support this President's misguided policies.

But the larger point is this: We will never solve any of these problems we face while the President continues to put his need for campaign rhetoric ahead of finding bipartisan solutions. And whether it is pretending that small-ball, Post-it note-quality proposals would have a major impact on the economy or pretending that Republicans, who are the only ones actually working on bipartisan solutions, are somehow sitting on our hands, he is doing a major disservice to the American people.

For the good of the country, it is time for the President to take yes for an answer. It is long past time for the President to lead.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AVOIDING SEQUESTRATION

Mr. KYL. Mr. President, today I would like to address some of the recent press chatter that attempts to paint Republicans as closet Keynesians because we oppose the massive defense cuts that are contained in the Budget Control Act—the automatic sequestration or across-the-board cuts that occur unless Congress acts to avoid that before the end of this year.

The implication is that if we make economic arguments against these automatic cuts; namely, that they will result in massive job losses, we undercut our arguments against the President's stimulus spending, which is os-

tensibly created in order to stimulate consumer demand and therefore increase spending, which is supposed to get us out of the economic doldrums we are in. I wish to make two points in response.

First, of course, eliminating more than 1 million defense-related jobs, which is what will happen if the automatic sequestration occurs, will obviously hurt the economy. It will obviously result in job losses, and many people will suffer. That is what a George Mason University study said this \$492 billion in cuts will contribute to. In fact, the same point was made in a CBO study that was released a couple of weeks ago. How could such massive job losses not do economic harm? A million jobs—jobs in both the private and public sectors—comprise a substantial part of our economy. In fact, just in my State of Arizona, there are about 33,200 private-sector jobs at risk if these automatic defense cuts were to take place.

But—and this is my second point—most Federal spending, certainly including defense spending, is for purposes other than stimulating the economy. I support spending for national security because it is necessary for the Nation, not because it also happens to provide jobs. And that is the way it is with a lot of Federal spending. We support the programs because they satisfy a need, and certainly the No. 1 need of those of us in the Congress and the President is to provide for the national defense. So we spend what we think is necessary each year to provide for the national defense. The fact that also can create some jobs is a side benefit, if you will, in an economic sense, but it is not the reason we do the spending in the first place. If that spending is cut way back, however, there is no question that jobs will be lost, and I think that is worth pointing out in the context of a discussion about economic recovery.

What I would not do is support unnecessary spending on defense or anything else just to create more government-supported jobs, just for the sake of stimulating the economy. The taxpayers don't have enough money to contribute to the Federal Government for that purpose. We should spend what is necessary and no more. So supporting existing defense jobs is very different from supporting redistributionist government stimulus spending for jobs there is no demand for and on government payments for things such as food stamps and other transfer payments that don't necessarily translate to new jobs but simply move money around. The difference, really, is how you spend the money.

Just to reiterate, Republicans support defense jobs because they produce something essential to our national security and the things they relate to—intelligence and making equipment

and weapons and so on. The jobs that produces are incidental to the primary reason we support those jobs.

Keynesians support redistributionist government stimulus spending because they think government spending boosts jobs and economic growth by increasing consumer demand, as I said. But this zero-sum thinking may result in the redistribution of resources from one group of Americans to another but doesn't necessarily result in any net new production or economic growth.

It is said, for example, that we could pay people to dig holes and then fill them up again and we would have created jobs but we wouldn't have created any productivity or growth for the economy *per se*. Unfortunately, very often the group left paying the bill is the very group of people we rely upon to create the new jobs—in this case, the taxpayers, especially small business folks, whom we call upon to create the jobs coming out of the recession. The real trade-off is between government jobs and jobs created in the private sector. Leaving more money with the job creators in the private sector enables them to create those jobs. Taking more of it away and sending it to Washington for Washington to redistribute takes away from job creation.

As I have noted many times, the last 3-plus years have shown we can't spend our way to economic growth and prosperity; that is, we—the Federal Government—can't spend our way to growth and prosperity because the money we spend either has to come from taxpayers or be borrowed and eventually be paid back by taxpayers. The stimulus was supposed to keep unemployment below 8 percent, but we have just marked the 40th straight month of unemployment higher than 8 percent—above 8 percent. I think such outcomes demonstrate why Republicans oppose these Keynesian spending policies. They simply don't work. If they did, we would be rolling in dough right now after four consecutive trillion-dollar deficit spending sprees.

To set the record straight, Republicans are not arguing that the Department of Defense is a jobs program. It is necessary for our national defense. That is why we spend the money. We are not saying we are going to fix the economy by undoing the defense cuts under the sequestration. We are not even saying defense-related jobs are the most important sequester-related issue. What we are saying is that defense cuts are very dangerous for our national security, and if they go through, not only is our safety jeopardized, but we may have more than 1 million newly unemployed Americans. That is not a desirable outcome, and that is worth talking about. That is something we must keep in mind as this debate goes forward.

In conclusion, I renew my call to my Democratic colleagues and to our

House colleagues to get together—Republicans and Democrats, House and Senate—to do something we all know is in the best interest of the country: avoid the automatic sequestration, half of which applies to defense—we are all for a strong national defense—and half of which applies to all the other discretionary spending programs. All those things will suffer if we don't reprioritize our spending and our reductions in spending as opposed to allowing this to happen across the board.

We do that by finding offsets we can agree upon in a way that will, as I said, set the priorities and enable the departments of government that have to plan for the future to do so in an intelligent way rather than simply knowing at the end of the year they are all going to have to have an across-the-board cut that isn't in anyone's best interest.

It is not as if we are suggesting doing away with the savings that would result from sequestration, which is \$109 billion for next year. Well, believe me, there is \$109 billion in the \$3-plus trillion spending we will be doing here. There certainly is \$109 billion in savings we can achieve, and there have been several proposals already as to how that can be done. And it can be done without losing Federal jobs, it can be done without negatively impacting the economy, and it needs to be done under the law because Congress promised that we would save that \$109 billion next year. It is just a matter of whether we will do so intelligently, making the decisions we can make—and that our constituents expect us to make—in an intelligent way, setting priorities, or whether we will simply succumb to the notion that we can't make a decision, so we will let it happen across the board.

Just to give an illustration, how would you like to be a Navy admiral who hears the words: Here is your 80 percent of a submarine, admiral. It doesn't work that way. If we need the submarine, we need to pay for 100 percent of the submarine and cut somewhere else. That is all we are suggesting. We need to do that while the planning can be done for next year; otherwise, we are going to have a very inefficient and Draconian cut coming up that is not going to benefit anyone.

Again, I urge my colleagues, let's find a way to get together, find those savings, and get that done before we get toward the end of the year, when the departments can do the planning we will be asking them to do.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT *pro tempore*. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. INHOFE. Madam President, let me first of all express my appreciation to the majority. I understand I am to be given some 40 minutes after the vote at the conclusion of the remarks by Senator BROWN of Ohio. I have a subject that is very significant, and it is one I cannot do while being interrupted. So I appreciate starting this period off after the recess being able to express my concern over what I refer to as President Obama's war on fossil fuels and specifically today on coal. I look forward to that sometime around the 6 o'clock hour.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I rise to support the Paycheck Fairness Act that we are going to have a chance to vote on tomorrow. I hope my colleagues will support the effort of my colleague Senator MIKULSKI in allowing S. 3220 to move forward. I congratulate my colleague Senator MIKULSKI for her incredible leadership on behalf of women's issues. She has done that throughout her entire career, and we knew she would be in the forefront of this effort for paycheck fairness. I am proud to stand shoulder to shoulder with her in this fight for basic justice in our Nation, to provide equality of pay in this country based upon a person's work and not a person's gender.

It builds on the Equal Pay Act of 1963 that was signed by President Kennedy. Yes, 1963 was the year Congress first spoke and said we are going to have equal pay for equal work in America, that America would show leadership internationally to say: Let's end discrimination against women in the workplace.

That legislation fought sex discrimination in employment wages, including the fact that such discrimination not only depressed wages and living standards for female employees, but it affected our entire labor resources here in America, holding back the development of our country. Title VII of the Civil Rights Act of 1964 prohibits employers from engaging in discrimination against their employees based on gender.

Today, women still face a pay gap. In 1963, women made 59 cents for every \$1 made by a man. Those were the numbers in 1963. Today, women make just 77 cents for every \$1 made by a man for equal work or comparable duties. That means a woman has to work 4 days to

get 3 days' pay. That is not acceptable. I understand we have made some progress since 1963, but one would think that within a 50-year span we could have done better.

The Paycheck Fairness Act will allow us to reach our goal of equal pay for equal work. Estimates indicate that the wage gap costs women, on average, \$434,000 over their careers. While I am pleased we are making progress, this progress is just too slow, and we need to move more aggressively to close this pay gap in the year 2012.

Congress took another important step forward for equal rights for women by passing the Lilly Ledbetter Fair Pay Act. The legislation allows plaintiffs to sue for wage discrimination based on each new discriminatory paycheck they receive. In this case, Congress overturned a decision of the U.S. Supreme Court which held that women were only allowed to sue their employers within 180 days after the discrimination began, even if the women were not aware the discrimination was occurring, as a result of not knowing their coworkers' wages.

Quite frankly, I think the Supreme Court decision defies logic. How can someone possibly bring a case within 180 days if they do not know about the discriminatory pay differential? Congress did the right thing. But basically we held the line on allowing enforcement rather than advancing what we need to, to make sure we have an effective remedy for discrimination against women in our workplaces.

That is exactly what the Paycheck Fairness Act does. It provides for an effective enforcement so women, in fact, can hold their employers responsible if the disparity is based upon their gender, which should not be in America.

The Paycheck Fairness Act would require employers to show pay disparity is truly related to business justifications and job performance and not gender. It prohibits employer retaliation for sharing salary information with coworkers. Under current law, employers can sue and punish employees for sharing such information. In addition, this legislation strengthens remedies for pay discrimination by increasing compensation women can seek.

The Paycheck Fairness Act also would strengthen the ability of the Department of Labor to help women achieve pay equity by requiring the Department of Labor to enhance outreach and training efforts to work with employers to eliminate pay disparities and to continue to collect and disseminate wage information based on gender.

The purpose of this act is to avoid discriminatory pay, not to sue employers after the fact. Therefore, this bill, the Paycheck Fairness Act, is well balanced in providing remedies, yes, if, in fact, an employer is discriminating on pay based on gender but to provide help

to employers so they can take the appropriate steps to make sure, in fact, their workforce is fairly paying their employees.

The legislation makes clear that employers are liable only for wage differentials that are not bona fide factors. Bona fide factors include items such as education, training or experience and must be job related and consistent with business necessity. Employees will also be able to argue that employers should use alternative employment practices that would serve the same business purpose without producing the wage differential.

The legislation is crafted to avoid any undue burden on small businesses. I think the Presiding Officer and I both understand the importance of small businesses with the work we do on the Small Business Committee. This act is delayed from taking effect until 6 months after its passage so the Labor Secretary and EEOC can develop technical assistance materials to assist small businesses in complying with the new law, and the agencies are charged with engaging in research, education, and outreach on the new law.

The EEOC is charged with issuing regulations to provide for the collection of pay information from employers. The law specifically states that these regulations should "consider factors including the imposition of burdens on the employers, the frequency of required data collection reports . . . and the most effective format for data collection."

We have heard about the cumulative information: Why can't we simplify it? Why can't we combine it? Why can't we be sensitive to small businesses? The Paycheck Fairness Act in our language makes it clear these regulations must be sensitive to the special needs of small businesses to make sure, in fact, this bill provides an effective remedy without excessive burdens on the business community.

In my own State of Maryland, the gender pay gap is 14.6 percent, according to the Joint Economic Committee. In Maryland, women's median weekly wage for full-time workers is \$822, while men's is \$962. That is not right. In Maryland, over one-third of married, employed mothers are their families' primary wage earner. Maryland women contribute, on average, over 40 percent of family wages and salary income to their households. It is time for women who live in Maryland—or who live in any State in our Nation—to get fair pay for the work they do.

I have the opportunity to chair the subcommittee on the Senate Foreign Relations Committee that deals with international development assistance. I have worked very closely with Secretary of State Clinton to deal with gender issues internationally.

We have discovered something that should be pretty obvious, but it is

something that is very telling. The way a nation treats its women will very much be a barometer as to how well that nation is doing—how well they are doing with economic growth, how stable their government is. The United States has been a leader in working with countries around the world to treat women right, to do land reform so that the women who work the fields also own the property they are working, to make sure they share fairly in the fruits of their labor. We have been a leader internationally. I am proud of the progress we are making. I am proud of what Secretary Clinton and President Obama have done in showing the world that it is in a nation's interests to make sure women are properly dealt with, that they have proper education, that they are included in the system for education, for health care, for job training, for all of those issues, and are treated fairly when it comes to the economic rewards for the work they do. But it starts with us doing what is right in America.

Fifty years is too long for women to wait for equal pay after Congress took action in 1963. As a father and grandfather of strong, intelligent women, pay equity is a personal issue for me. I want my two granddaughters to know that when they grow up, they will be paid fairly for the work and not 77 cents for every dollar of their male counterparts.

I am proud to stand with Senator MIKULSKI in this fight to finally ensure that equal pay for equal work becomes a reality for all women and men. I am pleased that this legislation is endorsed by a large number of organizations that have been in the forefront of fighting for equal justice in America. It is time to act and pass the Paycheck Fairness Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY S. HILLMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Madam President, today, the Senate will vote on the nomination of Timothy Hillman to fill a judicial vacancy in the U.S. District Court for the District of Massachusetts. Judge Hillman has the strong bipartisan support of his home state Senators. His nomination was reported with a near unanimous vote of 17-1 by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. I thank the majority leader for his work in securing a vote on Judge Hillman's nomination.

I would note, however, that we have passed over consideration of four other nominees who are all listed on the executive calendar ahead of Judge Hillman. Those nominees—Andrew Hurwitz for the Ninth Circuit, Jeffrey Helmick for the Northern District of Ohio, Patty Shwartz for the Third Circuit, and Mary Lewis for the District of South Carolina—are all extremely well qualified, have the support of their home state Senators, were reported favorably out of the Judiciary Committee, and deserve an up-or-down vote. I hope we will have a vote on them soon.

Judge Hillman could and should have been confirmed back in March when the Majority Leader first filed cloture on his nomination. While I regret that he was not part of the original agreement reached by the Majority Leader and the Republican leader for a floor vote, I am glad that an agreement was reached to consider his nomination today. Once we vote on Judge Hillman, we need to agree to vote on the 15 other judicial nominees stalled on the Executive calendar because there are still far too many vacancies plaguing our courts today.

The Congressional Research Service recently released a report about the treatment of President Obama's judicial nominations that confirms what we already know—that Senate Republicans have held President Obama's nominees to a different and unfair standard. For example, 95 percent of district court nominees in President George W. Bush's first term were confirmed, while only 78 percent of President Obama's district court nominees have been confirmed.

President Obama's nominees are also being delayed and forced to wait far longer on the Senate floor than President Bush's nominees. The median wait time for President Obama's district nominees after having been reported favorably out of Committee is more than 4 times longer than for President Bush's district nominees. The median wait time for President Obama's circuit nominees is 7.3 times longer than for President Bush's circuit nominees.

The simple fact is that the Senate is still lagging far behind what we accomplished during the first term of President George W. Bush. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became Chairman in the summer of 2001, there were 110 vacancies. As chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

Senate Democrats continued when in the minority to work with Senate Republicans to confirm President Bush's consensus judicial nominations well into 2004, a Presidential election year. At the end of that Presidential term, the Senate had acted to confirm 205 circuit and district court nominees. In May 2004, we reduced judicial vacancies to below 50 on the way to 28 that August. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years. At a time of great turmoil and political confrontation, despite the attack on 9/11, the anthrax letters shutting down Senate offices, and the ideologically-driven judicial selections of President Bush, we worked together to promptly confirm consensus nominees and significantly reduce judicial vacancies. By working together, we lowered vacancy rates more than twice as quickly as Senate Republicans have allowed during President Obama's first term.

In October 2008, another presidential election year, we again worked to reduce judicial vacancies and were able to get back down to 34 vacancies. I accommodated Senate Republicans and continued holding expedited hearings and votes on judicial nominations into September 2008.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President Bush. While vacancies were reduced below 50 by May of President Bush's fourth year, in June of President Obama's fourth year they remain in the mid-70s. They remained near or above 80 for nearly 3 years. We are more than 30 confirmations behind the pace we set in 2001 through 2004. Of course, we could move forward if the Senate were allowed to vote without further delay on the 16 judicial nominees ready for final action. The Senate could reduce vacancies below 60 and make progress.

The recently released CRS Report also notes that in five of the last eight Presidential election years, the Senate has confirmed at least 22 nominees after May 31. Because of how far we are lagging from President Bush's record of confirmations, we should be working to exceed those numbers. We can start today by confirming Judge Hillman and the other 15 judicial nominees ready for final Senate action. Another five judicial nominees were ready for

final Judicial Committee action in May but held over by Committee Republicans. Those five nominees should be voted out of the Committee this Thursday. In addition, we are holding a hearing for another three judicial nominees this Wednesday. With cooperation from Senate Republicans the Senate could make real progress and match what we have accomplished in prior years.

Timothy Hillman was rated unanimously well qualified by the ABA's Standing Committee on the Federal Judiciary, the highest possible rating. He has been a federal magistrate judge on the court in which he has been nominated for nearly 6 years. Prior to his service as a magistrate judge, Judge Hillman served for 15 years as a state court judge on the Massachusetts Superior Court and the Massachusetts District Court. He has also spent significant time in private practice and several years of experience as an Assistant District Attorney in the Worcester County District Attorney's Office.

Judge Hillman is a respected and experienced jurist in Massachusetts. His nomination has the strong support of both his home state Senators, Senator JOHN KERRY and Senator SCOTT BROWN, who introduced him to the Judiciary Committee at his hearing in February.

Senator BROWN said of Judge Hillman:

We have in Judge Hillman somebody who is greatly respected in Massachusetts and especially in the Worcester area through his innovation and integrity and dedication to fairness. He is really to be commended, and I want to thank he and his wife for, obviously, putting up with the process. And I am going to do everything in my power to encourage my colleagues to make sure that we get a vote on this right away, because Massachusetts needs a jurist like him right away to do the people's business, and that is so critically important.

While this vote on Judge Hillman is hardly "right away," as Senate Republicans have continued to needlessly stall his nomination for close to 3 months now, it is finally occurring. This consensus nomination is another example of a judge's confirmation being delayed needlessly for months and months for no good reason or purpose other than delay. Given Judge Hillman's qualifications and significant bipartisan support, he should be confirmed easily.

After today, we still have much more work to do to help resolve the judicial vacancy crisis that has persisted for more than 3 years. When the Majority Leader and the Republican leader came to their interim understanding in March, it resulted in votes on 14 of the 22 judicial nominations then awaiting final consideration. Because the arrangement took months to implement what the Senate could have done in hours, the backlog of judicial vacancies and judicial nominees continues.

Today, we have 16 judicial nominees awaiting action. Let us do what we did on November 14, 2002, when we confirmed 18 of President Bush's judicial nominations on a single day.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

We need to work to reduce the vacancies that are burdening the Federal judiciary and the millions of Americans who rely on our Federal courts to seek justice. Let us work in a bipartisan fashion to confirm these qualified judicial nominees so that we can address the judicial vacancy crisis and so they can serve the American people.

Mr. GRASSLEY. Madam President, today, the Senate turns to another judicial nomination, that of Timothy Hillman, to be U.S. district judge for the District of Massachusetts. I support this nomination.

We continue to confirm the President's nominees at a brisk pace. In fact, with today's confirmations, we will have confirmed 147 of this President's district and circuit court nominees.

Let me put that in perspective for my colleagues. We also have confirmed two Supreme Court nominees during President Obama's term. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term, the Senate confirmed a total of only 120 district and circuit court nominees. We have confirmed 27 more nominees for President Obama than we did for President Bush in a similar time period.

Judge Hillman received his B.A. from Coe College in 1970 and his J.D. from Suffolk Law School in 1973. He began his legal career in 1974 as a staff attorney at Murphy & Pusateri. In 1975 he became an assistant district attorney, where he prosecuted criminal cases for Worcester County. During this time, he also conducted limited private practice, which centered on drafting wills, representing clients in real estate transactions, and representing plaintiffs in motor torts. He left the D.A.'s office in 1978 and represented criminal defendants in private practice until 1988. He also represented multiple municipalities in this stretch of time as either city solicitor or town counsel. While working in these capacities, he represented the municipalities in court, gave legal advice to their boards

and elected officials, and drafted and reviewed legal documents.

In 1995 Judge Hillman was appointed to be associate judge of the Gardner District Court, and he became presiding justice there in 1997. From 1998 to 2006 Judge Hillman was a judge for the Massachusetts Superior Court, an appointed position. In 2006 Judge Hillman was appointed to be a U.S. magistrate judge for the U.S. District Court for the District of Massachusetts, Worcester Division. As a magistrate judge, he manages and tries civil cases with the consent of the parties, both jury and nonjury. He is also responsible for the initiation and management of criminal felonies, not including trial, and all aspects of criminal misdemeanors.

The ABA Standing Committee on the Federal Judiciary unanimously rated him as "well qualified" for this position.

I yield the floor.

Mr. BROWN of Massachusetts. Madam President, may I inquire as to how much time remains for the two sides?

The PRESIDING OFFICER. There is 15 minutes.

Mr. BROWN of Massachusetts. Fifteen minutes per side? How much time remains on the other side?

The PRESIDING OFFICER. The majority has 6½ minutes.

Mr. KERRY. Madam President, is this controlled time?

The PRESIDING OFFICER. Yes, there is 6½ minutes.

Mr. KERRY. The Senator, my colleague, is able to speak on Republican time, I believe.

Mr. BROWN of Massachusetts. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. KERRY. If he wants to go first, I am happy for him to go ahead.

Mr. BROWN of Massachusetts. I will defer to the senior Senator from Massachusetts.

Mr. KERRY. I thank my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank my colleague for his courtesy. I am perfectly happy to wait and listen to his comments.

We have a sort of Alphonse and Gaston thing going back and forth.

Madam President, I thank Chairman LEAHY for his work on the Judiciary Committee in helping bring this nomination to the floor, and, obviously, Senator BROWN and I are here, having worked together to choose this nominee and to send his name to the White House. We are very grateful, both of us, to President Obama for acting favorably on this nonpartisan recommendation which we made, and we are grateful to the other members of the Judiciary Committee who approved the nomination and brought it to the floor expeditiously so we can fill a very important vacancy in Massachusetts.

I think both of us believe the President could not have nominated a more qualified individual than Judge Hillman. He is already a judge, as we know, but a broad segment of the judicial community in Massachusetts agrees with us completely. Senator BROWN and I agreed on a team made up of some of the top lawyers in our State who would get together and screen these candidates before we even view them, and so this candidate comes with the endorsement of the Massachusetts Bar Association, the Worcester Bar Association, the Hampden Bar Association, and the backing of this nonpartisan search committee that gave us several names to evaluate. We sat down and interviewed the judges, and I think both of us are extremely pleased with the results.

In Judge Hillman, we see what President Obama has recognized—a thoughtful, fair, honest jurist who has a long record of public service as counsel to several municipalities in Massachusetts and as a magistrate judge in Worcester.

There is not going to be any learning curve for Judge Hillman if he is confirmed by the Senate this afternoon. Serving on the District Court in Worcester would be an enormous capstone to his decades of tireless public service, and I know he will bring his signature brand of thoughtful deliberation to the Worcester District. I am very grateful for his many years of public service.

As the current Presiding Officer of the Senate knows, having been a former Governor who has made her own nominations, it is tough to get lawyers nowadays who are willing to give up the compensation of the private sector to come and work for very little in a tireless public way. So I wish to recognize Judge Hillman's family—his wife Kay, and his children Zachary, Molly, and Patrick—for their contributions toward his ability to be able to share his life in public service with all of us.

I ask my colleagues to support his nomination this afternoon, Judge Timothy Hillman, to the U.S. District Court of Worcester, MA.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I appreciate the senior Senator from Massachusetts setting up that process. We have worked hand in hand to try to develop a nonpartisan, unbiased process. Quite honestly, I was deeply impressed with the way we were able to handle it and get some truly qualified candidates. It was good to work with my colleague, and I look forward to doing it again. I rise also to endorse the nomination of Judge Timothy Hillman to the U.S. District Court for the District of Massachusetts.

As many of you know, when I was a young man, I had a run-in with the law. It was a judge named Samuel Zoll who set me straight and served as a role model for me. No doubt Judge Zoll served as a role model for many young men and women in Massachusetts. My experience shows the ability of judges to do good in their communities.

Today we are considering the nomination of a judge who will make the Worcester, MA, area a better place. I know that for a fact, as Senator KERRY pointed out. Judge Hillman is a man of integrity who will make us proud as the next Federal judge in Massachusetts. He will have a chance to shape young people's lives, much like Judge Zoll did for me.

Before I say a few words about Judge Hillman's background, once again, I thank Senator KERRY. We have in place a process I would recommend to other Senators so they can get good jurists in their own States. We worked very closely on that nomination.

I wish to also thank the judicial nominating committee we comprised. We have, as was said, some of the most respected and experienced attorneys in Massachusetts trying to bring something very special to our State, and that is a balanced judiciary. The attorneys on the panel came from all walks of life and different areas of our State, and the judicial nominating committee reviewed many applications and interviewed nearly every applicant, took their assignment very seriously, and we are both deeply appreciative of their time and effort.

Ultimately, this bipartisan committee made several recommendations, and Senator KERRY and I then interviewed each and every one of them. It was clear during his interview that we were immediately impressed by his poise and intellect. Clearly, he understands the proper role of a judge and is deeply committed to achieving justice.

In his interview, he lived up to his reputation as a thoughtful and thorough jurist with deep ties to the community, which makes it even all the more fitting that he will remain in Worcester to do good for the people of Worcester. They respect him as one of their own and trust that he will serve them well.

Since Senator KERRY and I recommended Judge Hillman to President Obama, we have received an outpouring of support for Judge Hillman from the Worcester bar and its residents, and we are both thankful for that. His legal background also makes him uniquely qualified for this position. He is currently a magistrate judge in Worcester, MA. In that role he has been indispensable to the Federal judiciary in Massachusetts. If confirmed he will seamlessly integrate with the other members of the District of Massachusetts courts.

The bar in Worcester has a tremendous amount of confidence in him, as

both Senator KERRY and I do as well. They know when they appear before the judge, they are going to get a fair shake and that he has a sharp legal mind.

In addition to his role as magistrate judge, he generously gives a significant amount of his time to bar activities. For example, in 2008, in partnership with the U.S. Probation Office, Judge Hillman established a Federal reentry court program called RESTART for high-risk ex-offenders who have been released from prison. Judge Hillman's goal in establishing RESTART was to reduce recidivism and to focus on employment skills for ex-offenders. Judge Hillman should be proud that only after a few years, RESTART is becoming a national model for reentry courts, and for that we are also thankful.

In 2009 he was appointed as the national cochair of a group of judges and support staff who are responsible for the design and implementation of the next generation of the Federal courts case management and electronic filing system.

Prior to his service as a magistrate, he served as a State trial court judge for 16 years. Before becoming a judge, Judge Hillman spent 14 years in private legal practice, giving that up, as Senator KERRY referenced, to do good public service. He served as town councilman to three towns also in Massachusetts. So it is rare to find a nominee with the diversity of experience of Judge Hillman.

It will actually also affect the people in the Presiding Officer's State who work in Massachusetts—and I would encourage and seek the Presiding Officer's vote as well. For that reason, he is a superb choice.

In closing, I enthusiastically support Judge Hillman's nomination as a Federal judge. I will be standing right up there encouraging each and every Member of both sides of the aisle to see if we can get him through almost unanimously.

I have had the opportunity to support a stellar candidate to the Federal bench before, and I am excited to do it again. I thank Senator KERRY once again for the process. We have appointed two great judges to the judicial bar back home, and it is good for Massachusetts.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, I believe there is a vote due at this hour, is there not? I ask for the yeas and nays

with respect to the Hillman nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 1, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—88

| | | |
|------------|--------------|-------------|
| Akaka | Gillibrand | Murray |
| Alexander | Graham | Nelson (NE) |
| Ayotte | Grassley | Nelson (FL) |
| Barrasso | Hagan | Paul |
| Baucus | Hatch | Pryor |
| Begich | Hoeven | Reed |
| Bennet | Hutchison | Reid |
| Bingaman | Inhofe | Risch |
| Blumenthal | Inouye | Roberts |
| Blunt | Isakson | Rockefeller |
| Boozman | Johanns | Sanders |
| Boxer | Johnson (SD) | Schumer |
| Brown (MA) | Johnson (WI) | Sessions |
| Brown (OH) | Kerry | Shaheen |
| Cantwell | Klobuchar | Shelby |
| Cardin | Kohl | Snowe |
| Carper | Kyl | Stabenow |
| Casey | Landrieu | Tester |
| Coburn | Leahy | Thune |
| Cochran | Levin | Toomey |
| Collins | Lieberman | Udall (CO) |
| Conrad | Lugar | Udall (NM) |
| Coons | Manchin | Vitter |
| Corker | McCain | Warner |
| Cornyn | McCaskey | Webb |
| Crapo | McConnell | Whitehouse |
| Durbin | Merkley | Wicker |
| Enzi | Mikulski | Wyden |
| Feinstein | Moran | |
| Franken | Murkowski | |

NAYS—1

Lee

NOT VOTING—11

| | | |
|-----------|------------|----------|
| Burr | Harkin | Menendez |
| Chambliss | Heller | Portman |
| Coats | Kirk | Rubio |
| DeMint | Lautenberg | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Ohio.

Mr. INHOFE. Madam President, will the Senator from Ohio yield for a unanimous consent request?

Mr. BROWN of Ohio. Sure.

The PRESIDING OFFICER. The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Ohio I be recognized as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I am pleased to work with Senator INHOFE on this matter.

STAFFORD LOANS

Mr. BROWN of Ohio. Madam President, in 25 days, the cost of attending college, a trade school, a university, or a 2-year community college will increase for some 380,000 students in my State of Ohio. It is because without congressional action—something which we have tried to fix repeatedly on the floor of the Senate—interest rates for Stafford loans are scheduled to double on July 1.

Now, this was done 5 years ago. Bipartisanly, we were able to do this. President Bush signed legislation by a Democratic Congress—a Democratic House, a Democratic Senate—to freeze interest rates on Stafford subsidized loans for American college students for 5 years at 3.4 percent. That expires July 1, and it is something we need to do, we have tried to do. It has repeatedly been batted down by threats of a filibuster.

That is why today I met with students in Toledo, at Owens Community College. Jakki, CJ, and Megan all have dreams to attend, first, Owens, and then to move on to 4-year institutions. But they rely on Stafford loans to afford their tuition and other expenses.

I have been to Cuyahoga County Community College meeting with students. I have been to Hiram College visiting students on their graduation day. I have been to the University of Cincinnati. I have been to Ohio State. I have been to Wright State University in Dayton speaking to students.

They understand if we do not act, future college graduates will see an aver-

age of about \$1,000 in extra interest fees per student per Stafford loan.

My colleague JACK REED, a Senator from Rhode Island, Senator HARKIN, and I have introduced the Stop the Student Loan Interest Rate Hike Act, which would keep college affordable for more students.

The act is fully paid for by closing a corporate tax loophole. We want to pay for this. We do not want to add to the debt of college students. We do not want to add to their personal debt by allowing this 3.4-percent interest rate to double.

I would like to make this more personal, if I could, and read some letters from students in Ohio schools. These higher interest rates affect students personally, of course. It also affects the families who are helping to pay for their college tuition in many cases. It also affects the community. We know, looking back at the 1940s, 1950s, 1960s, and 1970s, the GI bill enabled literally millions of individuals—millions of young Americans who had fought for their country in World War II or Korea or in successive military involvements—to go to school and to afford their college tuition. What that meant was not just helping those students and their families. It helped raise the level of prosperity for the entire country because those were people who got to go to school. It meant they could start businesses and buy homes and get better jobs and give back a lot to our communities.

That is the same thing that will happen if we can lock in these 3.4-percent interest rates. It will mean students who might not have been able to buy a car or might not have been able to start a business or might have been more reluctant to start a family—they are less likely to do that if we cannot lock in these interest rates.

Before yielding the floor to Senator INHOFE, I would like to share three letters my office received recently, starting with Kasey from Union in Miami County, OH. Miami County is just north of Dayton.

Going to college was never a question for me—there was an unspoken understanding that it would happen.

Unfortunately, my parents could not afford to pay for college for all of their children, particularly after [we faced] foreclosure in 2007.

At 17, I faced responsibility for covering the \$10,000 per year gap of paying for George Washington University.

Over the past four years, I have taken out the maximum allowed in student loans—both subsidized and unsubsidized. I have held a federal work study job since October of my freshman year. Because both of my parents were unemployed at the time, I was forced to take out PLUS loans. This still left me with a gap, and I had to ask my parents to spend a significant portion of their retirement fund to allow me to finish my degree.

At 21 years old, I have more than \$42,000 in loans to repay. I have received a world class education thanks to the opportunities pro-

vided to me by my scholarships, student loans, Pell grants and federal work study programs.

Students should not be punished for following the American Dream. There is a huge emphasis on the importance of education, but the soaring costs of private and public universities is making it harder and harder for my generation.

Doubling the interest rates on loans is not the solution. Making education harder to pay for will shut doors for students like me, and college will inch back toward being a privilege of the wealthy.

I have worked part time since I was 15, I did well in high school to win a substantial scholarship, I have maintained my grades in college to keep that scholarship, I have taken advantage of work study programs, and I have every intention of paying back my student loans in full as I enter the world of full time employment.

Please do not make it harder to pursue the American Dream.

Waylon from Fairborn, Greene County, near Springfield. The city of Xenia is nearby, outside of Dayton.

I am deeply concerned about the thought of an increase in student loan interest.

I am currently a student at Antioch University Midwest taking classes to pursue my license to become an Intervention Specialist. I also have two children who are finishing up their sophomore years in college at the end of May.

My sons, as well as myself, have student loan debt and an increase in the rates would certainly have a diminishing affect on affording an already higher tuition rate at the college itself.

Hasn't it been a big push for the people in our country to become more educated equating to a more resourceful and competitive country?

How will this ever be attained without an affordable education?

Gaining higher, more competitively paying jobs would also equate to more taxes being paid!

Isn't that what we should be looking at?

I believe that there is a disconnection between what people in Washington want—a more educated country and how they are willing to get it.

Sarah, from Dayton, writes:

I started college in fall 2003. As a foster youth fresh from emancipating, I took out student loans because I don't have any family that can help me pay for college.

9 years, 2 Bachelor of Arts (one in Criminal Justice and the other in Social Science Education . . .) and an almost complete Master of Arts degree later not only am I \$100,000 in debt with student loans I am still unable to find a job.

Since I am overqualified for jobs at places like McDonald's (who take one look at my application and reject it) and underqualified for positions using either of my degrees, I am forced to look outside of Ohio for jobs that will allow me to at least use my 1-2 years of secretary experience so that I have the salary to start paying on these loans.

My student loans are hindering not only my ability to possibly finish my Master's degree but also to potentially purchase a home and find a position near my family.

When I graduate I will not be able to move back home since my parents were the state so I will have to find a position outside what I went to school for and probably for minimum salary or even minimum wage just so I do not end up homeless. I may even have to look overseas to find work.

I have hopes that the government will see stories like mine from people who have risen above their circumstances and are able to go to college to make their lives better and not be statistics and actually do something to help us.

These stories, obviously, speak for themselves. We are certainly leaving our children with far too much debt. Ten years ago we had a budget surplus, until this government—the House and Senate and the President in the last decade—made terrible mistakes and blew a hole in the Federal budget. We do not want to also leave them increased debt from student loans. My wife was the first person in her family to go to college, to Kent State University. She graduated with almost no debt, even though her family was not really able to help her much, because the State government was more involved, the Federal Government was more involved, and tuition was lower.

It is a moral question to me to make sure we can freeze these interest rates. We have no business saddling a more onerous debt burden on the young men and women of our country.

Madam President, I yield the floor.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2012

Mr. LEAHY. Madam President, it has been more than a month since the Senate came together to pass the Violence Against Women Reauthorization Act of 2012. This bill, commonly referred to as VAWA, reflects the tradition of bringing together people from both political parties to work with professionals in the field and address the needs of victims—all victims. More than two-thirds of the Senate, including 15 Republicans, voted for this common sense legislation. It is a rare feat in the Senate these days, as the distinguished Presiding Officer knows, but it demonstrates that the Leahy-Crapo reauthorization bill is about saving lives, not partisan politics.

Few laws have had a greater impact on the lives of women in this country than the Violence Against Women Act. Because of this law, the days of dismissing domestic and sexual violence crimes with a joke or a shrug are over. The resources, training, and law enforcement tools provided by VAWA over the past 18 years have transformed the criminal justice and community-based responses to abuse. It gave support and protection to victims who for generations had been blamed, humiliated, and ignored.

I had hoped the House Republicans would follow our demonstration of bipartisanship by moving forward with the Senate-passed VAWA reauthorization bill. Instead, the Republican leadership in the House chose to proceed with a bill that doesn't reflect the core values of VAWA.

I mention its core values because we worked—both parties in this body—to

reflect what is most important in VAWA. The House Republican bill does not include protections for all victims. It takes away existing protections that have proven effective in preventing domestic and sexual violence. In short, the House bill is not VAWA.

Regrettably, the House Republican leadership would not even allow a vote on the bipartisan Senate-passed bill, which truly does do the job. They would not allow open debate regarding the relative merits of the different versions of the bill—ours, which protects all victims, and theirs, which rolls back protections. Had the House had the opportunity to vote on the Senate-passed bipartisan bill, I believe the President would have signed it and it would now be law. Nearly two dozen House Republicans, along with most Democratic Members, voted against the restrictive House bill.

It is not surprising that the House Republican bill failed to gain support among those who actually work with victims, the people who see these victims on a daily basis in all parts of the country. When challenged on the House floor to name any law enforcement or victim advocacy organization that supported the House Republican bill, their lead sponsor could not name a single one. Why? More than 320 organizations that work with the victims of domestic and sexual violence opposed that bill.

By contrast more than 1,000 local, State, and national organizations supported the bipartisan Senate bill, including hundreds of law enforcement, victim advocates, and faith-based groups. Why? Because in our bill, we worked at it. We did it the old-fashioned way—Republicans and Democrats working together after months of discussion with stakeholders from across the country and all political persuasions from the right to the left. The provisions in our bill that protect battered immigrant women, Native women, and the most vulnerable among us who have had trouble accessing services were recommendations from those very professionals who work with crime victims every day. The bipartisan Senate bill is intended to respond to the changing, unmet needs of victims and to prevent future acts of domestic and sexual violence. Instead of picking and choosing, as they tried to, among who would get protection, we came up with a simple fact. We said a victim is a victim is a victim. If somebody has been victimized, the police don't go and say: Can we help this battered person, maybe even murdered person? We might be able to get involved in this, provided they are not an immigrant or provided they are not a Native American or provided only if they are straight. That is not the way it works.

I still have nightmares over some of the crime scenes I visited at 2 and 3 and 4 o'clock in the morning when I

was a prosecutor and I saw people who had been badly battered, badly injured. I never heard a police officer say: Before we go any further on this, what category does this battered victim fall into? Because unless they fall into one of these specific categories—such as the House bill had—we can't do anything for them. No, no police officer ever said that in my presence nor in anybody else's presence.

It was law enforcement who educated us on the importance of the U visa to keeping our streets safe and encouraged us to support a modest improvement to this program. The enhanced consultation provisions in the bill were included after domestic and sexual assault coalitions and other victim advocacy groups told us that they wanted to coordinate their activities in a more effective way with VAWA state administrators and Federal agencies. Victim service providers also told us that the LGBT community experiences violence at the same rate as the broader community but faces a serious lack of available services. It was the Native American community that informed us about the epidemic of domestic violence in tribal communities and the need to increase local prosecution of these crimes. It is unacceptable that nearly three out of five Native American women have been assaulted by their spouses or intimate partners, yet the percentage of these cases that are prosecuted is appallingly low. That is why our bill provides law enforcement with additional tools to combat domestic and sexual violence in Tribal communities.

The Senate has already considered and soundly defeated a conscripted version of the bill, like the House Republicans' version, that would not help all victims. We voted 37–62 against the Hutchison-Grassley amendment last April. This was not a case where an amendment did not obtain a supermajority of more than 60 votes. The votes against it were bipartisan and more than 60. I do not understand why the House Republican leadership has gone to tremendous lengths to avoid debating and voting on the bipartisan Senate-passed VAWA reauthorization bill.

The House Republican leadership has refused to consider two House bills that mirror the Leahy-Crapo bill, including one introduced by a Republican. They also raised a procedural technicality as an excuse to avoid debating the Senate bill, even though the Speaker of the House has the ability to waive that technicality and allow the House to move forward to consider the bipartisan Senate bill.

The Majority Leader tried to move this forward 2 weeks ago by proposing a way to resolve the technical objection by House Republicans to considering the bipartisan Senate-passed bill, but the Republican leader objected.

Frankly, victims should not be forced to wait any longer. They will not benefit from the improvements made by the bipartisan Leahy-Crapo bill, unless both Houses of Congress vote to pass this legislation. The problems and barriers facing victims of domestic and sexual violence are too serious for Congress to delay. Domestic and sexual violence knows no political party. Its victims are Republican and Democrat, rich and poor, young and old. Helping these victims, all of them, should be our goal.

I will continue to work with our leadership in the Senate to come up with a solution that can move us past this impasse and send back to the House a Violence Against Women Act reauthorization bill that protects all victims. We know we can do that because the Senate has already passed such a bill. I am still hopeful that the House will do the same.

TRIBUTE TO CAROL MARTIN GATTON ACADEMY

Mr. McCONNELL. Madam President, Kentucky received quite an honor recently when the Carol Martin Gatton Academy of Mathematics and Science in Kentucky, an elite public high school that draws students from all over the Commonwealth, was named the No. 1 public high school in the United States by *Newsweek* Magazine. Think about that, Madam President—out of more than 20,000 public high schools in the Nation, the top-ranked one is in Kentucky.

The Gatton Academy is in Bowling Green, KY, specifically, and it is a special place. First opened in 2007 and funded by the Kentucky General Assembly, the Gatton Academy is the Commonwealth's only State-supported residential high school with an emphasis on math and science. Bright, highly motivated students come from across the State and stay on campus, taking college-level courses at Western Kentucky University.

Dr. Julia Roberts, a good friend of mine and the executive director of the academy, worked hard for many years to see the school become a reality. How wonderful for her that her vision has been realized. This honor is a recognition that she truly deserves for her steadfast commitment to help Kentucky's finest students blossom and reach their full potential.

Here is a quote from Dr. Roberts that summarizes the school's mission:

The United States has emphasized proficiency or grade-level learning to the exclusion of nurturing the talents of advanced learners. A promising future for our country is closely tied to the development of talent in science, mathematics, languages arts, the social sciences, and the arts. The purpose of the Gatton Academy is to extend learning opportunities for gifted students who live in all parts of Kentucky.

I also must recognize Dr. Tim Gott, director of the Gatton Academy, with-

out whose hard work the school surely would not have been able to rise to the top. In fact, the Gatton Academy tops *Newsweek's* list of public high schools this year after ranking fifth in 2011. That is quite a jump up in 1 year, thanks in part no doubt to the indefatigable work of Dr. Gott.

"It's just wonderful to be able to celebrate Kentucky students," Dr. Gott says. He also adds, "This recognition would not have been possible without the full partnership we have with Western Kentucky University."

The *Newsweek* rankings that put Gatton Academy on top were based on measurements such as graduation rates, college enrollment, average ACT and SAT scores, and advanced placement tests per student, as well as scores. This year, the school's average ACT score was 31.2 out of a possible 36, and its average SAT score was 2,010 out of a possible 2,400. In addition, over half of the school's students studied abroad last year, and 91 percent of recent graduates participated in a research project sponsored by a university mentor.

Mr. President, I would like to ask at this time that my colleagues in the Senate join me in recognizing the Carol Martin Gatton Academy of Mathematics and Science in Kentucky and its great contribution to the success of Kentucky and the Nation. The students at Gatton are the future leaders and success stories of America.

I ask unanimous consent that the *Newsweek* article naming the Carol Martin Gatton Academy of Mathematics and Science in Kentucky as the top-ranked public school in the Nation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Newsweek*, May 20, 2012]

KENTUCKY ACADEMY TOPS THE CHART: NEWSWEEK RANKS KENTUCKY ACADEMY AS AMERICA'S TOP HIGH SCHOOL

WHAT DOES IT TAKE TO BE THE BEST PUBLIC HIGH SCHOOL IN AMERICA? DANIEL STONE REPORTS FROM THE TOP-SEEDED GATTON ACADEMY

(By Daniel Stone)

To call the Gatton Academy of Mathematics and Science a high school, you'd have to suspend an element of reality. You'll find no football games, pep rallies, or dismissal bells on the Kentucky campus. Instead you'd find couches designed for study halls and white boards scribbled with advanced math. Last week, one student even walked around campus in a T-shirt proclaiming, "Extreme science: What a rush."

Welcome to Gatton. Or as administrators affectionately call it, the crucible—a place with admittedly high pressure, but where every student succeeds. The school has another title, too: America's best public high school, according to *Newsweek's* 2012 ranking of the top 1,000. On every metric used—test scores and graduation and college matriculation rates—Gatton sets the nation's curve.

The school, about 100 miles south of Louisville in verdant Bowling Green, Kentucky, is

a public school with selective admission based only on past academic performance—a key quality that separates Gatton from other public schools, which are mostly mandated to seek economic and racial diversity.

Once students are in, they're given broad autonomy to pursue subjects that interest them: They befriend their instructors and conduct scientific research. During semester breaks, the school helps students study abroad. Last winter, the offerings were Western Europe and Costa Rica.

It is, you might note, a bit like college.

That's precisely the idea. Back in 2007, generous funding from the Kentucky state-house brought Gatton to life. The facility, a five-story building about the size of one football field, was built for 126 lucky and ambitious minds. Students live on campus in dorms and eat with their friends in dining halls. They see their parents only once a month. Most of their classes are college level, literally, which they take on the adjacent campus of Western Kentucky University. "We see ourselves as an atypical high school. We're trying to break the mold of what high school could be," says Tim Gott, who directs the school's academic programs.

Gatton was designed under the Early College Model, a concept devised by researchers at the University of North Texas (UNT) in the 1970s. They wanted to end traditional high school after tenth grade to push students into a college environment sooner. "The idea was to zip them through the educational process," says Richard Sinclair, one of the early researchers of the model. Sinclair now runs the Texas Academy of Math and Science, a school similar to Gatton, albeit twice its size, that's located on the UNT campus. About seven schools exist under the model, most of them in the South. Despite the high cost—Gatton's yearly budget for 126 pupils is \$2.6 million—state legislatures tend to like the idea because it gets hungry minds out of school faster, turning them into taxpayers and industry leaders.

To understand just how different Gatton is, try to name another high school that has a living room. Or students who have pet names for their math classes (multi, diffie). Some high-schoolers pin posters with the latest movie or heartthrob; in one break room at the end of Gatton's dorm hall is a floor-to-ceiling crossword puzzle—the one from *SkyMall* magazine—that's about half full. When *Newsweek* visited last week, senior Jordan Currie picked up the clue list. "370 across is kingdom!" she shouted. "Someone fill it in!"

Ambition, in other words, is a sort of currency, and the only one that really matters. In the five years since the school opened, some of its students have already completed law school, begun dentistry and pharmacy programs, and started doctoral degrees. (The school's everybody-knows-your-name mentality has already produced seven marriages.)

Of seven students who agreed to be interviewed, all said they wouldn't stop studying until they had their Ph.D.s. Some are already on their way. Andrea Eastes, who graduated this year, spent her senior year studying DNA, specifically in pursuit of a cure for tuberculosis. "Everything you need to take tissue cultures is in here," she says matter-of-factly, just a few steps away from a canister of liquid nitrogen.

Gatton has its share of the usual adolescent issues, too. Some students stress over their studies, others over friends and romance. The school employs a full-time school psychologist to work through these

issues, and occasionally more serious ones too, like broken families or eating disorders. "Every student comes to me for something," says Christopher Bowen, Gatton's Converse-wearing psych counselor. "It's almost like, if you're not coming to see me, then we think something's wrong."

Gatton has received nods from high places. Kentucky Sen. Mitch McConnell, the Senate's minority leader, stopped by once to marvel; when he got back to Washington, he submitted a statement into the Congressional Record exalting the school.

But Gatton's administrators admit it's not a model for every school. You need to have students who really want to excel before you can turn them into Steve Jobses. Unlike Gatton, most schools have stragglers.

The key, says Gott, the school's director and a longtime public-school teacher, is to add relevance to education. Maybe every student can't study advanced engineering, but there's something—from music to metal-working—that interests every young person and answers the "when will I ever use this?" question.

What's more, infusing more glory into education couldn't hurt. "Everywhere in this country we celebrate basketball and football talent," says Julia Roberts, the school's executive director, who petitioned the Kentucky statehouse for 10 years to invest in Gatton. "The talent we really need to celebrate is math and science."

THE TEMPORARY BANKRUPTCY JUDGESHIIPS EXTENSION ACT OF 2012

Mr. COONS. Madam President, we have averted a crisis in the bankruptcy court system. It may have been a quiet crisis—one few Americans talked about—but it was real nonetheless. Although it is all too rare in Washington these days, on this issue, we found a way to work together and deliver a solution. I am proud to say that on May 25, President Obama signed into law legislation I authored to extend 29 expiring temporary bankruptcy judgeships in 19 judicial districts.

With this new law, some of our Nation's busiest bankruptcy courts—those in Nevada and Delaware and New York and Michigan and Florida and so many other States—will finally be able to replace a sitting bankruptcy judge if he or she resigns or dies in office.

Especially in times of economic recovery and uncertain growth, our bankruptcy courts perform a vital restorative role for our Nation's economy. Bankruptcy courts can give individuals, many of whom are victims of our great recession, a clean slate to start fresh. They give corporations that can't pay their bills an opportunity to restructure their debts and continue in operation, rather than shuttering their offices and factories, multiplying the pain by putting Americans out of work.

Bankruptcy offers relief for creditors as well by providing an orderly distribution of the debtor's estate. Without bankruptcy, the debts of past mistakes, miscalculations, and misfortune will remain on the balance sheets, unpaid and yet unpayable.

Over the past 20 years, Congress has created dozens of temporary bankruptcy judgeships to meet the needs of our growing population and occasional economic downturns. Perhaps these judgeships were created on a temporary, rather than permanent, basis out of some sense of enduring optimism—optimism that we one day will have a significantly smaller need for our bankruptcy courts that we had when they were created. In fact, the caseloads in several of the districts authorized in the past have declined and those judgeships have been allowed to expire. This new law, however, is about districts where the caseloads remain high and which cannot afford to lose even a single authorized judgeship.

According to the judges I hear from, as well as from the nonpartisan Judicial Conference of the United States, which is headed by Chief Justice Roberts, these judgeships simply must be reauthorized—and now that the Temporary Bankruptcy Judgeships Extension Act is law, they have been.

This legislation passed the House and Senate unanimously because it is good policy. It is pro-growth, pro-opportunity, and pro-justice. The CBO has scored it to be paid for and it is so bipartisan that it is nonpartisan.

I am grateful for the willingness of my colleagues to compromise and help find a mutually acceptable solution to head off a looming crisis in our bankruptcy courts. The amendment that permitted passage of this legislation is a one-time accommodation that provides additional fee revenue to the Judiciary so that this bill will not lead to increased demands on appropriators. It also reaffirms that Congress, in legislating on these temporary judgeships in the future, ought to do so only after carefully examining their continued need and our ability to pay for them.

I know my colleagues on both sides of the aisle did not get everything that they wanted in this legislation, but my confidence in this institution has been buoyed by the ability of both sides to recognize the greater good at stake and find their way to this deal.

I want to thank Leader REID, Senator DURBIN, Senator GRASSLEY, Senator COBURN, the group of 12 bipartisan cosponsors, and all those who have worked constructively to help enact this very simple and very important law.

In particular, I thank President Obama, for with his signature, we have taken an important step toward delivering to the American people the fair, speedy, and accessible bankruptcy court system they deserve.

TRIBUTE TO LIEUTENANT COMMANDER WESLEY A. BROWN

Mr. CARDIN. Madam President, I wish to commemorate the life of retired Navy LCDR Wesley Anthony

Brown, who passed away on May 22, 2012, at the age of 85. Lieutenant Commander Brown was the sixth African American to attend and first to graduate from the U.S. Naval Academy in 1949, where he excelled as a notable student and athlete. Lieutenant Commander Brown went on to have a distinguished career in the Navy Civil Engineer Corps and retired in 1969 after serving 20 years. Lieutenant Commander Brown is survived by his wife, Crystal Brown; two daughters, Wiletta Scott and Carol Jackson; two sons, Wesley Jr., and Gary; and seven grandchildren. I would like to take a moment to remember his life and what his accomplishments meant not just for the African American midshipmen who followed him at the Naval Academy, but also for our military and for our Nation.

Lieutenant Commander Brown was born on April 3, 1927 in Baltimore, MD. He was the only child of William and Rosetta Brown. He grew up in Washington, D.C., and graduated from Dunbar High School, where he showed strong proficiency for math and a profound interest in the Navy. In fact, he worked on afternoons and evenings as a junior clerk for the Navy and during his senior year in high school he served as the Cadet Corps Battalion Commander. He later wrote an article in the Saturday Evening Post: "I've been thinking about the Navy since I was about 8 or 10 since the time I pinned the photograph of the old USS Lexington on my bedroom wall. I arranged my high school studies to get as much math and science as possible." This dedication and love of the Navy lasted throughout Lieutenant Commander Brown's life.

Lieutenant Commander Brown was the first in his family to attend college. He first enrolled at Howard University before being nominated by Harlem Congressman Adam Clayton Powell, Jr. to attend the U.S. Naval Academy (USNA) in 1945. Five young African American men had entered USNA before Lieutenant Commander Brown, but they all left within a year because they could not endure the brutal hazing from hostile classmates. Lieutenant Commander Brown recalled that his first year at the Academy was "tough," being subject to the constant torrent of racial epithets, taunts, and excessive demerits from upperclassman who wanted to see him fail the Naval Academy. Other midshipmen refused to sit next to him, room with him, or even allow him to join the choir. He once told an interviewer that he thought about quitting every day. Yet, he endured.

Lieutenant Commander Brown did have a few supporters at the Naval Academy. There were a handful of fellow midshipmen who were friendly to him in spite of threats from other classmates. One of them who visited

his dorm room to chat and encourage him to “hang in there” was future president Jimmy Carter, an upperclassman and teammate on the Academy’s cross-country team at the time. In a speech President Carter gave at the Naval Academy last year, he mentioned Lieutenant Commander Brown. President Carter remarked that Midshipman Brown had a significant impact on his views on the issue of race in America. He called his encounter with Wesley Brown at USNA “my first personal experience with total integration” and said, “A few members of my senior class attempted to find ways to give him demerits so that he would be discharged, but Brown’s good performance prevailed.”

Although African Americans had served and fought in our wars since the American Revolution, the Armed Forces remained segregated by units until President Truman integrated the military services by executive order in 1948. There was intense resistance against any attempts to integrate the military academies and only a half dozen or so African Americans had graduated from West Point by the time Lieutenant Commander Brown was commissioned as the first African American graduate of the Naval Academy.

After Lieutenant Commander Brown graduated from the Naval Academy in 1949, he was commissioned into the Navy Civil Engineer Corps. Prior to that, he served honorably in World War II and after he graduated, he served in Korea and Vietnam. As a Navy civil engineer, he also built houses in Hawaii, roads in Liberia, waterfront facilities in the Philippines, and a seawater conversion plan in Guantanamo Bay, Cuba before retiring from the Navy in 1969. Lieutenant Commander Brown continued his professional life working for the New York State University Construction Fund, the Dormitory Authority of the State of New York, and Howard University before retiring in 1998. He also served as chairman of District of Columbia Delegate ELEANOR HOLMES NORTON’s Service Academy Selection Board.

In spite of the challenges Lieutenant Commander Brown faced at the Naval Academy, he maintained a close connection to the school throughout his life and served as a member of the Naval Academy Alumni Association Board of Trustees. And in 2008, USNA honored Lieutenant Commander Brown by dedicating a new athletic facility in his name, a decision I supported while I served in the House of Representatives and since I have become a United States Senator. The Wesley A. Brown Field House was the first and only building dedicated to a living alumnus and, in his honor, the building hosts an annual track and field invitational. During the dedication of the building on the banks of the Severn River, ADM

Michael Mullen, then chairman of the Joint Chiefs of Staff, stated, “He fought a war his whole life for all of us to improve who we are as individuals, who we are both as a Navy and a nation. It was his noble calling and it was his call to service and citizenship that led to lasting change in our Navy and in our nation.” In another tribute to this pioneer, a consortium of minority Naval Academy alumni established the Lieutenant Commander Wesley A. Brown ’49 Honor Scholar scholarship in 2007 which awards up to \$5,000 annually to four individuals who are accepted into any 4-year university in Maryland.

Although we have come a long way since Lieutenant Commander Brown’s days as a midshipman at the U.S. Naval Academy, our Armed Forces and Nation are still challenged with discrimination based on race, gender, religion, and the other attributes of heterogeneity that make up this great country. While minority and female students may walk freely through our military academies without the audible taunts and slurs, we know that some of them face hazing and harassment behind closed doors because of who they are. While I know that Department of Defense leaders have a zero-tolerance policy regarding discrimination and harassment in their Service Academies, commands and units, that is not enough. I call on them to go a step further and redouble their efforts to communicate to those who currently serve and those who will serve our Nation in the future what makes our military the greatest force in history: the fact that our Armed Forces reflect the rich diversity of America. We owe it to Lieutenant Commander Brown and others like him who bravely endured racism and discrimination to pave the way so that others could serve honorably, too, and accomplish exceptional achievements on behalf of our country. Therefore, let Lieutenant Commander Brown’s life be a testament to how his strength, courage, and humility through adversity not only transformed the people around him but profoundly affected the Naval Academy and our Nation. Today, minorities comprise more than 20 percent of the brigade of midshipmen and many of these young men and women have stated that Lieutenant Commander Brown was their inspiration. All Americans are fortunate to have had Lieutenant Commander Wesley Anthony Brown’s selfless service and example.

TRIBUTE TO LIEUTENANT COMMANDER MICHAEL GEORGE DULONG

Mr. BROWN of Massachusetts. Madam President, today I wish to congratulate LCDR Michael George Dulong of Brockton, MA on his retirement from the U.S. Navy. Lieutenant

Commander Dulong dedicated more than 24 years of his life to serving our Nation as a Navy SEAL. I am privileged to recognize Michael’s accomplishments today, and Massachusetts is fortunate to have a man like Michael who has served in our Navy and defended our Nation.

The grandson of a World War II Normandy beachhead and the son of a decorated Vietnam-era 101st Airborne Division veteran, at an early age Michael chose to serve our Nation. He enlisted in the Navy at the age of 16 through the Delayed Entry Program and completed the Navy’s basic school of electronics and electricity, followed by the basic underwater demolitions/SEAL training in Coronado, CA. He would go on to spend 8 years in the enlisted ranks serving in three platoons within SEAL Team 8 at Naval Base Little Creek in Norfolk, VA.

As a team member on SEAL Team 8, Michael deployed in support of Operation Desert Shield and Desert Storm, as well as numerous other special operations deployments throughout the Mediterranean and Persian Gulf. Needless to say, as part of our Nation’s premier special operations forces, Michael was integral to his Team’s success and performed exceptionally in some of the most challenging and austere conditions around the world.

Michael would go on to earn his bachelor’s degree while simultaneously serving on SEAL Team 4 in the Navy Reserve, followed by successful completion of Officer Candidate School in Pensacola, FL. After completing his training, Michael was commissioned as an ensign on active duty and was assigned to SEAL Team 1. There Michael would deploy as the assistant platoon commander for two SEAL platoons in support of Operations Iraqi Freedom and Enduring Freedom. Michael always led from the front and inspired SEALs under his command throughout his career and did so again in combat following September 11.

Throughout numerous deployments around the world in support of the global war on terrorism, Michael received countless awards and promotions in the Navy. He would go on to serve in various assignments in the U.S. Southern Command area of responsibility with the Naval Special Warfare Unit 4 in Puerto Rico, the U.S. Embassy in Bogota, Colombia, combating narco-terrorism, the U.S. Embassy in Guyana as the Joint Special Operations Commander, as well as platoon commander of SEAL Team 4. His final assignment brought Michael and his family to our Nation’s Capital, at the Washington Navy Yard, where he served as the program manager for the SEAL Delivery Vehicle acquisition program.

Michael has dedicated his life to serving our country, and we owe him a debt of gratitude for his service. Even

in retirement, I am confident that Michael will continue to serve his Nation. On behalf of all Massachusetts residents and all Americans, I am proud to thank Michael, his wife Michaelle, son Gabriel, and daughter Eva for their service to the Nation and the Navy.

RECOGNIZING THE MACOMB ACADEMY OF ARTS & SCIENCES

Mr. LEVIN. Madam President, a few weeks ago I met a remarkable group of young people. They call themselves the Fighting Pi, and they are the FIRST Robotics Competition team from the Macomb Academy of Arts & Sciences in Armada, MI.

FIRST is an annual, international robotics competition for high school students. Teams have 6 weeks to design, build, and test robots to compete in a game, which changes every year. For this year, teams competed in the "Rebound Rumble," which required them to design robots capable of shooting small basketballs into baskets as high as 8 feet off the ground.

This competition demands many things of its teams. They must demonstrate the ability to plan and work together, to follow a budget, and to meet demanding timelines. They must master complex technical fields such as computer-assisted drafting, electrical engineering, radio control systems, pneumatic systems, and sensors and signals. So the intellectual demands are great.

But just as great is the demand for vision for the foresight to look at a stack of diagrams and a pile of electronic parts and see what it can all become.

Thirty-six teams from Michigan traveled in April to St. Louis for the national championship, the Fighting Pi among them. Representing Michigan were three teams from Bloomfield Hills, two from Detroit, two from Ann Arbor, two from Grandville, two from Pontiac, and teams from Allen Park, Auburn Hills, Berkley, Birmingham, Clarkston, Fremont, Holland, Hopkins, Lansing, Milford, Niles, North Oakland County, Northville, Novi, Okemos, Ortonville, Richmond, Rochester Hills, Sterling Heights, Temperance, Waterford, and Zeeland. All of them have reason to be proud of their accomplishments.

But I want to especially thank the Fighting Pi, whose members and adult leaders were kind enough to spend an hour with me a few days ago. At the Michigan State Championships, the Fighting Pi had won the prestigious State Engineering Inspiration Award. I was deeply impressed by the vision, enthusiasm, and brainpower of the Fighting Pi during my visit. They demonstrated to me their robot design, and they let me drive a robot around a little. They helped me understand the technical aspects of their work and the

intense planning and preparation and staying power required.

In addition to their robotics responsibilities, team members participate in public service. Team members volunteer regularly at Ronald McDonald House, where they help the families of ill or injured children. They participate in local adopt-a-road and adopt-a-trail cleanup programs. And they have raised money for St. Jude's Children's Research Hospital and Toys for Tots among other worthy charities. They are, in their schoolwork, their robotics work, and their volunteer work, exceptional young people.

Americans spend a lot of time worrying about the next generation. We worry over our dinner tables, in our conversations at work, and in this very Chamber. There are plenty of reasons to worry. But we should not lose sight of the reasons for optimism. Every day, all over this great country, young people are accomplishing extraordinary things. They are studying hard, learning new skills, and even building sophisticated robots. They are preparing to write the next chapter in the American story, and I have no doubt it will be as stirring as the story so far.

So let me extend my congratulations and my gratitude to the students of the Fighting Pi, and the students who helped them on their way: team members Michael Graham, Melissa Mikolowski, Nicholas Fitzsimons, Eric Bytner, Trevor Goolsby, Alysa Brice, Zeke Fetty, Michael Scaglione, Steven Scaglione, Stephen Kline, Kurt Wieber, Andrew Graham, Amanda Fulghum, Michael Patrick, Laurel Payne, Collin Tobey, Riley Yaxley, Eric Tobey, Jack Sabelhaus, Andrew Binkowski, Lauren Grobbel, Alex Kesek, Sabrina Tibaud, Ron Kyllonen, Vince Ragap, Rachel Kosek and Krystal Diel; and adults Craig Roys, Tom Line, Richard Wahl, Craig Tobey, Shawn Graham, Judy Tobey, Michael Mroz, Andrea Mroz, Paul Gianferrara, John Antilla, Jacob Caporuscio, and Eric Kosek.

ADDITIONAL STATEMENTS

REMEMBERING DR. FRED MARGOLIN

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in honoring the memory of Dr. Frederick Margolin, my former neighbor in Greenbrae, CA. After a 3-year battle with ALS, Fred passed away peacefully on May 10, 2012, surrounded by his beloved family.

Fred Margolin was born in New York in 1936 and raised in Florida. After graduating from the University of Miami Medical School in 1960, he interned at Los Angeles County Hospital and served for 2 years as an Air Force medical officer in Germany, before returning to California, where he lived for the rest of his life.

Following his residency at the University of California, San Francisco, Dr. Margolin practiced radiology at California Pacific Medical Center from 1968 to 2007 and served as chairman of the Department of Radiology from 1978 to 1992. He was the founder of the Breast Health Center and served as its medical director from 1984 to 2007. Widely recognized as a national leader in radiology and breast cancer screening, he was honored as a fellow of the American College of Radiology and the Society of Breast Imaging. In 2001, he was selected as one of America's Best Doctors for Breast Care.

Throughout his distinguished career, Dr. Margolin worked not only to provide the best possible care to his patients but to extend access to care to poor women and underserved populations.

Fred was a devoted family man who adored Myrna, his wife of 54 years. Together they traveled the world, often on cruises with close friends, and each year they took their children and grandchildren to Mexico for a family vacation.

Dr. Fred Margolin will be deeply missed by his patients, colleagues, family, and friends. On behalf of the people of California and the patients and communities he served so well, I send my gratitude and condolences to Fred's wife Myrna; their children, Jody Margolin Hahn, Elizabeth Brett Garon, and Lawrence Harry Margolin; and their seven grandsons.●

TRIBUTE TO DANNY BARE

• Mr. PORTMAN. Madam President, today I wish to honor Danny Bare of Batavia, OH. Mr. Bare is retiring from his position as Executive Director of the Clermont County Veterans' Service Commission on May 31, 2012.

Mr. Bare began his career in the military in 1967 as a member of the U.S. Army. He served one year in Vietnam and was injured twice in one day. For his bravery, he received a Purple Heart, a Bronze Star, and the Army Commendation Medal of Valor.

After his service in the military, Mr. Bare went on to have a 30-year career at First National Bank of Cincinnati, married his wonderful wife, Connie, and raised his family in Batavia. He served on the Batavia School Board for four years, including two years serving as president. He also served his community as a Batavia Township Trustee and Clermont County Board of Elections director.

Mr. Bare became executive director of the Veterans' Service Commission in 2007. He is credited with implementing outreach programs to educate veterans on the many benefits for which they are eligible. Mr. Bare helps to ensure that veterans are able to obtain employment, medical services, and any

other services they may need. His dedication to his country and his community are admirable.

Mr. President, I would like to recognize Mr. Danny Bare on his retirement from a lifetime of public service.●

TRIBUTE TO DR. ED COULTER

● Mr. PRYOR. Madam President, Dr. Ed Coulter was once told by a colleague in the education field that most individuals spend their lives helping, tweaking, making something better, but seldom having the chance to create. Ed grasped on to that last word and has spent the last 17 years of his professional career doing just that: creating something remarkable for the community and town of Mountain Home. On June 30, 2012, Ed Coulter will serve his last day as chancellor of Arkansas State University Mountain Home, ASUMH, and today I wish to thank him for his dedication to public education in Arkansas and his commitment to the people of Mountain Home.

Ed's love of learning and teaching goes back to an early age. At age 10, his parents, Bill and Evelyn Coulter, purchased a resort on Lake Hamilton in Hot Springs, AR. Ed found an early thrill in teaching by helping countless resort guests learn how to ski and enjoy the water. This love of teaching and his parents' encouragement to acquire a quality education led Ed to enroll at Ouachita Baptist University, OBU, in Arkadelphia. It was here that Ed met his first wife, the late Fran Dryer of Mountain Home. Ed would graduate magna cum laude with a bachelor of science in education, and the very next year he would also graduate from the University of Arkansas at Fayetteville with his master's in education.

Needing 3 years of professional experience before continuing his education, Ed served as a junior high principal in Mountain Home before ultimately obtaining his doctorate degree. With the degree in hand, Ed and Fran returned to Arkadelphia and OBU, a place they would call home for the next 25-five years. In this span, Ed served as assistant to the president and also as the vice president for administration. The latter position taught Ed a great deal about budgeting, fundraising, and building new buildings. These skills would come in handy when Ed was called back to Mountain Home in 1995 as chancellor of ASUMH.

Mountain Home long had dreamed of providing a high-quality education to its community and north central Arkansas. Truly a community effort, a group of dedicated citizens raised enough funds in the 1970s to purchase a church building to serve as the school. Ed's job as chancellor would be to take the school from this church building where he and Fran were married, and transform it into a modern university.

With 78 acres of land purchased in a nearby field, Ed set a vision for the new campus and started the task of making that vision become a reality.

Seventeen years later, ASUMH has expanded from a small community college to a thriving institution that today serves over 1,500 people. Ed's tenure as chancellor will be remembered for the rapid expansion of the campus; however, Ed's impact extends far beyond the physical buildings. Due to his leadership at ASUMH, thousands of students and Mountain Home have been forever changed by having a first-class university in the local community.

As Dr. Ed Coulter starts the next chapter of his life, I know Arkansas State University Mountain Home and the Arkansas education community will miss his leadership and guidance. I thank him for his many decades of service to the people of Arkansas, and I wish him all the happiness as he and his wife Lucretia travel and enjoy time with their 13 grandchildren.●

COUNCIL FOR A LIVABLE WORLD

● Mr. WYDEN. Madam President, on June 6 the Council for a Livable World will celebrate its 50th anniversary. In a time when our country continues to face a host of global threats, it is important that we recognize the vital work that the Council for a Livable World carries out each and every day to mitigate these threats, and to make our world a more peaceful, a more livable place.

The Council for a Livable World was founded in 1962 by nuclear physicist Leo Szilard and other scientists. Szilard, of course, is famous for advocating for the creation of the Manhattan Project that helped create the first atomic weapon. In the aftermath of WWII, he, and others that saw the destructive power of atomic weapons became concerned about their use and spread.

Although times have changed since then—Russia has replaced the Soviet Union, the Cold War is over—the threat of nuclear catastrophe is still ever-present. Terrorists seek these weapons of mass destruction, and nefarious regimes such as North Korea continue to threaten the world with their own nuclear weapons. The Council recognizes this continuously changing threat environment and believes that it is short-sighted and counterproductive to continue relying on Cold War measures, such as an overwhelming nuclear arsenal that could destroy the world many times over.

As former Council Chairman Senator Gary Hart said, “you must properly understand what security is and how it is to be achieved, or all the military spending in the world will not make you more secure.” Those words rang true then, and they continue to ring true now.

The Council for a Livable World believes, like I do, that the United States must work toward a “world free of nuclear weapons.” They expressly advocate for deep reductions, and the eventual elimination, of nuclear weapons.

This advocacy leads to real, tangible results, and not just results in the nuclear weapon reductions arena. Some notable accomplishments include the ratification of the Chemical Weapons Convention and Intermediate-Range Nuclear Forces, Conventional Forces in Europe, and the first Strategic Arms Reduction treaty; establishing a U.S. nuclear testing moratorium in 1992; limiting the deployment of the MX missile; eliminating funding for the nuclear “Bunker Buster,” and ratification of the New START Treaty in 2011.

So I hope everyone will join me today in recognizing the Council for a Livable World and the important work that they do to make our world a better place. Congratulations on the past 50 years and good luck in the 50 years that lay ahead. Maybe by then our children will be living, finally, in a world free of nuclear weapons.”

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 29, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HARRIS) had signed the following enrolled bills:

H.R. 2415. An act to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the “Trooper Joshua D. Miller Post Office Building”.

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the “Master Sergeant Daniel L. Fedder Post Office”.

H.R. 3413. An act to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the “Private Isaac T. Cortes Post Office”.

H.R. 4119. An act to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

H.R. 4849. An act to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

Under the authority of the order of the Senate of May 24, 2012, the enrolled bills were signed on May 29, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. LEAHY).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 31, 2012, during the adjournment of the Senate,

received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2947. An act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

H.R. 3992. An act to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel.

H.R. 4097. An act to amend the John F. Kennedy Center Act to authorize appropriations for the Performing Arts, and for other purposes.

H.R. 5740. To extend the National Flood Insurance Program, and for other purposes.

Under the order of January 5, 2011, the enrolled bills were signed on May 31, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. LEVIN).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 915. An act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

H.R. 1299. An act to achieve operational control of and improve security at the international land borders of the United States, and for other purposes.

H.R. 2764. An act to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

H.R. 3140. An act to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems.

H.R. 3310. An act to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

H.R. 3670. An act to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

H.R. 4041. An act to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes.

H.R. 4201. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces.

H.R. 5512. An act to amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 5740) to extend the National Flood Insurance Program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 915. An act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1299. An act to achieve operational control of and improve security at the international land borders of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2764. An act to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3140. An act to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3310. An act to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Commerce, Science, and Transportation.

H.R. 3670. An act to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

H.R. 4041. An act to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4201. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 5512. An act to amend title 28, United States Code, to realign divisions within two judicial districts; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 41. Joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-90. A joint Memorial adopted by the Legislature of the State of Idaho urging the President and Congress to award the Medal of honor to an Idaho native and Army veteran; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL NO. 7

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, on May 15, 2005, Idaho native Army Sergeant Chris Tschida and the three crew members of his tank were patrolling route "Michigan" between Ramadi and Fallujah in the Al Anbar Province of Iraq while conducting operations under Operation Iraqi Freedom; and

Whereas, Sgt. Tschida, along with his loader, were standing watch in the gun turret, watching for enemy activity while the tank driver and a Lieutenant were inside the tank preparing for a mission later that night. The loader shifted his body and accidentally knocked his water bottle down inside the tank and while lowering himself inside the tank to pick up the water, an insurgent used the opportunity to attack by throwing two enemy grenades inside the tank; and

Whereas, Sgt. Tschida could hear the grenades fall in the tank and instantly found one, yelling "grenade!" to his crew members while retrieving one grenade to put into the tank's breach to absorb the blast. In this process, the grenade exploded and amputated Sgt. Tschida's left hand. Moments later the second grenade exploded inside the tank, severely wounding Sgt. Tschida and two of the other crew members; and

Whereas, still conscious, Sgt. Tschida began assessing the damage inside the tank, but was unable to see because of the smoke and fire caused by the grenade. Sgt. Tschida

attempted to key the microphone on his radio to call for support and report the enemy attack when he noticed his left hand was missing. Sgt. Tschida wrapped the stump of his hand into his shirt and began checking the status of his tank and fellow soldiers. At first glance Sgt. Tschida saw his Lieutenant slumped over and unconscious with his head resting on the .50 caliber sight. The Lieutenant was bleeding heavily from his eye socket and appeared to be dead; and

Whereas, Sgt. Tschida then noticed his loader, hanging half-way out of the tank's turret, missing both legs from the knees down. Sgt. Tschida shook his Lieutenant to see if he was alive, at which time the Lieutenant let out a gasp of air that confirmed he was not dead; and

Whereas, an evaluation of the tank also confirmed the ammunition bay had been busted open from the grenade blast and the tank ammunition was at risk of catching fire and exploding. Knowing he and his fellow soldiers were not safe inside the tank, Sgt. Tschida pulled himself out of the hatch and then began pulling his loader out of the tank. Once his loader was safely out of the tank, Sgt. Tschida began pulling his Lieutenant out of the commander's hatch of the tank. Once both soldiers were safely out of the tank, Sgt. Tschida began administering first aid by tying a tourniquet on both of the loader's legs and by stuffing a field bandage inside of the eye socket of the Lieutenant to stop the bleeding from his head; and

Whereas, while caring for both soldiers, Sgt. Tschida did a security check of his area. At this time an enemy insurgent, believed to be the one who attacked Sgt. Tschida's tank, engaged Sgt. Tschida while he was administering first aid to his fellow soldiers. Sgt. Tschida was able to repel the enemy assault with his M9 service pistol, killing the hostile force; and

Whereas, knowing they were in imminent danger, Sgt. Tschida attempted to get the driver of the tank to respond to his commands, but the soldier was in shock and unresponsive. After beating on the hatch and pleading with the driver to respond, the driver opened the driver's hatch and began receiving commands from Sgt. Tschida. At this time, Sgt. Tschida commanded the driver to return them and the tank with its munitions back to the nearest security gate to get help. Sgt. Tschida then shielded both soldiers with his body on the surface of the tank until they arrived at a safe location; and

Whereas, all four crew members, including Sgt. Tschida, survived the injuries they sustained on May 15, 2005, and the tank was returned and repaired for future use. To this day, Sgt. Chris Tschida has not received recognition or accolades for his heroism and steadfast leadership on May 15, 2005. Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge President Barack Obama, in the name of Congress, to award Retired Sergeant Chris Tschida the Medal of Honor for distinguishing himself through conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty, or the highest appropriate recognition; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to President Barack Obama, the President of the Senate and the Speaker of the House of Representatives of Congress,

and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-91. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to support the 259th Air Traffic Control Squadron Louisiana National Guard and urging the Louisiana congressional delegation to take action to reverse the planned disbanding of the squadron; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION No. 55

To memorialize the Congress of the United States to support the 259th Air Traffic Control Squadron Louisiana National Guard and urge the Louisiana congressional delegation to take action to reverse the planned disbanding of the squadron.

Whereas, the 259th Air Traffic Control Squadron is uniquely staffed to support large scale military training operations that are launched from Alexandria International Airport to Fort Polk which are essential to the world class military training at Fort Polk; and

Whereas, three of the last four presidents have used the services and assets of the ATC squadron to safely access Fort Polk and Central Louisiana; and

Whereas, the 259th Air Traffic Control Squadron has also safely controlled the air access of numerous United States flag officers, foreign dignitaries, foreign military officers, governors and members of congressional delegations during important visits in support of Fort Polk operations; and

Whereas, this exceptional unit has consistently achieved rating of excellent in their performance evaluation and currently leads the nation in keeping its staff strength at or near one hundred percent; and

Whereas, the 259th Air Traffic Control Squadron has played a key role in disaster relief efforts such as Hurricane Katrina, when it worked to control the airspace over New Orleans in the aftermath of the country's biggest natural disaster; and

Whereas, this unit has been called on and has responded in an exemplary manner to requests from other states when they were struck by disasters; and

Whereas, little or no input was considered from the Air National Guard Headquarters, the Adjutant General of the Louisiana National Guard, the Louisiana Air National Guard Commander, the Louisiana congressional delegation, the governor, the United States Army or England Airpark before the Department of Defense proposed to disband the unit in order to achieve budget cuts; and

Whereas, the 259th is composed of 110 proud, patriotic Louisiana citizens bravely serving their country during perilous times who are now being told their mission is over and their service is no longer needed; and

Whereas, disbanding of the 259th ATC will weaken Fort Polk, Alexandria International Airport, England Airpark and the state of Louisiana; Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to use all of its powers of oversight to reverse this catastrophic decision by the Department of Defense to disband a vital, smooth operating, and badly needed unit such as the 259th Air Traffic Control Squadron in order to cut military spending, especially in these times of war, world conflict, and danger from dictators and terrorists; and be it further

Resolved, That the Legislature of Louisiana requests the governor and the appropriate

agencies to take such action as they deem necessary to support the Louisiana congressional delegation in its effort to save the 259th Air Traffic Control Squadron; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress and to the governor of the state of Louisiana.

POM-92. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as necessary to encourage the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council to adopt a weekend-only fishery management regime for red snapper in the Gulf of Mexico for 2012; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION No. 10

To memorialize the United States Congress to take such actions as are necessary to encourage the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council to adopt a weekend-only fishery management regime for red snapper in the Gulf of Mexico for 2012.

Whereas, it is the responsibility of the National Marine Fisheries Service, an agency in the National Oceanographic and Atmospheric Administration, through the Gulf of Mexico Marine Fisheries Council and the Gulf of Mexico Fisheries Management Council, to manage and regulate marine species located in the Gulf of Mexico; and

Whereas, this management and regulation includes a determination of the sustainability of each species and preservation of the sustainability through the setting of take limits, individual fishing quotas, and opening and closing seasons; and

Whereas, red snapper is a highly sought-after fish and, through the years has been one of the most popular fish for restaurants but is currently one of the most highly regulated fisheries due to the fact that in the late 1970s and early 1980s, the population spawnings were not as strong as had been expected; and

Whereas, in an effort to protect the fishery, regulations were instituted that limited the number of fish that could be taken and set the minimum and maximum sizes; and

Whereas, although these regulations have resulted in an increase in the number of red snapper in the Gulf of Mexico and in an overall increased health of the red snapper populations, because of the past experience with unexpected spawning difficulties, NOAA Fisheries continues to maintain tight rein on the red snapper fishery and continues to implement stringent regulations on the taking of red snapper in the Gulf with those regulations for 2012 involving an open season of only forty days; and

Whereas, a forty-day season for red snapper will be devastating particularly to the charter fishing industry whose clientele are eager for the experience of fishing for and landing Louisiana's famed and highly sought after red snapper; and

Whereas, the charter industry in the state of Louisiana is an industry, like so many others across coastal Louisiana, that has been hard hit in recent years by hurricanes, record-setting riverine flooding, and the BP oil disaster in the Gulf; and

Whereas, one of the options discussed while determining the 2012 management regime

was a weekend-only fishery which would elongate the period of time within which red snapper could be caught to nearly the entire summer, thus enabling the charter fishing industry, largely a weekend-only industry, more opportunities to ply their trade, book their charters, and increase the income to an already hard-hit industry; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to encourage the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council to adopt a weekend-only fishery management scheme for red snapper for 2012; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation and the heads of the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council.

POM-93. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to encourage and enable the Federal Energy Regulatory Commission to expedite the review and approval of Cheniere Energy's Sabine Pass Liquefied Natural Gas facility and to streamline the approval process for similar export facilities to magnify the economic benefits of liquefied natural gas exports throughout the region and nation; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 94

To memorialize the United States Congress to take such actions as are necessary to encourage and enable the Federal Energy Regulatory Commission to expedite the review and approval of Cheniere Energy's Sabine Pass Liquefied Natural Gas facility and to streamline the approval process for similar export facilities to magnify the economic benefits of liquefied natural gas exports throughout the region and nation.

Whereas, Cheniere Energy plans to invest ten billion dollars into a liquefied natural gas (LNG) export facility located in Cameron Parish, Louisiana; and

Whereas, Cheniere's Sabine Pass LNG Export facility will have significant economic benefits for the Louisiana and national economies; and

Whereas, Cheniere's Sabine Pass LNG Export Facility will result in an average of one thousand eight hundred construction jobs over a five-year period, over one billion dollars paid in wages and benefits during construction, and an additional two hundred permanent jobs in Cameron Parish; and

Whereas, Cheniere's Sabine Pass LNG Export facility will create a demand for two billion cubic feet (bcf) of natural gas drawn from areas such as Louisiana's Haynesville Shale and will support between thirty thousand and fifty thousand jobs in the exploration and production industry; and

Whereas, Cheniere's Sabine Pass LNG Export facility will provide a stable and secure energy source for America's allies around the world; and

Whereas, Cheniere's Sabine Pass LNG Export facility will bring needed jobs and development to Cameron Parish, Louisiana, and encourage growth in the southwest Louisiana region; and

Whereas, the Cheniere's Sabine Pass site has been subjected to three extensive environmental reviews by the Federal Energy Regulatory Commission resulting in findings of no significant impact in an initial Environmental Impact Statement and two Environmental Assessments; and

Whereas, the Federal Energy Regulatory Commission's current review of Cheniere's Sabine Pass LNG Export Facility has been ongoing since July 2010; and

Whereas, Cheniere has demonstrated that they are a safe and responsible operator, steward of the local environment, and responsible corporate citizen; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to encourage and enable the Federal Energy Regulatory Commission to expedite the review and approval of Cheniere Energy's Sabine Pass Liquefied Natural Gas facility and to streamline the approval process for similar export facilities to magnify the economic benefits of liquefied natural gas exports throughout the region and nation; and be it further,

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-94. A joint resolution adopted by the Legislature of the State of Maine urging the President of the United States and the United States Congress to reform the federal Toxic Substances Control Act of 1976; to the Committee on Environment and Public Works.

A JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the members of the United States Congress as follows:

Whereas, a child and a developing fetus are uniquely vulnerable to the health threats of toxic chemicals; and

Whereas, a growing body of peer-reviewed scientific evidence links exposure to toxic chemicals with many diseases and health problems, including prostate cancer, breast cancer, learning and developmental disabilities, infertility and obesity; and

Whereas, the effects of toxic chemicals place an undue burden on states, including increasing health care costs, environmental damage and demands for state regulation; and

Whereas, businesses that lack information on the effects of chemicals in their supply chain are at a disadvantage; and

Whereas, the governing federal law, the Toxic Substances Control Act of 1976, was intended to protect public health from toxic chemicals; and

Whereas, at the time when the federal Toxic Substances Control Act of 1976 was passed, there were about 62,000 chemicals in commerce that were grandfathered without the testing currently required for potential health and safety hazards or any restrictions on known chemical hazards; and

Whereas, in the 35 years since the federal Toxic Substances Control Act of 1976 was passed, the United States Environmental Protection Agency has required testing to be conducted on only about 200 of those chemicals for health hazards and has restricted the use of only 5 chemicals; and

Whereas, the federal Toxic Substances Control Act of 1976 has been widely recognized as ineffective and obsolete due to procedural hurdles that prevent the United States Environmental Protection Agency from taking quick and effective action to protect the public against well-known chemical threats; and

Whereas, in 2008 the Maine Legislature enacted, and in 2011 amended, the Kid Safe Products Act with broad bipartisan support as a comprehensive safer chemical policy reform; and

Whereas, state policy leadership cannot substitute for congressional action to modernize the federal Toxic Substances Control Act of 1976, a reform all parties agree is urgently needed; and

Whereas, federal legislation to reform the federal Toxic Substances Control Act of 1976, the Safe Chemicals Act of 2011, is under consideration in the 112th Congress; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress modernize the federal Toxic Substances Control Act of 1976 in a manner that ensures the safety of chemicals in everyday products and that uses the best scientific data to protect the health of vulnerable groups, such as children, while promoting business innovation and making timely decisions on chemicals of highest concern; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate and to the Speaker of the United States House of Representatives, and to each Member of the Maine Congressional Delegation.

POM-95. A joint Memorial adopted by the Legislature of the State of Idaho urging the President and Congress to support a Basque Country—Euskadi 'ta Askatasuna (ETA) truce; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 14

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, the State of Idaho is a North American center of the Basque population, and many of those citizens of this state have kept close ties to the homeland of their forefathers; and

Whereas, from the time of the government of the last dictatorship in Spain until the present, the Basque Country has experienced decades of terror and violence; and

Whereas, in 1972, the Second Regular Session of the Forty-first Idaho Legislature adopted Senate Joint Memorial No. 115 that condemned the government of the last dictatorship in Spain and urged peace and democracy in the Basque Country; and

Whereas, in 2002, the Second Regular Session of the Fifty-sixth Idaho Legislature unanimously adopted Senate Joint Memorial No. 114 that condemned all terrorist organizations operating in the world and specifically the terrorist organization Euskadi 'ta Askatasuna (ETA) in Spain and expressed strong support for an immediate end to all violence in the Basque Country and for the establishment of peace and freedom through all democratic and lawful means as well as the recognition of the right to self-determination; and

Whereas, in 2006, the Second Regular Session of the Fifty-eighth Idaho Legislature adopted House Joint Memorial No. 26 that condemned all acts of terrorism and violence by all organizations and individuals within the Basque Country and throughout the world; Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho recognizes and commends ETA's statements of a definitive cessation of its armed activity and end to terrorism, and further commends the governments of Spain, France, the Basque Autonomous Community and Navarre for their actions to promote dialogue on the future of the Basque territories and achieving a lasting peace; be it further

Resolved, That the State of Idaho extends its encouragement and support to their democratic governments in their ongoing efforts to establish a negotiation process to create a lasting peace, to recognize all victims of terrorism and to consider all democratic forms of referenda on the constitutional future of the Basque territories; and be it further

Resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President and Secretary of State of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Prime Minister of Spain, the President of France, the President of the Basque Autonomous Community and the President of the Foral Government of Navarre.

POM-96. A joint Memorial adopted by the Legislature of the State of Idaho urging the President and Congress to implement the Beyond the Border Action Plan; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 13

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, the United States and Canada enjoy a partnership long rooted in a history of peaceful coexistence and one of the largest and most successful economic relationships in the world; and

Whereas, the United States and Canada are each other's largest single export market; and

Whereas, millions of jobs in both the United States and Canada depend on the trade and investment flowing across the border between the two countries; and

Whereas, Canada is one of Idaho's top trading partners, based on 2010 data, and our companies and industries depend on integrated cross-border supply chains and production processes; and

Whereas, on February 4, 2011, the Prime Minister of Canada and the President of the United States issued a declaration on a Shared Vision for Perimeter Security and Economic Competitiveness, which called for a joint action plan; and

Whereas, the United States and Canada established a Beyond the Border Working Group composed of representatives from the relevant departments and offices of their federal governments to develop the action plan and be responsible for its implementation; and

Whereas, the Beyond the Border Action Plan was released in December of 2011; and

Whereas, the Beyond the Border Action Plan details methods for the United States and Canada to work together to enhance joint security and accelerate the legitimate flow of people, goods and services through four areas of cooperation: (1) addressing threats early; (2) trade facilitation, economic growth and jobs; (3) cross-border law enforcement; and (4) critical infrastructure and cybersecurity; and

Whereas, on February 4, 2011, the Prime Minister of Canada and the President of the United States announced the creation of the United States-Canada Regulatory Cooperation Council to increase regulatory transparency and coordination between the two countries; and

Whereas, the initial Joint Action Plan of the Regulatory Cooperation Council was released in December of 2011; and

Whereas, the Action Plan on Regulatory Cooperation will help reduce barriers to trade, lower costs for consumers and business and create economic opportunities on both sides of the border through the alignment of regulatory approaches in the areas of agriculture and food, transportation, health and personal care products, chemical management, the environment and other cross-sectoral areas, while not compromising our health, safety or environmental protection standards; and

Whereas, Idaho has much to gain from the development of joint strategies and integrated approaches to enhance security and efficient trade between Canada and the United States; Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the President, Executive Branch Agencies and Congress work together to see that the Beyond the Border Action Plan on Perimeter Security and Economic Competitiveness and the Action Plan on Regulatory Cooperation are carried out and that the United States' appointees to the Beyond the Border Working Group, the Regulatory Cooperation Council, and the United States' agencies responsible for implementing the action plans have the resources necessary to assist in realizing the goals of the action plans, and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of State, the United States Attorney General, the Secretary of the United States Department of Homeland Security, the Secretary of the United States Department of Commerce, the Secretary of the United States Department of Transportation, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-97. A joint Memorial adopted by the Legislature of the State of Idaho urging Congress to repeal the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL NO. 8

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, putting our children first is both an economic imperative and a moral necessity, and a strong education system is vital to a strong economy; and

Whereas, public education is clearly an area left to the states under the Tenth Amendment to the United States Constitution; and

Whereas, the federal No Child Left Behind law requires unrealistic expectations as nearly one-half of the public schools in the United States did not meet federal achievement standards in 2011, including eighty-nine percent of Florida's public schools; and

Whereas, the federal No Child Left Behind law constricts the definition of education into a narrow test-based approach where repetition and memorization are more important than application, and it discourages creativity by students and teachers; and

Whereas, the federal No Child Left Behind law's emphasis on math and reading means less attention for other very important subjects such as history, art, music, vocational education and physical education; and

Whereas, the federal No Child Left Behind law is insufficiently funded to bring about its intended effect and it has imposed what is essentially an unfunded educational mandate on the states; and

Whereas, the ongoing recession has forced the State of Idaho to make difficult decisions regarding the funding of public education and these decisions have resulted in larger class sizes, layoffs of educational staff, curtailment of extracurricular activities and school sponsored programs and a shorter school year; and

Whereas, economic recovery and development depend upon an educated workforce that possesses the skills that are necessary to handle the jobs of the 21st century; the State of Idaho cannot achieve and maintain prosperity if it does not properly fund secondary and post-secondary education; and Republicans and Democrats agree that burdensome regulations prevent our schools, our teachers and our students from achieving their potential; Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States of America is respectfully urged to repeal the No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425); and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-98. A concurrent memorial adopted by the Legislature of the State of Arizona requesting Congress to propose, and to submit to the several states for ratification, a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL 2007

Whereas, the federal public debt now exceeds \$15 trillion, or \$50,000 for every man, woman and child in America; and

Whereas, the federal public debt now exceeds the gross annual output of the entire United States economy; and

Whereas, this fiscal irresponsibility at the federal level is endangering economic opportunity now and for future generations; and

Whereas, the federal government's unlimited borrowing ability raises serious questions about fundamental principles and responsibilities of government. The profound consequences for the nation and its people that potentially could result from unchecked borrowing make it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures. Opposition by a small minority has repeatedly thwarted the will of the people that a balanced budget amendment to the Constitution be submitted to the states for ratification.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States expeditiously pass and propose to the legislatures of the several states for ratification an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Secretary of State and the presiding officer of both houses of the legislature in each state in the union.

POM-99. A joint Memorial adopted by the Legislature of the State of Idaho urging Congress to authorize an additional United States District Court Judge for the District of Idaho; to the Committee on the Judiciary.

HOUSE JOINT MEMORIAL NO. 4

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, Congress admitted Idaho to the Union in 1890, soon thereafter created the United States District Court for the District of Idaho with one United States District Judge, created a second United States District Judge in 1954, but has not created any other United States District Judges for the Idaho federal court since then; and

Whereas, Idaho's population has grown from approximately 600,000 in 1954 to over 1.5 million as of the 2010 census; and

Whereas, the District of Idaho has the fewest federal district judges of any of the judicial districts in the Ninth Circuit, with the exception of Guam and the Northern Mariana Islands; and

Whereas, Alaska with a 2010 census population of 710,231, Montana with a 2010 census population of 989,415, South Dakota with a 2010 census population of 814,180 and Wyoming with a 2010 census population of 563,626 each have three federal district judges even though their populations are significantly smaller than the population of Idaho; and

Whereas, Idaho is the 14th largest state with an area of 83,570 square miles, and its federal district judges are required to travel throughout this large and far-flung state to four designated and distant locations to conduct hearings and trials in both criminal and civil cases; and

Whereas, Idaho's United States District Court had 170 pending criminal and civil

cases in 1954, and had 942 pending criminal and civil cases of September 2011; and

Whereas, although the Idaho federal court has magistrate judges, civil litigants with cases before the court frequently exercise their right to have a United States District Judge assigned to their cases, only district judges may try felony criminal cases, speedy trial requirements and the size of the criminal case load cause delays in civil cases pending before Idaho's district judges, and complex cases can tie up district judges for months at a time, all of which have forced the Idaho federal court to increasingly rely on out-of-state federal district judges as shown by the 96 percent increase in visiting judge hours in 2008; and

Whereas, the United States District Court for Idaho is recognized within the federal judicial system, by Idaho's lawyers and by the citizens of Idaho as an exemplary court comprised of judges and staff making enormous efforts and sacrifices to meet the demands of its caseload and doing so in a highly competent fashion; and

Whereas, notwithstanding the extraordinary and laudable efforts of the United States District Court for the District of Idaho to meet the demands of its caseload, the resources available to it are inadequate, and the resulting situation has created an unsustainable burden on the court, delayed justice, hindered the rights of the people of Idaho, and hindered the economy of our state; and

Whereas, the people of Idaho have needed a third federal district judge for a very long time and in 2002 Senate Joint Memorial 110 was adopted by the Second Regular Session of the 56th Idaho Legislature urging the Congress of the United States to authorize an additional United States District Court Judge and the staff necessary to assist in the handling of the District of Idaho's increasing caseload, but, to date, Congress has failed to act; and

Whereas, a properly resourced and properly functioning judiciary is a fundamental and core governmental function essential to the preservation of the people's rights and their freedom: Now, therefore, be it

Resolved by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, That we hereby respectfully urge the Congress of the United States to authorize an additional United States District Court Judge and commensurate staff for the District of Idaho to assist in handling current and anticipated caseloads in the District of Idaho; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-100. A resolution adopted by the California State Lands Commission opposing H.R. 1837, the Sacramento-San Joaquin Valley Water Reliability Act; to the Committee on Environment and Public Works.

POM-101. A petition by the Governor's Commission on Disability and Employment in Maine urging Congress to introduce and support passage of the Social Security draft bill—Social Security Work Incentive Amendments of 2012; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 3254. An original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 112-173).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 3254. A bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3255. A bill for the relief of Miguel Santillan; to the Committee on the Judiciary.

By Mr. HELLER:

S. 3256. A bill to amend the Fair Labor Standards Act of 1938 to improve nonretaliation provisions relating to equal pay requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN (for himself, Mr. UDALL of Colorado, and Mr. BURR):

S. 3257. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction; to the Committee on Rules and Administration.

By Mrs. MCCASKILL:

S. 3258. A bill to amend the Food, Conservation, and Energy Act of 2008 to clarify the maximum distance between Farm Service Agency county offices for purposes of the closure or relocation of a county office for the Farm Service Agency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL:

S. 3259. A bill for the relief of Dr. Shakeel Afridi; to the Committee on the Judiciary.

By Mr. PAUL:

S. 3260. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself and Mr. BINGAMAN):

S. 3261. A bill to allow the Chief of the Forest Service to award certain contracts for large air tankers; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. MENENDEZ, and Mr. WEBB):

S. Res. 476. A resolution honoring the contributions of the late Fang Lizhi to the people of China and the cause of freedom; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 219

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 657

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 1174

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1221

At the request of Mrs. SHAHEEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1221, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Nebraska

(Mr. JOHANNIS) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1613

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1881

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1881, a bill to establish an integrated Federal program to respond to ongoing and expected impacts of climate variability and change by protecting, restoring, and conserving the natural resources of the United States and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Wyoming (Mr. ENZI), the Senator from New Mexico (Mr. UDALL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2201

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2201, a bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit.

S. 2280

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2280, a bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes.

S. 2371

At the request of Mr. RUBIO, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 2374

At the request of Mr. BINGAMAN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3220

At the request of Mrs. MIKULSKI, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the names of the Senator from Georgia

(Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3225

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3225, a bill to require the United States Trade Representative to provide documents relating to trade negotiations to Members of Congress and their staff upon request, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. MERKLEY), the Senator from Louisiana (Mr. VITTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 435

At the request of Mr. CASEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COBURN (for himself, Mr. UDALL of Colorado, and Mr. BURR):

S. 3257. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction; to the Committee on Rules and Administration.

Mr. COBURN. Mr. President, members of Congress are debating fewer bills, casting fewer votes, and holding fewer hearings. Meanwhile, important government agencies including the Department of Defense and the Government Accountability Office are being targeted by Congress for spending reductions.

What Congress has not considered cutting is the budget for its own summertime parties.

On June 4, 2012, I introduced bipartisan legislation to eliminate taxpayer

subsidies for political party conventions in the elections occurring after December 31, 2012. Additionally, the bill would allow Presidential Election Campaign Fund, PECF, funds dispersed before December 31, 2012, to be returned to the U.S. Treasury for the purpose of deficit reduction.

Despite our \$15.6 trillion national debt, political parties received a \$36.6 million check, \$18.3 million per party, from taxpayers to pay for the costs of political conventions occurring this summer. The funds that are used to cover the conventions come from the PECF.

According to the Congressional Research Service, "Federal law places relatively few restrictions on how PECF convention funds are spent, as long as purchases are lawful and are used to 'defray expenses incurred with respect to a presidential nominating convention.'" The money is, after all, essentially being used to throw a party.

Beside funding the event itself, the money is used to pay for entertainment, catering, transportation, hotel costs, "production of candidate biographical films," and a variety of other expenses. These events will be weeklong parties paid for by taxpayers, much like the highly maligned General Services Administration conference in Las Vegas.

The \$15.6 trillion debt cannot be eliminated over night. But eliminating taxpayer subsidies for political conventions will show strong leadership to getting our budget crisis in control.

I hope my colleagues on both sides of the aisle will support this common-sense legislation to demonstrate for once and all the party is over when it comes to travel and meetings paid for by the taxpayers.

I want to thank my colleagues for the opportunity to speak on the Senate floor today in support of this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 476—HONORING THE CONTRIBUTIONS OF THE LATE FANG LIZHI TO THE PEOPLE OF CHINA AND THE CAUSE OF FREEDOM

Mr. LIEBERMAN (for himself, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. MENENDEZ, and Mr. WEBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 476

Whereas the Chinese scientist and democracy advocate, Fang Lizhi, passed away at his home in Tucson, Arizona, on April 6, 2012; Whereas Fang Lizhi was born in February 1936 in Beijing, China;

Whereas, in 1952, Fang Lizhi enrolled in the Physics Department of Peking University, where he met his future wife, Li Shuxian, and joined the Chinese Communist Party in 1955;

Whereas, in 1955, Fang Lizhi openly questioned the lack of independent thinking in China's education system and, in 1957, drafted a letter with Li Shuxian and other associates proposing political reform;

Whereas Fang Lizhi and Li Shuxian were sentenced to hard labor in 1957 and 1958, respectively, as victims of China's Anti-Rightist Campaign;

Whereas, during China's Cultural Revolution, Fang Lizhi and other faculty members and students of the University of Science and Technology of China were sentenced to "reeducation through labor" in a coal mine and a brick factory;

Whereas, after he was again freed from confinement, Fang Lizhi emerged as China's leading astrophysicist and wrote the first modern Chinese-language cosmological studies, although the theory of general relativity contradicted Communist dogma;

Whereas, when he was appointed as vice president of the University of Science and Technology of China in 1984, Fang Lizhi initiated a series of reforms intended to democratize the management of the university and enhance academic freedom;

Whereas, in the winter of 1986-1987, when Chinese students across China protested on behalf of democracy and human rights, the Government of China fired Fang Lizhi from his post at the University of Science and Technology of China and subsequently purged him from the Communist party;

Whereas when, in the wake of his purge, excerpts from Fang Lizhi's speeches were distributed by authorities in China as examples of "bourgeois liberalism," his writings became tremendously popular among Chinese students;

Whereas, in February 1989, Fang Lizhi published an essay entitled "China's Despair and China's Hope," in which he wrote, "The road to democracy has already been long and difficult, and is likely to remain difficult for many years to come.";

Whereas, in this essay, Fang Lizhi also wrote that "it is precisely because democracy is generated from below—despite the many frustrations and disappointments in our present situation—I still view our future with hope";

Whereas, in the spring and early summer of 1989, Chinese students gathered in Tiananmen Square to voice their support for democracy, as well as to protest corruption in the Chinese Communist Party;

Whereas Fang Lizhi chose not to join the protests at Tiananmen Square in order to demonstrate that the students were acting autonomously;

Whereas, from June 3 through 4, 1989, the Government of China directed the People's Liberation Army to clear Tiananmen Square of protestors, killing hundreds of students and other civilians in the process;

Whereas, the Government of China issued arrest warrants for Fang Lizhi and Li Shuxian after the Tiananmen Massacre, accusing the pair of engaging in "counter-revolutionary propaganda" and denouncing Fang as the "instigator of chaos which resulted in the deaths of many people";

Whereas, on June 5, 1989, Fang Lizhi and Li Shuxian were escorted by United States diplomats to the United States Embassy in Beijing;

Whereas, between June 1989 and June 1990, United States diplomatic personnel under the leadership of Ambassador James R. Lilley sheltered Fang Lizhi and Li Shuxian at the United States Embassy in Beijing, despite the many hardships it imposed on the mission;

Whereas, at a November 15, 1989, ceremony awarding Fang Lizhi the Robert F. Kennedy Human Rights Award, Senator Edward M. Kennedy said of Fang "What Andrei Sakharov was in Moscow, Fang Lizhi became in Beijing.";

Whereas, on June 25, 1990, Fang Lizhi and Li Shuxian were allowed to leave China for the United Kingdom and then the United States;

Whereas, in 1992, Fang Lizhi received an appointment as a professor of physics at the University of Arizona in Tucson, where he continued his research in astrophysics and advocating for human rights in China;

Whereas, in the years since June 4, 1989, a new generation of Chinese activists has continued the struggle for democracy in their homeland, working "from below" to protect the rights of Chinese citizens, to increase the openness of the Chinese political system, and to reduce corruption among public officials; and

Whereas, with the passing of Fang Lizhi, China and the United States have lost a great scientist and one of the most eloquent human rights advocates of the modern era: Now, therefore, be it

Resolved, That the Senate—

- (1) mourns the loss of Fang Lizhi;
- (2) honors the life, scientific contributions, and service of Fang Lizhi to advance the cause of human freedom;
- (3) offers the deepest condolences of the Senate to the family and friends of Fang Lizhi; and
- (4) stands with the people of China as they strive to improve their way of life and create a government that is truly democratic and respectful of international norms in the area of human rights.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on June 7, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled "Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 14, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on competitiveness and collaboration between the U.S. and China on clean energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural

Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224-6722 or Meagan Gins at (202) 224-0883.

NATIONAL FOSTER CARE MONTH

Mr. BROWN of Ohio. Madam President, I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 462 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 462) recognizing National Foster Care Month as an opportunity to raise awareness about the challenges faced by children in the foster care system, acknowledging the dedication of foster care parents, advocates, and workers, and encouraging Congress to implement policy to improve the lives of children in the foster care system.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Madam President, I further ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 462) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 462

Whereas National Foster Care Month was established more than 20 years ago to bring foster care issues to the forefront, highlight the importance of permanency for every child, and recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 408,000 children living in foster care;

Whereas there were approximately 254,000 youth that entered the foster care system in 2010, while over 107,000 youth were eligible and awaiting adoption at the end of 2010;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas youth in foster care are much more likely to face educational instability with 65 percent of former foster children experiencing at least 7 school changes while in care;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas foster parents are the front-line caregivers for children who cannot safely remain with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for children leaving foster care to adoption;

Whereas children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stability, including fewer changes in placements, have more positive perceptions of their placements, are more likely to be placed with their siblings, and demonstrate fewer behavioral problems;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to remain in the foster care system;

Whereas more than 27,900 youth "age out" of foster care without a legal permanent connection to an adult or family;

Whereas children who age out of foster care may lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas volunteers, guardians, mentors, and workers in the child-protective-services community play a vital role in improving the safety of the most valuable youth and work hard to increase permanency through reunification, adoption, and guardianship;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and postpermanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas Federal legislation over the past 3 decades, including the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), and the Child and Family Services Improvement and Innovation Act (Public Law 112-34) provided new investments and services to improve the outcomes of children in the foster care system;

Whereas May is an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the child-welfare workforce, foster parents, advocacy community, and mentors for their dedication, accomplishments, and positive impact they have on the lives of children; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

- (1) recognizes National Foster Care Month as an opportunity to raise awareness about

the challenges faced by children in the foster care system, acknowledging the dedication of foster care parents, advocates, and workers, and encouraging Congress to implement policy to improve the lives of children in the foster care system;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as National Foster Care Month;

(4) acknowledges the special needs of children in the foster care system;

(5) recognizes foster youth throughout the United States for their ongoing tenacity, courage, and resilience while facing life challenges;

(6) acknowledges the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care;

(7) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(8) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through parts B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to—

(A) support vulnerable families;

(B) invest in prevention and reunification services;

(C) promote adoption and guardianship in cases where reunification is not in the best interests of the child;

(D) adequately serve those children brought into the foster care system; and

(E) facilitate the successful transition into adulthood for children that “age out” of the foster care system.

ORDERS FOR TUESDAY, JUNE 5, 2012

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Tuesday, June 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and the majority leader be recognized; that following the remarks of the majority leader and those of the Republican leader, the time until 12:30 p.m. be equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; further, that the Senate recess from 12:30 p.m. until 2:15 to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. It is the majority leader's intention to resume consideration of the motion to proceed to S. 3220, the Paycheck Fairness Act, when the Senate convenes tomorrow. At 2:15 there will be a cloture vote on the mo-

tion to proceed to the paycheck fairness bill.

ORDER FOR ADJOURNMENT

Mr. BROWN of Ohio. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator INHOFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

UTILITY MACT

Mr. INHOFE. Madam President, first of all, let me thank the Senator from Ohio for allowing me to interrupt him for my unanimous consent request.

This month, the Senate will have the opportunity to put a stop to the second most expensive EPA regulation in history, the rule known as Utility MACT. It is kind of confusing. Let me share with everyone what it means: MACT—and we better learn it now because we are going to hear it more and more—it is M-A-C-T. That means Maximum Achievable Controlled Technology. In other words, the EPA comes along and makes a regulation where there is no technology that will accommodate the rule. So that is what it is all about. That is what the Obama EPA calls it so the people will not know what it is and how much it costs. It is the first step—we are talking about Utility MACT—it is the first step to kill coal in the United States.

Right now, we in this country depend upon coal for 50 percent of our electricity. One can just imagine what will happen to our energy costs as well as millions of lost jobs. I have introduced a joint resolution to kill it. By voting for my resolution, S.J. Res. 37, Members of the Senate can prevent the Obama EPA from causing so much economic pain for American families. It requires only a majority vote in the Senate and the House. It would have to be signed by the President.

People say: Why would the President sign a bill that would stop his EPA from overregulating? I would suggest that right before the election, he does not want to go on record as causing that many job losses and that much damage to our economy.

Utility MACT is the centerpiece of President Obama's effort to kill coal. Utility MACT is specifically designed to close down existing coal plants, while the Obama EPA's greenhouse gas regulations are specifically designed to prevent any new coal plants from being built. So we are going to shut down the coal plants that are there now and prevent new coal plants from being built.

Keep in mind, 50 percent of our energy comes from coal. The goal behind these policies is not surprising. But what is surprising is that while President Obama goes around pretending to

be for an all-of-the-above approach on energy—let's make sure we understand what that is. An all-of-the-above approach was the Republicans' idea. It was: We are for all of the above. We are for nuclear energy. We are for fossil fuels, coal, gas, oil, renewables, solar, everything else.

That is what “all of the above” means. The President has been saying he is for an all-of-the-above approach on energy, while members of his green team administration cannot help but tell the truth about what is going on in the EPA. The Presiding Officer remembers several weeks ago when I came to the Senate floor to bring attention to a video of EPA region 6 Administrator Al Armendariz admitting that the EPA's general philosophy is to crucify and make examples of oil and gas companies.

We remember that, do we not? He said—and it was on a video, his voice with himself speaking to a group of people, including giving advice to those who were subordinates to him. He said: You have to do what the Romans did years ago when they would go around the Mediterranean. They would go into different areas in Turkey, and they would crucify the first five people they would see and leave them to die, dangling on a cross, in order to get them to submit to them.

Today, I would like to highlight another video. It is a video of the EPA region 1 Administrator Curt Spalding, admitting that the Obama EPA consciously and deliberately made the choice to wage war on coal. I am going to quote exactly what he said so everyone can have the full effect of it. He said:

But know right now, we are, we are struggling. We are struggling because we are trying to do our jobs. Lisa Jackson has put forth a very powerful message to the country. Just two days ago, the decision on greenhouse gas performance standard and saying basically gas plants are the performance standard which means if you want to build a coal plant you got a big problem. That was a huge decision. You can't imagine how tough that was. Because you got to remember that if you go to West Virginia, Pennsylvania, and all those places, you have coal communities who depend on coal. And to say that we just think those communities should just go away, we can't do that. But she had to do what the law and the policy suggested. And it's painful. It's painful every step of the way.

Again, I am quoting the region 1 Administrator Curt Spalding in a statement he made. That is an exact quote. Let me repeat the key parts of Administrator Spalding's quote for emphasis. He said, “If you want to build a coal plant you got a big problem.” Even more stunning, he is admitting that the Obama EPA's decision to kill coal was painful every step of the way because West Virginia, Pennsylvania, and all the coal States depend on coal development for their jobs, their livelihoods.

I had occasion to be in West Virginia and in Ohio and see and speak face to face with people who are third-, fourth-generation workers in the coal mines. Those people are scared to death that coal will be killed. Here it is in front of us right now. They are going to kill coal anyway.

Trust me, Administrator Spalding and President Obama, it is far more painful for those who will lose their jobs and have to pay skyrocketing electricity prices than it will be for you.

Spalding's statement that "if you want to build a coal plant you got a big problem" reminds us a lot of President Obama's own statement about coal in 2008, when he was not so afraid to explain his real intention. Remember, he said—and this is a quote by the President in 2008. "If you want to build a coal-fired power plant you can, it's just that it will bankrupt you."

That was 2008. Sure enough, he is bringing that to reality. He is making every effort. Of course, this war on coal comes from the same administration that put the "crucify them" Administrator Armendariz in charge of the biggest oil-and-gas-producing region in the country. In fact, crucifixion philosophy is so obvious now that even the somewhat left-leaning Washington Post said that the Obama EPA is "earning a reputation for abuse."

But I think Kim Strassel of the Wall Street Journal put it best when she said that Armendariz was "a perfect general for Mr. Obama's war against natural gas and on the front lines of President Obama's battle to end fossil fuels and affordable energy."

As this most recent video of region 1 Administrator Spalding confirms, there are plenty of green generals such as Armendariz going into battle for the Obama EPA. We have several more videos of EPA officials making similar statements. I am not going to talk about them tonight. I will talk about those at a later date because today I would like to focus my remarks specifically on President Obama's war on coal and what Members of this body will choose to do about it.

The fundamental question before the Senate will be whether my colleagues will have the courage to stand up to President Obama and put the brakes on his abusive, out-of-control EPA that has openly admitted: If you want to build a coal plant, you have a big problem or if they are going to stand with President Obama and his administration's "crucify" agenda.

One of the most interesting and telling aspects of President Obama's disingenuous attempt to rebrand himself as a supporter of fossil fuels is that he never mentions coal. He does not even pretend. In fact, up until very recently, President Obama's campaign Web site had a section devoted to the President's goals for every energy resource except coal.

Only after facing intense criticism and disappointing primary results in coal States, which just happened recently—I think we are all aware of that—the Obama campaign attempted quietly to add a clean coal section to its site.

Apparently, President Obama's definition of clean coal is no coal. In his 2013 budget request, the President cut funding for coal research and development at the National Energy Technology Lab by nearly 30 percent. This is at the same time EPA has proposed greenhouse gas standards for coal-fired powerplants that require carbon capture and sequestration. We refer to that as CCS. It is a technology that is not ready to operate on a commercial scale.

On one hand, we have Obama issuing standards in which utilities cannot comply without using CCS; on the other hand, we have them handicapped in that very technology. In other words, what he is saying is that we have emissions standards for coal technology where there is no technology. There are standards required for emissions where there is no technology that will accommodate that request.

We are going to see it in other areas too. This is coal. I am concentrating just on coal tonight. After cap and trade was thoroughly rejected by the American people and defeated in a Democratically controlled Congress, President Obama promised that he would not give up in his efforts to stop coal development. He also said:

Cap-and-trade was just one way of skinning the cat. It was a means, not an end. I'm going to be looking for other means to address this problem.

He has found other ways to skin the cat—by imposing regulations that have exactly the same effect of killing coal. I do not have time to go into every action EPA has taken, but I would like to highlight a few of the key coal-killing regulations. Front and center, of course, is Utility MACT. Utility MACT is a rule which sets strict standards that cannot be met, which means that along with EPA's other air rules, up to 20 percent of America's coal-fired capacity will be shuttered and around 1.6 million jobs will be lost.

That is initially. Carry that on through, considering that coal supplies 50 percent of our energy in this country, it is going to far exceed that, starting off with 50 percent of America's coal-fired capacity will be shut down. Utility MACT's pricetag is second only to the Obama EPA's greenhouse gas regulations, which are designed to prevent any new coal plants from being built in this country.

Similar to the Waxman-Markey cap-and-trade bill, these regulations will cost \$300 to \$400 billion a year and destroy over 2 million jobs. It may even cost more if the courts throw out the EPA's tailoring rule. It kind of gets

into the weeds. It is a little bit complicated.

What they are attempting to do is the regulations that they were unable to do through legislation. We had several bills over a 12-year period to try to impose cap and trade. That cap and trade cost would be \$300 billion to \$400 billion. The tailoring rule is one where if EPA does it through regulation, doing the same thing, imposing cap and trade on the American people, it will not cost \$300 billion to \$400 billion a year, but it will be far more because it will have to reach the standards of the Clean Air Act. That would be regulating those emitters with 250,000 tons of emissions a year. Every school, church, restaurant, and coffee shop would now have to be regulated and would be put out of business by the EPA.

EPA is also waging this war on the permitting front. We have been tracking this problem for a long time. A lot of people recognize when the Obama EPA was trying to shut down the gulf, they said: We are not going to do it because of public pressure. But then they refused to issue permits.

As my EPW minority report from January 2010 showed, the EPA was obstructing 190 coal mining permits, putting nearly 18,000 jobs at risk. That was 2½ years ago and not much has improved.

Last November a report by the Office of Inspector General I requested confirmed that EPA, through its own actions, had been deliberately and systematically slowing the pace of permit evaluations for new plants in Appalachia. These findings were concerning enough that the inspector general did a follow-up review. And again in February of this year, 2 years later, the Office of Inspector General found EPA did not have a consistent official record-keeping system that was exacerbating permit delays. Not only has EPA continued to stall the permitting process, they are trying to stop permits that were already granted.

In January 2011—and this is significant—EPA took the drastic unprecedented step of revoking a lawfully issued mining permit the Bush Army Corps of Engineers had granted to Spruce Mine, which is a project in Appalachia. Fortunately, the courts recognized EPA's overreaching in this case.

On March 23, 2012, the U.S. district court ruled that EPA exceeded its authority, and as the judge said,

EPA's claim that it can veto a permit issued by the Army Corps of Engineers is a stunning power for an agency to arrogate itself.

That is a Federal judge's quote.

After 4 years of this aggressive barrage of rules designed to kill coal, many in the heartland, States that rely heavily on coal, are not amused.

Just last month 24 State attorneys general, including one-quarter of all

Democratic State attorneys general, filed a suit to overturn Utility MACT because of the devastating effects it will have on jobs in their States and their economies. These are Democrats from Arkansas, Kentucky, Mississippi, Missouri, West Virginia, and Wyoming. In other words, it appeared that Democratic AGs from several States are trying to save coal while the Democratic Senators from those same States are carrying out President Obama's war on coal.

What is happening in West Virginia? The State government just sponsored a 3-day forum last week on "EPA's war on coal." This is in West Virginia.

Larry Puccio, the Democratic Party chairman in West Virginia, said:

A lot of folks here have real frustration with this administration's stance on coal and energy.

Recently, on a West Virginia radio show, Cecil Roberts, the President of the United Mine Workers of America, famously said that EPA Administrator Lisa Jackson "shot [the coal industry] in Washington just as the Navy Seals shot bin Laden." As Roberts expanded:

We've been placed in a horrendous position here. How do you take coal miners' money and say let's use it politically to support someone whose EPA has pretty much said, "You're done"?

It doesn't get any stronger than that. These are all Democrats. Let's not forget West Virginia is the State where President Obama lost several counties in a primary to a convicted felon not long ago.

Kentucky is weighing in. As Politico reported, President Obama lost an "uncommitted" vote in 38 counties representing the Kentucky Coal Coalition and won just 44 percent of over 49,000 votes. He only carried 14 of the 38 coal counties, and overall carried the State as a whole with just 58 percent of the vote.

In Arkansas, President Obama won the primary with less than 60 percent of the vote.

In Ohio, it was the same story. When Vice President BIDEN visited the State recently, he was faced with over 100 workers who would lose their jobs because of this administration's aggressive regulatory regime. Their message to the administration is "Stop the war on coal."

These States have good reason to be concerned. Let's look at how Utility MACT will impact some of the most coal-dependent States.

In Arkansas, 40 percent of their electricity is produced by coal.

Louisiana has the ninth cheapest electricity in the Nation, \$100 million in payroll.

In Michigan, 60 percent of their electricity is produced by coal. They are tenth in coal use.

Missouri, which is a big one, 80 percent of their electricity is produced by coal. They are sixth in coal use.

Montana, 60 percent of its electricity, fifth in coal production.

North Dakota, 85 percent of electricity is produced by coal. They are ninth in coal production.

Ohio is a big one, with 85 percent of electricity, and more than 19,000 jobs are at stake because of this Utility MACT.

Pennsylvania, 52 percent of their electricity is produced by coal, and they are fifth in coal use; Tennessee, 62 percent of the electricity.

Virginia, more than 31,000 jobs, and they are 13th in coal production; West Virginia, second in coal production, with more than 80,000 jobs.

These are real jobs that we lost State by State. That is how this is a big deal. I will go into detail as to why Utility MACT would be devastating. Just put this rule in perspective.

Even Democratic Representative JOHN DINGELL, who has been in the House many years—I served with him in the House many years ago, and he was the author of the Clean Air Act Amendments—said that Utility MACT is "unparalleled in its size and scope" and that it "presents a set of new regulations with possible wide-reaching impacts on the way our country generates and consumes electricity." Now, that was Representative DINGELL over in the House of Representatives, a Democrat.

Utility MACT has an unprecedented price tag. EPA puts the cost of their rule at nearly \$10 billion a year. That is interesting because no one else's is that low. Other sources project that it will cost considerably more, making it the second most expensive rule in the Agency's history. This is second only to global warming's cap-and-trade, which would be about a \$300 billion to \$400 billion tax increase, so double that.

Now, this is something I always do because in my State of Oklahoma, when we start talking about billions and trillions of dollars, I like to see how it will affect our families in Oklahoma. So a \$300 billion to \$400 billion tax increase, which is what it would have been if they had been successful in passing cap-and-trade and what it will be if they do it by regulation, you can double that. This tax increase would cost the average family who pays Federal income tax in my State of Oklahoma over \$3,000 a year. And, of course, you don't get anything for it because even Lisa Jackson, Obama's Administrator of the EPA, admitted that if we pass cap-and-trade, it would not reduce our overall emissions because the problem isn't here in the United States; it is in Mexico and it is in China and in other countries around the world. So the Utility MACT we are talking about today would tax each family over and above cap-and-trade.

Further, the rule will shut down 20 percent of America's coal-fired power capacity. This will inevitably result in higher electricity prices for every

American. Simply put, it is a supply-and-demand situation. I think we all understand that. There is not a person who is within earshot of me, anyway, who didn't learn back in grade school and elementary school what supply and demand means. It means if you shut down the coal plants, the energy remaining will cost a lot more.

It is not just me saying this. Here is what the Chicago Tribune reported on May 18: that in 2015, "electric bills are set to be about \$130 more than they are today." Now I am talking to everyone out there who has electricity. The electric bills are set to be about that much more.

The Chicago Tribune went on to say that prices have already significantly risen in the heartland. I will quote the article again:

Prices were higher in northern Ohio and the Mid-Atlantic region at \$357 per megawatt, and \$167 per megawatt respectively.

Now, let's look at the jobs. Utility MACT and other EPA regulations on the electric power sector have resulted in over 24,000 megawatts of announced powerplant retirements located in 20 States. According to the National Economic Research Associates, Utility MACT would destroy between 180,000 and 215,000 jobs in 2015. And with other new EPA regulations on the electric power sector, the economy stands to lose approximately 1.65 million jobs by 2020.

Manufacturers will be particularly hard hit due to their reliance on low-cost electricity and because of their dependence on natural gas as a raw material as both electricity rates and natural gas prices increase. According to Nucor Steel, a 1-percent increase in electricity rates will cost the firm \$120 million. These extra costs would endanger 1 million manufacturing jobs outside of the coal and utility industries.

Utility MACT will also have a negative ripple effect. To bring up one example, in Avon Lake, OH, the closure of the local GenOn powerplant will cost the school system 11 percent of its budget annually. Besides the 80 high-quality jobs lost at the plant and many indirect job losses in the community, the city will have fewer resources for its paramedics, firefighters, schools, and everything else. This story will be replicated in communities across America.

Now, for a couple of myths about this, people try to say it is not surprising that instead of taking credit for the dire results of this coal-killing agenda in an election year, the Obama administration is claiming that lower natural gas prices are the reason utilities are switching from coal to natural gas. That is absolutely wrong. There is one problem with that. While President Obama poses in front of the pipelines in my State of Oklahoma pretending to be a friend of oil and natural gas, he is

giving marching orders to his administration to do everything possible to end hydraulic fracturing.

To get back in the weeds a little here, hydraulic fracturing is a process to get oil and gas out of tight formations. In fact, you can't get 1 cubic foot of natural gas out of a tight formation without using hydraulic fracturing. I am pretty familiar with that process because that was started in my State of Oklahoma way back in 1949. There has never been a documented case of groundwater contamination by using hydraulic fracturing. But this is what he is trying to do—to kill the oil and gas by doing away with hydraulic fracturing.

Remember, I mentioned earlier that Armendariz was the only one caught on tape admitting that the EPA's general philosophy was to crucify and make examples of oil and gas companies, specifically targeting hydraulic fracturing. If the crucifixion scandal isn't enough of a revelation in this war on natural gas, remember the Sierra Club, which recently gave the President its most enthusiastic endorsement, just rolled out its newest campaign called "Beyond Gas," a spin-off of its decade-old campaign "Beyond Coal." That was 10 years ago that the Sierra Club talked about its campaign to phase out coal-fired powerplants.

Sierra Club executive director Michael Brune explained:

As we push to retire coal plants, we're going to work to make sure we're not simultaneously switching to natural-gas infrastructure. And we're going to be preventing new gas plants from being built wherever we can.

So it is not just coal, it is coal and all other fossil fuels. So those people who think somehow they can say, well, we are going to promote natural gas—which they are not doing because they are trying to stop hydraulic fracturing—they don't realize that is a fossil fuel. It may have taken NANCY PELOSI 6 months to realize natural gas is a fossil fuel, but everybody knows that today.

So natural gas supplies may be plentiful now, but the Obama administration's "crucify them" agenda on oil and gas development is designed to change that. Its whole purpose is to decrease access to these resources through increased regulations from the Federal Government.

Another myth is the public health myth. I want to address that because that is being perpetrated by Utility MACT proponents, and it has to do with their public health argument. The truth is that the health benefits EPA claims are exaggerated and misleading. That is because EPA's analysis showed that over 99 percent of the benefits of the rule we are talking about—a Utility MACT rule—come from reducing fine particulate matter, not air toxics. Of course, fine particulate matter is al-

ready regulated under the National Ambient Air Quality Standards. In fact, 90 percent of Utility MACT's purported particulate matter benefits occur in air already deemed safe by the NAAQS program.

Not only is the EPA double miscounting benefits, it is also dismally failing the cost-benefit test. The Agency itself admits that Utility MACT will cost an unprecedented \$10 billion to implement. We think it is going to be more than twice that, but they say \$10 billion. They also admit that the \$10 billion it costs will yield a mere \$6 million in direct benefits. That means, by the EPA's own statement, they admit the best-case scenario yields a ludicrous cost-benefit ratio of 1,600 to 1.

In reality, Utility MACT will harm the public by increasing unemployment—a well-established risk factor for elevated illness and mortality rates. In addition to influences on mental disorders, suicide, and alcoholism, unemployment is also a risk factor in cardiovascular disease and overall decreases in life expectancy. Further, higher electric bills act like a regressive tax, hurting the poor and the elderly most by diverting funds they would otherwise have for food, rent, and medical care to pay for more expensive electricity.

To be sure, those who won't feel any of this economic pain are President Obama's Hollywood elites.

I know that my environmental friends are already accusing me of allowing mercury to go into the air. So today I would like to remind them that it was the Republicans who first put forth a real plan to reduce mercury emissions from powerplants.

In 2002 and 2003, Republicans were in the majority. At that time, I was the chairman of the committee that had regulation over the air, and we were working to pass the Clear Skies bill, which was the most aggressive initiative in history to reduce emissions of sulfur dioxide, nitrogen oxide, and mercury—SO_x, NO_x, and mercury. In fact, this bill would have reduced mercury emissions by 70 percent by 2018. So in just 6 years from now, we would already have had a 70-percent reduction in what I call real pollutants—SO_x, NO_x, and mercury.

Now, what happened? Why did it fail? It failed because they wanted to include greenhouse gases. They wanted to include CO₂. And at the expense of losing those reductions that were mandated in SO_x, NO_x, and mercury, they said: Well, if we can't have CO₂, we don't want it at all.

So why did Clear Skies fail in 2005? Then-Senator Obama served with me in the Senate Committee on Environment and Public Works, and it was his vote that killed the bill. As Senator Obama himself admitted:

I voted against the Clear Skies bill. In fact, I was the deciding vote despite the fact that

I'm a coal state and that half of my state thought I'd thoroughly betrayed them because I thought clean air was critical and global warming was critical.

That was then-Senator Barack Obama.

Clear Skies apparently didn't cause enough pain. It reduced real pollutants. It didn't address President Obama's pet cause of climate change. It did not achieve the goal they really wanted to impose; that is, ending coal.

So now, instead of having a reasonable and effective mercury reduction plan already in place and working for the American people, President Obama wants to implement EPA's Utility MACT in order to kill coal.

The bottom line is that we still need coal, and all those who dream of doing away with it will not be able to escape the reality that coal will continue to provide much of our electricity for the foreseeable future. So we need to be implementing policies that improve air quality without destroying coal and millions of good American jobs and imposing skyrocketing electricity costs on every American. That is why my resolution to stop Utility MACT is so crucial.

Contrary to what critics are saying, this resolution does not prevent the EPA from regulating mercury under the Clean Air Act. It simply requires that the EPA go back to the drawing board to craft a rule with which utilities can actually comply—a rule that does not threaten to end coal in America and American generation but helps utilities to reduce emissions without having to shut their doors.

The House, led by Congressman FRED UPTON, recently passed bipartisan legislation to rein in the Utility MACT, with 19 Democrats supporting the measure. So now it is time for the Senate to act.

I would like to remind my colleagues that this resolution will probably be the vote for coal for the year, so this is our one chance. Many of my Democratic colleagues have gone on record saying that they want to rein in the Obama EPA. The senior Senator from Missouri is one of them. She said, back home, that she is determined to hold the line on the EPA. Does that mean she and other Senate Democrats who have made similar statements will vote to stop the centerpiece of Obama's war on coal? Apparently not.

Today I talked a lot about Utility MACT. Let's be sure we understand what it means. One more time: Utility MACT is a rule by the EPA to end coal in America and cause electricity rates to skyrocket. That is a statement that even the President said, that the electric rates would skyrocket. My resolution, S.J. Res. 37, will allow Members of the Senate to stop the Obama EPA. It is as simple as that.

I can remember when we passed the CRA, the Congressional Review Act. It

is interesting because the Congressional Review Act was one which recognized that sometimes things are out of control, the EPA and other parts of the administration. So if it is something where you get a simple majority of Members saying: This is outrageous, and we need to stop it, we can do it by passing a CRA—a Congressional Review Act. That is what S.J. Res. 37 is, and that is our only chance to stop this.

So a vote on my resolution would clearly demonstrate to the American people which Senators will hold on and stand with their constituents for jobs and affordable energy and which Senators want to kill coal in favor of President Obama's radical global warming agenda that will be dev-

astating to people. To borrow a phrase from Administrator Spalding: To choose the latter will be painful—painful every step of the way for their constituents. And I hope they make the right choice.

So I would just repeat that this is the last chance you have to stop the administration from killing coal. This is the vote of the year in terms of the effort to stop the killing of coal.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. INHOFE. Mr. President, if there is no business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, June 5, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 4, 2012:

THE JUDICIARY

TIMOTHY S. HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 5, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine implementing Wall Street reform, focusing on enhancing bank supervision and reducing systemic risk.

SD-538

Appropriations

Department of Defense Subcommittee

To hold hearings to examine outside witness statements.

SD-192

Foreign Relations

To hold hearings to examine the nominations of Michele Jeanne Sison, of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Brett H. McGurk, of Connecticut, to be Ambassador to the Republic of Iraq, and Susan Marsh Elliott, of Florida, to be Ambassador to the Republic of Tajikistan, all of the Department of State.

SD-419

Judiciary

To hold hearings to examine ensuring that Federal prosecutors meet discovery obligations.

SD-226

2 p.m.

Aging

To hold hearings to examine pensions, focusing on preventing fraud and protecting America's veterans.

SD-562

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the European Union Emissions Trading System.

SR-253

Judiciary

To hold hearings to examine the nominations of Terrence G. Berg, to be United States District Judge for the Eastern District of Michigan, Jesus G. Bernal, to be United States District Judge for the Central District of California, Lorna G. Schofield, to be United States District Judge for the Southern District of New York, and Grande Lum, of California, to be Director, Community Relations Service.

SD-226

JUNE 7

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold hearings to examine recommendations from the Blue Ribbon Commission on America's Nuclear Future for a consent-based approach to siting nuclear waste storage and management facilities.

SD-406

Judiciary

Business meeting to consider S. 250, to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, S. 285, for the relief of Sopuruchi Chukwueke, and the nominations of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, Paul William Grimm, to be United States District Judge for the District of Maryland, John E. Dowdell, to be United States District Judge for the Northern District of Oklahoma, Mark E. Walker, to be United States District Judge for the Northern District of Florida, and Brian J. Davis, to be United States District Judge for the Middle District of Florida.

SD-226

Joint Economic Committee

To hold hearings to examine the current economic outlook.

SD-G50

10:45 a.m.

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee

To hold hearings to examine countering repression and strengthening civil society in Cuba.

SD-419

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine Universal Service Fund Reform, focusing on ensuring a sustainable and connected future for native communities.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 12

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine proliferation prevention programs at the Department of Energy and at the Department of Defense in review of the Defense Authorization Request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC 217 following the open session.

SR-222

JUNE 13

10 a.m.

Veterans' Affairs

To hold hearings to examine economic opportunity and transition legislation.

SR-418

2:45 p.m.

Foreign Relations

To hold hearings to examine the nominations of Richard L. Morningstar, of Massachusetts, to be Ambassador to the Republic of Azerbaijan, Timothy M. Broas, of Maryland, to be Ambassador to the Kingdom of the Netherlands, and Jay Nicholas Anania, of Maryland, to be Ambassador to the Republic of Suriname, all of the Department of State.

SD-419

JUNE 14

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine competitiveness and collaboration between the United States and China on clean energy.

SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine new taxes on tribal self-determination.

SD-628

JUNE 27

10 a.m.

Veterans' Affairs

To hold hearings to examine health and benefits legislation.

SR-418

JUNE 28

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Tuesday, June 5, 2012

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, as our lawmakers seek to meet their responsibilities, give them the awareness to look not only to the immediate needs and the concerns of the moment but to be enlightened by the majesty of Your creation and Your eternal spirit. Strengthened by Your spirit, give them the wisdom to refuse to do anything which would bring them regret, remorse or shame. May they never do anything they would have to hide and about which they should be ashamed that others should know.

Lord, today we confess our human inadequacies and our need for You to infuse us with Your strength. May this be a day in which we all sense Your presence and receive Your power.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**PAYCHECK FAIRNESS ACT—
MOTION TO PROCEED—Resumed**

Mr. REID. Mr. President, I move to proceed to Calendar No. 410, S. 3220.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 410, S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, we are now on the motion to proceed to the Paycheck Fairness Act.

Following my remarks and those of the Republican leader, the time until 12:30 will be equally divided. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes.

The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

I ask unanimous consent the cloture vote on the motion to invoke cloture on the motion to proceed to S. 3220 occur at 2:30 p.m. and that the time from 2:15 p.m. until 2:30 p.m. be equally divided between the two leaders, with the majority controlling the final half.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, as I indicated, we are on the Paycheck Fairness Act, and we will have that cloture vote at 2:30 p.m. today.

Mr. REID. Mr. President, most Americans believe if they get an education, they work hard and play by the rules, they will have a fair shot at success. But for millions of American women, no amount of talent or dedication will bring pay equality with their male coworkers. In the minds of many employers, they simply are not equal.

American women take home 77 cents for every \$1 their male colleagues earn for doing the exact same work. That stunning fact holds true whether the woman has a college degree, regardless of how many hours she spends in the office each week or on some manufacturing floor and regardless of what job she holds—77 cents applies.

But listen to this. If she is an African-American or Hispanic woman, the disparity is even starker. African-American women make 62 cents on the dollar and Hispanic women 54 cents on the dollar compared to White men working the same hours and doing the same jobs. They are not working at different jobs; these are the exact same jobs. If someone is Hispanic and they

are a woman, they get about half as much as a man doing the same job. If they are African American, they get about 62 cents compared to every \$1 a man makes.

While landmark pieces of legislation such as the Equal Pay Act and the Lilly Ledbetter Fair Pay Act have narrowed the pay gap, they have not closed the gap, and that is obvious by the numbers I just announced to the Senate. So Congress must do more. This act that is before the Senate would give workers stronger tools to combat wage discrimination.

One of the tools of retaliation employers have is they fire workers if they discuss how much they make with another worker. Our legislation would bar retaliation against workers for discussing salary information. Why do we have this in the bill? We have this landmark legislation that we had to pass because the Supreme Court ruled against Lilly Ledbetter.

Lilly Ledbetter is a woman who worked in Alabama for many years, and she didn't know she was being paid far less than her male counterparts who did the same work. So when she learned of this, she filed a lawsuit in the Supreme Court, and the Supreme Court said: Sorry, Lilly. You didn't file it in time; the statute of limitations has run, meaning she had to file within a certain period of time.

We have many different places in the law where we do not start tolling the statute until someone learns something is wrong. For example, we had to go back on medical malpractice cases where people were treated negligently by physicians, but the poor patient didn't realize this until long after. For example, in the State of Nevada, there is a 2-year statute of limitations. So we changed that in most places in the country, and we need to make sure people understand, in this instance—now that we passed the Lilly Ledbetter legislation—the time doesn't start running until one has learned they are being cheated.

Our legislation would bar retaliation against workers for discussing salary information, and it would help secure adequate compensation for victims of gender-based pay discrimination. Let's look at the State of Nevada. Over their lifetimes, Nevada women will earn about \$475 million less than their male counterparts—almost \$500 million.

This is not just an issue for women; it is a family issue. Why? Because every year millions of American families are cheated out of money they could spend on groceries, rent, and gas. Every year wage discrimination puts almost 400,000 Nevada children at risk.

For many families in Nevada and across the country a woman is the only income generator in that family. For many more women that person is the primary breadwinner. Yet Republicans have vowed to block this legislation. It is in all the news today. Every headline in the news talks about this bill coming up today and the Republicans are saying they are going to vote against it because it creates too much bookwork.

They vowed to block legislation that would even the playing field and help women provide for their families even though Americans overwhelmingly support this legislation. Nine out of ten Americans—including 81 percent of men and 77 percent of the Republicans—support pay equity legislation.

Once again, the only Republicans who are against our commonsense measure are the ones who are in Congress in Washington. Even Mitt Romney has refused to publicly oppose this legislation. He may oppose it, but he is afraid to say anything about it. Why? Because it is obvious why. He should show some leadership. In my opinion, Governor Romney should tell his fellow Republicans that opposing fair pay for all Americans is shameful. Instead, no one knows where he stands, but we know where Democrats stand. Everyone knows. We stand firmly on the side of equality for every working woman.

Democrats stand with middle-class women who are working to keep their families afloat during these difficult times. We stand with young women pursuing a college education who are hoping to get a good-paying job when they graduate. We stand with little girls whose mothers taught them there is no limit to their dreams.

This evening Americans will see where Republicans stand on this issue. It is unfortunate they, once again, favor obstruction over equality.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STUDENT LOANS

Mr. MCCONNELL. Mr. President, I would like to continue to discuss the student loan issue this morning because the administration's approach to this problem is nothing short of surreal.

I have in my hand a letter that has been signed by the top four Republicans in Congress: Speaker BOEHNER, Leader CANTOR, minority whip JON KYL, and myself. It lists no fewer than four good-faith bipartisan proposals to resolve the issue, all of which are based on offsets the President has proposed himself in the past.

Let me say that again: We have recommended to the President four offsets that he, himself, has proposed in the past to achieve what we all want to achieve, which is a 1-year extension of the current student loan interest rates. We sent this letter to the President 5

days ago. Yet we have now learned that in spite of the fact they have a proposal recommending that on a bipartisan basis we accept offsets that they have previously recommended, we have now learned the Vice President will have a group of college presidents over to the White House today to "reassert the call for Congress to stop the student loan interest rate from doubling."

Congress has acted. We have given the administration four offsets they previously proposed. We are waiting for a response so we can solve this problem. Why doesn't the Vice President simply pick up the phone, choose one of the proposals we laid out in our letter, and then announce at the meeting the problem has been resolved? That way he will give these folks some good news to bring back to their campuses instead of just asking them to be props in this elaborate farce the White House political team cooked up on this issue. It is an elaborate farce. This can be solved very easily with offsets the administration itself has recommended.

The only people dragging their feet on this issue are over at the White House. Republicans in Congress have been crystal clear for weeks. We are ready to resolve the issue to give students the certainty they need about their loan payments. The President may find it politically useful to keep these young people off-balance, but we don't think they should have to wait another day. It is inexcusable for the President to allow this impasse to persist. That is why we bent over backward to find a solution, and it is simply disingenuous for the President to claim otherwise, which brings me to larger point.

We all realize the President is concerned about his reelection. I understand he is placing a higher priority on fundraising and trying to make Republicans look bad as he ramps up to November. I get his rationale for running a negative campaign. If I were he, I wouldn't want to brag about my record either. I get it. But I would remind him he is still the President, even though the campaign is going on, and that Americans are looking for leadership and the economic problems we face will only get worse if he avoids them for 6 more months.

So whether it is the student loan issue or the prospect of a massive tax hike at the end of the year, Republicans are ready to work with the President to provide the kind of certainty the American people need right now. But it is a two-way street. We will never solve these problems if the President continues to mislead the American people about what Republicans in Congress are willing and eager to do to help.

Mr. President, I ask unanimous consent to have the letter I previously referred to printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 31, 2012.

The PRESIDENT,
The White House, Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: Earlier this year you asked Congress to extend for another year the reduced interest rate for subsidized Stafford student loans. Last month the House of Representatives passed a bill to do just that and to pay for the cost with a repeal of the Prevention and Public Health Fund created as part of the Patient Protection and Affordable Care Act. Despite the fact that you have previously signed into law legislation reducing this fund by \$5 billion to offset the cost of preventing a reduction in Medicare physician payments, your Administration indicated that you would veto a bill that would use additional savings from the fund to offset the cost of extending lower student loan interest rates.

More recently, Senate Majority Leader Reid and his conference have put forward a proposal to pay for extending the reduced interest rate by raising taxes on small businesses. As you know, this proposal cannot pass the Senate and is unacceptable to the House of Representatives.

We believe our alternative is reasonable and responsible, but in the interest of finding common ground on a way to pay for a one year extension of the current student loan interest rate we are open to other solutions that we have all supported in the past.

The non-partisan Congressional Budget Office has estimated that a one-year extension will increase the deficit by \$5.985 billion over the 2012 to 2017 budget window. We have reviewed your Fiscal Year 2013 budget request, and based on areas of common agreement we believe it is possible to fully offset this cost by 2018 with additional savings in the ten year window and beyond dedicated to much-needed deficit reduction.

We have attached two options for fully offsetting the cost of extending the student interest rate reduction. The policies in both options are either policies that you recommended in their entirety or a subset of a policy you recommended. We are prepared to support either option.

There is no reason we cannot quickly and in a bipartisan manner enact fiscally responsible legislation.

Sincerely,

JOHN BOEHNER,
ERIC CANTOR,
MITCH MCCONNELL,
JON KYL.

—
ATTACHMENT
OPTION 1

Student Loan Interest Rate: Extend for one year (July 1, 2012 to June 30, 2013) the 3.40 percent interest rate for new subsidized Stafford student loans. (CBO estimates this proposal will increase the deficit by \$5.985 billion over the 2012 to 2017 period and \$5.985 billion over the 2012 to 2022 period.)

Increase Federal Employee Retirement Contributions: As part of the Fiscal Year 2013 Budget, the Administration proposes to increase current employee contributions to the Civil Service Retirement System (CSRS) and the Federal Employee Retirement System (FERS) by 0.4% in each of the next three calendar years—2013, 2014, and 2015—for a cumulative increase of 1.2% of pay over current contributions. The House of Representatives

has passed a substantially larger increase in contributions (5% over current law levels phased-in over five years for regular CSRS and FERS employees) as part of the Sequester Replacement Reconciliation Act. (CBO estimates that the Administration's proposal would reduce the deficit by \$8 billion over the 2012 to 2017 period and \$18 billion over the 2012 to 2022 period. Note: This estimate reflects that contribution levels have already been increased for new hires as part of the Middle Class Tax Relief and Job Creation Act, Public Law 112–96.)

OPTION 2

Student Loan Interest Rate: Extend for one year (July 1, 2012 to June 30, 2013) the 3.40 percent interest rate for new subsidized Stafford student loans. (CBO estimates this proposal will increase the deficit by \$5.985 billion over the 2012 to 2017 period and \$5.985 billion over the 2012 to 2022 period.)

Limit Length of In-School Interest Subsidy: As part of the Fiscal Year 2013 Budget, the Administration proposes to limit the duration of borrowers' in-school interest subsidy for subsidized Stafford loans to 150 percent of the normal time required to complete their educational programs. According to the Department of Education, "The Budget request eliminates the in-school interest subsidy for borrowers who do not complete their program within 150 percent of their program length. Beyond that point, these borrowers no longer receive the interest subsidy for the Subsidized Stafford loans they have taken out, and interest will immediately begin to accrue on these loans. As with the 12 semester Pell limitation enacted this fall, students who attend school half-time would have their benefits adjusted accordingly." (CBO estimates that the Administration's proposal would reduce the deficit by \$475 million over the 2012 to 2017 period and \$1.055 billion over the 2012 to 2022 period.)

Revise Medicaid Provider Tax Threshold: Under current law, states may not tax health care providers and return the tax revenues to those same providers through higher Medicaid payment rates or through other offsets and guarantees (known as a "hold harmless" arrangement). An exception to this provision is that the federal government will not deem a hold harmless arrangement to exist if the provider taxes collected from given providers are less than 6 percent of the providers' revenues. As part of the Fiscal Year 2013 Budget, the Administration proposes to phase down the Medicaid provider tax threshold to 3.5% from Fiscal Year 2015 to Fiscal Year 2017. The House-passed Sequester Replacement Reconciliation Act would lower the allowable percentage threshold to 5.5 percent starting in 2013. (CBO estimates that the House-passed proposal would reduce the deficit by \$4.65 billion over the 2012 to 2017 period and \$11.3 billion over the 2012 to 2022 period.)

Improve Collection of Pension Information from States and Localities: Both the Administration's Budget Proposal for Fiscal Year 2013 and the House-passed Middle Class Tax Relief and Job Creation Act (December 2011) include a proposal to prevent Social Security overpayments by improving coordination with States and local governments. By requiring State and local government pension payers to identify whether a worker's pension is based on government employment, the Social Security Administration (SSA) can improve enforcement of two benefit offset provisions affecting certain government workers. (CBO estimates that the Administration's proposal would reduce the deficit by \$358 million over the 2012 to 2017 period and \$2 billion over the 2012 to 2022 period.)

WAR ON COAL

Mr. MCCONNELL. Mr. President, hearings on the Environmental Protection Agency's regulatory agenda will be held in Kentucky this week. One hearing will be held today in Frankfort and another later this week in Pikeville. Since Congress is in session this week, I will not be able to attend these important hearings in person, but I will have a representative on hand at each hearing, and I wish to express my thoughts on the matter on the Senate floor.

Similar to most of the country, Kentucky is suffering from very difficult economic times. Far too many Kentuckians are unemployed, and the prospect for future employment remains daunting. That is why it is especially irritating that this administration has blindly followed ideological policies that eliminate jobs in our communities. The people of Kentucky are amongst the hardest working people on the planet, but how can they be expected to compete if our own government is actually working against them?

Simply put, my constituents are under siege from the Obama administration's regulatory agenda, and the EPA is the worst offender—the very worst.

Perhaps the clearest example of this administration's regulatory assault is its war on coal. Since being sworn in, President Obama's EPA has set out to circumvent the will of Congress and the American people by turning the already cumbersome mine permitting process into a backdoor means of shutting down coal mines. Mr. President, 18,000 Kentuckians work in coal mining, and nearly 200,000 more, including farmers, realtors, and transportation workers, rely on the coal industry for their jobs. Coal brings in more than \$3.5 billion from out of State and pays more than \$1 billion in direct wages every year. Attacking an industry so important to Kentucky will only succeed in putting people out of work, impeding future job growth, and increasing energy prices.

A former senior EPA official under the Obama administration recently summed up the regulatory philosophy of the Agency with respect to those working in the coal business by saying it wants to "crucify" them. Let me say that again. This was a regulator, with respect to those working in the coal business, saying it wants to "crucify" them. With this radical environmental antioal agenda, it is no wonder the administration has failed to answer the call of the American people for greater domestic energy production. The real-world impact of their fantasy world energy policy is that people are losing their jobs and energy prices will rise even further.

It is high time the Obama administration stop treating the Kentucky

coal industry as the problem and start recognizing that it has been and will continue to be part of the solution.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 12:30 p.m. will be equally divided and controlled by the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor today to urge my colleagues to affirmatively and unabashedly vote for cloture on the Paycheck Fairness Act that we wish to bring before the Senate. This is part of a very long march the women of the United States of America have been walking for a very long time.

In 1963 President Lyndon Johnson wanted to create a great society, and he envisioned three civil rights acts to right the wrongs of the past. One was equal pay—the Equal Pay Act—which would ensure that women would get equal pay for equal work. The second was the benchmark Civil Rights Act, and the third was the Voting Rights Act.

Lyndon Johnson picked the Equal Pay Act as his first action because he felt it would be one of the easier ones to pass and to implement. Little did he know that the corporate wrath that was against women in the past would come to that legislation. However, a Democratically controlled Senate moved that bill and began the long march for civil rights. But guess what happened in the ensuing 49 years. On June 10, 1963, President Johnson signed that bill. Forty-nine years later, women still make less than men. Women in the United States of America make only 77 cents for every dollar men make doing the same job. This is unfair, and it is un-American.

Remember from where we have come. Everybody likes to say to us: Oh, you have come a long way. Well, we don't think we have come a long way. We have only gained 18 cents in 49 years. In 1963 we made 59 cents for every dollar men made, and now it is 77 cents. So what does that mean? It means every 5 years we make an advancement of one penny.

Oh, no. No more. We are just not going to take it anymore.

When I talk to my constituents, they say to me that they are mad as hell and they don't want to take it anymore. They go to school, they get the job, they do the job, they want to be paid for the job, and we agree with them. We want to do it not only with words, but we want to do it with deeds, and we want to pass the Paycheck Fairness Act that would ensure equal pay.

Women fight every day for equal pay, and when they do, they are side-lined, red-lined, and pink-slipped. Right now in the marketplace, it is legal to fire a woman if she asks about pay, whether she goes to the personnel director or whether she asks the person next to her at the water cooler. Women are often harassed and intimidated for just asking: What do you make for the work you do? So we are ready to fight for women to get equal pay, and the best way to do it is to do it right here on the Senate floor.

People say to me: Senator BARB, you led the fight on Lilly Ledbetter. Didn't that solve all the problems?

It solved a big problem. We made a downpayment to keep the courthouse door open for women who are discriminated against, but it did not close the loopholes that were in the original Civil Rights Act. What Lilly Ledbetter did was change the statute of limitations to file a lawsuit from the date of each discriminatory paycheck. Now we need to pass paycheck fairness to close the loopholes that allow discrimination to happen in the very first place.

What does this bill do? It is actually very simple. If we listened to the right-wing pundits, we would think this is complicated and it is going to rend asunder the American economy and so on. This is fundamental fairness.

What does it do? First of all, no longer will employers be able to retaliate against workers for sharing information about wages. Remember what I said earlier: If you ask someone how much they get paid, you can get fired. For years, Lilly Ledbetter and those she represents were humiliated and harassed for just asking questions. No longer will women be able to seek only back pay when they are discriminated against; they will also be able to seek punitive damages. No longer will employers be able to use almost any reason to justify paying a woman less: Oh, the guys do harder jobs; oh, the guys do dangerous jobs; oh, they have a better education. We are talking about equal pay for equal work that requires the same education. No longer will women be on their own because we are going to include various education and training programs.

As I said, in 1963 we made 59 cents for every dollar men made. Women now make 77 cents compared to every dollar a man makes. That is not progress. The consequences of this are severe.

What does this mean? Well, let's take the college graduate, the woman who has had the benefit and privilege of an education. It starts the minute she tosses her hat in the air. When she goes for that job, say, in information technology or even in some of the innovative economic fields, she will be making less. At the rate we are going, by the time she retires there will be a \$434,000 income pay gap. This is serious because it not only affects one's in-

come as one goes through life, but it affects one's Social Security and it affects one's pension. It affects absolutely everything. The negative impact multiplies. It is like compound interest in reverse. It is compound disinterest. It is compounded unfairness. So these are real grievances. That is why the Paycheck Fairness Act will be able to do this.

When we look at the life of being a woman, we women know that being a woman often means we pay more. We certainly pay more for health insurance than men with the same coverage for the exact same age or health status. What does that mean? It means women pay estimates of thousands of dollars more in medical insurance over their lifetime. We are often on the hook for childcare, and there are a variety of things on which we could elaborate.

I believe people should be judged in the workplace for skills and competence and that once you get the job and you show you can do the job, you should be paid to do that job.

For my colleagues who argue that 20 cents per hour doesn't matter, let me share some numbers. That means \$4,000 less per year for a working family, \$434,000 over a lifetime. It means we get paid 23 percent less than a man doing the same work who has the same education.

The Presiding Officer is a smart guy. He knows that when women go to get a mortgage, we don't get a 23-percent discount. When we go to buy food, we don't get a 23-percent discount. When we go to pay our utility bills, they don't say: Oh, you are paid less, so we are going to give you a discount. No. We get charged the same, and often more, but we are paid less.

We are not going to accept being paid less. We are paying attention to this problem. We have listened to the voices of the people. This isn't just Senator BARB sounding off on her women's rights agenda. My women's rights agenda is about the economic empowerment of women, so they have a chance in this great country to be able to move ahead.

I listened to a constituent in Silver Spring with years of teaching experience, and even in public employment, she was paid less.

Then we listened to a trauma surgeon who e-mailed me from Florida—highly educated. She filed suit because she found out that a male surgeon doing the exact same surgery was paid \$25,000 more than she was.

Another woman e-mailed me from Virginia. She claimed she was told by her supervisor that hiring a woman would simply be a liability. You are going to get pregnant. You are going to miss work. We don't know if we want you here. That is a whole other issue. Then she said: We don't need to pay you that. You don't head up a house-

hold, so why should you get the same money as some guy who does head up a household?

We have faced old prejudices, but we are in a new economy and in a new world. More and more women are in the workplace, we want to be treated with respect, and we want to have equal pay for equal work.

Mr. President, I note that my colleague Senator MURRAY is here. I yield her 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to start off by giving a true and heartfelt thank-you to Senator MIKULSKI. There is no denying she is such a strong and steadfast leader on this issue, and we all so appreciate it. So I am very proud to come to the Senate floor this morning with her and many others to strongly support the Paycheck Fairness Act and to urge Republicans to join with us to pass this critical bill.

Over the past few months, many of us have stood together to fight back against partisan attacks on policies that impact women across America. We have not started these fights, but we were not going to stand by and watch as others tried to roll back the clock. But every time we stood up to defend women, our friends on the other side of the aisle would jump right up and say we were creating distractions or manufactured issues. They said we should be focused on the economy, as if we were the ones changing the subject and making the partisan attacks. Well, we are not going to stop standing up for women and families.

To those of our colleagues who claim to be so concerned about the economy and the middle class, now is their chance to prove to their constituents that they really mean what they say because the Paycheck Fairness Act is not just about women and it is not just about fairness, it is about the economy. When women are not paid what they deserve, middle-class families and communities pay the price.

In 1963 the Equal Pay Act marked one of the first steps toward narrowing the gap between men and women. In 2009 this Senate took another step by passing the Lilly Ledbetter Fair Pay Act to reverse the Supreme Court's Ledbetter v. Goodyear case which made it almost impossible for our workers who suffered from discrimination to seek justice.

Although we have made progress since we passed the Equal Pay Act almost 50 years ago, pay discrimination has not gone away. Women in my home State of Washington still earn 77 cents on the dollar. That is a pay gap that averages \$11,834 in lost earnings each year. That is an extra 90 weeks of groceries or 179 tanks of gasoline. To women in Washington and to most

women across America, that is certainly not a manufactured issue. It is very real.

This comes at a time when more and more families rely on women's wages to put food on the table or stay in their home or build a nest egg, their retirement, or help pay for their children's education.

The importance of women in the workplace has never been as critical as today, and this has become even more evident in this tough economy. The fact is that women are now participating in the workforce at higher rates than ever before, according to the Bureau of Labor Statistics. So it would seem most appropriate for this Senate to move our country once again toward eliminating pay discrimination and unfairness in the workplace.

The Paycheck Fairness Act that we are going to have a vote on today tackles pay discrimination head-on, and it should not be a partisan issue or only a women's issue. It is good for women, it is good for families, and it levels the playing field for businesses in America that are doing the right thing and paying their workers fairly.

The Paycheck Fairness Act is good for business too. It recognizes employers for excellence in their pay practices, and it strengthens Federal outreach and assistance to all businesses to help them improve equal pay practices. It is time to address this issue and finally close the wage gap for our working women and their families.

I was very proud to stand with Senator MIKULSKI and other Members of Congress and the President as he signed the Lilly Ledbetter Fair Pay Act of 2009 to give women who are victims of pay discrimination the tools they need to seek justice. But our work is far from complete. We are still not yet at the point where our daughters can expect to earn the same amount over their lifetime as our sons. That has to change. Now we need to pass the Paycheck Fairness Act as quickly as possible to keep our Nation moving in the right direction.

Again, I thank Senator BARBARA MIKULSKI for her tremendous leadership and steadfastness on this issue and her hard work to make this a reality for every working woman in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, there will be other Democratic Senators speaking during this time. I thank Senator MURRAY because she has been a real champion on this issue. She has been a champion on making sure women are treated with respect in the workplace and in the U.S. military. She has been a particular champion for ensuring that women in the military and women in the VA system get treated with fairness. We have a long way to go. This is 2012, and you would think at

times it was 1812. But in 1812 we in Baltimore fought another revolution, and we will fight in 2012. So we thank her for her advocacy and look forward to having her vote this afternoon.

This is not only a women's issue where the women's rights groups are pounding the table. We have the support and endorsement of the American Bar Association. I have a letter which I ask unanimous consent to have printed in the RECORD in which the ABA absolutely endorses this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, IL, May 31, 2012.

Re Support S. 797, the Paycheck Fairness Act

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the American Bar Association, I am writing to urge you to vote for floor consideration of S. 797, the Paycheck Fairness Act. This legislation has the widespread support of women across the country and deserves a full and informed floor debate on its merits. The ABA unequivocally supports S. 797 in its current form and urges its prompt passage.

Congress declared that equal pay for equal work was the law of the land when it passed the Equal Pay Act of 1963. But, in the 50 years since its passage, this historic legislation has become outdated and ineffective, and wage discrimination remains a persistent, widespread, and pernicious problem. Women today, regardless of their educational level, their occupation, or their state of residence, still receive unequal pay for equal work, even in jobs such as secretary or nurse that are predominantly held by women.

The Paycheck Fairness Act would update key provisions of the Equal Pay Act of 1963 without altering the basic scheme of this historic statute or imposing excessive, novel burdens on employers; indeed, the majority of its proposed changes are borrowed from other civil rights statutes that have proved more effective in eradicating workplace discrimination.

In anticipation of floor consideration, we offer the following comments to address what we believe are mischaracterizations and areas of confusion:

The provisions of this bill apply equally to men and women who experience sex-based wage discrimination. S. 797 is most often described as a bill that will help working women because women still are the primary victims of sex-based wage discrimination. However, the bill clearly covers both sexes.

Enactment of this bill will not make employers liable for any and every wage differential. As with the current Equal Pay Act, the Paycheck Fairness Act provides that an employer is not guilty of wage discrimination if a pay differential is based on seniority, merit, quantity or quality of production, or "any other factor other than sex." The legislation closes an existing loophole by clarifying that the "factor other than sex" defense is valid only when it is based on a bona fide factor (like education or training) that is job-related, consistent with business necessity, and where there is no other alternate practice that would serve the same business purpose without producing the wage differential. This standard, adapted from Title VII discrimination cases, is one with which courts already are familiar.

Enactment of this bill will not encourage excessive verdicts against employers that will bankrupt businesses and jeopardize the recovery of our economy. In fact, the ABA expects the opposite result. It is true that the bill would strengthen and update the remedies available under the EPA by allowing prevailing plaintiffs to recover compensatory and punitive damages but, as with Title VII cases, the Paycheck Fairness Act would permit an award of punitive damages only upon a showing of malice or reckless indifference by the employer. That is a very high standard to meet and, on top of that, numerous existing limitations in current law that guard against improperly high verdicts assure that compensatory and punitive damages will not unduly burden employers.

Enhanced remedies should make businesses more cognizant of their legal obligations and more careful about how they set wages. A renewed commitment by businesses to non-discrimination will help their bottom line by reducing future lawsuits and creating a positive work environment.

Furthermore, by helping improve the present and future economic welfare of working women who make up about one-half of the work force and who are the primary breadwinners in more than 12 million families, the Paycheck Fairness Act will foster financial security and a strong economy.

Enactment of this bill will not impose unduly burdensome and unnecessary reporting requirements on businesses. Data collection is critical because it provides necessary documentation of existing wage discrimination and enables us to analyze the degree of success that various programs have on eradicating it.

The bill contains provisions to safeguard against burdensome regulations by requiring the Equal Employment Opportunity Commission to "consider factors including the imposition of burdens on the employers, the frequency of required data collection reports . . . and the most effective format for data collection." It also directs the Secretary of Labor to engage in research, education, and outreach and to develop technical assistance material to assist small businesses in complying with the requirements of the Act.

It is clear that lip service alone to the American ideal of a workplace free from discrimination will not help eradicate gender-based wage discrimination. We urge you to transform rhetoric into action by supporting floor consideration and voting in favor of this much-needed remedial legislation.

Please contact Denise A. Cardman, Deputy Director of the Governmental Affairs Office, at denise.cardman@Americanbar.org if we can provide additional information or assistance.

Sincerely,

WM. T. (BILL) ROBINSON III,
President.

Ms. MIKULSKI. The ABA, which we know is a prestigious, distinguished representation of the American bar, says that when we passed the "equal pay for equal work" act, it was landmark. Quoting again from their letter:

But, in the 50 years since its passage, this historic legislation has become outdated and ineffective, and wage discrimination remains a persistent, wide-spread, and pernicious problem.

In commenting on this bill, the ABA says:

The Paycheck Fairness Act would update key provisions of the Equal Pay Act of 1963

without altering the basic scheme of this historic statute or imposing excessive, novel burdens on employers.

Remember, again, this is not Senator MIKULSKI, this is the ABA saying it will not impose excessive or novel burdens on employers. Indeed, most of the proposed changes are borrowed from other civil rights statutes that prove more effective in eradicating workplace discrimination. This goes to what the ABA says.

But now, Mr. President, I would like to yield 6 minutes to the distinguished gentlelady from New Hampshire—a Governor, a Senator, a real advocate who has had to not only be a leader in passing legislation but in implementing it. We welcome her insights and advocacy.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am so pleased to be able to join our colleague and leader on so many issues that affect women and families, Senator MIKULSKI. I am here today to join her and our other colleagues who will be coming to the floor to talk about something that is a real matter of fundamental importance for our country.

Workers should have equal access to every opportunity that will help them put food on the table, send their children to school, and save for retirement. Unfortunately, here we are in 2012 and still millions of American women lose nearly a quarter of their potential earnings to pay discrimination. Almost 50 years after the landmark Equal Pay Act banned wage discrimination based on gender, women in our country continue to be paid just over three-quarters of what their male counterparts receive for performing the exact same work. Every day this wage gap exists is a further injustice to current workers, such as my daughters, and to future members of the workforce, such as my granddaughters and so many other granddaughters of Members of this body.

Pay discrimination does not just hurt the employee, it endangers the families who depend on these women. One in three working moms is her family's only source of income. With the money that mother loses to pay discrimination every year, she could be paying housing and utility costs on her home or she could be feeding her family, with money to spare.

Back in the early 1980s, I chaired a task force for New Hampshire's Commission on the Status of Women looking at women and employment. What we found was discrimination in a whole range of areas, including, of course, pay discrimination. The conclusion of the report was that kind of discrimination against women does not just hurt women who are affected, it hurts their families, their children, their husbands, and it has a ripple effect throughout our economy.

As Governor, I signed a law to prohibit gender-based pay discrimination in New Hampshire and to require equal pay for equal work. In the year before that law was signed, women in New Hampshire made 69 percent of their male colleagues' wages. Today they make 78 percent. When President Kennedy signed the Equal Pay Act into law in 1963, women made less than 60 cents for each \$1 earned by men. Today we make 77 cents. So we have made some progress, but clearly we still have a long way to go and a lot of work to do.

I recently heard from a woman named Marie in New Boston, NH, about her experience with pay discrimination. She wrote:

I worked for many years in a male-dominated company where the fresh-out-of-college boys were paid substantially more than I was for the same position.

She continued to recount that she actually trained these same men to do their jobs, and yet she still was not paid at the same rate.

Since the Equal Pay Act was enacted in 1963, the gender gap impacting wages has only narrowed by an average of half a cent per year. So at this rate, it is going to take another 45 years for that gap to close entirely.

The Paycheck Fairness Act would make commonsense updates to the law by requiring pay differences to be based on legitimate business reasons. It would also protect women whose employers try to shirk their responsibilities by prohibiting employees from discussing their salaries. Finally, this important legislation would create a program to strengthen women and girls' negotiation skills so they can seek directly the pay they deserve.

It is long past time for us to pass the Paycheck Fairness Act. I urge all of our colleagues to support this legislation. It is bipartisan. It is good for women and their families, and it is good for the country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Hampshire.

Now I would like to yield the floor for 7 minutes to our colleague from California, Senator BOXER. She and I served in the House. We serve in the Senate. We have been fighting this for a long time. Mr. President, I think you will find her words welcome and insightful. Her passion and her devotion to women is legendary. I yield 7 minutes to Senator BOXER.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MIKULSKI so much not only for yielding to me but for her extraordinary leadership in the Senate on so many issues of fairness and justice for women, for families, for children, and for our seniors. It is really a legendary

record that she has amassed, and this is just one more example.

I also thank President Obama for his leadership in calling attention to this important legislation, the Paycheck Fairness Act.

If you were to stop someone on the street and in the simplest terms say: Do you think it is right to pay people differently for the same job? Do you think that is right—they have the same experience, the same education, the same qualifications—people would say: No, that is not right. Yet that is what has been happening to America's women, even though we have, since the 1960s, a very important law in place that is supposed to guarantee fair pay to everyone, including women. But women earn 77 cents for every \$1 earned by a man. When you drill down to those numbers, you find out in a vast number of cases they are doing the same work as the man, making less.

Of course, Lilly Ledbetter made a very important point about this and became quite famous with a Supreme Court case where she had been doing the same things as her male counterparts—working in a tire factory, being a manager, being skilled, being strong, and yet underpaid. When she discovered it, trying to seek justice, she was unable to do so. The Senate stepped to the plate, and with Democrats moving forward, we passed the Lilly Ledbetter law, which does take care of the statute of limitations. It allows you to take as long as you have to get to court to make your case. For Lilly, it was too late, and she never was able to recover what she deserved.

So now what Senator MIKULSKI has done with the Paycheck Fairness Act is to say we are going to go the next step. We are going to make sure that women have justice in the workplace, that women have rights.

Why is this important to families—not just to women but to families? It is because over a lifetime of discrimination that so many women face, it is not like here where you are a Senator, you are a Senator, you are a Senator, woman or man, out there it is different. When you are discriminated against over a lifetime and are only getting 77 cents—and some, by the way, only make 56 cents or 62 cents on the dollar—the average wage loss over a working lifetime is over \$400,000. If you take a look at what our families could do with \$400,000—educate a child, make sure people get the best of medical care, make sure the family has enough so they can all take a break together and have a decent vacation or buy a better car—this is an issue that not only involves women but our families and our economy because, guess what, if that \$400,000 during a lifetime was with the family rather than the corporate CEO, who is making millions, you would see the economy stimulated

because middle-class families spend those dollars.

They do not hoard those dollars. So I am going to close by giving a couple of real-life examples. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. There is 2½ minutes remaining.

Mrs. BOXER. I am going to tell you some real stories.

A woman from California had an identical advanced degree as her husband. They both landed exact jobs but in different parts of the company—different work sites. The husband was offered \$5,000 more in starting salary. They were shocked. The same resume. The same qualifications.

Then there was the health care worker in Long Island who discovered she had been earning \$10 an hour less than her male colleagues. When she brought it up to her superiors, she was reprimanded for even asking about the rationale behind the wage gap.

Senator MIKULSKI's bill says a person cannot be reprimanded or punished because they are trying to find out if they are being paid fairly. That is why we have to pass this law. Anyone voting against it is taking a stand against women, is taking a stand against fairness, is taking a stand against justice, is taking a stand against our families.

Then there was a female employee for a major corporation in Florida who was told when she was hired that to disclose her salary to other workers was grounds for dismissal. Since then she realized her male counterparts made more than she did. But she did not have any written proof.

Another, a female employee at that company was told because her husband picked her up from work in a nice car that she did not need to get a salary increase. One woman retired after 15 years as an award-winning CEO of a public agency. Her male replacement, who had little experience, was hired at a higher salary.

After having a child, a California woman was fired from her job at a nonprofit. Her replacement, a man with less experience, was given 30 percent more in starting salary. We have example after example after example.

How the Republican side of the aisle could filibuster this bill is beyond my imagination. I do not know what they are thinking. They will give an excuse. They will come up with some excuse. They will say: Oh, it will hurt jobs. It will hurt this and that. It is all made up. It is all made up.

In this great Nation, when we move toward equality, we all prosper together. I urge an "aye" vote. I thank Senator MIKULSKI for this moment to be able to support this important bill. I yield the floor.

The ACTING PRESIDENT pro tempore. The time for the majority has expired.

Ms. MIKULSKI. Mr. President, might I ask the parliamentary situation?

The ACTING PRESIDENT pro tempore. There is now 30 minutes under the control of the Republicans.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, given that it is an election year, the American people are going to hear a lot of highly charged political rhetoric over the next few months. They are likely already tired of what they have heard. The Arkansians I talked with during the last week while traveling the State certainly have told me that much.

They do not want to see the finger-pointing. They want us to fix the problems we face. They are tired of the back-and-forth. They are tired of us seeking credit and placing blame. They see an economy in shambles and nobody willing to take responsibility.

To put it bluntly, they are frustrated. I think we all hear that message when we go home. I think we can all agree that more can and needs to be done. The jobs report that came out last Friday certainly reinforces that. When the President pushed through his massive stimulus package in 2009, he claimed unemployment would be below 6 percent today.

With a national unemployment rate of 8.2 percent, we are not even close to 6 percent, much less below it. To make matters worse, we are moving further away from the mark. This is the 40th straight month where the unemployment rate has remained above 8 percent, and 12.7 million Americans are unemployed. Millions more are underemployed. The economic picture is especially troubling for young Americans looking to enter the workforce.

America has the lowest employment-to-population ratio for young adults since 1948. Millions of Americans who are looking for work cannot find it. This is unprecedented, it is unacceptable, and it is unsustainable.

The President met the report with a call for another round of stimulus spending. Look, we have tried that. It did not work. More of the same will not work either. More government spending will not solve this problem. Paying for that spending by raising taxes on small businesses, the people we are counting on to turn our economy around, is certainly counterintuitive.

When the people we are counting on to spur the recovery tell us the country is going in the wrong direction, then we should listen. In almost every poll small business owners have responded that the uncertainty coming out of Washington is what is preventing them from hiring. Quite simply, they fear what the next wave of regulations is going to be and the proposed taxes, what that will do to their ability to grow their business.

Small business owners are afraid to invest any capital because they do not know what their taxes will be. They are afraid to hire another employee because they are nervous about what that

will do to their health care costs and afraid to expand until they know how big their energy bill is going to be.

Washington has to change course. My colleagues and I have a better path to a healthy economy that restores economic security and opportunity. Our market-based reforms are focused on creating a healthier environment for businesses to hire and to expand. We want to cut through regulations instead of adding more. We want to fix the Tax Code to incentivize hiring instead of passing the tab for more wasteful spending on to small business.

We want to reduce their costs by encouraging the production of domestic sources of energy instead of driving costs up by continuing our reliance on other countries for our needs. Three years of trying to tax and spend our way out of this problem has not worked. The American people are rightfully frustrated.

All we are saying is we tried the President's way and it has not worked. Let's try our market-based approach. But here is where we run into the old election-year problem. Ever since the numbers were released, all the media has been talking about is what the report means in terms of the Presidential election. This, in turn, has Washington digging in deeper to its respective trenches. That angle of the story misses the most important part. This is about more than numbers, more than a report, more than a political talking point. It is real people, all of whom are looking to Washington for help. It is past time we started fighting for them instead of for our political futures.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today in support of equal pay for equal work. The importance of women in the workplace is clear to every American. We all have women in families who have been a proud part of the workforce. For two decades my mother worked hard in a school cafeteria. My wife, a substitute teacher, has long been part of Nevada's workforce. My oldest daughter, in this economy, was fortunate enough to get a job after graduating from college just a few years ago. My youngest daughter, 16, recently got a summer job at a local food lot. Sixty percent of my Senate staff is female.

America is a land of opportunity, and Americans are equally united against discrimination in any form. If my mother, my wife, or my daughters experienced workplace discrimination based on their gender, I would be the first to come to their defense and ensure any inequities were addressed.

Congress passed the Equal Pay Act in 1963 to ensure every individual received equal pay for equal work regardless of gender. It is a strict liability statute

that requires evidence of intent to discriminate. If there is evidence of intentional discrimination, appropriate remedies, including punitive and compensatory damages are available under the Civil Rights Act.

Let me be clear: Pay discrimination based upon gender is unacceptable. Despite the political rhetoric around here, everyone agrees on this fact.

The question is, Will the Paycheck Fairness Act actually address workplace inequality? The simple answer is no. Unfortunately, the only winners under this legislation would be trial lawyers, giving them a windfall, exposing employers to unlimited punitive damages.

This legislation opens the door to frivolous lawsuits which already cost our economy billions of dollars every year. Legitimate cases that could be addressed under the current system would be lost in a flood of lawsuits initiated by lawyers hoping to win a few large judgments.

These lawsuits, if successful, could transfer billions of dollars from employers to trial lawyers. In an economy already marked by uncertainty, this legislation would surely mean lost jobs, limitations on benefits, and pay cuts. These changes would mean much harder times ahead for Nevada's unemployed and underemployed, so many of whom are women.

Instead of a trial lawyer bailout, let's address the issue of equal pay. Instead of holding votes designed for press releases, let's actually work to solve our Nation's problems. Congress can strengthen the Equal Pay Act without handing trial lawyers a blank check.

The Wall Street Journal today referred to this legislation as "a trial lawyer doozy just in time for the 2012 election ads." It goes on to say the bill ought to be called the "Trial Lawyer Paycheck Act," since it is a recipe for a class action boom. The law automatically lists women as plaintiffs in class actions when lawyers sue employers, thereby requiring female employees to opt out of litigation with which they do not agree.

Businesses would be treated as guilty until they are shown to be innocent. You cannot be projobs and antibusiness. This is just another example of the Democrats' war on free enterprise while Americans suffer with joblessness and underemployment.

In fact, under this President there are 766,000 more women unemployed today than when he took office. I truly wish today's discussion was about leveling the playing field, truly ensuring pay equality and improving the economy. But years-old legislation mired in politics will not get us any closer to either ending gender discrimination in the workplace or ensuring that all women who want a job have a job.

This proposal could not pass when Democrats controlled both Chambers

of Congress. Yet here we are today voting on the same measure again and again. Those who are actually victims of workplace discrimination are only getting lipservice from Washington. Like many of my colleagues, I worry about this proposal that will only increase litigation and do little to actually address the problems of pay inequality.

Advancements in pay parity have been made, but more needs to be done. Congress would better serve the hard-working women of our Nation if we focused on solutions that have actually worked. To this end, I have introduced the End Pay Discrimination Through Information Act. This legislation would protect employees who are trying to determine whether they are experiencing pay discrimination.

No one in this body should be so naive to say that pay discrimination has been eradicated. What we need to do is ensure that employees can find the information they need to determine whether they have a legitimate claim against their employer. The End Pay Discrimination Through Information Act provides antiretaliation and whistleblower protections which both sides should be able to agree upon. My legislation is a solution within the existing framework of our legal system that does not provide a handout to trial lawyers as the underlying bill would do. My bill also recognizes the role of women in America's workforce and the fact that an increasing number of U.S. households depend upon the income of working women.

My legislation states that "equal pay for equal work is a principle and practice that should be observed by all employers." Every day working women are going above and beyond, balancing their responsibilities at home and at work to provide for their families. The least we can do is ensure that employers who intentionally discriminate on the basis of sex should be held accountable for their wrongdoing.

I believe my bill is a reasonable bipartisan step in the right direction. Instead of bringing up legislation that has failed in the past and will in the future, this Congress needs to give our Nation the economic certainty needed to create good-paying jobs so hard-working women across this country will be able to provide for their families and achieve the career successes they deserve.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Kansas.

MEDICAL RESEARCH

Mr. MORAN. Mr. President, throughout history, medical research has been responsible for hundreds of groundbreaking discoveries that have improved and saved lives, enabled health care to become more effective and efficient, and lowered overall health care costs.

May was National Cancer Research Month, and I wish to take a few minutes and recognize the importance of medical research and the invaluable contributions made by scientists, doctors, and researchers across the United States who are working not only to overcome cancer but many other devastating diseases.

With decades of research, cancer mortality rates have steadily declined since 1990, and today more than 12 million Americans are cancer survivors. In fact, the number of survivors have quadrupled since the mid-1970s, and the overall 5-year survival rate for all cancers has improved to more than 65 percent.

Decades of research and technological advances have brought us into a new era of medical care for cancer. We can now sequence all the genes of a tumor and use that information to determine the biological causes of cancer. This greater understanding of the causes of cancer has led to advances in prevention, early detection, and treatment that have saved countless lives.

Despite significant advances in research over the last few decades, much work remains to be done. More than 1.5 million Americans are expected to be diagnosed this year with cancer. It is estimated that one out of every three women and one out of every two men will develop cancer during their lifetime. In America, cancer is still the leading cause of death.

But history demonstrates that with a strong commitment to medical research, we can change these statistics not only for cancer patients but for many other patients as well. Congress's longstanding bipartisan support of the National Institutes of Health has been an integral part of establishing the United States as a world leader in research and innovation.

NIH is the focal point of our Nation's medical research and plays a critical role in laying the groundwork for the private sector to develop new drugs and treatments for cancer and other diseases.

I have seen firsthand how medical research at NIH is being translated into new treatments with a visit to the NIH Clinical Center in Bethesda, MD, which is the Nation's largest hospital devoted to clinical research.

The Center is uniquely designed to enable researchers to work directly alongside a wide range of specialists who deliver the best possible care to patients with the most advanced treatments available. This powerful arrangement has led to a long list of revolutionary medical discoveries, including chemotherapy for cancer, the first tests to detect AIDS/HIV, and the first treatment of AIDS.

Medical research leading to successful discoveries often takes years, requiring the institutional knowledge and intellect of numerous highly qualified, committed researchers. Given the

vast amount of progress made over the last century and the great potential current research holds, we must not waiver on America's commitment to advancing disease cures and treatments.

If researchers cannot rely on consistent support from Congress, we will squander current progress, stunt America's global competitiveness, and lose younger generations of doctors and scientists to alternative career paths. Our Nation's researchers and scientists must know Congress supports their work and will ensure they have the resources needed to carry out their important work.

The next century holds great promise for future discoveries. By investing in medical research, we are investing in our future.

In Kansas, the bioscience industry has grown at a faster rate than the national sector since 2001. This growth opens the doors for new medical and technological advancements.

Kansas has already become a leader in advancing biomedical and bioscience research. One example of this is the University of Kansas Cancer Center in Kansas City, which has formally applied to the National Cancer Institute to become an NCI-designated cancer center.

The National Cancer Institute is a component of NIH, and it is our Nation's principal agency for cancer research and training. Obtaining NCI designation would dramatically enhance the KU Cancer Center's ability to discover, develop, and deliver innovative treatments to patients in our State, improving their quality of life.

Currently, there are no NCI-designated centers in Kansas. With that NCI designation, KU Cancer Center patients would have access to the latest clinical trials and the most advanced cancer treatments close to home.

Because NCI designation is the highest recognition for an academic cancer center, KU Cancer Center would also be in a better position to recruit the best and brightest researchers and scientists to develop cutting-edge treatments and cures in Kansas.

In addition to saving and improving lives, medical research helps create thousands of jobs and drives economic growth across our country. NIH directly supports 350,000 jobs nationwide and indirectly drives more than 6 million jobs across our country.

Medical research also lowers costs by advancing treatments to chronic, debilitating diseases and improving early detection and wellness promotion. During a Senate Appropriations health subcommittee hearing last year, I asked NIH Director Francis Collins to explain how medical research at NIH could reduce health care spending. In his response, Dr. Collins pointed to the potential impact of medical research on Alzheimer's.

Today, annual costs related to Alzheimer's disease are roughly \$180 billion, and those numbers are expected to rise to roughly \$1 trillion by 2050. However, medical research leading to treatments that delay the onset of Alzheimer's disease could not only bring a better quality of life to thousands of families but also save billions of dollars.

Medical research has changed the lives of millions of Americans and has the potential to impact millions more because the possibilities are endless. But in order to plan for the future, scientists and researchers need certainty.

Today, Congress faces the difficult task of identifying our government's funding priorities, while at the same time righting our Nation's fiscal course. I will continue to advocate for fiscal responsibility, and I will also prioritize programs that effectively serve the American people.

Our consistent, sustained support of medical research is essential to saving and improving lives, growing our economy, and maintaining America's role as a global leader in medical innovation. This commitment will benefit our children and our country for generations to come. Most important, it will give us what we all desire, which is hope.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, how much time remains on the minority side?

The PRESIDING OFFICER. There is 50 seconds remaining.

Ms. MIKULSKI. Mr. President, I yield the floor.

Has all time expired on the minority side?

The PRESIDING OFFICER. Yes.

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from Delaware, Mr. COONS. The women of the Senate welcome those men who stand with us on this very important battle, and Senator COONS has been an outstanding advocate on this and other economic empowerment issues related to women, such as safety in the workplace and sexual harassment.

I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise in strong support of the Paycheck Fairness Act, legislation to ensure the women of this country earn equal pay for equal work. I am grateful to Senator MIKULSKI—and many of our co-sponsors—for her strong and able lead-

ership on this important bill, S. 3220, which we will take up later this afternoon.

The principle of equal pay for equal work is a simple, powerful principle of basic fairness. In this year of 2012, no one should earn less for doing the same job just because of their gender. This legislation is an important step forward. It would plug holes and make critical changes in the law that would ensure the promise of equal pay that was first enshrined in our law decades ago.

This legislation will deter wage discrimination by closing loopholes in the Equal Pay Act and bar retaliation against workers who disclose their wages to colleagues. Knowledge is power, Mr. President. Women who don't know their male coworkers are earning more for doing the same job can't speak up and demand to be treated fairly.

My wife Annie and I are raising three wonderful children, all of whom are equally bright and driven and capable. As any parent knows, one of the phrases we hear more than any other from our own children is, "That is not fair." When we pick out one for more entertainment or more opportunity, for more travel or more close family time, the first thing we hear from their siblings is, "But, Dad, that is just not fair." As Annie and I raise our wonderful twin boys and our tremendous and talented daughter, we try as best we can to be fair. Yet I know my daughter Maggie, like other women and girls all across our country, will earn less than her brothers even if she chooses the exact same career track. That is just not fair. That is unacceptable. That violates our bedrock belief as a country in equality of opportunity and the American dream that if people work hard, nothing will stand in the way of their success.

I am hopeful by the time my daughter Maggie enters the workforce we will have reduced or ended the gender pay gap in this country. I believe by then our Nation's economy will be back to full strength. But the fact is thousands of families across my home State of Delaware, the Presiding Officer's home State of West Virginia, and my neighboring State of Maryland can't afford to wait for things to get better in the economy and in our legal system. They are struggling right now to pay their bills every month, and unfair pay discrimination adds to their burden.

Women in Delaware, on average, earn 81 cents for every dollar paid to men. Over their lifetime that means they will earn nearly \$½ million—or \$464,000—less than their male counterparts. Women make up just a shade under half of Delaware's workforce, and close to 40 percent of married, employed mothers in Delaware are their families' primary wage earners. When

women are paid less than men for doing exactly the same job, it hurts whole families. Over 135,000 children in Delaware live in households that depend on their mothers' earnings.

I heard from one of those mothers—Patricia from Dagsboro, DE. She wrote to my office urging me to support this legislation. She wrote:

Without my paycheck, we could not have afforded to pay for the college tuition for two of our children. If I had been paid equally for equal work, experience and education, it is likely neither of them would have had to take out student loans to make ends meet.

Patricia urged me to support the Paycheck Fairness Act.

Mr. President, paycheck fairness has wide-ranging consequences—from covering the cost of higher education to mortgage payments to everyday bills and consumer spending. Income earned by women is a key driver, a key contributor to our economy.

Some on this floor have attributed the pay gap to differing priorities or to the idea that some women choose to work fewer hours in order to spend more time with their families or to meet their family care commitment. But the facts simply do not bear out this theory. Women earn less starting the very moment they graduate from school, before they have made any choices about family or worklife balance. That shows us pay discrimination is real. Study after study has shown it is pervasive and, in my view and that of many of my colleagues, it needs to be finally stopped.

The gender pay gap persists across all occupations and educational levels. But it is especially hard on minorities and female-headed households, which are much more likely, as a consequence, to be low income. The consequences of the gender pay gap remain even when a woman stops working because after a lifetime of lower earnings, the average Social Security benefit for American women under 65 is about \$12,000 compared to \$16,000 for men of the same age.

If I might say, in conclusion, then, Mr. President, there is not a Member of this body who would dispute women are just as educated, just as trained, just as capable in so many ways as their male colleagues across our whole society and there should be no difference in the equality of the pay they receive for that work.

I support the Paycheck Fairness Act because it will help women fight for the equal pay they have earned, and I urge my colleagues to do the same.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to yield time to the Senator from North Carolina, Mrs. HAGAN.

Senator HAGAN is a freshman Senator, but she is certainly not new to this issue. Both in North Carolina's legislative body and in the Senate her work has always been for the economic empowerment of women, especially those women who stand every day and do those jobs requiring standing on their feet and at the end of the day have earned less pay and will get less in their pensions. As they stand for work, she stands for them on the Senate floor.

I yield Senator HAGAN 5 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I certainly want to congratulate Senator MIKULSKI for all the hard work she has done, not only on this bill but on all the bills on which she has worked so hard on behalf of women in our country. I applaud her for her efforts.

I join with my colleagues to discuss an issue that affects women and families across America every day; it is the wage gap. Almost 50 years have passed since the Equal Pay Act was signed into law, and the wage gap between men and women remains wide today. It is time to bring the wages of women in line with those of their male counterparts.

I am proud to be an original cosponsor of the Paycheck Fairness Act. Yet some question why we need this bill. Well, the numbers make it pretty clear. Women in the United States earn 77 cents for every dollar that men earn. In North Carolina, it is a little better but not equal. Women earn 81 cents for every dollar earned by men doing the same work, the same job. Over the course of 1 year, women in North Carolina experience nearly \$8,000 in lost wages. That is \$8,000 from what her male counterparts earn.

With that \$8,000, a woman could spend for her family an extra \$110 a week on groceries for 73 weeks. She could buy another 2,200 gallons of gas at \$3.60 a gallon. If women were paid the same as men for the same work, these are just a few of the expenses they would be able to afford more easily.

The wage gap is not isolated in one industry either. It exists across virtually every sector of our economy. The wage gap exists regardless of education level. In many cases, the most educated women are paid less for the same work, and it exists regardless of a woman's personal choices, such as becoming a mother. Working mothers should not pay a penalty for having children.

A group in North Carolina called MomsRising told me in the last few months they have heard from women across the State—from Wilmington, from Durham, from Greensboro, and from Raleigh—that once these women actually had children, they got overlooked for promotions, overlooked for

pay raises, and overlooked for the projects on which they wanted to work. However, this collective group of women are afraid to speak out about their wage discrimination because in this economy they are worried about getting fired from the job they need to support their families.

Yesterday I met with women and small business owners in Charlotte to discuss the Paycheck Fairness Act. My visit with those fantastic women reinforced for me the importance of this bill, the Paycheck Fairness Act. One woman brought her young son with her to the event and they both wore T-shirts that each had a number on the front. The mom's shirt said 94 and the son's shirt said 50. If earnings continue at the slow pace they are going now, those numbers signify the ages that mom and that son will be when pay equality is achieved in our country. Sadly, at the rate we are going, most of us in the Senate will not live to see that day.

This wage gap has real consequences, not just for women but for their children too. In North Carolina alone, women head over 500,000 households. The economic security of women and families is put at risk when they are paid less than men for performing the same jobs. Later today I will be voting to help close this gap, to help bring the wages of women in line with those of their male counterparts. I am hopeful that petty partisan gamesmanship does not get in the way of a bipartisan issue that both Democrats and Republicans, men and women, overwhelmingly support.

In a recent poll, 81 percent of men and 87 percent of women supported having a law to provide women more tools to get fair pay in the workplace. This poll also showed support for such a law from 77 percent of Republicans and 87 percent of Independents and 91 percent of Democrats. With such widespread approval, we should be able to address this issue right away.

We need Paycheck Fairness to prohibit employers from retaliating against employees who discuss salary information with their coworkers. We need Paycheck Fairness to strengthen the legal remedies available for women to ensure they can be compensated for pay discrimination. We need Paycheck Fairness to provide businesses, especially small ones, assistance with equal pay practices.

On the eve of the anniversary of the Equal Pay Act, we need to close the loopholes that allow pay discrimination to happen. The Paycheck Fairness Act would do just that by helping women successfully fight for full pay.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HAGAN. I ask unanimous consent for 30 additional seconds.

Ms. MIKULSKI. I yield the Senator an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Equal pay for equal work to me is just basic common sense. I hope this body can come together to address this disparity that exists in North Carolina and around our country.

I again thank Senator MIKULSKI for the work she is doing on behalf of this very important bill that is truly going to make a difference in the lives of women throughout our country, as well as their families.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, this is time for both Republicans and Democrats to speak. We invite our Republican colleagues to come and speak. Even within the Republican Party, we know there are those who agree with us and those who do not. For those who agree, we would love to hear their voices. For those who do not, let's have a debate. Let's take a look at what are some of the issues being raised as a criticism of the bill. We are ready to talk about it.

I have heard some of the most outrageous things on cable TV about why we should not pass this bill. One was accusing us that this will undermine small business. Small business has protections under the Equal Pay Act. Under the existing law—which this would not change—the Equal Pay Act already exempted small businesses that make less than \$500,000 in annual revenue per year. It keeps the Equal Pay Act exemption intact.

We also have the support of the U.S. Women's Chamber of Commerce. This is a chamber of commerce of small business owners. They support this bill. So we do not believe that is a valid argument.

There is another argument going around that for some reason if we pass the Paycheck Fairness Act, somehow or another, we are going to lower the wages men make. That is absolutely one of the most ridiculous, rhetorical, twist-and-turn arguments. It is not factual and it is not legal. It is illegal now to remedy wage discrimination by reducing wages of other employees. I will quote—it is illegal under the other labor protection laws—and I don't mean labor such as in union, I mean labor such as in workers—it is illegal to remedy wage discrimination by reducing wages of other employees.

The Paycheck Fairness Act doesn't alter any other affirmative defense available to employers. Employers may still pay different wages to male or female employees if it is based on seniority or quality of production. If someone is a guy on an assembly line and he makes more hubcaps than women, fine. But we find that is no longer true in the information age economy.

Equal pay, I wish to say again, is not only a women's issue, it is a family issue. Sometimes we find we are discriminated against by great guys at the water cooler who tell us where it is. What people need to know is that right now it is legal to fire someone if they make an inquiry about how much they are making and how much their male counterpart is making. It is illegal or they can be subject to all kinds of harassment and humiliation.

You ought to hear some of the horror stories we hear from women just because they wanted to know: George, how much are you making?

We thank the good men who supported us. They have often been business whistleblowers, where they told us what they are making. They know we are working just as hard. We worked as hard to get the education to do the job, we worked that hard on the job, but we continue to have to work hard to get equal pay for equal work.

I wish to make it clear once again, this legislation will not result in a lower paycheck for men.

There is also a bona fide question, which is: Why are we doing paycheck fairness? Didn't we solve these issues in Lilly Ledbetter? Paycheck fairness was a downpayment on this because it kept the courthouse door open. Paycheck fairness makes it harder to discriminate in the first place. Right now, as I said, employers have the ability to retaliate against workers who share salary information. Ledbetter did not address this issue. Paycheck fairness does. Women can now, under Paycheck Fairness, sue for punitive damages. Lilly Ledbetter did not address this. This would deal with that.

There are a variety of things I can elaborate on, but I see one of the real champions for justice, civil rights, and the empowerment—especially the economic empowerment—of women, my colleague from Michigan, Senator STABENOW. I yield Senator STABENOW 7 minutes and thank her for her longstanding advocacy and work. She has raised her voice for those who often do not have a voice in high places of power.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, let me say thank you to the champion. We have just been hearing from the champion, not only in the Senate but in the Congress, on so many issues that have led to empowerment for women and equality for all people to have a chance to succeed in our economy. Certainly, whether it is preventive health for women or the Paycheck Fairness Act, I thank Senator MIKULSKI for leading the way and being the person we look to. I am proud to stand with Senator MIKULSKI on the floor of the Senate.

Since our founding, our country has been a destination for those who seek

equal treatment and equal opportunity. Across the world, America is known as the land of opportunity. I am very proud we have that label. Our hard work and ingenuity built the country, brick by brick, city by city. My home State of Michigan was right in the middle of it—building the tools, the vehicles that built our country and that, frankly, built the middle class of our country. Those looking for new opportunity, those with entrepreneurial spirit have always been welcome here in America.

People still make the journey to this country in search of a better life. We tell the world that everyone has equal opportunity, that if they put in just as much hard work as their neighbor, they will earn a decent living and be able to provide for their family. But that is only half true. Everyone can work hard, everyone can be successful, but for some reason it is acceptable that women do not need to be paid as much as men for the exact same work. This is unacceptable. That is what this legislation is all about.

Nationally, women make 77 cents for every \$1 a man makes for the exact same job. In Michigan, the numbers are even worse. Women make 74 cents on every \$1 for the exact same job. I received countless letters from constituents describing how this affects their lives and their families' lives. Teresa from Detroit is a single mom with two daughters. One daughter is in college. Teresa tries to help her out as much as she can, but she gets paid less than her male coworkers for doing the same work so it is tough.

Pamela from Romulus, MI, is the sole breadwinner in her house, supporting her husband who is a disabled Vietnam veteran and their children. She works at a corporation and took over a man's job. Then the company changed the title so they could pay her less.

Craig from Lowell wrote in to tell me his story. By the way, this is a common story in Michigan over the last number of years. He lost his job in 2008 because of the recession. His wife had to support their entire family of four. The family had to go on food assistance, something they never thought in their wildest dreams they would have to do because Craig's wife has been working at the same company for 23 years but has not gotten a raise in the last 4 years and makes several dollars an hour less than her male counterparts.

Melissa from Ann Arbor is the sole breadwinner in a family of four. She figured out if she were paid the same as her male colleagues, she would take home an extra \$1,000 a month after taxes. She said that \$1,000 would make her family more stable and let Melissa and her husband take her children on trips, give them new opportunities, allow them to be enrolled in sports and save for retirement—that extra \$1000 a month.

Cheryl from Okemos has had to take a second job just to make as much as her male counterparts at her day job, and it has cut down on how much time she can spend with her family. She has a second job just so she can make as much as her colleagues who work one job—she has two jobs. The tradeoff for her is as a mom spending less time with her family. She is able to feed and clothe their children, but she says she is missing out on watching them grow up—also a very important value we talk about all the time on the floor of the Senate, in terms of values for families.

Linda from South Lyon wrote about her lifetime of being discriminated against just because she is a woman. Over her career she has consistently made less than men in the same industry with the same job description. One executive even told her he only hires women because they work harder and he can pay them less. They work harder, but he should not be able to pay them less.

Sandra from Marshall has worked as an engineer at the same company for 28 years. She has been rated as one of the company's best performers. Despite this, she has never risen to the level where she earns bonuses and a better pension—a level in her company that is dominated by men. She has countless people she has hired and trained and watched them pass her by. These stories are real.

Jennifer, from the west side of Michigan, is a university teacher and athletic coach. She was the head coach of a varsity women's team and taught six classes. She saw men in the same position make more money while they taught fewer classes. She watched them receive tenure with master's degrees while she was required to work toward a Ph.D. to be eligible for the same tenure. She was denied tenure despite good performance evaluations. Yet a male assistant coach at the university was given tenure without a Ph.D. because he had a family. These are real stories.

This is about families, economic opportunities, and security for families. America is known as the land of opportunity, and people still make the journey to our great country in search of a better life. Everyone has an equal chance to work hard and everyone can be successful, but not everyone gets the same opportunity to be successful.

Women in Michigan make 74 cents for every dollar a man earns for the exact same job. There are so many families in Michigan struggling right now. It should not be harder on them just because the primary breadwinners are women. It is just not right.

Middle-class families need economic security, and that is why we need the Paycheck Fairness Act. We have made strides to move forward. This is not complicated. It is not rocket science. It

is very simple. This is about equal pay for equal work. We talk the talk all the time. It is time to walk the walk and to pass this bill.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 5 minutes to the gentleman from Illinois and thank him for his persistent advocacy on this issue. Senator DURBIN was one of the people in public leadership who said we have to really address this as we approach the 49th anniversary of the Equal Pay Act. We thank the Senator for his work, and we thank him for his voice today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me just say to those who are following this debate, if we go to the dictionary and look up the word "persistent," there will be a picture of Senator BARBARA MIKULSKI of Maryland. She has been our leader on so many important issues.

The very first bill signed by President Barack Obama—and she remembers the day, as I do—we were standing there when he signed the Lilly Ledbetter law, which protected the principle of equal pay for equal work by allowing workers to pursue pay discrimination cases beyond the arbitrary, unreasonable window that had been set up by the Supreme Court. When President Obama signed that first bill, his first bill as President of the United States, he handed the first pen of that signing to Senator BARBARA MIKULSKI. It was entirely appropriate. No one has dedicated more of her professional and public life to this cause of justice than Senator MIKULSKI.

It is nearly 50 years after the passage of the Equal Pay Act. Now we have to ask ourselves, well, how are things going in America when it comes to equal pay? It turns out that when it comes to the managerial positions of women and men, women make 81 cents for every dollar paid to a man when they are managers of a business. According to the U.S. Census Bureau, the gap grows larger—77 cents for your daughter as opposed to a dollar for your son—when you look at the entire working population. As the father of a daughter and a son, that is unfair.

According to the Joint Economic Committee, on average, women in my State of Illinois earn about 78 cents for every dollar paid to a man. What does that add up to over a lifetime? That adds up to over \$480,000 in wages that are denied to a woman who is doing exactly the same work as a man. That is money that could be used to pay the mortgage, to buy the groceries, to put kids through school, and maybe even fill the gas tank. That money is denied to women day after day, week after week, month after month because of basic discrimination in the workplace.

We cannot ignore this gender wage gap. It is too large and, unfortunately, shrinking too slowly. The Paycheck Fairness Act—when we have a chance to vote on it—will narrow that pay gap by clarifying that the difference between a man and a woman is not an adequate reason to differentiate pay. It also guarantees that women facing discrimination have access to the same remedies under the law as men and, under the law, as are afforded to racial and ethnic groups based on discrimination.

I am afraid to say it—and I hope I am wrong—that this afternoon when the rollcall is taken, it will be a partisan rollcall. There will be Democrats in favor of ending this discrimination, and virtually all Republicans—and I hope I am wrong about this—are going to vote against it.

Instead, the Republicans want to bring a different bill to the floor. I am not going to dwell on it other than to say that I like Senator RUBIO, he is a friend of mine from Florida, but his bill is a very bad idea. It is called the RAISE Act. Simply stated, it innocently says that an employer who is party to a collective bargaining agreement with a union would be allowed to give a unilateral pay raise to selected employees of that employer's choice. Well, who is against a pay raise? So you take a closer look at it. What it does is it allows managers and employers to pick and choose among employees for these pay raises and, sadly, without any basis other than their personal decision. I am afraid I know where that leads. Unfortunately, it leads to the same kind of wage discrimination we see today between men and women. It may lead to nepotism. It may lead to kind of favorable treatment for some employees for reasons that have nothing to do with the workplace. This sounds so innocent, but it is not.

Under current law, unions and employers can agree to link pay increases and bonuses to performance, and that is the way it should be. In fact, many collective bargaining agreements already provide for merit-based pay increases. The Rubio approach is not good news for workers across America. It is no help to women across America facing wage discrimination.

This is not the first time or the only time we have had these battles of gender equity on the floor of the Senate on the question of whether we are going to have basic funding for health care for women across America. For over 40 years, we have been committed to title 10, and yet we have faced the elimination of title 10 funding from the Republican leadership in the past. In fact, they threatened to shut down the government rather than provide this health care that women need. Many can remember a few weeks back on the Senate floor when Senator BLUNT of

Missouri filed an amendment to the Transportation bill allowing any employer or insurance company to deny health insurance for any essential or preventive health care service that the employer objected to because of his undefined religious or moral convictions. They could—for any reason—deny health coverage to an employee. Well, we defeated the Blunt of Missouri amendment. It was another attempt to try to give employers a way to discriminate against employees and, in many cases, against the women who work for them.

We have tried our very best to push through bipartisan legislation, such as the Violence Against Women Act, which in the past has passed overwhelmingly by a voice vote. Have you visited a domestic violence shelter? Have you seen a woman who has been a victim of domestic violence? I have. In Champagne, IL, a woman sitting across the table from me had a baby on her lap and had a big black eye. She had been punched in the face by her husband, and she came to the shelter looking for a helping hand. You can't look into the teary-eyed face of a mother and think that this is not a good cause and a just cause. Instead, it turned out to be a political battle here as to whether we were going to pass the Violence Against Women Act. We did, and I am glad we did. It stalled over in the House of Representatives because they refused to move that forward so we could provide this kind of protection.

Time and time again, the basic legislation to protect women, families, and children used to be done on a bipartisan basis, used to be done unanimously, with supporters from both sides of the aisle, and it has now turned into partisan political bickering. Let's hope that when it comes to this bill, this question of fairness in the paychecks of women and men across America, that maybe I will be just flatout wrong. Maybe at 2:30 we are going to see a return to that thrilling era in the Senate history when Democrats and Republicans stood together for fairness and justice. We will give our colleagues a chance at 2:30.

I thank Senator MIKULSKI for bringing this important and historic matter to the floor.

I yield the floor.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from

Louisiana, who chairs the Small Business Committee and really knows the impact of the economic issues related to the empowerment of women. She has worked on a bipartisan basis on this issue. Hopefully, she will comment on how this bill will have no negative impact on small businesses.

I yield to Senator LANDRIEU for 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me begin by acknowledging the leadership of the Senator from Maryland and the other Senators who have come to the floor this morning to speak on behalf of a bill whose time has come and, some might say, a bill whose time has passed. It has been almost 50 years since the original gender equity in the workplace bill was passed, and it has not been modernized in over five decades. So, in large measure, this is really a bill whose time has come, and we hope to make that law happen in the next few weeks. With support from both Democrats and Republicans and by putting common sense and heart and compassion and good business sense, might I say, before political talking points, this, in fact, could be done.

The reason this bill is so important is because 50 years ago women were not major breadwinners in families. As the Presiding Officer knows, there was tremendous hiring discrimination against women and minorities. Happily, that seems to be passing and fading. There are women now at the highest ranks of corporate America. We have had women serving in the highest positions here in Washington, DC, and around our country. While there still is a gap that can be recognized both in the private and public sector, the ability for women, with the right credentials and the right background, to get hired is easier today and is happening more than ever before.

The problem is that when we look at the wage gap, unfortunately, it still persists. With women now in many instances being the major breadwinners in their families, this is really a family issue. It is paying some families much less than others based on the fact that there is a woman as the breadwinner instead of a man. That is hurting families throughout America. It is not fair, and it should not be tolerated. That is why this bill, introduced by Senator MIKULSKI and cosponsored by many of us, is important.

Wage discrimination is against the law and it has been for 50 years, but the consequences and the actions individuals can take if they feel as though they are being discriminated against are, in effect, different and not where they need to be. So this law updates the Equal Pay Act that was passed in 1963 to basically put the final nail in the coffin of wage discrimination.

In 1967 women only earned 58 cents to every dollar a man earned in an equal—in an exact—position. That was grossly unfair, but it is still unfair today that women in the same job are still making only 77 cents for every dollar a man earns. It is not right, and it must be corrected. We can correct it by passing this law that gives people who believe they are being discriminated against better access to the court and, might I say, it also gives businesses that potentially are the ones being sued—even small companies or large companies—more protections in this bill than other businesses have in similar discrimination cases. In other words, frivolous lawsuits will not be allowed, and if a case is not strong, there is a screen that is tighter in this bill than in other pieces of legislation.

I realize there is some opposition from the business community that contends that this bill will simply usher in more controversy or more courtroom time. But the fact is that is exactly the way our system was created. Congress passes laws and enforces equal pay for equal work. If people feel as though they are not being treated fairly under the law, they are supposed to try to modify that behavior out of court, and if they can't, then we ask them—we, in fact, want them—to go to court to try to get it settled. That is the American system. We don't want people to overuse courts or to abuse courts, but we most certainly want people who feel as though they are not being treated fairly under the law to have access to a court system.

Might I say that despite the fact that our court system is regularly criticized, I would much prefer to show up in a court here than in Iraq or in Egypt or in Afghanistan or even in some places in Europe or most certainly some countries in Africa. America has a very transparent, fairly sophisticated and modern judiciary system, and it really is a model for the world.

Sometimes I think we overlitigate in some areas, but where are these women supposed to go? What are they supposed to do—have an appointment with their Congressman, show the Congressman their paycheck? No. Congressmen don't do that. Judges do. And when they get their day in court, they can show their pay stubs, and they can then demonstrate that they have been doing the same job as the man next door but they have been getting paid 77 cents on the man's dollar. That is why this bill is important.

I don't know for the life of me why the chamber of commerce is opposed. I think there are a lot of women in the chamber of commerce as business owners and as women who used to work for other businesses before they owned their own. I had hoped they would stand and speak for women everywhere, that when a woman shows up early in the morning and works until

late at night, they deserve to be paid the same as a man doing that exact job.

According to the American Bar Association, in the 50 years since its passage, the Equal Pay Act has become outdated, ineffective, and wage discrimination remains persistent, widespread and pernicious.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. In my home State of Louisiana, wage discrimination based on gender is particularly problematic. According to the Joint Economic Committee Report, women in Louisiana do not earn 77 cents, they earn 69 cents for every \$1 paid to men, which is significantly less than the national average.

At the same time, women make up almost half—48 percent—of the Louisiana workforce, and 24 percent of married, employed mothers in Louisiana are their family's primary wage earners.

This bill is the next step. It is the right step. It is the commonsense step to fight against wage discrimination, and I am proud to join my colleague from Baltimore, from the State of Maryland, in championing this particular bill.

Again, I thank the Senator from Maryland and I look forward to working with her and my colleagues to try to get this bill to the President's desk in the next few weeks. This is an economic development issue, as the Senator from Maryland knows.

I yield the floor.

Ms. MIKULSKI. Mr. President, before the Senator leaves the floor, first of all, we thank her for her statement. I wonder if she would yield for a question.

Ms. LANDRIEU. Yes, I will.

Ms. MIKULSKI. The Senator chairs the Committee on Small Business and has been steadfast and has worked with the ranking member, Senator OLYMPIA SNOWE. Much has been said on cable TV about how this is going to smash and decimate small businesses. Is that true? I come from a small business family. My father owned a small grocery store. But cashiers are cashiers, male or female.

Ms. LANDRIEU. Absolutely. And it is not. That is why I stressed, I say to the Senator from Maryland, that in this bill, which the Senator has so ably sponsored and written, the screen to get into court is tighter than in other wage discrimination laws on the books. That is for the protection of all businesses, small and large, so they are not clobbered with frivolous lawsuits.

But as the Presiding Officer knows, many women are employed in small businesses—I mean between 1 and 5 employees or 1 and 10 employees. They

need to be protected in the workplace. Hopefully, we have created a balance between the owners of the business and their employees, whether they are union or not.

Ms. MIKULSKI. I thank the Senator for her comments and clarification.

I now yield 3 minutes to the Senator from Connecticut, Mr. BLUMENTHAL, a newcomer, but certainly he is one whose experience in Connecticut as an attorney general, who has actually had to litigate some of these cases, brings excellent insight to this issue, and we welcome his remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, first, let me join so many of my colleagues in thanking the Senator from Maryland for being such a steadfast and strong champion and a model for me as a newcomer of leadership in the Senate. I thank all the women who have spoken today—the women of the Senate—who are, on this issue and so often on other issues, our conscience in this body. They are cutting through the unfounded—indeed, counterfactual—arguments made against this measure, which is simply a commonsense fulfillment of the American precept that people who work equally hard and equally well should be paid equally.

The question before this body is, are women worth less than men? The answer today and every day should be no. They are worth every bit as much as men when they work as hard and well, and they should be entitled to equal pay for equal work. Yet in too many jobs in Connecticut and around the country, women continue to earn substantially less than men.

In Connecticut, the number is 78 cents on the dollar, and that fact is unacceptable.

This issue goes beyond the women who are affected individually. It is about their families. Because, on average, mothers in Connecticut contribute 40 percent to their family's earnings.

Closing the pay gap for women would strengthen the finances of families around Connecticut and across the country.

This issue is about more than just women and families; it is about children. The burden of wage discrimination weighs heavily on the 549,000 Connecticut children in households dependent on the money earned by their moms. The victims of this gender pay gap are the children of families whose mothers are discriminated against.

This issue is about the economy. Those women who are denied equal pay have less to spend. If the wage gap were eliminated, working women in Connecticut would have additional earnings to purchase 109 more weeks of food for the average family, make 7 more months of mortgage payments or purchase 3,000 additional gallons of gasoline.

I urge my colleagues to be on the right side of history. As Martin Luther King, Jr., said: The arc of history is long, but it bends towards justice. Let us do justice today in this measure and pass the Paycheck Fairness Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I now yield the floor to Senator HARKIN, the chairman of the HELP Committee, which is where this bill originated. We thank him again for all his hard work on this issue and others related to any wage discrimination and standing up for women. I yield the chairman of the committee such time as he requires.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank Senator MIKULSKI for her tremendous leadership on this issue—a lot of issues, quite frankly. But she has focused laser-like attention on this issue for so long, and I would hope, when we have this vote at 2:30, we can at least get to the bill and debate the bill and have amendments on the bill. But I am afraid our Republican colleagues are not going to let us do that.

Again, I applaud the senior Senator from Maryland, Ms. MIKULSKI, for introducing the Paycheck Fairness Act and fighting so hard for so long for it.

Again, to repeat what has been said before—but I think it needs to be repeated time and time again—in 1963, Congress responded to wage disparities between men and women by passing the Equal Pay Act of 1963. At that time, 25 million female workers earned just 60 percent of the average pay for men.

Now, nearly half a century after the passage of that landmark law, we have made some progress toward eliminating this gross inequality, but it is not enough. There should be no gap. But today, a wage gap continues to exist within every segment of our economy, at all education levels and in all occupations. So for every \$1 a man earns now, a woman earns just 77 cents. That is better than 60 cents, as it was in 1963. But one would think a half a century later we would at least be equivalent. But now it is still just 77 cents.

Women's lower wages add up tremendously over a career. Over the course of a 40-year career, women, on average, earn nearly \$400,000 less than men. Women with a college degree or more face a career wage gap of more than \$700,000 over a lifetime of work when compared with men with the same education.

The consequences of the gender pay gap are enormous, impacting not just women but families as well. In today's economy, women represent half of all workers and earn an increasing share of family income. Two-thirds of mothers are major contributors to family

income. In today's economy, when a mother earns less than her male colleagues, it is her family—her family—that often must sacrifice even the basic necessities, such as purchasing needed pharmaceuticals and putting healthy food on the table. In many cases, women have to work more hours to earn the same paycheck as men, reducing time spent with their family.

While many factors influence a worker's earnings—including occupation, education, and work experience—there is overwhelming evidence that actual gender discrimination accounts for much of the disparity between men's and women's pay. But, unfortunately, our laws have not done enough to prevent this discrimination.

While I am pleased that the first piece of legislation President Obama signed into law was the Lilly Ledbetter Fair Pay Act—again, that was only a first step; we need to do much more—too many women are still not getting paid equally for doing the exact same job as men. This is illegal, but it happens every day. There are just too many loopholes in our existing laws and too many barriers to effective enforcement.

That is why we need to pass the Paycheck Fairness Act. I thank Senator MIKULSKI for her leadership in advancing this bill. In 2010, we had a hearing on this in our committee, and I was hopeful it would pass in the last Congress. But as has happened too often in recent years, Senate Republicans filibustered the bill. So understand this: 58 U.S. Senators—58; that is more than just a small majority, that is a big majority—voted to support this legislation. But because of Republican obstructionism and filibusters, we could not even proceed to debate the bill because we had to have 60. We had 58 Senators supporting the bill. That was 2 years ago.

Two years later, Republican obstructionism continues. I want the American people to understand this. Republicans—the minority party—are preventing this Senate from even considering the issue of unequal wages and gender discrimination. Let me repeat: Republicans are not just preventing this important legislation from receiving an up-or-down vote, they are preventing the Senate—supposedly the world's greatest deliberative body—from even debating and considering the bill. Millions of women and their families are concerned about the fact that they get paid less than their male colleagues. Nevertheless, Republicans will not even allow a debate on the issue in this body, debate and amendment on the bill.

As an aside, I might say another reason why we need filibuster reform. This country cannot go on like this. This country cannot go on with gridlock as we have had it in the Senate. We need to reform and do away with the fili-

buster as it now is being used. We need to do away with it when the Senate reconvenes after the election next January.

Strengthening our existing laws by passing the Paycheck Fairness Act is the next step toward wage equality, but it cannot be the last one. We must also tackle the more subtle discrimination that occurs when we systematically undervalue the work traditionally done by women—I repeat, when we undervalue the work traditionally done by women.

The fact is, millions of female-dominated jobs—jobs that are equivalent in skills, effort, responsibility, and working conditions to similar jobs dominated by men—pay significantly less than the male-dominated jobs. This is hard to fathom and impossible to justify.

Let me point out a couple things. Why is a housekeeper worth less than a janitor? Mr. President, 89 percent of maids are female; 67 percent of janitors are male. While the jobs are equivalent, the median weekly earnings for a maid is \$387; for a janitor, it is \$463.

Truckdrivers—a job that is 95 percent male—have a median weekly earnings of \$686. In contrast, a childcare worker—a job that is 95 percent female—OK, we got that: truckdrivers are 95 percent male, they get \$686 a week, median; a childcare worker, 95 percent female, has median weekly earnings of \$400.

Why do we value someone who moves products more than we value someone who looks after the safety and well-being of our children? I am not here to say the truckdriver is overpaid; it is to say that jobs we consider “women's work” are underpaid.

When we connect these things we say: You are right. Jobs we think of traditionally as being women's jobs are totally undervalued in our society. That is why in every session of Congress since 1996 I have introduced the Fair Pay Act along with Congresswoman ELEANOR HOLMES NORTON, which would require employers to require equal pay for equivalent jobs—equalize pay for equal jobs. This bill would require employers to provide equal pay for jobs that are equivalent in skill, effort, responsibility, and working conditions.

Now, one might say: Well, that sounds way out. How can we do that? Well, in 1982, the State of Minnesota implemented a pay equity plan for its State employees. They found that women were segregated into historically female-dominated jobs, and these jobs paid 20 percent less than male-dominated jobs. So the State of Minnesota instituted this law. Pay equity wage adjustments were phased in over 4 years, leading to an average pay increase of \$200 per month for women in female-dominated jobs. The wage gap closed by approximately 9 percent.

In 1984, the Republican Governor, Republican Legislature, passed similar legislation in the State of Iowa: pay equity for equivalent jobs—equivalent jobs. So this is not unheard of in this country. It is unheard of for us to do it at the Federal level covering everybody, but some States have already taken leave—as I said, Minnesota in 1982 and Iowa in 1984.

This bill would require employers to publicly disclose their job categories and pay scales—not individual employees' pay but their categories and pay scales. That way a woman would know whether she needed to negotiate a better deal. Right now women who believe they are the victim of pay discrimination must file a lawsuit and endure a drawn-out legal discovery process to find out whether they make less than the man working beside them. Well, with pay statistics readily available for categories and pay scales, this whole process could be avoided.

I asked Lilly Ledbetter at a hearing once: If the Fair Pay Act, the one I am talking about now, had been law, would it have obviated your wage discrimination case? She said with the information about pay scales this bill provides, she would have known she was a victim of discrimination and could have addressed the problem much sooner, before it caused a lifelong drop in her earnings and before she had to go all the way to the Supreme Court to try to make things right.

If Republicans allowed us to proceed to the bill, I would offer the Fair Pay Act as an amendment. Yet I emphasize again, because of the Republican obstructionism, we cannot even debate or amend the bill. We cannot even bring it up and amend the bill.

Finally, I want to comment on the RAISE Act. My Republican colleagues would have us believe that we can solve the pay gap by allowing employers to give merit-based pay increases above levels negotiated in a collective bargaining agreement. Well, this is nonsense. The RAISE Act has nothing to do with women's pay. Rather than seriously discussing gender discrimination, the Republicans have tried to change the subject by resorting to yet another partisan attack on organized labor—on labor unions.

In fact, not only does the RAISE Act do nothing to address the discrimination faced by women in this country, the RAISE Act would both exacerbate the wage gap and lower pay for all workers. Collective bargaining agreements raise wages for all workers. The RAISE Act would undermine collective bargaining by requiring that all union contracts include provisions allowing employers to unilaterally grant wage increases to select employees.

The primary effect would be to weaken the union's ability to bargain for higher wages for all workers. It would

also give employers unfettered discretion to dole out pay increases to preferred employees. That is a recipe for more discrimination, not less.

I urge my colleagues to stand with Senator MIKULSKI in support of the Paycheck Fairness Act today. It is a simple, commonsense piece of legislation. There is no reason we should not take it up and pass it right away. Once we have closed the loopholes and ensured effective enforcement of the Equal Pay Act, we must turn our attention to the millions of women, especially low-wage workers, whose work is undervalued. Think of childcare workers. Think of the women who are now taking care of our elderly who are living longer but need supportive care in their later years, mostly women. Why is that work being undervalued? We must ensure they receive the recognition and fair treatment and fair pay they deserve by passing the Fair Pay Act.

In closing, the fight for economic equality is far from over. It should not be over until every working woman in America receives a fair day's pay for a fair day's work.

As the chair of the HELP Committee, I plan to keep advocating for fair pay and focusing on equal wages until we have achieved real equality for women across the country. But first things first. It is time for our Republican colleagues to end the filibuster and allow the Pay Check Fairness Act to come to the floor this afternoon for debate, amendments, and a final vote.

I yield the floor.

Mr. LEAHY. Mr. President, today, we have an opportunity to take another long overdue step to close the wage gap between men and women. Equal pay for equal work should not be a Democratic nor a Republican issue but an American issue of basic fairness. It is shameful that gender discrimination still exists in our country and more so at a time when women make an ever-increasing number of heads of households. That is why I am proud to join Senator MIKULSKI as a cosponsor of the Paycheck Fairness Act.

Vermont has been a leader in the fight of equal pay for equal work. According to a recent report by the American Association of University Women, the State of Vermont leads the Nation, second only to the District of Columbia, in equal pay issues, yet Vermont women still make just 84 cents on the dollar compared to their male counterparts. Over a decade ago, the Vermont Legislature passed legislation requiring equal pay for equal work, barring employers from retaliating against employees for disclosing the amount of their wages, and made it easier to file wage discrimination claims. Unfortunately, not all States offer these protections. The Paycheck Fairness Act is a step in the right direction to bring Vermont's inclusive example to the Federal level.

The Paycheck Fairness Act sets out a clear path to address the systemic problems that result from pay disparities. It takes critical steps to ensure that employers follow the law; prohibits retaliation against workers for disclosing their own wage information or for filing a charge in an Equal Pay Act proceeding; strengthens penalties for equal pay violations; adds programs for training, research, technical assistance to help better identify and handle wage disputes; and establishes a national award for pay equity in the workplace recognizing employers who demonstrate "substantial effort to eliminate pay disparities between men and women."

The Paycheck Fairness Act would also narrow the criteria under which an employer can defend pay disparities and enlist the Department of Labor to help eliminate gender-based pay gaps. This bill would ensure that American women and their families aren't taking home smaller paychecks because of their gender. Another piece of this legislation specifically deals with reforming the procedures and remedies for enforcing the law. It would mandate record-keeping and data collection for better enforcement of the law. Under this bill, the Equal Employment Opportunity Commission would be directed to issue regulations for the collection of wage data from employers based on sex, race, and ethnicity.

This legislation would be another in a series of bills seeking to address the harms against working women. The Equal Pay Act was enacted in 1963 to protect employees against wage discrimination with respect to an individual's race, ethnicity, religion, or sex. It is true that we have closed the wage gap for women versus their male counterparts from 61 cents on the dollar in 1961 to 77 cents today, according to the Bureau of Labor Statistics. However, that decreases to 62 cents on the dollar for African-American women and just 53 cents on the dollar for Hispanic-American women. Being 77 percent right is not good enough. The efforts to achieve parity for women in the workplace must continue.

In 2009, I joined Senator MIKULSKI and others in introducing the Lilly Ledbetter Fair Pay Restoration Act. That bill was necessary to remedy the Supreme Court's divided decision in *Ledbetter v. Goodyear*, which struck a severe blow to the rights of working families across our country. The *Ledbetter* decision stripped back 40 years of progress to eliminate workplace discrimination.

In that case, Ms. Ledbetter worked for nearly 20 years as a manager at a Goodyear factory in Gadsden, AL. After decades of service, she learned through an anonymous note that her employer had been discriminating against her for years. She was the only woman among 16 employees at her

management level, yet Ms. Ledbetter was paid between 15 and 40 percent less than all of her male colleagues, including several who had significantly less seniority. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that Ms. Ledbetter was owed almost \$225,000 in back pay. However, five members of the Supreme Court overturned her jury verdict because she had filed her lawsuit more than 180 days after her employer's original discriminatory act. The Lilly Ledbetter Fair Pay Restoration Act restored victims' ability to file suit for pay discrimination and was among the first bills to be signed into law by President Obama. It is not surprising that yesterday the administration announced its strong support for the Paycheck Fairness Act. Congress should send this legislation to President Obama to be signed into law, without delay.

Wage discrimination affects women of every generation and every socioeconomic background. It is not limited to one line of work or level of education. The Paycheck Fairness Act is a step in securing that equal pay for equal work is more than just a slogan or an ideal but a reality for every American, regardless of gender, race, or any other factor that does not evaluate people on the basis of what they can offer and what they can contribute to the workforce. I urge all Senators to join in passing the Paycheck Fairness Act to ensure all of our daughters and granddaughters and future generations of Americans are not subject to the same injustice that has plagued women for decades.

Mr. INOUE. Mr. President, above my desk in Washington is a copy of the labor contract that was signed by my grandfather, Asakichi Inouye, in July 1899. In the agreement, my grandfather would be paid \$15 a month to work at the McBryde Sugar Company on the Island of Kauai. My grandmother, Moyo, would be paid \$10 a month. Women like my grandmother were an important part of the workforce for Hawaii's sugar plantations, but they were paid less for doing the same type of work as men and did not receive the same advancement opportunities. While our Nation has made great strides in promoting gender equity since 1899, there is still more to do.

According to the Joint Economic Committee, women in Hawaii today earn 76 cents for every dollar paid to men. Over a 40-year career, a woman in Hawaii would earn \$433,000 less than her male counterparts. Women represent 48 percent of my State's workforce and 41 percent of married women are their families' primary wage earner. Studies have shown that the gender wage gap affects women regardless of their educational level or occupational field. Eliminating the wage gap is not only a matter of fairness for equal pay

for equal work; it is also one of economic security for middle-class families.

In a challenging economy, men are more likely than women to lose their jobs. This means that families across the country increasingly have had to rely on a woman's paycheck to make ends meet. For vulnerable families hard hit by unemployment, closing the wage gap would help put food on the table or pay the mortgage. Let us also remember that the wage gap undermines women's retirement security through reduced Social Security benefits.

S. 3220, the Paycheck Fairness Act, strengthens the foundations of the Equal Pay Act of 1963 and the Lilly Ledbetter Fair Pay Act of 2009. The Paycheck Fairness Act would provide for stronger enforcement of prohibitions against wage discrimination. It would also prohibit retaliation against workers who ask about pay practices or disclose their own pay. In short, the Paycheck Fairness Act would help women successfully fight for the equal pay they have earned.

In 1963, when Congress passed the Equal Pay Act, women earned 59 cents to every dollar earned by men. Today, women earn 77 cents to the dollar. At this rate, the wage gap would take more than 40 years to close. Women and their families cannot wait any longer. My vote today is not only to recognize and honor the work of women since my grandmother's generation, but it is also a vote for economic justice for future generations of young women like my granddaughter. I urge my colleagues to join me in supporting the Paycheck Fairness Act.

Mrs. FEINSTEIN. Mr. President, I rise today to stand in support of equal pay for equal work.

Forty-nine years ago, the Equal Pay Act was signed into law. Yet, gender-based wage discrimination remains a serious problem for women in the U.S. workplace and it has very real implications for their families.

Today we will vote on legislation that is a matter of basic justice and fairness. The Paycheck Fairness Act will update the Equal Pay Act by closing loopholes and strengthening incentives to prevent pay discrimination by employers.

Without a doubt, the Equal Pay Act has helped women achieve significant progress in the workplace. However, the gender pay gap remains just as real today as it was almost 50 years ago.

It is true: Although women make up about half of today's workforce, women still earn only about 77 percent of what men earn. That's wrong.

Women in the workplace, the women who head households or earn the only paycheck in a family—the women in the trenches of this economy—know this fundamental truth:

The gender wage gap exists—it is not a myth.

It has implications for families and our economy.

It has been with us too long and we have a chance and obligation to fix it.

I have heard lots of stories about paycheck disparities in California. I know my colleagues have heard similar stories from women in their states.

In-depth studies reveal the existence of gender pay disparities, regardless of age, occupation, education or marital status.

According to the National Partnership for Women & Families, the pay gap has been narrowing by one-half of a cent every year since 1963.

This means, without Congressional action, women will not achieve pay parity with men until the year 2056.

Let me share a story about a woman from Sylmar, CA who worked at a local retail store. She wrote me a letter and said:

I know firsthand about unequal pay for equal jobs. I worked with two male associates, all doing the same job. I was hired at 25 cents more an hour than the two males because I had more job experience.

Less than six months later, I learned that one of the males had received a 'merit raise' which put his hourly rate higher than mine. He had been absent many times.

When I asked for a merit raise, based on no absences, good customer comments and always going above and beyond in my job, I was told by male management: "You don't deserve a merit raise."

The discrimination was obvious.

In California, there are 5.3 million children—2.6 million households—wholly or partially dependent on a mother's earnings.

According to recent census estimates, in California, the average pay for a woman working full time, year round is \$41,302 per year, while the average for a man is \$49,453.

This means that women are paid 84 cents for every dollar paid to men.

Put another way, this amounts to a yearly gap of \$8,151 between full-time working men and women in the State.

The figures are even worse for women of color. African American women earned about 62 cents and Latinas only 57 cents for every \$1 earned by a male.

As a group, full-time working women in California lose approximately \$36 billion each year due to the wage gap.

According to the National Partnership for Women and Families, if the wage gap were eliminated, a working woman in California would have enough money for approximately 62 more weeks of food, four more months of mortgage and utilities payments, seven more months of rent, 25 more months of family health insurance premiums or 1,914 additional gallons of gas.

Equal pay in not only a women's issue—millions of families rely on a woman's paycheck for its family's earnings.

Women are critical to driving this economy. So ensuring equal pay for

equal work benefits the entire economy.

When women earn less than men, fewer dollars are available to go back into the economy as consumer spending.

As we emerge from one of the worst recessions in history, the Paycheck Fairness Act would ensure that American women and their families aren't bringing home smaller paychecks because of discrimination. Let's pass this commonsense bill and move one step closer to paycheck fairness.

Mr. KERRY. Mr. President, at a time when families across America are struggling to make ends meet, equal pay for equal work isn't just a women's issue, it is a family issue. As the father of two daughters, I also see it as a fairness issue. I am an original cosponsor of the Paycheck Fairness Act because all of our daughters deserve the right to be compensated and valued fairly. This bill would take strong action to address the gender pay gap by helping women successfully fight for the equal pay they earn.

This bill would address the pay gap by enhancing enforcement of equal pay laws. Specifically, it would prohibit retaliation against workers who ask about or discuss wage information, and would provide more effective remedies for women subjected to discriminatory pay practices. It also requires the Equal Employment Opportunity Commission to collect pay data to enable better enforcement of laws prohibiting pay discrimination.

Across the Nation, women continue to earn substantially less than men for performing the same work. Women earn only 77 cents for every \$1 men earn, with women of color at an even greater disadvantage with 64 cents on the dollar for African-American women and 56 cents for Hispanic women. As more and more American families rely on women's wages for a significant portion of their income, the pay gap hurts not only women, but the families that depend on them.

Today, in my home State of Massachusetts, women make up 49 percent of the state workforce and 31 percent of married employed mothers in Massachusetts are their families' primary wage earners.

Unfortunately, women in Massachusetts earn less across all occupations and educational levels. Research clearly demonstrates that regardless of occupation, education, industry, marital status, and other factors, pay for women lags behind their male counterparts. Women's median earnings are less than men's median earnings in almost every major occupation.

This burden of wage discrimination weighs heavily on the almost 1 million Massachusetts children in households dependent on their mothers' earnings. As the main breadwinners, women are asked to carry a greater economic load

while only earning 81 cents for every \$1 paid to men. Over their lifetimes, these Massachusetts women will earn \$475,000 less than their male counterparts. This pay gap has harmed the families of roughly 1,576,000 women in the Massachusetts workforce, especially as the workforce participation rate of women has risen. On average, mothers in Massachusetts contribute to 37 percent of their family's earnings. Closing the gender pay gap would strengthen the finances of these families, and the State economy. If the wage gap is eliminated, these families would have additional earnings to purchase 83 more weeks of food or 5 months of mortgage payments or more than 2,500 additional gallons of gasoline.

I am disappointed and frustrated that the Senate failed to move ahead on this important legislation due to minority opposition. Republicans filibustered this commonsense legislation that would ensure fair pay for equal work—and then not a single Republican Senator voted in favor of moving it forward. It is incomprehensible to me that Members who claim to want to strengthen the economy and provide jobs for everyone would vote to ignore half of our population. Economic security should be for all Americans and legislation ensuring a level playing field just makes sense. Eliminating the pay gap will make Massachusetts families and families across the Nation more secure.

Mr. LEVIN. Mr. President, today the Senate is once again attempting to move forward with the Paycheck Fairness Act. This legislation would strengthen and modernize the Equal Pay Act of 1963 by providing new tools to combat gender-based wage discrimination. Among other things, this bill would require employers to demonstrate that wage differences between genders for comparable work are due to business decisions, and not gender. It also would prohibit employers from retaliating against employees who inquire about wage practices or share salary information with their colleagues. And it would strengthen penalties for equal pay violations.

Closing the gender pay gap is always an important and worthwhile goal, but this is the case especially in the current tough economic climate where it is increasingly common for women to be the primary or even sole bread winner in a family. For example, in Michigan, over a third of families with dependent children rely on a working mother's salary for their primary income. This represents the families of over half a million children. And here is the important part—while the averages have varied, current figures indicate that women still only make 77 cents for every dollar made by their male counterparts.

These are prolonged, tough, economic times, and there is no justifiable rea-

son for the U.S. Senate not to do everything in its power to support policies that can help women in this country support themselves and their families by ensuring they are being paid the same wage as their male counterparts for comparable work. This is not just an issue of gender equality; it is one of economic equality and fairness. It is deeply discouraging for our Republican colleagues to be filibustering this measure.

Mr. ENZI. Mr. President, when the Senate rejected this legislation 20 months ago in a bipartisan vote it did so for the right reasons. The fact is, discriminatory pay practices are already illegal, and properly so. Congress has put two laws on the books to combat such discrimination—Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. These are both good laws that have been well-utilized to combat discrimination where it exists, and I support full enforcement of those laws. When a female or male employee is being paid less simply because of gender it must be corrected and penalized. According to the Equal Employment Opportunity Commission, EEOC, employees received more than \$150 million through successfully-resolved Title VII and EPA discrimination claims last year, the largest amount awarded in 15 years.

I am confident that there is no member of this Senate who would tolerate paying a woman less for the same work simply because she is a woman. As husbands, fathers and mothers of working women, I believe we all recognize the gross inequity of discrimination in pay based on gender. But what the majority is trying to push through here today is of a very different nature. The so-called Paycheck Fairness Act is misnamed. It should actually be called a Profiteering Trial Lawyers Bonanza bill. The primary beneficiary of this legislation will be trial lawyers. They will be able to bring bigger class action lawsuits without even getting the consent of plaintiffs, and they will have the weapon of "uncapped damages" to force employers to settle lawsuits even when they know they have done nothing wrong. The litigation bonanza this bill would create would extend even to the smallest of small businesses, only further hampering the lagging economic recovery.

With unemployment trending back up to 8.2 percent, this is simply not a chance we can afford to take. When the Senate last rejected this bill, unemployment had been above 8% for 20 months. Now, it has doubled to 40 months, and it is trending higher. If we include the significant numbers of people that have simply dropped out of the workforce, the unemployment rate is over 14 percent. The United States is in very dangerous territory right now. This is not the time to pass this harmful legislation.

There are a number of other concerning provisions of this bill, such as authorizing the government to require reporting of every employer's wage data by sex, race and national origin. Had this bill gone through committee mark up under regular Senate order, we may have been able to address some of these concerns. But this bill, like so many others this Congress, has circumvented regular order.

The Senate rejected this identical bill on a bipartisan basis 20 months ago because it will insert the Federal Government into workplace management decisions like never before. This intrusion will benefit trial lawyers and harm job growth and employment, which will affect both women and men.

Supporters of the bill cite wage data that the Bureau of Labor Statistics itself says "do not control for many factors that can be significant in explaining earning differences." In fact, studies show that if you factor in observable choices such as part-time work, seniority and occupational choice, the pay gap stands between 5 to 7 percent. Some of these choices are simply personal prerogative, and I would not question the choices that anyone makes with regard to family obligations, job security and the quality of fringe benefits such as health, retirement and childcare. But to a large extent this remaining gap is due to occupational choice. It is unfortunate that this Congress has not done more to foster a job growth environment and improve job training programs like the Workforce Investment Act that could prepare more women to enter higher earning occupational fields. Surely this would be a more reasonable solution than a trial lawyer bonanza sure to disadvantage all employers and depress job growth to the disadvantage of all employees.

I ask unanimous consent to have printed in the RECORD letters of opposition to S. 3220. I urge my colleagues to oppose this motion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 24, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: The undersigned urge you and your colleagues to VOTE NO on cloture on the motion to proceed to the Paycheck Fairness Act (S. 3220). The vote is currently scheduled for June 5. Our organizations represent millions of employers who are committed to ensuring equal employment opportunities for men and women alike. While we have no tolerance for unlawful discrimination, we vigorously oppose S. 3220.

The Paycheck Fairness Act would impose unprecedented government control over how employees are paid at even the nation's smallest employers. This flawed legislation could outlaw many legitimate practices that employers currently use to set employee pay

rates, even where there is no evidence of intentional discrimination. Common practices that a court could find unlawful under S. 3220 include providing premium pay for professional experience, education, shift differentials or hazardous work, as well as pay differentials based on local labor market rates or an organization's profitability. This level of government intervention in employee compensation is both unprecedented and unwarranted in the United States.

The provisions of the Paycheck Fairness Act would harm employers of all sizes, as the bill would apply to employers with as few as two employees. The threat the bill poses to small business is particularly troubling given the draconian penalties found in this legislation, which include unlimited damages regardless of whether a pay discrepancy was unintentional.

A number of federal laws already specifically protect employees from pay discrimination, including the Equal Pay Act, the Civil Rights Act and the Lilly Ledbetter Fair Pay Act. These laws prohibit pay disparities based on gender and provide robust remedies and damages to victims of pay discrimination. As The Washington Post editorial board stated in 2009, adding the Paycheck Fairness Act to these existing laws "risks tilting the scales too far against employers and would remove, rather than restore, a sense of balance." In 2010, the Boston Globe wrote "the measure as a whole is too broad" and the Chicago Tribune described the bill as "grossly intrusive."

Once again, we urge all senators to oppose the Paycheck Fairness Act.

Sincerely,

American Bakers Association, American Bankers Association, American Hotel & Lodging Association, Associated Builders & Contractors, Inc., College and University Professional Association for Human Resources, Food Marketing Institute, HR Policy Association, International Public Management Association for Human Resources, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Council of Textile Organizations, National Federation of Independent Business, National Public Employer Labor Relations Association, National Restaurant Association, National Retail Federation, National Roofing Contractors Association, Printing Industries of America, Retail Industry Leaders Association, Small Business & Entrepreneurship Council, Society for Human Resource Management, U.S. Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
CONGRESSIONAL & PUBLIC AFFAIRS,

Washington, DC, June 4, 2012.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes S. 3220, the "Paycheck Fairness Act." The Chamber strongly supports equal employment opportunity and appropriate enforcement of the Equal Pay Act (EPA) and Title VII of the Civil Rights Act of 1964. However, this bill would, among other things, expand remedies under the EPA to include unlimited punitive and compensatory damages, significantly erode employer defenses for legitimate pay disparities, and imposes invalid tools for enforcement by the Labor Department.

The EPA, while allowing recovery for lost back pay, does not provide for compensatory and punitive damages, nor should it. The EPA is a strict liability statute in that there is no requirement that the employer intend to act unlawfully. It strains logic to mandate that damages conceived and designed to punish and deter wrongful conduct should apply to claims of inadvertent, unintentional conduct that has the effect of violating the EPA. If a plaintiff can demonstrate that a wage disparity is due to intentional discrimination, then he or she should bring a claim under Title VII of the Civil Rights Act of 1964, where punitive and compensatory damages (capped at certain levels) are available.

S. 3220 would also significantly erode the defenses available to employers under the EPA. For example, the bill would permit plaintiffs to challenge otherwise legitimate employer pay decisions by showing that some other employment practice might achieve the same business purpose without creating the disparity. Further, the employment decision in question must also be proven to be required by "business necessity." These provisions would open up compensation and employment decisions to limitless review by courts and juries and would ultimately lead to an inefficient, cumbersome, and costly salary-setting process. In addition, the bill would modify existing rules concerning collective actions, making it easier for plaintiffs' attorneys to mount class action suits.

In addition, the bill would make a number of regulatory changes at the Labor Department related to equal employment opportunity requirements for federal contractors. Re-imposing the flawed Equal Opportunity Survey and requiring use of dubious statistical models for determining whether employers engage in systematic compensation discrimination, would do nothing to combat discrimination and instead would waste both enforcement and employer resources.

Litigation in employment discrimination has exploded since the inclusion of compensatory and punitive damages under Title VII, resulting in increased costs associated with attorneys' fees and employment investigations as employers must respond to each charge filed, whether frivolous or not. Further increasing the opportunity for frivolous litigation will only further serve to undermine our nation's civil rights laws.

The Chamber strongly opposes S. 3220 and urges you to vote against this legislation. The Chamber may consider including votes on, or in relation to, S. 3220—including on procedural votes and any motion to proceed—in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL RETAIL FEDERATION,

Washington, DC, May 31, 2012.

Hon. MICHAEL B. ENZI,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Retail Federation, I am writing to urge you to oppose S. 3220, legislation that would greatly increase government involvement in pay decisions in businesses of all sizes and give trial lawyers an incentive to pursue unlimited litigation against American employers. Votes on S. 3220 will be considered a "key vote" by the National Retail Federation and the retail industry.

Retailers strongly oppose discrimination of all types. Sex discrimination in employ-

ment is no exception. Two federal laws protect employees from gender-based pay inequity: Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. Both laws have broad coverage, prohibit intentional gender-based pay discrimination and impose liability on employers for gender-pay differences, even where there is no evidence of intentional discrimination if the employer fails to justify the pay discrepancies.

The pending legislation, S. 3220, would dramatically expand the Equal Pay Act to allow workers who claim they are the victims of gender-based wage discrimination to sue for unlimited compensatory and punitive damages. Moreover, its provisions would allow business owners to be sued if wage differentials exist due to local market rates, revenue production, or profitability. As a result, S. 3220 could effectively block retailers from considering issues such as store location and local economic conditions in setting wage rates.

Furthermore, the bill expedites class action lawsuits by requiring employees to "opt-out" of the class, effectively using size to force settlements against the Main Street businesses that will become its target. The legislation would also direct the Equal Employment Opportunity Commission (EEOC) to collect employee pay and compensation data from covered employers. Nothing in the bill would prevent this data from being publicly disclosed by the EEOC or made available through a Freedom of Information Act request.

Again, the National Retail Federation strongly urges you to oppose S. 3220, and we will consider a vote on this legislation a key vote for the retail industry.

Sincerely,

DAVID FRENCH,
Senior Vice President,
Government Relations.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

PAYCHECK FAIRNESS ACT— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 will be equally divided, with the minority controlling the first half.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we are coming to a very critical vote. Today we have the opportunity to address an issue that affects the bottom line of nearly every American family. The paychecks that American women take home at the end of each week or each

month are as tied to our economic health as just about anything else. It is what helps sustain local businesses. It is what pays grocery bills at the end of the month. It makes mortgage payments. Ultimately, the pay women receive as we continue to make up a larger and larger part of our workforce is going to be critical to the growth of this Nation. Yet over the course of the past week, as we have debated this bill in the Senate and across the country, we have been met by either silence or resistance from those on the other side of the aisle. Time and again we have heard the same excuses on why we cannot join together to provide the guaranteed fairness women deserve.

First, we heard this was a “manufactured issue.” Mr. President, if you talk to American women all across our country, you will quickly learn what some of my colleagues have called “manufactured” is an all-too-real part of everyday American women’s lives. Women will tell you that at a time when families across America are struggling to make ends meet, equal pay for equal work should not be a pipe dream; it should be law. They will tell you that nearly 50 years after the Equal Pay Act was signed, the pay gap between what men and women earn is just as real today as it was back then. They will tell you women still earn 77 cents for every dollar earned by men. They will tell you this gap undermines their retirement security because they receive reduced Social Security benefits. Then, most importantly, they will tell you women are not worth less than men.

The other argument we have heard is that this critical vote is in some way a distraction from the economic issues we face, as if somehow the pay of women—who compromise nearly half of all American workers—is not at its very core an economic issue. Let me be very clear. When women are not paid what they deserve, middle-class families, communities, and our economic growth pay the price.

Let’s consider that in my home State of Washington where women still earn 77 cents on the dollar—or a pay gap that averages over \$11,000 in lost earnings every year—for the average family that is an extra 90 weeks of groceries, it is 7 months of mortgage payments or it is 179 tanks of gasoline—all at a time when women are participating in the workforce at higher rates than ever before.

Surely, my friends and colleagues on the other side of the aisle realize this is not the time to be denying American families this extra income they need to make ends meet. Surely, we should be guaranteeing American women and their families the fairness they deserve. This should not be a partisan issue. Throughout the history of the Senate, we have joined together to root out discriminatory practices and pro-

vide the protections American workers deserve. Today, as American families struggle, it is time to make sure unfair practices are not contributing to those struggles.

Today we have an opportunity to close loopholes in the system that allows for pay discrimination, to create strong incentives for employers to obey the laws that are in place, and to strengthen Federal outreach and enforcement efforts on behalf of women.

Today we all have an opportunity to say the status quo is not good enough. We have the opportunity to tell our daughters we are not going to let another generation face a pay gap because we are unwilling to stand and fight. We have the chance to improve our economy right now. So to those of my colleagues who claim to be so concerned about the economy and the struggles of the middle class, now is your chance to prove to your constituents you mean what you say. Now is the chance to provide nearly half of all Americans with the economic fairness they deserve. Now is the time to guarantee American women equal pay for equal work.

I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 410, S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Barbara A. Mikulski, Harry Reid, Maria Cantwell, Patty Murray, Frank R. Lautenberg, Jeff Bingaman, Sheldon Whitehouse, John F. Kerry, Kent Conrad, Jeanne Shaheen, Bernard Sanders, Tom Udall, Amy Klobuchar, Carl Levin, Mark R. Warner, Mark Pryor, Jack Reed, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

| | | |
|------------|--------------|-------------|
| Akaka | Hagan | Nelson (NE) |
| Baucus | Harkin | Nelson (FL) |
| Begich | Inouye | Pryor |
| Bennet | Johnson (SD) | Reed |
| Bingaman | Kerry | Rockefeller |
| Blumenthal | Klobuchar | Sanders |
| Boxer | Kohl | Schumer |
| Brown (OH) | Landrieu | Shaheen |
| Cantwell | Lautenberg | Stabenow |
| Cardin | Leahy | Tester |
| Carper | Levin | Udall (CO) |
| Casey | Lieberman | Udall (NM) |
| Conrad | Manchin | Warner |
| Coons | McCaskill | Webb |
| Durbin | Menendez | Whitehouse |
| Feinstein | Merkley | Wyden |
| Franken | Mikulski | |
| Gillibrand | Murray | |

NAYS—47

| | | |
|------------|--------------|-----------|
| Alexander | Enzi | Moran |
| Ayotte | Graham | Murkowski |
| Barrasso | Grassley | Paul |
| Blunt | Hatch | Portman |
| Boozman | Heller | Reid |
| Brown (MA) | Hoeven | Risch |
| Burr | Hutchison | Roberts |
| Chambliss | Inhofe | Rubio |
| Coats | Isakson | Sessions |
| Coburn | Johanns | Shelby |
| Cochran | Johnson (WI) | Snowe |
| Collins | Kyl | Thune |
| Corker | Lee | Toomey |
| Cornyn | Lugar | Vitter |
| Crapo | McCain | Wicker |
| DeMint | McConnell | |

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. I now withdraw my motion to proceed to Calendar No. 410, S. 3220.

The PRESIDING OFFICER. The motion is withdrawn.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 415, S. 3240.

The PRESIDING OFFICER. The motion is pending. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the motion to proceed to this matter.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

Harry Reid, Debbie Stabenow, Carl Levin, Kent Conrad, Jeff Bingaman, Herb Kohl, Patrick J. Leahy, Michael F. Bennet, Christopher A. Coons, Al Franken, Max Baucus, Barbara A. Mikulski, Ben Nelson, Amy Klobuchar, Sherrod Brown, Jeff Merkley, Robert P. Casey, Jr.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PAYCHECK FAIRNESS ACT

Ms. MIKULSKI. Will the leader yield for a question?

Mr. Leader, I noted that on the last vote, you voted no. Was that so the bill could be reconsidered?

Mr. REID. I say to my friend, through the Chair, there is no one in this body who has a reputation for a bigger and better fighter than BARBARA MIKULSKI, the senior Senator from Maryland. I entered the motion to reconsider the vote because I want the fight to continue.

Ms. MIKULSKI. I would like to respond to the majority leader. We want to fight too. We thank him for his vote and his voice. I want him to know that although we lost the vote today, we are not going to give up on this vote. It is a very sad day here in the Senate, but it is a sadder day every day when paycheck day comes and women continue to make less than men.

We are sorry that this vote occurred strictly on party lines. Under the leader's effort to reconsider, we hope to bring up this bill again. We hope to forge a bipartisan vote. We are coming up on the 49th anniversary of equal pay for equal work. We are not going to let this bill die in parliamentary entanglements. The majority should rule in the Senate.

I want to say this, in the words of Abigail Adams. While John Adams and all the guys were sitting around Philadelphia writing the Constitution, she wrote him a letter and said, "Don't forget the ladies." And they did it for 150 years, and then they forget, too, to get rid of the loopholes in the Equal Pay Act now. Well, Abigail said: If you forget us, we will foment our revolution, and we are going to foment our revolution.

So I say to the women here, to the good men who support us, to the women out there in America, let's keep this fight going. Put on your lipstick, square your shoulders, suit up, and let's fight for this new American revolution where women are paid equal pay for equal work. Let's end wage discrimination in this century once and for all.

Mr. REID. Mr. President, I appreciate very much the statement made by the Senator from Maryland, as usual. She will outline a way to proceed on this matter that will be dignified and strong.

I filed cloture on this motion to proceed to this very important bill relating to farm programs in America and nutrition programs in America—extremely important legislation. I am confident—maybe it is the wrong thing in the temperament of the Senate today—that we are going to be able to complete this bill. It is an important bill for America. It will be a good thing for this Congress to do this farm bill. The two managers of this bill, Senator STABENOW of Michigan and Senator ROBERTS of Kansas, have done a remarkably good job. This bill creates jobs and reduces subsidies by a significant amount. Where else would you find a bill that reduces the debt of this country by \$24 billion? This is a fine piece of legislation, and I hope we can work something out so we do not have to have a vote on this matter on Thursday, that we can start legislating.

We have had good fortune shine upon us on the last couple of big bills we brought through here. We had the managers work with floor staff to work on the relevant amendments and then have a way to finish the bill. I hope we can do that.

I repeat, I have confidence in Senator STABENOW and Senator ROBERTS. They are very good legislators. We need to proceed on this bill. This bill is not a Democratic bill or Republican bill, it is a bill for America.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I will be happy to.

Mrs. BOXER. I want to say that I agree with my friend's comments about Senator STABENOW and Senator ROBERTS. I consider both my friends. They are terrific legislators.

THE PAYCHECK FAIRNESS ACT

I do want to go back to the vote that just occurred. I would note that we had present in the Chamber some of the House Members, women of the House. I think they are gone now. It was to underscore the importance of this vote and what it means.

My question goes to this: Is my colleague aware that women in their lifetime are so shortchanged that the average woman, in the course of her career, by the end of her career has made \$400,000 less than her male counterpart? Is my friend aware of that?

Mr. REID. Yes. In the State of Nevada—I am sure it is maybe more than that in California—in the State of Nevada, women earn \$400,000 less. A man in his lifetime makes X number of dollars, and in Nevada a woman makes \$400,000 less—in fact, a little more.

Mrs. BOXER. I think it is important for people to understand what just occurred. We had a straight party-line

vote on an issue that impacts every single woman in this country. I think when people say there is a difference between the parties—I like working with my colleagues on the other side of the aisle. I have good relationships with them. But for goodness' sake, how can you have a party that, to a person here, votes against equal pay for equal work?

I will close with this question to my friend. It is my understanding that 90 percent of the people support the idea of equal pay for equal work. Is my leader aware of this, and when does he think he might bring this back before the body?

Mr. REID. I say to my friend, through the Chair, she is absolutely right. Seventy-seven percent of Republicans across America support this legislation. Eighty-one percent of men across America support this legislation.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Michigan.

Ms. STABENOW. Mr. President, before speaking about moving forward on the Agriculture Reform, Food and Jobs Act, I want to thank our leader. I also want to thank Senator MIKULSKI. Together we have brought forward the issue of equal pay for equal work, and we intend to focus on that until we make this truly the law of the land.

Mr. President, I rise today to urge my colleagues to allow us to proceed to the Agriculture Reform, Food and Jobs Act, commonly known as the farm bill. I first want to thank my friend, colleague, and partner as we moved through the committee process, Senator ROBERTS. It has been terrific working with my ranking member and his staff. We worked in a truly bipartisan way. I think that is reflected in the fact that this bill came out of committee with a strong bipartisan vote of 16 Members and only 5 dissenting. We are looking forward to working with all of our colleagues on the floor of the Senate to have this same kind of strong bipartisan vote as we move through the process in the Senate.

There are 16 million people in this country who have a job that relies on the strength of American agriculture. The farm bill is a jobs bill. Over the last few years when our Nation's economy has seen some very rough times, agriculture has been one of the few bright spots. In fact, in Michigan, during our toughest times in manufacturing, agriculture was growing five times faster than any other part of our economy. Agriculture is one of the only parts of the economy with a trade surplus. I think it is, in fact, our No. 1 trade surplus with \$42.5 billion in trade surplus.

We are growing it here, we are processing it here, developing it here, selling it overseas, but the jobs are here. This farm bill is all about keeping it

that way. Last year our farmers exported \$136 billion worth of goods, which is a 270-percent increase in the last 10 years. This is about jobs, and we want to continue our leadership not only in this country but internationally in agriculture through this important bill.

We also know our country is facing serious deficits. Last August the Senate passed the Budget Control Act by a vote of 74 to 26. That law created a deficit reduction committee, which we called the supercommittee. They set out a process to find significant savings, and I am very proud of the fact that the Agriculture Committee came together in the House and the Senate. The chairman and the ranking member in the House—along with me and the ranking member in the Senate—did some very tough negotiating and made tough decisions, worked long hours, and came up with a detailed deficit reduction plan. I wish we had that same kind of opportunity with every committee.

Unfortunately, in the end, the Agriculture Committee was the only committee that did that. We did our part, and we believe the work we did in the fall helped to not only build relationships that are important to allow us to work together, but also set up a foundation from which we have written what we call the farm bill, or the Agriculture Reform, Food and Jobs Act.

We have built into this bill a real deficit reduction of \$23 billion. Let me emphasize that the Agriculture Committee passed a bipartisan bill that strengthens the economy and cuts the Federal deficit. This \$23 billion is roughly 2 percent of what the Budget Control Act put in place in terms of sequestration next January of \$1.2 trillion. We are roughly 2 percent of Federal outlays. In those efforts are agriculture production, conservation, and nutrition through the USDA.

The USDA is roughly 2 percent of Federal outlays. We are taking responsibility for 2 percent of the cuts, and this is more than is actually required in the Budget Control Act, and it is double what was recommended in Simpson-Bowles and the Gang of 6.

So agriculture is doing its fair share, and we are doing it in a responsible way that focuses on reform and strengthening those efforts to make sure we have a strong agricultural economy, strong conservation practices, and support for jobs through energy and other important nutrition efforts.

We end direct payments. That means no more paying farmers for crops they don't grow and no more payments for farmers when they are already doing very well. In fact, the biggest savings in the bill comes from eliminating direct payments and consolidating three other commodity subsidy programs. America's farmers know in order to

lower the deficit we all need to do our fair share. Agriculture has stepped up and is willing to do that.

We also make sure millionaires no longer get payments from commodity programs. We tightened payment limits to half of what farmers currently are able to receive. We closed what is known as the managers' loophole that lets people get farm payments when they are not farming. Instead, we support a strong safety net based on crop insurance and risk.

If someone has a risk, if they have a loss, then it is critically important we stand with American agriculture. We have the safest and most affordable food supply in the world, and it is critically important that we have the risk management tools available for our Nation's farmers.

We heard over and over when Senator ROBERTS was in Michigan—and I am grateful he joined me. I was pleased to have joined him in Kansas. We heard the same issues in our hearings in DC and around the country that crop insurance was the most important tool for our producers.

Nobody wants to see a family farm—some passed down from generation to generation—go out of business because of a few days of bad weather or because of other changes in the markets beyond their control. I cannot think of a more high-risk venture, frankly, than agriculture.

This year in my State when it got very warm in February and March, the cherry blossoms, apple blossoms, peaches, and grapevines all thought it was spring and the blossoms came out. Then when the freeze and the snow came, we were literally wiped out of tart and sweet cherries, apples, peaches, and grapes. Everything across the board was devastated. I can't think of any other business that has to go through that kind of risk other than farmers.

So we put in place a strengthened program so more specialty crops and more fruit and vegetable growers can get access to crop insurance. We have new capacity to support expanded risk tools. We substituted that with a market-oriented, risk-based approach that supports farmers in the bad times; so they will not get a government check in the good times but in the bad times when we need to make sure our farmers can survive and thrive.

This bill does not set a government price. It focuses on what is happening in the marketplace. The farmers are choosing what to plant from the market. We make sure no farmer goes off the cliff when a price drops immediately, and that crop insurance is there for them as well. Independent economists have said this is a fair system that is equitable to all regions and all commodities.

We have a very diverse country. We know we have colleagues that still

have concerns, and we are certainly working with them to fine-tune this bill, but we also know moving to a risk-based system treats all regions fairly. It is the kind of reform people across the country, including taxpayers, are asking us to do.

This bill is much more than just a bill related to production agriculture—as important as production agriculture is. I am very proud of what we have been able to do on conservation. We have gone through every program, streamlined them, and increased flexibility. We have done what families and farmers across the country are doing, analyzing and stretching every dollar.

Frankly, we have a conservation title that does more with less. We have taken 23 programs, consolidated them into 13, and put them into four different areas with a lot of flexibility. We are maintaining our conservation tools and strengthening key priorities. There are certain areas that did not have any funding when this farm bill ends on September 30. We have been able to combine that into a larger effort, and we are now able to continue and strengthen conservation. That is why we have heard from 643 conservation groups in all 50 States that support the approach we have taken in this bill. We continue the important work done in the farm bill around nutrition and helping families who are most in need.

I have heard from so many people in Michigan in the last few years, with the huge recession we have gone through, who never imagined in their lives they would need help putting food on the table. They paid taxes all their lives and never thought they would have to ask somebody to help them and their children get through the month but are now in that situation. I am committed to making sure every single dollar goes to people who need it.

We are cracking down on trafficking. We have had at least two situations in Michigan where lottery winners somehow maintained food assistance. Obviously, that is crazy, and so that will not happen anymore under this bill.

Students who live at home with their parents and have been able to go through the loopholes to get food help, it is not right. That is not where it is intended. We address that as well. We have tightened a number of areas on accountability. We know there are areas where we can make sure there is accountability, there is transparency and, in fact, families in need know they can help feed their children during these tough economic times.

We are also recognizing the diversity of agriculture in America by strengthening support for fruits and vegetables and other specialty crops. We are making sure we are getting those healthy foods into schools, supporting organic farmers, farmers' markets, and food hubs locally. By the way, that also creates jobs.

We are continuing our work on energy and helping farmers save money on their bills while getting America off of foreign oil. We are opening opportunities for new innovative companies involved in biomanufacturing. This is an exciting area for me as we look at how we make and grow things in this country and bring those two together. I think that is why we have a middle class in America—because we make and grow things.

Biomanufacturing is the process of taking raw materials from agricultural products, whether it is soybean oil, corn byproducts, wheat husk, biomass materials, and using them to create products and replace chemicals and petroleum in plastics, for example, with biodegradable bio-based products, which is very important for our future in so many ways. That is what the Agriculture Reform, Food and Jobs Act is all about.

As we go further in this debate, I will have much more to say about all of the specifics in the titles. But let me just end with this before turning to my friend to speak.

The current farm bill, the Agriculture Reform, Food and Jobs Act—the current farm bill expires this September 30, when farmers are getting ready for the harvest. If Congress cannot come together in a bipartisan way, as we did in the Agriculture Committee and as we did in the fall with the agricultural leaders, and pass this bill before then, it will create tremendous uncertainty and job losses in communities all across America, and it will have a serious impact on our economic recovery. I hope our colleagues will work with us, will join with us to make sure that does not happen.

We have received broad support for this legislation from 125 farm groups, healthy food groups, and other stakeholders. I am very grateful to 45 of our colleagues who, on a bipartisan basis in a letter to leadership, urged that this bill be taken up. It is clear there is broad support in Congress and across the country for the farm bill. So I urge my colleagues to let us begin the debate on this important jobs bill that affects 16 million people across this country.

Thank you.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I intend to give my full opening comments in regard to the farm bill tomorrow, but I wish to quickly say thank you to the chairwoman for helping to bring us to this point. I thank her for her leadership. It has truly been a bipartisan effort. It has been a team effort.

I wish to reiterate what the chairwoman has said. I wish to tell our colleagues this is a true reform bill. I could say that 10 times over for emphasis, but it is a true reform bill. It also reduces and streamlines the Depart-

ment of Agriculture programs—long overdue. We cut \$23 billion in mandatory spending, and it was voluntarily, without any direction from the Budget Committee or anybody else, and it is real money. It is mandatory money.

The Super Committee tried to work out a deal, and they weren't so super. They tried hard. I am not trying to criticize a tough deal. We are the only authorizing committee that I know of in the Senate that has voluntarily come forth and said: Here is real deficit reduction in mandatory spending—over \$23 billion. It is rather remarkable that people who tend to be critical of agriculture would all of a sudden discover it is the Agriculture Committee, in a bipartisan effort, that has cut real money, real mandatory money.

How many times have we heard folks back home say: Why don't you work together? Why can't we all get along? Why can't you reach across the aisle and accomplish something? We did that in our committee, with strong bipartisan support, and we achieved this true spending reduction. We eliminated four of the commodity programs.

I just had a colleague come in to visit with me this morning. He said: I looked at this farm bill and I couldn't figure it out. It is so complex I don't know how anybody can figure it out. That is pretty true in farm country too—trying to figure out all of the complexities, and when they go down to the farm service agency, trying to figure out what is in each program and which one they should pick. We eliminated four commodity programs and made it much simpler. We strengthened and improved crop insurance, which is the No. 1 issue we heard about in every hearing we had. We eliminated \$6 billion in conservation spending while streamlining 23 programs into 13 to eliminate duplication. When have we heard: When are you going to start to streamline and reduce duplication? We have done that. We cut \$4 billion in nutrition programs—a painful cut for some, I understand that. But it is not going to affect anybody's payments so much as it is the \$4 billion—that is 82 percent, by the way, of the agriculture budget is in nutrition.

We have eliminated a grand total of more than 100 programs. Get this: We have eliminated a grand total of more than 100 programs—I don't know of any other committee that has done that—and authorizations totaling nearly \$2 billion in reduced authorizations alone. So we dealt with not only mandatory spending but also \$2 billion in authorizations.

This is, as I have said, a reform bill. We need to get this thing passed. We need to get the farm bill passed. The current law expires on September 30 of this year. Failure to pass the bill means we revert to permanent 1949 law that would provide absolute chaos in the countryside. If we don't pass this

bill by September 30, then we are back here voting on an extension. Who wants to extend the current farm bill? It is yesterday's farm bill. This is tomorrow's farm bill. We can't go back to 1949, and I do not think we need to be in any business of trying to extend the current act when we have a true reform bill and one that is fiscally sound.

The big thing is we need to provide set guidance to our producers and their lenders—our farmers, ranchers, bankers, all up and down Main Street who depend on agriculture, including every rural community and, for that matter, anybody who eats, every consumer. We are talking about the hometown banker and the farm credit agencies so they can know exactly what this farm bill looks like when, as early as this August, they will begin to discuss their operating loans for the coming year.

I know we are debating the motion to proceed at this time, but the chairwoman and I and our staffs are available. We are available. If someone has heartburn, we are available. We have the Roloids; don't worry about it. Our staffs are available. Come to us if a colleague wants to discuss a possible amendment. Come to us and talk to us. We are working together in a bipartisan effort. I urge Members who intend to offer amendments to please come to us and allow us to begin working with them now. We stand ready and willing and, with the help of Members, able.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALWAYS FREE HONOR FLIGHT

Mr. MANCHIN. Mr. President, I rise to recognize a very special event taking place tomorrow in our Nation's Capital: West Virginia's first ever Always Free Honor Flight, a free trip for our veterans to see the monuments built for their service and sacrifice.

I have always said West Virginia is one of the most patriotic States in this great Nation, and we are so proud of the number of veterans and Active-Duty members who have served our country with honor and distinction. The 31 veterans who are traveling to the Capitol tomorrow embody our State's history and contributions to the freedom of this Nation: 12 of them served in World War II, 3 in the Korean war, and 16 in Vietnam.

I wish to tell my colleagues a little bit about this very special group. These heroes engaged in combat across the globe, fighting in the Aleutian Islands, England, Normandy, France, Germany, Luxembourg, the South Pacific, the Philippines, Japan, Korea, and Vietnam. Some served here at home, servicing aircraft with ammunition. Some served in historic events such as the

Battle of the Bulge, the liberation of the Philippines, and the front in Japan. They took on different roles, serving as infantrymen, door gunners, ammunition soldiers, combat fighters, tactical fighters, and medics. One brave World War II veteran received the Legion of Honor Chevalier Award from the French Embassy.

These veterans come from all parts of our great State—from Welch to Beckley, to Huntington, to Princeton, to Bluefield, to Lester, and all the places in between.

I especially wish to point out one special person. His name is Gene Cecil Pennington of Princeton, WV, and he will be joining us tomorrow also. He is the youngest West Virginia veteran of World War II, and that is because he lied about his age to join the Navy in the 1940s and first saw combat—think of this—first saw combat at the age of 16. He is 83 now, and we are so proud he will be visiting with us.

In addition to the veterans visiting us, a number of volunteer escorts will also be accompanying them. Seven of these escorts will be representing their deceased fathers who served in various wars throughout the years. Three of our World War II veterans are accompanied by their sons who themselves are veterans of the Vietnam war. Service is truly a family tradition in our State and in this Nation.

Our veterans have a full day's journey ahead of them tomorrow. They will leave Princeton, WV, at 2:15 in the morning, traveling here by bus. They will return to West Virginia after touring our beautiful Capitol Building, the World War II Memorial, the Korean War Memorial, the Vietnam War Memorial, and the Iwo Jima Memorial. These monuments to service and sacrifice have important meaning to everyone in this country, but I know our veterans will find special meaning tomorrow when they tour these sites.

This is the first time for many of these veterans to see these monuments, which is why I am very grateful for the hard work of the West Virginians who made this trip possible by bringing the Honor Flight Network to our State—the Denver Foundation and Little Buddy Radio located in Princeton, WV. These nonprofits were founded by Bob Denver—also known as Gilligan from “Gilligan’s Island”—and his wife Dreama, a West Virginia native. Their love of West Virginia, their vision, and their dedication to service have truly been a gift to our great State.

The Honor Flight Network is an idea that started with Earl Morse, a physician assistant and retired Air Force captain who wanted to honor the veterans he had cared for over 27 years. Earl found that many of his patients couldn’t afford to see the monuments built to honor their service, so he took it upon himself to make that happen.

Earl was also a private pilot, and he offered a free flight to a World War II veteran who was also his patient. One free trip led to another, and with the help of more volunteers, Earl’s efforts grew into the Honor Flight Network. The first flight took place in May of 2005, and by the end of that year, Honor Flight had taken 137 World War II veterans to visit their memorial. The Honor Flight Network has expanded to cities and States around the country, and in 2011, the network transported 18,055 veterans to see their memorials—at no cost to those veterans.

In West Virginia, we are lucky to have had the operations manager at Little Buddy Radio in Princeton, WV, Charlie Thomas, introduce the Honor Flight to our State. Tomorrow, Charlie will be representing his deceased father, Clifford Richardson, who served in the Navy during World War II.

I would also like to take a moment to thank the Vice President of the Always Free Honor Flight, Dreama Denver, who is the widow of “Gilligan”—Bob Denver. She is representing her deceased father, Glen E. Peery, who served in the Army during the Korean War.

I would like to thank Pam Coulbourne, who has been instrumental in planning West Virginia’s first Honor Flight. She is representing her father Francis Fluharty, an Air Force aerial photographer on a B-24 Liberator during World War II.

Thanks to Charlie, Dreama, Bob Denver, Pam, and the hard work of so many others, 31 veterans will be traveling to Washington tomorrow on this very special journey. I commend them for their dedication and for giving West Virginia just one more way to say thank you to our veterans for their service and sacrifice.

I have always said we owe our men and women who have served more than a debt of gratitude. Showing our appreciation is something we should do each and every day. But tomorrow is a special day where we can pay tribute to those who have made the ultimate sacrifice for our great Nation. I am so pleased I am able to greet some of our most courageous West Virginia veterans who are all heroes. I ask the Senate to join me in honoring these 31 veterans and welcome them and their close friends and family to Washington, DC, tomorrow.

Thank you. I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The Senator from Arizona.

SECURITY LEAKS

Mr. MCCAIN. Madam President, over the past few months there has been a disturbing stream of articles in the media and common among them, they cite elite, classified, or highly sensitive information in what appears to be a broader effort by the administration to paint a portrait of the President of the United States as a strong leader on national security issues—information for which there is no legitimate reason whatsoever to believe should be in the public domain. Indeed, the release of this information in these articles harms our national security and puts in danger the lives of the men and women who are sworn to protect it.

What price did the administration apparently pay to proliferate such a Presidential persona—highly valued in an election year? Access. Access to senior administration officials who appear to have served as anonymous sources divulging extremely sensitive military and intelligence information and operations.

With the leaks that these articles were based on, our enemies now know much more than they did the day before they came out about important aspects of our Nation’s unconventional offensive capabilities and how we use them. Such disclosures can only undermine similar ongoing or future operations and, in this sense, compromise our national security. For this reason, regardless of how politically useful these leaks may have been to the President, they have to stop. These leaks have to stop.

The fact that this administration would aggressively pursue leaks perpetrated by a 22-year-old Army private in the Wikileaks matter and former CIA employees in other leaks cases but apparently sanction leaks made by senior administration officials for political purposes is simply unacceptable. It also calls for the need for a special counsel to investigate what happened.

I am also pleased to report that Chairman CARL LEVIN has agreed, at my request, to hold a hearing on these leaks in the Senate Armed Services Committee. The Senate Armed Services Committee has a responsibility here, and I am grateful that Chairman LEVIN has agreed to hold a hearing.

In the latest of the recently published articles—published on June 1, 2012, just a few days ago—the New York Times documented in rich detail the President’s secret decision to accelerate cyber attacks on Iran’s nuclear enrichment facilities with a computer virus that came to be known as Stuxnet. The author of the article, Mr. David Sanger, clearly states that former and current American officials spoke to him but refused to do so on the record because the program is both highly classified and parts of it are ongoing. I repeat, the administration officials discussed a most highly classified

operation that is both highly classified and still ongoing, an operation that was clearly one of the most tightly held national security secrets in our country until now. And I might point out to my colleagues that this is all about the Iranian effort to acquire nuclear weapons, which is one of the most difficult national security challenges this Nation faces.

Other recent articles divulged critical and classified information regarding U.S. plans to expand the secret drone campaign against terrorists in Yemen and the Horn of Africa. One of these pieces was a sorry excuse for journalism that the New York Times published on May 29, 2012, which Charles Krauthammer rightly observed should have been entitled "Barack Obama—Drone Warrior."

Finally, there was a recent so-called article about the so-called "kill list"—the highly classified list of counterterrorism targets against whom the President has authorized lethal action—in other words, to kill. It was reported in that article on May 29, 2012, in the New York Times that David Axelrod, the President's chief political adviser—who is running the reelection campaign as we speak—began attending the meetings in which this list was discussed. I repeat, the President's campaign manager was present and attending the meetings where lists of possible people to be eliminated through drone strikes was discussed and decisions were made. The only conceivable motive for such damaging and compromising leaks of classified information is that it makes the President look good.

These are not the only times I have been frustrated about national security-related leaks coming from this administration. The administration similarly helped journalists publish some of the highly sensitive tactics, techniques, and procedures that enabled our special operations forces—including the classified name of the unit involved—to carry out the operation to kill Osama bin Laden last year. It is entirely possible that this flurry of anonymous boasting was responsible for divulging the identity of Dr. Shakil Afridi, the Pakistani doctor who assisted us in our search for Osama bin Laden and whose public exposure led to his detention and a 33-year prison sentence in Pakistan. His name was divulged by members of the administration, and he has been basically given a death sentence, a 33-year sentence in prison in Pakistan. Our friends are not the only ones who read the New York Times; our enemies do, too.

Let me be clear. I am fully in favor of transparency in government. I have spent my entire career in Congress furthering that principle. But what separates these sorts of leaks from, say, the whistleblowing that fosters open government or a free press is that these leaks expose no violations of law,

abuses of authority, or threats to public health or safety. They are gratuitous and utterly self-serving.

These leaks may inhibit the Nation's ability to employ the same or similar measures in its own defense in the future. How effectively the United States can conduct unmanned drone strikes against belligerents, cyber attacks against Iran's nuclear program, or military operations against terrorists in the future depends on the secrecy with which these programs are conducted. Such activities are classified or enormously sensitive for good reason—in many cases, for reasons related to operational security or diplomacy. Their public disclosure should have no place in how this or any other administration conducts itself. These are the kinds of operations and intelligence matters no one should discuss publicly, not even the President.

With this in mind, I call on the President to take immediate and decisive action, including the appointment of a special counsel, to aggressively investigate the leak of any classified information on which the recent stories were based and, where appropriate, to prosecute those responsible. A special counsel will be needed because the articles on the U.S. cyber attacks on Iran and expanded plans by the United States to use drones in Yemen were sourced to—and I quote from the articles—"participants in the [cyber-attack] program" and "members of the [P]resident's national security team." In the cyber attacks article, in particular, the author stated that "current and former American officials" spoke to him anonymously about the program because "the effort remains highly classified and parts of it continue to this day."

What could be worse?

The suggestion that misconduct occurred within the executive branch is right there in black and white and is why a special counsel is needed.

As part of this investigation, this special counsel should also scrutinize the book from which the New York Times cyber attacks article was adapted, which was just released yesterday, for other improper or illegal disclosures.

Where classified information regarding cyber operations was leaked, the President should assess any damage that those leaks may have caused to national security and how that damage can be mitigated.

In my view, the administration should be taking these leaks, apparently perpetrated by senior administration officials, as seriously as it pursued those made by relatively low government personnel such as the Army private in the WikiLeaks matter or the former CIA employee who provided the New York Times with classified information about U.S. attempts to sabotage the Iranian nuclear program. The

failure of the administration to do so would confirm what today is only an inference—that these leaks were, in fact, sanctioned by the administration to serve a pure political purpose.

As I continue to closely monitor developments in this matter, I hope to be proved wrong.

There is a Wall Street Journal article, "FBI Probes Leaks about Cyberattacks by U.S." I am glad the FBI is going to probe that. It says Mr. Sanger, in an appearance on CBS News "Face the Nation," suggested that deliberate White House leaking "wasn't my experience."

He added:

I spent a year working on the story from the bottom up and then went to the administration and told them what I had. Then they had to make some decisions about how much they wanted to talk about . . . I'm sure the political side of the White House probably likes reading about the President acting with drones and cyber and so forth. National security side has got very mixed emotions about it because these are classified programs.

Mr. Sanger again is authenticating that senior members of the White House and our intelligence community decided to talk to him about classified programs. Their motivation for doing so—perhaps we don't know particularly at this time, but I don't think one could argue that these articles have all conveyed the impression that the President is a very strong warrior in carrying out his responsibilities as Commander in Chief, something I have disputed as far as Iraq, Afghanistan, and other national security issues, which I will discuss on another day.

I don't know how one could draw any conclusion but that senior members of this administration in the national security arena have either leaked or confirmed information of the most highly classified and sensitive nature. Some of these leaks have concerned ongoing operations. Since they were highly classified and sensitive information, that classification was there for a reason—the reason being that if that information was classified, it could harm our national security.

These are very serious actions on their part. They are very serious actions when ongoing operations in the war against terror and the issue of Iranian acquisition of nuclear weapons could trigger attacks either by Israel or the United States to prevent such an eventuality. We now find leaks which have exposed, not only to the American people but to the Iranians as well, exactly what American activity is of the most sensitive nature. This is not a proud day for the United States of America.

I ask unanimous consent that following the remarks of Senator CHAMBLISS, he and I be permitted to engage in a colloquy.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I wish to thank my friend from Arizona for his very direct comments on this very sensitive issue. As vice chairman of the Senate Select Committee on Intelligence, I can say without a doubt that these ongoing leaks of classified information are extraordinarily harmful to our intelligence operations.

Every day we ask our intelligence officers and agents to be out there on the frontlines, putting their life in harm's way, gathering information, meeting sources, and using a variety of highly sensitive collection techniques. Depending on where these officers are around the world, the operating environment can be both dangerous and downright hostile. This means they have to be as much or more on guard to ensure that operations don't get blown and their own lives and the lives of our sources are not jeopardized.

But each time classified information shows up in the media, the intelligence community's ability to do these dangerous assignments becomes that much more difficult. Not only do these leaks tell our enemies how we do our jobs and therefore how they can block or impede our efforts, but with each leak our friends and allies are left to wonder how much they can trust us with their own secrets.

These are not hypothetical concerns. Senator MCCAIN alluded to a couple of anecdotes. Also, a few weeks ago, in the middle of an ongoing operation, we all—friends and enemies alike—learned the details of efforts to disrupt an al-Qaida plot to bomb a civilian aircraft. Up to that point, most Members of Congress knew nothing about this operation. That is how sensitive we were told it was. Unfortunately, rather than quietly recognize our—and, frankly, our partners'—successes and move on with the business of protecting the American people, some in the administration apparently decided that scoring political points in an election year outweighed protecting our intelligence operations as well as our liaison relationship with our intelligence partners around the world.

Whether we could have learned more from an operation that was cut short by this leak will now never be known, but we have been warned by some of our allies they will think twice before they share highly classified information with us.

Unfortunately, the leak of the airline plot was no isolated incident. From kill lists and bin Laden movies to cyber warfare, it appears nothing is off-limits, nothing is too secret, no operation is too sensitive, and no source is too valuable to be used as a prop in this election year posturing. The doctor associated with the bin Laden oper-

ation appears to be paying the price for this posturing. Following public disclosures of his involvement, he has been sentenced to 33 years in prison—a true life sentence of 33 years in prison in Pakistan. This hardly provides incentive for anyone else to help us.

These disclosures—whether quietly sanctioned or not—are simply unacceptable, and they are against the law. This administration reminds us repeatedly that they are prosecuting more people for leaking classified information than ever before, and I support that effort. But just as we hold ordinary government employees accountable for violating their oaths to protect our Nation's secrets, we must also hold the most senior administration officials accountable. Recently, the FBI began an investigation into the scenario surrounding this latest bomb plot, and I applaud the FBI's efforts. Following the public disclosure in the press reports on comments made by senior administration officials, I sent a letter to Director Mueller and asked him to please include this aspect of these leaks in his investigation. I received a letter back today that he is indeed going to do that, and I applaud that. I don't know whether the reports are true. I have no idea. But if they are, they are serious violations of the law having been conducted by senior administration officials.

Beyond that, we still have to do more. So today I join with my good friend Senator MCCAIN from Arizona in calling for the appointment of a special counsel to investigate this pattern of recent leaks. Leaks should never be tolerated, but leaking for political advantage is especially troubling. There must be swift and clear accountability for those responsible for playing this dangerous game with our national security.

The Senator from Arizona has been around here a lot longer than me. He has been involved in the world of national security for many years, both on the frontline himself as well as a Member of this body.

Has the Senator from Arizona ever seen anything as egregious as the purported leaks that are coming from this administration on these highly classified and sensitive number of programs that we have seen in the last few days and weeks?

Mr. MCCAIN. As my colleague well knows, the leaks are part of the way the environment exists in our Nation's capital, and leaks will always be part of the relationship between media and both elected and appointed officials. I understand that. I think my colleague would agree there have been times where abuses have been uncovered and exposed because of leaks so this information was made public, and we have always applauded that.

There has also continuously been a problem of overclassification of infor-

mation so government officials don't have to—be it Republican or Democratic administrations—discuss what is going on publicly.

But I have to tell my friend, I do not know a greater challenge that the United States faces in the short term than this entire issue of Iran acquiring nuclear weapons. The President of the United States said it would be "unacceptable." We all know the Israelis are going through an agonizing decision-making process as to whether they need to attack Iran before they reach "breakout," which means they have enough parts and equipment to assemble a nuclear weapon in a short period of time.

Here we are exposing something that, frankly, I was never told about. I was never informed of Stuxnet, and it is ongoing, at least according to the media reports. So aren't the Iranians going to learn from this? I would ask my colleague, aren't the Iranians going to become more and more aware?

Drone strikes are now one of the leading methods of going after al-Qaida and those radical terrorists who are intent on destroying America. So now al-Qaida and our enemies, both real and others who plan to be, are very aware of the entire decisionmaking process in the White House.

I guess the most disturbing part—and I would ask my friend—it is one thing to have a private, in the WikiLeaks matter, who had access to it, low-level members of certain agencies, one in the CIA who I know was prosecuted, but this is, according to the articles that are written, the highest levels in the White House are confirming this classified information and maybe even volunteering it, for all we know.

But there, obviously, has been a very serious breach of perhaps the two most important challenges we face: the Iranian nuclear process and, of course, the continued presence and efforts of al-Qaida to attack America.

I wonder if my friend from Georgia would agree that these are two of the most challenging national security issues America faces.

Mr. CHAMBLISS. Mr. President, I think my friend from Arizona is exactly right. There have been rumors of the drone program for actually a couple years now, maybe back almost into some period back into the Bush administration. As a member of the Intelligence Committee, we were always told—and rightfully so—this is a covert program and we simply cannot discuss it. So we never have. Now we pick up the newspaper, and over the last several weeks we have seen the President of the United States discussing the drone program. We have seen the Attorney General of the United States discussing the drone program. We have seen the National Security Adviser discussing the drone program. Yet, technically, we as Members of Congress—

particularly members of the Intelligence Committee—cannot talk about this because they are covert programs.

So there is simply no question but that our enemy is better prepared today because of these various leaks and public disclosures.

Let me move to the other issue the Senator has talked about, though, the issue of the nuclear weaponization of Iran. There is no more important national security issue in the world today. It is a daily discussion at the United Nations, it is a daily discussion at the Pentagon, it is a daily discussion in Israel and in virtually every part of the Middle East that we cannot allow for the country of Iran to become nuclear weaponized. Here, all of a sudden, we see public disclosure, whether all of it is true or not, in a newspaper article on the front page of an American newspaper, detailing a purported program of attack against that Iranian program.

What are our friends in the intelligence community to think? What are our friends in Israel to think? How much cooperation are they going to now give us from the standpoint of disclosing information to the U.S. Intelligence community on any program if they can expect that—if this is, in fact, true—what they tell us is going to be on the front page of the New York Times? Not only that, but it is not coming from some private who went on the Internet and found a bunch of classified documents. It is coming from statements made, supposedly, by high-level administration officials.

It puts us in a real—not a quandary. This is not a quandary. It puts us in a position of having to defend ourselves with our allies over certain statements that purportedly are made by high senior administration officials. I simply can never remember a scenario of information being leaked where we have the level of administration officials that now supposedly have made these comments, and they are quoted by name in some instances.

Mr. McCAIN. Could I finally add, the disturbing aspect of this is that one could draw the conclusion, from reading these articles, that it is an attempt to further the President's political ambitions for the sake of his election at the expense of our national security. That is what is disturbing about this entire situation.

I see our friend from Oregon is waiting to illuminate us, so I yield the floor. I thank my friend from Oregon for his patience.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST SERVICE AIRTANKER FLEET

Mr. WYDEN. Mr. President, yesterday I joined with Chairman BINGAMAN

to introduce legislation to address an urgent threat to America's national forests: the lack of resources to fight serious wildfires that at this very moment are burning on more than 300,000 acres in our country. To date—and it is certainly early in the fire season—more than 830,000 acres already have burned.

The heart of the problem is, as the fires have gotten bigger, the Forest Service airtanker fleet to fight these fires has gotten smaller. In 2006, the Forest Service had 44 large airtankers under contract in their fleet. Last week, they had just 11 large airtankers under contract, and 10 of those averaged 50 years of age.

After the very tragic events of this past weekend—in which one of those airtankers crashed and its courageous pilots were killed and another had a failure of its landing gear and sustained serious damage—the Forest Service is down to nine large airtankers. This is an extraordinarily serious problem and a solution is long overdue.

The reason I have come to the floor this afternoon is that Congress has an opportunity to expedite what could be the beginning of a solution. The Forest Service now is ready to begin awarding contracts for the next generation of airtankers, consistent with their large airtanker modernization strategy.

On May 25, as is required by law, under 41 U.S.C. 3903(d), the Forest Service gave Congress a 30-day notification of its intent to award four multiyear contracts, which contain cancellation ceilings in excess of \$10 million and require congressional notification.

These four contracts would, in effect, begin to fill the Federal Government's need for large airtankers to fight wildfires. The 30-day waiting period is simply delaying urgently needed action. Without congressional action, these contracts will not be awarded until June 25. My view is, with hundreds of thousands of acres burning and a severely depleted capacity for sending airtankers to battle these fires, I see nothing that can be served by the Congress sitting on its hands and waiting for those 30 days to expire.

The Forest Service requested that Congress waive the requirement to wait the full 30 days to award these important contracts. The sooner the Forest Service can award these contracts, the sooner the companies that receive the awards can begin to deliver those next-generation airtankers and get them out fighting the fires.

I wish to be clear that I do not know the details of these contracts and have no idea as to which companies that submitted bids are going to be the successful recipients, but I do know the Forest Service has complied with its obligation to notify the Congress. Congress has been notified with the re-

quired information, and I just fail to understand how the country is going to benefit by simply letting time pass. I urge my colleagues to see how important and how serious this fire situation is and approve the critical legislation I have introduced with Chairman BINGAMAN.

At this very moment, there are 11 uncontained large fires nationally, 152 new fires that have been reported in just the last 24 hours, and dire predictions about hot and dry conditions combining with strong winds, looming thunderstorms, and arid lands across much of our landscape. All these factors contribute to a dangerous fire situation on the ground. Yet, as we speak, the Forest Service now has only nine airtankers to assist those hard-working fire crews. Eight of those tankers are getting to the point where they ought to be considered museums in the sky.

While the Forest Service can and should use all possible assets—such as helicopters and innovative options such as the 20,000 gallon Very Large Airtankers—and the agency is likely to need to call in the National Guard, the large airtankers remain a critically important tool for fire suppression. In fact, the firefighting agencies mobilized airtankers 153 percent above the 10-year average in 2011. Yet these planes needed to assist on-the-ground firefighters have dwindled to the dire shortage—they have atrophied to the point I have described this afternoon.

This lack of resources is coming at a time when the Nation's forests are very vulnerable to fire. The fire season is early, but we are already seeing the production of record-breaking fires. Fire seasons are getting longer and they are more severe and we are seeing more and more of what the professional foresters called a megafire.

From 2000 to 2008, at least 10 States had fires of record-breaking size. The Forest Service indicated in its airtanker mobilization strategy that the agency will need up to 28 of these airtankers in order to adequately battle fire threats. So the Forest Service says we need 28. As of this moment, this afternoon, there are only nine.

I am asking today for the Senate to recognize the seriousness of the threat and let the Forest Service proceed in awarding these new contracts as rapidly as possible. The legislation Chairman BINGAMAN and I have introduced would enable the agency to do just that and begin to tackle this extraordinarily serious health problem.

In closing, I wish to express my thanks to all of America's courageous and dedicated firefighters. They put themselves in harm's way to protect our communities, and we should be grateful to them and to the pilots and companies and agency personnel who tirelessly battles these fires. I believe, on behalf of every Member of the Senate, it is appropriate to express our

deepest condolences to the families and colleagues and friends of the recently deceased pilots. I hope by advancing the legislation I have described this afternoon, Congress will be sending a message to those courageous firefighters and those with whom they work that the Congress is beginning to put in place a system that would provide them real relief.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DREAM ACT

Mr. DURBIN. Mr. President, people wonder as they watch the Senate how bills get started. One of the bills that I have worked on probably the hardest in my career got started 11 years ago when there was a phone call to my Senate office in Chicago. It was a phone call from a friend of ours, Duffie Adleson, who was managing a program called the Merit Music Program.

It is a wonderful program in Chicago that offers opportunities for free musical instruments and free music lessons for kids from some of the poorest schools in town. The net result of it is a life-changing experience. One hundred of the Merit Music Program graduates go on to college. It is transformative.

Well, she had a story to tell me. It was about a young lady named Tereza Lee, Korean, who was a child prodigy when it came to the piano. She played it so well she had been offered many scholarships, including to the Manhattan Conservatory of Music. When she went to fill out her application, one of the questions was, What is your citizenship or nationality?

She turned to her mother and said: What is it, Mom? Her mom said: I do not know. You see, they brought Tereza to America when she was 2 years old on a visitor's visa. Her mom said: We never filed anything after that.

Mom and dad became citizens. Brother and sister born here automatically became citizens, but Tereza was a question mark. What am I? So she called Duffie. Duffie called the office, and we checked the law.

The law said Tereza Lee, who had lived in the United States for 16 years, had to leave for 10 years and after 10 years could apply to come back into the United States. She did not know where she would go. Her family had

come to Chicago from Brazil, originally from Korea. There was no place to go, no other language that she spoke. This was the only country she ever knew.

So I wrote a bill and called it the DREAM Act. The DREAM Act said young people like her should be given a chance to become legal in America, to earn their way into legal status. The bill basically laid out some conditions: First, that they came to the United States as a child; second, they completed high school; third, they have no significant problems of moral character or a criminal record to speak of, and beyond that they had to do one of two things: finish at least 2 years of college or enlist in the American military.

Well, when I introduced this bill it was bipartisan. In fact, as many as 13 Republican Senators would vote with me. But we never quite got to that magic number of 60 votes in the Senate. We would get a majority but never quite get 60 votes. Then over the years this political issue started changing. Unfortunately, we started losing support on the Republican side of the aisle. Even those who were the original cosponsors of the bill started voting against it. They heard the talk about amnesty and all the criticism. They were swept into the belief that this should not pass.

But the bill is still very much alive, and it is the most important thing I have pending in the Senate, and has been for a long time. What it does, of course, is offer this opportunity.

I want to salute Senator MARCO RUBIO of Florida. He is a new Republican Senator, conservative, who took a look at this issue and said this is not an immigration issue; this is a humanitarian issue. We should offer these young people a chance, a chance to earn their way into legal status.

He is right. He remembered when 600,000 Cubans left to come to America to escape Castro's regime it was not the immigration system that welcomed them; it was the humanitarian effort by the United States to allow them to find a home. What a difference they have made, a positive difference in this country, not just in Florida but all over the country.

Look at MARCO RUBIO, a man who now represents Florida in the Senate. It was his father and grandfather who made it here because of that humanitarian gesture. He and I and many others are working now to try to find a bipartisan way to put this together again.

I have come to the floor countless times—dozens of times—to ask my colleagues to think about this issue in real human terms. Almost every week I come and tell the story of one of the students who would be affected by the DREAM Act. When I started on this issue, the DREAM Act students would

hide in the shadows. They would wait in the darkness by my car to tell me: I am one of those undocumented immigrants. I am one of those students who has no place to go.

Well, times have changed. They are now stepping up and saying: Look at me. Know who I am. Realize, as Senator MENENDEZ has said on the floor many times, these are young people who spent their entire lives with their hands over their hearts pledging allegiance to the only country they ever knew. They only know one national anthem, and it is ours. They think it is theirs. But technically, legally, they have no legal standing.

Let me introduce you to a young man who has a great story. His name is Novi Roy. He grew up in Illinois. He was brought to the United States from India as a child. He was an especially good student. Novi attended Evanston Township High School just north of Chicago, graduated with a 3.9 grade point average.

During high school he volunteered working in the soup kitchen in Rogers Park and continues to do that even today. He went to the University of Illinois at Urbana-Champaign, which we are pretty proud of, and he graduated with a bachelor's degree in economics. Just last month he had two master's degrees awarded to him, one in business administration and one in human resources. He is 24 years old now.

His dream is to work in the health care field to try to provide health care protection to people who don't have it today. He said this in a letter he wrote me:

I love America for all its opportunities and, like any other aspiring student, I want a chance to realize the American dream. I owe the State of Illinois, its taxpayers, and America a huge debt of gratitude for the level of education I have attained thus far. I am confident that my education will serve me well enough to make a difference in people's lives [and] there is nothing I [would] like more than to give back to the community that has been so good to me.

For the record, Novi, because he is DREAM Act eligible, is not eligible for Federal assistance for education. These young people, DREAM Act students, have to work harder, borrow a lot more money, if they can, or save it, and it will take longer to get through. But they do it anyway because they are so determined to have a good life.

Novi has been offered jobs with Fortune 100 companies, but he cannot work legally in America because he is undocumented. Novi came to the United States legally, and his family applied for legal permanent resident status. When their application was denied, Novi was placed in deportation proceedings.

He never committed a crime. He grew up in this country. We have already invested in Novi, obviously, with an outstanding education from a great university. He has a potential to make

America a better place. Despite these facts, even at this moment, Novi could be deported from the United States.

In his letter to me, he said this about that possibility:

I have never entered the U.S. illegally, nor broken any of its laws at any time. Unfortunately, my immigration case has simply fallen through the cracks. I have lived here in Illinois for the last 10 years, and my entire identity is exclusively based on my life in the U.S. I have nothing to go back to—no friends, no family, nothing. America is my home.

My office contacted Immigration and Customs Enforcement and asked them to consider Novi's request that his deportation be placed on hold. We just learned yesterday this request had been granted. But the decision to put Novi's deportation on hold is temporary. It doesn't give Novi permanent legal status, and he still is at risk of deportation in the future. The only way for Novi to become a citizen is for the DREAM Act to become law.

Would America be stronger and better if Novi Roy was deported? Of course not. He has all these years of education and his graduation from Evanston Township High School with a high GPA, two degrees from the University of Illinois, and we would let him leave and go to some other country and use his talents to make their country better? That makes no sense.

He has overcome great odds to achieve the great success he has so far. He doesn't have any criminal background problems or pose any threats to this country. He would make America a better place.

Novi is not an isolated example. There are literally thousands of others just like him around the country.

The DREAM Act would give Novi and other bright, accomplished, and ambitious young people like him the chance to become America's future entrepreneurs, doctors, engineers, teachers, and soldiers.

Today, I again ask my colleagues to support the DREAM Act. Let's give Novi Roy and so many other young people like him a chance to contribute more completely to the country they call home. It is the right thing to do, and it will make America stronger.

OVERSEAS VISIT

Mr. DURBIN. Mr. President, last week during the Senate recess I traveled overseas to four countries: Ukraine, Turkey, Georgia, and Armenia. It was a lot of ground to cover in 5 days in a region with considerable history and great, challenging issues.

Before I go further on the matter, let me say for the record how impressed I am with the men and women who work representing the United States overseas. The ambassadors, all of their staff, the consular service, the military attaches, and those working through the Department of Agriculture do us proud every day. Many make a per-

sonal sacrifice to represent our country. They are on the front line.

I thank Ambassador John Tefft in Ukraine, Ambassador Ricciardone in Turkey, Ambassador Bass in Georgia, and Ambassador Heffern in Armenia for their public service. They are a reminder of why the relatively small amount of money we spend on our diplomatic and foreign assistance efforts makes a big difference in the world.

A visit through this region is a reminder of the legacy of the Soviet Union and the challenges facing countries such as Ukraine, Georgia, and Armenia as they try to rebuild independent and democratic nations. They inherited an environmental degradation that had been virtually destroyed by the Soviet Union, with broken economies built on a failed Soviet model and weak political and governing institutions. Sadly, these countries are not just trying to build modern nations, but must at times face continued and increased pressure from Russia on issues such as security and energy.

Ukraine is a good example when it comes to energy. They continue even though they face pressures from Russia to look west to the European Union, the United States, and NATO. They long to be in partnerships with the United States. We need to support that relationship, as well as the programs that help them transition away from the Soviet-era legacy.

There isn't enough time to cover all the issues facing these countries, but I will mention a few.

In Ukraine there has been a troubling development recently that threatens to overshadow so much of the economic and democratic progress they have made in recent decades. Specifically, this government currently in control has jailed former Prime Minister Yulia Tymoshenko over her alleged wrongdoing regarding a contract for natural gas with Russia. Many people have read about her detention and hunger strike.

One need not agree with policy decisions of former politicians—and I am not here to judge whether that gas contract was sound, but I can say in a democracy one should not make a practice of jailing political opponents. It kind of discourages people from running.

Doing so has the bad taste of Lukashenko's dictatorship in neighboring Belarus—not exactly the model a modern democratic Ukraine should follow. I have seen that firsthand where, the day after his election, the last dictator in Europe jailed all of his political opponents. Talk about discouraging people from running for office.

As long as no criminal activity occurred, in a democracy voters should decide at the ballot box if they did or didn't like policy decisions of an elected official.

I had a heart-breaking discussion with Tymoshenko's daughter Eugenia. I was deeply troubled by some of the stories I heard about her mother's detention.

I also had a hopeful meeting with Prime Minister Azarov and President Yanukovich on many issues of shared U.S. and Ukrainian cooperation, as well as the Tymoshenko detention. They are going to move on a timely basis to deal with this detention, and I assured them that the West was watching closely. I hope she will be released from her detention as quickly as possible.

My second stop was in Turkey. I have been there several times before. It is a growing power in a region and the world, a thriving Muslim democracy and a strong NATO partner of the United States.

Turkey most recently agreed to build an important NATO radar base on its soil, an installation that is absolutely critical in keeping an eye on Iran and its nuclear ambitions. It was a hard decision by Turkey to agree to this installation for NATO, and they made it. I thank them for that. It makes the world a safer place.

Turkey is hosting on its border more than 20,000 refugees who have fled the violence in Syria. I visited one of these refugee camps in the town of Kilis. Almost 10,000 refugees—more than 60 percent of them women and children—were given a good, clean safe place to stay there, education for the kids, as well as health care.

The Turkish Government needs to be commended for the generous hospitality and kindness they provided to their Syrian neighbors fleeing Syrian President Assad's brutality. I wonder if the United States would be as welcoming under those circumstances. Well, Turkey has been and they should be commended for it.

I spoke with many of the Syrians in the camp, and they told me deeply troubling stories about the violence they faced and why they had to leave everything behind and flee to a neighboring country. They were worried about family and friends who are still in Syria—particularly given the massacre reported last week in Houla.

The international community must do more to end the violence and foster a representative transition to democracy in Syria.

I have to note for the record that I saw my colleague, JOHN MCCAIN, on the Senate floor. He, Senator LIEBERMAN, and others have been to the same place and have met with refugees and have strong feelings about Syria. I have to say, and I said this to the Syrian opposition I met with, I don't believe there is an appetite in America for invading another Muslim country or sending in our Army. We are war weary after more than 10 years at it. What we are

looking for is an international organization or others who will join in the effort to stop Bashir al-Assad.

We encouraged Russia to step up. It has always had a special relationship with Syria. If Russia can bring the various parties together and end the violence and start a transition away from the brutality of Bashir al-Assad, it will be in the best interest of Russia and of the world.

The Arab League needs to raise its voice about solving those problems in Syria. We cannot let Assad bring any further embarrassment to the nations around the world. He has proven himself unworthy of the support of Russia or any country.

I urge Russia to join the United States and Turkey and others to find a timely way forward in Syria.

Georgia and Armenia are two other friends of the United States. In Georgia, President Saakashvili has made great progress on democratic and economic reforms. He was a leader in the Rose Revolution. His term is ending soon, and I hope the ensuing election will serve as a model for the region.

We should also not forget one important thing about Georgia. It is still dealing with the aftereffects of the 2008 war with Russia that resulted in the breakaway republics of Abkhazia and South Ossetia. I investigated the South Ossetia borderline, and I saw the permanent Russian facility there. It is clear that Putin is trying to create a provocative environment within Georgia today.

We need to take steps to make sure the EU six-point plan is worked out—a plan that wasn't implemented after the war. I hope displaced persons and communities in South Ossetia and those in Abkhazia as well will have a chance to be reintegrated back into Georgia where they belong.

We need to take the steps to eliminate and reduce unnecessary human suffering. The EU has an important monitoring mission there, and I urge Russia and Georgia to work with them.

One last point about Georgia is that a lieutenant colonel in the U.S. Marine Corps, stationed at Tbilisi in our Embassy, reported on what is a phenomenal thing going on. Georgia is not in NATO. President Obama has said they can be, and will be, and should be. At this moment, Georgia is contributing more forces and soldiers per capita than any nation on Earth to the NATO mission in Afghanistan. A lieutenant colonel in our Marine Corps, who is training Georgian soldiers, said they were great fighters. He went on to say: If you want to know how I can prove that, I am sending them to Afghanistan to stand next to our U.S. Marines and help us in the fight. That is as great an endorsement any marine could give to another fighting soldier.

Lastly, Armenia. There are so many Armenians across America who have

made such a profound impact on our Nation—in fact, around the world. The diaspora of Armenian citizens is larger than the current population of that nation. They have lived through terrible brutality and loss of life. The genocide that occurred in the beginning of the last century may have claimed as many as 1.5 million lives as Armenians were displaced from eastern Turkey, and it is a legacy they will always remember.

I visited the Armenian Genocide Memorial and Museum to pay tribute and acknowledge the great loss of life that Armenia has suffered. There was a special tribute to Clara Barton, who may be remembered in American history for her work in establishing nursing and health care. She went late in her life—in her seventies—to Armenia to provide that same kind of assistance. She is given special recognition in the Government of Armenia today. The Armenian Genocide Memorial pays tribute to the many Armenians who died during this terrible period and the courageous leadership of those countries that went forward after their painful past.

I called on the President of Turkey, when I visited him, as I did several years ago, to work closely with the Armenians to try to resolve past differences and make an honest acknowledgement of the history between the two countries and try to work out a peaceful and cooperative relationship.

Mr. President, one encounter in Armenia in particular gave me hope that such a path forward is possible. I met with six Armenians who had participated in U.S.-supported cross-border reconciliation programs with Turkey. They were artists, journalists, business entrepreneurs, filmmakers, and high school students. Some of their stories were deeply moving.

One high school student named Victoria talked about the summer camp she visited in Vermont with Turkish high school counterparts and how they broke through stereotypes and started friendships. The filmmaker talked about joint films made with Turkish counterparts and then shown at the Istanbul Film Festival. An entrepreneur in Armenia talked about a service he set up to help businesspeople from Turkey work in Armenia and invest there.

These stories gave me hope that some of the painful wounds between these countries can be healed.

Let me close by saying what a reminder these countries are of the importance still played by American leadership all over the world. At a time with so many economic and security challenges around the world, now is not the time for the United States to retreat from the global stage.

I support the President's ending of the war in Iraq. I believe we should remove our troops from Afghanistan as

quickly as possible. I know we have to remain engaged. The world still looks to us for leadership and values that they can build their countries' future on as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PHILLIP D. MORSE, SR.

Mr. REID. Mr. President, today I rise to recognize the extraordinary career of Phillip D. Morse, Sr., who served the United States Capitol Police with great distinction for 27 years, serving the final 5½ years as Chief of Police.

Chief Morse entered duty with the Capitol Police in May 1985. After training, his first duty assignment was providing security and law enforcement to the Senate. Since that time, he has worked in many different areas throughout the department, including the Containment and Emergency Response Team, Patrol Mobile Response Division, Capitol Division, and Office of Professional Standards and Compliance. Chief Morse eventually moved to the Dignitary Protection Division, where he implemented new financial management controls for the division and managed the overall security planning for the 2004 Democratic and Republican Conventions.

In 2004, he was promoted to the rank of Captain and returned to the Capitol Division. Upon his promotion to Inspector, Chief Morse assumed command of the Capitol Division and oversaw all police, security, and protective operations at the Capitol Building. During this time, Chief Morse established a Capitol Security Survey, which addressed emergency procedures and protocols for prevention, response, and mitigation of critical incidents. In addition, he planned the security, evacuation, and emergency response for the 55th Presidential Inauguration. He later served as deputy chief of the Uniformed Services Bureau, the largest component of the Capitol Police.

On October 30, 2006, he was appointed as chief of the Capitol Police. As leader of the nearly 1,800-officer force, Chief

Morse has overseen enhancements in numerous areas, including recruiting, training, technology, community outreach, and emergency preparedness. During his tenure, Chief Morse oversaw the opening of the Capitol Visitor Center and the merger between the Capitol Police and Library of Congress Police.

Throughout his career, Chief Morse has continuously exhibited exceptional skills as a crisis manager, security coordinator, innovator, and team builder. Always leading by example, Chief Morse motivated all who came into contact with him through his enthusiasm and flexibility. Thanks to his leadership and service, the Capitol Police today is a stronger, more professional, and effective law enforcement agency.

Born in Wilmington, NC, Chief Morse holds a Bachelor of Science and a Master of Science degree in management from the Johns Hopkins University. He is a loving and devoted husband and father of three children.

Speaking both for himself and the ranks of law enforcement officers who serve the Congress, Chief Morse once stated, "The security and protection of this great institution is not only our job, but we consider it a sacred duty and privilege to serve you, the Congressional staff, and the millions of visitors from every corner of the world who come to the United States Capitol complex every year." We have all benefited from his distinction and dedication.

On behalf of the U.S. Senate, I congratulate Chief Morse on his well-earned retirement from the United States Capitol Police and salute his distinguished career.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 114 on the nomination of Timothy S. Hillman to be a United States District Judge for the District of Massachusetts. Had I been present, I would have voted yea.

TRIBUTE TO JOHN M. CONNORS, JR.

Mr. BROWN of Massachusetts. Mr. President, I rise today in tribute to John M. "Jack" Connors, Jr., of Brookline, MA, a larger-than-life figure in a region with quite a few outsized personalities. A Massachusetts native, he grew up in the Roslindale section of Boston and graduated from Boston College. A born go-getter, to help pay for college Jack landed one of the greatest jobs in New England—selling hotdogs and peanuts at Fenway Park.

Not long after graduation, Jack cofounded Boston's Hill Holliday ad agency and spent the better part of 30 years as an ad man. Now a part of the Interpublic Group of Companies, Jack remains chairman emeritus of this lead-

ing agency. He is a fierce competitor in business and built hugely successful and profitable enterprises that employ tens of thousands and have contributed billions to the regional economy. In July, Jack will step down after a phenomenally successful 17-year tenure as chairman of the board of Partners Health Care Systems.

Partners began with the merger of two of our Nation's leading teaching hospitals, Massachusetts General Hospital and Brigham and Women's Hospital. Of course, the real work of any merger comes after the deal is signed, and when Jack was elected chairman of Partners' board in 1996, he helped lead the integration and growth of the new not-for-profit network.

Today, Partners is the largest health care network in Massachusetts, and with over 50,000 employees, the State's largest private employer. It is also one of our Nation's great medical research centers. In fact, Partners is the largest recipient of National Institutes of Health research grants, a testament to their world-class scientists and facilities.

Jack serves on the boards of many companies and organizations, including Covidien and Hasbro. He is also a trustee of Emmanuel College, his alma mater Boston College, and is a member of Harvard Medical School's Board of Fellows.

Throughout his career, Jack has been a relentless fighter for the less fortunate in the Boston area. From an early age, Jack worked closely with Boston's leading charities, often providing pro bono ad work for these nonprofits. Jack seemed to always know that any true measure of a successful life must include helping others.

Jack worked tirelessly to save many of the Boston Archdiocese's struggling schools. As a businessman, he knew that rescuing these schools required more than throwing money at the problem—and by some estimates, Jack raised about \$70 million for the cause—it also required a more businesslike approach to running these schools. So Jack encouraged the archdiocese to build parochial academies such as Pope John Paul II Catholic Academy that serve more than one parish. These academies are now models of primary education and well over 95 percent of their students go on to college.

Over the years, Jack worked closely with Boston Mayor Tom Menino on a number of important projects to help enrich the lives of at-risk youth. Among their more ambitious—and hugely successful—is Camp Harbor View. This partnership with the city and the Boys & Girls Clubs of Boston has, in a few short years, created a summer haven for nearly 800 young people on Long Island off Quincy, MA. This remarkable program has a full-time staff which stays in contact with campers and their families during the school year.

In closing, it is a privilege for me to join Jack's friends, family, and colleagues in congratulating him on his retirement from Partners. And though Jack will be leaving Partners, we can be sure he will continue to have a larger-than-life presence in the educational, cultural, and business life of Boston. I thank Jack for his tremendous service to the people of Massachusetts and wish him and his wife Eileen all the best in the years ahead.

REMEMBERING SENATOR JAMES ABDNOR

Mr. JOHNSON of South Dakota. Mr. President, I rise today to mark the passing of a great public servant from South Dakota, Senator James Abdnor.

Senator Abdnor is remembered across South Dakota as a man that never lost touch with the people who elected him. Throughout his life, no matter what office he achieved, he was in his heart the same small town South Dakotan he had always been. He traveled the world, but wherever he went, he always took his hometown, Kennebec, SD, with him.

Before he was a U.S. Senator, Jim Abdnor served in the South Dakota State Senate in Pierre, and spent 3 years as Lieutenant Governor. In 1972, he was elected to Congress, where he served three terms in the U.S. House. In 1980, he defeated Senator George McGovern to serve in the Senate, and later headed the Small Business Administration for 2 years under President Reagan.

Beyond his official titles, Senator Abdnor was also the son of a Lebanese immigrant, an Army veteran, a farmer and rancher, an avid follower of small town baseball, and a father-figure to many of his staff members, who continue to carry out his legacy to this day.

Senator Abdnor was regarded as a decent and humble man, by both political supporters and opponents. He would be the first to admit that he was not a flashy speaker, but, one-on-one, he had a way of connecting with people. Plain spoken, straightforward, friendly, and accessible—there are few politicians like Senator Abdnor, and our Nation is poorer for it.

As one South Dakotan recently wrote,

I may have voted for someone else, but I never voted against Jim.

His service inspired countless South Dakotans on both sides of the aisle, and we all mourn his passing.

ADDITIONAL STATEMENTS

REMEMBERING JUDGE ROBERT BOOCHEVER

• Mr. BEGICH. Mr. President, today I wish to memorialize the Honorable

Robert Boochever, a retired jurist of the 9th Circuit Court of Appeals. Born in New York in 1917, Judge Boochever led a distinguished and balanced life while he helped to build a community, define the laws of a new State, and serve his country. Among the rarest of men, he is remembered as much for his love of family as for his commitment to community and dedication to duty.

As a graduate of Cornell University's School of Law, Bob joined the U.S. Army Infantry and in 1941 was stationed in Newfoundland. There, Captain Boochever met Connie, an Army nurse, who was to be his wife until her death in 1999. After his 1945 discharge, the couple came north to Alaska where Bob served as Assistant U.S. Attorney for the Alaska Territory.

In 1947 Bob entered private practice at the law firm Faulkner, Banfield, Boochever, and Doogan. For the next 25 years, he focused his diverse talents on his firm, his family and his community. As the leader on more than a dozen community and professional boards, he helped to shape the capital city of Juneau and the State of Alaska. Whether as president of the Juneau or Alaska Bar Association, Juneau Rotary, or the Juneau Chamber of Commerce, Bob had a hand in policy development and quality of life for a developing territory and State. He chaired Juneau's first city Planning Commission, helped to develop a comprehensive plan, and served on the selection committee to choose a site for the University of Alaska Southeast. He was recognized with an honorary doctorate at UAS, and in 1974, was chosen as "The Man of the Year" for the Juneau Chamber of Commerce. He also received a Distinguished Alumnus Award from Cornell Law School.

A quiet man of many talents, Bob was an accomplished athlete. He lettered in four sports during high school and two at Cornell—football and tennis. In the Army he learned to ski, so in Juneau he helped to develop Eaglecrest, a highly acclaimed community operated ski slope. His granddaughter, Hilary Lindh, got her start there and became a silver medalist at the 1992 Albertville Winter Olympics.

A quiet man with a twinkle in his eye, Bob loved his family and, with Connie, helped to raise four wonderful daughters. Complementing Connie's love and advocacy for the arts, he was a poet, a writer, and played the piano, creating stories and songs for each of his children. He championed family camping trips, bird watching, fly fishing, and made major expeditions to explore for new places to fish. He wrote stories for publication in *Alaska Magazine* about his travels.

In 1972, ready for a new professional challenge, Bob accepted Governor Bill Egan's appointment to the Alaska Supreme Court. During eight years on the bench, he served four as Chief Justice.

Many cases in which he played an integral part are frequently referenced, in particular: *Ravin v. State* established the right to privacy in a person's home; and *Aguchak v. Montgomery Ward* limited a creditor's ability to collect a debt against a rural Alaskan by filing a case in an Alaska court distant from their home.

Recognized for his protection of individual rights and liberties, Justice Boochever was tapped in 1980 by President Jimmy Carter to serve on the Nation's largest appellate court, the 9th Circuit Court of Appeals. The first Alaskan so appointed, he presided as an active member for six years before achieving senior status, which he held until his passing on October 9, 2011.

Praised as a man who wanted to improve the administration of justice, Judge Robert Boochever was someone who championed the rights of minorities and the disadvantaged. His colleagues have said he was the best writer on the bench—succinct, clear, and to the point. He was a person of integrity who was honest, warm and caring; and a gentle, generous man who was a tireless advocate.

Robert Boochever was among the best of men and a great Alaskan. We are better because of his caring and compassion for family and community, his commitment to public service and fair adjudication, and his outstanding contributions and investments in the humanities.

Our deepest condolences are extended to his family—daughters Barbara Lindh, Ann Boochever, Linda Boochever, and Miriam Medenica; stepdaughters Betty Thompson, Joan Stark and Laurie Craig; his 11 grandchildren; and his 3 great-grandchildren.●

TRIBUTE TO ERNIE YATES

● Mrs. BOXER. Mr. President, today I wish to pay tribute to my friend Ernie Yates, the dynamic California labor leader who is retiring next month after 49 years as a member, business agent, and officer of Teamsters Local 665 in San Francisco.

Ernie was born in San Francisco in 1946 and attended Mission High School. At age 17, he got a job at Allright Parking and joined Local 665.

In 1977, Ernie was appointed as the business agent for Local 665 and his assignments included policing labor agreements and processing grievances in a variety of crafts, including the rent-a-car, parking garage, shuttle bus, and taxicab industries. Three years later, he was elevated to the executive board of Local 665 and became its president. Throughout the next decade, Ernie negotiated Teamster regional, master, and white paper contracts in all of the core automotive industries under the local's jurisdiction.

In 1992, with the active support of hundreds of Local 665 members, Ernie

was elected secretary-treasurer, the principal officer of the union, a position he has held until his announced retirement in 2012.

During his 35 years as an officer and business agent of Local 665, Ernie honed his skills as an expert labor negotiator. In both good and bad economic times, Ernie has used these skills to bring fair and just contract settlements to thousands of workers at Teamster worksites throughout the San Francisco Bay Area.

Ernie has been married to his beloved wife Janet for 47 years. Together they have two sons, Michael and Mark; a daughter, Kimberly; 12 grandchildren and 4 great-grandchildren.

On June 12, 2012, Teamsters Local 665 will celebrate Ernie's decades of service to the union's membership and the working families of California. I am honored to join them in saluting a great Californian and a great American, Ernie Yates.●

TRIBUTE TO SUE GLADHILL

● Mr. CARDIN. Mr. President, today I wish to recognize the extraordinary accomplishments of T. Susan Gladhill, MSW, who will be retiring as Chief Government & Community Affairs Officer and Vice President after more than three decades of service to the University of Maryland, Baltimore—UMB.

Sue began her career at UMB as an instructor at the School of Social Work, where she had earned her Master's degree in Social Work. Then, she joined the president's office, first as an assistant in government affairs. One of her first tasks was to secure passage of legislation to privatize the University of Maryland Hospital. During Sue's tenure, she has served as associate vice president for government affairs, vice president for government affairs, and—since 1995—vice president for external affairs, a position which also includes managing UMB's communications and development. Sue has done an admirable job representing the University of Maryland's legislative interests. She helped to acquire construction funding for the R. Adams Cowley Shock Trauma Center and she was involved in landmark legislation that re-established the University System of Maryland as a public corporation. She also worked on passage of the Public Private Partnership Act, which made it possible for university faculty to enter into business relationships with the private sector. This act was critically important with regard to establishing a highly successful technology transfer program.

Sue has also been a prolific fundraiser for the university, raising money for the Health Sciences & Human Service Library and the Schools of Social Work, Nursing, Law, Dentistry, Pharmacy, and Health Science Facilities I, II, and III. She has raised funds for renovating research space in Howard Hall.

She was instrumental in establishing an institutional-affiliated foundation known as the University of Maryland Baltimore Foundation, which has grown its assets to just under \$200 million since 2000. She is the foundation's president and chief executive officer. Through it all, Sue has also managed to serve as an adjunct clinical associate professor at the University of Maryland School of Social Work.

I ask my colleagues to join me in thanking Sue Gladhill for her dedicated service and consummate leadership at the University of Maryland, Baltimore. She has contributed greatly to the success of the excellent education and services provided by the University of Maryland's prestigious graduate schools and medical center, and she will be missed. Please join me in wishing her well in her retirement. She certainly has earned it.●

AROOSTOOK COUNTY, MAINE

● Ms. COLLINS. Mr. President, Aroostook County in far northern Maine has long been a thriving center of farming and logging. In the early years of the 20th century, it seemed that the only barrier to growth and prosperity was a shortage of modern health care facilities and trained medical professionals.

Two local citizens took it upon themselves to remove this barrier. By horse and wagon, Frank White, an attorney, and Charles E. Hussey, a farmer, traveled through the countryside calling on their neighbors and collected \$2,500 to establish a center for health care. In the spring of 1912, Presque Isle General Hospital opened with 20 beds, an operating theater with the latest equipment, four physicians, and a training school for nurses.

Much has changed during the past 100 years. What began in one three-story converted house as Presque Isle General is known today as the Aroostook Medical Center, TAMC, with facilities in Presque Isle, Mars Hill, and Fort Fairfield, an ambulance service, and outreach services, such as a dialysis center and primary care clinics, throughout the northern part of the largest county east of the Mississippi. It has a medical staff of more than 60 trained professionals and a workforce of more than 1,000, making it the region's largest employer.

What has not changed is the spirit of service that is the foundation of this remarkable organization. As one who was born and raised in Aroostook County, I am proud of what has been accomplished there and grateful for the contributions and dedication over the generations that have made this invaluable community resource possible.

The commitment that established the region's first public hospital in 1912 was not a one-time event. Less than a decade later, the growing population created the need for a larger hospital.

Another, even more successful fund drive led to the opening in 1921 of a facility with more than twice the beds and vastly expanded services. In 1960, a capital campaign of unprecedented size for this area established the A.R. Gould Memorial Hospital that continues to grow and serve Aroostook residents.

The namesake of today's hospital is of special significance to my Senate colleagues. Arthur Robinson Gould was a Presque Isle entrepreneur who built a lumber mill, powerplants, and an electric railroad. In 1926, he was elected to the U.S. Senate to fill the term of Senator Bert M. Fernald, who died in office. Senator Gould is best remembered for the courageous stand he took against the Ku Klux Klan at a time when that hateful group was gaining prominence in American politics. Despite the esteem in which he was held, Senator Gould chose not to run for reelection in 1930, saying, "I want to get back to my railroad and the pine forests of Maine."

That simple statement describes the affection the people of Aroostook County have for their home and helps to explain how they could join together to create, sustain, and grow a modern health care organization. By proclamation of the Governor of Maine and the city of Presque Isle, June 9, 2012, is the official day of celebration for this great centennial. I am honored to commemorate the occasion by congratulating the men and women of the Aroostook Medical Center and the people of Aroostook County for 100 years of accomplishment, and I wish them the best in the years to come.●

60TH ANNIVERSARY OF THE B-52

● Mr. CONRAD. Mr. President, I would like to take this opportunity to recognize the men and women of our United States Air Force on the 60th anniversary of the B-52 Stratofortress strategic bomber.

On April 15, 1952, 60 years ago, America's first B-52 lifted off on its maiden flight. This year also marks 50 years since the last B-52, tail number 61-040, rolled off the assembly line in Wichita, KS, and was delivered to Minot Air Force Base in the great state of North Dakota. Through its unwavering service during and after the Cold War, the B-52 has shown itself as a time-tested and proven solution for the long-range strike and nuclear deterrence missions and become an iconic symbol around the world of America's dedication to "peace through strength." Half a century after this jet was developed and fielded to guarantee nuclear deterrence of the Soviet Union, it played a critical role in military operations after September 11. No other airframe in the history of the Nation has done more to keep this country strong and safe than the B-52.

The Boeing Company originally built 744 B-52s. As the global environment

evolved, many of these have since been retired. Nonetheless, 74 aircraft remain in the fleet—more than any other bomber. I sponsored legislation, later signed into law, which requires the B-52 fleet to be maintained at no less than 74 aircraft and preserves the fleet through 2018. With appropriate funding, we expect the remaining 74 B-52s to serve the Nation honorably until 2045.

The fact that the B-52 is still serving the United States today is a testament to the innovation and dedication of the men and women all around this Nation who designed, built, maintained, supported and employed the B-52 for over 50 years. In fact, these aircraft have been so thoroughly and effectively upgraded and modernized that they are projected to continue to play a critical role defending our country for the foreseeable future and beyond.

During this time of ever-tighter budgets, the B-52 is more important than ever, because it is the most cost effective bomber in our inventory. Or, as the military would say, the B-52 provides great "economy of force," which means the B-52 brings a tremendous amount of "bang" for the taxpayer's dollar. B-52 modernization must be a top priority to ensure that "the best bomb truck for the buck" and its airmen can continue to meet emerging strategic challenges now and well into the future.

The longevity, cost-effectiveness, and adaptability of the B-52 are a testament to the quality of its design and procurement. In many ways, the B-52 is the last great success story of American bomber design and procurement. As the development of the new Long Range Strike Bomber moves forward, we must demand the same innovative thought and dedication that led to the development of the B-52 in the 1950s. Our new bomber must be cost-effective, reliable, and versatile. And it must be produced on schedule, on budget and in quantity. Anything less would be mismanagement we cannot afford, either fiscally or strategically.

2012 has been coined the "Year of the B-52." This year, more than ever, we celebrate the American innovation and dedication that produced this time-tested and tireless workhorse for the Nation. We also celebrate and give our whole-hearted thanks to the men and women who keep these great aircraft flying and keep our Nation safe.●

RECOGNIZING THE 2011 SLOAN AWARD RECIPIENTS

● Mr. CRAPO. Mr. President, my colleague Senator HERB KOHL joins me today in congratulating the 2011 winners of the Alfred P. Sloan Award for Excellence in Workplace Effectiveness and Flexibility, which recognizes companies that have successfully used flexibility to enhance both business results and employee goals. The Sloan

Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute and the Society for Human Resource Management. In 2011, the When Work Works initiative was sponsored by the Alfred P. Sloan Foundation.

We want to draw your attention to the Sloan Awards because these organizations are to be commended for their excellence in providing workplace flexibility practices that benefit both employees and employers. Achieving greater flexibility in the workplace, to maximize productivity while attracting and retaining talented individuals, is one of the key challenges facing organizations in the 21st century.

Organizations in the following 25 communities were eligible for recognition through the 2011 Sloan Awards: Arizona, statewide; Aurora, CO; Boise, ID; Charleston, SC; Chicago, IL; Dallas, TX; Dayton, OH; Durham, NC; Georgia, statewide; Houston, TX; Long Beach, CA; Long Island, NY; Louisville, KY; Melbourne-Palm Bay, FL; Michigan, statewide; Milwaukee, WI; Morris County, NJ; New Hampshire, statewide; Oregon, statewide; Providence, RI; Richmond, VA; Rochester, MN; Salt Lake City, UT; Twin Cities and St. Cloud, MN; and Winona, MN. In addition, there are several winners recognized in the at-large category. In these communities, organizations applied for, and winners were selected for, the Sloan Awards through a process that included employees' views as well as employer practices.

We would like to take this opportunity to congratulate the 2011 winners of the Alfred P. Sloan Award for Excellence in Workplace Effectiveness and Flexibility. These organizations are to be commended for their excellence in providing workplace flexibility.

In Arizona, the winners are Arizona Foundation for Legal Services & Education; Arizona Health Care Cost Containment System, AHCCCS; Autohaus Arizona, Inc.; Children's Dental Village; Custom Accounting & Tax-Cave Creek; Henry & Horne, LLP; Infincom; Keats, Connelly and Associates LLC; Microchip Technology Inc.; Omega Legal Systems, Inc.; Point B; Rio Salado College; Scottsdale Healthcare; Southwest Institute of Healing Arts, SWIHA; Verde Valley Sanctuary; and Wist Office Products.

In Aurora, CO, the winners are Arapahoe/Douglas Works! and Aurora Mental Health Center.

In Boise, ID, the winners are Alliance Title & Escrow Corp.; American Geotechnics; Givens Pursley LLP; Mountain States Group, Inc.; Red Sky Public Relations; and TitleOne Corporation.

In Charleston, SC, the winners are Barling Bay, LLC; Charleston Metro Chamber of Commerce; Community Management Group; McKesson Corporation; and MMP School, Inc.

In Chicago, IL, the winners are AzulaySelden Law Group; Bryan Cave, LLP; Frost, Rutenberg & Rothblatt, P.C.; Manpower; NCH Marketing Services-A Valassis Company; Ocean Tomo, LLC; Ounce of Prevention Fund; Perspectives, Ltd.; Recruit Training Command Great Lakes; Sanchez Daniels & Hoffman LLP; The Habitat Company; True Partners Consulting; Turner Construction Company; and Verizon Wireless.

In Dallas, TX, the winners are A. Miller Consulting Services, Inc.; Abernethy Media Professionals; Aguirre Roden Inc.; Dallas Convention & Visitor's Bureau; Delta Dallas; MHB T Inc.; Operation Kindness; and The Center for American and International Law.

In Dayton, OH, the winners are Azimuth Corporation; Barco, Inc.; Brower Insurance Agency LLC; Cornerstone Research Group; EAGLE Registrations Inc.; Eastway Behavioral Healthcare; Evanhoe & Associates Inc.; Greater Dayton Area Hospital Association; Macaulay-Brown; Premier Community Health; Radiance Technologies Inc.; Sebaly Shillito + Dyer; and Shumsky Enterprises, Inc.

In Durham, NC, the winners are American Institute for Certified Public Accountants (AICPA); American Journal Experts, LLC; Durham Convention & Visitor's Bureau; Hill, Chesson & Woody Employee Benefit Services; ICF International; McKinney; Rho, Inc.; Shodor Education Foundation, Inc.; and U.S. Environmental Protection Agency-RTP.

In Georgia, the winners are Hancock Askew & Co., LLP; Mom Corps; Synergis; and WellStar Health System.

In Houston, TX, the winners are Abel Design Group, Ltd.; Binkley & Barfield, Inc.; ContentActive, LLC; Fronterra Integrated Geosciences; Houston Academy of Medicine-Texas Medical Center Library; Klotz Associates Inc.; McDonald's USA LLC; Memorial Hermann Healthcare System; Null-Lairson, P.C.; PKF Texas; Skylla Engineering Ltd.; The Dow Chemical Company; The University of Texas Health Science Center at Houston; The VIA Group; University of Phoenix-Houston Campus; Vinson and Elkins; and Xvand Technology Corporation Provider of IsUtility.

In Long Beach, CA, the winners are Bryson Financial Group; La Strada; Molina Healthcare (Arco Location); and Molina Healthcare (Hughes Way Location).

In Long Island, NY, the winners are Albrecht, Viggiano, Zureck & Company, P.C.; America Institute of Physics; American Heart Association; Brookhaven Science Associates, LLC; Cerini & Associates, LLP; Creative Plan Designs, Ltd.; Jackson Lewis; P.W. Grosser Consulting, Inc.; and YES Community Counseling Center.

In Louisville, KY, the winners are Autodemo LLC; Emergent Tech-

nologies; Greater Louisville Inc.; Harding Shymanski and Company PSC; KIZAN Technologies LLC; Louis T. Roth & Co.; Lyndon Fire Protection District; McCauley Nicolas, CPAs & Advisors; Mediaura; Prestige Healthcare; Strothman & Company; The Tellennium Group; and Valassis Communication Inc.

In Melbourne-Palm Bay, FL, the winners are Courtyard by Marriott Melbourne; Early Learning Coalition of Brevard County, Inc.; Hoyman Dobson; Residence Inn by Marriott; and SunGuard Public Sector.

In Michigan, the winners are Altair Engineering; Brown & Brown of Detroit; Educational Data Systems, Inc.; E IT Professionals Corp.; Farbman Group; Frank Haron Weiner; Kapnick Insurance Group; Menlo Innovations LLC; Michigan Occupational Safety and Health Administration; National Multiple Sclerosis Society; Peckham, Inc.; Public Policy Associates Inc.; Visteon Corporation; and Work Skills Corporation.

In Milwaukee, WI, the winners are Kforce Inc.; Kolb+Co SC; ManpowerGroup; Metropolitan Milwaukee Association of Commerce; MGIC; and Robert W. Baird & Co.

In Morris County, NJ, the winners are Piemonte & Liebhauser, LLC and Solix, Inc.

In New Hampshire, the winners are Families in Transition and MeetingMatrix International.

In Oregon, the winners are FMYI, Inc.; Full Access; gDiapers; Innovative Care Management, Inc.; Isler CPA; Mercy Corps; Metropolitan Family Service; NPC Research; Oregon Environmental Council; Oregon Research Institute; Our House; Portland State University; PREM Group, Inc.; Ride Connection; River Network; Rose City Mortgage; Stoel Rives LLP; and Swift Collective.

In Providence, RI, the winner is Rhode Island Housing.

In Richmond, VA, the winners are Heritage Wealth Advisors; Vaco Richmond; and VCU Health System.

In Rochester, MN, the winners are Cardinal of Minnesota, Ltd.; Custom Alarm/Custom Communications, Inc.; Express Employment Professionals; markit; Rochester Area Chamber of Commerce; Rochester Community and Technical College; Rochester Public Library; Southeast Service Cooperative; United Way of Olmsted County Inc.; University of Minnesota Rochester; and Xylo Technologies.

In Salt Lake City, UT, the winners are 1-800-CONTACTS; AAA Fair Credit Foundation; Big Brothers Big Sisters of Utah; Cafe Rio Mexican Grill; Christopherson Business Travel; DigiCert; Equitable Life & Casualty Insurance Company; Futura Industries; Intermountain Healthcare; McKinnon-Mulherin, Inc.; Software Technology Group; Thompson Ostler & Olsen; and Vivint, Inc.

In Twin Cities and St. Cloud, MN, the winners are Dorsey & Whitney LLP; Health Dimensions Group; LaBreche; Mahoney Ulbrich Christiansen Russ PA; Netgain; Prevent Child Abuse Minnesota; TURCK Inc.; and Western National Mutual Insurance Company.

In Winona, MN, the winners are Catholic Charities of the Diocese of Winona; Eastwood Bank; Hiawatha Broadband Communications, Inc.; Home and Community Options; Mediascope, Inc.; Merchants Bank; Sport & Spine Physical Therapy of Winona Inc.; and Winona Work-force Center.

The At-large winners are ACS-Madison, WI; Anneken Huey & Moser PLLC; Averett Warmus Durkee Osburn Henning; Bader Martin P.S.; Bottom Line Systems, Inc.; Career Path Services; Cascadia Consulting Group, Inc.; Center for Seabees & Facilities Engineering; Cornell University; cSubs; Decision Toolbox; Fesnak and Associates; Frankfort Regional Medical Center; Gallagher, Flynn & Company, LLP; George Mason University; Humanix; JA Counter & Associates, Inc.; Lexmark International; Miklos Systems, Inc.; MorganFranklin Corporation-McLean, VA; Navy Air Logistics Office; Next Wave Systems LLC; Northeast Editing, Inc.; NPower Northwest; OCLC; OpenEye Scientific Software Inc; PatchPlus Consulting, Inc.; People for Puget Sound; Personnel Detachment Afloat West; Pride, Inc.; Social Dynamics, LLC; Sturgill, Turner, Barker & Moloney, PLLC; Technology Transfer Services; Technomics, Inc.; Training Squadron Ten; U.S. Navy EODTEU TWO; and WithinReach.

Organizations with winners in multiple cities are BDO; Bon Secours; Booz Allen Hamilton; Capital One; Clifton Gunderson; Deloitte, Ernst & Young; GoDaddy.com; Intel Corporation; KPMG; Laughlin Constable; McGladrey; Microsoft; PricewaterhouseCoopers; Ryan LLC; Service Express Inc.; and The Novo Group.

Again, we congratulate the 2011 winners of the Sloan Award and encourage their community leaders to recognize these best practices.●

BICENTENNIAL OF THE WAR OF 1812

● Mr. ISAKSON. Mr. President, today I wish to commemorate the bicentennial of the beginning of the War of 1812, on June 18, 2012, in the RECORD.

President James Madison signed a declaration of war against Great Britain on June 18, 1812. The sacrifices by those soldiers, citizens, and their families who fought in the War of 1812 further defended the liberties previously won in the American Revolution. These sacrifices include heroic efforts by Dolley Madison to save some of our national treasures from destruction during the burning of the White House by

the British on August 24, 1814. The conflict and bravery shown during this conflict would inspire Francis Scott Key to write a poem describing the bombardment of Fort McHenry in Baltimore Harbor, and this would later become our country's national anthem, known as the "Star Spangled Banner."

The War of 1812 further solidified the independence of the United States from Great Britain, and the Treaty of Ghent was signed on December 24, 1814, to end the War of 1812. Many Georgia residents can trace their lineages back to these patriotic early settlers.

Descendants of the veterans of the War of 1812 chartered the Georgia State Society within the General Society of the United States Daughters of 1812 on June 18, 1901, to promote a general awareness of the history of the War of 1812 among the citizens of Georgia and the Nation. As we observe the bicentennial of the War of 1812, I urge all citizens to become more knowledgeable of the role the War of 1812 played in the history of our great Nation and the State of Georgia.●

150TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to my alma mater, the University of South Dakota, on their 150th anniversary. Throughout its history, USD has been a shining example of excellence in education, research, and service. USD consistently produces extraordinary graduates, prepared for the complex challenges of modern-day society.

Founded in 1862 in Vermillion, USD has the distinction of being South Dakota's oldest university. Since its founding, the campus has grown from one building to 63, serving a student population of nearly 10,000. USD offers a complete range of undergraduate and graduate programs of study, as well as the only schools of law and medicine in South Dakota. Students are well-served by USD's liberal arts tradition, which encourages interdisciplinary study. This produces adaptable, well-rounded graduates, prepared for the ever-changing world.

USD students have been awarded some of the most prestigious honors in academia including Rhodes, Fulbright, Truman, Udall, and Goldwater Scholarships. Graduate and undergraduate students frequently collaborate one-on-one with USD's dedicated faculty to conduct research. This high degree of collaboration is enabled by the university's 15-1 student-faculty ratio.

Athletics are an important part of university life, and USD is no exception. The iconic DakotaDome is the cornerstone of USD Coyote athletics. This multipurpose 145,000 square foot structure has brought fans and athletes together for more than 30 years. The Coyotes have made the jump to divi-

sion I, bringing increased exposure and a higher level of competition to the athletic program.

It is a great pleasure to have this opportunity to honor the University of South Dakota for 150 years of academic success. USD is a family tradition; it is where I met my wife, Barbara, and when it was time for our three children to attend college they all chose USD. The world-class education I received at USD gave me skills and knowledge that serve me well to this today. I congratulate my good friend, President Jim Abbott, and the entire USD community on this milestone in the rich history of the university. As an alumnus, I would be remiss if I didn't close my statement with, "Go Yotes!"●

100TH ANNIVERSARY OF THE ROYAL ROSARIANS

● Mr. MERKLEY. Mr. President, today I wish to commemorate the 100-year anniversary of the founding of the Royal Rosarians. The Royal Rosarians serve as Portland's official greeters and ambassadors by charter from the mayor's office. They also serve as ambassadors of goodwill for the Portland Rose Festival.

For the last century, the Royal Rosarians have represented the city of Portland at events around the world. They have planted roses in Buckingham Palace and knighted mayors of major international cities. Founded by Portland business and civic leaders, their official dress is white suits and straw hats, same as it was 100 years ago.

To Prime Minister Robert H. Hungerford and all Rosarians, past and present, thank you for your service to the city of Portland. You continue a proud tradition.●

MESSAGE FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5743. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5854. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5743. An act to authorize appropriations for fiscal year 2013 for intelligence and

intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5854. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 3262. A bill to amend the Whaling Convention Act to require the Secretary of Commerce to authorize aboriginal subsistence whaling as permitted by the regulations of the International Whaling Commission and to set aboriginal subsistence catch limits for bowhead whales in the event the Commission fails to adopt such limits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 3263. A bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 3264. A bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI:

S. 3265. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Regulatory Commission to collect land use fees for land that has been sold, exchanged, or otherwise transferred from Federal ownership but that is subject to a power site reservation; to the Committee on Energy and Natural Resources.

By Mr. DEMINT (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. CHAMBLISS, Mr. ENZI, Mr. ISAKSON, Mr. LEE, Mr. GRAHAM, Mr. GRASSLEY, and Mr. RISCH):

S.J. Res. 42. A joint resolution proposing an amendment to the Constitution of the United States relative to parental rights; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. Res. 477. A resolution calling for the safe and immediate return of Noor and Ramsay Bower to the United States; considered and agreed to.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, and Mr. SANDERS):

S. Res. 478. A resolution commemorating the 200th anniversary of the chartering of Hamilton College in Clinton, New York; considered and agreed to.

By Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska):

S. Res. 479. A resolution commemorating the dedication of the Strategic Air Command Memorial during the 20th anniversary of its stand down; considered and agreed to.

By Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska):

S. Res. 480. A resolution commemorating the 20th anniversary of United States Strategic Command; considered and agreed to.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. INHOFE, Mr. WEBB, Ms. AYOTTE, Mr. COCHRAN, and Mr. INOUE):

S. Res. 481. A resolution celebrating the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Con. Res. 45. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines; considered and agreed to.

ADDITIONAL COSPONSORS

S. 606

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Min-

nesota (Mr. FRANKEN), the Senator from Georgia (Mr. ISAKSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Florida (Mr. RUBIO) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2120

At the request of Ms. MURKOWSKI, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2149

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2149, a bill to exclude from consumer credit reports medical debt that has been in collection and

has been fully paid or settled, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2192

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2192, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2219, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2235

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2235, a bill to prohibit the establishment by air carriers and airport operators of expedited lines at airport screening checkpoints for specific categories of passengers, and for other purposes.

S. 2282

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2282, a bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3085

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3085, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3199

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate

international tourism to the United States and for other purposes.

S. 3204

At the request of Mr. JOHANNES, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3220

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3257

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 3257, a bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction.

S. RES. 448

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 448, a resolution recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 3263. A bill to require the Secretary of Transportation to modify the

final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am proud to join my colleague Senator SNOWE in once am introducing legislation to improve aviation safety.

The Safe Skies Act we are introducing today will close a loophole in the Department of Transportation's recent rule on pilot fatigue, and ensure that pilots of cargo planes are just as well rested and prepared for their important work as the pilots of passenger planes who they share airports and airways with.

Following the tragic crash of Flight 3407 in 2009, Senator SNOWE and I introduced legislation to address several important aviation safety issues, including the need to update pilot fatigue regulations to reflect new, scientific research.

Under the new rule issued by the Department of Transportation, pilots of passenger planes will be limited to flying eight or nine hours, depending on the start time. Minimum rest periods will be 10 hours, with the opportunity for eight hours of uninterrupted sleep.

Unfortunately, cargo pilots were left out of the rule—which undermines the one level of safety we are trying to achieve in our airline industry.

Current rules regarding cargo flight operations permit cargo pilots to be on duty as many as 16 hours during a 24-hour period, regardless of when they begin their shift. Compared to passenger pilots, cargo pilots are permitted to fly 60 percent more hours—as much as 48 hours in a 6-day period.

Keeping cargo pilots out of the improved flight and duty time regulations does not make sense; they too need rest in order to safely perform their jobs. And the safety of our skies depends on all pilots performing well.

This legislation directs the Secretary of Transportation to apply the same flight and duty time regulations for pilots of passenger planes to cargo pilots as well. This bill is supported by the Airline Pilots Association, the Independent Pilots Association and the Coalition of Airline Pilots Associations, and has been championed in the House by Representatives CHIP CRAVACK and TIMOTHY H. BISHOP.

I look forward to working with my colleagues to pass this legislation as part of our ongoing efforts to improve the safety of our Nation's aviation system.

By Ms. MURKOWSKI:

S. 3265. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Regulatory Commission to collect land use fees for land that has been sold, exchanged, or otherwise transferred from Federal ownership but that is subject to a power site

reservation; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, we often hear refrains of the need to make government policies more fair, clear, or simple—especially when these policies involve the collection of fees or taxes. Today I rise to introduce legislation to fix an inherently unfair policy by prohibiting the Federal Energy Regulatory Commission from charging land-use fees for hydropower projects that are no longer located on federal land.

FERC is responsible for licensing private, municipal and state hydropower projects. Pursuant to the Federal Power Act, the Commission is authorized to collect fees from project owners for those hydro projects located on federal lands. The rationale behind these land-use fees is to recompense the United States for the “use, occupancy, or enjoyment” of its federal lands. The Federal Government is, in some sense, a landlord for these types of projects, and can collect just and reasonable rent from its tenants. The current level of these rents is a separate issue—which I encourage all of my colleagues to examine as well since FERC is seeking to change its collection methodology and increase those fees—but today I am focused on how a technicality in federal law allows the government to continue to collect land-use fees even when the land at issue has been transferred out of federal ownership. Under current law, if the Federal Government sold the land underneath a hydropower project to the operator, or transferred it into state ownership, FERC would continue to assess full land use fees against the operator. This untenable situation is like a landlord continuing to collect rent from a tenant even after the tenant buys the house outright!

While the inherent unfairness of such a scenario is clear, the statutory and regulatory web that has created this snare is extremely complex. In addition to allowing for the collection of federal land-use fees, the Federal Power Act also contains a section regarding Power Site Classifications, or PSCs. A PSC attaches to the land when a preliminary hydropower license application is made, and entitles the government, or its designees, to enter the associated land and develop a hydropower project if some other person or operation is occupying it. These classifications are similar to easements, in that they permanently attach to the title of the lands. The purpose of PSCs is to make sure that hydropower can be developed in the limited number of areas on federal land that are suitable, and furthermore that once such an area is identified by a preliminary application, that the site is not then diverted to an alternate use.

However, FERC has interpreted the statutory fee collection provisions to

give these PSCs another affect that is not in keeping with this purpose—to charge land-use fees from existing hydropower operators in cases where the Federal Government no longer owns the land. In such a case, there is no need for a PSC to preserve the hydropower value of land as it is already being used for power production. Nor is the Federal Government somehow missing out on other beneficial uses of the land, because it no longer owns the land at issue. But FERC’s current interpretation of the FPA is that a PSC qualifies as a significant enough interest in the associated land to justify the collection of full land-use fees.

When I first learned of this issue, I asked FERC for a list of the hydropower projects for which it was collecting these PSC-based federal land-use fees. Apparently, while FERC has been perfectly capable of collecting these fees, it has been less diligent in keeping track of which projects are located on lands that have since been transferred away from federal ownership. Despite numerous requests from my office, FERC was unable to produce even a possible list of impacted projects. Consequently, my staff attempted to survey the number of affected projects by consulting with both the National Hydropower Association and the Alaska Power Association. This search identified 15 possible projects subject to these PSC land use fee collections—10 of which are located in my home state of Alaska. While some may dismiss these fees as being relatively minor, I can tell you that these annual federal fees for land not even owned by the Federal Government can represent a significant hardship for my constituents.

The bill I am introducing today would put a halt to this kind of fee collection. It simply says that when FERC is making fee determinations, it cannot take PSCs into account. Therefore, the only land that the Federal Government will be able to collect “use, occupancy, and enjoyment” fees is for land that it actually owns. I hope all of my colleagues can agree this treatment is a fair resolution of the issue and I ask for their support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF AUTHORITY TO COLLECT LAND USE FEES FOR CERTAIN LAND.

Section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) is amended in the first sentence by inserting after “enjoyment of its lands or other property” the following: “(which, for purposes of this section, shall not include land that has been sold, ex-

changed, or otherwise transferred from Federal ownership, but that is subject to a power site reservation under section 24)”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 477—CALLING FOR THE SAFE AND IMMEDIATE RETURN OF NOOR AND RAMSAY BOWER TO THE UNITED STATES

Mr. KERRY (for himself and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 477

Whereas Colin Bower’s 2 young sons, Noor and Ramsay Bower, were illegally abducted from the United States by their mother in August 2009 and taken to Egypt;

Whereas Noor William Noble Bower, age 11, and Ramsay Maclean Bower, age 9, are citizens of the United States of America;

Whereas, on December 1, 2008, prior to the abduction of Noor and Ramsay, the Probate and Family Court of the Commonwealth of Massachusetts awarded sole legal custody of Noor and Ramsay to Colin Bower, and joint physical custody with Mirvat el Nady, which ruling stipulated Mirvat el Nady was not to remove Noor and Ramsay from the Commonwealth of Massachusetts;

Whereas, in August of 2009, following a violation of the Probate Court’s ruling, the Massachusetts Trial Court granted sole physical custody of Noor and Ramsay to their father, Colin Bower;

Whereas Colin Bower has been granted only 4 visitations with his sons in the almost 3 years since the abduction;

Whereas the United States has expressed its commitment, through the Hague Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980, “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence”;

Whereas the United States and 69 other countries that are partners to the Hague Convention on the Civil Aspects of International Child Abduction have agreed, and encourage all other countries to concur, that the appropriate court for determining the best interests of children in custody matters is the court in the country of their habitual residence: Now therefore be it

Resolved, That the Senate calls on government officials and competent courts in Egypt to assist in the safe and immediate return of Noor and Ramsay Bower to the United States.

SENATE RESOLUTION 478—COMMEMORATING THE 200TH ANNIVERSARY OF THE CHARTERING OF HAMILTON COLLEGE IN CLINTON, NEW YORK

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 478

Whereas Hamilton College, located in Clinton, New York, received its charter from the Regents of the University of the State of

New York on May 26, 1812, "for the instruction and education of youth, in the learned languages and liberal arts and sciences";

Whereas Hamilton College was originally founded in 1793 as the Hamilton-Oneida Academy by the Reverend Samuel Kirkland, a missionary to the Oneida Indians;

Whereas all-male Hamilton College joined with all-female Kirkland College in 1978 to form one coeducational institution of higher learning dedicated to academic freedom and the unfettered pursuit of truth;

Whereas the distinguished alumni of Hamilton College include recipients of the Nobel Peace Prize, the Presidential Medal of Freedom, and the Pulitzer Prize, and public servants at every level, including a former Vice President of the United States, United States Senators and Representatives, United States district and appellate court judges, members of the Presidential Cabinet, ambassadors, Governors, and State, county, and local officials; and

Whereas Hamilton College is currently comprised of 1,812 students from 49 states and 37 countries, and a faculty dedicated to teaching and the discovery and advancement of new knowledge: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial of the chartering of Hamilton College in Clinton, New York; and

(2) honors the outstanding contributions made by the alumni, faculty, and students of Hamilton College during the past 200 years, including service to the United States that has fostered the development of the United States as a diplomatic force and industrial power in the world.

SENATE RESOLUTION 479—COMMEMORATING THE DEDICATION OF THE STRATEGIC AIR COMMAND MEMORIAL DURING THE 20TH ANNIVERSARY OF ITS STAND DOWN

Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas Strategic Air Command was formed on March 21, 1946, to provide the United States with long-range bombing capabilities;

Whereas Strategic Air Command operations were moved to Offutt Air Force Base in 1948 to avoid a surprise attack from the growing nuclear threat by the Soviet Union during the Cold War;

Whereas the men and women of Strategic Air Command perfected aerial refueling, allowing Strategic Air Command bombers to reach any spot in the world and advancing the ability of the United States to project military power worldwide;

Whereas in 1953, following the Korean War, the defense strategy of the United States shifted and President Eisenhower designated Strategic Air Command as the primary nuclear deterrent for the United States;

Whereas the Strategic Air Command played a major role in the triad of aircraft, missiles, and submarines that provided an undefeatable nuclear force that prevented nuclear war and kept the Soviet Union at bay until the demise of the Soviet Union in December 1991;

Whereas Strategic Air Command is credited with the development of the Snark, Atlas, and Minuteman missiles;

Whereas Strategic Air Command maintained continuous airborne alert operations from October 1957 until September 1991, which many consider the longest continuous military operation in history;

Whereas in 1962, the visibility of Strategic Air Command bombers responding to the DEFCON 2 order issued by President Kennedy during the Cuban Missile Crisis presented a clear indication to the Soviet Union of the determination of the United States to remove Soviet missiles from Cuba;

Whereas at its height in 1962, Strategic Air Command employed 283,000 personnel and maintained 3,400 aircraft and 224 land-based missiles;

Whereas in December 1972, 33 crewmembers and 10 B-52 bombers supported by Strategic Air Command were lost during Operation Linebacker II in North Vietnam during the aerial bombing campaign that forced Vietnamese leadership back to negotiations and a peace settlement;

Whereas the need for absolute command and control by national leaders led Strategic Air Command to organize the National Emergency Airborne Command Post operation, which became the National Airborne Operations Center and the E-4B aircraft operating at Offutt Air Force Base;

Whereas the operational practices and procedures for safe and secure nuclear weapons were established by Strategic Air Command and continue under the leadership of United States Strategic Command and Air Force Global Strike Command;

Whereas the Strategic Air Command performed the assigned mission flawlessly according to its famous motto, "Peace is Our Profession";

Whereas the United States, and particularly the State of Nebraska, is extremely grateful to those who served the United States at Strategic Air Command; and

Whereas the Senate recognizes the service and dedication of the individuals whose unyielding commitment and sacrifice contributed to the continued safety of the United States for over 4 decades: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the stand down of Strategic Air Command and the immeasurable contributions and prominent role of Strategic Air Command in national security and nuclear deterrence during the Cold War;

(2) commemorates the dedication of the Strategic Air Command Memorial in the State of Nebraska, which pays tribute to the men and women who worked tirelessly to make Strategic Air Command the most powerful and professional military organization in the world; and

(3) honors the personnel who served at Strategic Air Command and those who have carried on the tradition of excellence through service at United States Strategic Command.

SENATE RESOLUTION 480—COMMEMORATING THE 20TH ANNIVERSARY OF UNITED STATES STRATEGIC COMMAND

Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 480

Whereas United States Strategic Command was established on June 1, 1992, to meet na-

tional security needs of the post-cold-war era by combining all strategic planning, targeting, and wartime employment of forces under one commander headquartered at Offutt Air Force Base in the State of Nebraska;

Whereas United States Strategic Command was reestablished in 2002 at Offutt Air Force Base, combining the responsibilities of United States Strategic Command and the United States Space Command along with responsibility for early warning and defense against missile attack;

Whereas over the last 20 years, United States Strategic Command has flawlessly executed the mission to deter nuclear attacks and employ nuclear forces if necessary;

Whereas in 2010 the mission of United States Strategic Command expanded again to include cyberspace operations through United States Cyber Command, a subunified command;

Whereas United States Strategic Command provides continuous information regarding orbiting satellites and space debris to spacecraft such as the International Space Station;

Whereas United States Strategic Command has supported coalition forces in Iraq and Afghanistan by providing intelligence, planning, and cyber support;

Whereas United States Strategic Command contributed to United States operations in Libya through long-range conventional strikes and intelligence, surveillance, and reconnaissance;

Whereas United States Strategic Command continues to be the premier nuclear deterrent in the United States, serving as a center for global command and communications headquartered in the State of Nebraska; and

Whereas the United States, and particularly the State of Nebraska, is grateful to those who serve the United States at United States Strategic Command: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the establishment of United States Strategic Command and the vital contributions of United States Strategic Command to national security; and

(2) honors the dedicated men and women who serve at United States Strategic Command executing the mission to deter and detect strategic attack against the United States and allies of the United States and to defend the nation as directed.

SENATE RESOLUTION 481—CELEBRATING THE 60TH ANNIVERSARY OF THE UNITED STATES-PHILIPPINES MUTUAL DEFENSE TREATY AND THE VITALITY OF THE OVERALL BILATERAL RELATIONSHIP

Mr. LUGAR (for himself, Mr. KERRY, Mr. INHOFE, Mr. WEBB, Ms. AYOTTE, Mr. COCHRAN, and Mr. INOUE) submitted the following resolution; which was considered and agreed to:

S. RES. 481

Whereas Filipinos and Americans fought together in World War II, and an estimated 1,000,000 Filipinos gave their lives to defend freedom;

Whereas the United States and the Republic of the Philippines signed the United States-Philippines Mutual Defense Treaty in 1951;

Whereas the Philippines and the United States are longstanding allies, as demonstrated by the Mutual Defense Treaty, cooperation in conflicts since World War II, and the United States designation of the Philippines as a Major Non-NATO Ally;

Whereas the Clark Veterans Cemetery in the Philippines is the final resting place for the remains of thousands of United States and Filipino veterans from the United States Army, United States Marines Corps, United States Navy, United States Air Force, United States Coast Guard, Philippine Scouts, and their dependents from seven wars since 1900;

Whereas the United States Government administered and cared for the Clark Veterans Cemetery from 1900 to 1991;

Whereas the United States Government seeks to maintain an alliance with the Government of the Philippines that promotes peace and stability in Southeast and East Asia, rule of law and human rights, economic growth, counter-terrorism efforts, and maritime security;

Whereas United States naval ships visit Philippines' ports, and the United States and Philippines' military forces participate in combined military exercises under the Visiting Forces Agreement established in 1998;

Whereas the people and Governments of the United States and the Philippines share a common interest in maintaining freedom of navigation, unimpeded lawful commerce, and transit of people across the seas and subscribe to a rules-based approach in resolving competing claims in maritime areas through peaceful, collaborative, multilateral, and diplomatic processes within the framework of international law;

Whereas the Philippines has served ably for the past three years as the Association of Southeast Asian Nations (ASEAN) country coordinator for the United States;

Whereas the United States Government and the Government of the Philippines work closely together in the struggle against terrorism to make local communities safer and help establish an environment conducive to good governance and development;

Whereas the navy of the Government of the Philippines has received a United States Coast Guard cutter and assistance in establishing a coastal radar system to enhance its monitoring of its waters, with a second cutter due to be transferred soon;

Whereas the United States Government works closely with the Government of the Philippines on humanitarian and disaster relief activities, and in the past has provided prompt assistance to make United States troops, equipment, assets, and disaster relief assistance available;

Whereas the Mutual Defense Board and the Security Engagement Board serve as important platforms for the continuing stability of the long-standing alliance between the Philippines and the United States in a rapidly changing global and regional environment;

Whereas the Bilateral Security Dialogue is an important policy venue for setting the policy direction and providing guidance for all aspects of the alliance relationship;

Whereas Philippines military forces have supported over the years many United Nations peacekeeping operations worldwide;

Whereas the United States ranks as one of the Philippines' top trading partners, with 11 percent of the Philippines' imports coming from the United States and 15 percent of exports from the Philippines delivered to the United States in 2010;

Whereas total United States foreign direct investment in the Philippines was approximately \$7,000,000,000 at the end of 2009;

Whereas the Philippines is one of four countries that has been invited to participate in the new Partnership for Growth Initiative, which promotes broad-based economic growth in emerging markets;

Whereas many Americans and Filipinos have participated in people-to-people programs such as the Peace Corps, the International Visitor Leadership Programs, the Aquino Fellowship, Eisenhower Fellowships, and the Fulbright Scholar Program;

Whereas an estimated 4,000,000 people living in the United States are of Filipino ancestry, over 300,000 United States citizens live in the Philippines, and an estimated 600,000 United States citizens travel to the Philippines each year;

Whereas the U.S.-Philippines Society was recently established to broaden and expand interaction between and understanding of the United States and the Philippines in the areas of security, trade, investments, tourism, the environment, history, education, and culture;

Whereas the alliance between the United States and the Philippines is founded on core values that aim to promote and preserve democracy, freedom, peace, and justice, and is fortified by the two nations' partnerships in defending these values;

Whereas the Government of the Philippines seeks to improve governance, strengthen the rule of law, and further develop accountable, democratic institutions that can better safeguard human rights, secure justice, and promote equitable economic development;

Whereas His Excellency Benigno S. Aquino III, President of the Republic of the Philippines, is scheduled to visit the United States in June 2012; and

Whereas Secretary of State Hillary Clinton and Secretary of Defense Leon Panetta met with their Philippine counterparts in Washington, D.C. on April 30, 2012, and reaffirmed that the United States and the Philippines are longstanding allies, that the United States Government is fully committed to honoring mutual obligations with the Philippines, and that the alliance continues to serve as a pillar of the Philippines-United States relationship and a source of stability in the region: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) celebrates the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship;

(B) confirms the alliance's centrality and enduring value as one of the key pillars of peace, stability, and prosperity in the Asia-Pacific region and as a key tool in addressing the emerging security environment in the region; and

(C) encourages both countries to continue high-level consultations; and

(2) it is the sense of the Senate that—

(A) the United States Government should use the U.S.-Philippines Bilateral Security Dialogue and the Mutual Defense Board and Security Engagement Board to promote greater alliance cooperation and enhance bilateral security ties, including support for Philippine defense modernization, for the rotational presence of United States Armed Forces in the Philippines and for increased humanitarian and disaster relief preparedness activities;

(B) the United States Government should redouble efforts to expand and deepen the economic relationship with the Government of the Philippines toward achieving broad-based economic development in that coun-

try, including by working on new bilateral initiatives that support the efforts of the Government of the Philippines to reform its economy and enhance its competitiveness, and through trade-capacity building;

(C) the Government of the Philippines should continue its efforts to strengthen its democratic institutions to fight corruption, curtail politically motivated violence and extrajudicial killings, expand economic opportunity, and tackle internal security challenges;

(D) after close consultation with the Government of the Philippines, the United States Government should designate an appropriate United States entity to be responsible for making necessary arrangements to ensure ongoing maintenance of Clark Veterans Cemetery in the Philippines; and

(E) the United States Government should continue efforts to assist the Government of the Philippines in the areas of maritime security, maritime domain awareness, humanitarian assistance and disaster relief, and related communications infrastructure to enable enhanced information-sharing and overall military professionalization.

SENATE CONCURRENT RESOLUTION 45—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL, COLLECTIVELY, TO THE MONTFORD POINT MARINES

Mrs. HAGAN (for herself and Mr. BURR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 45

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 27, 2012, to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, June 12, 2012 at 10 a.m. in SD-106 Dirksen Senate Office Building to conduct a hearing entitled "Equality At Work: The Employment Non-Discrimination Act."

For further information regarding this meeting, please contact Dan Goldberg of the committee staff on (202) 224-5441.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on

Health, Education, Labor, and Pensions will meet in executive session on Wednesday, June 13, 2012 at 10 a.m. in SD-430 Dirksen Senate Office Building to consider pending nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224-5375.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 5, 2012, at 10 a.m. to conduct a hearing entitled, "Veterans Employment and Government Contractors."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 5, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Combating Poverty: Understanding New Challenges for Families."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 5, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Shaun Robinson and Shannon Smith of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER CHARLESTON NAVAL BASE LAND EXCHANGE ACT OF 2012

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 414, S. 2061.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (S. 2061) to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee of Homeland Security and Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Former Charleston Naval Base Land Exchange Act of 2012".

SEC. 2. DEFINITIONS.

In this Act:

[(1) **FEDERAL LAND.**—The term "Federal land" means the parcels consisting of approximately 10.499 acres of land (including improvements) that are owned by the United States, located on the former U.S. Naval Base Complex in North Charleston, South Carolina, and described on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-004, with the deed recorded in the Charleston County RMC Office on Book X23, at page 245.]

(1) **FEDERAL LAND.**—The term "Federal land" means the parcels consisting of approximately 10.499 acres of land (including improvements) that are owned by the United States, located on the former U.S. Naval Base Complex in North Charleston, South Carolina, and included within the Charleston County Tax Assessor's Office Tax Map Number 400-00-00-004, and shown as New Parcel B in that certain plat of Forsberg Engineering and Surveying Inc., dated May 25, 2007, entitled in part "Plat Showing the Subdivision of TMS 400-00-00-004 into Parcel B and Remaining Residual (Parcel A)."

(2) **NON-FEDERAL LAND.**—The term "non-Federal land" means the 3 parcels of land (including improvements) authorized to be conveyed to the United States under this Act.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Homeland Security.

(4) **STATE PORTS AUTHORITY.**—The term "State Ports Authority" means the South Carolina State Ports Authority, an agency of the State of South Carolina.

SEC. 3. LAND EXCHANGE.

(a) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—In exchange for the conveyance to the Secretary, by quitclaim deed, of all right, title, and interest of the State Ports Authority to the non-Federal land owned by the State Ports Authority, the Secretary is authorized to convey to the State Ports Authority, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(2) **EXCHANGE.**—If the State Ports Authority offers to convey to the Secretary all right, title, and interest of the State Ports Authority in and to the non-Federal parcels identified in subsection (b), the Secretary—

(A) is authorized to accept the offer; and

(B) on acceptance of the offer, shall simultaneously convey to the State Ports Authority all right, title, and interest of the United States in and to approximately 10.499 acres of Federal land.

[(b) **NON-FEDERAL LAND DESCRIBED.**—The non-Federal land (including improvements) to be conveyed under this section consists of—

(1) the approximately 18.736 acres of land that is owned by the State Ports Authority,

located on S. Hobson Avenue, and depicted on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-051, with the deed recorded in the Charleston County RMC Office in Book EL, at page 280;

(2) the approximately 4.069 acres of land that is owned by the State Ports Authority, located on Juneau Avenue and the Cooper River, and depicted on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-004, with the deed recorded in the Charleston County RMC Office in Book L09, at page 0391; and

(3) the approximately 2.568 acres of land that is owned by the State Ports Authority, located on Partridge Avenue, and depicted on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-004, with the deed recorded in the Charleston County RMC Office in Book L09, at page 0391.]

(b) **NON-FEDERAL LAND DESCRIBED.**—The non-Federal land (including improvements) to be conveyed under this section consists of—

(1) the approximately 18.736 acres of land that is owned by the State Ports Authority, located on S. Hobson Avenue, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-158, and as New I-48.55 Parcel B, containing 18.736 acres, on the plat recorded in the Charleston County RMC Office in Plat Book EL, at page 280;

(2) the approximately 4.069 acres of land that is owned by the State Ports Authority, located on Thompson Avenue and the Cooper River, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-156, and as New II-121.44 Parcel C, containing 4.069 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-393; and

(3) the approximately 2.568 acres of land that is owned by the State Ports Authority, located on Partridge Avenue, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-157, and as New II-121.44 Parcel B, containing 2.568 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-0393.

(c) **LAND TITLE.**—Title to the non-Federal land conveyed to the Secretary under this section shall—

(1) be acceptable to the Secretary; and

(2) conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—The conveyance of Federal land under section 3 shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) **COSTS.**—The costs of carrying out the exchange of land under section 3 shall be shared equally by the Secretary and the State Ports Authority.

(c) **EQUAL VALUE EXCHANGE.**—Notwithstanding the appraised value of the land exchanged under section 3, the values of the Federal and non-Federal land in the land exchange under section 3 shall be considered to be equal.

SEC. 5. BOUNDARY ADJUSTMENT.

On acceptance of title to the non-Federal land by the Secretary—

(1) the non-Federal land shall be added to and administered as part of the Federal Law Enforcement Training Center; and

(2) the boundaries of the Federal Law Enforcement Training Center shall be adjusted to exclude the exchanged Federal land.

Mr. DURBIN. I ask unanimous consent that the committee-reported amendments be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2061), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Former Charleston Naval Base Land Exchange Act of 2012”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the parcels consisting of approximately 10.499 acres of land (including improvements) that are owned by the United States, located on the former U.S. Naval Base Complex in North Charleston, South Carolina, and included within the Charleston County Tax Assessor’s Office Tax Map Number 400-00-00-004, and shown as New Parcel B in that certain plat of Forsberg Engineering and Surveying Inc., dated May 25, 2007, entitled in part “Plat Showing the Subdivision of TMS 400-00-00-004 into Parcel B and Remaining Residual (Parcel A).”

(2) **NON-FEDERAL LAND.**—The term “non-Federal land” means the 3 parcels of land (including improvements) authorized to be conveyed to the United States under this Act.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(4) **STATE PORTS AUTHORITY.**—The term “State Ports Authority” means the South Carolina State Ports Authority, an agency of the State of South Carolina.

SEC. 3. LAND EXCHANGE.

(a) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—In exchange for the conveyance to the Secretary, by quitclaim deed, of all right, title, and interest of the State Ports Authority to the non-Federal land owned by the State Ports Authority, the Secretary is authorized to convey to the State Ports Authority, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(2) **EXCHANGE.**—If the State Ports Authority offers to convey to the Secretary all right, title, and interest of the State Ports Authority in and to the non-Federal parcels identified in subsection (b), the Secretary—

(A) is authorized to accept the offer; and

(B) on acceptance of the offer, shall simultaneously convey to the State Ports Authority all right, title, and interest of the United States in and to approximately 10.499 acres of Federal land.

(b) **NON-FEDERAL LAND DESCRIBED.**—The non-Federal land (including improvements) to be conveyed under this section consists of—

(1) the approximately 18.736 acres of land that is owned by the State Ports Authority, located on S. Hobson Avenue, and currently

depicted in the Charleston County Tax Assessor’s Office as Tax Map Number 400-00-00-158, and as New I-48.55 Parcel B, containing 18.736 acres, on the plat recorded in the Charleston County RMC Office in Plat Book EL, at page 280;

(2) the approximately 4.069 acres of land that is owned by the State Ports Authority, located on Thompson Avenue and the Cooper River, and currently depicted in the Charleston County Tax Assessor’s Office as Tax Map Number 400-00-00-156, and as New II-121.44 Parcel C, containing 4.069 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-393; and

(3) the approximately 2.568 acres of land that is owned by the State Ports Authority, located on Partridge Avenue, and currently depicted in the Charleston County Tax Assessor’s Office as Tax Map Number 400-00-00-157, and as New II-121.44 Parcel B, containing 2.568 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-0393.

(c) **LAND TITLE.**—Title to the non-Federal land conveyed to the Secretary under this section shall—

(1) be acceptable to the Secretary; and

(2) conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—The conveyance of Federal land under section 3 shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) **COSTS.**—The costs of carrying out the exchange of land under section 3 shall be shared equally by the Secretary and the State Ports Authority.

(c) **EQUAL VALUE EXCHANGE.**—Notwithstanding the appraised value of the land exchanged under section 3, the values of the Federal and non-Federal land in the land exchange under section 3 shall be considered to be equal.

SEC. 5. BOUNDARY ADJUSTMENT.

On acceptance of title to the non-Federal land by the Secretary—

(1) the non-Federal land shall be added to and administered as part of the Federal Law Enforcement Training Center; and

(2) the boundaries of the Federal Law Enforcement Training Center shall be adjusted to exclude the exchanged Federal land.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 477, S. Res. 478, S. Res. 479, and S. Res. 480.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DURBIN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 477

(Calling for the safe and immediate return of Noor and Ramsay Bower to the United States)

Whereas Colin Bower’s 2 young sons, Noor and Ramsay Bower, were illegally abducted from the United States by their mother in August 2009 and taken to Egypt;

Whereas Noor William Noble Bower, age 11, and Ramsay Maclean Bower, age 9, are citizens of the United States of America;

Whereas, on December 1, 2008, prior to the abduction of Noor and Ramsay, the Probate and Family Court of the Commonwealth of Massachusetts awarded sole legal custody of Noor and Ramsay to Colin Bower, and joint physical custody with Mirvat el Nady, which ruling stipulated Mirvat el Nady was not to remove Noor and Ramsay from the Commonwealth of Massachusetts;

Whereas, in August of 2009, following a violation of the Probate Court’s ruling, the Massachusetts Trial Court granted sole physical custody of Noor and Ramsay to their father, Colin Bower;

Whereas Colin Bower has been granted only 4 visitations with his sons in the almost 3 years since the abduction;

Whereas the United States has expressed its commitment, through the Hague Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980, “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence”; and

Whereas the United States and 69 other countries that are partners to the Hague Convention on the Civil Aspects of International Child Abduction have agreed, and encourage all other countries to concur, that the appropriate court for determining the best interests of children in custody matters is the court in the country of their habitual residence: Now therefore be it

Resolved, That the Senate calls on government officials and competent courts in Egypt to assist in the safe and immediate return of Noor and Ramsay Bower to the United States.

S. RES. 478

(Commemorating the 200th anniversary of the chartering of Hamilton College in Clinton, New York)

Whereas Hamilton College, located in Clinton, New York, received its charter from the Regents of the University of the State of New York on May 26, 1812, “for the instruction and education of youth, in the learned languages and liberal arts and sciences”;

Whereas Hamilton College was originally founded in 1793 as the Hamilton-Oneida Academy by the Reverend Samuel Kirkland, a missionary to the Oneida Indians;

Whereas all-male Hamilton College joined with all-female Kirkland College in 1978 to form one coeducational institution of higher learning dedicated to academic freedom and the unfettered pursuit of truth;

Whereas the distinguished alumni of Hamilton College include recipients of the Nobel Peace Prize, the Presidential Medal of Freedom, and the Pulitzer Prize, and public servants at every level, including a former Vice President of the United States, United States Senators and Representatives, United States district and appellate court judges,

members of the Presidential Cabinet, ambassadors, Governors, and State, county, and local officials; and

Whereas Hamilton College is currently comprised of 1,812 students from 49 states and 37 countries, and a faculty dedicated to teaching and the discovery and advancement of new knowledge: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial of the chartering of Hamilton College in Clinton, New York; and

(2) honors the outstanding contributions made by the alumni, faculty, and students of Hamilton College during the past 200 years, including service to the United States that has fostered the development of the United States as a diplomatic force and industrial power in the world.

S. RES. 479

(Commemorating the dedication of the Strategic Air Command Memorial during the 20th anniversary of its stand down)

Whereas Strategic Air Command was formed on March 21, 1946, to provide the United States with long-range bombing capabilities;

Whereas Strategic Air Command operations were moved to Offutt Air Force Base in 1948 to avoid a surprise attack from the growing nuclear threat by the Soviet Union during the Cold War;

Whereas the men and women of Strategic Air Command perfected aerial refueling, allowing Strategic Air Command bombers to reach any spot in the world and advancing the ability of the United States to project military power worldwide;

Whereas in 1953, following the Korean War, the defense strategy of the United States shifted and President Eisenhower designated Strategic Air Command as the primary nuclear deterrent for the United States;

Whereas the Strategic Air Command played a major role in the triad of aircraft, missiles, and submarines that provided an undefeatable nuclear force that prevented nuclear war and kept the Soviet Union at bay until the demise of the Soviet Union in December 1991;

Whereas Strategic Air Command is credited with the development of the Snark, Atlas, and Minuteman missiles;

Whereas Strategic Air Command maintained continuous airborne alert operations from October 1957 until September 1991, which many consider the longest continuous military operation in history;

Whereas in 1962, the visibility of Strategic Air Command bombers responding to the DEFCON 2 order issued by President Kennedy during the Cuban Missile Crisis presented a clear indication to the Soviet Union of the determination of the United States to remove Soviet missiles from Cuba;

Whereas at its height in 1962, Strategic Air Command employed 283,000 personnel and maintained 3,400 aircraft and 224 land-based missiles;

Whereas in December 1972, 33 crewmembers and 10 B-52 bombers supported by Strategic Air Command were lost during Operation Linebacker II in North Vietnam during the aerial bombing campaign that forced Vietnamese leadership back to negotiations and a peace settlement;

Whereas the need for absolute command and control by national leaders led Strategic Air Command to organize the National Emergency Airborne Command Post operation, which became the National Airborne Operations Center and the E-4B aircraft operating at Offutt Air Force Base;

Whereas the operational practices and procedures for safe and secure nuclear weapons were established by Strategic Air Command and continue under the leadership of United States Strategic Command and Air Force Global Strike Command;

Whereas the Strategic Air Command performed the assigned mission flawlessly according to its famous motto, "Peace is Our Profession";

Whereas the United States, and particularly the State of Nebraska, is extremely grateful to those who served the United States at Strategic Air Command; and

Whereas the Senate recognizes the service and dedication of the individuals whose unyielding commitment and sacrifice contributed to the continued safety of the United States for over 4 decades: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the stand down of Strategic Air Command and the immeasurable contributions and prominent role of Strategic Air Command in national security and nuclear deterrence during the Cold War;

(2) commemorates the dedication of the Strategic Air Command Memorial in the State of Nebraska, which pays tribute to the men and women who worked tirelessly to make Strategic Air Command the most powerful and professional military organization in the world; and

(3) honors the personnel who served at Strategic Air Command and those who have carried on the tradition of excellence through service at United States Strategic Command.

S. RES. 480

(Commemorating the 20th anniversary of United States Strategic Command)

Whereas United States Strategic Command was established on June 1, 1992, to meet national security needs of the post-cold-war era by combining all strategic planning, targeting, and wartime employment of forces under one commander headquartered at Offutt Air Force Base in the State of Nebraska;

Whereas United States Strategic Command was reestablished in 2002 at Offutt Air Force Base, combining the responsibilities of United States Strategic Command and the United States Space Command along with responsibility for early warning and defense against missile attack;

Whereas over the last 20 years, United States Strategic Command has flawlessly executed the mission to deter nuclear attacks and employ nuclear forces if necessary;

Whereas in 2010 the mission of United States Strategic Command expanded again to include cyberspace operations through United States Cyber Command, a subunified command;

Whereas United States Strategic Command provides continuous information regarding orbiting satellites and space debris to spacecraft such as the International Space Station;

Whereas United States Strategic Command has supported coalition forces in Iraq and Afghanistan by providing intelligence, planning, and cyber support;

Whereas United States Strategic Command contributed to United States operations in Libya through long-range conventional strikes and intelligence, surveillance, and reconnaissance;

Whereas United States Strategic Command continues to be the premier nuclear deterrent in the United States, serving as a center

for global command and communications headquartered in the State of Nebraska; and

Whereas the United States, and particularly the State of Nebraska, is grateful to those who serve the United States at United States Strategic Command: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the establishment of United States Strategic Command and the vital contributions of United States Strategic Command to national security; and

(2) honors the dedicated men and women who serve at United States Strategic Command executing the mission to deter and detect strategic attack against the United States and allies of the United States and to defend the nation as directed.

CELEBRATING THE 60TH ANNIVERSARY OF THE UNITED STATES-PHILIPPINES MUTUAL DEFENSE TREATY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 481, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 481) celebrating the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I know of no further debate on the resolution, and I call for a vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 481) was agreed to.

Mr. DURBIN. I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 481

Whereas Filipinos and Americans fought together in World War II, and an estimated 1,000,000 Filipinos gave their lives to defend freedom;

Whereas the United States and the Republic of the Philippines signed the United States-Philippines Mutual Defense Treaty in 1951;

Whereas the Philippines and the United States are longstanding allies, as demonstrated by the Mutual Defense Treaty, cooperation in conflicts since World War II, and the United States designation of the Philippines as a Major Non-NATO Ally;

Whereas the Clark Veterans Cemetery in the Philippines is the final resting place for the remains of thousands of United States and Filipino veterans from the United States Army, United States Marines Corps, United States Navy, United States Air Force, United States Coast Guard, Philippine

Scouts, and their dependents from seven wars since 1900;

Whereas the United States Government administered and cared for the Clark Veterans Cemetery from 1900 to 1991;

Whereas the United States Government seeks to maintain an alliance with the Government of the Philippines that promotes peace and stability in Southeast and East Asia, rule of law and human rights, economic growth, counter-terrorism efforts, and maritime security;

Whereas United States naval ships visit Philippines' ports, and the United States and Philippines' military forces participate in combined military exercises under the Visiting Forces Agreement established in 1998;

Whereas the people and Governments of the United States and the Philippines share a common interest in maintaining freedom of navigation, unimpeded lawful commerce, and transit of people across the seas and subscribe to a rules-based approach in resolving competing claims in maritime areas through peaceful, collaborative, multilateral, and diplomatic processes within the framework of international law;

Whereas the Philippines has served ably for the past three years as the Association of Southeast Asian Nations (ASEAN) country coordinator for the United States;

Whereas the United States Government and the Government of the Philippines work closely together in the struggle against terrorism to make local communities safer and help establish an environment conducive to good governance and development;

Whereas the navy of the Government of the Philippines has received a United States Coast Guard cutter and assistance in establishing a coastal radar system to enhance its monitoring of its waters, with a second cutter due to be transferred soon;

Whereas the United States Government works closely with the Government of the Philippines on humanitarian and disaster relief activities, and in the past has provided prompt assistance to make United States troops, equipment, assets, and disaster relief assistance available;

Whereas the Mutual Defense Board and the Security Engagement Board serve as important platforms for the continuing stability of the long-standing alliance between the Philippines and the United States in a rapidly changing global and regional environment;

Whereas the Bilateral Security Dialogue is an important policy venue for setting the policy direction and providing guidance for all aspects of the alliance relationship;

Whereas Philippines military forces have supported over the years many United Nations peacekeeping operations worldwide;

Whereas the United States ranks as one of the Philippines' top trading partners, with 11 percent of the Philippines' imports coming from the United States and 15 percent of exports from the Philippines delivered to the United States in 2010;

Whereas total United States foreign direct investment in the Philippines was approximately \$7,000,000,000 at the end of 2009;

Whereas the Philippines is one of four countries that has been invited to participate in the new Partnership for Growth Initiative, which promotes broad-based economic growth in emerging markets;

Whereas many Americans and Filipinos have participated in people-to-people programs such as the Peace Corps, the International Visitor Leadership Programs, the Aquino Fellowship, Eisenhower Fellowships, and the Fulbright Scholar Program;

Whereas an estimated 4,000,000 people living in the United States are of Filipino an-

cestry, over 300,000 United States citizens live in the Philippines, and an estimated 600,000 United States citizens travel to the Philippines each year;

Whereas the U.S.-Philippines Society was recently established to broaden and expand interaction between and understanding of the United States and the Philippines in the areas of security, trade, investments, tourism, the environment, history, education, and culture;

Whereas the alliance between the United States and the Philippines is founded on core values that aim to promote and preserve democracy, freedom, peace, and justice, and is fortified by the two nations' partnerships in defending these values;

Whereas the Government of the Philippines seeks to improve governance, strengthen the rule of law, and further develop accountable, democratic institutions that can better safeguard human rights, secure justice, and promote equitable economic development;

Whereas His Excellency Benigno S. Aquino III, President of the Republic of the Philippines, is scheduled to visit the United States in June 2012; and

Whereas Secretary of State Hillary Clinton and Secretary of Defense Leon Panetta met with their Philippine counterparts in Washington, D.C. on April 30, 2012, and reaffirmed that the United States and the Philippines are longstanding allies, that the United States Government is fully committed to honoring mutual obligations with the Philippines, and that the alliance continues to serve as a pillar of the Philippines-United States relationship and a source of stability in the region: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) celebrates the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship;

(B) confirms the alliance's centrality and enduring value as one of the key pillars of peace, stability, and prosperity in the Asia-Pacific region and as a key tool in addressing the emerging security environment in the region; and

(C) encourages both countries to continue high-level consultations; and

(2) it is the sense of the Senate that—

(A) the United States Government should use the U.S.-Philippines Bilateral Security Dialogue and the Mutual Defense Board and Security Engagement Board to promote greater alliance cooperation and enhance bilateral security ties, including support for Philippine defense modernization, for the rotational presence of United States Armed Forces in the Philippines and for increased humanitarian and disaster relief preparedness activities;

(B) the United States Government should redouble efforts to expand and deepen the economic relationship with the Government of the Philippines toward achieving broad-based economic development in that country, including by working on new bilateral initiatives that support the efforts of the Government of the Philippines to reform its economy and enhance its competitiveness, and through trade-capacity building;

(C) the Government of the Philippines should continue its efforts to strengthen its democratic institutions to fight corruption, curtail politically motivated violence and extrajudicial killings, expand economic opportunity, and tackle internal security challenges;

(D) after close consultation with the Government of the Philippines, the United

States Government should designate an appropriate United States entity to be responsible for making necessary arrangements to ensure ongoing maintenance of Clark Veterans Cemetery in the Philippines; and

(E) the United States Government should continue efforts to assist the Government of the Philippines in the areas of maritime security, maritime domain awareness, humanitarian assistance and disaster relief, and related communications infrastructure to enable enhanced information-sharing and overall military professionalization.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 45, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant bill clerk read as follows:

A concurrent resolution (S. Con. Res. 45) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 45) was agreed to, as follows:

S. CON. RES. 45

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 27, 2012, to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

ORDERS FOR WEDNESDAY, JUNE 6, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 6, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the majority leader be recognized; that following the remarks of the majority leader and those of the Republican leader, the next hour

be equally divided and controlled between the two leaders, with the Republicans controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. It is the majority leader's intention to resume consideration of S. 3240, the farm bill. We hope we can begin consideration of the bill during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:04 p.m., adjourned until Wednesday, June 6, 2012, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, June 5, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 5, 2012.

I hereby appoint the Honorable ADRIAN SMITH to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

WHAT WOULD RONALD REAGAN DO?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, when we look at this economy, we should ask: What would Ronald Reagan do? When he took office in 1981, President Reagan inherited an economy in deep recession. During the past 3 years, we've heard a number of current Republicans laud the accomplishments of Ronald Reagan in spurring economic recovery during that decade.

As they often point out, President Reagan cut taxes. Of course, so did President Obama. The Recovery Act, which I proudly supported, cut taxes for 95 percent of all Americans, averaging \$400 for individuals and \$800 for families. When that tax cut expired—and when Republicans refused to extend it—I was again proud to join President Obama to enact the payroll tax cut, averaging \$1,000 per family. But tax cuts alone do not make a robust recovery.

The other notable thing Ronald Reagan did was preside over a Nation

with a sharp increase in public sector employment from local, State, and Federal levels. Because, while today's Republicans may try to argue otherwise, teaching jobs are jobs; firefighters have real jobs; police jobs are jobs. In fact, three of the last four economic recoveries had one thing in common: public sector employment increased. Two and a half years into the recovery from 2001, total public sector employment was 1 percent higher; 2½ years into the recovery from the 1980 recession, total public sector employment was 3 percent higher. And 2½ years into the recovery from the 1980 recession, total public sector employment under Ronald Reagan was almost 3½ percent higher than it was at the start of the recovery.

In contrast, today's recovery from the recent recession has seen total public sector employment decrease by 2.5 percent, largely because the Republicans have gotten their way in trying to shrink the public sector. Real jobs were lost. Had total public sector employment merely held steady over the last 2½ years, the unemployment rate today would be 7.8 percent, not 8.2. But instead, we've lost 600,000 public sector jobs: teachers, police officers, firefighters, librarians, and other dedicated public servants. If the goal truly were to foster a robust economic recovery, you'd think today's Republicans would be looking at how the Nation worked its way out of previous recessions. But, obviously, that's not the case.

Last September, President Obama put forward the American Jobs Act, a proposal to cut taxes on workers and businesses to incentivize hiring and to fund necessary infrastructure improvements. Economists predicted the American Jobs Act would have added up to 1 million new jobs and spurred GDP growth by an extra 1.5 percent.

These are proposals that have traditionally earned bipartisan support. For example, one of the single largest infrastructure projects ever was under the creation of President Dwight D. Eisenhower, the interstate highway program. In 1982, while he was still working toward economic recovery, Ronald Reagan proposed a highway and bridge repair program to create jobs in the public sector. But, sadly, Republican opposition has kept the American Jobs Act from even coming to the floor for a vote.

Many Republicans decried the use of additional revenue to help offset any increase in national debt. Apparently,

they forgot that when faced with rising deficits, Ronald Reagan looked to revenue increases, broadening the tax base, closing loopholes, and raising taxes. Yes, he raised taxes in 1982, 1984, 1985, 1986, and 1987.

It's unfortunate that today's Republicans have lost sight of the value of investing in America in a fiscally responsible manner, because the Nation's construction industry has been the hardest hit. America lost more than 2 million construction jobs in the recession that began in 2007.

Infrastructure investments don't just create jobs, they also repair dangerous bridges and make our roadways safer. They build needed schools to lessen overcrowding; they renovate hospitals and improve water treatment plants. As part of the Recovery Act, we enacted the Build America Bonds program that leveraged \$4 billion in Federal funds to \$181 billion in private sector funding, completing more than 2,000 projects in every State in the country. I introduced a bill to extend this successful program because there remain unmet needs in our communities, and there are millions of construction workers awaiting the opportunity to return to work and communities that would benefit from the projects. We haven't even had a hearing on that bill.

Mr. Speaker, Dwight Eisenhower did not subscribe to the current Republican mantra that investing in America was something to be shunned. Ronald Reagan did not share the current Republican dictum that serving one's country in public service is somehow a less-than-noble endeavor and the way to prosperity is through devastating cuts to the public sector.

Congress must act to ensure long-term fiscal responsibility, but it should not come at the expense of millions of Americans struggling to get back to work. As we contemplate our economic policies, we really should ask: What would Ronald Reagan do?

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tempore (Mr. SMITH of Nebraska) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of this assembly, to be the best and most faithful servants of the people they serve. Purify their intentions, that they will say what they believe and act consistent with their words.

May they be filled with gratitude at the opportunity they have to serve in this place. We thank You for the abilities they have been given to do their work, to contribute to the common good. May they use their talents as good stewards of Your many gifts and thereby be true servants of justice and partners in peace.

As elections across our Nation highlight the competition of ideas, grant that those who sit in the people's House will place the good of our Nation and its citizens above political gain. It is a difficult task—all the more, it is why we ask Your grace during these days.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

UNEMPLOYMENT RATE IS MUCH HIGHER THAN ADVERTISED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the President's policies are failing our families and destroying jobs. Since the President was sworn into office in January 2009, our citizens have lost a net of 740,000 jobs, as was discovered on Friday.

For the past 40 months, the unemployment rate has remained above 8

percent. Sadly, during the month of May, this rate increased from 8.1 percent in April to 8.2 percent. The biased liberal media can no longer conceal the truth of the President's failed policies.

And to make matters worse, if the number of Americans who want to work but have stopped looking for a job and those who are forced to work part-time were factored into the equation, the real unemployment rate would rise to 14.8 percent.

House Republicans have passed over 30 bipartisan bills which would promote job creation. I urge my colleagues in the Senate to take immediate action on these pieces of legislation and help put American families back to work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

QUEEN ELIZABETH II'S DIAMOND JUBILEE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. This year marks the Diamond Jubilee—the 60th year—of Queen Elizabeth II's reign as Monarch of the United Kingdom. As our closest relation, it's only fitting that we join the United Kingdom in celebrating the Queen's Diamond Jubilee.

Queen Elizabeth II's coronation as Queen was on June 2, 1953—when she was just 25 years old—following the death of her father, King George IV.

Her Majesty is the second-longest-serving Monarch in British history. She has conducted regular meetings with every British Prime Minister since Winston Churchill. She serves as a patron of over 600 charities. Over the last 60 years, she has conducted 261 official visits to 116 different countries. Her Majesty has received eight Presidents of the United States and made five State visits to the U.S. Last year, she became the first British Monarch since 1911 to visit the Republic of Ireland, a significant and historic move for peace and reconciliation.

Throughout decades of change, Her Majesty, Queen Elizabeth II, has served as a constant and steadfast presence in the United Kingdom and the world. I ask my colleagues to join me in congratulating and celebrating Her Majesty's Diamond Jubilee.

OBAMACARE GRANTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in today's Wall Street Journal, Dr. Steven Greer relates his disastrous experience trying to review grants for a program created by ObamaCare.

The Center for Medicare and Medicaid Innovation will hand out more

than \$10 billion in the coming decade. Dr. Greer was one of the chairmen overseeing panels of outside experts who were supposed to review grants for projects to train new types of health care workers. The team had only 2 weeks to review applications that ran more than 100 pages. Among other things, work was lost to poor computer systems, leading some panelists to quit in disgust. Dr. Greer himself quit after his complaints went unanswered.

Despite the problems, the money went out the door—\$1.9 million to a George Washington University project that only saves \$1.7 million, \$4.5 million to a San Antonio project that only saves \$5 million, and \$5.8 million for the University of Chicago to create 80 jobs. All this poorly supervised spending while we rack up more than \$1 trillion in debt every year. More evidence that our debt problem is a spending problem.

LOOMING STUDENT LOAN INTEREST RATE CRISIS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 25 days, the Stafford student loan interest rate will double from 3.4 percent to 6.8 percent, adding millions of dollars of additional student loan debt to middle class families.

Unfortunately, the do-nothing House is in session only 2 full days this week and 6 full days for the rest of this month. The Republican whip announced yesterday that there is no action planned on this issue this week.

It is no wonder that President Obama will once again this week reach out to college students all across America to demand action before July 1. Not only that, he is announcing today a historic agreement with colleges and universities to establish a financial aid shopping sheet, which will better inform families about the true cost of tuition as a way of avoiding debt, and will announce new lower repayment caps for the Stafford loans to reduce the burden of high debt.

One branch of government is doing its job to help with the cost of college. It is time for the Republican leadership to do the same.

HEALTH CARE TAX

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Now more than ever the President and Congress need to cut spending and pass legislation that promotes job growth. Instead, the government is just months away from enacting a job-killing tax on medical devices that will drastically

harm our Nation's medical industry. An estimated 43,000 jobs could be lost and could force these American factories to relocate overseas. President Obama wants to implement this harmful tax as a way to pay for his nearly \$2 trillion health care law. This is insane.

The government has a spending problem. American taxpayers shouldn't have to foot the bill for this disastrous law, and businesses shouldn't have to fork over more of their money to pay for Washington's reckless spending spree.

It's time to promote real solutions—let's cut spending, repeal ObamaCare, and protect hardworking taxpayers from these destructive taxes. Americans want, need, and deserve real solutions, and we can take action now and vote this week to eliminate this tax.

□ 1410

PROVIDE TRANSPARENCY IN HEALTH CARE PRICES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, the current health insurance system has essentially insulated people from the actual cost of medical care that they receive. But maybe, by pulling back the curtain on these opaque areas of the health care market, over time we could lead to the development of a more rational pricing structure, at least from the consumers' perspective.

Once we understand the actual cost, then we can begin to make effective changes, leading to fair physician reimbursement, appropriate patient billing, and better medical services.

To that end, the Health Care Price Transparency Act of 2012, H.R. 5800, is bipartisan legislation that is a long-term solution to runaway medical costs. The bill calls upon States to establish and maintain laws requiring a disclosure of information on hospital charges. This means that State law will require health insurance providers to give patients an actual dollar estimate of what the patient must pay for health care items and services within a specified period of time.

It's commonsense legislation. It's far past time for us to do it. I encourage Members to join me in cosponsoring H.R. 5800. Let's get it done.

MEDIA BIAS AGAINST FAITH REPORTING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, last month, 43 Catholic institutions across America joined together to defend the First Amendment and filed a

total of 12 lawsuits against the administration in order to protect their right to freedom of religion on behalf of all Americans.

This is the most significant religious lawsuit in U.S. history, and Christian leaders all across America have joined in support of these Catholic institutions. Despite the unprecedented and historic nature of this event, the national media largely ignored it.

The Catholic institutions filed the lawsuit due to new ObamaCare regulations that force some religious institutions to pay for coverage of anti-abortion drugs, regardless of the employer's religious and moral objections.

How can the liberal media ignore 12 different lawsuits being filed in Federal courts that each charge the administration with violating the First Amendment right of freedom of religion?

The liberal national media continues to show their bias by their scanty coverage of this historical event.

COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR, THE HONORABLE MIKE PENCE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Karrie Pardieck, Constituent Services Director, the Honorable MIKE PENCE, Member of Congress:

HOUSE OF REPRESENTATIVES,

Washington, DC, May 23, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena ad testificandum issued by the State of Indiana's Delaware County Circuit Court No. 4.

After consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KARRIE PARDIECK,
Constituent Services Director,
Congressman Mike Pence.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the further consideration of H.R. 5325, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. MCKINLEY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

Will the gentleman from Nebraska (Mr. SMITH) kindly take the chair.

□ 1413

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. SMITH of Nebraska (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Friday, June 1, 2012, an amendment offered by the gentleman from Georgia (Mr. BROUN) had been disposed of, and the bill had been read through page 22, line 11.

AMENDMENT NO. 3 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 3, after the dollar amount, insert "(reduced by \$514,391,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$514,391,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, on Friday, I offered an amendment to eliminate taxpayer subsidies to the so-called renewable sector, and this amendment eliminates them to the nuclear sector, saving another half billion dollars.

It does not affect the surcharges that electricity consumers have already paid for waste disposal or for military applications or the essential maintenance of our Nation's radiological facilities, but it relieves taxpayers from funding research and development that rightly rests with the nuclear industry, and requires that industry to compete with all other energy technologies to attract capital based on its own merit.

On Friday, I expressed my skepticism of companies like Solyndra that have peddled technologies that just don't pencil out. Let me now declare my confidence in nuclear technology and in companies like General Electric and Westinghouse that have pioneered these technologies. But that is not an argument for taxpayers to underwrite their research and development departments.

Whether Congress is skeptical of the technology or confident in it, we are not intellectually equipped or constitutionally authorized to choose winners and losers among various companies or

technologies, or to substitute our judgment for that of individual investors. I realize these companies certainly won't turn down free money extracted from taxpayers, but I don't believe they actually need it. What's more, I imagine that they'll be better off when we stop telling them what designs to use by Federal fiat, and start allowing the licensing of any design submitted to the Nuclear Regulatory Commission that meets health and safety standards.

This is the worst of both worlds for our constituents. We force them to pay for the R&D programs of these companies, and these companies then reap the profits. Let their investors risk their own money. Let their investors reap their own profits or losses, and leave the rest of us alone.

That's called freedom. It works, and it's time that our Nation put it back to work.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the gentleman's amendment. The amendment offered by our colleague would cut nuclear energy research and development activities by 70 percent. It would all but eliminate this very critical program to our Nation.

Our bill provides the same funding level as last year, funding that is a critical part of our support for a balanced energy portfolio, protecting American manufacturing, and reducing reliance on foreign energy sources.

Nuclear power generates 20 percent of our Nation's electricity. It will continue to play a large role in the future, as our constituents look for reliable, inexpensive, and clean energy.

America invented nuclear power, but now other nations are mimicking our companies' designs and building them entirely within their own borders. We must drive the next generation of reactors, and that's what this program does, in addition to improving the reliability of our current nuclear fleet.

Through simulations, cooperation with the industry, and advanced research, the program develops next-generation reactors, such as small modular reactors and high-temperature gas designs, that are inherently safe and have even more substantial safety margins than today's reactors.

These new types of reactors can be wholly built here at home by American companies, by American workers. The gentleman's amendment would halt these efforts, lose the innovation and manufacturing edge overseas, and risk hundreds, if not thousands, of jobs. I therefore oppose this amendment and urge the Members to do the same.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I appreciate the recognition, Mr. Chairman, and I also rise in opposition to the gentleman's amendment.

Our country really does need a diversified energy portfolio. Nuclear is part of that. Almost a quarter of all of our electrical power today is generated through nuclear power. It is carbon free, and I do not think this is the time to withdraw research support.

In light of, particularly, the tragedy in Japan, the safety of our existing fleet and progress as far as improved technologies is vital.

And, again, I would add my voice to that in opposition to the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1420

The Clerk will read.

The Clerk read as follows:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$554,000,000, to remain available until expended: *Provided*, That of such amount, \$115,753,000 shall be available until September 30, 2014, for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary of Energy may vest fee title or other property interests acquired under projects in any entity, including the United States.

AMENDMENT OFFERED BY MS. HIRONO

Ms. HIRONO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 23, after the dollar amount, insert "(reduced by \$133,400,000)".

Page 26, line 16, after the dollar amount, insert "(increased by \$133,400,000)".

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. Mr. Chairman, I rise in support of the Hirono-Chu-Matsui-Lee-Carnahan amendment. This amendment will increase the resources for the Advanced Research Projects Agency-Energy, or ARPA-E.

In 2006, the National Academy of Sciences released a report titled, "Rising Above the Gathering Storm." That report called for the establishment of an Agency focused on energy. That Agency would be modeled after the famous Defense Advanced Research Projects Agency, or DARPA. Congress created ARPA-E in the 2007 America COMPETES Act. That legislation passed the House and Senate with strong bipartisan support.

ARPA-E's purpose is to support research that helps Americans lead a 21st-century clean-energy revolution. This is about generating new ideas and innovations that lead to new jobs, industries, and opportunities. Ideas and innovations are the hallmarks of America's economic success. Names like Benjamin Franklin, the Wright brothers, Thomas Edison, Akio Morita, Bill Gates, Steve Jobs, and others are familiar to us all. They are familiar names across the globe. That's because their ideas led to cutting-edge technologies that were widely adopted and put to use, changing our lives and society for the better.

Some of these bold innovations were far ahead of their time and often succeeded with government support. For example, few know that, without government contracts for airmail, our commercial aviation industry would not have become so successful. It was research supported by both U.S. Government labs and the private sector that gave us the Internet. Most famously, who can forget President John F. Kennedy's call to put a man on the Moon. While this effort was successful from a technological perspective, it also captivated a generation of Americans, inspiring them to think big and think bold.

It is vital to our Nation's future success that we reinvigorate the spirit of innovation. If we do, we can harness the talent of our Nation's people as we continue rebuilding our economy. That's why supporting ARPA-E is so important. ARPA-E awardees are developing the kinds of breakthroughs that will help us break free from the grip of foreign oil and fossil fuels. In the past year alone, ARPA-E has supported research into high-tech electric car batteries. ARPA-E has supported potential breakthroughs in energy-grid technology and algae-based biofuels. These are ideas that could change how the U.S. produces, uses, and transmits energy.

Unfortunately, the bill before us takes a different tack. It actually cuts funding for the research and innovation sponsored by ARPA-E. Instead, it gives even more resources for research

into mature energy sources. Last year, fossil fuel R&D received \$346 million. The bill before us provides \$554 million for fossil fuel R&D. That is a \$207 million increase. ARPA-E, on the other hand, gets a \$75 million cut in this bill.

My friend Warren Bollmeier, who is the head of the Hawaii Renewable Energy Alliance, once told me:

The path we need to take to energy independence is one where we level the playing field for clean energy.

We all agree that energy independence is a critical national priority. I think we can also agree that we need to take a broad-based approach to getting there. Responsible fossil fuel development must be part of this mix, but so should clean energy, which is what this amendment does.

To increase the resources for ARPA-E, my amendment transfers some funds from the Fossil Fuel Research and Development programs. My amendment does not eliminate fossil fuel R&D. It would merely bring the funding level for this research to the amount requested by the administration. That number was nearly \$420 million, and that's still an increase of \$73 million from last year.

We know that innovation equals job creation. In fact, in States across the country, we are seeing the advantages of investing in clean-energy research, development, and deployment. We need to keep this forward momentum. In Hawaii, our clean-energy economy is growing. Private sector clean-energy jobs in Hawaii have grown to over 11,000 jobs with double-digit growth expected in the coming year. These firms generate \$1.2 billion for our State economy. These are jobs that keep money in our State and can't be outsourced.

At this time of tight budgets, we need to balance our priorities and lay the groundwork for the future. My amendment moves us in that direction. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the gentlewoman's amendment.

My colleague's amendment would increase funding for ARPA-E to levels beyond what the program needs.

Our bill provides \$200 million for ARPA-E because of its focus on energy security, American manufacturing and competitiveness and research to address gas prices; but we have continuing concerns that this program must not intervene where private capital markets are already acting. It must not fund work redundant with other programs at the Department of Energy.

ARPA-E is only 3 years old and is still proving itself. Given how we must

spend tax dollars wisely, it would simply not be prudent to give this young program its highest funding level ever. This amendment would, unfortunately, do just that; therefore, I oppose it for that and for many other reasons.

I yield back the balance of my time. Mr. CONNOLLY of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. I rise to join my colleagues in support of this amendment to restore funding to the Advanced Research Projects Agency for Energy, known as ARPA-E.

In the report language for this bill, the committee's majority correctly notes that projects funded by ARPA-E "are capable of significantly changing the energy sector to address our critical economic and energy security challenges." This Agency is funding research to advance more efficient power transmission, energy storage, transportation fuel alternatives, energy-efficient buildings, and so much more. So it is puzzling that the committee would then recommend reducing the funding for activities that promote American energy and independence by 27 percent compared to the current funding of 43 percent below the President's reasonable request.

It is thanks to our strategic investments in R&D that we have captured the full benefit of America's ideas and innovations through partnerships with the higher education community and the private sector. More than half of the Nation's economic growth since World War II can be traced to science-driven technology research and innovation that has stemmed from that partnership. It was central to our ability to capitalize in the space race in the 1960s.

Since then, the magnitude of research supported by the Federal Government has actually grown and revolutionized health care, transportation, the digital economy and, yes, energy delivery and efficiency. For example, a Federal energy grant at Georgia Tech evolved into a private company, Suniva, that manufactures solar energy cells that are cost competitive with fossil fuels. In fact, the company technology was named the world's best commercially applied innovation in 2010. So it's unfortunate to see the majority continue a pattern of disinvestment in basic research, which typically yields a 2-1 return on investment. Cuts like this actually wind up costing our country in the long run.

The real question is: Who is going to fill that gap if we start to retreat on this historic partnership? The answer: our foreign competitors. It's already happening, Mr. Chairman. More than half of U.S. patents were granted to foreign companies in 2009. China is now the world's leading high-tech exporter, and we rank 27th in the number of

graduates with science or engineering degrees.

On a related note, I would highlight another issue of which the majority is paying lip service to the need to address the shortage of American scientists and innovators. The report language correctly expresses concern with the long-term science, technology, engineering, and math workforce development pipeline, particularly for underrepresented minority students. Yet the majority then continues to underfund the very programs aimed at supporting strong teachers and scientists to recruit and train the next generation of innovators.

Mr. Chairman, we need to invest more, not less, in these Federal research partnerships. I urge my colleagues to restore these vital funds so we can continue to nurture promising industries, provide entrepreneurs with skills and capital and allow American companies to be globally competitive and help American workers get jobs.

I yield back the balance of my time.

□ 1430

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I rise in very reluctant opposition to the gentlelady's amendment, as well as remarks issued by the gentleman from Virginia. I certainly appreciate their desire relative to the good work being done at ARPA-E.

The two points I would make in opposition is that, first of all, the gentlewoman was absolutely correct on the top-line figures for fossil fuel, but I do think they are somewhat misleading because there is a rescission contained within the bill for \$187 million. The true reflection, as far as the relationship between current year spending and the proposal in the House bill, is for fiscal year 2012. Fossil fuel is at \$534 million. The proposal in the subcommittee mark and the committee-reported bill is \$554 million.

Again, appreciating deeply the very good work and cultural change that is taking place within the Department of Energy because of ARPA-E, I would also point out that energy consumption today by fossil fuel is represented by about 83 percent of our utilization. We do need to continue to be focused on that huge segment of current use to be more efficient and to reduce our carbon footprint.

Again, I would add my remarks to the chairman's, and I yield back the balance of my time.

Ms. CHU. Mr. Chair, I rise in support of the amendment to increase the resources for the Advanced Research Projects Agency—Energy, or ARPA-E.

ARPA-E invests in the success of our entrepreneurs by allowing them to innovate in

high-reward energy projects. This critical investment turns ideas into new technologies, which create new companies and even whole industries. These companies start out as small businesses, which we know are the greatest drivers of our economy. ARPA-E is exactly the kind of forward thinking we need to spur American innovation and create well-paying jobs in cutting-edge fields.

ARPA-E is also vital to achieving the kind of 21st century energy solutions America needs to increase our energy efficiency, lower consumer costs, and curb the damage to our environment. While other countries around the world are promoting these kinds of programs, we are letting ourselves fall behind.

In the midst of one of the worst recessions in U.S. history, we are turning our backs on energy innovation, where we once led the way. This makes no sense, and it must stop. We should not be cutting ARPA-E, we should be expanding it. That is exactly what this amendment will do.

ARPA-E gives universities, entrepreneurs, and other innovators resources to develop their ideas. It holds forums to bring researchers together to share expertise, and educate future innovators. Some research ARPA-E has supported includes high-tech electric car batteries, breakthroughs in energy grid technologies, and algae-based biofuels. These developments hold the power to revolutionize the way America produces and consumes energy. This is not science-fiction; it is already science-fact. But it needs the support and vision of my colleagues in Congress in order to continue.

In my home State of California we have ambitious energy standards that we need to work hard to meet in the next few years.

The underlying bill increases research and development funds for fossil fuels by \$207 million more than these programs received last year. We are going backwards.

This amendment does not gut fossil fuels research and development, but it does bring funding levels in line with the President's request while increasing funding for ARPA-E in line with the President's request.

Let's stop going backwards; let's stop selling America short. Instead, let America do what it does best: innovate, grow, and lead.

I strongly encourage my colleagues to support this amendment.

Ms. BONAMICI. Mr. Chair, I am proud to support the Hirono-Chu-Matsui-Lee-Carnahan Amendment to the Energy and Water appropriations bill. The amendment would maintain our commitment to the successful Advanced Research Projects Agency-Energy, or ARPA-E as it is more commonly known.

In March of this year, Energy Secretary Chu came before the Science, Space, and Technology Committee to discuss the Administration's budget request, which included an additional \$75 million for ARPA-E. I had the opportunity to speak with him about the importance of ARPA-E and the effectiveness of the program as we seek to bring new technologies to market that change the way we generate, store, and use energy.

I take a particular interest in ARPA-E because in Oregon we have seen its benefits first hand. As a result of the program, a company by the name of ReVolt Technology actu-

ally relocated to our community and brought its amazing research—and jobs as well. In my discussion with Secretary Chu, he highlighted the effectiveness of ARPA-E in leveraging private-sector investments stating that a \$40 million federal investment has been leveraged to private-sector investments of more than \$200 million.

Keeping this in mind, I was dismayed to see that the underlying bill under consideration not only rejects the request for additional ARPA-E investment, but seeks to cut \$75 million in FY2013.

As a member of the Budget Committee, I understand the need to get our fiscal house in order. But we have a responsibility to do so in a strategic manner to ensure that we do not undermine our future security and competitiveness. It is precisely this recognition that makes the Hirono-Chu-Matsui-Lee-Carnahan Amendment so important.

This amendment addresses the lopsided priorities in the underlying bill in a reasonable and balanced way. It seeks to meet the Administration's request for the fossil fuels research and development, and uses the difference to support ARPA-E. This would provide roughly \$333 million for ARPA-E, a modest increase over FY2012.

This is amendment takes a fair approach, balancing today's energy research needs with the promise of tomorrow's technologies, and the jobs and economic benefits that go along with them.

I commend my colleagues for their work on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HIRONO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 23, after the dollar amount, insert "(reduced by \$554,000,000)".

Page 22, line 24, after the dollar amount, insert "(reduced by \$115,753,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$554,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this is the final amendment I'll offer to remove government from subsidizing energy companies. This one pertains to fossil fuel industries.

The coal, oil, and natural gas industries are profitable and proven and have never had any trouble finding investors to pay for legitimate research.

Once again, I pose the question: Why are taxpayers then being forced to sub-

sidize research and development for energy companies that have every incentive to pay for it themselves if they actually believe it will bear fruit. If it pans out, these technologies have enormous economic value and will richly reward all of those who invest in them; and if they don't, taxpayers shouldn't be left holding the bag.

Today, the fossil fuels industry has opened a new chapter of clean, cheap, and abundant natural gas recovery through horizontal drilling and hydraulic fracturing, a process developed almost entirely through private capital. Our dismal energy situation today is not because of not enough government. It is because of too much government, and the American people have finally figured that out.

We have done enormous damage not only to our energy policy, but to our entire economy by subsidizing inefficiencies, hiding true costs, and slanting the competitive field. If left alone, prices convey an entire world of data. Embedded in the price at your local gas station is information on political conditions in the Middle East, refinery capacity in Benicia, bribery rates in Venezuela, and what the guy down the street is selling it for, to name just a few. Accurate prices are essential for consumers and investors to make rational decisions about the highest and best use of their dollars.

When government interferes in these decisions through subsidies, it corrupts the data that is necessary to assure that every dollar in the economy is spent to its highest and best use. So it's not just the cost of these subsidies to taxpayers; it's the misallocation of resources that those subsidies cost. And that's perhaps the most serious drag of all on our economy.

When government plays this game, risks are masked, inefficiencies go undetected and uncorrected, capital flows from productive to nonproductive use, and perhaps most dangerous of all in a free society, the government begins picking winners and losers. The productive sector becomes more and more beholden to government and less and less beholden to its own customers.

I am told on generally reliable authority that this is what Republicans are supposed to believe in. This Republican House needs to be true to those beliefs and true to the voters who elected us because of those beliefs.

With that, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. The Obama administration has not been shy about its desire to wipe out our Nation's use of fossil energy resources. Mining permits in Kentucky and eastern America have ground to a halt. Oil

and gas leasing on Federal lands and our Outer Continental Shelf are stagnant, onerous regulations are shuttering power plants, and EPA officials have gone on the record expressing a desire to crucify the fossil industries, which have been the backbone of our energy security for decades and continue to today.

And how does this administration propose to fill the gaping hole they've left in our energy security? By throwing billions of taxpayer dollars down a black hole at pie-in-the-sky renewable pet projects like Solyndra.

I agree with my colleagues that we must balance the expansion of conventional fuels—coal, natural gas, oil, and nuclear—to provide energy today with investment into renewable energies to power our future. And that's exactly what the underlying bill seeks to do, Mr. Chairman.

The funding provided for fossil energy research and development will support investments in carbon capture, carbon storage, and other advanced energy systems so our country can more efficiently use centuries worth of coal and natural gas already at our disposal. Meanwhile, we continue to support reasonable levels in the EERE account that have seen exponential increases in recent years.

The President's energy strategy yields neither savvy investments for the taxpayer nor does it strengthen our energy security or our economy. Seen in tandem with the EPA's onerous utility regulations and deliberate delays to energy production permits, any cuts to fossil energy research are a part of a pincer movement designed to drive fossil energy from the marketplace. The results will be spiking energy costs, greater reliance on foreign sources of energy, and lost jobs.

As a result, Mr. Chairman, I urge a "no" vote on this amendment, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MCKINLEY. Mr. Chairman, fossil energy research and development continues to evolve to reflect our Nation's key energy supply, security, and environmental needs. American fossil energy R&D takes place in our national energy technology laboratories throughout the country, including laboratories in Morgantown, West Virginia, and in Pittsburgh, Pennsylvania.

Over the years, these two labs alone have produced thousands of jobs, billions of dollars in investment into local and State economies, and an incredible working relationship among WVU, Pitt, Carnegie Mellon, Penn State, and Virginia Tech.

Just to point out the importance of fossil energy R&D funding to the gentleman's home State of California: in

2011, over 200 projects were developing in California. This research provided \$1.6 billion in funds being brought into that State, along with over 7,600 jobs.

□ 1440

In Hawaii, there was over \$36 million spent in research involving nearly 300 jobs. Fossil energy R&D has led the research that has significantly reduced acid rain, as well as in other advanced pollution controls and mercury emission reductions, and has led and/or conducted research that created technology used in 75 percent of our Nation's largest coal power plants.

Today, fossil energy R&D continues to lead the Nation's efforts in carbon capture, sequestration, and utilization, and has led efforts in combustion and turbine R&D that led to substantial increases in power plant efficiencies and reductions in power plant emissions. Simply put, the research through this program focuses on developing affordable, safe, and clean mechanisms to enhance and utilize our domestic fossil energy resources in the most efficient manner.

If this amendment passes, Congress will not be able to ensure our Nation of job security, job retention, growth, and the ability to meet our ever-increasing energy needs. Not only would this amendment destroy nearly 90,000 jobs, 2,100 research projects, and over \$18 billion in investments, but would harm our educational institutions and the students, scientists, and professors who work in our national energy laboratories.

I urge all of my colleagues to oppose this amendment and to continue to support our domestic fossil energy initiatives.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I rise in opposition to the gentleman's amendment for the very reasons I espoused briefly before relative to the gentlewoman from Hawaii's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 23, after the dollar amount, insert "(reduced by \$25,000,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$25,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, at a time when we should be working together to find ways to save taxpayer money and reduce the deficit, this bill proposes to waste millions of dollars on research into an inefficient and highly polluting energy extraction process known as oil shale. For 100 years, oil shale advocates and big energy companies have been selling us the promise of cheap energy through oil shale. Despite those efforts, no company has been able to deliver on that promise.

It's time to end the sham and stop wasting taxpayer dollars. That's why this amendment, which I offer with my good friend Congressman JARED POLIS of Colorado, would save \$25 million and invest it in deficit reduction.

Despite what some in the industry might claim, oil shale development won't produce affordable American energy or jobs. Mr. Chairman, just a few weeks ago, Interior Secretary Salazar pointed out that the House majority continues to confuse shale oil with oil shale, two completely different things.

While they clearly sound similar, any undergraduate in geology can tell you that, in fact, one is a rock and the other is a liquid. Let me say that again so my colleagues understand. Oil shale, derived from a rock, is not to be confused with shale oil.

While shale oil is experiencing a boom in development, oil shale technology simply doesn't exist, a fact recently confirmed by the Congressional Budget Office. The CBO estimated that implementing a commercial leasing program for oil shale on Federal lands under the PIONEERS Act would not generate revenue for at least 10 years.

The amendment I'm offering with my friend from Colorado (Mr. POLIS) would simply eliminate the research and funding dollars designated in this bill for oil shale production. This is a simple commonsense amendment. Given the current budget constraints we hear so much about, we cannot continue to throw good money after bad for a nonexistent, uneconomic energy source. There is no sense in wasting \$25 million in taxpayer dollars on oil shale research and development when there is no commercially viable technology to bake rock and turn it into synthetic oil.

In addition to the technological and economic hurdles facing oil shale, oil shale threatens already scarce water supplies in the West. According to the Bureau of Land Management, industrial scale oil shale development could

actually require as much as 150 percent of the amount of water Denver metro area consumes every year. That not only would threaten Denver and eastern agriculture in Colorado, but it would also throw a wrench in the delicate multistate agreements that govern the Colorado River and its use, which is already overtaxed.

Simply put, every Colorado River State, from Colorado to California, should be concerned by this use of this money and water and support this amendment.

Mr. Chairman, we need more affordable American energy. Achieving that goal includes responsible oil and gas exploration, better use of technology to capitalize on all available resources, and greater focus on the cleaner energy future from renewables such as solar and wind. Some might call it an all-of-the-above approach, but all of the above should not include things that science tells us aren't really viable and represent an unwise investment.

Mr. Chairman, I urge passage of the Polis-Connolly amendment. I ask for consideration of this issue that we, in fact, save \$25 million and put it to deficit reduction. I urge my colleagues to vote "yes" on the amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the gentleman's amendment.

Our bill funds a truly all-of-the-above research approach for addressing future high gas prices by reducing oil imports, developing fuel alternatives, and reducing what Americans pay at the pump.

The amendment would eliminate, as we've heard, \$25 million in our bill for an oil shale research program, an important component of our comprehensive approach. The United States has an estimate of 2 trillion barrels of resources in oil shale deposits. For some perspective, that's more than 10 times larger than the United States' estimated proven and unproven oil reserves, and roughly as large as the entire world's proven oil reserves.

But shale oil resources have been barely tapped worldwide because substantial environmental and technological hurdles prevent their extraction, and the fluctuating world oil prices prevent the sustained research needed to bring this resource to market.

Our bill provides \$25 million for an oil shale research program to develop the technologies that can make our vast reserves competitive and environmentally sustainable for decades or centuries. If successful, the program could change the game completely. It could prevent future high gas prices and substantially reduce our reliance on foreign oil.

For these and many other reasons, I oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, this amendment—and I appreciate my colleague from Virginia for helping to bring it forward here today—will help reduce the budget deficit by about \$25 million.

At a time when we all know we need to make some of the hard cuts to balance our budget, why not make some of the easy cuts? Oil shale, and the research that's reduced under this amendment, does not exist in any economically viable fashion. In fact, many of the corporations and companies that would have the most self-interest in developing oil shale have given it not even a second priority or a third priority—a distant, distant priority—and have cut back on much of the research because there simply is no economically viable way to produce oil shale.

Again, at a time when we need to re-examine our priorities and we know that we need to balance our budget, why not save \$25 million from a technology that doesn't exist and that we've already plowed billions of dollars of taxpayer money into.

□ 1450

We still contribute with our Federal resources with regard to any future potential that oil shale might have. There are several research leases in place and private companies continue to invest, although in decreasing amounts, in this technology.

What I think anybody opposed to this amendment would need to convince us of is why it is a justifiable use of taxpayer funds to continue to pursue this boondoggle of a technology that we have already sunken billions of dollars into with zero return for taxpayers, with zero return for energy independence, and with zero return for reducing energy prices for our country.

We in Colorado, and across the country, have a lot of reasonable concerns with regard to any potential future technology in terms of where the water is coming from and how and where it will be used. But fundamentally, for a prospective technology that is locally problematic in affected areas, why does this bill continue to invest good money after bad to continue to throw another \$25 million down the billion-dollar hole that has been pursued and talked about for over a century.

The technology to, in an economically and viable way, extract oil shale simply does not exist. My amendment would save \$25 million, reduce the deficit, allow private research to continue, and make sure that we continue an all-of-the-above approach to energy

independence and reducing gas prices for our country.

I urge strong support of the Connolly-Polis amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I rise in strong support of the gentleman's amendment.

Developing oil shale into a fuel source is very energy intensive. Both strip mining and in situ oil mining requires huge amounts of energy. In fact, more energy may go into developing the process than would be produced in the oil secured.

Oil shale development is projected to have a dramatic effect also, as was mentioned during the debate, on water supplies. This water would further stress already overallocated water in the West. Oil shale development also poses a potentially serious threat to water quality. The process of transforming the kerogen in shale into oil leaves behind salts and numerous toxins, water-soluble chemicals that could leach into the groundwater that is the source of much of the region's surface water during the critical time when flow is lowest. Flushing these chemicals from the oil shale production zone, as several companies have proposed, would also create huge volumes of highly saline water that will require further treatment. The technical feasibility of isolating and treating contaminated groundwater has not been demonstrated.

The proposed development of this resource will recreate major new demands on the energy grid as well. By some estimates, the new power plants needed to support a 1 million-barrel-per-day oil shale industry—and we believe that is the low end of DOE's projections—could emit 105 million tons of carbon dioxide every year. That's about 80 percent more than was released by all existing electric utility generating units in the States of Colorado, Wyoming, and Utah in the year 2005.

The spent shale that remains after processing is also not an easy problem, and it will not go away. It potentially represents between 90 and 95 percent of the material that is mined. The Nation already has a legacy of sites that we cannot afford to adequately clean up today. We should not add to this legacy.

While I have indicated during debate on this bill that I support a balanced approach to solving the Nation's energy issues, given the costs and environmental impacts of this particular source at this particular time, with our constrained resources, this is one alternative that should be foregone.

Again, I strongly support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the final payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$15,579,815, for payment to the State of California for the State Teachers' Retirement Fund, of which \$15,579,815 shall be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$195,609,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$10,119,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$6,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$100,000,000 to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$198,506,000, to remain available until expended.

AMENDMENT OFFERED BY MR. MATHESON

Mr. MATHESON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 5, after the dollar amount, insert "(increased by \$9,600,000)".

Page 30, line 5, after the dollar amount, insert "(reduced by \$9,600,000)".

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. MATHESON. This amendment would add \$9.6 million to the Department of Energy's nondefense environmental cleanup account, thereby restoring the amount that was cut from the previous year for the small sites associated with this program. This will be offset by taking money from the National Nuclear Security Administration's weapons activities account, which in this bill right now has an increase of just over \$298 million relative to last year.

The funding for the small sites in the nondefense environmental cleanup accounts supports activities across the country that address the legacy resulting from civilian nuclear energy research and uranium mining, and it is critical that the Department of Energy have the resources necessary to meet its obligation to clean contaminated sites across the country in a timely manner.

I know it's tough to come up with these appropriations bills, and I think the committee has done a nice job of trying to balance many things. I acknowledge and I support the increase in funding for the NNSA weapons modernization efforts. I believe that directing a small portion of the \$298 million increase over the FY 12 levels towards cleanup of small sites around the country is worth consideration here today.

This is not an attack of the work of the NNSA, but rather an amendment to increase the efficiency of the small-site cleanup effort undertaken by the Department of Energy. The \$9.6 million represents a fraction of 1 percent of the total funding of NNSA weapons activities that will be received in this bill.

I think we want to do this funding and maintain this funding because it ensures the progress of these sites can continue. Let's remember these small sites are shovel-ready projects directly employing hundreds of people at various sites across the country.

While this is for all sites, I'll talk about one location of which I'm familiar because it's in my congressional district, near Moab. It's a site that at one point had 16 million tons of radioactive material. It's on the banks of the Colorado River. During an environmental impact statement review it was determined that it was with an absolute certainty that at some point, if this pile is not moved, a flood event will flush this downstream. There are roughly 25 million users downstream of the Colorado River in Nevada, Arizona, and southern California.

What I find interesting is if we're looking to reduce funding for these

small projects, we end up increasing the proportion of what's left for fixed costs, for administrative costs. In the case of the project in Utah, the contract that was just let by the Department of Energy, 25 percent of all monies were just on administrative costs; and that means that we're spending a significant portion not moving material.

The thing about these small projects is there is an end in sight. We can get this done. We can knock this project out if we aggressively fund it, and I think on a lifecycle basis you actually are spending less taxpayer dollars if we adequately fund these small sites.

My concern about funding of small-site remediation is not unique to me. In fact, the committee in its own report of this bill on page 100 mentions this issue about small sites. It says:

The committee remains concerned about the lack of remediation activity taking place around the country at various Department-sponsored facilities and small sites classified as under the responsibility of the Department.

□ 1500

So I know we all care about this. I know we do. I'm just trying to point out, at least in my State we have one of these sites whereby shrinking of the funding I think we extend the life of this project for more years. I think we'll end up spending more taxpayer dollars on a life-cycle basis at the project as a result, and I would submit that it merits consideration to see if we can do this small plus-up in the environmental cleanup account for small sites.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR (Mr. THORNBERRY). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment, but I do appreciate my colleague's advocacy for removing uranium tailing at the former uranium ore processing facility in his congressional district, Moab, Utah, to protect the Colorado River and downstream water users.

There has been, as I'm sure he'd admit, tremendous progress at this site, where work was accelerated with an influx of \$100 million from the stimulus bill, or the Recovery Act.

Our bill, for the record, fully funds the President's request for nondefense environmental cleanup. It provides \$198 million to sustain ongoing cleanup projects. While this is a reduction from fiscal year 2012, it is a reasonable one considering the need to reduce overall Federal spending in our bill. Within that amount, the amount of funding for the Moab project, which my colleague is particularly concerned about, is sustained at \$31 million, the same amount as in fiscal year 2012.

This amendment increases funding over the request and over last year's level for Moab. While many sites like Moab are struggling to reduce cleanup work following the Recovery Act, we simply cannot maintain these highly elevated funding levels. As an offset, this amendment proposes to take resources from important national security activities. It unacceptably strikes funding for priority investments in our nuclear security enterprise which is both urgent and long overdue. Thus, I urge Members to vote "no" on his amendment, and I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the recognition and rise in respect support of the gentleman's amendment. I certainly appreciate the concerns he has expressed about cleanup nationally, as well as the site illustrated in Utah, and share his concerns that we are not adequately investing in cleaning up contaminated communities where we have a national obligation.

This amendment would make a cut of \$9.6 million to the weapons program, but I would point out to my colleagues that while I support the weapons complex and its modernization, this is a very slight change in funding, an account that has a \$7.5 billion allocation and sees a \$275 million increase for 2013 under the bill. And, therefore, I do think the gentleman has taken a very reasoned approach and strongly support his amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MATHESON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

The Clerk will read.

The Clerk read as follows:

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$425,493,000 to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activi-

ties in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 25 passenger motor vehicles for replacement only, including one ambulance and one bus, \$4,824,931,000, to remain available until expended: *Provided*, That of such amount, \$185,000,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from appropriations available under this heading, \$23,500,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ADVANCED RESEARCH PROJECTS AGENCY— ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), as amended, \$200,000,000, to remain available until expended: *Provided*, That of such amount, \$20,000,000 shall be available until September 30, 2014, for program direction.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "NWPA"), \$25,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund established in section 302(c) of such Act (42 U.S.C. 10222(c)), to be made available only to support the Yucca Mountain license application: *Provided*, That not less than \$5,000,000 of funds made available under this heading shall be made available only for assistance to affected units of local government which have given formal consent to the Secretary of Energy to host a high-level waste repository as authorized by the NWPA.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That, for necessary administrative expenses to carry out this Loan Guarantee program, \$38,000,000 is appropriated, to remain available until September 30, 2014: *Provided further*, That \$38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than \$0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until September 30, 2014.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental

administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$230,783,000, to remain available until September 30, 2014, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$108,188,000 in fiscal year 2013 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2013, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than \$122,595,000.

AMENDMENT OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 16, after the dollar amount insert "(reduced by \$10,000,000)".

Page 49, line 25, after the second dollar amount insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, the Nuclear Regulatory Commission, the NRC, has adequate funds to resume licensing activities for the Yucca nuclear waste repository as called for in the Nuclear Waste Policy Act, but it refuses to do so. The NRC claims it has the legal authority to ignore the law duly enacted by this Congress if the agency isn't given enough money to "finish the job."

Under our Constitution, agencies are funded year to year. They are seldom, if ever, given enough money in 1 year to do everything the law tells them to do, especially for long-term projects. In 2008 when the Yucca Mountain licensing proceedings started, Congress appropriated NRC enough money to conduct the proceedings for that year. We sure didn't give it enough to complete the 3-year licensing proceeding. In 2009, we gave the NRC enough to carry out the proceeding for another year. The NRC didn't stop because it didn't have enough money to finish the job. In fact, NRC only stopped the licensing and refused to spend money appropriated for licensing based on the administration's policy decision that the site is no longer workable.

Now, after being hauled into Federal court for ignoring a statutory duty to decide the license application in 3

years, the NRC claims it doesn't have to follow the law because, while it has plenty of money to resume the licensing process and move it forward, it doesn't have enough money to finish it.

When we pass a law and tell an agency to do something and give it enough money to do a job during a given year, can the agency just thumb its nose and say, We're not going to do that job at all because Congress didn't give us enough money to finish the job next year?

No agency has ever successfully told a court not to make it follow the law because in some future year it might not get enough money to do the job the law requires. Allowing NRC to cancel Yucca would unconstitutionally shift the balance of powers to executive agencies to evade congressionally mandated legal obligations.

The Federal appellate court has made its displeasure with the NRC's legal position known. We need to do the same.

This is an outrageous unilateral decision to stop Yucca and not spend funds specifically appropriated for licensing activities. No agency can ignore a statutory duty to proceed with a project based on a subjective determination that adequate funds may not be available to complete the project in the future. We need to send a clear message to every agency this isn't how our Constitution works.

So on top of the over \$10 million that the NRC has now to restart the licensing process, this amendment provides an additional \$10 million in new funds so they can continue the process. The amendment is budget neutral and fully offset by taking funds from the DOE's departmental administration account. We are asking DOE to do more with a little less by making modest cuts to an account for salaries and expenses.

I urge my colleagues to vote "yes" on the amendment to fund the legally required licensing process for Yucca Mountain so that the NRC, an independent government agency, has funding necessary to finish their thorough, objective, and technical review. In doing so, the NRC, not political games, will determine whether Yucca Mountain would make a safe repository. Having spent 30 years and \$15 billion of ratepayer money, the American people at least deserve to find out the answer to whether Yucca is safe.

And whether you favor nuclear power or Yucca Mountain isn't the only issue. The core issue is whether laws we pass may be completely ignored by agencies if they think that some day they may not get enough money to finish the job. Allowing agencies to get away with this results in shifting more of our legislative powers to unelected agency bureaucrats.

With that, Mr. Chairman, I urge all of my colleagues to support the Shimkus amendment, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in strong support of the Shimkus amendment, which will ensure that the NRC has the resources to carry out its responsibility with regard to the Nation's high-level waste repository at Yucca Mountain.

I regret the position that the NRC has taken on this issue. On the Appropriations Committee, it is our belief that the Commission has adequate funds to resume licensing activities for the Yucca Mountain project as called for in the Nuclear Waste Policy Act.

□ 1710

But the Commission simply has refused to act. The NRC claims it has the legal authority to ignore the law duly enacted by this Congress if the Agency isn't given enough money to "finish the job."

Under our Constitution, agencies are funded year to year. They are seldom, if ever, given enough money in 1 year to do everything the law tells them to do, especially for long-term projects.

In 2008, when the Yucca Mountain licensing proceeding started, Congress appropriated sufficient funds to the NRC to conduct the proceeding for that fiscal year. In 2009, we gave NRC enough money to carry out those responsibilities for another year. The NRC didn't stop because it didn't have the entire amount of money to finish the job. In fact, the NRC only stopped the licensing and refused to spend money appropriated for licensing based on a unilateral policy decision that the site is no longer workable.

Now, after being brought to Federal court for ignoring its statutory duty to decide the license application in 3 years, the NRC claimed—astoundingly—that it does not have to follow the law because, while it has plenty of money to resume the licensing process and move it forward, it doesn't have every dollar in hand that would be required to complete the process.

When Congress passes a law, appropriates money, and directs an agency to carry out an important government function during any given fiscal year, that agency cannot just thumb its nose and say we're not going to do that job at all because Congress didn't give us the money to do the following year's work. No agency has ever successfully told a court not to make it follow the law because in some future year it might not get enough money to do the job the law requires.

Allowing the Nuclear Regulatory Commission such power to effectively cancel Yucca Mountain after Congress has enacted a law directing that it be accomplished would be an affront to the Constitution, and it would shift the balance of power to executive agencies

to evade congressionally mandated legal obligations.

The Federal appellate court has already made its displeasure with the NRC's legal position known. We need to do the same. The Shimkus amendment would assure that the Commission proceeds with the determination of whether Yucca Mountain is an appropriate location for a safe repository.

The amendment is budget neutral—fully offset by redirecting funding from DOE's departmental administration account.

I urge the adoption of the Shimkus amendment and yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank the sponsor of this amendment, Mr. SHIMKUS, for bringing this amendment forward. And I want to thank the distinguished ranking member from my home State of Washington and the chairman of the subcommittee for their support also of this amendment.

This is very serious business when the administration is absolutely ignoring statutory law that was passed by this Congress. As a matter of fact, going way back to 1995, this House has acted 32 different times, principally on these appropriation bills as they come forward, to address this issue. Generally, the issue is to not fund Yucca Mountain. Thirty-two times this House, since 1995, has said we are going to fund Yucca Mountain. So I think that the Congress—and certainly the House—has well established what their position is.

Mr. DICKS. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Washington.

Mr. DICKS. The fact is that we passed a law that was signed by the President of the United States at that time. I can remember Congressman Udall was chair of the committee at that point. We passed a law that said do Yucca Mountain, and that law has not been repealed. That is still the law of the land.

Mr. HASTINGS of Washington. Reclaiming my time, that is precisely the point. Both you and Mr. SHIMKUS made that point very well that needs to be repeated over and over: This is statutory law. And 32 different times it has been attempted to be modified on the House floor, and 32 times it has been rejected since 1995.

Let me put a personal note on this because I represent the Hanford area in central Washington. It was one of the three Manhattan Projects where we developed atomic weapons to win not only the Second World War but also

the Cold War. The process of developing those atomic weapons created a tremendous amount of waste, and the State of Washington has a legal agreement with the Federal Government to clean up that waste. It's called the Tri-Party Agreement. But just to give you an idea of the scope of what needs to be cleaned up there, the waste in underground tanks at Hanford would fill this Chamber over 21 times with radioactive and/or hazardous waste. That's the waste that will eventually go to the repository after it is glassified.

So I thank the gentleman from Illinois for bringing this amendment forward, and I urge my colleagues to support this amendment. It's very, very important. This will be the 33rd time, I contend, that this House will have reaffirmed that Yucca should be the repository.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to speak very briefly to associate my remarks with Mr. DICKS, Dr. HASTINGS, and Mr. SHIMKUS. I want to thank them for bringing this amendment forward to increase funding for license for Yucca.

This is a bipartisan effort. And it's not only bipartisan; the nexus is also support from authorizers and appropriators. So I'm highly appreciative of their initiative. I think it ought to be supported by all Members. I think we ought to move forward and send a message: we need to get Yucca open. This is a way to reclaim the \$15 billion that's been put into that effort by keeping the license process open and above board.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition and rise in strong support of the gentleman from Illinois' amendment. I believe the debate on this has been very fruitful and will simply add my voice to theirs.

I believe the administration and the Senate's ongoing attempts to shut this activity down are without scientific merit and are contrary, as has been said on the floor, to existing law and congressional direction.

Under the Nuclear Waste Policy Act of 1982, the Federal Government has a responsibility to demonstrate its capability to meet its contractual obligation by addressing the spent fuel and other high-level nuclear waste at permanently shutdown reactors.

We need to ensure that the administration does not unilaterally dictate

policy for nuclear waste disposal, and I strongly urge my colleagues to join me in supporting the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 16, after the dollar amount, insert "(reduced by \$16,000,000)".

Page 30, line 25, after the dollar amount, insert "(increased by \$16,000,000)".

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment to increase funding for the National Nuclear Security Administration's defense nonproliferation program by \$16 million. This is a small restoration of funds, and it would restore the Global Threat Reduction Initiative to our fiscal year '12 levels. It's really just a small increase in funds, but it will go a long way, in particular for the President's top national security priorities. The \$16 million would come from the Department's administration account. Specifically, this \$16 million transfer would restore half of the funds that had been cut from the Global Threat Reduction Initiative to counter the risk of nuclear terrorism.

The danger that nuclear weapons and materials might spread to countries that are hostile to us or to terrorists who want to use these against us is one of the gravest dangers that we have to the United States. Nonproliferation programs are one of the least expensive ways, and they're critical for U.S. national security, and they must be a top priority. It's our line of first defense. It is the most cost-effective way to achieve the most urgent of goals, which is securing and reducing the amount of vulnerable bomb-grade material.

□ 1520

The funding for the Global Threat Reduction Initiative specifically supports securing vulnerable nuclear material around the world in 4 years, in order to prevent this deadly material from falling into the hands of terrorists who are intent on doing us harm.

And let me give you a specific example of why this is so important. Increasing the funds would help accelerate the conversion of research reactors and the removal of vulnerable highly enriched uranium. The need to accelerate those important efforts can be seen, for example, in the example of Belarus, which had enough HEU for several nuclear weapons, and agreed, in 2010, to give up this material.

Now, the NNSA cleaned out a portion of that material; but in 2011, Belarus reneged on its agreement because it was angry at the imposition of U.S. sanctions on that regime. There is still a significant amount of highly enriched uranium that sits there in Belarus. It could have been cleaned out by the NNSA if it had had 5 more months before Belarus said no. This illustrates why it's so important for us to put the money in to go and clean these places up before people decide or new regimes come in and all of a sudden we can't get to what is very dangerous materials for us.

We can't squander the opportunities to move forward on this urgent priority. The 9/11 Commission and the Nuclear Posture Commission noted that the addressing of this issue is important. This is a grave danger, with the Nuclear Posture Commission warning that "the urgency arises from the imminent danger of nuclear terrorism if we pass a tipping point in nuclear proliferation."

I urge support for a very modest increase of \$16 million that will significantly help us reduce the dangerous delays to these very important nonproliferation programs.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentlewoman's amendment. Though less than last year's level, the \$2.3 billion provided for defense nuclear nonproliferation already shows very strong support of our committee for nonproliferation.

Our bill fully funds the core nonproliferation programs to secure vulnerable nuclear materials around the world in 4 years. In fact, it goes further and provides an additional \$28 million above the request for the international programs under what's called the Global Threat Reduction Initiative.

While I appreciate our colleague's support for these activities, there's simply no reason to provide even more funding. The international activities have been clearly laid out in the 4-year plan, which peaked in 2011. These activities are supposed to ramp down as we accomplish more and more projects abroad. The President's budget reflects that planned ramp-down.

This additional funding would just likely sit there unexpended. The National Nuclear Security Agency already has considerable problems getting other countries to follow through with agreements. The Government Accountability Office has confirmed that half of all the funding we provide each year is not spent. To use the words I heard a few minutes ago: the money is sitting there.

This additional funding is simply not needed, and I ask the Members to reject this amendment.

I yield back the balance of my time. Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition.

Mr. Chairman, I rise in strong support of the gentlewoman's amendment and commend her for crafting it.

As I pointed out in earlier remarks, I do appreciate the chairman's efforts, as well as the members of the subcommittee and full committee, to increase money set aside for the Global Threat Reduction Initiative. In fact, the chairman was responsible for adding \$17 million above the administration's current request.

However, I do believe that more can be done and that the Sanchez amendment, by adding \$16 million to the Global Threat Reduction Initiative, would get us very close to our current year appropriated level.

I believe, as a Nation, our greatest security threat is not a launched attack by another nation-state, but the use of nuclear weapons or materials in an act of terror. And given that particular threat, I do believe every dollar counts and every dollar of these \$16 million count. I would ask my colleagues to support the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 10, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7)).

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Mr. Chairman, Representative GARDNER of Colorado and I offered this amendment. He's the lead sponsor, but his plane is late, and I'm standing in in his place as a cosponsor.

Previous legislation by this Congress required our governmental Agencies to do an energy audit, and the reason behind that energy audit was that it would lead to energy savings. There are firms that can do energy-saving contracts at no expense to the taxpayer, no expense whatsoever to the Federal Government.

The point of this amendment is to have the Department of Energy and other government Agencies that have already been directed to do the energy audit to get on with it, and the reason we want to have it done yesterday is so that we can begin today achieving savings for the American taxpayer.

There's a lot of debate in Congress among us as to what makes sensible energy policy. But there is immense consensus that whatever energy policy you favor, saving energy, using less rather than more, saving taxpayer dollars is a wise thing to do in every single policy that might be advanced by Members on both sides of the aisle.

So the point of the amendment that Mr. GARDNER and I offer is basically to say to the Federal Government that, hey, let's audit the energy use in our buildings. Let's take practical steps to save money. Let's use a tool that costs taxpayers no money and guarantees that they'll save money, and let's get on with it.

Mr. Chairman, we seek support for this amendment. But before I yield, I do want to mention one aspect of the bill to which I am opposed and that I'm speaking on my own here, not with my cosponsor, and that's a rider in the bill.

Section 433 lays out a roadmap for designing increasingly energy-efficient new buildings. And the provision has a clause in it that will drive advances in building energy efficiency, deep retrofits and savings in taxpayer dollars, while reducing carbon pollution and leading by example. DOE is working to develop rules that implement section 433 in a workable and flexible manner, but the funding rider would block that.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We have no objection to the amendment. We think

it's a good way to enact it. It's a commonsense approach, and we have no objection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$43,468,000, to remain available until September 30, 2014.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance, \$7,577,341,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$65,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 5, after the dollar amount, insert "(reduced by \$298,221,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$298,221,000)".

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes on his amendment.

□ 1530

Mr. POLIS. The Polis-Markey amendment would reduce the funding for unneeded nuclear weapons programs by \$298 million in order to reduce the budget deficit.

At a time of decisions, at a time of choices, we need to ask ourselves: How much is enough with regard to nuclear defense?

These programs included in this amendment have consistently been over budget and ineffectual. We simply shouldn't be increasing funding for them—yes, actually increasing funding for them. This amendment simply eliminates the increase at a time when we should be focused on deficit reduction.

We all agree that we need to stop wasteful government spending. Congress has to justify every penny it spends to the taxpayers, the American people, the global markets. There just isn't any justification for spending an additional \$300 million, on top of prior year appropriations, on weapons programs that aren't needed and aren't suited to our current conflicts in the war on terror.

This account funds programs like the B61 Life Extension Program. This program to modify nuclear bombs was originally set to cost \$32.5 million and be completed in 2012. Since then, it has ballooned to \$4 billion and won't be completed until 2022. At the time that this nuclear warhead is finished, if it's even finished by 2022, it might not even have a mission or a delivery vehicle. Then there is the W78 Life Extension Program, which would create yet another nuclear warhead. This boondoggle was originally set to cost \$26 million, and now it has cost over \$5 billion.

Why would this Congress approve yet another taxpayer bailout of failed nuclear weapons technology?

Finally, there is a uranium processing facility which was supposed to manufacture components for nuclear warheads. This project was supposed to cost \$1.5 billion. Now it has cost over \$6.5 billion, and it is 4 years behind schedule.

Frankly, American taxpayers can't afford a Congress that keeps throwing good money after bad on these unnecessary nuclear weapons programs. Now, I'm sure the other side will talk about how we need to maintain our nuclear arsenal. This amendment isn't about that. If this amendment passes, the bill still appropriates over \$7 billion for nuclear weapon activities. In reality, it makes no sense to increase spending on nuclear weapons when we've agreed to responsibly reduce our nuclear stockpile.

This is no longer the era of the Cold War where we have another nation-state gearing a large percentage of their GNP toward competing with us on the nuclear weapons front. We are and will remain, even with the passage of this amendment, the global leader on both developing and deploying nuclear weapons technology. This simply isn't a responsible way to govern, and it reduces our national security to spend more money than we can afford on national security. To borrow it from countries like China makes our Nation less secure, not more secure.

I would urge the House to listen to the experts, who are telling us not to throw good money after bad. Let's get our budget under control. Let's get our budget on the right track by spending money on programs that are proven to protect our country, not on boondoggles that continue to cost taxpayers year after year after year without in-

creasing our security. We need to make hard choices to get our country back on the path to fiscal sanity. Well, this Polis-Markey amendment is an easy choice.

Vote for the Polis-Markey amendment and against spending hundreds of millions of additional dollars on redundant and unneeded nuclear weapons technology on top of the \$7 billion base included in this bill, which already allows us to be the unchallenged global leader in developing and deploying nuclear weapons. I urge a "yes" vote on the Polis-Markey amendment.

I yield back the balance of my time. Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to this amendment.

Assuring funding for the modernization of our nuclear weapons stockpile is the most critical national security issue in our Energy and Water bill. The Secretary of Energy must certify to the President that our nuclear stockpile is reliable. It's absolutely essential that these funds be put in the bill and kept in the bill.

With years of level funding, we have put off for too long the type of investments that are needed to sustain our nuclear capability as our stockpile ages. That's why the 2010 Nuclear Posture Review concluded that additional funding was essential to ensure that our infrastructure is adequately maintained and that our warheads receive the refurbishments they need to remain reliable and effective. There has also been strong bipartisan support for carrying out the recommended increases in modernization funding.

This amendment unacceptably strikes funding for these priority investments, which are both urgent and long overdue. I strongly urge my colleagues to make defense a priority and to vote "no" on this amendment.

I yield back the balance of my time.

Mr. MARKEY. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. I rise in support of the Polis amendment. He and I are introducing this amendment so that we can, once again, demonstrate the lack of compatibility of the priorities of this budget to the overall well-being of our country.

The Cold War ended 20 years ago. We won. Since that time, there has been a dramatic reduction in the number of nuclear weapons that both the United States and the former Soviet Union deploy. That number continues to drop. Yet, here in this budget, there is additional profligate spending on new nuclear weapons programs, on weapons

modernization. Well, let me just say this, ladies and gentlemen:

Each nuclear submarine that the United States has has 96 independently targetable nuclear warheads. That means that every single nuclear commander of a submarine in the United States can destroy the entire country of Russia, can destroy the entire country of China—each American nuclear submarine commander—and neither Russia nor China knows where those submarines are. We should be proud of ourselves. We are 10 feet tall compared to the Russians, compared to the Chinese.

By the way, any problems that we have with Iran or with Syria in terms of Russian support for them or Chinese support for them have nothing to do with our nuclear weapons capability. That's not influencing them one way or the other. If we needed to ever drop a nuclear bomb on any one of our enemies—let's just say we had a war with Iran—and after the nuclear sub commanders in the United States Navy were to send one nuclear weapon towards Tehran, what would the next target be?

What are we doing out here? Why are we talking about additional nuclear weapons in the 21st century? Why are we talking about cutting Medicare, cutting Medicaid, cutting programs for poor children, cutting nutrition programs for poor children, and at the same time saying that we need more nuclear weapons?

This is a wayback machine. It's a Cold War time machine that basically says that the inexorable investment of political capital already made continues to drive the investments of the future; that we aren't going to step back and reevaluate that we won the Cold War; that we're not going to have a nuclear war with Russia; that we're not going to have a nuclear war with China; that we are 10 feet tall. Even if all there is in parity, each country understands that it's a total annihilation to use these weapons.

Let's save this money. Vote "aye" on the Polis amendment. Send a signal to the world. Send a signal to our own people that at least we can find some expenditure in the defense budget which we can cut and which is not related to our national security. That's all that we ask from you: that please, on one vote, on the nuclear weapons issue, where we don't need new weapons, that there is a vote for sanity, that there is a vote that we send as a signal to the rest of the world and to our own people that we understand that that nuclear arms race is over. Vote "aye" on the Polis amendment.

I yield back the balance of my time.

Mr. VISCLOSKEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentlemen from Colorado and Massachusetts.

I do believe, given the work of the subcommittee, that the dollars that are contained in it represent an attempt to ensure that, looking down the road with the hopeful ratification of the New START Treaty, we will be consistent with those funding levels that will be required.

□ 1540

While a world without nuclear weapons would be my preference and while the U.S. must maintain its deterrent capability today, we should also maintain the capabilities necessary to ensure that they are safe and effective.

The gentleman from Massachusetts rightfully asked are there any savings that we can see under the defense accounts, whether at the Department of Defense or the Department of Energy. And I would point out one of the eliminations in this year's budget are monies for the Chemistry and Metallurgy Research Replacement Nuclear Facility.

So I would again emphasize to my colleagues that the subcommittee try to look at this account with great specificity to remove those items that were not necessary and to spend our tax dollars wisely.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR NONPROLIFERATION
(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,283,024,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$7,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 9 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 25, after the dollar amount, insert “(reduced by \$100,000,000)”.

Page 56, line 24, after the dollar amount, insert “(increased by \$100,000,000)”.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, this is very straightforward.

This amendment would strike the \$100 million from the nuclear nonproliferation account which has been earmarked by the committee for a bailout of a failing uranium enrichment company. This \$100 million could then be put toward deficit reduction.

This has nothing to do with taking away money from national security and everything to do with ending bailouts to a failed business model. Twenty years ago, two decades ago, this Congress created by charter the United States Enrichment Corporation, believing USEC could better run the uranium enrichment facilities than the government itself. But after two decades, you look at the situation and realize it ain't happening and Congress was wrong.

Since its inception, USEC has squandered billions of dollars in Federal bailouts, running its operations to near insolvency because of poor decisions and—dare I say—corporate incompetency. Yearly, USEC comes to Congress and the executive branch—hat in hand—begging for millions of dollars in bailout money to continue operation sites that are technologically out of date. It is time that the Federal Government ended the endless bailouts to this enterprise.

Moreover, USEC has been a bad-faith actor in negotiations with the uranium mining industry which provides the needed raw materials that are enriched at these facilities. You always ask yourself on these deals who is the winner and who is the loser. We always say Congress shouldn't pick winners and losers. They clearly are. USEC is the winner. The losers are the uranium miners that populate the western United States.

What motivation does USEC have to negotiate in good faith when it knows if it doesn't get everything it wants from the miners, it simply goes to the Department of Energy, gets a handout, and then time and time again they either get direct-cash payments or they get spent uranium tails? So they have no reason to negotiate with our miners in the western United States.

The Department of Energy has a longstanding agreement with the uranium mining industry not to dump any more than 10 percent of the market's worth of uranium in handouts to USEC

at any given time; yet it becomes increasingly clear that the Department of Energy is willing to ignore that agreement and provide the bailout that USEC desires.

This betrayal of the mining industry threatens thousands of jobs across the western United States—Texas, Nevada, New Mexico, Illinois, and Wyoming to name a few. Moreover, arguments that USEC is the only facility that can supply tritium to the Department of Defense ignores the plain language of the Washington treaty and the U.S.-India Nuclear Agreement. The Department of Energy has in its possession enough highly enriched uranium and tritium to last for at least 15 years, costing hundreds of millions of dollars less than the continued bailouts of USEC that the country is currently obligated to.

It is time for this Congress to stand up and stop the continual bailouts of a failed business model. Propping up one company at the expense of American workers is not how this body should be operating. Let's end the bailout, return the money to the Treasury, pay down our deficit.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, respectfully, a mention was made of congressional earmarks. There are no congressional earmarks in the Energy and Water bill. This is a Presidential priority, but this is not a congressional earmark.

With that, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment.

After Congress privatized the United States Enrichment Corporation in 1996, we quickly learned that it couldn't survive in the private sector without continued and repeated bailouts to the tune of billions of dollars. We've given it free centrifuge technology. We've given it free uranium that it enriches and then sells at below-market prices, undercutting its competitors. We've paid to clean up its radioactive messes. We have assumed its liabilities.

And what has happened to these investments? The entire company is worth less than the \$100 million contained in this bill that's the next gift that the Congress is giving to this company. Adam Smith is spinning in his grave so rapidly right now that he would qualify as a new energy source. That's how violative of free-market

principles this continued subsidy of this company is, knowing that there are other companies that can provide the same resource without the government subsidies.

Even after the Department of Energy's recent announcement of another gift of free uranium to USEC, Standard & Poor's downgraded it to junk-bond status. Who invests in something that has already achieved junk-bond status with the exception of the United States Congress? That's what we're voting on here today, funding of a company that is now in junk-bond status. And JPMorgan, the company's creditor, now directly controls every penny USEC spends because it felt the company could not manage its own precarious finances.

When I asked the Treasury Department whether government support for the company put taxpayers at risk, it said yes and that extreme care should be taken before offering any exposure to the taxpayer. But are we following the Treasury Department's advice? No. The Department of Energy has approved hundreds of millions of dollars' worth of subsidies for this company and is about to approve another \$82 million bailout in the coming days. And Congress has acceded to pressure to insert even more money in no fewer than three pieces of legislation that are currently pending, including the \$100 million contained in this bill.

We've been told this bailout is only about getting the tritium we need for our nuclear weapons, but this is just not true. The treaty that governs uranium enrichment technology does not prevent other companies from doing this work. Even if it did, there are even additional alternatives. When DOE examined its tritium options, it found that down-blending surplus highly enriched uranium that it already has would cost taxpayers hundreds of millions of dollars less than obtaining the services from this company.

This amendment is supported by a coalition that spans the political horizon that makes it possible for Mr. BURGESS—a very conservative Member from Texas—to join with a very liberal Congressman from Massachusetts in agreeing that the pragmatic center here has lost its bearings. It has lost touch with the free-market principles. And at least if we're going to subsidize something, let's see that it's not already reached junk-bond status and we're continuing to pour good money after bad.

This is something that in my opinion is unacceptable. The Department of Energy has already given \$44 million for this program this year, and it is about to provide another \$82 million as it prepares to buy the centrifuges that have yet to be demonstrated to work properly. That's right, \$126 million that will buy centrifuges from a company whose total value is now less than \$90 million.

□ 1550

As part of the deal, the taxpayers also have to assume liability for the company's nuclear waste.

We should not be throwing good money after bad. This is \$100 million that should not be wasted. Please support the Burgess-Markey amendment.

I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Ohio. Mr. Chairman, I rise today in strong opposition to the Burgess-Markey amendment.

Put simply, if this amendment passes, our national security is at risk. The appropriation that this amendment seeks to strike is vital to ensure that America has a domestic source of uranium enrichment. According to U.S. law and nonproliferation treaties that the United States is signatory to, we must have a domestic source of uranium. International agreements prevent us from purchasing enriched uranium from foreign-owned companies for military purposes.

If the Burgess-Markey amendment passes, the U.S. would no longer have a domestic source of enrichment and would instead be reliant on a foreign-owned company that has many red flags in its past for uranium enrichment.

This amendment is a rerun of a similar attempt by Mr. MARKEY and our colleague from New Mexico (Mr. PEARCE) during the debate of the 2013 National Defense Authorization Act a few weeks ago to strip the authorizing language for this uranium research, development, and demonstration program. That amendment failed by an overwhelming vote of 121-300. Nothing—I repeat, nothing—has changed in the last few weeks since that vote and today.

Mr. Chairman, some of my colleagues are claiming that the RD&D program is some type of congressional earmark, but this is simply not true. The President of the United States requested the authorization and funding for the RD&D program in his budget request because the President has determined it is necessary for our national security.

Now, I may still be a freshman, but I know enough that, in order to be a congressional earmark, a Member of Congress would need to make the request for the program. That didn't happen.

Furthermore, in the NDAA legislation, Chairman McKEON added a provision to ensure that taxpayers are protected by requiring any company that participates in the RD&D program to put up their intellectual property rights as collateral. The IP rights are worth billions of dollars and far outweigh any amount of money that the Federal Government might put towards this program.

So to call this an earmark or a bailout is just simply not true.

The sponsors of this amendment have also tried to confuse Members by saying that we can satisfy our national security needs by down-blending existing uranium. While we may be able to do this in the near term, this argument is shortsighted at best.

What happens when the government runs out of inventory to down-blend and we no longer have a domestic capability to enrich uranium? The other side doesn't seem to have a good response for that question because they know the answer, and the answer is that we need to go forward with the RD&D program to ensure we have a domestic source in the future.

It seems some would rather ignore the long-term national security implications of having a domestic source of uranium enrichment. The fact is, if this amendment passes, our nuclear national security could be at risk.

Mr. Chairman, I will once again remind my colleagues that this amendment attempts to achieve the same goal that the failed Pearce-Markey amendment did a few weeks ago, and we already know that amendment failed by a very wide margin. I urge my colleagues to defeat this amendment to ensure that our national nuclear security is not outsourced to a foreign-owned company.

With that, I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I appreciate the recognition, and, to be honest with you, I don't know about conservatives from Texas or liberals from Massachusetts. I'm from Gary, Indiana, and I am here simply to ask my colleagues to not flush \$100 million down a drain. That would be my technical argument. And I want to thank the gentleman from Texas and I want to thank the gentleman from Massachusetts for offering this amendment.

I also want to thank the subcommittee chair for reducing the administration's original request that was \$150 million for USEC, which is the United States Enrichment Corporation, to \$100 million that is contained in this bill.

I must tell you, I have serious disagreement with the committee mark on this and do believe this amendment needs to be adopted. The people of this country work too hard for the tax dollars they send to us to flush this \$100 million down a drain.

In 2008, when this company applied for a loan guarantee, DOE required USEC to produce a track record of running these centrifuges for a time sufficient to prove that they could be commercialized. This, we were told, would

be sufficient to prove the technology. It was not.

Further, I would point out that in 2010, \$45 million in accounting exchange, an exchange for liability for enrichment services, was provided to the company, essentially forgiving them \$45 million of liability. This fiscal year 12, \$44 million in additional dollars in exchange, relieving the company of liability that is now on the taxpayers' book, was put forward.

There is a proposal on the table, separate from this bill and separate from this amendment, to do that exchange of liability for enrichment services a third time for another \$82 million because the company needs it. The question during subcommittee consideration of this issue that was addressed to the Department of Energy is: What happens to the taxpayers? What happens to this country if the cost of cleaning up those tailings exceeds the liability that was given a company. That is what happens if it's not \$44 million. What if it's not \$45 million? What if it's not \$82 million? What if it's \$100 million? We eat it. We eat it, and that's wrong. That is wrong, and people ought to adopt this amendment.

Several months ago, the claim was that just in another 2 years, just another 2 years and just another \$300 million would prove the technology. Now, now today, the Department is saying this program would make progress, not prove the technology. They would make progress towards proving the technology.

It was mentioned that on May 15 the company was downgraded by Standard & Poor's. Last month USEC was warned that it was in danger of being delisted by the New York Stock Exchange. Delisting would mean that the company stock would essentially be reduced to speculative penny stock status, reducing the market for the company's shares.

Last month, the Department announced again this very complicated deal relative to the tailings. This deal takes the most compelling argument away from funding USEC's American Centrifuge Project, because last month USEC, the Department, Energy Northwest, and TVA agreed to keep the enrichment plant USEC operates, the Paducah Gaseous Diffusion Plant, in operation for another year by re-enriching uranium tailings.

The point I would make is that the transfer of these tailings results in enough U.S. origin low-enriched uranium for 15 years. In addition, the National Nuclear Security Administration can access the mixed oxide facilities for backup low-enrichment uranium for an additional 4½ years.

The gentleman from Ohio (Mr. JOHNSON), talked about the long term. That is the long term. That's two decades from now. And the technology that USEC is using today is 20 years old,

and the National Nuclear Security Administration has not evaluated alternatives, but it has the time to do so.

Again, we need to make a decision here. The decision ought to be to adopt this amendment and to save the taxpayers \$100 million.

I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Chairman, I rise in support of the Burgess-Markey amendment.

With all due respect to my friend from Ohio who said that this is a national security issue, the Department of the Navy has said they have enough material to last them through 2050.

□ 1600

We have plenty of time to start from scratch to bid the project out.

If the contention of our friends is that we must have a U.S. company that produces this material, then start the bid process today. We have until 2050. USEC has attempted for over 30 years to develop a centrifuge—and has yet to do it. They've had over \$5 billion given to them. If they get this bailout, then they're going to continue operations with the request for another \$2 billion.

At which point are we, the designated representatives of the people, going to stand and say that other people can do that? Right now, the Department of Energy is saying the only scientists in the country that we can fund are at USEC. I sincerely disagree with them. I do not believe that we should have foreign-owned corporations providing this material, but we have plenty of time now if we start.

We're told that we do not have the intellectual property if we somehow take the funds away, if we don't give them. What intellectual property is available when the company has spent \$5 billion to create 38 machines, six of which have had catastrophic failures? One split the case, which stops the whole program because that would cause a leak of radioactive material.

It is time for the Congress simply to say what they want to go to bid and allow the best bidder in the Nation, the best developer, the best minds in the Nation, to come together and develop what we want. Stop funding a failed corporation that was at risk a month ago of being pulled off of the New York Stock Exchange, that has been downgraded. USEC had 90 percent of the world market. They had 90 percent of the U.S. market when they were given the company and privatized. They were given a billion dollars worth of tails. A billion dollars worth of product and 90 percent of market share, and they have squandered that market share down to 10 percent.

Several years ago, they put those tails on the open market and collapsed

the uranium market. What valuable company sells the raw materials out the backdoor that they are given and collapses the world market? That's the company that I'm saying in the Burgess-Markey amendment simply doesn't get bailed out. The head of that company last year paid himself \$5 million.

Taxpayer bailout dollars are going to pay the executives of this company elaborate salaries when they're not producing anything. If the company were as good at producing centrifuges as it is getting government handouts, they would have long ago succeeded in developing the capacity to make centrifuges. Other countries, other companies, other nations have centrifuges by the hundreds of thousands operating—and this Nation, after \$5 billion, has 38 that don't operate.

Just stop the games. Stop the bailout.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. THORNBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5325 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD and numbered 1, 10, 17, and 18; an amendment by Mrs. BLACKBURN regarding an across-the-board reduction; an amendment by Mrs. BLACKBURN regarding section 1705 of the Energy Policy Act of 2005; an amendment by Mr. BROWN of Georgia limiting funds for the Advanced Research Projects Agency-Energy; an

amendment by Mr. BROWN of Georgia regarding Advanced Research Projects Agency-Energy awards with expected Technology Readiness Levels; an amendment by Mr. CHABOT regarding funding levels in title IV of the bill; an amendment by Mr. CLEAVER limiting funds relating to the Missouri River Ecosystem Restoration Plan; an amendment by Mr. CRAVAACK regarding the Harbor Maintenance Trust Fund; an amendment by Mr. DEFazio regarding section 9.104(d) of title 48, Code of Federal Regulations, which shall be debatable for 20 minutes; an amendment by Mr. DENHAM regarding section 10011(b) of Public Law 111-11; an amendment by Mr. ENGEL limiting funds for new light duty vehicles, which shall be debatable for 20 minutes; an amendment by Mr. FLAKE regarding an across-the-board reduction; an amendment by Mr. FLAKE limiting funds for the Wind Powering America initiative; an amendment by Mr. FLAKE limiting funds for the Batteries and Electric Drive Technology program; an amendment by Mr. FLORES limiting funds to enforce section 526 of the Energy Independence and Security Act of 2007; an amendment by Mr. FORTENBERRY regarding funding levels for Defense Nuclear Nonproliferation; an amendment by Mr. FORTENBERRY limiting funds for the proposed rule "Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies"; an amendment by Mr. FRELINGHUYSEN regarding funding levels; amendments en bloc by Mr. FRELINGHUYSEN consisting of amendments specified in this order not earlier disposed of; an amendment by Mr. GARDNER regarding energy management requirements under the National Energy Conservation Policy Act; an amendment by Mr. GOHMERT regarding Department of Energy construction, purchase, or lease in the District of Columbia; an amendment by Ms. JACKSON LEE of Texas regarding funding for Corps of Engineers Operation and maintenance; two amendments by Ms. JACKSON LEE of Texas regarding funding levels for Energy Efficiency and Renewable Energy; an amendment by Ms. JACKSON LEE of Texas regarding funding levels for Corps of Engineers Construction; an amendment by Ms. JACKSON LEE of Texas limiting funds for Department of Energy; Energy Programs; Science an amendment by Mr. JORDAN limiting funds for title 17 loan guarantees; an amendment by Mr. KING of Iowa regarding subchapter IV of chapter 31 of title 40, United States Code; an amendment by Mr. KUCINICH regarding section 1703 of the Energy Policy Act of 2005; an amendment by Mr. LANDRY limiting funds relating to mitigation methodology, referred to as the "Modified Charleston Method"; an amendment by Mr. LANDRY regarding section 801 of the Energy Independence and Se-

curity Act of 2007; an amendment by Mr. LUETKEMEYER limiting funds for the study conducted pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007; an amendment by Mr. LUETKEMEYER limiting funds for the study authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009; an amendment by Mr. LUJÁN regarding funding levels for Defense Environmental Cleanup; an amendment by Mrs. LUMMIS regarding uranium; an amendment by Mr. MCINTYRE limiting funds to plan for termination of periodic nourishment for water resource development projects; an amendment by Mr. MULVANEY regarding an across-the-board reduction; an amendment by Mr. PEARCE regarding funding levels for Defense Environmental Cleanup; an amendment by Mr. POLIS regarding funding levels for Weapons Activities, which shall be debatable for 20 minutes; an amendment by Mr. REED regarding funding levels for Non-Defense Environmental Cleanup; an amendment by Mr. ROHRABACHER limiting funds for the U.S.-China Clean Energy Research Center; an amendment by Ms. LORETTA SANCHEZ of California regarding funding levels for Defense Nuclear Nonproliferation, which shall be debatable for 20 minutes; an amendment by Mr. SCHOCK regarding a prohibition on the planting of row crops; an amendment by Mr. SCHWEIKERT regarding title 10, Code of Federal Regulations; an amendment by Mr. STEARNS regarding funding levels for Advanced Research Projects Agency-Energy; an amendment by Mr. STEARNS limiting funds to subordinate interest in any loan guarantee; an amendment by Mr. STEARNS limiting funds for purchase of light duty vehicles; and an amendment by Mr. TIPTON limiting funds to conduct surveys; and further that each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the CONGRESSIONAL RECORD or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and further that except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent; and further that an amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. PEARCE. Reserving the right to object, Mr. Speaker, we have a discussion that needs to take place before we make a decision, and I see the gentlelady coming onto the floor. So if we can take just a moment to discuss, there is an amendment we would like to be made in order, and I need to visit with the gentlelady, if I can.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

Will the gentleman from Texas (Mr. THORNBERRY) kindly resume the chair.

□ 1613

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. THORNBERRY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 9 offered by the gentleman from Texas (Mr. BURGESS) had been postponed and the bill had been read through page 31, line 8.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order, which is at the desk.

AMENDMENT OFFERED BY Mr. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 25, after the dollar amount, insert "(reduced by \$17,319,000) (increased by \$17,319,000)".

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, I'd like to thank both the chairman and the ranking member of the subcommittee for the opportunity to discuss an important problem in our Nation's nuclear security infrastructure and for their support of this amendment.

The amendment would reduce funding for the mixed oxide fuel program at the Department of Energy by approximately \$17 million and redirect it to

the National Nuclear Security Administration's Global Threat Reduction Initiative. Such a redirection of funds would provide for greater security and be a wiser investment of taxpayer dollars.

If there is one thing we can all agree on, Mr. Chairman, it is that dollars are scarce in Washington. And with this in mind, I'm concerned about the amount of money that has been spent on the mixed oxide fuel program, known as MOX, at the DOE.

Under an agreement signed by the United States and Russia in 2000, both countries agreed to dispose of excess weapons-grade plutonium by blending it with uranium to create mixed oxide fuel. The intent was to use it as a fuel in civilian nuclear reactors. Subsequently, the Department of Energy spent billions on the mixed oxide fuel project. The fuel is intended for a market segment that has yet to emerge, and according to a report from the Government Accountability Office, the Department of Energy has had to consider offering subsidies to attract potential customers for the fuel. The most optimistic estimates predict that the mixed oxide production facility will begin operating 6 years behind schedule.

Another problem is that the mixed oxide fuel project poses a new nuclear nonproliferation risk as MOX fuel can be separated into weapons-grade nuclear material. In addition, the Russians have not lived up to their treaty obligations. They have fallen behind on their own MOX production schedule. As a result, the United States has had to step in and provide our own designs for the MOX plant to jump-start Russia's.

As a cofounder of the House Nuclear Security Caucus, Mr. Chairman, I feel confident that the funding removed from the mixed oxide fuel program will be put to much better use protecting our Nation through the global threat reduction initiative.

By the end of the current year, the global threat reduction initiative will have converted or shut down 81 research reactors, removed over 3,400 kilograms of vulnerable nuclear material, and secured nearly 1,400 buildings containing radiological materials. There are other important global threat reduction initiatives as well that could use additional funding.

We should be proud of our work as a country in our nuclear security efforts, but it is abundantly clear that the mixed oxide fuel program is not the most productive use of our constituents' taxpayer dollars. The persistence of nuclear threats demands that we retain the highest sense of vigilance and agility when it comes to our own nuclear security, and for that reason, I urge the adoption of this amendment, and I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the gentleman's amendment.

The Acting CHAIR. Does the gentleman from New Jersey rise in opposition to the amendment?

Mr. FRELINGHUYSEN. No, I rise in support of the amendment.

The Acting CHAIR. Under the previous order of the House, the time is controlled by the Member offering the amendment and a Member opposed to the amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. FORTENBERRY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I rise in support of the gentleman's amendment and recognize his advocacy for non-proliferation.

I share my colleague's concerns about the National Nuclear Security Administration's management of the MOX fuel fabrication facility project. The latest Department of Energy report indicates that the MOX facility could take months, if not years, to complete and will exceed the current baseline cost by as much as \$1.4 billion due to continued construction problems and creeping scope. So I'm pleased to support the gentleman's amendment.

The Acting CHAIR. Does any Member seek to control time in opposition to the amendment?

Mr. FORTENBERRY. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. The reason Mr. FORTENBERRY and I are making this amendment is that it would address a wrongheaded plan by the Department of Energy to build a facility to produce dangerous, highly radioactive nuclear fuel that no one actually wants to buy.

□ 1620

The Department wants to take uranium and plutonium from dismantled nuclear bombs and make fuel for commercial nuclear reactors.

This plan will cost taxpayers \$2 billion. It is a nuclear bomb budget-buster. It is the most expensive way to boil water that has ever been proposed on the planet. It is also unnecessary—no electric utility in the United States wants to buy this fuel. It is also a serious threat to human health. The MOX—the mixed oxide plutonium fuel—is actually more dangerous than existing commercial nuclear fuel. And in the event of a nuclear disaster, the releases from a MOX fuels reactor will cause between 39 and 131 percent more fatalities than a traditional fuel nuclear reactor.

MOX is a reverse Field of Dreams. If you build it, they will not come. The utility industry is not going to arrive. Instead, it is a nightmare that will leave future generations to safeguard a dangerous fuel with no buyers.

I congratulate the gentleman, and I urge an "aye" vote.

Mr. WILSON of South Carolina. Mr. Chair, I oppose the amendment shifting funds from the Mixed Oxide Fuel Fabrication Facility (MOX).

On September 1, 2000, the United States and Russia signed the US-Russia Plutonium Disposition Agreement, with each nation agreeing to dispose of 34 metric tons of surplus weapons-grade plutonium. Since that time, the United States Department of Energy (DOE) has made the decision to disposition the weapons-grade plutonium by means of a Mixed Oxide Fuel Fabrication Facility (MOX) which is currently under construction at DOE's Savannah River Site (SRS), near Aiken, South Carolina.

In addition to providing a means to enable the United States to honor its international obligation to Russia, MOX will generate nearly \$50 billion worth of nuclear fuel rods over its lifespan which will be sold by the federal government.

The facility, which is more than halfway completed, currently employs 2,600 individuals at the site and is responsible for over 2,000 additional jobs across 42 states which are directly related to the project.

Finally, the MOX facility plays a great role in the energy future of the United States. The nuclear fuel rods MOX will produce will provide power to the homes of millions of Americans.

The MOX facility is a vital asset to our country and I stand committed to taking every measure necessary to ensure that this worthwhile program is fully funded.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FORTENBERRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska will be postponed.

The Clerk will read.

The Clerk read as follows:

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,086,635,000, to remain available until expended: *Provided*, That of such amount, \$43,212,000 shall be available until September 30, 2014, for program direction.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$400,000,000, to remain available until September 30, 2014.

AMENDMENT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 23, after the second dollar amount, insert “(reduced by \$88,923,000)”.

Page 32, line 14, after the dollar amount, insert “(increased by \$88,923,000)”.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today which transfers funds from the Office of the NNSA Administrator and into the Defense Environmental Management Fund, a program which funds the cleanup of radioactive waste. This program is important to our defensive mission, our environment, and public safety.

The Defense Environmental Management Program has demonstrated success in solid waste disposition, soil and groundwater remediation, and facility decontamination and decommissioning, and will continue to do so with sufficient funding.

I would like to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their hard work on this bill and for prioritizing this issue particularly. Unfortunately, the budget request from the White House did not accurately reflect the monetary needs to fully fund the project contained in the EM program. My amendment would simply put back \$40 million into the Environmental Management Program, which would provide much needed relief to the already constrained budgets for these projects.

As we accelerate the permanent disposal of radioactive waste, we decrease downstream the long-term cost for security, storage, and providing a better, safer environment into the future.

Many of the storage sites that currently exist for radioactive waste sit aboveground and are threatened by tornados, earthquakes, and wildfires. As I'm sure most of you have seen this week, New Mexico is susceptible to wildfires that can be started at any moment, get out of control extremely quickly, and rage out of control for days.

Los Alamos is located in a forest area and is highly vulnerable. In fact, just a little less than 1 year ago, the Las Conchas fire burned around 150,000 acres of thick pine woodlands in the Santa Fe National Forest, which surrounds the lab complex in the adjacent town of Los Alamos. At one point, the leading edge of the fire was as close as 50 feet from the grounds, which contain thousands of outdoor drums of plutonium-contaminated waste. Until this week, the Las Conchas fire was the largest in New Mexico's history.

There is a similar story from the year 2000, the Sierra Grande fire. As a

result, just this January, DOE and the New Mexico Environment Department entered into a consent order framework agreement to expeditiously address the highest risk waste at Los Alamos National Laboratory. The waste amounts to 3,706 cubic meters of non-cemented aboveground waste, and the agreement calls for the removal of this waste by June 30, 2014. This amendment will allow LANL to meet groundwater and surface water requirements, as well as ensure the health and safety of the New Mexico residents who live closest to the lab.

While the overall bill dedicates funding to LANL for this project, it still falls short of what is needed. Without full funding, projects like removal of the highest risk waste at LANL are in jeopardy.

Finally, I am transferring this fund out of the Office of the Administrator for NNSA. These funds are needed more in the field and less in Washington, which, as we know, could go on a strict diet.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition reluctantly.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman from New Mexico's amendment.

The bill before the committee provides a total of \$4.9 billion for defense environmental cleanup activities at the Department of Energy. This funding sustains thousands of cleanup jobs, and I thank my colleague for his deep concern about supporting these programs and meeting our cleanup commitments.

Our bill makes several difficult choices to achieve our deficit-reduction goals, providing the necessary increases for our nuclear security programs while making targeted reductions to activities which can be deferred.

This amendment seeks to partially reverse that priority setting that we put in place. It targets vital nuclear security programs and shifts funds to non-security environmental cleanup that should be ramped back. The cleanup programs received an infusion of \$6 billion from the Recovery Act—AKA, the stimulus—accelerating the scope of work and pace of cleanup at those sites. And while I would like to express my support for the cleanup, we cannot sustain that stimulus-level funding that we had so in the past.

The funding for Los Alamos—which my colleague is particularly concerned about, is extremely knowledgeable about, and is very, very concerned about—will actually increase by 45 percent, or \$30 million, over last year's level. The 1.7 reduction to defense cleanup is a reasonable one in our bill.

Recently, we've been informed by the Department of Energy that the Department of Energy may miss a number of its cleanup milestones because they had been relying on receiving large funding increases year after year, an assumption that was overly optimistic in any budget environment. We cannot continue to shovel in funding to make up for poor planning. Instead, the Department needs to work constructively with its stakeholders to establish reasonable and sustainable plans for remediating these sites, which will still take another 20 to 30 years.

I urge my colleagues to vote “no” on this amendment, and yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise reluctantly to oppose the amendment offered by the gentleman from New Mexico.

I deeply respect his concern with the oversight of the programs under NNSA, and I agree that there are some areas of oversight that need to be strengthened. I cannot support any further cuts, however, to the Office of the Administrator.

As written, the bill already reduces funding for the Administrator's Office by \$10 million from this year's enacted level. This amendment would compound that cut by \$89 million. At the same time, NNSA has already received an increase of \$275 million when compared to current year spending. I'm concerned that any further reductions to the Administrator's Office would hamper the ability of NNSA to plan and oversee its core mission areas.

I would like to work with the chairman and the gentleman from New Mexico to address the concerns expressed, and to ensure that NNSA properly maintains and cleans up its sites in New Mexico and throughout the country.

Mr. Chairman, I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I have no additional comments, and would yield back the balance of my time.

□ 1630

The Acting CHAIR (Mr. FORTENBERRY). The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LUJÁN

Mr. LUJÁN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 23, after the dollar amount, insert “(reduced by \$21,899,000)”.

Page 32, line 14, after the dollar amount, insert “(increased by \$21,899,000)”.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New Mexico and a Member opposed each will control 5 minutes.

Mr. LUJÁN. Mr. Chairman, my amendment is similar to that of my friend from New Mexico. It would simply increase funding for the Defense Environmental Cleanup Act, specifically the NNSA labs, by just under \$22 million to bring it up to the level of the President's request and decrease funding for the NNSA Office of the Administrator by the same amount.

I offer this amendment because, to put it simply, it's a more effective use of taxpayer funds for NNSA to remove dangerous toxic waste from their lab's property than it is to maintain the current levels of redundant oversight bureaucracy.

Last June, the Las Conchas fire burned 150,000 acres in my district in New Mexico and encircled Los Alamos National Laboratory. Had the fire burned contaminated areas on the lab property, a plume of toxic smoke would have threatened the health of everyone in its path. The lab has promised to clean these areas, many of which contain waste from, if you can believe this, Mr. Chairman, the Manhattan Project and Cold War weapons programs; but Congress must also fulfill its obligation to appropriate funds for the cleanup.

While the NNSA labs have pressing environmental issues that demand our attention, there has been increasing evidence that paring back the NNSA's Office of the Administrator could actually make the Agency and its labs more cost effective and productive. A recent report by the National Academies of NNSA's management of its laboratories concluded that the NNSA's oversight had become inefficient and a distraction from the labs' vital mission.

Following a series of hearings, the House Armed Services Committee added provisions to the FY2013 National Defense Authorization Act that this body passed a few weeks ago to change NNSA's approach and reduce its personnel. This amendment is consistent with these provisions. If there are going to be fewer authorized NNSA personnel, then NNSA's funding should reflect that.

My budget-neutral amendment reduces outlays by \$3 million next fiscal year by simply moving funds from the NSA regulatory arm to a place where they put boots on the ground and support cleanup.

And while I very much appreciate the work of the chairman and the ranking member and the entire committee in this for their commitment to cleanup, it's my hope, Mr. Chairman, that I be able to emphasize to our distinguished leaders managing the floor of the dire situation that needs attention in New Mexico and around the country.

Mr. Chairman, I urge adoption of this amendment.

I yield back the balance of my time.
Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in reluctant opposition to the gentleman's amendment.

I want to thank my colleague from New Mexico, as I did Mr. PEARCE, for his continued advocacy for the cleanup at Los Alamos. The committee is well aware of the increasing vulnerability of above-ground radioactive waste being stored at Los Alamos, and share the Members' concerns. As a result, our bill strongly supports accelerating the cleanup efforts there, providing a total of \$215 million for cleanup at the site.

The bill increases funding \$30 million, or 45 percent above the Fiscal Year 2012 level. That makes the increase for Los Alamos the largest site expenditure increase across all the cleanups in our bill. But understandably, of course, you'd like more.

We look forward to working with the Member to see what we could do to be of additional assistance.

I would be happy to yield to the ranking member for any comments he would make.

Mr. VISCLOSKEY. I appreciate the chairman yielding and would add my words to his and would want to work with the gentleman, as well as the former speaker from New Mexico. They have a very serious problem they're trying to address.

My concern is with problems we have with management at the Department, and this would, I think, complicate that problem, given the increase that NNSA has. But, again, I understand what the gentleman is trying to do and would like to work with him and the chair.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. LUJÁN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP (INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and

other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance and one fire truck for replacement only, \$4,930,078,000, to remain available until expended: *Provided*, That of such amount, \$315,607,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, \$10,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$813,364,000, to remain available until expended: *Provided*, That of such amount, \$114,858,000 shall be available until September 30, 2014, for program direction.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for construction of, or participating in the construction of, a high voltage line from Bonneville's high voltage system to the service areas of requirements customers located within Bonneville's service area in southern Idaho, southern Montana, and western Wyoming; and such line may extend to, and interconnect in, the Pacific Northwest with lines between the Pacific Northwest and the Pacific Southwest, and for John Day Reprogramming and Construction, the Columbia River Basin White Sturgeon Hatchery, and Kelt Reconditioning and Reproductive Success Evaluation Research, and, in addition, for official reception and representation expenses in an amount not to exceed \$7,000: *Provided*, That during fiscal year 2013, no new direct loan obligations may be made.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I appreciate the recognition, and would yield, at this point in time, to my colleague from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Indiana very much.

I just rise to briefly talk about light bulbs, because I know it's a subject of great interest to all of the Members, and I know that there is going to be an effort by some Republican Members later on tonight to repeal the new light bulb efficiency laws. And I just rise to do a little bit of an explanation of what has happened.

Five years ago a law passed here on the floor of the House, and it became law. And that law said that these old light bulbs, these light bulbs that Thomas Alva Edison invented and people really love, they had to be made 28 percent more efficient in order to be sold in the United States. They really hadn't been made much more efficient.

And a lot of people, they really love old light bulbs. They don't want their automobiles to look the same way they did 50 years ago. They don't want their television sets to look the same way they did 50 years, they don't want their cell phones to look the same way they did 15 years ago; but they really want their light bulbs to look the same, many people.

And so here's what the American lighting industry did: Sylvania and General Electric, they make the same light bulb now. It gives off the same color, looks the same. Grandma had this light bulb in her house that gave off that warm glow that you remember from when you visited Grandma. Well, the new one gives off the same warm glow, except for this, that over the life of this new light bulb, you save \$5 over what Grandma had to pay to the electric company to keep it on. You save five bucks because it's so much more efficient.

Now, it seems to me that we shouldn't be trying to repeal a law like that that reduces the amount of electricity that every American needs to use in their home. And by the way, times every light bulb in your home over the course of a year, you're going to save \$100 to \$160 every year. Same light bulb. It's on the market today. You can go out and buy it. You don't have to hoard it.

I know some people are hoarding the old light bulbs that are 28 percent less efficient, and that's their right. They can do that. But you can go to the department store and buy the same light bulb, same looking light bulb, and save \$5 over the life of that light bulb giving off the same amount of light.

Now, I'm not saying that you have to go out and buy one of these squiggly deals. Now, if you do go out and buy one of these squiggly deals, you actually have 78 percent more efficiency and you save even more money if you buy one of these. But no one's saying you have to. You can use the same old light bulb. It's in the store today. Nothing got banned in terms of the old light bulb technology. It's still the same incandescent light bulb that Grandma used, except it's 28 percent more efficient.

And I'm definitely not saying you've got to buy one of these new jobs which are in the stores as well. This only saves you \$130 over the course of the 20-year life of this light bulb. In fact, increasingly, what's going to happen is that when people move, in addition to packing up their television sets and

their sofas, they're going to be packing up their light bulbs because these things save you money, \$130 per light bulb over the course of this light bulb.

But, again, you don't have to buy this if you don't like the way it looks. You don't have to buy one of these squiggly deals because you don't like the way it looks. You can go to the store and just buy the same light bulb that your grandma bought, that your great grandma bought, because this thing goes back, really, to the beginning of the 20th century. And you can have the exact same feel, look in your living room, in your kitchen, in your bedrooms.

□ 1640

Again, I just wanted to make this very clear to all of the Members, because in the course of the debate today, we're going to have this discussion, but I have no idea why you would want to ban something that's 28 percent more efficient. Refrigerators are more efficient than they were 50 years ago; automobiles are; there has been a dramatic reduction in the cost of making a phone call on a cell phone; and now light bulbs are in the same category, but they look exactly the same.

I am just, again, making the point so that later on in the day, as we perhaps have a roll call on this, that Members can understand what they're voting for.

Mr. VISCLOSKEY. I appreciate the gentleman's illuminating comments.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, and including official reception and representation expenses in an amount not to exceed \$1,500, \$8,732,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$8,732,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$87,696,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and

wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,200,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$32,308,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$41,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$291,920,000, to remain available until expended, of which \$281,702,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$195,790,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$96,130,000, of which \$85,912,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, not more than \$3,375,000 is for deposit into the Utah Reclamation Mitigation

and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$242,858,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$5,555,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$5,335,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2013 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2013 so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including

Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multi-year contract, award a multi-year grant, or enter into a multi-year cooperative agreement unless:

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future-year budget authority and the Secretary notifies the Committee on Appropriations of the House of Representatives and the Senate at least 14 days in advance.

(c) Except as provided in subsections (d), (e), and (f), the amounts made available by this title shall be expended as authorized by law for the projects and activities specified in the "Bill" column in the "Department of Energy" table or the text included under the heading "Title III—Department of Energy" in the report of the Committee on Appropriations accompanying this Act.

(d) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(e) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(f)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for fiscal year 2013.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve a Critical Decision-2 or Critical Decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of \$1,000,000, or to announce publicly the intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an allocation, award, or Agreement, or issuing such a letter: *Provided*, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an allocation, award, or Agreement may be made, or a letter may be issued, without advance notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after the date on which such an allocation, award, or Agreement is made or letter issued: *Provided further*, That the notification shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account and program from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

SEC. 307. None of the funds made available by this or any subsequent Act for fiscal year 2013 or any fiscal year hereafter may be used to pay the salaries of Department of Energy employees to carry out section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 308. Section 20320(c) of division B of Public Law 109-289, as added by Public Law 110-5, is amended by striking "an annual review" and inserting "a review every 3 years".

SEC. 309. Not later than June 30, 2013, the Secretary shall submit to the House and Senate Committees on Appropriations a tritium and enriched uranium management plan that provides:

(a) An assessment of the national security demand for tritium through 2060;

(b) An assessment of the national security demand for low and highly enriched uranium through 2060;

(c) A description of the Department of Energy's plan to provide adequate amounts of tritium for national security purposes through 2060, including the derivation of adequate supplies of enriched uranium and its use;

(d) An analysis of planned and alternative tritium production technologies, including weapons dismantlement;

(e) An analysis of planned and alternative enriched uranium production technologies, including down-blending, which are available to meet the supply needs for national security programs through 2060.

SEC. 310. None of the funds made available in this Act may be used for uranium transactions that do not conform to the excess uranium inventory management plan submitted pursuant to the Consolidated Appropriations Act, 2012.

SEC. 311. No funds within this Act shall be expended to promulgate the final rule pursuant to Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834) and no funds shall be used to implement any final rule implementing Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834).

SEC. 312. None of the funds made available in this title or funds available in the Bonneville Power Administration Fund may be used by the Department of Energy for any new program, project, or activity required by or otherwise proposed in the memorandum from Steven Chu, Secretary of Energy, to the Power Marketing Administrators with the subject line "Power Marketing Administrations' Role" and dated March 16, 2012.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$75,317,000, to remain available until expended.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 22, after the dollar amount, insert "(reduced by \$75,317,000)".

Page 48, line 14, after the dollar amount, insert "(reduced by \$11,677,000)".

Page 48, line 20, after the dollar amount, insert "(reduced by \$10,679,000)".

Page 49, line 9, after the dollar amount, insert "(reduced by \$1,425,000)".

Page 49, line 17, after the dollar amount, insert "(reduced by \$250,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$99,348,000)".

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I introduced this amendment because it is high time that we take our debt and our deficit seriously. We no longer can afford to go on with politics as usual and continue to subsidize wasteful spending programs and policies that redistribute wealth and that really have zero economic impact.

These supposed economic development programs that are referred to in my amendment are anything but that. Instead, they're really wasteful programs that the Government Accountability Office, the GAO, has found to be duplicative. In other words, there are other bills and there are other programs that do exactly the same things. These are wasted tax dollars that do the same things over and over again. Really, they have no track record of success.

In 2009, the Congressional Budget Office and White House Office of Management and Budget found that the Denali Commission, the Appalachian Regional Commission, and the Delta Regional Authority had 29 duplicative programs—not one, not 10, not a dozen—29 that do essentially the same thing. Furthermore, Citizens Against Government Waste has found that the Denali Commission duplicates several programs in the Labor Department.

Last year, the GAO released a report detailing Federal programs that overlap and provide similar services as a supplement to its report, the title of which is "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue." In this report, the GAO revealed the names of 80 Federal economic development programs administered by four different agencies.

Surely, my colleagues in the House do not favor paying twice for the same program. Yet, Mr. Chairman, the decision to continue the funding for these regional commissions will do exactly that unless we eliminate them, which is what I am suggesting that we do by this amendment.

The taxpayers are fed up with the frivolous spending of our Federal Gov-

ernment. It's time that we identify wasteful programs—that's what we are doing here—and cut them. Numerous agencies and organizations have plainly stated and repeatedly recommended the dismantling of these types of programs. Congress ought to listen and heed these requests, and that's what I'm suggesting that we do in this particular legislation.

I am suggesting in here programs that affect my own area. I'm not just saying let's go into other areas around the country. The Appalachian area is an area of the country that I represent, the same general area. I'm saying let's not just do it in Alaska or out West or somewhere else. We ought to do it right at home and in my district as well. So that's what I'm suggesting is that we eliminate these programs. As I indicated, it's supported by Citizens Against Government Waste, and there are a number of other budget-cutting types of organizations that are in favor of this, so I would recommend my colleagues support this amendment.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Appalachia confronts a combination of challenges that few other parts of the country face: mountainous terrain and isolation, a dispersed population, inadequate infrastructure, a lack of financial and human resources, and a weak track record in applying for and receiving assistance from other Federal programs.

For decades, Appalachia has experienced an economic lag. Even during years of economic expansion, employment growth in this 13-State region was significantly lower than the Nation's as a whole. Even with ARC's funding, in fiscal '09, Appalachia received 33 percent fewer Federal expenditures per capita than the Nation. It's clear ARC programs do not duplicate other Federal programs. Instead, they extend the reach of those programs. In the last 5 years, every dollar of ARC investment yielded \$10 of private sector investment. Clearly, ARC is an effective and efficient steward of the taxpayer dollar, targeting these funds where they are needed the most.

As a result, 125,000 households were served by infrastructure. Nearly 140,000 jobs were created or retained. And 100,000 students received vital job training skills. In addition, completing the Appalachian Development Highway System is expected to generate some \$5 billion in annual economic benefit for the entire country by 2035.

But perhaps just as important as ARC's winning investment strategies is its working knowledge of the communities served. When storms ripped through rural Kentucky last March, leveling entire towns and particularly

devastating the community of West Liberty, ARC was one of the first agencies on the ground to support and coordinate the State, local, and Federal response.

Largely because of ARC, these communities have a sense of hope for a successful rebuild and restoration. The Appalachian Regional Commission is uniquely qualified to administer these much-needed and targeted Federal investments to close the economic gap between Appalachia and the rest of the Nation and bring the region's 420 counties and 25 million people into the Nation's economic mainstream.

We must uphold our commitment to the American people to reduce the size and scope of government while maintaining the funding for proven effective programs like ARC that create jobs and keep the economy moving. I am confident ARC will continue its strong legacy of creating jobs and positive change in areas of the country which have been bypassed by opportunity. I urge a "no" vote.

I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, may I ask how much time I have left of my 5 minutes?

The Acting CHAIR. The gentleman had 2 minutes, but yielded back his time.

Mr. CHABOT. I think I reserved.

The Acting CHAIR. Does the gentleman seek unanimous consent to reclaim his time?

Mr. CHABOT. I do.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIR. The gentleman from Ohio is recognized for 2 minutes.

Mr. CHABOT. I will be brief.

Mr. Chairman, I have the utmost respect for our distinguished chairman. He speaks with great wisdom on many, many occasions, and I'm sure he did on this occasion as well. However, I would just reiterate a couple of things.

Number one, we did adopt a ban on earmarks, which I think was the right thing to do. It was really a proclamation to the American people that we are serious about stopping wasteful spending. However, in essence, when we have these types of things, they are really giant earmarks to certain areas of the country.

□ 1650

They do go through scrutiny, so it is unlike an earmark in some areas. But nonetheless, these are benefiting certain parts of the country at the expense of other parts of the country, similarly to what an earmark does. I just think they are really bad policy, and as I indicated, duplicative in many instances. So we have different programs doing exactly the same thing, and we're really wasting dollars.

Prudence says that we must reduce spending and must pay down our debt.

We have to do it. If we're going to do it, this is the type of thing we really have to cut, and this would go towards deficit reduction. We have got a \$13 trillion deficit. We need to start working on it. I just think this is one way to attempt to do that.

Additionally, Mr. Chairman, I would note that it's the responsibility for providing aid in supporting local and regional development type things. It's the States and local governments—not the Federal Government—that ought to be funding these types of things. They are closer to the people, and they are closer to monitoring the situation. It ought not to be the Federal Government doing these types of things.

I urge my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent to consider the amendment out of order.

The Acting CHAIR. Is there objection to considering the amendment at this point?

Hearing none, the Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 5, after the dollar amount insert "(increased by \$36,000,000)".

Page 28, line 16, after the dollar amount insert "(reduced by \$18,000,000)".

Page 31, line 23, after the second dollar amount insert "(reduced by \$18,000,000)".

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. REED. Mr. Chairman, I rise today to offer this amendment in a bipartisan fashion with my colleague, Mr. HIGGINS from New York.

What we're looking to do here, Mr. Chairman, is amend the proposal before the committee to restore \$36 million in funding to non-defense environmental cleanup. Mr. Chairman, last year, a similar amendment passed the House with total votes of 261 people in favor of the proposed amendment.

Mr. Chairman, I understand the dire fiscal situation that we find ourselves in America today. What I have proposed here is putting that \$36 million out into the field to deal with nuclear

waste and nuclear waste cleanup sites across America. I have one of those nuclear waste sites in my district, the West Valley Demonstration Project in western New York that abuts where Mr. HIGGINS' district is located.

What we're trying to do is take that \$36 million that is otherwise going to be used in the bureaucracy of Washington, DC, for administrative purposes here, and allocate that money out to the field, to the sites where it can be best utilized to clean up these nuclear waste facilities and make sure that the threat of nuclear waste to all of our citizens is completely remediated and taken care of so that we do not have to deal with this year after year after year.

There are numerous reports out that show that by cleaning these facilities up sooner than later, we can potentially save hundreds of millions of dollars. So to me, at this point in time, this amendment makes sense. It recognizes the fiscal situation we find ourselves in in America and takes care of a true public safety threat to all citizens of our great country.

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in reluctant opposition to the amendment.

Our bill fully funds the request for non-defense environmental cleanup at \$198 million. I know my colleagues from New York State—Mr. REED and Mr. HIGGINS—are particularly concerned about the West Valley site in New York, and we respect their views and that they know their districts and their State well.

But this bill provides the full amount requested for the project in the President's budget. While below last year's level, it's a reasonable reduction given the need to reduce overall Federal spending in our bill. But this amendment proposes to increase funding 18 percent over the amount of our request. This would be an unbalanced approach considering the reduction to other sites in the bill, and there are many sites in different congressional districts, a number of which have much higher hazard activities taking place. And that is not to minimize what's happening at this site.

We've prepared—in a bipartisan way—a balanced bill, one that prioritizes available funding to address the highest risk activities first while ensuring progress at lower risk sites, that that progress continues, albeit at a smaller pace. We simply cannot sustain the high levels of spending at every location and must make the hard choices to extend time lines where the risks are lower.

As an offset, the amendment would eliminate the salaries of approximately 100 employees who are engaged in carrying out vital security activities, as well as the salaries of up to another 100 employees who are carrying out a variety of, I think, critically important energy and science programs at the Department of Energy.

I know their heart is in the right place. I know that they want to do more things to clean up the site in their home State, but I reluctantly oppose their amendment for the reasons that I've outlined.

I yield back the balance of my time.

Mr. REED. Mr. Chairman, I yield the balance of my time to my colleague from New York (Mr. HIGGINS).

Mr. HIGGINS. Mr. Chairman, I rise in strong support of this bipartisan amendment to provide adequate funding for the non-defense environmental cleanup program.

One of the most important roles of government is to protect public health and safety. However, the amount of money appropriated in this bill is insufficient to do one of these most important areas. Our amendment ensures that nuclear cleanup sites get the funding they need to protect surrounding communities from radioactive contamination.

In my community and that of Mr. REED's in western New York, the West Valley Nuclear Waste Reprocessing Plant was established in the 1960s in response to a Federal call to commercialize the reprocessing of spent nuclear fuel from power reactors. Just a few years ago, the site ceased operation, and more than 600,000 gallons of high-level radioactive waste was left behind, posing a significant and enduring hazard. This site, prone to erosion, contains streams that drain into Lake Erie, located just 30 miles away. We have already seen a leak on the site develop into a plume of radioactive groundwater. If this radioactive waste makes its way into the Great Lakes, the largest source of surface fresh water in the world, the environmental and economic implications would be devastating. Without question, this hazardous and radioactive waste and the contamination that remains is one of our Nation's largest environmental liabilities.

Mr. Chairman, in these cleanup efforts, time is money. Failing to adequately fund the non-defense environmental cleanup program decelerates cleanup efforts. For the past four decades, progress in cleaning up West Valley has been delayed by legal disputes and funding shortfalls. For West Valley, this means \$30 million in added maintenance costs per year. In the current budgetary climate, it is more important than ever that the Federal Government use taxpayers' money most efficiently.

Mr. Chairman, we cannot jeopardize the irreplaceable natural resources of

the Great Lakes or the communities and resources near other nuclear sites across this Nation by continuing to underfund this cleanup program.

□ 1700

I'm proud to work with my friend and colleague, Mr. REED, on this important issue, and I urge support on this bipartisan amendment to ensure we finish the job.

Mr. REED. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. REED. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 56, line 24, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$29,415,000, to remain available until September 30, 2014.

DELTA REGIONAL AUTHORITY SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$11,677,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$10,679,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40,

United States Code, \$1,425,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,038,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than \$9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$911,772,000 in fiscal year 2013 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2013 so as to result in a final fiscal year 2013 appropriation estimated at not more than \$127,028,000: *Provided further*, That of the amounts appropriated under this heading, \$10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and \$5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$11,020,000, to remain available until September 30, 2014: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,918,000 in fiscal year 2013 shall be retained and be available until September 30, 2014, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2013 so as to result in a final fiscal year 2013 appropriation estimated at not more than \$1,102,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000, to be derived from the Nuclear Waste Fund established in section 302(c) of such Act (42 U.S.C. 10222(c)) and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas

Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$1,000,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2013 in excess of \$2,000,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS, INDEPENDENT AGENCIES

SEC. 401. (a) None of the funds provided for "Nuclear Regulatory Commission—Salaries and Expenses" in this Act or prior Acts shall be available for obligation or expenditure through a reprogramming of funds that—

(1) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(2) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

SEC. 402. The Chairman of the Nuclear Regulatory Commission shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 1 day after the Chairman begins performing functions under the authority of section 3 of Reorganization Plan No. 1 of 1980, or after a member of the Commission who was delegated emergency functions under subsection (b) of that section begins performing those functions. Such notification shall include an explanation of the circumstances warranting the exercise of such authority. The Chairman shall report to the Committees, not less frequently than once each week, on the actions taken by the Chairman, or a delegated member of the Commission, under such authority, until the authority is relinquished. The Chairman shall notify the Committees not later than 1 day after such authority is relinquished. The Chairman shall submit the report required by section 3(d) of the Reorganization Plan No. 1 of 1980 to the Committees not later than 1 day after it was submitted to the Commission.

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. None of the funds made available under this Act may be expended for any new

hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 504. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 505. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").

SEC. 507. No funds made available by this Act may be used to pay for mitigation associated with the removal of Federal Energy Regulatory Commission Project number 2342.

SEC. 508. None of the funds made available in this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

SPENDING REDUCTION ACCOUNT

SEC. 509. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. FORTENBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

AUTHORIZATION OF CONVEYANCE OF CERTAIN LANDS IN LOS PADRES NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The SPEAKER pro tempore. The gentleman may withdraw as a matter of right. The motion is withdrawn.

CENTRAL OREGON JOBS AND WATER SECURITY ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2060) to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Oregon Jobs and Water Security Act".

SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.

Section 3(a)(72) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(72)) is amended as follows:

(1) By striking "15-mile" and inserting "14.75-mile".

(2) In subparagraph (B)—

(A) by striking "8-mile" and all that follows through "Bowman Dam" and inserting "7.75-mile segment from a point one-quarter mile downstream from the toe of Bowman Dam"; and

(B) by adding at the end the following: "The developer for any hydropower development, including turbines and appurtenant facilities, at Bowman Dam, in consultation with the Bureau of Land Management, shall analyze any impacts to the Outstandingly Remarkable Values

of the Wild and Scenic River that may be caused by such development, including the future need to undertake routine and emergency repairs, and shall propose mitigation for any impacts as part of any license application submitted to the Federal Energy Regulatory Commission.”.

SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.

Section 4 of the Act of August 6, 1956 (70 Stat. 1058), (as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954)) is further amended as follows:

(1) By striking “ten cubic feet” the first place it appears and inserting “17 cubic feet”.

(2) By striking “during those months when there is no other discharge therefrom, but this release may be reduced for brief temporary periods by the Secretary whenever he may find that release of the full ten cubic feet per second is harmful to the primary purpose of the project”.

(3) By adding at the end the following: “Without further action by the Secretary, and as determined necessary for any given year by the City of Prineville, up to seven of the 17 cubic feet per second minimum release shall also serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the up to seven cubic feet per second to coincide with City of Prineville groundwater pumping as may be required by the State of Oregon. As such, the Secretary is authorized to make applications to the State of Oregon in conjunction with the City to protect these supplies instream. The City shall make payment to the Secretary for that portion of the minimum release that actually serves as mitigation pursuant to Oregon State law for the City in any given year, with the payment for any given year equal to the amount of mitigation in acre feet required to offset actual City groundwater pumping for that year in accordance with Reclamation ‘Water and Related Contract and Repayment Principles and Requirements’, Reclamation Manual Directives and Standards PEC 05-01, dated 09/12/2006, and guided by ‘Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies’, dated March 10, 1983. The Secretary is authorized to contract exclusively with the City for additional amounts in the future at the request of the City.”.

SEC. 4. FIRST FILL PROTECTION.

The Act of August 6, 1956 (70 Stat. 1058), as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954), is further amended by adding at the end the following:

“SEC. 6. Other than the 17 cubic feet per second release provided for in section 4, and subject to compliance with the Army Corps of Engineers’ flood curve requirements, the Secretary shall, on a ‘first fill’ priority basis, store in and release from Prineville Reservoir, whether from carryover, infill, or a combination thereof, the following:

“(1) 68,273 acre feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011, and up to 2,740 acre feet of water annually to supply the McKay Creek lands as provided for in section 5 of this Act.

“(2) Not more than 10,000 acre feet of water annually, to be made available to the North Unit Irrigation District pursuant to a Temporary Water Service Contract, upon the request of the North Unit Irrigation District, consistent with the same terms and conditions as prior such contracts between the District and the Bureau of Reclamation.

“SEC. 7. Except as otherwise provided in this Act, nothing in this Act—

“(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

“(2) amends or reopens contracts referred to in paragraph (1); or

“(3) modifies any rights, obligations, or requirements that may be provided or governed by Oregon State law.”.

SEC. 5. OCHOCO IRRIGATION DISTRICT.

(a) **EARLY REPAYMENT.**—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District in Oregon, may repay, at any time, the construction costs of the project facilities allocated to that landowner’s lands within the district. Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all lands the landowner owns in the district, those lands shall not be subject to the ownership and full-cost pricing limitations of the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act, including the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.).

(b) **CERTIFICATION.**—Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to that landowner’s lands owned within the district, the Secretary of the Interior shall provide the certification provided for in subsection (b)(1) of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(c) **CONTRACT AMENDMENT.**—On approval of the district directors and notwithstanding project authorizing legislation to the contrary, the district’s reclamation contracts are modified, without further action by the Secretary of the Interior, to—

(1) authorize the use of water for instream purposes, including fish or wildlife purposes, in order for the district to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon State law;

(2) include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, resulting in a total of approximately 44,937 acres within the district boundary;

(3) classify as irrigable approximately 685 acres within the approximately 2,742 acres of included lands in the vicinity of McKay Creek, where the approximately 685 acres are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights; and

(4) provide the district with stored water from Prineville Reservoir for purposes of supplying up to the approximately 685 acres of lands added within the district boundary and classified as irrigable under paragraphs (2) and (3), with such stored water to be supplied on an acre-per-acre basis contingent on the transfer of existing appurtenant McKay Creek water rights to instream use and the State’s issuance of water rights for the use of stored water.

(d) **LIMITATION.**—Except as otherwise provided in subsections (a) and (c), nothing in this section shall be construed to—

(1) modify contractual rights that may exist between the district and the United States under the district’s Reclamation contracts;

(2) amend or reopen the contracts referred to in paragraph (1); or

(3) modify any rights, obligations or relationships that may exist between the district and its landowners as may be provided or governed by Oregon State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2060, sponsored by our colleague from Oregon (Mr. WALDEN), is an important step towards restoring water and power abundance and jobs to a rural area that has been devastated by Federal logging restrictions.

This bill is a reflection of years of negotiation. Its supporters include those who would normally be water adversaries in most parts of the West. Municipalities, irrigators, the Warm Spring Tribes utilities, organized labor, and environmental organizations have come together to support this legislation.

I commend my colleague from Oregon for working hard to bring these many parties together, and I urge adoption of this commonsense legislation.

I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2060, as my colleague described, does several things, including providing water and economic certainty to the city of Prineville and the Ochoco Irrigation District. It does so in a way, however, that provides certainty for the city and agriculture, but not the future needs of the environment.

The legislation also mandates how Reclamation is to operate and manage the Prineville Reservoir through the first-fill provision and removes some flexibility on Reclamation’s part to mitigate and adapt to changing conditions.

We still do not fully support the first-fill provision but understand that there are ongoing negotiations that look at providing the certainty that the city needs while protecting the environment. Stakeholder-driven processes are the best way to answer our community’s needs, and we look forward to working with our colleagues in the Senate and on the other side of the aisle to ensure that all needs are met and protected.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the author of this legislation, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Thank you, Chairman HASTINGS and Ranking Member GRIJALVA, for your support for the commonsense Central Oregon Jobs and Water Security Act.

This bill we have before us today will create jobs in central Oregon, remove government red tape. It will protect family farmers and improve both water flows and quality of water for fish and for wildlife, all without costing taxpayers one cent. We made it completely cost-neutral.

Now the city of Prineville is the county seat of Crook County. It's located in the heart of Oregon's central Oregon, and it's along the Crooked River. Crook County was among the hardest hit in the economic downturn that we have all suffered, where unemployment even today—even today—is at over 14 percent, one of the highest rates, if not the highest, in the State of Oregon.

Nonetheless, jobs and economic growth are on the rise in Crook County. Facebook recently built their first custom data center in Prineville and is currently expanding that project. Apple recently announced that it is going to build a data center there and has actually already begun construction.

Chairman HASTINGS knows well how important the technology sector can be to rural communities. Prineville is on the verge of becoming another Quincy, Washington, which is home to Yahoo, Microsoft, Dell, and others.

To pursue new economic development, however, Prineville needs more water. Roughly 20 miles upriver from Prineville sits Bowman Dam and Prineville Reservoir, a Bureau of Reclamation project, which holds 80,000 acre feet of uncontracted water, 80,000 acre feet that is just sitting there uncontracted.

This bill would allow Prineville to access roughly 6 percent of that water, or 5,100 acre feet, and the city would pay a fair market value for the water. That extra water would allow the city to tell prospective companies, hey, you can bring your business and jobs to Prineville. We now have the water that you need. That's certainty in the job market.

It would also allow the city to provide water to an additional 500 homes within the city limits, which currently the city of Prineville can't do because it has maxed out its mitigation credits. You're talking about 500 homes inside the city limits that don't have access to city water that this bill now will allow them to have access to.

Because the city would access the water through the ground and not from directly behind the dam, that extra allocation of water would increase the minimum release of water from Bowman Dam by up to 7 cubic feet per second. Now, that's a lot.

□ 1710

In dry years, particularly in the winter, this higher release requirement could benefit fish and wildlife, including the blue-ribbon trout fishery below Bowman Dam.

This legislation also fixes a BLM error regarding the exact location of the Crooked River wild and scenic boundary line. Currently, the wildlife and scenic line runs directly over the crest of Bowman Dam. Mr. Chairman and Ranking Member GRIJALVA, let me assure there's nothing wild or scenic about the top of a dam unless you're falling over the edge of it. This is a picture of where that is. If you follow the center line of this road, that's where the current law says the wild and scenic boundary starts. We move it downriver, where it really belongs.

As a result, we create another economic opportunity for the region—development of small-scale renewable hydropower that would create roughly 50 construction jobs over the course of 2 years. This dam doesn't have hydro on it today. Adding the hydro actually improves the release of the water, making it better for the fish, and it creates new hydroenergy and construction jobs. My legislation also protects the Ochoco Irrigation District farmers and assures they will continue to operate their family-run farms for generations to come.

Finally, this bill expedites the McKay Creek project, which will result in increased water flows for redband trout and summer steelhead. This project has long been supported by the Warm Springs Tribe and the Deschutes River Conservancy. So I want to thank and commend the Warm Springs tribal leaders and tribal members for their hard work and working in partnership with me on this legislation. Their collaborative approach has really made a difference in issues in the Deschutes Basin, and we appreciate the partnership and leadership that the tribal leaders have shown.

This is a good, commonsense, job-creating bill. It's a culmination of years of collaboration between the City of Prineville, Crook County, farmers, the Warm Springs Tribes, and the Deschutes River Conservancy.

I want to thank Mayor Roppe and County Judge McCabe for their leadership in working through this process. Mayor Roppe has testified before the House Natural Resources Committee and has done an excellent job advocating for the City of Prineville. Judge McCabe has worked tirelessly on these issues to attract tech companies like Facebook and Apple to Crook County. Hopefully, with positive steps like the passage of this legislation, more companies will soon bring their jobs to Prineville and central Oregon.

So I appreciate the assistance of Ranking Member ED MARKEY, along with Ranking Member GRACE NAPOLITANO and, of course, Mr. GRIJALVA, as well as Chairman HASTINGS. Thank you again for your help in moving forward on the Central Oregon Jobs and Water Security Act. I look forward to this legislation finally becoming law.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, so if the gentleman is prepared to yield back.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in many respects, this bill epitomizes the problems that those of us have in the West. This is a simple boundary change to something that was designated here on the Federal level. It has taken a great deal of time, and the impacts will be great for the economy in that area.

As I mentioned in my opening remarks, this has broad support from all of the local groups and local environmental groups, as the gentleman from Oregon said. Sadly, the frustration that we continue to have when we're trying to move legislation like this to help the local job economy in these areas is that you have national groups that don't live in those areas opposing it. And that's what frustrates us, because when you get people, especially on the local level, that support this, it's frustrating when have you a national group that says, Just because we're dealing with national land, we want to have a say in all of this. A big sense of frustration for us.

So I commend my friend from Oregon for moving this legislation, and I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2060, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THREE KIDS MINE REMEDIATION AND RECLAMATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2512) to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Three Kids Mine Remediation and Reclamation Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; RELEASE; REMEDY; RESPONSE.**—The terms “hazardous substance”, “pollutant or contaminant”, “release”, “remedy”, and “response” have the meanings respectively set forth for those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) **HENDERSON REDEVELOPMENT AGENCY.**—The term “Henderson Redevelopment Agency” means the public body, corporate and politic, known as the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise its powers in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685, inclusive).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **STATE.**—The term “State” means the State of Nevada.

(5) **THREE KIDS MINE FEDERAL LAND.**—The term “Three Kids Mine Federal Land” means the parcel or parcels of Federal land consisting of approximately 948 acres in sections 26, 34, 35, and 36, Township 21 South, Range 63 East, Mount Diablo Meridian, Nevada, as depicted on the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

(6) **THREE KIDS MINE PROJECT SITE.**—The term “Three Kids Mine Project Site” means the Three Kids Mine Federal Land and the adjacent approximately 314 acres of non-Federal land, together comprising approximately 1,262 acres, as depicted on the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

SEC. 3. LAND CONVEYANCE.

(a) **IN GENERAL.**—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and any other provision of law, as soon as practicable after fulfillment of the conditions in subsection (b), and subject to valid existing rights, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in the Three Kids Mine Federal Land.

(b) **CONDITIONS.**—

(1) **DETERMINATION OF FAIR MARKET VALUE.**—The Secretary shall administratively adjust the fair market value of the Three Kids Mine Federal Land as determined pursuant to paragraph (2) by deducting from the fair market value of the Three Kids Mine Federal Land the reasonable approximate assessment, remediation and reclamation costs for the Three Kids Mine Project Area as determined pursuant to paragraph (3). The Secretary shall begin the appraisal and cost determination under paragraphs (2) and (3), respectively, not later than 30 days after the date of the enactment of this Act.

(2) **APPRAISAL.**—The Secretary shall determine the fair market value of the Three Kids Mine Federal Land based on an appraisal without regard to any existing contamination associated with historical mining or other uses on the property and in accordance with nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. The Henderson Redevelopment Agency shall reimburse the Secretary for costs incurred in performing the appraisal.

(3) **REMEDICATION AND RECLAMATION COSTS.**—The Secretary shall prepare a reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site. This estimation shall be based upon the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment

Agency or its designee that has been approved by the State, and shall be prepared in accordance with the current version of ASTM International Standard E-2137-06 entitled “Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters”. The Phase II environmental site assessment shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of the current versions of ASTM International Standard E-1527-05 entitled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and ASTM International Standard E-1903-11 entitled “Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process”. The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency and the State. In the event of a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable approximate estimate of costs, the parties shall jointly select one or more experts to advise the Secretary in making the final determination of such costs.

(4) **CONSIDERATION.**—The Henderson Redevelopment Agency shall pay the fair market value, if any, as determined under this subsection.

(5) **MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.**—The Secretary receives from the State notification, in writing, that the Mine Remediation and Reclamation Agreement has been executed. The Mine Remediation and Reclamation Agreement shall be an enforceable consent order or agreement administered by the State that—

(A) obligates a party to perform, after the conveyance of the Three Kids Mine Federal Land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to complete a permanent and appropriately protective remedy to existing environmental contamination and hazardous conditions; and

(B) contains provisions determined to be necessary by the State, including financial assurance provisions to ensure the completion of such remedy.

(6) **NOTIFICATION.**—The Secretary receives from the Henderson Redevelopment Agency notification, in writing, that the Henderson Redevelopment Agency is prepared to accept conveyance of the Three Kids Mine Federal Land under this Act. Such notification must occur not later than 90 days after execution of the Mine Remediation and Reclamation Agreement referred to in paragraph (5).

SEC. 4. WITHDRAWAL.

(a) **IN GENERAL.**—Subject to valid existing rights, for the 10-year period following the date of the enactment of this Act or on the date of the conveyance required by this Act, whichever is earlier, the Three Kids Mine Federal Land is withdrawn from all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) **EXISTING RECLAMATION WITHDRAWALS.**—Subject to valid existing rights, any withdrawal of public land for reclamation project purposes that includes all or any portion of the Three Kids Mine Federal Land for which the Bureau of Reclamation has determined that it has no further need under applicable law is hereby relinquished and revoked solely to the extent necessary to exclude from the withdrawal the land no longer needed and to allow for the immediate conveyance of the Three Kids Mine Federal Land as required under this Act.

(c) **EXISTING RECLAMATION PROJECT AND PERMITTED FACILITIES.**—Without limiting the gen-

eral applicability of section 3(a), nothing in this Act shall diminish, hinder, or interfere with the exclusive and perpetual use by existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Three Kids Mine Federal Land that were constructed or permitted by the Bureau of Reclamation prior to the effective date of this Act.

SEC. 5. ACEC BOUNDARY ADJUSTMENT.

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1717), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is hereby adjusted consistent with the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

SEC. 6. RELEASE OF THE UNITED STATES.

Upon making the conveyance under section 3, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) at the Three Kids Mine Project Site in existence on or before the date of the conveyance.

SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT.

Southern Nevada Public Land Management Act of 1998 (31 U.S.C. 6901 note; Public Law 105-263) shall not apply to land conveyed under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, I want to start this debate by defining clearly what H.R. 2512, the Three Kids Mine Remediation and Reclamation Act, does. This bill will create jobs, clean up an abandoned mine that is the responsibility of the United States Government, and represents a tremendous win-win for all the parties involved in this effort.

The Three Kids Mine is located in Clark County, Nevada, adjacent to the City of Henderson. The mine was operated from 1916 until 1961. From 1942 to 1955, the United States Government, through the Defense Plant Corporation, owned 446 acres of the Three Kids Mine Project site. The mine site was

used to produce federally owned manganese ore for national defense purposes and was leased to the U.S. until 2003 to stockpile those nodules.

The total Three Kids Mine Project area is approximately 1,262 acres and includes 948 acres of Federal lands managed by the Bureau of Land Management and the Bureau of Reclamation, and 314 acres of private lands that include the mill site and the former processing site.

The City of Henderson, the Henderson Redevelopment Agency, Nevada Department of Environmental Protection, Lakemoor Development, LLC, and the Bureau of Land Management have negotiated a plan to clean up and redevelop the Three Kids Mine Project site that includes the purchase of 948 acres of Federal lands. The site is contaminated with arsenic, lead, and other heavy metals and petroleum hydrocarbons. Cost estimates for cleanup and reclamation at the site range from \$300 million to over \$1 billion. The lower cost estimates apply to onsite remediation and disposal of tailings and other minerals in the open pits if it can be accomplished without contaminating groundwater. The higher cost estimate is associated with offsite disposal of the contaminated material.

The purchase price of the Federal lands would be adjusted to reflect the actual cleanup costs of the Federal and non-Federal land where the Federal Government has environmental liability resulting from the mill, the processing facilities, and the storage of Federal-owned manganese nodules. The City of Henderson and the developer would absolve the Federal Government if any liability arises for this site.

All in all, Mr. Speaker, this is a win-win for everyone involved. The environmental problems are addressed, the abandoned mine site is reclaimed and the land redeveloped for a beneficial use—all at no cost to the American taxpayer. This should provide a framework for other abandoned mine sites that are near or adjacent to small towns in larger urban areas.

That's why this legislation is needed and that's why I urge my colleagues to support this, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2512 would seek to address the abandoned Three Kids Mine in Nevada. The Three Kids Mine site is an abandoned manganese mine and mill near Las Vegas. Today, the abandoned mine has open mine pits and significant volumes of toxic manganese tailings containing arsenic, lead, and diesel fuel, which the BLM has said pose significant risks to public health, safety, and the environment. H.R. 2512 would direct the BLM to convey the Federal portions of the Three Kids Mine site to the Redevelopment Agency of the City of Henderson, Nevada,

and require remediation and reclamation of the site.

We support the goals of H.R. 2512 to clean up the toxic abandoned mine site and commend the sponsors of the legislation on their innovative thinking with respect to addressing this problem; however, the estimates of the cost addressing this abandoned mine site are large and uncertain. According to the Bureau of Land Management, the cost of reclaiming and remediating this abandoned mine site is estimated to be between \$300 million and \$1.3 billion.

We continue to have concerns about who would assume responsibility for these costs should the cleanup be abandoned for any reason in the future because this legislation would release the United States from all liabilities related to the Three Kids Mine site, including under environmental laws such as the Comprehensive Environmental Response, Compensation, and Liability Act.

□ 1720

Such a release of liability for the United States could mean that in the event that the developer is unable to complete the cleanup of the Three Kids mine, there may be no responsible party. We also have concerns about the precedent that could be set by waiving the liability of the United States for the cleanup of the site if we are trying to ensure that private entities are held responsible for cleaning up other sites.

However, while we continue to have some concerns regarding the process outlined by the legislation, we do support the goals of H.R. 2512 to reclaim this abandoned mine site, and we do not oppose the legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield such time as he may consume to the author of this important piece of legislation, the gentleman from Nevada (Mr. HECK).

Mr. HECK. Mr. Speaker, I thank the chairman and ranking member for their assistance in moving forward with this important piece of legislation. I rise in support of H.R. 2512, the Three Kids Mine Remediation and Reclamation Act of 2012, legislation I introduced with the support of the entire Nevada delegation, to address a serious environmental, public safety, and abandoned mine reclamation issue in the city of Henderson, Nevada.

The Three Kids mine is an abandoned manganese mine and mill site consisting of approximately 1,262 acres of both Federal and private lands which lie within the Henderson City limits and is literally across the street from Lake Mead Parkway where there is an increasing number of homes and businesses. The Three Kids mine was owned and operated by various parties over the years, including the United States, from approximately 1917 through 1961, and used as a storage area for Federal

manganese ore reserves from the late 1950s through 2003. The project site contains numerous large, unstable sheer-cliff open pits as deep as 400 feet, huge volumes of mine overburden/tailings, mill facility remnants, and waste disposal areas. To give a sense of scale, mine overburden is 10 stories high in some areas; abandoned waste ponds are up to 60 feet deep and filled with over 1 million cubic yards of gelatinous tailings containing high concentrations of arsenic, lead, and petroleum compounds.

H.R. 2512 provides an innovative solution for cleaning up the Three Kids mine site. In its simplest form, the legislation directs the Secretary of the Interior to convey the Federal lands at the project site—approximately 948 acres—at fair market value, taking into account the costs of investigating and remediating the entire site, which includes an additional 314 acres of now-private lands that were used historically in mine operations.

It is important to note that the government will receive a release of liability for cleanup of both the Federal and private lands. Under the legislation, before the Federal lands are conveyed, the State must enter into a binding consent agreement under which the cleanup of the entire project site will occur. The consent agreement must include financial assurances to ensure the completion of the remediation and reclamation of the site. The cleanup will be financed with private capital and Nevada tax increment financing at no cost to the Federal Government.

The Three Kids Mine Remediation and Reclamation Act is the result of over 4 years of work among the city of Henderson Redevelopment Agency, the Department of the Interior, the State of Nevada, and private entities. This legislation is a unique and complex public-private partnership proposal. It will finally lead to the cleanup of the Three Kids mine site at no cost to the Federal Government, while at the same time providing for economic development and the creation of as many as 3,000 jobs.

I believe that this initiative offers a viable solution for the cleanup and reclamation of the Three Kids mine and could serve as a model for other similar sites across the country.

This legislation is a win for the economy, it is a win for the environment, and it is a win for the Federal taxpayer. I encourage my colleagues to join me in supporting this legislation.

Mr. GRIJALVA. Mr. Speaker, as I indicated, while the precedent of waiving the liability of the United States for the cleanup and reclamation of the site is of concern, of equal concern is the fact that Henderson has grown into the site, and grown closer and closer. BLM has stated they don't have the resources to provide the money to clean the site adequately, so it just sits there.

This developer, and if the consent decree is binding, as has been indicated by the sponsor, is an opportunity. While it is not a perfect opportunity from my perspective, it is indeed an opportunity to deal with that cleanup and not just have the site sit there in perpetuity without any attention as everything else grows around it.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 3263, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAKE THUNDERBIRD EFFICIENT USE ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3263) to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Thunderbird Efficient Use Act of 2011".

SEC. 2. NORMAN PROJECT, OKLAHOMA.

Public Law 86-529 (74 Stat. 225) is amended by adding at the end the following:

"SEC. 10. LAKE THUNDERBIRD.

"(a) IN GENERAL.—If the Secretary of the Interior determines that there is enough excess capacity in the reservoir on the Little River known as 'Lake Thunderbird' that nonproject water can be stored in Lake Thunderbird, the Secretary of the Interior may, in accordance with the reclamation laws, amend an existing contract, or enter into 1 or more new contracts, with the Central Oklahoma Master Conservancy District for the storage and conveyance of nonproject water in Norman project facilities to augment municipal and industrial supplies for the cities served by the Central Oklahoma Master Conservancy District.

"(b) COSTS.—If any additional infrastructure is needed to enable the storage and conveyance of non-project water in Norman project facilities under subsection (a) or any other provision of this Act, the costs of constructing, operating, and maintaining the infrastructure shall be the responsibility of the non-Federal entity contracting with the Secretary of the Interior for storage and conveyance rights."

SEC. 3. EFFECT.

Nothing in this Act or an amendment made by this Act authorizes any expansion of the storage capacity of Lake Thunderbird.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3263, introduced by our colleague from Oklahoma (Mr. COLE), allows the Central Oklahoma Master Conservancy District to store water purchased from Oklahoma City in Lake Thunderbird. This legislation is necessary since Federal regulations do not allow water transfers from out-of-basin areas unless Congress expressly authorizes such a transfer.

This bill specifically states that any cost associated with its enactment will be borne by the project beneficiary. It is a no-nonsense bill that will provide additional water storage during times of drought. I thank Congressman COLE for sponsoring this commonsense bill, and I urge adoption of the measure.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

As my colleague stated, H.R. 3263 authorizes storage of nonproject water in Lake Thunderbird Reservoir. The ability to store water at Lake Thunderbird Reservoir will provide reclamation and the managers with flexibility in managing the system.

The administration supports H.R. 3263, and we have heard from the tribes around the region who do not object to this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield such time as he may consume to the sponsor of this legislation, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman HASTINGS and Ranking Member MARKEY for their help in moving this legislation and also the staff of the Natural Resources Committee who have been very supportive and helpful.

I rise today in support of my legislation, H.R. 3263, the Lake Thunderbird Efficient Use Act of 2011. Lake Thunderbird is a Bureau of Reclamation project which provides municipal water to Norman, Del City, and Midwest City, all major municipalities in the Oklahoma City metropolitan area.

In recent years, the watershed that feeds Lake Thunderbird has not been

able to keep that lake full. The water that remains is of poor quality and ill-suited for drinking water and recreation. Lake Thunderbird was built to provide water to a water-starved region, and this legislation would help the Bureau of Reclamation meet the original goals of this project.

The bill allows the Central Oklahoma Master Conservancy District to acquire and store water from outside of the Bureau of Reclamation system in Lake Thunderbird. Any cost associated with this action would be paid for by the conservancy district. This legislation costs Federal taxpayers nothing.

□ 1730

Frankly, Mr. Speaker, in my view, this is the type of action that we should be able to take administratively; however, under current law, it requires congressional consent.

Mr. Speaker, I first initiated this legislation in the 110th Congress when central Oklahoma was in the midst of a significant drought. In July of 2011, Oklahoma recorded the driest month ever recorded by any of the 50 States since records have been kept. Central Oklahoma remains in a drought that is forecast to continue and worsen this summer.

H.R. 3263 is important to the economic growth of central Oklahoma. The Oklahoma City metropolitan area has seen tremendous growth over the past decade and has been a positive economic force at a time of great challenges to the national economy. Water must be available to support the continued growth of this region. This straightforward and commonsense legislation is an important tool to support further growth in central Oklahoma.

Mr. Speaker, again, I want to thank the chairman and the ranking member for their cooperation, and I urge my colleagues to vote "yes" on this legislation.

Mr. GRIJALVA. Mr. Speaker, if I might inquire of the chairman if he has any additional speakers.

Mr. HASTINGS of Washington. I have one more speaker.

Mr. GRIJALVA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to another Member from Oklahoma, the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I would like to, as well, thank my colleague, TOM COLE, for his work on this. He is the one who has really sponsored this, has focused on it, has driven it through to completion. It is a very important thing for communities that are both in his district and in my district as well.

H.R. 3263 authorizes the Secretary of the Interior to simply amend an existing contract with the Central Oklahoma Master Conservancy District for

the storage of nonproject water in Lake Thunderbird. It's very simple and straightforward. This bill would allow the district to augment water if the Secretary determines that there is enough excess capacity in the reservoir.

Since the summer of 2010, Oklahoma has been in a severe drought. This has seriously endangered the quality and supply of our drinking water. To address this devastating shortage, the Central Oklahoma Master Conservancy District could purchase water from Oklahoma City to supply high-quality water through the Atoka pipeline to Midwest City, Del City, and Norman. Regrettably, Congress must act before this resource can be tapped. It is imperative that we remedy the storage issues faced by these cities, and Congress shouldn't stand in the way of this.

It is amazing that it takes an act of Congress for an Oklahoma lake to buy water from another Oklahoma lake. No Federal funds are needed, only Congress giving the permission to allow Oklahomans the flexibility to use their own water as needed. I am strongly in support of this. This is the type of thing that should be widely bipartisan. It is a simple fix, and hopefully we can fix this legislatively in the future to not have to have an act of Congress just for us to use our own water in each State.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 3263.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZATION OF CONVEYANCE OF CERTAIN LANDS IN LOS PADRES NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 5 acres of National

Forest System land in Santa Barbara County, California, as generally depicted on the map.

(2) **FOUNDATION.**—The term “Foundation” means the White Lotus Foundation, a nonprofit foundation located in Santa Barbara, California.

(3) **MAP.**—The term “map” means the map entitled “San Marcos Pass Encroachment for Consideration of Legislative Remedy” and dated June 1, 2009.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 2. LAND CONVEYANCE.

(a) **IN GENERAL.**—Subject to the provisions of this section, if the Foundation offers to convey to the Secretary all right, title, and interest of the Foundation in and to a parcel of non-Federal land that is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the Foundation all right, title, and interest of the United States in and to the Federal land.

(b) **APPLICABLE LAW.**—The land exchange authorized under subsection (a) shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) **TIME FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 2 years after the date of enactment of this Act.

(d) **AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.**—If the land exchange under subsection (a) is not completed by the date that is 2 years after the date of enactment of this Act, the Secretary may offer to sell to the Foundation the Federal land for fair market value.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) and any sale under subsection (d) shall be subject to—

(1) valid existing rights;

(2) the Secretary finding that the public interest would be well served by making the exchange or sale;

(3) any terms and conditions that the Secretary may require; and

(4) the Foundation paying the reasonable costs of any surveys, appraisals, and any other administrative costs associated with the land exchange or sale.

(f) **APPRAISALS.**—

(1) **IN GENERAL.**—The land conveyed under subsection (a) or (d) shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(g) **MANAGEMENT AND STATUS OF ACQUIRED LAND.**—Any non-Federal land acquired by the Secretary under this Act shall be managed by the Secretary in accordance with—

(1) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(2) any laws (including regulations) applicable to the National Forest System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 241 authorizes the Forest Service to convey, for appraised market value, approximately 5 acres of the Los Padres National Forest to the White Lotus Foundation.

Due to steep topography, there is limited access to the White Lotus Foundation other than a short access road that crosses Forest Service land. This bill would allow the foundation to acquire this parcel and ensure public access to their facility.

So I urge my colleagues to support this legislation, as authored by our colleague from California (Mr. GALLEGLY), and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 241, sponsored by the gentleman from California, provides for the conveyance of 5 acres of land from Los Padres National Forest to the White Lotus Foundation. This conveyance allows for better access to a retreat area owned by the foundation.

We have no objections to this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of my legislation, H.R. 241. This bill will authorize the Forest Service to convey a small parcel of land on the perimeter of the Los Padres National Forest to a nonprofit organization, the White Lotus Foundation.

In 1983, the White Lotus Foundation inherited property in the hills above Santa Barbara, California, on the border of the Los Padres National Forest. After operating at this location for over 25 years, the Forest Service sent a letter to the foundation notifying them of a 1/20-of-an-acre encroachment on Forest Service land.

The encroachment in question is located on a loop of the only road that allows White Lotus and the rest of the public access to and from the White Lotus property. Due to the steep topography, the foundation no longer has any other reasonable alternatives.

The loop lies on flat ground which holds equipment storage for fire and flood emergencies and provides access to a water pump and other necessary

equipment. There is no other flat ground on which to move these items, and without this space, the foundation will be forced to cease operations.

My legislation authorizes the Forest Service to enter into a land exchange with the White Lotus Foundation for land worth no less than the appraised market value. If this land exchange does not occur within 2 years, the Forest Service is allowed to convey the land that would benefit White Lotus and to determine the amount to be conveyed. If the Forest Service does not feel that this land conveyance is in its best interest, it does not have to sell any Federal land to White Lotus. However, if the land sale does move ahead, my legislation will not cost the taxpayers a single penny. White Lotus will pay for the land, the survey, and all administrative costs and related costs.

There are no exemptions from NEPA or any other environmental laws. The land in question is not protected wilderness or any other specifically designated area.

In closing, I want to thank the chairman, the ranking member, and my colleagues for allowing this to be brought to the floor today.

I urge the support for my legislation, H.R. 241.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 241, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SALMON LAKE LAND SELECTION RESOLUTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Salmon Lake Land Selection Resolution Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to ratify the Salmon Lake Area Land Ownership Consolidation Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term “Agreement” means the document between the United States, the State, and the Bering Straits Native Corporation that—

(A) is entitled the “Salmon Lake Area Land Ownership Consolidation Agreement”;

(B) had an initial effective date of July 18, 2007; and

(C) is on file with Department of the Interior, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

(2) BERING STRAITS NATIVE CORPORATION.—The term “Bering Straits Native Corporation” means an Alaskan Native Regional Corporation formed under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Bering Straits region of the State.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Alaska.

SEC. 4. RATIFICATION AND IMPLEMENTATION OF AGREEMENT.

(a) IN GENERAL.—Subject to the provisions of this Act, Congress ratifies the Agreement.

(b) EASEMENTS.—The conveyance of land to the Bering Straits Native Corporation, as specified in the Agreement, shall include the reservation of the easements that—

(1) are identified in Appendix E to the Agreement; and

(2) were developed by the parties to the Agreement in accordance with section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(c) CORRECTIONS.—Beginning on the date of enactment of this Act, the Secretary, with the consent of the other parties to the Agreement, may only make typographical or clerical corrections to the Agreement and any exhibits to the Agreement.

(d) AUTHORIZATION.—The Secretary shall carry out all actions required by the Agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 292 ratifies the Salmon Lake Area Ownership and Consoli-

dation Agreement signed in 2007 by the State of Alaska, the United States, and the Bering Straits Native Corporation.

□ 1740

The agreement resolves overlapping claims to certain public lands by the State of Alaska, the United States, and the Bering Straits Native Corporation. The claims arose from the implementation of the Alaska Statehood Act of 1958 and the Alaska Native Claims Settlement Act of 1971.

Though similar legislation sponsored by the gentleman from Alaska, and the sponsor in the House of this bill, Mr. YOUNG, passed by 410-0 in the 111th Congress, the Committee on Natural Resources undertook regular order on S. 292, including a hearing in the Subcommittee on Indian and Alaska Native Affairs, and a markup in the full committee, which reported the bill out favorably.

I am unaware of any opposition to S. 292, and so I urge full House support for the motion to suspend the rules and pass this bill today.

With that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 292, a bill that ratifies an agreement between the United States, the Bering Straits Native Corporation and the State of Alaska by transferring certain Federal lands to the Bering Straits Native Corporation and the State of Alaska.

S. 292 is the result of years of negotiations between the parties regarding overlapping land selections made by the Bering Straits Native Corporation under the Alaska Native Claims Settlement Act and the State of Alaska under its Statehood Act.

The bill reasonably and sensibly finalizes each party's interests in the land around Salmon Lake, an area of great importance to the people of the Bering Straits region.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield as much time as he may consume to the author of the legislation that the last Congress passed, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, it's been said this is a simple bill. In a way it is simple, but it solves a great problem.

As mentioned by the chairman and the ranking member, this bill probably wouldn't necessarily be passed if it wasn't because of the conflict we had between the State when we passed statehood, the Native Land Claims Act and, of course, the BLM. There is no one that objects to this bill. It solves a very important problem for the local people and the subsistence-style living.

It also takes care of the recreational areas that they can be utilizing. And it's the right bill to do for the State of Alaska and Alaska natives.

Mr. Speaker, I'd like to speak on another subject for a short moment which I believe relates to this. For the people listening to this great display of legislative action on the House floor, we'd like to remind them, you know, Little Red Riding Hood, do not go to sleep.

Just because the prices of gas have been dropping at the pumps, do not be lured into the idea that everything's going to be okay, because I've watched this now in my 40 years here go up and down, up and down; and every time we start to do something, start moving forward for self-dependency on our fossil fuels, those that are providing us the fuel from overseas at cost of great bloodshed and a flood of dollars, they take and drop their prices. When doing so, we start getting lulled back to sleep, and we don't do anything. And then they'll jack the prices up again, and the whole economy will not recover.

So I'm asking the public to understand one thing: do not go to sleep. Just because you go up to the pump station now and put that nozzle in and say, oh, my, gas is only \$3.60 when it was \$4.15, headed to \$5. Watch it very closely, ladies and gentlemen. Watch this, everybody on the floor of this House, because you are going to sleep.

Oh, everything's fine and dandy. We do not have to worry about this anymore. Our good friends in the Middle East will take care of us. Yes, the good friend in Venezuela, Hugo Chavez.

Think about this a moment, ladies and gentlemen. We're just where we were back in 1972 when we passed the Trans Alaska pipeline. We had an embargo. People were lined up to buy the gasoline; lined up and actually shooting at one another because it was, at that time, 36 cents a gallon. And we built the Trans Alaska pipeline, and we lowered that price very rapidly.

As it went down, and the economy came back and people weren't shooting at anyone anymore, they were doing, in fact, one thing that we need to do today. That is the reality that we must start producing our own fossil fuels. Yes, fossil fuels, not wind power, not solar power. Yes, they're good. But fossil fuels that move objects.

Everybody listening to this show today, keep in mind every time you get in that car you're moving weight. Every truck that delivers a product to the grocery store and to anyplace you buy is moved by fossil fuels, not just made by fossil fuels, moved by fossil fuels, the trains, the planes, the ships, and, yes, the automobile.

We will spend this year close to \$300 billion buying fossil fuels from people that do not like us, do not even tolerate us most of the time, would like to kill us every time.

And why this Congress and why the administration, yes, the previous administrations—no one's innocent in this project—will not set forth an energy policy that doesn't involve just wind power and sun power, but involves all the powers that we have to produce energy for the people of America. The coal, yes, we're going to burn cheap coal. It can be burned and should be burned. But most of all, the oil which we're still importing from abroad. That's what we have to do.

So I ask you, don't go to sleep, ladies and gentlemen, because the persons that raise the price of oil are there, and they will do it again. And this Congress will say, oh, we've got to do something. We'll have to do something. And by the time that prices go so high that it affects our economy, it will start going back down when we try to do something.

I'm saying that the leadership on this side of the aisle, we have an energy package. It's been sent over to the other body. I know I'm not supposed to mention that other body. In fact, I'm not. It's the other body. And it has not passed any energy legislation. We've done it on the House side numerous times, not just this year and last year, even some of the years before. We have passed energy legislation.

But it's time for this Congress, a reflection of the American people, to rise up and say we are going to do something so those people that have been hurting us all these years—\$4 trillion worth of oil has been spent in the last 14 years overseas. Trillion, ladies and gentlemen. That was equal to the national debt.

But take \$4 trillion off the existing debt, see where we would be today. We wouldn't have the unemployment rate. The President wouldn't have to say, well, it's getting a little better. The economy is better than it was, they say. But it all relates back to the cheap energy, energy that could be afforded by the working class people of America, the working class people of America, not the rich that can afford it, the working class that provide the economy to this machine that we have called a democracy.

So I'm asking the American public and this body to wake up. Wake up and let's do what's right. Wake up the other body and do what is right for the future of this Nation.

Mr. GRIJALVA. Mr. Speaker, I know that the gentleman from Alaska will be pleased to know that the production of fossil fuels from our public lands is at a record high, and the percentage of our oil from imports is dropping every year.

The bill before us today resolves competing land claims. We support that.

I yield back the balance of my time, Mr. Speaker.

Mr. HASTINGS of Washington. I urge adoption of this legislation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 292.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of Commerce determines that it is in the best interest of the National Oceanic and Atmospheric Administration and the Federal Government to do so, the Secretary may convey to the City of Pascagoula, Mississippi, by standard quitclaim deed, real property consisting of parcels, or portions of parcels, under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere, including land and improvements thereon, within a tract roughly bounded by—

- (1) Delmas Avenue to the south;
- (2) Pascagoula River to the west;
- (3) Pol Street to the north; and
- (4) real property owned by the City of Pascagoula to the east.

(b) CONSIDERATION.—

(1) IN GENERAL.—For a conveyance under subsection (a), the Secretary shall require that the United States receive consideration of not less than the fair market value of the property or rights conveyed.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) property (either real or personal), including tracts of real property and buildings, owned by the City of Pascagoula, that are located in such city south of Delmas Avenue, as well as a contiguous portion of the street known as Delmas Avenue adjacent to real

property under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere;

(B) cash or cash equivalents; and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit, including construction, repair, remodeling, or other physical improvements;

(ii) maintenance of property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based on a highest- and best-use appraisal of the properties conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Any amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The Secretary may require such additional terms and conditions with the exchange of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(2) EASEMENTS OR RIGHTS OF WAY.—The Secretary may grant or convey to the City of Pascagoula a right of way or easement if the Secretary determines such grant or conveyance is in the best interest of the Administration and the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 363, introduced by Senator WICKER from Mississippi, would authorize the Secretary of Commerce to convey less than 1 acre of property owned by the National Oceanic and Atmospheric Association to the City of Pascagoula, Mississippi.

□ 1750

This would improve the operations of the NOAA science center and give the city river access and space for a park.

The bill specifies that a land conveyance could occur provided that the United States receives at least the fair market value for the property or in-

kind exchange. The city and the agency have identified properties to exchange, and therefore, both parties are in agreement. S. 363 would simply allow them to go forward with this land exchange, so I urge its adoption.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Many years ago, the National Oceanic and Atmospheric Administration fenced off two small parcels of land plus a portion of a street outside of their Pascagoula, Mississippi, facility for security purposes. Recently, NOAA has been using this property for storage and parking. NOAA would like to secure this land, which is now back under the ownership of the City of Pascagoula, to accommodate the storage and future expansion of their facility.

In exchange for these two parcels of land, NOAA proposes to transfer real estate to the City of Pascagoula to develop waterfront property for the purposes of creating a public green space as part of the overall redevelopment plan in the wake of Hurricane Katrina. NOAA and the city have both identified the parcels of land to be considered for this transaction, and NOAA is prepared to contract for the land surveys and appraisals necessary to prepare the acquisition and disposal documents. They have both expressed written support for this land exchange.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 363.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1740) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“() ILLABOT CREEK, WASHINGTON.—

“(A) The 14.3-mile segment from the headwaters of Illabot Creek to the northern terminus as generally depicted on the map titled ‘Illabot Creek Proposed WSR—Northern Terminus’, dated September 15, 2009, to be administered by the Secretary of Agriculture as follows:

“(i) The 4.3-mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

“(ii) The 10-mile segment from the boundary of Glacier Peak Wilderness to the northern terminus as generally depicted on the map titled ‘Illabot Creek Proposed WSR—Northern Terminus’, dated September 15, 2009, as a recreational river.

“(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.

“(C) The Secretary of Agriculture may not acquire by condemnation any land or interest in land within the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A).

“(D) Nothing in this paragraph creates or authorizes the creation of a protective perimeter or buffer zone around the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A). The fact that an activity or use can be seen or heard from within such boundaries shall not preclude the conduct of that activity or use outside such boundaries.

“(E) No private property or non-Federal public property shall be included within the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A) without the written consent of the owner of such property.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1740 will designate segments of the Illabot Creek in Skagit, Washington, as a component of the National Wild and Scenic Rivers System. The designated area is located within the Mt. Baker-Snoqualmie National Forest, and it totals 14.3 miles in two separate segments. The U.S. Forest Service studied this creek and found that it possesses the requisite characteristics consistent with the Wild and Scenic Rivers Act.

Mr. Speaker, as I mentioned, this bill was amended with some provisions that the subcommittee and the full committee thought were very important on these designations, but I urge its passage.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1740. This legislation seeks to add these river segments to the Wild and Scenic Rivers System. The legislation passed the House by voice vote last year. Congressman LARSEN has been a consistent advocate for this legislation. On behalf of the river and his constituents, we applaud his hard work.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. GRIJALVA. I would like to yield such time as he may consume to the sponsor of the legislation, the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise to support the passage of my bill, H.R. 1740, and to urge my colleagues to vote in favor of this measure.

I want to thank Chairman HASTINGS and Chairman BISHOP of the subcommittee, as well as Ranking Members MARKEY and GRIJALVA, for their help in getting this bill to the floor.

I have the honor of representing one of the most scenic parts of the country, Washington's Second District. The Second District is home to the North Cascades and to the beautiful San Juan Islands. It's also home to some of the best fishing in the country, both commercially and recreationally. Salmon and groundfish stocks are beginning to recover all over the Northwest. Part of the reason is that we've begun to protect places that are important for fish habitat. When we protect these places, we protect the jobs that come from the fishing industry. This preservation is a catalyst to introducing the legislation before us.

Illabot Creek travels from the Glacier Park Wilderness Area to the upper Skagit River, falling about 7,000 feet during its journey. The water of Illabot provides the optimal conditions for wild Chinook salmon, steelhead, and bull trout—all species listed as threatened. This legislation will designate 14.3 miles of the Illabot Creek as wild and scenic, protecting these species while ensuring that hunting and fishing and other recreational activities continue. Protecting this area has the support of local hunters, farmers, environmentalists, anglers, the local government, and the State government, which are all in my district.

I want to thank Senator MURRAY for introducing the bill's companion over in the Senate. I hope that that body will take up the bill as well.

I appreciate the support of Minority Whip HOYER, of the chairmen, and of the ranking members for bringing this legislation to the floor, and I urge my colleagues to support its passage and to protect this important body of water.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no further requests for time.

Mr. GRIJALVA. I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge the passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1740, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

YORK RIVER WILD AND SCENIC RIVER STUDY ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "York River Wild and Scenic River Study Act of 2011".

SEC. 2. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"() YORK RIVER, MAINE.—(A) The York River that flows 11.25 miles from its headwaters at York Pond to the mouth of the river at York Harbor, and all associated tributaries.

"(B) The study conducted under this paragraph shall—

"(i) determine the effect of the designation on—

"(I) existing commercial and recreational activities, such as hunting, fishing, trapping, recreational shooting, motor boat use, bridge construction;

"(II) the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and

"(III) the authority of State and local governments to manage those activities; and

"(ii) identify—

"(I) all authorities that will authorize or require the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if designated under this Act;

"(II) all authorities that the Secretary may use to condemn property; and

"(III) all private property located in the area studied under this paragraph.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

"() YORK RIVER, MAINE.—The study of the York River, Maine, named in paragraph () of subsection (a) shall be completed by the Secretary of the Interior and the report thereon submitted to Congress not later than 3 years after the date on which funds are made available to carry out this paragraph.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2336 authorizes the National Park Service to study 11.25 miles of the York River, in the State of Maine, for the possible inclusion into the Wild and Scenic Rivers program.

The Wild and Scenic Rivers Act of 1968 was intended to put a development freeze on rivers to preserve their "free-flowing" characteristics. Although no risks to the river necessitating Federal designation were identified, proponents of the study explained that they would benefit from the expertise of the National Park Service and its interaction with the community.

As I mentioned, Mr. Speaker, this legislation was amended. The subcommittee felt that there should be some conditions even though this is only a study, and those conditions were inserted into this bill. I urge its adoption.

I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

I rise in support of the legislation, and I commend Congresswoman PINGREE for her hard work.

H.R. 2336 moves forward a study of 11 miles of the York River to determine if it is qualified to be protected as a Wild and Scenic River. This is a good piece of legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as she may consume to the sponsor of the legislation, the gentleman from Maine (Ms. PINGREE).

□ 1800

Ms. PINGREE of Maine. Mr. Speaker, I thank both Mr. GRIJALVA and Mr. HASTINGS for their support.

I'm very happy to stand in support of my bill, H.R. 2336, the York River Wild and Scenic River Study Act. It is my pleasure to see this piece of legislation, which was proposed by the people living in my district, who care deeply about the York River, come to the floor of the House today. This bill would allow organizations working around the York River to partner with the National Park Service to conduct a study that would provide additional information that is vital to making informed decisions about the future of the York River and its communities.

I have heard from small business owners, community groups, State and local government representatives, local and national land trusts, fishermen, hunters, school representatives, and historical and environmental conservationists; and all agree that continuing to benefit from the river depends on recognizing and protecting its important and unique qualities.

When I last visited the York River, I spoke with members of local communities about the importance of the river to the people, the economy, and the wildlife of the York River watershed. I learned that the river is home to important and rare species, including the Maine-endangered box turtle and the threatened harlequin duck. The salt marshes of York River watershed serve as a nursery ground for nearly 30 species of fish that are vital to the Gulf of Maine ecosystem.

I also learned that the York River is a key waterway to the history of our Nation. The first English settlers arrived there in 1630, and European settlements of archeological importance have been identified along the banks of the river. The York River is a place where children are learning in an outdoor classroom, as well. Students from nearby school districts gather data from the river for class and to inform community decisions about the environment and the economy. Perhaps the most important factor is that many of the hardworking people in this part of the State depend on the York River to support their jobs. The York River is a place where people go to work.

Commercial and recreational fishing operations depend on excellent water quality and reliable access to the waterfront. Farmers in the York River watershed grow pumpkin, potatoes, and other produce that help keep Maine communities healthy. People travel to the York River to explore and appreciate its natural character and incredible history. And while doing so, they invest in the surrounding communities.

The work of community groups has already resulted in considerable progress, but the York River needs ad-

ditional protection so this vital resource is not overwhelmed by increasing development. In order to move forward to a future that protects the most important aspects of this waterway and the jobs and communities that depend on it, it is vital to connect these communities with the information they need. This is the goal and, hopefully, the outcome of this important piece of legislation.

I urge my colleagues to join me in supporting this bill today.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no more requests for time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2336, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PASCUA YAQUI TRIBE TRUST LAND ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4222) to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pascua Yaqui Tribe Trust Land Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) *DISTRICT.*—The term "District" means the Tucson Unified School District, a school district recognized as such under the laws of the State of Arizona.

(2) *MAP.*—The term "map" means the map titled "Pascua Yaqui Tribe Trust Land Act" and dated April 23, 2012.

(3) *SECRETARY.*—The term "Secretary" means the Secretary of the Interior.

(4) *TRIBE.*—The term "Tribe" means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

SEC. 3. LANDS TO BE HELD IN TRUST.

(a) *PARCEL A.*—Subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands of approximately 10 acres shown on the map as Parcel A are declared held in trust by the United States for the benefit of the Tribe.

(b) *PARCEL B.*—Immediately upon the Secretary's receipt from the District of the abandonment of its possessory interest of the lands of approximately 10 acres shown on the map as Parcel B, subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands shown on the map as Parcel B are declared held in trust by the United States for the benefit of the Tribe.

SEC. 4. GAMING PROHIBITION.

The Tribe may not conduct gaming activities on the lands held in trust under this Act, as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4222, authored by the gentleman from Arizona (Mr. GRIJALVA), directs the Secretary of the Interior to take two approximately 10-acre parcels of Federal land into trust for the Pascua Yaqui tribe in Arizona. The two parcels are completely surrounded by either the tribe's reservation or by fee lands owned by the tribe.

Before one of the parcels can be taken into trust, however, the Tucson Unified School District will need to relinquish its possessory interest in the parcel. The school district no longer needs the land, which it had previously received under the Recreation and Public Purposes Act. Both parcels would be utilized as part of a golf course as currently under construction. Neither parcel is necessary for the construction of the golf course, but if the tribe does not acquire and use the parcels, they will be orphaned and of relatively no use to either the tribe or to the United States.

Finally, as has been the practice of the committee during the last several Congresses, this bill includes language that prohibits any gaming on the two parcels to be taken into trust, and the tribe has no objection to this language.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume. Let me thank the chairman for moving the legislation forward. I'm very appreciative.

H.R. 4222 is an important piece of legislation that will enable the Pascua Yaqui tribe of my district in Arizona to consolidate its landholdings and remove two isolated undeveloped parcels of land from the Bureau of Land Management responsibility.

The two 10-acre parcels are islands of trapped Federal land surrounded by Pascua Yaqui land on all sides. The tribe is developing a golf course in this area, and conveying these two parcels to the tribe will make managing the land easier for the tribe and the Federal Government. Without this legislation, the tribe would have to design around the parcels, slowing down the project, and weakening economic development that will benefit the entire Pascua Yaqui community and the residents of Pima County. Passage of this bill will further the Federal Government's responsibility to enhance tribal trust resources.

I worked with BLM to ensure that the language of the bill would allow for environmental review and a public comment period in line with the National Environmental Policy Act and am pleased to report that the bill we are taking up today is supported by the Agency. I wish to thank my colleagues and the leadership within the Natural Resources Committee for bringing this bill forward and for hopeful passage in this session.

I urge my colleagues to support the passage of H.R. 4222, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no more requests for time on this excellent piece of legislation.

Mr. GRIJALVA. Mr. Speaker, I want to thank the chairman for saving this very complicated and important piece of legislation as the last item that we deal with here today. My appreciation.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 4222, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 6 o'clock and 30 minutes p.m.

CORRECTING TECHNICAL ERROR IN PUBLIC LAW 112-122

Mr. DOLD. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 5890) to correct a technical error in Public Law 112-122, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the bill is as follows:

H.R. 5890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION.

Section 24 of Public Law 112-122 is amended by striking "4 of Public Law 109-438" and inserting "1(c) of Public Law 103-428".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5890.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING TECHNICAL CORRECTION IN PUBLIC LAW 112-108

Mr. COLE. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 5883) to make a technical correction in Public Law 112-108, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the bill is as follows:

H.R. 5883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION.

(a) IN GENERAL.—Public Law 112-108 is amended by striking "115 4th" and inserting "208 1st".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if

included in the enactment of Public Law 112-108.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL, COLLECTIVELY, TO THE MONTFORD POINT MARINES

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 128, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 128

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE MONTFORD POINT MARINES.

(a) IN GENERAL.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on June 27, 2012, for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

(b) IMPLEMENTATION.—Physical preparations for the conduct of the event shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of my Resolution to allow the Ceremony honoring the Montford Point Marines to receive the Congressional Gold Medal.

As you know, I was honored to have introduced the legislation that granted the Montford Point Marines a Congressional Gold Medal, the highest civilian honor that can be bestowed for an outstanding deed or act of service to the security, prosperity, and national interest of the United States.

I was pleased to work with the General James F. Amos, the Commandant of the Marine Corps, in support of this resolution.

Years before Jackie Robinson, and decades before Rosa Parks and Martin Luther King, Jr., these heroes joined the Marines to defend their country and do their job.

At the end of this month, over 500 Montford Point Marines will descend upon Washington and receive the honor that is due them. I am pleased to be able to make the Capitol available to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous

consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on House Concurrent Resolution 128.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. FLAKE. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provision contained in the matter proposed to be inserted as section 104(c)(1)(B) of title 23, United States Code, by section 1105 of the Senate amendment that reads as follows: "for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available".

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

Will the gentleman from Texas (Mr. POE) kindly resume the chair.

□ 1834

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. POE of Texas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from New York (Mr. REED) had been postponed and the bill had been read through page 56, line 24.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. MCCLINTOCK of California.

An amendment by Ms. HIRONO of Hawaii.

Amendment No. 5 by Mr. MCCLINTOCK of California.

An amendment by Mr. MATHESON of Utah.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 281, not voting 44, as follows:

[Roll No. 315]

AYES—106

| | | |
|-------------|-----------------|---------------|
| Adams | Garrett | Pompeo |
| Amash | Gohmert | Posey |
| Amodei | Gosar | Price (GA) |
| Bachmann | Graves (GA) | Quayle |
| Benishek | Gutierrez | Ribble |
| Berkley | Harris | Rigell |
| Bilirakis | Heck | Rohrabacher |
| Bishop (UT) | Hensarling | Rokita |
| Black | Herger | Ross (FL) |
| Blackburn | Herrera Beutler | Royce |
| Boustany | Huelskamp | Rush |
| Brady (TX) | Huizenga (MI) | Ryan (WI) |
| Brooks | Hultgren | Scalise |
| Buchanan | Jenkins | Schakowsky |
| Burgess | Jones | Schweikert |
| Burton (IN) | Jordan | Scott, Austin |
| Campbell | Kucinich | Sensenbrenner |
| Canseco | Labrador | Serrano |
| Carson (IN) | Lamborn | Sessions |
| Chabot | Lance | Smith (NJ) |
| Chaffetz | Landry | Southerland |
| Coble | Long | Stearns |
| Cohen | Lummis | Stutzman |
| Conaway | Marchant | Sullivan |
| Coyers | Markey | Tierney |
| Culberson | McClintock | Tipton |
| Doggett | McGovern | Velázquez |
| Duffy | McHenry | Walden |
| Duncan (TN) | Miller (FL) | Walsh (IL) |
| Elmers | Miller (MI) | West |
| Farenthold | Mulvaney | Westmoreland |
| Flake | Nadler | Woodall |
| Fleming | Neugebauer | Yoder |
| Foxx | Pence | Young (IN) |
| Franks (AZ) | Petri | |
| Gardner | Poe (TX) | |

NOES—281

| | | |
|-----------|----------|-------------|
| Ackerman | Andrews | Barrow |
| Aderholt | Austria | Bartlett |
| Akin | Bachus | Barton (TX) |
| Alexander | Baldwin | Bass (NH) |
| Altmire | Barletta | Berg |

| | | |
|---------------|-----------------|------------------|
| Biggert | Griffin (AR) | Owens |
| Bilbray | Griffith (VA) | Palazzo |
| Bishop (GA) | Grijalva | Pallone |
| Bishop (NY) | Grimm | Pastor (AZ) |
| Blumenauer | Guinta | Paulsen |
| Bonamici | Guthrie | Pearce |
| Bonner | Hanabusa | Pelosi |
| Bono Mack | Harper | Perlmutter |
| Boren | Hartzler | Peters |
| Boswell | Hastings (FL) | Peterson |
| Brady (PA) | Hastings (WA) | Pingree (ME) |
| Braley (IA) | Hayworth | Pitts |
| Brown (FL) | Higgins | Platts |
| Bucshon | Himes | Polis |
| Butterfield | Hinchee | Price (NC) |
| Calvert | Hinojosa | Quigley |
| Camp | Hirono | Rahall |
| Cantor | Hochul | Rangel |
| Capito | Holden | Reed |
| Capps | Holt | Rehberg |
| Capuano | Honda | Reichert |
| Cardoza | Hoyer | Renacci |
| Carnahan | Hurt | Reyes |
| Carney | Israel | Richmond |
| Carter | Issa | Rivera |
| Cassidy | Jackson (IL) | Roby |
| Castor (FL) | Jackson Lee | Roe (TN) |
| Chandler | (TX) | Rogers (AL) |
| Cicilline | Johnson (GA) | Rogers (KY) |
| Clarke (MI) | Johnson (IL) | Rogers (MI) |
| Clarke (NY) | Johnson (OH) | Rooney |
| Clay | Johnson, E. B. | Ros-Lehtinen |
| Clyburn | Johnson, Sam | Roskam |
| Coffman (CO) | Kaptur | Ross (AR) |
| Cole | Keating | Roybal-Allard |
| Connolly (VA) | Kelly | Runyan |
| Cooper | Kildee | Ruppersberger |
| Costa | Kind | Ryan (OH) |
| Costello | King (IA) | Sanchez, Loretta |
| Courtney | King (NY) | Sarbanes |
| Cravaack | Kingston | Schiff |
| Crawford | Kinzing (IL) | Schilling |
| Crenshaw | Kissell | Schmidt |
| Critz | Kline | Schock |
| Crowley | Langevin | Schrader |
| Cuellar | Lankford | Schwartz |
| Cummings | Larsen (WA) | Scott (SC) |
| Davis (CA) | Latham | Scott (VA) |
| Davis (IL) | LaTourette | Scott, David |
| Davis (KY) | Latta | Sewell |
| DeFazio | Lee (CA) | Shimkus |
| DeGette | Levin | Simpson |
| DeLauro | Lewis (GA) | Smith (NE) |
| Dent | Lipinski | Smith (TX) |
| DesJarlais | LoBiondo | Smith (WA) |
| Deutch | Lofgren, Zoe | Speier |
| Diaz-Balart | Lowey | Stark |
| Dicks | Lucas | Stivers |
| Dingell | Luetkemeyer | Sutton |
| Dold | Lujan | Terry |
| Doyle | Lungren, Daniel | Thompson (CA) |
| Dreier | E. | Thompson (MS) |
| Duncan (SC) | Lynch | Thompson (PA) |
| Edwards | Manzullo | Thornberry |
| Ellison | Matheson | Tiberi |
| Emerson | Matsui | Tonko |
| Engel | McCarthy (CA) | Towns |
| Eshoo | McCarthy (NY) | Tsongas |
| Farr | McCaul | Turner (NY) |
| Fattah | McCollum | Turner (OH) |
| Fincher | McDermott | Upton |
| Fitzpatrick | McKinley | Van Hollen |
| Fleischmann | McMorris | Visclosky |
| Flores | Rodgers | Walberg |
| Forbes | McNerney | Walz (MN) |
| Fortenberry | Meehan | Wasserman |
| Frank (MA) | Meeks | Schultz |
| Frelinghuysen | Mica | Waxman |
| Fudge | Michaud | Webster |
| Gallely | Miller (NC) | Welch |
| Gerlach | Miller, George | Whitfield |
| Gibbs | Moran | Wilson (FL) |
| Gibson | Murphy (CT) | Wilson (SC) |
| Gingrey (GA) | Murphy (PA) | Wittman |
| Gonzalez | Neal | Wolf |
| Goodlatte | Noem | Womack |
| Gowdy | Nugent | Woolsey |
| Graves (MO) | Nunes | Yarmuth |
| Green, Al | Nunnelee | Young (AK) |
| Green, Gene | Olson | Young (FL) |

NOT VOTING—44

| | | |
|---------------|--------------|----------------|
| Baca | Hanna | Napolitano |
| Bass (CA) | Heinrich | Oliver |
| Becerra | Hunter | Pascrell |
| Berman | Larson (CT) | Paul |
| Broun (GA) | Lewis (CA) | Richardson |
| Buerkle | Loeb sack | Rothman (NJ) |
| Chu | Mack | Sánchez, Linda |
| Cleaver | Maloney | T. |
| Denham | Marino | Sherman |
| Donnelly (IN) | McCotter | Shuler |
| Filner | McIntyre | Shuster |
| Garamendi | McKeon | Sires |
| Granger | Miller, Gary | Slaughter |
| Hahn | Moore | Waters |
| Hall | Myrick | Watt |

□ 1900

Messrs. DAVIS of Illinois, MCCARTHY of California, DICKS, KINGSTON, KEATING, WELCH, and TOWNS changed their vote from “aye” to “no.”

Messrs. RIGELL, HERGER, TIERNEY, and LANDRY changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 315, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MS. HIRONO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 257, not voting 43, as follows:

[Roll No. 316]

AYES—131

| | | |
|---------------|---------------|----------------|
| Ackerman | Crowley | Hirono |
| Andrews | Cummings | Hochul |
| Baldwin | Davis (CA) | Holt |
| Bass (NH) | Davis (IL) | Honda |
| Berkley | DeFazio | Hoyer |
| Bishop (NY) | DeGette | Israel |
| Blumenauer | Dent | Jackson (IL) |
| Bonamici | Deutch | Johnson (GA) |
| Boswell | Dingell | Johnson (IL) |
| Brady (PA) | Doggett | Johnson, E. B. |
| Braley (IA) | Edwards | Jones |
| Butterfield | Ellison | Keating |
| Capps | Engel | Kildee |
| Capuano | Eshoo | Kind |
| Carnahan | Farr | Kucinich |
| Carney | Fattah | Langevin |
| Castor (FL) | Frank (MA) | Lee (CA) |
| Cicilline | Fudge | Levin |
| Clarke (MI) | Gibson | Lewis (GA) |
| Clarke (NY) | Grijalva | Lipinski |
| Clay | Gutierrez | Lofgren, Zoe |
| Clyburn | Hanabusa | Lowe |
| Cohen | Hastings (FL) | Luján |
| Connolly (VA) | Higgins | Lynch |
| Conyers | Himes | Markey |
| Cooper | Hinchey | Matsui |

| | | |
|----------------|------------------|---------------|
| McCarthy (NY) | Polis | Smith (WA) |
| McCollum | Price (NC) | Speier |
| McDermott | Quigley | Stark |
| McGovern | Rangel | Thompson (CA) |
| McNerney | Reyes | Thompson (MS) |
| Meeks | Richmond | Tierney |
| Michaud | Roybal-Allard | Tonko |
| Miller (NC) | Ruppersberger | Towns |
| Miller, George | Rush | Tsongas |
| Moran | Sanchez, Loretta | Van Hollen |
| Nadler | Sarbanes | Velázquez |
| Neal | Schakowsky | Wasserman |
| Owens | Schiff | Schultz |
| Pallone | Schrader | Waxman |
| Pastor (AZ) | Schwartz | Welch |
| Pelosi | Scott (VA) | Wilson (FL) |
| Peters | Scott, David | Woolsey |
| Pingree (ME) | Serrano | Yarmuth |

NOES—257

| | | |
|--------------|-----------------|-----------------|
| Adams | Fitzpatrick | Lungren, Daniel |
| Aderholt | Flake | E. |
| Akin | Fleischmann | Manzullo |
| Alexander | Fleming | Marchant |
| Altmire | Flores | Matheson |
| Amash | Forbes | McCarthy (CA) |
| Amodei | Fortenberry | McCaul |
| Austria | Fox | McClintock |
| Bachmann | Franks (AZ) | McHenry |
| Bachus | Frelinghuysen | McKinley |
| Barletta | Gallegly | McMorris |
| Barrow | Gardner | Rodgers |
| Bartlett | Garrett | Meehan |
| Barton (TX) | Gerlach | Mica |
| Benishek | Gibbs | Miller (FL) |
| Berg | Gingrey (GA) | Miller (MI) |
| Biggert | Gohmert | Mulvaney |
| Bilbray | Gonzalez | Murphy (CT) |
| Bilirakis | Goodlatte | Murphy (PA) |
| Bishop (GA) | Gosar | Neugebauer |
| Bishop (UT) | Gowdy | Noem |
| Black | Graves (GA) | Nugent |
| Blackburn | Graves (MO) | Nunes |
| Bonner | Green, Al | Nunnelee |
| Bono Mack | Green, Gene | Olson |
| Boren | Griffin (AR) | Palazzo |
| Boustany | Griffith (VA) | Paulsen |
| Brady (TX) | Grimm | Pearce |
| Brooks | Guinta | Pence |
| Brown (FL) | Guthrie | Perlmutter |
| Buchanan | Harper | Peterson |
| Bucshon | Hartzer | Petri |
| Burgess | Harris | Pitts |
| Burton (IN) | Hartzler | Platts |
| Calvert | Hastings (WA) | Poe (TX) |
| Camp | Hayworth | Pompeo |
| Campbell | Heck | Posey |
| Canseco | Hensarling | Price (GA) |
| Cantor | Herger | Quayle |
| Capito | Herrera Beutler | Rahall |
| Cardoza | Hinojosa | Reed |
| Carson (IN) | Holden | Rehberg |
| Carter | Huelskamp | Reichert |
| Cassidy | Huizenga (MI) | Renacci |
| Chabot | Hultgren | Ribble |
| Chaffetz | Hurt | Rigell |
| Chandler | Issa | Rivera |
| Coble | Jackson Lee | Roby |
| Coffman (CO) | (TX) | Roe (TN) |
| Cole | Jenkins | Rogers (AL) |
| Conaway | Johnson (OH) | Rogers (KY) |
| Costa | Johnson, Sam | Rogers (MI) |
| Costello | Jordan | Rohrabacher |
| Courtney | Kaptur | Rokita |
| Cravaack | Kelly | Rooney |
| Crawford | King (IA) | Ros-Lehtinen |
| Crenshaw | King (NY) | Roskam |
| Critz | Kingston | Ross (AR) |
| Cuellar | Kinzinger (IL) | Ross (FL) |
| Culberson | Kissell | Royce |
| Davis (KY) | Kline | Runyan |
| DeLauro | Labrador | Ryan (OH) |
| DesJarlais | Lamborn | Ryan (WI) |
| Diaz-Balart | Lance | Scalise |
| Dicks | Landry | Schilling |
| Dold | Lankford | Schmidt |
| Doyle | Larsen (WA) | Schock |
| Dreier | Latham | Schweikert |
| Duffy | LaTourette | Scott (SC) |
| Duncan (SC) | Latta | Scott, Austin |
| Duncan (TN) | LoBiondo | Sensenbrenner |
| Ellmers | Long | Sessions |
| Emerson | Lucas | Sewell |
| Farenthold | Luetkemeyer | Shimkus |
| Fincher | Lummis | Shuster |

| | | | |
|---------------|---------------|-------------|--------------|
| Smith (WA) | Simpson | Thornberry | West |
| Speier | Smith (NE) | Tiberi | Westmoreland |
| Stark | Smith (NJ) | Tipton | Whitfield |
| Thompson (CA) | Smith (TX) | Turner (NY) | Wilson (SC) |
| Thompson (MS) | Southerland | Turner (OH) | Wittman |
| Tierney | Stearns | Upton | Wolf |
| Tonko | Stivers | Visclosky | Womack |
| Towns | Stutzman | Walberg | Woodall |
| Tsongas | Sullivan | Walden | Yoder |
| Van Hollen | Sutton | Walsh (IL) | Young (AK) |
| Velázquez | Terry | Walz (MN) | Young (FL) |
| Wasserman | Thompson (PA) | Webster | Young (IN) |

NOT VOTING—43

| | | |
|---------------|--------------|----------------|
| Baca | Hanna | Napolitano |
| Bass (CA) | Heinrich | Oliver |
| Becerra | Hunter | Pascrell |
| Berman | Larson (CT) | Paul |
| Broun (GA) | Lewis (CA) | Richardson |
| Buerkle | Loeb sack | Rothman (NJ) |
| Chu | Mack | Sánchez, Linda |
| Cleaver | Maloney | T. |
| Denham | Marino | Sherman |
| Donnelly (IN) | McCotter | Shuler |
| Filner | McIntyre | Sires |
| Garamendi | McKeon | Slaughter |
| Granger | Miller, Gary | Waters |
| Hahn | Moore | Watt |
| Hall | Myrick | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 1906

Ms. HOCHUL changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 316, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 5 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 249, not voting 44, as follows:

[Roll No. 317]

AYES—138

| | | |
|-------------|--------------|--------------|
| Adams | Buchanan | Culberson |
| Akin | Burgess | DeFazio |
| Amash | Burton (IN) | Duncan (SC) |
| Amodei | Campbell | Duncan (TN) |
| Andrews | Canseco | Ellmers |
| Bachmann | Capps | Eshoo |
| Baldwin | Carnahan | Farenthold |
| Benishek | Carney | Fincher |
| Berkley | Chabot | Flake |
| Bilirakis | Chaffetz | Fleming |
| Bishop (UT) | Clay | Flores |
| Black | Coble | Fox |
| Blackburn | Coffman (CO) | Franks (AZ) |
| Blumenauer | Cohen | Gardner |
| Brady (TX) | Conaway | Garrett |
| Brooks | Conyers | Gingrey (GA) |

Gohmert
Gosar
Gowdy
Graves (GA)
Guthrie
Gutierrez
Heck
Hensarling
Herger
Herrera Beutler
Honda
Huelskamp
Huizenga (MI)
Hultgren
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Jones
Jordan
Keating
King (IA)
Kucinich
Labrador
Lamborn
Lance
Landry
Lofgren, Zoe
Long
Lummis
Markey

NOES—249

Ackerman
Aderholt
Alexander
Altmire
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Calvert
Camp
Cantor
Capito
Capuano
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Dent
DesJarlais

McClintock
McDermott
McGovern
McHenry
McMorris
Rodgers
Miller (FL)
Miller (MI)
Miller, George
Mulvaney
Nadler
Neugebauer
Nunes
Pence
Peters
Petri
Pingree (ME)
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Ribble
Rigell
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce

Rush
Ryan (WI)
Scalise
Schakowsky
Schilling
Schweikert
Scott (SC)
Sensenbrenner
Serrano
Smith (NE)
Southerland
Stark
Stearns
Stutzman
Sullivan
Thompson (CA)
Tiberi
Tierney
Tipton
Tsongas
Velázquez
Walden
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Woolsey
Yoder

Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)
Moran
Murphy (CT)
Murphy (PA)
Neal
Noem
Nugent
Nunnelee
Olson
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peterson
Pitts
Platts
Price (NC)
Rahall
Rangel
Reed

Rehberg
Reichert
Renacci
Reyes
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schiff
Schmidt

Baca
Bass (CA)
Becerra
Berman
Broun (GA)
Buerkle
Chu
Cleaver
Denham
Donnelly (IN)
Duffy
Filner
Garamendi
Granger
Hahn

Schock
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tonko

NOT VOTING—44

Hall
Hanna
Heinrich
Hunter
Larson (CT)
Lewis (CA)
Loeback
Mack
Maloney
Marino
McCotter
McIntyre
McKeon
Miller, Gary
Moore

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 1912

Mr. CUMMINGS and Ms. PELOSI changed their vote from “aye” to “no.”
Messrs. FLORES and RIGELL changed their vote from “no” to “aye.”
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DUFFY. Mr. Chair, on rollcall No. 317, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. FILNER. Mr. Chair, on rollcall 317, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. MATHESON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 235, not voting 44, as follows:

[Roll No. 318]

AYES—152

Ackerman
Altmire
Amash
Baldwin
Barrow
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Frank (MA)

Fudge
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
Chandler
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lowey
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran

Murphy (CT)
Nadler
Neal
Pallone
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richmond
Holden
Ross (AR)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—235

Adams
Aderholt
Akin
Alexander
Amodei
Andrews
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito

Cardoza
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen

Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)

| | | |
|-----------------|--------------|---------------|
| King (NY) | Nunnelee | Schmidt |
| Kingston | Olson | Schock |
| Kinzinger (IL) | Owens | Schweikert |
| Kline | Palazzo | Scott (SC) |
| Labrador | Paulsen | Scott, Austin |
| Lamborn | Pearce | Sensenbrenner |
| Lance | Pence | Sessions |
| Landry | Perlmutter | Shinkus |
| Lankford | Peterson | Simpson |
| Larsen (WA) | Petri | Smith (NE) |
| Latham | Pitts | Smith (NJ) |
| LaTourette | Platts | Smith (TX) |
| Latta | Poe (TX) | Southerland |
| LoBiondo | Pompeo | Stearns |
| Lofgren, Zoe | Posey | Stivers |
| Long | Price (GA) | Stutzman |
| Lucas | Quayle | Sullivan |
| Luetkemeyer | Rahall | Terry |
| Lujan | Reed | Thompson (PA) |
| Lummis | Rehberg | Thornberry |
| Lungren, Daniel | Reichert | Tiberi |
| E. | Renacci | Tipton |
| Lynch | Ribble | Turner (NY) |
| Manzullo | Rigell | Turner (OH) |
| McCarthy (CA) | Rivera | Upton |
| McCaul | Roby | Walberg |
| McClintock | Roe (TN) | Walden |
| McHenry | Rogers (AL) | Walsh (IL) |
| McKinley | Rogers (KY) | Webster |
| McMorris | Rogers (MI) | West |
| Rodgers | Rohrabacher | Westmoreland |
| Meehan | Rokita | Whitfield |
| Mica | Rooney | Wilson (SC) |
| Miller (FL) | Ros-Lehtinen | Wittman |
| Miller (MI) | Roskam | Wolf |
| Mulvaney | Ross (FL) | Womack |
| Murphy (PA) | Royce | Woodall |
| Neugebauer | Ryunan | Yoder |
| Noem | Ryan (WI) | Young (AK) |
| Nugent | Scalise | Young (FL) |
| Nunes | Schilling | Young (IN) |

NOT VOTING—44

| | | |
|---------------|--------------|----------------|
| Baca | Hanna | Napolitano |
| Bass (CA) | Heinrich | Olver |
| Becerra | Hunter | Pascarell |
| Berman | Larson (CT) | Paul |
| Brown (GA) | Lewis (CA) | Richardson |
| Buerkle | Loeback | Rothman (NJ) |
| Chu | Mack | Sánchez, Linda |
| Cleaver | Maloney | T. |
| Denham | Marino | Sherman |
| Donnelly (IN) | McCotter | Shuler |
| Filner | McIntyre | Shuster |
| Garamendi | McKeon | Sires |
| Granger | Miller, Gary | Slaughter |
| Hahn | Moore | Waters |
| Hall | Myrick | Watt |

□ 1917

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 318, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on June 5, 2012, I was not present for rollcall votes 315-318. If I had been present for these votes, I would have voted: "nay" on rollcall vote 315, "nay" on rollcall vote 316, "nay" on rollcall vote 317, and "aye" on rollcall vote 318.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chair, I was unavoidably detained and missed rollcall vote Nos. 315, 316, 317, and 318. Had I been present, I would have voted "no" on rollcall vote Nos. 315, 316, 317, 318.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

BISHOP of Utah) having assumed the chair, Mr. POE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

□ 1920

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. DOGGETT. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Doggett moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provisions contained in section 100201 of the Senate amendment (relating to stop tax haven abuse—authorizing special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the additional motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

INTERNATIONAL CHILD SUPPORT RECOVERY IMPROVEMENT ACT OF 2012

Mr. BERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4282) to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "International Child Support Recovery Improvement Act of 2012".

(b) REFERENCES.—Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 2. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.

(a) AUTHORITY OF THE SECRETARY OF HHS TO ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS.—

(1) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (1) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

"(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party."

(2) CONFORMING AMENDMENT.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking "452(1)" and inserting "452(m)".

(b) ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2)."

(c) STATE OPTION TO REQUIRE INDIVIDUALS IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUNTRY'S APPROPRIATE CENTRAL AUTHORITY.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon "(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application)"; and

(2) in paragraph (32)—

(A) in subparagraph (A), by inserting ", a foreign treaty country," after "a foreign reciprocating country"; and

(B) in subparagraph (C), by striking "or foreign obligee" and inserting ", foreign treaty country, or foreign individual".

(d) AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

"(e) REFERENCES.—In this part:

"(1) FOREIGN RECIPROCATING COUNTRY.—The term 'foreign reciprocating country' means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

"(2) FOREIGN TREATY COUNTRY.—The term 'foreign treaty country' means a foreign country for which the 2007 Family Maintenance Convention is in force.

"(3) 2007 FAMILY MAINTENANCE CONVENTION.—The term '2007 Family Maintenance Convention' means the Hague Convention of

23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “foreign countries that are the subject of a declaration under this section” and inserting “foreign reciprocating countries or foreign treaty countries”; and

(B) in paragraph (2), by inserting “and foreign treaty countries” after “foreign reciprocating countries”; and

(3) in subsection (d), by striking “the subject of a declaration pursuant to subsection (a)” and inserting “foreign reciprocating countries or foreign treaty countries”.

(e) COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C. 664(a)(2)(A)) is amended by striking “under section 454(4)(A)(ii)” and inserting “under paragraph (4)(A)(ii) or (32) of section 454”.

(f) STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA).—

(1) IN GENERAL.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking “on and after January 1, 1998.”;

(B) by striking “and as in effect on August 22, 1996.”; and

(C) by striking “adopted as of such date” and inserting “adopted as of September 30, 2008”.

(2) CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking “individual contestant” and inserting “individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order.”;

(B) in subsection (e)(2)(A), by striking “individual contestant” and inserting “individual contestant and the parties have not consented in a record or open court that the tribunal of the other State may continue to exercise jurisdiction to modify its order”; and

(C) in subsection (b)—

(i) by striking “‘child’ means” and inserting “(1) The term ‘child’ means”;

(ii) by striking “‘child’s State’ means” and inserting “(2) The term ‘child’s State’ means”;

(iii) by striking “‘child’s home State’ means” and inserting “(3) The term ‘child’s home State’ means”;

(iv) by striking “‘child support’ means” and inserting “(4) The term ‘child support’ means”;

(v) by striking “‘child support order’ ” and inserting “(5) The term ‘child support order’ ”;

(vi) by striking “‘contestant’ means” and inserting “(6) The term ‘contestant’ means”;

(vii) by striking “‘court’ means” and inserting “(7) The term ‘court’ means”;

(viii) by striking “‘modification’ means” and inserting “(8) The term ‘modification’ means”;

(ix) by striking “‘State’ means” and inserting “(9) The term ‘State’ means”.

(3) EFFECTIVE DATE; GRACE PERIOD FOR STATE LAW CHANGES.—

(A) PARAGRAPH (1).—(i) The amendments made by paragraph (1) shall take effect with respect to a State on the earlier of—

(I) October 1, 2013; or

(II) the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter be-

ginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) PARAGRAPH (2).—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance enters into force for the United States.

(ii) The amendments made by subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

SEC. 3. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Section 452 (42 U.S.C. 652), as amended by section 2(a)(1) of this Act, is amended by adding at the end the following:

“(o) DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.—

“(1) DATA EXCHANGE STANDARDS.—

“(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate a data exchange standard for any category of information required to be reported under this part.

“(B) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standard designated under subparagraph (A) shall, to the extent practicable, be nonproprietary and interoperable.

“(C) OTHER REQUIREMENTS.—In designating data exchange standards under this section, the Secretary shall, to the extent practicable, incorporate—

“(i) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

“(ii) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

“(iii) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

“(2) DATA EXCHANGE STANDARDS FOR REPORTING.—

“(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate data exchange standards to govern the data reporting required under this part.

“(B) REQUIREMENTS.—The data exchange standards required by subparagraph (A) shall, to the extent practicable—

“(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

“(ii) be consistent with and implement applicable accounting principles; and

“(iii) be capable of being continually upgraded as necessary.

“(C) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating reporting standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.”.

(b) EFFECTIVE DATES.—

(1) DATA EXCHANGE STANDARDS.—The Secretary of Health and Human Services shall issue a proposed rule under section 452(o)(1) of the Social Security Act within 12 months after the date of the enactment of this section, and shall issue a final rule under such section 452(o)(1), after public comment, within 24 months after such date of enactment.

(2) DATA REPORTING STANDARDS.—The reporting standards required under section 452(o)(2) of such Act shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act.

SEC. 4. EFFICIENT USE OF THE NATIONAL DIRECTORY OF NEW HIRES DATABASE FOR FEDERALLY SPONSORED RESEARCH ASSESSING THE EFFECTIVENESS OF FEDERAL POLICIES AND PROGRAMS IN ACHIEVING POSITIVE LABOR MARKET OUTCOMES.

Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (i)(2)(A), by striking “24” and inserting “48”; and

(2) in subsection (j), by striking paragraph (5) and inserting the following:

“(5) RESEARCH.—

“(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, the Secretary may provide access to data in each component of the Federal Parent Locator Service maintained under this section and to information reported by employers pursuant to section 453A(b), for—

“(i) research undertaken by a State or Federal agency (including through grant or contract) for purposes found by the Secretary to be likely to contribute to achieving the purposes of part A or this part; or

“(ii) an evaluation or statistical analysis undertaken to assess the effectiveness of a Federal program in achieving positive labor market outcomes (including through grant or contract), by—

“(I) the Department of Health and Human Services;

“(II) the Social Security Administration;

“(III) the Department of Labor;

“(IV) the Department of Education;

“(V) the Department of Housing and Urban Development;

“(VI) the Department of Justice;

“(VII) the Department of Veterans Affairs;

“(VIII) the Bureau of the Census;

“(IX) the Department of Agriculture; or

“(X) the National Science Foundation.

“(B) PERSONAL IDENTIFIERS.—Data or information provided under this paragraph may include a personal identifier only if, in addition to meeting the requirements of subsections (l) and (m)—

“(i) the State or Federal agency conducting the research described in subparagraph (A)(i), or the Federal department or agency undertaking the evaluation or statistical analysis described in subparagraph (A)(ii), as applicable, enters into an agreement with the Secretary regarding the security and use of the data or information;

“(ii) the agreement includes such restrictions or conditions with respect to the use, safeguarding, disclosure, or redisclosure of the data or information (including by contractors or grantees) as the Secretary deems appropriate;

“(iii) the data or information is used exclusively for the purposes defined in the agreement; and

“(iv) the Secretary determines that the provision of data or information under this

paragraph is the minimum amount needed to conduct the research, evaluation, or statistical analysis, as applicable, and will not interfere with the effective operation of the program under this part.

“(C) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF DATA.—Any individual who willfully discloses a personal identifier (such as a name or social security number) provided under this paragraph, in any manner to an entity not entitled to receive the data or information, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.”.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. BERG) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

GENERAL LEAVE

Mr. BERG. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BERG. Mr. Speaker, I yield myself such time as I may consume.

I rise today with my colleague, Mr. DOGGETT of Texas, and other members of the Human Resources Subcommittee of the Committee on Ways and Means. I urge support for House Resolution 4282, as amended, the International Child Support Recovery Improvement Act of 2012.

This bill provides the implementing legislation for the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance. Negotiation of this treaty began in 2003, and it was eventually signed in 2007. The Senate then provided its consent in 2010. Now States cannot take advantage of the benefits of this treaty until Congress moves forward.

Currently, States have the option to recognize child support orders from other countries and many of them do. However, States have found that other countries are less cooperative in recognizing our orders.

The Hague Convention seeks to address this issue by establishing a standardized process so more countries cooperate in the collection of child support. This will ensure that children in the United States have the same access to financial support even when one of their parents is abroad.

This bill is about empowering the States, which operate the child support enforcement program, to do more for families and, most importantly, for children.

My home State of North Dakota has already made the necessary changes to its State law to accept the Hague Convention. Unfortunately, we are one of only 10 States that have done so. The United States cannot ratify the Hague Convention until all States make the necessary changes, so now is the time to act.

On March 20, the Human Resources Subcommittee of the Committee on Ways and Means had a hearing on this issue and heard that States are waiting to follow our lead. It's time for this Chamber to do its job and pass this bill, which will improve the program while resulting in modest savings.

This bill also includes the continuation of our subcommittee's bipartisan efforts to standardize the process and data, and improve the exchange of data within and across human services programs. While the child support system already relies heavily on data exchanges, it's important for those efforts to be consistent with provisions we have recently enacted in child welfare, TANF, and unemployment programs. The goal is simple: improve government's efficiency; provide benefits to those who are eligible; and drive out waste, fraud, and abuse.

Finally, this bill expands researcher's access to a database maintained by the Office of Child Support Enforcement. The National Directory of New Hires, NDNH, captures employment information for individuals working in most jobs in the United States. Expanding access to earning data in the NDNH will improve our ability to determine whether Federal education, training, and social service programs help people find and keep jobs.

According to the administration, most Federal agencies do not currently have reliable access to data that can show the impact of their programs on a participant's employment and earnings. In an era of tighter resources, it's critical that we have reliable data to conduct rigorous evaluations and make sure that Federal investments are getting results.

The National Child Support Enforcement Association represents the views of State agency child support directors and actively participated in the negotiations of the Hague Convention.

I would like to thank Congressman GEOFF DAVIS, the chairman of the Ways and Means Subcommittee on Human Resources. I would also like to thank the subcommittee's ranking member, Mr. DOGGETT, who joins me on the floor today, as well as other members of the subcommittee for their support and original cosponsorship.

I invite all Members to join us in supporting this important bipartisan legis-

lation. It will move us a step closer to ratifying the Hague Convention on the International Recovery of Child Support and ensuring that more children living in the United States receive the financial support they deserve.

I urge all my colleagues to support it and reserve the balance of my time.

COALITION FOR
EVIDENCE-BASED POLICY,
April 10, 2012.

Hon. GEOFF DAVIS,
Chairman, House Committee on Ways and Means, Subcommittee on Human Resources, Washington DC.

Hon. LLOYD DOGGETT,
Ranking Member, House Committee on Ways and Means, Subcommittee on Human Resources, Washington DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: I'm writing to express our strong support for your subcommittee's efforts, in H.R. 4282, to increase researcher access to the National Directory of New Hires (NDNH).

As background, the Coalition for Evidence-Based Policy is a nonprofit, nonpartisan organization, whose mission is to increase government effectiveness through rigorous evidence about “what works.” We have no financial interest in this or any other policy proposals or initiatives.

Our support for your proposal to increase researcher access to NDNH is based on its potential to greatly lower the cost and burden of conducting scientifically-rigorous evaluations of employment programs, by enabling such studies to measure employment and earnings outcomes using existing administrative data rather than engaging in costly new data collection (e.g., individual interviews).

As summarized in a short brief we recently developed—Rigorous Program Evaluations on a Budget—in other policy areas where administrative data are more accessible, such as education and criminal justice, large-scale rigorous evaluations have sometimes been conducted for as little as \$50,000 \$100,000, producing valid evidence that is of policy and practical importance. Researcher access to NDNH data could bring this capability to workforce development policy, greatly accelerating the development of credible evidence about what works to improve the employment and earnings of U.S. workers.

We appreciate your leadership on this important issue. Please let us know if we can be of assistance as it goes forward.

Sincerely,

JON BARON,
President.

BUILDING KNOWLEDGE
TO IMPROVE SOCIAL POLICY,
June 4, 2012.

Hon. CONGRESSMAN BERG,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN BERG: I am writing to congratulate you on advancing H.R. 4282, The International Child Support Recovery and Improvement Act of 2012, to the House floor. Thank you again for inviting me to testify before the Human Resources Subcommittee on Ways and Means.

As I stated in my recent testimony, this bill includes an important technical provision that enables researchers to more easily access the National Directory of New Hires (NDNH) database, which contains earnings and employment data collected by states

from employers. Removing this barrier in the law will result in more accurate, cost-effective assessments of the employment effects of federal programs.

Independent research firms like MDRC are contracted by the government to evaluate the extent to which federal programs work; in many cases, a key measure of effectiveness is the programs' long-term impact on participants' employment and earnings. The NDNH database, maintained by the federal Office of Child Support Enforcement, houses employment and earnings data reported by the states for child support enforcement purposes. However, research contractors are generally unable to access this essential database. Instead they are forced to get the very same data directly from the states, at great cost to the federal government and at considerable burden in duplicative reporting for the states.

In this time of severe budget constraints, Congress must have credible, nonpartisan information to understand whether federally supported programs actually help people find work and increase their earnings. The technical provision in this bill would ensure the availability of data necessary for researchers to examine the effectiveness of these programs.

This provision expands researchers' access to NDNH data and also maintains strong privacy protections. Since personally identifiable information is contained in the NDNH database, the provision requires research firms to continue to uphold strict rules governing the data's confidentiality and provides severe penalties for unauthorized disclosure of this data.

Thank you for recognizing the importance of giving researchers greater access to NDNH data. Attached is my testimony for further reference.

Sincerely,

GORDON L. BERLIN,
President, MDRC.

NATIONAL CHILD SUPPORT
ENFORCEMENT ASSOCIATION,
McLean, VA, June 4, 2012.

Representative GEOFF DAVIS, Chairman,
Representative LLOYD DOGGETT, Ranking
Member,
Ways and Means Subcommittee on Human Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: The National Child Support Enforcement Association (NCSEA) supports the bipartisan International Child Support Recovery Improvement Act of 2012 (H.R. 4282) and applauds your efforts to bring the measure to the House floor.

Section 2 of the bill provides the implementing language necessary to ratify the 2007 Hague Convention Treaty on the International Recovery of Child Support and Other Forms of Family Maintenance. NCSEA members worked tirelessly on the Convention. It contains procedures for processing international child support cases that are uniform, simple, efficient, accessible, and cost-free to U.S. citizens seeking support in other countries. It is founded on the agreement of countries that ratify the Convention to recognize and enforce each other's support orders.

International cases can be challenging and very time consuming for child support workers because there are no agreed upon standards of proof, forms or methods of communication. As more parents cross international borders leaving children behind, international child support enforcement is more important than ever.

For many international cases, U.S. courts and state Title IV-D child support enforcement agencies already recognize and enforce child support obligations, whether or not the United States has a reciprocal agreement with the other country. However, many foreign countries will not enforce U.S. support orders in the absence of a treaty obligation. Ratification of the Convention by the United States will mean that more children residing in the United States will receive financial support from their parents residing in countries that are also signatories to the Convention.

NCSEA has long sought congressional action on this issue, so that our nation's children receive the financial support to which they are entitled.

Thank you again for your leadership on this bill.

Sincerely,

COLLEEN DELANEY EUBANKS,
Executive Director.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleague from North Dakota in our truly bipartisan effort on behalf of H.R. 4282, the International Child Support Recovery Improvement Act. He has made an excellent statement regarding the need for this legislation.

International borders should never be barriers to children receiving the financial support that their parents are obligated to provide, nor should a parent be able to avoid their responsibility by just leaving the country. That's why the United States has previously adopted reciprocal agreements with a number of other nations to collect child support from deadbeat parents who do not live in the same country as their children. But these agreements don't cover many nations, and the procedures sometimes vary from nation to nation. A more comprehensive approach is to enter into a broad convention, another type of treaty, to ensure the international collection of child support.

□ 1930

In 2010, the Senate ratified the Hague Convention for the International Recovery of Child Support. Today's bill simply implements the treaty and provides that our child support collection across America fully complies with our treaty obligations. This will assure that more children living in the United States obtain the necessary financial support from a parent living in another country, and it will also protect taxpayers who ought not have to be responsible for covering the expenses when a parent is obligated to do so.

Exemplifying the need for today's bill is the plea of a mother from Houston, who wrote to the Federal Office of Child Support Enforcement:

Please help me collect child support from my daughter's father in Venezuela. We were married years ago in the United States. It took a long time to finalize the divorce, as he was out of the country. Finally, the divorce went through, which at the time was a relief. But 3 to 4 years later, my daughter is

12 and teenage expenses are kicking in. Regardless of the divorce requirements, he states Venezuela is unable to conduct business with the U.S., and he's unable to send money on his own.

Our bill would provide relief to her and many other families. Child support touches the lives of nearly one in four children across America, securing financial support for almost 18 million children—including a million and a half children in Texas—and it's played an important role in keeping children out of poverty. Without its support, roughly half a million children would have fallen into poverty in 2010.

This bill recognizes the general premise that both parents are responsible for their children.

It would respond to another Texas mother who wrote the same office:

My ex-husband has been working for an international company for nearly 6 years. His income the first year was \$100,000. To date, after taxes, he's clearing over \$8,000 monthly. Per our court order, I'm only receiving \$260 a month, which is now currently on hold. So therefore I'm not receiving any funds from my child support at all. Please help me. I'm making less money since I switched from the night shift to days to be home with my two children. I keep making necessary sacrifices, but I have no one to help me.

That's the kind of individual, the kind of children that would be assisted by this legislation. Passing the act would access financial support from a noncustodial parent living abroad. As with other effective child support initiatives, taxpayers will benefit by not being saddled with the cost of supporting children whose parents should be doing so.

The Congressional Budget Office has estimated that this bill will result in some modest net savings to the child support program. Child support advocates, as Mr. BERG indicated, along with the American Bar Association, the Conference of State Court Administrators, the Conference of Chief Justices, and the National Center for State Courts have all endorsed this legislation. It is truly a bipartisan effort that improves the well-being of many children by ensuring that their parents abroad continue to fulfill their obligations here at home in the United States to their children.

I urge approval of this bill, and I yield back the balance of my time.

Mr. BERG. Again, this legislation will help families, and most importantly, children—help them receive the financial services they need, regardless of where they live or where their parents live. I appreciate the comments of our subcommittee ranking member who has joined me here today on the floor in support of this bill, and I look forward to continuing to work with him as we improve the child support enforcement program.

I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COM-
MITTEE ON THE JUDICIARY, WASH-
INGTON, DC, MAY 18, 2012.

Hon. DAVE CAMP,

*Chairman, Committee on Ways and Means, 1102
Longworth House Office Building, Wash-
ington, DC.*

DEAR CHAIRMAN CAMP, reference is made to H.R. 4282, the "International Child Support Recovery Improvement Act of 2012," with respect to which the Committee on the Judiciary received a referral. I understand that the bill may soon proceed to consideration by the full House. As a result of your having consulted with the Judiciary Committee concerning provisions of the bill that fall within our Rule X jurisdiction, and your agreement to call up an amended version of the bill that is consistent with our mutual understanding with respect to those provisions, I to agree to discharge the Committee on the Judiciary from further consideration of the bill so that the bill may proceed expeditiously to the House Floor.

The Judiciary Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 4282 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 4282, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

LAMAR SMITH
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COM-
MITTEE ON WAYS AND MEANS,
WASHINGTON, DC, MAY 23, 2012.

Hon. LAMAR SMITH,

*Chairman, Committee on the Judiciary, 2138
Rayburn House Office Building, Wash-
ington, DC.*

DEAR CHAIRMAN SMITH, thank you for your letter regarding H.R. 4282, the "International Child Support Recovery Improvement Act of 2012," which the Committee on Ways and Means anticipates may soon proceed to consideration by the full House.

As introduced, H.R. 4282 contained two provisions (sections 2 and 4) that formed the basis of an additional referral of the bill to your committee. I am most appreciative of your decision to discharge the Committee on the Judiciary from further consideration of H.R. 4282, as amended, so that it may proceed to the House floor. I acknowledge that, although you are waiving formal consideration of the bill, the Committee on the Judiciary is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill, including sections 2 and 4 of the bill as amended, which fall within your Rule X jurisdiction. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I will be pleased to include a copy of this letter, as well as your letter dated

May 18, 2012, in the Congressional Record during floor consideration of H.R. 4282.

DAVE CAMP,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. BERG) that the House suspend the rules and pass the bill, H.R. 4282, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. BERG). Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

Will the gentleman from Texas (Mr. POE) kindly resume the chair.

□ 1936

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. POE of Texas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, an amendment offered by the gentleman from Utah (Mr. MATHESON) had been disposed of and the bill had been read through page 56, line 24.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I rise to offer an amendment as the designee of Congressman MCINTYRE of North Carolina.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used to plan for the termination of periodic nourishment for any water resource development project described in section 156 of the Water Resources Development Act of 1976 (Public Law 94-587), as amended by the Water Resources Development Act of 1986 (Public Law 99-662).

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. I rise today on behalf of the esteemed gentleman from North Carolina, Representative MIKE MCINTYRE, who represents a district inclusive of the southeastern coast of North Carolina. Congressman MCINTYRE is, unfortunately, unable to come to the floor tonight, so I rise on his behalf to offer the following amendment.

This amendment will prevent the Army Corps of Engineers from using funds to terminate or plan to terminate any 50-year coastal storm damage reduction project. The language in this amendment will give Congress and the Corps needed time to determine proper evaluation procedures.

Coastal storm damage reduction projects were created by Congress to keep coastal communities safe and, over time, to save taxpayer dollars from repeated damage costs. These projects involve Federal-State partnerships where the communities assume the Federal Government will meet the commitment we have established through the Army Corps of Engineers.

Obviously, coastal regions across our country have varying needs. The Seventh Congressional District of North Carolina is coastally different than Ohio's Ninth Congressional District along Lake Erie, which I represent. But the more than 100 miles of Ohio coastline that are in the Ninth District have seen important improvements for flood protection and shoreline improvement installations over the years that have proven themselves to be cost effective. In particular, two of these in Point Place and Maumee Bay have both performed better than even the Army Corps of Engineers analysis originally predicted. As a result of these completed projects, coastal communities in our region have been protected from costly and previously unmanageable storm water damage.

In today's energy and water legislation, I ask on behalf of Mr. MCINTYRE and myself that Congress give communities affected by this amendment the same chance. On behalf of Congressman MCINTYRE, I appreciate the respected chairman and ranking member of the Energy and Water Subcommittee, Mr. FRELINGHUYSEN and Mr. VISCLOSKEY, for their willingness to work collaboratively on these issues. These projects are proven successes, and the demonstrated need warrants a continuation of these cost-conscious investments that improve the safety of our coastal communities.

I yield back the balance of my time.

□ 1940

The Acting CHAIR. Does any Member seek time in opposition?

The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment on behalf of the gentleman from California (Mr. DENHAM).

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement section 10011(b) of Public Law 111-11.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. This amendment has been adopted by the House twice unanimously, and so I urge the passage of the amendment.

I yield back the balance of my time. Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I support the amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I do rise today in opposition to the amendment offered by my colleague from Alaska on behalf of the gentleman from California.

In 2009, the Congress ratified the San Joaquin Settlement Act, which ended 18 years of litigation in the Central Valley of California over water. The agreement was supported by the Bush administration and California's then-Republican Governor Schwarzenegger. The Federal authorizing legislation was initially cosponsored by Congressman Pombo in the House and Senator FEINSTEIN in the Senate.

If the amendment that has been offered were adopted, I believe we would be undermining the San Joaquin River agreement, which, if it were to stand, would land this case back in court. If the court is forced to take over river restoration, the Friant water users would be at risk of losing the 20 years of water supply certainty provided by the settlement.

By blocking funding for efforts to restore salmon, the Denham amendment offered by Mr. YOUNG would potentially end the broadly supported and bipartisan effort to restore the San Joaquin River while also improving water sup-

ply management, flood protections, and water quality. Therefore, I do insist on objecting to the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), and the amount otherwise appropriated by this Act for "Title 17 Innovative Technology Loan Guarantee Program" is hereby reduced by \$33,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is now known as the section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts \$33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it saves the project money. But it also puts the taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That's not my assessment; it's the assessment of Kevin Marsh, the president of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors:

We're confident in our ability to finance this project without a loan guarantee.

This program stands to give him and his project, which could be in the \$8 billion to \$11 billion range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear plant called Vogtle. That loan guarantee is for \$8.3 billion. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times the size. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving the taxpayers with the price tag. Well, Vogtle already has \$913 million in cost overruns, and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant project. Construction cost overruns are the rule, not the exception.

Maybe that's why the CBO had this to say about nuclear loan guarantees:

CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent.

Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially: that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the NRC, cautioned that nuclear plants will not move off the blackboard and into construction, not as long as natural gas remains as cheap and plentiful as it is today.

Nuclear power is not the only recipient of government largess under the section 1703 loan guarantee. Even if you are a nuclear power plant supporter, there are plenty of other boondoggles that are covered by this program that I don't have time to go into. That's why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups, including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over \$500 million—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It's for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars in subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they'll get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There's a little something for everyone with this amendment. I urge my

colleagues to support it, and I yield back the balance of my time.

My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is known as the Section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts \$33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it saves the project money. But it also puts taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That is not my assessment. That is the assessment of Kevin B. Marsh, the President of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors, "[W]e are confident in our ability to finance this project without loan guarantee . . ." This program stands to give him and his project, which could be in the 8–11 billion dollar range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear power plant called Vogtle. That loan guarantee is for 8.33 billion dollars. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times as big. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving you and me with the price tag. Well, Vogtle already has \$913 million in cost overruns and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant project. Construction cost overruns are the rule, not the exception.

Maybe that is why the Congressional Budget Office had this to say about nuclear loan guarantees; "CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent." Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially; that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the Nuclear Regulatory Commission, cautioned that nuclear plants will not "move off the blackboard and into construction Not as long as natural gas remains as cheap and plentiful as it is today."

Nuclear power is not the only recipient of government largesse under the section 1703 loan guarantee program. Even if you are a nuclear power supporter, there are plenty of other boondoggles covered by this program that I don't have time to go into.

That is why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over 500 million dollars—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It is for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars of subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they will also get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There is a little something for everyone here. I urge my colleagues to support the Kucinich amendment.

POTENTIAL QUESTIONS

You are targeting nuclear loan guarantees. This is an anti-nuclear amendment.

The Section 1703 loan guarantees will be awarded to a range of energy projects, including some which I wholeheartedly support like renewable energy. I firmly believe that renewables deserve to have aggressive subsidies to help them compete with the fuels of yesterday that have been so heavily subsidized for decades. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed concern that the free market should reign. This program does the opposite.

This is an anti-renewable amendment,

This is a 32 billion dollar loan guarantee program, of which only between 1.2 billion and 4 billion dollars is dedicated to renewables. The rest goes to unsustainable energy. Still, I don't take the renewable money lightly. I am a major supporter of the solar industry. In fact, I think the rapid and full throated deployment of solar energy should be one of our top priorities in Congress. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed

concern that the free market should reign. This program does the opposite.

This is a limitation amendment so you will not save a half billion dollars.

We will not save the half billion all in one year. But if we hit the pause button on this program to consider it a little more carefully, we won't spend any of that money this year.

Nuclear is viable/a good investment/financially sustainable.

In reaction to Southern Company's investment in new nuclear reactors in 2010, Moody's downgraded its rating of Southern Company's.

The Economist magazine declared in its March 10th issue that nuclear power is "the dream that failed"; the plants are too costly and uncompetitive with alternatives.

How will this amendment work?

The CBO determined that budget authority would be increased by this amendment because administrative revenue from the loan guarantee recipients to the Department of Energy would be foregone. CBO estimated that amount to be \$33 million. My amendment offsets that cost to the federal government by cutting administrative expenses dedicated to running the program this amendment would suspend.

What kind of energy is covered in the loan guarantees?

\$18.5 billion for nuclear power plants.

\$4 billion for uranium enrichment plants.

\$8 billion for non-nuclear technologies; probably coal.

\$2 billion for unspecified projects.

\$1.183—\$3.0 billion for renewable energy and energy efficiency.

TAXPAYERS FOR COMMONSENSE ACTION,

June 5, 2012.

DEAR REPRESENTATIVE: Together we urge you support the amendment offered by Reps. Kucinich (D OH) and McClintock (R CA) amendment to stop the Department of Energy (DOE) Loan Guarantee Program from issuing any new loan guarantees in FY 2013. Created in Title 17 of the 2005 Energy Policy Act, the DOE Loan Guarantee Program has received increased scrutiny with the recent default of a loan guarantee to the solar start-up company, Solyndra. Taxpayers stand to lose \$500 million on the failed solar project and billions more could be lost if the program continues in its current form.

The Government Accountability Office (GAO), the DOE Inspector General, and many others have been critical of the existing loan guarantee effort. Recently the GAO found that DOE could not even provide comprehensive information on the current loan guarantee applicants and commitments, and a recent review commissioned by the White House found the program was not proactively protecting the taxpayer or providing for a reasonable prospect of repayment.

A recent audit of the Loan Guarantee Program by the Office of the Inspector General found that the program, "could not always readily demonstrate . . . how it resolved or mitigated relevant risks prior to granting loan guarantees." This creates serious concern for taxpayers that the financial terms of the loans are not being judiciously decided. Furthermore, loan guarantees provided under Title 17 guarantee 100% of a loan for up to 80% of the project cost—leaving taxpayers to shoulder far too much of the project risk. Adding insult to injury, the little protection taxpayers did have in the

event of project default was undermined in 2009 when DOE weakened the original statute.

With hundreds of billions in bailouts already on the shoulders of US taxpayers, the country cannot afford to continue a program that could easily become a black hole for tens of billions in new defaults. We urge you to support the Kucinich-McClintock amendment to stop new loan guarantees from the troubled DOE Loan Guarantee Program!

Sincerely,

TAXPAYERS FOR
COMMONSENSE ACTION,
NATIONAL TAXPAYERS
UNION,
AMERICANS FOR
PROSPERITY,
FRIENDS OF THE EARTH,
NONPROLIFERATION POLICY
EDUCATION CENTER,
COMPETITIVE ENTERPRISE
INSTITUTE,
FREEDOM ACTION,
PHYSICIANS FOR SOCIAL
RESPONSIBILITY.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

□ 1950

Mr. FRELINGHUYSEN. Mr. Chairman, I strongly oppose this amendment. It would put in jeopardy thousands of jobs in our energy sector. The types of projects it would jeopardize are entirely different than Solyndra. If the Member wants to reduce the risk of losing taxpayers' dollars, he should look towards the 1705 program, which has already lost over half a billion dollars to risky loans.

This may be a convenient attempt to paint some of these potential loan guarantees with a Solyndra brush, but it just doesn't wash. The companies requesting these loan guarantees are not startups with shaky financial records, but neither are they large enough to have enough capital to fully pay for such massive projects. The loan guarantees help them leverage their capital in a reasonable manner to ensure that the benefits of these technologies can be shared by millions of Americans.

I urge Members to vote "no" on this amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would simply also state my objection to the gentleman's amendment.

I appreciate the concerns he expressed, especially for those projects that may not make economic sense. If in those cases the gentleman is correct, there should be no loan guarantee offered. Having said that, for those programs that are in the queue that are under consideration that make sense and move our energy policy forward,

we ought not to prohibit them from doing so by passing this amendment this evening.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act may be used to provide new loan guarantees or loan guarantee commitments under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16515).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, since 2009, the Department of Energy has used title 17, and specifically 1705—section 1705—to create a government-run venture capital firm using taxpayers' hard-earned funds. Unfortunately, in this zero-sum game being played and led by this administration, American taxpayers have continually ended up on the short end of the stick as we have watched companies like Solyndra, Beacon Power, and others lose hundreds of millions of taxpayer dollars.

Through section 1705, DOE has closed transactions that guarantee approximately \$16.15 billion of loans for renewable-energy projects through a policy of acceleration implemented by Secretary Chu.

With 82 percent of all funding within section 1705 going to solar projects, it appears that even in the field of renewable energy this administration has a very aggressive policy of picking winners and losers.

Throughout the program, there have been countless red flags raised by career DOE staff about the financial viability of firms looking for taxpayer funding, as was the case with Solyndra. Many of us have been around solar power for years. We have watched it go through many stages of development; And while many of these companies have great ideas, they are just not ready for prime time.

The high level of frustration with the loan guarantee program is not only

being felt by taxpayers, but by companies who have also tried to go through the loan guarantee process. This amendment should send a clear signal to the Senate, to DOE, and to the administration that we have truly grown ill and fatigued with the mismanagement of the loan guarantee program and that we do not want any funding put into section 1705 in fiscal year 2013 through the appropriations or through any other vehicle.

I ask my colleagues for their support as we close the door on the Solyndra debacle.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mrs. BLACKBURN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We are prepared to accept her amendment.

Mrs. BLACKBURN. I thank the chairman for the acceptance, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mrs. BLACKBURN. I want to thank the committee for its hard work in identifying ways to cut spending in this appropriations. The fiscal year 2013 proposed funding level is \$32.1 billion. Now, that is \$965 million below the President's budget request. But, Mr. Chairman, there is a lot more that can be done; and thereby I again am making the request that we make an additional 1 percent across-the-board spending reduction which will save taxpayers an additional \$321 million.

Now, I am fully aware that as I come with these amendments for each of our appropriations bills, I hear about how these cuts are too deep, they are going to have too far of a reach, they are damaging our national security, they are going to cut things that are important to our life and our property. And imagine that—we are asking the bureaucracy to go in and shave one penny out of a dollar—one additional penny out of a dollar—in order to help put our Nation back on a track to fiscal sanity.

As I've said before, across-the-board spending cuts effectively control the

growth and the cost of the Federal Government. They not only give agencies flexibility to determine which expenses are necessary; but, more importantly, they do not pick winners and losers. Not only do I support the use of across-the-board spending cuts, but so does former Governor Mitt Romney, Governor Chris Christie, Governor Rick Perry, Governor Mitch Daniels, Governor Brian Schweitzer, and Governor Christine Gregoire, just to name a few of the Nation's chief executives of their States.

In the chairman's own State of New Jersey, I would like to point out Governor Christie's statement. Now, this was November 7, 2010 on "Meet the Press." Governor Christie said:

In New Jersey what we did was we cut spending in every department, a 9 percent cut in real spending, not projected spending, real spending year over year.

That is because these work. And Indiana Governor Mitch Daniels took the State's 2-year budget. He enacted that budget in June, and he cut most agency spending by 10 percent from the previous budget.

□ 2000

And we hear about Indiana being on the road to fiscal health.

Then former Governor Mitt Romney has said, as President, Mitt Romney will send Congress a bill on day one that cuts nonsecurity discretionary spending by 5 percent across the board.

Governor Rick Perry, starting in January 2010, we asked them to identify 5 percent savings in the 2010 11 biennium, and 10 percent for the '12 and '13 biennium. The point, Mr. Chairman, it works. Across-the-board cuts work. We know that. The Governors know it.

The American people have really grown so tired of this wasteful Washington out-of-control spending. They want to see cuts made. Let's do this for our children and grandchildren. Let's cut one penny out of every dollar and have the bureaucracy do exactly what our small businesses are doing every single day—sitting down, making cuts, figuring out how they're going to handle very difficult economic times.

I ask for the support.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise to seek time in opposition, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to this amendment. Our bill already cuts \$1 billion from the President's request. We're below 2009 levels. While difficult trade-offs had to be made, the bill, in its current form, balances our needs. We prioritize funding for essential activities and cut out new spending on poorly performing programs. Yet the gentelady's amendment proposes an across-the-board cut on every one of these programs.

With all due respect, and she's extremely knowledgeable, that's not the way that Governor Christie does it in New Jersey. He takes a look at each program, considers its merit, considers whether it's a proper investment in infrastructure, whether it will promote jobs.

And yet unlike, perhaps, the State budget, we're responsible for nuclear security, for our nuclear stockpile, national security needs.

This is not the way to approach budget cutting. I urge the committee and the House to reject this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I want to add my voice to the chairman's in opposition.

The gentlewoman talked about a 1 percent cut. I would point out that several years ago this Nation spent more money on water projects in one city than we did on every water project in the United States of America. The city was New Orleans, because we didn't make the proper investment up front.

I don't think we should risk losing one life. And I would acknowledge that we have already reduced the Corps' budget from existing year level by \$216 million.

We have at least a third of the harbors in this Nation that are not dredged to depth. Every time a ship comes in or leaves that is not fully loaded, there is a job that is lost, one job or more. There is \$1 of profit for that shipper, for that company, or more that is lost. Those are the numbers I'm worried about.

I strongly oppose the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 56, after line 24, insert the following new section:

SEC. 510. None of the funds made available by this Act for "Department of Energy; Energy Programs; Science" may be used in con-

travention of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I hope that my appreciation to the ranking member and the chairman is evidenced by hoping to offer an amendment that is a reflection of the time that I served on the Science Committee for 12 years, and now almost a decade plus on Homeland Security.

When we speak about jobs, we understand that jobs are equated to education, and the education that is the key of today in the 21st century is science, technology, engineering, and math.

I had the privilege of participating in one of the largest robotic competitions among students from around the world, hosted in Houston, Texas, sponsored by the Harmony School. It was amazing, Mr. Chairman, to see the outstanding and talented young people, particularly from the United States, but hosting individuals from around the world. The camaraderie, the collegiality around not war but peace and how to use science, technology, engineering, and math to improve the quality of life of all who live in this world was amazing.

But more importantly, as we look to America and the creation of jobs, we must create a new generation of inventors knowledgeable about science, technology, engineering, and math similar to what NASA did in inspiring young people to go into physics, biology, chemistry, and a variety of sciences, all desiring to be to be astronauts, many of whom became medical doctors.

Now, as we begin to look at regaining our manufacturing prowess, science, technology, engineering, and math are key. The United States economic base has shifted from the manufacturing of durable goods to processing and analyzing information.

In this information-driven economy, the most valuable assets are human resources in science, technology, engineering, and math. But, in addition, manufacturing can be bolstered by science, technology, engineering, and math. It is so important, then, to ensure that we prepare the next generation.

This amendment is simply a restatement and an affirmation of the importance of the fact of the Department of Energy energy programs, science, and that we reinforce the value of these programs. I have seen it firsthand. I am promoting, and many Members as well, science, technology, engineering, and math in their particular communities.

The National Assessment of Educational Progress, the Nation's education report card, shows that fewer

than 40 percent of students at every grade level tested are proficient in math and science. In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering.

So I ask my colleagues to just reinforce our commitment to job creation; to science, technology, engineering, and math; to inventiveness; to world peace; to the collaboration of young people in this generation moving forward to make a better quality of life for all who are in this world.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Ms. JACKSON LEE of Texas. I would be happy to yield to the gentleman.

Mr. FRELINGHUYSEN. We are prepared to accept your amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much, and I thank the committee for its work.

I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment will protect funds provided for Science under Title III of the Department of Energy's Energy Programs. This amendment addresses the need to increase programs that educate minorities in science, technology, engineering and mathematics (STEM), as well as, the need to train teachers and scientists in advanced scientific and technical practices.

As a former Member of the Committee on Science, Space, and Technology, I recognize the importance of developing a highly skilled technical workforce. Over the last 50 years, there have been major changes in the United States in terms of both the economy and the population.

The economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable assets are human resources. Therefore, in order to compete successfully in the global economy, the U.S. needs citizens who are literate in terms of science and mathematics, and a STEM workforce that is well educated and well trained (Friedman 2005, National Academy of Sciences 2005, Pearson 2005). Consequently, we cannot—literally or figuratively—afford to squander its human resources; it is imperative that we develop and nurture the talent of all its citizens.

The jobs of tomorrow will require workers who possess strong advanced science, engineering and math backgrounds. Other countries are training and educating their citizens in these areas and we must do the same. By investing in the scientific advancement of our workforce and our youth, we are investing in our future . . . we are investing in job creation . . . we are investing in greater job opportunities for Americans. This investment is the only way to address the increasing knowledge gap between our nation's workforce and those of our international counterparts. We must invest in our citizens. My amendment will ensure the funds that have been made available will be utilized for that purpose.

PROGRAM 1: WORK FORCE AND DEVELOPMENT PROGRAMS FOR TEACHERS AND SCIENTISTS

The work force and development program for teachers and scientists is vital to ensure that we have an adequate amount of properly educated and trained teachers and scientists. Under H.R. 2354, workforce development for teachers and scientists is funded at \$17,849,000, which is \$4,751,000 below the fiscal year 2011 level, which is a devastating \$17,751,000 below the President's requested amount. This is a draconian cut which will have drastic effects on an already struggling workforce. My amendment would ensure that the amount provided to this program would remain intact.

The workforce development program for teachers and scientists provides funding to graduate fellowship programs which train and develop our Nation's top scientists, engineers, and teachers. These individuals go on to become researchers and innovators—contributing to American business and, moreover, the U.S. economy. Fellowship programs like these are exactly what our country needs in order to develop a highly skilled technical workforce.

As we have heard time and time again in many different contexts, our country suffers from a shortage of scientists and engineers. Moreover, our country is dealing with a lack of qualified instructors, at all levels—elementary, secondary, and post-secondary—to teach STEM subjects—science, technology, engineering, and mathematics.

The United States faces a critical shortage of highly qualified mathematics and science teachers, we will need an additional 283,000 teachers in secondary school settings by 2015 to meet the needs of our Nation's students. This qualified teacher shortage is particularly pronounced in low-income, urban school districts. As BHEF reported in *A Commitment to America's Future: Responding to the Crisis in Mathematics and Science Education*, high teacher turnover in conjunction with increasing student enrollment and lower student-to-teacher ratios will cause annual increases in the mathematics and science teacher shortage culminating in a 283,000-person shortage by 2015.

Fewer American students than ever are graduating from college with math and science degrees. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

The problem is systemic. According to the National Center for Education Statistics, about 30% of fourth graders and 20% of eighth graders cannot perform basic mathematical computations. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

To be sure, in order to train and develop the amount of scientists, educators, and teachers of STEM subjects that our country needs, we would really need more of these graduate fellowship programs. As reflected in the budgetary request, which H.R. 5325 fails to meet, an increased number of graduate fellowships would be ideal to invest in our future.

At the very least, we would want to keep the same amount of graduate fellowships available. Unfortunately, the proposed amount appropriated to these programs under H.R. 2354 ignores the current shortage of scientists and teachers, and irresponsibly ignores our future by providing for a lesser amount of graduate fellowships.

PROGRAM 2: SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM)

I have long recognized the need to improve the participation and performance of America's students in Science, Technology, and Engineering and Math (STEM) fields.

Traditionally, our Nation recruited its STEM workforce from a relatively homogenous talent pool consisting largely of non-Hispanic White males. However, this pool has decreased significantly due not only to comprising an increasingly smaller proportion of the total U.S. population but also to declining interest among this group in pursuing careers in STEM.

It is important to note that the need to improve the participation of underrepresented groups—especially underrepresented racial/ethnic groups—in STEM is not solely driven by demographics and supply-side considerations; an even more important driver is that STEM workers from a variety of backgrounds improve and enhance the quality of science insofar as they are likely to bring a variety of new perspectives to bear on the STEM enterprise—in terms of both research and application (Best 2004; Jackson 2003; Leggon and Malcom 1994).

The current state of STEM education is deplorable. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

These numbers are discouraging, but the statistics on minority students in the STEM fields are even more alarming. In 2004, African American and Hispanic students were among the least likely groups to take advanced math and science courses in high school. Even as African Americans, Hispanics, and Native Americans comprise an increasingly large portion on the population, they continue to be underrepresented in the science and engineering disciplines. Together, these three groups account for over 25% of the population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields. This fact directly contributes to the unacceptable underrepresentation of African American and Hispanics in the STEM workforce. If we choose to continue to ignore this problem, we are not only short-changing our students' success, we will be giving up on our nation's future.

Many school districts across the nation have begun to recognize this problem and work towards a strategic solution. In my home district for example, several public schools and charter schools have started to allocate funds towards programs aimed at increasing STEM performance.

For example the Harmony Science Academy in Houston devotes an impressive amount of time and resources towards educating the city's youth in the sciences. Small class sizes, high expectations for students, and well-qualified teachers helped this school make it to Newsweek magazine's list of best high schools in America. Harmony Science Academy is a success story we can all be proud of. Unfortunately, schools like this are the exception and not the rule.

In many school districts there simply are not enough resources available to make our children science and math literate. There is a shortage of qualified teachers, many classes are woefully overcrowded and some schools just cannot afford the materials and books that students need in order to master basic math and science concepts. I cannot stand idly by while we fail to give our children the educational tools they need to succeed in life and gain employment.

This amendment recognizes the importance of equipping young minds with the technological and scientific knowledge necessary to compete in a globalized economy. Further, within the context of globalization, I strongly believe that this country's ability to achieve and maintain a high standard of living is dependent on the extent to which it can harness science and technology. Thus, in order to enhance the international competitiveness of the country, it is critical for us to promote and support students pursuing careers in STEM fields.

Mr. Chair, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation.

The establishment and maintenance of a capable scientific and technological workforce remains an important facet of U.S. efforts to maintain economic competitiveness. Pre-college instruction in mathematics and scientific fields is crucial to the development of U.S. scientific and technological personnel, as well as our overall scientific literacy as a nation. The value of education in science and mathematics is not limited to those students pursuing a degree in one of these fields, and even students pursuing nonscientific and non-mathematical fields are likely to require basic knowledge in these subjects.

Mr. Chair, the United States has a great history of scientific innovation. From Ben Franklin to NASA to Silicon Valley, the success and competitiveness of America has always depended on the knowledge and skills in the STEM fields. Funding my amendment today will help ensure that the American legacies of intelligence, innovation, and invention continue. Today I urge my colleagues to support this amendment and invest in America's future.

FAST FACTS ON STEM—LIMITATION AMENDMENT

The Importance of STEM fields to the U.S. economy:

The U.S. economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable as-

sets are human resources in science, technology, engineering, and mathematics fields.

In 2005, the National Academy of Sciences published a report entitled "Rising Above the Gathering Storm," which estimated that in the United States innovations generated by the Science, Technology, Engineering, and Mathematics (STEM) fields account for nearly half of the growth in gross domestic product.

More than 3 million job openings in STEM related fields will be created by 2018 that will require a bachelor's degree or higher (Georgetown Center on Education and the Workforce).

The Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4% from 2004 to 2014, which is significantly higher than the projected growth of 13% in all other occupations during the same time period.

The Crisis in STEM education:

The National Assessment of Educational Progress (NAEP)—the Nation's education report card—shows that fewer than forty percent of students, at every grade level tested, are proficient in math and science.

In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy.

At our current rate, the United States falls short of project workforce needs in the STEM fields by more than a million workers (National Science Foundation).

Underrepresentation of Minorities and Women in STEM fields:

Recent statistics provided by the Engineering Workforce Commission indicate a large disparity in STEM education between men and women, and between minorities and Caucasians.

African American and Hispanic students were among the least likely groups to take advanced math and science courses in high school.

Together, these three groups account for over 25% of the total U.S. population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

The Acting CHAIR. Pursuant to the order of the House of today, the gen-

tleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year the United States was pummeled by severe weather that destroyed land, homes, businesses, and even lives. Families living along the Missouri River endured another year of significant flooding that left them physically and economically underwater.

In the first half of 2012 alone, millions of American tax dollars have gone toward environmental restoration and recovery programs, while maintenance of our Nation's infrastructure has been neglected.

President Obama, in his fiscal year 2013 budget, requested more than \$90 million for the Missouri River Recovery Program, which would primarily go toward the funding of environmental restoration studies and projects.

□ 2010

This figure should alarm all of my colleagues.

In fiscal year 2012, the President requested \$70 million for this program. These are staggering increases from the \$50 million request that was seen in fiscal year 2008, and the Corps has little to show for its increased spending. Moreover, the fiscal year 2013 request dwarfs the insufficient \$7.8 million requested for the entire Bank Stabilization and Navigation Program from Sioux City to the mouth of the Missouri.

I do not take for granted the importance of river ecosystems. I grew up along the Missouri River, as did so many of the people I represent. Yet, we have reached a point in our Nation at which we value the welfare of fish and birds more than the welfare of our fellow human beings. Our priorities are backwards, Mr. Chairman.

This exact amendment passed by voice vote during the fiscal year 2012 appropriations consideration. It is supported by the American Waterways Operators, the Coalition to Protect the Missouri River, the Missouri and Illinois Farm Bureaus, and the Missouri and Iowa Corn Growers Associations, which propose a prohibition of funding for the Missouri River Ecosystem Restoration Plan, or MRERP.

By the way, the end of the study will in no way jeopardize the Corps' ability to meet the requirements of the Endangered Species Act. MRERP is one of no fewer than 70 environmental and ecological studies focused on the Missouri River. The people who have had to foot the bill for these studies, many which take years to complete and are ultimately inconclusive, are the very people who last year lost their farms, their businesses, and their homes.

This amendment will eliminate a study that has become little more than

a tool of the administration's and environmentalists for the promotion of the return of the river to its most natural state with little regard for flood control, navigation, trade, power generation, or the people who depend on the Missouri River for their livelihoods.

Our vote today will also show our constituents that this Congress is aware of the gross disparity between the funding for environmental efforts and the funding for the protection of our citizens. During the debate on fiscal year 2012 appropriations, the House passed by voice vote this exact language, which was ultimately signed into law by President Obama.

It is time for Congress to take a serious look at water development funding priorities, and it is time to send a message to the Federal entities that manage our waterways. I urge my colleagues to support this amendment and to support our Nation's river communities.

I yield back the balance of my time.

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the WRDA bill 2007, which was passed with much bipartisan support, so much so that it overcame a Presidential veto, authorized the Corps to undertake the Missouri River Ecosystem Restoration Plan and to develop the Missouri River Recovery Implementation Committee to consult on the study. This authority provided a venue for collaboration between the 70 stakeholder groups of tribes, States, public interest groups, and Federal agencies to develop a shared vision and comprehensive plan for the restoration of the Missouri River ecosystem.

At this time, by prohibiting the Corps from expending any 2013 funds on the study and the committee, we would continue to delay that start. I believe this would be very shortsighted and would lead to a further erosion of trust in the delicate partnership in the basin. While the Corps will continue to comply with Endangered Species' requirements through other activities, I believe there is a role for a long-term plan for this basin. Again, I would urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. BERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. For an additional amount for "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy", as authorized by sections 131(c)(4), 131(d)(4), 135(j), 207(c), 229(d), 244(f), 246(d), 321(g)(2), 422(f), 439(e), 452(f)(1)(E), 495(d), 625(e), 641(p), 652(d), 655(k), 656(j), 703(b), 705(b)(4), 803(c), 805(e)(6), 807(c)(2), and 1303(c) of the Energy Independence and Security Act of 2007, sections 712(c) and 1008(f)(7)(A) of the Energy Policy Act of 2005, and section 399A(i) of the Energy Policy and Conservation Act, there is appropriated, and the amount otherwise made available for "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities" is hereby reduced by, \$10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. For a number of years, Mr. Chairman—and to my colleagues, again, I thank the chairman and ranking member—I practiced energy law in the State of Texas.

For a number of years, I worked with advocacy groups that were crying out for an energy policy in this Nation, one that would respect the assets that we've been blessed with in this country. Texas is blessed with a number of assets, particularly wind and solar, as it has fossil fuel, shale—opportunities to ensure that America remains independent in the quest for energy independence.

My amendment recognizes the holistic approach to energy. In recognizing the various resources that our State has and many other States, it is a very, very small contribution, but an important contribution, for the Energy Efficiency and Renewable Energy program.

Whenever you speak to the multinationals, I will assure you that all of them have within their companies an emphasis or a section on the Energy Efficiency and Renewable Energy program. This is an essential office that invests in clean energy technologies, an office that is created to strengthen our economy and protect our environment. It works well simultaneously along with the other very important programs in the U.S. Department of Energy.

Under H.R. 5325, this development program fosters research, providing to innovators the funds and resources they need to develop energy-efficient equipment that can be used at home, by the construction industry, and in the transportation market. The main

concept is that this can create jobs, that partnerships can create jobs. This program is designed to develop cost-efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders that utilize methods that result in the reduction of energy use during construction, as well as to manufacturers within the transportation industry who research and design energy-efficient vehicles.

I have had the privilege of going through energy-constructed homes. What a unique difference. Builders across America are crying out for the opportunity to experiment with these very special, unique tools. I would ask my colleagues to consider the job creation aspect of renewable energy and the role that it plays in a holistic energy policy. I ask my colleagues to support this amendment.

Mr. VISCLOSKY. Will the gentle lady yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I simply would voice my support for her amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, this amendment would risk our nuclear security activities in order to add unnecessary funding to energy efficiency and renewable energy programs.

Our bill preserves the funding for that account's highest priorities and those accounts that help advance American manufacturing and that help our companies compete globally and address soaring gas prices. Additional funding for Energy Efficiency and Renewable Energy is unwarranted, especially when it comes at the expense of national security. So I strongly urge my colleagues to vote against the gentleman's amendment.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I respect and thank the gentleman from Indiana very much, the ranking member, for his support of the amendment, and I thank him for his leadership.

I appreciate the chairman's commentary, but that is why I attempted to be very responsible and balanced.

□ 2020

This is a mere—though I take that word seriously—\$10 million. And let me tell you why it is enormously important. The U.S. Department of Energy report found that wind energy could

supply 20 percent of the Nation's electricity by 2030. We're fast approaching that, which could entail 300,000 megawatts of new wind-generating capacity.

There are States throughout the United States that would have a great opportunity for increased job creation and businesses around wind capacity. Again, a holistic approach to energy. Nearly \$20 billion will be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

As a member of the Homeland Security Committee overseeing the Homeland Security Department, I know we look at all aspects to secure our Nation. Energy independence, in spite of the fact of our diversity in resources, is extremely important. That's why I believe a holistic approach is crucial. This helps the holistic approach. As we continue in States that deal with fossil fuel, this is equally important. Thirty percent of energy in buildings is used inefficiently or unnecessarily. Ethanol is a clean renewable energy. It is helping to reduce our Nation's dependence on oil and offers a variety of economic, environment benefits.

Again, I'm not too unappreciative, if you will, of the diversity of energy in this country not to look at all aspects of it. And I do hope that we can have a holistic approach. I think this contributes to that holistic approach, taking into account all aspects of energy in a unified energy policy.

I ask my colleagues to support this amendment, and I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment provides to increase funds by \$10,000,000 for the Energy Efficiency and Renewable Energy Program.

The Energy Efficiency and Renewable Energy Program is an essential office that invests in clean energy technologies created to strengthen our economy and protect our environment.

Under H.R. 5325, this development program fosters research providing funds to innovators with the resource they need to develop energy efficient equipment that can be used at home, by the construction industry and in the transportation market.

This program is designed to develop cost efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders who utilize methods that results in the reduction of energy use during construction, as well as, manufactures within the transportation industry who research and design energy efficient vehicles.

Providing additional funding to this program today only advances research that may one day result in a significant decrease in our dependence on energy from foreign sources that are hostile to U.S. interest. In addition, this program will positively impact rising fuel prices affecting Americans across the country.

It is this research which will ultimately contribute to sustaining our economy by looking

for domestic solutions to energy concerns thus reducing foreign dependency on highly consumed substances such as oil. Likewise it provides incentives to businesses taking initiatives to conserving energy by creating tools directly effecting solar, wind and water energy. Programs like these are vital to the Americans, in order to develop a highly skilled technical workforce to address current energy issues that have generational effects on our families and our land.

FAST FACTS

The U.S. Department of Energy's Building Technologies Program reduced energy costs for consumers and businesses by billions of dollars, as well as associated energy use and emissions, through setting minimum energy performance standards for appliances and commercial equipment.

To date, every Federal dollar spent has resulted in an average of \$650 in net savings, and has also helped spur product innovation. As of 2010, consumers and businesses have saved \$15 billion per year, and this annual amount is expected to nearly double by 2025.

Buildings use more energy than any other sector of the U.S. economy, consuming more than 70 percent of electricity and over 50 percent of natural gas.

A U.S. Department of Energy (DOE) report found that the wind energy could supply 20 percent of the Nation's electricity by 2030, which would entail 300,000 megawatts (MW) of new wind generating capacity.

Nearly \$20 billion would be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

Thirty percent of energy in buildings is used inefficiently or unnecessarily.

Ethanol is a clean, renewable fuel. It is helping to reduce our Nation's dependence on oil and offers a variety of economic and environmental benefits. Today, on a life cycle basis, ethanol produced from corn results in about a 20 percent reduction in GHG emissions relative to gasoline. With improved efficiency and use of renewable energy, this reduction could be as much as 52 percent.

One hundred ten (110) manufacturers joining the Better Buildings, Better Plants Program to gain recognition and technical support from the U.S. Department of Energy (DOE). Demonstrated their commitment to energy savings by signing a voluntary pledge to reduce energy intensity by 25 percent over 10 years. These companies are implementing cost-effective energy efficiency improvements that reduce their bottom lines while enhancing U.S. competitiveness.

Household vehicle ownership has changed over the last six decades. In 1960, over 20 percent of households did not own a vehicle, but by 2010, that number fell to less than 10 percent. The number of households with three or more vehicles grew from 2 percent in 1960 to nearly 20 percent in 2010. Before 1990, the most common number of vehicles per household was one, but since 1990, the most common number of vehicles is two.

Starting in 1980, more than 50 percent of American households owned two or more vehicles.

The typical U.S. family spends at least \$2,000 a year on home utility bills. This amount can be lowered by up to 25 percent

by engaging in more efficient methods to save energy within the home.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111-8).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year, parts of the Missouri River basin faced some of the worst flooding in history. This devastation, combined with our dire financial climate and the aging waterways infrastructure, means that now, more than ever, we must be deliberative, focused, and responsible with taxpayer-funded projects and studies.

My amendment would prohibit funding for the duplicative Missouri River Authorized Purposes Study, also known as MRAPS. This amendment was passed by the House during both fiscal year 2011 and 2012 debates. MRAPS is a \$25 million earmark study that comes on the heels of a comprehensive \$35 million 17-year study completed in 2004.

Some may say that we need MRAPS to examine the causes and impacts of the 2011 flooding. That simply isn't the case. First and foremost, every member of the Missouri River basin is on record as supporting flood control as the most important authorized purpose. It's something that we take very seriously. The last thing we need is another 17-year, highly litigious study to tell us that flood control is important.

Thousands of Missouri River basin residents who lost their homes and businesses deserve action, not distraction. What we need to do is take legitimate steps that focus on protecting life and property and improving the safety and soundness of our flood-control system. It is also important to note that

there are many commercial advantages provided by our inland waterway system. The Missouri River plays an integral part in both domestic and international trade. MRAPS puts the uses of the Missouri and Mississippi Rivers in jeopardy, which could result in devastating consequences for navigation along both. That's why the Missouri waterways operators, the Coalition to Protect the Missouri River, the Missouri and Iowa Corn Growers Associations, and the Missouri and Illinois Farm Bureaus support this amendment.

This study is duplicative and wasteful of taxpayer dollars. On this exact issue, we've already spent 17 years and \$35 million on hundreds of public meetings and extensive litigation. Again, I offered identical language to the fiscal year 2011 continuing resolution. That amendment passed by a vote of 245 to 176. In the fiscal year 2012 debate, this exact amendment passed by a voice vote and was ultimately included in a package signed by the President. I appreciate my colleagues who offered their support and hope to have their support once again.

Mr. Chairman, there is no doubt in my mind that water resources receive too little funding. It is time for the Federal Government to refocus and reprioritize to create safer, more efficient infrastructure for our inland waterways and stop spending hard-earned taxpayer dollars unnecessarily.

I ask for my colleagues' support of this amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, my understanding is there is no money in the bill for this project, so I do not know why the gentleman is offering it. But I have no objection to it, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. BERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Department of Energy to require grant recipients to replace any lighting that does not meet or exceed the energy efficiency standard set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment that would protect universities, nonprofits, and businesses who receive Federal grants from having to implement the light bulb ban. Even though the Department of Energy has been prohibited from carrying out the light bulb ban by last year's Energy and Water appropriations bill, and will in this bill as well in section 316 of FY12 omnibus appropriations bill, it however included a requirement that recipients of all Department of Energy grants in excess of \$1 million certify that they will replace all light bulbs in their facilities that do not meet the energy-efficiency standards instituted by the 2007 energy bill.

This requirement was driven by the Senate. The House passed a DOE spending bill that did not include a similar provision or debate and vote on this significant requirement. This is a particularly burdensome provision that in some ways goes well beyond the actual light bulb ban that prohibits manufacture and sale of 100 watt bulbs, and beginning in July 2013, 75 watt bulbs.

Rather than allowing the DOE grantees to replace bulbs as they burn out, this requirement forces small businesses and universities across the country to immediately replace existing light bulbs. This makes absolutely no sense. This forces extra costs on grant recipients and effectively means funds otherwise intended for actual research activities must instead be dedicated to purchasing new light bulbs to replace perfectly functional ones. This amendment allows the House to explicitly go on record opposing this unnecessary and burdensome requirement.

I encourage my colleagues to support this commonsense amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from New Jersey.

□ 2030

Mr. FRELINGHUYSEN. I am pleased to support the gentleman's amendment.

Mr. CRAVAACK. I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I firmly believe that the issues that in-

spire Congress to enact energy efficiency standards in the Energy Policy and Conservation Act of 2007 have not changed and, if anything, they have gotten worse. Families continue to struggle every day to meet rising energy bills, and there are real savings to be had by moving to more efficient illumination.

However, if this bill is going to carry a provision prohibiting the Department of Energy from implementing and enforcing the light bulb efficiency standards, then it does not make much sense to hold DOE grant recipients to the standard.

I surmise that most recipients of DOE grants who tend to be pretty energy savvy have already made the transition to light bulbs and are enjoying their energy savings as we in the House rehash and debate the exaggerated doubt of the incandescent light bulb. However, I do not oppose the amendment of the gentleman from Minnesota.

I yield back the balance of my time

Mr. CRAVAACK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund described in section 9505(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, in the Transportation and Infrastructure Committee last year, Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, testified that the administration was preparing to expand the scope of projects eligible to receive Harbor Trust Fund monies. She alluded to the administration's interest in using the Harbor Trust Fund for port security, among other things.

While I support the funding of port security through appropriations, I oppose repurposing the Harbor Maintenance Trust Fund while our Nation's maritime infrastructure is in a state of disrepair. Eight out of 10 of the Nation's largest harbors are not dredged their authorized depths and widths.

Mr. Chairman, make no mistake: This has direct impact on American job

creation and prosperity. When American ships have to light load to clear the shallowest channel, American economic productivity is lost.

For instance, every inch silted in the American Laker Fleet collectively, per voyage, leaves 8,000 tons of Minnesota iron ore on the docks in Duluth. That's enough to produce over 6,000 cars.

Moreover, light loading causes increased transportation costs for our exports and decreases our national economic competitiveness. Every billion dollars in exports, Mr. Chairman, translates into 15,000 jobs.

We must, Mr. Chairman, ensure that the monies intended for dredging are not siphoned off for other programs. My amendment will prohibit monies from being used by the administration to develop a plan or draft legislation to expand the scope of projects eligible to receive Harbor Maintenance Trust Fund monies. American shippers are taxed specifically to maintain the channels they and our Nation depend on. It is imperative that we ensure that the Harbor Trust Fund monies be spent as they were intended, thereby ensuring American competitiveness and proliferation of American jobs.

I am thankful that the administration has dropped this misguided proposal in their budget proposal this year, but the only way to ensure that this doesn't return in a midnight rule is to prohibit the funding in this bill. I ask my colleagues to join me in supporting this amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, while I agree with the gentleman from Minnesota that the moneys from the Harbor Maintenance Trust Fund should not be diverted from their intended purpose of dredging, I do think it is an overreach for the legislative branch to prohibit the executive branch from even discussing the topic. I do think we are in a position where looking forward we ought to let other branches of government talk about ideas and concepts so that they can be debated by this body.

Additionally, though, we all know that any proposal put together by the executive branch to expand eligible activities under the Harbor Maintenance Trust Fund without first addressing the surplus and addressing backlog issues would not be considered in either House of Congress.

Again, I do not believe particularly that the amendment is necessary. That being said, I do not oppose its inclusion in the bill.

I yield back the balance of my time.

Mr. CRAVAACK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Maryland (Mr. HARRIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HARRIS. Mr. Chairman, this amendment would prohibit the use of funds for many of the international projects in the Office of Energy Efficiency and Renewable Energy—that's EERE—including the President's plan to spend \$600,000 on "sustainable cities" projects in China and India. My amendment is identical to one I offered last year that was successfully adopted by this Chamber.

I would also like to congratulate the chairman of the committee for his own action regarding this issue. The chairman's bill reduces funding for EERE by \$428 million from last year's level. He makes the hard choices required to address our country's deficit and spending problems.

This amendment supports language in the report that accompanied the FY 2012 appropriations bill. In that report, the chairman was able to retain much of last year's amendment by directing the DOE to only fund projects that directly benefit the United States, such as increasing American energy self-sufficiency, furthering United States research efforts or reducing domestic pollution.

Unfortunately, the Department of Energy is failing to follow these clear instructions. Instead, they are choosing to spend money in China and India on foreign sustainable cities projects, even as we borrow money from China to pay our national debt.

Mr. Chairman, we must take great care how we spend our constituents' paychecks. I don't believe these projects make the best use of hard-earned taxpayer money. There are greater needs that remain unmet and a massive Federal debt and annual deficit that continues to drag down our entire economy, as was demonstrated in today's Congressional Budget Office report. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Maryland. The amendment would essentially create an energy renewable program for the U.S.-Israel program by restricting the EERE international program from dealing with any other country.

I certainly am a supporter of the country of Israel, and Israel has a vibrant and cutting-edge clean energy industry, but I do not believe that we ought to limit this program to one country out of many, and think that it would be a mistake to put all of our international program eggs into a single basket.

This program, which directly supports the mission of the Department to advance the development and deployment of clean energy technologies, needs to be able to establish relationships with multiple partner countries in order to be effective.

□ 2040

The program's technical assistance activities help to prime markets for us for clean technologies in major emerging economies. The program can bring home lessons learned from others' experiences to share with national, State, and local authorities. The program can also promote U.S. national security and potentially reduce price volatility of fossil energy resources by decreasing the influence of oil-exporting countries and mitigating world demand for oil.

Again, this is an excellent program. I do not believe it ought to be simply limited to one country. I am opposed to the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. HARRIS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and

a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. The passage in this House back in 2007 of the Energy Independence and Security Act was something that has caused a great deal of difficulty across the country. I have heard from tens of thousands of my constituents on how that language will affect their lives and take away consumer choice for what kind of light bulbs they will use in their home. Mr. Chairman, they are exactly right.

When the government passed energy efficiency standards in other realms over the years, they never went as far as they did this time. They lowered standards drastically. It's now to a point where the technology is, honestly, years off in making light bulbs that are compliant with the law and actually affordable by the consumer.

Light bulb companies have talked about their new bulbs that are compliant with the existing law and that are available now, but at what price? A four-pack of 100-watt incandescent bulbs in my district cost \$2.97 at a hardware store last December 31. Now a single bulb will cost \$20, \$30, \$40—even \$50.

Opponents to my amendment say that the 2007 language does not ban the incandescent bulb. Well, that's partly true, but it bans the sale of the 100-watt incandescent bulb, and soon the 60-watt and 45-watt bulbs will follow suit because they cannot meet the energy standards supplied in the underlying legislation. The replacement bulbs are far from economically efficient, if indeed they are energy efficient.

But here's the deal. We shouldn't be making these decisions for the American people. Let them decide how much energy they want to consume and how many dollars they want to spend on kilowatt hours every month, not the Federal Government. A family living paycheck-to-paycheck can't afford to replace every bulb in their house at \$25 a pop, even if it will last them 20 years.

This exact amendment was passed last year on this appropriations bill by a voice vote. It was signed into law by President Obama. It allows consumers to continue to have a choice and a say as to what they put in their homes. It's common sense. Let's give some relief to American families, at least until replacement light bulbs can be marketed at a price that is reasonable.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I would point out to my colleagues that this debate is not about choice—or energy efficiency,

for that matter. It is about, from my perspective, endangering American jobs and, specifically, American manufacturing jobs.

We have a significant trade imbalance in this country. Given that American manufacturers have committed to following the law regardless of whether or not it is enforced, the only benefit to this amendment is to allow foreign manufacturers who may not feel a similar obligation to export non-compliant light bulbs that will not only harm the investments made by U.S. companies but place at risk U.S. manufacturing jobs associated with making compliant bulbs.

Further, I believe they represent a tax increase. It represents an equivalent of a \$100 tax on every American family—\$16 billion across the Nation—through increased energy costs.

The performance standards for light bulbs were established in the Energy Independence and Security Act of 2007. At that time, the bill, as I pointed out in an earlier portion of this debate, enjoyed such strong bipartisan support that we were able to override a Presidential veto of that act. As far as I'm aware, the issues that inspire this standard have not changed, and I would argue have gotten worse.

It is a common misunderstanding that the Energy Independence and Security Act bans the incandescent light bulb and requires people to have the limited choice of only a compact fluorescent bulb. This is not true. It simply requires that they be more efficient. And I do not see what the harm is in that.

Further, while claiming that the incandescent bulb is dead makes for a great sound bite, it does not reflect reality.

I am opposed to the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIPTON

Mr. TIPTON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to conduct a survey in which money is included or provided for the benefit of the responder.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TIPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TIPTON. Mr. Chairman, I rise today to offer an amendment aimed at

ending an egregious practice of wasting taxpayer dollars in this time of mounting Federal debt. This amendment specifically aims to eliminate the Federal Government's recent practice of sending out cash to encourage survey responses favorable to agency goals. I wholeheartedly agree with the general need for public input in our government, but the practice of sending out American taxpayer dollars to encourage public participation, or worse, to buy public support where it might otherwise be lacking, is a symbol of the lack of accountability and how out of touch our Federal Government has become.

For generations, the Bureau of Reclamation has served the Western United States well. Its dams, reservoirs, canals, and hydro-powered turbines have formed the backbone of our communities and provided abundant water and emission-free energy. This was all based on ratepayers paying for almost every cent of these projects at no expense to the taxpayers. Yet that mission is changing, and this couldn't be a better example of just how out of touch the agency has become under this administration.

At issue here is the so-called survey aimed at soliciting local, regional, and national input on the societal need to remove four privately owned dams on the Klamath River. The survey was mailed to 1,000 households in California, Oregon, and selected households in the rest of the Nation. Each of these households received a postcard telling them that the survey was coming. Then a large packet with the survey arrived. In each packet a cover letter, a postage paid return envelope, a survey, and a \$2 bill was included to entice the people to respond. That's \$22,000 of American taxpayers' money being spent.

To those who did not respond but kept the \$2 bill anyway, a Federal Express or priority mail package was sent out. This was sent to 1,245 people, out of which 286 responded.

□ 2050

Each of these 286 respondents was then given \$20, which means that \$5,720 of additional taxpayer dollars was spent, not including the cost of the FedEx or Priority Mail. Only the Federal Government would further reward people for not responding the first time.

Let's take a look at some of the responses that the Bureau of Reclamation published in a report earlier this year:

"Another waste of taxpayer money," one said.

"No wonder the U.S. is having money problems if the government has extra \$2 bills to mail out randomly," said another.

"Wow, what a waste of time. I have neither the time or interest in something I have not a clue about happening clear across the country. Sorry.

P.S. Thanks for the 2 bucks," yet another wrote.

In all fairness, there were some positive responses. But, I think this comment says it best:

"Send me no more. Thank you."

And that's what this amendment does, Mr. Chairman. It simply prohibits the Bureau of Reclamation and other agencies covered under the legislation from funding a survey in which money is included or provided for the benefit of the responder. It doesn't say that the Federal Government can't have public input or send out surveys, which is necessary to the process. It simply says no more giving away taxpayer dollars.

The above amounts may not seem a lot in this day of trillion-dollar budgets, but it is symbolic of the waste and abuse going on here.

To make matters worse, the Bureau of Reclamation has yet to fully answer and comply with a request made months ago by Natural Resources Chairman DOC HASTINGS and the Water and Power Subcommittee Chairman TOM MCCLINTOCK that is aimed at answering the rationale about the survey, the overall cost of this survey, and why taxpayer dollars were included. The American people deserve answers. They deserve transparency that apparently this administration will not give. In the interim, however, they deserve to know that their government will not be sending out their hard-earned tax dollars on a dam removal survey by an organization that was once dedicated to building dams.

I urge my colleagues to end this blatant waste of taxpayer fraud and abuse by supporting this amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I am happy to accept the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. TIPTON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TIPTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ The amounts otherwise provided by this Act are revised by reducing the amount made available for "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities", and increasing the amount made available for "Corps of Engineers—Civil—Department of the Army—Operation and Maintenance", by \$52,000,000.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I again ask my colleagues to support this amendment because anyone who has lived near a port understands what the Army Corps of Engineers is going through. We spend our time working with the Corps on this issue of dredging. In every port in the United States, millions of dollars are lost because of the inability of access and the difficulty of making sure that our Nation's ports are ready for the increase in business.

The Transportation Institute Center for Ports and Waterways indicated, analyzing the direct economic effects of channel restrictions and the loss of 1 foot of draft from the Houston ship channel, as an example, and the data was collected from the years 2008 and 2009, the study determined that a direct economic impact of the loss of 1 foot over 2 years amounts to \$373 million. This, in fact, is an account that has been authorized, as evidenced by the Army Corps, which deals in particular with the Department of Army Operations and Maintenance. This infusion is to assist in making sure that jobs are saved and jobs are created.

The study does not consider other effects that are very real but are extremely difficult to measure, but they can measure what the lack of dredging can bring about. I would make the argument that in ports that are competing with world ports, accessibility is crucial.

I ask my colleagues to be reminded that we are in the business of creating jobs. It seems ridiculous that we cannot add to an existing account to create jobs, to assist in one of the largest ports in the Nation, ports along the west coast, ports along the gulf, and ports along the east coast, all ports that are engaged in receiving large vessels that are bringing in goods and large vessels going out with manufactured and other goods from the United States of America.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. Does the gentleman continue to reserve his point of order?

Mr. FRELINGHUYSEN. Yes, I do.

The Acting CHAIR. The gentleman reserves.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentlewoman's amendment.

As I've said many times, I, too, am concerned about sufficiently maintaining our waterways. These waterways contribute significantly to our national economy by providing a means of cost-efficient cargo transportation. To this end, our bill funds the operations and maintenance account at \$2.5 billion, an increase of \$109 million above the President's budget request and \$95 million above fiscal year 2012.

I would remind the gentlewoman that under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request.

Instead of increasing funding for specific projects, our bill includes additional funding for categories of ongoing projects—including an additional \$189 million for navigation dredging—with final project-specification allocations to be made by the administration. The project my colleague is interested in would be eligible to compete for this additional funding.

As an offset, this amendment strikes funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure. Ensuring adequate funding to maintain our nuclear weapons is my highest priority for our bill. The increases provided in this bill for nuclear security have received strong bipartisan support.

This amendment unacceptably strikes funding for both of these priority investments, which are both urgent and overdue. I strongly urge my colleagues to make defense a priority and vote "no" on this amendment, and I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I raise a point of order against the amendment.

The Acting CHAIR. The gentleman may state his point of order.

Mr. FRELINGHUYSEN. The amendment proposes to increase an appropriation not authorized by law, and therefore is in violation of clause 2(a) of rule XXI.

Although the original account funding for the Corps of Engineers—Civil—Department of Army—Operations and Maintenance is authorized, it was permitted to remain in the bill pursuant to the provisions of the rule that provided for the consideration of this bill. When an unauthorized appropriation is permitted to remain in a general appropriations bill, an amendment merely changing that amount is in order, but the rules of the House apply

a “merely perfecting standard” to the items permitted to remain and do not allow the insertion of a new paragraph—not part of the original text permitted to remain—to increase a figure permitted to remain.

I would further say the account contains funding for projects not entirely authorized.

The amendment cannot be construed as merely perfecting, and therefore, Mr. Chairman, I ask that the Chair rule the amendment out of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Ms. JACKSON LEE of Texas. Mr. Chairman, I do.

The Acting CHAIR. The gentlewoman is recognized on the point of order.

Ms. JACKSON LEE of Texas. I thank the gentleman from New Jersey for his expression. What I would argue is: What are Members here to do?

I would vigorously disagree this is an earmark. I believe there is authorization, in particular under operation and maintenance. But the dilemma that the gentleman is making an argument on is whether or not you can increase it versus reducing it. And so what my argument is is that this is a general increase to operation and maintenance with no specific tie to indicate that it is an earmark.

□ 2100

There is no monetary benefit to me as a Member of Congress, publicly stated on the floor of the House. Therefore, this is to increase millions of jobs in America, in ports around America, for an issue that is devastating to ports and that the Army Corps of Engineers is being overwhelmed, that is, the requirement of dredging. Dredging equals allowing the quality of vessel to increase by tonnage, to bring in and take out goods that Americans have manufactured and goods that Americans are seeking to import with our allies and trading partners.

It is to increase jobs. Therefore, I'd make the argument that we are bound by rules that have nothing to do with earmarks if you are, in essence, placing funding into existing accounts to help Americans—all of America—and to build our ports—all of our ports—making them more secure and making them more accessible so that the goods of Americans can go to and fro, and that jobs can multiply.

If one port alone, by one foot of inaccessibility, lack of dredging, loses \$373 million, multiply that by the number of major ports in the United States from the East to the southern coastline to the west coast. I make the argument that this is an amendment that can stand on its own and should not be subject to a point of order.

I ask my colleagues to support the amendment.

The Acting CHAIR. Does any other Member wish to be heard on the point

of order? If not, the Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. For example, the manager has stated that the account contains funding for unauthorized projects and the Chair would note that some items appropriated in the Operation and Maintenance account are not modified by the phrase “as authorized by law.”

Under the precedents of July 12, 1995, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not “merely perfecting” for purposes of clause 2(a) of rule XXI. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT OFFERED BY MR. ROHRBACHER

Mr. ROHRBACHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds made available under this Act may be used for the U.S. China Clean Energy Research Center.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from California (Mr. ROHRBACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRBACHER. Mr. Chairman, my amendment would prevent any funds in this bill from being spent on the U.S.-China Clean Energy Research Center.

Our Department of Energy is using our taxpayer dollars to help China to develop their energy systems. This specific expenditure is \$37.5 million over 5 years. China should be spending their own money for developing their own energy systems.

With the miserable shape of our budget and our economy, the last thing we should be doing is depleting our resources to help the Chinese become more efficient and thus more competitive. We are borrowing money from Communist China, paying interest on that money, and then turning around and subsidizing the development of a high-tech manufacturing sector in China that will take away more American jobs. This is as nutty as it gets.

The Department of Energy is helping the Communist Chinese to build electric vehicles. Over the next 20 years, the electric vehicle industry may well

be creating 130,000 up to maybe 350,000 American jobs. As of 2010, 30,000 Americans are already working in the electric vehicle and advanced battery industries. Tesla Motors in my State is already doing it. Why are we spending our tax dollars to put these jobs in jeopardy by improving the Chinese ability to build such cars? Why does our government want to ship jobs to China and subsidize the effort?

The Clean Energy Research Center also shares American know-how with China in advanced coal technology. The global value of electricity generated using clean coal technologies was \$63 billion in 2010 and by 2020 will reach \$85 billion. U.S. companies have the potential to capture the global market and can sell American-designed and -built technology to China, but if we give the Chinese access to our research now, our lead in this area will be undercut. Why are we undercutting ourselves?

Last month, the U.S. Department of Commerce announced anti-dumping tariffs on Chinese companies for unfair trade practices regarding solar panels. Sixty-six Chinese producers were named, which suggests this is a concerted effort to undermine the United States market.

In 2011, the U.S. imported over \$3 billion worth in Chinese panels, and since 2001 our share of the global market in these panels has shrunk from 27 percent to just 5 percent. Over 100,000 American jobs depend directly or indirectly on the success of the U.S. solar industry. Why are we subsidizing the Chinese development of this technology?

China is not playing by the same rules that we're playing by. The Office of the National Counterintelligence Executive released a report last year which states:

Chinese actors are the world's most active and persistent perpetrators of economic espionage.

Among the technologies which they have the greatest interest in is stealing. And what they're interested in stealing is the cutting-edge energy technologies that we are developing with our expertise.

Let's stop paying the Chinese to give them access to our best scientists, research centers, and technology. They are already stealing enough intellectual property to enhance their own economic and military power. They are robbing us blind, but we are not blind. This is happening right in front of our face. America's high-tech industry—whether in energy, aerospace, or any other kind of manufacturing—should be way out in front of the competition. Why are we helping China close that gap?

This amendment would put a stop to over \$7 million annually that is being used to bolster the efforts of our Chinese adversary. Transferring technology or funds to help develop that

technology to a strategic rival makes no sense whatsoever. I urge my colleagues to support my amendment and put an end to it.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I certainly share some of my colleague's concerns. We should not be sending Department of Energy funding overseas if it doesn't benefit our citizens or it undermines our own competitiveness. But we cannot assume that all international cooperation is objectionable. The research the gentleman's amendment would eliminate is both a proper role for Federal funds and directly benefits America.

Let me first point out these research centers are not a donation to China. They are funded in equal parts by China and the United States. They actually support three consortia centered at West Virginia University, the University of Michigan, and Lawrence Berkeley National Lab in his own home State. They fund research at seven American national laboratories, five American universities, and 40 American companies, institutes, and other organizations. There's nothing nutty about that, Mr. Chairman.

I certainly share the concerns that we keep intellectual property and manufacturing here at home. To address these concerns, these research centers signed agreements to protect American intellectual property while allowing us to take advantage of new joint discoveries. Eliminating these centers altogether would harm American researchers, American scientists, American innovation, and American job creation.

I oppose his amendment, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. ROHRABACHER. Well, I'll make this very quick.

We're not talking about all cooperation. I'm not opposed to all cooperation. I'm opposed to cooperation with the Adolf Hitlers of our day—the people who are murdering Christians and other religious people as we speak. No, we should not be cooperating with that government in developing their technologies, whether it's energy or otherwise.

□ 2110

All of these different groups that are cooperating with them, this is part of a group that also has research going on throughout our universities of the United States. That makes it even worse because you have Chinese na-

tionals there who are taking as much of the information as they can and taking it back to China from our universities.

We should be opposed to this. Let's stand up for the American worker and what's right.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on the first amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) be withdrawn, to the end that the Chair put the question de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Energy or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, on May 24, 2011, President Obama issued a memorandum on Federal Fleet Performance that requires all new light duty vehicles in the Federal fleet to be alternate fuel vehicles, such as hybrid, electric, natural gas or biofuel, by December 31, 2015.

My amendment echoes the Presidential Memorandum by prohibiting funds in the Energy and Water Development and Related Agencies Appropriations Act from being used to lease or purchase new light duty vehicles except in accord with the President's Memorandum.

I've introduced a similar amendment to five different appropriations bills in the past, including last year's Energy and Water Appropriations Bill, and each time my amendment was accepted and passed by voice vote. My amendments have also been accepted to the Commerce, Justice and Science appropriations bill for FY 2013, and the Agriculture, Defense and Homeland Security appropriations bills for FY 2012.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman.

Mr. FRELINGHUYSEN. We're prepared to accept your amendment again.

Mr. ENGEL. Thank you very, very much.

I just want to say, before I sit down, that this is truly a bipartisan effort. And I want to pay tribute to my good friend, the gentleman from Illinois (Mr. SHIMKUS) who has been working with me on this open fuel standard. We've introduced a bill, H.R. 1687, which requires 50 percent of new automobiles in 2014, 80 percent in 2016 and 95 percent in 2017, to be warranted to operate on nonpetroleum fuels in addition to or instead of petroleum-based fuels.

I want to just say that compliance possibilities include the full array of existing technologies, including flex fuel, natural gas, hydrogen, biodiesel, plug-in electric drive and fuel cell, and a catch-all for new technologies.

So I thank the gentleman from New Jersey for accepting this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Energy to subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) or to subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10 of the Code of Federal Regulations.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. I rise to offer an amendment on behalf of myself, Mr. SCALISE of Louisiana, Mrs. ADAMS of Florida and Mr. BROWN of Georgia.

My colleagues, this simple amendment will prohibit the Department of Energy from using any funds included

in this bill to subordinate any loan obligation to other financing in violation of the Energy Policy Act of 2005. That was the original intent of Congress.

As chairman of the Energy and Commerce Committee's Subcommittee on Oversight and Investigation, I've led the investigation into the administration's rushed decision to loan Solyndra, a California-based solar panel manufacturing company, \$535 million in taxpayers' money that was ultimately lost.

During this investigation, it was uncovered that, shockingly, the Department of Energy knew as early as August 2009 that Solyndra would go bankrupt in September of 2011, but simply proceeded to risk more taxpayers' funds throughout that time.

The investigation also discovered that following meetings with outside investors, DOE made the unprecedented decision on December 10, 2010, to subordinate \$75 million of taxpayer money so more private capital could be injected into Solyndra.

Subordination gave private investors' money priority over taxpayers' money, meaning that, in the event of bankruptcy, private investors would be paid back before the taxpayers. But Secretary Chu wasn't allowed to subordinate the taxpayers' money.

As I mentioned earlier, the Energy Policy Act of 2005 states that DOE loan guarantees are not to be subordinated to other financing, and it was clear what the intent of Congress was.

In fact, DOE went out of its way to violate the will of Congress and sought the opinion of outside counsel on the legality of the subordination. And based upon this opinion, they made a decision to subordinate. And it all hinged on the word "is," the meaning of the word "is."

In a 17-page draft memo obtained by the Energy and Commerce Committee, DOE's private attorneys, they seem to acknowledge that the law prohibits the subordination of Department-guaranteed funds. However, this draft memo was never finalized. Instead, an email was sent by a lawyer at the law firm stating that DOE's rationale for subordination was, "it makes the best possible case based on a reasonable interpretation supported by restructuring policy arguments."

Now, Secretary Chu also ignored important parts of the law. The law required the Energy Secretary to notify the Attorney General in the event of a default on a loan guarantee. In a December 13, 2010 letter to Solyndra, Jonathan Silver, then-executive director of the DOE's loan program, notified Solyndra it was in default. However, Secretary Chu did not alert the Attorney General, as required by law.

In addition, Treasury and OMB officials' emails clearly indicate they believed DOE's legal justification for placing taxpayers at the back of the

line was inconsistent with their interpretation of the law, and advised DOE to seek a legal opinion from the Justice Department.

□ 2120

In an August 17, 2011, email, Department of the Treasury Assistant Secretary for Financial Markets Mary Miller sent an email to Jeffery Zients, Deputy Director of OMB, in which she stated:

Our legal counsel believes that the statute and the DOE regulations both require that the guaranteed loan should not be subordinate to any loan or other debt obligation.

It is clear, Mr. Chairman, that every step of the way the Department of Energy ignored the law and did whatever it wished in order to push through the subordination.

Our investigation continues. I and my colleagues on Energy and Commerce are working on a permanent legislation solution to ensure that taxpayers are never, ever again stuck paying hundreds of millions of dollars because of the Obama administration's risky bets and decisions to put taxpayers at the back of the line. I encourage all of my colleagues to support this amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. STEARNS. How much time, Mr. Chairman, do I have left?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. STEARNS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to support the amendment. I commend the gentleman for his investigations and his conclusion.

Mr. STEARNS. I yield the balance of my time to my colleague from Florida (Mrs. ADAMS).

Mrs. ADAMS. Mr. Chairman, I rise this evening in support of the Adams-Stearns-Scalise-Broun amendment, which ensures the protection of taxpayer dollars at the Department of Energy. American taxpayers were left out in the cold when President Obama's administration went through with this loan when the now-defunct bankrupt Solyndra was restructured.

In the restructuring agreement, the Department of Energy ensured investors and special interests would recover their money first, before the American taxpayers. This is unacceptable.

Although the Department of Energy continues to argue that it has the power under Federal law to put the needs of the American taxpayer at the back of the line in a financial crisis, this amendment makes it absolutely clear the Department shall not do it again.

This amendment will ensure that if the taxpayers take a risk, they will be protected when the loan goes bad. I thank Chairman STEARNS, and Representatives SCALISE and BROUN for their leadership on this issue and I urge support of this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities", and increasing the amount made available for "Corps of Engineers—Civil—Department of the Army—Construction", by \$10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, this is my "can we all get along" amendment. I thank, again, the chairman and ranking member for their work on this bill.

My amendment would be helpful to the Army Corps of Engineers and their work on our east coast, on our gulf, and on our west coast because it deals specifically with restoration. It sends a strong message to the importance of restoration and its issue of national importance. It talks about the economic well-being of the regions along the Nation's coastlines, and it provides an opportunity for restoration.

There is no doubt that over the years our coastlines have deteriorated and that wetlands have not been protected. We've experienced a devastating spill on the gulf coastline, and so many along that coastline, from Florida to Alabama to Louisiana to Texas and in between, have experienced a negative impact on their wetlands and their coastline. This takes a mere \$10 million—again, I say it with respect—to assist the Nation in providing aid and improvement to the Nation's coastlines, which, again, produce opportunities of economic development, tourism, and various protections for a coastline that has suffered under neglect.

The United States Army Corps of Engineers estimates that 60 percent of the coastline along the gulf is eroding. The coast loses up to 10 feet of shoreline a

year, with 225 acres of topsoil washing into the gulf coast. Funds are needed to preserve the gulf coast as well as other coasts. This will, in turn, protect the economic stability of that region.

Just a few months ago, I introduced H.R. 3710, which would provide for the added opportunity of protecting the coastline as well as for deficit reduction through an energy security fund. The legislation would provide funds for programs to help with the restoration as it establishes grants for States along our coastal areas—a coastal and disaster grant program and a national grant program—to address coastal and ocean disasters and the restoration, protection, and maintenance of the coastal areas and oceans, including research and programs in coordination with State and local agencies.

I look forward to the hearing and passage of that legislation, but today I rise to support the Nation's coastal region and to provide these resources. With that, I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I share the gentleman's support for smart investments in our Nation's water resources infrastructure. I well understand the economic benefits of spending money on these needs.

I would remind the gentlewoman, under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request. Instead, the bill includes additional funds for categories of projects with final project-specific allocations to be made by the administration. As an offset, this amendment strikes the funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure.

For that reason alone, I oppose the bill, and I urge my colleagues to do so as well.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I would make the point that this is included in this bill on page 3, under "Construction." I don't view this in particular as an earmark as much as I do as putting in resources necessary for the protection of our coastline. Again, it is not excessive. It does not undermine the atomic program. What it does is to help millions of Americans along the coastline and particularly those who have experienced deterioration going from the east coast to the west coast.

Certainly, I believe this is one on which we can join together and support. It is constructive; it is productive; it creates jobs; it creates an economic engine; and it protects one of

our most valued resources, and that is the Nation's coastline, wetlands included. It is compatible with those who are fishing, with those who are exploring, and with those who are enjoying.

I think it is crucial that this amendment be passed by this House in a constructive way in order to create jobs, to move this Nation forward, and to preserve the bounty of the environment that we've been given to protect. I ask my colleagues to support the Jackson Lee amendment, which deals with the restoration of our coastline.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment would increase the Army Corps of Engineers Construction Account by \$10 million for Texas Coastal Restoration and reduce the Atomic Energy Defense Account by the same amount.

My amendment sends a strong message that gulf restoration is of national importance. In addition to all the Gulf Coast States, Texas plays a crucial role in the Gulf Coast's economic well-being and deserves funds for its restoration as well.

THE IMPORTANCE OF THE TEXAS GULF COAST

Texas boasts a 370 mile long coastline that plays a major role in the state and the nation's economy.

The state hosts three of the country's top ten ports and is ranked number one in the nation in the total value of waterborne commerce, most of which is dependent on the Gulf ports.

The Texas Gulf Coast also plays a major role in the tourism industry. Texas gets over \$445 million a year from cruise ships and earns a quarter of the coast's travel dollars. The state also accounts for 37 percent of the Gulf of Mexico's tourism and recreational employment.

In 2008, the Gulf's oil and gas development generated about \$26 billion in wages.

Erosion is steadily threatening to destroy the Texas coast's success. The United States Army Corps of Engineers estimates that 60 percent of the Texas coastline is eroding.

The coast loses up to 10 feet of shoreline a year with 225 acres of topsoil washing into the Gulf Coast.

Funds are needed to help preserve the Texas Gulf Coast which will in turn protect the economic stability of the gulf coast region.

This Congress I introduced a bill which is also designed to help restore our Gulf Coast. H.R. 3710, "The Deficit Reduction, Job Creation and Energy Security Act."

My bill directs the Secretary of Interior to increase the 5-year oil and gas leasing program of lease sales designed to best meet the Nation's energy needs by 10 percent of the total acreage contained in the OCS Lands Act.

This 10 percent added acreage shall be known as the Deficit Reduction Energy Security Fund. For 15 years after issuance of the first lease or receipt of the first payment coming from the Deficit Reduction Energy Security Fund, all proceeds shall be deposited into an interest bearing account for a period of 2 years.

Upon expiration of the 2-year period, these proceeds shall be distributed as follows: The

interest gained during 2-year period shall be placed in the Coastal and Ocean Sustainability and Health Fund; and the principle from the Deficit Reduction Energy Security Fund shall be applied directly toward deficit reduction.

My bill, H.R. 3710, not only increases access to oil and gas leases it also funds programs to help with Gulf Restoration as it establishes grants for states (Coastal and Disaster Grant Program and a National Grant Program) for addressing coastal and ocean disasters, restoration, protection, and maintenance of coastal areas and oceans, including research and programs in coordination with state and local agencies.

I firmly believe that we must continue to support Gulf Restoration which is why I offered the bill H.R. 3710 and why I propose the amendment today. I urge my colleagues to support my amendment which is intended to restore our nation's Gulf Coast.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. MULVANEY

Mr. MULVANEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 24 percent.

(b) The reduction in subsection (a) shall not apply to the following accounts:

(1) "Corps of Engineers—Civil—Department of the Army".

(2) "Department of Energy—Energy Programs—Nuclear Energy".

(3) "Department of Energy—Energy Programs—Non-Defense Environmental Cleanup".

(4) "Department of Energy—Energy Programs—Nuclear Waste Disposal".

(5) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities".

(6) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation".

(7) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors".

(8) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator".

(9) "Department of Energy—Environmental and Other Defense Activities—Defense Environmental Cleanup".

(10) "Department of Energy—Environmental and Other Defense Activities—Other Defense Activities".

(11) "Independent Agencies—Defense Nuclear Facilities Safety Board".

(12) "Independent Agencies—Nuclear Regulatory Commission—Salaries and Expenses".

(13) "Independent Agencies—Nuclear Regulatory Commission—Office of the Inspector General".

(14) "Independent Agencies—Nuclear Waste Technical Review Board".

Mr. MULVANEY (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. When I was campaigning for this job 2 years ago, one of the things that I told folks back home I would do if I ever got here was to try and roll back discretionary spending to 2008 levels. One of the things I've done since I've been here is work on the Republican Study Committee budgets—we've done two of them now—which try and make an effort to really get our spending addiction under control and lower our deficits and balance our budget in a reasonable amount of time.

□ 2130

As encouraging as this bill is and as much work as the Committee has done on this particular bill, it doesn't accomplish those things. That's why I'm here. I also draw attention to the fact that this bill, as much as an improvement as it has made over previous bills, still spends more money than we did last year.

The amendment, Mr. Chairman, is fairly simple. I seek to cut \$3.1 billion from this expenditure. That represents 9½, roughly 10 percent of the overall bill. However, it only represents about one-half of 1 percent of all the discretionary spending. We're spending over a trillion dollars in the discretionary budget this year. More importantly—and what I think the folks back home would like to know—is that it's only one-sixth of 1 percent of the overall Federal expenditures. It's only one penny out of every \$6 that we spend. It is our effort to try and bring some sanity to the spending side of the equation. It is not an across-the-board cut.

We have tried, Mr. Chairman, to be smart and sensible where we've cut these funds, and for that reason we do not cut the U.S. Army Corps of Engineer accounts. We do not cut the NNSA accounts. We do not cut the environmental and other defense activities, non-defense, environmental, nuclear waste disposal, Nuclear Regulatory Commission. What we've cut, Mr. Chairman, are things that need to be cut.

We've cut Federal research on energy efficiency and renewable energy. We propose to cut fossil energy research and development. Yes, a Republican is actually here, Mr. Chairman, arguing that we should get rid of what my colleagues across the aisle would call subsidies for Big Oil. We're trying to get rid of all the subsidies. Imagine that, a world where the Federal Government doesn't actually subsidize energy production in any fashion, but the market takes care of the supply, the demand, and the prices for those products.

We also cut spending on the Appalachian Regional Commission, the Delta Regional Authority Commission, the Denali Commission, the Northern Border Regional Commission, and the Southeast Crescent Regional Commission. Yes, sir, some of those probably are in my district, but goodness gracious, we probably have enough commissions in this government already.

Mr. Chairman, this is a reasoned and a sensible approach to try and cut as much spending as we possibly can, especially in light of today's CBO report that says the debt situation, the debt difficulties that we face are even worse than we've been talking about for the last 18 months in this Congress. For that reason, Mr. Chairman, I ask for support for this amendment, and I ask that my colleagues vote "yea."

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, our bill already cuts nearly \$1 billion from the President's request. We're below 2009 levels. We're actually pretty close to 2008 levels. And the last time I checked, we're in the year 2012.

Spending levels for non-security-related accounts are brought down by more than \$800 million from last year's level. And while difficult trade-offs had to be made to get to that level, our bill did the hard work to balance our highest priorities and serve the Nation's most pressing needs. Unfortunately, the amendment proposes an across-the-board cut on many programs, not all programs as the gentleman from South Carolina states, but on many programs that actually serve pressing needs.

Our bill cuts energy efficiency and renewable energy by 24 percent but preserves programs that can address gas prices and help keep manufacturing jobs here at home. That's the focus of the bill: lower gas prices of the future; keep jobs here at home. This amendment would jeopardize those objectives.

Our bill funds fossil energy research that ensures a secure domestic supply of electric and lower gas prices in the future. The amendment indiscrimi-

nately cuts many of the activities, many programs.

Our bill funds science research, which is a key component of keeping America competitive. The amendment would do harm to that program. The amendment even cuts funds to the operation of our Strategic Petroleum Reserve, severely curtailing our government's ability to respond to real emergencies.

These are not acceptable cuts, and I strongly oppose the amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition and rise in strong opposition to the gentleman's amendment.

The gentleman, during his debate, mentioned a penny of savings out of a significant sum of monies. I would point out in conjunction with the chairman's remark that the non-security programs in this bill for fiscal year 2013 are \$188 million below current year level spending because the subcommittee and the full committee made discreet decisions account by account.

Dependent upon nomenclature—and I don't want to get into a semantic argument—there may be some of these cuts that the gentleman proposes that touch what nominally would be considered defense accounts, but he also makes a point that he is going after non-defense discretionary spending. I assume because he has left defense harmless that he has never read an inspector general's report relative to any defense program in the United States. And he mentioned a penny in his remarks, and I find it curious that he could not find 1 cent of savings out of 1 dollar spent in a defense account.

For that reason among many, I am strongly opposed to the gentleman's amendment. If we are going to, in fact, make an investment in this country and if we are, in fact, going to address our budgetary problems, everybody has got to be on the table with no exceptions.

The gentleman's amendment, from my perspective, is a mistake, and I yield back the balance of my time.

Mr. MULVANEY. Very briefly, Mr. Chairman, I appreciate the gentleman from Indiana's words. I would point out to him, Mr. Chairman, that there are those of us on this side of the aisle that have encouraged us to look at defense spending as ways to cut not just a penny, but to find significant savings.

I'd be curious to know, Mr. Chairman, how the gentleman from Indiana voted last year on my amendment to do exactly that, to freeze military spending at 2011 levels, but that is a discussion for another day.

So with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MULVANEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this is the Davis-Bacon Act amendment. And for everyone's information, Mr. Chairman, it's this:

The Davis-Bacon Act was an act that was signed into law on or about 1932. It was generated in New York to lock the African Americans out of the construction trades in New York. It is the last remaining vestige of Jim Crow laws in America. It's a union protection law. What it says is that any Federal construction project with 2,000 or more dollars involved in it must meet these Federal prevailing wage standards.

We know—and I've spent 28-plus years as a founder and owner of a construction company and a number of years prior to that. I'm over 30 years in the construction business, Mr. Chairman. We know this amounts to a union-imposed wage scale and federally controlled wage prices. What it does is it increases the cost of our construction projects.

Our records over the years show that someplace between 8 percent and 35 percent is the increase with the Davis-Bacon wage scale as opposed to competition setting those wages. Some of the charts here that I'm looking at show between 9 percent and 37 percent. I just use the number 20 percent more. Our project costs us 20 percent more because of this federally imposed wage scale that's unnecessary, and it cuts out competition.

You can make the decision, then, on whether we want to build 4 miles of road or 5, whether we want to build,

Mr. Chairman, four bridges or five, or whether we're going to create and have these construction jobs. Are there going to be four jobs or are there going to be five?

□ 2140

In many cases if we repeal the Davis-Bacon wage scale, you would have minorities, in fact, you would have a majority of those that would fill those jobs would be minorities.

It takes the Department of Labor 2.3 years just to issue a ruling on whatever the wages might be. I have seen them vary 40, 50 or 60 percent just across the road. That's how far off it is.

What this bill does is it prohibits any funds from being used to enforce or implement the Davis-Bacon wage scale, and it gets us a lot more bang for our buck. It gets us the quality that we have always had, and it puts America back into competition. That's what's built this country.

I urge its adoption, and I reserve the balance of my time.

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would note at the beginning of my remarks that Davis-Bacon is a very simple concept and is a very fair one.

The law requires that workers on federally funded construction projects be paid no less than the wages in the community in which the work is being performed for similar work.

Large Federal projects can disrupt local markets if cheap imported labor is used. Davis-Bacon requirements ensure that local workers, citizens, Americans, have a fair chance at bidding for Federal contracts in their own individual communities.

Additionally, prevailing wage protections are not the reason we have deficits. Doing away with them will not result in savings to the Federal Government. Davis-Bacon does not add to a project's total cost. A 2011 study of highway construction projects in the State of Colorado proved this point as it found no statistical significance between the cost of highway projects in the States which were subject to Davis-Bacon and the cost of State highway projects which were not subject to Davis-Bacon.

Davis-Bacon has not led to extravagant wages for affected workers. I would point out at this date, 2012, from 2000 and 2008, the real hourly wage rate for construction workers, carpenters, electricians, iron workers, plumbers, steelworkers, declined—declined—despite a small increase in the hourly wage rate.

I would point out when my mentor, Congressman Adam Benjamin, Jr., walked into this room in 1977, the real hourly wage for 1 hour's worth of a

human being's work in the United States of America—it could have been laying brick, it could be pushing papers in Congress, it could be waiting on tables at a diner in the middle of the night—was more for 1 hour's worth of a human being's labor in the United States of America than it was in 2010, and we're here trying to slam down that wage.

You want to save money on contracts, why don't we look at the executive compensation for these construction firms? Why don't we look there for some as opposed to going to the lowest common denominators.

Opponents claim that Davis-Bacon requirements are a union giveaway. However, more than 75 percent, three-quarters of Davis-Bacon wage determinations, are not based solely on union wages. There are issues about the quality of work. Get it done efficiently, get it done right, do not do it a second time. That is crucial to these communities depending upon them.

When local workers are hired, they are duly accountable to their employers and to the communities in which they reside. If the work is shoddy and therefore is delayed or needs to be redone, their families, their friends, their communities, have to live with the consequences. This is a throwback, and I am strongly opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Iowa has 3 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman's work in putting the statement together, but as someone who has lived this 30 years, I don't accept this statement on its face, and I can tell you that my hands-on experience tells me something entirely different. The statement that was made that says that three-quarters of these decisions are not based solely on union scale. It might be based on union scale in a union contract or sitting down in a room to make an agreement with the Department of Labor.

I don't know how these deals are made. It is union scale, and they sit there and decide we can drive up the costs of these public projects, and we can make sure that we can pay more in wages and benefits to anybody else and cut out the competition so that the entrepreneurs, the people that are founding businesses that are trying to get into this market, are locked out of the market. Davis-Bacon locks people out of the market. It locks minorities out of the market.

If you look around and you hear that expression, "people doing work that Americans won't do"—well, if you look around, the unions have been locking minorities out ever since 1932. That was the purpose of this bill.

By the way it was a couple of misguided Republicans that passed the Davis-Bacon Act and got that started. I'm embarrassed about that. One day we will have to fix this because Davis-Bacon is the last vestige of the Jim Crow laws in the United States of America.

It does drive up the costs an average of 20 percent, somewhere between 9 and 37 percent for these costs. It cannot be said either that there's a reduction in quality when we put competition in. Competition increases the quality, it increases the efficiency. It brings about the skills in the workforce, and it allows contractors to bring people in at a scale where they can be trained. So we have more competition for the labor. We get better bang for our dollar. We build four bridges instead of five, 4 miles of road instead of 5 under Davis-Bacon. We can do it the other way around and reverse it.

I reserve the balance of my time.

Mr. VISCLOSKY. I would simply mention that if the gentleman from Iowa is suggesting that labor organizations in this country today are discriminating on a racial basis, he has not attended many union meetings lately.

I yield the remainder of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

If my good friend from Iowa was joining and trying to make sure that Federally funded construction jobs went to companies that were based here in the United States, I would be celebrating with him to avoid the incident that happened with the bridge in California, where it was built by a Chinese company with Chinese nationals who had come over to the United States.

But in this instance, I would like to ask the gentleman where he finds this present-day discrimination.

In fact, as he well knows, opportunities for minority contractors have come about because of Members of this Congress who have fought for what we call—not set asides—but MWBE opportunities. We have seen the increase in construction companies. We need more. More importantly, unions have engaged in apprenticeship programs.

Prevailing wages are nothing but giving a hard day's work and a decent-paying wage. It is to construction what we were trying to do with paycheck fairness. I disagree with the gentleman that in this day and time we're not making extensive efforts to make sure that there are diverse populations working and being trained under the union label and umbrella, and that there are young men and women who are benefiting from these training programs. More importantly, MWBEs, and if the gentleman would want to work with me on ensuring that these small contractors can work on Federal

projects, he would have me aligned with him today. But not to deny us the Davis-Bacon and prevailing wages.

I ask my colleagues to oppose the amendment in the name of fairness and in the name of the betterment of the working person.

Mr. KING of Iowa. Mr. Chairman, in response to that I would say again I have worked in this trade for a lifetime, I have been in the room. I know how this works. This is union scale imposed through the Department of Labor. It is not prevailing wage.

There is a study I have in front of me that shows that if we repeal Davis-Bacon there would be approximately 25,000 more minorities working in the construction business. In some trades there are many, some trades there are few. It's not something that's balanced across the countryside.

But what you don't have is competition coming into the marketplace. You do not have efficiency in your work. You don't get the bang for the buck because you have got a federally mandated wage scale, and it cuts down on the efficiency because you have people on the projects that are looking for the highest-paid scale that's there. And so they will climb on the finish motor grader and drive up and down the road rather than the rough bulldozer to get the production work done. They won't pick up the shovel because it pays less than it does holding the grade stake.

□ 2150

You cannot get willful efficiency out of people when you have the Federal Government deciding what they're going to pay. Additionally, we have some studies also that show when they audited the reports, 100 percent of those wage reports were wrong, Mr. Chairman.

So I would urge its adoption, and I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. At this time I yield to my colleague from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I would like to refute the gentleman's last point, especially. I worked for 18 years as an ironworker. I've worked not only in the Massachusetts area, but New York, New Mexico, Louisiana. I worked in Indiana. I worked at a lot of the steel mills. I worked a lot of jobs where Davis-Bacon has been in effect.

What Davis-Bacon does—and the gentleman's amendment would provide—that none of the funds made available to this bill will be available to administer the wage rate requirements of chapter 31 of title 40, which is the Davis-Bacon Act. What Davis-Bacon was meant to do is to prevent the wages in any area of the country and

every area of the country from being depressed by bringing in low-wage workers. This was the practice back before the prevailing wage, before Davis-Bacon was in effect. You would have large construction projects, but you'd have unscrupulous contractors who would pay very low wages to their employees, and they would move into an area where the cost of living required those workers to get a decent wage.

And what will happen now if we repeal Davis-Bacon, which is a very, very bad idea, not only for the gentleman's district but every State in the Union, is we will get one group of very low-paid workers, and they will be like locusts. They will go into areas, whether it be Houston, whether it be down in Texas or Louisiana or in the Northeast, we will have low-wage workers go in there and undercut the wages of the workers in those areas. This prevented that practice of undermining the wages of local workers.

The Davis-Bacon wage is established by a study in the gentleman's area. Specifically, they look at the wages for the construction trades. I was an ironworker. They look it at for plumbers, electricians—what is the area wage for that individual worker.

Now I'm sure we can find some workers over in Mexico that will come in and work for less money. That's supported by a lot of people in this body, unbelievably so. Davis-Bacon prevents that from happening. The contractor has to pay the wage for Houston, the wage for Tucson, the wage for New York, the wage for Boston. Those wages are different for each area because of the standard of living and the cost of living in those areas.

This protects workers, whether they're union workers or nonunion workers. And I've worked on Davis-Bacon jobs where there have been nonunion working across from me. I worked at the Shell Oil refinery down in Norco, Louisiana. Half the job was union, half the job was nonunion, because that was the deal. That's how they got enough workers to cover that job.

And I've worked 18 years. I strapped on the work boots every single day for 18 years. I've been a foreman. I've been a general foreman. I've worked on Davis-Bacon jobs. I've worked on many, many jobs. I've seen how this works, and I know the history here and why this law was put into place. This is a good law. It prevents piracy. It prevents undermining the workers in every State in this Union. If you strap on a pair of work boots, I don't care if you're union or nonunion, this is a good bill for you. This protects you.

They tried to repeal it after Katrina in the areas where Katrina affected Mississippi and Louisiana, and the President suspended it for a short while. You know what he had to do? He had to reinstate it because they

couldn't get enough workers to come in because the wages were so low they could not get workers in there. So President George Bush repealed his own executive order suspending Davis-Bacon. And when they lifted that, the workers came in and worked. Workers from Louisiana, workers from Mississippi took those jobs.

This is another attack on the working people. This is just blue-collar jobs. If we don't support apprenticeship programs and decent wages and a set of skills in our workers, shame on us, shame on us, shame on us.

Mr. Chair, I rise in strong opposition to the King amendment.

The King amendment seeks to ensure that none of the funds made available through this bill may be made available to administer the wage-rate requirements of subchapter IV of Chapter 31 of title 40, United States Code, more commonly referred to as the Davis-Bacon Act.

The Davis-Bacon Act, enacted in 1931, requires Federal contractors to pay workers the local "prevailing wage" on construction projects. Its goal was to outlaw wage exploitation, since public contracts go to the lowest bidder.

We've come a long way since 1931 in terms of workers' rights and workplace safety. But, I believe, if general contractors on Federal jobs have an opportunity to pay a lower wage to their workers and increase their own profit margin, they're going to do it. It doesn't make them bad people, they're businessmen concerned primarily about the bottom line.

In these difficult economic times, when so many workers are unemployed or barely hanging on, it sets a dangerous precedent to waive these important worker protections.

Through the underlying bill the U.S. Army Corps of Engineers will build dams, shore up vulnerable coastlines and maintain our navigable waterways. And this range of efforts will create good jobs. It's hard work, but good work for a lot of men and women across the country.

But because more than 20 percent of our construction tradespeople are out of work, there will be opportunity for some of the less scrupulous contractors to exploit this workforce, so desperate to get back on the job.

And waiving Davis-Bacon removes critical worker protections, compromising the work quality on these projects.

American workers deserve the kind of fair wage rates that Davis-Bacon provides, a wage that will lift up their circumstances, provide hope, and get them and our economy back on track. To deprive our workforce of these protections, of these opportunities, is an egregious abrogation of our responsibility as elected leaders.

I urge my colleagues to join me in opposition to this amendment.

Mr. VISCLOSKY. I would simply say this is not a Davis-Bacon attempt to increase wages. It is protecting those who labor in this country from having their wages undercut.

I am adamantly opposed to the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MR. JORDAN

Mr. JORDAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act for the Title 17 Innovative Technology Loan Guarantee Program may be used by the Department of Energy to issue or administer new loan guarantees for renewable energy systems, electric power transmission systems, or leading edge biofuel projects as defined by section 1705 of the Energy Policy Act of 2005.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN. Mr. Chairman, let me just say this complements the amendment that was done earlier by Mrs. BLACKBURN from Tennessee. This is the no-more-Solyndras amendment. We're all familiar with that situation. As the Clerk read, this amendment would prohibit any new loan guarantees for renewable energy, electricity systems, and biofuels as defined in section 1705 of title 17 and, as I said before, complements what the House agreed to and passed earlier.

Let me just quickly tell you about this program. This is a \$15 billion program. Twenty-six projects got your tax dollars. Of those 26 projects that got American tax money, 22 of those 26—three-fourths of those—were rated double B-minus junk status. In other words, no private capital would go there, but it was okay to put your tax dollars into these projects.

And what have we got for this? Everyone knows the story of Solyndra. They received \$535 million, fired a thousands workers, and went bankrupt. But we also have Beacon Power, which received \$43 million of your tax dollars and went bankrupt as well. First Solar got \$3 billion in loan guarantees. It's now fired half of its workers. Its stock has plummeted. And Abound Solar—just to name four—\$400 million loan guarantee and has fired 180 workers.

So here's what's going on with this program. The 1705 program was funded by the stimulus program. That is now expired. But in this continuing resolu-

tion that was passed last year, in that bill there was language to allow the 1703 program to continue to do what was previously done in 1705.

And so my amendment says, Enough of that. We've had enough taxpayer dollars wasted. We don't need any more. Our committee that I get the privilege of sitting on, the Oversight Committee, has had several hearings on this. We don't need the Department of Energy handing out more of your money to companies with double B-minus ratings and junk ratings and lower. We don't need that anymore. This says: enough is enough. We're in debt. This is at least one place we can start to save some taxpayer dollars.

I reserve the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment.

The title 17 loan program has had its share of publicized problems, but I do believe that the Department of Energy has implemented changes to the program that will strengthen the management of it going forward. And while it is impossible to ensure the success of a loan guarantee, these reforms, I believe, will significantly reduce the risk borne by the Department.

This amendment is specifically targeted at renewable energy projects pending approval under the 1705 Innovative Loan Guarantee program. Some of these projects are eligible to have their credit subsidy costs covered by the Department. Generally, given the current capital markets and project structure, it is difficult for renewable projects to raise sufficient revenue to use loan authority. Because we have several promising projects that remain in the pipeline and the companies behind these applications have invested a significant amount of time and financial resources to advance them, I do not believe that this amendment is fruitful.

□ 2200

The amendment would make these efforts multiyear for naught and further exacerbate the uncertain business environment facing innovative energy companies at this time. Therefore, I would be opposed to the gentleman's amendment, and I yield back the balance of my time.

Mr. JORDAN. Mr. Chairman, I would just respond that the gentleman talked about—a "couple of problems" I think was the language he used referring to this program. It's hard to see when you have companies going bankrupt with taxpayer money, and 22 out of 26 of the projects that were funded were rated below investment grade credit quality—in other words junk status—it's hard to see how you can say "a couple

of problems" when that's the history of this program. At some point, we're going to have to cut some spending.

One of my favorite movies, and some of you may have seen the movie "1776." It's a musical. It's when they draft the Declaration of Independence, and there's a great scene, a great line—there are many great scenes, but one of the ones that I remember, where they're going through the declaration that Jefferson has just written. They're marking it up, they're editing it. And as they go through it, there are Members of that Congress who say, Well, we don't want to say this because that might really offend King George. And if we say this, Parliament may not like that. And what about deep sea fishing rights? They go through this whole thing. Finally, John Adams stands up and says: It's a revolution, dammit; we're going to have to offend somebody.

And at some point we've got to say we're so in debt we're going to have to cut something. Why not focus on a program that completely doesn't work? A program we all know has failed.

So if the other party can't even cut a program where 22 of the 26 projects are junk status, no one will give them money, they gave your taxpayer dollars to them and they went bankrupt—if we can't even stop that program, how in the heck are we ever going to deal with a \$16 trillion debt larger than our entire economy?

So this is as simple as it gets. This is the low hanging fruit here, guys. And this party over here won't even go there. Unbelievable. The program speaks for itself. It's a failure. We should end it. We should save taxpayer dollars and take that initial first step in bringing some sanity back to our fiscal situation.

I yield back the balance of my time and urge a yes vote on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GRAVES OF MISSOURI

Mr. GRAVES of Missouri. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Of the funds appropriated in title I of this Act, not more than \$50,000,000 may be used for the Missouri River Recovery Program.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of my

amendment, which modestly reduces funding for the Missouri River recovery program.

Since 2006, the Federal Government has spent more than \$468 million on the Missouri River recovery program. This program is primarily intended to improve the ecosystem for the piping plover, the least tern, and the pallid sturgeon within the Missouri River basin.

Projects funded through this program include shallow water habitat creation, land acquisition, and emergent sandbar habitat. It also supports unknown numbers of positions and departments within the U.S. Army Corps of Engineers and the Fish and Wildlife Service, generates thousands of pages of documents, and pays for numerous conferences and conference calls.

Many of my constituents along the Missouri River have been flooded for the last several years due to mismanagement and misplaced priorities in the Federal Government. Congress practically writes a blank check for the Missouri River recovery program while providing far less than sufficient funds for levee maintenance and repair. This is unacceptable.

It is also important to note that many projects funded by the Missouri River recovery program increase the chance of flooding by weakening flood protection systems. Further, a recent independent review of major initiatives of the Missouri River recovery program concludes that the current mitigation strategy does not mitigate losses of the pallid sturgeon, the least tern, and the piping plover, or the degradation of their habitats. So Congress is essentially spending millions of dollars on projects that are unproven. And at the very least, these funds are diverted away from critically important and proven flood mitigation projects.

My amendment won't prevent future floods, but it will show those located in the Missouri River basin that Congress is serious about getting its priorities straight. My amendment does not gut the Missouri River recovery program—it's only a small reduction from the amount provided in the underlying bill. The underlying bill provides \$71 million and my amendment reduces that to \$50 million, which is consistent with the level of funding provided in 2008.

I believe conservation is important, but we should not overlook what it is we sometimes sacrifice to achieve conservation. In this case, it is the livelihood of businesses, farms, and families. I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I rise to express my opposition to the

amendment offered by the gentleman from Missouri. I would certainly agree with him that we are not making sufficient investments in our infrastructure, but this amendment would do nothing to resolve that problem. But it would introduce a host of other detrimental impacts to the basin and will lead to a failure to comply with the requirements of the Endangered Species Act.

The \$90 million which was in the President's budget is the Corps' best assessment of the minimum required to maintain long term biological opinion compliance. There is in the bill a \$18.6 million cut already which reduces the Corps' ability to maintain required progress on emergent sandbar habitat construction, shallow water habitat, Yellowstone intake, and real estate acquisition.

While the gentleman indicates he does not want to gut the program, the fact is he would add another \$21.4 million worth of cuts, essentially representing a 44 percent cut of the President's budget. If that's not gutting, it is certainly a significant hindrance.

Given the extent of existing cuts, the Corps would need to consult with the U.S. Fish and Wildlife Service on the potential for reduced progress on biological opinion compliance and on potential operational adjustments, opening the possibility of a jeopardy determination.

Further, reducing the amount would have a significant and negative impact with regards to maintaining biological opinion compliance for the Missouri River, and the Corps may not be in a position to serve all eight congressionally authorized purposes.

Additionally, operational changes may have to be made to avoid impacts to listed species that could result in a split navigation season, impacts on hydropower production, and impacts on water supply and recreation. A split navigation season will further erode the ability of farmers and manufacturers to get their products to market or to the consumer.

And given that the power produced by the Missouri River projects provides base power loads for the region, reduced production would further jeopardize peak power needs in the area.

The impacts to water supply also potentially could be great. Many communities are already having difficulty with the intake infrastructure to local water supplies. Without the regulation river flow provided by the projects, these communities will have a monumental task to extend the intakes for the low flow periods, increasing the burden on already cash-strapped local governments.

For these reasons, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, as I stated before, we are not gutting this program, we are just reducing

the funding for it. For that matter, I might add that even if we zeroed this program out, it would have absolutely no effect on power intake systems, on power generation systems, on navigation whatsoever. But the fact of the matter is, and I've seen it, this money is spent to dump sand in the river so it can create more sandbars, to try to create more sandbars. It's used to buy more land, which takes land out of production. The fact of the matter is when we have trillions of dollars worth of deficits each year and trillions and trillions of dollars worth of debt, the last thing we need to be doing as the Federal Government is buying more land and dumping dirt in the Missouri River to create habitat. That's the bottom line: it's unacceptable, and this program needs to be reduced.

With that, I yield back the balance of my time.

Mr. CARNAHAN. Mr. Chair, rise in opposition to the Graves amendment.

The Missouri River, the Nation's longest, is an important economic tool for not only the state of Missouri but the Nation as a whole. The river is critical to the local water supply is home to a diverse ecosystem, and also serves residential and recreational roles. Due to our dependence on the River, three million acres along the river have been distorted or changed, causing natural habitats to disappear. Reinvigorating the river and its wildlife will not only benefit those who live along the river, but those who depend on its resources as well.

I stand in strong support of the Missouri River Recovery Program, a program which serves to revitalize the Missouri River and allow native species populations to grow. Missouri needs this program to ensure that the future of the Missouri river ecosystem is one that is sustainable and affordable to maintain. This amendment does nothing to redirect funds for other means of flood control, but instead limits a program that is integral to the River's recovery. Without the funding this program needs, we risk programs that provide habitats and safety for federally listed endangered and threatened species. The maintenance and recovery of the Missouri River is vital to the millions of Americans impacted by the Missouri River basin. I urge my colleagues to consider the economic and environmental impact that a cut to funding for the Missouri River Recovery Program would have, and urge my colleagues to vote "no" on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

□ 2210

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used within the bor-

ders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers or any district of the Corps within such divisions to implement or enforce the mitigation methodology, referred to as the "Modified Charleston Method".

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, I have consistently championed the need for Louisiana to protect its fragile coast and wetlands. I have offered amendments and supported bills that all positively affect the creation of new wetlands and starts to turn the tide on the coastal land loss in Louisiana. But the New Orleans District Corps of Engineers office is going to cripple our ability for Louisiana to protect itself from dangerous hurricanes by introducing a standardized method of wetlands mitigation. This standardized method is called the Modified Charleston Method.

This method is driving up the State and local mitigation cost of hurricane protection in Louisiana by 300 percent. I said only the State and local cost because the Corps has exempted itself from its own method on Federal projects. This is why the American people are frustrated at the Federal Government; it creates a rule, enforces it on everybody else, but exempts itself.

The Corps' new wetland rules are actually halting the creation of wetlands. As such, my amendment prevents the enforcement of the Modified Charleston Method within the State of Louisiana for 1 year, forcing the Corps to take a breath and develop a mitigation system that provides for our wetlands without stifling needed hurricane protection measures and economic development.

My amendment impacts only Louisiana. If your Corps districts use the MCM and it works for your constituents, great, your Corps districts can continue to do so. But the MCM does not work for Louisiana. In fact, the State of Louisiana, the Police Jury Association of Louisiana—our association of counties—the Association of Levee Boards of Louisiana, Vermillion Parish and countless local communities all have severe concerns about the MCM.

Moreover, the MCM does not acknowledge that some construction projects actually preserve wetlands. For example, a flood protection levee that protects homes also protects wetlands from saltwater intrusion and erosion. However, these benefits are not calculated.

The Corps itself does not follow the MCM. And until it does, local parishes, communities, and builders should not be forced to follow it as well.

I urge passage of this amendment and reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I do rise in opposition to the gentleman's amendment. While I have some sympathy for the issue that the gentleman has raised, I believe that more consistency should be brought to the way we evaluate wetland impacts, not less, as this amendment would ensure.

The Charleston Method has been utilized for two decades in various Corps districts. The Charleston Method is a quick, inexpensive, and consistent methodology—I think that's very important to note, a consistent methodology—for use by the regulated public and the Corps.

The gentleman suggests that it doesn't work. If it doesn't work, I do not know why in 2006 and 2007 the New Orleans District worked with its Federal and State partners to modify the Charleston Method so that it better reflected the unique conditions found in southern Louisiana resulting in the Modified Charleston Method.

The use of the Modified Charleston Method is longstanding in many Corps districts. Many regulatory customers use the tool to assess their potential mitigation requirements for their impact site as well as credits required at mitigation banks. This transparency in Corps mitigation requirements has helped the applicant prepare a complete application package and determine mitigation costs up front.

Suspension of the use of the Modified Charleston Method in Corps districts would require that any pending permit applications—section 404 of the Clean Water Act—and pending mitigation banks would need to be reevaluated using a different assessment tool/methodology or, in the absence of such, use best professional judgment to determine appropriate mitigation requirements for impacts and for available credits in mitigation banks, obviously encompassing a great deal of delay.

All approved mitigation banks with available credits that were determined by the Charleston Method would be temporarily closed until a new methodology could be developed and the bank credits converted to the credit system of a new methodology. These banks were established utilizing the credit system of the Modified Charleston Method, and until a similar credit system can be determined for these projects, it would not be possible to correlate the new requirements with the old system. We would not have transparency; we would not have consistency. We would have delay.

For these reasons, I do oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. LANDRY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Louisiana has 2½ minutes remaining.

Mr. LANDRY. Mr. Chairman, the only thing consistent about the method is that it doesn't work in Louisiana. In fact, the only thing that it increases is the amount of land that the mitigation banks can sell.

We have parishes in Louisiana who understand that the Federal Government doesn't have any more money. The residents and citizens of those parishes have taxed themselves to protect themselves from storms, and yet the formula that the Corps is using is driving the cost of these projects to a point where they can't build them anymore. But yet some in this body will argue that after hurricanes come in, after hurricanes affect Louisiana's coast, they don't want to pour the money in to rebuild those communities.

Those communities are trying to protect themselves at a time when the Federal Government has told them "no" as a source of funding, and yet now the Federal Government is going to change the rules. It just doesn't work in Louisiana. And for that, I urge my colleagues to help me pass this amendment.

Mr. Chairman, I yield back the balance of my time.

PARISH OF JEFFERSON,
OFFICE OF THE PRESIDENT,
Jefferson, LA, June 5, 2012.

Hon. JEFF LANDRY,
*Cannon House Office Building,
Washington, DC.*

DEAR REPRESENTATIVE LANDRY: I strongly oppose use of the Modified Charleston Method (MCM) to assess wetland habitats and compute compensatory credits for wetland impacts from public safety and economic development projects. The MCM must be revised to provide adequate and defensible compensation calculations for required mitigation.

Jefferson Parish has serious concern that the MCM, in its current form and with its current factor value(s), may cause unnecessarily high and impractical compensatory mitigation values. Section 404 of the Clean Water Act requires that compensatory mitigation be practicable. The MCM offers the very real possibility of quantifying compensatory mitigation calculations that are unworkable and in direct violation of both the letter and the spirit of the Clean Water Act.

The Parish is also concerned that the MCM may have a negative influence on important public works projects that are tied directly to public safety. It is the Parish's belief that the MCM will have a direct negative impact on important public safety projects by requiring an inordinate amount of compensatory mitigation for wetland impacts associated with these projects. The communities of southeastern Louisiana have little choice, in most cases, than the construction of the necessary flood protection structures in areas which trigger wetland mitigation requirements, if they are to provide adequate safety for these communities. Ultimately, the utilization of the MCM for assessing the wetland impacts for these important projects may lead to loss of property, livelihood, life, and result in local, state and federal legal liabilities.

In addition, the Parish is concerned that the MCM may also have a negative influence on critical infrastructure projects such as roadways/hurricane evacuation routes, ports, hurricane protection features, etc. Most of this infrastructure also provides crucial access that is required for the maintenance and growth of the petroleum and chemical industry, which supports this state, the region and the rest of the nation.

Accordingly, I vehemently oppose use of the Modified Charleston Method and would like to offer my support of your proposed amendment to H.R. 5325.

Sincerely,

JOHN F. YOUNG, Jr.,
Jefferson Parish President.

ST. MARY PARISH GOVERNMENT,
Franklin, LA, June 4, 2012.

Hon. JEFF LANDRY,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANDRY: The St. Mary Parish government is supportive of your efforts to craft legislation in the form of an amendment to the FY 2013 House Energy and Water Appropriations bill. St. Mary Parish supports the Landry Amendment that would prohibit any funds be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers (Corps) to implement or enforce the Modified Charleston Method (MCM).

We feel that this is an appropriate step that shows the Corps that a variation is needed from the current MCM. Our community cannot afford the every growing expense that this methodology has put on the backs of our locals.

St. Mary Parish has repeatedly asked the Corps to revisit the MCM as in current form it is unreasonably burdensome on our local economy. Our community is already experience negative impacts of the MCM. While we agree that wetland mitigation is necessary, our figures indicate that under the MCM projects cost three times more than they were before this methodology was implemented.

Your leadership on this issue is appreciated. I look forward to working with you on these and other issues important to St. Mary Parish.

Sincerely,

PAUL P. NAQUIN, Jr.,
Parish President.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act may be used to carry out section 801 of Energy Independence and Security Act of 2007 (42 U.S.C. 17281).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, in 2007, Congress passed the Energy Independence and Security Act of 2007. Section 801 of this act authorizes the Department of Energy to create a national media campaign to promote alternative green technologies and wean Americans off of fossil fuels. My amendment defunds this media campaign.

Our government must get out of the business of picking winners and losers. The American public knows far better than any government bureaucrat what energy sources work best for them, their families, and their businesses. Instead, private green energy firms should use their own advertising campaign funds on behalf of the energy sources they sell. Why are government dollars needed?

I urge my colleagues to support this amendment and to defund this taxpayer media campaign.

I yield back the balance of my time.

□ 2220

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, as the designee of the gentleman from Georgia (Mr. BROUN), I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act for the Advanced Research Projects Agency—Energy may be used for unallowable costs related to advertising or promoting the sale of products or services in contravention of the requirements of section 31.205-1, or for unallowable expenditures related to raising capital in contravention of the requirements of 31.205-27, of title 48 of the Code of Federal Regulations.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alabama (Mr. BROOKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BROOKS. Mr. Chairman, I offer this amendment to address a shortcoming in the manner in which ARPA-E, the Department of Energy's Advanced Research Projects Agency for Energy, spends taxpayer dollars.

In August 2011, the Department of Energy Inspector General released an audit report that disputed costs incurred by ARPA-E award recipients. For clarity, an ARPA-E award recipient is a private company or entity that seeks operational cost reimbursement from Federal taxpayers.

The Inspector General disputes that private company expenses for "meetings with bankers to raise capital" and "a fee to appear on a local television

program” are reimbursable costs that Federal taxpayers should pay for. The Inspector General report found that such spending violates Federal acquisition regulation subpart 31.2.

ARPA-E disputed the Inspector General’s finding and argued that such costs are allowable under ARPA-E’s statutory authority to fund technology transfer and outreach activities.

In February 2011, ARPA-E finalized Technology Transfer and Outreach guidance for awardees that explicitly encourages ARPA-E private company awardees to engage in and seek taxpayer reimbursement for these questionable expenditures.

More specifically, the policy states that acceptable taxpayer reimbursement activities by private companies include:

Marketing and other expenditures related to promoting an ARPA-E funded technology;

Consulting and other expenditures related to developing ARPA-E-funded technologies, building business and identifying potential users, markets and customers, e.g., business plan development, market research, and

Presentation and other expenditures relating to seeking additional funding from the private sector and government agencies.

ARPA-E guidance suggests the inappropriate spending identified by the Inspector General may be significantly widespread. At a January 2012 hearing, the Science, Space and Technology Committee’s Subcommittee on Investigations and Oversight examined ARPA-E guidance in spending.

One day prior to the hearing, ARPA-E delivered to the committee an updated policy that omits mention of these questionable spending activities. Hence, ARPA-E’s revision adds confusion, not clarity, to the pending question. In the absence of more explicit guidance consistent with the Inspector General’s spending concerns, there is a significant risk to American taxpayers that ARPA-E private company award-ees will incur costs that violate Federal regulations, yet which ARPA-E reimburses out of taxpayer funds.

On February 10, Subcommittee on Investigation and Oversight Chairman PAUL BROWN asked ARPA-E Director Majumdar to clarify in writing whether ARPA-E considers the activities mentioned in the original ARPA-E policy as allowable spending. Responses to these questions were due on February 24, 2012, but the Department of Energy refused to provide a response, a response which is now well over 3 months past the deadline.

This amendment does what ARPA-E should have already done, make it explicitly clear that the spending concerns identified by the Inspector General using taxpayer funds to raise private capital and using tax dollars to market, advertise, and promote private company-funded technologies are not allowable.

ARPA-E tax dollars should not go to private company advertising, mar-

keting and “meetings with bankers to raise capital.”

Stated differently, in this era of deficits and accumulated debt that threaten America with insolvency and bankruptcy, American tax dollars should not be used to pay for the operational costs of private sector companies, particularly when the Inspector General has already determined they are improper.

Mr. FRELINGHUYSEN. Will the gentleman from Alabama yield?

Mr. BROOKS. I yield to the gentleman.

Mr. FRELINGHUYSEN. I think we’re prepared to accept your amendment.

Mr. BROOKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BROOKS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHWEIKERT

Mr. SCHWEIKERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to enforce part 429 or 430 of title 10, Code of Federal Regulations, with respect to showerheads (as that term is defined in section 430.2 of such title).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, this is one of those sort of occasions I’m going to refer to this almost as the law of unintended consequences.

About 6 months ago, I was visiting one of my favorite places in life, a Starbucks in Scottsdale, and a gentleman walks up to me, just bouncing off the walls, and apparently it wasn’t from a bunch of espressos. He had just been given a \$447,000 fine for his tiny little business that made custom shower heads, made specialty shower heads, because apparently the water restrictor ring inside was too easy to pry out.

Now, I need to disclose something here, in all honesty. I’ve actually changed the shower heads in my house. And guess what the first thing I’ve always done is. I take a screwdriver and stick it in there and pull that little water-restricting ring out of there because I have this bad habit; I actually like to get wet when I shower. I know it’s a novel concept, but it’s something I like to do.

But think of this: the Department of Energy is out there enforcing, and here’s the standards they live by. If it takes more or less than 8 pounds of pressure to remove the water restrictor

after they take apart the shower head, they come and fine you.

But the creepy part of this story is they demanded a list of everyone who had purchased one of these shower heads. So now the Department of Energy is putting together the database of the people that bought shower heads that the water-restricting O ring inside is too easy to remove.

Have we lost our minds?

I’m not thrilled coming to the floor and doing a limitation amendment on something like this, but this is the type of thing the American people are absolutely livid about. And this actually affects our daily lives.

With that, Madam Chairwoman, I reserve the balance of my time.

Mr. VISCLOSKY. I rise to claim time in opposition to the gentleman’s amendment.

The Acting CHAIR (Ms. Foxx). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition and do rise to oppose the gentleman’s amendment.

The standards the gentleman is very exercised about were contained in the EPA Act of 1992 and have been in effect for more than a decade. And they, in fact, do save energy and they do save water. A number of States are starting to adopt tighter standards on these products, including the State of Georgia, because they do save energy.

There is no part of the country, including mine that borders the Great Lakes, the largest body of fresh water on the planet, that does not have water supply concerns. In California, there has been a tremendous public investment to encourage and incentivize homeowners to replace their utilities with models that require less water.

□ 2230

I really do not know why we are discussing this issue again. We talked about it in the nineties. We talked about it in the last decade, and here we are this evening talking about it again. Manufacturers have been complying with this provision for, again, a decade. The question is: Why are we talking about it today? I am aware of an enforcement action recently, but against plumbing manufacturers who have put multiple compliant showerheads onto one fixture, obviously trying to sidestep the law when you have three efficient showerheads attached to one.

With water shortages across the country, with an energy crisis in most of the Mountain and Western States, I would ask my colleagues to oppose the gentleman’s amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Madam Chairwoman, may I inquire as to my time?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining.

Mr. SCHWEIKERT. This is actually an interesting debate from an economic standpoint.

Being from the desert, where we actually really, really care about our water supply, we've learned something. I'm one of those people who lives in a house with rock landscaping and low water this and low water landscaping, but I do like to get wet in my shower, as we've already stated. If you want to deal with water usage, basic economics says you do it through the pricing mechanism, not through trying to manage my life with a bunch of laws.

Madam Chairwoman, I stand in front of you and hope this amendment passes because, in many ways, I think this is a great example of what drives the American voters, the American people mad in that we try to micromanage every aspect of their lives, and we turn huge numbers of them functionally into criminals. I would love to do an honest survey through this body of how many people have done any remodeling or who have put up a new showerhead and who have not monkeyed with that flow restrictor that's inside that showerhead.

Ultimately, I appreciate that in 1992 this somehow passed through this body. Maybe it was meant to help, and maybe it was meant to have all sorts of good purposes, but this is not the rational methodology with which to promote that type of water conservation. Then when you turn the Department of Energy into a police force that actually now sets standards of—if I can exceed 8 pounds of force, then all of a sudden it's perfectly legal, but if it's under 8 pounds of force in removing the water restrictor, then I get a \$447,000 fine, as my constituent received here.

With that, Madam Chairwoman, I yield back the balance of my time.

Mr. VISCLOSKEY. Madam Chairman, I do not live in a desert. I mentioned in my earlier remarks that my congressional district, in fact, borders the largest body of freshwater on the planet Earth. I find water very precious myself, and I try to explain to my constituents every day we should not take it for granted.

I find the debates that we have engaged in here very interesting tonight. A bit earlier today, we had an amendment to suppress the wage rates in this country. We have about 13 million people who don't work today, but the gentleman suggests the way that we solve our water crisis in this country is pricing. His solution is: Let's increase the price of water. Let's increase the price of water for those 13 million people who aren't working. Let's increase the price of water. Let's use pricing for water to conserve it for those people who may not be making a living wage because people want to destroy Davis-Bacon in this country.

Maybe we ought to think about the people who are just getting by, just grubbing to get the money to pay their water bills. Pricing means something to them. In this case, if regulation that

had been in place for more than a decade will help those people of least means pay their water bills, I say that's a good thing and a very sound reason to oppose the gentleman's amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. SCHWEIKERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds made available under this Act may be used to plan or undertake sales or any other transfers of natural or low enriched uranium from the Department of Energy that combined exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent in fiscal year 2013.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Wyoming (Mrs. LUMMIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wyoming.

Mrs. LUMMIS. I first want to thank my colleague, Representative HINOJOSA from Texas, for joining me in this amendment.

Now here is an undisputed fact: Today, the United States imports more than 90 percent of our uranium from foreign countries. Some of them don't like us very much. We have an ample supply of uranium in the West and across this country. A lack of supply is not the problem.

We import that much uranium for two reasons: First, accidents that happened decades ago cooled interest in nuclear energy in our country, so companies slowed down their production. But here is the second reason: Just as our domestic energy began to recover from these disasters, our own government started dumping into the market excess uranium it has stockpiled.

DOE uses the stockpile to raise funds for itself for various purposes—a fact that this Appropriations subcommittee has been concerned about for quite some time. Every time the Federal Government dumps its excess stockpile into the market, it depresses the price of uranium. Depressed uranium prices halt private investment in domestic mining and conversion and hurt American jobs in the West and in the Midwest.

Being reasonable folks, the uranium miners have agreed to accept that the Department of Energy can dump into the market up to 10 percent of domestic demand for uranium. That has been the consensus approach since 2008. However, last month, the DOE de-

parted from the consensus and announced that it would dump into the market a volume of uranium that is overwhelming in its scope—9,000 tons—an amount that is orders of magnitude greater than 10 percent of domestic demand.

That is what my amendment today seeks to end—the price-distorting dumping of uranium in the open market above what has been the consensus in the uranium industry for years and above a level that can be weathered by U.S. companies offering U.S. jobs in uranium mining.

Now here is where my amendment gets politically sticky. High-profile Members of Congress from the Midwest are trying to protect 1,200 jobs for 1 year at the United States Enrichment Corporation facility in Kentucky. Let me be clear. I don't want jobs lost in Paducah, Kentucky, but I also don't want jobs lost in Wyoming and in the West.

I want my colleagues to understand this. While the actions of the Department of Energy may help save 1,200 jobs for 1 year in Kentucky, it will also end 1,200 jobs in the West and Midwest for much longer than that. So the Department of Energy's dump onto the open market of \$815 million worth of uranium to further bail out a failing private company, USEC, will result in no net savings of jobs. Over \$800 million to save no net jobs is a stunningly bad investment.

The good news is that we can protect jobs in Kentucky and in the West at the same time. We do not have to choose. Here is how. Vote for this bipartisan amendment. If my amendment passes, the DOE will still transfer 62 percent of the 9,000 tons of depleted uranium before my amendment even takes effect.

□ 2240

After that, DOE can still continue its transfers, just under a reasonable cap that doesn't destroy domestic uranium mining and conversion in the process.

Here are the facts: My amendment does not halt work at any of USEC's failing sites; it does not prevent transfers for national security purposes; it does not halt the cleanup of sites in Ohio. In fact, my amendment provides a way for all of these projects to move forward efficiently and fairly.

The bottom line is this: We do not need to sacrifice jobs in Wyoming or Illinois to support jobs in Kentucky. That is a false choice. We can do both, and that is exactly what my amendment does.

I implore my colleagues to give DOE's actions careful thought here. DOE's plan is a market distorting government intrusion into the private market. We cannot stop it in full, but we can rein it in next year in a way that is fair to every single stakeholder in this debate.

I ask my colleagues to support my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I rise in opposition to the gentlelady's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I share the gentlelady's concern on the Department's continued off-budget use of its uranium transfer authority to circumvent the appropriations process and avoid congressional oversight. Congressional oversight is essential in order to make sure there are adequate protections in place to protect our domestic uranium mining and conversion industry. However, this amendment is too broad an approach for what is, by most estimates, a very complex issue.

There are several uses for the many uranium transfer authorities given to the Secretary of Energy that support ongoing national security activities, and there is still a great deal of ambiguity of whether this language in this amendment would prohibit funding for a depleted uranium tails transfer that will keep the Paducah plant in Kentucky operating for another year. That deal would sustain, and there may be a question in terms of how many jobs are here, but our estimates say it will sustain 2,000 jobs in fiscal year 2013 and provide the needed uranium fuel to produce tritium to supply our nuclear weapons stockpile.

I hope we can work together—the gentlelady and I, and members of the authorizing committee and the Appropriations Committee on Energy and Water—to find a solution that addresses all of these and other concerns.

I urge my colleagues reluctantly to vote “no” on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mrs. LUMMIS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wyoming will be postponed.

AMENDMENT OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to finalize, implement, or enforce the proposed rule entitled “Energy Conservation Program: Energy Con-

servation Standards for Battery Chargers and External Power Supplies” (77 Fed. Reg. 18478 (March 27, 2012)) with respect to product class 7 (as described in such proposed rule).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Madam Chair, I appreciate the opportunity to offer this commonsense amendment to protect American jobs and reduce regulatory burdens. Quite simply, this amendment would block the Department of Energy from implementing unnecessary energy conservation standards for golf cart battery chargers.

Madam Chairman, I recognize that reasonable regulations are necessary to protect human health and the environment; however, we must guard against costly rules that provide no meaningful benefit to the United States but instead encourage this shift of American jobs overseas to lower-wage countries where environmental standards are minimal. The proposed golf cart battery charger rule is clearly such a regulation. The proposed standards would achieve minimal energy savings, and the Department of Energy itself acknowledges that they would result in U.S. manufacturing jobs being sent overseas.

While I support the overall goal of promoting energy efficiency, I am very concerned about this proposed regulation that directly affects more than 100 jobs right where I live.

Madam Chair, last week's unemployment figures highlight the economic challenges we face in our country. Job growth is slowing and unemployment is ticking up. In this kind of economic climate, why would we want to intentionally force American jobs overseas through increased and unnecessary regulation?

I would also like to emphasize that golf cart battery chargers should not even be included in this proposed rule, which is intended to cover consumer products. It is my understanding that about 90 percent of new golf carts are sold to businesses for fleets, while less than 10 percent of new golf carts are for personal use by individuals. This does not meet the significant standard necessary to be considered a consumer product.

It is clear that the proposed rule would make American manufacturers of battery chargers less competitive and it would cost American jobs, so we must ask what would we achieve by implementing this rule. According to the Department of Energy's calculations, making this change would result in energy savings of only about \$6 per charger per year. That's because these chargers are already very highly efficient.

With that, Madam Chair, I urge my colleagues to support this amendment which will help protect American jobs, and I reserve the balance of my time.

Mr. VISCLOSKEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Madam Chair, I will not oppose the gentleman's amendment, but I do have some concerns.

First, I would like to say that I hope that we will not begin to legislate every rule coming out of the Department of Energy on this particular bill, though I understand the frustration that the Department of Energy is capable of causing from time to time. However, in this instance, I do understand that the Department is responding to the concerns expressed by the gentleman from Nebraska, and it is anticipated that a resolution is expected soon.

On that basis, I do not oppose the amendment as a gentle reminder for the Department to address this issue expeditiously.

With that, I yield back the balance of my time.

Mr. FORTENBERRY. I yield back the balance of my time, Madam Chair.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Madam Chair, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life-cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources.

In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Energy and Water Development appropriations bill.

□ 2250

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel. Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department.

This is why I'm offering this amendment again today to the Energy and Water appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix, and that fix is to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce all of our domestic energy resources.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Madam Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

In some circles, there is a misconception that my amendment somehow prevents the Federal Government and our military from being able to produce and use alternative fuels. Madam Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs. I offered a similar amendment to the CJS appropriations bill, and it passed with strong bipartisan support.

My similar amendment to the MilCon-VA appropriations bill also passed by a voice vote. My friend, Mr. CONAWAY, also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: it increases our reliance on Middle Eastern oil; it hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean, and efficient American oil and gas.

It also increases the cost of American food and energy. It hurts American

jobs and the American economy. Last, but certainly not least, it costs our taxpayers more of their hard-earned dollars. I urge my colleagues to support the passage of this commonsense amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise in support of the amendment by the gentleman from Texas. The gentleman's amendment enhances our national security by giving the Federal Government alternatives to imported petroleum fuels. Gas prices this year are at record highs, and the Nation imports nearly half of its oil. Our bill takes a comprehensive approach to once and for all reduce gas prices and our reliance on imported oil.

Unfortunately, by declaring some fuel options to be off-limits, off-limits to Federal fleets, section 526 of the Energy Independence and Security Act of 2007 limits our ability to reduce our Nation's dependence on oil imports.

By undoing that law, the amendment puts all the alternatives back on the table so the Nation can begin developing and using fuels that are made with resources right here in the United States. Energy self-sufficiency is a national security issue, and this amendment takes a step in the right direction by adding to the comprehensive approach in our bill. I support the gentleman's amendment, and I am prepared to accept it.

I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Section 526 is, I believe, a commonsense provision that stops Federal agencies from wasting taxpayer dollars on new alternative fuels that are dirtier and more polluting than fuels we use today.

Section 526 simply bars agencies from entering into contracts to purchase alternative and unconventional fuels that emit more carbon pollution than conventional fuels on a life-cycle basis. Section 526 doesn't prevent the sale of dirty fuels, nor does it prevent the Federal agencies from buying these fuels if they need to.

Instead, it simply prevents the Federal Government from propping up the makers of dirty fuels with long-term contracts. Government policy, given the problems we face as far as our energy policy, should help drive the development of alternative fuels that cut pollution in carbon emission, not increase it.

The effect of this provision has been that it has spurred development of ad-

vanced biofuels. These fuels are being successfully tested and proven today on U.S. Navy planes at supersonic speeds. It is a testament to this country's ingenuity.

Opponents of this section claim that it creates problems for Federal agencies, and that is simply not the case. For example, the Department of Defense supports section 526, recognizing that tomorrow's soldiers, sailors, air personnel, and marines are going to need a greater range of energy sources.

Last July, the Department of Defense stated very clearly, and I quote:

The provision has not hindered the Department from purchasing the fuel we need today, worldwide, to support military missions. But it also sets an important baseline in developing the fuels we need for the future.

DOD has also said that repealing section 526 could "complicate the Department's efforts to provide better energy options to our warfighters and take advantage of the promising developments in home-grown biofuels."

If DOD, the government's largest fuel purchaser, believes that section 526 is workable and helpful, that should be true for other agencies as well. In fact, the agencies we're addressing today have not expressed any concerns that I am aware of about section 526 nor have they asked for this provision.

I believe this amendment could also damage the developing biofuels sector at the worst possible time for our economy. It can send a very negative signal to America's advanced biofuel industry and could result in adverse impacts to U.S. job creation, world development efforts, and the export of world-leading technology.

Developing and bringing advanced low-carbon biofuels to scale is a critical step in reducing the Nation's dependence on oil. In this section, section 526, is a key part of this process. For these reasons, I would certainly be opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. FLORES. Madam Chair, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining.

Mr. FLORES. I want to make sure that we clear up any misconceptions about this bill. This bill does not tell the military that they cannot pursue alternative sources of fuel. What it does is it removes all restrictions that have been placed on the military and on the Federal Government to procure any type of fuel, whether it's based on coal technology, whether it's based on the oil sands from a friendly country next door in Canada. It contains no restrictions. It takes away the restrictions that have manipulated the market and have forced up the cost of energy for the Defense Department.

For instance, the Navy was buying vegetable oil to burn in its ships and aircraft in 2010 at a cost of \$424 per gallon. Last year, this cost was reduced to

\$27 a gallon, yet it's still six times higher than what the cost of normal Navy fuel would be.

What this hurts is our personnel readiness; it hurts the ability to buy more tanks, to buy more airplanes, to buy more protective gear for our men and women in the military.

□ 2300

It also hurts our taxpayers. As I said earlier, it keeps the military from being able to even buy fuel from Canadian oil sands next door, which, hopefully, some day, will be transported through the Keystone XL pipeline down to United States refineries.

I want to also talk about what the Defense Department has said.

The Acting CHAIR. The time of the gentleman from Texas has expired.

Mr. FRELINGHUYSEN. Madam Chair, I would like to move to strike the last word and yield some additional time to the gentleman, another 5 minutes, if he is so inclined.

The Acting CHAIR. The gentleman from New Jersey has already used the time available to him by striking the last word.

Mr. VISCLOSKY. Madam Chair, I would be happy to yield the gentleman some time, if he needs it, to close.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I in turn yield to the gentleman from Texas.

Mr. FLORES. Thank you. I should be able to do this in a minute.

A letter from the General Counsel of the Department of Defense to Senator INHOFE says:

The Department of Defense supports Senate 2827, a bill to repeal the requirement with respect to the procurement and acquisition of alternative fuels. The bill would repeal section 526 of the Energy Independence and Security Act of 2007. Section 526 has the potential to generate significant problems for the DOD and its procurement of fuels for the national defense. It creates uncertainty about what fuels the DOD can procure and discourage the development of new sources, particularly reliable domestic sources of energy supplies for the Armed Forces.

Mr. VISCLOSKY. I would simply reiterate my objection to the gentleman's amendment so that is clear for the record, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

Mr. FRELINGHUYSEN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Ms. FOXX, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water develop-

ment and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of in district.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and June 6 on account of family medical reasons.

ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 6, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6281. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Further Definition of "Swap Dealer", "Security-Based Swap Dealer", "Major Swap Participant", "Major Security-Based Swap Participant" and "Eligible Contract Participant" [Release No.: 34-66868; File No. S7-39-10] (RIN: 3235-AK65) received May 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6282. A letter from the Secretary, Department of Defense, transmitting Annual Report on the Activities of the Western Hemisphere Institute for Security Cooperation (WHINSEC) for 2011; to the Committee on Armed Services.

6283. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6284. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6285. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6286. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Philippines pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as

amended; to the Committee on Financial Services.

6287. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6288. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6289. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Africa pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6290. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6291. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Head Start Fiscal Monitoring Assessment"; to the Committee on Education and the Workforce.

6292. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting biweekly Iraq Status Reports for the December 26, 2011 to February 25, 2012 period; to the Committee on Foreign Affairs.

6293. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

6294. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6295. A letter from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting the 2011 management report and statement of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6296. A letter from the National Chairman, Naval Sea Cadet Corps, transmitting the 2011 Annual Audit and the 2011 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

6297. A letter from the Chair, Sentencing Commission, transmitting amendments to the federal sentencing guidelines; to the Committee on the Judiciary.

6298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2011-1225; Directorate Identifier 2010-NM-269-AD; Amendment 39-17019; AD 2012-08-03] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6299. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2012-0273; Directorate Identifier 2011-NM-149-AD; Amendment 39-16988; AD 2012-06-07] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turboprop Engines [Docket No.: FAA-2012-0288; Directorate Identifier 2012-NE-10-AD; Amendment 39-16998; AD 2012-06-17] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1228; Directorate Identifier 2011-NM-176-AD; Amendment 39-17022; AD 2012-08-05] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1224; Directorate Identifier 2011-NM-175-AD; Amendment 39-17021; AD 2012-08-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2012-0355; Directorate Identifier 2011-SW-013-AD; Amendment 39-17007; AD 2012-07-01] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6304. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Sailplanes [Docket No.: FAA-2011-1342; Directorate Identifier 2011-CE-038-AD; Amendment 39-16996; AD 2012-06-15] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6305. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Division Turboprop Engines [Docket No.: FAA-2011-1194; Directorate Identifier 2011-NE-36-AD; Amendment 39-16999; AD 2012-06-18] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) Turboprop Engines [Docket No.: FAA-2011-1176; Directorate Identifier 2011-NE-35-AD; Amendment 39-16995; AD 2012-06-14] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6307. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1090; Directorate Identifier 2011-NM-138-AD; Amendment 39-

16986; AD 2012-06-05] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6308. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1414; Directorate Identifier 2011-NM-227-AD; Amendment 39-16982; AD 2012-06-01] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6309. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2007-27223; Directorate Identifier 2006-NM-224-AD; Amendment 39-16976; AD 2012-05-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6310. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2012-1324; Directorate Identifier 2011-NM-104-AD; Amendment 39-16983; AD 2012-06-02] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6311. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-0913; Directorate Identifier 2011-NM-031-AD; Amendment 39-17010; AD 2012-07-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6312. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2011-1113; Directorate Identifier 2009-SW-53-AD; Amendment 39-17005; AD 2012-06-24] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6313. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0025; Directorate Identifier 2010-NM-208-AD; Amendment 39-17012; AD 2012-07-06] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6314. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes [Docket No.: FAA-2007-0109; Directorate Identifier 2007-NM-235-AD; Amendment 39-16990; AD 2012-06-09] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6315. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2011-1064; Directorate Identifier 2011-NM-075-AD; Amendment 39-16984; AD 2012-06-03] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

6316. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2009-0908; Directorate Identifier 2009-NM-067-AD; Amendment 39-16987; AD 2012-06-06] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6317. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding between the United States and the Government of the Hellenic Republic concerning the imposition of import restrictions on Archaeological and Byzantine Ecclesiastical Ethnological Material through the 15th Century A.D., pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

6318. A letter from the Acting Deputy Undersecretary, Department of Labor, transmitting the Department's second biennial report prepared in accordance with section 403(a) of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) Implementation Act; to the Committee on Ways and Means.

6319. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

6320. A letter from the Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 436. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; with an amendment (Rept. 112-514). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 1004. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; with an amendment (Rept. 112-515). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 5842. A bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements; with an amendment (Rept. 112-516). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 5858. A bill to amend the Internal Revenue Code of 1986 to improve health savings accounts, and for other purposes; with an amendment (Rept. 112-517). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. SENSENBRENNER, and Mr. SCOTT of Virginia):

H.R. 5889. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLD:

H.R. 5890. A bill to correct a technical error in Public Law 112-122; to the Committee on Financial Services; considered and passed.

By Mr. CUMMINGS:

H.R. 5891. A bill to amend the Defense Base Act to require the provision of insurance under that Act under a Government self-insurance program, and to require an implementation strategy for such self-insurance program; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McMORRIS RODGERS (for herself, Ms. DEGETTE, Mr. SMITH of Texas, Mr. MATHESON, Mr. DINGELL, Mr. LATTI, Mr. TERRY, and Mr. MARKEY):

H.R. 5892. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIMM (for himself, Ms. LORETTA SANCHEZ of California, Mr. YODER, Mr. DOLD, Mr. NUNES, Mr. CARNAHAN, and Mr. POLIS):

H.R. 5893. A bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Science, Space, and Technology, Appropriations, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 5894. A bill to repeal section 4004 of the Patient Protection and Affordable Care Act (authorizing an education and outreach campaign); to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS of California (for herself, Mr. HINOJOSA, Mr. McDERMOTT, Mr. TOWNS, Ms. DELAUNO, Mr. THOMPSON of Mississippi, Mr. CICILLINE, Mr. CONYERS, Mr. CLARKE of Michigan, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. JOHNSON of Georgia, Mr. HINCHEY, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. SABLAN, Mr. RANGEL, Mr. HONDA, Ms. RICHARDSON, Ms. SEWELL, Mr. OLVER, Ms. NORTON, Ms. HAHN, Mr. NADLER, Ms. LEE of California, Mr. REYES, and Mr. TONKO):

H.R. 5895. A bill to provide interest-free deferment on unsubsidized student loans during periods of unemployment, and for other

purposes; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself and Mr. HANNA):

H.R. 5896. A bill to amend the Rural Electrification Act of 1936, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. PIERLUISI, and Mr. FALEOMAVAEGA):

H.R. 5897. A bill to amend the National and Community Service Act of 1990 to make certain United States territories eligible for nonprofit capacity building grants under that Act; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 5898. A bill to amend the Whaling Convention Act to require the Secretary of Commerce to authorize aboriginal subsistence whaling as permitted by the regulations of the International Whaling Commission and to set aboriginal subsistence catch limits for bowhead whales in the event the Commission fails to adopt such limits, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona (for himself, Mr. OLSON, Mr. COFFMAN of Colorado, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. JONES, Mr. HUNTER, Mr. MURPHY of Pennsylvania, Mr. WOLF, Mrs. MYRICK, Mr. HARRIS, Mr. FORTENBERRY, Mr. LANDRY, Mr. UPTON, Mr. TIBERI, Mr. LATHAM, Mr. HULTGREN, Mr. JORDAN, Mr. HUIZENGA of Michigan, Mr. PLATTS, Mr. NUGENT, Mr. MCCLINTOCK, Mr. CANSECO, Mr. DUNCAN of South Carolina, Mr. WESTMORELAND, Mr. BONNER, Mr. ROSS of Florida, Mr. PITTS, Mr. LAMBORN, Mr. HARPER, Mr. NUNNELEE, Mr. FLEMING, and Mr. PALAZZO):

H.J. Res. 110. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. GINGREY of Georgia):

H. Res. 674. A resolution expressing support for designation of June 2012 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; to the Committee on Energy and Commerce.

By Mr. RIGELL:

H. Res. 675. A resolution expressing the sense of the House of Representatives that, as part of any agreement on Medicare reform, Medicare should not be changed for any citizens of the United States over the age of 55 and any agreement should provide a detailed plan to end waste, fraud, and abuse in the program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. BILIRAKIS):

H. Res. 676. A resolution to expose and halt the Republic of Turkey's illegal colonization of the Republic of Cyprus with non-Cypriot populations, to support Cyprus in its efforts to control all of its territory, to end Turkey's illegal occupation of northern Cyprus,

and to exploit its energy resources without illegal interference by Turkey; to the Committee on Foreign Affairs.

By Mr. LAMBORN:

H. Res. 677. A resolution expressing the sense of the Congress regarding the anniversary of the United States Supreme Court decision in the case of *District of Columbia v. Heller*; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. HANNA, Mr. RIVERA, and Mr. BRADY of Texas):

H. Res. 678. A resolution congratulating the United States Chamber of Commerce on its 100th anniversary; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. BUERKLE introduced a bill (H.R. 5899) for the relief of Zenon Kolenda and Orysa Bilyanska Kolenda; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Texas:

H.R. 5889.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, of the Constitution

Article I, Section 8, Clause 3, of the Constitution

Article II, Section 2, Clause 2, of the Constitution

By Mr. DOLD:

H.R. 5890.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. CUMMINGS:

H.R. 5891.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States and Article I, Section 9, giving Congress the authority to control the expenditures of the federal government.

By Mrs. McMORRIS RODGERS:

H.R. 5892.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce as enumerated by Article I, Section 8, Clause 3 as applied to waterways for the development of hydroelectric power and flood control.

By Mr. GRIMM:

H.R. 5893.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. FLAKE:

H.R. 5894.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article 1, Section 9, Clause 7 of the United States Constitution, which states, “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law”.

By Ms. BASS of California:

H.R. 5895.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article I. Section 8. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GIBSON:

H.R. 5896.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution. Specifically Clause 1 (which relates to the power of Congress to provide for the general welfare of the United States) and Clause 3 (which relates to the power to regulate interstate commerce).

By Mr. SABLAN:

H.R. 5897.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, section 8, clause 3 and Article IV, section 3, clause 2 of the Constitution.

By Mr. YOUNG of Alaska:

H.R. 5898.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

Ms. BUERKLE:

H.R. 5899.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 of the Constitution asserts that “Congress shall have the Power . . . To establish a uniform Rule of Naturalization.” In other words, Congress shall have the power to determine who has the right to enter and remain in the United States.

By Mr. FRANKS of Arizona:

H.J. Res. 110.

Congress has the power to enact this legislation pursuant to the following:

The Parental Rights Amendment is introduced pursuant to Article V: “The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . .”

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. CLARKE of Michigan.

H.R. 85: Mr. HINOJOSA.

H.R. 139: Mr. KIND.

H.R. 459: Mr. FLEISCHMANN, Mrs. EMERSON, Mr. HARPER, Mrs. CAPITO and Mr. KING of Iowa.

H.R. 530: Mr. SERRANO.

H.R. 816: Mr. MCCAUL.

H.R. 860: Ms. HIRONO, Ms. WASSERMAN SCHULTZ and Mr. KLINE.

H.R. 905: Mr. PASCRELL.

H.R. 997: Mr. LABRADOR.

H.R. 1006: Mr. DENT.

H.R. 1041: Mr. CHANDLER.

H.R. 1063: Mr. THOMPSON of California.

H.R. 1327: Mr. PENCE and Mr. BRADY of Pennsylvania.

H.R. 1348: Mr. MCINTYRE.

H.R. 1370: Mr. CANSECO and Mr. BARTON of Texas.

H.R. 1426: Mr. GOODLATTE and Mrs. MCMORRIS RODGERS.

H.R. 1448: Mr. MILLER of North Carolina and Mrs. LOWEY.

H.R. 1489: Ms. CHU.

H.R. 1543: Mr. WELCH.

H.R. 1653: Mr. NUNNELEE.

H.R. 1675: Ms. JACKSON LEE of Texas.

H.R. 1681: Mr. VAN HOLLEN.

H.R. 1733: Mr. MEEHAN, Mr. GEORGE MILLER of California, Ms. LEE of California and Ms. HIRONO.

H.R. 1735: Mr. RANGEL.

H.R. 1878: Ms. LORETTA SANCHEZ of California.

H.R. 1912: Mr. YARMUTH.

H.R. 1940: Mrs. HARTZLER.

H.R. 1956: Mr. ROKITA.

H.R. 1964: Ms. HOCHUL.

H.R. 2077: Mr. BONNER and Mr. CONAWAY.

H.R. 2104: Mrs. CAPPS and Mr. TERRY.

H.R. 2315: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PERLMUTTER.

H.R. 2327: Mr. AMODEI.

H.R. 2382: Mr. KEATING, Mr. QUIGLEY, and Mr. POLIS.

H.R. 2524: Mr. CARNAHAN.

H.R. 2569: Mr. LUETKEMEYER and Mr. GRIF-FITH of Virginia.

H.R. 2637: Ms. BASS of California.

H.R. 2705: Mr. MURPHY of Connecticut.

H.R. 2721: Mr. CLEAVER, Mr. CLAY, Mr. DAVID SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD and Ms. BROWN of Florida.

H.R. 2866: Mr. TURNER of Ohio.

H.R. 2962: Mr. HOLDEN and Mr. WALBERG.

H.R. 2966: Mr. CHANDLER.

H.R. 2970: Mrs. LOWEY.

H.R. 2982: Mr. SCHOCK.

H.R. 3015: Mr. CLAY and Mr. NADLER.

H.R. 3032: Mr. REHBERG and Mr. JONES.

H.R. 3187: Mr. AUSTIN SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. SCHWARTZ, Mr. NEAL, Mr. HARPER and Mr. HOLT.

H.R. 3242: Mr. CAPUANO and Ms. CHU.

H.R. 3275: Mr. MCINTYRE.

H.R. 3395: Mr. JOHNSON of Ohio.

H.R. 3444: Mrs. ELLMERS.

H.R. 3485: Mr. CLARKE of Michigan, Mr. CONNOLLY of Virginia and Mr. LOEBSACK.

H.R. 3513: Ms. CHU.

H.R. 3596: Ms. WASSERMAN SCHULTZ and Mrs. MCCARTHY of New York.

H.R. 3618: Mr. MORAN.

H.R. 3627: Mr. JACKSON of Illinois.

H.R. 3660: Mr. JOHNSON of Georgia.

H.R. 3662: Mr. DAVIS of Kentucky and Mr. FLORES.

H.R. 3668: Mr. COURTNEY and Mrs. DAVIS of California.

H.R. 3797: Mr. GARRETT.

H.R. 3798: Ms. LINDA T. SANCHEZ of California.

H.R. 3803: Mr. THORNBERRY.

H.R. 3809: Mr. GARRETT.

H.R. 3839: Mr. YODER and Ms. ZOE LOFGREN of California.

H.R. 3867: Mr. CAMPBELL.

H.R. 3903: Mr. BRALEY of Iowa.

H.R. 4017: Mr. MEEHAN and Mr. CARNEY.

H.R. 4018: Mr. CONYERS.

H.R. 4055: Mr. PETERS and Mr. ISRAEL.

H.R. 4057: Mr. RYAN of Ohio.

H.R. 4066: Mr. MCGOVERN.

H.R. 4078: Mr. DUNCAN of South Carolina.

H.R. 4103: Mrs. LOWEY and Mr. COBLE.

H.R. 4122: Ms. ESHOO, Mr. CLARKE of Michigan and Mr. CAMPBELL.

H.R. 4169: Mr. GRIJALVA.

H.R. 4170: Mr. NADLER and Mr. DAVIS of Illinois.

H.R. 4192: Mr. TIERNEY.

H.R. 4209: Mr. CICILLINE.

H.R. 4227: Mr. CICILLINE, Ms. FUDGE, Mr. FILNER, Ms. BASS of California, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. DINGELL and Mr. LYNCH.

H.R. 4235: Mr. PERLMUTTER.

H.R. 4277: Mr. SERRANO, Mr. MCGOVERN and Mr. THOMPSON of Mississippi.

H.R. 4282: Mr. TIBERI, Mr. BRADY of Texas and Ms. NORTON.

H.R. 4305: Mrs. EMERSON and Mr. BOREN.

H.R. 4323: Mr. LOEBSACK.

H.R. 4330: Mr. RIBBLE.

H.R. 4336: Mr. PRICE of Georgia and Mr. HUIZENGA of Michigan.

H.R. 4350: Mr. PRICE of North Carolina.

H.R. 4381: Mrs. BLACK, Mr. DUNCAN of South Carolina, Mr. LAMBORN, Mr. COFFMAN of Colorado, Ms. FOXX and Mr. NUNNELEE.

H.R. 4382: Mrs. BLACK, Mr. JOHNSON of Ohio, Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Mr. TIPTON, Mr. LAMBORN, Mr. DENHAM and Ms. FOXX.

H.R. 4383: Mrs. BLACK, Mr. JOHNSON of Ohio, Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Mr. COFFMAN of Colorado, Mr. TIPTON and Mr. DENHAM.

H.R. 4386: Mr. MCCLINTOCK.

H.R. 4402: Mr. GARDNER, Mr. REHBERG, Mrs. LUMMIS and Mr. PEARCE.

H.R. 4405: Mr. DEUTCH, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. TURNER of New York and Mr. KEATING.

H.R. 4471: Mr. REHBERG, Mr. JOHNSON of Ohio, Mr. BERG and Mr. GRIFFIN of Arkansas.

H.R. 4480: Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Ms. FOXX, Mr. NUNNELEE and Mr. LATHAM.

H.R. 4481: Mr. AMODEI.

H.R. 4965: Mr. FINCHER, Mr. BRADY of Texas and Mr. ALTMIRE.

H.R. 4972: Mr. STARK.

H.R. 5381: Mrs. LUMMIS, Mr. COLE and Mr. MCCLINTOCK.

H.R. 5546: Mr. RANGEL.

H.R. 5707: Mr. BRADY of Pennsylvania and Mr. MCGOVERN.

H.R. 5738: Mr. LEVIN.

H.R. 5741: Mr. PETERS.

H.R. 5748: Ms. MOORE, Ms. ROYBAL-ALLARD and Ms. SPEIER.

H.R. 5749: Ms. PINGREE of Maine, Mr. HONDA, Mr. OLVER, Ms. SLAUGHTER and Mr. BLUMENAUER.

H.R. 5791: Mr. GOSAR, Mr. FRANKS of Arizona, Mr. SCHWEIKERT and Mr. MCCLINTOCK.

H.R. 5796: Mr. POE of Texas and Mr. CHABOT.

H.R. 5842: Mr. DAVIS of Kentucky and Mr. BILBRAY.

H.R. 5844: Mr. POE of Texas.

H.R. 5859: Mr. OLSON and Mr. SCHRADER.

H.R. 5870: Ms. CHU.

H.R. 5872: Mr. SCHILLING, Mr. HARRIS, Mr. COFFMAN of Colorado, Mrs. ROBY, Mr. LAMBORN and Mr. NUNNELEE.

H.J. Res. 47: Mr. CLARKE of Michigan and Mr. RUPPERSBERGER.

H. Con. Res. 21: Mr. HALL.

H. Con. Res. 127: Mr. OLSON, Mr. BUTTERFIELD, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mr. RUSH, Ms. SPEIER, Mr. GUTHRIE, Mr. TOWNS, Mr. SCALISE, Mr. POMPEO,

Mrs. CAPPS, Mr. BARTON of Texas, Mr. WHITFIELD, Mr. ENGEL, Ms. DEGETTE, Mr. DOYLE, Mr. GINGREY of Georgia, Mr. JONES, Mr. PITTS, Mr. MURPHY of Pennsylvania, Mr. HARPER and Mr. GARDNER.

H. Res. 134: Mr. MURPHY of Connecticut.

H. Res. 282: Mr. JACKSON of Illinois and Mr. CLAY.

H. Res. 298: Mr. LYNCH and Mr. CASSIDY.

H. Res. 506: Mr. JONES and Mr. WEST.

H. Res. 532: Mr. Sam JOHNSON of Texas.

H. Res. 583: Mr. MCNERNEY.

H. Res. 618: Ms. HIRONO, Mr. WEST and Mr. LARSON of Connecticut.

H. Res. 652: Mr. MCGOVERN.

H. Res. 655: Mr. BRADY of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON and Mr. GRIJALVA.

H. Res. 663: Mr. ROTHMAN of New Jersey, Mr. CHABOT, Mr. CARNAHAN, Mr. SIREN, Mr. CONNOLLY of Virginia, Mr. SCHIFF, Mr. CROWLEY, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. SHERMAN, Mr. ACKERMAN, Mr. MEEKS, Ms. RICHARDSON, Mr. BURTON of Indiana, Mr. NADLER and Mr. GENE GREEN of Texas.

H. Res. 669: Mr. MURPHY of Pennsylvania and Mr. JOHNSON of Ohio.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Submitted June 1, 2012]

H.R. 5325

OFFERED BY: MR. HARRIS

AMENDMENT No. 18: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).

[Submitted June 5, 2012]

H.R. 5325

OFFERED BY: MRS. LUMMIS

AMENDMENT No. 19: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act may be used to plan or undertake sales, trades, barter, or transfers of uranium from the Department of Energy in total amounts that in fiscal year 2013 exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent.

H.R. 5325

OFFERED BY: MR. GARDNER

AMENDMENT No. 20: Page 29, line 10, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7))

H.R. 5325

OFFERED BY: MR. MATHESON

AMENDMENT No. 21: Page 25, line 5, after the dollar amount, insert "(increased by \$9,600,000)".

Page 30, line 5, after the dollar amount, insert "(reduced by \$9,600,000)".

H.R. 5325

OFFERED BY: MR. DENHAM

AMENDMENT No. 22: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement section 10011(b) of Public Law 111-11.

H.R. 5325

OFFERED BY: MR. KUCINICH

AMENDMENT No. 23: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), and the amount otherwise appropriated by this Act for "Title 17 Innovative Technology Loan Guarantee Program" is hereby reduced by \$33,000,000.

H.R. 5855

OFFERED BY: MR. TERRY

AMENDMENT No. 1: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the designation of critical infrastructure in the banking, telecommunications, or energy sector for cybersecurity purposes.

EXTENSIONS OF REMARKS

RECOGNIZING THE ACHIEVEMENTS OF THE ROCHESTER GIRL SCOUT TECH TEAM, THE HIPPIE PAN- DAS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor and privilege to congratulate the Girl Scout tech team, known as the Hippy Pandas, who participated in the FIRST 2012 Championship—a celebration of science, technology, and robots involving more than 600 student teams from 32 countries around the world. For their innovative work and outstanding professionalism, the Hippy Pandas of Rochester, New York, were awarded the “Gracious Professionalism Award.”

As someone who places great value on science and technology, I am so pleased to see the tremendous success of these four girls from Rochester, New York. The Hippy Pandas, aged 11–14, are not only an inspiration for Science, Technology, Engineering, and Math (STEM) education for girls around the country, but they have also found a creative way to help communities in Nicaragua.

After learning that women in Nicaragua experience a high rate of miscarriage and disease because they drink unpasteurized milk, the Hippy Pandas set out to use their skills to develop an inexpensive and accessible solution to address this pressing problem. With the help of their coach and mentor, Cheryl Lawniczak, a chemical engineer at Eastman Kodak Co., and faculty members at the Rochester Institute of Technology, the girls designed and built a solar powered device to heat milk to 145 degrees to kill harmful bacteria.

The Hippy Pandas initially used a thermometer to determine when the milk reached target temperature, but realizing this would be impractical for most Nicaraguan women, they developed a clever and natural alternative—beeswax, which melts when milk has reached 145 degrees.

This solar powered milk pasteurizing device is currently being implemented in Nicaragua to help women treat raw milk so that it is safe to drink. As one of the Hippy Pandas stated, “One thing we definitely learned is how dangerous raw milk can be and how pasteurization helps . . . We also learned that as kids, we can help people around the world to live safer lives.”

At a time when we as a nation have fallen behind in STEM education, the success of the Hippy Pandas is truly inspirational. The life lessons of teamwork, leadership, and dedication can only be learned through hard work and experience.

Mr. Speaker, I ask my colleagues to join me in congratulating each of these girls along with

their mentors at Rochester Institute of Technology and Eastman Kodak Co. for their innovative work and dedication to science and technology.

HONORING ROBERT M. CHUR OF WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. HIGGINS. Mr. Speaker, I rise today to honor the extraordinary career of Robert M. Chur, the Chief Executive Officer and majority shareholder of 19 independent, assisted living and skilled nursing companies in my home community of Western New York.

These combined entities, which represent Bob's hard work and dedication to service, currently employ 2,800 full and part-time employees, and care for more than 5,000 people each year throughout the Western and Central New York area.

Before beginning his outstanding career, Bob served as a Captain in the United States Marine Corps. He earned a Bachelor of Science in Mathematics from St. Lawrence University, and received his MBA in Marketing Management from Syracuse University.

Remarkably, Bob has been affiliated with over 25 organizations throughout his career; sitting on various Boards of Directors, and serving as Chairman, President, and holding many other esteemed positions.

Bob has also received numerous awards for his service including his 2004 Health Care Hero for Lifetime Achievement award from Business First of Buffalo, and his 2010 ACHA Gold Award for Quality from ElderWood Health Care at Wedgewood.

Nine of Bob's skilled facilities and five of his assisted living facilities have earned the Bronze and Silver Awards for Quality from the American Health Care Association. As a result, it comes as little surprise that in 2012 Robert was named one of Western New York's most influential business leaders by Buffalo Business First.

It is very easy to see why Bob's facilities have won many accolades over the years. In late April, I was proud to visit one of Bob's facilities, Westwood Village, located in West Seneca, New York, as they welcomed their 1,000th resident, and Bob's company's success was self-evident: they care for people in the most dignified and respectful manner, assisting seniors as they transition through new chapters of their lives. Bob's facilities are not “nursing homes,” in the traditional use of that term. Bob, his family and staff members work as hard as they can to simply make his facilities home for the many thousands of Western Yorkers whom they serve.

Mr. Speaker, it is with great pride that I rise to honor Bob Chur on his exemplary career

and celebrate his retirement. I thank him for his warm friendship and for his dedicated service to his country and to his community. I know that you and all of our colleagues join with me in wishing Bob good health and the best of luck in his future endeavors.

SALVATORE INGRALDI TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. TIPTON. Mr. Speaker, I rise today to recognize Salvatore Ingraldi of Colorado Springs, Colorado. Mr. Ingraldi is a proud American, who served in the Air Force for 24½ years. He joined the Air Force as a Security Policeman, and after a distinguished career retired as a Chief Master Sergeant.

Following his retirement, Mr. Ingraldi's enthusiasm and belief that it is our duty to honor WWII Veterans inspired him to found an Honor Flight Hub, in Southern Colorado, and he was subsequently voted President of the organization. It is through Mr. Ingraldi's passion and leadership that the Honor Flight Hub will be sponsoring its first trip to Washington, DC.

Because of Mr. Ingraldi's efforts, four WWII Veterans who without the help of the Honor Flight Hub would not have been able to come to our nations capital, will now be able to pay respects to their fallen comrades at the national WWII Memorial.

Mr. Speaker, it is an honor to recognize Mr. Ingraldi for his great service to our country and its veterans. Through Mr. Ingraldi's hard work the Honor Flight Hub, in Southern Colorado, will continue to give WWII Veterans the opportunity to visit and reflect at their memorial.

HONORING THE LIFE OF ANTONIO S. RESTAINO, JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. HIGGINS. Mr. Speaker, I rise today to honor the extraordinary life and legacy of Antonio S. Restaino, Jr., who passed away on Sunday June 3, 2012 at the age of 78.

Mr. Restaino was born in Niagara Falls in 1934 to the late Antonio and Pasqualina Restaino, where he attended local schools until he began his service in the United States Air Force in 1951. Antonio served his country during the Korean War until his honorable discharge on November 5th, 1953.

After returning home from his service in the Air Force, Mr. Restaino married Rose M.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(Morreale) Restaino in Our Lady of Mt. Carmel Church in Niagara Falls on June 11th, 1955.

Mr. Restaino began his career working at Bell Aircraft before he was hired by the City of Niagara Falls in 1958 and promoted to the position of Supervisor of Construction and Maintenance in the Sewer & Water Department. In April 1987, he was appointed Deputy Director of the Niagara Falls Convention Center, and in 1988 was assigned to the Niagara Falls Waste Water Treatment Plant as Chief of Buildings & Grounds where he served until his retirement in October 1988.

In addition to his wife of fifty years, Mr. Restaino is survived by his children, grandchildren, sisters and a large and loving extended family. But Mr. Restaino enjoyed a relationship with another extended family—the good people of the city of Niagara Falls.

Following his retirement, Mr. Restaino remained a very active and effective contributing member of his beloved hometown community. He garnered much praise for his work with local organizations and received many awards for his service, which included a 1993 award for Outstanding Service from the Niagara Falls Democratic Committee, a 2004 Diocese of Buffalo Lay Award of St. Joseph the Worker, and a 2010 Cittadini Speciali, "Special Citizen" Award from the Pine Avenue Business Association.

Mr. Speaker, I ask that you join with me and with members of the House to express our deepest condolences to the family of the late Antonio S. Restaino, Jr., and join with me in recognizing the many good works he performed during his long and full life. May he rest in peace, and may his family know and understand the tremendous impact that Mr. Restaino had on the city, state and country that he loved so much.

MAX WATSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Max Watson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Max Watson is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Max Watson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Max Watson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO MILITARY FAMILIES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on May 30 The Times and Democrat of Orangeburg, SC, published a thoughtful tribute to military families. As chairman of the Military Personnel subcommittee of the Armed Services Committee, but more importantly as the grateful dad of four sons currently serving in our military I appreciate the message.

NEEDS OF MILITARY FAMILIES MUST NOT BE OVERLOOKED

With Monday's Memorial Day gathering at the Vietnam Veterans Memorial Wall in Washington, the United States officially begins its observance of the 50th anniversary of the Vietnam War, paying tribute to the 3 million men and women who served during one of the most challenging missions this country has ever faced.

As we remember the military personnel who fell in Vietnam and those who lived to return home, we should also remember the families of our servicemen and women, the challenges they face and the courage they display.

Stressors confronting military families were identified in the 2012 Blue Star Families Military Family Lifestyle Survey released earlier this month.

"The families of America's men and women in uniform are the backbone of the United States military," U.S. Senator Richard Burr, R-N.C., said at a joint session of the Senate and House Military Family caucuses when the Survey results were presented.

"They provide the support that our servicemen and women rely upon as they serve in the finest armed forces in the world, and the more information we have about their unique situations, the better equipped we will be to accurately target assistance and support for them. This survey will help us identify and provide the kind of support they need and deserve."

The survey, which details the challenges faced by military families after more than a decade of continuous war, and the way families and service members are coping, found that among the key concerns are: pay/benefits, with specific emphasis on changes to retirement benefits; the effects of deployment on children; military spouse employment; and issues surrounding post-traumatic stress, combat stress and traumatic brain injury.

The survey found that 62 percent of respondents who felt their service member had exhibited signs of post-traumatic stress, regardless of any official diagnosis, said the person did not seek treatment, demonstrating there is still much to be done to help service members and their families "cope with the invisible wounds of war."

Frequent separation, the subsequent predeployment and reintegration processes and the issues surrounding frequent relocation place added pressures on military families—those of National Guard and Reserve service members as well as active duty—who also have to deal with the same issues as other families, including balancing work and family, parenting, education and maintaining healthy relationships.

According to the survey, since September 11, 2001, more than 2 million service members

have been deployed, with a large percentage of those serving multiple deployments—some as many as five tours of duty.

That is a huge period of time for families to have to be apart, representing many missed birthdays, holidays, graduations and other major milestones in the lives of families.

The survey also noted that although service members themselves are surviving head trauma and other catastrophic injuries their predecessors did not because of the vast improvements in medical technology, "those injuries, both physical and non-physical, have an impact on the family unit and are additional and substantial stressors upon a small segment of the population as well as the agencies and community organizations designed to support them."

We must never forget the sacrifices our military families make—the worries, the fears, the loneliness they endure—while their loved ones serve and protect this nation across the globe.

"Often, when discussing our nation's armed forces, we tend to focus primarily on our brave service members who put themselves in harm's way to protect the freedoms we cherish," U.S. Representative Sanford Bishop, D-GA, said when the Blue Star Families survey results were presented. "However, we cannot forget that the families they leave behind sacrifice just as much as our heroes who deploy on missions for our country. These families are impacted in countless ways—seen and unseen—and we have an obligation to do right by them. The Blue Star Families survey will serve as an informative guide on what we can do as a nation to ensure that our troops, veterans and their families have the support they need."

The full survey report is available at <http://bluestarfam.org/2012survey>.

NANCY RODRIGUEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Nancy Rodriguez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Nancy Rodriguez is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nancy Rodriguez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Nancy Rodriguez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE WOODBURY ROTARY PARK MEMORIAL WALKWAY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Woodbury Rotary Park's Memorial Walkway in Woodbury, NJ. This memorial is a special tribute to the unsung heroes who assisted the American war effort in both times of war and peace.

Construction of the walkway would not have been possible without the extraordinary efforts of The Rotary Club's Herbert A. Budd, Jr. A member since 1959 and two-time president of the organization, Mr. Budd raised \$20,000 for the memorial's creation. Mr. Budd's hard work was aided by the contributions of those in the community whom I proudly recognize as playing a critical role in the memorial's construction.

This memorial, featuring an engraved recognition of all who served, reminds us all that "Some gave all, all gave some." This monument serves to honor those who worked behind the scenes to give us a strong foundation upon which our forces relied.

Mr. Speaker, the Rotary Club, particularly Mr. Budd, and the surrounding community should be applauded for their efforts and commitment in building this memorial. This memorial represents the crucial role of the American people who have gone unannounced in serving America's forces. I encourage all of my constituents to visit this memorial and peacefully reflect upon such invaluable service.

CARIBBEAN AMERICAN HERITAGE MONTH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. ENGEL. Mr. Speaker, I rise to celebrate Caribbean American Heritage Month. The area I represent, the 17th District in New York, which comprises areas of the Bronx, Westchester, and Rockland Counties, is home to a significant Caribbean American population that contributes to our State through local businesses, community development and its rich diversity. It has been an honor to learn about the various countries in the Caribbean from where these families come, to experience their cultures, and to observe as they participate fully in all aspects of American society.

My support for Caribbean Americans extends well past the boundaries of my district. As the Ranking Member and former Chairman of the House Subcommittee on the Western Hemisphere, I have visited many Caribbean countries and have learned the importance of the region to the United States and the entire Western Hemisphere. In fact, last year I wrote an amendment, which passed the Foreign Affairs Committee unanimously, urging the State Department to place U.S. Embassies in five Caribbean countries that are without a perma-

nent diplomatic post. I strongly believe that bolstering U.S.-Caribbean relations needs to be a priority, and opening these embassies would benefit U.S. ties with the entire region. I also had the honor of joining President Obama earlier this year at the Summit of the Americas where we reinforced our dedication to the Caribbean and, last year, had the unique experience of traveling with a delegation of Caribbean ministers to Israel.

My time spent with my Caribbean American constituents and in the great countries that make up the Caribbean has helped me to truly appreciate the influence of Caribbean culture on the U.S. This June, I am pleased to take this opportunity to commemorate Caribbean Americans Heritage Month, and look forward to a future of working closely with the Caribbean American community ensure positive cross-cultural relations.

HONORING ISRAEL SOTO, LEADING EDUCATOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. RANGEL. Mr. Speaker, today I rise to recognize a great force in the education of our children, Israel Soto, principal of PS/MS 57. He is retiring after a long career in public service. Mr. Soto got his start in education teaching in Washington Heights, in my congressional district. As a Puerto Rican immigrant, he has taken an active role in bilingual education, having served as a school Bilingual Coordinator and Assistant Director of Bilingual Education.

In 1999, Mr. Soto ascended to principal of PS/MS 57, a pre-K 8 school in East Harlem. Last year, 67 percent of enrollees were Hispanic or Latino. Mr. Soto's expertise in bilingual education and the fact that his second language was English, like many of the school's students, made him an ideal choice for principal. His talents extend to all facets of education, however. Under his leadership, PS/MS 57 has gone from a near-failing school to one that received a grade of "A" in its latest Progress Report and is ranked in the 93rd percentile of all New York City K 8 schools.

Mr. Soto has deservedly received numerous awards during his tenure as principal. In 2001, he was named "Principal of the Month" in his school district and in 2004 was recognized as the "Educator of the Week" by Channel 41. He has also been inducted into the "Calm Fellows Program for Distinguished Principals" at Columbia University as well as being honored by Children 4 Children, the YMCA of New York, the New York Post and El Diario La Prensa.

Mr. Soto's work at PS/MS 57 serves as a model for current and future educators. He has built strong partnerships with teachers, parents, community organizations and the private sector while keeping his focus internal, on his students. This outreach has significantly increased the academic resources available to his students and demonstrates the supreme importance of an active and charismatic principal such as Mr. Soto.

Mr. Speaker, I ask that you and my colleagues join me in honoring a great man and an impassioned educator who, first and foremost, believes in all of our extraordinary children.

MELANIE KURTZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Melanie Kurtz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Melanie Kurtz is an 8th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Melanie Kurtz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Melanie Kurtz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

TO AMEND THE NATIONAL COMMUNITY SERVICE ACT OF 1990 TO MAKE CERTAIN UNITED STATES TERRITORIES ELIGIBLE FOR NONPROFIT CAPACITY BUILDING GRANTS UNDER THAT ACT

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. SABLAN. Mr. Speaker, today, I am introducing legislation that will amend the National and Community Service Act, as amended by the Edward M. Kennedy Serve America Act, to make the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands eligible for the Nonprofit Capacity Building Grants under that Act.

The Nonprofit Capacity Building Grant Program awards intermediary nonprofit organizations with funding to provide development training to small and mid-sized nonprofits on best practices, financial planning, grant writing, and compliance with applicable tax laws.

In my district, we have hard working nonprofit organizations and advocates who commit themselves to truly noble causes. Whether it is the protection of families from domestic violence or raising funds to find a cure for cancer, nonprofits work tirelessly for the greater good of all members of our community. The technical correction I offer here today would allow organizations in the Northern Marianas and other U.S. territories an equal opportunity

to apply for federal funds to increase the effectiveness of nonprofits and to expand their impact within their communities.

I urge my colleagues to support this bill and allow the U.S. territories an equal opportunity to compete for this program.

IN RECOGNITION OF "HAND IN HAND"

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the efforts of the Hand in Hand organization, as its members gather to honor its outstanding teen volunteers. Hand in Hand continues to cultivate friendships and build life long relationships between local teen volunteers and special needs children. Hand in Hand teen volunteers will be recognized for their outstanding service to the community at an awards dinner on June 5, 2012. Aimee and Gerald Ostrov and Nona and Dennis Drazin will serve as Guests of Honor. Their faithful service and dedication to the community is worthy of this body's recognition.

Hand in Hand is a local volunteer based organization founded in 2006 under the direction of Chabad of the Shore. The organization is dedicated to building friendships between children with special needs and teen volunteers. Students involved in the Hand in Hand organization remain fully exposed to a wide variety of Jewish activities and social experiences. Teen volunteers learn to become effective friends and mentors while children learn to interact and build social skills. The interaction has helped build eye opening experiences and strong, life long relationships. The unending generosity demonstrated by the Hand in Hand teen volunteers has undoubtedly touched many lives and has helped countless people throughout central New Jersey.

Hand in Hand volunteers and children have also benefited from the steadfast leadership and mentoring of Rabbi Laibel Schapiro and the Chabad of the Shore staff. Rabbi Schapiro received his rabbinical ordination from the Central Chabad Yeshiva in Brooklyn, New York. He has directed the Chabad of the Shore of Monmouth County since 2002 and is a powerful presence in the Monmouth County Jewish community. Rabbi Schapiro's steadfast leadership and contributions to Chabad of the Shore, the Hand in Hand organization and Jewish community are an inspiration to future generations throughout Monmouth County, New Jersey.

The 2012 Annual Hand in Hand Dinner will also recognize four outstanding individuals who will serve as the Guests of Honor. Aimee and Gerald Ostrov are residents of Long Branch, New Jersey and Herzliya Pituach, Israel. Aimee served the Hadassah organization for 30 years and has served in numerous prominent positions including President of the East Brunswick Chapter, President of the Southern New Jersey Region and National Board and Executive Committee. She is an alumna of Cornell University and completed a dietetic internship at Massachusetts General

Hospital. Aimee worked as a dietitian in hospitals and nursing homes before dedicating her time exclusively to family and philanthropy. Jerry is an alumnus of Cornell University and earned his Masters in Business Administration from Harvard Business School. He has spent most of his career at Johnson & Johnson where he was later promoted to Company Group Chairman. After a short retirement, he returned to work as Chairman and CEO of Bausch & Lomb. He currently serves on several Boards and provides guidance for start-up companies, particularly in Israel. The Ostrovs are dedicated to sharing their Jewish faith with the community through various charitable and volunteer activities. Their recent volunteer work has provided professional and strategic leadership to educate the community about Israel.

Nona and Dennis Drazin continue to serve with various organizations throughout Monmouth County, New Jersey. Dennis Drazin currently serves as President at Drazin and Warshaw, an esteemed position that oversees 12 attorneys and 40 support staff members. Dennis earned his Juris Doctorate from Dickinson School of Law and is a current member of multiple organizations including the Monmouth County, New Jersey and American Bar Associations. He often lectures for the American Bar Association and Monmouth Bar Association, among others. Dennis Drazin is also chairman of Elite Equine Consultants, providing advice and consultation for the Thoroughbred Horseman's Association. Nona Drazin is an alumna of the University of Pennsylvania and earned her Juris Doctorate in 1994 from American University. She has practiced law in Washington, DC and New Jersey. Nona was also employed by the New Jersey Thoroughbred Horseman's Association as their General Counsel and serves as President on their Board of Trustees. Until recently, she served two terms as an elected Trustee at Congregation B'nai Israel in Rumson, New Jersey. Nona was recently elected to the Monmouth Parks Charity Foundation's Board of Directors. The Ostrovs and Drazins continue to provide valuable and dedicated time to the Hand in Hand organization and the Monmouth County community.

Mr. Speaker, once again, please join me in thanking the Hand in Hand teen volunteers and congratulating the guests of honor for their service and dedication. Their efforts continue to enhance the lives of individuals throughout Monmouth County and New Jersey.

PEYTON MOORE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Peyton Moore for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Peyton Moore is a 12th grader at Warren Tech North and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Peyton Moore is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Peyton Moore for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

REYNA CANTOR-GUTIERREZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Reyna Cantor-Gutierrez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Reyna Cantor-Gutierrez is a 7th grader at Wheat Ridge 5-8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Reyna Cantor-Gutierrez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Reyna Cantor-Gutierrez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,728,112,402,859.92. We've added \$5,101,235,353,946.84 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

PAYCHECK FAIRNESS ACT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, with the Senate expected to consider the Paycheck Fairness Act today, it is imperative that the House get serious about

addressing pay inequality for working women across the United States. The House version of the Paycheck Fairness Act, H.R. 1519, seeks to achieve this pay equality and fairness by holding employers accountable for sex-based pay discrimination.

On average, women earn only seventy-seven cents for every dollar earned by their male counterparts, and that disparity can fluctuate even further across professions. For African American and Latina women, they are paid only 62 and 54 cents respectively for every dollar paid to their male counterparts. For countless families and single mothers trying to make ends meet, this wage disparity threatens their financial stability, and negatively impacts the livelihood of these women and their dependents.

The Paycheck Fairness Act is a common-sense piece of legislation that will ensure equal pay for all hardworking Americans. There is no basis for which pay discrimination should ever exist, and allowing this to continue undermines our Nation's economic recovery and our commitment to equality.

Mr. Speaker, fairness and equality are basic fundamentals that we must promote as a democratic Nation. Allowing pay discrimination on the basis of sex is not consistent with those principles, and I urge this Congress to take action against it. The Paycheck Fairness Act will provide a solid foundation on which we can build to promote fairness and equality in the workplace. As an original cosponsor of this important piece of legislation, I will continue to advocate for the rights of women all across the country.

MIGUEL CALDERON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Miguel Calderon for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Miguel Calderon is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Miguel Calderon is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Miguel Calderon for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING DR. THOMAS CHAFER
PRINCE, JR.

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. DUNCAN of Tennessee. Mr. Speaker, I wish today to honor one of the most well-known and selfless men in my District. Dr. Thomas Chafer Prince, Jr. passed away recently at the age of 85.

Dr. Prince was a well-known physician and surgeon in my District for 64 years, and he undoubtedly touched the lives of thousands of people in many positive ways.

He also served his country admirably in the Korean war in the United States Air Force and continued to fly throughout his life.

One of his favorite activities was to sing in a barbershop quartet called The Dignitaries, which was inducted into the Hall of Fame.

He was also a family man with a deep faith in God who studied biblical prophecy and was scheduled to preach at Harvest Christian Fellowship the week he passed away.

I offer my condolences to his wife, Gail; children, Thomas, III, Gayle, Gary, and Steven; nine grandchildren; and two great-grandchildren.

Mr. Speaker, I urge my colleagues and other readers of the RECORD to join me in celebrating the remarkable life of Dr. Thomas Chafer Prince, Jr.

I can think of no more fitting tribute to Dr. Prince than to request the proclamation by Knox County Mayor Tim Burchett honoring his life be reprinted into the RECORD.

A PROCLAMATION ON BEHALF OF THE PEOPLE
OF KNOX COUNTY

By His Honor The Mayor Tim Burchett To
Publicly Recognize

IN MEMORY OF THOMAS C. PRINCE, JR. M.D.

Whereas; On October 9, 2011, at the age of 85, Thomas C. Prince, Jr. passed away; and

Whereas; He graduated from Knoxville High School at the age of 15, the University of Tennessee at age 17 and the University of Tennessee Medical School at Memphis at age 19. Dr. Prince began practicing medicine at the age of 21 and practiced for 64 years until his death; and

Whereas; He served in the United States Air Force as a flight surgeon in the Korean War. Dr. Prince sang with his barber shop quartet, The Dignitaries, and was inducted into the Hall of Fame. He served as a physician for the University of Tennessee track teams under coaches Rohe and Huntsman. He was an avid runner and outdoorsman who taught bible classes and was a student of the scripture; and

Whereas; He was dedicated to his wife and four children; and

Whereas; Knox County wishes to memorialize Thomas Chafer Prince, Jr. M.D. for his lifetime of service and achievement.

Now, Therefore, I, Mayor Tim Burchett, Knox County Mayor do hereby proclaim this day in memory of Thomas C. Prince, Jr. M.D.

In Knox County, and urge all citizens to join in this observance.

RYAN HOEFER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ryan Hoefler for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Ryan Hoefler is a 7th grader at Everitt Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ryan Hoefler is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Ryan Hoefler for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN RECOGNITION OF MIDDLESEX
COUNTY RETIRED EDUCATORS
ASSOCIATION 50TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PALLONE. Mr. Speaker, I rise today to recognize the Middlesex County Retired Educators Association of New Jersey (MCREA) in celebration of their 50th anniversary. The organization continues to organize in support of various social, educational and financial issues concerning retired educators throughout Middlesex County and New Jersey. Their services to the constituents of New Jersey are worthy of this body's recognition.

The Middlesex County Retired Educators Association is dedicated to protecting the rights of many retired educators throughout Middlesex County, New Jersey. MCREA has made the protection of the retired school employees' state pension fund and ensuring the continuation of current health care benefits among its top priorities. MCREA members are active in their community and have organized assistance programs for nursing home residents, and delivered food for the needy and financial assistance to students. They have also organized various social functions for members to attend various cultural performances and historic sites as well as extended trips throughout the United States and various foreign countries. Today, MCREA is proudly represented by over 1,675 members throughout Middlesex County and New Jersey.

Mr. Speaker, once again, please join me in congratulating the Middlesex County Retired Educators Association for 50 years of service. Their efforts continue to enhance the lives of retired educators throughout Middlesex County and New Jersey.

HONORING JEWISH AMERICAN
HERITAGE MONTH**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Ms. BERKLEY. Mr. Speaker, I rise today to mark Jewish American Heritage Month.

My family's story is very much an American Jewish story. On my father's side of the family, from the Russia-Poland border, an entire 1,000-year culture was wiped out as a result of World War II. My mother's side of the family comes from Thessaloniki, Greece, where there was a very vibrant Jewish community prior to World War II, totaling half of the city's entire population. But by the time the Nazis finished, there were only 1,000 Jews left there and I am not presumptuous enough to think that my family would have been among those chosen to live.

My family escaped both the Russia-Poland area and Thessaloniki in order to come to our Nation's shores. And I grew up hearing stories of what their lives had been and how thrilled they were to come to the safe haven of the United States of America. It was the very survival of my family. Had they stayed where they lived in Europe, we would have been exterminated in the Holocaust, but we came to this remarkable country, where we've not only survived, but we've thrived.

When my grandparents came here—and this is a story that is so common among American Jewish families—they couldn't speak English. They had no money. They had no skills. The only thing they had was a dream that their children and their children's children would have a better life here in the United States than they had where they came from.

We American Jews are lucky to be a part of the fabric of this great country, to have full acceptance, to be able to access the highest levels of power, to be able to effectuate meaningful change in a very positive way by participating in the American political process. We have made more than a life for ourselves in the United States of America. We are very proud Americans, and we are very proud Jews. And we appreciate so much the fact that this country offered so many remarkable opportunities and gave us a chance not only for survival, but to become a part of something so much bigger than ourselves.

I urge my colleagues to join me in marking this special occasion.

NALENE CASTANEDA-ROMERO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Nalene Castaneda-Romero for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Nalene Castaneda-Romero is a 12th grader at Pomona High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nalene Castaneda-Romero is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Nalene Castaneda-Romero for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

MARSHWOOD HIGH SCHOOL WE
THE PEOPLE TEAM**HON. CHELLIE PINGREE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Ms. PINGREE of Maine. Mr. Speaker, I would like to congratulate a group of students in my district who have earned a national title in their understanding of constitutional issues in a changing world.

Participating in the national round of this year's We the People competition in April, Isabella Burke, Catherine Pouliot, and Samantha Silver of Marshwood High School in South Berwick, Maine, took first place in the unit on "What challenges might face American constitutional democracy in the twenty-first century?"

I am very proud of the level at which these students performed especially on a question of such importance to our country.

I would also like to congratulate advisor Matt Sanzone and the rest of the Marshwood team for making it to nationals for a fifth year. It is an incredible statement of this school's dedication in teaching students the foundations of American democracy.

HONORING RABBI MENACHEM
MENDEL AND NECHAMA DINA
MANGEL**HON. JON RUNYAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. RUNYAN. Mr. Speaker, I rise this evening to pay tribute to two of my constituents from southern New Jersey. Rabbi Menachem Mendel and Nechama Dina Mangel, are known to their friends as Rabbi Mendy and Dinie. They are a Chabad-Lubavitch Chassidic couple who were married in 1992 in Brooklyn, New York. They have directed Chabad Lubavitch of Camden and Burlington Counties, since settling in their New Jersey community in 1994.

Rabbi Mendy received his Rabbinical ordination in New York and together they began to offer a wide-range of educational programs to increase Jewish knowledge and observance in the area. By the spring of 1994, the Chabad Lubavitch Center was established in a storefront in Voorhees, Chabad Hebrew School was inaugurated, and Shabbat services

began. In April of 2002, to accommodate the increasing number of programs and participants, Chabad moved to its present home in Cherry Hill. Rabbi Mendy and Dinie have since expanded their activities into Burlington County. In 2004, they brought Rabbi Yitzchok and Baily Kahan on board to begin the Gan Israel Day Camp at Chabad and to assist with the general growth and expansion of activities at the center. More recently, in the summer of 2010, Rabbi Menachem and Shterna Kaminker joined the staff, to work with the Hebrew-speaking community.

The Mangels are the proud parents of eight wonderful children, ka'h, ranging in age from 18–2 years. Many people have come to know Rabbi Mendy and Dinie and their children through their involvement and service to their community. They participate in their community's annual Menorah lighting ceremony, deliver Purim gift packages, teach classes in the synagogue, or invite friends and neighbors in to their home to enjoy a delicious and spirited Shabbat meal. They have opened their home and their hearts to share the warmth of Jewish life and tradition with the many Jews in our area. Rabbi Mendy and Dinie and their family have devoted their lives to ignite a passion for greater commitment to Jewish life in all whom they meet.

Rabbi Mendy will be honored this week at the annual Chai Gala celebration in Cinnaminson, New Jersey and I urge my colleagues to join in me in offering my most sincere congratulations.

SAMANTHA GROENHOF

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Samantha Groenhof for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Samantha Groenhof is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Samantha Groenhof is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Samantha Groenhof for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE VETERANS OF THE
JUNE 5, 2012 EASTERN IOWA
HONOR FLIGHT

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. LOEBSACK. Mr. Speaker, I am honored to welcome Iowa veterans of the Greatest Generation to our Nation's Capital today. These veterans, accompanied by volunteer guardians, traveled to Washington, DC to visit the National World War II Memorial that was built in their honor.

I proudly have in my office a piece of marble from the quarry that supplied the stone from which the World War II Memorial was built. That piece of marble, just like the memorial it built, reminds me of the sacrifices of a generation that, when our country was threatened, rose to defend not just our Nation but the freedoms, democracy, and values that are the basis of our great Nation. They did so as one people and one country.

The sheer magnitude of what they accomplished, not just in war but in the peace that followed has stood as an inspiration to every generation of Americans since. The Greatest Generation did not seek to be tested both abroad by a war that fundamentally challenged our way of life and at home by the Great Depression and the rebuilding of our economy that followed. But, when called upon to do so, they defended and then rebuilt our Nation. Their patriotism, service, and great sacrifice not only defined their generation—they stand as a testament to the fortitude of our Nation.

I am tremendously proud to welcome eastern Iowa's veterans of the Second World War to our Nation's capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

HONORING THE LIFE AND SERVICE
OF FORMER STATE SENATOR
CATHIE WRIGHT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sadness regarding the recent passing of former State Senator Cathie Wright, who represented the Simi and Santa Clarita Valleys in the California legislature for 20 years, and with whom I was proud to serve.

Born in Old Forge, Pennsylvania on May 18, 1929, Cathie Maranelli Wright launched her political career in the 1970s as a member of the Simi Valley City Council. Wright was the city's mayor when she ran for and won an open Assembly seat in 1980. During her tenure in the Assembly, Wright carried several pieces of legislation to address local issues, including a bill that added the valley's four water purveyors to the Castaic Lake Water Agency. The legislation brought the water purveyors to the table for the purpose of negoti-

ating a valley-wide management plan, something the local water community continues to do on a regular basis. She was an early and ardent supporter of the creation of the City of Santa Clarita, which incorporated in 1987.

In 1992 Wright, ascended to the State Senate when former Los Angeles Police Chief Ed Davis retired and served until 2000. As a Senator, Wright helped craft California's welfare and child support laws. She was instrumental in securing funding for the College of the Canyons, particularly a new library and a media & fine arts building. Senator Wright worked tirelessly to develop a Systems of Care approach that would provide early intervention for at-risk mentally ill youth.

Mr. Speaker, Cathie Wright's two decades of dedicated public service make her an outstanding example of her generation and its commitment to our Nation. It is appropriate therefore that we honor her life and contributions today.

RYAN PFANKUCH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ryan Pfankuch for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Ryan Pfankuch is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ryan Pfankuch is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Ryan Pfankuch for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO MOLLIE EMERSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Mollie Emerson of Rockford, Iowa for being awarded the Girl Scout Gold Award.

The Gold Award is the highest award that a high school-aged Girl Scout can earn. This is an extremely prestigious honor as less than 6 percent of all Girl Scouts will attain the Gold Award's rigorous requirements.

To earn a Gold Award, a Girl Scout must complete a minimum of 80 hours towards a community project that is both memorable and lasting. For her project, Mollie redecorated patient rooms at doctor offices in her community

to help patients feel more comfortable when visiting the doctor. The work ethic Mollie has shown to earn her Gold Award speaks volumes about her commitment to serving a cause greater than herself and assisting her community.

Mr. Speaker, the example set by this young woman and her supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Mollie and her family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating her in obtaining the Gold Award, and will wish her continued success in her future education and career.

A TRIBUTE TO THE LIFE OF THE
HONORABLE JOHN JOSEPH LEE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor John Lee, a resident of San Mateo, California, who died at the age of 81 at the Palo Alto Veterans Affairs Hospice.

John Lee served his country as a Marine in Korea and Vietnam; was a successful businessman; a founder of Telogy Inc; was a highly respected member of the San Mateo City Council and served as Mayor. He was responsible for the completion of three major projects during his twelve year tenure—a movie theater complex, a new library, and a new police station.

He was known to all for saying "It's outstanding!" While he could be stern and firm minded, he was never disagreeable. He appreciated hard work and supported dedicated city employees. He worked to help the less fortunate, and in the words of San Mateo Police Chief Susan Manheimer, "He was a man who believed in valor and chivalry and duty."

John is survived by his son, John Lee Jr., of Oregon, daughters Brenda Lee Woodward, Karen Frost and J. Marcella Lee; his stepson Michael Streim and many grandchildren. He also leaves four siblings.

Mr. Speaker, I ask my colleagues to join me in honoring a true public servant who served his Nation with honor, valor, and generosity. He served his community with equal distinction, and earned the respect of his colleagues in public service and the deep regard of his entire community. I ask my colleagues to extend to his children, grandchildren and siblings our most sincere sympathy on their great loss. John Lee will be missed by everyone who had the good fortune to know him, and I count myself among those so blessed. Our community and our country have been strengthened by the life and the service of John Lee.

HONORING THE PLASMA PROTEIN THERAPEUTICS ASSOCIATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the Plasma Protein Therapeutics Association (PPTA) as that organization celebrates its 20th anniversary.

Since PPTA's founding in 1992, the organization has been at the forefront of promoting innovation and patient access to safe and effective therapies used to treat rare and chronic conditions. PPTA is a globally active trade association, representing six plasma protein therapy manufacturers in the United States, and 16 plasma collection companies that operate nearly 400 plasma collection centers across the country.

PPTA is distinguished in the pharmaceutical and biologics industries for the Association's dedication to the continual innovation of therapies for rare disease patients. Today, plasma protein therapies are used to treat a range of rare diseases including primary immune deficiency diseases; neurological disorders such as chronic inflammatory demyelinating polyneuropathy; hemophilia, von Willebrand disease and other bleeding disorders; and alpha-1 antitrypsin deficiency, as well as specialty immune globulin therapies that treat a range of conditions. Recognizing the unique concerns of the patients living with these rare diseases, PPTA continues to act as a diligent advocate for the protection of therapeutic innovation and patient access to plasma protein therapies. One example of that commitment is the Association's strong support of my bill, the Medicare IVIG Access Act, H.R. 1845, which will make whole the home infusion benefit for patients with primary immune deficiencies. In addition to my work on this legislation, my interest, support, and commitment extend to all of the rare disease patients treated with life-saving plasma protein therapies, and I'm proud to work on issues so vital to the health of these fragile groups of patients.

In addition to the Association's outstanding advocacy, PPTA has also led the industry in quality and safety assurance. In 2000, PPTA and its members implemented the Quality Standards of Excellence, Assurance and Leadership (QSEAL) as voluntary standards that complement FDA regulatory requirements for manufacturing plasma protein therapeutics. QSEAL certification provides a pathway for industry participants to provide independent certification of adherence to the QSEAL standards. The QSEAL program works in concert with the International Quality Plasma Program (IQPP), instituted more than 20 years ago to help ensure the safety of plasma used to produce lifesaving therapies and plasma donors.

A global organization headquartered in the United States, with an office in Belgium, and that serves the needs of chronic, rare disease patients around the world, PPTA and its members should be commended for their ongoing commitment to supporting patient access to innovative, safe and effective treatments.

HONORING THE GRADUATING 5TH GRADERS AT GLEN MARLOWE ELEMENTARY SCHOOL

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. SHULER. Mr. Speaker, I rise today to honor the graduating 5th Grade class of Glen Marlowe Elementary School. They are about to enter an exciting new phase of their lives: making new friends, advancing their education, and moving closer to the adults they are destined to become. Some of the most fundamental lessons that one can be taught, such as the importance of hard work and respect for others, have been instilled by the faculty of Glen Marlowe over the past few years and will shine through in every future action taken as they become young men and women.

I would like to offer my thanks to Ms. Kristi Duckett, Ms. Julia Meeks, Ms. Jessica Hudgins, Ms. Deanna McNaughton, and Ms. Kathy Plount for leading by example, and helping to build the foundation of a wonderful group of young people. I would also like to acknowledge the parents of the graduates. All of those carpools, parent-teacher conferences, and late night homework checks have not been in vain, and have helped prepare these graduates for a future that will be shaped by their values and vitality.

It is my honor to congratulate these graduates on achieving this important milestone and I encourage them to follow all of their dreams, wherever they might lead. I encourage my colleagues to join me today in honoring the graduating 5th graders at Glen Marlowe Elementary.

RECOGNIZING GOODWILL INDUSTRIES OF CENTRAL IOWA IN DES MOINES AND THE ABILITYONE PROGRAM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. LATHAM. Mr. Speaker, today I rise to recognize the AbilityOne program, which in the last several years has helped more than 50,000 Americans who are blind or who have significant disabilities gain skills and training that ultimately led to gainful employment.

The AbilityOne program harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life.

I am proud to acknowledge an important local partner of the AbilityOne program, Goodwill Industries of Central Iowa in Des Moines. It is one of 207 regional Goodwill organizations throughout North America and across the

world. Goodwill Industries of Central Iowa has been serving Iowa communities since 1955 with a dedicated mission, a clear vision and a strong set of values to empower people with significant disabilities to achieve greater independence, education and employment. With the support of the AbilityOne program, Goodwill's training and job placement programs help clients and their families live more independently while allowing them to make positive contributions to their communities.

Mr. Speaker, for these reasons I strongly support the AbilityOne program and Goodwill Industries of Central Iowa in Des Moines. I also want to commend the dedication and commitment of President Marlyn McKeen and his staff for helping individuals who are blind or have a significant disability find employment opportunities. Their work helps people live fuller lives and become more active members of society. I also commend each AbilityOne employee who works every day to improve their lives and make our country a better place to live.

HAZING IN THE U.S. MILITARY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. McDERMOTT. Mr. Speaker, today I rise to remind my colleagues about the ongoing problem of hazing in the United States military. Hazing, particularly racially motivated hazing, undermines our military.

Multiple suicides in 2011 by servicemembers of color after suffering hazing drew increased attention to this problem. These incidents involved dehumanizing servicemembers through racist taunting, harassment and physical assault.

Private Danny Chen, 19, a Chinese American, took his own life in Kandahar, Afghanistan in October 2011 after being hazed. Investigators found that he had been physically assaulted and taunted with racial slurs. Eight soldiers were charged with dereliction of duty, assault and involuntary manslaughter in the death of Private Chen.

In his annual holiday message on December 23, 2011, U.S. Defense Secretary Leon Panetta condemned hazing in the military. He later directed military commanders to review hazing policies and ensure compliance.

At the outset of this year, our colleagues in the Congressional Tri-Caucus called for public hearings and hosted a forum on the issue. In March, the Armed Services Committees' Subcommittee on Military Personnel hosted a hearing on this subject and heard testimonies from U.S. Army, Navy, Marine Corps, Air Force and Coast Guard representatives. Those testifying all agreed that hazing is wrong and should not be tolerated.

However, the hearing also highlighted the need for greater transparency and regular oversight in order to ensure real, measurable success in combating hazing within the ranks of our military. Thankfully, a portion of the National Defense Authorization Act for Fiscal Year 2013 calls for annual reports by the U.S. Secretaries of Defense and Homeland Security as well as a report by the Comptroller

General, which will create help define hazing as well as create systematic means by which data about hazing can be collected and tracked.

As a result of these reports, we will have the common language, tools, data and communication needed to better prevent hazing in our military. By learning from our failure to protect Private Chen and other victims, we also hope to honor their memory.

Mr. Speaker, we owe an immense debt to our brave members of our military who risk their lives for our national security. I join my colleagues in their steadfast effort to make sure that Congress does its due diligence to ensure that hazing has no place in our armed services.

HONORING SOUTH STANLY HIGH SCHOOL, HOME OF THE 2012 NORTH CAROLINA 1A BASEBALL AND SOFTBALL STATE CHAMPIONS

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. KISSELL. Mr. Speaker, I rise today to recognize the students, faculty, staff and coaches of South Stanly High School in Norwood, North Carolina. This past weekend, the South Stanly Rowdy Rebel Bulls baseball and softball programs finished their seasons with each team capturing its second North Carolina 1-A State Championship, handily winning their championship games held this weekend in Durham and Raleigh, respectively. With their combined victories, South Stanly High School became just the third program in the history of North Carolina baseball and fast-pitch softball to sweep both titles in the same season.

The South Stanly baseball team finished the 2012 season with a 30-4 record, capping the season with a 6-1 victory over Voyager Academy in the State Championship game. I congratulate head coach Terry Tucker, who, in his fourth year with the program, has led the team to its third state championship appearance and its second state championship since 2009.

The South Stanly softball team finished the 2012 season with a 27-7 record, completing the season with a 9-2 win over Camden to win the state title. I congratulate South Stanly softball head coach David Poplin, who led the team to its second title since 1998.

Most importantly, sincere congratulations are due to the dedicated young men and women of these two teams. Their hard work and sacrifice throughout the season put them on the road to championships, and together their dedication and focus has brought two more state titles back to Norwood.

Folks throughout our community have always had a way of banding together in support of one another, and this year's baseball and softball seasons showed a perfect example of that at South Stanly. From dedicated parents and siblings, to friends and church members, our community came out in full force to cheer the Rowdy Rebel Bulls on to victory. I'm honored to represent the people of

Stanly County, the players and their dedicated families, and the coaches and faculty of the school.

Before Congress and our great nation, I am proud to recognize the members of South Stanly High School's baseball and softball teams, Coach Tucker and Coach Poplin, Principal Mike Campbell, Athletic Director Sean Whitley and the entire Stanly County community as a whole for another local championship season. Go Rowdy Rebel Bulls!

GREENVILLE ELEMENTARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. SHIMKUS. Mr. Speaker, I rise today to salute the dedication of the administration, staff and students of Greenville Elementary School in Greenville, Illinois, who went above and beyond in caring for, and ultimately saving the life of, one of the school's kindergarteners.

Emma Young started kindergarten at Greenville Elementary this year, but Emma is not your typical kindergartener. Since she was very young, Emma suffered seizures and unconsciousness due to a condition that doctors were unable to diagnose due to a lack of data. Finally, doctors placed an implantable loop recorder in Emma's chest to collect data for up to three years in the hopes of collecting the information necessary to diagnose Emma's condition.

Emma's parents met with the school nurse to ensure that school staff were aware of her condition and knew what to do. But instead of just filing the information away, school staff made a superior effort to inform everyone involved with Emma's daily activities in the event that their help was needed in an emergency. The school nurse, Emma's teacher, and all the faculty and staff who had contact with Emma on a daily basis had a special meeting after school to learn about Emma's condition and about the monitor implanted in her chest. Her teacher made posters with her picture and a photo of the device, with step-by-step instructions for staff or substitutes to review. The staff even developed a plan called "Code Emma", and taught the other kindergarteners how to recognize when Emma needed help and how to announce a Code Emma.

This spring, Emma's mother, Jill, was at home when she received a breathless call from the school secretary informing her that Emma had suffered a seizure. She rushed to the school, where an ambulance had already arrived to take Emma to the hospital. Riding to the hospital, Jill was grateful for the fast response by the school staff, but wondered if the staff had remembered to press the button on Emma's device so that the data could be collected, and a diagnosis finally determined. Emma's condition returned to normal over the next few minutes, and she was released from the hospital that day. An hour later, Emma's cardiologist called and told Jill that the data had been collected, and Emma's condition could finally be diagnosed and treated. Emma now has a pacemaker and is receiving life-

saving treatment, thanks to the doctors and nurses who worked with her, but perhaps most importantly, due to the students and staff at Greenville Elementary who called out and responded to the Code Emma.

Emma's mother writes that the students and staff at Greenville Elementary are deserving of recognition for their "commitment to education, and their dedication to nurturing and loving children in the community. The lessons that are taught inside of the walls at Greenville Elementary are not just the mandated ones, but the ones that will mold these children into the types of individuals they will become."

Mr. Speaker, I want to take this opportunity to salute the entire team at Greenville Elementary for the good work they do in educating children in not just the Three Rs, but in caring for others and being good citizens. I am proud to represent such an outstanding community and such outstanding people.

ETIENNE CHARLES

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a young and talented jazz trumpeter from the Republic of Trinidad and Tobago, Mr. Etienne Charles, in celebration of Caribbean American Heritage Month, nationally recognized during the month of June.

Born on the island of Trinidad in 1983, Etienne Charles defies easy musical categorization. An alumnus of the prestigious Juliard School, Mr. Charles has received critical acclaim for his exciting performances, thrilling compositions and a knack for connecting with audiences worldwide. Etienne's musical lineage runs at least four generations deep: His great-grandfather emigrated to Trinidad from the overseas French department of Martinique bringing his folk music to the village of Mayaro. The young trumpeter's grandfather's distinct *cuarto* style can be heard on the classic folk and calypso recordings of the Growling Tiger; and, Etienne's father was a member of Phase 11 Pan Grove, one of Trinidad & Tobago's most progressive steel bands and one that Etienne himself would later join. Immersed in his father's vast record collection, and suffused with the sounds of calypso, steel pan and African Shango drumming, Etienne imbibed many of the influences that presently constitute the diverse colors of his harmonic palette.

Perhaps more than any other musician of his generation or of Caribbean origin, Etienne brings a careful study of myriad rhythms from the French, Spanish, English and Dutch speaking Caribbean to the table. Crucially, this young jazz professional fully understands the New Orleans trumpet tradition (which is readily discernible in his trademark instrumental *swagger*) and what the famed Crescent City pianist, Jelly Roll Morton so succinctly captured in the now immortal phrase, "The Spanish Tinge".

In his latest opus, *Kaiso*, this Trinidadian trumpet maestro, Etienne Charles, cooks up an ambrosial *bouillabaisse* of New World

music genres, with jazz and calypso genres standing out as piquant flavors. He explores the songbooks of three legends in calypso; The Lord Kitchener, The Mighty Sparrow and the Roaring Lion, using many different instrumental palettes ranging from duet to chamber orchestra.

Mr. Speaker, it gives me great pleasure to recognize this young talent, Mr. Etienne Charles, for the many contributions he brings to the nationals of the Republic of Trinidad and Tobago and the world.

HONORING EULESS POLICE
CORPORAL ROGER GATLIN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize retiring Corporal Roger Gatlin for his 30 years of public service with the Euless, Texas, Police Department.

Corporal Gatlin graduated from Lexington High School in Lexington, Tennessee. Following high school, Cpl. Gatlin continued his education at West Tennessee Business College in Jackson, Tennessee, and Tarrant County College in Fort Worth in pursuit of a degree in Criminal Justice and a minor in Business. His post-secondary education included over 280 academic hours and over 1630 training hours. Cpl. Gatlin has received training in: Background Investigations, Crisis Intervention, Terrorism and Homeland Security, Narcotics Investigations, Family Violence and Child Abuse, Management and Supervision, and SWAT/Tactical Training. He holds the following licenses: Master Peace Officer, Mental Health Officer, School Resource Officer, and Basic Instructor. For the past several years, he has been working at Central Junior High in Euless as the School Resource Officer.

Cpl. Gatlin's career as a police officer began with the Jackson, Tennessee, Police Department in 1975 where he served until 1976. From 1976–1980, he worked in Communications for the Tennessee Highway Patrol. In September, 1980, Cpl. Gatlin moved to Texas where he joined the Euless Police Department and served until November 1982. After a brief absence, he returned to the Euless Police Department in September 1984. While with the Euless Police Department, he has held the positions of Police Officer, Field Training Officer, Acting Sergeant, and Corporal.

Cpl. Gatlin is a member of the Euless Peace Officer Association. He was awarded the 1987 Euless Police Officer of the Year. In his spare time, he enjoys golf, baseball, traveling, and woodworking.

I am very proud of the Euless Police Department, and I am honored to recognize Corporal Roger Gatlin for his contribution to the community. Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking Roger Gatlin for his service as a police officer.

WILKERSON CHAPEL 150TH
ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. SHIMKUS. Mr. Speaker, I rise today to salute the 150th anniversary of an important community institution in Collinsville, Illinois.

In 1862, the Wilkerson Chapel was founded in Collinsville, and for 150 years it has served the people of Collinsville; along the way becoming the oldest and only African Methodist Episcopal Church in Collinsville. The church was originally located at the corner of South and Clinton Streets, on a piece of land donated by Mrs. Josiah Peers. In 1922, Wilkerson Chapel moved to its present location at 317 Summit Avenue.

The original land for the AME church was donated by a white woman in town, Mrs. Josiah Peers, and when the second location was built, the white churches in town donated such items as communion robes, a piano, and even the church bell. Marian Hoskin, an 81-year-old church member, talked about the harmony between the races which has always been an important part of Wilkerson Chapel's history, saying that, "they always talk about this diversity situation here. And there was always prejudice on both sides of the fence. But we got along here. We have always worked together in this town."

Today, Reverend Carl F. Berry is the current pastor, and under his leadership, Wilkerson Chapel continues its efforts to improve the lives of the citizens of Collinsville. The church continues its outreach efforts, which include open houses and cookouts, but also performances by Just Us and The Rest, the church choir, and work with the Collinsville Area Ministerial Alliance food pantry.

Before the church's 150th anniversary banquet, Rev. Berry told the local paper, "The community is there for the church and the church is very much there for the community. This is truly about us sharing ourselves. The doors to the church are always open for service to the community."

I am proud to salute the 150 years of service by the parishioners of the Wilkerson Chapel, as well as the example they have set for our community. I am honored to represent such great people and such a great community like Collinsville.

PAYING TRIBUTE TO CAPTAIN
KARL VAN DEUSEN'S 27 YEARS
OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Captain Karl Van Deusen, United States Navy for his extraordinary dedication to duty and service to the United States of America. Captain Karl Van Deusen will retire as the Director of Naval Congressional Liaison for Appropriations Matters. His service

spans over twenty-seven years of active military duty to the United States Navy and the Department of Defense.

Born in Hartford, Connecticut and raised in St. Petersburg, Florida, Captain Karl Van Deusen received his commission in 1985 through the Naval Reserve Officers' Training Corps program at Marquette University, where he graduated with a Bachelor of Arts degree in History. His rise in the Navy began at sea, when Ensign Van Deusen reported aboard the Knox-class frigate, USS *MILLER*, and served as Gunnery Officer and Damage Control Assistant.

Afterwards, he subsequently served on five other warships, including the Commander of the Arleigh Burke-class destroyer, USS *GONZALEZ*, and Commander of Destroyer Squadron FIFTY, home ported in Manama, Bahrain. His shore assignments have been focused in the areas of surface warfare, appropriations, and congressional liaison which included duty on the Navy staff, and the staff of the Secretary of Defense. Throughout his career, he has demonstrated exemplary service in duty to the mission and care of his Sailors.

In his culminating assignment as the Director of Naval Congressional Liaison for Appropriations Matters Captain Karl Van Deusen forged and maintained countless valuable relationships with Congressional members and staffers, key leaders at the Office of Management and Budget, leadership in the Office of the Secretary of Defense, and with his Service counterparts. These relationships were critical communication links when the Navy needed to provide crucial key information and have a voice in critical resourcing decisions that affected its programs and priorities.

The United States Navy, the Department of Defense and the Nation will dearly miss one of its most respected and valued leaders as Captain Karl Van Deusen leaves active duty. We will miss his humility, selflessness, candor and integrity. Captain Karl Van Deusen's exemplary leadership and selfless devotion to duty has touched fully two generations of Sailors, Department of the Navy Civilians, and their Families.

Mr. Speaker, it has been a pleasure to work closely with Captain Karl Van Deusen over the last several years of his long and decorated career. On behalf of a grateful Nation, I join my colleagues today in recognizing and commending Captain Karl Van Deusen for a lifetime of service to his country. For all he and his family have given and continue to give to our country; we are in their debt. We wish him, his wife Beth, his two sons, Jon and Todd, and his three daughters, Bonnie, Margaret, and Cora, all the best in his retirement.

CONGRATULATING THE FOREST
PARK CIVIC ASSOCIATION ON ITS
50TH ANNIVERSARY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. STIVERS. Mr. Speaker, I rise today to congratulate the Forest Park Civic Association on its 50th anniversary.

The Forest Park community and its people have played many significant roles throughout their rich history. Many communities across this great nation have been modeled after Forest Park and its pedestrian-friendly design. In 1976, resident Tina (Bishoff) Lovin set a then-world record when she swam the English Channel at the age of 17. The Montreal Olympics featured a Forest Hill local, Debbie (Keplar) Wilson, when in 1976 she won an Olympic Bronze Medal in the Platform Diving event.

The hard work and selfless contributions of Forest Park and the members of its community have contributed to the vibrancy and sense of unity in Central Ohio. I ask that all Members of Congress join me as I offer my congratulations to the Forest Park Civic Association on its 50th anniversary.

HONORING DR. PRADEEP KHOSLA

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. DOYLE. Mr. Speaker, I rise today to recognize the many contributions of Dr. Pradeep Khosla and to thank him for his many years of service to Pittsburgh.

Dr. Khosla is one of the finest technical minds of our time, and for nearly 30 years, Pittsburgh has had the honor of calling him one of our own—first as he worked towards a PhD from Carnegie Mellon University, which he received in 1986; then later as a professor at CMU; and then finally, beginning in 2004, as Dean of CMU's Carnegie Institute of Technology. Additionally, as the founder of CyLab, he began cutting-edge work in the realm of cyber security years before many recognized the vital importance of these issues. He has done much to both enrich CMU students' day-to-day experiences and elevate CMU's national and international reputation.

Sadly for us, he has been offered and has accepted a new position as Chancellor of the University of California, San Diego. He leaves us in August, but he leaves behind a city and school that are better because of his residency and tenure there.

Pittsburgh has not been the only beneficiary of Dr. Khosla's considerable talents though. Corporations and non-profits, nation-wide and worldwide have sought his expertise and counsel. He has lent his skills and time to countless boards of directors, councils, and advisory boards. He has served as a consultant for companies, venture capital funds, and start-ups.

Amidst all of this, it's amazing that Dr. Khosla had time to do anything else, but his research work has remained exemplary. He has authored or co-authored 3 books and over 350 articles, and has served on many journals' editorial boards.

Pradeep Khosla has had a considerable impact on the life of the mind of both CMU and Pittsburgh. He has also helped transform southwestern Pennsylvania into a leader in high-technology research, development, and commercialization. I've worked closely with Pradeep on a number of issues and initiatives

over the years, and through those experiences, he's also become a good personal friend. He will be sorely missed.

I want to congratulate the city of San Diego and the University of California at San Diego. You are gaining an incredible scientist, administrator, and teacher. Pittsburgh is a better place as a result of his work, and San Diego will be, too.

I want to thank Dr. Khosla for his many contributions to our city, congratulate him on his new position, and wish him continued and much-warranted success.

TRIBUTE TO ARTHUR HUBERT
WEBB

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a good friend of mine, Arthur Hubert Webb. Hubert passed away Friday, May 25, 2012, at his home in Riverside, California. A resident of Riverside, California, for 78 years, he was a pillar of the community and will be deeply missed.

Hubert was born May 5, 1929, in Los Angeles, California, the son of Albert A. and Rebecca B. Webb. After graduating with honors in Civil Engineering from the University of Southern California, Hubert served honorably in the United States Army for two years. Hubert joined Albert A. Webb Associates in 1955 and served for 56 years, becoming President in 1984 and Chairman of the Board in 2000.

Hubert was an expert in water resources engineering, aiding clients such as Western Municipal Water District, Jurupa Community Services District, Crestline Lake Arrowhead Water Agency, City of Norco, and Edgemont Community Services District and shaping the dramatic growth of Southern California through his work. He was instrumental in designing 36,500 feet of pipeline and three pump stations to deliver water from the Riverside and Gage Canals to Western Municipal Water District's agricultural system. Hubert also served as the Chief Technical Advisor for the Riverside/Corona Feeder Project which stored water in wet years in the San Bernardino Valley ground water basins and delivered water during dry years to communities in Riverside County.

As a Professional Engineer in the State of California, he was active in the American Society of Civil Engineers, California Society of Professional Engineers, American Water Works Association, National Ground Water Association, California Water Environment Federation, Federal Water Environment Federation, and National Society of Professional Engineers. In 2008, Hubert was recognized as a Water Hero Award recipient for his donation of valuable and historical water resource documents from the library of Albert A. Webb Associates to the Water Resources Institute's archives.

Hubert was preceded in death by his wife Diane S. Webb. He is survived by his daughter Sandra Webb (Roger Prend); sons, Scott Webb and Steve Webb (Suzanne Anderson);

sister Mary Webb (Gene Schaefer); 8 grandchildren; companion Diana Lingren, his nephew Matt and many other nieces and nephews.

On Thursday, June 7, a memorial service celebrating Hubert's extraordinary life will be held. Hubert will always be remembered for his incredible work ethic, generosity, contributions to the community and love of family. His dedication to his family, work, and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Hubert's family and friends; although Hubert may be gone, the light and goodness he brought to the world remain and will never be forgotten.

PERSONAL EXPLANATION

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. GUINTA. Mr. Speaker, on rollcall votes No. 294 314, I am not recorded because I was absent from the U.S. House of Representatives. Had I been present, I would have voted in the following manner: On rollcall No. 294, had I been present, I would have voted "yea"; on rollcall No. 295, had I been present, I would have voted "yea"; on rollcall No. 296, had I been present, I would have voted "yea"; on rollcall No. 297, had I been present, I would have voted "yea"; on rollcall No. 298, had I been present, I would have voted "yea"; on rollcall No. 299, had I been present, I would have voted "yea"; on rollcall No. 300, had I been present, I would have voted "no"; on rollcall No. 301, had I been present, I would have voted "yea"; on rollcall No. 302, had I been present, I would have voted "no"; on rollcall No. 303, had I been present, I would have voted "yea"; on rollcall No. 304, had I been present, I would have voted "no"; on rollcall No. 305, had I been present, I would have voted "yea"; on rollcall No. 306, had I been present, I would have voted "no"; on rollcall No. 307, had I been present, I would have voted "yea"; on rollcall No. 308, had I been present, I would have voted "no"; on rollcall No. 309, had I been present, I would have voted "no"; on rollcall No. 310, had I been present, I would have voted "no"; on rollcall No. 311, had I been present, I would have voted "no"; on rollcall No. 312, had I been present, I would have voted "no"; on rollcall No. 313, had I been present, I would have voted "no"; on rollcall No. 314, had I been present, I would have voted "no".

HONORING U.S. ARMY SPECIALIST
ARRONN D. FIELDS

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Army Specialist Arronn D. Fields.

SPC Fields, a 27-year-old native of Terre Haute, Indiana, lost his life in combat on May 21st in Parwan Province, Afghanistan, during

an insurgent attack when his military vehicle received rocket-propelled grenade fire.

SPC Fields was assigned to the 381st Military Police Company, 81st Troop Command, Army National Guard located in Plymouth, Indiana. SPC Fields deployed to Afghanistan as a member of Task Force Guardian, a multi-unit military police force from Indiana.

Indiana lost a great citizen, who enlisted in the Indiana National Guard in 2006.

I would like to offer my most heartfelt condolences to SPC Fields' family and friends. His commitment to his fellow soldiers and the Indiana National Guard make SPC Fields a patriot. We are a grateful Nation and SPC Fields will be missed, but not forgotten.

RECOGNIZING LIEUTENANT COMMANDER WESLEY A. BROWN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing Lieutenant Commander Wesley A. Brown '49, CEC, USN (Ret.), the first African American graduate of the U.S. Naval Academy, who died on May 22, 2012, for his service to his country and to the residents of the District of Columbia. Tomorrow, Wednesday, June 6, 2012, the U.S. Naval Academy will hold Commander Brown's memorial service in the Academy's Main Chapel, a short walk from the stadium, the Wesley A. Brown Field House, named for him in recognition of his historic place in history.

The District of Columbia had no representation in Congress at the time, but Representative Adam Clayton Powell (NY) nominated Mr. Brown to the Naval Academy in 1945. According to historian Robert J. Schneller, Jr., who was commissioned by the Navy to write a book about Lieutenant Brown, *Breaking the Color Barrier: The U.S. Naval Academy's First Black Midshipmen and the Struggle for Racial Equality*, "Having attended high school, played sports, led the Cadet Corps, held a full-time job, and taken a college course all at the same time, Brown was accustomed to working hard, working smart, and budgeting his time."

Commander Brown never stopped serving his country. He chaired the District of Columbia Service Academy Selection Board and was Chairman Emeritus until his death. A lifelong resident of the District of Columbia, Lieutenant Commander Brown, the first in his family to be college-educated, grew up in Washington's Logan Circle neighborhood, and attended Dunbar High School, where he led the Dunbar Cadet Corps battalion. Upon his graduation, Mr. Brown attended Howard University through the Army's Specialized Training Reserve Program, because he was not old enough to apply to West Point.

Lieutenant Commander Brown is remembered as a hero at the United States Naval Academy and in his home town. With his beaming smile, Wes, who was always good for conversation and armed with an extraordinary memory and a sharp intellect, offered anecdotes instructed with living history. Lieu-

tenant Commander Wes Brown, who withstood battle and gave generously of himself, had the heart of a warrior.

I ask the House to join me in offering our sincere condolences and sympathy to Wes Brown's widow, Crystal, his children, Willeta, Carol, Wesley, Jr. and Gary, and his seven grandchildren, and in thanksgiving for a lifetime of service.

PAYING TRIBUTE TO MAJOR GENERAL KEVIN A. LEONARD'S 33 YEARS OF UNIFORMED SERVICE TO OUR NATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise today to pay tribute to Major General Kevin A. Leonard for his extraordinary dedication to duty and service to the United States of America. Major General Leonard will retire from the United States Army in May 2012 after serving his country with integrity, dedication and visionary leadership for over 33 years. While his accomplishments are numerous, these deserve special notice. Major General Kevin A. Leonard has distinguished himself through exceptionally meritorious service to the United States Army from May 1979 to May 2012, concluding 33 years of exemplary service culminating in his assignment as Commanding General, Military Surface Deployment and Distribution Command, Scott Air Force Base, Illinois. Major General Leonard is a genuine selfless servant leader who consistently demonstrated outstanding leadership, professionalism, dedication, and a genuine heart-felt concern for the welfare of Soldiers, Civilians, and their Families. His efforts, sacrifices, and selfless service have made significant and enduring contributions to the development, training, and leadership of the United States Army and the Armed Forces of the United States.

Major General Leonard has performed with expert distinction in all of his assignments throughout a remarkable career. He has led and molded Soldiers while serving in a myriad of significant positions of ever-increasing responsibility to include the following: Infantry Rifle and Scout Platoon Leader in Germany during the Cold War; Company Commander at both Fort Sill, Oklahoma and Fort Riley, Kansas; every key development position at battalion level to include Battalion Commander in the 1st Infantry Division; Deputy Chief of Staff for Logistics, United States Army Special Operations Command (USASOC), Fort Bragg, North Carolina; Commander Special Operations Support Command (Airborne), in both Afghanistan and Iraq; Chief Sustainment Division and Executive Assistant (EA) to the Director, Joint Staff, The Joint Staff, Washington, D.C.; Deputy Commander, United States Army Field Support Command with duty as Commanding General, Army Materiel Command Forward-Southwest Asia/C-4, Coalition Land Forces, Camp Arifjan, Kuwait; Commanding General 1st Corps Support Command (Airborne)/1st Sustainment Command, Fort Bragg, North Carolina and Camp Arifjan Kuwait; Dep-

uty Chief of Staff for Logistics and Operations, United States Army Materiel Command, Fort Belvoir, Virginia; and finally, Commanding General Military Surface Deployment and Distribution Command.

Major General Leonard's phenomenal success leading SDDC and several other organizations is attributable to the core traits and values he has demonstrated throughout his service in the United States Army. He is a committed and resolute leader who has consistently built incredibly agile, innovative, and mission oriented teams. His formula for success is simple: he knows, trusts, and empowers his subordinates to execute his intent; he has always founded his leadership on the credo "Mission First, Soldiers Always, and Self Last"; and he has led by example with his professional competence and unfaltering confidence in his team. He believed each of his organizations could achieve the highest standards possible and without fail, they did. Through his energy, optimism, and emphasis on collaboration, he has created teams of nimble and innovative problem solvers that have fundamentally improved organizational efficacy while making enduring contributions to the nation's defense and welfare. His principle message and command philosophy is perfectly epitomized by his maxim: "One Mind focused on the mission; One Heart willing to serve; One Purpose to keep soldiers alive". At all levels of command in peace and war, Major General Kevin Leonard has demonstrated himself to be an exceptionally adept leader and logistician, a sincerely caring commander, and a consummate Soldier.

Major General Leonard exemplary service culminated with his assignment as Commanding General, Military Surface Deployment and Distribution Command, Scott Air Force Base, Illinois. This organization is a jointly staffed Army Service Component Command (ASCC) of United States Transportation Command (USTRANSCOM) and a Major Subordinate Command (MSC) of United States Army Materiel Command (AMC). As Commander of Surface Deployment and Distribution Command he was responsible for all SDDC operations and for directly leading a headquarters and five subordinate commands composed of over 4,825 active and reserve military personnel and civilians. Major General Leonard's contributions to SDDC are significant and enduring. His leadership has cultivated an SDDC team that is readily postured to respond to any contingency ranging from abrupt closures of the Pakistan Ground Lines of Communication (PAKGLOC) to humanitarian disasters across the globe.

During Major General Leonard's tenure SDDC successfully executed 235 unit cargo deployments in support of Operation IRAQI FREEDOM, Operation NEW DAWN, and Operation ENDURING FREEDOM as well as the movement of 101 million square feet of cargo. Under his direction, SDDC successfully coordinated the drawdown of ocean shipping containers in Iraq from over 43,000 containers in June 2011 to fewer than 20,000 containers in November 2011 thereby resulting in a \$6.4 million dollar reduction in container detention costs. He also effectively employed SDDC Individual Mobilization Augmentees (IMA) to serve as the command's liaison officers (LNO)

in Iraq, Jordan, Pakistan, Afghanistan, and Uzbekistan. He deployed forces to effectively posture and support the rapid reverse surge and departure of all U.S. forces from Iraq; the largest drawdown of forces since Vietnam. Major General Leonard demonstrated exceptional dexterity while overseeing the execution of over-the-shore logistics operations into earthquake ravaged Japan during Operation TOMODACHI while simultaneously and seamlessly supporting operations in the CENTCOM area of responsibility (AOR). Additionally, the Defense Transportation Tracking System (DTTS) directorate received the 2010 St. Louis Federal Executive Board's "Team Excellence" award for their expert response to over 200 incidents and emergencies involving the commercial carrier movement of arms, ammunition, and explosives (AA&E) and other sensitive materials on behalf of the DoD. Overall, DTTS personnel effectively tracked over 70,000 high security risk shipments during the past year. Regarding household goods (HHG) movements, SDDC successfully oversaw the movement of well over 500,000 HHG shipments and 80,000 personally owned vehicle shipments in fiscal year 2011 alone. Through collaboration with the US Department of Defense (DoD), the United States Transportation Command (USTRANSCOM), and DoD's commercial moving partners, MG Leonard oversaw the final development and successful implementation of the Defense Personal Property System (DPS) an internet-based system to manage DoD household goods moves. Major General Leonard proved himself to be an able consensus builder as well. His Strategic Planning initiatives integrated the priorities and plans of two four star headquarters achieving significant synergies leading to better and more efficient distribution operations.

SDDC accomplished these achievements and far too many more to mention during Major General Leonard's 19 months of command. Because of Major General Leonard's superb leadership, SDDC has indeed become

the recognized and trusted leader in delivering innovative end-to-end deployment and distribution excellence across the full range of military operations.

Major General Leonard's exemplary leadership and selfless devotion to duty has touched fully three generations of Soldiers, Department of the Army Civilians, and their Families. His integrity and credibility are unsurpassed, and his expertise is unquestioned. Major General Leonard's 33 years of service to our Army and the Nation can only be characterized as honorable and distinguished.

Mr. Speaker, on behalf of a grateful nation, I join my colleagues today in saying thank you to Major General Kevin A. Leonard for his extraordinary dedication to duty and service to his country throughout his distinguished career in the United States Army and we wish him, his wife Pam, his daughters Melissa and Jessica, and son Kris, all the best in his well-deserved retirement.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. BURTON of Indiana. Mr. Speaker, I was unavoidably detained in Indiana last week due to family health problems and therefore unable to be on the House Floor for rollcall votes 294 through 314 inclusive.

Had I been present I would have voted: "yea" on rollcall vote 294; "yea" on rollcall vote 295; "yea" on rollcall vote 296; "yea" on rollcall vote 297; "yea" on rollcall vote 298; "yea" on rollcall vote 299; "nay" on rollcall vote 300; "yea" on rollcall vote 301; "nay" on rollcall vote 302; "yea" on rollcall vote 303; "nay" on rollcall vote 304; "yea" on rollcall vote 305; "nay" on rollcall vote 306; "yea" on rollcall vote 307; "nay" on rollcall vote 308;

"yea" on rollcall vote 309; "yea" on rollcall vote 310; "yea" on rollcall vote 311; "nay" on rollcall vote 312; "nay" on rollcall vote 313; and "nay" on rollcall vote 314.

RECOGNIZING MATT WOODRUM

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. STIVERS. Mr. Speaker, I rise to recognize one of Central Ohio's very own hometown heroes, fifth-grader Matt Woodrum of Worthington, Ohio.

Matt is battling Spastic Cerebral Palsy, but his courage, inner strength, and determination came together in May when he ran and completed a 400-meter race at a Colonial Hill Elementary School field day.

When I learned of Matt's story from a YouTube video that gained worldwide attention, I was particularly moved by his courage and perseverance. The inspiration I felt became two-fold when Matt's classmates surrounded him and cheered by his side all the way to the finish line. The explosion of excitement at the end of the video from the children, parents, and teachers was truly infectious.

I invite all Members of Congress to take a moment to think about the drive and discipline Matt Woodrum demonstrated that day when he charged through the pain of his condition to continue onward and finish that race—one determined step at a time.

I am so proud to represent the people of Central Ohio in Congress, because our communities shine with genuinely kind and selfless heroes like Matt and his classmates. Those same students at Colonial Hill Elementary School will grow up to be the future of our communities in Central Ohio, and their story gave me hope that it will be very, very bright.

SENATE—Wednesday, June 6, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, help our lawmakers to remember today the great unseen cloud of witnesses who compass them about. May the memories of those who, in every age and generation, sacrificed for freedom inspire our Senators to do justly, love mercy, and walk humbly with You. Lord, give the Members of this body the integrity to walk worthily of those in whose unseen presence they live. As they labor on Capitol Hill, infuse them with courage in danger, steadfastness in trials, and perseverance in difficulties.

Remembering those who have gone before, help us all to dare more boldly, to venture on wider seas where storms will show Your mastery, where, losing sight of land, we will find Your stars.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AGRICULTURE REFORM, FOOD, AND JOBS ACT—MOTION TO PROCEED—Resumed

Mr. REID. Madam President, I move to proceed to Calendar No. 415, S. 3240.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agriculture programs through 2017, and for other purposes.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, we are now on the motion to proceed to the farm bill.

I now ask unanimous consent that today at 4 p.m. the Senate proceed to executive session to consider Calendar No. 610; that there be 90 minutes for debate, which will be equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following my remarks and those of my esteemed colleague, the first hour will be equally divided, with the Republicans controlling the first half and the majority controlling the final half. We hope to reach an agreement to begin consideration of the farm bill today.

Madam President, in a time when too many of the products we buy are made overseas, America can be satisfied that most of the food we eat is grown right here at home. The American agricultural industry boasted a \$42 billion trade surplus last year—greater than any other sector in our economy. Our farmers are the most productive in the world, exporting \$136 billion worth of their yield last year.

It is amazing how States produce agricultural products. The State of New York isn't considered by most people to be an agricultural State, but it is. The State of Michigan is not considered by most people to be an agricultural State, but it is. Even some of the States in the western part of the United States produce products that are exported. For example, in Nevada, alfalfa is exported. It is very high in protein. It is made into pellets, and it

is a needed commodity overseas. So all over America the farm bill is important.

Our farmers are the most productive in the world, exporting \$136 billion worth of their yield last year. At a time of economic uncertainty, America's agricultural industry supports 16 million much needed jobs. So Congress must give farmers the certainty they need to keep this industry thriving.

I commend Senators STABENOW and ROBERTS, the managers of this bill, for crafting a strong bipartisan bill. This measure will create jobs and cut subsidies. It includes important reforms that make farm and food stamp programs more accountable and more defensible.

With more farmers seeking global markets for their product more than ever before, this bill supports rural farm jobs as well as urban manufacturing jobs. It will help new farmers—especially those who served their country in the Armed Forces—to build successful businesses. This legislation helps local farmers sell their products where they grow them—connecting farms, schools, and communities. And it saves \$23 billion, which we will use to reduce this deficit we have.

I know there are a number of Democratic and Republican Senators who wish to offer amendments to this legislation. I have confidence in the leadership of Senators STABENOW and ROBERTS and look forward to working quickly and cooperatively to pass the bill that creates jobs, cuts subsidies, and reduces the deficit, while protecting American farmers.

CAPITOL POLICE CHIEF PHILLIP MORSE

Madam President, every day the dedicated officers of the U.S. Capitol Police keep members of Congress, our staffs, and millions of visitors from around the world who visit the Capitol grounds each year safe. For the last 6 years, this department has been led and run by Chief of Police Phillip Morse. He spent more than half of his life on the Capitol Police Force, and I think it is time for a little down time. Today Chief Morse retires after 28 years serving and protecting the U.S. Capitol. I thank him for his service and congratulate him on a job well done.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

68TH ANNIVERSARY OF D-DAY AND HONOR FLIGHT

Mr. MCCONNELL. Madam President, today, on the 68th anniversary of D-day, I am honored to recognize a distinguished group of World War II veterans from my State of Kentucky who

have come to the Nation's Capital to visit the World War II Memorial on the Mall that they helped to inspire.

Thanks to the noble work of the Honor Flight Program and the leaders of the Bluegrass Chapter, including Brian Duffy, these brave patriots, along with their brothers-in-arms from the Korean war, will see the national memorials built in their honor today. Over the years, the Honor Flight Bluegrass Chapter has brought some 1,100 veterans—most from Kentucky—to Washington, DC, for this purpose. This program provides transportation, lodging, and food for the veterans. Without Honor Flight, most of these veterans would never be able to visit the Capital or see the World War II Memorial.

I have been privileged to visit with groups of Honor Flight veterans before, and I am pleased to report that I will be meeting with today's group at their memorial as well. My father served in World War II, and it is an honor to shake hands with his contemporaries, hear their stories, and thank them for their service.

America is forever indebted to the heroic members of the U.S. military who defended this great Nation and fought for freedom and against tyranny in World War II. They have truly earned the title of "the greatest generation."

I also thank the Honor Flight Program and Brian Duffy for their continued commitment to bring Kentucky's World War II and Korean veterans to see their memorials. Brian and the Bluegrass Chapter do what they do because they have great admiration and respect for our military veterans. I know my colleagues join me in saying that this Senate shares that admiration and respect, be it for members of "the greatest generation" or for the current generation of brave volunteers who have served in Afghanistan and/or Iraq or are serving today elsewhere across the world.

I wish to recognize each and every World War II and Korean war veteran from Kentucky who is visiting the memorial in our Nation's Capital today, and I ask unanimous consent that their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF WORLD WAR II AND KOREAN WAR VETERANS BROUGHT BY HONOR FLIGHT TO VISIT THE NATIONAL MEMORIALS ON JUNE 6, 2012—THE 68TH ANNIVERSARY OF D-DAY

Sam Adams; Louisville, KY
Clifford Barker; Morehead, KY
David Braun; Jamestown, KY
Harry Hughes Bush; Richmond, KY
Edgar Lewis Casada; Somerset, KY
Herman Combs; Bronston, KY
Franklin Delano Coovert; Lexington, KY
Thomas Alton Curtsinger; Owensboro, KY
Guy Moorman Deane Jr.; Owensboro, KY
Earl E. Fort, Owensboro, KY
Wilburn Gerald Fort; Owensboro, KY
Sheldon Woodrow Franks; Corydon, IN

Alfred Stephen Freyling; Evansville, IN
Ira Wilson Guffey; Owensboro, KY
John Patrick Lawler; Louisville, KY
Robert A. Lawton; Central City, KY
Chester D. Miller; Owensboro, KY
Alberton Peace; Magnolia, KY
Kenneth Leonard Pearl; New Albany, IN
Wilmer Leroy Peck; Franklin, KY
Walter John Points; Falmouth, KY
Kenneth Lee Reynolds; Owensboro, KY
George Thomas Snyder; Owensboro, KY
William Daniel Stephens; Newburgh, IN
Murrel Ray Trapp; Seymour, IN
John Harold Tucker; Evansville, IN
John Hugh Vaughn; Glasgow, KY
James Clarence Vaught; Evansville, IN
Merton Lee Weisert; Louisville, KY

(The remarks of Mr. MCCONNELL pertaining to the submission of S. Res. 482 are printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore.

Under the previous order, the following hour will be equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Madam President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SEQUESTRATION TRANSPARENCY ACT

Mr. THUNE. Madam President, I come to the floor today to talk about the significant uncertainty surrounding sequestration and its threat to our economy. The Congressional Budget Office forecasted that the pending fiscal cliff facing this country; that is, the scheduled tax increases and across-the-board spending cuts that will result from the expiration of current tax policy and the enactment of sequestration, could lead to recession. In fact, the Congressional Budget Office said repeatedly that if the tax increases and sequestration occur at the end of this year, there will be a 1.3-percent economic contraction during the first quarter of 2013. I believe that would argue for extending the existing tax rates. I think the uncertainty associated with the tax rates perhaps expiring at the end of the year and businesses not knowing what is going to

happen is creating a real problem and a real cloud out there in the economy.

I believe it is important that there be economic certainty for people in this country, particularly for investors and small businesses. So it seems to me, at least, that getting those tax rates extended would be a very important part of the solution.

Having said that, I also believe we need tax reform for this country. We need comprehensive tax reform that will fuel economic growth. I think there is enormous potential for economic growth and job creation if, in fact, we could get to overhauling our Tax Code in this country, making it more simple, more fair, more clear, and obviously lowering the rates and broadening the tax base. But until that happens, we need certainty, which means we need to get the existing tax rates extended. I hope we can do that sooner rather than later because I think the longer we wait, the greater we put at risk our economy and what could happen if we don't act.

So that is one component of the fiscal cliff. Obviously, there are other components.

Under the Budget Control Act, the spending authority of most Federal departments and agencies is going to be reduced on January 2, 2013, as a result of the sequestration. Now, the triggered reduction in spending is \$1.2 trillion. After accounting for 18 percent in debt service savings, the required reductions amount to \$984 billion to be distributed evenly over 9 years—in other words, \$109.3 billion per year. So if we look at it year by year, that is \$54.7 billion in reductions that will be necessary in both the defense and non-defense categories of the budget starting on January 2, 2013. It is expected that those cuts will range between 7 and 9 percent, but we believe the administration needs a plan for implementing sequestration, after a number of conflicting statements about how and if it will be carried out.

As one example of the conflicting statements coming out of the Obama administration, Defense Secretary Leon Panetta sent a letter to Senator McCain last November saying that the sequestration would not impact war funding. In April the OMB Controller testified before the House Budget Committee that the issue of whether war funding would be reduced by the sequester was still being evaluated. Just last week another official from the Office of Management and Budget said that war funding would, in fact, be impacted by the sequester.

It has been almost a full year since the Budget Control Act was passed, and Congress needs a precise understanding from this administration as to the full effects of sequestration on all programs and accounts across the Federal Government, including national security funding. That is why I have introduced

a bill, along with Budget Committee ranking member JEFF SESSIONS, that would require the administration to bring some much needed transparency to the scheduled across-the-board spending cuts. Our legislation, S. 3228, the Sequestration Transparency Act, would require the administration to submit to Congress a detailed preview of the sequestration required by the Budget Control Act. Specifically, this bill would require the President to submit a report to Congress by July 9—next month—of 2012 that includes an estimate of the sequestration percentages and amounts necessary to achieve the required reduction for each spending category on an account level. The administration's report would also be required to include any other data and explanations that enhance the public's understanding of a sequester and actions to be taken under it.

This report will assist Congress in its yearend legislative business, including fiscal year 2013 appropriations and addressing the deep and unbalanced defense budget cuts that are expected under sequestration, which are in addition—in addition—to the \$487 billion in reductions that were carried out last August.

Of course, we would not be in this situation had the Senate passed a serious budget over the last 3 years that addressed tax and entitlement reform. The Senate's failure to produce a budget year after year has left us with the Budget Control Act. Now the Budget Control Act is the law of the land.

While I am certainly disappointed that the President and the Joint Select Committee on Deficit Reduction failed to reach an agreement to bring down our deficits in the long term, the cuts to national defense that are scheduled to go into effect are particularly troubling. The President's own Defense Secretary warned that the sequester would "hollow out the force and inflict serious damage to our national defense." That is from the President's own Defense Secretary. Yet, after repeated requests from both the House and the Senate, the administration has refused to provide even the most basic details about the cuts required by the sequester.

There is a great deal of uncertainty regarding sequestration and the tax increases that would occur the first of next year. At a time when our economy continues to grow at a very sluggish pace and unemployment remains above 8 percent, the last thing we need coming out of Washington is more uncertainty. Job creators are concerned about the pending fiscal cliff, and if Congress does not act before the election to deal with these issues, the economy will suffer from this uncertainty in the coming months.

The legislation I have introduced, along with Senator SESSIONS, requires the administration to share with Con-

gress and with the American people their plan for exactly how the sequestration will be carried out. This is straightforward legislation. It is about transparency, and it is something where I hope my colleagues on both sides of the aisle will work to ensure that these numbers—this sequestration plan—are shared with the Congress and with the American people.

We have, as everybody knows, a big pileup occurring at the end of the year with sequestration. The pileup includes tax rate increases which will occur on marginal income tax rates, capital gains rates, dividend rates, the death taxes, the debt limit increase. All of these things happen at a time that will create incredible amounts of uncertainty in our economy. The best we can do for the American people, for our job creators, for investors, and for our small businesses is to provide as much certainty as is possible going into the end of this year. It seems to me, at least, that starts with ensuring that we have a plan coming out of the administration that specifically clarifies how this sequestration would be implemented so that Congress can react accordingly, hopefully before the end of the year and hopefully sometime in the next few months, perhaps as a part of our appropriations process this year.

With regard to the tax increases, I would make the same argument that former President Bill Clinton has been making, which is that we need to extend these tax rates. We create too much economic uncertainty out there by having this cloud on the horizon, which I think is a real warning sign to us, and it is a reminder that we get on a regular basis—frankly, for the most part, on a daily basis—when we talk to small businesses in our home States about the importance of addressing the tax, the regulatory, the spending, and debt issues before the end of the year when this big pileup would occur.

So I would argue for and plead with my colleagues to work together on the sequestration issue to ensure that it doesn't have the devastating impacts on our national security budget and that, combined with the tax increases, it doesn't have the devastating impact on our economy that is being predicted by the Congressional Budget Office. They have pointed out that if these things all happen at the end of the year, it could cost us 1.3 percent of economic growth, which, according to the President's own economic advisers, means about 1.3 million jobs for American workers. We already have chronic high unemployment now—40 consecutive months of unemployment above 8 percent. We have a sluggish, anemic economy. We shouldn't pile on top of that all this uncertainty with regard to taxes, with regard to regulations, with regard to what is going to happen regarding sequestration at the end of the year.

Again, this bill simply does not address in substance how we would change that, but it merely requests and requires the administration to provide to the Congress and the American people a clear plan about how they intend to implement sequestration in hopes that we might be able to make some necessary changes to ensure that the defense budget isn't gutted and that these adverse impacts on the economy are not felt by the American people and by our small businesses. I hope my colleagues will support this legislation and that we can get a vote on it very soon; that we can get the administration acting in a way that will inform not only us as Members of Congress but also the American public.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Madam President, yesterday, Vice President BIDEN and other Obama administration officials hosted presidents and leaders from colleges and universities at the White House. Officials promoted this event as an opportunity, they said, to highlight the transparency of college costs. They said these schools were committed to providing key financial information to all of their incoming students starting next year.

Well, once again, transparency took a back seat to politics. In fact, the White House failed—failed—to level with college students about important financial information, including how the President's health care law is going to make it harder for many students in terms of their ability to get health insurance through their universities.

Earlier this week, the real story came out, and I will tell you it is discouraging. I continue to come to the floor week after week with a doctor's second opinion about the health care law because I think the health care law is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—it is terrible for our taxpayers. I do not think I realized at the time I started doing these second opinions that it was going to be terrible for students going to college.

Take a look at these unintended consequences that have come out of this health care law. But I will tell you, on Monday, national news reports showed that the coverage requirements in the President's health care law—the mandated requirements in the health care law of a certain level of government-

approved coverage—well, it is causing colleges all across the country to drop insurance coverage for their students. I would like to explain exactly how this works.

As Members of this body who voted for this on the other side of the aisle will recall, the health care law eliminates annual and lifetime benefits for insurance plans. Many colleges offer their students an opportunity for limited benefit policies to give students access to affordable health insurance coverage that actually is something that a college student might need, might benefit from, may be helped with.

These are the same benefit plans that have been popular with many unions across the country. The plans were so popular that the administration issued over 1,700 waivers which impacted over 4 million Americans. These Washington waivers ensured that people who got their insurance through certain corporations and unions would not lose the coverage they had in the lead-up to the full implementation of the health care law.

Well, over half of these waivers were granted to individuals who received their insurance through their unions so these individuals would not lose their coverage during the time when the unions were saying: This health care law is too expensive for us. We don't want to live under these mandates. We can't afford it.

Well, the colleges are finding the same situation. But unlike the unions, the colleges are not eligible to apply for these special administration waivers from the health care law. So students across the country are suffering the consequences.

This year, because of the President's health care law, these students are not going to be able to purchase or afford coverage through their schools. Schools are faced with two options: One is raise premiums dramatically, drastically, or just don't offer the health insurance programs students like, parents like, and the universities like to provide. The President of the United States and the Democrats who voted for this health care law essentially have said: Too bad.

So let's give an example from New York State. The State University of New York in Plattsburgh offered students coverage in the past for \$440 per year. Next year policies will cost anywhere between \$1,300 and \$1,600 per student per year. That is an increase of four times, 400 percent. Why? Because the students are going to end up paying for a lot of insurance they do not need, they do not want, and they possibly cannot afford. But yet the President mandates they get this high level of insurance coverage even though it is something the people at the university think their students do not need. The universities do not have a choice. The

President makes those decisions, not the president of the university but the President of the United States.

The University of Puget Sound in Washington was able to offer its students insurance last year for \$165—insurance they believed was helpful to the students. Next year, to comply with the President's health care law—the mandated high levels of coverage—they estimate a policy will now cost between \$1,500 and \$2,000.

Since the Obama administration's mandates were so expensive, what is the University of Puget Sound going to do? Well, they announced they will not be offering any insurance coverage to any students next year—a decision made by the university.

It is clear the President's health care law leaves many students with two bad choices: They can either be forced to pay vastly increased premiums or basically lose access to coverage altogether. This new development flies completely in the face of the President's promise. The President said: If you like what you have, you can keep it. But let's specifically go to the President's exact promise:

No matter how we reform health care—

The President of the United States said—

we will keep this promise: If you like your doctor, you will be able to keep your doctor. Period.

He went on to say:

If you like your health care plan, you will be able to keep your health care plan. Period.

He then said:

No one will take it away. No matter what.

He said:

My view is that health care reform should be guided by a simple principle: fix what's broken and build on what works.

Here we are, over 2 years later, and we continue to witness the Obama administration breaking this very specific promise. Now we can add college students to the long list of people who found out the reality does not match President Obama's rhetoric. At a time when students across the Nation face increasing tuition costs and a bleak job market, now they have to deal with losing their health insurance.

Each day it becomes more obvious that the Obama economy, which includes the President's health care law, has made life worse for millions of Americans. It cannot continue. If the Supreme Court does not completely repeal this health care law, Congress needs to do it. Republicans are committed to repealing this law and replacing it with step-by-step reforms. We will continue to help Americans of all ages work to get the care they want from a doctor they choose at a lower cost.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STUDENT LOANS

Mr. DURBIN. I just left a meeting a few feet away from here with the leaders of some of the American colleges and universities. They came to brief us on a challenge we face across America that we had better be aware of. It is the growing student loan debt.

Just in October 1 year ago, student loan debt in America surpassed credit card debt. It is now \$1 trillion. More and more students are going more deeply into debt, which many of them can never repay. Student loan debt is different than other debt. It is different because one cannot discharge it in bankruptcy, which means it is a debt they will carry for a lifetime.

Imagine someone who is 19, 20 years old, that they have been told as long as they have been on this Earth education is the key to the future, and they are sitting across the table from a financial counselor who says they have been accepted at this college. All they need to do is sign up right here for a loan.

What is the natural instinct? Of course, it is to sign on the dotted line: I am doing what I was told to do; I am going to the best school I can get into; I am going to borrow the money and make it happen and my life will be successful and I will pay the money back.

The formula is right, but there are problems. If they drop out of school, they end up with no diploma, just debt. If they go to a bad school, they end up with a worthless diploma and debt. If they end up, unfortunately, in some aspects of life, occupations and professions, it may take decades to pay off a debt. The average student loan debt is about \$25,000 once someone has completed 4 years of education.

We have asked students across Illinois and across the Nation to tell us their stories and the student loan debts go as high as \$100,000 and more for 4 years of education. Many of these students are finding themselves in an impossible predicament, where they literally cannot get on with their lives, cannot find a job and, unfortunately, are still stuck with the debt.

They are lucky, incidentally, if they are dealing with a Federal student loan guaranteed debt, so-called Stafford loans, because that is 3.4 percent interest. There are ways they can have that debt forgiven and consolidated. It is a flexible type of debt guaranteed by the Federal Government.

But if they step over that line of Federal Government debt and get into a private student loan, hang on tight. The interest rates go from 3.4 percent to the heavens, 18-percent credit card rate debts. Interest rates are not uncommon when it comes to these private loans. Students find themselves being swallowed by debt they cannot repay that is unfortunately compounded and just goes from bad to worse, to even worse.

Students I have run into thought they were doing the right thing. They went to some of these worthless for-profit schools. They can hardly avoid them. If one gets on the Internet and punches in the search engine for "college" or "universities," hang on tight. They are about to be inundated with ads from for-profit schools that tell just how easy it is to get a college diploma. All you have to do is sign up. They used to run an ad here on one of the television stations in Washington. It showed a pretty young girl and she was lounging on her bed with her laptop computer and she said: I am going to college in my pajamas. That kind of come-on—to suggest you can get a worthy college diploma through a for-profit school—unfortunately lures many of these kids into a mountain of debt and worthless diplomas from this for-profit industry—the most heavily subsidized private business in America.

Ninety percent of the money that for-profit schools have in revenue comes right from the Federal Government. Heck, they ought to have their employees join a Federal employees union for that matter because 90 percent of their revenue comes right out of the Federal Treasury. Students end up with the debt and a worthless diploma.

Last week, the quarterly report on household debt of the Federal Reserve Bank of New York found that student loan debt hit \$904 billion in the first quarter of 2012, up from \$241 billion just 10 years ago. That is a 275-percent increase since the same period in 2003. The Consumer Financial Protection Bureau—which many people on the other side of the aisle would like to put out of business—the only leading consumer protection bureau in the Federal Government, estimates that outstanding student loan debt may be even higher, up to \$1 trillion.

Students continue to pile on the debt, even as America—most Americans—cut back on other forms of credit, such as mortgage and credit cards. According to a senior economist at the New York Federal Reserve Bank:

It remains the only form of consumer debt to substantially increase since the peak of household debt in 2008.

The hole just gets deeper for students and the families borrowing money for higher education. Students are graduating with massive amounts of debt and having a very difficult time paying

it back. Delinquency rates for student loans are higher than rates for mortgages or automobile loans.

Every week, I hear from students drowning in debt, and I don't mean just recent graduates. Some of the borrowers are in their thirties and forties, even older, and still paying off student loans or paying off private student loans they cosigned for their children or grandchildren. Student loan debt has serious consequences for families and for our economy. In a recent survey of college graduates by Rutgers University, 40 percent of the participants said they delayed making a major purchase, such as a home or car, because of student debt. More than one-quarter of those surveyed put off continuing their education or had moved in with relatives to save money to pay their student loans.

Private student loans don't come with the same consumer protections and payment plans Federal loans offer. Senator TOM HARKIN of Iowa, chairman of our Senate education committee, introduced a bill with me to help families understand the difference between the Federal student loan and private student loans. We call it the Know Before You Owe Private Student Loan Act. It would require private student loan lenders to confirm the potential borrower's enrollment status and cost of attendance. The bill would also require institutions to counsel students about the difference between Federal and private student loans. Many students just don't know the difference.

The come-on is, listen, we have only one sheet of paper you have to fill out and you will get a private loan or do you want to go through five sheets of paper over here for the Federal Government? This is easier. Easier, yes, but a debt that is going to be much more serious for you in years to come.

Last week, the attorneys general from 22 States wrote to Members of the House and Senate asking that Congress fix the so-called 90-10 loophole. The 90-10 rule, as it is currently written, requires for-profit colleges to receive at least 10 percent of their revenue from something other than the Federal Government—10 percent. But current law considers Federal sources only those funds from the Department of Education's title IV Federal financial aid programs, which includes Pell grants and federally guaranteed student loans. Other Federal subsidies for students, such as GI bill funds and the Department of Defense tuition assistance, aren't counted.

The attorneys general across America once again are ahead of Congress. They recognize that including GI bill and DOD funds will eliminate the powerful incentive the for-profit colleges have to recruit veterans and Active military in order to comply with the 90-10 rule.

Holly Petraeus is the wife of General Petraeus. Her husband is a true Amer-

ican hero. She has stood by his side through all his military assignments, dearly loves the military and their families. She works for the Consumer Financial Protection Bureau. Her specialty is to find those rip-off institutions that are going after veterans to try to soak up their GI bill benefits for a worthless education.

How did we reach this point? Why are we, at this moment in time, where we are—facing this student loan debt bomb. Years ago, with widespread reports of waste, fraud, and abuse in the for-profit college sector, Congress created the 85-15 rule to weed out fraudulent fly-by-night schools that relied almost entirely on taxpayer dollars. The 85-15 rule said a school could take in no more than 85 percent of its revenue from the Federal Government. The other 15 had to come from other sources. It worked, and many of the worst schools, fortunately, closed.

In 1998, the rule was loosened to 90-10—90 percent Federal subsidy. Now we see we need to return to the original intent of the law and crack down on these for-profit schools that are taking advantage of veterans, servicemembers, and students across the board.

In January, Senator HARKIN and I introduced the Protect Our Students and Taxpayers Act—the POST Act—that will make several changes to the 90-10 rule. To better protect the students and our taxpayer dollars, the POST Act would reinstate the original 85-15 ratio, and the bill would change the definition of what is considered Federal revenue.

This may sound like bureaucratic gobbledegook, but let's get to the bottom line. If an institution needs to rely on the Federal Treasury for 90 percent of their revenue to exist as a school, there is a serious question about whether they are a real school. If the students make no contribution—or only 10 percent toward their education—then, frankly, what they are doing is just milking the Federal Treasury to keep the lights on at their school. I might add, these for-profit schools are highly profitable. Some of the biggest investment counselors and managers in America invest in these schools because they are money machines. They bring their money directly from the Federal Government, with no guarantee that students will end up with an education.

The numbers I return to time and again tell the story. Ten percent of students finishing high school—10 percent—end up in for-profit schools—10 percent. Yet these for-profit schools eat up to 25 percent of all Federal aid to education. They are sucking in the Pell grants and the Stafford loans and then—hang on—they have a student loan default rate almost twice the level of other colleges and universities. What does that tell us? They have come up with an economic model which reaches

deep in the Treasury to bring in money to keep the lights on and to pay their CEOs very generous salaries. They are also, of course, loaning money to students, and those students are defaulting, unable to repay their student loans at twice the rate of other colleges and universities.

You might say to yourself: Well, Senator, if that is the case, why don't you do something about it? The problem is the for-profit school industry in America is one of the most politically wired industries in this country. They have friends in high places, and it is very difficult to get reform legislation through the House or the Senate when they are so politically connected. Yet Senator HARKIN and I believe it is worth the effort, and we are going to ask our colleagues to join us in that effort.

What is worse is that students are aggressively recruited to attend these colleges, lured into taking out massive amounts of debt and may not even graduate. Think about that. A study published earlier this year by the Education Sector shows that the borrowers who drop out are more than four times more likely than those who graduate to default on their college loans because they are more likely to be unemployed and earn less when they do get a job. The dropout rates rose across all kinds of colleges, but the biggest increases were found in the for-profit 4-year institutions, where a staggering 54 percent of those who had borrowed to pursue a bachelor's degree dropped out of school—more than half. The study showed 16.8 percent of dropouts defaulted on their loans compared with 3.7 percent of those who graduated.

What difference does it make to these for-profit universities? They got their money.

Alexander Brooks recently contacted my office about his student debt. Alexander is from Normal, IL, and graduated in 2006 with a degree in computer networking from ITT, a for-profit institution. Alex never got a job in his field. He drives a schoolbus to pay his rent, even though he has this so-called degree in computer networking. He said he would like to get married to his long-time girlfriend, but he doesn't want to have her share in the burden of his student loan debt.

When asked about the quality of education he received from ITT—what we will hear being advertised on the television every time we turn it on—here is what he said:

ITT fell short of preparing me for what happens after graduation. Although the school provided me with a degree, the program did not provide any of the necessary certifications needed to get a job in the computer field.

Alex would like to go back to school, but he can't borrow any more money. When he graduated 6 years ago from ITT, a for-profit school, his total loan

balance was \$40,000. That was when he graduated. Six years later, his balance is \$50,000. Six years of payments, falling further and further behind. His private student loans have interest rates up to 9.25 percent, almost double the Federal student loan rate.

Alex isn't alone. Many of his fellow students from ITT have the same trouble repaying their loan. ITT's 3-year cohort default rate is over 29 percent. That means that within 3 years of entering repayment status, almost one-third of students have already defaulted. In 2009, ITT received 85.8 percent of all its revenue—this for-profit school—from the Federal student aid programs. It was the third largest recipient of GI bill funds, receiving \$99 million in the school year 2010–2011. If GI bill funds and other Federal aid were counted, ITT would likely be at or close to receiving 100 percent of its revenue from the Federal Government—totally federally subsidized.

Federal student aid money is just about all that keeps this institution alive, running, generating profits, and paying handsome salaries to those who own it. What do the taxpayers get in return for this investment? More Americans with student loan debt they will never be able to pay off. That is not a good deal for taxpayers or students.

High student loan debt is not limited to for-profit college students. Students at private nonprofit institutions graduate with an average of about \$26,000 in debt. Students who graduate from public institutions graduated with an average debt of \$15,600.

What I say back home in Illinois I hope some will listen to carefully. Education is critical for a student or person to succeed. I encourage people to pursue it but go to the low-cost alternative if they haven't made up their mind or don't have a clear goal in front of them that is reasonable. Go to their community college. Start there. Learn to what it means to go to college. They can do it at an affordable cost in their neighborhood, in their town, and then progress from the community college level to the right place for them. The students who sign up for these worthless for-profit schools or sign up for a heavy load of debt may find themselves in a terrible situation, and it is impossible for them to pursue a higher education.

We have to do something to control the cost of postsecondary education, ease the burden of student debt, and crack down on the aggressive recruiting practices used by these for-profit colleges by closing the 90/10 loophole. Congress should start by coming to an agreement on the student loan interest rate hike that will prevent the interest rates on subsidized Federal student loans from doubling.

Let me close with this because I see my colleague from Rhode Island is

here. On July 1, the interest rate on Federal loans—Stafford loans—will double from 3.4 percent to 6.8 percent. For a student borrowing \$20,000 over the course of a 4-year education, it means at 6.8 percent as opposed to 3.4 they will be paying back \$24,000 instead of \$20,000. Why do we want to dig this hole any deeper for students across America?

We have put together an alternative on the floor to keep the interest rate low. Unfortunately, the other side has objected. I hope we can work out a reasonable bipartisan way to keep interest rates on student loans at a lower level. We owe it to these families and to these students.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, let me first thank the distinguished Senator from Illinois for his determined efforts, as well as my senior colleague in this body, Senator JACK REED, for his determined efforts in trying to get to a resolution that will prevent the student loan interest rates from doubling.

THE HIGHWAY BILL

I am here to speak about another problem—something very important to ordinary Americans that is also being jammed up as a result of obstruction and intransigence—and that is the highway bill.

We had a March 31 deadline, the House and the Senate, to get a highway bill done. The Senate did its job; we got a highway bill done by March 31. The House did not do its job; they failed to get a highway bill done.

Let me point out that we have been doing highway bills in Congress back since the Eisenhower administration, and this is not rocket science. So it is telling that the body at the other end of this building could not get a highway and bridge bill done by the March 31 deadline. So what did they do? They extended it and took us to conference on the Senate bill.

Now, let's say a word about the Senate bill. The Senate bill is very hard to criticize. People sometimes criticize bills around here because they get jammed through; there isn't enough time; there aren't enough amendments; it is not bipartisan. None of those criticisms apply to the Senate bill.

The Senate highway bill came out of my Environment and Public Works Committee—thanks to the leadership of Chairman BOXER and Ranking Member INHOFE with the unanimous support of every Republican and every Democrat. It came to the floor. We had a wide-open process here on the floor. I think nearly 40 amendments were accepted either in floor votes or by agreement. Everybody had their chance, everybody had their day, and the net result was that the bill cleared out of the

Senate with 75 Senators on record supporting it. That is a pretty impressive majority around here.

So we have a 75-to-22 Senate bill that has the support of the chamber of commerce, the Association of Manufacturers, and it has the support of labor unions and the environmental community. There is really nothing to criticize about it either substantively or in terms of the process by which it was adopted, and yet our colleagues on the House side won't accept the bipartisan Senate bill. They have it bottled up in this conference. And the reason that I am on the floor today is that we are being told now that the House is going to ask for another extension past the end of June to continue to dawdle and stall the bipartisan highway bill. What is the effect of that? What is the effect of dawdling and stalling the bipartisan Senate highway bill? The effect is loss of jobs.

The Presiding Officer is from New York, I am from Rhode Island, and the distinguished Senator from Utah is here on the floor. All of us have a common situation in our State, which is winter. In winter, it is really hard to build and repair highways and bridges.

There is a summer construction season, and as we dawdle and delay and as the House jams up the bipartisan Senate highway bill, that summer season gets whittled away. We are now to the point where my director of transportation in Rhode Island, Mike Lewis, says that he had 97 jobs on his roster to be done in this summer construction season, and if we can't get this done earlier than when we anticipate doing it now, at the end of this month, at the end of June, 40 of those projects will drop off the roster and all of the jobs associated with them will be lost.

Rhode Island is a small State. Those numbers are going to echo eastward and northward across the country in job losses this summer because of the delay of a bipartisan Senate highway bill by the House. These are real jobs.

It is not just me making this observation and it is not just the Rhode Island director of transportation. Standard & Poor's Global Credit Portal RatingsDirect service has put out a publication: "Increasingly Unpredictable Federal Funding Could Stall U.S. Transportation Infrastructure Projects." They say the following:

With the March 31st expiration looming, Congress passed on March 29th yet another extension to fund U.S. highway programs. This latest continuing resolution, the ninth, provides funding through June 30, 2012. As construction season begins in the northern half of the country, this continuing uncertainty in funding could force states to delay projects rather than risk funding changes or political gridlock come July.

That is exactly what we are seeing.

They said:

In addition, the political gridlock in Washington, D.C., and the doubt surrounding federal funding are making it difficult for

issuers throughout the infrastructure sector to define long-term plans for funding necessary capital projects.

If we get this turned around, then what happens? Well, according to Standard & Poor's, "Once a long-term authorization is approved, we believe it will provide an impetus for transportation agencies to reconsider high-priority projects that had been shelved because of lack of funding." So we can put people to work in this country. We can put people to work in this country on roads and bridges and highways—something every American understands. We can do it under a bipartisan Senate bill that has the support of everybody, from the business community, to the labor community, to the environmental community, to, perhaps obviously, the highway construction community. But the House of Representatives, which couldn't pass a highway bill, is jamming us in this endless conference. I don't know if it is their intention to knock out these jobs in this preelection period. I don't know if they just can't get their house in order over there to do the basic legwork of passing a highway bill. But as we approach the end of this month, as we approach this second deadline—which it looks like they are going to miss again—I will urge my colleagues, let's hold their feet to the fire. There is no excuse for not passing the bipartisan Senate highway bill that is widely supported and that will create or defend nearly 3 million jobs in this country—2.9 million, to use the exact number that has been identified with this bill.

So I think it is very important that we stick to our guns on this one. In Rhode Island, we have projects such as Highway 95, where it comes through the city of Providence, it comes through as a bridge. It is a raised highway. If you go underneath that bridge to, say, drive into the back entrance of the Providence Place Mall or to look where the highway goes over the Amtrak rails that connect the Northeast Corridor, what do you see? You see wooden planks that have been laid between the I-beams so that the highway falling in doesn't land on cars underneath, doesn't land on Amtrak trains or train tracks underneath. This is a project that needs to be rebuilt. It needs to be rebuilt now. It is connected to where State Routes 6 and 10 come in and connect to 95. If you go under State Route 6 and State Route 10—as Senator REED and I did recently with the mayor of Providence and with the transportation director—you see that those highways are propped up by wooden supports. You see that pieces of the metal infrastructure have crumbled and fallen off onto the ground. This is highway work that needs to be done. These are not bridges to nowhere.

Every American driving across our bumpy roads knows we have work to

do, and I call on my colleagues in the House to quit dawdling, to let this conference go. If they don't have an answer, if they can't pass a highway bill, if they can't do the basic legwork of governance to do something as simple as a highway bill, then get out of the way. At least get out of the way and let the bipartisan, widely supported Senate highway bill go.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

EXTENDING TAX RELIEF

Mr. HATCH. Madam President, the bad news keeps coming. Europe is in dire straits, with the debt-riddled economies of Greece and now Spain threatening the future of the continent's economic union. There is real concern that this debt-fueled contagion in Europe will undermine our economy as well, and our economy cannot take too many more hits.

The unemployment rate went back up to 8.2 percent last month. Only 69,000 net new payroll jobs were created. That is barely keeping up with population growth and is hardly the type of robust job growth that will be the foundation of a lasting and meaningful economic recovery. Now, we should have seen this coming. The minutes of the Federal Reserve's most recent monetary policymaking meeting make numerous mention of uncertainties surrounding fiscal policy and that those uncertainties are a risk to the economic outlook.

Fed policymakers noted that "they generally saw the U.S. fiscal situation also as a risk to the economic outlook; if agreement is not reached on a plan for the federal budget, a sharp fiscal tightening could occur at the start of 2013." They concluded that "uncertainty about the trajectory of future fiscal policy could lead businesses to defer hiring and investing" and "uncertainty about the fiscal environment could hold back both household spending on durable goods and business capital expenditures."

Yesterday the Congressional Budget Office reminded us yet again what the consequences will be to our economy if we fail to get our debt under control. According to one of their analyses, absent serious reform of entitlement spending programs, "Federal debt would grow rapidly from its already high level, exceeding 90 percent of GDP in 2022. After that . . . [d]ebt as a share of GDP would exceed its historical peak of 109 percent by 2026, and it would approach 200 percent in 2037." And that is an optimistic view. The impact of this multiplying debt will be a gross national product that is reduced by 4.5 percent in 2027 and 13.5 percent in 2037.

In other words, unless President Obama and his allies in the Senate get to work, Americans face a future of fewer jobs, flat or shrinking incomes,

and loss of opportunity. And the sad truth is, as this chart shows, the President's allies have not gotten to work. We have had a hearing on tax extenders but none on the AMT patch—the alternative minimum tax patch—and none on tax reform. We did have a hearing on the 2013 tax cuts. But we have had no markups on any of those, and we have had no floor consideration of any of those. Yet these are all extremely important matters.

It was no surprise, therefore, when former President Clinton stated yesterday that we are still in a recession. Economists might say that is not technically accurate, but it is certainly how most Americans feel. What did come as a surprise, however, was President Clinton's remarks on taxmageddon, the fiscal cliff the Nation faces at the end of this year. At least yesterday, it sounded as though his view was that we should do a complete 180 and race away from this cliff, extending in full the tax relief enacted by President Bush and extended by President Obama in 2010. Several weeks ago, 41 Senate Republicans made a similar request of the Senate's majority leader, Senator REID. This fiscal cliff is unquestionably contributing to our fiscal crisis and slowing the economy by creating enormous uncertainty for taxpayers and businesses.

Absent action to extend this tax relief, Americans will be hit with a \$310 billion tax increase next year alone; 26 million middle-income families will owe \$92 billion in alternative minimum tax when filing their returns 1 year from now; a family of four earning \$50,000 will get hit with a \$2,183 tax hike; a small business owner will face a top marginal tax rate hike of 17 percent. That is catastrophic. The number of farmers who will face the death tax will rise by 2,220 percent. The number of small business owners who will face the death tax will rise by 900 percent. There should be no higher priority for the President and the Congress than addressing these tax increases.

Yesterday, President Clinton seemed to agree, arguing that we should act now, not after the elections, to avoid the fiscal cliff. At a minimum, he concluded that a temporary extension of current tax relief is in order. To quote former President Clinton:

They will probably have to put everything off until early next year. That's probably the best thing to do right now.

I understand that the minority leader of the Senate and the Speaker of the House have now called for a 1-year extension, during which time we should do tax reform. That makes sense. And I am committed, as the ranking member on the Senate Finance Committee, to do tax reform and hopefully bring both sides together, for once in a long time, to do what is in the best interest of this country.

President Clinton further argued:

What I think we need to do is to find some way to avoid the fiscal cliff, to avoid doing anything that would contract the economy now, and then deal with what's necessary in the long-term debt-reduction plan as soon as they can, which presumably will be after the election.

Now, channeling Gilda Radner, and presumably following a dressing down by President Obama's campaign team, President Clinton tells us, "Never mind."

But President Clinton knew what he was saying. One thing I can say, knowing him as well as I do, President Clinton is a very smart man. He was making an elementary point, one that the President, President Obama, seemed to agree with when he was not running for election on a platform that single-mindedly obsesses over raising taxes on families with incomes over \$250,000.

President Clinton, not wanting to further undermine our economy, recommended a short-term extension of all the tax relief. That is precisely what President Obama agreed to at the end of 2010. Given our tepid economic growth and job creation and the threat from Europe, common sense would dictate a similar course today—certainly, if the alternative is a \$310 billion tax increase.

But today President Obama is running for reelection, and tax relief for the so-called rich would undermine his message of wealth redistribution. Failure to extend this tax relief, though, is not an option.

Just this morning another Obama supporter, a former Director for the National Economic Council, Larry Summers, said:

The real risk to this economy is on the side of slowdown . . . and that means we've got to make sure that we don't take gasoline out of the tank at the end of this year. That's gotta be the top priority.

The former Director of President Obama's Office of Management and Budget concluded that what he estimates to be a \$500 billion tax increase would be so large that "the economy could be thrown back into a recession."

According to the magazine, *The Economist*, the Congressional Budget Office has found that the combined effects of the sequester and the expiring tax relief would add up to 3.6 percent of GDP in fiscal year 2013. In a \$15 trillion economy, that would be a hit to GDP of \$540 billion, which would surely tip us toward recession and even more job losses.

The question the people of Utah and citizens around the country are asking themselves is, What is the holdup? If extending this tax relief is essential to providing families and businesses with the certainty and security necessary for economic growth, why are Senate Democrats refusing to take it up? Why is the President not pushing for immediate action to avoid this fiscal cliff?

Let me suggest an answer. The President wants to drag this out until after

this election. Even if that means months of additional pain for America's families and a real hit to our economy, it will serve his long-term goal, a goal that he dares not announce until after the election. President Obama does not want the precedent of extending this tax relief for everyone because, ultimately, his liberal base does not want it extended for anyone.

The President and his advisers know our debt is unsustainable. Their base will not allow for any serious changes to spending policy, and tax increases on the wealthy alone are not adequate to get our fiscal house in order. The only solution, one that Hyde Park and Pennsylvania Avenue are loathe to discuss openly, are tax increases on everybody.

This is Matt Bai, writing last year in the *New York Times*:

If Democrats are serious about reversing the policy of the Bush years, then they will probably have to be willing to make a case for eliminating all the tax cuts, not just those for the wealthiest Americans. And they may have to come up with some kind of more comprehensive plan for modernizing the entire tax code, in order to persuade voters that even if some taxes go up, they might still come out ahead.

Ezra Klein, the liberal blogger at the *Washington Post*, put it this way:

We cannot fund anything close to the government's commitments if we don't raise taxes, or if we let only the Bush tax cuts for income over \$250,000 expire.

Though he is now persona non grata in President Obama's camp, just a few weeks ago President Clinton was echoing this recommendation of tax increases for all.

This is President Clinton:

This is just me now, I'm not speaking for the White House—I think you could tax me at 100 percent and you wouldn't balance the budget. We are all going to have to contribute to this, and if middle class people's wages were going up again, and we had some growth to the economy, I don't think they would object to going back to tax rates [from] when I was president.

With due respect to our former President, I do think he was speaking for the White House, and I do think most Americans would object to a tax hike. That is why President Obama has decided to lay low rather than lead. The American people are not going to accept this. We live in a republic, and it is fundamentally illegitimate, on an issue of this magnitude, for a person running for President of the United States to put these decisions off until a lameduck session of Congress when he can no longer be held to account by the American people.

It is not only an economic imperative that we extend this tax relief, it is demanded by our constitutional commitment to representative democracy. To borrow from Justice Scalia:

The American people love democracy and the American people are not fools.

If the President and his campaign team think they can punt this issue

into the fall, they are sorely mistaken. The American people will voice their displeasure with this failure to lead in November. President Clinton got it right the first time yesterday. The fiscal cliff must be addressed now. We cannot wait until later in the year. Our economy is struggling. American families are treading water. We have tried it their way for almost 4 years.

We have tried a \$850 billion stimulus. We have tried ObamaCare, which was also supposed to be a jobs program. We have tried Dodd-Frank. It is time to try something else.

There is no greater jobs program that Congress and the President could pursue than a permanent extension of the tax relief signed by Presidents Bush and Obama. It would provide enormous confidence to America's businesses and families at a time when confidence is sorely needed. This issue is not going away. I look forward to working with my colleagues to pass tax relief for all Americans sometime this summer.

We all realize we are in election mode. Maybe I realize that more than most. The fact is, we cannot punt this anymore. We cannot kick it down the road. We are going to have to find a means and a way whereby we extend this tax relief and then spend the next year working on tax reform and hopefully a bipartisan tax reform bill that everybody here can support.

So far this year just about everything the majority leader has brought up for and on behalf of Democrats is to protect the sitting 23 Democrats who are up for reelection this year. I don't blame the leader for wanting to protect his fellow Democrats. That is, after all, maybe part of the job of the leader. On the other hand, there are things that are even more important, such as the future welfare of our country, such as jobs that are not being created. They are not being created because we have no creators in the White House. It takes a President to lead on these issues.

I suggest to President Obama he would have a much better chance of reelection if he would lead on some of these issues and if he would go along with putting off these tax increases and committing Democrats and Republicans to coming up with a bipartisan reform of this awful, despicable, unworkable Tax Code. It might be one of the few ways we can bring people together. It might be one of the few ways we can turn this country around in the short term.

I think the minority leader and the Speaker of the House have something here. We ought to do this and make it the main focal point of our existence as Members of the Senate and Members of the House of Representatives. If we do this, we might even find that we can get along again. We might even find that we can work together. And we might even find the President can lead

for a change, which would be a pleasant change from what I have seen over the last number of years.

I happen to like the President. I do not agree with him. Yes, I would like to replace him. But I like him personally. I believe if the President would lead here and would make this a focal point he would have a better chance in this election. Not that I want him to be successful, but at least he would have a better chance.

Deep down the American people believe nothing is being done by the White House, by this body, and throughout the country. I yearn for the day when Democrats and Republicans can get along with each other again, when we really put the country first rather than reelection first, when we really look at each other and say: You know, I like him or her. I think I can work with them. It would be wonderful if we would do that.

This is a pretty fair suggestion: Keep the tax cuts alive until we reform the tax system—this bloated, unworkable, stupid Tax Code. I actually believe it could be a way of making us all work together and making us all do so in the best interests of our country. Wouldn't that be wonderful?

I hope my colleagues on both sides will go along with doing something that makes sense—like this. I believe in these suggestions we have the makings of something that would not only help our country but help all of us to get along with each other and work in the best interests of our country.

But I will make a final point; that is, it takes Presidential leadership to make major changes like this, and we do not have that right now.

Mr. President, in remarks a few minutes ago, I stated the following:

If extending this tax relief is essential to providing families and businesses with the certainty and security necessary for economic growth, why are Senate Democrats refusing to take it up? And why is the President not pushing for immediate action to avoid this fiscal cliff?

Let me suggest an answer.

The President wants to drag this out until after the elections. Even if that means months of additional pain for America's families and a real hit to our economy, it will serve his long-term goal—a goal that he dare not announce until after the election.

President Obama does not want the precedent of extending this tax relief for everyone, because ultimately his liberal base does not want it extended for anyone.

The President and his advisers know that our debt is unsustainable. Their base will not allow for any serious changes to spending policy, and tax increases on the wealthy alone are not adequate to get our fiscal house in order.

As support for my theory that the President could be dragging out this tax hike fight, I ask unanimous consent to have printed in the RECORD an article from the blog, "Talking Points Memo," dated November 22, 2011. That blog's authors certainly are allies of

President Obama and rarely does "Talking Points Memo" contain anything sympathetic to Republican policy positions. When it is critical of President Obama, the blog's criticisms tend to spring from the far left of the political spectrum. I ask my colleagues to ask themselves the question above: "Why is the President not pushing for immediate action to avoid this fiscal cliff?" and then read the article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBAMA ISSUES VETO THREAT ON BUSH TAX CUTS

(By Brian Beutler)

President Obama has threatened to veto any legislation that attempts to eliminate the automatic penalties for Super Committee failure. But on January 1, 2013—the same day the automatic, across the board spending cuts are scheduled to take effect—all of the Bush tax cuts are set to expire. And the White House plans to use the threat of full expiration the exact same way they're using the threat of sequestration—to force Republicans to accept a higher tax burden on wealthy Americans.

"He won't sign a full extension," said one Senior Administration Official at a White House background briefing for reporters on the Super Committee.

"I think if you look at everything that happens in January 2013, it is a compelling argument that there's a need to make real policy," said another Senior Administration Official. "And I think the fact the sequester will hit in January 2013 and the expiration of the tax cuts hits in 2013, the right thing to do is tax reform that has both positive impact on the economy and is fair in terms of distribution of the tax burden, and then balanced savings that share the burden amongst all the different parts of the budget from the very rich to people on Medicare and Medicaid."

If you despise government indiscriminately, the Super Committee's inaction doesn't really matter on its own—it just means more spending cuts. "Super Committee could not agree how to cut \$1.2 Trillion," tweeted anti-tax crusader Grover Norquist. "So now we 'sequester' (french for 'cut') \$1.2 Trillion. This is failing, how?"

True enough. But unless the White House changes its tune, members of Congress won't just have a choice between lower spending and higher taxes. If Republicans dig in their heels and refuse to raise taxes on the wealthy, then taxes will go up automatically. Democrats proved in the Super Committee negotiations that they have the nerve to hold out on spending cuts until Republicans toss Norquist and his fellow conservative activists under the bus. Unless that changes, it's a powerful incentive for Republicans to change their strategy—and their orthodoxy.

Mr. HATCH. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Would the Senator withhold the request.

Mr. HATCH. I withhold. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield to the Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

WORLD WAR II PRAYER ACT OF 2012

Mr. PORTMAN. Madam President, I ask unanimous consent to enter into a colloquy for 15 minutes with my colleague from Connecticut, Senator LIEBERMAN, about the new legislation we just introduced, S. 3078, the World War II Prayer Act of 2012.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PORTMAN. Madam Portman, this bill will lead to the placement of a plaque or inscription at the National World War II Memorial in Washington, DC, with a prayer that Franklin Delano Roosevelt shared with the Nation by radio address 68 years ago today. The occasion was D-day, June 6, 1944.

On D-day American troops, joined by allied forces, carried out an amphibious and airborne landing on five beaches on the heavily fortified coast of France's Normandy region. Some have termed those Normandy landings as the beginning of the end of the war in Europe. I believe that is true because courageous Americans were willing to risk their lives on the coast of France that day. Thousands made the ultimate sacrifice that day.

With the invasion underway, President Franklin Delano Roosevelt asked our Nation to come together in prayer for the men who were engaged in this dangerous but very important battle. His powerful and ecumenical prayer, drawing on our Nation's rich Judeo-Christian heritage and values, brought strength and inspiration to many during what was a challenging time for our country.

Today I have the honor, along with Senator LIEBERMAN, to introduce this legislation to commemorate that prayer and that day. His words, of course, brought comfort to the many families and friends of the brave men who were killed in action. Those words of Franklin Roosevelt are etched in our history and in our minds, and we hope soon in stone. Our bill ensures that the prayer becomes a permanent reminder of the sacrifice of those who fought in World War II and in the power of prayer through difficult times.

We worked closely with the National Park Service to ensure that the plaque or inscription does not disrupt the World War II Memorial or bypass the Commemorative Works Act process, which governs monuments in Washington. The placement and design of the plaque would be assigned to a commemorative works approval and review process, which makes it consistent with legislation that was passed by previous Congresses.

It is adding some historical context to this beautiful memorial—adding a layer of commemoration, not taking anything away from the memorial that is already in place.

My friend in the House of Representatives, Congressman BILL JOHNSON of Ohio, introduced a House companion bill to this legislation, which has passed the House earlier this year with an overwhelming bipartisan vote of 386 to 26.

Today, on the 68th anniversary of this historic battle known as D-day, we hope to inspire the Senate to follow suit and tell the story of this powerful prayer that moved the Nation in honor of heroes by placing a marker with the prayer at the World War II Memorial.

Madam President, I would like to now turn things over to Senator LIEBERMAN, my cosponsor of this legislation, and a leader in the Senate and in our country for his thoughts. After that we will join to recite parts of this incredibly powerful extraordinary Presidential prayer from World War II.

Mr. LIEBERMAN. Madam President, I thank my friend from Ohio for taking the lead on what I call a noble project, and I am confident that all of our colleagues will join us in this to include FDR's national prayer at the World War II Memorial.

It is very important to remember that D-day, which was 68 years ago today, turned out to be a pivotal moment in the war in Europe. FDR chose not to give a speech announcing the landing at Normandy but to offer a national prayer. I think in doing so, he went to a very proud, not only tradition in America but one of our great assets where we have had the ability to bring faith and God in a very inclusive and nondiscriminatory way into our public life to the great benefit of our Nation.

As he delivered these words of prayer in a historic radio broadcast, which of course is the way it was done in those days, the success of the bold and dangerous D-day plan was far from assured. But with the eloquent faithfulness of his words and with his steady Presidential leadership, I believe the brave American men and women in uniform who landed at Normandy were strengthened by the conviction of our national values, the virtue and righteousness of their cause, and, of course, with confidence that they would benefit from the guiding grace of God.

I remember words by President Reagan on another Normandy anniversary when he said:

The men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead, or on the next.

Indeed, I think adding FDR'S prayer to the grandness of the World War II Memorial will even elevate it, and it will rightly remind all who visit of the essential role that faith in God played at that pivotal moment of world history. It will also remind us that faith in God has played a pivotal role in American history every day since the

Declaration of Independence on July 4, 1776, when our Founders declared that they were forming our new government to secure the rights of life, liberty, and happiness that each of us receive as an endowment from our creator.

All of this is expressed in the wonderful idea that Senator PORTMAN has had and would be accomplished by this project.

I yield back to my friend from Ohio for the beginning of President Roosevelt's prayer.

Mr. PORTMAN. I thank my colleague from Connecticut. As he said so well, the power of prayer in this case, as was true in our Nation's great history, is a comfort and inspiration to the country.

As I noted earlier, we would like to recite the prayer. I would ask those in the gallery and on the floor today to join us in this prayer. I will start by reading the first half, including some words that President Roosevelt said prior to the prayer, and then Senator LIEBERMAN will read the second half.

Franklin Roosevelt started off by saying:

My fellow Americans: Last night when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so in this poignant hour, I ask you to join me in prayer.

Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

I would now like to turn to Senator LIEBERMAN to read the second half of the prayer.

Mr. LIEBERMAN. I continue with Roosevelt's prayer.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas—whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the Nation into a single day of special prayer. But

because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee. Faith in our sons; Faith in each other; Faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporary matters of but fleeting moment let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister Nations into a world unity that will spell a sure peace a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

Madam President, as we know, many lives were lost on D-day and what followed, but it led to the defeat of—if I may use President Roosevelt's words—"the unholy forces of our enemy," and of a remarkable period of peace and prosperity in America and certainly in Europe.

If I might add briefly, although the circumstances and challenges we face at this moment in our Nation's history are much less greater than America faced on June 6, 1944, nonetheless, there is a certain absence of hopefulness and confidence today. I would respectfully suggest that one of the great sources of hopefulness and confidence that we all could benefit from today is exactly the faith in God in a very inclusive way such as President Roosevelt spoke on that fateful day of June 6, 1944.

Again, with thanks to my friend from Ohio for this idea and for his generosity of spirit in inviting me to join both in sponsoring this proposal and in reading this prayer today, I yield the floor back to the Senator from Ohio.

Mr. PORTMAN. Madam President, I thank my friend. I tell the Senator that I am proud to stand by his side in this small effort to commemorate what happened 68 years ago today, which was the President calling the Nation in prayer and invoking the Almighty to help protect our sons and daughters in battle.

I just came back from Afghanistan yesterday morning, and I would agree with my friend from Connecticut that so much of what we are facing today would also be relevant to these words. I think, particularly, these words in the prayer:

For these men are lately drawn from the ways of peace. They fight not for the lust of

conquest. They fight to end conquest. They fight to liberate. They fight for tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

That certainly describes our great young men and women in uniform who are in Afghanistan protecting us and encouraging tolerance, goodwill, and justice not just for us but for that country and, indeed, for the world.

I thank my colleague again for his being willing to join me in this effort. I hope my other colleagues will join us in encouraging that this important, extraordinary prayer and this example of the power of faith in our Nation's history be added to the World War II Memorial.

With that, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, today we have before us the Agriculture Reform, Food, and Jobs Act of 2012. It is more commonly known as the farm bill. It is critically important for America's farmers and ranchers. But it might also be known as the conservation bill, as the food bill, and, even better, the kitchen table bill because this bill affects every one of us.

The Agriculture Committee is different from most other committees in Congress. Our committee room does not have a raised dais. Instead, we sit around a table just like families across the country do and just like farmers and ranchers do after a long day of work in the fields. To write this farm bill, we sat down around our table and we talked to each other and we listened to each other and we worked in a bipartisan way to craft a bill that creates jobs while cutting subsidies and reducing the deficit.

The result of that effort is what is before us in the Senate. It is a bill that affects every family across the country. The farm bill makes it possible for many families to come together around their own kitchen tables to enjoy the bounty of the world's safest, most abundant, and most affordable food supply.

We are also aware, especially in this very tough economy, that many of our neighbors, many of our friends, many of our family members are struggling to put food on their own tables. The farm bill is critically important to those families as well. As we begin our debate in the Senate on the farm bill, let us remember the families all across the country who are counting on us to get this right.

I want my colleagues to also remember that the farm bill is a jobs bill—16 million jobs. Sixteen million jobs in this country rely on the continued strength of American agriculture. They are the people doing the work it takes to put the food on our kitchen tables, not just those on the farm but those who manufacture, sell farm equipment, the people who ship the crops from one place to another, the people who have the farmers markets and local food hubs, the people who work in food processing and crop protection and crop fertility, not to mention the researchers and the scientists who worked hard every day to fight pests and diseases that threaten our food supply.

Throughout this recession, as those 16 million people can attest, agriculture has been one of the truly bright spots in our economy. That is why we made such an important effort, such an important bipartisan effort in this farm bill to support beginning farmers as well. We are giving them additional support for training, mentoring, and outreach to ensure the success of our next generation of farmers.

In addition, we are giving opportunities for U.S. veterans who are interested in pursuing a career in agriculture, and we are creating a military veterans agricultural liaison within the Department of Agriculture to educate veterans about farming and connecting them with beginning farmer training programs. I would also remind my colleagues that for those who have served and are serving us in Iraq and Afghanistan, the majority of them—over half of them—are coming from small towns and rural communities and they are coming home. One of the ways to provide opportunities for jobs is to support them coming back to their community by having the opportunity to go into agriculture.

One of the brightest spots in agriculture has been in exports. This chart shows the incredible growth of agricultural exports over the last number of years. In fact, total agricultural exports in 2011 alone reached \$136 billion. It is a 270-percent increase just in the last 10 years, an explosion, as we reach out. American agriculture is looked to and depended upon to feed the families of the world.

Our trade surplus is \$42.5 billion. Let me repeat that. We have a significant trade surplus in agriculture. We cannot say that in much of any other place in our economy. But in agriculture we are growing it here at home. The jobs are here at home, and we are exporting it overseas, which is what I would like to see in every one of our industries. It is one of the few areas where we have that kind of success.

We know that for every \$1 billion in agricultural exports, we are creating 8,400 American jobs—8,400 American jobs for every \$1 billion in exports. The investments we make in market development, in access for our agricultural

products overseas, will continue to create jobs here at home.

As we were writing the farm bill, we also did something that families all across the country are doing during these very hard times. We went through everything we are spending, everything we are spending money on, and we looked at how we could do more for less. We literally went through every page of farm policy and agriculture spending through USDA. This bill represents major reforms that will allow us to focus fewer resources on the things that create jobs and make the biggest difference. In other words, we are refocusing. We are cutting the things that are not important and refocusing on the things that are and the things that create jobs.

The Agriculture Reform Food and Jobs Act is about cutting subsidies and creating jobs in America. The reforms in this bill start on page 1 with the repeal of direct payments, countercyclical payments, and the Average Crop Revenue Election, which has been called the ACRE Program.

We are creating a new approach, a new program that only helps farmers when there is a loss and only for crops they have actually planted, and we are strengthening payment limits. We are ending more than 100 programs and authorizations that are no longer needed, and we are doing all of this in order to be able to cut the deficit by \$23 billion.

The most fundamental reform in the Agriculture Reform Food and Jobs Act is the shift away from direct payments and toward risk management for farmers. Throughout this process, we have been focused on principles, not programs, and the No. 1 principle is risk management. So we are repealing direct payments. We know farmers face unique risks unlike those in other businesses.

Let me stress that again. I do not know of any business that has the same kind of risks in market volatility, in weather volatility than our farmers and ranchers do. It is very fortunate we still have people who want to stay in that business, given all the risks, weather and market conditions, which are out of producers' control. They can have devastating effects. We know that. But the current system focused around direct and countercyclical payments does not focus on actual risk and it is no longer defensible or sustainable.

In this current fiscal and political environment, these programs actually jeopardize our ability to have a real safety net for farmers and the jobs that depend on them. That is why we are eliminating those programs and instead strengthening crop insurance as the centerpiece of risk management in the farm bill.

This is the No. 1 issue we heard from every farmer who has testified before the committee, whether it was in

Michigan or in Kansas or across the country. Every region of the country we have heard the same thing loudly and clearly.

The basic foundation of support for producers is crop insurance. We are expanding crop insurance in the bill to include specialty crops and others as well. Because while we know crop insurance is the foundation, it does not work the same. It is not available for every commodity. That is a commitment we have made to expand crop insurance, including specialty crops, which are essentially the kinds of crops we are likely to find in the produce aisle of our supermarket or at the local farmers market: nuts, vegetables, fruits, and other products.

This is an extremely diverse group of crops, and the bill recognizes the unique crop insurance needs of specialty crop growers. We are also taking strides to help young and beginning farmers get started and succeed in farming. We have made revisions to crop insurance to better help those new farmers by reducing their crop insurance premiums and providing additional support when disasters strike.

Supplement crop insurance. This bill creates a simple market-oriented and risk-based program we are calling ARC, Agricultural Risk Coverage. ARC represents a significant and historic reform in agriculture policy. For years, Congress has struggled to balance the needs of different commodities, different programs. This is solved with the new ARC Program, which uses the market as a guide and treats every commodity the same.

The current system essentially amounts to an income transfer from the Federal Treasury to only certain people, certain farmers, because payments are made every year without regard to whether the farmer had a successful year or whether the individual is farming. I say "certain people" because many farmers do not qualify for the help today as well.

Direct and countercyclical payments are made using what is called base acres. That is the current system to determine the payments. Base acres were set using what was planted on the farms back in 1980s. So these base acres have little relevance to what is actually happening on many farms today. This change is also very important for new farmers. We have told beginning farmers this is a very important way to support them.

Our ARC, on the other hand, the program we have developed in this bill, uses only the acres a farmer actually plants. It is able to adapt to free market forces and the decisions made being made on the farm without interference from those business decisions a farmer makes. We want the marketplace making the decisions, not the government.

ARC is market oriented. Farmers only get help when the market moves

in the opposite direction from historic price trends farmers use to plan their business and make planning decisions. The payment amount is based on actual historic numbers from the marketplace, not from the Halls of Congress.

Finally, too many current program payments are being made to people who do not actually farm or already have large incomes. The farm bill fixes this. Under current law, we say farm payments can only go to people who are actively engaged in farming. This requirement contained a loophole, however, known as the management loophole that lets a farm operation designate managers who are not actually farming, but because they are listed as managers, they can still get a payment from the government, and it can allow them to get around the payment limits.

That does not make any sense. Thanks to Senator GRASSLEY, Senator TIM JOHNSON, who has legislation in this area—and Senator GRASSLEY is a member of our committee who has been such a champion on this issue—we have eliminated that loophole and made sure the payments are going to people who are actually farming.

This farm bill also reforms the adjusted gross income eligibility requirement, lowers it substantially, eliminating any payment to millionaires. Current law includes two AGI calculations, one for farm income, one for nonfarm income, which is confusing and difficult to administer. It may allow some people to split their income in a way that they are eligible for payments they otherwise would not be eligible for. We close this loophole. We use a single, simple AGI calculation and restrict the eligibility to those who have less than \$750,000 in AGI.

Finally, the farm bill caps payments at \$50,000, less than half of what a farmer can currently receive. Coupled with closing the management loophole, the farm bill contains the tightest and strongest payment limit reforms ever, while maintaining and strengthening the farm safety net for farmers who really need it. And this is very important. This is not about eliminating options, it is about focusing on those who have the most risk and have the most need.

In dairy, we also reform our Nation's dairy policies, replacing the dairy programs with new, market-oriented programs that allow farmers to manage their own risk in a manner that works best for them. The dairy industry suffered serious hardship in 2009, as many of us know—and certainly the Presiding Officer knows we in Michigan have the same thing—when milk prices dropped substantially, wiping out many small and medium-sized dairies. Despite spending \$1.3 billion that year, our current dairy programs weren't able to help many of the farmers in crisis. In some cases, dairy farms that had

been passed down from generation to generation went bankrupt and, sadly, some farmers even took their own lives.

Dairy operations across the country are extremely diverse, and the dairy policies we are setting in this bill recognize that diversity. We created programs that can be customized by each dairy, and we allow individual dairies to determine whether to participate in the programs at all. Two programs will now comprise the dairy risk management system: the Dairy Production Margin Protection Program and the Dairy Market Stabilization Program.

The first provides support based on margin—that is, the difference between the milk price and the feed input costs. This is important because rising grain prices, coupled with dropping milk prices, can have a devastating impact on America's dairies. Producers will have to share in the program's costs—and this is important—but it will allow them to manage their risk on more of their production at higher protection levels. We are providing a discounted premium for the first 4 million pounds of milk marketed for each producer—which is somewhere around 200 to 250 cows—to make sure that small and medium-sized operations will be able to participate and that all farms will be eligible.

The second program, the Market Stabilization Program, sends clear market signals to producers that indicate when they are oversupplying the market. Dairy is a unique commodity in that it is produced 365 days a year, cows must be milked daily, the raw product requires further handling and processing, and there are significant regional differences in management and marketing. By temporarily reducing a participating operation's payment for milk marketed by a small percentage when there is too much supply, the margin program removes the incentive for dairies to overproduce during times of low margins. The program also includes a suspension trigger based on world prices that ensures U.S. dairies are competitive in the global market.

Conservation. Throughout this farm bill, we took the same approach as a family sitting around the table would when they are trying to figure out cuts in their own budget. We went through every program, again looked at what was working, what wasn't, looked for duplication and waste, and we focused on principles, not programs. An excellent example of that really is conservation.

Farming is measured in generations. Farms are passed down from children to grandchildren. But a farm can only be successful if it has quality soil and clean water. One of the farmers who testified before our committee told us that conservation programs which "enhance and protect our natural resource base is a crop insurance program for

the nation." I would agree. With a growing global population, it is even more important than ever that we conserve water and conserve soil resources. Advances in technology and farm practices have helped our farmers be more productive than ever before, but no amount of technology can overcome degraded soils, poor water quality, or a lack of water.

The farm bill is actually our Nation's single biggest investment in land and water conservation on private lands in our country. As we went through every program, we focused on making them more flexible and easier to use. We have been able to focus 23 different programs into 13. We have reduced it to 13 and put them in 4 primary functions, with a lot more flexibility for the users.

The first function is working lands—giving farmers and ranchers the tools they need to be better stewards of the land. The Environmental Quality Incentive Program—or EQIP—is one of the most important conservation programs for working lands, providing technical and financial assistance to farmers, ranchers, and private forest owners to help them conserve soil and water. This function also includes the Conservation Stewardship Program, which encourages higher levels of conservation and the adoption of emerging conservation technologies.

We also continued the conservation innovation grants and the Voluntary Public Access and Habitat Incentive Program, which allows private landowners to get added benefits from their lands by opening them up to hunting, fishing, bird watching, and other kinds of outdoor recreation. We made these programs more flexible—and this is very important—and we added a focus on wildlife habitats and made them easier for farmers to take advantage of.

The second area is the Conservation Reserve Program—very important. It removes highly erodible land from production to benefit soil and water quality as well as wildlife habitat. Parts of the Southwest—certainly my friend and colleague from Kansas knows this—have experienced record droughts this year. It is stunning what has happened, and it is the worst since the Dust Bowl era of the 1930s. But the soil, while it was dry, stayed on the ground because the Conservation Reserve Program was a part of that change protecting the soil and air. Our conservation efforts are actually working, and we are seeing changes even in the worst of times as it relates to the droughts.

CRP has also been critical in our efforts to rebuild wildlife populations and to reduce pollution in our streams, our rivers, and our lakes. We also continued an important transition incentives program to help older farmers transition their land to beginning farmers.

Third, we focused on regional partnerships. We consolidated four different programs into one that will provide competitive, merit-based grants to regional partnerships comprised of conservation groups, universities, farmers, ranchers, and private landowners to support improvements to soil health, water quality and quantity, and wildlife habitat. That is certainly important to me for the Great Lakes—and I know the Presiding Officer cares about that as well—but it is also critical for the Chesapeake Bay. And I want to thank our colleagues from the bay area, certainly Senator CARDIN and Senator CASEY, who are on the committee, but also Senator WARNER and Members all across the bay who have been deeply involved in making sure we get this right. It is also there for other critical areas around the country that have large-scale regional challenges around conservation.

Finally, I am really proud of the work that was done around easements. Easements allow landowners to voluntarily enter into an agreement to preserve wetlands and farmland to protect against development and sprawl. This year, funding for both the Wetlands Reserve Program and the Grasslands Reserve Program were was out. So we streamlined and consolidated to establish an easement program with a permanent baseline going forward to protect agricultural lands from development.

This bill also includes a bipartisan sodsaver provision, and I wish to thank Senators THUNE, JOHANNES, and SHERROD BROWN for bringing it forward, authoring it, and working with us. This provision helps prevent the plowing up of native prairie. Sod saver is aimed at protecting grasslands at high risk of being converted to cropland. This is not only good for conservation, it saves taxpayers \$200 million over 10 years, and it is tied to crop insurance.

I should also say that while the conservation title in the farm bill is a big win for conservation of our environment, I am proud to say we have continued to link the commodity title, which I described earlier, to conservation.

In crop insurance, the sodsaver program creates a penalty if, in fact, someone is plowing up native prairie. They would lose part of their discount under crop insurance if they did that. So it is tied there, and that is very important.

I am very proud of the fact that we received support for our approach from 643 different conservation and environmental groups in all 50 States. I think that says loudly and clearly that it is possible to make smart cuts that increase flexibility without sacrificing effectiveness.

Another area in which we have made significant strides is nutrition and

healthy foods. For too long our Nation's farm bill ignored the diversity of agriculture and the kinds of healthy foods, such as fruits and vegetables, that families in America want to put on their kitchen tables as well. We made significant progress on this front in the 2008 farm bill, with the first-ever specialty crops title, and we have continued the progress in the Agriculture Reform, Food and Jobs Act.

As I said earlier, as I go to every part of Michigan, I meet people who have worked all their lives, paid taxes, and never imagined they would be put in a position where they would need help putting food on the table for their families. Because of this recession, which has been way too long in Michigan—it is getting better, but we have been hit harder, deeper, and longer than anywhere—a lot of families have had to ask for temporary help. And when they need it, whether it is food assistance from the Supplemental Nutrition Assistance Program, which used to be called food stamps and is now called SNAP, or whether it is help from a food bank, those families are grateful, and we should be there when they need that temporary help.

We all expect those programs to have integrity. And as someone whose State has been hit harder than anyone else's, I want to make absolutely sure these programs are in place for families who need it, and that means making absolutely sure every dollar goes to only the families who need it. That is why we are closing loopholes that allowed lottery winners—and, unbelievably, we have had at least two instances of this in Michigan, where someone won the lottery and was able to continue on food assistance. It is shameful that so many American children go to bed hungry at night and outrageous that people who have won millions of dollars in the lottery would be able to continue food assistance. So we made it absolutely clear that those individuals would be removed from SNAP immediately.

We are also cracking down on the trafficking of food assistance benefits. Right now, thanks to the efforts of the last farm bill, fraud is at an alltime low, but we can do even more. We are giving additional resources to monitor and prevent benefit trafficking, as well as cracking down on liquor and tobacco stores that are currently allowed to participate in the program.

We are making sure that only people returning to school for career and technical training are eligible for food assistance, not college students who are currently at home or being supported by their parents.

Again, with so many families and so many children in need, we can't afford to divert funds in a way that just shouldn't be there.

We must also ensure that the standards Congress created for SNAP are fol-

lowed by the States. We are eliminating a gap in standards that has allowed 16 States, including Michigan, to give just \$1 to people in the form of energy assistance to help them automatically qualify for additional SNAP benefits. We know families in parts of the country with high energy bills are often those who are most food insecure, and that is why we created the link between food assistance and LIHEAP. But it is clear Congress never intended for State governments to use this in a way that could jeopardize additional assistance for families with the highest utility bills.

Just like with commodity programs, we need to make sure the work we are doing has integrity and is defensible in our current budget climate, and we do this in a very careful way to make sure we do not inadvertently hurt families who truly do have significant energy costs.

In addition to increasing accountability, we are building on the success of programs that reduce hunger and improve access to healthy fruits and vegetables. We increase assistance for food banks through the Emergency Food Assistance Program. In 2010 more than 5 million people visited a food bank, and as we recover from this recession, it is absolutely critical that these organizations have food in stock to help those in need.

We are streamlining the Commodity Supplemental Food Program, which provides food to low-income individuals, to focus on seniors, and we are moving women and children into the WIC Program, where they can be better served.

We are continuing the Fresh Fruit and Vegetable Program, which was authored originally by Senator HARKIN when he was chairing the committee, and I was very proud to work with him on that. It provides free and healthy snacks to schools with a high number of low-income children, and it has been incredibly successful.

This bill triples our support for farmers markets and gives them resources to develop local infrastructure such as food hubs. And we are continuing an effort to give low-income seniors access to healthy fruits and vegetables at farmers markets and roadside stands.

We are increasing funding for innovative projects such as community gardens and urban greenhouse initiatives and protecting funding for programs that improve people's health.

I should say that all of these are done with small amounts of dollars, but they are very effective.

We are creating a national pilot modeled after Michigan's successful Double Up Food Bucks, which gives families relying on SNAP the opportunity to truly be able to buy fresh fruits and vegetables for their families. We are also authorizing the Healthy Food Financing Initiative to offer loans and

grants to help address the problem of food deserts in underserved communities.

We increased funding for several organic programs, which, by the way, is the fastest growing segment of American agriculture. We increased support for organic research and extension, and we nearly doubled funding for the organic cost-share program that supports farmers.

This farm bill is a jobs bill, but it is also a food bill, and the 2012 farm bill goes a long way toward making sure every mom and dad can put healthy, nutritious food on the table for their children.

As we worked through the farm bill around our table in the Agriculture Committee, we focused on streamlining and consolidating programs to get the best possible results. I think that is what people want us to do. I certainly know that is what people in Michigan want us to do. We certainly see that in conservation, but we also approached this in every part of the farm bill.

In farm credit and rural development, we are streamlining the existing laws, removing unused provisions, and making authorizations more effective and the administration more effective so that when we have a part-time mayor who is trying to figure out rural development programs, they can actually do it and they actually use what have been extremely effective programs for rural communities.

In our research title, we eliminated dozens of unused or indefensible authorizations but continued the most important research components and functions, while streamlining operations, improving accountability in the use of Federal research funds, and creating an innovative, new research foundation that matches private dollars and leverages Federal research dollars to get more innovative food and agricultural research. And I wish to thank my friend from Kansas, Senator ROBERTS, for his important leadership in this as well.

We funded important energy programs, invested in specialty crops and organic farming, as I mentioned, and we have done all of this while saving the Federal taxpayers \$23 billion. We did it around our table in the ag room, in a bipartisan fashion, working out differences and arriving at real solutions.

In the coming days, as we get to debate on the farm bill, we will talk more about specifics, and I will join my colleagues from the committee in further explaining various aspects of the bill, and we will continue to work with all of our colleagues to find additional solutions and to improve the bill so that our farm programs work best for all of our regions and all of our States.

While I will do everything I can to work out issues with our colleagues, I wish to stress the important balance

we have struck in a bipartisan effort, the reforms we have undertaken, and the work we put into making real reforms without hurting families and without hurting farmers, who are so important to our economic recovery.

I am very proud of the work we have been able to accomplish—it has been a lot of hard work—and the way we saved American taxpayers \$23 billion through these reforms. I would encourage colleagues to look closely at the work we have done in the bill, to find a way to support it, to help us send a strong message to all Americans that this Congress, this Senate can make tough, smart decisions that cut spending, invest in America, and that we can do it together.

Speaking of doing it together, I could not have done this without my friend and my partner, Senator ROBERTS, the ranking member from Kansas. This has been a long and difficult process, but frankly there is nobody I would rather have had sitting across the table from me as we worked out this bill. Too many people look at Washington and only see dysfunction and partisanship and divisiveness. Yet we on the Agriculture Committee have found a way to work together for the good of the country, for 16 million people who depend on agriculture for their livelihood. That couldn't have happened without Senator ROBERTS' leadership and support, and I thank him as we move forward on this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, first, I would like to thank the distinguished Senator from Michigan for her very kind remarks. This has been a team effort. She has been a very strong leader to try to put together a bill. I thank her for her very detailed summary, title by title, of the farm bill—something a lot of us probably couldn't do, but at any rate, she has done that, and it is in the CONGRESSIONAL RECORD. I urge my colleagues to really take a look at what the distinguished chairwoman has said today because she has literally gone down every title in the farm bill. So if anybody has any questions, it is right there, and, as she has indicated, if anybody has questions of either of us, please be in contact with either us or our very able staff.

I rise today in strong support of the Agriculture Reform, Food and Jobs Act of 2012, the farm bill, and I am privileged to stand here today with Chairwoman STABENOW, who led this reform legislation through the Agriculture Committee. It has truly been a bipartisan and a team effort. It represents the final product of numerous hearings and months of discussions as we worked to write a new farm bill during the most difficult budget climate in our Nation's recent history.

I am proud to say that we have put together a bipartisan bill that

strengthens and preserves the safety net for our farmers and ranchers in rural America, while providing \$23.6 billion—\$24 billion, as a politician's counting—in deficit reduction under this bill reported by the committee on a bipartisan vote of 16 to 5.

Let me repeat that. The Senate Agriculture Committee voluntarily wrote and reported a bill that provides \$23.6 billion in deficit reduction. It is a bill that represents real reform. We are the first authorizing committee to produce those kinds of mandatory budget savings, and it was voluntary.

We all remember the supercommittee that tried very hard to achieve deficit reduction. The supercommittee was really not that super—not because of those people individually but because of the circumstances. Well, we are a supercommittee. We came up with \$23.6 billion. I don't know of anybody over on the House side—perhaps I am wrong, but in the Senate we are the only folks who have really come up with real budget savings.

It also represents, as I have indicated and as the chairwoman indicated, real reform. Just listen to this. We have eliminated four commodity programs that caused farmers untold hours of preparation—go down to the Farm Service Agency and talk to the folks down there, who are hard-pressed anyway, and ask: "Which program do I sign up for? How can I plan down the road?" We rolled all of these commodity programs into one, while saving approximately \$15 billion from the farm safety net programs. That is truly remarkable.

Twenty-three conservation programs are streamlined into 13, while saving nearly \$6.4 billion. Approximately \$4 billion is saved in the nutrition title, while at the same time expanding our efforts to root out fraud and abuse. Sixteen program authorizations are eliminated in the rural development title, eliminating over \$1 billion of authorized spending over 10 years on top of the mandatory. Two programs are combined and another two eliminated in specialty crops. Over \$200 million less in mandatory money is provided in the energy title compared to the 2008 farm bill. Five programs are eliminated in the forestry title, reducing authorizations by at least \$20 million. Over 60 authorizations are eliminated from the research title, reducing authorizations by at least \$770 million over 5 years. Again, that is \$23.6 billion in tough mandatory savings, at least \$1.8 billion in reduced discretionary authorizations, and at least 100 programs or authorizations that have been eliminated.

This is a reform bill. No other committee in the House or Senate has voluntarily undertaken programmatic and funding reforms at this level in this budget climate—no other committee. Believe me, it would have been much

easier to write a baseline bill with no change in CBO spending projections. We could have fulfilled everyone's request on the committee and in the Senate, but we would not have performed the duty that we were elected to perform and that our constituents expect in this budget climate and that farmers and ranchers expect and their lenders expect and all up and down Main Street throughout rural and smalltown America or, for that matter, any taxpayer or any citizen of the United States. We have reduced spending, and we have reformed programs. That is what they want, and they want us to work together, and that is what we have done. At the same time, it is a bill that strengthens and preserves our farm risk management, conservation, research, and rural community programs.

We have strengthened and preserved the Crop Insurance Program—as pointed out by the distinguished chairwoman, the No. 1 priority of virtually every producer who testified before our committee. Why? Because their banker or their lenders say: You have to have crop insurance, and you have to strengthen it, and you have to improve it. In the past, we have been using crop insurance as a bank. No, we are not going to do that anymore given the circumstances our farmers face even today in Kansas as we go through another dry spell, and also in Texas, Oklahoma, and the High Plains.

We have streamlined our commodity programs, while reducing the complexity for the producers. We have updated the acreage upon which support is based to reflect more recent cropping patterns. That is a point I wish to discuss just a little bit more.

In recent days and weeks, it has seemed there has been just a little bit of confusion here in the Capitol region. It seems that some think we should write a farm safety net program and allocate their funding by commodity group or organization, sort of like a pie chart. If all you did was listen to these groups, you would think we were robbing Peter to pay Paul.

I understand that the elimination of direct payments is a big deal to many commodities. If anybody should understand that, it should be me. As a key feature of the 1996 act, I originally authored the program at that time. One of the biggest beneficiaries of the program has been wheat, especially in Kansas. But the taxpayers have been clear in this budget climate: Why should Congress continue and defend a program based on planting acreages established over 25 years ago? That doesn't make any sense.

Yes, the elimination of direct payments means the end of many wheat payments in Kansas, but that does not mean Kansas producers will no longer have a farm safety net—quite the contrary. They will have a strong risk

management program. It will just be for different crops. Why? Because when base acres were established over 25 years ago, Kansas planted over 2.8 million acres of corn, 4.2 million acres of sorghum, 1.6 million acres of soybeans, and 12.1 million acres of wheat.

Now, in the most recent 3-year period, Kansas farmers planted 4.6 million acres of corn, 2.6 million acres of sorghum, 4 million acres of soybeans, and 8.8 million acres of wheat. Why? That is 4.9 million fewer acres of wheat and sorghum and 4.2 million more acres of corn and soybeans.

Why did that happen? Why did these acreage shifts in Kansas and all over the country change like that? It occurred because farmers made those decisions, not Washington. Our producers have planted for the domestic and international market, and we have done so in a way that we do not encourage a WTO challenge. The cropping changes are much the same all throughout the Nation, especially among States represented on the Agriculture Committee.

Money is shifting among commodities because farmers are farming differently. They are becoming much more diversified throughout the States on this committee and the Nation. It is not shifting because we in Washington are intentionally picking winners and losers.

I understand some are frustrated with the decisions and changes we have in this bill. That takes place in any farm bill. Quite honestly, there are things that, if we had the funds available, the chairwoman and I both would have preferred to have done differently. But let's be blunt. This is not the 2002 or 2008 farm bill, and we do not have extra funds available.

This is not my first trip to the farm bill rodeo. I have written bills in times of budget surpluses and extra spending, and I have written farm bills in the middle of deficit cutting exercises—seven of them. Make no mistake about it, it is much easier to write a bill when we are adding money to the baseline—a whole heck-of-a-lot easier.

Nutrition groups, conservation organizations, our commodity groups, our Members of Congress want to stand by you and take the bows when you are adding money to the programs. But when it comes time to make difficult decisions and do what is right for the country by reducing spending and reforming programs, sometimes they are just not even in the same room. They are hiding in the weeds.

American agriculture today is a modern-day miracle. Every American farmer feeds you, Mr. President, and 150 other people. In America today our consumers spend less of their disposable income on food—and their market basket, OK?—than any other Nation in the world. America's farmers and ranchers provide us with the most

abundant and affordable and safest food supply on the planet. That is a speech every farm organization and commodity group and farmers and ranchers have heard over and over, but it is a speech that deserves repeating to all my colleagues over and over so they get it.

They feed our Nation. Our producers feed our country. They feed the world, a troubled and hungry world. They provide food for the food aid programs that help countries around the world send young girls to school. Sending those girls to school helps feed hope and a belief in our American ideals rather than hatred and radicalism toward our Nation. The American farmer and rancher do provide stability in a chaotic world, and in doing so national security as well.

Show me a country that can't sustain itself in terms of food supply, I will show you chaos. Read about the Middle East, Syria, Libya and what is going on over in that part of the world. So the farm program is not only a farm program, it is a program to achieve stability in the world because of the productivity of the American farmer, and our ability to do it is also a national security program.

Every year America's farmers produce more on less land using less water and fewer inputs with ever-stronger conservation practices. It is truly a modern-day miracle what the agricultural sector in America does today.

I understand some are unhappy with some of the proposals put forward in this bill. It is a farm bill. I wouldn't expect it to be any different. But I can assure you, however, if I thought we were in any way writing a bill that would make it more difficult for my State of Kansas or for the State of Michigan or any American producer to feed this Nation and this world, a bill that eliminated their safety net which destroyed their ability to protect our natural resources while also feeding the most needy in our country, I would not be standing here today supporting it. I would not do that.

If I thought it in any way could keep us from feeding 9 billion people—note that, 9 billion people who will walk this Earth in just a couple of short decades—I would oppose this bill. We are going to have to double our agricultural production to help in a humanitarian way and prevent chaos all around the world, 9 billion people.

Agriculture is the backbone of the Kansas economy, employing more than one in five Kansans. More than 65,000 farms dot the Kansas landscape with an average land size of 705 acres. These farmers and ranchers do a tremendous job of feeding a troubled and hungry world. In fact, Kansas ranks No. 1 in the Nation in the production of wheat and grain sorghum, second in cattle farms, and third in sunflowers pro-

duced. We expect that, being the Sunflower State. Cash receipts from farm marketings were greater than \$12 billion, and farm product exports were in excess of \$4.8 billion.

Farmers and ranchers in my State truly help feed—what we have said again and again—a troubled and hungry world, which is why I am proud of this legislation. We have worked hard to put this together. It may not be the best possible bill, but it is the best bill possible given the circumstances we face. We have performed our duty to taxpayers by cutting deficit spending while at the same time strengthening and preserving the programs so important to agriculture and rural America.

Again, we have cut mandatory spending by \$23.6 billion. We have reformed, eliminated, and streamlined USDA programs to the tune of more than 100 programs and authorizations eliminated. And we have done it on a voluntary basis because in rural America you make the tough decisions. When the going gets tough, the tough get going, and you do what is right when it needs to be done. When we have done it in a bipartisan fashion, that is the best way to do it.

How many times have we heard this: What on Earth is wrong back there? Why can't you join together and work together and do what is right for America and for the people? This is what this committee has done under the leadership of the chairwoman.

So I thank the chairwoman for bringing us to this point today, and let's pass this farm bill. It is good for the country, it is good for the world, it is a good bill, and we need to proceed.

I hope every Member could vote for the motion to proceed. If they have amendments they are interested in, please come to us. It is like Bob Barker said: Come on down. Come on down and talk to us. If you have a problem with the bill, we will work with you. Just let us know, OK.

Mr. President, I ask unanimous consent the distinguished Senator from Tennessee, Mr. ALEXANDER, be recognized for 10 minutes when he appears on the floor. I thought he would be here by this time but he is not. At the appropriate time, I ask unanimous consent that he be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I yield the floor.

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. I want to begin by taking this opportunity to thank the chairwoman and ranking member of the Agriculture Committee for their very strong efforts in getting this bill to the floor today. Their steady hand of leadership has made vast improvements for America's agricultural community and our economy as a whole. I know the tireless effort of our chairwoman and her staff undoubtedly leave America's farm policy in a stronger position than when she found it, and I know she has worked with a forward-looking vision for a thriving agricultural economy and rural community.

I also thank the chairwoman and the ranking member for working with me and all the members of our committee throughout the process that got us here today. Because of this strong work, I am urging my colleagues to vote for cloture on the motion to proceed to this bill.

When I first came to the Senate 3 years ago, I became the first member from my State of New York to serve on the Senate Agriculture Committee in almost four decades. It is a responsibility I not only honor but I take incredibly seriously. For those 3 years I traveled all across our great State. I met with our farmers in their communities, listened to their concerns, and I understand their needs and priorities.

New York is not home to the corporate megafarms. We are home to small dairy farms, specialty crops, orchards, and vineyards. As we have been shaping and debating this farm bill, those are the farms, the small businesses I have been fighting for.

I am very grateful this bill will help our specialty crop growers by providing them with a dedicated funding stream as well as a better way to protect against disasters. I am also very proud of the good work with broadband investments to make sure our rural communities have access to the Internet. We also worked hard on trying to guarantee more transparency and accountability on how we price milk in this country.

But we cannot forget this bill is much more than a number of esoteric figures. What this farm bill should be about is how we protect and create a growing economy for small businesses, agricultural businesses, the middle class, and those families who are desperately trying to get there.

The farm bill is about the health of the agriculture industry. It is about the health of our families with nutritious food that is actually within reach of the children who need it.

As a mother, I am very concerned this current farm bill cuts \$4.5 billion from the Supplemental Nutrition Assistance Program, SNAP—better known as food stamps—over the next 10 years. I am incredibly disappointed,

and even troubled, that my Republican colleagues are seeking to cut food stamps even more from those cuts.

Under this bill families in New York who are already struggling will lose \$90 a month of food that goes on their tables. Think of food for a family for a long month. It is basically the last week that a family will not have enough food to feed their children. Now, \$90 a month may not seem like a lot of money to some people, but I can say for those parents who are trying to protect their children and feed them good, wholesome, nutritious foods, it means everything in the world.

I don't know for any parents who are watching today whether they personally ever heard their child say: Mommy, I am still hungry. Well, imagine not being able to help your own child or future child. Imagine that your child says this every single day. That is what we are faced with here.

I have heard stories from New Yorkers who never dreamed they would need food stamps in their lifetime, who never imagined they would have no choice but to apply for this kind of Federal assistance. I heard from one single mom in Queens. She had a job in a supermarket, but she still struggled to make ends meet. She broke down in tears one day when her son came home from school with his school lunch in his hand and said: Mommy, I brought this home for us for dinner, and I asked my friend for his sandwich.

Another woman in Brooklyn, incredibly well educated, went to a prestigious university, but lost her job. She said:

I never thought I would be getting food stamps. But suddenly I was jobless and did not know where my next meal would come from. Food stamps played a big role during make-or-break moments in my life. They are not a handout. I worked all my life, paid my taxes and food stamps helped me get back on my feet again.

As a mother, as a lawmaker, watching a child go hungry is something I will not stand for. In this day and age, in a country as rich as America, it is unacceptable and should not be tolerated and should certainly not be advocated. I know not every State in this country has as many people as we have in New York. We have 20 million people in our great State. So with these cuts, it is going to affect 300,000 families. Imagine 300,000 families in your State or any State going hungry at night. These kinds of cuts hurt children and families. They hurt seniors who are homebound and don't know where their next meal is going to come from.

We are asking these 300,000 families to take a disproportionate amount of the burden. They were not the cause of the financial collapse. They were not the cause of this terrible economy, but we are asking them to bear the burden.

We know food stamps are actually a very effective investment. For every dollar we put into the Food Stamp Pro-

gram, we get \$1.71 of spending back into the economy. World famous economist Mark Zandi said:

The fastest way to infuse money into the economy is through expanding the SNAP/food stamp program.

This money pays the salary of grocery clerks and truckers who bring food to a store from the farm. The USDA estimates that 16 cents of every one of these food stamp dollars goes right back to our farmers. Despite widespread myths and inaccuracies, there is so little fraud in SNAP. It is less than 1 percent. That is a penny on a dollar.

I take our Nation's debt and deficit as seriously as anyone else in this Chamber. I applaud the chairwoman and the ranking member for being able to curb spending, but families who are living in poverty, who are just trying to figure out how to keep the lights on and put food on the table did not spend this Nation into debt, and we should not be trying to balance the budget on their backs. Subsidies for large corporations that don't need it—including companies based in Bermuda, Australia, Switzerland—is not the right priority for America. We should be helping the most needy among us, our children, our seniors, and our families at risk.

So today I am introducing an amendment to restore the \$4.5 billion in cuts because it is the right thing to do. It is the right thing to do for our families, our seniors, and our kids. It is the right thing to do for our economy. It invests \$500 million over 10 years in a fresh fruits and vegetables snack program, which connects our kids to our farmers. It gives the authority to the Secretary of Agriculture to make additional purchases as part of the Emergency Food Assistance Program. It is useful when we have an all-time high rate of hunger and unemployment that puts unbelievable demands on these emergency feeding organizations.

To pay for these investments in our children's health and the health of the economy, my amendment makes a modest reduction in government subsidies to some of the most highly profitable companies. My amendment lowers the subsidies to companies from billions per year to hundreds of millions per year. Anyone who argues that these companies will struggle from this shift needs to meet a family who is dependent on food stamps to feed their children.

As I said earlier, this farm bill, like all legislation, is about our priorities. It is a reflection of our values. So I am asking my colleagues, let's agree children deserve healthy meals so they can live healthy lives and learn and grow and reach their God-given potential. Let's agree it is a worthwhile investment in our future to make sure children do not go hungry in this country.

I yield back my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, Abraham Lincoln was no stranger to agriculture. He spent most of his early years on farms. Many years later, he signed into law legislation that created the Department of Agriculture, which just recently celebrated its 150th anniversary. President Lincoln understood American agriculture.

He said:

The man who produces a good full crop will scarcely let any part of it go to waste. He will keep up the enclosure about it, and allow neither man nor beast to trespass upon it. He will gather it in due season and store it in perfect security. Thus he labors with satisfaction, and saves himself the whole fruit of his labor.

Those timeless words ring true today, and they will ring true tomorrow. American farmers and ranchers are the most productive and efficient in the world. Their hard work creates good-paying jobs in Montana and across the Nation. In fact, one in five Montana jobs is tied to agriculture.

But President Lincoln's observations also apply to many other walks of life, including work in the Senate. Under the leadership of Chairwoman STABENOW and Ranking Member ROBERTS, we have cultivated a farm bill for tomorrow. We must not let that hard work go to waste. They have worked very hard, very closely together, cooperating. It is a good farm bill.

This legislation achieves what many thought impossible: It creates a market-oriented safety net that works for American farmers, strengthens crop insurance, and streamlines conservation programs, while still contributing \$23.6 billion to deficit reduction. That is right. This reduces the deficit by about \$23.6 billion. That is over 10 years.

Direct payments have their place in farm program history, but in light of necessary spending reductions, it was clear we could not continue with the status quo. So the Senate Agriculture Committee worked closely with farmers and ranchers across the country to create a program for a real safety net—one that only pays farmers who actually experience a loss.

Farming is an extremely capital-intensive industry, and our farmers often work with paper-thin profit margins. Even the best farmer is left at the mercy of chance—historic droughts, catastrophic floods, price collapses, and so much more. This new revenue program will make sure there is stability and predictability for our farmers from year to year.

Our comprehensive farm policy contributes to overall security in American agriculture. That is why we spend

less on food than any other country in the world. Americans spend less than 7 percent of their disposable income to feed their families—7 percent—compared with almost 25 percent in 1930.

But it is more than just food security. As a net exporter of agricultural products, Montana farmers and ranchers create good-paying jobs and quite literally grow wealth and prosperity from our fertile soils.

The shallow-loss revenue program, combined with the same crop insurance products we have fine-tuned over the decades, creates a fiscally sound safety net. This is the fruit of our labor, and we must keep this intact.

We improved much more than just the commodity title. We saved \$6 billion in the conservation title without compromising the policy. We did this by consolidating 23 existing programs—consolidating them all together—creating a tight network of efficient and streamlined conservation programs.

I made sure we protected the working lands programs, which contribute to substantial conservation improvements but still allow for productive use of the land.

For livestock, I made sure we extended and made permanent the livestock disaster programs that I worked hard to include in the last farm bill. Since they were created in 2008, the three livestock programs have helped over 100,000 ranchers across the country.

Right now, we are experiencing historic droughts in regions of the United States that also produce much of our beef. The livestock disaster programs will help those ranchers stay in business until the rain starts falling again.

In the forestry title, we permanently authorized stewardship contracting. This is very important. This will help the timber industry sustainably harvest more trees. This permanent authority is critical for reducing wildfire risk and maintaining resilient landscapes and communities throughout our country. As I advocated prior to markup, these returns are well worth the small investment. It can keep companies such as F.H. Stoltze, which is celebrating 100 years in operation in Columbia Falls, MT, in business for another 100 years.

I also was pleased with the inclusion of a workable approach to the bark beetle epidemic spreading throughout Montana and the West. My colleague from Montana, Senator TESTER, has also worked to remedy this epidemic.

Our loggers and small timber mills in Montana are facing the second worst beetle kill in the lower 48, a Forest Service tied up in lawsuits, and a housing market that continues to drag. Sawmills such as those owned by R-Y Timber in Townsend and Livingston will benefit from the approach we take in this farm bill.

I was also very proud of the work the committee did for veteran farmers and

ranchers. Not only did the committee accept my amendment to expand access to conservation programs to veterans, but it also will direct USDA to set up a military liaison position.

These strides to extend assistance to veteran farmers and ranchers are vital to our returning Iraq and Afghanistan veterans who hope to return to rural America and become involved in agriculture. Forty-five percent of those who serve in the military come from rural communities.

The farm bill provision makes it clear that both efficient authorities and adequate resources are crucial for this effort, and I am committed to enacting legislation that enables the decisive and responsible action that is urgently needed.

There is a lot of talk on Capitol Hill about creating jobs and cutting debt. The farm bill is our jobs bill. It is also responsible to taxpayers. If we Senators were farmers, I would say we have produced a pretty good crop with this bill. But that is not the final step. All farmers know there is a time for harvest.

Now is harvest time. It is time to pass this farm bill. If we wait too long, we run the risk of compromising the stability of American agriculture and our food supply.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S FISCAL CLIFF

Mr. KYL. Mr. President, let me speak today about two recent CBO reports and what they portend for the economy and for policy that we might want to make in the Congress. CBO, of course, is the nonpartisan Congressional Budget Office, and from time to time it looks at economic conditions and presents studies or issues reports about the state of our economy based upon legislation the Congress has adopted.

There are two recent reports that I think suggest some very dire news for this country unless we in the Congress are willing to take some action. The first was a couple of weeks ago, and it dealt with the so-called fiscal cliff, the problem that will occur with the combination of two things automatically happening unless Congress and the President act.

The first is the automatic across-the-board cuts or sequestration that will affect both defense and nondefense

spending to the tune of \$109 billion next year, something which the Secretary of Defense has said would be “devastating” and “catastrophic” for our national security. That is the first problem. The Congressional Budget office said the combination of the sequestration with the second item, which is the automatic tax increase, which is a \$4.5 trillion tax increase that begins on January 1, the combination of those two will put this country back into recession.

CBO projected the growth rate next year to be only about one-half of 1 percent. That, of course, is devastating for not just the economy but for job creation, for businesses, for families and the like.

The second recent report of the CBO just came out. It is a report that talks about the surging debt of the United States Government and talks about the probability of sudden fiscal crisis. So we have a combination of the potential for going back into recession, combined with the probability of sudden fiscal crisis because of the amount of debt the Federal Government is taking on.

Because this second report just came out, let me refer to some things that have been said about that, primarily in the Wall Street Journal in a piece on June 5 called “Obama’s Debt Boom.” I will just quote a few lines from this editorial in the Wall Street Journal. It says:

The CBO’s long-term budget outlook notes that Federal debt held by the public—

That is the part we have to pay back—

will surge to 70 percent of the economy by the end of this year.

Which is the highest in the history of the country except during World War II.

I think that is about \$49,000 or \$50,000 for every man, woman, and child in the United States. They point out that under the present trend the debt will hit 90 percent of GDP by 2022. Then it balloons to 109 percent by 2026.

What does this mean in practical terms? Here is a quotation from the Wall Street Journal about the CBO projection:

We have never been deficit scolds, preferring to focus on the more important policy priorities of economic growth and spending restraint. But the Obama era is taking America to a place it has never been. Inside of a decade the country will have a debt-to-GDP ratio well into the 90 percent to 100 percent danger zone where economists say the economy begins to slow and risks mount.

CBO notes . . . that this level of debt increase increases the probability of a sudden fiscal crisis, during which investors would lose confidence in the government’s ability to manage its budget and the government would thereby lose its ability to borrow at affordable rates.

How bad is it? In the absolute worst-case scenario, CBO says debt would exceed 250 percent of GDP in 2035. At that point, CBO’s economic model breaks, because so much

debt is so far outside “historical experience” and the CBO’s “assumptions might no longer be valid.”

That is where we are headed if we don’t do something about it.

Interestingly, what CBO assumed in order to reach these conclusions is that tax collections would continue to hold to the post-1972 historical average of 18 percent of GDP. The point is we are not talking about raising taxes in order to effect this. They are assuming we will have revenues of a historical level of 18 percent of GDP. The problem is not the tax collections; in other words, the problem is the excess spending. They point out that, of course, excess spending is primarily a factor of the entitlement programs—Social Security, Medicare, and Medicaid. They point out that the biggest of all those is in Medicare.

Then the Wall Street Journal concludes this way:

This is where the tax burden comes in, and on that score CBO admits that “to the extent that additional tax revenues were generated by boosting marginal tax rates—

This is what President Obama proposed, remember—

those “higher tax rates would discourage people from working and saving, further reducing output and income.” So even the Keynesians who dominate CBO admit that there are costs in lower growth . . .

If they raise tax rates as the President has proposed.

This is, in effect, the most predictable crisis in history. So we have the combination of the CBO report talking about the fiscal cliff—what happens if both the sequestration and the automatic tax increases go into effect—combined with the most recent report about the debt, and we can see the United States is headed for a disaster without intervention by the Congress and the President.

Just one thing. The Director of CBO put it this way:

The explosive path of Federal debt . . . underscores the need for large and timely policy changes to put the Federal Government on a sustainable fiscal course.

What has the President and the Democratic majority in the Senate suggested? We turned to Jay Carney, who had a press conference Monday. He is the spokesman for the President. He said that “the President is continuing to work with his team on potential new ideas.”

I would like for him to work with the Congress because we have had a lot of ideas. The House of Representatives passed almost 30 bills that deal with this, and they range all the way from the Keystone Pipeline, which immediately puts 20,000 people to work, easing environmental regulations, offshore oil exploration, and so on. So we would love to have him work with the Congress, rather than this anemic to-do list he has proposed, which, obviously, would not provide any relief.

The bottom line is that as was reported in a story by the Associated Press, by Andrew Taylor, I think. As he said, after talking about the bills passed by the House of Representatives: “Democrats will try to stop Republicans from forcing a vote on it in the Senate.”

What he is talking about is the vote the House of Representatives intends to have before long that would extend the current Tax Code, so there is certainty in tax rates, and businesses and families don’t have to worry about this \$4.5 trillion tax increase. The Democrats will try to stop Republicans from forcing a vote on it in the Senate.

Why would the Democratic leader not want to have a vote on whether to extend the current tax rates as opposed to having an increase in taxes of \$4.5 trillion? Actually, there are a lot of folks—leaders in the President’s party, people who have worked with him—who have said it would be a good idea to extend those tax cuts. In fact, the President himself said so when he extended them for 2 years, along with the support from Congress, on December 1 year ago. He said not to do so would harm economic growth. He was exactly right then, and he is right now.

As a matter of fact, we had a better GDP growth back then than we do now. If that would have been harmful then, it would be more harmful now. His belief then is adhered to by people who have worked with him and former leaders. For example, former Democratic President Bill Clinton suggested Tuesday—yesterday—that Congress temporarily extend all the Bush-era tax cuts. That includes the tax cuts for the wealthy. Remember, the Bush tax cuts applied across the board. They applied to everybody. The President has said that is fine but not for the wealthy.

What President Clinton said is, no, the best thing would be for all of those tax cuts to be extended. I will quote what the former President said:

What I think we need to do is to find some way to avoid the fiscal cliff, to avoid doing anything that would contract the economy now.

He was asked if that meant extending tax cuts, and he said:

They will probably have to put everything off until early next year. That’s probably the best thing to do right now.

Then the President’s former adviser, who is an economics professor, Larry Summers, said today that Congress should temporarily extend the Bush-era tax cuts. He said:

The real risk to this economy is on the side of slowdown . . . and that means we’ve got to make sure that we don’t take gasoline out of the tank at the end of this year.

He said that on MSNBC’s “Morning Joe” program. He said: “That’s gotta be the top priority.”

So here you have Larry Summers, former adviser to President Clinton on economic matters, and former President Bill Clinton, both of whom have

said we need to extend these tax policies today in order to avoid further damage to our economy tomorrow—exactly what the President himself said when these tax rates were extended a year and a half ago.

I just note this from another Associated Press story regarding the comments by President Clinton. As they say:

The nonpartisan Congressional Budget Office and others have warned that letting both events occur—

That is to say, the sequestration and the automatic tax increases—

would suck so much out of the economy that it could spark a renewed recession next year.

That is when they refer to the statement of President Clinton that we need to find a way to avoid that fiscal cliff and that would include extending the tax cuts.

The reality is we have somewhat of a consensus beginning to develop that it would be a wise thing for the country to retain current tax policies and not allow this big tax increase, to avoid the sequester or the across-the-board cuts that otherwise would affect both defense and nondefense; and if we don't do those things, according to CBO, the nonpartisan office that advises the Congress, we are likely to go back into a recession with growth that would be only one-half of 1 percent of our GDP next year.

Let me conclude by referring to another article in the Wall Street Journal, dated June 5, entitled "Defense Chiefs Signal Job Cuts."

Here we are talking about the employers of people in the defense industries that are predicting that if we don't do something about sequester, they are going to have to begin laying off people. The article begins with this quotation:

U.S. defense contractors are preparing to disclose mass job cutbacks ahead of November elections if Congress fails to reach a deficit-reduction deal by then, industry officials said.

One of the people quoted is Robert Stevens, chairman of Lockheed Martin, a big contractor with the Defense Department. He said:

It is quite possible that we will need to notify employees in the September and October timeframe that they may or may not have a job in January, depending upon whether sequestration does or doesn't take effect.

One of the reasons is a Federal law that requires employers to provide this notice—the Worker Adjustment and Retaining and Notification Act, known as the WARN Act, which requires companies to notify employees in advance of mass layoffs or plant closings—if they have more than 50 or more employees, for example. One thing Mr. Stevens said is that it doesn't just affect the big companies such as his but also all these suppliers, people who have to provide the pieces or components of products that they end up put-

ting together. They would have to be notified because they are not going to have subcontracts next year.

One of the industry officials said sequestration is already here. What he meant by that was the reality is that businesses are having to make decisions now. This talk in the Senate about we will somehow be able to deal with this in the lameduck session after the election is simply not true. I suggest to my colleagues in the House and in the Senate that if we try to wait until after the election, I think our constituents, knowing what is happening—some of whom will probably have gotten job notices that they may be subject to termination because of the automatic across-the-board cuts, known as sequester—I think they may be sending a message to us this fall and, therefore, it behooves us to act before rather than after the fact.

There has been talk today about what the Wisconsin recall election meant. I think one thing it must have meant is that people may complain about some of the decisions that are made when there are tough decisions, but they want people who are elected to do something about the problems, to act, have some courage, tackle the tough problems. Even if they don't totally agree with the solutions, I think they respect political leaders who are willing to do that. Scott Walker, the Governor of Wisconsin, took a lot of heat, but he took the bull by the horns and tried to solve a problem and, as a result of the things they were able to do, the fiscal situation in Wisconsin is much better than had they not taken those actions.

That is what we in Congress need to learn. The people understand we have a big debt crisis facing us, which is confirmed by the Congressional Budget Office. They understand there is a huge risk of another recession because of the twin problems of the biggest tax increase in the history of the country coming our way January 1 and this sequestration that also occurs on January 1. They would like us to do something about that. I think what they resent is politicians saying after the election we will take it up and begin thinking about it. First of all, that is too late for a lot of people whose jobs depend upon it, and it makes for a very inefficient way of running the government.

Secondly, I think political leaders owe their constituents the ideas they would like to put into effect. We don't wait and hide the ball from our constituents, refusing to tell them what we think until after the election. The idea of a democratic republic is people stand for office by saying: This is what I would do to solve our problems. Do you like it or not? If the voters say, yes, we think that is a good idea, they elect us and expect us to follow through on it. If they don't like our

ideas, they elect the other person. But if we hide the ball and say we are not going to take votes in the Senate because we don't want to put Members on record because then the voters might know what they are thinking and they might not like it and not elect them, that is obviously a lack of political courage. It also runs counter to what the fundamental concept of elections is all about.

I suggest that what we ought to do is tackle these two issues now, not wait until after the election. Legislation has been introduced in both the House and the Senate to find a way to save the \$109 billion that needs to be saved in order to avoid the sequester for next year. This process will have to be undergone, undertaken, every year for the next 10 years because we have promised the voters we would save a total of \$1.2 trillion.

So how will we do it next year? Well, there are any number of ways. Senators MCCAIN, AYOTTE, myself, CHAMBLISS, GRAHAM, and CORNYN, and some others have introduced legislation that says, well, here is a way you can save the \$109 billion next year: Get half of it by simply extending the President's own pay freeze for many Federal employees through the middle of 2014, and the other half, instead of replacing every single Federal worker who retires or leaves the Federal workforce, only replace two out of the three.

Everybody talks about how wonderful the recommendations of the Simpson-Bowles Commission were. Well, the Simpson-Bowles Commission recommended hiring one new Federal employee for every three who leave the workplace. We double that. We say, well, let's hire two of the three back. The combination of just those two things would result in saving \$109 billion.

If you don't like that way to save money, there are many other ways to do so, and there are revenues from the sale of Federal property, for example, that could also be put on the table. So there are many ways to do this. But let's get about it.

Why aren't we doing it? Well, the majority leader and the President say the only way they would consider doing this is if we also raise a bunch of taxes, and their wonderful idea about raising taxes is a tax on millionaires. Here is the problem with that. The very people we want to create the jobs are the businesspeople who pay these taxes.

According to President Obama's Secretary of the Treasury, that Department says 80 percent of the people who would be subject to this millionaires' tax are business owners—the very people who need the money to hire the workers to put the economy back in good shape.

When Senator LINDSEY GRAHAM asked Defense Secretary Panetta: Wouldn't sequestration be like shooting ourselves in the foot, he said: No,

Senator, it would be like shooting ourselves in the head.

I submit that raising taxes on the exact people to whom we are looking to create jobs is the same thing. That is the reason Republicans have said that is the wrong way to come up with this \$109 billion.

The whole idea of the Budget Control Act was to control spending, not to raise taxes. Since there are so many ways in which this government's \$3 trillion-plus budget can save money, I don't think we have to turn to something that would itself have a negative impact on economic growth; namely, raising taxes. So that has been the reason this hasn't been taken up.

One side insists we have to raise taxes in order to deal with this sequestration problem. The other side says: No, we don't have to do that at all. Let's sit down and work together and find a resolution for this problem, and let's get it done before the end of the year. At that point it is too late for a lot of people who will have lost their jobs.

By the way, some of these industry people have told us some of the sole-source suppliers or subcontractors would probably end up taking bankruptcy because their orders could not be filled due to the uncertainty that a contract was there. So we could have a great deal of damage to the economy.

In fact, the estimate is—if sequestration or across-the-board cuts occur—in the Defense industry alone we are talking about 1 million jobs lost. Remember how many jobs were created last month? I think it was 69,000 jobs were created last month. Compare that to losing 1 million jobs, and you can see the significance of what the Congressional Budget Office was talking about. This is a fiscal cliff.

We cannot allow sequestration to occur, and we cannot allow these big tax increases to occur without understanding the damage that will do to the economy. They said it is going to put us back in a recession. That is before the report they just released on the increasing debt burden of this country.

So, Mr. President, I say to my colleagues, the evidence is here. Leaders such as former President Clinton and economist Larry Summers and, of course, many other economists have said the best thing to do is to keep the tax rates where they are. Don't raise them. Resolve this sequestration issue so we don't have that hanging over our heads, and then look for other ways to boost job growth and economic productivity. That is the way to get out of the recession. That is the way to help families. Ironically, at the end of the day, a growing economy, producing more wealth, produces more tax revenues for the Federal Government, and that helps us deal with the big debt we have accumulated.

So I think everybody agrees economic growth is ultimately the best way to get out of the government's fiscal problem. But it also, of course, is precisely the way for businesses and families to prosper.

I hope colleagues in both the House and Senate—both Democrats and Republicans—can see their way clear to respond to this crisis—this utterly predictable crisis—and to deal with this problem sooner rather than later, exercising the courage our constituents would like to have us exercise and thereby representing them in the way they deserve to be represented.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the 2012 farm bill and the importance of moving forward with this important legislation.

First, I wish to acknowledge the incredibly hard work of Chairwoman STABENOW and Ranking Member ROBERTS and their commitment to producing a bipartisan bill that cleared the Agriculture Committee this April with a strong bipartisan vote.

The Agriculture Committee is a successful model of how we can work across the aisle on tough problems to get work done. It always has been. This cooperative effort was not on a small or merely symbolic issue but on a major piece of legislation that impacts every single American. Throughout the process, this committee has faced unprecedented budget challenges, as has our country, but under Chairwoman STABENOW's leadership, the committee has worked together on a bill that makes tough choices, works within a budget to provide \$23 billion in deficit reduction, and preserves the core programs that are important for Minnesota and other States across the country.

I believe this carefully crafted bill finds a good balance between a number of priorities, and I urge Members of the Senate to continue to work together in the same spirit that was exemplified in the Agriculture Committee to complete work on this bill as quickly as possible.

I have spent the last year going all around our State; I have talked to farmers and businesses across Minnesota. No matter where I go, I am always reminded of the critical role farming plays in our State's economy. We are 21st in the country for population, but we are 6th in the country for agriculture. It is our State's lead-

ing export, accounting for \$75 billion in economic activity and supporting more than 300,000 jobs. It is one of the major reasons our unemployment rate is at 5.6 percent—significantly better than the national average—and that is because we have had consistent farm policy coming out of this Chamber, out of Washington, DC—and you can't say that in every area of industry—consistent policy coming from the government over the last decade. That must continue because it doesn't just help our farmers on the front line, it feeds into many industries, and it certainly feeds into agricultural exports.

Our State is No. 1 in turkeys in the United States of America—a fact you might not have known. We are No. 1 for green peas and sugar beets. We are also home to Jennie-O turkey and Del Monte vegetable processing facilities, just to name a few. We are No. 1 in spring wheat and also home to a rich tradition of milling. We are No. 3 in hogs and soybeans and also home to pork processors and biodiesel plants. We are No. 4 in the country for corn and also home to 21 ethanol plants that produce over 1 billion gallons of ethanol every single year, and that is one of the major reasons our country has reduced our dependency on foreign oil from something like 60 percent 5 years ago to the mid-40s now. That is an incredible record. It has to do with oil drilling in North Dakota, it has to do with better gas mileage in our cars and trucks, but it also has to do with biofuels.

Minnesotans in rural communities and larger cities all benefit from a strong farm economy that provides jobs on the farms, in mills, and processing plants, equipment manufacturers—another key export for the United States of America—and a diverse range of high-tech jobs in today's modern agriculture. That is why there is so much at stake in this 2012 farm bill and why it is so important for us to finish with a strong and effective bill that gets the job done for America's farmers and for our rural economy.

It is no secret that during each step of the process, we have been working within a tough budget climate, but that doesn't mean the goal of maintaining a strong farm safety net or a safe, nutritious, and abundant food supply is any less critical. The last thing we want to do is be dependent on foreign food the way we are dependent on foreign oil—even though we have seen improvement. We do not want that to happen with foreign food.

How have we done this to get \$23 billion in cuts? The first thing that is important for people to understand who are not from rural areas, who are from metro areas—my State has both—or States that are more urban focused is that only 14 percent of this farm bill is farm programs. It could have had a different name, but a lot of people call it

the farm bill. It is only 14 percent. The rest is conservation, nutrition programs, school lunches—you name it. While only 14 percent of the farm bill is farm programs, nearly two-thirds of the cuts over last year are on that 14 percent. Nearly two-thirds of the \$23 billion in cuts—nearly \$16 billion—is cut from farm programs, which are only 14 percent of the farm bill.

I heard from many producers in Minnesota as we dealt with how we are going to get rid of direct payments I have long advocated. We had huge floor fights last time on some reform to the farm payment system. I thought we needed to make some changes there and get that number down in terms of the money that can be spent in the income, but now we have actually eliminated direct payments. So that is why the crop insurance part of this bill becomes even more important.

The bill also continues the Sugar Program, which is important to our country—tens of thousands of jobs across the country, tens of thousands of jobs in the Red River Valley in Minnesota and North Dakota—and also helps to ensure that we have a strong domestic sugar industry.

The bill also simplifies the commodity programs by eliminating a number of programs and replacing them with the Agriculture Risk Coverage Program which complements crop insurance by providing protection against multiyear price declines.

The bill also protects the conservation programs we need. It helps our agricultural producers keep our soil healthy and our water clean. Our State is No. 5 in the Conservation Reserve Program, No. 3 in the Environmental Quality Incentives Program, and No. 1 in the Conservation Stewardship Program. Specifically, I have worked to ensure that local communities also have the tools they need to address conservation challenges. Conservation groups, from Ducks Unlimited to Pheasants Forever, know how important the farm bill is, and that is why over 640 conservation groups are supporting the committee's work on the farm bill.

The committee-passed farm bill also preserves the essential nutrition programs that millions of families and children rely on every day. Importantly, this bill avoids the radical cuts to nutrition programs and school lunches that would have been proposed in other budgets.

This bill also includes a number of amendments that I authored, including an amendment that will help beginning farmers and ranchers better manage their risk and access land as they get a start in agriculture. We need to make sure that we have a next generation of farmers and ranchers, that it just does not end here.

Beginning farmers face big obstacles, including limited access to credit and

technical assistance and, of course, the high price of land. During committee markup, I introduced an amendment with Senator BAUCUS that helps beginning farmers purchase crop insurance by increasing their help 10 percent for the first 5 years. I believe that people who grow our food deserve to know their livelihoods cannot be swept away in the blink of an eye, either by market failures or by natural disaster. That is why strengthening crop insurance for our beginning farmers is a priority.

I also worked to include an amendment—with Senators JOHANNES, BAUCUS, and HOEVEN—to allow beginning producers to use CRP acres for grazing without a penalty. I believe this will go a long way, again, in building the next generation of farmers.

As an original cosponsor of the Beginning Farmer and Rancher Opportunity Act, which was introduced by Senator HARKIN, I also fought for the mentoring and outreach provisions for new farmers and training in business planning and credit-building—the skills they need to succeed and stay on the land.

Homegrown renewable fuels have helped us reduce our share of dependence on liquid fuels. I believe we can continue this trend. As I mentioned, we have seen an enormous shift in our dependence on foreign oil. Much of that has to do with biofuels, now 10 percent of our fuel supply in this country, as we work to make it more and more fuel efficient, use less water, transition to cellulosic. What we do know is that we should be focusing on the workers and the farmers of the Midwest and not the cartels of the Mideast. That is what helped reduce our foreign oil dependency in the last few years, as well as the drilling I mentioned before.

I also cosponsored the amendment introduced by Senators CONRAD and LUGAR to provide funding for the energy title. This is key in this farm bill.

I know we have all heard from farmers and ranchers in our States about the importance of passing a 5-year farm bill. Think about the work that is done in Congress. Every business says: We need a longer time period, we need consistency for our tax credits, and we need to know what is happening. This is one area where we have actually done it. We have done this with the farm bill over the last decade. The last two farm bills with 5-year windows have been fairly consistent. We have an opportunity to do it again and still save \$23 billion on the budget, still make sure those nutrition programs are there for our kids, still make sure the most vulnerable among us can be fed and not go hungry, and still make sure those vital conservation programs are there for this country.

There is a reason agriculture has been able to keep its head above water in these difficult times. A lot of it has

to do with consistent policies. That is one of my main messages to my colleagues. We have one of the stars in terms of exports coming out of this farm bill. That is one of the main reasons it is so important, because we not only are growing food for the people of this country, we are feeding the world, and we are keeping the jobs in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

U.S. INNOVATION

Mr. ALEXANDER. Mr. President, it was a pleasure to hear the Senator from Minnesota speak on the farm bill. I congratulate Senator ROBERTS and Senator STABENOW for their hard work, as well as the Senator from Minnesota. I would like to take 10 minutes to speak on a related matter.

American agriculture is an area where we lead the world with innovation. I want to talk about innovation of a different type, and I want to refer specifically to a May 20th column in the New York Times by Thomas Friedman that caught my attention.

I ask unanimous consent that following my remarks, Mr. Friedman's column be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. Friedman said he had just returned from Seattle, where he saw a stunning amount of innovation. He said it filled him both with exhilaration and with dread. The question is, Is the United States prepared to deal with the innovation we may be seeing around the world over the next decade?

Yesterday I heard Robert Zoellick, the retiring President of the World Bank, brief a number of us about the problems we are going to have at the end of the year and whether the U.S. Congress and President can rise to the challenge of governing so we can show the rest of the world we are capable of that. Mr. Zoellick says he travels a lot—that is an understatement given his reputation and the jobs he's held over the last 20 years—and he said that two-thirds of global growth over the last 10 years has come from developing countries and that advanced countries, such as Japan, and Europe and, to some extent, the United States have been stagnant or drifting. Mr. Friedman's column says that we should try to remember the things that made us great and preserve as many of those as we can. He said we need a plan, and then he suggested what he called a magic combination: No. 1, immigration of high-IQ risk-takers, as he called them; No. 2, government-funded research; and No. 3, cutting-edge higher education. That was the plan. That was the magic combination.

He said:

This is not a call to ignore hard budget choices we have to make. It's a call to make

sure that we give education, immigration and research their proper place in the discussion.

My purpose as a Senator, as a Republican Senator, is to say that I believe he is exactly right. No. 1, I believe that is the right plan—or at least the beginning of it; No. 2, I believe there is more going on in the direction that he recommended than most people know; and No. 3, I believe that finishing the work on what needs to be done to implement the plan he outlined is perfectly obvious and well within our grasp. Let's take the ideas one by one.

First, the idea, as he called it, of immigration of high-IQ risk-takers—we call this “pin the green card on the STEM graduate.” This idea is supported, I would judge, by most Members of the Senate. Each year 50,000 of the brightest students in the world are attracted to our great universities' graduate programs in science, technology, engineering and mathematics, and then each year we send 17,000 of those graduates in science, technology, engineering, and mathematics back home. We make them go home so they can create jobs in the countries they came from rather than in the United States.

A number of us have introduced legislation to change that. It came from a recommendation from legislation called America COMPETES, which passed first in 2007 and was reauthorized in 2010. This was legislation sponsored by the Democratic and Republican leaders that had 35 Republican sponsors and 35 Democratic sponsors, and it included the 20 things a distinguished group told us we should do as a Congress to help America compete in the next generation. We have done two-thirds of them. One of the priorities was to double the federal funding for general scientific research over 10 years, and we've made some good progress in that direction.

Part of the unfinished agenda is the idea in America COMPETES of pinning a green card on the science, technology, engineering, and management graduate. There are at least six proposals before the Senate today—one sponsored by Senator COONS and myself, one by Senator CORNYN, one by Senator COONS and Senator RUBIO, another by Senators WARNER and MORAN. Senators COONS, RUBIO, WARNER, and MORAN have another one. Senator BENNET has yet another one. Many of us say: Let's go ahead and pin the green card on the high-IQ risk-taker and let those men and women create jobs here in the United States when they graduate.

What should we do about it? Stop insisting that we need to pass every single aspect of the immigration law at one time and go ahead and pass this one bill; realize that we can do some things better in the Senate step by step.

The second idea, advanced research—it is hard to think of a major innovation in the biology or sciences that doesn't have some aspect—has not had some support from government-sponsored research since World War II. Nobel laureate economist Robert Solow tells us that half our economic growth since World War II has come from these technological advances. Maybe one of the best examples is unconventional gas—we call it shale gas. It has been around for a century. A lot of people have been trying to do it, but even Mitchell Energy, the people who stuck it out in advanced shale gas, said it couldn't have happened without the Department of Energy and it could not have happened without the invention of 3 D drilling from Sandia National Laboratory.

Yesterday I visited with the head of what we call ARPA-E. Most of us know about a little organization called DARPA, which has been around for 50 years in the Department of Defense. Out of it has come such things as the Internet, stealth technology—a whole series of major innovations that affect the lives of people every day. So the idea was, let's try that in the Department of Energy. That came out of America COMPETES as well. ARPA-E takes promising ideas, brings them into the government, funds them for 3 years, and then spits them out again into the marketplace to see if they can survive. In other words, it is the kind of government-applied research that most of us can support. It had the support of 35 Democrats and 35 Republicans.

Yesterday I was briefed on just three of their innovations.

One company has doubled the density of a battery, a lithium battery. That means an electric car, for example, could go twice as far with a battery or it could go the same distance with a battery that costs half as much and weighs half as much.

A second idea was a laser drill for geothermal. The laser drilling precedes the normal drill and can do remarkable things, which will probably make a massive difference in exploration for oil and gas over time. Then a third, which I would describe as the holy grail of energy advanced research, is the idea of taking carbon, such as that which comes from coal plants, and turning it into something that can be used commercially. Think of the difference that could make for our country if we were able to find a way to do that.

There is a promising way to do that in ARPA-E, which is to take what they call “bugs,” a biologic solution, apply it to electrodes, and turn it into oil. So this may work or it may not work in a commercial sense, but this is the kind of amazing research they are doing.

What do we do about that? I would suggest that all we have to do is double

clean energy research, a sort of Manhattan Project for these kinds of ideas, and pay for it by reducing the permanent subsidies for other energy programs, whether they are Big Oil or Big Wind.

Finally, the third idea of Mr. Friedman is one I have talked about for years, and that has to do with the effect of Medicaid mandates on public higher education. He puts it this way, that the State governments “medicate, educate, and incarcerate.” The courts tell the States they have to spend this much on prisons, and we in the Federal Government tell the States they have to spend this much on Medicaid. There is nothing left for education, and the various orders to States today are ruining public higher education by driving up tuition, driving up loans, and hurting what I believe is America's secret weapon in our technological future.

What to do about that? End the Medicaid mandates. Let the Governors and legislators decide how to spend money. I guarantee if they do, they will come closer than when I was Governor of Tennessee and we paid 70 percent of the cost of a student's education and the student paid 30 percent. Today it is the reverse. The State pays 30 percent and the student pays 70 percent.

The students are protesting at the University of California because the State has cut \$1 billion from what is probably the greatest public university in the world over the last 3 or 4 years. They probably have no idea the reason for that is Medicaid mandates from Washington that soak up the money that otherwise would go to keep tuition low and the quality high at the University of California.

My purpose in coming to the Senate floor is simply to say, first, that I think Mr. Friedman is right. He is right on the money. Second, I think more is going on than meets eye; and, third, finishing the job is well within our grasp.

We can pass the green card bill and pin the green card on the STEM graduate. There are six different versions before us in the Senate. We can double energy research and pay for it by reducing wasteful subsidies, and we can end Medicaid mandates and give our colleges and universities and community colleges a chance to prosper again and create the kind of future we want. That is the plan for the kind of innovation we need in America.

I salute Mr. Friedman for suggesting it, but I hope the rest of the country will recognize that in all three cases the Senate is headed in exactly that direction with legislation that we have already passed or introduced. I hope that on both sides of the aisle we will work together to finish the job.

Mr. President, I ask unanimous consent that following Mr. Friedman's article, an article I wrote in the Wall

Street Journal, which was published on Wednesday, May 16, 2012, and talks about the damaging effects of Washington mandates for Medicaid on State governments and how it is damaging public higher education, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

[From the New York Times, May 19, 2012]

DO YOU WANT THE GOOD NEWS FIRST?

(By Thomas L. Friedman)

I've spent the last week traveling to two of America's greatest innovation hubs—Silicon Valley and Seattle—and the trip left me feeling a combination of exhilaration and dread. The excitement comes from not only seeing the stunning amount of innovation emerging from the ground up, but from seeing the new tools coming on stream that are, as Amazon.com's founder, Jeff Bezos, put it to me, "eliminating all the gatekeepers"—making it easier and cheaper than ever to publish your own book, start your own company and chase your own dream. Never have individuals been more empowered, and we're still just at the start of this trend.

"I see the elimination of gatekeepers everywhere," said Bezos. Thanks to cloud computing for the masses, anyone anywhere can for a tiny hourly fee now rent the most powerful computing and storage facilities on Amazon's "cloud" to test any algorithm or start any company or publish any book. Start-ups can even send all their inventory to Amazon, and it will do all the fulfillment and delivery—and even gift wrap your invention before shipping it to your customers.

This is leading to an explosion of new firms and voices. "Sixteen of the top 100 best sellers on Kindle today were self-published," said Bezos. That means no agent, no publisher, no paper—just an author, who gets most of the royalties, and Amazon and the reader. It is why, Bezos adds, the job of the company leader now is changing fast: "You have to think of yourself not as a designer but as a gardener" seeding, nurturing, inspiring, cultivating the ideas coming from below, and then making sure people execute them.

The leading companies driving this trend—Amazon, Facebook, Microsoft, Google, Apple, LinkedIn, Zynga and Twitter—are all headquartered and listed in America. Facebook, which didn't exist nine years ago, just went public at a valuation of nearly \$105 billion—two weeks after buying a company for \$1 billion, Instagram, which didn't exist 18 months ago. So why any dread?

It's because we're leaving an era of some 50 years' duration in which to be a president, a governor, a mayor or a college president was, on balance, to give things away to people; and we're entering an era—no one knows for how long—in which to be a president, a governor, a mayor or a college president will be, on balance, to take things away from people. And if we don't make this transition in a really smart way—by saying, "Here are the things that made us great, that spawned all these dynamic companies"—and make sure that we're preserving as much of that as we can, this trend will not spread as it should. Maybe we could grow as a country without a plan. But we dare not cut without a plan. We can really do damage. I can lose weight quickly if I cut off both arms, but it will surely reduce my job prospects.

What we must preserve is that magic combination of cutting-edge higher education,

government-funded research and immigration of high-I.Q. risk-takers. They are, in combination, America's golden goose, laying all these eggs in Seattle and Silicon Valley. China has it easy right now. It just needs to do the jobs that we have already invented, just more cheaply. America has to invent the new jobs—and that requires preserving the goose.

Microsoft still does more than 80 percent of its research work in America. But that is becoming harder and harder to sustain when deadlock on Capitol Hill prevents it from acquiring sufficient visas for the knowledge workers it needs that America's universities are not producing enough of. The number of filled jobs at Microsoft went up this year from 40,000 to 40,500 at its campus outside Seattle, yet its list of unfilled jobs went from 4,000 to almost 5,000. Eventually, it will have no choice but to shift more research to other countries.

It is terrifying to see how budget-cutting in California is slowly reducing what was once one of the crown jewels of American education—the University of California system—to a shadow of its old self. And I fear the cutting is just beginning. As one community leader in Seattle remarked to me, governments basically do three things: "Medicate, educate and incarcerate." And various federal and state mandates outlaw cuts in medicating and incarcerating, so much of the money is coming out of educating. Unfortunately, even to self-publish, you still need to know how to write. The same is happening to research. A new report just found that federal investment in biomedical research through the National Institutes of Health has decreased almost every year since 2003.

When we shrink investments in higher education and research, "we shoot ourselves in both feet," remarked K.R. Sridhar, founder of Bloom Energy, the Silicon Valley fuel-cell company. "Our people become less skilled, so you are shooting yourself in one foot. And the smartest people from around the world have less reason to come here for the quality education, so you are shooting yourself in the other foot."

The Labor Department reported two weeks ago that even with our high national unemployment rate, employers advertised 3.74 million job openings in March. That is, in part, about a skills mismatch. In an effort to overcome that, and help fill in the financing gap for higher education in Washington State, Boeing and Microsoft recently supported a plan whereby the state, which was cutting funding to state universities but also not letting them raise tuition, would allow the colleges to gradually raise rates and the two big companies would each kick in \$25 million for scholarships for students wanting to study science and technology or health care to ensure that they have the workers they need.

This is not a call to ignore the hard budget choices we have to make. It's a call to make sure that we give education, immigration and research their proper place in the discussion.

"Empowering the individual and under-investing in the collective is our great macro danger as a society," said the pollster Craig Charney. Indeed, it is. Investment in our collective institutions and opportunities is the only way to mitigate the staggering income inequalities that can arise from a world where Facebook employees can become billionaires overnight, while the universities that produce them are asked to slash billions overnight. As I've said, nations that don't invest in the future tend not to do well there.

EXHIBIT 2

[From the Wall Street Journal, May 16, 2012]

TIME FOR A MEDICAID-EDUCATION GRAND SWAP

(By Lamar Alexander)

Staring down steep tuition hikes, students at the University of California have taken to carrying picket signs. As far as I can tell, though, none has demanded that President Barack Obama accept a Grand Swap that could protect their education while saving them money. Allow me to explain.

When I was governor of Tennessee in the early 1980s, I traveled to meet with President Ronald Reagan in the Oval Office and offer that Grand Swap: Medicaid for K-12 education. The federal government would take over 100% of Medicaid, the federal healthcare program mainly for low-income Americans, and states would assume all responsibility for the nation's 100,000 public schools. Reagan liked the idea, but it went nowhere.

If we had made that swap in 1981, states would have come out ahead, keeping \$13.2 billion in Medicaid spending and giving \$8.7 billion in education spending back to Washington. Today, states would have about \$92 billion a year in extra funds, as they'd keep the \$149 billion they're now spending on Medicaid and give back to Washington the \$57 billion that the federal government spends per year on schools.

This trade would get at the heart of the problem with today's rising cost of college education: the policies that Washington has dreamed up and then handed off to the states to implement, costs and all. Chief among them: Medicaid.

When I was governor and we were allotting state tax money for roads, schools, state agencies and the like, we'd have to choose between spending on Medicaid or public higher education. When states are forced to spend more of their limited tax dollars on Medicaid, that usually means they spend less on education.

Last year in Tennessee, Medicaid funding was up 16% while state support for higher education was down 15%. As a result, tuition and fees at public four-year universities rose more than 7%.

At Tennessee Tech University, state funding has dropped 30% over the last three years—and the picture is not much different at other universities and community colleges throughout the nation.

In addition to saving states money, this Grand Swap could help improve the quality of education, both in colleges and K-12.

Because of the funding crunch, the quality of many of our higher education institutions is in serious jeopardy, and that's putting our nation's future in jeopardy. America's secret weapons in creating jobs since World War II have been innovation, technology and a trained workforce. We not only have the best colleges and universities in the world, we have nearly all of the best.

At the K-12 level, federal involvement has done little to improve quality. Federal funding for elementary and secondary education programs has increased by 73% over the past nine years, while student achievement has stayed relatively flat.

State and local leaders know best how to create an environment in which students can learn what they need to know to succeed in college and in careers. Decisions on whether schools and teachers are succeeding or failing should be taken away from Washington and given back to state and local governments. While Washington has provided some

important advocacy and requirements for better reporting of test scores, most of the initiative for higher standards, better tests, more accountability and more parental choice has come from the states.

Then there's the Grand Swap's potential for strengthening Medicaid: A single manager, even if it is the federal government, would operate Medicaid more efficiently because it would be forced to implement the mandates it crafts.

So, how about it, Mr. President—a single Grand Swap for the long-term stability of tuition rates, student-loan rates, Medicaid and K-12 education?

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Kentucky.

AID TO PAKISTAN

Mr. PAUL. Mr. President, I think most Americans remember where they were on 9/11/2001. I was doing eye surgery in Bowling Green, KY. When I came out of surgery, I walked into the patient's room and on the television set were the planes crashing into the buildings. My first thought was horror. My second thought was concern for my father who was in Washington and is a Congressman and lives near the Pentagon. As I thought about this, it struck me as so bizarre and hard to believe. But I know exactly where I was and remember it vividly today.

I think Lucky Penny remembers where she was. Lucky Penny was one of the first female F-16 pilots. She was here in Washington at one of the bases, and she was asked to scramble her F-16. After the first two planes crashed, she was asked to intercept United Flight 93, which was coming in from Pennsylvania and thought to be headed toward the White House. She was asked to scramble a fighter jet with no armaments. They didn't have time to load the armaments and at that time we were not prepared and did not have jets already prearmed.

Her mission was to take down the plane however she could, which probably meant ramming her jet into the commercial airliner and bringing it down. Can you imagine being given this task? She took it upon herself and quickly scrambled her jet. The jet had to be scrambled in such a fast fashion that there were still things attached to it. People were trying to dismantle and pull out the gas hose and all the appendages to the plane as she was taxiing down the runway. I think she will never forget where she was on 9/11.

When SEAL Team 6 infiltrated bin Laden's compound, I think Americans were proud of SEAL Team 6 and proud of our military and proud of what they did to finally get this mass murderer. What happened in the weeks leading up to that attack and the attack on the compound by SEAL Team 6 was a doctor in Pakistan who helped us. His name is Dr. Shakil Afridi. He is about the same age as I, and I have a lot of sympathy for him and for his bravery.

Doctors are not soldiers. We are taught to heal and to help, but he thought it was important enough and that bin Laden was a bad enough person that he would help America get bin Laden.

He set up a vaccination clinic, and they did DNA testing to try to prove that bin Laden was in the compound. He risked his life to get this mass murderer. As a consequence though, Pakistan has not treated him very well. The Pakistan Government has put him in prison for 33 years. I find it incredibly insulting that this is coming from an ostensible ally.

I find it troubling that this man who is a hero and should be praised and congratulated and rewarded has been sentenced to prison for 33 years. He has been in prison for the last year without trial and probably being tortured. He has lost a significant amount of weight and now he is told he will go to prison for the rest of his life for helping America to catch the mass murderer bin Laden.

What I find particularly troubling is that the United States continues to fund and give money to Pakistan. Over \$1 billion of U.S. taxpayer money is sent to Pakistan. It troubles me that we are sending \$1 billion to a country that imprisons the gentleman, the physician, who was brave enough to help us get bin Laden. It makes no sense.

Recently, a committee proposed reducing our foreign aid—the \$1 billion—by \$33 million. It is 3 percent. I think they will laugh at us and keep doing what they are doing. They only understand negotiation from strength. So what I am proposing, and what I will insist upon in the next few days, is a vote on ending aid to Pakistan unless they free Dr. Afridi. I think that is the very least they can do. I am also asking the U.S. Government to grant him emergency citizenship and to help his family get over here from Pakistan and to provide them safe passage. I think it is the least we can do.

We shouldn't reward bad behavior. That is what we have done with foreign aid for so many years. It is one thing to talk about aiding or assisting your allies, but it is another to aid and assist the people who persistently persecute their own people—people who continue with human rights abuses.

In Pakistan there is a woman named Asia Bibi. She has been accused of saying something about the prophet. She said she didn't do it. It is gossip. She is set to be executed in Pakistan.

I think Americans should be outraged that 1 billion of your taxpayer dollars is being sent to Pakistan, a country that is imprisoning the guy who helped us get bin Laden, that is imprisoning a Christian for saying she said some sort of religious blasphemy, and the accusation is basically gossip. I think we should be insulted, not to mention the fact that I don't think it works.

Look at the examples throughout the last 30, 40 years of the different dictators we have given money to. We gave over \$60 billion to Mubarak, the military dictator of Egypt. He stole a lot of it. He was one of the richest men in the world. He had some of the largest palaces in the world. His kids were enriched also at our expense.

Look at Mobutu in Congo. He was given billions of dollars and entertained by American leaders. At one time he had seven of the largest palaces in the world, mansions in the United States, mansions in Paris that were all paid for with our money. What did his people have? His people didn't have running water or electricity. Even if we believe in the humanitarian nature of giving money to these countries, it is not going to them. We are making rich autocrats richer in Third World countries, and it is not going to the people of the country. It is stolen and skimmed off the top.

Look at Mugabe. Mugabe in Zimbabwe tortures his opposition, has confiscated land, has basically run his country into the ground, and we have given him billions of dollars. We can't buy better behavior and we shouldn't reward autocrats. Let's not reward folks who torture their people. For goodness' sake, we should not send \$1 billion to Pakistan when they are imprisoning a hero who helped us get bin Laden.

My amendment will call for an immediate halt to all aid to Pakistan now. I am asking President Obama not to send one penny to Pakistan until Dr. Afridi is freed. I am asking that no more money goes there in the future until Dr. Afridi is freed. I think this is the least we can do. I plan on demanding a vote in the Senate, and I hope the American people will pay attention to how their representatives vote. They are voting to send money we don't even have. We are \$1 trillion in debt. We borrow the money from China and send it to Pakistan. It makes no sense. Our infrastructure is crumbling. We have had two bridges collapse in Kentucky this year. We are struggling for money to pay for our own infrastructure, and we are sending \$1 billion to a country that imprisons Christians for their beliefs.

It has to come to an end. It is going to come to an end one way or another. What I ask is that the Senate step up and support ending this money being sent to Pakistan and, at the very least, not send any more until Dr. Afridi is freed.

I thank the Chair.

I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Would the Chair remind me of the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to Calendar No. 415, S. 3240.

Mr. DURBIN. The farm bill; is that correct? The Agriculture bill?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I was advised of that, and I wanted to double-check.

Three weeks ago we passed a milestone in U.S. agriculture. The U.S. Department of Agriculture celebrated its 150th birthday. I take some pride in that coming from Illinois because it was President Abraham Lincoln who created the U.S. Department of Agriculture. He called it the people's department. Among other things, it became a launch pad for the development of the United States. It was during that same period of the Lincoln Presidency that they started the land-grant college system as well as the Transcontinental Railroad. These things literally settled and united our great Nation.

Since its inception, the U.S. Department of Agriculture has played an important role supporting farmers, investing in rural communities, researching crops, diseases, production practices, increasing energy production, and helping to fight poverty.

Now the Senate is turning to the debate on the 2012 farm bill that will carry forward the vision of our government's role in agriculture for the next 5 years.

While much of the rest of the country has been struggling through a recession, agriculture in America has really remained a bright spot. We have seen record prices and record income in the farm sector.

Last year farm revenues reached \$98.1 billion. Times are good, but we cannot afford to forget for a moment that there is inherent risk in farming—risks that many other business do not face. Droughts, floods, wind damage, rain, and pests are just a few of the risks farmers must cope with on a year-to-year basis. Because of the nature of these risks associated with farming and the important role farmers play in food production, the Federal Government, since the days of President Franklin Roosevelt, has long provided a safety net to help farmers in the worst of times. But the need for a safety net must be balanced every time we have a farm bill with the realistic appraisal of the risk facing farmers and acknowledging the resources available from the Federal Government.

The Agriculture Committee, under the leadership of Chairwoman DEBBIE STABENOW of Michigan, who has done an extraordinary job with Senator ROBERTS, the ranking Republican, in bringing this bill to the floor, and the broad-

er agriculture community deserve credit for stepping up to find savings in this farm bill, to cut subsidies, and to make sure those savings are dedicated toward good programs and deficit reduction. They make real reforms in agricultural programs. The bill on the floor is a huge step forward in putting our agriculture policy on the right track in light of the fiscal challenges we face. It reforms several titles to help producers better manage their risk, makes key investments in energy and research, ensures programs are in place to help our rural communities grow, and assists those who need to put food on the table. It does all this, and, to the credit of the Agriculture Committee, it still manages to save \$23 billion over the next 10 years against what we had projected spending before this bill was introduced.

Gone are the outdated direct payments that went to farmers even when they were having record positive income years. To replace direct payments, the Agriculture Committee has proposed the new Agriculture Risk Coverage Program, known as ARC. ARC is a market-oriented program to build on the principles of the ACRE Program that I authored in the last farm bill and was expanded on in the Aggregate Risk and Revenue Management Act I joined along with Senator SHERROD BROWN, Senator THUNE, and Senator LUGAR last year.

The biggest change introduced by the ARC Program is that to get a payment, you have to have an actual loss. That may sound odd to people who are observing this from the outside, but this is a fundamental shift in agricultural policy and I think a very wise one. ARC does not guarantee a profit, and it does not make the farmer completely whole, but it smoothes out the downturns and provides the producer time to shift to a new market condition.

Crop insurance protects farmers within any given year. The ARC Program is designed to help manage risk when there are repeated years of low prices or low yields. In other words, it makes the payments when they are needed. And even better, the shift to ARC saves the Federal Government about \$15 billion. I congratulate Senator STABENOW for this extraordinary savings as well as many other changes within the bill.

Other portions of the bill make long-term investments that will help strengthen agriculture. The bill increases mandatory spending and reauthorizes and expands several programs in agricultural research. It is a small part of the Agriculture bill but a critically important part of expanding agriculture in America.

This bill creates the new Foundation for Food and Agriculture Research, which leverages public dollars to generate private investment. These investments are going to be important to Illi-

nois producers and major research institutions such as the University of Illinois, Southern Illinois University, and the Peoria Agriculture Lab, as well as several other universities across our State.

The energy title includes mandatory funding for programs to expand bio-based manufacturing, advanced biofuels, and renewable energy. These programs are going to help companies in my State, such as Archer Daniels Midland and Patriot Renewable Fuels. They are going to be able to process and manufacture products in rural America. There are many examples in Illinois of new markets being developed and new jobs being created in rural areas because of the growth of the bio-based industry.

The bill reforms the conservation title to streamline programs and finds additional savings by limiting the number of acres that can participate in the CRP or Conservation Reserve Program.

I have some concerns with these cuts and believe our most environmentally sensitive lands need to stay out of production, but I understand that the committee had a tough assignment to balance our policies with the need to reduce the deficit. This also holds true when it comes to nutrition, and I would like to say a word about the nutrition programs in this bill.

You can almost argue that this is a nutrition and agriculture bill. But it is the farm bill, and it includes many critical nutrition programs.

SNAP is the old Food Stamp Program. It helps those most impacted by the current recession continue to feed their families. You cannot really improve your situation in life if you are hungry. The committee bill takes some steps to reduce fraud in SNAP, and I heartily endorse that. We cannot really argue against those. But I am concerned about rumblings from other Members considering amendments to cut the program more fundamentally and alter the way SNAP works.

Let's be clear. We should not be cutting food assistance at a time when we are setting record poverty levels. In 2010 the United States set a new record with 15.1 percent of the population living in poverty. That is over 46 million people in our country. For them, SNAP, or the Food Stamp Program, is a lifeline.

I invite my colleagues who are anxious to cut these programs to go visit the local pantry, whether it is run by the church or whether it is a food bank in your area, and watch the people coming through the door. Some of them are very poor. Some of them are very elderly. Some of them are coming from work or going to work; they just do not make enough money to feed their families. Now is not the time to

cut food assistance for American families. If you need more savings, I encourage my colleagues to look somewhere else in this bill.

While the Agriculture Committee bill makes major reforms, there is still more that can be done. The bill makes no changes to the Sugar Program that forces consumers in America to pay higher prices at the store and costs us jobs in America. I plan to support an effort from several of my colleagues to make some relatively minor changes that will benefit both consumers and businesses.

There is another area that needs further reform. It is the area of crop insurance. Crop Insurance Program costs have risen dramatically over the last several years, even when farm income was rising dramatically. Just last year the Federal Government spent more than \$7.4 billion in crop insurance premium support. This does not even account for the amount sent to crop insurance companies—the companies that actually sell the crop insurance—to simply sell the policies. Incidentally, by selling those policies, they get a 14-percent return—not a bad deal.

However, the crop insurance title sees the largest single expansion of any title in the farm bill, without making major efforts to rein in the costs. We can do better. I have joined with my Republican colleague, Senator TOM COBURN, to find additional savings in this title. In our opinion, it is not unreasonable to ask the wealthiest and most prosperous farmers in America to pay a little more for their crop insurance. Right now the Federal Government is subsidizing 62 percent of premium costs for crop insurance. For those who are making over \$750,000 a year, a slight reduction in that Federal subsidy is not hard to explain, at least from where I am standing.

I commend my colleagues on the Agriculture Committee for sending us this bipartisan bill. It is a safety net for producers, makes investments in rural America, research, and energy development, protects nutrition programs, and actually cuts spending.

I look forward to working with my colleagues in a bipartisan fashion to debate and pass the 2012 farm bill. I hope they will all join us in voting for the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to enter into a colloquy with my Senate colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

STARTUP ACT 2.0

Mr. MORAN. Mr. President, entrepreneurs and new businesses are vital to the strength of the U.S. economy. We need to be a competitive country in which we have great success in creating jobs in America.

Between 1980 and 2005, startup companies—less than 5 years old—accounted for nearly all the net new jobs created in our country. New firms create an average of approximately 3 million jobs each year. In order to create jobs for Americans, we need to create an environment where entrepreneurs are free to pursue their ideas, start businesses, and hire American workers.

Now, why is this important? This is important, obviously, for the purpose of creating the opportunity for all Americans to pursue the American dream. It is important for us to have the ability to put food on our families' tables and save for our kids' education and save for our own retirement. And it is important because at a time in our Nation in which the fiscal condition of the Federal Government is so serious, so much out of balance—we are spending so many more dollars than we take in—the deficit is holding back the growth of our country. These facts are important because at this point in time, because of our country's fiscal condition, we have an inability to grow the economy, and we have seen little evidence that the administration and Congress are willing to address our fiscal issues.

I raise these facts because we have to act now in order to create jobs in this country. The way to do that is to create an entrepreneurial and innovation environment in which people—Americans—who have ideas want to take a product to market. In the process of pursuing their success, they put other Americans to work. We need to create the environment in which that can happen. In the process of creating the benefits of new jobs in America, we will have a better fiscal condition than the one we find ourselves in today and avoid the chances that the United States will become another Greece or other southern European country.

A number of us in the Senate who believe we can work together to accomplish this have come together and entered into negotiations and created legislation based upon information provided by the Kauffman Foundation on entrepreneurship in Kansas City, as well as the President's Council on Jobs and Competitiveness. On the floor with me today are several of those colleagues. The Senator from Virginia, Mr. WARNER, and I gathered together our thoughts several months ago and introduced legislation called the Startup Act. Also on the floor this afternoon is Senator COONS of Delaware. He and the Senator from Florida, Mr. RUBIO, introduced the AGREE Act, designed to put some things in place that most Members of Congress agreed upon to grow technology and create jobs. The four of us then came together with an idea and have now introduced Startup Act 2.0.

Today, Members of the House of Representatives introduced companion leg-

islation—this morning—in a bipartisan effort. So we now have a bipartisan, bicameral piece of legislation that we believe is important to the country. We believe it is important to individual citizens, and we believe it is important in the ability for us to have the economic growth necessary to begin the process of making our country fiscally sound again.

This legislation has a number of components related to the Tax Code, related to the regulatory environment, related to the global battle for talent, related to the ability for us to take the money we spend—the taxpayer dollars at universities in conducting research—and to encourage that money be spent in a way for research that is able to be used in bringing new products to market, in commercialization, and to create an environment in which States across the country can demonstrate their interest and willingness in pursuing an entrepreneurial environment so that entrepreneurs and innovators find a place to build their companies.

It is an honor to be here this afternoon to highlight this legislation, to encourage our other colleagues to join us, and to approach this in a way that says we believe this is something more than just introducing a bill, it is something that is important not just as a symbol that we are working together, but we are of the belief that this is legislation that can follow the JOBS Act that was passed by this Congress and signed by this President several months ago, that we can follow on with legislation that will increase the chances that entrepreneurship is alive and well and America retains its competitive place in a global economy.

Let me ask my colleagues if they would like to join in this discussion. I would yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I would like to thank my friend, the Senator from Kansas, for his leadership on this issue. This is something on which he and I spent a lot of time working, as have, I know, the Senators from Delaware, from Florida, and we are joined now by the Senator from Missouri as well. We are all new Senators.

We said before when we unveiled this we did not get the memo that we should take Presidential election years off. We still think the needs of our country ought to trump election-year politicking. We think this is one of those spaces where we can find that common ground.

I spent 20 years as an entrepreneur and a funder of startup businesses, and everything in my experience validates what Senator MORAN has talked about. But, candidly, the facts show 80 percent of all of the new jobs created in America in the last 20 years came from startup businesses. They are not all tech businesses. I think of Under Armour, which is right up the road in

Maryland, close to our friend from Delaware.

There are certain key things that every startup business needs: They need access to capital, they need access to talent, they need access to new ideas. We need to make sure we have a stable regulatory environment that is not overly burdensome in each way we move the ball in this legislation, both that we passed and that we are working on right now.

Senator MORAN mentioned the JOBS Act, which looked at access to capital issues, how we can perhaps allow companies access to the public markets in a cleaner way. I want to commend the Presiding Officer as well. He took the lead on a whole new area of fundraising around crowdfunding, crowdsourcing, and using the tools of the Internet, in effect, democratizing the ability to raise capital.

In this legislation, Startup 2.0, we take on a series of other issues. One of the issues is the question of talent. Every country in the world competes for talent. We attract some of the best talent in the world to come to our world-class universities. Oftentimes, we then train them in science, technology, engineering, and math with graduate degrees. I wish we could fill all of those slots in American universities with native-born Americans. But we do not have enough.

Consequently, we train the best and brightest in the world, then send them home to start their businesses. I can tell you, in Virginia, where we are proud to have a vibrant high-tech community, an entrepreneurial community, literally one-third of all of our high-tech firms in Northern Virginia, the founders are first-generation Americans. If we had the same immigration policies 20 years ago that we have today, we would not have had that kind of explosive growth particularly all across America in the nineties from technology.

So I want to turn to my colleague, the Senator from Delaware, a State that punches above its weight, a small State but a State with great universities, a State which has a rich entrepreneurial climate as well, what got the Senator involved—I know he has a background in business as well—on this issue. I know the Senator wants to share as well some of the aspects of Startup 2.0.

Mr. COONS. Mr. President, I am honored to join with the good Senator from Kansas, the Senator from Missouri, and my friend from Virginia in speaking today in a bipartisan colloquy that is also part of a bicameral process that is trying to send a signal to the American people, to our markets, and to our competitors, that we understand that just because we happen to be in an election year does not mean our competitors in China, in India, and Russia, in Europe and other parts of world—in

Africa and in other places where there are emerging markets or in places where we have well-developed competitors—we do not take this year off.

The American people expect since we are still drawing a salary, we should still be making progress. We should still be trying to meet the needs of a growing economy that needs to grow faster. So as Senator MORAN referenced previously, last November Senator RUBIO of Florida and I came together to put a package called the AGREE Act before the Senate.

We were pleased that a number of the provisions in that first AGREE Act actually have subsequently become law: One, to ease the path for IPOs, initial public offerings, for high-potential, high-growth companies; another through Executive order to strengthen intellectual property protection. We are hopeful the Senate will consider another provision that dealt with bonus depreciation, which is another way to help make investments in equipment for small businesses.

On top of that, Senator RUBIO and I have now teamed up with Senator MORAN and Senator WARNER to take some of the remaining provisions of the AGREE Act and add them in with your Startup Act and now make an improved and broader and stronger Startup 2.0.

The pieces that we brought to the party were eliminating the per-country caps for employment-based immigrant visas and making permanent the exemption of certain capital gains so investors can provide financial stability to qualified startups. There are a lot of good ideas in this bill. There are a lot of different ways in which it tackles the issues that my colleagues have already spoken to: immigration; retaining high-promise, entrepreneurial folks who come and learn in the United States; moving the inventions and innovations on American college campuses to the marketplace more predictably, more swiftly; providing tax incentives for startup businesses and putting provisions in the Tax Code that strengthen our welcoming environment for entrepreneurship and regulatory relief.

Senator MORAN took the lead in making possible a provision in this bill that provides some regulatory relief for startup businesses. In all I think these provisions make for a terrific package, thus the moniker “2.0.” It has already attracted some other folks to join us.

Before I hand the floor over to the Senator from Missouri, I just want to comment on what I think that means.

There are trillions of dollars in capital sitting on the sidelines. American corporations have more money sitting on their balance sheets, not invested and moving our economy forward, than at almost anytime in modern history. That is because they are not sure this body, the Congress of the United

States, can tackle the very real financial and competitiveness challenges in front of us.

There is something about the symbolism of what is on the Senate floor today: the Agriculture bill, the farm bill, and a bill we took up and passed just a few weeks ago, the Transportation bill. I think that is at times lost. The average American sees in the news the fighting, the disagreement, the inability to come together, when, in fact, two fairly broad, strong important bills—the farm bill and the Transportation bill—were passed through committee by strong votes.

Senator BOXER of California, Senator INHOFE of Oklahoma, Senator STABENOW of Michigan, and Senator ROBERTS of Kansas—these are folks from both parties with significant differences in their views. But they managed to hammer out these bills, the Transportation and farm bills.

I want to thank Senators MORAN and WARNER and RUBIO for joining with me and the four of us being able to put this together and putting it on the floor of the Senate today.

To the good Senator from Missouri, a freshman in the Senate but a man of great seasoning and experience in the House and in public service, we are grateful he has joined us as a cosponsor of this bill. I welcome him to speak for a few minutes about how he sees this contributing to positive progress for our recovery.

Mr. BLUNT. Mr. President, I do think there are those things that we can agree on. I am glad to join the three of you and Senator RUBIO as one of the cosponsors of this bill that you all crafted and put together. Good energy policy, good tax policy, good regulatory policy are important to the future. But there are things we can do right now even outside of these bigger debates we need to have that are in this bill.

Who would have thought—Senator MORAN brought this poster to the floor—Great Britain would become a real competitor for us as a better place to do business? I have talked to more than one American business lately that has actually changed their worldwide headquarters and their corporate structure to Britain instead of the United States of America.

Then we have another—this poster is “Entrepreneurs are Great Britain.” I think entrepreneurs are still the United States of America. But this ad would suggest otherwise.

“Your next big idea. Canada.” Canada is a great trading partner. They are a neighbor of ours. They are a friend of ours. But I do not think we would have thought a decade ago that these countries would be repositioning themselves, and that has happened. Also, I think we have not kept up like we should and we could have with things such as the Startup Act.

These countries are putting themselves in a position where they understand that private sector job growth is critical, that government can do some things to encourage that, but government does not create very many private sector jobs.

One of the reasons I decided to cosponsor the Startup Act 2.0, the second version of the Startup Act, is I think it does some of what we need to begin to do. Seventy-five percent of all U.S. engineering and technology firms in the last decade, the decade we have good numbers on, the one that ended just a few—that ended really—the numbers I have are 1995 to 2005—75 percent of the engineering and technology startups were started by people who were born in another country.

This bill simply creates a visa program that allows entrepreneurs who have good ideas and, frankly, have some money to go along with these good ideas, to come to the United States of America and start these jobs, to take advantage of our great workforce, to take advantage of the position we have to be able to send products all over the world, and to do that here.

This act also requires that we have a true cost-benefit analysis of rules and regulations. Last year the Federal Government—of the 66 rules which cost more than \$100 million, only 18 of them had what one could describe as a cost-benefit analysis. There are lots of things that would be fine to do, but if the cost to the economy, the cost to jobs, and the cost to families is greater than the benefit, we should not do them.

So this bill says let's go ahead. Let's not let the cost of something overwhelm the benefit to the economy or become a negative impact on the economy. Long-term investment in this act with startups would have some exemption from the capital gains. People are risking a lot of money with a startup. This is saying: We want to raise the reward quotient of that risk so we encourage people to take the risk.

If someone is doing a startup, the odds are pretty high that money may not ever come back. So we need to do whatever we can to encourage that money be put on the table and those jobs be created. In 2009, 651 startups were created with university research involved as a component. This further opens the door for grant dollars that are already available, of Federal research and development funds to be even more open to a university partner as part of that private sector effort. So I think we have to be focused on the opportunity for families, the opportunity for individuals.

Who creates the jobs in America? Small business creates the jobs in America. Startups create the jobs in America. I am pleased to be here standing with Senator MORAN.

The next big idea is the biggest idea of the last couple hundred years, which

is the United States of America intends to be a competitive leader in the world. What do we need to do as Members of the Senate to see that happen?

I am glad he and Senator WARNER, Senator COONS, and Senator RUBIO are leading this effort. I am glad to join in it and glad to be here on the floor today.

Mr. MORAN. I very much appreciate the remark of the Senator from Missouri and his cosponsorship of this legislation.

Let me highlight something he pointed out, which is in the short time that those of us on the floor today have been in the Senate, about 14 months, seven countries have adopted new laws to attract entrepreneurs. We have not.

Listen to this fact. A recent report from the World Bank shows that America has slipped in the rankings in terms of startup friendliness from first to thirteenth. There are provisions in here about visas for those who were foreign born. This is very much about American jobs. This is about the opportunity for someone to start a company here and hire Americans. If they happen to be someone who is foreign born but highly educated in science, technology, engineering and entrepreneurial with money and they want to invest in the U.S. economy and agree to put people to work, we are saying the doors of the United States of America are open for business for purposes of hiring U.S. citizens.

It is an important component. We do not want to lose this battle. As we see, these are ads from U.S. publications in which entrepreneurs are being lured to places outside the United States to start their companies. When I visited with an entrepreneur recently, they said: We could not get the person we needed to hire to work at our company because they could not get a visa. They were foreign born. So we hired them, but we put them in our plant in Canada. We put them in our facility in Dublin.

The fear is, the concern, there is more than just those number of jobs that we are out to create in the United States. It means people who are entrepreneurial are now in Dublin and in Toronto where they are making decisions not just about what they have to do today for a check, but when they have an idea about starting a business, they are outside of the United States and we lose the benefit of that job growth.

Let me also say something else about this legislation. An entrepreneurial engineer told me to get a plane to fly, there are two forces at work: thrust and drag. Too many times, in my view, Congress spends its efforts in creating new laws, more spending, it promotes the thrust. What we are doing is reducing the drag, increasing the chances that a new business will succeed.

Before our time expires, let me again return to the Senator from Virginia.

Mr. WARNER. I commend the Senator from Kansas for his comments. I am fond of Canada. My mom's family is from Canada. It is remarkable. Canada, over the last 3 years, has aggressively sought out worldwide talent.

I ask the Senator from Kansas whether he thinks it is good policy in what we do now—and, once again, I make very clear, this is about growing American jobs because we have more job openings in the advanced fields of science, technology, engineering, and math than there are American citizens applying for those jobs.

I ask the Senator from Kansas whether it would make sense—if we thought about this from a national security standpoint, would it make sense for us to take, for example, a Chinese lieutenant and send him to West Point and expose him to everything we have in terms of our national security ideas and then send him home?

I guess I ask the Senator whether he thought that would be good national security policy. Does it affect our current national immigration policy on an equally important front, in terms of job creation and economic activity?

Mr. MORAN. Mr. President, the answer to that in Kansas is that it doesn't make any sense at all. There is no good judgment there. That is a point I would make in a more broad way. The provisions of Startup 2.0 are mostly about common sense, things that would make sense to the people of my State and to the people of the State of Virginia who, if you looked at a problem said how can you solve it and grow the economy, they would say these things make common sense. That is what this legislation is about.

In my view, I guess 80 percent of our colleagues in the Senate at least would be supportive of the provisions of this legislation. I think the Senators on the floor this afternoon and others are out to prove that when there is broad support for commonsense ideas, we are still in a legislative body that can accomplish much and that, as the Senator from Virginia is fond of saying, we didn't get the memo that says we don't work during an election year. The American people expect us to make the necessary accomplishments to grow the economy, to put Americans to work, and to get our fiscal house in order.

Again, I ask if the Senator has any items to close with.

Mr. WARNER. No. I hope we can get a number of our colleagues to join us. This doesn't fall under a traditional Democratic versus Republican lexicon. This is more about future versus past. This is the future of global competition for talent, for ideas, and for capital. This is where job creation will come from. I look forward to working with the Senator and our other colleagues to make sure we get the support here and in the House and get this bill

passed. I thank my friend, the Senator from Kansas.

Mr. MORAN. I thank the Senator, and I yield the floor.

Mr. LEAHY. Mr. President, the Senate is about to turn its attention to one of the most significant legislative issues on our agenda this year, consideration of the 2012 farm bill. I would first like to thank the chairwoman, Senator STABENOW, and ranking member, Senator ROBERTS, for working together in a bipartisan way to advance a farm bill—the Agriculture Reform, Food, and Jobs Act of 2012—that can pass the Senate and become law this year. As a former chairman of the Agriculture Committee, and having worked closely with Senator LUGAR on many bipartisan farm bills, I know how difficult the task can be of forging a comprehensive bill that addresses many competing needs.

Some Senators may be scratching their heads trying to understand the urgency of passing this bill and why it matters to constituents in all of our States. The current farm bill expires at the end of September. We also have a serious problem with dairy policy that must be addressed before August 31; our dairy farmers will be left without a vital safety net if we do not act before then.

I recognize that not every Senator comes from farm country or hears from many farmers in their State like I do. But this is a bill that affects every State and touches the lives of every American, through the healthy food on our kitchen tables or in our children classrooms; the clean water that is a result of critical conservation programs; rural businesses on Main Street receiving assistance from USDA; new energy products resulting from research supported by this bill; and the benefits we all receive from our local farms and food systems that benefit from this bill. The farm bill also has a reach far beyond our borders with the international food aid that provides lifesaving support around the globe.

Make no mistake: Farming is part of our national security. Imagine what it would be like if we had to depend on imported food, the way we depend on imported oil. Keeping American agriculture strong and vibrant is at the core of this bill, but this bill does much more. It will also help keep our rural communities strong, and will support those Americans who are struggling to put food on the table.

Every Senator should know that this farm bill makes real reforms, and nets real savings. This bill makes long-overdue reforms to agriculture policy, and consolidates and streamlines USDA programs, all the while cutting \$23 billion in mandatory spending. The bill before the Senate today proves that when Democrats and Republicans sit down and work in a bipartisan manner we can make progress and accomplish

something real, and do so with fiscal restraint.

Is this the farm bill that I, or any individual Senator, would have drafted? Of course not. There are conservation and energy programs that farmers in Vermont would like to see strengthened, many nutrition programs that are vital in keeping food on the tables of millions of Americans, and a wide array of rural development programs that do not have mandatory funding in this bill. But I recognize that this bill is a compromise, and I will continue to work with the chairwoman and ranking member to make this the best farm bill possible.

I am especially pleased that the farm bill includes a major dairy reform proposal that I know will help both our producers and consumers move away from the dangerous roller coaster of price swings. For our farmers in Vermont, these dairy reforms are the key to our consideration of a farm bill. I regularly hear from Vermont farmers about this. We simply must free our dairy farmers from this destructive cycle of volatile price changes.

The current Federal safety net provides no protection for dairy farmers from this roller coaster of price volatility. The 2012 farm bill scraps outdated price supports and the Milk Income Loss Contract Program. It establishes a new risk management plan that protects farm income when margins shrink dangerously, and a stabilization program to allow farmers to take a proactive role in easing the instability in our dairy markets.

And it accomplishes this at a lower cost than the program that it replaces and contributes to the savings in this bill. It is a voluntary program and can be tailored by the farmer to fit the farmer's individual needs.

These reforms have the support of dairy farmers across the country, and they have been developed to move us away from the regional dairy fights and the constant policy conflicts between small and large farms. The 2009 dairy crisis brought plummeting milk prices and sky-high feed costs that combined to force far too many U.S. dairy farmers out of business, and saddled thousands more with losses and debt from which it will take years to recover. After those dark days in 2009, dairy farmers from across the country came together for a solution that will help them and consumers move away from these volatile price swings.

Dairy is Vermont's single most important agricultural commodity, and dairy products account for upward of 83 percent—or 90 percent, depending on market prices—of Vermont's agricultural products sales. If any Senator has questions about the dairy reforms in this bill, I would welcome discussing what this farm bill does for dairy farms. There has been a lot of misinformation about these provisions, and I

welcome the opportunity to eliminate any confusion.

I have tried to be supportive of programs which do not directly benefit Vermont, and I intend to vote to help farmers in other regions—just as I hope other Senators will join me in supporting dairy farmers in Vermont, and throughout the Nation. Just like corn, wheat, soybean, sugar, cotton and the many other types of farmers in our country, our dairy farmers work extremely hard for a living. Dairy farmers deserve a voice in the crafting of this farm bill, and I have been proud to ensure that their voices are being heard in shaping this bill.

While listening to our farmers in writing this bill, we also need to hear the voices of the millions of Americans struggling every day to put food on the table. The nutrition assistance and emergency feeding programs in this farm bill are needed now more than ever. Because of the greater need for services, these programs currently do not satisfy demand. The numbers are staggering even for a State the size of Vermont. In 2010 alone, an average of more than 87,000 Vermonters received Supplemental Nutrition Assistance Program, SNAP, benefits each month. On top of that, nearly 86,000 Vermonters accessed food from our State's food pantries and soup kitchens. Sadly, those numbers have continued to rise in Vermont and across the country, and they reflect how critically important the nutrition title of the farm bill is to so many States.

Ensuring these programs can continue to serve Vermonters and all Americans in need is a key part of enacting a strong farm bill for this country.

Calls to reduce food assistance as a way to solve our Nation's deficit problems are misguided and shortsighted. Axing tens of billions of dollars from the SNAP program would eliminate food assistance for millions of Americans and deny hundreds of thousands of American children school meals. I am disappointed that this bill includes \$4.5 billion in cuts to the SNAP program, cuts that will predominately come from Northeastern States.

Despite these cuts, the farm bill does make significant improvements to nutrition programs, including important funding for emergency food assistance and initiatives to encourage better health through improved access to local foods, and better nutrition for our children and seniors. I am pleased that this bill also makes great advances to support self-sufficiency and food security in our low-income communities, helping to correct the "food deserts" that we experience in both urban and rural communities. At a time when more Americans than ever before are at risk of going hungry, and food pantry shelves across the country are bare, I am committed to working with the

chairwoman and ranking member to find ways to make these nutrition programs even stronger in order to help the people who need it most.

I hope that the full Senate can now come together in a bipartisan way, just as we did in the Agriculture Committee, to pass this bill, which will have a tremendous impact on our farms, our rural communities, our kitchen tables, and our economic recovery.

This farm bill represents an investment in American agriculture that will benefit our producers, our rural communities, our Main Street businesses, taxpayers, and consumers, and particularly the neediest among us. It deserves the Senate's full and focused attention, and it deserves the support of every Senator.

EXECUTIVE SESSION

NOMINATION OF JEFFREY J. HELMICK TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

The PRESIDING OFFICER. Under the previous order, there will be 90 minutes of debate equally divided in the usual form.

The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, the U.S. Constitution entrusts the Senate with one of our democracies' most important obligations—to "advise and consent" to judicial nominations.

Yet, today, almost half of all Americans, 133 million citizens of our great country, live in districts or circuits that have a vacancy due to the inaction of Members of this body.

We have an opportunity today to take seriously our responsibility to do something about that and take one significant step by voting to confirm Jeffrey Helmick to serve as a U.S. district court judge. President Obama nominated Mr. Helmick to serve on the U.S. District Court for the Northern District of Ohio on May 11, 2011.

Based on a bipartisan commission's recommendation and based on my own judgment, I had no hesitation whatsoever in suggesting Jeffrey Helmick's name to President Obama. Let me tell you about our selection process.

In 2009, then-Senator George Voinovich, a Republican, and I assembled a bipartisan commission of distinguished Ohioans in the legal community. The commission included a former attorney general of Ohio, law school deans, and

other accomplished Ohioans. In order to avoid any conflicts of interest, leading legal professionals from the Southern District of the State reviewed nominations—that Northern District includes Toledo, Akron, Canton, Youngstown; the Southern District includes Columbus, Dayton, Cincinnati, and other communities. Legal professionals from the Southern District reviewed nominations for vacant judgeships in the Northern District and vice versa.

The members of the bipartisan commission for the Northern and Southern District were about exactly half Republican and half Democratic. They spent a substantial amount of time, as they have on previous judges in the process, screening, interviewing, and discussing the candidates.

At the end of this process, they selected Jeffrey Helmick, a native of Toledo, to be the nominee for this judicial vacancy. They gave me three highly qualified names, suggesting that I interview them, which is part of the process. I then went there to advise and consent, if you will, after speaking with all members of the committee, personally or on the phone. I chose to send Jeffrey Helmick's name in to be the nominee.

Jeff Helmick continues to live in Toledo with his wife Karen, an attorney also, and their son Joel. Each of the members of this commission I spoke with was impressed by Jeff's thoughtfulness, his temperament, and his extraordinary reputation among his peers, even among opposing counsel.

The chair of the commission, Nancy Rogers, a former dean of the Ohio State University Moritz College of Law and former attorney general of Ohio, said of Jeff:

He has shown a commitment to integrity and to excellence, and a dedication to his community and to the administration of justice.

Jeff Helmick not only has the support of this bipartisan selection committee, selected by Senator Voinovich, a Republican, and by me, he has the support of the larger legal community, including all the Federal judges he will serve beside at the Federal courthouse in Toledo.

U.S. District Court Judge Jack Zouhary, nominated by President George W. Bush, has been a judge in the Northern District since 2006. He is currently the sole active judge of the court in the Western Division of the Northern District in Ohio, and he will be working most closely with this new judge—we hope.

Judge Zouhary wrote to the committee recommending Jeff Helmick's expedient confirmation. For some time, Judge Zouhary has asked when the Senate would confirm Jeff. He wrote:

You will find no better candidate than Jeff Helmick. He possesses the intelligence, the

passion for our justice system, and the necessary temperament and people skills to be an outstanding district court judge.

If that weren't enough, he also said:

In the private practice, lawyers are able to choose their partners. Federal judges don't have such a luxury; we must work with whomever you confirm. I would be thrilled to have Jeff as my "partner" on the bench.

Ohio State Senator Mark Wagner, a Republican, represents much of that area in the State legislature in the Western Division of the court. He is chair of the Ohio State Senate judiciary committee and a long-time member of the Toledo Bar Association. He recommends Jeff for this position. State Senator Wagner, a Republican, said:

[Jeff] is someone who has stood for principles, litigated honestly, and ably defended our constitutional system of government. Helmick is held in very high esteem by the local bar, and his support crosses partisan lines.

The bipartisan selection committee, which Senator Voinovich and I convened, did its job well, and today we must do our job.

Jeff Helmick understands the needs and challenges facing the Northern District of Ohio and our legal system generally. Rising costs of litigation and increasing size and scope of court dockets pose numerous challenges to any system of justice.

But it is because of his experience—and respect from fellow lawyers and judges he has worked with—that he is well prepared to meet these challenges.

He is a courtroom innovator, having worked with the courts to integrate cutting-edge technologies into courtrooms to ensure that the administration of justice is efficient, equal, fair, and open for all who seek it. I am not a lawyer, but that is what lawyering and the judiciary should be all about.

Outside the courtroom, Jeff is equally dedicated to serving the public. A supporter of pro bono services, he volunteers at the Maumee Valley Criminal Defense Lawyers Association to improve the professionalism of lawyers and access to justice for the underserved.

He is past president of the Pemberville Boys Ranch, which helps troubled young men in need of a home or a safer environment to reach their potential. He will make an outstanding judge on the U.S. District Court for Ohio's Northern District. I agree with Judge Zouhary that "we will find no better candidate than Jeff."

That is why I urge my colleagues on both sides to confirm Jeff Helmick today.

The snail pace with which we have been moving on judicial nominations threatens to delay justice for far too many Americans. Right now, 15 judicial nominations reported favorably by the Judiciary Committee still await a Senate confirmation vote.

Today, nearly 1 in 10 Federal judgeships is vacant. Earlier this year, the

nonpartisan Administrative Office of the Courts, the nonpartisan agency charged with running our Federal courts, declared a judicial emergency for Ohio's Northern District.

We need to act right now, today, to confirm Jeffrey Helmick. The people of Ohio have waited for too long. The result is that litigants in the Northern District of Ohio are experiencing delays in having their cases resolved. In too many cases, justice deferred can mean justice denied.

In June of 2010, U.S. District Judge James Carr took senior status, creating a vacancy in Toledo's Federal courthouse. That is almost precisely 2 years ago.

For these 2 years, Jeffrey Helmick—I spoke with him in August, if my memory is correct, saying I wanted to send his name to the President, and I told him the delay may be several months, maybe even 1 year, never dreaming that partisanship in this body would mean a 2-year delay. For almost 2 years, Jeffrey Helmick, who enjoys the enthusiastic support of Federal judges appointed by Presidents of both parties in Toledo, enjoys the bipartisan support of me and of Senator PORTMAN, the Republican from Ohio.

For these 2 years, he has had his nomination placed on hold, and this is at enormous political cost. Justice delayed is justice denied.

Jeff Helmick is not a partner at some big law firm where others can help him or take over his cases. Instead, he has had a small firm where the clients are his own. As a result, his practice and his clients have been placed in limbo, not knowing when he will be confirmed.

Some 2 years later, we can finally ensure that the U.S. District Court for the Northern District of Ohio finally has its longstanding vacancy filled.

Today, we can confirm Judge Helmick as a judge, a brilliant, distinguished lawyer who was nominated by a bipartisan commission whose members were appointed by former Senator George Voinovich and me.

We must confirm Jeff Helmick. He has the support of his colleagues and from Republicans and Democrats in my home State.

One more brief story. I came to the Senate, as the Presiding Officer did, in January of 2007. Soon after I came here, I was presented with the nomination of a potential Federal judge, now Judge Lioi, from Canton, OH. Judge Lioi, waiting and hoping to be a judge—I believe she was a common pleas judge. She had been selected by two republican Senators, Senator DeWine, my predecessor, and Senator Voinovich, neither of whom is in the Senate today. She had been selected and vetted by two Republican Senators in a process not nearly as bipartisan—or I don't think as vigorous or as rigorous as ours—nominated by President

Bush and sent to the Senate. As a Senator from Ohio, I had the opportunity, if I had chosen, to block the nomination of Ms. Lioi.

So the chairman of the Judiciary Committee, controlled by the Democrats—my party—in considering a nominee by the Republican President, sent to the Senate by two Republican Senators, presented this candidate's name to me. I sat down with Ms. Lioi for perhaps an hour, interviewed her, talked to others who were familiar with her and her background, and found her to be a woman of integrity and found her to be qualified. I immediately sent her name to Senator LEAHY, the chairman of the Judiciary Committee, and said: She has my support. I don't know the precise date, but within only a few weeks of my coming to the Senate and meeting future Judge Lioi, her nomination came to the floor of the Senate and she was confirmed. Contrast that with what has happened today with dozens of judges.

I plead with my colleagues to confirm this qualified, smart man with great integrity from Toledo, OH, who has been vetted by both parties and who has waited long enough. More importantly, the people of the Northern District, where a judicial emergency has been declared, deserve this nomination to be confirmed so that he can begin to serve the people of the Northern District and the western area of the Northern District of the Federal District Court in Ohio.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

D-DAY INVASION

Mr. BROWN of Ohio. Madam President, 68 years ago today, June 6, 1944, some 150,000 Americans, including many Ohioans, began what seemed like an impossible journey. Supreme Allied

Commander Dwight Eisenhower called it "the Great Crusade."

At 6:30 on a fog-filled morning on June 6, 1944, our servicemembers made it to France. They waded onshore—past mines landed from the air, past sharpened stakes—and crawled toward gunfire. General Eisenhower told our sailors, soldiers, and airmen that the "eyes of the world . . . the hopes and prayers of liberty-loving people everywhere" were with them. A mere 50-mile stretch of the French coast—with places named Utah and Omaha, Gold and Juno Pointe du Hoc and Sword—was all that stood between humanity's freedom and Hitler's aggression. But our warriors—men such as Ohio's own PFC Frank E. Harget—did not give up.

Last May I had the honor of presenting Mr. Harget, of Akron, OH, the service medals he earned during World War II, some 67 or 68 years later.

Frank Harget joined the Army in September 1943 and was immediately sent to the European theatre. He was given the unenviable task of scout and was dispatched to the front lines to perform reconnaissance. His job was to gather intelligence on enemy forces. Many times, Mr. Harget told me, he was so close to the German front, he could see German soldiers eating their lunch. He served in five battle campaigns, from D-day to the Battle of the Bulge, and in Central Europe.

Mr. Harget was discharged in November 1945 after the war was over without receiving the Bronze Star he had earned. My office helped him finally receive that Bronze Star and seven other medals and awards. He helped our Nation and the world—think about living with this for the next 60 years of your life—overthrow an evil regime.

Today we recognize men like Frank Harget who overcame great odds thousands and thousands of miles from home.

D-day was the largest amphibious invasion in recorded world history, with 73,000 American troops, 61,000 British troops, 21,000 Canadian troops, and 195,000 allied naval and Merchant Marine personnel, with more than 5,000 ships involved.

After 24 hours, only 2,500 troops of the 101st and 2,000 of the 82nd Airborne Divisions were under the control of their parent units.

At Gold Beach, 25,000 men landed and some 400 were killed. At Omaha Beach, the U.S. 1st Infantry and the 29th Infantry Divisions found their sections to be the most heavily fortified of all the invasion beaches. The official record stated:

. . . within 10 minutes of the ramps being lowered, the leading company had become inert, leaderless and almost incapable of action. Every officer and sergeant had been killed or wounded. It had become a struggle for survival and rescue.

The 2nd Ranger Battalion had to scale 100-foot cliffs under the cover of

night and then attack and destroy the German coastal defense guns at the massive concrete cliff-top gun emplacement at Pointe du Hoc. But despite these obstacles, young men such as Frank Harget from Akron, OH, who participated in this invasion fought and persevered and began the liberation of Europe with little else besides their training, their comrades, their courage, and their refusal to quit.

These men proved that the forces of freedom are strong. I would suggest that the forces of freedom are still strong today.

Members of the allied forces showed us the strength of humanity over tyranny. Franklin Roosevelt knew our D-day warriors would not "rest until the victory is won." And we did win.

Today we salute the Frank Hargets of the world. There are still thousands of World War II veterans left. Most have died. Most who fought and survived D-day are no longer with us. Some still are. We salute them, and we salute those who went before them for running toward danger in order to secure peace.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, today the Senate turns to another judicial nomination, Jeffrey J. Helmick to be U.S. district judge for the Northern District of Ohio. I want to tell the Senate why I oppose the nomination and urge all Senators to do likewise.

We continue to confirm the President's nominees at a very brisk pace. Just 2 days ago we confirmed the 147th judicial nominee of this President to district and circuit courts. Let me put that in perspective for my colleagues. We also have confirmed two Supreme Court nominees during President Obama's term. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term, the Senate confirmed a total of only 120 district and circuit court nominees. We have already confirmed 27 more nominees for President Obama than we did for President Bush in a similar period of time. And this is in a Presidential election year—typically a time when judicial confirmations are limited to consensus nominees. Yet here we are considering a controversial nomination. Perhaps the Senate could better spend this time working on critical issues facing our Nation, such as our massive debt, intolerable deficit spending, an anemic economy, unacceptable unem-

ployment levels, high energy costs, and national security issues.

The advice and consent function of the Senate is a critical step in the appointment of Federal judges. In Federalist Paper No. 76, Alexander Hamilton wrote this:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attention, or from a view to popularity.

In other words, the Senate has a role in preventing the appointment of judges who are unfit characters or political favors of any President or of those who are not qualified to serve as Federal judges.

What did our current President, then-Senator Obama say about this duty? He stated:

There are some who believe that the President, having won the election, should have the complete authority to appoint his nominee, and the Senate should only examine whether or not the Justice is intellectually capable and an all-around nice guy, that once you get beyond intellect and personal character, there should be no further question whether the judge should be confirmed. I disagree with this view. I believe firmly that the Constitution calls for the Senate to advise and consent. I believe that it calls for meaningful advice and consent that includes an examination of a judge's philosophy, ideology, and record.

Our inquiry of the qualifications of nominees must be more than intelligence, a pleasant personality, or a prestigious clerkship. At the beginning of this Congress, I articulated my standards for judicial nominees. I want to ensure that the men and women who are appointed to a lifetime position in the Federal judiciary are qualified to serve. Factors I consider important include intellectual ability, respect for the Constitution, fidelity to the law, personal integrity, appropriate judicial temperament, and professional competence. In applying these standards, I have demonstrated good faith in ensuring fair consideration of judicial nominees. I have worked with the majority to confirm consensus nominees. However, as I have stated more than once, the Senate must not place quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal judiciary and the American people to simply rubberstamp them. This is not a pro forma process that we are engaged in.

Last year I became increasingly concerned about some of the judicial nominees being sent to the Senate by this administration. In a few individual cases, it was very troublesome. Mr. Helmick's nomination fell into that category. When I apply the standard I mentioned and the standards that then-Senator Obama laid out or the

standards expressed in the Federalist Papers, I reach the same conclusion. In my judgment, Mr. Helmick fails to meet the required standard and should not be confirmed.

The Senate process for reviewing the professional qualifications, temperament, background, and character is a long and thorough process. In Mr. Helmick's case, there were some issues that needed to be fully examined. At the conclusion of that lengthy process, a substantial majority of my political party—the Republicans—on the Judiciary Committee determined that this nomination should not be reported to the Senate. Nevertheless, we now have the nomination before us. Even so, there are reasons sufficient to oppose the nomination.

In 2000 Mr. Helmick faced disciplinary action for failing to comply with a court-issued subpoena. He refused to turn over an incriminating letter signed by a former client in the same case, which contained threats to a State witness. A grand jury issued a subpoena to obtain the letter, but Mr. Helmick refused to appear before the grand jury. The trial court found him in contempt of court. Mr. Helmick appealed, which caused the contempt sanction to be stayed. A three-judge panel of the Ohio Court of Appeals unanimously held that he was required to turn over the letter.

Mr. Helmick then appealed to the Ohio Supreme Court, which held that he must comply with the subpoena, although they lifted the contempt citation.

The Supreme Court of Ohio stated that Mr. Helmick's concerns regarding the attorney-client privilege were not enough to "override the public interest in maintaining public safety and promoting the administration of justice."

I do not think we should confirm to the bench individuals who are willing to put private interests over the public interest in the administration of justice.

I am concerned about Mr. Helmick's view on national security, as evidenced by his handling of terrorism cases as a defense attorney. In looking at the arguments he has made in court representing terrorists, I am concerned he may believe terrorism cases are less serious than other criminal cases, and that in turn causes some concern about how he might handle terrorism cases that may come before him, if confirmed.

For example, he represented the terrorist Wassim Mazloum. This terrorist was convicted by a jury of a conspiracy to kill U.S. troops overseas and of providing material support for terrorists. Those are very serious crimes. According to the sentencing guidelines, Mazloum deserved life in prison. Mr. Helmick argued "that perhaps the life sentence that was called for in the advisory guidelines was too severe or too

harsh." In the end, this terrorist did not receive a life sentence, rather he received only an 8-year sentence—hardly a punishment or deterrent.

For these reasons and others I will vote no on this nomination and urge my colleagues to do likewise.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I understand I have time remaining?

The PRESIDING OFFICER. The majority has 17 minutes 10 seconds.

Mr. LEAHY. Madam President, let me refer to the nomination that is before us. I know the distinguished senior Senator from Ohio will speak after me. Today the Senate will vote on the nomination of Jeffrey Helmick to fill a judicial emergency vacancy on the U.S. District Court for the Northern District of Ohio. I commend Senator BROWN and Senator PORTMAN for their diligence in securing a vote on this nomination. Mr. Helmick has the strong bipartisan support of his home State Senators. His nomination was voted out of the Judiciary Committee nearly 3 months ago by a bipartisan majority. I thank the majority leader for his work in bringing this nomination up for a final vote.

This is one of the nominations that I noted on Monday had been skipped, when we confirmed another district court judge. I look forward to working with Senator KYL and Senator MCCAIN to secure a vote on the nomination of Justice Andrew Hurwitz to fill a judicial emergency vacancy on the Ninth Circuit, working with Senator MENENDEZ and Senator LAUTENBERG to secure a vote on the nomination of Judge Patty Schwartz to fill a vacancy on the Third Circuit, and with Senator GRAMHAM and Senator DEMINT to set a vote on the nomination of Mary Lewis to fill a vacancy in South Carolina.

I spoke on Monday about a recent Congressional Research Service report on judicial nominations. The report demonstrates what I have been saying for some time, that the time that nominations are being delayed from a final Senate vote is extraordinary. Pages 17 through 19 and figure 4 demonstrate the unprecedented obstruction. The median number of days President Obama's circuit court nominees have been delayed, from Committee report to a vote, has skyrocketed to 132 days, "roughly 7.3 times greater than the median number of 18 days for the 61 confirmed circuit nominees of his immediate predecessor, President G.W. Bush."

I ask unanimous consent that the summary of the CRS report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, delay is being demonstrated again with respect to the nominations of Justice Hurwitz to the Ninth Circuit, Judge Schwartz to the Third Circuit, Richard Taranto to the Federal Circuit, and William Kayatta to the First Circuit. These are not controversial or ideologically driven nominees. Justice Hurwitz is strongly supported by Senator KYL and Senator MCCAIN; William Kayatta is strongly supported by Senator SNOWE and Senator COLLINS. Another point made by the Congressional Research Service is that fewer circuit court nominees have been confirmed than were confirmed during the first terms of any of President Obama's four predecessors President Reagan, President George H.W. Bush, President Clinton, or President George W. Bush.

Similarly, district court nominees such as Mr. Helmick are being unnecessarily delayed. The median time from Committee vote to Senate vote has gone from 21 days during the George W. Bush presidency to 90 days for President Obama's district nominees. I wish Mr. Helmick had been confirmed back in March when he was first ready for a final Senate vote. He has been stalled for nearly 3 months. The Congressional Research Service report also notes that in contrast to President George W. Bush's district court nominees, who were confirmed at a rate of almost 95 percent, President Obama's district court nominees are being confirmed at a rate below 80 percent. And it concludes that "the average time in the current Congress during which circuit and district court nominations have been pending on the Senate Executive Calendar before being confirmed has reached historically high levels."

Once the Senate is allowed to vote on this nomination, we need agreement to vote on the 14 other judicial nominees stalled on the Executive Calendar. There are five more judicial nominees who had their hearing back on May 9 and should be voted on by the Judiciary Committee tomorrow. They too will need Senate votes for confirmation. Another point made by the Congressional Research Service in its recent report is that fewer of President Obama's district court nominees have been confirmed than were confirmed during the first terms of his four predecessors and vacancies remain higher now than when President Obama took office. Not a single one of the last three presidents has had judicial vacancies increase after their first term. In order to avoid this, the Senate needs to act on these nominees before adjourning this year.

Nor would that be unusual. As the Congressional Research Service Report makes clear, in 5 of the last 8 presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when they would not allow confirmations to continue. Otherwise, it has been the rule rather than the exception. So, for example, the Senate confirmed 32 in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term.

The Congressional Research Service Report about the treatment of President Obama's judicial nominations confirms what we already know that Senate Republicans have held President Obama's nominees to a different and unfair standard and engaged in unnecessary and harmful delays of consensus nominees.

James Fallows, a well-respected journalist at *The Atlantic* authored an internet article dated June 5, 2012 based on his reading of the CRS Report, which is entitled "American Dysfunction Watch: State of the Judiciary." In this article, Mr. Fallows notes that Mr. Obama "is the only president in the past few decades . . . to have more seats vacant as he began his reelection year than he inherited when he took office." Moreover, Mr. Fallows further highlights the following: "During the Obama presidency thus far, fewer circuit court nominees have been confirmed by the Senate than were confirmed during the first terms of any of the four preceding Presidents (Reagan through G.W. Bush). Likewise, fewer Obama district court nominees have been confirmed by the Senate than were confirmed during the first terms of the four preceding presidents."

The ranking member on the Judiciary Committee has noted that we are doing better than when his predecessor was the ranking republican on the Committee, and that is accurate. But we have not made up for the historically low confirmations allowed during that period or for the fact that in each of the last 2 years the Senate has adjourned without acting on 19 judicial nominations ready for final action each year.

Some seek to compare this first term of President Obama to President Bush's second 4-year term, but as the Congressional Research Service Report demonstrates, the proper comparison is to President Bush's first term. Nonetheless, I would remind the Senate that during President Bush's second term, the Republican majority managed the confirmation of 52 circuit and district court nominees while the Senate Democratic majority worked to confirm 68 judicial nominees during the

last 2 years of that presidency and reduced vacancies to 34 while holding hearings and votes on judicial nominees well into September 2008.

The simple fact is that the Senate is still lagging far behind what we accomplished during the first term of President George W. Bush. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became chairman in the summer of 2001, there were 110 vacancies. As chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

Senate Democrats continued when in the minority to work with Senate Republicans to confirm President Bush's consensus judicial nominations well into 2004, a presidential election year. At the end of that presidential term, the Senate had acted to confirm 205 circuit and district court nominees. In May 2004, we reduced judicial vacancies to below 50 on the way to 28 that August. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years. At a time of great turmoil and political confrontation, despite the attack on 9/11, the anthrax letters shutting down Senate offices, and the ideologically-driven judicial selections of President Bush, we worked together to promptly confirm consensus nominees and to significantly reduce judicial vacancies.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President Bush. While vacancies were reduced to 43 by June of President Bush's fourth year, in June of President Obama's fourth year they remain in the mid-70s. They remained near or above 80 for nearly 3 years. We are 30 confirmations behind the pace we set in 2001 through 2004. Of course, we could move forward if the Senate were allowed to vote without further delay on the 15 judicial nominees ready for final action. The Senate could reduce vacancies below 60 and make progress.

The Judiciary Committee should be voting on more judicial nominees this Thursday and we held a hearing for another three judicial nominees this afternoon. With cooperation from Senate Republicans, the Senate could make real progress and match what we have accomplished in prior years.

After today, we still have much more work to do to help resolve the judicial vacancy crisis that has persisted for more than 3 years. Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hardworking Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plain-

tiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

We need to work to reduce the vacancies that are burdening the Federal judiciary and the millions of Americans who rely on our Federal courts to seek justice. Let us work in a bipartisan fashion to confirm these qualified judicial nominees so that we can address the judicial vacancy crisis and so they can serve the American people.

Jeffrey Helmick was rated well qualified by a substantial majority of the ABA's Standing Committee on the Federal Judiciary. In his 22-year legal career as a litigator in private practice, Mr. Helmick has tried approximately 40 cases to verdict or judgment. Currently a principal at his law firm, Mr. Helmick has the strong support of his home state Senators, Democratic Senator SHERROD BROWN and Republican Senator ROB PORTMAN.

I join Senator BROWN and Senator PORTMAN in supporting the confirmation of Jeffrey Helmick.

EXHIBIT 1

[From the Congressional Research Service,
June 1, 2012]

NOMINATIONS TO U.S. CIRCUIT AND DISTRICT COURTS BY PRESIDENT OBAMA DURING THE 111TH AND 112TH CONGRESSES

(By Barry J. McMillion, Analyst on the
Federal Judiciary)

SUMMARY

Recent Senate debates in the 112th Congress over judicial nominations have focused on issues such as the relative degree of success of President Barack Obama's nominees in gaining Senate confirmation (compared with other recent Presidents) as well as the effect of delayed judicial appointments on judicial vacancy levels. The following report addresses these issues, and others, by providing a statistical overview of President Obama's nominees to U.S. circuit court of appeals and U.S. district court judgeships, current through May 31, 2012. Findings include the following:

President Obama thus far in his presidency has nominated 41 persons to U.S. circuit court judgeships, 29 of whom have been confirmed.

Of the 150 persons nominated thus far by President Obama to U.S. district court judgeships, 117 have been confirmed.

The greatest number of President Obama's circuit court nominees have been confirmed to the U.S. Court of Appeals for the Fourth Circuit (6) and the Second Circuit (5).

The greatest number of President Obama's district court nominees have been confirmed to judgeships located within the Ninth Circuit (22) and the fewest to district court judgeships within the First Circuit (3).

District court vacancies have grown in number over the course of the Obama presidency, from 42 judgeships vacant when President Obama took office to 59 at present. There currently are 13 circuit court vacancies (the same number as when President Obama took office).

During the Obama presidency thus far, fewer circuit court nominees have been confirmed by the Senate than were confirmed

during the first terms of any of the four preceding Presidents (Reagan through G.W. Bush).

Likewise, fewer Obama district court nominees have been confirmed by the Senate than were confirmed during the first terms of the four preceding Presidents.

President Obama is the only one of the three most recent Presidents to have begun his fourth year in office with more circuit and district court judgeships vacant than when he took office.

During the Obama presidency, the average waiting time from nomination to committee hearing has been, thus far, 69.6 days for circuit court nominees and 83.2 days for district court nominees.

During the Obama presidency, the average waiting time from Senate Judiciary Committee report to Senate confirmation has been 139.7 days for circuit court nominees and 105.1 days for district court nominees.

Various factors might help explain differences or variation found in judicial appointment statistics across recent presidencies.

A President's opportunities to make circuit and district court appointments will be affected by the number of judicial vacancies existing at the time he takes office, as well as by how many judges depart office, and how many new judgeships are statutorily created, during his presidency.

The time taken by a President to select nominees for judicial vacancies may be affected by whether the selection of lower court nominees must compete with filling a Supreme Court vacancy, whether the selection process itself is a priority for a President, the level of consultation between a President and a nominee's home state Senators, and the time taken by home state Senators to make judicial candidate recommendations.

Institutional and political factors which may influence the processing of judicial nominations by the Senate include ideological differences between the President and the opposition party in the Senate, the extent of interest group opposition to certain nominees, the presence or absence of "divided government," the point in a congressional session when nominations arrive in the Senate, whether nominees have the support of both of their home state Senators, and whether the blue slip policy of the Senate Judiciary Committee requires the support of both home state Senators before a nominee can receive a hearing or committee vote.

Mr. LEAHY. I yield the remainder of my time to the distinguished senior Senator from Ohio.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The distinguished Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I appreciate the kind words and the insight from Chairman LEAHY and his leadership on trying to speed up the confirmation process on a whole host of judges.

I have a lot of respect for my colleague from Iowa, but I take exception with a couple of things he said. No. 1, he compared the number of nominations during the second Bush 4 years with the first 4 Obama years and said that the Senate was more cooperative now than it was then. Clearly it was apples and oranges. We know—almost any schoolkid in America now knows—

the dysfunction of the Senate in terms of the minority party blocking all kinds of things, from medium- to low-level Federal appointments to the executive branch, to district court judges, to legislation. So I think Senator LEAHY has addressed that very aptly, and I don't need to go into detail there.

Senator LEAHY also has spoken to the two public criticisms—shallow and vacuous that they are—of Jeffrey Helmick. The one on him representing terrorists, I am not a lawyer, but I know that when a Federal judge asks a lawyer to represent somebody, the lawyer does it, as Jeffrey Helmick did. And, as Senator LEAHY said on the ethics issue, the Ohio Court of Appeals said that Mr. Helmick should be commended. The supreme court agreed unanimously that the letter they talked about was a client secret and that Mr. Helmick acted in good faith. So those criticisms don't really stand the test of time in that way.

Again, I thank Senator LEAHY and the Judiciary Committee for moving as quickly as they could move. This is a difficult time. At times, there is Senate dysfunction and the minority party blocks or slow-walks some of these nominees.

Jeffrey Helmick has been supported by a bipartisan, rigorous committee of 17 who come from the Southern District of Ohio and who help to choose nominees for the Northern District of Ohio. I spoke personally with all but 1 or 2 of those 17 Republicans and Democrats around whom consensus was formed in support of Jeffrey Helmick. They think he is an outstanding lawyer, jurist, and potential Federal judge. The other Federal judges in the western region of the Northern District Court in Ohio, which is out of Toledo—including a judge nominated by President George W. Bush—enthusiastically support Jeffrey Helmick.

Senator GRASSLEY said he was a controversial nominee. He is only controversial in the Senate Judiciary Committee and among some of my colleagues. He is not controversial in Ohio, where they know Jeffrey Helmick the best. He is not controversial in the Toledo bar. He is not controversial among people who know Jeffrey Helmick and who have watched him perform his service to his community and watched him professionally and the way that he does his job as a lawyer in Toledo, OH, in Federal court or in State court. So the fact is, he is not a controversial nominee. He is only a controversial nominee in the U.S. Senate and in some places in Washington, DC. But we know he is qualified, and we know he is ready to serve.

I ask my colleagues to vote today to confirm Jeffrey Helmick to the U.S. Federal court in the Northern District of Ohio.

Jeffrey Helmick was rated "well qualified" by a substantial majority of

the ABA's Standing Committee on the Federal Judiciary. In his 22-year legal career as a litigator in private practice, Mr. Helmick has tried approximately 40 cases to verdict or judgment. Currently a principal at his law firm, Mr. Helmick has the strong support of his home State Senators who have spoken in support of this nomination. He was also voted out of the Judiciary Committee nearly 3 months ago by a bipartisan majority. Given his distinguished record in private practice and his bipartisan support, I trust that he will be confirmed.

Some have chosen to criticize Mr. Helmick for his role as court-appointed defense counsel. Those who criticize him may not understand how our justice system works. Our legal system is an adversary system, predicated upon legal advocacy for both sides. That is what Mr. Helmick did at the request of the court.

No nominee should be disqualified for representing clients zealously. At his confirmation hearing to become the Chief Justice of the United States, John Roberts made the point:

"[I]t's a tradition of the American Bar that goes back before the founding of the country that lawyers are not identified with the positions of their clients. The most famous example probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about vindicating the rule of law.

Our Founders thought that they were not being given their rights under the British system to which they were entitled, and by representing the British soldiers, he helped show that what they were about was defending the rule of law, not undermining it, and that principle, that you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of the client, is critical to the fair administration of justice."

Mr. Helmick was appointed by the court to represent a defendant and he had an ethical obligation to advocate zealously for that client. That was what he did, and he should not now be punished for doing his duty.

In addition, there has apparently been an objection to Mr. Helmick's handling of an ethical dilemma where he refused to disclose a client secret. This is particularly odd because the Ohio Court of Appeals who heard the case stated that Mr. Helmick "should be commended for his professional and ethical behavior in a very difficult situation." In addition, although a divided Ohio Supreme Court ultimately ordered disclosure of the letter based on a balancing test in a 4-3 decision, the Court nevertheless agreed unanimously with Mr. Helmick that the letter was a client secret. Indeed, the Ohio Supreme Court stated that Mr. Helmick acted in good faith.

Let us confirm this good man and not try to tarnish his distinguished reputa-

tion. I join Senator BROWN and Senator PORTMAN in urging a vote for confirmation.

I yield back the remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, will the Senate Advise and Consent to the nomination of Jeffrey J. Helmick, of Ohio, to be U.S. District Judge for the Northern District of Ohio?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 116 Ex.]

YEAS—62

| | | |
|------------|--------------|-------------|
| Akaka | Gillibrand | Murray |
| Alexander | Graham | Nelson (NE) |
| Baucus | Hagan | Nelson (FL) |
| Begich | Harkin | Portman |
| Bennet | Inouye | Pryor |
| Bingaman | Johnson (SD) | Reed |
| Blumenthal | Kerry | Reid |
| Boxer | Klobuchar | Rockefeller |
| Brown (MA) | Kohl | Sanders |
| Brown (OH) | Landrieu | Schumer |
| Cantwell | Lautenberg | Shaheen |
| Cardin | Leahy | Snowe |
| Carper | Levin | Stabenow |
| Casey | Lieberman | Tester |
| Collins | Lugar | Udall (CO) |
| Conrad | Manchin | Udall (NM) |
| Coons | McCaskill | Warner |
| Corker | Menendez | Webb |
| Durbin | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |
| Franken | Murkowski | |

NAYS—36

| | | |
|-----------|--------------|-----------|
| Ayotte | Enzi | McCain |
| Barrasso | Grassley | McConnell |
| Blunt | Hatch | Moran |
| Boozman | Heller | Paul |
| Burr | Hoeven | Risch |
| Chambliss | Hutchison | Roberts |
| Coats | Inhofe | Rubio |
| Coburn | Isakson | Sessions |
| Cochran | Johanns | Shelby |
| Cornyn | Johnson (WI) | Thune |
| Crapo | Kyl | Toomey |
| DeMint | Lee | Wicker |

NOT VOTING—2

| | |
|------|--------|
| Kirk | Vitter |
|------|--------|

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislation session.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Utah.

WISCONSIN RECALL ELECTION

Mr. HATCH. Mr. President, I rise to comment on the results of last night's recall election in the State of Wisconsin. After nearly 2 years of heated political debate, the people of Wisconsin made it clear last night that they are not suffering from buyers' remorse. Two years ago, they elected leaders committed to solving their State's budget crisis. Last night, they stood by those leaders for making the hard choices that turned Wisconsin's deficit into a surplus.

Yesterday's election was very important. It was important because of the example it provides to the Nation and the world of how a democracy should work, with citizens who disagree vehemently about policy nonetheless coming together to accept the results of an open and fair election.

It was important because of the message it sends with respect to public employee unions. Last night's results serve as yet another reminder that the American people want serious answers to our Nation's fiscal problems, and they are tired of having labor unions dictate the terms of our economic recovery.

Scott Walker never hid his agenda. He ran for office on a platform of reducing State spending, and Governor Walker immediately began addressing the State's problems after taking office. So what egregious acts did Governor Walker commit during his first months in office to trigger this recall? First of all, his budget repair bill actually required Wisconsin State employees to contribute more to their pensions. Prior to passage of the Walker budget, many State employees did not contribute to their retirement benefits.

You heard that right. Facing a massive State deficit, Governor Walker determined that Wisconsin taxpayers should no longer foot the entire bill for the generous pensions of public employees. In other words, he asked State public employees to do what private sector employees have done for a generation, contribute to their own retirement plan.

Next, he required that State employees pay a larger share of their health care premiums. The new law requires State employees to pay 12.6 percent of their health care premiums. By contrast, Federal employees pay at least 25 percent of their health care premiums.

To put these reforms in terms that his liberal detractors might appreciate, the Governor was just asking for a little shared sacrifice. Instead of pitching in, however, the State's public employees pitched a fit. Then, most significantly, Governor Walker reformed a collective bargaining system for State employees. Above all else, it was this decision that triggered the meltdown in Wisconsin last year and ultimately led to the recall.

Facing the possibility that a State might successfully limit union influence and excesses, national labor groups turned Wisconsin into the frontlines of labor agitation. I know some have tried to give me a reputation of being anti-union. That is ridiculous because I was raised in a union movement. I held a card for basically 10 years as I worked as a skilled tradesman in the construction industry.

But, in fact, I am not opposed to unionization if that is what employees truly want. I simply believe workers should be free to choose whether to unionize and do so in an environment that is free of coercion or intimidation.

Once unions are formed, I do not believe they should enjoy disproportionate bargaining power in their negotiations with management. That said, unions of public sector employees present a unique set of issues for taxpayers and voters. Public sector unions have inherent advantages in negotiations that private sector unions do not. Most notably, public sector unions use their substantial influence in State politics to elect the very officials with whom they will be negotiating their union contracts.

As the academic Dan DiSalvo and many others have recognized, when the Ford Motor Company negotiates with the American Auto Workers, it is an arm's length negotiation, with both parties having an interest in the ongoing success of the firm. Yet public employee unions effectively negotiate with themselves. There is no distance between them and the public officials they helped to elect and expect payback from.

Franklin Roosevelt understood that because public employee unions could elect their own boss, "the process of collective bargaining, as usually understood, cannot be transplanted into the public service."

George Meany, the first head of the AFL CIO, knew this relationship made it "impossible to bargain collectively with the government."

These critical points are lost on today's Democratic Party, which increasingly depends on the foot soldiers and largesse provided by these unions. As a result, we have an untenable situation, where public sector unions are, in effect, negotiating against the taxpayers. After all, their salaries and benefits come at the expense of the taxpayers.

The fiscal impact of these rigged negotiations is most evidence in States with the biggest budget problems. California faces a budget deficit of nearly \$16 billion this year alone. It has \$65 billion in unfunded liabilities in its teachers' pension system and \$136 billion in unfunded liabilities for its largest city and county employee pension system.

The Illinois public employee pension system now has \$83 billion in unfunded liabilities. So far, comprehensive ef-

forts to reform these systems and bring down costs have been stymied for one simple reason: Politicians in those States do not have the courage of people such as Gov. Scott Walker.

Our folks here who support the unions ought to be happy this is happening because they themselves may not be able to accomplish this. The courageous Governors, such as Governor Walker, can, and in the end they are better off as Democrats because they have some reasonable approach toward some of these enormous problems that are affecting our States.

Instead of reforming their systems, these States have more often opted to raise taxes to attempt to eliminate the shortfalls. Yet most of the States with the highest unfunded liabilities already have higher-than-average tax rates.

Despite their many faults, private sector unions have a stake in the U.S. economy and the profitability of American businesses. Indeed, they have a built-in incentive to ensure continued economic growth. True enough, they do not always act in accordance with that interest, which is probably the biggest reason why today less than 7 percent of private sector workers belong to a union. But, nevertheless, they need some level of continued growth in order to further their existence.

Public sector unions are an entirely different animal with a completely different set of interests. Unlike private sector businesses, State governments are not required to turn a profit. State officials are accountable to voters, but, unlike stockholders, most voters do not have the same expectations to see returns on their investments.

That being the case, public sector unions lack the same incentive to see their negotiating counterparts succeed. There are no forces limiting their incentive to simply maximize benefits for their membership, regardless of what it might cost their employers. In order to succeed, even the most ambitious and shrewd private sector union needs to account for its employer's ability to grow and expand.

Public sector unions are not subject to these sorts of limitations. That is probably why they have been so successful. Today, about 37 percent of government employees belong to a union, which is five times the unionization rate in the private sector. So it is easy to see why Big Labor pulled out all the stops to recall Governor Walker. Public sector unions are the future of the labor movement. Because of the long, steady decline of private sector unions, Big Labor knows it must maintain the strength of public sector unions in order to remain relevant. Yet at the same time, the States that employ them face incredibly difficult budgetary decisions in the coming years and I believe without the ability to be able to get them under control because of the controls of the major parties.

Let's be clear about what it would mean if public employee unions prevailed in these fights. It means that instead of reducing spending, States will have to raise taxes. It means that instead of eliminating government waste, States will have to maintain the status quo, and, ultimately, it means States will have to make a choice between paying their bills on the one hand and growing their economies on the other.

Going forward, it is absolutely vital that more States follow Wisconsin's example. States should not have to choose between educating their kids and paying the full freight of public employee pensions. During such difficult economic times, they should not have to raise taxes in order to keep their employees from having to pay a reasonable share of their own benefits. In short, States should have the ability to balance budgetary priorities without being thwarted at every turn by public employee unions that are only concerned with their own interests.

Last night and this morning, the pundits were in full gear, dissecting the results in Wisconsin and prognosticating about the election's long-term impact. To me, this exercise in democracy demonstrates two things. First, the failure of the unions and the national Democratic Party was not a failure of messaging or money. It was a failure of ideas.

Richard Weaver once wrote that ideas have consequences. That is absolutely true. The ideas that Governor Walker proposed were reasonable ones that addressed a critical fiscal situation without undermining essential services in his State. Second, it is clear the Democratic Party of Franklin Roosevelt, a party of blue-collar, private sector workers, has morphed into a party dominated by white-collar, public workers.

The American people, beginning with Wisconsin, are rejecting this Democratic Party and the priorities of its most influential stakeholders. The silent majority that gets up every day and goes to work in the private sector is losing its appetite for allowing public employee unions to dictate the Nation's fiscal policy.

There is one video going around of an opponent of Governor Walker's near tears and saying that democracy was denied tonight. Au contraire. Democracy is alive and well in Wisconsin and around the Nation, and the American people are going to have their say. Last night's results should serve as a reminder of the need to face our perilous fiscal situation honestly and squarely.

It should also remind us that the American people will not punish leaders who stand and do the right thing, even in the face of powerful and vengeful opposition.

My hope is that the experience in Wisconsin will be replicated around the country.

To borrow from one of Wisconsin's patron saints, Vince Lombardi, "Winning is a habit. Unfortunately, so is losing."

The unions have now had three bites at the apple since Governor Walker was first elected. Each time they have come up short. By prevailing, Governor Walker and Republicans in Wisconsin should stiffen the spines of conservatives who might have been previously unwilling to take on these public sector unions—public employee unions, if you will. By losing, those unions have shown themselves to be increasingly desperate and out of touch with the sentiments and concerns of everyday citizens and taxpayers.

Mr. President, I commend Governor Walker and his efforts to secure a prosperous future for the citizens of Wisconsin. His courage in the face of significant opposition is a model of statesmanship, and I look forward to working with him for many years to come.

Look, we all know the public sector unions have been out of control for a long time. Throughout the country, benefits paid to public employees have outpaced those in the private sector, and that includes Federal Government employees where the average pay is \$80,000 a year compared to \$50,000 for the private sector. We all know that is justified in the eyes of some because it is "so expensive" to live in Washington, DC, or nearby. Why is it that expensive? Because we have built the Federal Government at all costs, and we allow it to spend and spend rather than find more ways of living within our means.

There is a part of me that wishes we could move a number of these agencies out of Washington and put them out with the real people throughout our country who have to live within their means, and who don't have huge Washington, DC, salaries, which are huge to the average person, but not always to the people who work in this very expensive town. There they can mingle with the everyday people in this country who are paying the freight.

By the way, we all know that according to the Joint Committee on Taxation, the bottom 51 percent of all households don't pay any income tax or freight. There is a method in that madness, it seems to me. But it is the wrong method. Sooner or later we are all going to have to help pull the wagon and not just sit in the wagon and take advantage of everybody else. It ought to be done on a reasonable and decent basis.

But, once again, we all know the public sector unions are out of control. The States where they have the biggest problems are the States where the public sector unions have dominated their elected politicians over and over and over again, so the elected politicians are afraid to take them on, afraid to do

the things that would straighten out their States, as Governor Walker has said.

Instead of finding a lot of fault with Governor Walker, if I were a Democrat, I would be saying: Thank God, somebody stood up. The fact is he has stood up, and he should be given credit for that not condemnation.

Frankly, I am very proud of the people of Wisconsin for standing up the way they did. I think other States are going to have to do that, too, or there are going to be problems like we have never seen before. We can name the States that have the problems. In almost every case they are blue States.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Rhode Island is recognized.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, it has become sort of a personal tradition of mine to come to the floor each week to report on the status of the dangers to our Earth and climate from the relentless carbon pollution that we have to face, and this is a bellwether week. This is our first week back in session in the Senate since our break last week, and during that time we have had a first. There were reports from the atmospheric measuring station that the carbon dioxide in the atmosphere broke 400 parts per million.

The Christian Science Monitor has reported on this, stating monitoring stations across the Arctic this spring are measuring more than 400 parts per million of the heat-trapping gas carbon dioxide in the atmosphere. The number isn't quite a surprise because it has been rising at an accelerating pace.

Years ago, it passed the 350 parts-per-million mark that many scientists say is the highest safe level for carbon dioxide. It now stands globally at 395.

The story continues, saying it has been at least 800,000 years—probably more—since Earth saw carbon dioxide levels in the 400s, according to the climate scientists involved. They point out that the Arctic is the leading indicator in global warming, both in carbon dioxide in the air and in its effects.

Pieter Tans, a senior NOAA scientist, says this is the first time the entire Arctic has been that high. He calls a 400 number "depressing."

The Christian Science Monitor also reported that global carbon dioxide emissions from fossil fuels hit a record high of 34.8 billion tons released in 2011.

Another report from the Sustainable Business News said readings are coming in at 400 parts per million and higher all over the Arctic. They have been recorded in Alaska, Greenland, Norway, Iceland, and even Mongolia; and 400 parts per million is beyond what scientists consider "safe" in terms of human society.

It goes on saying in reporting of a 2009 paper in the journal *Science*, researchers concluded "the only time in

the last 20 million years that we find evidence for carbon dioxide levels similar to the [then] modern level of 387 parts per million was 15 to 20 million years ago, when the planet was dramatically different."

It also says:

How different? It says that "Global temperatures were 5 to 10 degrees Fahrenheit higher than they are today. The sea level was 75 to 120 feet higher than it is today, there was no permanent sea ice cap in the Arctic and very little ice on Antarctica and Greenland."

According to NASA's leading climate scientist, James Hanson, "that level of heat-trapping gases would assure that the disintegration of the ice sheets would accelerate out of control. Sea levels would rise and destroy coastal cities. Global temperatures would become intolerable, and 20 to 50 percent of the planet species would be driven to extinction. Civilization would be at risk."

So this was a somber benchmark to have passed. As I have said before, we have had the experiences—human-kind—of living within a bandwidth between 190 and 300 parts per million of carbon dioxide for about 800,000 years, which is going back into the very early days of our species—even before then.

I think the famous Lucy, the prehistoric human, was 150,000, 160,000 years ago. So this goes way back before then. We started agriculture about 10,000 years ago. Before then, we were picking things off of trees and hunting small animals. We weren't even farming yet.

When we go back 800,000 years, that is basically for as long as we can imagine on this planet, without going back into previous geologic eras. That has been the bandwidth—800,000 years, 190 to 300 parts per million. We rocketed out of that and blew through 350 several years ago, and now we have gone through 400, at least in the Arctic, and that is where we will go global-wide if this continues. There is no reason it will not continue because we keep increasing the amount of carbon pollution we emit into the atmosphere.

I regret I have to come here every week and continue to bring grim news, but that is the fact, and the day will come when we are going to have to deal with it. I hope it is not too late for us when we finally get around to it. There is the prospect that it is too late because once the carbon is up in the atmosphere, it continues to do its work.

The campaign that has been deployed to try to diminish the science of climate change, to try to confuse the public, and try to create a disabling measure of doubt has been reprehensible. It is based on falsehood. It is steeped in impropriety and special influence. It is inhibiting the ability of the Congress to do its job for the American people—not because there is any real doubt about the science but because the special interests that benefit from the status quo have entirely inappropriate levels of influence in this body, and

they are insisting either directly or through phony front organizations, such as the Heartland Institute, which has recently put itself in jeopardy by comparing people who think climate change is actually happening to the Unabomber—now, there is a responsible public debate. That blew up in their faces because they had gone too far. The lying, the phony science, taking money from the polluters, and the phony operation they ran didn't go too far. The comparison to Ted Kaczynski, the Kaczynski billboard was that one step too far.

There is some pushback on that, but that doesn't lift the burden on the polluting industries that are manipulating and maneuvering in Washington to prevent us from doing what needs to be done and doing so through false and phony organizations. Even if the Heartland Institute is gone, there are plenty of others, and the process continues.

I think it is going to be a very harsh judgment that history brings to bear on this generation of Representatives and Senators that, as a body, we were willing to step away from our duty when the signal was clear. We were willing to listen to the siren song of special interests. We put their money in our pockets. We put our consciences on hold. We put the blinders on about the facts, and we marched forward foolishly when we should have been preparing.

I am going to continue to do this. I hope the point comes soon when we can begin to realize that putting a price on carbon pollution, developing American clean energy that creates American clean energy jobs and begin to take care of this world as it increasingly sends us warnings about the damage that we are doing is the right and wise and proper thing to do.

With that, I yield the floor.

HONORING OUR ARMED FORCES

CALIFORNIA CASUALTIES

Mrs. BOXER. Mr. President, I rise today to pay tribute to 27 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since March 1, 2012. This brings to 351 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 18 percent of all U.S. deaths in Afghanistan.

Cpl Conner T. Lowry, 24, of Chicago, IL, died March 1 while conducting combat operations in Helmand province, Afghanistan. Corporal Lowry was assigned to 2nd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Edward J. Acosta, 21, of Hesperia, CA, died March 5 in La Jolla, CA, of injuries sustained December 3,

2011, when his vehicle was struck by an improvised explosive device in Wardak province, Afghanistan. Specialist Acosta was assigned to 2nd Battalion, 5th Infantry Regiment, 3rd Brigade Combat Team, 1st Armored Division, Fort Bliss, TX.

CPT Francis D. Imlay, 31, of Vacaville, CA, died March 28 from injuries received in an accident involving an F 15 aircraft near a base in Southwest Asia. Captain Imlay was assigned to the 391st Fighter Squadron, Mountain Home Air Force Base, ID.

Cpl Michael J. Palacio, 23, of Lake Elsinore, CA, died March 29 while conducting combat operations in Helmand province, Afghanistan. Corporal Palacio was assigned to Headquarters Battalion, 3rd Marine Division, III Marine Expeditionary Force, Okinawa, Japan.

Cpl Roberto Cazarez, 24, of Harbor City, CA, died March 30 while conducting combat operations in Helmand province, Afghanistan. Corporal Cazarez was assigned to the 1st Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Alex Martinez, 21, of Elgin, IL, died April 5 while conducting combat operations in Helmand province, Afghanistan. Corporal Martinez was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

CN Trevor J. Stanley, 22, of Virginia Beach, VA, died April 7 while deployed to Camp Lemonnier, Djibouti. Constructionman Stanley, a Seabee, was assigned to Naval Mobile Construction Battalion 3, homeported in Port Hueneme, CA.

LCpl Ramon T. Kaipat, 22, of Tacoma, WA, died April 11 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Kaipat was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

CW2 Nicholas S. Johnson, 27, of San Diego, CA, died April 19 in Helmand province, Afghanistan, when his Black Hawk (UH 60) crashed. Chief Warrant Officer Johnson was assigned to the 2nd Battalion, 25th Aviation Regiment, 25th Infantry Division, Wheeler Army Airfield, HI.

SSgt Joseph H. Fankhauser, 30, of Mason, TX, died April 22 while conducting combat operations in Helmand province, Afghanistan. Staff Sergeant Fankhauser was assigned to 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Manuel J. Vasquez, 22, of West Sacramento, CA, died April 24 in Paktika province, Afghanistan. Specialist Vasquez was assigned to the 2nd Battalion, 28th Infantry Regiment, 172nd Infantry Brigade, Grafenwoehr, Germany.

SGT Moises J. Gonzalez, 29, of Huntington Beach, CA, died April 25 in Balkh province, Afghanistan, of injuries sustained when his vehicle rolled over. Sergeant Gonzalez was assigned to the 509th Combat Service Support Company, 504th Battlefield Surveillance Brigade, Fort Hood, TX.

SSG Andrew T. Britton-Mihalo, 25, of Simi Valley, CA, died April 25 in Kandahar province, Afghanistan, of injuries sustained from small arms fire. Staff Sergeant Britton-Mihalo was assigned to the 2nd Battalion, 7th Special Forces Group, Eglin Air Force Base, FL.

LT Christopher E. Mosko, 28, of Pittsford, NY, died April 26 while conducting combat operations in Nawa district, Ghazni province, Afghanistan. Lieutenant Mosko was assigned as a Navy Explosive Ordnance Disposal (EOD) Platoon Commander to Combined Joint Special Operations Task Force, Afghanistan. He was stationed at EOD Mobile Unit 3, San Diego, CA.

MSgt Scott E. Pruitt, 38, of Gautier, MS, died April 28 while conducting combat operations in Helmand province, Afghanistan. Master Sergeant Pruitt was assigned to I Marine Expeditionary Force Headquarters Group, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Christian R. SanNicolas, 20, of Anaheim, CA, died April 28 in Kandahar province, Afghanistan, of injuries sustained when his vehicle encountered an improvised explosive device. Private First Class SanNicolas was assigned to 1st Battalion, 504th Parachute Infantry Regiment, 1st Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

Sgt John P. Huling, 25, of West Chester, OH, died May 6 while conducting combat operations in Helmand province, Afghanistan. Sergeant Huling was assigned to 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Thomas K. Fogarty, 30, of Alameda, CA, died May 6 in Ahmad-Kheyl, Afghanistan, from injuries sustained when enemy forces attacked his unit with an improvised explosive device. Staff Sergeant Fogarty was assigned to the 3rd Battalion (Airborne), 509th Infantry Regiment, 4th Brigade Combat Team (Airborne), 25th Infantry Division, Joint Base Elmendorf-Richardson, AK.

SPC Chase S. Marta, 24, of Chico, CA, died May 7 in Ghazni province, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Specialist Marta was assigned to the 3rd Squadron, 73rd Cavalry Regiment, 1st Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

Sgt Wade D. Wilson, 22, of Normangee, TX, died May 11 while conducting combat operations in Helmand

province, Afghanistan. Sergeant Wilson was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Brian L. Walker, 25, of Lucerne Valley, CA, died May 13 in Bowri Tana, Afghanistan, when the enemy attacked his vehicle with an improvised explosive device. Sergeant Walker was assigned to the 425th Brigade Special Troops Battalion, 4th Brigade Combat Team (Airborne), 25th Infantry Division, Joint Base Elmendorf-Richardson, AK.

PO1 Ryan J. Wilson, 26, of Shasta, CA, died of complications associated with a medical condition May 20 in Manama, Bahrain. Petty Officer First Class Wilson was assigned to U.S. Naval Forces Central Command headquarters in Bahrain.

2LT Travis A. Morgado, 25, of San Jose, CA, died May 23 in Zharay, Afghanistan, of injuries sustained when insurgents attacked his patrol with an improvised explosive device. Second Lieutenant Morgado was assigned to the 5th Battalion, 20th Infantry Regiment, 3rd Stryker Brigade Combat Team, 2nd Infantry Division, Joint Base Lewis-McChord, WA.

Cpl Keaton G. Coffey, 22, of Boring, OR, died May 24 while conducting combat operations in Helmand province, Afghanistan. Corporal Coffey was assigned to 1st Law Enforcement Battalion, 1st Marine Headquarters Group, 1st Marine Expeditionary Force, Camp Pendleton, CA.

SPC Vilmar Galarza Hernandez, 21, of Salinas, CA, died May 26 in Zharay, Kandahar province, Afghanistan, when enemy forces attacked his unit with an improvised explosive device. Specialist Galarza Hernandez was assigned to the 4th Battalion, 23rd Infantry Regiment, 2nd Stryker Brigade Combat Team, 2nd Infantry Division, Joint Base Lewis-McChord, WA.

SPC Tofiga J. Tautolo, 23, of Wilmington, CA, died May 27 in Bati Kot, Nangarhar province, Afghanistan, of wounds sustained when his vehicle was attacked with an enemy improvised explosive device. Specialist Tautolo was assigned to the 3rd Squadron, 61st Cavalry Regiment, 4th Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

LCpl Joshua E. Witsman, 23, of Covington, IN, died May 30 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Witsman was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

RECOGNIZING THE CROATIAN CULTURAL GARDEN

Mr. PORTMAN. Mr. President, today I wish to honor the Croatian Cultural Garden committee of the Croatian Her-

itage Museum and Library in the city of Cleveland. This garden will serve both to celebrate the rich cultural achievements and contributions of people of Croatian heritage, as well as to create an educational legacy which future generations may enjoy for years to come. Cleveland's Croatian community has worked to make this garden a reality for the past 3 years, and the first phase of this project was completed and dedicated on June 3, 2012.

Since 2009, the Croatian community has worked diligently to raise the funding necessary to realize this goal, as well as to design, plan, and establish this garden in Cleveland's Rockefeller Park.

With this dedication, the Croatian Cultural Garden will join others in the chain of the Cultural Gardens along Martin Luther King Boulevard in Cleveland. These gardens were dedicated over 75 years ago with the goal of recognizing and preserving the diversity of culture that has enriched northeast Ohio and our county.

Mr. President, for the continuing support of the Croatian community, I would like to recognize the Croatian Cultural Garden Committee and join in celebrating the dedication of this project.

ADDITIONAL STATEMENTS

RECOGNIZING THE SHINE FAMILY FOUNDATION

• Mr. HELLER. Mr. President, today I wish to recognize an organization from my home State of Nevada whose continued dedication to our Nation's active military, veterans, and their families is inspiring. As the Shine Family Foundation celebrates their first anniversary of becoming a recognized nonprofit organization, I thank them for their commitment to assisting our country's military community during times of hardship. We rely on organizations like the Shine Family Foundation to ease the stress that military families face when a family member is deployed. I applaud the Shine Family Foundation for their commitment to our heroes who sacrifice so much to keep America safe.

The Shine Family Foundation was founded to address the needs of military personnel and their families when they are separated due to prolonged and often multiple deployments. As their loved ones are far away from home sacrificing their own well-being for the safety of our Nation, military families often struggle with hardships while they are apart. Having a brother who served overseas, I understand the sacrifices that military families make when a loved one is deployed.

The Shine Family Foundation is committed to ensuring soldiers deployed across the globe are able to connect with their families back home.

Last year, the Shine Family Foundation's gifting program helped provide school supplies, Christmas gifts, food, gift cards, and phone cards to more than 100 military families. Recognizing the changing dynamics of our military force, the foundation also provides assistance to veterans returning from Active Duty to help welcome them home. They also offer a mentoring program for young children whose parents or siblings are serving in war zones.

I commend the Shine Family Foundation's commitment to honor and give back to our military communities. We must always remember the brave men and women in uniform and their families who make grave sacrifices to protect our freedom. As their organization grows, I know they will maintain a commitment to touching the lives of our troops and their families. Today, I ask my colleagues to join me in recognizing this honorable organization for all they do for our Nation's heroes.●

REMEMBERING DR. JAN KARSKI

● Mr. LIEBERMAN. Mr. President, I wish to pay tribute to Dr. Jan Karski, who, as a young officer in the Polish Underground during the Second World War, was among the first to provide eyewitness accounts of the Holocaust to the world.

Shaped by his own personal loss during one of the darkest hours in human history, Dr. Karski had the moral clarity to make distinctions between good and evil, and the personal courage to speak out and fight for good and against evil. After being captured and tortured by the Nazis, Dr. Karski escaped and became a courier for the Polish Underground, smuggling information out of Poland to the Polish government-in-exile. Among his many missions, Dr. Karski, who was Roman Catholic, twice infiltrated Warsaw's Jewish Ghetto through a series of underground tunnels disguised as a Nazi auxiliary guard.

Dr. Karski showed fearlessness in the face of a regime built on fear, and he was not afraid to challenge conventional wisdom and take on the enemies of freedom. In 1943, Dr. Karski traveled to the United Kingdom and the United States, where he was the first credible eyewitness to brief British Foreign Minister Anthony Eden and President Roosevelt about the Holocaust in an effort to build international pressure against Hitler and the Nazi regime. While his pleas did not lead to the quick action that they deserved, Dr. Karski persisted in reporting on the brutality that would ultimately prompt meaningful international intervention.

After the war, Dr. Karski resettled in the United States, where he earned his doctorate from Georgetown University and taught for 4 decades, warning generations of students about the dangers

of authoritarianism, including one notable student: President Bill Clinton. During his lifetime and following his death in 2000, Jan Karski was and has been the recipient of dozens of international awards honoring his courageous work. I was proud to join my colleagues Senators MIKULSKI, LEVIN, and CARDIN last year in writing to President Obama to urge his consideration of Dr. Karski for highest civilian honor—the Presidential Medal of Freedom. I am delighted that President Obama announced at the Holocaust Memorial Museum last month that Dr. Karski will be honored posthumously with the award later this month.

The choice to confront tyranny is not an easy one, but it is America's responsibility and purpose as a Nation. Through his decades of devoted service, Jan Karski carried out this mission and lived its values. And in doing so, he was a champion of the cause that has defined our country since its birth—the cause that has given us an enduring purpose and a national destiny: the cause of human freedom.

I am encouraged to know that there are efforts underway to ensure that Jan Karski's story is shared widely in the years ahead and in particular during 2014, which will mark the centennial of his birth. Jan Karski's example should inspire in us the belief that courageous and determined people can help to shape the course of human history for the better and remind us what is required to ensure that when we say Never Again, it will truly mean Never Again.●

CONGRATULATING THE CITY OF RICHFIELD, UTAH

● Mr. LEE. Mr. President, today I wish to congratulate the city of Richfield, UT, for winning the Joining Forces Community Challenge. This honor is of exceptional note as Richfield was the only municipality chosen as a finalist in the competition.

The Joining Forces Community Challenge was launched in July of 2011, seeking to encourage and promote creative ways of showing support for members of the military and their families. Citizens of Richfield have been strongly supportive of military personnel and their loved ones for years, especially the men and women who are stationed in and around Richfield. The 2nd Battalion, 222nd Field Artillery unit of the Utah National Guard is based out of Richfield, and has been deployed four times since September 11, with soldiers going to both Iraq and Afghanistan. Nicknamed the "Triple Deuce," the 222nd is beloved in Utah, and the extraordinary community support made for a perfect submission to the challenge.

Local businesses have found numerous ways to throw their weight behind the unit. Many of them offer discounts

and special service to members of the 222nd and their families, and include messages of support in their advertising. Richfield's newspaper, the Richfield Reaper, sends free copies to deployed servicemembers and often prints photos sent in by soldiers so that family, friends, and neighbors can stay connected back home. Richfield City covers utility bills in full for the families of deployed soldiers.

In 2005, the Richfield Chamber of Commerce organized a campaign that came to be known as Coins for a Camouflage Christmas. The goal was to throw an extraordinary Christmas party for military families during the holidays while the 222nd was deployed on an 18-month-long mission in Iraq. Participating businesses kept special containers next to their cash registers for donations, and asked customers for their spare change. Tens of thousands of dollars were collected, and in addition to the party, each child of a deployed parent received a special gift from that parent delivered by Santa Claus. In 2011, when it was thought that the unit would again be deployed over Christmas, Coins for a Camouflage Christmas was organized once again. Rather than throwing a party for the families of deployed soldiers, Richfield got to throw a welcome home party for soldiers who had come back earlier than scheduled as American forces withdrew from Iraq.

The Richfield library has joined in the effort to support the 222nd. After discovering that one daughter of a deployed soldier was trying to learn about Iraq because her father was there, the library put in a special order for books describing the places where parents in the unit were deployed. When the books were received, the library held a special gathering to introduce the new material.

City and community leaders were also instrumental in creating and signing onto the military's Community Covenant Outreach Program in Richfield. Participants promise soldiers and their families support and services from Richfield. As part of the program, two large Community Covenant signs were built at each end of town to show visitors how much Richfield cares about military families.

Perhaps most importantly, the Richfield community has contributed more than a quarter of a million dollars to build a veterans memorial. The memorial is currently under construction and slated to be completed later this year.

Richfield has demonstrated over and over again that it is a community that cares deeply about the men and women who fight to keep us safe and free. The special love for the Triple Deuce is a shining example of how a unit should be supported by local communities around the country. I sincerely thank

my fellow Utahns in Richfield who continue to set a high standard of excellence in showing love and respect for our brave heroes. Finally, I add my grateful appreciation to all of our men and women in uniform.●

REMEMBERING HARVEY L. SCHWARTZ

● Mrs. SHAHEEN. Mr. President, today I wish to pay tribute to my dear friend, Harvey L. Schwartz, who passed away on April 13 at his home in Harrisville, NH. While I was not able to attend Harvey's memorial service on May 20, I did send a remembrance to be read, and wanted to share these thoughts with my colleagues on a truly remarkable man.

Harvey was born in 1929 at the start of the Great Depression into a family of modest means living in Brooklyn, NY. He graduated from Brooklyn College and then Columbia Law School. Harvey's career began at Time, Inc., where he was groomed for leadership in the company's executive training program. Later, he answered his country's call, serving with the U.S. Counter-Intelligence Corps in Japan during the Korean War and then in these very halls as an aide to Senator Thurston Morton of Kentucky. He went on to have an impressive career in international business with a focus on Latin America. It was experience that, Harvey would readily admit, greatly expanded his worldview.

Harvey and his wife, Nell, moved to New Hampshire in 1987. Fortunately for my fellow Granite Staters and me, they put down lasting roots in our State. During his later years in New Hampshire, Harvey called upon his years of experience in the public and private sectors at home and abroad, to find common ground and to unite when too often there were calls to divide. Harvey was a proud Republican, but he was also a consensus builder and a problem solver. I think my colleagues would agree that we could use more people like Harvey Schwartz today. I ask unanimous consent that my May 20 remembrance be printed in the RECORD.

The material follows.

I was very sad to hear the news of Harvey's passing, but I understand he had requested this event be a celebration of his life, so I will keep this reflection upbeat.

We were all extremely fortunate when, in 1987, Harvey and his beloved Nell chose to settle down in the lovely and historic town of Harrisville. From then on, Harvey had a great impact on New Hampshire.

I first became aware of Harvey's impact on the state through the critical role he played in helping block the proposed Route 101 bypass through Harrisville. That was an impressive feat and one that would most likely have failed were it not for Harvey's involvement.

Community leaders, business leaders, political leaders of every stripe listened to Harvey. I was especially hopeful they would listen to him when, to my surprise, he sup-

ported my run for governor! Though Harvey was a staunch Republican, his spirit of bipartisanship was strong, and one that I admired a great deal.

While I was Governor, we held an Executive Council Meeting in Harrisville. It was a proud day for Harrisville, and therefore, a proud day for Harvey. Unfortunately, while we were there, a rather challenging issue facing our state government required immediate consideration. Harvey, as creative and giving as always, offered up his beautiful home with its breathtaking view of Mount Monadnock for a private emergency meeting. Once again, Harvey was finding solutions for his state.

Harvey's enthusiasm for public service and his community were evident to all who knew him. Over the years, we worked closely on the issues that matter for New Hampshire, particularly how we provide economic opportunities for all of our citizens, especially our state's young people. In fact, right until his passing, Harvey served as director of the High Bridge Foundation, a non-profit dedicated to providing high school students in New Hampshire with the tools necessary to thrive in a changing economy. He was doing his part to prepare the next generation of Granite Staters.

Harvey was a great consensus builder. At a time when too many focus on what divides, Harvey worked to unite.

Harvey, you will be missed, but your legacy will be honored and remembered for generations to come because of your hard work and your dedication to New Hampshire.

And for that, we all thank you.●

RECOGNIZING JSI STORE FIXTURES

● Ms. SNOWE. Mr. President, manufacturing has long provided well-paying jobs and economic growth for Americans, especially in my home State of Maine. As co-chair of the Senate Task Force on Manufacturing, I am acutely aware that a healthy manufacturing sector is essential to our Nation's economic prosperity.

Regrettably, our Nation's manufacturing sector was particularly hard hit by the recent recession, and continues to suffer through this underwhelming recovery. As this is a challenge faced by many of America's manufacturers, I would like to take the opportunity to recognize a company in my home State, that despite all obstacles, has overcome economic difficulties to become one of Maine's most successful businesses. Today, I rise to salute JSI Store Fixtures in Milo, ME, a premier manufacturer of high-end wood and metal fixtures for the supermarket industry and a distinguished member of the Milo community.

Over 20 years ago, JSI was started in the Awalt family's basement with just a table saw and an aspiration. Brothers Barry and Terry Awalt and their stepfather, Clayton Johndro, rallied family support to found JSI Store Fixtures; which has since grown to manufacture custom displays for many of the Nation's largest supermarket chains, including: Hannaford Supermarkets, Whole Foods, Giant, Wegmans, Sweetbay, and several others.

When Mark Awalt, brother to Barry and Terry, joined the company in 1997, JSI had already outgrown the family basement. In fact, it had outgrown its original facility, a 30,000-square foot plant located in Howland. Mark sought the help of the Maine Small Business Development Center at the Eastern Maine Development Corporation and the Piscataquis County Economic Development Council to receive a community development block grant and a Small Business Administration guaranteed loan. This funding enabled JSI to expand and relocate to the vacant Dexter Shoe Plant in 2000, garnering many employees who had previously worked for Dexter Shoe. JSI now ships 95 percent of its products out of Maine and in 2011 generated approximately \$20 million in sales—proof that small businesses are economically successful, even in the most rural parts of Maine. Today, JSI is the region's largest employer with 130 employees and has become a cherished staple in the community.

Additionally, the hard work and perseverance of JSI's second-to-none employees cannot be overstated as they boast an incredible record in a key area—safety excellence. At a time when JSI sales increased 400 percent, the company reached the outstanding safety milestone of over 10 years without a lost-time accident. Owners, managers, and employees of JSI have implemented and nurtured a safety focus over the last decade and were recognized for this momentous feat by the Manufacturers of Maine Group Trust's, Richard J. Haines Award for Safety Excellence in 2007. The award honors a member of the trust who excels in six different areas of employee safety: commitment, persistence, participation, performance, consistency, and innovation. In 2009, JSI was celebrated again by the Trust for having the most effective safety program.

But it is not just safety excellence that JSI employees practice, its distinction in customer service, quality and industry leading on-time shipping that has powered JSI to become one of the largest employers in Piscataquis County. Their success has certainly not gone unnoticed, as their list of accolades is truly remarkable. In 1999, JSI Store Fixtures received the Hannaford Brothers Distinguished Vendor Award for exceptional service and high product quality. Then in 2004, co-owner Mark Awalt was named by the U.S. Small Business Administration as Maine's Small Business Person of the Year, followed by JSI receiving the Governor's Award for Business Excellence in 2011. This renowned award honors Maine companies that demonstrate a high level of commitment to their community, employees and to manufacturing or service excellence.

At the same time, JSI is perhaps most prominently known for their invaluable contributions to the local

community. Their steadfast loyalty to the region has been demonstrated through numerous projects and fundraisers to benefit area children and the local school community. For example, through the Clayton Johndro Golf Tournament which is held annually, JSI raised over \$10,000 for youth programs in 2011 alone. Once again, highlighting their extraordinary contributions, JSI received the 2010 Maine Education Association's Corporate Award in honor of their significant impact on area youth and the Distinguished Service Award in the same year from the Milo/Brownville Kiwanis.

A true asset to the state of Maine, JSI has exemplified outstanding leadership and a passion for helping others that is certainly worthy of commendation. I am proud to extend my congratulations to the Awalt family and everyone at JSI Store Fixtures for their tremendous accomplishments. They are a shining example of the dedication to excellence, quality workmanship, commitment to community and service that Maine is known for. I offer my best wishes for continued success to JSI, and look forward to hearing more about their achievements in the future.●

MESSAGE FROM THE HOUSE

At 1:50 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 241. An act to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

H.R. 1740. An act to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic River System.

H.R. 2060. An act to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

H.R. 2336. An act to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System.

H.R. 2512. An act to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

H.R. 3263. An act to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

H.R. 4222. An act to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes.

H.R. 4282. An act to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23

November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and for other purposes.

H.R. 5883. An act to make a technical correction in Public Law 112-108.

H.R. 5890. An act to correct a technical error in Public Law 112-122.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 128. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 241. An act to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; to the Committee on Energy and Natural Resources.

H.R. 2060. An act to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2336. An act to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 2512. An act to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4222. An act to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4282. An act to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and for other purposes; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3268. A bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 3269. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6342. A communication from the Under Secretary of Defense (Acquisition, Tech-

nology and Logistics), transmitting, pursuant to law, a report relative to a review and certification of the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (JLENS) program; to the Committee on Armed Services.

EC-6343. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the Distribution of Department of Defense (DoD) Depot Maintenance Workloads; to the Committee on Armed Services.

EC-6344. A communication from the Acting Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Mutual Insurance Holding Company Treated as Insurance Company" (RIN3064-AD89) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6345. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-6346. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Administrative Changes" (FRL No. 9675-1) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Environment and Public Works.

EC-6347. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rule on a Certain Chemical Substance; Withdrawal of Significant New Use Rule" (FRL No. 9350-3) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6348. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Elemental Mercury Used in Barometers, Manometers, Hygrometers, and Psychrometers; Significant New Use Rule" (FRL No. 9345-9) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6349. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Heavy-Duty Highway Program: Revisions for Emergency Vehicles" (FRL No. 9673-1) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6350. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Direct Final Negative Declaration and Withdrawal of Large Municipal Waste Combustors State Plan for Designated Facilities and Pollutants: Illinois" (FRL No. 9679-6) received during adjournment of the

Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6351. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Alternative for the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program" (FRL No. 9668-8) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6352. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation of Areas for Air Quality Planning Purposes; State of Arizona; Pinal County; PM10" (FRL No. 9679-7) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6353. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance for ITAAC Closure Under 10 CFR Part 52" (Regulatory Guide 1.215, Revision 1) received in the Office of the President of the Senate on May 24, 2012; to the Committee on Environment and Public Works.

EC-6354. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J" (ML121030286) received in the Office of the President of the Senate on May 24, 2012; to the Committee on Environment and Public Works.

EC-6355. A communication from the Assistant Regional Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska—Subpart C—Board Determinations; Rural Determinations" (RIN1018-AX95) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6356. A communication from the Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Morelet's Crocodile From the Federal List of Endangered and Threatened Wildlife" (RIN1018-AV22) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Environment and Public Works.

EC-6357. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of American Burying Beetle in Southwestern Missouri" (RIN1018-AX79) received during adjournment of the Senate in the Office of the President of the Senate on March 25, 2012; to the Committee on Environment and Public Works.

EC-6358. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regional Haze: Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Disapprovals, and Federal Implementation Plans" (FRL No. 9672-9) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Environment and Public Works.

EC-6359. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9670-8) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Environment and Public Works.

EC-6360. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Consumer Products and AIM Rules" (FRL No. 9663-1) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Environment and Public Works.

EC-6361. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Interim Guidance on Modification of Section 833 Treatment of Certain Health Organizations" (Notice 2012-37) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Finance.

EC-6362. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Discharge of Partnerships Excess Nonrecourse Indebtedness" (Rev. Rul. 2012-14) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Finance.

EC-6363. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Children's Health Insurance Programs; Disallowance of Claims for FFP and Technical Corrections" (CMS-2292-F) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Finance.

EC-6364. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's 2012 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC-6365. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6366. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's

Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6367. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Corporation for National and Community Service's Report on Final Action for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6368. A communication from the Administrator of the Agency for International Development (USAID), transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6369. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6370. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6371. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6372. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6373. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6374. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6375. A communication from the Deputy Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6376. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services' Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6377. A communication from the Secretary of Labor, transmitting, pursuant to

law, the Semiannual Report of the Office of Inspector General of the Department of Labor for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6378. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6379. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6380. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012 and the Administrator's Semiannual Management Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC-6381. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General and a Management Report for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6382. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COBURN (for himself and Mr. BURR):

S. 3266. A bill to amend the Higher Education Act of 1965 to reset interest rates for new student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. KERRY, and Mr. MENENDEZ):

S. 3267. A bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. BEGICH):

S. 3268. A bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes; read the first time.

By Mr. PAUL (for himself, Mr. DEMINT, Mr. LEE, Mr. COBURN, Mrs. HUTCHISON, and Mr. RISCH):

S. 3269. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed; read the first time.

By Mr. WYDEN (for himself and Mr. BURR):

S. 3270. A bill to amend title 38, United States Code, to require the Secretary of Vet-

erans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. KIRK, Mr. KYL, Mr. LUGAR, Mr. MORAN, Mr. ROBERTS, Mr. RUBIO, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. SESSIONS, Mr. JOHNSON of Wisconsin, and Mr. JOHANNIS):

S. Res. 482. A resolution celebrating the 100th anniversary of the United States Chamber of Commerce; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Ms. AYOTTE):

S. Res. 483. A resolution commending efforts to promote and enhance public safety on the need for yellow corrugated stainless steel tubing bonding; to the Committee on the Judiciary.

By Mr. BOOZMAN (for himself, Mr. DURBIN, Mr. LUGAR, Mr. CASEY, Mr. MORAN, Mr. BROWN of Ohio, and Mr. LEAHY):

S. Res. 484. A resolution designating June 7, 2012, as "National Hunger Awareness Day"; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 485. A resolution to authorize representation by the Senate Legal Counsel in the case of Common Cause, et al. v. Joseph R. Biden, et al; considered and agreed to.

By Mr. WEBB:

S. Con. Res. 46. A concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for the Man in the Sea Memorial Monument to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Con. Res. 47. A concurrent resolution expressing the sense of Congress on the sovereignty of the Republic of Cyprus over all of the territory of the island of Cyprus; to the Committee on Foreign Relations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 482—CELEBRATING THE 100TH ANNIVERSARY OF THE UNITED STATES CHAMBER OF COMMERCE

Mr. MCCONNELL (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mr.

GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. KIRK, Mr. KYL, Mr. LUGAR, Mr. MORAN, Mr. ROBERTS, Mr. RUBIO, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. SESSIONS, Mr. JOHNSON of Wisconsin, and Mr. JOHANNIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 482

Whereas the United States Chamber of Commerce (referred to in this preamble as the "Chamber") was founded on April 22, 1912, at the request of President William Howard Taft, thereby creating a unified voice for business in the United States;

Whereas, on that date, President Taft supported the creation of the Chamber by declaring before 700 delegates from businesses, chambers, and associations representing every State, "We want your assistance in carrying on the government in reference to those matters that affect the business and the business welfare of the country, and we do not wish to limit your discretion in that matter. We wish that your advice should be as free and unrestricted as possible, but we need your assistance and we ask for it.;"

Whereas, during the 100 years since its founding, the Chamber has represented and advocated the interests of the business community in Washington, DC, across the United States, and around the world;

Whereas the Chamber continues to give voice to business in the United States and rally the business community around policies that create jobs and grow the economy;

Whereas the Chamber is committed to preserving and advancing free market principles and the free enterprise system of the United States, which has created growth, opportunities, innovation, and jobs, and has empowered generations of individuals in the United States to fulfill the American dream;

Whereas, for a century, the Chamber has played an instrumental role in major pieces of legislation on trade, infrastructure, energy, and a host of other issues integral to generating economic growth, supporting the business community, and creating jobs in the United States; and

Whereas, for the next 100 years, and well beyond, the Chamber will continue to work to restore and strengthen the prosperity and competitiveness of the United States and will continue to represent the interests of businesses in the United States of every size, sector, and region before Congress, the executive branch, the courts, and the court of public opinion: Now, therefore, be it

Resolved, That the Senate congratulates the United States Chamber of Commerce on its 100th anniversary.

Mr. MCCONNELL. Mr. President, today I am submitting a resolution congratulating the U.S. Chamber of Commerce on defending and advancing free market principles for the past 100 years.

For a century, the Chamber has helped business owners all across the country, from the Great Depression to the current fiscal crisis our Nation is struggling with today. The chamber and its member chambers and businesses have continued to find ways to help keep our economy growing and businesses hiring.

In 1962, marking the 50th anniversary of the founding of the chamber, President Kennedy said: "The foundation of

the Chamber in April of 1912 marked a turning point in the relations between government and business." This remains true to this day.

When the Chamber turned 70, President Reagan joked:

I remember the day you started. And like good wine, you have grown better, not older.

He then quipped:

The membership of the Chamber of Commerce of the United States is the only thing that has grown faster than the Federal Government—thank heaven!

The free enterprise system is the backbone of the American economy, and nobody embodies it more than the U.S. Chamber of Commerce. So on the year marking the 100th anniversary, I, along with my colleagues, wish to extend my heartfelt thanks and appreciation for all the work they do to help businesses grow and create jobs. Through their efforts, millions of Americans have been able to pursue and achieve the American dream.

To the U.S. Chamber of Commerce, thank you for your contribution to society, and congratulations on 100 years of representing and advocating for job creators across our country.

SENATE RESOLUTION 483—COM-MENDING EFFORTS TO PROMOTE AND ENHANCE PUBLIC SAFETY ON THE NEED FOR YELLOW CORRUGATED STAINLESS STEEL TUBING BONDING

Mr. PRYOR (for himself and Ms. AYOTTE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 483

Whereas yellow corrugated stainless steel tubing (referred to in this preamble as "CSST") is flexible gas piping used to convey natural gas or propane to household appliances in homes and businesses;

Whereas since 1990, yellow CSST has been installed in more than 6,000,000 homes and businesses in the United States;

Whereas field reports and research suggest that if direct or indirect lightning strikes a structure, the risk for electrical arcing between the metal components in a structure with yellow CSST may be reduced by means of equipotential bonding and grounding;

Whereas proper bonding of CSST is defined in section 7.13.2 of the 2009 edition of the NFPA 54: National Fuel Gas Code, and is referenced in info note 2 in section 250.104 of the 2011 edition of the NFPA 70: National Electric Code;

Whereas the National Association of State Fire Marshals supports the proper bonding of yellow CSST to current National Fire Protection Association Code to reduce the possibility of gas leaks and fires from lightning strikes;

Whereas the National Association of State Fire Marshals is working to educate relevant stakeholders, including fire, building, and housing officials, consumers, homeowners, and construction professionals about the need to properly bond yellow CSST in legacy installations and in all new installations in accordance with the most recent building codes and manufacture installation instructions;

Whereas the bonding of yellow CSST in legacy installations is an important public safety matter that merits alerting homeowners, relevant State and local fire, building, and housing officials, and construction professionals such as electricians, contractors, plumbers, inspectors, and home-improvement specialists: Now, therefore, be it

Resolved, That the Senate—

(1) commends efforts to promote and enhance public safety and consumer awareness on proper bonding of yellow corrugated stainless steel tubing (referred to in this resolution as "CSST") as defined in the National Fire Protection Association Code; and

(2) encourages further educational efforts for the public, relevant building and housing officials, consumers, homeowners, and construction professionals on the need to properly bond yellow CSST retroactively and moving forward in houses that contain the product.

SENATE RESOLUTION 484—DESIGNATING JUNE 7, 2012, AS "NATIONAL HUNGER AWARENESS DAY"

Mr. BOOZMAN (for himself, Mr. DURBIN, Mr. LUGAR, Mr. CASEY, Mr. MORAN, Mr. BROWN of Ohio, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture shows that approximately 48,800,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 32,600,000 are adults and 16,200,000 are children;

Whereas the Department of Agriculture data also shows that households with children experience food insecurity nearly twice as frequently as households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled "Household Food Security in the United States, 2010", published by the Economic Research Service of the Department of Agriculture, found that in 2010, the most recent year for which data exists—

(1) 14.5 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 20.2 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.9 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community in the country;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 61,000 local, community-based organizations rely on the support and efforts of more than 600,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2012, as "National Hunger Awareness Day"; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by improving programs and public policies that reduce hunger and food insecurity in the United States.

SENATE RESOLUTION 485—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF COMMON CAUSE, ET AL. V. JOSEPH R. BIDEN, ET AL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 485

Whereas, Joseph R. Biden, Jr., the Vice President of the United States; Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Senate Sergeant at Arms; and Elizabeth MacDonough, Senate Parliamentarian, have been named as defendants in the case of Common Cause, et al. v. Joseph R. Biden, et al., No. 1:12cv00775, now pending in the United States District Court for the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of

1978, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Joseph R. Biden, Jr., the Vice President of the United States; Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Senate Sergeant at Arms; and Elizabeth MacDonough, Senate Parliamentarian, in the case of Common Cause, et al. v. Joseph R. Biden, et al.

SENATE CONCURRENT RESOLUTION 46—EXPRESSING THE SENSE OF CONGRESS THAT AN APPROPRIATE SITE AT THE FORMER NAVY DIVE SCHOOL AT THE WASHINGTON NAVY YARD SHOULD BE PROVIDED FOR THE MAN IN THE SEA MEMORIAL MONUMENT TO HONOR THE MEMBERS OF THE ARMED FORCES WHO HAVE SERVED AS DIVERS AND WHOSE SERVICE IN DEFENSE OF THE UNITED STATES HAS BEEN CARRIED OUT BENEATH THE WATERS OF THE WORLD

Mr. WEBB submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 46

Whereas United States Navy divers have received 7 Medals of Honor for multiple acts of heroism dating back to 1915;

Whereas United States Navy divers received the only Medals of Honor ever awarded for actions during peacetime;

Whereas United States Navy divers have addressed critical beach and harbor clearances and recoveries in World War I and all subsequent wars fought by the United States;

Whereas United States Navy divers significantly contributed to the salvage and restoration of Pearl Harbor after the attack by Japan in 1941;

Whereas United States Navy divers significantly contributed to the United States victory in the Cold War by diving on communications cables of the Soviet Union at extreme depths;

Whereas United States Navy divers made critical recoveries of Space Shuttles Challenger and Columbia;

Whereas United States Army divers were instrumental in the clearance of underwater munitions at ports and harbors during World War II;

Whereas United States Army divers were crucial to the maintenance and repair of vessels and the recovery of aircraft during the Vietnam War;

Whereas United States Army divers salvaged vessels during the Persian Gulf War, vessels of the Soviet Union during Operation Restore Hope in Somalia, and numerous vessels during the humanitarian operation in Haiti;

Whereas United States Army divers deployed to the Persian Gulf region in support of Operation Iraqi Freedom;

Whereas United States Army divers have participated in humanitarian relief efforts to clear international ports and harbors after natural disasters;

Whereas United States Army divers have performed hundreds of missions for the Corps

of Engineers to maintain the dams, locks, and waterways of the United States;

Whereas United States Army divers have performed lifesaving recompression treatments on injured military and civilian personnel;

Whereas United States Marine Corps divers were essential to the development of the buoyant ascent technique, which allows forces to deploy from submarines at depth and return to a submerged submarine, thus enabling the completion of a range of covert missions;

Whereas United States Marine Corps divers were essential to the testing and development of the Fulton Skyhook, intended for the sophisticated snatch pickup of troops from remote areas;

Whereas United States Air Force divers, specifically Pararescuemen and Combat Controllers, have supported crucial missions of the Department of Defense in Iraq and Afghanistan and crucial missions of the National Aeronautics and Space Administration;

Whereas United States Coast Guard divers undertook clandestine infiltration missions in the European and Pacific theaters of World War II;

Whereas United States Coast Guard divers provided critical underwater ship husbandry support during the historic exploration of the Northwest Passage by the Coast Guard in 1957;

Whereas United States Coast Guard divers assisted in the recoveries of Air Florida Flight 90, the Space Shuttle Challenger, and numerous other aircraft and vehicles;

Whereas United States Coast Guard divers have enhanced scientific achievements through the collection of marine samples in the Arctic and Antarctic regions;

Whereas United States Coast Guard divers have ensured the safety of shipping in the Pacific Islands; and

Whereas United States Coast Guard divers have established a security posture throughout the United States during inspections of ports, waterways, and coastal security facilities since the terrorist attacks of September 11, 2001: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of the Navy should provide an appropriate site at the former Navy Dive School at the Washington Navy Yard for the Man in the Sea Memorial Monument, to be paid for with private funds, to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world, so long as the Secretary of the Navy has exclusive authority to approve the design and site of the monument.

SENATE CONCURRENT RESOLUTION 47—EXPRESSING THE SENSE OF CONGRESS ON THE SOVEREIGNTY OF THE REPUBLIC OF CYPRUS OVER ALL OF THE TERRITORY OF THE ISLAND OF CYPRESS

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 47

Whereas the Republic of Cyprus is an independent, sovereign nation-state;

Whereas the Republic of Cyprus, as the only sovereign state on the island of Cyprus, is a member of the United Nations, the European Union, and other key international and multilateral organizations;

Whereas Secretary of State Hillary Clinton has stated that the Republic of Cyprus is "strategically important";

Whereas the Government of Cyprus is a close friend and partner of the United States Government in the volatile eastern Mediterranean region;

Whereas United Nations Security Council Resolution 939 (1994) reaffirms that a solution to the Cypriot issue must be based on a State of Cyprus with a single sovereignty and international personality, and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

Whereas the Government of Turkey illegally occupies the northern area of Cyprus with an armed force of 43,000 troops;

Whereas Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949, states, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.";

Whereas, in 1954, the Government of Turkey ratified the Geneva Convention relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949;

Whereas the Government of Turkey is attempting to colonize the part of Cyprus it occupies by sending hundreds of thousands of citizens of Turkey to live permanently in Cyprus;

Whereas the demographic composition of the Republic of Cyprus in 1974 was estimated to be 506,000 Greek-Cypriots and 118,000 Turkish-Cypriots;

Whereas the current demographic composition of the Republic of Cyprus is estimated to be 672,000 Greek-Cypriots, 89,000 Turkish-Cypriots, and 200,000-500,000 citizens of Turkey transferred by the Government of Turkey to live permanently in Cyprus;

Whereas the Turkish-Cypriot community's leadership rejected the Council of Europe's request to conduct an island-wide census to accurately determine the current demographic composition of the island's population;

Whereas the Government of Turkey's colonization plan was publicly exposed when Turkish Prime Minister Recep Tayyip Erdogan told Turkish-Cypriots protesting against the transfer of colonists from Turkey in the summer of 2011, "If you don't want us to send people, you need to have more babies.";

Whereas the demographic composition of Cyprus is being dramatically and illegally altered by the influx of non-Cypriot colonists sent from Turkey;

Whereas 40,000 Turkish-Cypriots protested against Turkish austerity measures during demonstrations in 2011, with hundreds shouting and holding signs reading, "Ankara, get your hand off our shores.";

Whereas, on March 4, 2012, Turkey's European Union Minister, Egemen Bagis, called for "annexing northern Cyprus to Turkey," an action that would be in direct violation of the United Nations Charter, United Nations Security Council resolutions on Cyprus, and

United States Government policy toward Cyprus;

Whereas, in recent years, the Republic of Cyprus, along with other countries in the eastern Mediterranean, including Israel, have discovered vast reserves of natural gas within their territorial waters and Exclusive Economic Zones (EEZs);

Whereas Cyprus and Israel recently signed an agreement defining the boundaries of their respective EEZs, and, on that basis, are proceeding with the exploration of natural gas reserves;

Whereas a United States company is currently developing hydrocarbon deposits in the offshore EEZs of Cyprus and Israel;

Whereas these developments are significant for the energy security and independence of Europe;

Whereas the United States Government supports the sovereign rights of Cyprus and Israel to explore hydrocarbon deposits in their respective EEZs;

Whereas the Government of Turkey is seeking to expand its illegal occupation to control portions of the EEZ of Cyprus and illegally seize and exploit the energy resources of Cyprus;

Whereas the Government of Turkey has engaged in a variety of provocative and bellicose actions, including sending warships off the southern coast of Cyprus to escort a Turkish research vessel looking for hydrocarbon deposits, conducting air and naval military exercises south of Cyprus in the area of exploration, declaring invalid the agreement between Israel and Cyprus demarcating their maritime borders, and threatening the use of military action against Cyprus;

Whereas the highest levels of the United States Government have privately urged the Government of Turkey not to follow through with its threats against Cyprus for exercising its sovereign right to explore its natural resources; and

Whereas, on April 26, 2012, the Government of Turkey began illegally drilling for oil and natural gas on the island of Cyprus, within the sovereign territory of the Republic of Cyprus: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) respects and accepts the sovereignty of the Republic of Cyprus over all of the territory of the island of Cyprus;

(2) urges the Government of Turkey to respect, accept, and formally recognize the sovereignty of the Republic of Cyprus over all of the territory of the island of Cyprus, end its illegal military occupation of Cyprus, and accept and fully implement all United Nations Security Council Resolutions on Cyprus;

(3) supports the Republic of Cyprus in its plans to explore and exploit energy reserves within its Exclusive Economic Zone (EEZ), and praises the Governments of the Republic of Cyprus and Israel for working cooperatively to develop the energy holdings in the region;

(4) urges the Government of Turkey to cease all activities and plans to further develop energy resources illegally within the territory and EEZ of the Republic of Cyprus;

(5) opposes the Government of Turkey's threatening statements and naval movements designed to prevent the Republic of Cyprus from exploiting its energy resources;

(6) expresses serious concern about the effort by the Government of Turkey to colonize the area of northern Cyprus by sending hundreds of thousands of non-Cypriot Turkish citizens to live in Cyprus;

(7) considers the Government of Turkey in grave violation of Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949, by transferring parts of its civilian population into occupied northern Cyprus; and

(8) urges the President to call on the Government of Turkey to end its illegal colonization of Cyprus with non-Cypriot populations, terminate its occupation of northern Cyprus, and cease its illegal interference with the exploitation by the Government of the Republic of Cyprus of its energy resources.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 67

At the request of Mr. INOUE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 210

At the request of Mr. COBURN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 262

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 262, a bill to repeal the excise tax on medical device manufacturers.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 705

At the request of Mr. CARPER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 775

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 775, a bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1309

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1309, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul

Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1613

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 2030

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2030, a bill to provide protection for consumers who have prepaid cards, and for other purposes.

S. 2060

At the request of Mr. KOHL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2060, a bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

S. 2103

At the request of Mr. LEE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2143

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2143, a bill to amend the Internal Revenue Code of 1986 to clarify that paper which is commonly recycled does not constitute a qualified energy resource under the section 45 credit for renewable electricity production.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Indiana

(Mr. COATS) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2167

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2167, a bill to increase the employment of Americans by requiring State work-force agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants.

S. 2264

At the request of Mr. HOEVEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3053

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3053, a bill to require Regional Administrators of the Environmental Protection Agency to be appointed by and with the advice and consent of the Senate.

S. 3078

At the request of Mr. PORTMAN, the names of the Senator from Florida (Mr. RUBIO), the Senator from Louisiana (Mr. VITTER), the Senator from West Virginia (Mr. MANCHIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Carolina (Mr. DEMINT), the Senator from Missouri (Mr. BLUNT), the Senator from Alaska (Mr. BEGICH), and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

S. 3085

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3085, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3220

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3239

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3257

At the request of Mr. COBURN, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from South Dakota (Mr. THUNE), and the Senator from Nebraska (Mr. JOHANNES) were added as cosponsors of S. 3257, a bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction.

S. 3261

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. UDALL), the Senator from Montana (Mr. TESTER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3261, a bill to allow the Chief of the Forest Service to award certain contracts for large air tankers.

S.J. RES. 42

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S.J. Res. 42, a joint resolution proposing an amendment to the Constitution of the

United States relative to parental rights.

S. RES. 376

At the request of Mr. WICKER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 376, a resolution commemorating the 225th anniversary of the signing of the Constitution of the United States and recognizing the contributions of the National Society of the Sons of the American Revolution and the National Society Daughters of the American Revolution.

S. RES. 435

At the request of Mr. CASEY, the name of the Senator from Nebraska (Mr. NELSON) was withdrawn as a cosponsor of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 435, supra.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2156. Mrs. GILLIBRAND (for herself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. REED, Mr. WYDEN, Mrs. BOXER, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2157. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2158. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2159. Mrs. SHAHEEN (for herself, Mr. KIRK, Mr. KIRK, Mr. DURBIN, Mr. TOOMEY, and Mr. COATS) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2160. Mrs. SHAHEEN (for herself, Mr. KIRK, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2161. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2162. Mr. MCCAIN (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2163. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2164. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2165. Mr. BARRASSO (for himself, Mr. BOOZMAN, Mr. INHOFE, Mr. SESSIONS, Mr. HELLER, Mr. VITTER, and Mr. CRAPO) submitted an amendment intended to be pro-

posed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2166. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2167. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2168. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2169. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2170. Mr. GRASSLEY (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2171. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2172. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2173. Mr. SESSIONS (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2174. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2175. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2176. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2177. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2178. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2179. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2180. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2181. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2182. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2183. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2184. Mr. WYDEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2185. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2186. Mr. COBURN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2187. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2188. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2189. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2156. Mrs. GILLIBRAND (for herself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. REED, Mr. WYDEN, Mrs. BOXER, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 9 and all that follows through the end of page 313.

On page 361, strike lines 1 through 8 and insert the following:

SEC. 4207. PURCHASE OF COMMODITIES BY COMMODITY CREDIT CORPORATION.

When the Secretary considers the purchasing of commodities by the Commodity Credit Corporation or under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), in addition to other appropriate considerations, the Secretary may consider the needs of the States and the demands placed on emergency feeding organizations.

SEC. 4208. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) **MANDATORY FUNDING.**—In addition to any other amounts made available to carry out this section, on October 1, 2012, and on each October 1 thereafter through October 1, 2021, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$50,000,000, to remain available until expended.”

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON DELIVERY EXPENSES AND REDUCED RATE OF RETURN.

(a) **ANNUAL LIMITATION ON DELIVERY EXPENSES.**—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(G) **ANNUAL LIMITATION ON DELIVERY EXPENSES.**—Beginning with the 2014 reinsurance year, the amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed \$825,000,000 per year.”

(b) **REDUCED RATE OF RETURN.**—Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

“(G) REDUCED RATE OF RETURN.—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent, as determined by the Corporation.”.

SA 2157. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. SUPPORT FOR STATE AND TRIBAL GOVERNMENT EFFORTS TO PROMOTE DOMESTIC MAPLE SYRUP INDUSTRY.

(a) GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATIONS.—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) DEFINITION OF MAPLE SUGARING.—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) REGULATIONS.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2012 through 2015.

SA 2158. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Milk Import Tariff Equity

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the “Milk Import Tariff Equity Act”.

SEC. 3302. IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN CASEIN AND MILK CONCENTRATES.

(a) CASEIN AND CASEIN PRODUCTS.—

(1) IN GENERAL.—The Additional U.S. Notes to chapter 35 of the Harmonized Tariff Schedule of the United States are amended—

(A) by striking “Additional U.S. Note” and inserting “Additional U.S. Notes”;

(B) in Note 1, by striking “subheading 3501.10.10” and inserting “subheadings 3501.10.05, 3501.10.15, and 3501.10.20”; and

(C) by adding at the end the following new Note:

“2. The aggregate quantity of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 in any calendar year shall not exceed 55,477,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”.

(2) RATES FOR CERTAIN CASEINS, CASEINATES, AND OTHER DERIVATIVES AND GLUES.—Chapter 35 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 3501.10 through 3501.90.60 and inserting the following new subheadings, with the article descriptions for subheadings 3501.10 and 3501.90 having the same degree of indentation as the article description for subheading 3502.20.00:

| | | | | |
|------------|---|-----------|---|-----------|
| 3501.10 | Casein: | | | |
| | Milk protein concentrate: | | | |
| 3501.10.05 | Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU) | 12¢/kg |
| 3501.10.15 | Described in additional U.S. note 2 to this chapter and entered according to its provisions | 0.37¢/kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU) | 12¢/kg |
| 3501.10.20 | Other | \$2.16/kg | Free (MX) | \$2.81/kg |
| 3501.10.55 | Other: Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food | Free | | Free |
| 3501.10.60 | Other: Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU) | 12¢/kg |
| 3501.10.65 | Described in additional U.S. note 2 to this chapter and entered according to its provisions | 0.37¢/kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU) | 12¢/kg |

| | | | | | |
|------------|---|---------------|--|---------------|----|
| 3501.10.70 | Other | \$2.16/ kg | Free (MX) | \$2.81/ kg | |
| 3501.90 | Other: | | | | |
| 3501.90.05 | Casein glues | 6% | Free (A, AU, BH, CA, CL, CO, E, IL, J, JO, MA, MX, OM, P, PE, SG) 4.8% (KR) | 30% | |
| 3501.90.30 | Other: Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food | 6% | Free (A, AU, BH, CA, CL, CO, E, IL, J, JO, MA, MX, OM, P, PE, SG) 4.8% (KR) | 30% | |
| 3501.90.55 | Other: Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/ kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU) | 12.1¢/ kg | |
| 3501.90.65 | Described in additional U.S. note 2 to this chapter and entered according to its provisions | 0.37¢/ kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU) | 12.1¢/ kg | |
| 3501.90.70 | Other | \$2.16/ kg | Free (MX) | \$2.81/ kg | ”. |

(b) MILK PROTEIN CONCENTRATES.—

(1) IN GENERAL.—The Additional U.S. Notes to chapter 4 of the Harmonized Tariff Schedule of the United States are amended—

(A) in Note 13, by striking “subheading 0404.90.10” and inserting “subheadings 0404.90.05, 0404.90.15, and 0404.90.20”; and

(B) by adding at the end the following new Note:

“27. The aggregate quantity of milk protein concentrates entered under subheading

0404.90.15 in any calendar year shall not exceed 18,488,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”

(2) RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 0404.90 through 0404.90.10 and inserting the following

new subheadings, with the article description for subheading 0404.90 having the same degree of indentation as the article description for subheading 0404.10 and with the article descriptions for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same degree of indentation as the article description for subheading 0405.20.40:

| | | | | | |
|------------|--|---------------|--|---------------|----|
| 0404.90 | Other: | | | | |
| 0404.90.05 | Milk protein concentrates: Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/ kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU) | 12¢/kg | |
| 0404.90.15 | Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions | 0.37¢/ kg | Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU) | 12¢/kg | |
| 0404.90.20 | Other | \$1.56/ kg | Free (MX) | \$2.02/ kg | ”. |

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the first day of the first month after

the date that is 90 days after the date of the enactment of this Act.

(2) TRANSITIONAL PROVISIONS.—

(A) CHAPTER 35.—Notwithstanding the amendments made by subsection (a)(1) of this section, in the case of any calendar year

that includes the effective date described in paragraph (1), the aggregate amount of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 shall not exceed an amount equal

to 151,992 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

(B) CHAPTER 4.—Notwithstanding the amendments made by subsection (b)(1) of this section, in the case of any calendar year that includes the effective date described in paragraph (1), the aggregate amount of milk protein concentrates entered under subheading 0404.90.15 shall not exceed an amount equal to 50,652 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

SEC. 3303. COMPENSATION AUTHORITY.

(a) IN GENERAL.—If the provisions of section 3302 require, the President—

(1) may enter into a trade agreement with any foreign country or instrumentality for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(2) may proclaim such modification or continuance of any general rate of duty, or such continuance of duty-free or excise treatment, or any quantitative limitation, as the President determines to be required or appropriate to carry out any such agreement.

(b) LIMITATIONS.—

(1) IN GENERAL.—No proclamation shall be made pursuant to subsection (a) decreasing any general rate of duty to a rate that is less than 70 percent of the existing general rate of duty.

(2) SPECIAL RULE FOR CERTAIN DUTY REDUCTIONS.—If the general rate of duty in effect is an intermediate stage under an agreement in effect before August 6, 2002, under section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902) or under an agreement entered into under section 2103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803), the proclamation made pursuant to subsection (a) may provide for the reduction of each general rate of duty at each such stage by not more than 30 percent of such general rate of duty, and may provide for a final general rate of duty that is not less than 70 percent of the general rate of duty proclaimed as the final stage under such agreement.

(3) ROUNDING.—If the President determines that such action will simplify the computation of the amount of duty computed with respect to an article, the President may exceed the limitations provided in paragraphs (1) and (2) by not more than the lesser of—

(A) the difference between such limitation and the next lower whole number, or

(B) one-half of 1 percent ad valorem.

SA 2159. Mrs. SHAHEEN (for herself, Mr. LUGER, Mr. KIRK, Mr. DURBIN, Mr. TOOMEY, and Mr. COATS) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.”.

(b) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2017”.

(c) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2017”.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) IN GENERAL.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking “2012” and inserting “2017”; and

(B) in subparagraph (B), by inserting “at reasonable prices” after “stocks”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(3) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002”.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(B) in paragraph (2)(B), by inserting “at reasonable prices” after “market”; and

(2) in subsection (g)—

(A) by striking “ALLOTMENTS.” and all that follows through “Subject to subparagraph (B), the” and inserting “ALLOTMENTS.—The”; and

(B) by striking subparagraph (B).

(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended by adding at the end the following:

“(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Notwithstanding any other provision of this part, the Secretary may suspend or modify, in whole or in part, the application of any provision of this part if the Secretary determines that the action is appropriate, taking into account—

“(1) the interests of consumers, workers in the food industry, businesses (including small businesses), and agricultural producers; and

“(2) the relative competitiveness of domestically produced and imported foods containing sugar.”.

(d) ADMINISTRATION OF TARIFF RATE QUOTAS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended to read as follows:

“SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

“(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall estab-

lish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

“(b) ADJUSTMENT.—

“(1) IN GENERAL.—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar to provide adequate supplies of sugar at reasonable prices in the domestic market.

“(2) ENDING STOCKS.—Subject to paragraphs (1) and (3), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be approximately 15.5 percent.

“(3) MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.—

“(A) IN GENERAL.—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

“(i) unreasonably high prices; or

“(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

“(B) ANNOUNCEMENT.—The Secretary shall publicly announce any establishment of a target under this paragraph.

“(4) CONSIDERATIONS.—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider the impact of the quotas on consumers, workers, businesses (including small businesses), and agricultural producers.

“(c) TEMPORARY TRANSFER OF QUOTAS.—

“(1) IN GENERAL.—To promote full use of the tariff-rate quotas for raw cane sugar and refined sugar, notwithstanding any other provision of law, the Secretary shall promulgate regulations that provide that any country that has been allocated a share of the quotas may temporarily transfer all or part of the share to any other country that has also been allocated a share of the quotas.

“(2) TRANSFERS VOLUNTARY.—Any transfer under this subsection shall be valid only on voluntary agreement between the transferor and the transferee, consistent with procedures established by the Secretary.

“(3) TRANSFERS TEMPORARY.—

“(A) IN GENERAL.—Any transfer under this subsection shall be valid only for the duration of the quota year during which the transfer is made.

“(B) FOLLOWING QUOTA YEAR.—No transfer under this subsection shall affect the share of the quota allocated to the transferor or transferee for the following quota year.”.

(e) EFFECTIVE PERIOD.—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2017”.

On page 897, strike lines 8 through 15, and insert the following:

SEC. 9009. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking “, except for” and all that follows through “ of 2002”.

SA 2160. Mrs. SHAHEEN (for herself, Mr. KIRK, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the “Stop Unfair Giveaways and Restrictions Act of 2012” or “SUGAR Act of 2012”.

SEC. 1302. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

“(1) LOANS.—The Secretary shall carry out this section through the use of recourse loans.”;

(2) by redesignating subsection (i) as subsection (j);

(3) by inserting after subsection (h) the following:

“(i) PHASED REDUCTION OF LOAN RATE.—For each of the 2012, 2013, and 2014 crops of sugar beets and sugarcane, the Secretary shall lower the loan rate for each succeeding crop in a manner that progressively and uniformly lowers the loan rate for sugar beets and sugarcane to \$0 for the 2015 crop.”; and

(4) in subsection (j) (as redesignated), by striking “2012” and inserting “2014”.

(b) PROSPECTIVE REPEAL.—Effective beginning with the 2015 crop of sugar beets and sugarcane, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. 1303. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2015 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2015 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar,”.

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting “(other than sugar beets and sugarcane)” after “commodities”; and

(B) in paragraph (3), by inserting “(other than sugar beets and sugarcane)” after “commodity”.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting “, sugar beets, and sugarcane” after “tobacco”.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “, and milk”.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—Effective beginning with the 2013 crop of sugar beets and sugarcane, section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. 1304. TARIFF-RATE QUOTAS.

(a) ESTABLISHMENT.—Except as provided in subsection (c) and notwithstanding any other provision of law, not later than October 1, 2012, the Secretary shall develop and implement a program to increase the tariff-rate quotas for raw cane sugar and refined sugars for a quota year in a manner that ensures—

(1) a robust and competitive sugar processing industry in the United States; and

(2) an adequate supply of sugar at reasonable prices in the United States.

(b) FACTORS.—In determining the tariff-rate quotas necessary to satisfy the requirements of subsection (a), the Secretary shall consider the following:

(1) The quantity and quality of sugar that will be subject to human consumption in the United States during the quota year.

(2) The quantity and quality of sugar that will be available from domestic processing of sugarcane, sugar beets, and in-process beet sugar.

(3) The quantity of sugar that would provide for reasonable carryover stocks.

(4) The quantity of sugar that will be available from carryover stocks for human consumption in the United States during the quota year.

(5) Consistency with the obligations of the United States under international agreements.

(c) EXEMPTION.—Subsection (a) shall not include specialty sugar.

(d) DEFINITIONS.—In this section, the terms “quota year” and “human consumption” have the meaning such terms had under section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) (as in effect on the day before the date of the enactment of this Act).

SEC. 1305. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2012 crop of sugar beets and sugarcane.

SA 2161. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 2 and 3, insert the following:

SEC. 4009. PLAN FOR INTERVIEWING HOUSEHOLDS.

Section 11(e)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(3)) is amended by striking “by way of” and inserting “using a plan for interviewing households at the time of application and recertification of eligibility, in a manner approved by the Secretary and that is adequate to ensure the integrity of the program and accuracy of payments, but not requiring that every applicant household be interviewed at application or that every participating household be interviewed at every recertification, and using”.

SA 2162. Mr. MCCAIN (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 12207. REPORT ON EFFECTS OF BUDGET SEQUESTRATION ON THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to the Department of Defense of \$492,000,000,000 between 2013 and 2021 under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a).

(2) These reductions are in addition to reductions of \$487,000,000,000 already being implemented by the Department of Defense, and would decrease the readiness and capabilities of the Armed Forces while increasing risks to the effective implementation of the National Security Strategy of the United States.

(3) The leaders of the Department of Defense have consistently testified that threats to the national security of the United States have increased, not decreased. Secretary of Defense Leon Panetta said that these reductions would “inflict severe damage to our national defense for generations”, comments that have been echoed by the Secretaries of the Army, Navy, and Air Force.

(4) While reductions in funds available for the Department of Defense will automatically commence January 2, 2013, uncertainty regarding the reductions has already exacerbated Department of Defense efforts to plan future defense budgets.

(5) Sequestration will have a detrimental effect on the industrial base that supports the Department of Defense.

(b) REPORT.—

(1) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to the appropriate committees of Congress a detailed report on the impact on the Department of Defense of the sequestration of funds authorized and appropriated for fiscal year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C-1 through C-5).

(B) An assessment of the potential impact of sequestration on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code arising from sequestration.

(C) A detailed estimate of the reduction in force of civilian personnel as a result of sequestration, including the estimated timing of such reduction in force actions and timing of reduction in force notifications thereof.

(D) A list of the programs, projects, and activities across the Department of Defense, the military departments, and the elements and components of the Department of Defense that would be reduced or terminated as a result of sequestration.

(E) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(F) An assessment of the impact on ongoing military operations, and the safety of United States military personnel, of sequestration of funds in accounts for overseas contingency operations.

(3) ASSUMPTIONS.—The report required by paragraph (1) shall assume the following:

(A) Except as provided in subparagraph (B), the funds subject to sequester are the funds in all 050 accounts, including all unobligated balances.

(B) Funds in accounts for military personnel are exempt from the sequester.

(4) PRESENTATION OF CERTAIN INFORMATION.—In listing programs, projects, and activities under paragraph (2)(D), the report required by paragraph (1) shall set forth for each the following:

(A) The most specific level of budget item identified in applicable appropriations Acts.

(B) Related classified annexes and explanatory statements.

(C) Department of Defense budget justification documents DOD P-1 and R-1 as subsequently modified by congressional action, and as submitted by the Department of Defense together with the budget materials for the budget of the President for fiscal year 2013 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code).

(D) Department of Defense document O-1 for operation and maintenance accounts for fiscal year 2013, for which purpose the term “program, project, or activity” means the

budget activity account and sub account for the program, project, or activity as submitted in such document O-1.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services, Appropriations, and the Budget of the Senate; and

(2) the Committees on Armed Services, Appropriations, and the Budget of the House of Representatives.

SA 2163. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122 . . . PROHIBITION ON USE OF FEDERAL FUNDS RELATING TO ETHANOL BLENDER PUMPS AND ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law shall be expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility (unless the funds are expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility for use by motor vehicle fleets operated by a Federal agency), including—

(1) funds in any trust fund to which funds are made available by Federal law; and

(2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

SA 2164. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. CRIMINAL PENALTIES UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATING TO MISBRANDED OR ADULTERATED FOOD.

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—

(1) in paragraph (1), by striking “Any” and inserting “Except as provided in paragraph (2) or (3), any”;

(2) in paragraph (2), by striking “Notwithstanding the provisions of paragraph (1) of this section, if” and inserting “If”; and

(3) by adding at the end the following:

“(3) Any person who violates subsection (a), (b), (c), or (k) of section 301 with respect to any food—

“(A) knowingly and intentionally to defraud or mislead; and

“(B) with conscious or reckless disregard of a risk of death or serious bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

SA 2165. Mr. BARRASSO (for himself, Mr. BOOZMAN, Mr. INHOFE, Mr. SESSIONS, Mr. HELLER, Mr. VITTER, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural

programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—Neither the Secretary of the Army nor the Administrator of the Environmental Protection Agency shall—

(1) finalize the proposed guidance described in the notice of availability and request for comments entitled “EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act” (EPA-HQ-OW-2011-0409) (76 Fed. Reg. 24479 (May 2, 2011)); or

(2) use the guidance described in paragraph (1), or any substantially similar guidance, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rule-making.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any substantially similar guidance, as the basis for any rule shall be grounds for vacation of the rule.

SA 2166. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . PAYMENT OF HIGHER WAGES.

Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(1) by inserting “(1)” after “(a)”;

(2) by adding at the end the following:

“(2) Notwithstanding a labor organization’s exclusive representation of employees in a unit, or the terms and conditions of any collective bargaining contract or agreement then in effect, nothing in either—

“(A) section 8(a)(1) or section 8(a)(5), or

“(B) a collective bargaining contract or agreement renewed or entered into after the date of enactment of the RAISE Act,

shall prohibit an employer from paying an employee in the unit greater wages, pay, or other compensation for, or by reason of, his or her services as an employee of such employer, than provided for in such contract or agreement.”.

SA 2167. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 140, strike line 1 and insert the following:

(b) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsection (d) and inserting the following:

“(d) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—The total amount of marketing loan gains and loan deficiency payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under subtitle B of the Agriculture Reform, Food, and Jobs Act of 2012 (or a successor provision) for—

“(1) peanuts may not exceed \$75,000; and
“(2) 1 or more other covered commodities may not exceed \$75,000.”

(c) CONFORMING AMENDMENTS.—
On page 143, line 9, strike “(c)” and insert “(d)”.

SA 2168. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 139, lines 17 and 18, strike “PEANUTS AND OTHER”.

On page 139, lines 22 through 24, strike “for—” and all that follows through “1 or more other” and insert “for 1 or more”.

SA 2169. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, between lines 3 and 4, insert the following:

“(d) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall not guarantee a loan under this chapter for a borrower for any year after the 15th year that a guarantee is provided with respect to, the borrower under this chapter.

“(2) WAIVERS.—

“(A) IN GENERAL.—The Secretary may, on a case-by-case basis not subject to administrative appeal, grant a borrower a waiver from the limitation period under paragraph (1) if the borrower demonstrates to the satisfaction of the Secretary that—

“(i) the borrower has a viable farm or ranch operation; and

“(ii) the borrower is unable to obtain a commercial loan without a loan guarantee.

“(B) WAIVER PERIOD.—A waiver issued under subparagraph (A) shall not be for a period of more than 3 years.

SA 2170. Mr. GRASSLEY (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 12106. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

“(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

“(1) an arrangement entered into within 14 days (excluding any Saturday or Sunday) be-

fore slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

“(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

“(A) own, feed, or control livestock; and

“(B) provide the livestock to the cooperative for slaughter;

“(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

“(4) a packer that owns 1 livestock processing plant; or”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary.

SA 2171. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 313, after line 25, insert the following:

SEC. 4003. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS.

Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended by adding at the end the following:

“(o) SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS.—

“(1) DEFINITION OF SATISFACTORY IMMIGRATION STATUS.—In this subsection, the term ‘satisfactory immigration status’ means an immigration status under which an individual is eligible for benefits under the supplemental nutrition assistance program, if the individual otherwise meets the requirements of this Act.

“(2) DECLARATION.—

“(A) IN GENERAL.—As a condition of eligibility for the supplemental nutrition assistance program, the Secretary shall require each head of a household seeking to participate in the program to submit to the applicable State agency a written declaration in accordance with subparagraph (B), which the head of household shall sign under penalty of perjury.

“(B) CONTENTS.—The head of household shall certify in the written declaration under subparagraph (A) that each member of the household is—

“(i) national of the United States (as that term is defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

“(ii) in a satisfactory immigration status.

“(3) DOCUMENTATION.—

“(A) NATIONALS OF THE UNITED STATES.—Subject to subparagraph (B), for each member of a household for which a certification is made under clause (i) of paragraph (2)(B), the head of household shall submit to the State agency administering the supplemental nutrition assistance program documentation demonstrating that each such member is a national of the United States that is—

“(i) a document showing birth in the United States;

“(ii) a United States consular report of birth;

“(iii) a United States passport;

“(iv) a Certificate of Naturalization; or

“(v) a Certificate of Citizenship.

“(B) SATISFACTORY IMMIGRATION STATUS.—

Subject to subparagraph (B), for each member of a household for which a certification is made under clause (ii) of paragraph (2)(B), the head of household shall submit to the State agency administering the supplemental nutrition assistance program—

“(i) alien registration documentation or other proof of immigration registration issued by the Secretary of Homeland Security that contains—

“(I) the alien admission number of the individual; and

“(II) the alien file number of the individual; or

“(ii) any other document that the State agency determines constitutes reasonable evidence of a satisfactory immigration status.

“(C) ADULT HOUSEHOLD MEMBERS.—An individual who is a member of a household who is 18 years of age or older for which a certification is made under clause (i) or (ii) of paragraph (2)(B) shall submit to the State agency the documentation described in subparagraph (A) or (B) on such individual's own behalf.

“(4) SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM.—For documentation described in paragraph (3)(B), the State agency to which the documentation is submitted shall use the alien admission number or alien file number of the individual to verify the immigration status of the individual using the Systematic Alien Verification for Entitlements Program of the United States Citizenship and Immigration Services.”.

SA 2172. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. REPEAL OF STATE BONUS PAYMENTS.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

SA 2173. Mr. SESSIONS (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4002 and insert the following:

SEC. 4002. STANDARD UTILITY ALLOWANCE.

(a) STANDARD UTILITY ALLOWANCE.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in subsection (e)(6)(C), by striking clause (iv); and

(2) in subsection (k), by striking paragraph (4) and inserting the following:

“(4) **THIRD PARTY ENERGY ASSISTANCE PAYMENTS.**—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in paragraph (2)(G)) to provide energy assistance to a household shall be considered money payable directly to the household.”.

(b) **CONFORMING AMENDMENTS.**—Section 2605(f)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))”; and

(2) in subparagraph (A), by inserting before the semicolon the following: “, except that such payments or allowances shall not be considered to be expended for purposes of determining any excess shelter expense deduction under section 5(e)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6))”.

SA 2174. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, between lines 8 and 9, insert the following:

SEC. 4002. LIMITATION ON CATEGORICAL ELIGIBILITY.

Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the second sentence of subsection (a), by striking “households in which each member receives benefits” and inserting “households in which each member receives cash assistance”; and

(2) in subsection (j), by striking “or who receives benefits under a State program” and inserting “or who receives cash assistance under a State program”.

SA 2175. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122. GRAZING PERMITS AND LEASES.

(a) **TERMS OF GRAZING PERMITS AND LEASES.**—Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking “ten years” each place it appears and inserting “20 years”; and

(2) in subsection (b)—

(A) by striking “or” at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.”.

(b) **RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.**—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING OF GRAZING PERMITS AND LEASES.

“(a) **DEFINITIONS.**—In this section:

“(1) **CURRENT GRAZING MANAGEMENT.**—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

“(2) **SECRETARY CONCERNED.**—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) **RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.**—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 5801);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

“(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa 50).

“(c) **TERMS; CONDITIONS.**—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) **CANCELLATION; SUSPENSION; MODIFICATION.**—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) **RENEWAL, TRANSFER, OR REISSUANCE AFTER PROCESSING.**—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at the sole discretion of the Secretary concerned, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

“(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) **PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.**—The Secretary

concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(h) **NEPA EXEMPTIONS.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.”.

SA 2176. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, between lines 3 and 4, insert the following:

SEC. 83. COOPERATIVE AGREEMENTS FOR FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION SERVICES.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE STATE.**—The term “eligible State” means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) **STATE FORESTER.**—The term “State forester” means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

(b) **COOPERATIVE AGREEMENTS AND CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State.

(2) **AUTHORIZED SERVICES.**—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) **STATE AS AGENT.**—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) **SUBCONTRACTS.**—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) **TIMBER SALES.**—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) **RETENTION OF NEPA RESPONSIBILITIES.**—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) **APPLICABLE LAW.**—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

SA 2177. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NAVIGABLE WATERS.

(a) **SHORT TITLE.**—This section may be cited as the “Defense of Environment and Property Act of 2012”.

(b) **NAVIGABLE WATERS.**—

(1) **IN GENERAL.**—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by striking paragraph (7) and inserting the following:

“(7) **NAVIGABLE WATERS.**—

“(A) **IN GENERAL.**—The term ‘navigable waters’ means the waters of the United States, including the territorial seas, that are—

“(i) navigable-in-fact; or

“(ii) permanent, standing, or continuously flowing bodies of water that form geographical features commonly known as streams, oceans, rivers, and lakes that are connected to waters that are navigable-in-fact.

“(B) **EXCLUSIONS.**—The term ‘navigable waters’ does not include—

“(i) waters that—

“(I) do not physically abut waters described in subparagraph (A); and

“(II) lack a continuous surface water connection to navigable waters;

“(ii) man-made or natural structures or channels—

“(I) through which water flows intermittently or ephemeral; or

“(II) that periodically provide drainage for rainfall; or

“(iii) wetlands without a continuous surface connection to bodies of water that are waters of the United States.

“(C) **EPA AND CORPS ACTIVITIES.**—An activity carried out by the Administrator or the Corps of Engineers shall not, without explicit State authorization, impinge upon the traditional and primary power of States over land and water use.

“(D) **AGGREGATION; WETLANDS.**—

“(i) **AGGREGATION.**—Aggregation of wetlands or waters not described in clauses (i) through (iii) of subparagraph (B) shall not be used to determine or assert Federal jurisdiction.

“(ii) **WETLANDS.**—Wetlands described in subparagraph (B)(iii) shall not be considered to be under Federal jurisdiction.

“(E) **APPEALS.**—A jurisdictional determination by the Administrator that would affect the ability of a State to plan the development and use (including restoration, preservation, and enhancement) of land and

water resources may be appealed by the State during the 30-day period beginning on the date of the determination.

“(F) **TREATMENT OF GROUND WATER.**—Ground water shall—

“(i) be considered to be State water; and

“(ii) not be considered in determining or asserting Federal jurisdiction over isolated or other waters, including intermittent or ephemeral water bodies.

“(G) **PROHIBITION ON USE OF NEXUS TEST.**—Notwithstanding any other provision of law, the Administrator may not use a significant nexus test (as used by EPA in the proposed document listed in section 3(a)(1)) to determine Federal jurisdiction over navigable waters and waters of the United States (as those terms are defined and used, respectively, in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).”

(2) **APPLICABILITY.**—Nothing in this subsection or the amendments made by this subsection affects or alters any exemption under—

(A) section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)); or

(B) section 404(f) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)).

(c) **APPLICABILITY OF AGENCY REGULATIONS AND GUIDANCE.**—

(1) **IN GENERAL.**—The following regulations and guidance shall have no force or effect:

(A) The final rule of the Corps of Engineers entitled “Final Rule for Regulatory Programs of the Corps of Engineers” (51 Fed. Reg. 41206 (November 13, 1986)).

(B) The proposed rule of the Environmental Protection Agency entitled “Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of ‘Waters of the United States’” (68 Fed. Reg. 1991 (January 15, 2003)).

(C) The guidance document entitled “Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in *Rapanos v. United States* & *Carabell v. United States*” (December 2, 2008) (relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)).

(D) Any subsequent regulation of or guidance issued by any Federal agency that defines or interprets the term “navigable waters”.

(2) **PROHIBITION.**—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall not promulgate any rules or issue any guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress.

(d) **STATE REGULATION OF WATER.**—Nothing in this section affects, amends, or supersedes—

(1) the right of a State to regulate waters in the State; or

(2) the duty of a landowner to adhere to any State nuisance laws (including regulations) relating to waters in the State.

(e) **CONSENT FOR ENTRY BY FEDERAL REPRESENTATIVES.**—Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) is amended by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—

“(1) **ENTRY BY FEDERAL AGENCY.**—A representative of a Federal agency shall only enter private property to collect information about navigable waters if the owner of that property—

“(A) has consented to the entry in writing;

“(B) is notified regarding the date of the entry; and

“(C) is given access to any data collected from the entry.

“(2) **ACCESS.**—If a landowner consents to entry under paragraph (1), the landowner shall have the right to be present at the time any data collection on the property of the landowner is carried out.”

(f) **COMPENSATION FOR REGULATORY TAKING.**—

(1) **IN GENERAL.**—If a Federal regulation relating to the definition of navigable waters or waters of the United States diminishes the fair market value or economic viability of a property, as determined by an independent appraiser, the Federal agency issuing the regulation shall pay the affected property owner an amount equal to twice the value of the loss.

(2) **ADMINISTRATION.**—Any payment provided under paragraph (1) shall be made from the amounts made available to the relevant agency head for general operations of the agency.

(3) **APPLICABILITY.**—A Federal regulation described in paragraph (1) shall have no force or effect until the date on which each landowner with a claim under this subsection relating to that regulation has been compensated in accordance with this subsection.

SA 2178. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FREEDOM FROM OVERCRIMINALIZATION AND UNJUST SEIZURES.

(a) **PROHIBITED ACTS.**—Section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “or in violation of any foreign law”; and

(B) in subparagraph (B)—

(i) in clause (i), by striking “, or any foreign law,”;

(ii) in clause (ii), by striking “or any foreign law”; and

(iii) in clause (iii), by striking “, or under any foreign law,”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “foreign law or”; and

(B) in subparagraph (B)—

(i) in clause (i), by striking “, or any foreign law,”;

(ii) in clause (ii), by striking “or any foreign law”; and

(iii) in clause (iii), by striking “, or under any foreign law,”.

(b) **PENALTIES.**—Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) **ASSESSMENT.**—

“(A) **IN GENERAL.**—Any person who engages in conduct prohibited by any provision of this Act (other than subsections (b), (d), and (f) of section 3) and in the exercise of due care should know that the fish, wildlife, or plants were taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any underlying law, treaty, or regulation, and any person who knowingly violates subsection (d) or (f) of section 3, may be assessed a civil penalty by the Secretary for each violation in accordance with subparagraph (B) or (C), as applicable.

“(B) **MARKET VALUE OF LESS THAN \$350.**—If a violation under subparagraph (A) involves fish or wildlife or plants with a market value

of less than \$350 and involves only the transportation, acquisition, or receipt of fish, wildlife, or plants taken or possessed in violation of any law, treaty, or regulation of the United States, tribal law, or any law or regulation of a State, the penalty assessed under subparagraph (A) for the violation shall not exceed the lesser of—

“(i) the maximum amount of the penalty provided for violation of the law or regulation; or

“(ii) \$10,000.

“(C) OTHER VIOLATIONS.—For any violation under subparagraph (A) that is not described in subparagraph (B), the penalty assessed under that subparagraph shall not exceed \$200,000.”; and

(2) by striking subsections (d) and (e).

(c) FORFEITURE.—Section 5 of the Lacey Act Amendments of 1981 (16 U.S.C. 3374) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) IN GENERAL.—All fish, wildlife, or plants imported, exported, transported, sold, received, acquired, or purchased in violation of section 3 (other than subsection (b) of that section), or any regulation issued under that section, shall be subject to forfeiture to the United States notwithstanding any culpability requirements for civil penalty assessment under section 4.”;

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (b) (as redesignated), by striking “convicted of an offense, or assessed a civil penalty,” and inserting “assessed a civil penalty”.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Section 6 of the Lacey Act Amendments of 1981 (16 U.S.C. 3375) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (b) (as redesignated), by striking the third sentence; and

(D) in the first sentence of subsection (c) (as redesignated)—

(i) by striking “an arrest, a criminal conviction, civil penalty assessment, or forfeiture of property” and inserting “a civil penalty assessment or forfeiture of property”; and

(ii) by striking “or criminal”.

(2) CONFORMING AMENDMENTS.—

(A) Section 3(c)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l(c)(3)) is amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(B) Section 503(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1423b(b)) is amended—

(i) by striking the subsection designation and heading and all that follows through “The Secretary may utilize” in paragraph (1) and inserting the following:

“(b) UTILIZATION OF OTHER GOVERNMENT RESOURCES AND AUTHORITIES.—The Secretary may utilize”; and

(ii) by striking paragraph (2).

(C) Section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) is amended in the fourth sentence by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(D) Section 7(f) of the Rhinoceros and Tiger Conservation Act (16 U.S.C. 5305a(f)) is

amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(E) Section 524(c)(4)(A) of title 28, United States Code, is amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(F) Section 1402(b)(1)(A)(ii) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)(1)(A)(ii)) is amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(e) EXCEPTIONS.—Section 8 of the Lacey Act Amendments of 1981 (16 U.S.C. 3377) is amended by striking subsection (b) and inserting the following:

“(b) ACTIVITIES REGULATED BY TUNA CONVENTION ACTS.—Paragraphs (1), (2)(A), and (3)(A) of subsection 3(a) shall not apply to any activity regulated by the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.).”.

SA 2179. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CARRYING OF FIREARMS BY DEPARTMENT EMPLOYEES.

(a) AUTHORITY OF THE OFFICE OF THE INSPECTOR GENERAL.—Section 1337 of the Agriculture and Food Act of 1981 (7 U.S.C. 2270) is amended—

(1) in paragraph (1), by inserting “and” after the semicolon;

(2) in paragraph (2), by striking “; and”; and

(3) by striking paragraph (3).

(b) FIREARM AUTHORITY OF EMPLOYEES ENGAGED IN ANIMAL QUARANTINE ENFORCEMENT.—

(1) IN GENERAL.—Section 1 of Public Law 97-312 (7 U.S.C. 2274) is repealed.

(2) EFFECT ON REGULATIONS.—Any regulation promulgated by the Secretary of Agriculture under section 1 of Public Law 97-312 (7 U.S.C. 2274) shall have no force or effect.

(3) CONFORMING AMENDMENT.—Section 2 of Public Law 97-312 (96 Stat. 1461) is redesignated as section 1.

(c) ENFORCEMENT PROVISIONS.—Section 204(b)(1) of the Sikes Act (16 U.S.C. 670j(b)) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) through (v) as clauses (i) through (iv), respectively, and by indenting appropriately.

SA 2180. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . INTERSTATE TRAFFIC OF UNPASTEURIZED MILK AND MILK PRODUCTS.

(a) SALE ALLOWED.—Notwithstanding the Federal Food, Drug, and Cosmetic Act (21

U.S.C. 301 et seq.), section 361 of the Public Health Service Act (42 U.S.C. 264), and any regulations or other guidance issued under such Act or section, a Federal department, agency, or court may not take any action (such as administrative, civil, criminal, or other actions) that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk, or a milk product, that is unpasteurized and packaged for direct human consumption, if such restriction is based on the determination that, solely because such milk or milk product is unpasteurized, such milk or milk product is adulterated, misbranded, or otherwise in violation of Federal law.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) The terms “interstate traffic”, “milk”, and “milk product” have the meanings given those terms in section 1240.3 of title 21, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) The term “packaged for direct human consumption” means milk and milk products that are packaged for the final consumer and intended for human consumption. Such term does not include milk and milk products that are packaged for additional processing, including pasteurization, before being consumed by humans.

(3) The term “pasteurized” means the process of heating milk and milk products to the applicable temperature specified in the tables contained in section 1240.61 of title 21, Code of Federal Regulations (or successor regulations), and held continuously at or above that temperature for at least the corresponding specified time in such tables.

SA 2181. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1605 and insert the following:

SEC. 1605. AVERAGE ADJUSTED GROSS INCOME LIMITATION.

Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 3a) is amended by striking subsection (b) and inserting the following:

“(b) LIMITATIONS.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any payment or other benefit under the Agriculture Reform, Food, and Jobs Act of 2012, or any amendment made by that Act, during a crop, fiscal, or program year, as appropriate, if the average adjusted gross income of the person or legal entity exceeds \$250,000.”.

SA 2182. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 2 and all that follows through page 342, line 10, and insert the following:

Subtitle A—Supplemental Nutrition Assistance Block Grant Program

SEC. 4001. PURPOSE.

The purpose of this subtitle is to empower States with programmatic flexibility and financial predictability in designing and operating State programs—

(1) to raise the levels of nutrition among low-income households;

(2) to provide supplemental nutrition assistance benefits to households with income and resources that are insufficient to meet the costs of providing adequate nutrition; and

(3) to provide States the flexibility to provide new and innovative means to accomplish paragraphs (1) and (2) based on the population and particular needs of each State.

SEC. 4002. STATE PLANS.

(a) IN GENERAL.—To receive a grant under section 4003, a State shall submit to the Secretary a written plan that describes the manner in which the State intends to conduct a supplemental nutrition assistance program that—

(1) is designed to serve all political subdivisions in the State;

(2) provides supplemental nutrition assistance benefits to low-income households for the sole purpose of purchasing food, as defined by the applicable State agency in the plan; and

(3) limits participation in the supplemental nutrition assistance program to those households the incomes and other financial resources of which, held singly or in joint ownership, are determined by the State to be a substantial limiting factor in permitting the members of the household to obtain a more nutritious diet.

(b) REQUIREMENTS.—Each plan shall include—

(1) specific objective criteria for—

(A) the determination of eligibility for nutritional assistance for low-income households, which may be based on standards relating to income, assets, family composition, beneficiary population, age, work, current participation in other Federal government means-tested programs, and work, student enrollment, or training requirements; and

(B) fair and equitable treatment of recipients and provision of supplemental nutrition assistance benefits to all low-income households in the State; and

(2) a description of—

(A) benefits provided based on the aggregate grant amount; and

(B) the manner in which supplemental nutrition assistance benefits will be provided under the State plan, including the use of State administration organizations, private contractors, or consultants.

(c) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—

(1) IN GENERAL.—The Governor of each State that receives a grant under section 4003 shall issue a certification to the Secretary in accordance with this subsection.

(2) ADMINISTRATION.—The certification shall specify which 1 or more State agencies will administer and supervise the State plan under this section.

(3) PROVISION OF BENEFITS ONLY TO LOW-INCOME INDIVIDUALS AND HOUSEHOLDS.—

(A) IN GENERAL.—The certification shall certify that the State will—

(i) only provide supplemental nutrition assistance to low-income individuals and households in the State; and

(ii) take such action as is necessary to prohibit any household or member of a household that does not meet the criteria described in subparagraph (B) from receiving supplemental nutrition assistance benefits.

(B) CRITERIA.—A household shall meet the criteria described in this subparagraph if the household is—

(i) a household in which each member receives benefits under the supplemental secu-

rity income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(ii) a low-income household that does not exceed 100 percentage of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) for a family of the size involved as the State shall establish; or

(iii) a household in which each member receives benefits under a State or Federal general assistance program that complies with income criteria standards comparable to or more restrictive than the standards established under clause (ii).

(4) PROVISION OF BENEFITS ONLY TO CITIZENS AND LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES.—The certification shall certify that the State will—

(A) only provide supplemental nutrition assistance to citizens and lawful permanent residents of the United States; and

(B) take such action as is necessary to prohibit supplemental nutrition assistance benefits from being provided to any individual or household a member of which is not a citizen or lawful permanent resident of the United States.

(5) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD, WASTE AND ABUSE.—The certification shall certify that the State—

(A) has established and will continue to enforce standards and procedures to ensure against program fraud, waste, and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage; and

(B) will prohibit from further receipt of benefits under the program any recipient who attempts to receive benefits fraudulently.

(6) LIMITATION ON SECRETARIAL AUTHORITY.—The Secretary—

(A) may only review a State plan submitted under this section for the purpose of confirming that a State has submitted the required documentation; and

(B) shall not have the authority to approve or deny a State plan submitted under this section or to otherwise inhibit or control the expenditure of grants paid to a State under section 4003, unless a State plan does not comply with the requirements of this section.

SEC. 4003. GRANTS TO STATES.

(a) IN GENERAL.—Beginning 120 days after the date of enactment of this Act, and annually thereafter, each State that has submitted a plan that meets the requirements of section 4002 shall receive from the Secretary a grant in an amount determined under subsection (b).

(b) AMOUNTS OF GRANTS.—

(1) IN GENERAL.—Subject to paragraph (3), a grant received under subsection (a) shall be in an amount equal to the product of—

(A) the amount made available under section 4005 for the applicable fiscal year; and

(B) the proportion that—

(i) the number of individuals residing in the State whose income does not exceed 100 percent of the poverty line described in section 4002(c)(3)(B)(i) applicable to a family of the size involved; bears to

(ii) the number of such individuals in all States that have submitted a plan under section 4002 for the applicable fiscal year, based

on data for the most recent fiscal year for which data is available.

(2) PRO RATA ADJUSTMENTS.—The Secretary shall make pro rata adjustments in the amounts determined for States under paragraph (1) for each fiscal year as necessary to ensure that—

(A) the total amount appropriated for the applicable fiscal year under section 4005 is allotted among all States that submit a plan under section 4002; and

(B) the total amount of all supplemental nutrition assistance grants for States determined for the fiscal year does not exceed the total amount appropriated for the fiscal year.

(3) ADMINISTRATIVE PROVISIONS.—

(A) QUARTERLY PAYMENTS.—The Secretary shall make each supplemental nutrition assistance grant payable to a State for a fiscal year under this section in quarterly installments.

(B) COMPUTATION AND CERTIFICATION OF PAYMENT TO STATES.—

(i) COMPUTATION.—The Secretary shall estimate the amount to be paid to each State for each quarter under this section based on a report filed by the State that shall include—

(I) an estimate by the State of the total amount to be expended by the State during the applicable quarter under the State program funded under this subtitle; and

(II) such other information as the Secretary may require.

(ii) CERTIFICATION.—The Secretary shall certify to the Secretary of the Treasury the amount estimated under clause (i) with respect to each State, adjusted to the extent of any overpayment or underpayment—

(I) that the Secretary determines was made under this subtitle to the State for any prior quarter; and

(II) with respect to which adjustment has not been made under this paragraph.

SEC. 4004. USE OF GRANTS.

(a) IN GENERAL.—Subject to subsection (b), a State that receives a grant under section 4003 may use the grant in any manner that is reasonably demonstrated to accomplish the purposes of this subtitle.

(b) LIMITATION ON USE OF GRANT FOR ADMINISTRATIVE PURPOSES.—A State may not use more than 3 percent of the amount of a grant received for a fiscal year under section 4003 for administrative purposes.

SEC. 4005. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$45,000,000,000 for fiscal year 2013 and each fiscal year thereafter.

SEC. 4006. REPEAL.

(a) IN GENERAL.—Effective 120 days after the date of enactment of this Act, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) RELATIONSHIP TO OTHER LAW.—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the supplemental nutrition assistance block grant program under this subtitle.

SA 2183. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON FOREIGN ASSISTANCE TO PAKISTAN.

No amounts may be obligated or expended to provide any direct United States assistance to the Government of Pakistan unless the President certifies to Congress that—

(1) Dr. Shakil Afridi has been released from prison in Pakistan;

(2) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(3) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan.

SA 2184. Mr. WYDEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters

SEC. 3301. ACCESS OF MEMBERS OF CONGRESS AND THEIR STAFF TO DOCUMENTS RELATING TO TRADE NEGOTIATIONS.

(a) **PURPOSES.**—The purposes of this section are—

(1) to ensure the adequate consultation of the United States Trade Representative with Members of Congress;

(2) to provide Members of Congress with appropriate opportunities—

(A) to advise the Trade Representative with respect to the formulation of trade policy; and

(B) to propose specific negotiating objectives for trade negotiations; and

(3) to provide Members of Congress with the information necessary to assess compliance with and enforcement of commitments made by countries that are parties to trade agreements with the United States.

(b) **ACCESS TO CERTAIN DOCUMENTS.**—Notwithstanding section 2107 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3807) or any other provision of law, the United States Trade Representative shall provide access to documents, including classified materials, relating to negotiations for a trade agreement to which the United States may be a party and policies advanced by the Trade Representative in such negotiations to—

(1) any Member of Congress that requests such documents; and

(2) staff of such a Member with proper security clearances.

SA 2185. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 2 and all that follows through page 342, line 10, and insert the following:

Subtitle A—Supplemental Nutrition Assistance Block Grant Program

SEC. 4001. SUPPLEMENTAL NUTRITION ASSISTANCE BLOCK GRANT PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a supplemental nutrition assistance block grant program under which the Secretary shall make grants to each State that submits to the Secretary a plan describing the manner in which the State will carry out the supplemental nutrition assistance program in the State, including eligibility and fraud prevention requirements.

(b) **AMOUNT OF GRANT.**—For each fiscal year, the Secretary shall make a grant to each State that has submitted a plan under subsection (a) in an amount equal to the product of—

(1) the amount made available under subsection (c) for the applicable fiscal year; and

(2) the proportion that—

(A) the number of low-income individuals (as determined by the Secretary) in the State; bears to

(B) the number of low-income individuals in all States that have submitted a plan for the applicable fiscal year.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section an amount equal to the amount made available to carry out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as in effect on the day before the date of enactment of this Act) for fiscal year 2010.

SEC. 4002. REPEAL.

(a) **IN GENERAL.**—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) **RELATIONSHIP TO OTHER LAW.**—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the supplemental nutrition assistance block grant program under this subtitle.

SA 2186. Mr. COBURN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) **LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.**—

“(A) **DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.**—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)).

“(B) **LIMITATION.**—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.”.

SA 2187. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 398, line 1, insert “(including a commercial fisherman)” after “farmer”.

SA 2188. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1003, line 24, insert “and commercially harvested fish” after “ornamental fish”.

SA 2189. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

SEC. 4208. FRUIT AND VEGETABLE PROGRAM.

Section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) is amended—

(1) in the section heading, by striking “FRESH”;

(2) in subsection (a), by striking “fresh”; and

(3) by striking subsection (b) and inserting the following:

“(b) **PROGRAM.**—A school participating in the program—

“(1) shall make free fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school;

“(2) may make the free fruits and vegetables available in any form (such as fresh, frozen, dried, or canned) that meets any nutrition requirement prescribed by the Secretary and consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

“(3) shall purchase, to the maximum extent practicable, domestic commodities or products in compliance with section 12(n) (including any implementing regulations).”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 6, 2012, at 10 a.m., to conduct a Committee hearing entitled “Implementing Wall Street Reform: Enhancing Bank Supervision and Reducing Systemic Risk.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 6, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "The European Union Emissions Trading System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 6, 2012, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 6, 2012, at 10:00 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Ensuring that Federal Prosecutors Meet Discovery Obligations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 6, 2012, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 6, 2012, at 2:00 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled "Pension Poachers: Preventing Fraud and Protecting America's Veterans."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that two detailees from my office, Herrick Fox and Benjamin Thomas, be granted floor privileges for the remainder of the debate on S. 3240, the Agriculture Reform, Food, and Jobs Act of 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that Chris Avery, a fellow in Senator COONS' office, be granted the privilege of the floor for the remainder of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, on behalf of Senator LEAHY, I ask unanimous consent that Michelle Lacko, a fellow on the Senate Judiciary Committee, be granted Senate floor privileges for the duration of the

debate on S. 3240, the Agriculture Reform, Food and Jobs Act of 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAUL. Mr. President, I ask unanimous consent that privileges of the floor be granted to Benedikt Springer from Senator MERKLEY's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HUNGER AWARENESS DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 484, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) designating June 7, 2012, as National Hunger Awareness Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I rise in honor of National Hunger Awareness Day, which takes place on June 7. On this day, we focus on the difficult reality that exists for millions of Americans. Hunger is a form of poverty, and the persistence of hunger in the wealthiest nation in the world is both alarming and unacceptable. It is long past due that we recognize the devastating impact of hunger and commit to protect the anti-hunger programs that help children and families in their time of need.

Today, June 6, marks a sad day in America, the forty-fourth anniversary of Senator Robert Kennedy's death. In April 1967, Senator Kennedy visited homes in the Mississippi Delta where he was stunned to see babies with distended bellies and ice boxes and cupboards bare of food. Senator Kennedy was visibly moved by those he met with on his trip and went back to Washington to make hunger a national issue and to raise federal support for hungry children and families.

Today the fight continues. Hunger remains a reality in all of our communities. We see it in the long lines at our food pantries. We hear it from seniors forced to choose between groceries and medication. And we see it in the faces of children at school who have not had a decent meal since yesterday's school lunch.

During a visit to a food bank in Champaign, IL, I noticed a young woman who I thought worked there or served on the board, but when she spoke with me I learned that she is a teacher's aide in a local school and a single mom with two kids. While she is happy to have her teaching job, she doesn't earn enough to keep food on the table and must rely on the food bank and food stamps.

Her story is not unique. Millions of families live each day not knowing if

or how they will put food on the table. Rather than thinking about what the next meal will be, parents worry if there will be a next meal. Today, 50 million people have trouble putting food on the table, and 740,000 children live in a food insecure household. Where there is poverty, we see a greater demand for emergency food programs and support. Fortunately, programs like the Supplemental Nutrition Assistance Program—SNAP—Women, Infant, Children—WIC—Program, and school meal programs provide food for hungry children and families. These programs have responded to the growing need by helping low and middle-class families, children, and seniors maintain a healthy diet.

The benefits of SNAP reach far beyond helping households maintain a healthy diet. SNAP is one of the Nation's most important anti-hunger programs and has provided over 46 million Americans with essential food assistance. In Illinois, more than 1.8 million people rely on SNAP benefits. SNAP has lifted nearly 2.5 million children out of poverty, more than any other government program.

According to the United States Department of Agriculture's—USDA—Economic Research Service, \$5 of SNAP benefits can generate \$9 in economic activity through retail demand, farm production, and jobs. When millions of Americans are struggling, food stamps meet a basic human need.

This week the Senate will take up the Farm bill, which provides critical funding for food assistance programs, including SNAP. I am concerned about possible amendments to significantly alter how the program operates. SNAP provides an important safety net for households that have fallen on hard times.

Throughout the country, food banks and pantries that rely on Federal assistance are the front line of the fight against hunger, providing emergency food assistance to hungry families. At a time when millions of middle class Americans are struggling to keep up with higher gas prices, grocery bills, and health care costs, more families are looking to federal programs for assistance. Throughout the country, federal hunger assistance programs have responded to this growing need by providing essential support to hungry families. Over the past 2 years, Illinois food banks have seen a 50 percent increase in requests for food assistance.

As Americans struggle to make ends meet, they rely on food pantries to fill gaps in their grocery needs. The Central Illinois Food Bank is one of many in my State that help to meet that need. Central Illinois Food Bank celebrates its 30th anniversary today. In its first year, the food bank had one truck and a staff of three and distributed 700,000 pounds of food to 85 agencies.

The food bank now serves 150 agencies and distributes 800,000 pounds of food a month. Last year, the food bank helped over 100,000 families and provided well over 1 million pounds of fresh produce. I am grateful to the Central Illinois Food Bank for its work on the front lines of the fight to end hunger and for the safety net it provides for families having trouble putting food on the table.

The millions of Americans who rely on safety net anti-hunger programs may not have the loudest voice in the debate or big public relations firms, but we must protect these programs and work to improve the lives of vulnerable families, children, and seniors at their time of need. Hunger in America is not something we can ignore. At a time when families are working to make ends meet, this isn't the place we should be looking to for cuts. We cannot return to the scenes that Senator Robert Kennedy witnessed decades ago. We should honor his legacy by protecting these programs that help families out food on the table. No family should have to wonder where their next meal will come from.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 484) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 484

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture shows that approximately 48,800,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 32,600,000 are adults and 16,200,000 are children;

Whereas the Department of Agriculture data also shows that households with children experience food insecurity nearly twice as frequently as households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled "Household Food Security in the United States, 2010", published by the Economic Research Service of the Department of Agriculture, found that in 2010, the most recent year for which data exists—

(1) 14.5 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 20.2 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.9 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community in the country;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 61,000 local, community-based organizations rely on the support and efforts of more than 600,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2012, as "National Hunger Awareness Day"; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by improving programs and public policies that reduce hunger and food insecurity in the United States.

AUTHORIZING LEGAL REPRESENTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 485, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 485) to authorize representation by the Senate Legal Counsel in

the case of *Common Cause, et al v. Joseph R. Biden, et al.*

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 485) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 485

Whereas, Joseph R. Biden, Jr., the Vice President of the United States; Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Senate Sergeant at Arms; and Elizabeth MacDonough, Senate Parliamentarian, have been named as defendants in the case of *Common Cause, et al. v. Joseph R. Biden, et al.*, No. 1:12cv00775, now pending in the United States District Court for the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Joseph R. Biden, Jr., the Vice President of the United States; Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Senate Sergeant at Arms; and Elizabeth MacDonough, Senate Parliamentarian, in the case of *Common Cause, et al. v. Joseph R. Biden, et al.*

MEASURES READ THE FIRST TIME—S. 3268 AND S. 3269

Mr. WHITEHOUSE. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time en bloc.

The assistant bill clerk read as follows:

A bill (S. 3268) to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

A bill (S. 3269) to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

Mr. WHITEHOUSE. I now ask for a second reading and object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the measures will be read for a second time on the next legislative day.

ORDERS FOR THURSDAY, JUNE 7, 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 9:30 a.m., on Thursday, June 7, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the majority leader be recognized; that the time until 10:30 a.m. be equally divided and controlled between the two leaders or their designees; further, that following the cloture vote on the motion to proceed to S. 3240, the next hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, to our colleagues, I announce that it is the intention of the majority leader to resume consideration of the motion to proceed to S. 3240, the farm bill, when the Senate convenes tomorrow. At 10:30 a.m., there will be a cloture vote on the motion to proceed to the farm bill. We hope to reach an agreement on amendments to the bill during Thursday's session.

ORDER FOR ADJOURNMENT

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order, following the remarks of Senator SESSIONS.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. SESSIONS. Mr. President, every summer the Congressional Budget Office produces a long-term budget outlook. This is the report they produced yesterday, which is what they do every year. It is a grim document indeed, not a document that should give us comfort but should be a call to action as to what we would need to do about the financial future of our country. It is part of their effort to produce for Congress objective, impartial analyses. We all will complain about this or that from CBO, but they are pretty objective, and they work hard to produce the kind of information we can benefit from as Americans, certainly that we in Congress need as we deal with our chal-

lenges at this period in history. They lay out, over 25 years, what we could expect to see if current policy is extended.

These are some of the things they find in this report that are certainly disturbing to us. Actually, they are more than disturbing, they are unacceptable. They are absolute proof that we are on an unsustainable debt course, and that means we have to get off it or bad things will happen. The numbers I will give from this report, as Federal Reserve Chairman Mr. Bernanke indicated last year, would not happen—events wouldn't occur because we will have a crisis before that if we continue on this path.

This is what they found: 25 years under the current policy, annual deficits would reach \$5 trillion a year or 17 percent of GDP and would rise steadily thereafter. In other words, we would have in 1 year a \$5 trillion deficit. This year we expect to spend \$3.7 trillion total, including defense and Social Security and Medicare.

They go on to make this finding: Federal debt would reach approximately 200 percent of GDP; that is, the debt would be twice as large as the entire American economy. Japan has that high a debt. It is the highest in the world. It is financed because of Japan's unusual saving policies—financed mainly internally, but we are not financing our debt that way now. In fact, 60 to 70 percent of our debt now is being financed by the Federal Reserve, by buying Treasuries by the Federal Reserve. That is very dangerous because it is, in effect, printing money. So this is an unsustainable path.

They go on to say annual Federal spending would rise to \$10 trillion a year or 36 percent of GDP. So 36 percent of the entire economy would be consumed by Federal Government spending. We are now 18 to 20 percent, in that range. This is a historic alteration of the fundamental concept of our government being a government of limited powers. That is a stunning number.

They go on to say this: Yearly interest, what we would pay yearly, would reach \$2.7 trillion. That is certainly a large number. As I said, this year we spent \$3.7 trillion.

The Federal debt, according to the report, will be double the size of the entire U.S. economy in 2037, 25 years from now. CBO agrees that higher levels of Federal Government debt will burden American families and destroy economic growth. We have had studies on that. Reinhart and Rogoff reports—I think most economists agree with this principle—that when taxes reach high levels, it pulls down the entire economy's ability to grow.

They go on to say each family's share of the Federal debt will climb to \$382,000, per family, by 2037 or an additional \$287,000 over what today's fam-

ily's share of the total American debt is. That is, of course, more than twice as much.

CBO warns that "large budget deficits and growing debt would . . . lower the growth of incomes in the United States."

According to CBO data, over the next 20 years, high debt levels will result in \$21 trillion less in economic output. This is a significant reduction in economic growth, and it is out of growth that we hope to be able to close the deficit gap. Without growth, we can't do it. But if we run our debt too high, it pulls down growth and makes it even more difficult for us to maintain the growth levels we need to get our economy and Federal budget under control.

They go on to say that government debt will also slow economic growth nearly 1 percent a year, on average, supporting a landmark study done by Reinhart and Rogoff that quantified the effect of debt on advanced economies.

I asked Secretary of Treasury Geithner about the Rogoff-Reinhart study. He said it was an excellent study. Then he added: In some ways, it understates our problems.

We were talking about this 1 percent factor. When our debt exceeds 90 percent of GDP, we lose 1 percent of growth. He acknowledged the validity of that, and then went on to say that it understates the problem, because when we reach that high debt level, we are vulnerable to an economic shock—another recession, a 2007 debt crisis, a Greek-like problem.

Government debt, the report indicates, will also slow economic growth, and that 1 percent of slowing growth, according to numbers released by the Obama administration—and I think they are pretty accurate—1 million jobs is 1 percent of GDP. So if we go from 2 percent to 1 percent GDP growth, 3 percent to 2 percent GDP growth, we lose 1 million jobs.

We don't need to be losing jobs. We need to be creating jobs, and debt is a threat to economic growth. The idea some people have that we could continue to borrow, borrow, borrow and spend, spend, spend and this will create a healthy growing economy that could be sustained is absolutely truly false, I believe.

CBO gave this ominous warning:

Growing debt also would increase the probability of a sudden financial crisis, during which investors would lose confidence in the government's ability to manage its budget and the government would thereby lose its ability to borrow at affordable rates.

It seems to me pretty clear, if we look at the numbers, that spending is the primary cause of our long-term fiscal imbalance—that and a lack of growth.

Under both the baseline and current policy scenarios set out by CBO, spending will remain well above historical

averages. So it is not as if they are assuming we will cut spending and that we will reduce what the government spends each year. They are assuming the spending levels will be well above historical averages. If we return those spending levels to historical averages, I believe we then have a far better chance to get our economy under control, rather than just asking the American people to send more money to Washington.

Under current policy, annual Federal spending will exceed \$10 trillion—or 36 percent of GDP—by 2037. Twenty-five years used to seem like a long time to me, but as I have gotten older, 25 is a lot shorter period of time.

By 2025, the report indicates, mandatory health spending, Social Security spending, and interest costs—Medicare and Medicaid, mandatory health spending—Social Security, and interest costs will consume 100 percent of the revenues this government is expected to receive; the Defense Department, zero; the Education Department, zero; Federal highway bill funds, zero. All of it would just be in those programs. That reveals to us that necessity of looking at those programs, to think that we can deal with our surging deficits without confronting the fact that the largest, most sustained growth areas are Social Security, Medicare, Medicaid, and interest on the debt.

What about raising taxes? Why don't we raise taxes? There are problems with raising taxes. It has consequences. It weakens the private sector. It takes more money from the private sector where the money is earned, where growth is generated, and distributes it to the governmental sector—which, I have to tell you, is not as efficient and productive and hasn't proven it is and has not gone through what private business has gone through, which is to make themselves more efficient, more productive, and utilize technology and advanced techniques to produce more widgets for less cost. The Federal Government has not done that.

This is what CBO said:

To the extent that additional tax revenues were generated by boosting marginal tax rates, those higher rates would discourage people from working and saving, further reducing output and income.

There is no doubt about that. This is not some rightwing scenario. If we keep raising taxes on the productive sector, we are going to have less of it. It will discourage people from working and saving, further reducing output and income. That is an economic fact. It is not a scare tactic. So it is not just something we can do. Why don't we just raise taxes? That is the reason. It weakens economic growth. It weakens the private sector. It empowers the government, violates our heritage of limited government, and is not healthy for American families and job creation.

The Congressional Budget Office agrees we cannot wait; that we cannot

continue to delay action on the deficits. This is what they say in this report:

Waiting to address the long-term budgetary imbalance and allowing debt to mount in the meantime would be detrimental to future generations.

We don't need to do things that are detrimental to future generations. We are already leaving them with more debt than we ever should, and we need to get off this path.

I have told this story, but back in Marion, AL, I was at a house of a World War II veteran just less than 2 years ago. Mr. Wheeler has since passed away, but he was the last person to speak as I was listening to people's views. He said he lived through the Depression and served in World War II, he lived through the inflationary period in the 1970s and 1980s, and the problem we face is not the high cost of living; the problem we face is the cost of living too high. Frankly, that is what has happened. Individually, we have lived too high. We have to deleverage. Individual families are doing it. The government has lived too high. It has assumed too much debt, and there is no way out of it—no easy way. There is no free lunch. Nothing comes from nothing. Somebody pays.

To get this debt under control, we have to manage better than we ever have, in my opinion. I truly believe that, and we can do it. We can manage better. It is going to take leadership of the Chief Executive Officer of the United States, and Congress needs to be involved in the process too.

Federal Reserve Board Chairman Ben Bernanke, before the Senate Budget Committee earlier this year, testified this way:

Having a large and increasing level of government debt relative to national income runs the risk of serious economic consequences. Over the longer term, the current trajectory of federal debt threatens to crowd out private capital formation and thus reduce productivity growth. . . .

It is growth we need. It is growth we need that will make America more competitive, that will produce more widgets for less cost, that will allow us to export and be competitive, to defeat importers by producing products better and at less cost than the importers can. That is within our grasp. But we are getting away from that and debt is a threat to us.

Chairman Bernanke goes on to say:

To the extent that increasing debt is financed by borrowing from abroad, a growing share of our future income would be devoted to interest payments on foreign-held federal debt. High levels of debt also impair the ability of policy makers to respond effectively to future economic shocks and adverse events.

Adverse events occur periodically, and high levels of debt impairing our ability to react to those make us more vulnerable to serious economic dislocations that would occur in the future.

But Mr. Bernanke also knows that on our current course, we will never make it to the years where our debt is three, four, five times the size of our economy.

He also stated about the CBO outlook:

The CBO projections, by design, ignore the adverse effects that such high debt and deficits would likely have on the economy. But if government debt and deficits were actually to grow at the pace envisioned in this scenario, the economic and financial effects would be severe.

In other words, what he is saying is we are not going to get there. It is not going to happen because we will have a financial crisis before then, and we can see that.

We had the President's fiscal commission, Erskine Bowles and Alan Simpson, and they told us, "We are facing the most predictable financial crisis in our Nation's history." Both of them signed a statement to the Budget Committee just last year to that effect, and they said we could have an economic crisis in as little as 2 years.

We have not had a budget in the Senate. The Republican House has produced a budget, but the Senate Democrats have determinatively refused to bring up a budget in committee or bring one on the floor. We are now 3 years without a budget, while we have had trips to Las Vegas and conferences and tax credit loopholes for children of illegal aliens. Children who don't even live in the United States are getting a \$1,000 tax credit from Uncle Sam and we can't get that fixed. That seems to be too hard to do, costing \$4 billion a year.

So these are the kinds of things Americans need to be aware of and need to be focused on. If we do so, there are a number of options that would allow us to get the country on a sound path. We can do some things without debt, such as tax simplification that creates more growth, such as eliminating every regulation that does not serve the national interest and benefit the economy but adds cost to our productive capability in America and delays production of energy or delays construction of factories and businesses—eliminate those regulations that don't make sense. We can work hard to produce more American energy, keeping our wealth at home. We can reduce the amount of debt we are running up so we are sending fewer dollars, fewer billions of dollars, abroad every year after year after year just to pay the interest on the debt.

There are a lot of things we can do that will create jobs and growth and productivity gains in America that will not add to our debt, and we have to find those things. We have to tighten our belt across the board, in Congress and the White House and down to every agency and department and government entity that exists in this country

and around the world. If everybody does that, we will surprise ourselves with how much progress we can make. I think it is not too late for us to reverse the course.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:45 p.m., adjourned until Thursday, June 7, 2012, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 6, 2012:

THE JUDICIARY

JEFFREY J. HELMICK, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

HOUSE OF REPRESENTATIVES—Wednesday, June 6, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 6, 2012.

I hereby appoint the Honorable TOM MCCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I am still very disappointed that during the debate of the National Defense Authorization Act that Mr. McGOVERN and I myself had an amendment, known as the McGovern-Jones amendment, and all it did, Mr. Speaker, was set the parameters and the benchmark for bringing our troops home after 2014. The amendment basically said that if you're not bringing the troops out by 2014, then any continuation of those troops would have to be voted on by the Congress.

I'm always very disappointed that the Congress does not meet its constitutional responsibility when it comes to war. Mr. Speaker, because of my disappointment and my continued support of bring our troops home, I will read the names of nine servicepeople given by the Department of Defense who were reported in the Raleigh, North Carolina, paper, The News & Observer:

Hospitalman Eric D. Warren

Private First Class Cale C. Miller
Corporal Keaton G. Coffey
Petty Officer First Class Ryan J. Wilson

Second Lieutenant Travis A. Morgado
Specialist Arronn D. Fields
Sergeant Michael J. Knapp
Sergeant Jabraun S. Knox
Specialist Samuel T. Watts.

Mr. Speaker, we are continuing to spend money that we do not have. Every day our debt goes up. Every day we borrow money from foreign governments, and yet we will not bring our troops home from Afghanistan.

It's kind of ironic that the administration has signed a security agreement that will continue a financial relationship with Afghanistan after our troops come home in 2014. That relationship is for 12 years, has been projected that we will spend approximately \$4 billion a month for those 12 years to pay for a corrupt leader and a corrupt government that will not survive.

It does not matter how much money we spend. Afghanistan's history is that no nation has ever gone into Afghanistan and changed one thing. I do not understand why we in the House continue to find the money—of course it's borrowed money, by the way, probably from the Chinese—to send to Afghanistan. Yet we vote on programs to cut milk for children in the morning at school. We vote to cut programs for senior citizens to get a sandwich at the senior center, and yet we continue to fund a war that history has shown we will never win.

I have a poster of a photograph that was in the Greensboro paper that has Dover Air Force Base as they are bringing home the flag-covered transfer case. The nine names that I just read, they took their final trip in the back of a plane and they lay dead in a transfer case with a flag over their bodies.

Our Congress needs to wake up, Mr. Speaker. It makes no sense that we will stay there to 2014 or 2015.

I have with me a book that if I could pay for every Member of Congress to have this book, and they would guarantee me that they would read this book, then I would buy it for them. Mr. Speaker, the title of this book is "Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban."

The Taliban, the Taliban, that's our enemy. Yet American dollars are going over, and many of those dollars end up in our enemy's hands to buy weapons

and bullets to kill young Americans. I have read only 100 pages. I hope to finish this book next week when we are home; but I think if any taxpayer in this country would read this book, they would be up here protesting Washington sending money to Afghanistan. What is ironic, Mr. Speaker, is that the Taliban will eventually take over Afghanistan, no matter what we do.

I hope that my friends on both sides of the aisle will support us from time to time as we have amendments to create a parameter for bringing our troops out because, quite frankly, I think we will be there probably until 2015 or 2016.

Mr. Speaker, in closing, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold their families who have given a child dying for freedom in Afghanistan.

Mr. Speaker, I would ask three times, God, please, God, please, God, please continue to bless America.

MODERNIZING THE HISTORIC PRESERVATION TAX CREDIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, sometimes simple concepts are the most powerful.

Since the beginning of my career, I have seen the power of historic preservation as a key component to a liveable community that is rich and varied, not just merely the historic character, but the mixed uses, architectural diversity, human scale and function, economic development, jobs, and the creation of value.

Today, the National Trust for Historic Preservation will be announcing with their president, Stephanie Meeks, some of the most endangered places that we might lose, serving as a call to action. Our heritage matters.

That's why for over 35 years Federal Tax Code has granted special recognition to help with the cost of rehabilitating historic properties, and for good reason. Over 37,000 historic properties have been rehabilitated, have leveraged \$90 billion in investment, and created 2 million jobs.

Historic preservation is good for the soul. People love the enhancement of historic properties, neighborhoods, and districts. It directly links people to who they are, helping us understand

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and appreciate our roots. It is very important that most people also appreciate historic preservation. That's why it serves as a magnet for tourists and other investors so that surrounding properties and neighborhoods can be strengthened.

It also strengthens the economy. The investment and its ripple effects create more tax revenue and avoid the cost of rundown property and blight. As a local official, for years I learned firsthand that it is hard and expensive to deal with deterioration of the building stock in the neighborhoods in which they are located.

Historic preservation is the best option for the environment. Recycling a building usually has more net environmental benefit than a LEED-certified new building.

□ 1010

Historic preservation strengthens the community. A varied streetscape with a mix of uses makes that community safer and more resilient the same way that a forest that is composed of a variety of different tree species is more resistant to fire and disease than a monoculture of a single species. Historic preservation avoids that monoculture of the built environment that is numbing to the soul and depressing to the economy, which is subject to decline in the future as the entire area ages and deteriorates at the same time. We're watching this phenomenon on display in communities across the country as first- and second-tier suburbs deteriorate.

As I mentioned at the beginning, Historic Tax assistance has been in the Tax Code since 1976. That's why it's important with all the justifiable pressure and concern to reform and simplify the Tax Code that we must retain tools for historic preservation. Indeed, I think it's time to modernize the historic property tax credit to reflect the many changes since 1976. Some of the most profound adjustments were made during the administration of Ronald Reagan, but it's been over 25 years since the provisions were addressed comprehensively.

We need to recognize the difficulty with the current investment climate that makes it more difficult for people to take advantage of the tax credit as well as opportunities going forward to maximize the capacity for this important program. That's why I have introduced, with my Republican partner, Congressman AARON SCHOCK, H.R. 2479. It would provide more benefit to small-scale, Main Street rehabilitation. There will be a 10 percent bonus for significantly enhancing energy conservation and special incentives that can be used in tandem with the 33 historic tax credit programs in individual States across America.

It's hard to think of a better value for strategic investment in commu-

nities that provide a sense of place in history with the creation of jobs and wealth. A modernized historic preservation tax credit will be a key ingredient for years to come—a building block for a livable community where families are safe, healthy, and economically secure. I urge my colleagues to join me in supporting this important modernization of the historic preservation tax credit.

THE TALLEST WARRIOR ON THE LONGEST DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, growing up, I knew that my dad, when he was a teenager, fought in the "Great World War II." Because my father never spoke much about it until recently, I was curious about what happened. My fascination with World War II began when I saw the movie "The Longest Day" as a kid. Young Americans—mainly boys, really—who had never been far from home were sent to a faraway land to free a people they had never met. They charged onto a beach through a hail of gunfire in order to stop the spreading threat of evil in Europe.

This action-packed movie depicts the graphic details of the longest day on June 6, 1944, D-day. Brigadier General Theodore Roosevelt, Jr., played by Henry Fonda in the movie, was the son of President Theodore Roosevelt. You remember President Roosevelt. He led the charge up San Juan Hill in the Spanish-American War.

Teddy, Jr., fought in World War I as well with his brothers. His brother Quentin, a fighter pilot, was killed in action. General Roosevelt was crippled from the wounds of World War I and had a heart condition, but he was not finished fighting. At the age of 56, General Roosevelt was the highest ranking officer that landed on the shores of Normandy. He was determined to lead this new generation of warriors—who became the Greatest Generation—as they took on the Nazis.

His son Quentin Roosevelt II, named after Teddy Jr.'s late brother, the fighter pilot, was also on the beaches of Normandy that day. They were the only father and son duo known to fight on D-day. Roosevelt and his boys were part of Operation Overlord. The greatest invasion in history was expected to come at a high cost. And, it did. American youth gave their lives that day for the future of others.

Armed only with a walking stick and a pistol and under constant enemy fire, Roosevelt led several groups of 20-something Americans up Utah Beach and inland. General Omar Bradley described Roosevelt's actions as the "single greatest act of courage" he witnessed in the entire war.

On D-day, thousands of American boys charged out of the sea onto French soil, beginning the liberation of Western Europe. Our boys laid claim to the beachheads inch by bloody inch. The remarkable Army Rangers climbed the cliffs at Pointe du Hoc under heavy, brutal German fire. They had to.

Americans did not go to Normandy to conquer. They went and they sacrificed to ensure that Hitler would no longer be a threat. Hitler had little regard for American GIs. He was certain that the "soft" sons of America would never become soldiers. He thought the Nazi youth would be able to outfight the Boy Scouts. He was wrong. The Boy Scouts took them on D-day. The sand was stained red with the blood of American warriors and that of our allies.

Mr. Speaker, to my left is a photograph of the Cliffs of Normandy, where Americans are buried. In all, 9,387 Americans are buried at the top of the beach at Normandy. Buried on the cliffs, their white crosses and Stars of David shine and glisten in the morning sunshine over now peaceful Omaha and Utah Beaches. One of the ones buried there is the tallest warrior on the longest day, Brigadier General Theodore Roosevelt, Jr. This is his grave. It is at the front of Normandy. Fittingly, he is buried next to his brother Quentin. Quentin was the only person from World War I to be buried at Normandy. General Roosevelt, who died of a heart attack shortly after the Normandy invasion, later received the Medal of Honor for his heroics at Normandy. In this photo is his cross in Normandy's cemetery.

Today, we express our gratitude to the Greatest Generation of Americans who defied danger and fearlessly fought for freedom.

Mr. Speaker, where does America get such people? They were the young breed, the rare breed, the American breed, who took to the treacherous beaches of Normandy under the leadership of a remarkable man who stood tall to lead his troops into battle on the longest day, Theodore Roosevelt, Jr., the tallest warrior.

And that's just the way it is.

SMART SECURITY: BY HELPING PEOPLE, WE HELP OURSELVES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week, a bipartisan group of Members convened a panel discussion on Capitol Hill. Actually, it was an informal hearing about the Afghanistan war. One of the speakers was Lieutenant Colonel Danny Davis who, after two tours in Afghanistan, has courageously come forward, speaking truth to power with

his assessment of the situation on the ground and his belief that the war is wrong.

I wish more of my colleagues had been there to hear what Lieutenant Colonel Davis had to say. He talked about the arrogance and stubbornness that allows our country to continue this military occupation long after it's proven futile. He discussed the strain and stress we put on our Armed Forces. And, as he explained, the Taliban are stronger now than they were. Push them down, he said, and they pop up in another area.

After the most powerful military surge in the history of civilization, we still haven't been able to keep them down. This shouldn't be a major revelation. When will we learn? We are emboldening the very radical forces that we're trying to defeat.

It's common sense that thousands and thousands of occupying U.S. troops will breed and do breed resentment and drive the Afghan people straight into the arms of the Taliban. Every additional day that we keep boots on the ground in Afghanistan is another day that the Taliban wins over more recruits and poses a greater threat to our safety and our interests.

Here's a novel idea, Mr. Speaker. How about we win over the Afghan people instead of alienating them and giving them common cause with insurgents? How about we move to implement a SMART security agenda where war is the very last resort?

Under SMART Security, we would emphasize diplomacy and development. We would seek peaceful conflict resolution instead of military force. And instead of launching drone attacks on troubled nations half a world away, SMART Security would have us empowering and investing in the people who live there. And why? Because it's the right thing to do. Absolutely. But also because the goodwill it engenders works to our benefit because, by helping people, we help ourselves.

The foundation of SMART Security is the recognition that killing more people will not make us safer, that it will undermine our national security instead of contributing to it. But if we help send Afghan girls to school, if we help Afghan women get proper prenatal care, if we help Afghanistan rebuild its infrastructure and its economy, these are the things that will advance in our interests, and our security will be better off.

□ 1020

A more Democratic, more prosperous Afghanistan is one where the extremists can't get a toehold, where the Taliban can't exploit and feed off people's desperation. And by the way, Mr. Speaker, we can do SMART Security at a fraction of the cost of our current approach—pennies on the dollar.

Humanitarian aid is a lot more cost effective than weapons systems and

military occupation. The current Afghanistan policy has been given a chance to work, and it has failed spectacularly. The time for patience, after more than a decade of war, has long since come and gone.

As a matter of moral decency, fiscal sanity, and common sense, it's time now to bring our troops home.

FLEXIBLE PERMITTING SYSTEM WORKS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, the people I work for, the people of Texas 22, were disrespected once again yesterday by Dr. Al Armendariz, the former Region 6 EPA Administrator, a region that includes my home State of Texas.

After losing his job a few weeks ago because he advocated using Roman tactics like crucifixion to beat down America's producers of fossil fuel energy, Dr. Armendariz finally accepted an invitation to testify today before the House Energy and Power Subcommittee of the Energy and Commerce Committee. Late yesterday, Dr. Armendariz informed the committee that he had changed his mind. He can no longer come. He couldn't come—I don't know why he couldn't come. It wasn't weather. I checked. I flew up from Texas last night, yesterday morning, no problems. I checked Dallas-Fort Worth, nothing. Nine American Airlines flights out of Dallas-Fort Worth—where Dr. Armendariz lives—flew here yesterday into Reagan National. None of them were delayed. Why couldn't he come?

He chose not to come because he could not defend his actions to his employer, the people of Texas 22, the district I represent and the people of Region 6. He could not defend interfering with Texas's flexible permitting system to minimize the emissions from our farmers and power plants of nitrous oxide and sulfur oxide.

Texas's flexible permitting system works. Those emissions have been cut double the national average in Texas. That's why we're the fastest growing State in America. That's a great testament to how they work. You cannot grow more than any State in America, add industry, and have a reduction that doubles the national average. We did that, and yet Dr. Armendariz threw that out. He could not defend jamming Texas into the cross-state air pollution rule just this past summer. Immediately after he did that, without being notified, we should have gotten at least 1½ year notification, we got a 6 month notification. Because of that, the largest power producer in my home State, which was using coal for power production, said: I'm going to have to shut down two power plants.

Reason prevailed, and that rule got kicked down the road. But again, it

wasn't because what Dr. Armendariz did. He wanted to punish Texas.

And most importantly, he could not defend this email, which he leaked to radical environmental groups announcing that EPA was dropping the hammer on a producer of American fossil fuels in the Barnett shale plate. What he was concerned about was contamination of water in two wells, two houses there near this oil and gas recovery fossil plate. The problem: he was worried about water contamination. He sent this out, and I will read it to you:

Hi, everybody. We're about to make a lot of news. The first story has already been printed. There'll be an official press release in a few minutes. Also, time to TiVo Channel 8. Bug David for more info.

That was coming from the regional administrator. A couple of other points:

Thank you for helping to educate me on the public's perspective of these issues, and thank you all for your continued support and friendship.

These aren't the public. The people of Texas 22 I represent are the public. But look what he sent out. Again, he sent this out to the radical environmentalists, taking their marching orders. Here is the response from one of them:

Texas sheriff, yee haw! Hats off to new sheriff and his deputies.

Texas does not need a new sheriff and new deputies. We need a regional administrator that wants to strike a commonsense balance between a growing State and clean air and clean water.

The American people were fooled in November of 2008. With the help of Dr. Armendariz, they won't be fooled again.

ARMY CELEBRATES 237TH BIRTHDAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CARTER) for 5 minutes.

Mr. CARTER. Mr. Speaker, as the Army Caucus cochairs, my colleague and I rise today in celebration of the United States Army's upcoming 237th birthday. Since June 14, 1775, when the first company was formed to defend our great country against the British, the brave men and women of the Army have upheld the seven core values of this strong brotherhood. Those values are: loyalty, duty, respect, selfless service, honor, integrity, and personal courage.

Today, the Army stands over one million strong. We pause to salute the soldiers and fallen warriors of 237 years past whose legacies our soldiers strive to uphold. We pause to thank them for their service and sacrifice in every conflict in war in the history of our Nation. And we pause to thank the families of our soldiers for their continuing support of our Nation's defenders during these critical times.

The past decade has proven the Army as a leader in the war against terrorism, tyrannical leadership, and oppression in the Middle East, where you, the Army, have given countless millions of people hope for their future while at the same time making America more secure and a grateful Nation. Your actions on and off the field of battle have and will continue to inspire us all for generations to come.

From Iraq and Afghanistan, across Europe and the Pacific Rim, the men and women of the United States Army represent the best of America's ideals and the finest of her dreams. You are the very best at what you do. Your resilience, courage, professionalism, and battle-hardened ways will seize the day against any enemy of our great and powerful Nation.

We cannot thank you enough for what you do, your devotion to duty, and your tireless efforts in the defense of our Nation. Thank you for always putting the mission first, never accepting defeat, and never quitting. For 237 years you have made it perfectly clear that no matter who rises up against our country, there's one thing that will never change: you always have been and will continue to be Army strong.

Mr. Speaker, I yield to my good friend and cochair, Mr. REYES.

□ 1030

Mr. REYES. I want to thank my colleague and fellow cochair from the Army Caucus, Judge CARTER, for yielding me the time to honor the United States Army on its 237th birthday.

The Army, as my colleague has said, dates back to 1775. It has always stood tall, both in peacetime and in times of war, in times of conflict or police actions, which means that our proud men and women in the Army have stood in harm's way to benefit freedom not just for our country, but throughout the world.

Our Army has been at war now for over 10 years. Today it is battle tested, and it's proven itself once again. Our Army is over 1 million strong, composed of some of America's most dedicated and outstanding individuals. So today I'm proud to stand with my cochair to take a moment to recognize the men and women who have selflessly served our Army for the past 237 years, especially those who made the ultimate sacrifice defending our freedom and our American way of life. We pause to thank our soldiers and their families for their service and their commitment, which remain steadfast and strong.

From the Revolutionary War to the current conflict in Afghanistan, our Army has triumphed over those who seek to harm our country. For 237 years, the Army has always been relevant and remains a critical force for world freedom today. With the transformation of the Army to a leaner,

lighter, and more lethal force, the United States Army will continue to be vital to our national security and to the national security of countries around the globe.

As we plan for the future, let us reflect on the great legacy that the United States Army has given this great Nation through the men and women who were and are proud to be Americans. Our soldiers, noncommissioned officers, and officers of the United States Army are the most outstanding fighting force in our world. We cannot thank them enough for their dedication to excellence and their commitment to duty, honor, and country. And let us not forget their families who sacrifice for our national security as well. Their execution is unmatched, their commitment is unwavering, and their bond is unbreakable. I am proud to be part of that Army lineage, and this morning, as I wear this Army-strong tribute, I salute our brave men and women who have made our Army great, but who have kept our country safe and secure and represent the global effort to maintain freedom around the world.

So again, I am proud to stand with my cochair, Judge CARTER, and pay tribute for the past 237 years of sacrifice to our great United States Army.

OBAMACARE PROPAGANDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. QUAYLE) for 5 minutes.

Mr. QUAYLE. Mr. Speaker, at a time of record-breaking debt and deficits—or really anytime for that matter—it boggles the mind that the Obama administration would spend \$20 million of taxpayer money to pay for propaganda on behalf of ObamaCare. Yet that has happened. Mr. Speaker, I have seen these commercials that attempt to explain the supposed benefits of ObamaCare, but they are just poorly conceived campaign ads.

It's bad enough that American taxpayers are on the hook for this massively expensive boondoggle which does nothing to solve the underlying problems in our health care system. It's bad enough that many Americans are losing their health care coverage because of this bill, and that the bill is causing more and more doctors to drop Medicare patients. It's bad enough that Americans will see their tax bill go up because of ObamaCare. Now the Obama administration expects the American people to pay for ads touting the law that did these things.

Rarely does a day go by where we don't hear of a new negative effect of this disastrous legislation. This week, we learned that many students are seeing their university-based or individual health care premiums rise dramatically. Some colleges have either dropped their student health plans en-

tirely or are planning to do so as ObamaCare mandates kick in that force students to purchase health plans that in most cases go far beyond what is necessary.

Then yesterday, we saw an op-ed in The Wall Street Journal by Steven Greer, who was involved in a grant approval process for an ObamaCare program. Through this op-ed, we got yet another dismal view into the twisted bureaucracy that is implementing this disastrous legislation. Mr. Greer recounts one case in which a \$1.9 million grant was given to George Washington University for a program which is expected to produce merely \$1.7 million in health care savings.

Mr. Speaker, even before full implementation, ObamaCare has been a costly disaster for the American people. This arrogant, taxpayer-funded propaganda campaign just adds insult to injury. And like ObamaCare, the ad campaign should end immediately.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 36 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Joseph Shea, St. Rose of Lima Catholic Church, Simi Valley, California, offered the following prayer:

Lord God, as we gather today, I ask for Your blessings upon these men and women whom You and this great Nation have chosen to serve us.

Grant them the grace to be leaders whose walk is by faith, whose behavior is by principle, whose vision is high, whose pride is low, and whose love for You and this wonderful Nation is wide and deep.

Grant that these leaders be ribbed with the steel of Your spirit so that their strength will be equal to the task, that they won't fade under the light of scrutiny, that they will be calm amidst the storms of criticism, that they won't bend amidst the storms of criticism, that they won't bend under the heavy load of responsibility, and that they will courageously hold high the torch of Your truth to guide them.

We ask these blessings in Your holy name.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Ms. HOCHUL) come forward and lead the House in the Pledge of Allegiance.

Ms. HOCHUL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND JOSEPH SHEA

The SPEAKER. Without objection, the gentleman from California (Mr. GALLEGLY) is recognized for 1 minute.

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I have known Father Joseph Shea since he was appointed pastor of St. Rose of Lima Parish in my home city of Simi Valley, California. He's been there now for approximately 4 years, and we've worked together on several projects that have benefited our community.

It is befitting that we continue the tradition of having pastors from across our country open the people's House with a prayer for our Nation and its people.

I want to thank the Reverend Patrick J. Conroy, Chaplain of the U.S. House of Representatives, for giving Father Shea the opportunity to open today's session of the House. Having guest chaplains from across the country participate in this historical undertaking truly does manifest the freedom of worship enjoyed across the United States.

I also want to thank Father Shea for traveling all the way across this great Nation to be here with us this morning to offer the spiritual opening for the day.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks announced that the Senate has passed a bill and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

S. Con. Res. 5. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

HONORING DONALD KACZYNSKI'S
CONTRIBUTIONS TO ARKANSAS'
DISABLED VETERANS

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, I rise today to honor Donald Kaczynski from my home State of Arkansas. Donald is a Marine veteran with a passion for serving other veterans who are living with a disability.

After receiving an honorable discharge from the Marines, Donald was faced with the challenge of finding a new career. He saw firsthand the obstacles disabled veterans face and knew he wanted to help other veterans have a higher quality of life.

After moving to Hot Springs Village, Arkansas, he started a mobile concession stand business. With his business, Donald drives to events throughout Arkansas, providing concessions for veterans' gatherings.

In addition to his business, Donald serves Arkansas' veterans as commander and adjutant of the Hot Springs Village VFW. Most recently, Donald was elected to serve as the 2011 2012 State commander of the Disabled American Veterans Department of Arkansas. In 2004, Donald was recognized as the VFW Man of the Year for Arkansas, and in 2008 as the Disabled American Veterans Man of the Year.

Madam Speaker, we honor Donald Kaczynski and his service to Arkansas' veterans.

PAKISTAN IS A SAFE HAVEN FOR
THE TALIBAN AND AL QAEDA

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, as we recall the brave heroes of the D-day invasion 68 years ago today, I thought of the new American heroes who are fighting for us on the front lines of Afghanistan, a place I left a few weeks ago, and the 36 hours I spent in the war zone speaking to them.

Conversations with generals, diplomats, and the troops on the ground confirm that Pakistan remains a safe haven for the Taliban and al Qaeda. First it was proved to the world when Osama Bin Laden was found to be hiding there for a lengthy amount of time.

But on Monday, a drone strike just over the Pakistani border killed al Qaeda's number 2 in command, further proving beyond all doubt that Pakistan

continues to harbor terrorists. If Pakistan is unwilling to condemn these international terrorists and work with the United States to find them, they should not be eligible for foreign aid. Period. End.

I pledge to continue to work in a bipartisan way with my colleagues to restrict funds as long as Pakistan sits by and provides refuge to terrorists who put our troops, which I just left, and our Nation, in harm's way.

HONORING THE LIFE OF BILL
STEWART, FORMER FOOTBALL
HEAD COACH OF WEST VIRGINIA
UNIVERSITY

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Madam Speaker, the State of West Virginia lost one of its greatest residents, greatest citizens last week, and I lost a very close friend. Former head coach of West Virginia University's football team and New Martinsville native Bill Stewart unexpectedly passed away on May 28.

Stewart was a man of integrity and high moral character who practiced truly what he preached, both on and off the field.

As the head coach of the Mountaineers, he represented our State and the university in the best possible way. His signature win over Oklahoma in the 2008 Fiesta Bowl launched him into the national spotlight. His legacy will be the type of life he led.

Coach Stew never met a stranger, and he never lost sight of his home. He lived each day to its fullest and had a contagious enthusiasm that inspired everyone around him.

Leave no doubt: Bill Stewart will be missed for years to come because he was a man of his word, a man who openly followed his faith, and a dedicated father, husband, and friend.

Bill Stewart took that final, dusty, windy country road home to his place in Heaven.

□ 1210

THE NEED TO PASS THE
TRANSPORTATION BILL

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. I rise today to speak out about the need to pass a transportation bill.

I am very frustrated by the inaction of the House Republican conferees and how their obstructionism is negatively affecting job creation in this country. The current transportation extension expires at the end of this month. We are in the height of the summer construction season, and we are losing the opportunity to get these jobs going and the construction and the manufacturing industries back to work.

One surefire way to create jobs is to invest in our country's infrastructure, but House Republicans are obstructing it at every turn. Last month, we were forced to pass a 10th temporary extension of highway funding because of the GOP's inaction. This is my 20th year here, and this is the first time that this bill has been held up because of partisanship.

This inaction only increases the instability for the construction industry, and it makes it impossible for State and local governments to plan long term.

SOCIAL SECURITY DISABILITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, according to the Social Security trustees, the Social Security Disability program is expected to exhaust its trust fund in just 4 years. If the fund is exhausted and if nothing is done, only around 80 percent of the benefits will be paid out. Over 11 million Americans could be impacted.

Again, we have another government entitlement program headed towards bankruptcy. This is a program that costs as much as the annual budgets of the Departments of Agriculture, Homeland Security, Commerce, Labor, Interior, and Justice combined. I know how important this program is to many of my own constituents. With regard to Medicare, Medicaid, Social Security, and the disability program, tens of millions of people rely on these programs, but they are not structurally sound.

Doing nothing is not the answer, and taking funds from the general revenue does nothing to provide the long-term stability that we need. We need real innovative reform that fixes our problems, that saves and strengthens these programs without piling up debt. If we don't act to save and strengthen these programs, our creditors will make the decisions for us down the road. We need to address these problems in a bipartisan manner. One party can't do it alone.

ANTHONY ANDERSON, A RISING JUNIOR AT LA SALLE ACADEMY

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. I rise today to honor Anthony Anderson, a rising junior at LaSalle Academy in my home State of Rhode Island.

Earlier this year, Anthony was awarded a Gold Medal from the National Scholastic Art & Writing Awards for a self-portrait he submitted focused on the issue of bullying. Anthony has been recognized each year by the National Scholastic Art & Writing

Awards since he was in the seventh grade, and this month, Anthony's painting is on display at an art gallery in New York City.

His family and his art teacher at LaSalle were invited to Carnegie Hall last week for a ceremony honoring his work and the work of other Gold Medal winners from across our Nation.

I congratulate Anthony on his impressive accomplishments and join Rhode Islanders all across our State in wishing him continued success in the years ahead.

HONORING RECIPIENTS OF THE SMALL BUSINESS WEEK AWARDS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, too often people in Washington forget that it's our small businesses that create jobs, not government. These men and women are doing the most important work to bring about economic recovery and growth. In fact, over the past 17 years, small businesses have created an impressive 65 percent of all new American jobs.

So today, Madam Speaker, I urge my colleagues to join me in celebrating the successes of our local job creators, including two individuals from my district who are being recognized by the U.S. Small Business Administration, SCORE and the Illinois Department of Commerce and Economic Opportunity.

Congratulations to Kathy Xuan, the CEO of PARC Corporation, which is a plastics recycling company in Romeoville, Illinois, on being named Exporter of the Year. I also offer a hearty salute to Mike Rohan, the President of All Trust Home Care, Incorporated, which is in Hinsdale, Illinois, who has earned the Entrepreneurial Success of the Year Award.

These achievements are an important reminder to Congress that we must put politics aside and work together to create an environment where leaders like Mike and Kathy can do what they do best—create jobs.

STOPPING THE STUDENT LOAN INTEREST RATE HIKE

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. American innovators contribute to an economy second to none and provide a strategic advantage in national security. But from where will the advancements of tomorrow come?

The U.S. ranks 27th in the world in graduates with science and engineering degrees, so the last thing Congress should do is make education less affordable. Yet that's exactly what will happen on June 30 if Congress fails to

act. Interest rates on student loans will double, hiking the yearly payments by \$1,000 for more than 7 million students in this country.

April's Republican ruse of tying student loan interest rates to the evisceration of preventative health care for women and children was an unconscionable partisan ploy. No parent should be forced to choose between his child's health and education. No woman should have to choose between breast cancer screening and a student loan.

Lowered interest rates were the result of bipartisan cooperation between a Democratic Congress and a Republican President. We must stop the interest rate hike in a responsible and bipartisan manner, and I urge speedy action.

IN HONOR OF GAYLEN BYKER

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute.)

Mr. HUIZENGA of Michigan. I wish you could meet my friend, Dr. Gaylen Byker, a truly renaissance man who was born in Iowa but raised in Hudsonville, Michigan, which is in my district, where he grew up in a family that was very entrepreneurial and very politically involved. His father actually served as a State senator, Gary Byker.

Gaylen attended Calvin College, where he is now President, and earned a BA with concentrations in philosophy, English, political science, and speech, with a minor in Russian. He also entered the Army in 1967 and served in Vietnam, and he was discharged with the rank of captain. He went on to earn a law degree at the University of Michigan and then his master's degree in world politics at Michigan as well. After that, he decided he needed to get his Ph.D. in international relations from Pennsylvania.

He then served and worked at an energy exploration company out of Houston. He worked on Wall Street, both on energy as well as in derivatives and futures. He then served as a lawyer in Philadelphia. He has been involved in numerous organizations and volunteer opportunities, including the Ruffed Grouse Society of the United States.

He is an avid hunter—and a pretty good shot as well, I might add. He became president of Calvin College in 1995, where he has served it since then for the last 17 years. Gaylen is truly a person who has left a place better than when he found it.

Dr. Byker, we just want to say thank you for your service to Calvin College in the greater community in west Michigan.

AMERICAN CRYSTAL SUGAR FACTORY LOCKOUT

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, I rise today to bring attention to what is a very serious problem for the families of at least 1,300 workers, 900 of whom live in my home State of Minnesota. They've been in a labor dispute with their company. On Friday, there is a chance to go back to the bargaining table to come up with a good settlement.

Now, these workers, they didn't go on strike. They've been locked out. They've been locked out for 10 months at the American Crystal Sugar Factory in Moorhead, Minnesota. Many of these people have worked at this factory their entire lives and are really good, solid members of their community. These workers have gone to work, and they've actually stood up and gone to bat for the company, particularly regarding the sugar program, and in countless other ways as well. These workers even vowed not to go on strike because they know how important their work is to the company and to the community. The only thing they've done wrong is they haven't been able to pay their higher health insurance costs, which is the real crux of the negotiation.

This Friday, the sides are going back to the bargaining table for the first time in 4 months. I commend both labor and management for getting back to the table. But, Madam Speaker, I urge management to listen carefully to the pleas of these workers and to come up with a fair settlement.

□ 1220

LABOR FORCE PARTICIPATION

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Madam Speaker, in 2009, the Obama administration said that unemployment would never reach 8 percent if the stimulus was approved. Well, it was. And 3 years later and \$1.2 trillion in spending, unemployment has remained above 8 percent for 40 consecutive months, the longest span since the Great Depression. Even more alarming is that the 8 percent doesn't illustrate how grim the situation really is.

More than 500,000 more Americans are out of work today than they were when President Obama took office in 2009, and the percentage of Americans working is at a 30-year low. Unemployment would be even higher if it were not for the grit and the resolve of the American people themselves. With these numbers, it's clear that President Obama's agenda has failed, and it's making the economy worse.

House Republicans have a plan. They have a plan for America's job creators to help turn this economy around. It's time for the President and it's time for the Senate Democrats to stop blocking jobs for Americans and to join us in helping get Americans back to work.

68TH ANNIVERSARY OF THE ALLIED INVASION OF EUROPE

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, I rise today to mark the 68th anniversary of the Allied expeditionary forces landing in Normandy, France, at the start of the end of World War II. The allied invasion of Europe was led by a native Kansan born in Abilene and a truly great American hero, former-President General Dwight "Ike" Eisenhower.

On the morning of June 6, 1944, General Eisenhower inspired his men to fight for the values of liberty and freedom, stating:

Your task will not be an easy one. Your enemy is well trained, well equipped, and battle hardened. He will fight savagely.

Our homefronts have given us an overwhelming superiority in weapons and munitions of war, and placed at our disposal great reserves of trained fighting men. The tide has turned. The free men of the world are marching together to victory.

Good luck. And let us beseech the blessings of Almighty God upon this great and noble undertaking.

We all remember the tremendous sacrifices the Greatest Generation gave for the cause of freedom and liberty as we mark this solemn anniversary today.

REPUBLICAN BUDGET

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, I'm here to ask that the Republican budget respect our seniors.

We've got to ask ourselves why are we giving those who make over a million dollars about \$394,000 on average in tax cuts and those making between \$20,000 and \$30,000 get \$129. Why? And why is it that there is about \$3 trillion in breaks that we're giving to Big Business, Big Oil, gas, and the super rich? Why are we doing that?

Then there is an effort in the Republican budget to change Medicare to the voucher program. This is why AARP says, "Republicans are shifting the cost to our seniors and ending the Medicare guarantee, that guarantee that many of them rely upon." And our Congressional Budget Office agrees with this.

The attacks on the Affordable Care Act by the Republicans also are going to set us back. That act closes the doughnut hole for seniors' prescription

drugs. It also allows them to have preventive health care, and we're taking that away, too.

Madam Speaker, let's just respect our seniors, and not do what we're doing.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the further consideration of H.R. 5325, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. GRAVES of Georgia). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) kindly take the chair.

□ 1224

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Ms. ROS-LEHTINEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, June 5, 2012, the amendment offered by the gentleman from Texas (Mr. FLORES) had been disposed of, and the bill had been read through page 56, line 24.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from Virginia for the purpose of engaging in a colloquy.

Mr. HURT. Thank you, Mr. Chairman.

In Virginia's Fifth District, State and local officials have been working diligently to attract new businesses to create new jobs in Southside, Virginia. In Henry County, a county located in Virginia's Fifth District, local officials have identified a 200-acre site that has the potential to attract major economic development opportunities at a time when the Martinsville-Henry County area suffers from the highest

unemployment rate in Virginia—15 percent and 10 percent respectively.

Unfortunately, Federal regulators, including the Army Corps of Engineers, have resisted moving forward with this important initiative and stalled the county's permit application because of the lack of an identified end-user for the site. At the same time, the potential companies that would invest in this site and create jobs in Southside, Virginia, are unwilling to commit their resources due to the risk and time delays associated with an outstanding permit with the Corps.

While State regulators have issued permits for the Henry County site, the Corps continues to be steadfast in its unwillingness to move forward with the permit, even though they have issued permits for similar speculative development projects in the past which subsequently attracted new industries and jobs to that area.

Mr. Chairman, this site represents an economic opportunity that could bring thousands of jobs to an area of Virginia that is still struggling with double-digit unemployment. This project has bipartisan support from members of the congressional delegation, as well as Virginia's governor, Bob McDonnell.

Virginia has proven that it is the most attractive State for business and has been recognized as such in the past year. If given the opportunity, I have no doubt that the site would be the impetus for economic development in Martinsville and Henry County, an area which needs economic development more than ever.

Mr. Chairman, I would ask your assistance in working with me to ensure that Federal regulators are not needlessly stalling economic development and job creation in Virginia's Fifth District and other areas of our country.

With that, I thank the chairman for his leadership on this bill and on this issue, and I look forward to working with him.

Mr. FRELINGHUYSEN. I thank the gentleman from Virginia for bringing these concerns to my attention.

I agree that we must assure that Federal agencies and regulations are not contributing to unnecessary delays that harm economic development and job creation, especially at a time of economic distress and high employment.

I pledge our committee pledges to work with the gentleman and others who have seen an overreaching regulatory process negatively affect job prospects in their districts to address these problems.

With that, Madam Chair, I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I yield to the gentleman from Pennsylvania.

Mr. DOYLE. Madam Chair, I rise today to engage in a colloquy with the chairman and the ranking member.

I'm here today to express my concern with the future of the Nation's inland waterway system.

The bill before us today, despite the chairman's best efforts, continues a trend of underfunding needed infrastructure improvements in our Nation's locks and dams. This underfunding is a combination of the administration's request and lack of a long-term solution to the Inland Waterways Trust Fund.

Locks and dams are a crucial mechanism of commerce and mode of transportation in Pennsylvania. They allow for the transport of commodities that are essential to businesses in my region, like coal, grain, and scrap metal. Along the Allegheny River, the Army Corps' budget for operating locks and dams was cut by nearly one-half in just one year.

□ 1230

Projects on other rivers in the Pittsburgh region, the Ohio and the Monongahela, have slowed to a stop or are in need of repair. The cuts to this fund have the Corps and surrounding communities and businesses wondering exactly how or if a repair will be made if something breaks.

But this is only a portion of the work that needs to be done, and the mechanism that we have to fund new or major rehabilitation projects, the Inland Waterways Trust Fund, is also in need of repair. Even in times of fiscal restraint, we must find ways to fund projects that protect our safety and allow the use of our waterways for commerce. The longer we wait to fully respond to the critical needs for our infrastructure, the more they are going to cost.

Madam Chairman, just in a recent article in the Pittsburgh Post-Gazette, quoting our local Corps person:

This is it for the Allegheny locks and dams. If something breaks we've got to scramble for funds, and there's no guarantee we'll fix it.

This has forced the Corps to adopt a fix-when-fail attitude towards maintaining about 200 locks and related dams on about 11,000 miles of the Nation's rivers. The average lock is over 60 years old. In Pittsburgh, they're over 80 years old.

Mr. Chairman, I would like to work with you and the ranking member to find a solution to this urgent need.

Mr. VISCLOSKY. I yield to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. Thank you, Mr. DOYLE, Mr. VISCLOSKY, and Chairman, for yielding.

I would like to add my voice to Mr. DOYLE's on the issue of the aging state of our Nation's waterways and the vast shortfalls and funding on urgently needed projects. I believe the chairman

has done his best, given if available funds in the trust fund and would like to work with the gentleman from New Jersey to find a long-term solution to this issue.

Consisting of over 230 lock chambers, our inland waterways move hundreds of millions of tons of cargo annually. To move this cargo on the Nation's highways would require an additional 24 million trucks, would cost billions more in fuel costs, and generate millions of tons of pollution.

The Federal Government has invested in this infrastructure for over 200 years. The locks and dams that are the backbone of this system are built with a 50-year design life; yet many, for example, those on the Monongahela River in western Pennsylvania, are over 100 years old.

I am deeply troubled by the lack of funding for these projects and specifically by the lack of progress on finding a solution to the funding shortfalls in the Inland Waterways Trust Fund. This fund generates roughly \$85 million per year through a fuel tax on barges, yet falls well short of the \$380 million per year the Inland Waterways Users Board estimates is needed to fully fund capital reinvestments in the system.

The Transportation Department projects that the waterway traffic will increase 20 percent by 2020. We can no longer afford to sit on our hands and wait for these vital lanes of commerce to fail. We need to invest in America and keep our Federal waterways open for business. The Inland Waterways System is far too important to allow it to continue to languish with inadequate funding and crumbling infrastructure.

I look forward to working with the chairman, the ranking member, and Mr. DOYLE to find a solution to this urgent need.

Mr. VISCLOSKY. I yield to the chairman of the subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I assure the gentlemen from Pennsylvania that I share their concern with the funding of the inland system and the solvency of the Inland Waterways Trust Fund. This is why you see extensive report language on the Olmsted Locks and Dam and the cost overruns at that project, as well as language on the trust fund itself. As the gentlemen are aware, any changes to address the solvency of the trust fund are most appropriately discussed within the authorizing committees. I know they're aware of the situation and are evaluating various options.

The Acting CHAIR. The time of the gentleman from Indiana has expired.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the ranking member for the purpose of a colloquy.

Mr. VISCLOSKY. I thank the gentleman for yielding.

I simply would associate myself with the chairman's remarks, Mr. CRITZ's remarks and Mr. DOYLE's remarks and would simply conclude my portion by thanking both gentlemen for raising this vital issue. We engage in investing in infrastructure in Afghanistan. We create infrastructure investment in Iraq and elsewhere. It is time that we repair and invest in the infrastructure, the waterway infrastructure in the United States of America, to create jobs in the short term and to create jobs in the future.

Again, I really, from the bottom of my heart, thank the gentlemen for raising this issue and look forward to working with them.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chair, I have an amendment at the desk that is designated as No. 1.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 0.27260690084897576 percent.

The Acting CHAIR. Pursuant to the order of the House of Tuesday, June 5, 2012, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, funded at \$32 billion, the FY2013 Energy and Water appropriation bill that we have under consideration today actually spends about \$87 million more than we did last year. With a \$1.3 trillion deficit and a national debt that's now more than \$15 trillion, I think we have got to do better here.

This amendment simply says let's pare it back. Let's do an across-the-board cut of .027. Now, the reason we picked that number is that would bring us back exactly to last year.

I think when you look across the country, you look at what State and local governments are doing in order to balance their budgets. Sometimes they are going all the way back to 2005, 2004, or maybe more to balance their budgets. What are we doing here in Congress with a \$15 trillion debt? We're actually increasing spending on some bills.

Now, we have cut others, and I have supported the so-called Ryan budget where we do make some overall cuts, and that's good. But when you have a bill like this, I don't know how we can justify increasing spending \$87 million

over last year. Again, as some will say, well, this conforms to the budget agreement, the Ryan budget act and the 302(a) levels that we have set. That is true it does; but I would suggest that if we're increasing funding here, this is a good place to find savings and perhaps the 302(b) level should have been set a little lower.

I would urge adoption of the amendment. Again, this is simply a cut that would take us back to where we were last year—not 2008 or 2009, but FY12. I don't think that's unreasonable.

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I take exception to any claim that our bill unnecessarily increases spending. There is one reason that this bill is \$188 million above fiscal year 2000: it's defense, national security. Many Members may not realize it, but nearly one-third of our bill supports critical national security needs, including nuclear weapons. That is actually the origin of why we have a Department of Energy today: it's the Atomic Energy Act.

Only two subcommittees received increases in fiscal year 2013, the Energy and Water bill and the Defense bill, because those increases are needed to support national security. There are no other reasons.

The defense portion of this bill is almost \$300 million more than last year, an increase which directly supports our nuclear weapons and national security. Even with those security increases, our bill is still less than one-third of 1 percent above last year's bill. That means the rest of the bill is cut deeply.

It means that spending for our non-defense accounts is cut by 800 million below last year's levels. Even with the increase for defense spending, our bill is still below 2009 levels, actually quite close to 2008 levels. So I'll not accept any criticism that our bill in any way is not reflective of this body's work to reduce spending. The House's commitment to cut spending, Federal spending, was fully engaged in in a bipartisan way by the Energy and Water Subcommittee.

□ 1240

The gentleman's amendment would cut the bill simply because of the increases we provided for defense spending. To be clear, the amendment is a cut to national security. That's the point I'll make very clear to any Member who has questions on whether to vote for this amendment.

I urge my colleagues to vote "no," to protect defense spending, and I also add a postscript. Our bill, historically, has

done things for a lot of States. And Arizona has benefited from the Central Arizona Water Project. It may not have happened during Mr. FLAKE's tenure as a Member of Congress, but in a bipartisan way we've looked after the needs his constituents and Arizonans.

We are reducing spending. And even as we reduce spending, we have obligations to look at other needs across the country in the energy sector as well as the water sector, which is why I relate the Arizona Central Arizona Project.

So we're cutting spending. We're reducing spending. We're keeping our commitment to the American taxpayers.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I also want to add my voice to the chair's in opposition to the gentleman's amendment. We just had a colloquy on the House floor with several Members from the State of Pennsylvania relative to the fate of 230 lock chambers on our inland waterways that carry hundreds of millions of tons of cargo. If they fail, we would need, as has already been mentioned this morning, 24 million additional trucks, which would cost billions more in fuel and generate millions of tons of pollution. These locks that are the backbone of this Nation's inland waterway system were built with a 50-year design life. Many of those that exist in western Pennsylvania are now over a hundred years old.

Relative to cuts, I want to emphasize to our colleagues that there was a lot of work that the chairman, the members of this subcommittee, and the staffs put into this bill to make very discreet, discerning decisions, and in many instances, to make cuts. I would take simply one program as an example: environmental cleanup.

We have, again, a national responsibility to clean up these legacies of the Cold War for the health and safety of 300 million people. But we made discreet decisions. For defense environmental site-by-site decisions, for example, on the Office of River Protection in the State of Washington, we are \$30 million below last year's level. For the Oak Ridge National Laboratory in the State of Tennessee, we're \$20 million below last year's level. For the Savannah River site in South Carolina, we are \$43 million below in the current year level. For the Waste Isolation Pilot Plant we are \$12 million below last year's level. And for technology development, to do a better job on this, we're \$1 million below. We made discreet decisions.

I would simply close by saying that the gentleman at the close of his remarks said that he wants this cut to take us back to where we were. Those

locks were built a hundred years ago. I don't want to go back there. We are here to take this Nation forward and to invest in the future of this Nation so that the young people of this Nation have a future. I do not want to go back to where we were.

I am adamantly opposed to the gentleman's amendment, and I yield back the balance of my time.

Mr. FLAKE. What I simply meant was take back the spending level to where we were last year. Nobody wants to go back in time. But if we want to talk of a future for our kids, as was mentioned, saddling them with \$15 trillion in debt doesn't give them much of a future. And that's the problem here. We just keep doing that bill after bill after bill after bill—increasing spending.

I take the gentleman's point on the needs of defense, but we've got to find savings. We've got to find savings here. We can't continue to go on and pile up more debt. And I would suggest that finding savings amounting to one-quarter of one penny on this bill is not unreasonable.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Assistant Secretary for Fossil Energy to implement or administer any change to the requirement in section 9.104-1(d) of title 48, Code of Federal Regulations (as in effect on January 19, 2001), that to be determined responsible, a prospective contractor must have a record of satisfactory compliance with antitrust laws.

Mr. DEFAZIO (during the reading). I ask unanimous consent that the reading be suspended.

The Acting CHAIR. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. FRELINGHUYSEN. Madam Chair, I reserve a point of order on the amendment.

The Acting CHAIR. The point of order is reserved.

Pursuant to the order of the House of Tuesday, June 5, 2012, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. This is a very, very dramatic map. The colors indicate gasoline prices across America as of last week by county. As you can see, the entire west coast of the United States is in bright red.

Now we often hear from the oil and gas industry that prices are set internationally. This is an international market. You have to understand that.

Well, that's kind of interesting. Crude oil prices are down dramatically. U.S. production of crude is up a million-and-a-half barrels a day. We're exporting gasoline from the United States of America. But somehow we're missing that international market on the west coast. We're being price gouged on the west coast of the United States through a series of rather interesting or perhaps suspicious circumstances.

The largest refinery in Washington State, Cherry Point, experienced a fire in February, and it's been quite a bit of time in recovery. It's been delayed several times. It's now coming back online. But given the fact that it was known that the largest refinery in the Northwest was offline, one would think that other refineries in California would endeavor to stay online, particularly as we begin the summer driving season. Well, no, actually not, because they had to do routine maintenance.

So five refineries in California, just before Memorial Day weekend in May, decided that it was time for routine maintenance. Then, suddenly we had a shortage. Well, actually we didn't have a shortage. There were no gas stations with yellow flags. There were no gas stations with little red flags. No one was going without gasoline, but a shortage was declared by the industry and the price was jacked up.

So while the rest of the country has seen prices come down, following the international markets, the price on the west coast has gone up, skyrocketing last week 13 cents for a gallon of regular. In one week it went up. It dropped a penny yesterday. All right. We're on the way down. It seems it always goes down a lot slower than it goes up. Kind of interesting.

So I contacted the President's working group for oil price and market manipulation, and my inquiry has been referred to various departments within the government, including the Justice Department, to look at antitrust implications; the Commodity Futures Trading Commission, and others, to look at potential market manipulation.

□ 1250

So I just thought in light of the fact that there may have been—may have been—some market manipulation here and perhaps at other times in the past, that we should just have a simple statement of fact on behalf of the

United States House of Representatives. No oil or gas company convicted of antitrust violations should be able to access any of the \$500 million in the Fossil Energy Research and Development section. That is to say, taxpayers of the United States should not gift money to oil and gas companies that have been convicted of price-gouging the taxpayers of the United States of America. Pretty simple.

I mean, I have even greater concerns over that account; and I joined with 102 Republicans, last night, and 36 Democrats in voting to delete the \$500 million for fossil energy research and development. I think the industry can fund it on its own. And I would hope at least those 102 Republicans last night who voted to totally eliminate that account and the 36 Democrats who voted to totally eliminate that account would join with me today to say, well, we didn't eliminate the account, but we're not going to allow anybody convicted of antitrust that is price-gouging American consumers and taxpayers to access these taxpayer dollars to subsidize their private research and development and profits.

With that, I yield back the balance of my time.

Mr. VISCLOSKEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I would simply note that what the gentleman from Oregon proposes is a commonsense approach to ensuring the highest ethical standards for companies that receive a contract with the DOE's Office of Fossil Energy. We should not be rewarding companies that have a history of predatory economic practices with Federal contractors.

If his amendment is allowed in order, I would certainly urge my colleagues to support it, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The gentleman highlights some very difficult issues that deserve our attention, and I especially share my colleague's concern about gasoline prices, and that's why the committee has focused on trying to reduce gas prices in the future.

However, the areas of antitrust determinations, compliance, and enforcement that he mentions, quite honestly, are within the purview of the authorizing committee. We are aware of them. We're acutely aware of them. We understand where he's coming from.

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chair, I make a point of order against the amendment.

The Acting CHAIR. The gentleman may state his point of order.

Mr. FRELINGHUYSEN. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The gentleman from New Jersey makes a point of order that the amendment offered by the gentleman from Oregon proposes to change existing law, in violation of clause 2(c) of rule XXI.

The amendment would limit funds for an assistant Secretary in the Department of Energy to implement or administer any change to a cited regulation as in effect on January 19, 2001. The Chair is aware that such regulation is no longer effective under current law. The amendment would therefore require a determination by the assistant Secretary of the state of prior regulation, and a further determination of what, if anything, has effected a "change" to that prior regulation.

By requiring a new determination, the amendment constitutes legislation within the meaning of clause 2(c) of rule XXI. The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, designated as Flake No. 2.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act may be used for the Batteries and Electric Drive Technology program within the Department of Energy's Efficiency and Renewable Energy Program.

Mr. FLAKE (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of Tuesday, June 5, 2012, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, I know we have been on this bill a long time, and I don't plan to take my full 5 minutes here.

This amendment would simply prohibit funding for the Department of Energy Batteries and Electric Drive

Technology program, preventing unnecessary Federal spending to the tune of about \$171 million.

We all know that for too long Washington has meddled too much in the energy market. Not only has the government proved itself to be ill-equipped to pick winners and losers, I think government is just plain bad at it. The list of winners is dubious at best, and it's a diverse one, from oil subsidies, ethanol mandates, to Solyndra, and now the Chevy Volt. The common thread is a seemingly endless supply, endless stream of taxpayer funding.

Enter the Batteries and Electric Drive Technology program. This is one of the countless acronyms that taxpayers know little of despite helping to fund these programs to the tune of a few hundred million dollars. Interestingly, the BEDT is the very program that developed the Chevy Volt battery that we've all heard so much about and, I think, the manufacturing lines that are now stopping or diminishing.

While I wholeheartedly support my colleagues' commitment to work to reduce the burden of rising energy and gasoline prices, I believe it would be imprudent to acquiesce key funding in this regard to components of the President's go green or go bust initiative. This hasn't gone too well, and I don't know why we continue to fund it.

Instead, I think we ought to eliminate the energy subsidies and preferential policies while encouraging free market growth and innovation. We could start out by eliminating funding for the BEDT.

I urge support for the amendment, and I reserve the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the amendment. There is valuable, cutting-edge research in the Department of Energy that enables future generations of vehicle technologies to proceed, technologies that are too far in the future for American private sectors to support, but that will keep future generations of manufacturing and jobs here in the United States and have the consequence of lowering what Americans have to pay for gasoline at the pump.

This amendment—and we're all supporting cutting wasteful spending—would virtually eliminate this important piece of our comprehensive approach; and, therefore, I strongly oppose it.

I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I also rise in opposition to the gentleman's amendment.

We need to move away from our dependency on fuel imported by unfriendly nations. I have in past debates on this floor, and I would do it again, referenced the senior Senator from Indiana, Senator LUGAR, who has long characterized our energy crisis paramount, as one of national security, given where those petroleum purchases take place. The fact is, if we can get more miles per gallon, we have solved part of that national security crisis.

None of us today standing here or sitting here are going to be able to do much about the price of a barrel of oil. But if each one of those individual drivers can get some relief by getting an extra mile per gallon for their vehicle, we have also helped ameliorate their economic pressure and the costs that they have.

I think it is shortsighted to eliminate this program which has the potential to address a major issue in the viability and practicality of electric vehicles, and that is the battery. We need to be looking at the cost, performance, life, and abuse tolerance of batteries, and I do support the Department's efforts on this front and have been active for a number of years in seeking additional funds for it because I think it does a great value to this country's future.

I oppose the gentleman's amendment, and I yield back the balance of my time.

Mr. FLAKE. Madam Chair, it was mentioned that government research, the Federal Government typically gets involved in research when the return is too far out for commercial enterprise to realize any benefit. I would suggest that that just doesn't apply here at all. We're talking about batteries. And those who tout this program claim that we already have evidence on the road, the Chevy Volt, of this technology working, and so that's not too far out. So if there's technology on the road, or in this case mostly still sitting in the lots, apparently, because these cars aren't selling very well, it isn't out there too far in the future.

I think we get confused about what really is the role of the Federal Government with regard to research when we have programs like this where there could be profit—and is, in certain technologies tomorrow—and it becomes less research and more subsidy, and that's where I think this program falls into.

With that, I urge support for the amendment, and I yield back the balance of my time.

□ 1300

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chair, I have an amendment at the desk, designated as Flake No. 3.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act may be used by the Department of Energy to fund the Wind Powering America Initiative.

Mr. FLAKE (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of Tuesday, June 5, 2012, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment would prohibit funding for the Wind Powering America initiative under the Department of Energy.

Hot air jokes aside here, nobody can say that the Federal Government has not been good to the wind industry. Turbines made for popular earmarks in Congresses past, and wind technology research and development receives tens of millions of Federal dollars annually. Developers continue to reap billions of dollars from a two-decade-old production tax credit that will hopefully be allowed to expire this year.

But as much as I disagree with my colleagues who would have us continue to prop up an industry that even Secretary Chu of the Energy Department describes as mature, that's not what this amendment is about. This amendment is about putting an end to Wind Powering America, an initiative that just picks winners and losers and operates in the rarified air of a Federal program that is actively advocating on behalf of a particular industry.

Had you happened across an Associated Press article announcing WPA's creation 13 years ago, you would have mistaken it for a trade organization. The Energy Department described WPA as an initiative aimed at building national awareness of wind's benefits, increasing customer demand, overcoming institutional biases, and even advocating on behalf of the wind production tax credit.

These goals have evolved into egregious examples of unnecessary waste, like a podcast titled: "When wind developed doesn't match up to potential, look at policy." And with episodes like Careers in Wind Energy, WPA goes around to the Nation's K-12 schools to promote wind energy workforce development and pushes its Wind for Schools project to implement wind-energy curricula.

While it's hard to understand why taxpayer monies are funding WPA, it's downright impossible to find out how

they are funding WPA. The last time WPA was mentioned in an appropriation bill was in 2003 in a conference report approving level funding at \$3.1 million. In fact, we couldn't find funding figures more recent than 2008, when an Energy Department budget request confirmed it to be \$5.5 million. After that, WPA falls into the bureaucratic abyss. This amendment would not only put an end to this federalized wind-advocacy program, it would end the practice of blindly funding it.

This amendment is anything but tilting at windmills. Congress ought to make a point to not oversee how much we spend, but how we spend it. We can do just that by eliminating the Wind Powering America project.

I urge support for the amendment and reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The amendment prohibits funds for the Wind Powering America program, which has been funded since 1999 to increase information-sharing in support of expanding domestic wind power.

Madam Chairman, I rise to oppose the amendment. I appreciate my colleague's continued efforts to stop inappropriate or wasteful Federal spending. However, there is a distinction between improper and proper Federal activities, and I believe this amendment would eliminate an example of the latter.

I agree with my colleague that the government should not be funding the deployment of proven technologies, and for that reason we have significantly ramped back the wind energy program. In fact, our bill cuts the program by 25 percent and focuses the remaining funds on unproven technologies not yet in the market, like offshore wind. I know they don't have any of that in Arizona, but we have significant offshore wind in Washington State.

There is also a proper Federal role for facilitating the free flow of information where market failures prevent the efficient operation of free markets. In this case, a small program facilitates the free flow of information collected by national laboratories, such as resource maps and detailed wind data. Programs like this use small amounts of Federal funds to fix a market failure and get government out of the way so that our private sector can get to the work of creating manufacturing and construction jobs here at home.

We can talk about which specific parts of this program should be cut, but I cannot support its complete elimination, and I must oppose the amendment.

I yield to the distinguished ranking member of the subcommittee, Mr. VISCLOSKEY.

Mr. VISCLOSKEY. I appreciate the gentleman yielding.

I believe that there is a proper role for government where there is no private organization willing or able to fill an information need, and information is vital if we are going to improve our energy policy.

This program provides a venue at a very modest cost to the taxpayers to disseminate valuable information that supports the diversification of the Nation's energy supply.

While I do appreciate the gentleman from Arizona's efforts to search out sources of wasteful and inappropriate spending, I disagree that this program is one of those instances and join my colleague from Washington in opposition to the amendment.

Mr. DICKS. Again, the gentleman from Arizona would eliminate this entire program; we think that is overstepping.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise in support of the gentleman from Arizona's amendment. While we may have our differences—and not all of his amendments that he has proposed have passed—he has been congenial and a class act and I'd like to thank him. I would like to thank him also for his continued efforts, which have been recognized on the other side too, to fight wasteful Federal spending.

We agree, I think most of us, that our government should not be funding the deployment of proven technologies. For that reason, our committee and our bill has significantly ramped back the wind energy program to 25 percent below fiscal year 2012 and focused the remaining funds on unproven technologies not yet in the market, like far offshore wind. If there are small cases where the Department is carrying out activities not appropriate for the Federal Government, they should be eliminated.

So I salute the gentleman, and I am pleased to support his efforts. I yield back the balance of my time.

Mr. FLAKE. I rise to thank the gentleman and express a lot of shock here. But I appreciate the fine work the gentleman does on this legislation.

Again, this program is advocacy for a proven technology. After 13 years of this program, to spend more—and we really don't understand how much each year, but it could be \$5.5 million—for people in the Federal Government, on taxpayer dollars, to go and advocate on behalf of wind energy. All of us receive visits frequently from people in the wind industry who have proven technology, who are out there already deploying it. Why in the world we should

continue to spend hard-earned taxpayer dollars to advocate for these programs, I just don't know.

So I thank the gentleman, the chairman of the committee, for supporting the amendment, and I urge its adoption.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I suspect, Madam Chair, that the ranking member, Mr. VISCLOSKY, and I are going to use this opportunity to thank a whole host of people who have allowed us to bring this bill to the floor and, we hope, to a very successful conclusion.

□ 1310

First of all, to Chairman ROGERS from Kentucky and his working partner, Congressman NORM DICKS, on behalf of the committee, we want to thank you for giving us full support, bipartisan support, and giving us the flexibility to have a number of hearings to do a comprehensive approach through that hearing process and your insistence, both of you, on what we call regular order, the ability of the Appropriations Committee to work in a bipartisan way. I shouldn't comment on the House in general, but in terms of our committee, there's been a good bipartisan working relationship. So you've laid the foundation for Mr. VISCLOSKY and me to sort of proceed in regular order, and we're grateful.

I'd also like to thank the Members for their cooperation in terms of amendments. I think we started maybe last year with 103 amendments. A lot of amendments were drawn into a unanimous consent situation, so we've been able to reduce the amendments, and Members have come to the floor, spoken on an expeditious basis and, I think, performed admirably, and I think they have made our bill better and more comprehensive.

I'd also like to thank those who are on the floor, particularly our committee staff, Rob Blair, our clerk, who's to my left, Joe Levin, Loraine Heckenberg, Angie Giancarlo, Perry Yates, and Trevor Higgins.

On the minority, I'd like to thank Taunja Berquam. I'd also like to thank my personal staff, Nancy Fox and Katie Hazlett, and Mr. VISCLOSKY's personal staff, Joe DeVoght.

And of course, Madam Chair, there are a whole host of people who make the floor work on the appropriations side. Some of them would not like to be publicly recognized. But let me say, in our heart, we hold them dear because

we're able to get our bill to the floor, make sure that our amendments all meet the letter of the law and the Constitution, the Parliamentarian having vetted all those amendments. So we're highly appreciative of that.

And I certainly would be happy to yield to my ranking member if he cares to—I'm sure he would—make some remarks.

Mr. VISCLOSKY. I appreciate the gentleman yielding very much. And I think the only other thank-you I would add, and I would very sincerely join the chair in all of the recognitions that he has enumerated, is the Chair, herself, as well as all of those others who have served us over the last 4 days and done a very expeditious job.

I cannot thank the chairman enough for all he has done for us and for this country and for being the consummate gentleman. It is a privilege and a delight to work with you, as well as the other members of the subcommittee.

I would point out that, while we agree very substantively on this bill, there are degrees of differences. We did not, in the intervening last 4 days, agree on every amendment, but we had reasoned and thoughtful debate. We had votes, and decisions were made.

It is a profound privilege that people like Chairman FRELINGHUYSEN, Mr. DICKS, and I have serving this country in this Congress. I am an institutionalist, and this is a perfect example of how that institution should work: to meet collectively, to resolve our differences, and to work as hard as we can to hopefully, in fiscal year 2013, leave this country a little bit better.

Again, thank all of the people, and particularly the staff and the Chair for all their good work.

I appreciate the chairman for yielding.

Mr. FRELINGHUYSEN. Reclaiming my time, I want to also note this is the last Energy and Water bill that Mr. DICKS will be participating in. And I say on behalf of our committee that we've always known that you're fully engaged in every subcommittee where you are so prominent, and we want to thank you for that.

Let me say, too, that we're pleased we've built in our bill some common ground for energy policy across our Nation. Most importantly, as I said in my remarks, the national security segment: what we need to do to make sure that our nuclear stockpile is reliable, that we proceed with cleanups, things that we do relative to naval reactors and the next generation of nuclear ballistic submarines, and the comprehensive energy policy that's directed not only towards research into the future but trying to minimize rising gas prices, which have affected every American pocketbook.

Lastly, we've done it with a lot less money. We're actually, in some cases, close to the 2008 level, somewhere be-

tween 2008 and 2009. And while some people may like to damn us, we've done our best to cut spending and reflect the real economy out there, the fact that people are paying too much in the way of taxes, we have too much debt and such a large deficit. We've done our part.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. ROHRABACHER of California.

An amendment by Mr. STEARNS of Florida.

An amendment by Mr. SHIMKUS of Illinois.

An amendment by Mr. TIPTON of Colorado.

An amendment by Mr. LUETKEMEYER of Missouri.

An amendment by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ROHRABACHER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 229, not voting 21, as follows:

[Roll No. 319]

AYES—181

| | | |
|-------------|---------------|-----------------|
| Adams | Chabot | Gardner |
| Aderholt | Chaffetz | Garrett |
| Akin | Coffman (CO) | Gerlach |
| Amash | Conaway | Gibbs |
| Amodei | Costello | Gingrey (GA) |
| Bachmann | Cravaack | Gohmert |
| Barrow | Crawford | Gosar |
| Barton (TX) | Cuellar | Gowdy |
| Benishek | Culberson | Graves (GA) |
| Billbray | DeFazio | Graves (MO) |
| Black | Dent | Griffin (AR) |
| Blackburn | DesJarlais | Harris |
| Boren | Diaz-Balart | Hartzler |
| Boswell | Donnelly (IN) | Heck |
| Boustany | Duffy | Hensarling |
| Brady (TX) | Duncan (SC) | Herger |
| Brooks | Duncan (TN) | Herrera Beutler |
| Broun (GA) | Ellmers | Hochul |
| Buchanan | Farenthold | Huelskamp |
| Bucshon | Fincher | Huizenga (MI) |
| Buerkle | Fitzpatrick | Hultgren |
| Burgess | Flake | Hunter |
| Burton (IN) | Fleming | Hurt |
| Campbell | Flores | Issa |
| Canseco | Forbes | Jenkins |
| Cantor | Fortenberry | Johnson (OH) |
| Carter | Fox | Johnson, Sam |
| Cassidy | Franks (AZ) | Jones |

Jordan
King (IA)
King (NY)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Latham
Latta
LoBiondo
Long
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMorris
Rodgers
Meehan
Meeks
Mica
Michaud

NOES—229

Ackerman
Alexander
Altmire
Andrews
Austria
Bachus
Baldwin
Barletta
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Bonner
Bono Mack
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham

Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Ribble
Rigell
Rivera
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (AR)
Ross (FL)
Royce

Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stutzman
Sullivan
Sutton
Thornberry
Upton
Visclosky
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Woodall
Yoder
Young (FL)
Young (IN)

Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Shinkus
Shuster

Baca
Berman
Castor (FL)
Chu
Coble
Engel
Filner

Simpson
Sires
Smith (WA)
Speier
Stark
Stivers
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)

NOT VOTING—21

Hahn
Hanna
Lewis (CA)
McKeon
Miller, Gary
Moore
Napolitano

□ 1341

Messrs. MCNERNEY, HOYER, HALL, MARKEY, SARBANES and RAHALL changed their vote from “aye” to “no.”

Messrs. ROGERS of Michigan, HUELSKAMP, NUNES, GRIFFIN of Arkansas, PETRI, SMITH of New Jersey, KUCINICH, Mrs. BUERKLE, Messrs. MCCAUL, CUELLAR, GERLACH, DESJARLAIS and WEBSTER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 319, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. STEARNS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 60, not voting 23, as follows:

[Roll No. 320]

AYES—348

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Baldwin

Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Bonamici
Bonner
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)

Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)

Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critt
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta

Guthrie
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huiizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McIntyre
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)

Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Sherman
Shinkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tierney

| | | | | | | | | |
|-------------|----------------|---------------|---------------|-----------------|----------------|---------------|----------------|------------------|
| Tipton | Walsh (IL) | Wolf | Andrews | Fortenberry | McMorris | Terry | Van Hollen | Wilson (SC) |
| Tonko | Waters | Womack | Austria | Fox | Rodgers | Thompson (CA) | Visclosky | Wittman |
| Tsongas | Waxman | Woodall | Bachmann | Franks (AZ) | McNerney | Thompson (PA) | Walberg | Wolf |
| Turner (NY) | Webster | Yarmuth | Bachus | Frelinghuysen | Meehan | Thornberry | Walden | Womack |
| Turner (OH) | Welch | Yoder | Baldwin | Gallegly | Meeks | Tiberi | Walsh (IL) | Woodall |
| Upton | West | Young (AK) | Barletta | Gardner | Mica | Tierney | Walz (MN) | Yarmuth |
| Van Hollen | Westmoreland | Young (FL) | Barrow | Garrett | Michaud | Tipton | Webster | Yoder |
| Visclosky | Whitfield | Young (IN) | Bartlett | Gerlach | Miller (FL) | Tonko | Welch | Young (AK) |
| Walberg | Wilson (SC) | | Barton (TX) | Gibbs | Miller (MI) | Towns | West | Young (FL) |
| Walden | Wittman | | Bass (NH) | Gibson | Miller (NC) | Turner (NY) | Westmoreland | Young (IN) |
| | | | Benishek | Gingrey (GA) | Miller, George | Turner (OH) | Whitfield | |
| | | | Berg | Gohmert | Moran | Upton | Wilson (FL) | |
| | | | Biggart | Gonzalez | Mulvaney | | | |
| Andrews | Fudge | Ruppersberger | Bilbray | Goodlatte | Murphy (CT) | Ackerman | Gutierrez | McGovern |
| Bass (CA) | Garamendi | Rush | Bilirakis | Gosar | Murphy (PA) | Amodei | Hastings (FL) | Nadler |
| Berkley | Grijalva | Ryan (OH) | Bishop (GA) | Gowdy | Myrick | Bass (CA) | Heck | Oliver |
| Carnahan | Gutierrez | Scott (VA) | Bishop (NY) | Granger | Neal | Becerra | Hinchey | Pallone |
| Carson (IN) | Hastings (FL) | Scott, David | Bishop (UT) | Graves (GA) | Neugebauer | Berkley | Hirono | Pastor (AZ) |
| Clarke (MI) | Himes | Serrano | Black | Graves (MO) | Noem | Brown (FL) | Holt | Pelosi |
| Clarke (NY) | Hinchey | Sires | Blackburn | Green, Al | Nugent | Capps | Honda | Perlmutter |
| Clay | Honda | Smith (WA) | Blumenauer | Green, Gene | Nunes | Capuano | Hoyer | Perlmutter |
| Cleaver | Jackson (IL) | Stark | Bonamici | Griffin (AR) | Nunnelee | Carnahan | Israel | Pingree (ME) |
| Clyburn | Johnson, E. B. | Thompson (CA) | Bonner | Griffith (VA) | Olson | Carson (IN) | Jackson (IL) | Polis |
| Conyers | Kildee | Thompson (MS) | Bono Mack | Grimm | Owens | Chaffetz | Jackson Lee | Rangel |
| Courtney | Larson (CT) | Towns | Boren | Guinta | Palazzo | Cicilline | (TX) | Richmond |
| Crowley | Lee (CA) | Velázquez | Boswell | Guthrie | Paulsen | Clarke (MI) | Johnson (IL) | Roybal-Allard |
| Davis (IL) | Lewis (GA) | Walz (MN) | Boustany | Hall | Pearce | Clarke (NY) | Johnson, E. B. | Rush |
| DeGette | McCollum | Wasserman | Brady (PA) | Hanabusa | Pence | Conyers | Kissell | Sánchez, Linda |
| DeLauro | McDermott | Schultz | Brady (TX) | Harper | Peters | Crowley | Langevin | T. |
| Deutch | Meeks | Watt | Braley (IA) | Harris | Peterson | Hamming | Larson (CT) | Sanchez, Loretta |
| Dingell | Perlmutter | Wilson (FL) | Brooks | Hartzer | Petri | Davis (CA) | Lee (CA) | Schakowsky |
| Edwards | Peters | Woolsey | Broun (GA) | Hastings (WA) | Pitts | Davis (IL) | Levin | Serrano |
| Ellison | Rangel | | Buchanan | Hayworth | Poe (TX) | DeLauro | Lewis (GA) | Stark |
| Frank (MA) | Richmond | | Buchon | Heinrich | Pompeo | Doggett | Lofgren, Zoe | Thompson (MS) |
| | | | Buerkle | Hensarling | Posey | Edwards | Lujan | Tsongas |
| | | | Burgess | Herger | Price (GA) | Ellison | Maloney | Velázquez |
| | | | Burton (IN) | Herrera Beutler | Price (NC) | Fattah | Markey | Wasserman |
| | | | Butterfield | Higgins | Quayle | Frank (MA) | Matheson | Schultz |
| | | | Calvert | Himes | Quigley | Fudge | Matsui | Waters |
| | | | Camp | Hinojosa | Rahall | Garamendi | McCotter | Watt |
| | | | Campbell | Hochul | Reed | Grijalva | McDermott | Waxman |
| | | | Canseco | Holden | Rehberg | | | Woolsey |
| | | | Cantor | Huelskamp | Reichert | | | |
| | | | Capito | Huizenga (MI) | Renacci | | | |
| | | | Cardoza | Hultgren | Reyes | Baca | Hahn | Pascarell |
| | | | Carter | Hunter | Ribble | Berman | Hanna | Paul |
| | | | Cassidy | Hurt | Rigell | Castor (FL) | Johnson (GA) | Platts |
| | | | Chabot | Issa | Rivera | Chu | Lewis (CA) | Richardson |
| | | | Chandler | Jenkins | Roby | Coble | McKeon | Rothman (NJ) |
| | | | Clay | Johnson (OH) | Roe (TN) | Engel | Miller, Gary | Shuler |
| | | | Cleaver | Johnson, Sam | Rogers (AL) | Farr | Moore | Slaughter |
| | | | Clyburn | Jones | Rogers (KY) | Filner | Napolitano | Smith (NJ) |
| | | | Coffman (CO) | Jordan | Rogers (MI) | | | |
| | | | Cohen | Kaptur | Rohrabacher | | | |
| | | | Cole | Keating | Rokita | | | |
| | | | Conaway | Kelly | Rooney | | | |
| | | | Connolly (VA) | Kildee | Ros-Lehtinen | | | |
| | | | Cooper | Kind | Roskam | | | |
| | | | Costa | King (IA) | Ross (AR) | | | |
| | | | Costello | King (NY) | Ross (FL) | | | |
| | | | Courtney | Kingston | Royce | | | |
| | | | Cravaack | Kinzing (IL) | Runyan | | | |
| | | | Crawford | Kline | Ruppersberger | | | |
| | | | Crenshaw | Kucinich | Ryan (OH) | | | |
| | | | Critz | Labrador | Ryan (WI) | | | |
| | | | Cuellar | Lamborn | Sarbanes | | | |
| | | | Culberson | Lance | Scalise | | | |
| | | | Davis (KY) | Landry | Schiff | | | |
| | | | DeFazio | Lankford | Schilling | | | |
| | | | DeGette | Larsen (WA) | Schmidt | | | |
| | | | Denham | Latham | Schock | | | |
| | | | Dent | LaTourette | Schrader | | | |
| | | | DesJarlais | Latta | Schwartz | | | |
| | | | Deutch | Lipinski | Schweikert | | | |
| | | | Diaz-Balart | LoBiondo | Scott (SC) | | | |
| | | | Dicks | Loeb sack | Scott (VA) | | | |
| | | | Dingell | Long | Scott, Austin | | | |
| | | | Dold | Lowe | Scott, David | | | |
| | | | Donnelly (IN) | Lucas | Sensenbrenner | | | |
| | | | Doyle | Luetkemeyer | Sessions | | | |
| | | | Dreier | Lummis | Sewell | | | |
| | | | Duffy | Lungren, Daniel | Sherman | | | |
| | | | Duncan (SC) | E. | Shimkus | | | |
| | | | Duncan (TN) | Lynch | Shuster | | | |
| | | | Ellmers | Mack | Simpson | | | |
| | | | Emerson | Manzullo | Sires | | | |
| | | | Eshoo | Marchant | Smith (NE) | | | |
| | | | Farenthold | Marino | Smith (TX) | | | |
| | | | Fincher | McCarthy (CA) | Smith (WA) | | | |
| | | | Fitzpatrick | McCarthy (NY) | Southerland | | | |
| | | | Flake | McCauley | Speier | | | |
| | | | Fleischmann | McClintock | Stearns | | | |
| | | | Fleming | McCollum | Stivers | | | |
| | | | Flores | McHenry | Stutzman | | | |
| | | | Forbes | McIntyre | Sullivan | | | |
| | | | | McKinley | Sutton | | | |

NOES—60

NOES—81

NOT VOTING—23

NOT VOTING—24

□ 1346

Mr. SERRANO changed his vote from “aye” to “no.”

Ms. JACKSON LEE of Texas and Ms. PELOSI changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 320, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. SHIMKUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 326, noes 81, not voting 24, as follows:

[Roll No. 321]

AYES—326

| | | |
|----------|-----------|---------|
| Adams | Akin | Altmire |
| Aderholt | Alexander | Amash |

□ 1353

Mr. CICILLINE and Ms. WATERS changed their vote from “aye” to “no.”

Mrs. SCHMIDT and Ms. BONAMICI changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 321, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. TIPTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TIPTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 355, noes 51, not voting 25, as follows:

[Roll No. 322]

AYES—355

Adams Dreier Larson (CT)
 Aderholt Duffy Latham
 Akin Duncan (SC) LaTourette
 Alexander Duncan (TN) Latta
 Altmire Ellmers Levin
 Amash Emerson Lewis (GA)
 Amodei Eshoo Lipinski
 Andrews Farenthold LoBiondo
 Austria Fincher Loeb sack
 Bachmann Fitzpatrick Lofgren, Zoe
 Bachus Flake Long
 Baldwin Fleischmann Lowey
 Barletta Fleming Lucas
 Barrow Flores Luetkemeyer
 Bartlett Forbes Luján
 Barton (TX) Fortenberry Lummis
 Bass (CA) Foxx Lungren, Daniel
 Bass (NH) Frank (MA) E.
 Becerra Franks (AZ) Lynch
 Benishkek Frelinghuysen Mack
 Berg Gallegly Maloney
 Berkley Gardner Manzullo
 Biggert Garrett Marchant
 Bilbray Gerlach Marino
 Bilirakis Gibbs Markey
 Bishop (GA) Gibson Matheson
 Bishop (NY) Gingrey (GA) Matsui
 Bishop (UT) Gonzalez McCarthy (CA)
 Black Goodlatte McCarthy (NY)
 Blackburn Gosar McCaul
 Bonamici Gowdy McClintock
 Bonner Granger McCotter
 Bono Mack Graves (GA) McGovern
 Boren Graves (MO) McHenry
 Boswell Green, Al McIntyre
 Boustany Green, Gene McKinley
 Brady (PA) Griffin (AR) McMorris
 Brady (TX) Griffith (VA) Rodgers
 Braley (IA) Grimm McNeerney
 Brooks Guinta Meehan
 Broun (GA) Guthrie Mica
 Brown (FL) Hall Michaud
 Buchanan Hanabusa Miller (FL)
 Buchson Harper Miller (MI)
 Buerkle Harris Miller, George
 Burgess Hartzler Mulvaney
 Burton (IN) Hastings (FL) Murphy (CT)
 Butterfield Hastings (WA) Murphy (PA)
 Calvert Hayworth Myrick
 Camp Heck Neal
 Campbell Heinrich Neugebauer
 Canseco Hensarling Noem
 Cantor Herger Nugent
 Capito Herrera Beutler Nunes
 Capps Higgins Nunnelee
 Capuano Himes Olson
 Carney Hinojosa Owens
 Carter Hirono Palazzo
 Cassidy Hochul Pallone
 Chabot Holden Pascrell
 Chaffetz Hoyer Paulsen
 Chandler Huelskamp Pearce
 Cicilline Huizenga (MI) Pelosi
 Clarke (MI) Hultgren Pence
 Coffman (CO) Hunter Perlmutter
 Cole Hurt Peters
 Conaway Israel Peterson
 Connolly (VA) Issa Petri
 Cooper Jenkins Pingree (ME)
 Costello Johnson (GA) Pitts
 Courtney Johnson (IL) Poe (TX)
 Cravaack Johnson (OH) Polis
 Crawford Johnson, E. B. Pompeo
 Crenshaw Johnson, Sam Posey
 Critz Jones Price (GA)
 Cuellar Jordan Price (NC)
 Culberson Kaptur Quayle
 Davis (CA) Keating Rahall
 Davis (KY) Kelly Rangel
 DeFazio Kildee Reed
 DeGette Kind Rehberg
 DeLauro King (IA) Reichert
 Denham King (NY) Renacci
 Dent Kingston Reyes
 DesJarlais Kinzinger (IL) Ribble
 Deutch Kissell Rigell
 Diaz-Balart Kline Rivera
 Dicks Labrador Roby
 Dingell Lamborn Roe (TN)
 Doggett Lance Rogers (AL)
 Dold Landry Rogers (KY)
 Donnelly (IN) Langevin Rogers (MI)
 Doyle Lankford Rohrabacher

Rokita Sessions
 Rooney Ros-Lehtinen
 Rosskam Roskam
 Ross (AR) Sherman
 Ross (FL) Shimkus
 Roybal-Allard Shuster
 Royce Simpson
 Runyan Smith (NE)
 Ruppberger Smith (NJ)
 Ryan (OH) Smith (TX)
 Ryan (WI) Smith (WA)
 Sánchez, Linda Southerland
 T. Stearns
 Sanchez, Loretta Stivers
 Sarbanes Stutzman
 Scalise Sutton
 Schiff Terry
 Schilling Thompson (CA)
 Schmidt Thompson (PA)
 Schock Thornberry
 Schrader Tiberi
 Schwartz Tierney
 Schweikert Tipton
 Scott (SC) Tonko
 Scott, Austin Tsongas
 Scott, David Turner (NY)
 Turner (OH)

NOES—51

Ackerman Garamendi
 Blumenauer Grijalva
 Cardoza Gutierrez
 Carnahan Hinchey
 Clarke (NY) Holt
 Clay Honda
 Clyburn Jackson (IL)
 Cohen Jackson Lee
 Conyers (TX)
 Costa Kucinich
 Crowley Larsen (WA)
 Cummings Lee (CA)
 Davis (IL) McCollum
 Edwards McDermott
 Ellison Meeks
 Farr Miller (NC)
 Fattah Moran
 Fudge Nadler

NOT VOTING—25

Baca Gohmert
 Berman Hahn
 Carson (IN) Hanna
 Castor (FL) Lewis (CA)
 Chu McKeon
 Cleaver Miller, Gary
 Coble Moore
 Engel Napolitano
 Filner Paul

□ 1357

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 322, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. LUETKEMEYER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 168, not voting 21, as follows:

[Roll No. 323]

AYES—242

Adams Gingrey (GA) Nunes
 Aderholt Goodlatte Nunnelee
 Akin Gosar Olson
 Alexander Gowdy Owens
 Altmire Granger Palazzo
 Amash Graves (GA) Paulsen
 Amodei Graves (MO) Pearce
 Austria Griffin (AR) Pence
 Bachmann Griffith (VA) Peterson
 Bachus Grimm Petri
 Barletta Guinta Pitts
 Bartlett Guthrie Poe (TX)
 Barton (TX) Hall Pompeo
 Benishkek Harper Posey
 Biggert Harris Price (GA)
 Bilbray Hartzler Quayle
 Bilirakis Hastings (WA) Reed
 Bishop (UT) Hayworth Reichert
 Black Heck Renacci
 Blackburn Hensarling Ribble
 Bonner Herger Rigell
 Bono Mack Herrera Beutler
 Boswell Himes Rivera
 Boustany Hochul Roby
 Brady (TX) Holden Roe (TN)
 Braley (IA) Huelskamp Rogers (AL)
 Brooks Huizenga (MI) Rogers (MI)
 Broun (GA) Hultgren Rohrabacher
 Buchanan Hunter Rokita
 Buchson Hurt Rooney
 Buerkle Issa Ros-Lehtinen
 Burgess Jenkins
 Burton (IN) Johnson (IL) Roskam
 Calvert Johnson (OH) Ross (AR)
 Camp Johnson, Sam Ross (FL)
 Campbell Jones Royce
 Canseco Jordan Runyan
 Cantor Kelly Ryan (WI)
 Capito King (IA) Scalise
 Capps King (NY) Schilling
 Capuano Kingston Schmidt
 Carney Kinzinger (IL) Schock
 Carter Kline Schweikert
 Cassidy Labrador Scott (SC)
 Chabot Lamborn Scott, Austin
 Chaffetz Lance Sensenbrenner
 Chandler Landry Shimkus
 Cicilline Lankford Shuster
 Clarke (MI) Latham Simpson
 Coffman (CO) LaTourette Smith (NE)
 Cole Latta Smith (NJ)
 Conaway Lipinski Smith (TX)
 Connolly (VA) LoBiondo Southerland
 Cooper Loeb sack Stearns
 Costello Long Stivers
 Courtney Lucas Stutzman
 Cravaack Luetkemeyer Sullivan
 Crawford Lummis Terry
 Crenshaw Lungren, Daniel
 Culberson E. Thompson (PA)
 Davis (KY) Mack Thornberry
 Denham Marino Tiberi
 Dent McCarthy (CA) Tipton
 DesJarlais McCaul Turner (NY)
 Diaz-Balart Farenthold Turner (OH)
 Dold Fincher Upton
 Donnelly (IN) Fitzpatrick Walberg
 Dreier Flake Walden
 Duffy Fleischmann Walsh (IL)
 Duncan (SC) Fleming Webster
 Duncan (TN) Flores West
 Ellmers Forbes Westmoreland
 Emerson McHenry Whitfield
 Farenthold McIntyre Wilson (SC)
 Fincher McKinley Wittman
 Fitzpatrick McMorris Wolf
 Flake Rodgers Womack
 Fleischmann Meehan Woodall
 Fleming Mica Yoder
 Flores Michaud Young (AK)
 Forbes Miller (FL) Young (IN)
 Foxx Miller (MI)
 Franks (AZ) Mulvaney
 Frelinghuysen Gardner
 Gallegly Garret
 Gallegly Garret
 Gardner Garret
 Garrett Gerlach
 Gerlach Gibbs
 Gibbs Gibson

NOES—168

Ackerman Bass (CA) Berkley
 Andrews Bass (NH) Bishop (GA)
 Baldwin Becerra Bishop (NY)
 Barrow Berg Blumenauer

Bonamici
Boren
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Fortenberry
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)

Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Pelosi

Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOT VOTING—21

Baca
Berman
Castor (FL)
Chu
Coble
Engel
Filner

Gohmert
Hahn
Hanna
Lewis (CA)
Marchant
McKeon
Miller, Gary

Napolitano
Paul
Platts
Richardson
Rothman (NJ)
Shuler
Slaughter

□ 1402

Messrs. KUCINICH and MARKEY changed their vote from “aye” to “no.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 323, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the fourth amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 260, not voting 21, as follows:

[Roll No. 324]

AYES—150

Ackerman
Baldwin
Bass (CA)
Becerra
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Critz
Crowley
Cuellar
Lee (CA)
Levin
Lewis (GA)
Loebach
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Michael
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal

Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Loebach
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Michael
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal

Nugent
Oliver
Pallone
Pascarell
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—260

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Berkley
Biggart
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany

Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Costello
Cravaack

Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen

Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzer
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
LaTourette
Latta
Lipinski
LoBiondo
Lofgren, Zoe
Long

Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Sánchez, Linda
T.
Scalise
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stark
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

NOT VOTING—21

Baca
Berman
Castor (FL)
Chu
Coble
Engel
Filner

Gutierrez
Hahn
Hanna
Lewis (CA)
Marchant
McKeon
Miller, Gary

Napolitano
Paul
Platts
Richardson
Rothman (NJ)
Shuler
Slaughter

□ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. Filner. Madam Chair, on rollcall 324, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Mr. FRELINGHUYSEN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NUGENT) having assumed the chair, Ms. ROS-LEHTINEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that

Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

NOTICE OF INTENTION TO OFFER
MOTION TO INSTRUCT CON-
FEREES ON H.R. 4348, SURFACE
TRANSPORTATION EXTENSION
ACT OF 2012, PART II

Mr. BROUN of Georgia. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mr. Broun of Georgia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on provisions that limit funding out of the Highway Trust Fund (including the Mass Transit Account) for Federal-aid highway and transit programs to amounts that do not exceed \$37,500,000,000 for fiscal year 2013.

□ 1410

DEPARTMENT OF HOMELAND SE-
CURITY APPROPRIATIONS ACT,
2013

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5855, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5855.

The Chair appoints the gentlewoman from Florida (Ms. ROS-LEHTINEN) to preside over the Committee of the Whole.

□ 1411

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, with Ms. ROS-LEHTINEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Alabama (Mr. ADERHOLT) and the gentleman from North Carolina (Mr. PRICE) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it was 68 years ago today that more than 9,000 Allied soldiers were killed and wounded during the D-day invasion in Normandy, France. That courageous operation, as well as the sacrifice of so many brave individuals, serves as a sobering reminder that freedom and security are not free. It is with this solemn commitment to both freedom and security that I respectfully present to the people's House the FY 2013 appropriations bill for the Department of Homeland Security.

Similar to our committee's work over the past 2 fiscal years, this bill demonstrates how we can sufficiently fund vital security programs while also at the same time reducing discretionary spending overall. This bill does not represent a false choice between fiscal responsibility and our Nation's security. Both are national security priorities and both are vigorously addressed in this bill by focusing upon four key priorities:

First, fiscal discipline. This bill reduces spending below the FY12-enacted level;

Second, oversight. This bill continues and strengthens the subcommittee's long bipartisan tradition of strict accountability;

Third, support for frontline operations. This bill sustains and it actually even increases operational programs, including border and maritime security, immigration enforcement, investigations, targeted aviation security activities, disaster relief, and also cybersecurity;

Fourth, preparedness and innovation. Despite the bill's overall reduction in spending, investments and preparedness grants and science and technology are substantially increased above FY12 levels.

In sum, I believe this to be a very strong bill that incorporates considerable input from nearly 200 Members, including members of the authorizing committees, and also along with the Appropriations Committee, which meets our Nation's pressing needs for both security and fiscal restraint.

I would like to go into a few details on fiscal discipline and spending that are included in this legislation.

The bill before us today provides \$39.1 billion in base discretionary funding, which is nearly a half billion dollars below the FY12-enacted level, and it is almost \$400 million below the President's own request. There are no earmarks in this bill or the accompanying report.

The bill cuts the Department's bureaucratic overhead and headquarters functions by nearly 18 percent below the request and 7 percent below last

year's level. Also, the bill substantially reduces the administrative overhead of the Department of Homeland Security component agencies, including a \$61 million reduction to TSA's administrative functions and a reallocation of TSA's resources to increase privatized screening and canine enforcement teams. In fact, TSA is cut overall by some \$422 million below last year's level.

As I noted, this bill puts priority funding on frontline personnel, such as the Border Patrol, CBP officers, Coast Guard military personnel, and law enforcement agents. It supports the largest immigration detention capacity in the history of ICE, and it sustains high-risk aviation security. It fully funds the known requirement for disaster relief; supports long overdue initiatives in cybersecurity; and robustly supports intelligence, watch-listing, threat-targeting systems, preparedness grants, and science and technology programs, including the National Bio and Agro-Defense Facility.

In addition, this bill reforms the way the Coast Guard acquires its costly operational assets and responsibly funds much-needed cutters and aviation assets, those essential tools that will keep our coastlines safe and secure our maritime approaches against the plague of illegal drugs.

This bill also provides funding where the administration utterly failed. This bill makes up for the \$115 million shortfall that was handed to us by the Department through phony, unauthorized fee collections, as well as the \$110 million shortfall resulting from OMB's failure to properly access CBP's fee collections. The administration may be able to rely on some of these fee gimmicks in the President's budget, but here in the House and in the subcommittee we do not have that luxury.

With respect to oversight, our subcommittee has a bipartisan tradition of insisting upon results for each and every taxpayer dollar that it appropriates. Therefore, the bill includes robust oversight by way of intensified spend plan requirements, reporting requirements, a full accounting of disaster relief costs, and operational requirements to include Border Patrol staffing levels and ICE's detention capacity.

However, I must note that the Department of Homeland Security did an unacceptably poor job at complying with the statutory requirements that were enacted in FY12. Those failures are assertively addressed in this bill and the report, and we address this through sizable cuts and withholdings to the Department.

Furthermore, this bill holds the administration's feet to the fire when it comes to enforcing our Nation's immigration laws. In response to the administration's repeated attempts to water down enforcement, this bill directs ICE

to maintain 34,000 detention beds and continue funding 287(g) and worksite enforcement at the FY 2012 levels. It is the prerogative of Congress to set such priorities, and I stand by this direction in the bill.

Our subcommittee is serious about compelling the Department to not only enforce the law, but to comply with the law as well, and we cannot tolerate further failures in this regard.

Finally, on preparedness and innovation. The bill increases preparedness grants by nearly 17 percent and science and technology programs by nearly 24 percent above last year's levels. Committee members and our authorizing members have provided considerable input on these programs, and I'm committed to leveraging technology and well-justified investments to sustain our Nation's preparedness as well as spur innovation and foster an environment for job growth.

In closing my comments this afternoon, I would like to thank Ranking Member DAVID PRICE. He has been a statesman and a real partner during this process as we have moved this bill forward over the last several months. I do want to thank him for his dedicated professionalism and also his dedicated staff that have acted in a tremendously professional manner, for their input and contributions that they have made to this bill.

Let me recognize and thank the members of the Appropriations Committee and also many of the members of the authorizing committee, for their input and their vital oversight work over the past few months as well, as we have moved forward in the producing of this bill.

□ 1420

I'd like to thank the dedicated staff for the Department of Homeland Security that I work with on a day-by-day basis as we move this bill forward: the clerk, Ben Nicholson; Jeff Ashford; Kris Mallard; Kathy Kraninger; Miles Taylor; Cornell Teague; and Joe Croce, as well as in my own office, in my personal office who worked on this bill, Brian Rell and Mark Dawson and, of course, on the minority side, Stephanie Gupta, who did a tremendous job in a professional manner on the minority side.

Finally, I do want to thank the distinguished chairman and the ranking member of the overall Appropriations Committee, Chairman HAL ROGERS and Ranking Member NORM DICKS. As much as we had to make difficult choices and tradeoffs at the subcommittee level, I know they had to make much more difficult choices across all 12 subcommittees.

So I sincerely believe, Mr. Chairman, that this bill reflects our best efforts to address our Nation's most urgent needs for security and also to address fiscal discipline. I would urge my colleagues in the House to support this measure.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the bill and yield myself such time as I may utilize.

Mr. Chairman, I'm pleased we're considering the fiscal year 2013 Department of Homeland Security appropriations bill in a timely fashion and under an open rule. Chairman ADERHOLT has been collaborative and collegial in the drafting of this bill, and I appreciate his willingness to include input from our side all along the way.

I'm generally supportive of the funding levels provided in the bill. The fact remains, however, that our subcommittee was forced to accept a reduced allocation for the Department of Homeland Security when Republicans unilaterally cast aside the spending agreement we reached last August, forcing the Appropriations Committee to absorb \$19 billion in reductions below the Budget Control Act levels.

Largely because the majority broke that agreement, DHS is funded at 1 percent below the requested level, continuing a downward funding trend for this agency over the past few years. The bill does retain the disaster cap adjustment included in the Budget Control Act agreement.

Mr. Chairman, fortunately, despite these circumstances, the bill before us provides adequate funding for DHS front-line employees so that they can continue to conduct critical operations along our borders, to protect our Nation's airports and seaports, to disrupt the latest plots against the United States and our citizens, and to respond to the spate of natural disasters our country has experienced.

I'm also pleased that the bill significantly increases funding for critical grant programs, in marked contrast to the current year's inadequate levels. The bill also rejects the administration's poorly articulated changes to the grant structure, changes that have not been authorized.

Specifically, funding for FEMA's State and local grants is \$413 million above the fiscal year 2012 level, and both fire grants and emergency management performance grants are funded at the levels requested by the administration.

Equally important, the bill provides improved funding for research and developments efforts. The bill contains sufficient resources for the Science and Technology Directorate to fund all high-priority research efforts and some new projects as well.

Unfortunately, while the bill appears to fully fund the administration's request for science and technology, in reality it includes \$75 million for construction of the National Bio and Agro-defense Facility, NBAF, which the administration did not request, in effect reducing funds for research and development efforts.

Now, I support the eventual construction of this facility, but I must question the inclusion of \$75 million in limited resources for a project that the President did not request, that remains under review by two National Academy of Science panels, and that already has unobligated prior-year appropriations that it can draw upon.

The bill also increases funding for critical Coast Guard, as well as Air and Marine, acquisitions, to recapitalize aging assets while also bringing the latest aviation and vessel technologies online to ensure our personnel can operate more effectively.

And, finally, the bill includes a substantial increase for cybersecurity protective efforts to continuously monitor and detect intrusions to our Federal networks from foreign espionage and cyberattacks.

Mr. Chairman, the bill does contain some ill-advised immigration provisions. Unnecessary and wasteful statutory floors are set for a variety of programs, such as an arbitrary minimum of 34,000 detention beds, a required level of spending for the seriously flawed 287(g) program, and an inflexible amount for work-site enforcement. Including these types of spending floors and mandates in bill language limits the Department's flexibility to respond decisively to immigration challenges and is likely to waste taxpayer dollars for no good reason.

I also object to the three abortion general provisions that were added in full committee. Now, we all know, Mr. Chairman, abortion is a politically charged subject. Numerous restrictions in law have already conditioned and qualified reproductive freedom in practice. Among those are prohibitions on the use of Federal funds for abortion procedures, which are specifically applied to Immigration and Customs Enforcement and the Department of Homeland Security by the President's Executive Order 13535, issued on March 24, 2010.

Until now, our bill has never touched on the topic of abortion because it's not relevant to the Department of Homeland Security, and it falls far outside the lines of jurisdiction of this subcommittee. So these provisions are redundant. They will accomplish nothing. They make no change whatsoever in current law or procedures.

They seem designed mainly for political effect; but I tell you, political effect cuts both ways. These abortion riders, while unnecessary, are inflammatory. They're divisive. They should not be included in the final bill.

Finally, I also strongly disagree with provisions that withhold the following: 60 percent of all funding provided to the Secretary, Under Secretary, Chief Financial Officer; 10 percent of all funding for salaries and expenses at Customs and Border Protection personnel; about 37 percent for Coast

Guard Headquarters Directorate until they submit numerous reports required by statute.

Even more egregiously, these withholdings are coupled with a provision that prevents the Secretary, the Deputy Secretary, the commandant of our Coast Guard, and the vice commandant from using their aircraft until certain key reports are received by the committee. These constraints are excessive. They will prevent Department and Coast Guard leadership from effectively doing their jobs.

I support efforts to hold the Department accountable; and, in fact, we included carefully calibrated and targeted withholdings in this bill when I was chairman. But excessive and unrealistic limitations, frankly, detract from this subcommittee's credibility, and they're likely to be counterproductive.

Mr. Chairman, I will close by thanking the hardworking professional staff which has helped craft this bill and has assisted the subcommittee in a bipartisan manner over the course of the year. I want to thank, as the chairman did, Ben Nicholson, Kathy Kraninger, Jeff Ashford, Kris Mallard, Joe Croce, Miles Taylor, and Cornell Teague on the majority side and, of course, Stephanie Gupta on our side of the aisle and Justin Wein from my office.

Again, I want to reiterate my appreciation to the chairman for his efforts to work with us on so many issues and to sustain our front-line Federal homeland security operations.

With that, Mr. Chairman I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the full Appropriations Committee.

Mr. ROGERS of Kentucky. Thank you, Chairman ADERHOLT, for yielding the time.

Mr. Chairman, this is the 10th anniversary bill for this subcommittee. We began work in 2003, and the first three speakers that are on the platform today are the three chairmen of that subcommittee in its 10 years of history. I have the honor of being the first chairman and then was followed by DAVID PRICE as chairman, and now ROBERT ADERHOLT. So we have—if there is any accumulated wisdom, we possess a portion of it.

So we want to thank Chairman ADERHOLT and Ranking Member PRICE for their hard work on this subcommittee. This is truly a bipartisan, nonpartisan subcommittee because the Nation's security cannot bow to any partisan spirits.

□ 1430

I think after these 10 years we can all agree that the country is indeed safer than it was then. The country has thwarted several attempts at terrorist attacks in our skies. We've eliminated

the world's most heinous terrorist, Osama bin Laden, and more recently the number two al Qaeda leader in Afghanistan and Pakistan. But we face constant reminders that the war on terror is anything near over. Our freedom is not free, and we can't skimp on our national security if we want to stay vigilant and, most importantly, safe.

Discretionary funding in this bill totals just over \$39 billion, which, indeed, is a cut of \$483 million below last year and \$393 million below what the President requested. Chairman ADERHOLT and his subcommittee drafted this bill with four priorities in mind: one, putting security first; second, encouraging strong fiscal discipline; three, mandating robust oversight efforts; and four, boosting the research and grant programs that support American jobs, innovation, and preparedness.

To support and address vital front-line operations, the bill makes smart increases or holds constant programs that enhance intelligence, threat-targeting, or that act as the first line of defense and response. This includes providing funding for the largest immigration detention capacity and number of Border Patrol agents in ICE history.

But at the end of the day, the bill totals less than it did last year, and that's because of thoughtful, responsible reductions. Our limited government resources must be put toward programs and services with proven benefits and tangible results. These cuts targeted programs with known inefficiencies, program delays, excessive overhead costs, or those that simply had lower budget requirements. The bill also rescinds excess or unspent prior-year funds.

Now, as the Department enters its 10th anniversary, we are reminded that the Department in its current form is still "under construction." Though we have seen some real progress made, DHS can still improve the way it spends taxpayer dollars and administers its grant programs.

This legislation, I think, takes the right steps to direct spending accordingly—enacting reforms, requiring tougher oversight, and demanding justifications and spending plans from programs that do not have a history of wise spending decisions.

Again, I want to thank Chairman ADERHOLT, Ranking Member PRICE, all of the members of the subcommittee, and the hardworking staff for all the many hours they've spent in drafting this important bill. This legislation is proof that we can do more with less. A reduction in spending, coupled with reforms to encourage efficiency and sustainability, will help us get on a stronger fiscal path.

I believe this is a good bill, Mr. Chairman. It's as good a bill as I've seen in my 10 years on this subcommittee, and I want to, again, con-

gratulate those who had a hand in making it possible.

So I urge my colleagues to vote "yes" on this bill to help prevent future terrorist attacks, to protect air passengers, and to keep our border secure.

Mr. PRICE of North Carolina. Mr. Chairman, I would like to yield 3 minutes to an outstanding member of our subcommittee, the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. I would like to thank Chairman ADERHOLT and Ranking Member PRICE for their bipartisan work on this legislation.

The fiscal year 2013 Homeland Security appropriations bill would make smart investments in our national security infrastructure, including increasing funds for cybersecurity, focusing homeland security dollars at communities most at threat of terrorist attacks, and providing our first responders with the resources to protect us.

With limited resources, we must prioritize assistance to the regions most likely to be attacked. That is why I am so pleased that this bill takes a step toward restoring the original intent of the Urban Area Security Initiative by focusing resources on the 25 most at-risk cities while still providing funding for other regions through other programs.

Ten years after 9/11, the threat of radiological attack and New York's status as the number one terror target remain. That is why I am so pleased that this bill would maintain \$22 million to support Securing the Cities, which seeks to prevent the smuggling of illicit nuclear material into Manhattan.

I am also pleased that Assistance to Firefighter and SAFER grants would be adequately funded. As local governments have faced difficult budget decisions, firefighters have been laid off, leaving our neighborhoods with inadequate protection. This legislation would fund firefighter hiring grants and would extend the SAFER waiver to allow communities to retain or rehire laid-off firefighters.

I am extremely disappointed, however, that Republicans needlessly injected divisive social issues into the bill. I've served on this subcommittee or on the authorizing committee for nearly a decade. In that time, I've met with the first responders, ICE agents, Border Patrol, and many other security personnel. Not once have they said that women's reproductive health makes our country less secure—not once. Weighing down this bill with ideological riders is a disservice to all first responders.

In closing, again, I would like to thank the committee for its investments in homeland security and first responders, and I hope that this legislation will not be used as a vehicle for ideological policy riders on the floor.

Mr. ADERHOLT. Mr. Chairman, I would like to yield 3 minutes to the

chairman of the Homeland Security authorizing committee, the gentleman from New York, Mr. PETER KING.

Mr. KING of New York. I thank the chairman of the Appropriations subcommittee for yielding.

Let me at the very outset thank him for his leadership and cooperation in working through such a difficult bill at such a difficult time in our history. We are faced with a severe terrorist threat. We are also faced with severe fiscal restraints. Last year, I very reluctantly voted against the Homeland Security appropriations bill.

I want to commend Chairman ROGERS and Chairman ADERHOLT for working to resolve the good faith differences we had. For instance, in areas such as State and local grants, we increased them by \$350 million to increase by 50 percent the amount allocated to the highest-risk areas in our country. The Urban Area Security Initiative, the State Homeland Security Grant Program, port security, transportation security—all of those programs were addressed in this bill. Nothing is ever as much as we want, but considering the realities we face as a Nation, Chairman ROGERS and Chairman ADERHOLT have done an outstanding job.

Coming from a district which lost so many people on September 11 and which still faces threats, and where we every day, quite frankly, analyze terror threat reports, this funding is extremely important, especially to the NYPD, which does such an outstanding job in spite of the gratuitous, mindless, shameless attacks made upon it by those in the media and by others in elected office as well. So this funding is extremely, extremely vital, especially for the STC, the Secure the Cities program, which will protect not just New York but will provide a template to protect urban areas against dirty bomb attacks throughout the country.

Let me also focus on the issue of the TWIC program. I know the ranking member from the Homeland Security Committee is here and that he'll be addressing this later, but this is an issue of bipartisan concern to our committee: the fact that we still have not been able to protect the TWIC system and that there have been burdens imposed on our workers as far as time constraints being imposed on them and as far as the funding they have to spend. This is a real burden that has been put on them.

□ 1440

So in the Homeland Security Committee, we passed by voice vote the SMART Port bill, which attempts to alleviate this burden on the port worker. Primarily what it does is extends the validity of the TWIC cards currently set to begin expiring later this year until the Department of Homeland Security finally releases the TWIC reader rule.

Port workers, drivers, and others who have to obtain a TWIC should not have to bear the burden of the government's inability to get the job done. I believe the provision we included in this SMART Port bill provides sufficient motivation for the Coast Guard and TSA. I can assure you on behalf of myself—I know he can speak for himself—and the ranking member of the committee as well, we will work together, our committee will work with the Appropriations Committee and with the Department as we try to resolve this issue.

Again, I thank Chairman ADERHOLT for his leadership and for the job that he has done.

Mr. PRICE of North Carolina. Mr. Chairman, I would like to yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR), a leading member of our full Appropriations Committee.

Ms. KAPTUR. I would like to thank Ranking Member PRICE for yielding us this time, as well as Chairman ADERHOLT and full committee Chairman ROGERS, for their work on this legislation and for accepting and including the buy American language that we had worked so very hard and requested.

The Department of Homeland Security needs to raise its consciousness about the importance of buying American and its relationship to jobs in America. Our language further clarifies what has long been the intent of Congress, that the Department of Homeland Security must comply with the Berry amendment and buy U.S.-made products. This is an essential provision for the American economy and our manufacturers.

Congress has already voted to explicitly direct the Department of Homeland Security to comply with the Berry amendment. The Department of Homeland Security is either musclebound or has been dragging its feet, but somehow they're not hearing us for some odd reason. Also, the Department of Homeland Security's authorizing committee unanimously adopted an amendment that would ensure permanent compliance.

The Department of Homeland Security, one of the largest departments in our government, should be the leader in Homeland Security, starting with strengthening American procurement. Can you imagine what they procure in a year? I know they buy a lot of U.S.-made flags—or at least they should—but also vessels, our Coast Guard's full array of equipment, security systems, weapons, uniforms, etc. The list goes on and on. So why wouldn't they make an effort to do what Congress directed?

I would like to also acknowledge the fine work of the gentleman from North Carolina, Congressman LARRY KISSELL, for his consistent leadership on this issue of buying American. I would also like to acknowledge Representative KATHY HOCHUL, who, in her first term,

has been a steadfast leader for buying American as essential for U.S. job creation.

I want to thank the full committee for their commitment to this issue. We would like to invite the Department of Homeland Security to the American table. Let's follow suit with the Department of Defense and the other major departments of our government. Let's buy American and help to contribute to procurement of goods and services made right here in the USA. It's the best investment that we can make in the future.

Mr. Chairman, I would like to thank the ranking member so very much, along with Mr. ADERHOLT, for including this language in the bill. Let us hope that the Department of Homeland Security is listening, pays attention to the law, and buys American in the national interest.

Mr. ADERHOLT. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from New Jersey, the hard-working chairman of the Energy and Water Subcommittee, who has also been on the floor this week with his legislation, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to thank the chairman for yielding, and I rise in support of the Homeland Security appropriations bill.

Our Nation lives with the memory of September 11, 2001, each and every day. We can never take back the events of that day or the thousands of lives, including 700 from New Jersey, that were lost.

Like Mr. KING, I would like to highlight that this legislation includes critical funding for investments in first responder grants. The bill includes \$1.7 billion for the Department's State and local grant program, which include the Homeland Security Grant program, or what we call UASI, Urban Area Security Initiative, both of which have been greatly benefiting New Jersey and the New York metropolitan area for the last 10 years. The bill also includes \$650 million in firefighter grants and \$350 million for emergency management performance grants.

It's important to note that this bill again includes, due to the leadership of the chairman, language to improve accountability and transparency to ensure the taxpayers' dollars are well spent.

Lastly, I think all of us would like to recognize how much we depend on the hard work and dedication and tireless work of so many homeland security professionals, emergency squads, fire and police that do the job and some of whom have paid the ultimate sacrifice.

Mr. PRICE of North Carolina. Mr. Chairman, I am privileged to yield 2 minutes to the gentleman from Mississippi, the outstanding ranking member of the authorizing committee, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank the gentleman from North Carolina for allowing me the time.

I have a number of thoughts on the underlying bill before us today, but I'd like to take the opportunity to discuss the Transportation Worker Identification Credential program, the TWIC program.

Earlier today, the authorizing committee, on a bipartisan basis, approved language modeled after a bill I introduced, H.R. 1105, to prevent current TWIC holders, the men and women who work in our ports, from being forced by TSA to pay for new identification cards beginning in October of this year, given the program is not fully implemented and the Department has not even issued a rule for biometric readers.

The TWIC program is focused on protecting the Nation's maritime transportation facilities and vessels by requiring maritime workers and other workers who need unescorted access to secure port facilities to obtain a biometric identification card. After initial delays, all maritime workers were required to obtain biometric TWIC cards by April 2009. The cost to workers for these cards is \$132.50 per credential. To date, over 2.1 million longshoremen, truckers, merchant mariners, and rail and vessel crew members have undergone extensive homeland security and criminal background checks to secure TWICs. Even as workers raced in the spring of 2009 to obtain TWICs to continue working in our Nation's ports, TSA has been more than 2 years late in starting the reader pilots.

Our committee has been told that even under the best circumstances, final regulations are not likely to be issued until late 2014, more than 5 years beyond the date required in statute. Yet, unless Congress or the administration acts, starting October 2012, workers will have to renew the cards they were issued.

The Acting CHAIR (Mr. FORTENBERRY). The time of the gentleman has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I yield an additional minute to the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Thank you very much, Mr. Ranking Member.

The point I would like to make, Mr. Chairman, is that 2.1 million workers have TWIC cards. Through no fault of their own, they will be required to renew those cards unless we act.

I appreciate this legislation, acknowledging that we have to do something for those workers or, through no fault of their own, they'll have to renew a card, which is at this point, at best, a flash card. It's not really a worker identification card.

Mr. ADERHOLT. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), who is

the chairman of the Transportation, Housing and Urban Development Subcommittee.

□ 1450

Mr. LATHAM. Chairman ADERHOLT, thank you very much.

I rise in strong support of H.R. 5855, the Department of Homeland Security Appropriations Act for Fiscal Year 2013, and I commend the chairman and the ranking member and the staff for doing a really excellent job of crafting a bill that both strengthens our security and reduces government spending.

I'm pleased the committee adopted an important amendment, which I cosponsored, which would waive Federal grant requirements to allow the retention of firefighters hired in our local communities. This is a critically important provision for maintaining response capabilities throughout the Nation.

I also want to highlight the fact that despite spending reductions elsewhere in the bill, we were fully funding FEMA's stated requirements for disaster relief, including flood-related grants. Congress has long recognized the Federal role in disaster relief and prevention efforts, since the first disaster relief bill was passed in 1803. The funding contained in the bill today is important because it continues the move away from ad hoc disaster legislation, and toward including relief in mitigation funding in our regular appropriations.

This assistance is vitally important for the safety net for communities at risk for natural disasters. Throughout the summer of 2011, I saw firsthand the flood damage along the Missouri River in western and southwestern Iowa and spoke with Iowans whose lives were disrupted by that disaster. The flood dealt serious damage to properties along the river and took a breathtaking toll of nearby communities. Hazard mitigation and other disaster assistance funding is absolutely necessary to help them rebound from this tragic flooding.

With that, Mr. Chairman, I urge all Members of the House to support final passage of H.R. 5855.

Mr. PRICE of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. ADERHOLT. I yield 1 minute to the gentleman from New Jersey (Mr. LOBIONDO), who is the chairman of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. LOBIONDO. Mr. Chairman, I rise today in very strong support of H.R. 5855.

Earlier this year, the President requested to cut funding for the Coast Guard more than 4 percent below the current level. This was the first time in over a decade that a President has proposed to reduce funding for the Coast Guard. In his budget, the President

proposed to slash the number of servicemembers by more than 1,000, which would shutter recruiting stations, take recently upgraded helicopters out of service and exacerbate the growing patrol boat mission-hour gap by retiring vessels before their replacements arrive.

For acquisitions, the President proposed to slash the budget by more than \$270 million, or 19 percent below the FY2012 enacted level. The request proposed to terminate or delay the acquisition of several critically needed replacement assets and eliminate funding to renovate derelict housing for servicemembers and their dependents.

The cuts put forth by the Obama administration were simply unacceptable and I myself and, I think, a large number of Members were gravely concerned. As chairman of the Coast Guard's authorizing committee, I know how critical it is for us not to repeat the mistakes of the 1990s when misguided cuts to the service's operating and acquisitions budget left it entirely unprepared to meet the post-9/11 mission demand.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ADERHOLT. I yield the gentleman an additional 30 seconds.

Mr. LOBIONDO. Fortunately, the bill before us today rejects the draconian cuts proposed by the President and ensures the Coast Guard is provided with the resources needed to carry out its critical missions. I want to especially thank Chairman ADERHOLT, Ranking Member PRICE, and their entire staff for recognizing the critical mission needs of the Coast Guard and accommodating those needs for the protection of America.

I urge all Members to support the legislation.

Mr. PRICE of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I yield 1 minute to the vice-chairman of our Subcommittee on Homeland Security, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise in strong support of H.R. 5855, the FY2013 Homeland Security Appropriations measure.

As a member of the Homeland Security Appropriations Subcommittee, I believe that under the leadership of Chairman ADERHOLT we have exercised the much-needed oversight of the Department through the course of this year's hearings. This bill, along with the accompanying report, continued to ensure Congress is kept informed of how valuable taxpayer dollars will be spent by requiring numerous reports and briefings from DHS.

This bill funds frontline security operations at their highest level in history, ensuring that our Border Patrol

agents and ICE officers have the resources they need to secure our borders. I'm also pleased that this bill includes language that will improve awareness and cooperation between Federal Agencies and nongovernmental organizations to help them combat the heinous crime of human trafficking, also known as modern-day slavery.

I urge my colleagues to support this critical measure.

Mr. PRICE of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania, a hardworking member of our Subcommittee on Homeland Security, Mr. DENT.

Mr. DENT. Mr. Chairman, I rise today in support of the Department of Homeland Security Act of 2013, and I want to thank Chairman ADERHOLT and Ranking Member PRICE for their leadership of this subcommittee.

H.R. 5855 is a fiscally responsible measure, and it totals \$39 billion in discretionary funding for DHS, a decrease of about \$484 million below current levels. The bill takes a scalpel to Agencies, ensuring adequate funding is available to meet program objectives while weeding out unnecessary spending.

I want to take a moment to highlight a few of the critical aspects of this bill. First, our first responders, we provide \$2.8 billion for FEMA first responder grants. Additionally, the Assistance to Firefighter Grants and Emergency Management Performance Grants will receive \$670 million, equal to the President's request.

Furthermore, I am pleased to note an amendment offered by Mr. PRICE, Mrs. LOWEY, Mr. LATHAM and me during the full committee markup to foster further flexibility for local departments in utilizing fire grant funds that were adopted in this measure.

As for border protection, the bill contains \$10.2 billion for U.S. Customs and Border Protection, supporting the largest totals of CBP border agents and officers in history. Similarly, the U.S. Immigration and Customs Enforcement received \$5.5 billion in supporting initiatives like the Visa Security Program, as well as 34,000 ICE detention bed spaces, our highest capacity to date.

These are just a few provisions in the bill I wanted to touch on this afternoon. H.R. 5855 has been crafted as a smart and fiscally responsible funding bill from the Department of Homeland Security. I encourage my colleagues to support passage.

Also, I just want to commend the leadership of Chairman ROGERS and Ranking Member DICKS for their leadership on this measure as well.

Mr. PRICE of North Carolina. I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I yield 1½ minutes to the gentleman

from Alabama (Mr. ROGERS), who is the subcommittee chairman on the authorizing Homeland Security Committee and chairing the Transportation Security Subcommittee.

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong support of this bill and urge all of my colleagues to vote for it.

I also want to congratulate my friend and colleague from Alabama, Chairman ADERHOLT, for all his hard work on this bill.

He has shown the American people how to craft a bill that is strong on homeland security, helps protect us from terrorist attacks, funds vital programs and grants, and does so in a fiscally responsible manner by spending almost \$500 million less than last year.

The bill helps protect our borders and prioritizes funding for immigration enforcement. It provides critical grants funding for our first responders, our heroes on the frontline of attack or disaster.

For transportation security, the bill takes on TSA's bureaucratic mess. It cuts \$61 million from TSA managerial overhead. It caps full-time screening personnel at 46,000, and it emphasizes the private sector's role in airport security screening operations.

□ 1500

Importantly, it does not increase any fees that would fall on the traveling public, which would threaten jobs in the aviation industry.

I know firsthand of Chairman ADERHOLT's dedication and leadership on these issues. I also know of his commitment to reducing wasteful spending and restoring fiscal sanity in Washington. Again, I commend my friend and colleague from Alabama and his fine staff for their hard work and dedication and urge all my colleagues to vote for the bill.

Mr. PRICE of North Carolina. Mr. Chairman, does the majority have any further requests for time?

Mr. ADERHOLT. We have no further requests for time.

Mr. PRICE of North Carolina. Mr. Chairman, I will conclude by again commending the chairman and our whole subcommittee. We have a good active group of members, and virtually all had positive input into this legislation. I appreciate the spirit in which the chairman has made an honest effort to accommodate constructive input from all sources.

There's much to commend about this bill, starting with the support of frontline operations, but also some improvements from the funding situation we're dealing with this year with respect to State and local FEMA grants, for example, and with respect to science and technology investments. There are funding shortfalls in this bill with respect to the headquarters' needs at St. Elizabeth's, with respect to certain ad-

ministrative needs of the Department, and others that we could name. But under the constraints of the budget allocation there is a good balance in this bill, I think, and one that has required a great deal of accommodation and a great deal of hard work.

I have already said that I think there are some extraneous elements of this bill that are not so constructive: the immigration provisions, the abortion provisions, and some excessive withholding provisions. I sincerely hope that in the debate to come we will not compound that problem.

We know we're going to be dealing with dozens of amendments. We're going to be dealing with additional proposed riders, ill-advised for the most part. We're going to be dealing with some tempting spending provisions that will cannibalize those front office expenses or the science and technology expenses or other accounts in this bill for the sake of amendments that may sound good but really could upset some of the delicate balances that this bill has struck.

So we're going to have, I hope and believe, a probably lengthy and also constructive process of discussion and amendment under the open rule, and I very much hope that the end result of that process will be a bill that can claim broad support. We're going to have a few hours until that process begins, but I look forward to getting on with this and at the end of the week producing a Homeland Security appropriations bill.

I yield back the balance of my time.

Mr. ADERHOLT. As I had mentioned earlier in my opening comments, I do believe this bill is a good bill. It reflects our best efforts to try to address our Nation's most urgent needs: of course, first of all, security, and second of all, fiscal discipline. Both of those are very important in this age in which we live.

So I would urge my colleagues to support this measure as it moves to the floor.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Chair, I rise today in support of H.R. 5855, the Fiscal Year 2013 Department of Homeland Security Appropriations Act. I want to commend Chairman ADERHOLT and Ranking Member PRICE for their work on this bill, which provides vital security funding while also being fiscally responsible.

As the Chairman of the Subcommittee on Emergency Preparedness, Response, and Communications, I am particularly pleased that the Appropriations Committee rejected the Administration's proposal to create a new National Preparedness Grant Program. The proposal in the President's budget request lacked detail and was developed without any input from emergency response providers. I appreciate Chairman ADERHOLT's recognition that this proposal requires consideration by the Committee on Homeland Security. That consideration is underway. The Subcommittee on Emergency Preparedness has been working

with FEMA and stakeholders to consider this and other proposals for grant reform. Until that review is complete, it is this body's direction that FEMA should continue to administer the grant programs in accordance with the statutory authorities in the 9/11 Act and the SAFE Port Act.

With that, I urge all Members to support this bill.

Mr. LARSEN of Washington. Mr. Chair, last year I introduced H.R. 2972, the Creating American Jobs Through Foreign Capital Act. This legislation seeks to permanently reauthorize the EB-5 program. The EB-5 program allows qualified foreign investors who create or save at least 10 full-time American jobs by making major investments in U.S. businesses to seek U.S. visas. The program, first established in 1990, has been continued as a short-term pilot program.

Last year the program created or saved more than 25,000 American jobs and generated \$1.25 billion in investment, according to the Association to Invest in the USA. For example, in the Second Congressional District in Washington state, this program has created at least 800 jobs in Whatcom County alone. The EB-5 program is one of more than 20 immigrant investor programs around the world that are competing for capital investment. In the Asia-Pacific region, programs like EB-5 exist in Hong Kong, New Zealand, Australia, Singapore and Canada. As the United States more strongly embraces our role as an Asia-Pacific nation and looks to create jobs through exports to the region, we are competing with these countries, and many more around the world, for these investment dollars.

I am pleased that the Senate has included a two-year reauthorization of this program in Section 554 of its Homeland Security Appropriations bill. The Senate report highlighted that since its inception of this program in 1990 through 2011, USCIS estimates that a minimum of 43,280 jobs have been created and more than \$2,200,000,000 has been invested through the EB-5 program. Our economy cannot afford to do without these investments or these jobs.

I want to thank Chairman ADERHOLT and Ranking Member PRICE for working with me on this issue. And, even though this reauthorization is not included in the House bill, I would like to thank the Subcommittee as a whole for understanding the importance of this language and this reauthorization and I urge you to preserve the Senate reauthorization during conference committee.

Ms. RICHARDSON. Mr. Chair, I rise today in reluctant opposition to H.R. 5855, Homeland Security Appropriations Act for Fiscal Year 2013. H.R. 5855 provides \$39.1 billion in discretionary funding for Department of Homeland Security (DHS), a decrease of \$484 million below last year's level and a decrease of \$393 million below the President's request.

The Department of Homeland Security (DHS) appropriations bill includes funding for all components and functions of DHS, including Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), Coast Guard (USCG); Secret Service (USSS), the National Protection and Programs Directorate (NPPD), which includes Infrastruc-

ture Protection and Information Security (IPIS) and the Federal Protective Service (FPS), the Office of Health Affairs (OHA); the Federal Emergency Management Agency (FEMA), United States Citizenship and Immigration Services (USCIS), the Federal Law Enforcement Training Center (FLETC), the Science and Technology Directorate (S&T), the Domestic Nuclear Detection Office (DNDO), departmental management, Analysis and Operations (A&O), and the Office of the Inspector General (OIG).

Mr. Chair, I would like to thank my friends Chairman ROBERT B. ADERHOLT and Ranking Member DAVID E. PRICE on their hard work on the Department of Homeland Security Appropriations Act. Although this bill provides adequate funding for some programs that I support, they are far outweighed by some unexplainable provisions in the bill.

This bill underfunds the Federal Air Marshals program by \$50 million which will reduce coverage on high-risk flights. The Administration has echoed my sentiment in a recent statement on administration policy. I also have reservations about extending a civilian pay freeze through fiscal year 2013. This is neither sustainable nor desirable.

As a Member of the House Homeland Security Committee, I cannot support this bill. We as Members of Congress have a responsibility to protect our communities from any possible danger. For this reason, there is no higher priority than to adequately fund our homeland security, particularly our first responders such as firefighters.

Firefighters are often the first responders to any and every emergency. As we saw on 9/11 firefighters are dedicated to saving lives and we must provide them with the resources to maintain their morale and readiness. Stringent budget cuts on the local level have left fire departments understaffed, unprepared, and unequipped to perform their duties to highest level.

Fire Prevention and Safety (FP&S) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs attempt to ameliorate this deficiency. In this bill both grant programs are once again underfunded. This legislation only funds up to 25 percent of the necessary funds required to effectively support local fire departments with hiring firefighters, providing modern safety gear, modern fire trucks, and other vital tools to our first responders.

It makes no sense to weaken our Homeland Security program by cutting their resources in a time when terrorist threats continue to put our Nation at risk. We as Members of Congress must unite and assist our brave first responders in their efforts to help contain any threats by providing them with all necessary resources, rather than turn our backs and leave them without sufficient funding.

Mr. Chair, DHS is charged with safeguarding America against diverse and relentless adversaries. Charged with this difficult but important task, providing DHS with the necessary provisions is a no brainer. But this bill has come short of providing those provisions. I urge my colleagues to oppose H.R. 5855 so we have that opportunity to provide our first responders with those provisions.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise today to express my opposition to H.R.

5855, the "Department of Homeland Security Appropriations Act for Fiscal Year 2013." The need to find savings in the Federal budget must not be at the expense of homeland security. I am troubled that H.R. 5855 provides \$39.1 billion for the Department of Homeland Security's (DHS) activities, which is \$393 million below what the President sought for the Department to continue to carry out its homeland and non-homeland security missions and \$484 million below what was provided for Fiscal Year (FY) 2012.

H.R. 5855 also sends a troubling message about the majority's commitment to honoring its promises. Last year, Democrats and Republicans came together to pass the Budget Control Act. Both sides made sacrifices to achieve a compromise that would keep the government running and address Federal budgetary challenges. H.R. 5855 reneges on the commitments Republicans made last year by reducing the funding allocation for the Department of Homeland Security beyond what is required by statute and below the amount the Department has stated it needs. This "bait and switch" is unjustified and undermines the security of our Nation.

As a result of the Republicans' misguided priorities, several programs critical to our national security are underfunded. For example, H.R. 5855 provides \$45.4 million in funding for Infrastructure Compliance Programs for FY 2013, which is about \$29 million below the President's request and \$48 million below the FY 2012 enacted level. Under H.R. 5855, DHS will not have resources necessary to implement the long-awaited final rule for ammonium nitrate or fully implement the Chemical Facility Anti-Terrorism Standards (CFATS) program. As the author of the originating legislation for the ammonium nitrate security program and co-author of the originating legislation for the CFATS program, I strongly believe that these programs are at a crossroads and support is essential for them to realize Congressional intent and address vulnerabilities that put ordinary Americans at risk.

H.R. 5855 also misses a critical opportunity to put a struggling border security and immigration enforcement program on a path to success. It rejects the President's proposal to transfer the US-VISIT program to Customs and Border Protection and Immigration and Customs Enforcement and, instead, sets up a new bureaucratic office—the "Office of Biometric Identity Management" within the National Protection and Programs Directorate, where it has languished for nearly a decade. The terrorist attacks of September 11, 2001 highlighted the need to identify and remove visitors to the U.S. who are legally admitted to this country but fail to depart when their visas expire, as four of the 9/11 terrorists were overstays. In response, Congress enacted the USA PATRIOT Act of 2001, which directed the deployment of an entry-exit system "with all deliberate speed and as expeditiously as practicable." While the US-VISIT program has begun to capture biometric data of foreign travelers entering the U.S. at air, land, and sea ports, it has repeatedly failed to make progress in deploying a biometric exit system for travelers departing the U.S. This failure to fully implement the program has undermined DHS's ability to verify with certainty which

travelers have departed this country. Inexplicably, H.R. 5855 rejects aligning this program with the agencies responsible for border and immigration enforcement, thereby sending the message that the House is not serious about tackling the alien overstay problem.

With respect to homeland security grants, I would note that H.R. 5855 provides \$1.7 billion for State, local, and tribal grant programs, which is \$412 million above FY 2012, but still falls short of where it needs to be. In FY 2010 and 2011, Congress recognized the first responders and first preventers on the State, local and tribal levels and provided \$3 billion and \$2.23 billion respectively. And, like last year, this bill punts responsibility for allocating funding to the 12 targeted grant programs to the Secretary of Homeland Security. Last month, FEMA released the National Preparedness Report. The report found a direct link between grant investments and the development of preparedness capabilities. In areas that have seen substantial grant investment—from emergency communications to medical surge capabilities to emergency planning—State governments reported measurably improved preparedness capabilities. The report also found that in areas where we have not invested, we are less prepared. The report makes clear: targeted homeland security grants work. I fear that if we continue to fail to fund these important grant programs adequately, capabilities that we have spent over a decade developing will be lost.

Finally, I am disturbed that H.R. 5855 is full of political sweeteners intended to rally support from the extreme right-wing faction of the Republican party. From slashing funding for the Transportation Security Agency, to increasing funding for the 287(g) program, to abortion limitations in ICE detention facilities, H.R. 5855 is full of politically-driven provisions that distract from pressing homeland security matters and divert resources from addressing them.

I recognize that the appropriators were faced with a difficult task in drafting this spending bill, and I appreciate the efforts of Chairman ADERHOLT and Ranking Member PRICE to draft a bill to adequately fund the Department of Homeland Security's activities in FY 2013. The funding allocation being what it is, however, this bill could never fully meet our nation's homeland security needs. Therefore, I must oppose H.R. 5855.

Mr. YOUNG of Florida. Mr. Chair, as we complete consideration of H.R. 5855, the Department of Homeland Security Appropriations bill which funds the United States Coast Guard, I rise to share with my colleagues another example of why it remains one of our most important and efficient federal agencies.

Just last month, the crew of USCGC *Resolute*, based in Sector St. Petersburg, Florida which I have the privilege to represent, intercepted shipments of cocaine in the Caribbean valued at \$135 million.

The interdictions occurred during a two-month period and were a direct result of Operation Martillo, a U.S., European, and Western Hemisphere effort to target illicit trafficking routes on Central American coasts. On May 31, 2012, *Resolute* returned to St. Petersburg after an eight-week deployment in the Western

Caribbean in support of counter-narcotics and search and rescue operations with the 168 bales of cocaine.

Sector St. Petersburg has proudly served our community, the Gulf Coast and our nation since 1924. It is one of the Coast Guard's largest commands, patrolling over 370 nautical miles of Florida's coastline. The west coast's vulnerability to smuggling unwanted goods and drugs makes it a critical sector and point of interest for our nation. Coast Guard Sector St. Petersburg's chief operational duties include Search and Rescue, Maritime Homeland Security, Law Enforcement, and Waterways Management. The men and women of *Resolute* and Sector St. Petersburg continue to do an outstanding job of defending our coastline, patrolling our fisheries, and providing life-saving search and rescue operations throughout the Gulf of Mexico and the Caribbean.

Mr. Chair, it is a great honor to be the only member of this House to represent four separate and distinct Coast Guard operations: Sector St. Petersburg, Air State Clearwater, Search and Rescue Station Sand Key, and Port Security Unit 307. Each carries out a vital mission to protect our nation and its men and women serve here and aboard to fulfill these critical responsibilities. With the passage of this appropriations bill tonight, we provide the Coast Guard with the equipment and resources it needs to undertake its training and missions safely. Please join me in saying congratulations to the crew of USCGC *Resolute*, the members of Sector St. Petersburg, and all the Coasties who serve our great nation in uniform for a job well done.

The Acting CHAIR. All time for general debate has expired.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARTER) having assumed the chair, Mr. FORTENBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. FLAKE. I have a motion at the desk.

The SPEAKER pro tempore (Mr. FORTENBERRY). The Clerk will report the motion.

The Clerk read as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provision contained in the matter proposed to be inserted as section 104(c)(1)(B) of title 23, United States Code, by section 1105 of the Senate amendment that reads as fol-

lows: "for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available".

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Arizona (Mr. FLAKE) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

This motion is simple: it simply ensures that the minimum rate of return for any State under any new highway reauthorization is 95 percent.

As I'm sure everyone is aware, every gallon of gas sold in your State provides money to the highway trust fund via the Federal gas tax. Trust fund money is then dispersed back to the States using very complex mathematical formulas that are determined with each surface transportation reauthorization. A reoccurring issue is the debate surrounding Federal transportation policy. It's been the historic disparity by which a number of States have received less back in funding than they have invested in the highway trust fund through the gas tax. For years, these donor States have fought for more equity and a higher minimum rate of return to ensure that they recoup as large a slice of their own gas tax dollars as possible.

This motion would increase the minimum rate of return to 95 percent, as passed in the Senate-MAP 21 bill. With the influx of general fund moneys to backfill the highway trust fund over the past couple of years, this donor/donee State issue has been a bit blurred, but the issue going forward can't be ignored.

This is not a partisan issue, I should mention. It's simply an issue of fairness. I urge my colleagues to vote "yes" on this motion and just tell the conferees to not agree to anything that gives States less than 95 cents on the dollar for what they pay in. As we know, for years and years, there's been this disparity. States like Arizona, California, Texas, and Florida, are donor States. Under SAFETEA-LU, the minimum rate of return is just 92 cents. These are growing States. Why in the world are we giving a dollar and getting 92 cents back?

This disparity has existed for a long time for a number of reasons. One of the primary reasons has been the existence of earmarks along the way whereby Members of donor State delegations were convinced to go ahead and accept a lower rate of return for their State in exchange for moneys to spend however they wanted with regard to earmarks. And that has not been a good trade for most donor States.

When you add up all the Members of the House of Representatives who represent donor States, it's over 300. So we can all ban together as donor States and say we're not going to sign off on anything that gives us less than 95 cents on the dollar.

Now we all recognize there are reasons why certain States with very small populations and very big infrastructure needs might receive more than the dollar that they put in. But there is no excuse to, in perpetuity, treat States like Arizona and others to a smaller rate of return year after year after year.

□ 1510

It is simply not right. This is simply telling the conferees, agree at least to what the Senate is doing. I should note that we're going to conference in the House with the extension of SAFETEA-LU which is 92 cents on the dollar. We're saying just take it up to 95.

So that's what this motion is about. I would urge my colleagues to agree to it, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I rise in opposition to the motion to instruct conferees offered by Mr. FLAKE, and I yield myself such time as I may consume.

This motion directs the transportation reauthorization conferees to agree to a provision contained in the Senate bill increasing the guaranteed minimum percentage rate of return that each State receives in Federal aid highway formula funding from 92 percent to 95 percent of payments in the highway trust fund collected through gas tax contributions in that State.

This is the same old donor/donee argument that we've been having for years, but it is becoming even more ridiculous now that all States are, in effect, donee States. Frankly, I'm not quite sure what the realistic impact of a 95 percent minimum guarantee would be at this point.

For several years, general fund revenue has been filling the gap between what the highway trust fund can support and current funding levels, so now every State gets back more from the program than the amount of gas taxes collected in that State. In effect, every State is a donee State. In fact, under SAFETEA-LU, under the current formula which guarantees 92 percent, Mr. FLAKE mentioned Texas. Texas gets back \$1.03 for every dollar it puts in. California, \$1.19 for every dollar it puts in. There is no State that gets back less than a dollar for a dollar. So increasing the guarantee from 92 to 95 percent, frankly, I don't understand the point of it.

The Senate bill continues to fund the program through nongas tax-related revenue. Unless my colleagues are proposing to raise the gas tax, and I don't think they are, this motion is, frankly, meaningless.

But the idea behind the motion is wrong in any event. It is highly irresponsible to pick out and insist upon one factor that affects the overall funding distribution to the States without a complete picture of how the programs will be funded and apportioned. The Senate did raise the minimum percentage to 95 percent, but within an overall framework that required that each State get the same percentage of funds it got in the last year of SAFETEA-LU. In the Senate bill, all States were held harmless.

The motion to instruct does not insist on adopting the Senate's funding structure. It cherry-picks one factor to benefit certain States at the expense of others. I would caution against anyone voting for something that affects how much transportation funding will go to your State without knowing what the ultimate impact will be.

We know that House Republicans would like a different formula than what's in the Senate bill since they took a different approach in H.R. 7. Depending on how the final bill is structured and what the ultimate funding levels are for the program, raising the minimum to 95 percent could conceivably result in steep cuts to certain States.

In TEA-21 and SAFETEA-LU, the last two transportation bills we had, we opposed raising the minimum percentage, but ultimately we could live with it because the overall funding levels were increased and States were held harmless; and even though some States got a lower percentage of the funding than they would have gotten without increasing the minimum guarantee, they got more money because the pie was bigger. Each State got an increase in funding, just not as big an increase as some others. Increased funding is highly unlikely in this environment, so this type of motion, although probably meaningless in the long run because every State gets more than 100 percent right now, is potentially dangerous.

I'm sure that Mr. FLAKE and others will say it is the principle of the matter, that those who contribute to the program deserve to benefit from it at the same level. But if that is the principle, why then do they just look at the gas tax? If you truly believe in the principle of user pays, why shouldn't that same theory apply to all revenue that goes into the program? And why apply it just to the highway program?

For example, my State of New York contributes much more to the Federal Government every year than it receives back in Federal expenditures. We have a huge balance of deficit with the Federal Government, and yet the one area where we get more back is the gasoline tax, and so that should be abolished?

This is not about equity. This is about gaming the system by applying this principle to one aspect of one pro-

gram to benefit certain States at the expense of others. And if you follow the logic through, what these donor arguments are really saying is that each State should get a dollar back for every dollar it puts into the Federal system. If so, why do we have a Federal Government at all? I'm sure some of my colleagues would be happy to have no Federal role in transportation and devolve it completely to the States, but that is not yet the policy of the United States Congress, and I would caution my colleagues about going too far down that road.

The fair thing to do is to spend Federal funds where they are needed. And by the way, one of things that the current formula has done is to say that if a State invests a lot of its own money in efficiency—New York, for example, has a spent billions of dollars of its own money building up a mass transit system. Because of that, we are very energy efficient. We use far less gasoline per capita than other States because we have a mass transit system. That helps the country. It reduces the amount of petroleum that we have to import. And for that, a State that does that should be punished by getting a smaller percentage of highway funds because it invested in mass transit? That doesn't make sense. We should be encouraging States to invest in energy efficiency.

The fair thing to do is to spend Federal funds where they're needed. We have a national transportation system that benefits everybody. These kinds of debates are illogical and divisive, especially when it has no practical impact at all because every State is now a donee State. Our time would be better spent working together to draft a bill that benefits all States. If the purpose of this bill is to create jobs and spur economic growth, we should ensure that all States benefit.

And by the way, we have, this year, a House bill that didn't go anywhere. The Senate passed a real transportation bill. The House only passed a 90-day extension because the Republicans couldn't agree among themselves on a bill. But the bill that they have and they're trying to use as the basis of a conference committee—which they cannot do legally—air-drops into the conference committee a lot of poison pills that will make sure that no comprehensive bill is adopted. It air-drops into the conference committee a provision that says that hazmat provisions should not apply to certain transportation workers. It air-drops into the bill a completely unrelated provision about the XL pipeline that has nothing to do with the transportation bill.

If we care about employment, we should pass the Senate bill and we shouldn't get involved in side debates over provisions that would be unfair if they could be implemented, like this one, but in any event, cannot be implemented; because to say that every

State should get back at least as much as it puts in when every State, in fact, is getting back more than it puts in has no practical impact. And I don't understand why we are wasting our time, frankly, debating a provision and motion to instruct conferees on something that may cause some controversy but really will have no practical impact, will affect no dollars, will direct no dollars to any State or away from any other State at all.

We should be debating how to finance the overall bill. We should be debating how to get more funding for highways, for mass transit, how to get our construction workers back to work in this construction season to reduce the unemployment rate in this country. That is what we should be acting on instead of wasting our time debating entirely theoretical questions that have no practical import whatsoever and that are philosophically wrong.

I reserve the balance of my time.

Mr. FLAKE. It is an amusing discussion what is a side issue or a theoretical issue with no practical application. Sounds just like someone who comes from a State that receives more than a dollar for the dollar they kick in, and that's exactly the case here. It may seem like a side issue or a theoretical issue to somebody else, but it is a very real issue if you come from a donor State.

I suppose by the same argument, when I got here, I think the rate of return was 89 cents. We managed to get it up to 92. That hasn't been theoretical. That's very real dollars that come back to a State that put more in than they are getting back.

So you can strip away everything you just heard and realize that the argument to keep the disparity going is coming from someone who comes from a donee State, a State that is receiving more than they're putting in.

□ 1520

As I mentioned in my opening remarks, because we are backfilling, that line is blurred. Everybody is getting back more than they kicked in because the general fund is kicking it in. That won't always be the case; that better not always be the case. We can't afford for that to always be the case.

So when we go back to the highway trust fund used as it was intended to be used, then it's not theoretical at all for a donor State to require—and the gentleman keeps mentioning get a dollar for dollar. We aren't saying a dollar for dollar, we're saying 95 cents on the dollar.

Now, the gentleman says what's the purpose of the Federal Government? Many of us have introduced legislation to say that what should be sent to Washington should be what is required to maintain the interstate highway system, the purpose for which the gas tax was put in place to begin with. But

18 cents a gallon doesn't need to be sent back because so much of it is sent simply by formula back to the States. And when it does come back to the States, it's encumbered with things like Davis-Beacon requirements, other set-asides, mandates and stipulations that drive up the cost of construction projects in every State. And so what was a dollar you sent to Washington spends like about 70 cents once it comes back, and you don't even get that dollar you sent to Washington.

So the gentleman's point about let's refigure how we do this is well taken. And I've introduced legislation, as have several of my colleagues, to do just that, turn back proposals to ensure that, yes, we still send money to Washington to take care of and to refurbish and to replace and to restructure that which is truly interstate. The interstate highway system is a wonderful thing, but to just send it to Washington to be rewarded with only part of it being sent back, and that part of it that is sent back encumbered with so many stipulations and mandates that it spends a lot less than a dollar isn't right. So the gentleman makes a good point, and I hope that he would join with many of us in the legislation to do just that.

In the meantime, let's at least send a signal to the conferees. We all know that these motions to instruct are not binding. All they are is a signal from the House to act in a certain way when you get into conference. What we're saying here, and I think the message should be from the more than 300 Members of this body who represent donor States, is let's be treated a little more fairly here. That's all we're asking.

So with that, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume at the moment.

Mr. Speaker, again, there is no donee State. Arizona, over the last 4 years or 5 years, got \$1.07 for every dollar they put in. There is no such thing as a donee State anymore.

Now, it is true, as Mr. FLAKE says, that that is because we are supplementing the gasoline tax with general funds to maintain the highway program, to maintain the mass transit program. He says that it better not continue. Well, we have only several choices:

Number one, we can raise the gasoline tax. I might support that. I think most Members of this House probably wouldn't. I'm sure Mr. FLAKE wouldn't support raising the gasoline tax.

Two, we can fund our transportation system at a totally inadequate level and watch that system deteriorate and watch our country become less competitive with other countries, which is what we're doing now.

Three—and the fact is that we funded the last bill at \$286 billion, SAFETEA-

LU. When the Secretary of Transportation under President Bush said that we needed at least \$375 billion for that time period just to keep the system at a system of reasonable repair and reasonable efficiency, never mind major new construction. But we did that because President Bush said no raising the highway taxes and no funding from the general fund, and no use of other revenues.

If we keep doing that, if we try to maintain the system only on the gasoline tax and don't raise the gasoline tax, then that's a declining revenue base. It's declining for two reasons: one, because of inflation, everything costs more and the same amount of money buys less. And, number two, we're becoming more energy efficient. We want to become more energy efficient; we want to use less gasoline. And since the gasoline tax is a per-gallon tax, not a percentage, if you use less gasoline, there's less revenue. So you're going to have less revenue every year, and inflation is not going to be negative—it's going to be something—how do you maintain your system? You don't. So we either have to raise the gasoline tax, or we have to bring in some other source of revenue or else watch the entire transportation system of this country deteriorate and eventually collapse.

So we cannot stop supplementing the gasoline tax for transportation maintenance unless we raise the gasoline tax. Those are our choices: raise the tax or bring in other revenues, as we have been doing on an ad hoc basis for the last couple of years. We can't stop doing that without raising the gasoline tax or seeing the slow decline and eventual collapse of our transportation system. So we're not going to do that—I hope we're not going to do that. If we don't do that, this motion to instruct is completely meaningless because there's going to be no such thing as a donee State—as a donor State, every State gets more than it puts in.

And by the way, let's talk about what it means to put in. The question is how much gasoline taxes are collected in one State and how much is spent on transportation in that State. There is no principle of equity that says they should match. There is no principle of equity which says that you should get at least as much, or even 95 cents, or any particular percentage of the amount of gasoline taxes collected in your State, because there are a lot of other factors.

It may be that some States, because they are bigger, perhaps, need more money spent on highways because there's more distances. It may be that some States have invested a lot of money in mass transit and therefore are more energy efficient and therefore generate less gasoline tax revenue, but that helps the country. They shouldn't be penalized for that.

There are a lot of different factors that go into this. And to simply say each State should get back the amount that was collected in a gasoline tax is wrong, especially when you consider that there are plenty of—why should this one account be the only one? As I said, New York State annually says—and I'm quoting New York because I happen to know the figure because it's my State—New York State annually sends to the Federal Government between \$14 billion and \$18 billion more in taxes of all kinds than is spent in New York.

Senator Moynihan used to put out that report every year. Is that a terrible thing? Well, some people think it is, it's unfair—New York ought to pay less taxes, other States ought to pay more taxes. But the fact is we have a Federal Union. Taxes ought to be raised where they can be raised most equitably and efficiently and the spending ought to be done where the spending is necessary. That's what one country means. That's why we're one country and Europe isn't.

So the motion to instruct is wrong theoretically. It does not contribute to equity. And it is totally irrelevant for the foreseeable future because there is no State that would be affected by this in any way as long as the gasoline tax is not supporting the entire transportation system, which it is not now or in the foreseeable future.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman.

I think we are talking in circles here. The bottom line is those who are receiving more than dollar for dollar, once the general fund revenue is not supplanting or supplementing what is taken in by the gas tax, those who are receiving more than a dollar are going to argue to keep the current disparity in place. But those of us who represent donor States are going to want a better return. That's the bottom line. That's what this argument is about.

And so the more than 300 Members who represent donor States who will be coming to this floor soon to vote on this motion, that's all they need to remember: let's send a signal to the conferees to give us a better shake and to treat us more fairly.

The gentleman mentions our decaying infrastructure and whatever else around the country, and it is abysmal to look and see what's happening. But you've got to understand from the perspective of a Representative of taxpayers from Arizona who are receiving only 92 cents on the dollar that they kick in, why in the world would they tell me, their Representative, yeah, go raise the Federal gas tax, we enjoy getting 92 cents on the dollar and we'd like to get less of that. Instead, if Arizona was to impose an additional—raise their own gas tax, they get to keep dollar for dollar everything. Plus, it's not encumbered with Davis-Bacon

requirements and all the other set-asides which raise the cost of construction projects.

And so if the gentleman is wondering why there is resistance around the country to raising the Federal gas tax, that's it. People look at this disparity and say: Why should we continue to do that? We're funding somebody else, or we're funding these inequities. So this is what this boils down to: if you're from a donor State, then you're going to be saying, hey, let's instruct the conferees to give us a better deal than we've had.

□ 1530

Ninety-two is better than the 89 we were getting a while ago, but let's at least take it to 95. That's pretty reasonable here. That's all we're asking with this.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, the argument sounds reasonable, and I have no doubt it's going to pass because there are a lot more people here from so-called donor States than from donee States, and people are going to vote purely on that basis, many of them are. Many people are. But it's not equitable. If it were equitable, why don't we apply the same principle to other things? Why don't we say that the taxes that some States pay for the agriculture program should be reduced because, after all, not all States get the same amount of money in the wheat subsidy. Some States get a lot more back for agricultural assistance than the applicable part of their taxes.

I remember an argument on the floor a number of years ago in which we were debating, I think, funding for the National Endowment for the Arts, and Mr. BURTON of Indiana was orating against the NEA, and he said it's wrong for this reason and that reason and the other reason. And anyway, he said, all the money goes to New York and Los Angeles.

And I got up and I said, you know, Mr. BURTON, I'm shocked to discover that New York City, with 8.5 million people, doesn't get a penny of the wheat subsidy. How fair is that?

The fact is we don't grow wheat in New York, and the fact is that money should be distributed—and I'm not opposed to the wheat subsidy. It may be—I'm not an expert on the farm program, but it may be that farm States need it, and it may be that other States need other things. But we should spend Federal money where it's needed, and we should tax it where we can tax it efficiently and equitably. And the two may not have the same relationship to each other. And if you start establishing this principle that you have to get at least back as much as you put in on this thing, in this case, transportation, why not on everything else?

And then you'd say, well, it's very unfair that a given State sends more to

Washington than it gets back at all. Well, some States do. New York does, other States do. Other States get back more than they send to Washington, but that's the point of a Federal union.

So simply to say on any given area that we send—our State sends more to Washington or more taxes collected than we get back does not demonstrate inequity or equity. There may be good reasons for that. And you may want to make an argument that overall the State has a balance of payments deficit with the Federal Government, but there may be good reasons for that, too.

When many of these formulas were set up, the educational formula, for instance, a lot of States send more money to Washington that gets paid back in education, and then they get it back. Other States are the other way around, because when the allocation formulas were set up, it was deliberately decided that richer States should subsidize poorer States. And I'm not sure that was wrong. But the fact is that's the way a Federal union operates. And if you want to say a Federal union shouldn't operate that way and we should start saying that it's unfair, then you're questioning the entire basis of our Constitution, and frankly, there's no equity in that, especially when you limit it to one subject, to one area.

Again, what we ought to be debating is not this very interesting theory, theoretical thing which has no application in the real world because there is no such thing as a donor State right now and it won't have any real impact at all, because every State will still get the same amount of money under the bill.

But this highway bill has been in conference for 6 weeks. Last Friday, the U.S. Department of Labor reported that more than 2.2 million construction and manufacturing workers remain out of work, and we're in the height of the summer construction season. The highway bill has been in conference for 6 weeks and the conferees, of whom I'm one, are now wasting precious time as House Republicans are working to air-drop poison pill provisions that never passed the House into the conference report. Without further congressional action, highway and transit investments will entirely shut down at the end of the month.

Why are we wasting time here on this theoretical motion to instruct, which has no practical consequences whatsoever, when the conferees are being faced by Republican poison pills eliminating occupational safety and health protection for hazmat workers, eliminating dedicated funding for transportation enhancement projects, expanding truck weights to destroy our highways faster? That's what's holding up a highway and transportation bill that will get 2 million people back to work.

That's what we ought to be saying. Let's move this bill instead of wasting our time on entirely theoretical questions like this one.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman.

Again, we're having an argument from somebody who represents a State that's getting a lot more than they kick in, and that's the bottom line. To relate this highway user fee, and it's not a pure user fee because we're kicking money back in from the general fund. But it was meant to be a user fee. To relate that to funding for the arts or whatever is completely an apples and oranges argument. And the notion that because one State receives more in agriculture subsidies than another, some of us don't like those subsidies at all, and we can have that argument on another day.

But we're talking about the highway trust fund here. It's a trust fund that is theoretically supposed to give the States roughly what they put in. Now, like I said, I haven't made the argument at all that every State gets 100 percent of what they put in. The gentleman may have made that argument, but I haven't. What I'm saying is right now the minimum guarantee is 92 cents on the dollar. Can't we just get it to 95? Is that unreasonable?

If the gentleman says that the whole concept of this Federal union is that States share, I understand that, but does that mean that one State should only get 10 percent of what it kicks in? Of course not.

There's a figure at which, a point at which some States, like my own, say, you know, we've been getting 89 cents or 92 cents for decades here. At some point, let's do a little better. And Arizona's not the only State that feels that way.

So again, I would ask those of us who are coming to vote on this later on, check with your offices if you aren't aware and say, Are we a donor State or not?

Is there a minimum guarantee, 92 cents? Isn't it reasonable that that should be brought up to 95 cents? Is it reasonable for a State, in perpetuity, to be shorted like that? And I don't think it is.

I don't think there's any constitutional justification or theoretic justification or anything. It's just an issue of fairness here. That's all we're asking.

With that, I reserve the balance of my time, and I am prepared to yield back as soon as the gentleman is.

Mr. NADLER. I yield myself such time as I may consume.

I'll just say one thing. I think we've beaten this dead horse about as much as we can.

Is 95 percent reasonable? It's unreasonable, in my opinion; 92 percent is unreasonable; 89 percent is unreasonable. There ought to be no such figure

because money should be allocated where needed and should be raised where it can best be raised on the questions of equity, efficiency, et cetera.

And I'll give you one other example. Certain States have coastlines. The gulf coast has a lot of hurricanes. We spend a lot of money there. Should we say, well, gee, we don't have as many hurricanes. We shouldn't spend that percentage of our tax money on hurricane relief in the gulf.

We don't say that because we're one country. We don't say that we shouldn't spend money on relief to States that have other natural disasters because we don't have those kinds of natural disasters.

As a general principle, money should be raised, and there's no difference because you say it's a user fee. All taxes, in some sense, are a user fee. They're the price for civilization, as Mark Twain said.

And maybe you shouldn't have gasoline taxes. You should finance it some other way. That's a whole different discussion.

Yes, as I said before, I'm quite well aware that people are going to come here. They're going to vote, and they're just going to look at are they a theoretical donor State or a theoretical donee State and they're going to vote on that basis, even though no one is, in fact, a donee State right now because everybody gets more than they put in. And this will have no practical effect, but some day it might.

But the fact is that there is no reason to pick the highways as against everything else. Some States contribute a lot more in Federal taxes than they get back in Federal money, others don't. My State does. We don't say it's unfair. We don't say we've got to change the formula.

Maybe specific formulas ought to be changed for various reasons. There are all kinds of reasons for all the formulas. There's a different formula for agriculture, a different formula for education, different formula for everything. They have all kinds of different justifications and different histories. To pick out this one area and say this one area, but no other, has to be 95 percent, why not 75 percent? or 92 percent? It's been going up every time we pass a bill. We think it's beyond fair.

To pick out one particular area and say there's got to be an equivalence or a relationship between how much money comes in and how much goes out or from where it comes in and goes out, whereas we don't do that in the rest of Federal budget, that's not equitable.

And I wish we were spending our time now not on this theoretical discussion—theoretical because it has no practical implication, as I said before, because it will not, in fact, affect any State or any dollars—instead of dealing with the fact that the Republicans are

holding up a bill by parachuting poison pills into the conference discussion, that's what we ought to be about.

I yield back the balance of my time.

□ 1540

Mr. FLAKE. This has been an interesting discussion. It went about how I thought it would.

Those of us who are donor States want a little fairer shake. That's all we're asking. So, to those coming to the floor, check and see where your State falls. You'll find that most of you coming to the floor to vote are from a donor State, a State that's giving more than it's getting. All we're asking for is a fairer shake here. We're not looking to solve all the world's problems in all other areas. There are a lot of other formulas that should be changed as well, but right now we're dealing with this one. Let's ensure that those who fill up their cars and spend 18 cents every time they put a gallon in get a little more of that back. That's what this is about.

I urge the adoption of the motion, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Mr. DOGGETT. Mr. Speaker, I have a motion to instruct the conferees on the transportation conference bill.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Doggett moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provisions contained in section 100201 of the Senate amendment (relating to stop tax haven abuse—authorizing special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. DOGGETT) and the gentleman from New York (Mr. GRIMM) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

This transportation conference bill is appropriately focused on the transportation systems, on improving them and

sustaining them across our country. But there is one important provision of this measure, as approved by the United States Senate, that deals with transportation networks of a different type. Those are the secret networks that lead to the exporting of jobs and of revenues that ought to be used in the financing of the operations of the essential services and national defense of our country.

This motion is very narrow, very directed. Since that particular provision concerning "stop tax haven abuse" was not included in the House bill, it simply instructs the conferees to recede to the version approved by the Senate. This is an important provision. It is a provision that will authorize special measures against foreign governments and financial institutions. Here is the key language of the amendment as adopted by the Senate: "that significantly impede U.S. tax enforcement."

This provision will be just one more tool that is available for the Treasury to address what some have estimated is as much as \$100 billion a year that is drained from the United States Treasury as a result of offshore tax abuses. These abuses not only undermine public confidence in our tax system from all the many law-abiding taxpayers, both business and individual taxpayers, but the effect of these abuses is that the deficit is raised and that more of the tax burden is shifted to individual taxpayers and to small businesses that don't have the fancy accountants and attorneys and financial institutions to aid them in hiding their revenues.

As we continue debating how best to deal with our debt and our deficits, I believe that a fundamental principle that should apply is that, before we ask individual taxpayers or business taxpayers to pay additional taxes, we ought to ensure, for those who have abused the system and have avoided paying their fair share of taxes, that we have the enforcement tools to see that they fulfill their responsibilities.

I always find it extremely difficult to explain to a mechanic in San Marcos or to a small restaurant owner in San Antonio why it is that they have to pay a greater proportion—a higher rate—on their taxes than some of these multinationals that manage to shift their revenues offshore because some bankers or accountants are able to use these tax haven banks to hide the accounts in some remote jurisdiction.

Over the years, I've fought against this kind of abuse. It took a decade, but finally, a couple of years ago, I was successful in getting the Economic Substance Doctrine included in other legislation and approved in order to strike down phony transactions that were for no purpose other than that of tax avoidance. I have other legislation that I've offered that deals with schemes that other corporations use to siphon off much-needed tax revenue

and jobs out of the United States. It is a big problem that does not have any one legislative solution, but the measure before us that would be encouraged by this motion to instruct does provide one tool that would be very useful.

We know that some foreign banks have peddled a wide array of offshore tax shelters, offering to set up paper firms and accounts in places like Switzerland, Panama, and the British Virgin Islands. Indeed, in 2009, the United States sued Swiss Financial Services and the banking firm UBS to force the disclosure of the thousands of undeclared assets of Americans that were being held in secret accounts abroad.

Just to get an inkling of how big this problem is, Mr. Speaker and colleagues, I will note that at this one bank, at this one Swiss bank, it admitted to \$18 billion in undeclared assets of American clients that could well be taxable. This has cost the United States Treasury billions of dollars over the years, and this was just one bank in one country. Although a settlement was eventually achieved, I don't think we got all of the tax revenues back that we ought to have gotten back. This is really just an indication of how rampant this problem is and how necessary a provision of this type pending in the conference really is.

With that, I reserve the balance of my time.

Mr. GRIMM. Mr. Speaker, I yield myself such time as I may consume.

I appreciate my colleague's passion, and I understand this is a very serious and important matter.

Leaving aside the goals of the underlying section of the Senate version of the bill, I think it's extremely important to say that this effort is a distraction from the job at hand, which is to pass a transportation bill. I say again: the job at hand is to pass a transportation bill that is going to keep this country's vital transportation system resilient, robust, and a future contributor to economic growth.

I think it's unfortunate, but it is too often that in Congress efforts are made to slip in extraneous sections into bills that have nothing to do with the issue at hand, regardless of their merits. In this case, the section in question is a tax bill. I say again: it's a tax bill, and it's written into a section of existing law under the sole jurisdiction of the Financial Services Committee, which in turn is being considered in, of all things, a highway bill.

This is why the American people think that there is insanity going on. This is merely an attempt to paper over spending without actually finding the money to pay for it. This is not how our constituents expect us to do business, Mr. Speaker. This proposal could—and it should come—before both the Ways and Means and Financial Services Committees, where it would

get the very serious consideration that it deserves.

The business of this Congress can and must be that of tackling our country's enormous fiscal challenges and getting American workers back into productive jobs. The best way we as Congress can do that is by focusing on the tasks at hand instead of distracting ourselves, and we distract ourselves constantly with issues unrelated to our Nation's pressing infrastructure needs.

□ 1550

When it's time to consider tax law and specifically tax evasion, I'm confident that the Congress will do the right thing. However, this transportation bill is not the right venue for this discussion.

It's important to note that this is a nonbinding procedural vote. A vote for or against this motion does not impact the outcome of the conference negotiations. Therefore, I urge my colleagues to vote "no" on this motion to instruct.

With that, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself 30 seconds.

A distraction? A billion dollar distraction. We get a billion dollars more transportation out of this measure available for all of the States, if we approve this section, which the Senate has adopted.

A distraction? Tell that to the cleaning crew that pays a higher rate of taxes when they clean the corporate board room than the corporation does because of these secret tax havens. I think this goes to the core of our responsibilities. And, yes, these powerful lobby groups that line up their limousines outside the Capitol here, they manage to block consideration in these committees, but this Motion brings this important matter directly to the floor for action.

With that, I yield 4 minutes to the gentlewoman from Wisconsin (Ms. MOORE), who serves on the Financial Services Committee and understands how urgent it is to address this problem.

Ms. MOORE. Thank you, Mr. DOGGETT. I am so pleased to join you here today to support this motion to instruct.

I was, of course, one of the original cosponsors of the Stop Tax Haven Abuse Act, which provides the authority for the Treasury to take action against foreign governments and financial institutions that significantly impede U.S. tax enforcement. Treasury already has similar authority to combat money laundering, so the infrastructure and the know-how already exist.

Congress has an opportunity in this transportation bill to transport this very important debt reduction initiative into our proceedings here today. It

will stop sophisticated tax avoidance schemes that add to the national debt and ultimately the burden for that debt that honest taxpayers must bear and are concerned with.

In my home State of Wisconsin, it's estimated that every single honest taxpayer in Wisconsin paid an extra \$372 in taxes in 2011 to make up from the revenue lost from corporations, criminals, and wealthy individuals utilizing illegal tax-avoidance schemes. These numbers are even more offensive for Wisconsin small businesses that pay an additional \$2,165 due to these abuses of the Tax Code.

That may not seem like a lot of money to anyone—\$372—but you multiply that by taxpayers and by 50 States, and according to a GAO study, that turns out to be \$100 billion. That's a really nice piece of change.

I have heard this Congress often harp on the percentages and the numbers of United States taxpayers who are so very low income that they have no tax liability, people who make \$10,000, \$11,000 a year, and are so poor that they have no tax liability. Yet 83 of 100 publicly traded companies have one of these offshore tax havens and avoid \$100 billion in tax payments. Compare that with someone trying to get an earned income tax credit.

I've heard from Republicans that this is not germane to the bill. I hope you'll remember that when you put some gun provision in every bill that comes around or some effort to minimize and take away a woman's right to reproductive health in one of your bills, which uses transportation for all of those kind of initiatives.

This is an opportunity to act on the deficit—\$100 billion is not small change—and to stand up for taxpayers. It is not spending, as the gentleman has indicated that it is. All it is not levying a new tax. It's not spending; it's not imposing additional burdens. It just empowers our Treasury to stop tax-avoidance schemes.

Again, thank you so much for this opportunity. I hope my colleagues will stand up for honest taxpayers and support this measure.

Mr. GRIMM. Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 21 minutes remaining, and the gentleman from New York has 27 minutes remaining.

Mr. DOGGETT. I want to even the time, and perhaps there is someone else in the House that actually opposes this motion. I want to allow them time to speak. So I would continue to reserve the balance of my time.

Mr. GRIMM. I am ready to close whenever the gentleman is ready to close, Mr. Speaker.

Mr. DOGGETT. Then, Mr. Speaker, I yield myself 15 seconds.

Apparently, there is no other Member who is willing to come out and defend these abusive tax shelters. That says a whole lot about the merits of this motion and how essential it is to adopt it.

With that, I yield 3 minutes to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Speaker, I rise today in support of Representative DOGGETT's motion to instruct conferees on H.R. 4348.

This is a commonsense measure that would direct the surface transportation bill conferees to preserve an amendment offered by Senator CARL LEVIN and agreed to by a voice vote. This provision is pulled from the Stop Tax Haven Abuse Act legislation which I'm very proud to have cosponsored and strongly support. The amendment will give the Treasury the power to go after tax cheats by taking action against foreign governments or banks that significantly impede U.S. tax enforcement.

Michigan's working families and small businesses already pay their fair share in taxes, and they deserve a more just Tax Code. That starts with making sure that we close the tax gap and crack down on tax cheats.

It's estimated that corporations and the wealthiest Americans avoid paying \$100 billion per year by exploiting offshore tax shelters, and it's time that we closed these loopholes. When multinational corporations and the very wealthy abuse the Tax Code to shelter their funds overseas, hardworking Americans and small business owners are left to pick up the tab. These same multinational companies and wealthy individuals enjoy taking advantage of American infrastructure and markets, but they don't come close to paying their fair share in taxes.

Senator LEVIN's amendment and Representative DOGGETT's motion to instruct represent a significant step in the right direction. This measure has real teeth. And by enabling the Treasury to bar U.S. banks from honoring credit cards issued by institutions harboring tax cheats, we can gain leverage over these institutions and tax havens.

Based on the \$100 billion tax gap that we see every year, the average tax filer in Michigan is now paying over \$300 in additional taxes each and every year, and the average small Michigan business is paying over \$1,500 in additional taxes. This is simply unacceptable, and it must be stopped.

I'm committed to continuing the fight for tax policies that put middle class and working Americans first, and I urge my colleagues to support the Doggett motion to instruct.

Mr. GRIMM. I would like to inquire if the gentleman from Texas has any more speakers.

Mr. DOGGETT. Yes, we do.

I would like to inquire if the gentleman from New York has anyone to defend opposition to this measure.

Mr. GRIMM. I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself an additional 3 minutes.

Mr. Speaker, this is a truly amazing debate. The motion is a narrow one asking that the House simply join with Republicans and Democrats in the United States Senate to include within this transportation bill a provision that will yield about an additional billion dollars for the repair of bridges, for the construction of transportation systems around the country.

□ 1600

It will do so not by raising taxes or the tax rate on anyone, not even by closing one of the many outrageous loopholes that exist in our tax law that allow some to gain advantage because of the power of their lobbyists and their accountants to write special provisions into the law and then exploit those provisions. No, it doesn't do any of that. It simply gives a tool to our law enforcement to enforce existing laws and to say that you cannot violate the law. Here is a way for the Treasury Department to enforce the laws effectively.

As the gentlewoman from Wisconsin pointed out, there is an infrastructure in place upon which this amendment properly builds and which Senator CARL LEVIN, who is the author of this amendment to the Transportation bill, and who has been a national leader in fighting tax abuse, built on by drawing this provision from legislation that he and I have filed independent of this bill, the Stop Tax Haven Abuse Act.

Special law enforcement provisions are granted by the PATRIOT Act with respect to money-laundering concerns. If the Secretary of the Treasury finds that reasonable grounds exist for concluding that a foreign government or a financial institution is involved in money laundering, the Secretary may impose special measures. That's exactly what this provision would do now for those that are involved in substantial tax abuse.

This particular PATRIOT Act provision has been used sparingly by the Treasury. It has not been abused. It was used, for example, against the country of Burma. It has been used to stop financial firms for laundering funds through the United States financial system. Other times, the Treasury has pinpointed its measures against a single problem financial institution to stop laundered funds from entering the United States.

The Stop Tax Haven Abuse provision that is included in this transportation bill and, which is now under consideration by the conference would empower the Secretary of the Treasury to use the same types of tools it currently has to deal with those that significantly impede U.S. tax enforcement.

In addition to the existing measures available, it would also give the Treasury the authority to block U.S. banks

from honoring credit or debit cards from foreign entities that are primarily money-laundering concerns or that significantly hamper U.S. tax enforcement. Because of these sanctions, the Treasury will have an added tool needed to end offshore tax abuses that allow tax cheats to profit at the expense of honest taxpayers.

The amendment would confer discretionary authority upon the Treasury. The Treasury does not have to use this authority; but it has a new tool, when needed, to address these abuses. These special measures offer the Treasury necessary flexibility in dealing with tax dodgers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRIMM. I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself 10 seconds.

I would observe how extraordinary it is that there are those just like these secret accounts held in abusive places abroad, there are those in the wings of the Capitol that oppose this measure and don't want to end tax abuse, but they are unwilling to come to this floor and speak about it. One person who is willing to come to the floor to speak about it is the victorious BILL PASCRELL of New Jersey. I am honored to have him join me. He has worked with me in the House Ways and Means Committee to speak against this type of abuse.

I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I think that this is a very important amendment. We talked about reining in tax cheats, and that's what we're talking about here. Given the relationship between offshore tax avoidance—and we've seen chapter and verse of how people avoid taxes—I want everybody in this room to understand when they avoid taxes, that means those who pay taxes have to pay more to make up the difference. We're talking here about a billion dollars to help tackle the Nation's deficit and debt if we follow up on the specifics of this legislation.

We have tax avoidance, and I don't think anybody supports tax avoidance unless you like being taxed more yourself. Tax evasion, the actual attempts to avoid paying specific taxes—in other words, you know what the law is—evasion is a very conscious act, whether it's done by an individual or a business.

Money laundering, we have heard that phrase, which is referred to many practices and activities, that's serious business.

As my brother from Staten Island remembers, the FBI looks into a lot of money laundering. You worked for the FBI and did a stellar job. Money laundering is critical. When money is laundered, the average American gets hurt and the specific connection is very, very ominous.

This is a natural fit, Mr. Speaker, to combat financial crime.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOGGETT. I yield the gentleman an additional minute.

Mr. PASCRELL. Treasury could prohibit U.S. banks from accepting wire transfers or honoring credit cards from banks found to significantly hinder U.S. tax enforcement. We all support, I would hope, in this body, enforcement of the tax law. As much as we have derided the IRS and its efficiencies and proficiencies, think if we had fewer people in the IRS overseeing these transfers. I don't recommend that; I don't recommend that at all.

This amendment will give the Treasury greater power to fight against offshore tax havens and tax cheats. The counter-argument, my friend, through the Speaker, from New York, I want you to pay particular attention to this. This is my final point.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DOGGETT. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. You can say you're giving the government more power. Why are we so frightened to give oversight to government? This is what got us into a big jam in the last 20 years when there was very little oversight over financial transactions.

We need to have more power for the Federal Government to fight against offshore tax havens and tax cheats because the bottom line is, if we don't, then more of the burden is placed upon us.

Mr. GRIMM. I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I would hope that everyone would support this motion to instruct because I think you probably know that nothing annoys American taxpayers more than the notion that offshore tax havens is a place for tax cheats to go so that they don't have to pay their taxes that normal Americans, everyday Americans, have to pay to the government.

This amendment will give the Treasury greater power to fight against offshore tax havens and tax cheats, that will allow the Treasury Department to take a range of measures against foreign governments and financial institutions that significantly stand in the way of U.S. tax enforcement.

These special measures already exist for Treasury in combating money laundering by foreign governments and banks, money that could be used to finance terrorist activities. Now Treasury will have greater power to investigate offshore tax abusers and tax abuses and crack down on offenders and banks that aid them.

For example, Treasury could prohibit U.S. banks from accepting wire transfers or honoring credit cards from banks found to significantly hinder U.S. tax enforcement.

□ 1610

Treasury can impose conditions on foreign banks and prohibit them from opening or maintaining bank accounts within the United States that are significantly standing in the way of U.S. tax enforcement. Enacting this amendment makes our tax system fairer and helps reduce the deficit.

This is a commonsense amendment that could raise nearly \$1 billion to help tackle the Nation's deficit and debt. The provision ends offshore tax abuses without raising any taxes, without creating any new obligations for Americans, and without amending the Tax Code. We need to crack down on foreign governments and foreign banks that help privileged individuals and corporations dodge taxes while the rest of Americans have to shoulder the extra tax burden. This amendment does that.

Mr. GRIMM. Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 9½ minutes, and the gentleman from New York has 27 minutes.

Mr. DOGGETT. Does the gentleman from New York anticipate that he will have any further speakers this afternoon?

Mr. GRIMM. We have no more speakers. I'm prepared to close.

Mr. DOGGETT. If the gentleman is ready to close, I will use the balance of my time. I believe I have the right to close on the amendment, and I reserve the balance of my time.

Mr. GRIMM. I would like to emphasize my friend from New Jersey mentioned how money laundering is a very serious matter. Everyone here had a lot of passion. There's no question tax evasion and the things we spoke about here today are of the utmost importance and are extremely serious. I agree. And that's why I stand today in opposition, because the committees of jurisdiction should be given the opportunity and the respect to hear these arguments and to look and make sure that everything is done procedurally correct. This is such a serious matter that I believe it warrants being in order.

Again, I want to emphasize that I'm not here to debate the merits. I'm simply here to say that we have two committees of jurisdiction, two very good committees, one of which I sit on: The Financial Services Committee and Ways and Means. They should have the opportunity to do their jobs. And I think that's what the American people and our constituents demand of us. I

believe that in this case, because it is so serious and because it involves very serious amounts of money, money laundering and tax evasion and so on, that regular order should be demanded.

With that, again, I would like to urge my colleagues to vote “no” on this motion to instruct and stick with the process of regular order and give the committees of jurisdiction the proper respect they deserve so this can have the full hearings necessary and all take place in debate.

I yield back the balance of my time.

Mr. DOGGETT. Mr. Speaker, throughout this debate there’s only one thing that both sides agree upon, and that is that this transportation bill ought to move forward, and move forward expeditiously.

This transportation bill has not moved forward expeditiously because of obstruction here in the House. It should have become law long ago—months ago, perhaps years ago—so that we could deal with the infrastructure problems in this country and deal with the jobs that could be created by doing the hard work of building things that we need in order to strengthen our economy and improve job growth in the private sector. That’s where the agreement begins and that’s where the agreement ends, because the basic position of the gentleman in coming to oppose this motion is to present no argument, on the merits, as to why this provision that the Senate has already adopted, with Republican and Democratic Senate support combined, should not become law.

Let me tell you a little of the perspective I bring to this.

About 10 days ago, I went one business to another across San Antonio. I was at a tire shop. They put on wheels, tires, rims on cars and pickups. It’s hot, dirty work. They struggle to make a living. They work long hours. They work odd hours. They’re not air-conditioned. They’ve got to deal with local regulations, government at all levels, pay their taxes, meet their payroll, take care of their sick workers.

I was down the street from there at a tamale factory. A woman had a great idea and expanded it so that she’s selling tamales all over America, and they’re great. It was a good way to begin the day to eat some of her tamales.

Those folks are working hard to make a living and they’re like some of the folks with Startup America, the small tech companies that I have represented in Austin, and now increasingly in San Antonio, that have an idea. One group I talked to, their office was at a local coffee shop until they were asked to leave. They sat there with their computers. They came up with an idea, and now they have multiple employees in a new startup.

Why is it that those kind of businesses, whether it’s putting on tire

rims on a pickup truck or a startup tech company, ought to have to pay a higher rate of taxes than some company that can afford to link up with a foreign bank and a big CPA firm and hide their revenues in a bank in Switzerland or in Panama or in the Cayman Islands?

It cries out that this Congress would correct that injustice. And the fact that that injustice is not being corrected by this Congress tells us so much about the broader problems that we have here in Washington. If you just watched the last hour of this debate, you should be aware of people that linger around this Capitol whispering in the corridors, hiding in the shadows, coming out only at campaign time, when now, under the campaign rules, they can pour unlimited amounts of secret corporate money into their favorite candidate, and they decide that we haven’t had enough process on this issue.

Let me tell you, it took 10 years to get a small provision added through the Ways and Means Committee to simply say you can’t go out and do a transaction simply for the purpose of dodging taxes; it has to have some actual “economic substance.” Ten years in which some avoided paying their fair share because of an unjustified loophole.

My little company down there in San Antonio that changes tires all day, they’ve probably never been to Switzerland, much less considered hiring a bank in Switzerland to help them hide their revenues that they worked so hard to earn and which some of these companies involved in these abusive transactions just consider to be rather routine.

You say, well, this is just academic; surely people can’t get away with this stuff. Let me tell you what they’re getting away with.

I pointed out already that with regard to one bank in Switzerland, UBS, they finally had to disclose \$18 billion—that’s billion with a B—\$18 billion of assets of United States citizens sitting there in hidden accounts in that bank. There were some 50,000 such accounts that UBS had to disclose. Eventually, they had to pay over \$700 million in fines. But they’re not the only bank that is involved. Currently, the Treasury has under investigation 11 Swiss banks. There’s one bank that is under Federal indictment.

This is not an academic problem. It’s academic only to those who talk about process instead of solutions. We have a serious problem that undermines the confidence in our government and in our system of tax collection.

Why should somebody who’s out there struggling at that tire rim company or that tech startup or just a working family that’s out there trying to make ends meet with two people, some working overtime, some working

the night shift in order to provide the food and fiber that their family needs to survive, why should they have to comply with our tax laws when you have these kind of companies that could afford the special treatment, that can afford the lobbyists to block measures like this engaged in abuse?

So today I would say to you that there is an opportunity for this House to make itself clear on this issue. Yes, we want to move a transportation bill. And while Republicans have told us we can have transportation without really paying for it, we have a measure adopted by the U.S. Senate on a bipartisan basis, that will provide us a billion dollars more of the transportation we need.

But we not only get that additional transportation, we have an opportunity today to make our position clear to all of the people of America:

Do you stand on the side of preventing abuse, do you stand on the side of equity and fairness to all American taxpayers, or do you want special treatment? Do you want the few, the privileged, to continue to enjoy the privilege of the connivance that goes on between some of these folks and their lobbyists and their accountants and their high-powered lawyers to get advantages that most Americans don’t have or want?

□ 1620

As far as I’m concerned, almost no matter what the topic is on this floor of this House, that’s the basic issue involved: whether there will be equity and fairness that gives Americans confidence in this system of government, in this democracy, or whether it again and again will be subverted—and in this case, with one Member coming to offer an objection to the motion, not because the matter doesn’t have merit, but because it hadn’t been studied enough. We have studied this problem to death. It cries out for an answer today, and this motion is a narrow way of answering it.

It won’t solve all of the problems. There will still be ways that these special interests will find to dodge and avoid their fair share of taxes. But it will close one abuse. It will give our law enforcement authorities one more tool to deal with criminal tax evasion. I believe we ought to adopt this very narrow measure and write it into the laws of the United States. Send this bill that has been lingering for so long to the President to be signed, and include in it the fact that this Congress did at least one little thing to address the inequities, the special privileges and advantages that the few enjoy here in Washington. Say “no” to unjustified privileges, and “yes” to prompt action on this transportation bill, and include that \$1 billion of additional transportation revenues.

Johnson, E. B.
Jones
Kingston
Kissell
Kline
Lamborn
Larson (CT)
Long
Lucas
Luján
McCollum
Meeks
Mulvaney
Murphy (CT)
Murphy (PA)
Perlmutter
Peters
Peterson
Rangel
Rehberg
Reyes
Richardson
Richmond
Rooney
Ross (FL)

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| Runyan | Scott, David | Towns |
| Ruppersberger | Simpson | Turner (OH) |
| Schock | Sires | Watt |
| Scott (SC) | Thompson (MS) | Whitfield |
| Scott, Austin | Thornberry | Wilson (SC) |

NOT VOTING—14

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|-------------|--------------|--------------|
| Baca | Hahn | Paul |
| Berman | Lewis (CA) | Rothman (NJ) |
| Braley (IA) | McKeon | Shuler |
| Coble | Miller, Gary | Slaughter |
| Filner | Napolitano | |

□ 1651

Messrs. LONG, TURNER of Ohio, PETERSON, REHBERG, JONES, GOODLATTE, GRIFFITH of Virginia, RANGEL, ROSS of Florida, FLEMING, Ms. EDWARDS and Mr. LARSON of Connecticut changed their vote from “aye” to “no.”

Messrs. SHUSTER, OLIVER, Mrs. BONO MACK, Messrs. GENE GREEN of Texas, FARENTHOLD, Ms. WOOLSEY, Mrs. CAPITO, Ms. BERKLEY, Messrs. SCHRADER, KING of Iowa, LYNCH, HASTINGS of Florida, CONYERS, WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. LEE of California, Ms. SPEIER and Mr. BUTTERFIELD changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BRALEY of Iowa. Mr. Chair, on rollcall No. 325, had I been present, I would have voted “aye.”

Mr. FILNER. Mr. Chair, on rollcall 325, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR (Mr. PRICE of Georgia). The unfinished business is the demand for a recorded vote on the second amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 260, not voting 14, as follows:

[Roll No. 326]

AYES—157

| | | |
|-------------|-------------|---------------|
| Ackerman | Butterfield | Cleaver |
| Baldwin | Capps | Clyburn |
| Bass (CA) | Capuano | Cohen |
| Becerra | Carnahan | Connolly (VA) |
| Berkley | Carney | Conyers |
| Bishop (NY) | Carson (IN) | Cooper |
| Blumenauer | Castor (FL) | Courtney |
| Bonamici | Chu | Crowley |
| Boswell | Cielline | Cummings |
| Brady (PA) | Clarke (MI) | Davis (CA) |
| Braley (IA) | Clarke (NY) | Davis (IL) |
| Brown (FL) | Clay | DeFazio |

| | | |
|----------------|----------------|------------------|
| DeGette | Keating | Roybal-Allard |
| DeLauro | Kildee | Rush |
| Deutch | Kucinich | Ryan (OH) |
| Dicks | Langevin | Sánchez, Linda |
| Dingell | Larson (CT) | T. |
| Doggett | Latham | Sanchez, Loretta |
| Doyle | Lee (CA) | Sarbanes |
| Edwards | Levin | Schakowsky |
| Ellison | Lewis (GA) | Schiff |
| Engel | Lipinski | Schrader |
| Eshoo | Loeb sack | Schwartz |
| Farr | Lowey | Scott (VA) |
| Fattah | Maloney | Scott, David |
| Frank (MA) | Markey | Serrano |
| Fudge | Matsui | Sewell |
| Garamendi | McCollum | Sherman |
| Gibson | McDermott | Sires |
| Gonzalez | McGovern | Smith (WA) |
| Green, Al | Meeks | Speier |
| Green, Gene | Michaud | Stark |
| Grijalva | Miller, George | Sutton |
| Gutierrez | Moore | Thompson (CA) |
| Hanabusa | Moran | Thompson (MS) |
| Hastings (FL) | Murphy (CT) | Tierney |
| Higgins | Nadler | Tonko |
| Himes | Neal | Towns |
| Hinchey | Oliver | Tsongas |
| Hinojosa | Pallone | Van Hollen |
| Hirono | Pascarella | Velázquez |
| Hochul | Pelosi | Visclosky |
| Holt | Perlmuter | Walz (MN) |
| Honda | Peters | Wasserman |
| Hoyer | Pingree (ME) | Schultz |
| Israel | Polis | Waters |
| Jackson (IL) | Price (NC) | Watt |
| Jackson Lee | Quigley | Waxman |
| (TX) | Rahall | Welch |
| Johnson (GA) | Rangel | Wilson (FL) |
| Johnson (IL) | Reyes | Woolsey |
| Johnson, E. B. | Richardson | Yarmuth |
| Jones | Richmond | |
| Kaptur | | |

NOES—260

| | | |
|--------------|---------------|-----------------|
| Adams | Conaway | Guthrie |
| Aderholt | Costa | Hall |
| Akin | Costello | Hanna |
| Alexander | Cravack | Harper |
| Altmire | Crawford | Harris |
| Amash | Crenshaw | Hartzler |
| Amodei | Critz | Hastings (WA) |
| Andrews | Cuellar | Hayworth |
| Austria | Culberson | Heck |
| Bachmann | Davis (KY) | Heinrich |
| Bachus | Denham | Hensarling |
| Barletta | Dent | Herger |
| Barrow | DesJarlais | Herrera Beutler |
| Bartlett | Diaz-Balart | Holden |
| Barton (TX) | Dold | Huelskamp |
| Bass (NH) | Donnelly (IN) | Huizenga (MI) |
| Benishak | Dreier | Hultgren |
| Berg | Duffy | Hunter |
| Biggert | Duncan (SC) | Hurt |
| Bilbray | Duncan (TN) | Issa |
| Bilirakis | Ellmers | Jenkins |
| Bishop (GA) | Emerson | Johnson (OH) |
| Bishop (UT) | Farenthold | Johnson, Sam |
| Black | Fincher | Jordan |
| Blackburn | Fitzpatrick | Kelly |
| Bonner | Flake | King (IA) |
| Bono Mack | Fleischmann | King (NY) |
| Boren | Fleming | Kingston |
| Boustany | Flores | Kinzing (IL) |
| Brady (TX) | Forbes | Kissell |
| Brooks | Fortenberry | Kline |
| Broun (GA) | Fox | Labrador |
| Buchanan | Franks (AZ) | Lamborn |
| Bucshon | Frelinghuysen | Lance |
| Buerkle | Gallely | Landry |
| Burgess | Gardner | Lankford |
| Burton (IN) | Garrett | Larsen (WA) |
| Calvert | Gerlach | LaTourette |
| Camp | Gibbs | Latta |
| Campbell | Gingrey (GA) | LoBiondo |
| Canseco | Gohmert | Lofgren, Zoe |
| Cantor | Goodlatte | Long |
| Capito | Gosar | Lucas |
| Cardoza | Gowdy | Luetkemeyer |
| Carter | Granger | Luján |
| Cassidy | Graves (GA) | Lummis |
| Chabot | Graves (MO) | Lungren, Daniel |
| Chaffetz | Griffith (AR) | E. |
| Chandler | Griffith (VA) | Lynch |
| Coffman (CO) | Grimm | Mack |
| Cole | Guinta | Manzullo |

| | | |
|---------------|---------------|---------------|
| Marchant | Platts | Sessions |
| Marino | Poe (TX) | Shimkus |
| Matheson | Pompeo | Shuster |
| McCarthy (CA) | Posey | Simpson |
| McCarthy (NY) | Price (GA) | Smith (NE) |
| McCaul | Quayle | Smith (NJ) |
| McClintock | Reed | Smith (TX) |
| McCotter | Rehberg | Southerland |
| McHenry | Reichert | Stearns |
| McIntyre | Renacci | Stivers |
| McKinley | Ribble | Sullivan |
| McMorris | Rigell | Terry |
| Rodgers | Rivera | Thompson (PA) |
| McNerney | Roby | Thornberry |
| Meehan | Roe (TN) | Tiberti |
| Mica | Rogers (AL) | Tipton |
| Miller (FL) | Rogers (KY) | Turner (NY) |
| Miller (MI) | Rogers (MI) | Turner (OH) |
| Miller (NC) | Rohrabacher | Upton |
| Mulvaney | Rokita | Walberg |
| Murphy (PA) | Rooney | Walden |
| Myrick | Ros-Lehtinen | Walsh (IL) |
| Neugebauer | Roskam | Webster |
| Noem | Ross (AR) | West |
| Nugent | Ross (FL) | Westmoreland |
| Nunes | Royce | Whitfield |
| Nunnelee | Runyan | Wilson (SC) |
| Olson | Ruppersberger | Wittman |
| Owens | Ryan (WI) | Wolf |
| Palazzo | Scalise | Womack |
| Pastor (AZ) | Schilling | Woodall |
| Paulsen | Schmidt | Yoder |
| Pearce | Schock | Young (AK) |
| Pence | Schweikert | Young (FL) |
| Peterson | Scott (SC) | Young (IN) |
| Petri | Scott, Austin | |
| Pitts | Sensenbrenner | |

NOT VOTING—14

| | | |
|--------|--------------|--------------|
| Baca | Lewis (CA) | Rothman (NJ) |
| Berman | McKeon | Shuler |
| Coble | Miller, Gary | Slaughter |
| Filner | Napolitano | Stutzman |
| Hahn | Paul | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1656

Mr. MCINTYRE changed his vote from “aye” to “no.”

Mr. RANGEL changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 326, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and a result was announced. The vote was subsequently vacated by order of the Committee and the amendment was disposed of by rollcall No. 340.

AMENDMENT OFFERED BY MR. KUCINICH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 282, not voting 13, as follows:

[Roll No. 328]

AYES—136

| | | |
|--------------|-----------------|---------------|
| Adams | Hall | Pingree (ME) |
| Amash | Harris | Poe (TX) |
| Bachmann | Hartzler | Polis |
| Bartlett | Hayworth | Pompeo |
| Benishek | Hensarling | Posey |
| Berkley | Herger | Price (GA) |
| Black | Herrera Beutler | Quayle |
| Boustany | Huelskamp | Quigley |
| Brady (TX) | Huizenga (MI) | Rangel |
| Brooks | Hultgren | Reed |
| Broun (GA) | Hunter | Ribble |
| Burgess | Jackson (IL) | Rigell |
| Burton (IN) | Jenkins | Rohrabacher |
| Camp | Johnson (GA) | Rokita |
| Campbell | Johnson, E. B. | Rooney |
| Canseco | Jones | Ross (FL) |
| Carnahan | Jordan | Royce |
| Chaffetz | King (IA) | Ryan (WI) |
| Coffman (CO) | Kline | Scalise |
| Conaway | Kucinich | Schakowsky |
| Conyers | Labrador | Schweikert |
| Culberson | Lamborn | Scott (SC) |
| DeFazio | Lance | Scott, David |
| DesJarlais | Landry | Sensenbrenner |
| Doggett | Lankford | Sherman |
| Duffy | LoBiondo | Smith (TX) |
| Duncan (SC) | Mack | Smith (WA) |
| Duncan (TN) | Manzullo | Southerland |
| Edwards | Markey | Speier |
| Farenthold | Matheson | Stark |
| Fincher | McClintock | Stutzman |
| Fitzpatrick | McHenry | Sullivan |
| Flake | Michaud | Thornberry |
| Fleming | Miller (FL) | Tonko |
| Franks (AZ) | Miller (MI) | Walberg |
| Gardner | Mulvaney | Walden |
| Garrett | Myrick | Walsh (IL) |
| Gingrey (GA) | Nadler | West |
| Gohmert | Neugebauer | Westmoreland |
| Gosar | Noem | Wilson (FL) |
| Gowdy | Nunnelee | Yoder |
| Graves (GA) | Olson | Young (AK) |
| Griffin (AR) | Paulsen | Young (FL) |
| Quinta | Pearce | Young (IN) |
| Guthrie | Pence | |
| Gutierrez | Petri | |

NOES—282

| | | |
|-------------|-------------|-------------|
| Ackerman | Biggart | Bucshon |
| Aderholt | Bilbray | Buerkle |
| Akin | Bilirakis | Butterfield |
| Alexander | Bishop (GA) | Calvert |
| Altmire | Bishop (NY) | Cantor |
| Amodei | Bishop (UT) | Capito |
| Andrews | Blackburn | Capps |
| Austria | Blumenauer | Capuano |
| Bachus | Bonamici | Cardoza |
| Baldwin | Bonner | Carney |
| Barletta | Bono Mack | Carson (IN) |
| Barrow | Boren | Carter |
| Barton (TX) | Boswell | Cassidy |
| Bass (CA) | Brady (PA) | Castor (FL) |
| Bass (NH) | Braley (IA) | Chabot |
| Becerra | Brown (FL) | Chandler |
| Berg | Buchanan | Chu |

| | | |
|---------------|-----------------|------------------|
| Cicilline | Honda | Platts |
| Clarke (MI) | Hoyer | Price (NC) |
| Clarke (NY) | Hurt | Rahall |
| Clay | Israel | Rehberg |
| Cleaver | Issa | Reichert |
| Clyburn | Jackson Lee | Renacci |
| Cohen | (TX) | Reyes |
| Cole | Johnson (IL) | Richardson |
| Connolly (VA) | Johnson (OH) | Richmond |
| Cooper | Johnson, Sam | Rivera |
| Costa | Kaptur | Roby |
| Costello | Keating | Roe (TN) |
| Courtney | Kelly | Rogers (AL) |
| Cravaack | Kildee | Rogers (KY) |
| Crawford | Kind | Rogers (MI) |
| Crenshaw | King (NY) | Ros-Lehtinen |
| Critz | Kingston | Roskam |
| Crowley | Kinzing (IL) | Ross (AR) |
| Cuellar | Kissell | Roybal-Allard |
| Cummings | Langevin | Runyan |
| Davis (CA) | Larsen (WA) | Ruppersberger |
| Davis (IL) | Larson (CT) | Rush |
| Davis (KY) | Latham | Ryan (OH) |
| DeGette | LaTourette | Sánchez, Linda |
| DeLauro | Latta | T. |
| Denham | Lee (CA) | Sanchez, Loretta |
| Dent | Levin | Sarbanes |
| Deutch | Lewis (GA) | Schiff |
| Diaz-Balart | Lipinski | Schilling |
| Dicks | Loebsack | Schmidt |
| Dingell | Lofgren, Zoe | Schock |
| Dold | Long | Schrader |
| Donnelly (IN) | Lowey | Schwartz |
| Doyle | Lucas | Scott (VA) |
| Dreier | Luetkemeyer | Scott, Austin |
| Ellison | Luján | Serrano |
| Elmiers | Lummis | Sessions |
| Emerson | Lungren, Daniel | Sewell |
| Engel | E. | Shimkus |
| Eshoo | Lynch | Shuster |
| Farr | Maloney | Simpson |
| Fattah | Marchant | Sires |
| Fleischmann | Marino | Smith (NE) |
| Flores | Matsui | Smith (NJ) |
| Forbes | McCarthy (CA) | Stearns |
| Fortenberry | McCarthy (NY) | Stivers |
| Fox | McCaul | Sutton |
| Frank (MA) | McCollum | Terry |
| Frelinghuysen | McCotter | Thompson (CA) |
| Fudge | McDermott | Thompson (MS) |
| Gallegly | McGovern | Thompson (PA) |
| Garamendi | McIntyre | Tiberi |
| Garlach | McKinley | Tierney |
| Gibbs | McMorris | Tipton |
| Gibson | Rodgers | Towns |
| Gonzalez | McNerney | Tsongas |
| Goodlatte | Meehan | Turner (NY) |
| Granger | Meeks | Turner (OH) |
| Graves (MO) | Mica | Upton |
| Green, Al | Miller (NC) | Van Hollen |
| Green, Gene | Miller, George | Velázquez |
| Griffith (VA) | Moore | Visclosky |
| Grijalva | Moran | Walz (MN) |
| Grimm | Murphy (CT) | Wasserman |
| Hanabusa | Murphy (PA) | Schultz |
| Hanna | Neal | Waters |
| Harper | Nugent | Watt |
| Hastings (FL) | Nunes | Waxman |
| Hastings (WA) | Olver | Webster |
| Heck | Owens | Welch |
| Heinrich | Palazzo | Whitfield |
| Higgins | Pallone | Wilson (SC) |
| Himes | Pascarella | Wittman |
| Hinche | Pastor (AZ) | Wolf |
| Hinojosa | Pelosi | Womack |
| Hirono | Perlmutter | Woodall |
| Hochul | Peters | Woolsey |
| Holden | Peterson | Yarmuth |
| Holt | Pitts | |

NOT VOTING—13

| | | |
|--------|--------------|--------------|
| Baca | Lewis (CA) | Rothman (NJ) |
| Berman | McKeon | Shuler |
| Coble | Miller, Gary | Slaughter |
| Filner | Napolitano | |
| Hahn | Paul | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1703

Mr. JACKSON of Illinois, Ms. HAYWORTH, and Ms. HERRERA

BEUTLER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 328, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 9 OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 249, not voting 14, as follows:

[Roll No. 329]

AYES—168

| | | |
|---------------|---------------|------------------|
| Ackerman | Gardner | McMorris |
| Amash | Garrett | Rodgers |
| Andrews | Gohmert | McNerney |
| Baldwin | Gosar | Mica |
| Barton (TX) | Graves (GA) | Michaud |
| Bass (CA) | Green, Gene | Miller, George |
| Becerra | Grijalva | Moore |
| Berkley | Gutierrez | Mulvaney |
| Bishop (UT) | Hastings (FL) | Nadler |
| Blumenauer | Heinrich | Neal |
| Bonamici | Hensarling | Neugebauer |
| Brady (PA) | Herger | Pallone |
| Broun (GA) | Higgins | Paulsen |
| Buchanan | Himes | Pearce |
| Burgess | Hinchey | Pelosi |
| Campbell | Hinojosa | Pingree (ME) |
| Canseco | Hirono | Polis |
| Capps | Holt | Posey |
| Capuano | Honda | Price (NC) |
| Carson (IN) | Huelskamp | Quigley |
| Cassidy | Huizenga (MI) | Rahall |
| Castor (FL) | Hultgren | Rangel |
| Chaffetz | Israel | Reyes |
| Chu | Jackson (IL) | Richardson |
| Cicilline | Jackson Lee | Rohrabacher |
| Clarke (NY) | (TX) | Rokita |
| Cohen | Johnson (GA) | Ross (FL) |
| Conaway | Johnson (IL) | Roybal-Allard |
| Connolly (VA) | Jones | Royce |
| Conyers | Keating | Rush |
| Costello | Kildee | Sanchez, Loretta |
| Courtney | Cuellar | Sarbanes |
| Culberson | Labrador | Schakowsky |
| Cummings | Lance | Schiff |
| Davis (CA) | Lankford | Schwartz |
| DeFazio | Larsen (WA) | Scott (VA) |
| DeGette | Levin | Sensenbrenner |
| Deutch | Lewis (GA) | Serrano |
| Dicks | Long | Sessions |
| Dingell | Lowey | Sherman |
| Doggett | Luján | Shimkus |
| Duncan (TN) | Lummis | Smith (NE) |
| Edwards | Lynch | Smith (NJ) |
| Ellison | Maloney | Smith (WA) |
| Eshoo | Marchant | Speier |
| Farenthold | Markey | Stark |
| Farr | Matsui | Stearns |
| Flake | McCarthy (CA) | Stutzman |
| Frank (MA) | McClintock | Thompson (CA) |
| Franks (AZ) | McDermott | Thompson (PA) |
| Garamendi | McGovern | Tierney |
| | | Tonko |

Towns
Tsongas
Velázquez
Visclosky
Walberg
Walsh (IL)

Walz (MN)
Wasserman
Schultz
Watt
Waxman
Webster

Welch
Woodall
Woolsey
Young (FL)

Baca
Berman
Coble
Finler
Hahn

NOT VOTING—14

King (IA)
Lewis (CA)
McKeon
Miller, Gary
Napolitano

Paul
Rothman (NJ)
Shuler
Slaughter

Jordan
Kind
Kinzinger (IL)
Kucinich
Lance
Landry
Langevin
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lowey
Luján
Lynch
Maloney
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McMorris
Rodgers
Meehan
Meeks
Michaud
Miller (MI)
Miller, George
Moore
Mulvaney
Murphy (CT)
Nadler
Neal

Nugent
Oliver
Owens
Pallone
Pascarell
Paulsen
Pearce
Pelosi
Peters
Petri
Pingree (ME)
Pitts
Platts
Polls
Posey
Price (GA)
Price (NC)
Quigley
Rangel
Reed
Reichert
Ribble
Richardson
Roe (TN)
Rooney
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader

Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sherman
Smith (WA)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Thompson (CA)
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Wilson (SC)
Woolsey
Yarmuth
Yoder
Young (IN)

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Chabot
Chandler
Clarke (MI)
Clay
Cleaver
Clyburn
Coffman (CO)
Cole
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Crowley
Davis (IL)
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss
Frelinghuysen

Fudge
Gallegly
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Herrera Beutler
Hochul
Holden
Hoyer
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Kelly
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Landry
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marino
Matheson
McCarthy (NY)
McCauley
McCormack
McCotter
McHenry
McIntyre
McKinley
Meehan
Meeks
Miller (FL)
Miller (MI)
Miller (NC)
Moran
Murphy (CT)
Murphy (PA)
Myrick
Noem
Nugent

Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pascarell
Pastor (AZ)
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sewell
Shuster
Simpson
Sires
Smith (TX)
Southernland
Stivers
Sullivan
Sutton
Terry
Thompson (MS)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walden
Waters
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoder
Young (AK)
Young (IN)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1707

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated for:
Mr. FILNER. Mr. Chair, on rollcall 329, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “aye.”

Stated against:
Mr. FRANKS of Arizona. Mr. Chair, on roll-
call No. 329 I confused the amendment with
another. Had I been correct, I would have
voted “no.”

AMENDMENT OFFERED BY MR. REED

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New York (Mr. REED)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 223, noes 195,
not voting 13, as follows:

[Roll No. 330]

AYES—223

Ackerman
Adams
Bachmann
Baldwin
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Beckerra
Benishke
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Bucshon
Buerkle
Burgess
Butterfield
Camp
Canseco
Capito
Capps
Capuano
Carnahan
Carney
Chabot
Chaffetz

Chu
Cielline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Courtney
Critz
Crowley
Cuellar
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
Dingell
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellison
Eshoo
Farr
Fincher
Fitzpatrick

Flake
Gardner
Gerlach
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Green, Al
Griffith (VA)
Grijalva
Guthrie
Hanabusa
Hanna
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hunter
Hurt
Israel
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones

Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachus
Barletta
Bartlett
Berg
Berkley
Biggert
Bilbray
Bilirakis
Blackburn
Bonner
Bono Mack
Boustany
Brooks
Broun (GA)
Buchanan
Burton (IN)
Calvert
Campbell
Cantor
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Culberson
Cummings
Davis (CA)
Davis (KY)
DesJarlais
Diaz-Balart
Dicks
Donnelly (IN)
Duncan (TN)
Emerson
Engel

NOES—195

Farenthold
Fattah
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gibbs
Gingrey (GA)
Gonzalez
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Grimm
Guinta
Gutierrez
Hall
Harper
Harris
Hartzler
Heck
Hensarling
Herger
Hirono
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kissell
Kline

Labrador
Lamborn
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marino
Markey
McCauley
McCotter
McKinley
McNerney
Mica
Miller (FL)
Miller (NC)
Moran
Murphy (PA)
Myrick
Neugebauer
Noem
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Pence
Perlmutter
Peterson
Poe (TX)
Pompeo
Quayle
Rahall
Rehberg
Renacci
Reyes
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)

| | | |
|----------------|---------------|--------------|
| Rohrabacher | Shuster | Turner (OH) |
| Rokita | Simpson | Visclosky |
| Ros-Lehtinen | Sires | Walberg |
| Runyan | Smith (NE) | Walsh (IL) |
| Rush | Smith (NJ) | Westmoreland |
| Ryan (OH) | Smith (TX) | Whitfield |
| Sánchez, Linda | Sullivan | Wilson (FL) |
| T. | Terry | Wittman |
| Scalise | Thompson (MS) | Wolf |
| Scott, Austin | Thompson (PA) | Womack |
| Sessions | Thornberry | Woodall |
| Sewell | Tiberi | Young (AK) |
| Shimkus | Towns | Young (FL) |

NOT VOTING—13

| | | |
|--------|--------------|--------------|
| Baca | Lewis (CA) | Rothman (NJ) |
| Berman | McKeon | Shuler |
| Coble | Miller, Gary | Slaughter |
| Filner | Napolitano | |
| Hahn | Paul | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1711

Messrs. TIERNEY and CLARKE of Michigan changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 330, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 237, not voting 12, as follows:

[Roll No. 331]

AYES—182

| | | |
|-------------|---------------|---------------|
| Ackerman | Carson (IN) | DeGette |
| Andrews | Castor (FL) | DeLauro |
| Baldwin | Chandler | Deutch |
| Barrow | Chu | Dicks |
| Bass (CA) | Cicilline | Dingell |
| Becerra | Clarke (MI) | Doggett |
| Berkley | Clarke (NY) | Donnelly (IN) |
| Bishop (GA) | Clay | Doyle |
| Bishop (NY) | Cleaver | Edwards |
| Blumenauer | Clyburn | Ellison |
| Bonamici | Cohen | Engel |
| Boren | Connolly (VA) | Eshoo |
| Boswell | Conyers | Farr |
| Brady (PA) | Cooper | Fattah |
| Braley (IA) | Costello | Fitzpatrick |
| Brown (FL) | Courtney | Frank (MA) |
| Butterfield | Critz | Fudge |
| Capps | Crowley | Garamendi |
| Capuano | Cuellar | Gibson |
| Cardoza | Cummings | Gohmert |
| Carnahan | Davis (CA) | Gonzalez |
| Carney | DeFazio | Green, Al |

| | |
|-----------------|----------------|
| Green, Gene | Lynch |
| Grijalva | Maloney |
| Gutierrez | Markey |
| Hanabusa | Matheson |
| Hastings (FL) | Matsui |
| Heinrich | McCarthy (NY) |
| Higgins | McDermott |
| Himes | McGovern |
| Hinchee | McNerney |
| Hinojosa | Meeks |
| Hirono | Michaud |
| Hochul | Miller (NC) |
| Holden | Miller, George |
| Holt | Moore |
| Honda | Murphy (CT) |
| Israel | Nadler |
| Jackson (IL) | Neal |
| Jackson Lee | Oliver |
| (TX) | Owens |
| Johnson (GA) | Pallone |
| Johnson (IL) | Pascarell |
| Jones | Pelosi |
| Kaptur | Perlmutter |
| Keating | Peters |
| Kildee | Peterson |
| Kind | Pingree (ME) |
| Kissell | Polis |
| Kucinich | Price (NC) |
| Langevin | Quigley |
| Larsen (WA) | Rahall |
| Larson (CT) | Rangel |
| Lee (CA) | Reyes |
| Levin | Richardson |
| Lewis (GA) | Richmond |
| Lipinski | Ross (AR) |
| Loeb sack | Rothman (NJ) |
| Lofgren, Zoe | Roybal-Allard |
| Lowe y | Roybal-Allard |
| Lujan | Ruppersberger |
| Lungren, Daniel | Rush |
| E. | Ryan (OH) |

NOES—237

| | | |
|--------------|-----------------|-----------------|
| Adams | Davis (KY) | Huelskamp |
| Aderholt | Denham | Huizenga (MI) |
| Akin | Dent | Hultgren |
| Alexander | DesJarlais | Hunter |
| Altmire | Diaz-Balart | Hurt |
| Amash | Dold | Issa |
| Amodei | Dreier | Jenkins |
| Austria | Duffy | Johnson (OH) |
| Bachmann | Duncan (SC) | Johnson, E. B. |
| Bachus | Duncan (TN) | Johnson, Sam |
| Barletta | Ellmers | Jordan |
| Bartlett | Emerson | Kelly |
| Barton (TX) | Farenthold | King (IA) |
| Bass (NH) | Fincher | King (NY) |
| Benishek | Flake | Kingston |
| Berg | Fleischmann | Kinzingler (IL) |
| Biggett | Fleming | Kline |
| Bilbray | Flores | Labrador |
| Bilirakis | Forbes | Lamborn |
| Bishop (UT) | Portenberry | Lance |
| Black | Fox | Landry |
| Blackburn | Franks (AZ) | Lankford |
| Bonner | Frelinghuysen | Latham |
| Bono Mack | Galleghy | LaTourette |
| Boustany | Gardner | Latta |
| Brady (TX) | Garrett | LoBiondo |
| Brooks | Gerlach | Long |
| Broun (GA) | Gibbs | Lucas |
| Buchanan | Gingrey (GA) | Luetkemeyer |
| Bucshon | Goodlatte | Lummis |
| Buerkle | Gosar | Mack |
| Burgess | Gowdy | Manzullo |
| Burton (IN) | Granger | Marchant |
| Calvert | Graves (GA) | Marino |
| Camp | Graves (MO) | McCarthy (CA) |
| Campbell | Griffin (AR) | McCaul |
| Canseco | Griffith (VA) | McClintock |
| Cantor | Grimm | McCollum |
| Capito | Guinta | McCotter |
| Carter | Guthrie | McHenry |
| Cassidy | Hall | McIntyre |
| Chabot | Hanna | McKinley |
| Chaffetz | Harper | McMorris |
| Coffman (CO) | Harris | Rodgers |
| Cole | Hartzler | Meehan |
| Conaway | Hastings (WA) | Mica |
| Costa | Hayworth | Miller (FL) |
| Cravaack | Heck | Miller (MI) |
| Crawford | Hensarling | Moran |
| Crenshaw | Herger | Mulvaney |
| Culberson | Herrera Beutler | Murphy (PA) |
| Davis (IL) | Hoyer | Myrick |

| | | |
|-------------|---------------|---------------|
| Neugebauer | Rogers (KY) | Stivers |
| Noem | Rogers (KY) | Stutzman |
| Nugent | Rogers (MI) | Sullivan |
| Nunes | Rohrabacher | Terry |
| Nunnelee | Rokita | Thompson (PA) |
| Olson | Rooney | Tiberi |
| Palazzo | Ros-Lehtinen | Tipton |
| Pastor (AZ) | Roskam | Turner (NY) |
| Paulsen | Ross (FL) | Turner (OH) |
| Pearce | Royce | Upton |
| Pence | Runyan | Walberg |
| Petri | Ryan (WI) | Walden |
| Pitts | Scalise | Walsh (IL) |
| Platts | Schilling | Webster |
| Poe (TX) | Schmidt | West |
| Pompeo | Schock | Westmoreland |
| Posey | Schweikert | Whitfield |
| Price (GA) | Scott (SC) | Wilson (SC) |
| Quayle | Scott, Austin | Wittman |
| Reed | Sessions | Wolf |
| Rehberg | Shimkus | Womack |
| Reichert | Shuster | Woodall |
| Renacci | Simpson | Yoder |
| Ribble | Smith (NE) | Young (AK) |
| Rigell | Smith (NJ) | Young (FL) |
| Rivera | Smith (TX) | Young (IN) |
| Roby | Southerland | |
| Roe (TN) | Stearns | |

NOT VOTING—12

| | | |
|--------|--------------|------------|
| Baca | Hahn | Napolitano |
| Berman | Lewis (CA) | Paul |
| Coble | McKeon | Shuler |
| Filner | Miller, Gary | Slaughter |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1714

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 331, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 281, not voting 12, as follows:

[Roll No. 332]

AYES—138

| | | |
|-------------|-------------|-------------|
| Ackerman | Capps | Crowley |
| Amash | Capuano | Cummings |
| Andrews | Carnahan | Davis (CA) |
| Baldwin | Castor (FL) | Davis (IL) |
| Bass (CA) | Chu | DeFazio |
| Becerra | Cicilline | DeGette |
| Bishop (NY) | Clarke (MI) | DeLauro |
| Blumenauer | Clarke (NY) | Deutch |
| Bonamici | Clay | Dingell |
| Boswell | Cleaver | Doggett |
| Brady (PA) | Cohen | Doyle |
| Braley (IA) | Conyers | Duncan (TN) |
| Butterfield | Cooper | Edwards |

Ellison
Eshoo
Farr
Frank (MA)
Fudge
Gibson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Lance

Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Long
Lowey
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Oliver
Pallone
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes

Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rangel
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera

Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Waters
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Hunter
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lowey
Lujan
Maloney
Marky
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Oliver
Pallone
Pascarell
Pearce
Pelosi
Peters
Petri

NOES—281

Adams
Aderholt
Akin
Alexander
Altmire
Amodel
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney

Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)

Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris
McRogers
McNerney
Meehan

Baca
Berman
Coble
Filner
Hahn
Lewis (CA)
McKeon
Miller, Gary
Napolitano
Paul
Shuler
Slaughter

NOT VOTING—12

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1717

So the amendment was rejected.
The result of the vote was announced
as above recorded.
Stated for:

Mr. FILNER. Mr. Chair, on rollcall 332, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted "aye."

AMENDMENT OFFERED BY MR. LUJÁN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New Mexico (Mr.
LUJÁN) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 174, noes 244,
not voting 13, as follows:

[Roll No. 333]

AYES—174

Ackerman
Akin
Baldwin
Barrow
Bass (CA)
Becerra
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)

NOES—244

Adams
Aderholt
Alexander
Altmire
Amash
Amodel
Andrews
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Culberson
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Dumars
Emerson
Farenthold
Farr
Fattah
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (IL)

Johnson (OH) Miller (MI) Ryan (OH)
 Johnson, E. B. Mulvaney Ryan (WI)
 Johnson, Sam Murphy (PA) Scalise
 Jordan Myrick Schilling
 Kelly Neugebauer Schmidt
 King (IA) Noem Schock
 King (NY) Nugent Schweikert
 Kingston Nunes Scott (SC)
 Kinzinger (IL) Nunnelee Scott, Austin
 Kline Olson Sessions
 Labrador Owens Sewell
 Lamborn Palazzo Shimkus
 Lance Pastor (AZ) Shuster
 Landry Paulsen Simpson
 Langevin Pence Smith (NE)
 Lankford Perlmutter Smith (NJ)
 Larsen (WA) Peterson Smith (TX)
 Latham Pitts Southerland
 LaTourette Platts Stivers
 Latta Poe (TX) Stutzman
 LoBiondo Pompeo Sullivan
 Lofgren, Zoe Posey Terry
 Long Price (GA) Thompson (PA)
 Lucas Price (NC) Thornberry
 Luetkemeyer Quayle Tiberi
 Lummis Reed Turner (NY)
 Lungren, Daniel Rehberg Turner (OH)
 E. Renacci Upton
 Lynch Ribble Visclosky
 Mack Rigell Walberg
 Manzullo Rivera Walsh (IL)
 Marchant Roby Waters
 Marino Roe (TN) Webster
 McCarthy (CA) Rogers (AL) Westmoreland
 McCaul Rogers (KY) Whitfield
 McCotter Rogers (MI) Wilson (SC)
 McHenry Rohrabacher Wittman
 McKinley Rokita Wolf
 McMorris Rooney Womack
 Rodgers Ros-Lehtinen Woodall
 Meehan Roskam Yoder
 Mica Ross (FL) Young (AK)
 Miller (FL) Runyan Young (FL)

NOT VOTING—13

Baca Lewis (CA) Shuler
 Berman McKeon Slaughter
 Coble Miller, Gary Young (IN)
 Filner Napolitano
 Hahn Paul

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 1721

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 333, I was
 away from the Capitol due to prior commit-
 ments to my constituents. Had I been present,
 I would have voted "aye."

(By unanimous consent, Mr. CANTOR
 was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. CANTOR. Mr. Chairman, I would
 advise the House that at the end of the
 amendment series is the Lummis
 amendment. After that amendment, we
 will be revoting the Connolly amend-
 ment. So don't leave. We will need to
 be revoting the gentleman from Vir-
 ginia's amendment.

Mr. Chairman, I ask unanimous con-
 sent that proceedings on rollcall No.
 327 be vacated to the end that the re-
 quest for a recorded vote on the amend-
 ment offered by the gentleman from
 Virginia (Mr. CONNOLLY) remain as un-
 finished business and, further, that the
 Chair may reduce the time for any
 electronic vote on that amendment to
 not less than 2 minutes.

The Acting CHAIR. Is there objection
 to the request of the gentleman from
 Virginia?

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair appre-
 ciates the motion and will state that
 the Chair didn't recognize individuals
 in the well.

Without objection, 2-minute voting
 will proceed.

There was no objection.

The Acting CHAIR. Pursuant to
 clause 6 of rule XVIII, proceedings will
 now resume on amendments on which
 further proceedings were postponed, in
 the following order:

An amendment by Mr. CHABOT of
 Ohio.

An amendment by Mrs. BLACKBURN of
 Tennessee.

An amendment by Mr. MULVANEY of
 South Carolina.

An amendment by Mr. FLAKE of Ari-
 zona.

An amendment by Mr. KING of Iowa.

An amendment by Mrs. LUMMIS of
 Wyoming.

An amendment by Mr. CONNOLLY of
 Virginia.

The Chair would reiterate that he
 will reduce to 2 minutes the minimum
 time for all remaining electronic votes
 in this series.

AMENDMENT OFFERED BY MR. CHABOT

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Ohio (Mr. CHABOT) on
 which further proceedings were post-
 poned and on which the noes prevailed
 by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 141, noes 276,
 not voting 14, as follows:

[Roll No. 334]

AYES—141

| | | |
|-------------|--------------|---------------|
| Adams | Campbell | Gohmert |
| Akin | Canseco | Gosar |
| Amash | Chabot | Gowdy |
| Amodei | Chaffetz | Graves (GA) |
| Andrews | Coffman (CO) | Graves (MO) |
| Bachmann | Conaway | Green, Gene |
| Barton (TX) | Culberson | Hall |
| Benishke | Doggett | Harris |
| Bigert | Duffy | Hartzler |
| Bilbray | Duncan (SC) | Heck |
| Bilirakis | Farenthold | Heinrich |
| Bishop (UT) | Flake | Hensarling |
| Black | Fleming | Henger |
| Brady (TX) | Flores | Huelskamp |
| Broun (GA) | Forbes | Huizenga (MI) |
| Buchanan | Fox | Hultgren |
| Bucshon | Franks (AZ) | Hunter |
| Buerkle | Gallegly | Hurt |
| Burgess | Gardner | Issa |
| Burton (IN) | Garrett | Jenkins |
| Camp | Gingrey (GA) | Johnson, Sam |

| | | |
|-----------------|-------------|---------------|
| Jones | Mulvaney | Scalise |
| Jordan | Myrick | Schilling |
| King (IA) | Neugebauer | Schweikert |
| Kingston | Noem | Scott (SC) |
| Kinzinger (IL) | Nugent | Sensenbrenner |
| Kline | Olson | Sessions |
| Labrador | Paulsen | Smith (NE) |
| Lamborn | Pearce | Smith (TX) |
| Lance | Pence | Southerland |
| Landry | Perlmutter | Stearns |
| Lankford | Petri | Stutzman |
| Long | Pitts | Sullivan |
| Luetkemeyer | Poe (TX) | Terry |
| Lummis | Pompeo | Thornberry |
| Lungren, Daniel | Posey | Tipton |
| E. | Price (GA) | Upton |
| Mack | Quayle | Walberg |
| Manzullo | Renacci | Walden |
| Marchant | Ribble | Walsh (IL) |
| Matheson | Rigell | Webster |
| McCarthy (CA) | Rohrabacher | Westmoreland |
| McCaul | Rokita | Wilson (SC) |
| McClintock | Rooney | Wittman |
| McMorris | Roskam | Woodall |
| Rodgers | Ross (FL) | Yoder |
| Miller (FL) | Royce | Young (FL) |
| Miller (MI) | Ryan (WI) | |

NOES—276

| | | |
|---------------|-----------------|----------------|
| Ackerman | Davis (IL) | Jackson Lee |
| Aderholt | Davis (KY) | (TX) |
| Alexander | DeFazio | Johnson (GA) |
| Altmire | DeGette | Johnson (IL) |
| Austria | DeLauro | Johnson (OH) |
| Bachus | Denham | Johnson, E. B. |
| Baldwin | Dent | Kaptur |
| Barletta | DesJarlais | Keating |
| Barrow | Kelly | Kelly |
| Bartlett | Deutch | Kildee |
| Bass (CA) | Diaz-Balart | Kind |
| Bass (NH) | Dicks | King (NY) |
| Becerra | Dingell | Kissell |
| Berg | Dold | Kucinich |
| Berkley | Donnelly (IN) | Langevin |
| Bishop (GA) | Doyle | Larsen (WA) |
| Bishop (NY) | Dreier | Larson (CT) |
| Blackburn | Duncan (TN) | Latham |
| Blumenauer | Edwards | LaTourette |
| Bonamici | Ellison | Latta |
| Bonner | Ellmers | Lee (CA) |
| Bono Mack | Emerson | Levin |
| Boren | Engel | Lewis (GA) |
| Boswell | Eshoo | Lipinski |
| Boustany | Farr | LoBiondo |
| Brady (PA) | Fincher | Loeb sack |
| Braley (IA) | Fitzpatrick | Lofgren, Zoe |
| Brooks | Fleischmann | Lowe |
| Brown (FL) | Fortenberry | Lucas |
| Butterfield | Frank (MA) | Lujan |
| Calvert | Frelinghuysen | Lynch |
| Cantor | Fudge | Maloney |
| Capito | Garamendi | Marino |
| Capps | Gerlach | Markey |
| Capuano | Gibbs | Matsui |
| Cardoza | Gibson | McCarthy (NY) |
| Carnahan | Gonzalez | McCollum |
| Carney | Goodlatte | McCotter |
| Carson (IN) | Granger | McDermott |
| Carter | Green, Al | McGovern |
| Cassidy | Griffin (AR) | McHenry |
| Castor (FL) | Griffith (VA) | McIntyre |
| Chandler | Grijalva | McKinley |
| Chu | Grimm | McNerney |
| Cicilline | Guinta | Meehan |
| Clarke (MI) | Guthrie | Meeks |
| Clarke (NY) | Gutierrez | Mica |
| Clay | Hanabusa | Michaud |
| Cleaver | Hanna | Miller (NC) |
| Clyburn | Harper | Miller, George |
| Cohen | Hastings (FL) | Moore |
| Cole | Hastings (WA) | Moran |
| Connolly (VA) | Hayworth | Murphy (CT) |
| Conyers | Herrera Beutler | Murphy (PA) |
| Cooper | Higgins | Nadler |
| Costa | Himes | Neal |
| Costello | Hinchey | Nunes |
| Courtney | Hinojosa | Nunnelee |
| Cravaack | Hirono | Oliver |
| Crawford | Hochul | Owens |
| Crenshaw | Holden | Palazzo |
| Critz | Holt | Pallone |
| Crowley | Honda | Pascarell |
| Cuellar | Hoyer | Pastor (AZ) |
| Cummings | Israel | Pelosi |
| Davis (CA) | Jackson (IL) | Peters |

| | | | | | | | | |
|---------------|------------------|---------------|---------------|---------------|---------------|----------------|------------------|---------------|
| Peterson | Sánchez, Linda | Thompson (PA) | Fincher | Kinzing (IL) | Price (GA) | Matsui | Rehberg | Smith (WA) |
| Pingree (ME) | T. | Tiberi | Fitzpatrick | Kline | Quayle | McCarthy (NY) | Reichert | Speier |
| Platts | Sanchez, Loretta | Tierney | Flake | Labrador | Reed | McCollum | Renacci | Stark |
| Polis | Sarbanes | Tonko | Fleming | Lamborn | Ribble | McDermott | Reyes | Stivers |
| Price (NC) | Schakowsky | Towns | Flores | Lance | Rigell | McGovern | Richardson | Sutton |
| Quigley | Schiff | Tsongas | Forbes | Landry | Roe (TN) | McIntyre | Richmond | Thompson (CA) |
| Rahall | Schmidt | Turner (NY) | Fortenberry | Lankford | Rogers (MI) | McKinley | Rivera | Thompson (MS) |
| Rangel | Schock | Turner (OH) | Fox | Latta | Rohrabacher | McNerney | Roby | Thompson (PA) |
| Reed | Schrader | Van Hollen | Franks (AZ) | Long | Rokita | Meehan | Rogers (AL) | Tiberi |
| Rehberg | Schwartz | Velázquez | Gardner | Luetkemeyer | Rooney | Meeks | Rogers (KY) | Tierney |
| Reichert | Scott (VA) | Visclosky | Garrett | Lummis | Ross (FL) | Michaud | Ros-Lehtinen | Tonko |
| Reyes | Scott, Austin | Walz (MN) | Gingrey (GA) | Lynch | Royce | Miller (NC) | Roskam | Towns |
| Richardson | Scott, David | Wasserman | Gohmert | Mack | Ryan (WI) | Miller, George | Ross (AR) | Tsongas |
| Richmond | Serrano | Schultz | Goodlatte | Manzullo | Scalise | Moore | Rothman (NJ) | Turner (NY) |
| Rivera | Sewell | Waters | Gosar | Marchant | Schilling | Moran | Roybal-Allard | Turner (OH) |
| Roby | Sherman | Watt | Matheson | McCarthy (CA) | Schmidt | Murphy (CT) | Runyan | Van Hollen |
| Roe (TN) | Shimkus | Welch | Graves (GA) | McCaul | Schweikert | Nadler | Rush | Velázquez |
| Rogers (AL) | Shuster | West | Graves (MO) | McClintock | Scott (SC) | Neal | Ryan (OH) | Visclosky |
| Rogers (KY) | Simpson | Whitfield | Griffin (AR) | McCotter | Scott, Austin | Noem | Sánchez, Linda | Walz (MN) |
| Rogers (MI) | Sires | Wilson (FL) | Griffith (VA) | McHenry | Sensenbrenner | Nunes | T. | Wasserman |
| Ros-Lehtinen | Smith (NJ) | Wolf | Guinta | McMorris | Sessions | Olver | Sanchez, Loretta | Schultz |
| Ross (AR) | Smith (WA) | Womack | Guthrie | Rodgers | Shuster | Owens | Sarbanes | Schiff |
| Rothman (NJ) | Speier | Woolsey | Hall | Mica | Smith (NE) | Palazzo | Schakowsky | Schock |
| Roybal-Allard | Stark | Yarmuth | Harris | Miller (FL) | Southerland | Pallone | Schiff | Schrader |
| Runyan | Stivers | Young (AK) | Hartzler | Miller (MI) | Stearns | Pascarell | Schock | Schwartz |
| Ruppersberger | Sutton | | Hensarling | Mulvaney | Stutzman | Pastor (AZ) | Schrader | Scott (VA) |
| Rush | Thompson (CA) | | Herger | Murphy (PA) | Sullivan | Pelosi | Schwartz | Scott, David |
| Ryan (OH) | Thompson (MS) | | Hochul | Myrick | Terry | Perlmutter | Scott (VA) | Serrano |
| | | | Huelskamp | Neugebauer | Thornberry | Peters | Sewell | Shimkus |
| | | | Huizenga (MI) | Nugent | Tipton | Peterson | Sherman | Simpson |
| | | | Hultgren | Nunnelee | Upton | Pingree (ME) | Shimkus | Smith (NJ) |
| | | | Hunter | Olson | Walberg | Polis | Shimkus | Smith (TX) |
| | | | Hurt | Paulsen | Waldeen | Posey | Simpson | |
| | | | Issa | Pearce | Walsh (IL) | Price (NC) | Sires | |
| | | | Jenkins | Pence | Wilson (SC) | Quigley | Smith (NJ) | |
| | | | Johnson (IL) | Petri | Wittman | Rahall | Smith (TX) | |
| | | | Johnson (OH) | Pitts | Woodall | Rangel | | |
| | | | Johnson, Sam | Platts | Yoder | | | |
| | | | Jones | Poe (TX) | Young (FL) | | | |
| | | | Jordan | Pompeo | Young (IN) | | | |
| | | | King (IA) | | | | | |

NOT VOTING—14

| | | |
|--------|--------------|------------|
| Baca | Hahn | Paul |
| Berman | Lewis (CA) | Shuler |
| Coble | McKeon | Slaughter |
| Fattah | Miller, Gary | Young (IN) |
| Filner | Napolitano | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1726

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 334, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “no.”

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the second amendment offered
by the gentlewoman from Tennessee
(Mrs. BLACKBURN) on which further
proceedings were postponed and on
which the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 157, noes 261,
not voting 13, as follows:

[Roll No. 335]

AYES—157

| | | |
|-------------|-------------|-------------|
| Adams | Brady (TX) | Chabot |
| Akin | Brooks | Chaffetz |
| Amash | Broun (GA) | Conaway |
| Amodei | Buchanan | Cooper |
| Bachmann | Buerkle | Cuellar |
| Bartlett | Burgess | Davis (KY) |
| Barton (TX) | Burton (IN) | Denham |
| Biggert | Camp | DesJarlais |
| Bilirakis | Campbell | Duffy |
| Black | Canseco | Duncan (SC) |
| Blackburn | Cantor | Duncan (TN) |
| Bono Mack | Cassidy | Farenthold |

NOES—261

| | | |
|--------------|---------------|-----------------|
| Ackerman | Connolly (VA) | Hanna |
| Aderholt | Conyers | Harper |
| Alexander | Costa | Hastings (FL) |
| Altmire | Costello | Hastings (WA) |
| Andrews | Courtney | Hayworth |
| Austria | Cravaack | Heck |
| Bachus | Crawford | Heinrich |
| Baldwin | Crenshaw | Herrera Beutler |
| Barletta | Critz | Higgins |
| Barrow | Crowley | Himes |
| Bass (CA) | Culberson | Hinchey |
| Bass (NH) | Cummings | Hinojosa |
| Becerra | Davis (CA) | Hirono |
| Benishak | Davis (IL) | Holden |
| Berg | DeFazio | Holt |
| Berkley | DeGette | Honda |
| Bilbray | DeLauro | Hoyer |
| Bishop (GA) | Dent | Israel |
| Bishop (NY) | Deutch | Jackson (IL) |
| Bishop (UT) | Diaz-Balart | Jackson Lee |
| Blumenauer | Dicks | (TX) |
| Bonamici | Dingell | Johnson (GA) |
| Bonner | Doggett | Johnson, E. B. |
| Boren | Dold | Kaptur |
| Boswell | Donnelly (IN) | Keating |
| Boustany | Doyle | Kelly |
| Brady (PA) | Dreier | Kildee |
| Braley (IA) | Edwards | Kind |
| Brown (FL) | Ellison | King (NY) |
| Bucshon | Ellmers | Kingston |
| Butterfield | Emerson | Kissell |
| Calvert | Engel | Kucinich |
| Capito | Eshoo | Langevin |
| Capps | Farr | Larsen (WA) |
| Capuano | Fattah | Larson (CT) |
| Cardoza | Fleischmann | Latham |
| Carnahan | Frank (MA) | LaTourette |
| Carney | Frelinghuysen | Lee (CA) |
| Carson (IN) | Fudge | Levin |
| Carter | Gallegly | Lewis (GA) |
| Castor (FL) | Garamendi | Lipinski |
| Chandler | Gerlach | LoBiondo |
| Chu | Gibbs | Loebach |
| Cicilline | Gibson | Lofgren, Zoe |
| Clarke (MI) | Gonzalez | Lowey |
| Clarke (NY) | Granger | Lucas |
| Clay | Green, Al | Lujan |
| Cleaver | Green, Gene | Lungren, Daniel |
| Clyburn | Grijalva | E. |
| Coffman (CO) | Grimm | Maloney |
| Cohen | Gutierrez | Marino |
| Cole | Hanabusa | Markey |

NOT VOTING—13

| | | |
|--------|--------------|---------------|
| Baca | Lewis (CA) | Ruppersberger |
| Berman | McKeon | Shuler |
| Coble | Miller, Gary | Slaughter |
| Filner | Napolitano | |
| Hahn | Paul | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1728

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 335, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “no.”

AMENDMENT OFFERED BY MR. MULVANEY

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from South Carolina (Mr.
MULVANEY) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 125, noes 293,
not voting 13, as follows:

[Roll No. 336]

AYES—125

| | | |
|-------|----------|-------------|
| Adams | Amodei | Bilirakis |
| Akin | Bachmann | Bishop (UT) |
| Amash | Benishak | Black |

Blackburn
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Campbell
Canseco
Chabot
Chaffetz
Conaway
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Harris
Hartzler
Hensarling

NOES—293

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Berg
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)

Pitts
Poe (TX)
Pompeo
Price (GA)
Quayle
Ribble
Rigell
Roe (TN)
Rohrabacher
Johnson, Sam
Jones
Jordan
King (IA)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McMorris
Rodgers
Miller (FL)
Miller (MI)
Mulvaney
Myrick
Neugebauer
Olson
Pence
Petri

Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleischmann
Fortenberry
Frank (MA)
Frelinghuysen
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez

Gosar
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski

LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Neal
Noem
Nugent
Nunes
Nunnelee
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schradner
Schwartz
Scott (VA)

NOT VOTING—13

Baca
Bass (NH)
Berman
Coble
Filner
Hahn
Lewis (CA)
McKeon
Miller, Gary
Napolitano

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1731

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated against:
Mr. FILNER. Mr. Chair, on rollcall 336, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “no.”

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the first amendment offered by
the gentleman from Arizona (Mr.
FLAKE) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 144, noes 274,
not voting 13, as follows:

[Roll No. 337]

AYES—144

Akin
Amash
Amodei
Bachmann
Bartlett
Barton (TX)
Benishek
Biggert
Billirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Conaway
Cooper
Davis (KY)
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleming
Flores
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Harris
Hartzler
Hastings (FL)
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kind
King (IA)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Latta
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Matheson
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
Whitefield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Myrick
Neugebauer
Nunes
Olson
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
Whitefield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOES—274

Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hall
Hanabusa
Hanna
Harper
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda

Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
King (NY)
Kingston
Kissell
Kucinich
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel
E.
Lynch
Maloney
Marino
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)

Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Noem
Nugent
Nunnelee
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 235, not voting 12, as follows:

[Roll No. 338]

AYES—184

Adams
Aderholt
Akin
Amash
Amodei
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Benishak
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Landy
Lankford
Latham
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCauley
McClintock
McHenry
McMorris
Rodgers
Mica
Miller (FL)

Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tipton
Turner (NY)
Walberg
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Dold
Donnelly (IN)
Doyle
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette

Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)

Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuster
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NOT VOTING—13

Baca
Berman
Coble
Filner
Hahn

Lewis (CA)
McKeon
Miller, Gary
Napolitano
Paul

Petri
Shuler
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1735

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 337, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

Ackerman
Alexander
Altmire
Andrews
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)

NOES—235

Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Cravack
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett

NOT VOTING—12

Baca
Berman
Coble
Filner

Hahn
Lewis (CA)
McKeon
Miller, Gary

Napolitano
Paul
Shuler
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1737

Mr. COLE changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 338, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MRS. LUMMIS OF WYOMING

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 302, not voting 15, as follows:

[Roll No. 339]

AYES—114

| | | |
|--------------|----------------|------------------|
| Amodei | Heinrich | Nadler |
| Bachmann | Hensarling | Neugebauer |
| Barton (TX) | Herger | Nunes |
| Benishek | Hinojosa | Olson |
| Berkley | Honda | Pallone |
| Bishop (UT) | Huelskamp | Pastor (AZ) |
| Brooks | Huizenga (MI) | Paulsen |
| Buchanan | Hultgren | Pearce |
| Burgess | Jackson Lee | Pelosi |
| Campbell | (TX) | Pence |
| Canseco | Johnson (IL) | Poe (TX) |
| Carnahan | Kaptur | Polis |
| Cassidy | King (IA) | Posey |
| Chaffetz | Kline | Price (GA) |
| Chu | Kucinich | Quayle |
| Clay | Lance | Reyes |
| Coffman (CO) | Landry | Ribble |
| Costello | Lankford | Rokita |
| Crowley | Lewis (GA) | Rooney |
| Cuellar | Lofgren, Zoe | Sanchez, Loretta |
| DeFazio | Lujan | Schakowsky |
| Denham | Lummis | Schrader |
| Deutch | Lynch | Schweikert |
| Dingell | Maloney | Shimkus |
| Farenthold | Manzullo | Sires |
| Flake | Marchant | Smith (NE) |
| Fleming | Markley | Smith (TX) |
| Frank (MA) | Matheson | Smith (WA) |
| Franks (AZ) | McCarthy (CA) | Stutzman |
| Galleghy | McCaul | Sullivan |
| Gardner | McClintock | Tipton |
| Garrett | McDermott | Walberg |
| Gohmert | McGovern | Webster |
| Gosar | McHenry | Welch |
| Green, Al | McMorris | West |
| Green, Gene | Rodgers | Woodall |
| Grijalva | Michaud | Yoder |
| Harris | Miller (NC) | Young (AK) |
| Heck | Miller, George | |

NOES—302

| | | |
|-------------|---------------|---------------|
| Ackerman | Broun (GA) | Crenshaw |
| Adams | Brown (FL) | Critz |
| Aderholt | Bucshon | Culberson |
| Akin | Buerkle | Cummings |
| Alexander | Burton (IN) | Davis (CA) |
| Altmire | Butterfield | Davis (IL) |
| Amash | Calvert | Davis (KY) |
| Andrews | Camp | DeGette |
| Austria | Cantor | DeLauro |
| Bachus | Capito | Dent |
| Baldwin | Capps | DesJarlais |
| Barletta | Capuano | Diaz-Balart |
| Barrow | Cardoza | Dicks |
| Bartlett | Carney | Doggett |
| Bass (CA) | Carson (IN) | Dold |
| Bass (NH) | Carter | Donnelly (IN) |
| Becerra | Castor (FL) | Doyle |
| Berg | Chabot | Dreier |
| Biggert | Chandler | Duffy |
| Bilbray | Cicilline | Duncan (SC) |
| Bilirakis | Clarke (MI) | Duncan (TN) |
| Bishop (GA) | Clarke (NY) | Edwards |
| Bishop (NY) | Cleaver | Ellison |
| Black | Clyburn | Ellmers |
| Blackburn | Cohen | Emerson |
| Blumenauer | Cole | Engel |
| Bonamici | Conaway | Eshoo |
| Bonner | Connolly (VA) | Farr |
| Bono Mack | Conyers | Fattah |
| Boren | Cooper | Fincher |
| Boswell | Costa | Fitzpatrick |
| Boustany | Courtney | Fleischmann |
| Brady (PA) | Cravaack | Flores |
| Braley (IA) | Crawford | Forbes |

| | | |
|-----------------|-----------------|----------------|
| Fortenberry | LoBiondo | Royce |
| Fox | Loeb | Runyan |
| Frelinghuysen | Long | Ruppersberger |
| Fudge | Lowey | Rush |
| Garamendi | Lucas | Ryan (OH) |
| Gerlach | Luetkemeyer | Ryan (WI) |
| Gibbs | Lungren, Daniel | Sánchez, Linda |
| Gibson | E. | T. |
| Gingrey (GA) | Mack | Sarbanes |
| Gonzalez | Marino | Scalise |
| Goodlatte | Matsui | Schiff |
| Gowdy | McCarthy (NY) | Schilling |
| Granger | McCollum | Schmidt |
| Graves (GA) | McCotter | Schock |
| Graves (MO) | McIntyre | Schwartz |
| Griffin (AR) | McKinley | Scott (SC) |
| Griffith (VA) | McNerney | Scott (VA) |
| Grimm | Meehan | Scott, Austin |
| Guinta | Meeks | Scott, David |
| Guthrie | Mica | Sensenbrenner |
| Gutierrez | Miller (FL) | Serrano |
| Hall | Miller (MI) | Sessions |
| Hanabusa | Moore | Sewell |
| Hanna | Moran | Sherman |
| Harper | Mulvaney | Shuster |
| Hartzler | Murphy (CT) | Simpson |
| Hastings (FL) | Murphy (PA) | Smith (NJ) |
| Hastings (WA) | Myrick | Southerland |
| Hayworth | Neal | Speier |
| Herrera Beutler | Noem | Stark |
| Higgins | Nugent | Stearns |
| Himes | Nunnelee | Stivers |
| Hinchey | Olver | Sutton |
| Hirono | Owens | Terry |
| Hochul | Palazzo | Thompson (CA) |
| Holden | Pascarell | Thompson (MS) |
| Holt | Perlmutter | Thompson (PA) |
| Hoyer | Peters | Thornberry |
| Hunter | Peterson | Tiberi |
| Hurt | Petri | Tierney |
| Israel | Pingree (ME) | Tonko |
| Issa | Pitts | Tsongas |
| Jackson (IL) | Platts | Turner (NY) |
| Jenkins | Pompeo | Turner (OH) |
| Johnson (GA) | Price (NC) | Upton |
| Johnson (OH) | Quigley | Van Hollen |
| Johnson, E. B. | Rahall | Velazquez |
| Johnson, Sam | Rangel | Visclosky |
| Jones | Reed | Walden |
| Jordan | Rehberg | Walsh (IL) |
| Keating | Reichert | Walz (MN) |
| Kelly | Renacci | Wasserman |
| Kildee | Richardson | Schultz |
| Kind | Richmond | Waters |
| King (NY) | Rigell | Watt |
| Kingston | Rivera | Waxman |
| Kinzinger (IL) | Roby | Westmoreland |
| Kissell | Roe (TN) | Whitfield |
| Labrador | Rogers (AL) | Wilson (FL) |
| Langevin | Rogers (KY) | Wilson (SC) |
| Larsen (WA) | Rogers (MI) | Wittman |
| Larson (CT) | Rohrabacher | Wolf |
| Latham | Ros-Lehtinen | Womack |
| LaTourrette | Roskam | Woolsey |
| Latta | Ross (AR) | Yarmuth |
| Lee (CA) | Ross (FL) | Young (FL) |
| Levin | Rothman (NJ) | Young (IN) |
| Lipinski | Roybal-Allard | |

NOT VOTING—15

| | | |
|------------|--------------|------------|
| Baca | Hahn | Napolitano |
| Berman | Lamborn | Paul |
| Brady (TX) | Lewis (CA) | Shuler |
| Coble | McKeon | Slaughter |
| Filner | Miller, Gary | Towns |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1740

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 339, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 207, answered “present” 1, not voting 15, as follows:

[Roll No. 340]

AYES—208

| | | |
|---------------|-----------------|------------------|
| Ackerman | Frank (MA) | Miller (MI) |
| Amash | Franks (AZ) | Miller (NC) |
| Amodei | Garamendi | Miller, George |
| Andrews | Garrett | Moore |
| Bass (CA) | Gibson | Moran |
| Becerra | Gingrey (GA) | Mulvaney |
| Benishek | Gohmert | Murphy (CT) |
| Berkley | Gonzalez | Nadler |
| Bishop (GA) | Graves (GA) | Neal |
| Bishop (NY) | Grijalva | Neugebauer |
| Blumenauer | Gutierrez | Olver |
| Bonamici | Hanabusa | Pallone |
| Brady (PA) | Hastings (FL) | Pascarell |
| Braley (IA) | Hayworth | Pelosi |
| Brooks | Heck | Perlmutter |
| Broun (GA) | Heinrich | Peters |
| Brown (FL) | Hensarling | Petri |
| Buchanan | Herger | Pingree (ME) |
| Burgess | Herrera Beutler | Polis |
| Butterfield | Higgins | Pompeo |
| Campbell | Himes | Posey |
| Capps | Hinchey | Price (NC) |
| Capuano | Hinojosa | Quayle |
| Carnahan | Hirono | Quigley |
| Carney | Holt | Rangel |
| Castor (FL) | Honda | Reyes |
| Chaffetz | Hoyer | Ribble |
| Chu | Huelskamp | Richardson |
| Cicilline | Huizenga (MI) | Richmond |
| Clarke (MI) | Israel | Rigell |
| Clarke (NY) | Jackson (IL) | Rohrabacher |
| Clay | Johnson (GA) | Rokita |
| Cleaver | Johnson, E. B. | Rothman (NJ) |
| Clyburn | Johnson, Sam | Roybal-Allard |
| Cohen | Jones | Royce |
| Conaway | Jordan | Ruppersberger |
| Connolly (VA) | Keating | Rush |
| Conyers | Kildee | Ryan (WI) |
| Costello | Kind | Sánchez, Linda |
| Courtney | Kucinich | T. |
| Crowley | Lance | Sanchez, Loretta |
| Culberson | Langevin | Sarbanes |
| Cummings | Larson (CT) | Scalise |
| Davis (CA) | Lee (CA) | Schakowsky |
| Davis (IL) | Levin | Schiff |
| DeFazio | Lewis (GA) | Schrader |
| DeGette | Lofgren, Zoe | Schwartz |
| DeLauro | Long | Schweikert |
| Deutch | Lowey | Scott (SC) |
| Dicks | Lujan | Scott (VA) |
| Doggett | Lynch | Scott, David |
| Doyle | Maloney | Sensenbrenner |
| Duffy | Markley | Serrano |
| Duncan (TN) | Matsui | Sewell |
| Edwards | McCarthy (NY) | Sherman |
| Ellison | McClintock | Sires |
| Eshoo | McCollum | Smith (WA) |
| Farenthold | McDermott | Southerland |
| Farr | McGovern | Speier |
| Fattah | McNerney | Stark |
| Fincher | Meeks | Stearns |
| Flake | Michaud | Stutzman |
| Fleming | Miller (FL) | Sutton |

| | | |
|---------------|------------|-------------|
| Thompson (CA) | Visclosky | Waxman |
| Tierney | Walsh (IL) | Welch |
| Tonko | Walz (MN) | Wilson (FL) |
| Towns | Wasserman | Woodall |
| Tsongas | Schultz | Woolsey |
| Van Hollen | Waters | Yarmuth |
| Velázquez | Watt | Yoder |

NOES—207

| | | |
|---------------|-----------------|---------------|
| Adams | Gardner | Myrick |
| Aderholt | Gerlach | Noem |
| Akin | Gibbs | Nugent |
| Alexander | Gosar | Nunes |
| Altmire | Gowdy | Nunnelee |
| Austria | Granger | Olson |
| Bachus | Graves (MO) | Owens |
| Baldwin | Green, Al | Palazzo |
| Barletta | Green, Gene | Pastor (AZ) |
| Barrow | Griffin (AR) | Paulsen |
| Bartlett | Griffith (VA) | Pearce |
| Barton (TX) | Grimm | Pence |
| Bass (NH) | Guinta | Peterson |
| Berg | Guthrie | Pitts |
| Biggert | Hall | Platts |
| Bilbray | Hanna | Poe (TX) |
| Bilirakis | Harper | Price (GA) |
| Bishop (UT) | Harris | Rahall |
| Black | Hartzler | Reed |
| Blackburn | Hastings (WA) | Rehberg |
| Bonner | Hochul | Reichert |
| Bono Mack | Holden | Renacci |
| Boren | Hultgren | Rivera |
| Boswell | Hunter | Roby |
| Boustany | Hurt | Roe (TN) |
| Bucshon | Issa | Rogers (AL) |
| Buerkle | Jackson Lee | Rogers (KY) |
| Burton (IN) | (TX) | Rogers (MI) |
| Calvert | Jenkins | Rooney |
| Camp | Johnson (OH) | Ros-Lehtinen |
| Canseco | Kaptur | Roskam |
| Cantor | Kelly | Ross (AR) |
| Capito | King (IA) | Ross (FL) |
| Cardoza | King (NY) | Runyan |
| Carson (IN) | Kingston | Ryan (OH) |
| Carter | Kinzing (IL) | Schilling |
| Cassidy | Kissell | Schmidt |
| Chabot | Kline | Schock |
| Chandler | Labrador | Scott, Austin |
| Coffman (CO) | Lamborn | Sessions |
| Cole | Landry | Shimkus |
| Cooper | Lankford | Shuster |
| Costa | Larsen (WA) | Simpson |
| Cravaack | Latham | Smith (NE) |
| Crawford | LaTourette | Smith (NJ) |
| Crenshaw | Latta | Smith (TX) |
| Critz | Lipinski | Stivers |
| Cuellar | LoBiondo | Sullivan |
| Davis (KY) | Loeb sack | Terry |
| Denham | Lucas | Thompson (MS) |
| Dent | Luetkemeyer | Thompson (PA) |
| DesJarlais | Lummis | Thornberry |
| Diaz-Balart | Lungren, Daniel | Tiberi |
| Dingell | E. | Tipton |
| Dold | Mack | Turner (NY) |
| Donnelly (IN) | Manzullo | Turner (OH) |
| Dreier | Marchant | Upton |
| Duncan (SC) | Marino | Walberg |
| Ellmers | Matheson | Walden |
| Emerson | McCarthy (CA) | Webster |
| Engel | McCaul | West |
| Fitzpatrick | McCotter | Westmoreland |
| Fleischmann | McHenry | Whitfield |
| Flores | McIntyre | Wilson (SC) |
| Forbes | McKinley | Wittman |
| Fortenberry | McMorris | Wolf |
| Fox | Rodgers | Womack |
| Frelinghuysen | Meehan | Young (AK) |
| Fudge | Mica | Young (FL) |
| Gallely | Murphy (PA) | Young (IN) |

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—15

| | | |
|------------|------------|--------------|
| Baca | Filner | Miller, Gary |
| Bachmann | Goodlatte | Napolitano |
| Berman | Hahn | Paul |
| Brady (TX) | Lewis (CA) | Shuler |
| Coble | McKeon | Slaughter |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1745

Mr. LABRADOR changed his vote from "aye" to "no."

Ms. BROWN of Florida changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 340, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2013".

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. PRICE of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1750

MOTION TO RECOMMIT

Mr. BOSWELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOSWELL. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boswell moves to recommit the bill H.R. 5325 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 6, line 18, after the dollar amount, insert "(increased by \$31,600,000)".

Page 7, line 4, after the dollar amount, insert "(reduced by \$31,600,000)".

Page 20, line 15, after the dollar amount, insert "(reduced by \$1,000,000) (increased by \$1,000,000)".

Page 20, line 16, after the dollar amount, insert "(reduced by \$1,000,000)".

Mr. BOSWELL (during the reading). Mr. Speaker, I ask unanimous consent that we dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. BOSWELL. Mr. Speaker, I want to say, at the onset, that this, again, is perhaps considered the final amendment to the bill, will not kill the bill. If we pass it, it will send it back to committee. If not, the bill will immediately proceed to final passage, as amended.

What this amendment will do is provide \$31 million in increased resources for disaster flood protections, as well as \$1 million in targeted resources towards nonmilitary energy cooperation assistance with our closest ally in the Middle East, and one of the closest allies across the globe that we have, Israel.

I've noticed, and I've said before, and I think I'll say it again, for more than a year I've waited patiently for the majority to stop the slash-and-burn legislation and revitalize the Nation and empower employers to create jobs. Well, we're still waiting on those millionaire job creators to show us the jobs, and we're still waiting for the majority to pass an actual jobs bill.

But while we sit here and wait, Mother Nature does not. In fact, Mother Nature waits for no one. Mother Nature did not wait for the majority to pass a bill to send massive amounts of snow and rain to parts of Montana, triggering the Missouri River flood of 2011, leaving homes, businesses, farms, and towns devastated.

Mother Nature did not wait for the majority to pass the jobs bill to send Hurricane Irene barreling across the Eastern Seaboard, causing billions of dollars in damage.

The additional \$31 million in funding that my amendment provides for funds planning, training, and other measures that ensure the readiness of the Corps of Engineers to respond to floods, hurricanes, and other natural disasters, and to support emergency operations in response to such disasters, including but not limited to advance measures, flood fighting, and emergency operations.

These additional resources may not seem significant to some people, but to the family farm that is saved because of adequate farm protection relief, or to the small business which is saved, or

to the family home that's saved, or the community that is saved, these additional resources are not only significant, but they can mean the difference between living a dream or living in desolation. But these additional resources of flood protection are only but one reason why you should support this amendment.

Another reason that you should support this amendment is that, in supporting this amendment, you vote to support greater cooperation efforts on energy efficiency and renewable energy with Israel.

Israel is our strongest ally in the Middle East, without question, and one of our strongest allies across the globe. And, as such, our ability to work together to advance the interests of both our nations is crucial. One area where I believe we can work even closer together is the realm of energy efficiency and renewable energy.

Coming from my State of Iowa, I know a little bit about renewable energy. Iowa is a national leader in the production of wind power, biodiesel, ethanol, and we take great pride in our ability to advance technology that leads to cleaner, more sustainable energy production.

However, in order to reduce our reliance on foreign oil, we must take an all-of-the-above approach to energy, including greater domestic production of fossil fuels, and yes, renewable, clean green sources of energy. With greater cooperation with our ally, Israel, we can advance the energy security needs of both of our nations, which are vital to greater economic prosperity and growth for years to come.

So therefore, I urge, Mr. Speaker, all my colleagues to vote "yes."

I yield back the balance of my time.
Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, let me reassure my colleague that I share his concern for fixing the infrastructure that was damaged in last year's flood events. In fact, we provided, through our committee, \$1.7 billion in additional funding to the Corps of Engineers last year for that very purpose.

The bill before us now already funds the Flood Control and Coastal Emergencies account at the President's request of \$30 million.

In addition, the motion would increase funding for the U.S.-Israeli cooperative agreement to 50 percent above last year's level. This is a completely unwarranted increase, considering our bill already maintains funding for this very important program at last year's level, even while we've cut so many programs in our bill to stay within the budget.

Mr. Speaker, we put together a strong bipartisan bill which supports a comprehensive energy policy. It maintains a strong national defense, and it maintains the fact that we keep America competitive and keep America open for business.

In that regard, Mr. Speaker, in case there is any question, if Members care about the Harbor Maintenance Trust Fund Project, this bill is your best option. It is \$158 million above the President's request, and more than \$120 million above the Senate. If you want higher funding levels for these important projects, you must vote for our bill.

Mr. Speaker, again, our bill is a commitment to national security, reduced spending, and keeping America open for business.

I urge Members to vote against the motion to recommit and vote for final passage of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOSWELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on final passage of the bill and motions to instruct conferees on H.R. 4348 offered by Mr. FLAKE and Mr. DOGGETT.

The vote was taken by electronic device, and there were—ayes 185, noes 233, not voting 13, as follows:

[Roll No. 341]

AYES—185

| | | |
|-------------|---------------|---------------|
| Ackerman | Clarke (NY) | Eshoo |
| Altmire | Clay | Farr |
| Andrews | Cleaver | Fattah |
| Baldwin | Clyburn | Frank (MA) |
| Barrow | Cohen | Fudge |
| Bass (CA) | Connolly (VA) | Garamendi |
| Becerra | Conyers | Gonzalez |
| Berkley | Cooper | Green, Al |
| Bishop (GA) | Costa | Green, Gene |
| Bishop (NY) | Costello | Grijalva |
| Blumenauer | Courtney | Gutierrez |
| Bonamici | Crowley | Hanabusa |
| Boren | Cuellar | Hastings (FL) |
| Boswell | Cummings | Heinrich |
| Brady (PA) | Davis (CA) | Higgins |
| Braley (IA) | Davis (IL) | Himes |
| Brown (FL) | DeFazio | Hinchee |
| Butterfield | DeGette | Hinojosa |
| Capps | DeLauro | Hirono |
| Capuano | Deutch | Hochul |
| Cardoza | Dicks | Holden |
| Carnahan | Dingell | Holt |
| Carney | Doggett | Honda |
| Carson (IN) | Donnelly (IN) | Hoyer |
| Castor (FL) | Doyle | Israel |
| Chandler | Edwards | Jackson (IL) |
| Chu | Ellison | Jackson Lee |
| Ciциlline | Engel | (TX) |
| Clarke (MI) | | Johnson (GA) |

| | | |
|----------------|------------------|---------------|
| Johnson, E. B. | Miller, George | Schakowsky |
| Kaptur | Moore | Schiff |
| Keating | Moran | Schrader |
| Kildee | Murphy (CT) | Schwartz |
| Kind | Nadler | Scott (VA) |
| King (IA) | Neal | Scott, David |
| Kissell | Oliver | Serrano |
| Kucinich | Owens | Sewell |
| Langevin | Pallone | Sherman |
| Larsen (WA) | Pascarell | Sires |
| Larson (CT) | Pastor (AZ) | Smith (WA) |
| Latham | Pelosi | Speier |
| Lee (CA) | Perlmutter | Stark |
| Levin | Peters | Sutton |
| Lewis (GA) | Peterson | Thompson (CA) |
| Lipinski | Pingree (ME) | Thompson (MS) |
| Loebach | Polis | Tierney |
| Lofgren, Zoe | Price (NC) | Tonko |
| Lowe | Quigley | Towns |
| Lujan | Rahall | Tsongas |
| Lynch | Rangel | Van Hollen |
| Maloney | Reyes | Velázquez |
| Markey | Richardson | Visclosky |
| Matheson | Richmond | Walz (MN) |
| Matsui | Ross (AR) | Wasserman |
| McCarthy (NY) | Rothman (NJ) | Schultz |
| McCollum | Roybal-Allard | Waters |
| McDermott | Ruppersberger | Watt |
| McGovern | Rush | Waxman |
| McIntyre | Ryan (OH) | Welch |
| McNerney | Sánchez, Linda | Wilson (FL) |
| Meeks | T. | Woolsey |
| Michaud | Sanchez, Loretta | Yarmuth |
| Miller (NC) | Sarbanes | |

NOES—233

| | | |
|--------------|-----------------|-----------------|
| Adams | Ellmers | Kinzinger (IL) |
| Aderholt | Emerson | Kline |
| Akin | Farenthold | Labrador |
| Alexander | Fincher | Lamborn |
| Amash | Fitzpatrick | Lance |
| Amodei | Flake | Landry |
| Austria | Fleischmann | Lankford |
| Bachmann | Fleming | LaTourette |
| Bachus | Flores | Latta |
| Barletta | Forbes | LoBiondo |
| Bartlett | Fortenberry | Long |
| Barton (TX) | Foxo | Lucas |
| Bass (NH) | Franks (AZ) | Luetkemeyer |
| Benishke | Frelinghuysen | Lummis |
| Berg | Galleghy | Lungren, Daniel |
| Biggart | Gardner | E. |
| Bilbray | Garrett | Mack |
| Bilirakis | Gerlach | Manzullo |
| Bishop (UT) | Gibbs | Marchant |
| Black | Gibson | Marino |
| Blackburn | Gingrey (GA) | McCarthy (CA) |
| Bonner | Gohmert | McCaul |
| Bono Mack | Goodlatte | McClintock |
| Boustany | Gosar | McCotter |
| Brady (TX) | Gowdy | McHenry |
| Brooks | Granger | McKinley |
| Broun (GA) | Graves (GA) | McMorris |
| Buchanan | Graves (MO) | Rodgers |
| Bucshon | Griffin (AR) | Meehan |
| Buerkle | Griffith (VA) | Mica |
| Burgess | Grimm | Miller (FL) |
| Burton (IN) | Guinta | Miller (MI) |
| Calvert | Guthrie | Mulvaney |
| Camp | Hall | Murphy (PA) |
| Campbell | Hanna | Myrick |
| Canseco | Harper | Neugebauer |
| Cantor | Harris | Noem |
| Capito | Hartzler | Nugent |
| Carter | Hastings (WA) | Nunes |
| Cassidy | Hayworth | Nunnelee |
| Chabot | Heck | Olson |
| Critz | Hensarling | Palazzo |
| Coffman (CO) | Herger | Paulsen |
| Cole | Herrera Beutler | Pearce |
| Conaway | Huelskamp | Pence |
| Cravaack | Huizenga (MI) | Petri |
| Crawford | Hultgren | Pitts |
| Crenshaw | Hunter | Platts |
| Culberson | Hurt | Poe (TX) |
| Davis (KY) | Issa | Pompeo |
| Denham | Jenkins | Posey |
| Dent | Johnson (IL) | Price (GA) |
| DesJarlais | Johnson (OH) | Quayle |
| Diaz-Balart | Johnson, Sam | Reed |
| Dold | Jones | Rehberg |
| Dreier | Jordan | Reichert |
| Duffy | Kelly | Renacci |
| Duncan (SC) | King (NY) | Ribble |
| Duncan (TN) | Kingston | Rigell |

Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert

NOT VOTING—13

Baca
Berman
Coble
Filner
Hahn

□ 1815

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 341, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 255, nays 165, not voting 11, as follows:

[Roll No. 342]

YEAS—255

Adams
Aderholt
Akin
Alexander
Altmire
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Buchanan
Bucshon
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Castor (FL)
Chabot
Chaffetz

Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett

Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Shuler
Slaughter
Sutherland
E.
Mack
Manzullo
Marchant
Marino
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McHenry
McIntyre
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)

Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McHenry
McIntyre
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)

NAYS—165

Ackerman
Amash
Amodei
Andrews
Baca
Bachmann
Baldwin
Bass (CA)
Becerra
Berkley
Bishop (NY)
Blumenauer
Bonamici
Boustany
Braley (IA)
Brooks
Broun (GA)
Buerkle
Burgess
Butterfield
Campbell
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Chu
Ciocline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell

Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Runyan
Ruppersberger
Ryan (WI)

Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Flake
Frank (MA)
Fudge
Gibson
Gohmert
Goodlatte
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Gibson
Gohmert
Goodlatte
Nadler
Neal
Oliver
Pallone
Pascarella
Pelosi
Perlmutter
Peters
Pingree (ME)
Poe (TX)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rohrabacher
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sanchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Schweikert
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman

Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Scott (SC)
Scott (VA)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Berman
Coble
Filner
Hahn

Lewis (CA)
McKeon
Miller, Gary
Napolitano

□ 1824

Mr. GOODLATTE changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 342, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Arizona (Mr. FLAKE) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 259, nays 154, not voting 18, as follows:

[Roll No. 343]

YEAS—259

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berkley
Benishak
Berkley
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Buchanan
Bucshon
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Castor (FL)
Chabot
Chaffetz

Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Campbell
Canseco
Cantor
Capps
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chu
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Davis (CA)
Denham

DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Eshoo
Farenthold
Farr
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy

| | | | | | | | | |
|-----------------|----------------|------------------|--------------|---------------|--------------|----------------|------------------|---------------|
| Granger | Marchant | Runyan | Rahall | Scott, Austin | Tsongas | Latham | Pascrell | Schrader |
| Graves (GA) | Matheson | Ruppersberger | Rangel | Scott, David | Turner (NY) | Lee (CA) | Pastor (AZ) | Schwartz |
| Graves (MO) | Matsui | Ryan (WI) | Reed | Serrano | Van Hollen | Levin | Pelosi | Scott (VA) |
| Green, Al | McCarthy (CA) | Sánchez, Linda | Rehberg | Sewell | Velázquez | Lewis (GA) | Perlmutter | Sensenbrenner |
| Green, Gene | McCaul | T. | Reichert | Shuster | Walden | Lipinski | Peters | Serrano |
| Griffith (AR) | McClintock | Sanchez, Loretta | Reyes | Simpson | Walz (MN) | Loeb sack | Peterson | Sewell |
| Griffith (VA) | McCotter | T. | Richmond | Sires | Wasserman | Lofgren, Zoe | Petri | Sherman |
| Grijalva | McHenry | Sarbanes | Rogers (KY) | Smith (WA) | Schultz | Lowey | Pingree (ME) | Sires |
| Guinta | McIntyre | Scalise | Rothman (NJ) | Stark | Waters | Luján | Polis | Smith (WA) |
| Harper | McNerney | Schiff | Rush | Thompson (MS) | Waxman | Lynch | Price (NC) | Speier |
| Harris | Mica | Schilling | Ryan (OH) | Thompson (PA) | Welch | Maloney | Quigley | Stark |
| Hartzler | Miller (FL) | Schmidt | Schakowsky | Tierney | Wilson (FL) | Markey | Rahall | Sutton |
| Heck | Miller (MI) | Schock | Schrader | Tonko | Yarmuth | Matsui | Rangel | Thompson (CA) |
| Hensarling | Miller (NC) | Schweikert | Schwartz | Towns | Young (AK) | McCarthy (NY) | Reyes | Thompson (MS) |
| Henger | Miller, George | Scott (SC) | | | | McCollum | Richardson | Tierney |
| Honda | Moran | Scott (VA) | | | | McDermott | Richmond | Tonko |
| Huelskamp | Mulvaney | Sensenbrenner | Bachus | Doggett | Miller, Gary | McGovern | Rigell | Towns |
| Huizenga (MI) | Myrick | Sessions | Berman | Filner | Napolitano | McIntyre | Rohrabacher | Tsongas |
| Hultgren | Neugebauer | Sherman | Coble | Frank (MA) | Paul | McNerney | Ross (AR) | Van Hollen |
| Hunter | Nugent | Shimkus | Conyers | Hahn | Polis | Meeks | Rothman (NJ) | Velázquez |
| Hurt | Nunes | Smith (NE) | Davis (IL) | Lewis (CA) | Shuler | Michaud | Roybal-Allard | Visclosky |
| Issa | Nunnelee | Smith (NJ) | Dicks | McKeon | Slaughter | Miller (NC) | Royce | Walz (MN) |
| Jackson Lee | Olson | Smith (TX) | | | | Miller, George | Ruppersberger | Wasserman |
| (TX) | Palazzo | Southerland | | | | Moore | Rush | Schultz |
| Jenkins | Pastor (AZ) | Speier | | | | Moran | Ryan (OH) | Waters |
| Johnson (IL) | Paulsen | Stearns | | | | Murphy (CT) | Sánchez, Linda | Watt |
| Johnson (OH) | Pearce | Stivers | | | | Nadler | T. | Waxman |
| Johnson, Sam | Pence | Stutzman | | | | Neal | Sanchez, Loretta | Welch |
| Jones | Perlmutter | Sullivan | | | | Olver | Sarbanes | Wilson (FL) |
| Jordan | Peters | Sutton | | | | Owens | Schakowsky | Woolsey |
| Kaptur | Peterson | Terry | | | | Pallone | Schiff | Yarmuth |
| Kildee | Poe (TX) | Thompson (CA) | | | | | | |
| King (IA) | Pompeo | Thornberry | | | | | | |
| Kingston | Posey | Tiberi | | | | | | |
| Kissell | Price (GA) | Tipton | | | | | | |
| Kline | Price (NC) | Turner (OH) | | | | | | |
| Kucinich | Quayle | Upton | | | | | | |
| Labrador | Renacci | Visclosky | | | | | | |
| Lamborn | Ribble | Walberg | | | | | | |
| Lance | Richardson | Walsh (IL) | | | | | | |
| Landry | Rigell | Watt | | | | | | |
| Lankford | Rivera | Webster | | | | | | |
| LaTourette | Roby | West | | | | | | |
| Latta | Roe (TN) | Westmoreland | | | | | | |
| Levin | Rogers (AL) | Whitfield | | | | | | |
| LoBiondo | Rogers (MI) | Wilson (SC) | | | | | | |
| Loeb sack | Rohrabacher | Wittman | | | | | | |
| Lofgren, Zoe | Rokita | Wolf | | | | | | |
| Long | Rooney | Womack | | | | | | |
| Lucas | Ros-Lehtinen | Woodall | | | | | | |
| Luetkemeyer | Roskam | Woolsey | | | | | | |
| Lungren, Daniel | Ross (AR) | Yoder | | | | | | |
| E. | Ross (FL) | Young (FL) | | | | | | |
| Mack | Roybal-Allard | Young (IN) | | | | | | |
| Manzullo | Royce | | | | | | | |

NOT VOTING—18

□ 1830

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 343, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Texas (Mr. DOGGETT) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 192, nays 226, not voting 13, as follows:

[Roll No. 344]

YEAS—192

| | | | | | |
|-------------|-----------------|---------------|--------------|---------------|---------------|
| Ackerman | Engel | Larson (CT) | Altmire | Cohen | Green, Gene |
| Altmire | Fattah | Latham | Andrews | Connolly (VA) | Grijalva |
| Baldwin | Fitzpatrick | Lee (CA) | Baca | Conyers | Gutierrez |
| Barletta | Gerlach | Lewis (GA) | Baldwin | Cooper | Hahn |
| Bass (CA) | Gibson | Lipinski | Barrow | Costa | Hanabusa |
| Berg | Gingrey (GA) | Lowey | Bass (CA) | Costello | Hastings (FL) |
| Bishop (NY) | Gonzalez | Luján | Bass (NH) | Courtney | Heinrich |
| Blumenauer | Grimm | Lummis | Becerra | Critz | Higgins |
| Bonamici | Guthrie | Lynch | Berkley | Crowley | Himes |
| Brady (PA) | Gutierrez | Maloney | Bilbray | Cuellar | Hinche y |
| Brown (FL) | Hall | Marino | Bishop (GA) | Cummings | Hinojosa |
| Camp | Hanabusa | Marky | Blumenauer | Davis (CA) | Hirono |
| Capito | Hanna | McCarthy (NY) | Bonamici | Davis (IL) | Hochul |
| Capuano | Hastings (FL) | McCollum | Boswell | DeFazio | Holden |
| Carnahan | Hastings (WA) | McDermott | Brady (PA) | DeGette | Holt |
| Carney | Hayworth | McGovern | Braley (IA) | DeLauro | Honda |
| Castor (FL) | Heinrich | McKinley | Brown (FL) | Deutch | Hoyer |
| Chandler | Herrera Beutler | McMorris | Butterfield | Dingell | Israel |
| Cicilline | Higgins | Rodgers | Capps | Doggett | Jackson (IL) |
| Clarke (MI) | Himes | Meehan | Capuano | Donnelly (IN) | Jones |
| Clarke (NY) | Hinche y | Meeks | Cardoza | Doyle | Keating |
| Clay | Hinojosa | Michaud | Carnahan | Duncan (TN) | Kildee |
| Cleaver | Hirono | Moore | Carney | Edwards | Kind |
| Clyburn | Hochul | Murphy (CT) | Carson (IN) | Ellison | Kissell |
| Costello | Holt | Murphy (PA) | Castor (FL) | Engel | Kucini ch |
| Courtney | Hoyer | Nadler | Chandler | Eshoo | Langevin |
| Critz | Israel | Neal | Chu | Farr | Larsen (WA) |
| Crowley | Jackson (IL) | Noem | Cicilline | Fattah | Larson (CT) |
| Davis (KY) | Johnson (GA) | Olver | Clarke (MI) | Fortenberry | |
| DeFazio | Johnson (OH) | Owens | Clarke (NY) | Fudge | |
| DeGette | Johnson, E. B. | Pallone | Clay | Garamendi | |
| DeLauro | Keating | Pascrell | Cleaver | Gonzalez | |
| Dent | Kelly | Pelosi | Clyburn | Green, Al | |
| Deutch | Kind | Petri | Coffman (CO) | | |
| Doyle | King (NY) | Pingree (ME) | | | |
| Edwards | Kinzing er (IL) | Pitts | | | |
| Ellison | Langevin | Platts | | | |
| Emerson | Larsen (WA) | Quigley | | | |

NAYS—226

| | | |
|-------------|-----------------|-----------------|
| Ackerman | Fitzpatrick | Long |
| Adams | Flake | Lucas |
| Aderholt | Fleischmann | Luetkemeyer |
| Akin | Fleming | Lummis |
| Alexander | Flores | Lungren, Daniel |
| Amash | Forbes | E. |
| Amodei | Fox | Mack |
| Austria | Franks (AZ) | Manzullo |
| Bachmann | Frelinghuysen | Marchant |
| Bachus | Galle gley | Marino |
| Barletta | Garrett | Matheson |
| Bartlett | Gerlach | McCarthy (CA) |
| Barton (TX) | Gibbs | McCaul |
| Benish ek | Gibson | McClintock |
| Berg | Gingrey (GA) | McCotter |
| Biggett | Gohmert | McHenry |
| Billirakis | Goodlatte | McKinley |
| Bishop (NY) | Gosar | McMorris |
| Bishop (UT) | Gowdy | Rodgers |
| Black | Granger | Meehan |
| Blackburn | Graves (GA) | Mica |
| Bonner | Graves (MO) | Miller (FL) |
| Bono Mack | Griffin (AR) | Miller (MI) |
| Boren | Griffith (VA) | Mulvaney |
| Boustany | Grimm | Murphy (PA) |
| Brady (TX) | Guinta | Myrick |
| Brooks | Guthrie | Neugebauer |
| Broun (GA) | Hall | Noem |
| Buchanan | Hanna | Nugent |
| Bucshon | Harper | Nunes |
| Buerkle | Harris | Nunnelee |
| Burgess | Hartzler | Olson |
| Burton (IN) | Hastings (WA) | Palazzo |
| Calvert | Hayworth | Paulsen |
| Camp | Heck | Pearce |
| Campbell | Hensarling | Pence |
| Canseco | Herger | Pitts |
| Cantor | Herrera Beutler | Platts |
| Capito | Huelskamp | Poe (TX) |
| Carter | Huizenga (MI) | Pompeo |
| Cassidy | Hultgren | Posey |
| Chabot | Hunter | Price (GA) |
| Chaffetz | Hurt | Quayle |
| Cole | Issa | Reed |
| Conaway | Jenkins | Rehberg |
| Cravaack | Johnson (IL) | Reichert |
| Crawford | Johnson, Sam | Renacci |
| Crenshaw | Jordan | Ribble |
| Culberson | Kelly | Rivera |
| Davis (KY) | King (IA) | Roby |
| Denham | King (NY) | Roe (TN) |
| Dent | Kingston | Rogers (AL) |
| DesJarlais | Kinzing er (IL) | Rogers (KY) |
| Diaz-Balart | Kline | Rogers (MI) |
| Dold | Labrador | Rokita |
| Dreier | Lamborn | Rooney |
| Duffy | Lance | Ros-Lehtinen |
| Duncan (SC) | Landry | Roskam |
| Ellmers | Lankford | Ross (FL) |
| Emerson | LaTourette | Runyan |
| Farenthold | Latta | Ryan (WI) |
| Fincher | LoBiondo | Scalise |

| | | |
|---------------|---------------|--------------|
| Schilling | Stearns | Walsh (IL) |
| Schmidt | Stivers | Webster |
| Schock | Stutzman | West |
| Schweikert | Sullivan | Westmoreland |
| Scott (SC) | Terry | Whitfield |
| Scott, Austin | Thompson (PA) | Wilson (SC) |
| Sessions | Thornberry | Wittman |
| Shimkus | Tiberi | Wolf |
| Shuster | Tipton | Womack |
| Simpson | Turner (NY) | Woodall |
| Smith (NE) | Turner (OH) | Yoder |
| Smith (NJ) | Upton | Young (AK) |
| Smith (TX) | Walberg | Young (FL) |
| Southerland | Walden | Young (IN) |

NOT VOTING—13

| | | |
|------------|--------------|--------------|
| Berman | Lewis (CA) | Scott, David |
| Coble | McKeon | Shuler |
| Dicks | Miller, Gary | Slaughter |
| Filner | Napolitano | |
| Frank (MA) | Paul | |

□ 1837

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 344, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, during consideration of H.R. 5325, the FY 2013 Energy and Water Appropriations bill, I was away from the Capitol due to prior commitments to my constituents.

Had I been present I would have voted: "yes" on the Fortenberry Amendment; "yes" on the Jackson-Lee Amendment; "yes" on the Connolly Amendment; "no" on the Kucinich Amendment; "yes" on the Burgess Amendment; "no" on the Reed Amendment; "yes" on the Loretta Sanchez Amendment; "yes" on the Polis Amendment; "yes" on the Luján Amendment; "no" on the Chabot Amendment; "no" on the Blackburn Amendment; "no" on the Mulvaney Amendment; "no" on the Flake Amendment; "no" on the King (IA) Amendment; "yes" on the Lummis Amendment; "yes" on the Motion to Recommit; "no" on Final Passage.

In addition, I would have voted: "no" on the Republican Motion to Instruct Conferees on H.R. 4348; "yes" on the Democratic Motion to Instruct Conferees on H.R. 4348.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall Nos. 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, and 344. Had I been present, I would have voted "aye" on rollcall vote Nos. 320, 321, 325, 327, 329, 330, 331, 340, 341 and 344. Had I been present, I would have voted "no" on rollcall vote Nos. 319, 322, 323, 324, 326, 328, 332, 333, 334, 335, 336, 337, 338, 339, 342, and 343.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 436, HEALTH CARE COST REDUCTION ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 5882, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

Mr. SCOTT of South Carolina, from the Committee on Rules, submitted a privileged report (Rept. No. 112-518) on the resolution (H. Res. 679) providing for consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, and providing for consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. BISHOP of Utah). Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5855.

Will the gentleman from Florida (Mr. WEST) kindly take the chair.

□ 1839

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, with Mr. WEST (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$121,850,000: *Provided*, That not to exceed \$45,000 shall be for official reception and representation expenses, of which \$17,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC, and for other international activities: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That \$5,000,000 shall not be available for obligation by the Office of General Counsel until a final rule for aircraft repair station security has been published: *Provided further*, That \$71,079,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives all statutorily required reports and plans that are due with the submission of the President's budget proposal for fiscal year 2014 pursuant to the requirements of section 1105(a) of title 31, United States Code: *Provided further*, That the Secretary of Homeland Security shall submit the consolidation plan, as directed under the heading "Consolidation of Weapons of Mass Destruction Defense Programs" in the accompanying report, not later than 180 days after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the dollar amount, insert "(reduced by \$50,000)".

Page 7, line 13, after the first dollar amount, insert "(increased by \$43,000)".

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment is straightforward. It would reduce funding for the Office of the Secretary by \$50,000 and transfer a revenue neutral amount to the U.S. Customs and Border Protection salaries and expenses.

This is a nominal cut from the Secretary's nearly \$122 million in funding, again only slightly more than the committee provided for the Secretary to spend on receptions this year. I offer this amendment as a means of bringing up an important issue both to Congress and to the Secretary's attention.

Let me start by thanking the chairman and the ranking member for their attention to border issues in this bill, as well as the staff's assistance in bringing this amendment to the floor.

In the report accompanying last year's Homeland Security appropriations bill, the committee directed the Department to provide a "resource allocation and staffing model for ports of entry." As would appear to be the trend with congressional requests for information, answers to these questions or budget documentation were never provided. The Department either failed to prioritize or simply ignored the request.

The committee report notes:

As the committee has not yet received the CBP workload staffing allocation model, the committee cannot assess CBP's identified needs.

As we are all no doubt aware, funding for border security efforts between the ports of entry has increased exponentially over recent years—and justifiably so—while the budget for Customs and Border Patrol officers at the ports has not kept pace.

When I travel on the border region, there are often concerns raised at that point that there is insufficient staffing at the ports. Those serving at the ports of entry have a dual role. They have to facilitate commerce across the border and prevent unauthorized people from crossing the border.

I could talk at length about the benefits of cross-border trade for communities along the border, but let me cite just a couple of examples. Focusing on the southern border, Mexico is the third-largest U.S. trading partner and the second-largest U.S. export market, with a reported 6 million U.S. jobs depending on trade with Mexico.

The executive director of the Arizona-Mexico Commission was recently quoted saying:

Arizona's border is the gateway for some \$26 billion worth of imports and exports and some 44 million people each year.

A recent Maricopa Association of Governments release cited that legal Mexican visitors spend roughly \$7.3 million a day in Arizona, and Arizona businesses exported nearly \$6 billion in goods in 2011. So there are benefits all over for trade of this type.

The Mariposa port of entry in Nogales is one of the largest ports of entry for fruits and vegetables in the U.S. In 2011, the U.S. imported 13.4 billion pounds of fresh produce grown in Mexico, and more than a third of that entered through Nogales.

To summarize, we have to have better staffing at these ports. The Department has been asked to provide us with their needs and they simply won't. We simply haven't been able to get that information.

I'm the last member of the Appropriations Committee that would support writing a blank check to any department, but we have got to make sure that these needs are met, and that's why this amendment is critical, and I am grateful to the chairman and ranking minority member for working with me on it.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I rise in support of the gentleman's amendment. The Secretary has failed to submit critical reports necessary for this committee's oversight, including workload staffing models for CBP officers. Therefore, we do accept the gentleman from Arizona's amendment.

I yield back the balance of my time. Mr. FLAKE. Mr. Chair, I rise to offer an amendment, designated as Flake #1.

This amendment is straight forward; it would reduce funding for the Office of the Secretary by \$50,000 and transfer a revenue neutral amount to U.S. Customs and Border Protection salaries and expenses.

This is a nominal cut from the Secretary's nearly \$122 million in funding, again only slightly more than the Committee provided for the Secretary to spend on receptions next year.

I offer this amendment as a means of bringing an important issue to both Congress' and more importantly the Secretary's attention.

Let me start by thanking the Chairman and Ranking Member for their attention to border issues in this bill as well as the staff's assistance in bringing this amendment to the floor.

In the report accompanying last year's Homeland Security appropriations bill, the Committee directed the Department to provide a "resource allocation and staffing model for the ports of entry."

As would appear to be the trend with Congressional requests for information, answers to questions, or budget documentation, the Department either failed to prioritize or simply ignored this request and it is reiterated in this year's report.

The committee report notes: "As the Committee has not yet received the CBP workload staffing allocation model, the Committee cannot assess CBP's identified needs."

As we are all no doubt aware, funding for border security efforts between the ports of entry has increased exponentially over recent years, while the budget for Customs and Border Patrol officers at the ports has not kept pace.

As I travel the border region, in addition to concerns regarding border security and the changing nature of threats between the ports, I hear persistent concerns that our ports of entry are understaffed.

Those serving at the ports of entry have at least a dual role, facilitating legitimate trade and travel safely while also preventing unauthorized people and goods to cross the border.

I could talk at length about the benefits of cross-border trade for communities along our borders and beyond, but let me cite just a couple of examples.

Focusing on the southern border, Mexico is the third largest U.S. trading partner and the second largest U.S. export market, with a reported six million U.S. jobs depending on trade with Mexico.

The executive director of the Arizona-Mexico Commission was recently quoted as say-

ing "Arizona's border is the gateway for some \$26 billion worth of imports and exports and some 44 million people each year."

A recent Maricopa Association of Governments release cited that legal Mexican visitors spend roughly \$7.3 million a day in Arizona and Arizona business exported nearly \$6 billion in goods in 2011.

Benefits of trade along the southern border are certainly not limited to border communities.

For example, the Mariposa Port of Entry in Nogales is one of the largest ports of entry for fruit and vegetables in the U.S. In 2011, the U.S. imported 13.4 billion pounds of fresh produce grown in Mexico and more than a third of that entered through Nogales.

Clearly, a secure border and economic stability in the border region are not mutually exclusive and main component of success toward that goal is the right staffing levels.

I can assure you that I am the last member that would support writing any agency a blank check. The process of the Appropriations Committee performing the necessary oversight and accurately reviewing port of entry staffing needs begins with the Department delivering the staffing model and information that was requested a year ago.

I thank the chairman and urge adoption of the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MOORE

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the dollar amount, insert "(increased by \$3,000,000)".

Page 9, line 7, after the dollar amount, insert "(reduced by \$4,800,000)".

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. Mr. Chairman, the purpose of my amendment is to restore \$3 million to the Department of Homeland Security Office of Civil Rights and Liberties. This amendment would simply level fund this account at the fiscal year 2012 level.

Mr. Chairman, it troubles me to see the continued rollout of Secure Communities and increase in funding for these 287(g) programs in the underlying bill, especially juxtaposed with a 13 percent decrease in funding for the office of Civil Rights and Liberties. Experts and officials across the country have concerns about these programs that shift Federal immigration laws into the hands of local police.

I have a letter from 88 civil rights organizations urging the Federal Bureau of Investigation to "end its facilitation of the fundamentally flawed Secure Communities deportation program." The letter states:

Secure Communities has caused widespread controversy because it threatens public safety, encourages racial profiling, undermines community policing, and serves as a

deportation dragnet, ensnaring anyone who is booked into police custody.

As cochair of the Women's Caucus, I am particularly concerned when I hear stories of the effects this program has on victims across our communities. Women and their children are increasingly afraid to go to local police to get confidential help, to call 911 during an emergency because they are terrified of being caught in this dragnet.

□ 1850

For many, suffering through an abusive situation is better than watching their families being torn apart. Mr. Chairman, these are real people who are victims or witnesses to domestic violence or other crimes, but they cannot come forward.

According to an October 2011 report by the UC Berkeley Law School's Warren Institute, more than one-third of individuals arrested in this program report that they have a U.S. citizen spouse or child. In other words, an estimated 88,000 families with U.S. citizen members have been impacted by Secure Communities. The same report found that Latinos comprise 93 percent of the individuals arrested in this program, despite only comprising 77 percent of the population.

Mr. Chairman, I suggest that this is not the America we want to create. We should all be able to agree that we don't want to see an America where victims are afraid of the police or an America where racial profiling is encouraged or tolerated.

Now, I understand, Mr. Chairman, that some of my colleagues on the other side of the aisle believe that increasing enforcement policies is the right approach to solve our broken immigration system. With that being said, I appeal to my colleagues to support efforts by the Department of Homeland Security to ensure adequate oversight of this program.

Steps that the Department of Homeland Security's Office of Civil Rights and Liberties have taken and will take to:

Analyze arrest data to make sure that there are no serious indications of racial profiling in any of the participating communities;

Help improve training for local law enforcement officers to reduce confusion and ensure that there are clear guidelines to prevent misuse of the program;

To inform the public about options they have and recourses they can use if their civil liberties are violated by department action; and, finally,

To help investigate and resolve cases where an individual alleges that their rights were violated.

I support these important efforts towards promoting accountability and oversight over these enforcement programs, and I urge my colleagues to support this amendment. It is fully off-

set, as is required of this appropriations process, and it is not an increase in this program, but it simply level funds it at 2012 levels.

With that, Mr. Chairman, I respectfully yield back the balance of my time.

MARCH 8, 2012.

R. SCOTT TRENT,

CJIS Designated Federal Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation, Pennsylvania Avenue, NW, Washington, DC.

DEAR MR. TRENT: We, the undersigned, call on the Federal Bureau of Investigation (FBI) to end its facilitation of the fundamentally flawed Secure Communities deportation program. We urge the FBI's Criminal Justice Information Services Advisory Policy Board (APB) to adopt the attached proposal to mitigate the damage this program has done to public safety and community policing. The proposal would respect the wishes of states and localities that chose not to participate in "Secure Communities" and would prevent the implementation of the program in jurisdictions with a documented pattern of civil rights abuses.

Secure Communities is a wide-sweeping deportation program launched in 2008 by the Immigration and Customs Enforcement agency. It has been sharply criticized by the governors and state legislators of Illinois, New York, and Massachusetts; local officials from numerous cities and counties, including the District of Columbia, Los Angeles, Chicago, and San Francisco; dozens of Congressional representatives; many prominent law enforcement officials; hundreds of immigrant rights, criminal justice, and privacy advocates; religious leaders; and community members.

As described in more detail in the attached proposal, Secure Communities has caused widespread controversy because it threatens public safety, encourages racial profiling, undermines community policing, and serves as a deportation dragnet, ensnaring anyone who is booked into police custody.

The FBI plays a large role in Secure Communities by automatically initiating the immigration background check that sets the deportation process in motion for anyone booked into police custody. The CJIS APB approved this process almost two years ago, well before the problems caused by Secure Communities came to light. It is urgent that in the upcoming August 2012 meeting, the APB Working Groups consider the newly disclosed information regarding the fatal flaws in this program, and adopt the attached proposal to mitigate the damage.

Thank you for your time and consideration. Please contact Jessica Karp at 213-380-2214 or jkarp@ndlon.org with any questions or information about the status of this request.

Sincerely,

Alliance for a Just Society; American Friends Service Committee; Angels For Action; Asian American Legal Defense and Education Fund; Asian Law Caucus; Bill of Rights Defense Committee; Black Alliance for Just Immigration; Blauvelt Dominican Sisters Social Justice Committee; Bronx Defenders; CAAAV Organizing Asian Communities; Casa Esperanza; Casa Freehold; CATA The Farmworker's Support Committee; Center for Constitutional Rights; Central American Refugee Center—New York; Central American Resource Center—Houston; CHIRLA, Coalition for Humane Immigrant Rights of

Los Angeles; Coalicion de Organizaciones Latino-Americanas (COLA); Community Service Organization; Creating Law Enforcement Accountability and Responsibility; Defending Dissent Foundation; Detention Watch Network; Disciples Justice Action Network; Drug Policy Alliance.

El Comité de Apoyo a los Trabajadores Agrícolas; Franciscan Action Network; Grassroots Leadership; Graton Day Labor Center; Hayward Day Labor Center; Hispanic Resource Center of Maricopa; Houston's America for All; Houston Peace and Justice Center; Illinois Coalition for Immigrant and Refugee Rights; Immigrant Defense Project; Immigrant Legal Resource Center; Immigration Circle of Justice, Sisters of St. Dominic, Blauvelt, NY; Immigration Justice Clinic of John Jay Legal Services, Inc.; inMotion; IRATE & First Friends; Ironbound Community Corporation; Junta for Progressive Action; Kathryn O. Greenberg Immigration Justice Clinic, Cardozo School of Law; Labor Council For Latin American Advancement Central Florida Chapter; Labor Justice Committee; Latino Foundation; Legal Aid Justice Center's Immigrant Advocacy Program; Make the Road by Walking New York; Massachusetts Immigrant and Refugee Advocacy Coalition.

Mennonite Central Committee East Coast; Mennonite Central Committee U.S. Washington Office; Muslim Legal Fund of America; National Day Labor Organizing Network; National Employment Law Project; National Guestworker Alliance; National Immigration Law Center; National Immigration Project of the National Lawyers Guild; National Network for Immigrant and Refugee Rights; Neighbors in Support of Immigrants; New Orleans Workers Center for Racial Justice; New Sanctuary Coalition NYC; New York Immigration Coalition; Passaic County Coalition for Immigrant Rights; Presente.org; Prison Activist Resource Center; Progressive Leadership Alliance of Nevada; Progressive States Network; Pueblo Sin Fronteras; Puente Arizona; Queer Women of Color Media Arts Project (QWOCMAP); Rights Working Group; Rockland immigration coalition; Restaurant Opportunities Center of New York; Services, Immigrant Rights & Education Network; South Asian Americans Leading Together (SAALT); Tenants and Workers United; The Reformed Church of Highland Park Immigration Committee; The Workplace Project; United Methodist Church, General Board of Church and Society; VivirLatino; Voces de la Frontera; Voces Unidas Por los Inmigrantes; WeCount!; Welcome Everybody Organization; Wind of the Spirit, Immigrant Resource Center, NJ; Workers Defense Project; Young Workers United.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I'm going to have to rise to oppose the gentleman's amendment.

The problem with the amendment is it guts the immigration enforcement

and it demoralizes the frontline law enforcement personnel. This amendment would actually empower more bureaucrats from Washington to look over the shoulders of the hardworking officers in the field that are trying to keep us safe.

So I would urge my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of this amendment to restore funding for the Office of Civil Rights and Civil Liberties in order to ensure that both the 287(g) program and the Secure Communities program are not illegally profiling individuals.

The bill before us funds the Office of Civil Rights and Civil Liberties at a level that is \$2.2 million below the budget request and \$3 million below current year funding. Now, we're in a tight fiscal environment, we all know that, but surely we can meet the needs of our frontline personnel without jeopardizing the proper and robust and careful oversight of the activities provided by the Civil Rights and Civil Liberties Office.

In fact, at the same time this bill is reducing funding for oversight, it's actually increasing funding for the controversial and all-too-often mismanaged 287(g) program. Three different audits by the DHS inspector general have found serious concerns about the 287(g) program, and ICE has had to terminate some 287(g) task forces, notably in Maricopa County, Arizona, after the Justice Department documented clear racial profiling and other programmatic abuses. So we need to make sure this authority is being exercised properly, and that's exactly the task of the Office of Civil Rights and Civil Liberties.

So I thank the gentlewoman for offering this amendment. It's a good amendment, and I urge colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the dollar amount, insert "(reduced by \$3,655,500)".

Page 3, line 23, after the dollar amount, insert "(reduced by \$6,393,840)".

Page 5, line 7, after the dollar amount, insert "(reduced by \$1,492,290)".

Page 5, lines 22 and 23, after each dollar amount, insert "(reduced by \$7,246,290)".

Page 6, line 8, after the first dollar amount, insert "(reduced by \$9,522,000)".

Page 6, line 15, after the dollar amount, insert "(reduced by \$3,277,920)".

Page 11, line 21, after the dollar amount, insert "(reduced by \$157,089,930)".

Page 15, line 23, after the dollar amount, insert "(reduced by \$151,236,900)".

Page 19, line 4, after the dollar amount, insert "(reduced by \$3,792,540)".

Page 19, line 11, after the dollar amount, insert "(reduced by \$5,772,720)".

Page 19, line 18, after the dollar amount, insert "(reduced by \$27,859,890)".

Page 20, line 6, after the dollar amount, insert "(reduced by \$26,388,000)".

Page 29, line 14, after the first dollar amount, insert "(reduced by \$46,681,650)".

Page 32, line 9, after the first dollar amount, insert "(reduced by \$1,359,630)".

Page 33, line 8, after the dollar amount, insert "(reduced by \$5,741,400)".

Page 35, line 10, after each dollar amount, insert "(reduced by \$3,960,090)".

Page 36, line 4, after the dollar amount, insert "(reduced by \$21,376,950)".

Page 51, line 16, after the dollar amount, insert "(reduced by \$3,357,720)".

Page 52, line 20, after the first dollar amount, insert "(reduced by \$6,854,010)".

Page 54, line 17, after the dollar amount, insert "(reduced by \$3,900,000)".

Page 55, line 19, after the first dollar amount, insert "(reduced by \$1,140,000)".

Page 99, line 17, after the dollar amount, insert "(increased by \$498,099,270)".

Mr. BROUN of Georgia (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, this amendment would reduce the administrative salaries in the expense accounts in the underlying bill by just 3 percent, with the exception of the U.S. Coast Guard. It does not affect their expenses.

Our Nation is facing a total economic meltdown, and now more than ever it is apparent that we have to stop the outrageous spending that's going on here in Washington, D.C.

Over the last 2 years, House Members have voted to reduce their own administrative accounts—their Members' Representational Allowances—by more than 11 percent. Yet over that same period of time, many agencies have seen minimal reductions and, in some cases, even increases in their accounts.

For a good example, the TSA has only experienced a 3.5 percent cut over the last 2 years. I know many of my colleagues can agree that the TSA has not only been a complete and utter

failure, but it also has been a colossal waste of taxpayer money, amounting to almost \$60 billion.

Moreover, TSA personnel have not prevented the first terrorist attack from happening on American soil. In fact, at least 17 known terrorists have flown in the United States more than 24 different times. Yet this year, TSA screener personnel will receive increased funding for their compensation and benefits that totals more than \$30 million above fiscal year 2012. This is totally unacceptable.

Another example I'd like to point to in the underlying bill is funding for a brand new agency called the Office of Biometric Identity Management. This new office will receive almost \$200 million for their administrative salaries and expense accounts. Mr. Chairman, we need to be looking for areas where we can make cuts, not for opportunities to grow the size and scope of the Federal Government.

Now, certainly we can all agree that many of the offices, agencies, and individuals employed by the Department of Homeland Security are very deserving of the pay for which they receive but, Mr. Chairman, let's be realistic. If we are serious about reducing spending and reducing our deficit, we have to ask every agency to follow Congress' lead and take a small reduction in their administrative funding instead of asking for increases or trying to create new programs.

To be clear, a 3 percent reduction in these accounts would, in many cases, still result in less than a 10 percent reduction in funding from FY11 levels.

□ 1900

While this amount is small, it would pay dividends, huge dividends, resulting in nearly a half a billion dollars in savings in this bill alone.

It is long past time to get serious about spending, Mr. Chairman, and this amendment represents a balanced way to achieve significant savings. I urge my colleagues to support my amendment and to reduce spending in these accounts by just a mere 3 percent.

I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise to reluctantly oppose my good friend from Georgia's amendment. I think he makes some very good points, but one thing, as I had mentioned in the debate this afternoon and the general debate, this is the third fiscal year in a row that the bill has tried to work at cutting already.

Fiscal discipline and funding for homeland needs are the two most important things. And as I said earlier, that fiscal discipline is something that is a very important aspect of this bill.

The bill actually has a decrease of \$484 million below last year's bill, and it is \$394 million below the President's request.

As I had mentioned earlier this afternoon, we do think that we need to be very much mindful of the situation we find ourselves in in this country. But bear in mind that we have cut, we have reached a delicate balance to make sure that we make sure frontline operations are secure, that they are operating at a level that we can make sure that our Nation is secure.

The Office of the Secretary, for example, has been cut 9 percent below the President's request, and it's 8 percent below the FY 2012 act.

This is the 10th year anniversary of the establishment of the Department of Homeland Security, and certainly we've got to make sure that our Department is strong, it has strong management. My concern is that this amendment would undermine that goal. And so I would ask Members to oppose this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I want to second the remarks of our chairman. I think this is an amendment that, while well-intentioned in certain respects, is not one that we can or should accept.

I know it's easy to target management and administrative costs. They sometimes lack concreteness. They lack a consistency. But, as a matter of fact, we depend on these management and administrative functions to run the Department. And at the end of the day, cutting those functions will, indeed, affect frontline operations. We should make no mistake about that.

In my opinion, this bill already cuts administrative functions by imprudent amounts. It already slashes funding for offices at the departmental level, for example, by 21 percent below the administration's request.

So while this amendment may be appealing to some, I believe it's unwise, and I urge colleagues to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BROWN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 6, line 8, after the first dollar amount, insert "(reduced by \$25,000,000)".

Page 15, line 23, after the dollar amount, insert "(reduced by \$15,000,000)".

Page 16, line 6, after the dollar amount, insert "(reduced by \$15,000,000)".

Page 37, line 18, after the dollar amount, insert "(increased by \$50,000,000)".

Mr. HOLT (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of this amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, I thank the chair of this subcommittee and the ranking member for the work they've put into this.

I rise with an amendment that is designed to ensure that our rail and transit systems have the additional resources, or at least some of the additional resources, that they need to help thwart any potential terrorist attacks on buses and trains.

Now, just over a year ago, when our forces raided Osama bin Laden's compound, they discovered materials in his hideout indicating that he was planning attacks on rail and transit systems, and we have no reason to believe that al Qaeda's remnants have abandoned any such plans. As we've seen repeatedly, the threat is very real.

Since 2004, terrorist cells have conducted successful and deadly bombings on major passenger rail systems in Spain, the United Kingdom, India, Belarus, with over 600 people killed, thousands wounded. And despite this threat, over the last few years, our country has been backsliding in providing our rail and transit systems the resources they need.

In years past, rail and transit security funding had its own line item in the budget. But a couple of years ago, it was rolled into the overall State and local grant programs, and it's funding has been slashed, and slashed is not an overstatement, from a previous high of \$300 million, down to only about \$88 million this past year.

The large reduction was made in the face of an existing \$6 billion in rail and transit security funding needs identified by rail and transit operators around the Nation, as reported by the American Public Transportation Association.

My amendment addresses part of this shortfall by moving a total of \$50 million from three accounts—Overall Management and Administration, Intelligence and Analysis, and the Transportation Security Administration—to the State and Local Programs Grant

Account for the express purpose of increasing funding available for rail and transit security grants. I propose these moves reluctantly, but we need the funding in the transit security. This would bring to \$138 million the account for rail security, well above the \$88 million currently there, but well below the \$300 million that only a few years ago was the funding level.

This amendment actually saves the taxpayer \$36 million because of the difference in the account spend-down rates. It's a responsible amendment, I believe, that addresses a crucial vulnerability in our rail and transit security posture, and I ask support for this amendment.

I yield back the balance of my time.

AMERICAN PUBLIC TRANSPORTATION
ASSOCIATION,
June 6, 2012.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HOLT: On behalf of the 1,500 members of the American Public Transportation Association, I am writing to express our support for your amendment to H.R. 5855, the Department of Homeland Security Appropriations Act for Fiscal Year 2013. The amendment aims to restore critical funding for the public transportation security grant program.

Sharp decreases in public transportation security grant funding over the past several federal budget cycles have hampered the ability of transit agencies to make needed capital security improvements throughout their systems. Decreases in transit security funding could not be more ill timed as transit ridership continues to soar. In 2011, more than 10.4 billion trips were taken on public transportation as Americans commuted to work, school, medical appointments and their houses of worship. This trend has continued as dozens of transit agencies across the country have set ridership records over the first quarter of 2012. We must do all we can to ensure the safety and security of our riders and transit workers. We urge Congress to support your amendment and increase vital funding for the public transportation security grant program.

Thank you for your continued support of public transportation, and we look forward to working with you on this and future legislation. If you have any questions, please have your staff contact Brian Tynan of APTA's Government Affairs Department at (202) 496-4897 or email btynan@apta.com. Thank you.

Sincerely yours,
MICHAEL P. MELANIPHY,
President & CEO.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. The bill that we have before us that we have brought to the floor is something that has already cut programs substantially across the board. But the way that we have cut it, we feel, is responsible and manageable.

Some of the cuts that we have had in here—the Office of Secretary, as I had mentioned earlier, has been cut by 9 percent below the request, 8 percent

below FY 2012, and it is 18 percent below the FY 2010 level. The bill has reduced management to a bare minimum, with decrease in most offices, including General Counsel.

The bill has already cut TSA management by \$60 million, and \$20 million is cut in the Aviation Security Account.

This amendment that the gentleman from New Jersey is bringing up, by taking \$15 million more from this account, will impair TSA's ability to manage its aviation security missions and is also simply not responsible. The amendment would slash funding for the Department's intelligence programs, which represent a core homeland security capability.

For grants, the bill provides \$2.8 billion for Homeland Security first responder grants, \$400 million more than provided in FY 2012. Of that, the bill provides \$1.8 billion for the Secretary to provide to programs that address the highest need, based on the threat and based on risk.

Breaking out specific grants, as this amendment does, funds projects for various programs without an overreaching lens. The consolidation of this bill forces the Secretary to examine the intelligence and risk and put scarce dollars where they are needed most. I would urge my colleagues to vote "no" on this amendment.

I yield back the balance of my time.

□ 1910

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to commend our colleague from New Jersey for offering an amendment that takes explicit account of the need for robust funding for State and local grant programs, including those aimed at rail and transit security.

As I noted as this debate began, we are indebted to Chairman ADERHOLT and to the majority for increasing the funding for these grants in this fiscal year 2013 bill over the 2012 levels; but as the gentleman from New Jersey has noted, this funding is against a baseline that has been significantly reduced in the previous 2 fiscal years.

I was privileged to serve as the chairman of this subcommittee in the years 2007–2010. We worked very hard in those years to provide robust funding for important grant programs, and we increased the funding for FEMA first responder grants by \$1 billion between fiscal '07 and fiscal '10. Unfortunately, these programs are now under threat. Since 2010, funding for FEMA grants has been cut by nearly 50 percent to a total level of \$1.3 billion for fiscal 2012. Those cuts are shortsighted and they're dangerous, and I have said so repeatedly.

After all, local governments are the first responders to terrorist attacks, natural disasters, and other major emergencies. Local law enforcement, fire, emergency, medical, as well as county public health and other public safety personnel, are responsible for the on-the-ground response and recovery action. Local communities or public entities own, operate, and secure essential aspects of our Nation's infrastructure, of our ports and transit systems, of our water supplies, and of our schools and hospitals. So, plainly put, these grants protect our communities and are vitally important in our ability to detect, deter, and respond to a variety of threats and disasters.

As the gentleman from New Jersey has stressed, our rail and transit systems are an important part of this network, and they are in many cases very much in need of the kind of funding that this bill has provided and should provide. I reluctantly add, though, Mr. Chairman, that there are problems with these offsets, and I will repeat what the chairman has said about some of the cuts that are included in these bills, these important accounts:

The Secretary's office, that may seem an easy thing to cut, but this bill already reduces the Secretary's office by 9 percent. Analysis and Intelligence, this bill already cuts this by 8 percent. Then TSA aviation security has one of the largest cuts in this bill. It's \$212 million below the 2012 levels.

There are very few good places to turn, I realize. We're so often in a position of trading off worthwhile objectives, but I do feel bound both to commend the gentleman for calling our attention to these grant programs and the need for robust funding, but also to highlight some of the problems with the offsets in this particular amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR
MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$213,128,000, of which not to exceed \$2,500 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, \$5,448,000 shall remain available until September 30, 2017, solely for the alter-

ation and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$9,689,000 shall remain available until September 30, 2015, for the Human Resources Information Technology program: *Provided further*, That \$124,325,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives all statutorily required reports and plans that are due with the submission of the President's budget proposal for fiscal year 2014 pursuant to the requirements of section 1105(a) of title 31, United States Code: *Provided further*, That the Under Secretary for Management shall, pursuant to the requirements contained in House Report 112–331, submit to the Committees on Appropriations of the Senate and the House of Representatives a Comprehensive Acquisition Status Report, including the information required under the heading "Office of the Under Secretary for Management" under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74), with the President's budget proposal for fiscal year 2014 submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, and quarterly updates to such report not later than 45 days after the completion of each quarter.

AMENDMENT OFFERED BY MR. GRIMM

Mr. GRIMM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, after the dollar amount, insert "(reduced by \$7,667,000)".

Page 36, line 4, after the dollar amount, insert "(increased by \$7,667,000)".

Page 37, line 3, after the dollar amount, insert "(increased by \$7,667,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. Mr. Chairman, I rise today in support of my amendment that would fund the National Urban Search and Rescue Response System at \$35.18 million, which is level with the Senate bill; but it still reflects a reduction of, roughly, \$6 million from fiscal year 2012.

The National Urban Search and Rescue Response System provides a significant national resource for search and rescue assistance in the wake of major disasters and structural collapses. A typical US&R task force will conduct physical search and rescue operations, provide emergency medical care to trapped victims, assess and control hazards such as ruptured gas and electric lines, and evaluate and stabilize damaged structures.

Due to the critical life-saving nature of their missions, US&R task forces must be prepared to deploy within 6 hours of notification and must be self-sufficient for the first 72 hours. These teams have been deployed in response to the Joplin, Missouri, tornado, the Japanese tsunami, the Haiti earthquake, Hurricane Katrina, the 9/11 attacks on the World Trade Center and the Pentagon, the Oklahoma City

bombing, the Turkey earthquakes, the grain elevator explosion in Wichita, Kansas, and many other foreign and domestic disasters.

In 2006, FEMA estimated the annual and recurring cost for each task force to be approximately \$1.7 million. Today, in many jurisdictions, the cost exceeds \$2 million. In addition to program management costs, this estimate includes expenses for training, for exercises, the medical monitoring of personnel, and equipment maintenance and storage. Current Federal funding for the Nation's US&R teams only provides a fraction of the funds necessary to maintain each task force, leaving local government sponsors to pick up the remainder of the cost and diverting much-needed funding away from local first responders' budgets.

The recent tornado in Joplin, Missouri, and the subsequent response underscored the importance of the national search and rescue capability. Providing proper funding for the National Urban Search and Rescue Response System will help ensure that these highly skilled teams are available to respond to major emergencies without jeopardizing the budget priorities for local first responders.

Therefore, I urge you to vote "yes" on my amendment and to properly fund this critical program.

Mr. ADERHOLT. Will the gentleman yield?

Mr. GRIMM. I yield to the gentleman from Alabama.

Mr. ADERHOLT. We will accept the amendment of the gentleman of New York.

Mr. GRIMM. If I can reclaim my time, I just want to thank a friend and colleague, Mr. CONNOLLY, for all of his work in joining me in this effort. I just wanted to say thank you very much.

I yield back the balance of my time. Mr. CONNOLLY of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. I want to thank the distinguished chairman and the ranking member and my colleague Mr. GRIMM from New York for this thoughtful amendment and for accepting it.

Fairfax County, which I represent, has one of the outstanding US&R teams in the world. As my colleague from New York indicated, they have served both here in the United States in many, many manmade and natural tragedies, as well as around the world in saving lives. This is a great partnership between local governments and the Federal Government, and it's one that we desperately need to be enhanced.

So I very much thank the majority and the minority leaders for accepting this thoughtful amendment. I am proud to join with my colleague, Mr. GRIMM, in cosponsoring this amend-

ment as an original cosponsor, and I am delighted it's going to be adopted.

I yield back the balance of my time. I am pleased to join my colleague, Congressman GRIMM, in sponsoring this amendment to restore funding for our nation's elite Urban Search and Rescue, USAR, Teams. Our simple common sense amendment would restore about half of the reduction proposed by the Committee, matching the level of the Senate markup, and it has the support of the International Association of Fire Fighters and the National Association of Police Organizations.

When earthquake survivors are trapped in the rubble of a collapsed building, the window of survivability is measured in hours. Without highly-trained responders, rescue attempts can imperil victims and rescuers alike. Thankfully, we have made strategic investments in specialized USAR teams. These elite firefighters and emergency medical technicians are not just first responders. For people awaiting rescue, they are the last hope.

Prior to coming to Congress, I served 14 years on the Fairfax County, Virginia, Board of Supervisors, and for 9 of those years, I shared my office with a fire station. I saw daily the selfless dedication of the men and women who put their lives at risk every day in service to others.

Fairfax County is home to one of nation's outstanding USAR teams. In partnership with the U.S. Department of Homeland Security, the U.S. Agency for International Development, and the local county government, the Fairfax team serves U.S. interests at home and abroad. It is comprised of highly-skilled career and volunteer fire and rescue personnel, whose daily duties are to serve the Fairfax community by responding to local fire and medical emergencies.

When called into service by DHS, the Fairfax team, designated as Virginia Task Force One, is mobilized for quick response to domestic disasters, natural or manmade, with special expertise in collapsed building rescue. Our team was deployed to Oklahoma City in the wake of the 1995 bombing, and it was among the first on the scene at the Pentagon on September 11, 2001. It also was dispatched to Mississippi and Louisiana in response to Hurricane Katrina in 2005. The team has answered the call for help in multiple states, including California, Puerto Rico, the Virgin Islands, North Carolina, Texas, Florida, Kansas, Georgia, Massachusetts, New York, and New Jersey. In addition, the Fairfax Team deployed and was on call during the Presidential Inauguration in 2009, the Republican National Convention in Minnesota in 2008, the Democratic National Convention in Massachusetts in 2004, and the Olympic Games in Utah in 2002 and Georgia in 1996.

Fairfax and other USAR teams also have answered the call to respond to disasters abroad under the direction of USAID. In the past 2 years alone, the Fairfax Team, designated as USAR Team One, has deployed to offer rescue and recovery assistance following the devastating earthquake in Haiti and Japan. In 1998, the Team deployed to Kenya in response to the bombings at the U.S. embassy. Throughout its more than 20 years of operation, USAR Team One has carried the ban-

ner for America's diplomatic efforts in response to disasters in Armenia, the Philippines, Italy, Turkey, Taiwan, Mozambique, the Czech Republic, Iran, Morocco, Pakistan, Bolivia, Peru, Honduras, Burma, China, Panama, and Chile.

When disaster strikes—whether natural or manmade, domestically or internationally—Fairfax and the other select USAR teams have rushed to the scene saving countless lives and property. Their heroic efforts have shown this to be a wise investment and one that ought to be maintained.

I urge my colleague to support the Grimm-Connolly amendment to ensure that this successful partnership with our local partners and first responders continues, so that when the next alarm is called, we can take comfort in knowing they are on the job.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GRIMM).

The amendment was agreed to.

□ 1920

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 37, line 18, after the dollar amount, insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. Mr. Chairman, this amendment would add \$10 million to State and local grant programs under this budget, and the offset would be from the management account.

I'm offering this amendment because our State and local units of government don't have the revenue to adequately protect our citizens in the event of a natural disaster or another emergency. The housing crisis has depressed housing values throughout this country and, as a result, has lowered the tax base from which State and local governments depend on raising their revenue.

I urge this House to approve this amendment to better prepare our State and local units of government for emergencies and other natural disasters and terrorist attacks which could occur.

I appreciate your support, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, as I have stated earlier, this bill provides \$2.8 billion for Homeland Security first responder grants, \$400 million more than provided in FY12. Of that, the bill provides \$1.8 billion for the Secretary

to provide to programs that address the highest need based on threat and based on risk.

The funding for grants has been a high priority for our bill this year, and we believe there's adequate funding for grants. Like I said, I would reluctantly have to oppose the gentleman's amendment.

With that, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to commend the gentleman from Michigan for his attention to the need for robust grant programs, FEMA grant programs for State and local governments and their various emergency preparedness functions.

As we said earlier with respect to Mr. HOLT's amendment, these programs have been underfunded in recent years. We're doing better this year in this bill, but we're building on a depleted base. So I commend him for his attention to this.

At the same time, I feel bound to say that the offset is problematic. The Under Secretary for Management—I know that sounds like an easy target. But with the Grimm-Connolly amendment that we just adopted, by my calculation, that brings the Under Secretary for Management \$30 million below the 2012 level. That's 12 percent. It is a cut that, in my opinion, we can ill afford. That's already what we've done with this bill.

Eventually, management and administrative cuts do affect frontline operations. So I feel bound to say that, as we balance the equities here, the need for robust grant programs and for making them more robust wherever we can, but at the same time to preserve essential departmental functions.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CLARKE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CLARKE of Michigan. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 9, line 14, after the dollar amount, insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. POE of Texas. Mr. Chairman, I offer this amendment along with my friend from Pennsylvania (Mr. ALTMIRE).

This amendment takes \$10 million from the Office of the Under Secretary of Management of DHS and moves it to the border security, fencing infrastructure, and technology account with the purpose of being used for border cell phone communication infrastructure to help border residents disseminate border security-related information to the Border Patrol and law enforcement for their protection and the security of the border.

Mr. Chairman, the history goes back to March 27, 2010, when, in Arizona, Rob Krentz was murdered 20 miles north of the border in an isolated area in Arizona. The lack of communications capability made Krentz more vulnerable than he would have been otherwise and complicated the search for the assailant. His wife, Sue—who I've talked to on numerous occasions—believes that he was in a cell phone dead zone when he was killed and that he was trying to call for help at the time of his murder.

Before leaving office, Congresswoman Giffords had been working diligently on this specific issue. I became involved with her staff when they took the time to show me around the Arizona border and introduced me to the Krentz widow, Sue. I thank Gabby Giffords for her work on this issue, bringing it to my attention and other Members of Congress, and wish her well.

Mr. Chairman, these dead zones are so common that oftentimes border ranchers in Arizona and in Texas rely on shortwave radios to communicate or call for help.

The inability of the U.S. Government to secure the U.S.-Mexico border creates public safety hazards for residents who live on the border and the law enforcement agents who patrol them. Many border areas are rural and lack wireless communication capabilities like cellular phone service, making border security a public safety issue.

Last year, I worked with Congresswoman Giffords and Representative ALTMIRE to pass a similar amendment to the Department of Homeland Security bill. We received overwhelming support in this House with a vote of 327-93, and I urge the House to support this initiative again.

However, the omnibus bill passed later that year weakened this provision to make it a mere suggestion for DHS to solve this problem. Despite that language, the Department of Homeland Security has done very little if anything to address this issue. More work needs to be done, and there is a large number of dead zones along our southern border. That's why this amendment is offered again this year.

Rural areas along the border present a unique public safety challenge that can be addressed through the extension of wireless communications into those areas. An additional \$10 million can be used to enhance wireless communication capabilities that would allow residents to report threats against them and instances of illegal activities to law enforcement. Such capabilities would enhance communications among our law enforcement and our border protectors.

Richard Stana, Director of Homeland Security Issues at the Government Accountability Office, recently told the Senate Homeland Security Committee that, as it stands right now, we have the ability to prevent or stop illegal entries into the U.S. for only 129 miles of the 1,954-mile U.S. border with Mexico. He continued to say that we have achieved, "an acceptable level of control" on 873 miles of the border. Whatever "acceptable level of control" means, I'm not sure.

In any event, that means 1,081 miles of the United States' border is a wide-open space, Mr. Chairman, and we simply cannot stop illegal crossings of any kind in those areas. The United States doesn't control that area of the border. Mexico does not either. I suspect it's the drug cartels that control that area of our sovereignty.

If the Federal Government is not going to secure the border, the least we can do is give the border residents a chance to call for help when they need help. Ten million dollars will go a long way in helping American citizens have a safer place to live and also allow them to communicate with law enforcement.

The Office of the Under Secretary of Management for DHS is funded at \$213 million in the bill, and \$10 million is a 4.5 percent reduction in that account. I think, as the ranking member said, to balance the equities, we need public safety as opposed to more funding for the Under Secretary for Management.

With that, I yield back the balance of my time.

Mr. ALTMIRE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. Mr. Chairman, I would like to thank my friend, Congressman POE, for his strong leadership on this issue and for again working with me this year to highlight the critical importance of expanded mobile communications along our southern border.

□ 1930

Last year I had the opportunity to visit the district of our former colleague, Gabrielle Giffords, in southwestern Arizona, where I met with customs and Border Patrol agents, examined construction of the border fence

and spoke with ranchers and residents who live and work in the remote areas along the U.S.-Mexico border. In rural areas along that border, cell phone service is virtually nonexistent, and where service does exist, it's often unreliable. Some ranchers even have to resort to communicating through the use of two-way radios.

The lack of cell phone service presents an obvious safety issue for ranchers, as my friend, Congressman POE outlined, and it's a safety issue for residents and the National Guard troops who patrol that protected area. If a rancher feels threatened, he cannot currently call for help or alert law enforcement to the situation.

To address this issue, our amendment adds \$10 million to the general account for border security fencing, infrastructure, and technology to expand mobile communications in remote areas along our southern border. These funds may be used by the Department of Homeland Security to enter into public-private partnerships which will provide a more reliable communications link between law enforcement officials and citizens who live and work in our border areas.

Last year, Congressman POE and I offered a similar amendment that passed with a strong bipartisan vote of 327-93. Despite its inclusion in last year's omnibus funding measure, little action to date has been taken by DHS to implement stronger cell coverage along the U.S.-Mexico border. I urge support of our amendment to show DHS that the safety of our southern border is a priority for this Congress.

This is a problem we can and must fix. Supporting this amendment will not increase spending, but what it will do is protect the public and increase the effectiveness of law enforcement in rural border areas.

I ask my colleagues to support this amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I do commend the gentlemen from Texas and Pennsylvania for their attention to border security. Border security is a top priority with this subcommittee and with this chairman, but the amendment that is before us at this time proposes to cut the Department of Homeland Security to pay for cell towers to provide phone service, actually to the general public.

I am very sympathetic to the needs of rural communities. I represent a rural community and am certainly sympathetic to remote ranchers, but this is simply not a cost currently with the situation in this country that Homeland Security can bear.

This proposal would cut the Department's management functions below

what is possible for our Nation's security. The bill already cuts the Office of Under Secretary for Management 4 percent below the request of the President and 11 percent below the FY12 level. It should be noted that this bill fully funds the Department's tactical communications.

I would urge my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise also to oppose this amendment. I do so reluctantly, because I know that the need that Representative POE and Representative ALTMIRE are addressing is a real one. There are vast expanses of territory, including a lot of territory near the borders, that suffer from a lack of mobile communications.

We do need to work in concert with State and local governments and the private sector to address this need. This is not something, though, that this bill or the Department of Homeland Security can take on. It simply is not feasible. It is not a DHS function.

We need to work on it, but I think this remedy is flawed, and I, once again, say that I know it's an easy target to go after the administrative expenses of the Department, but in this case the Under Secretary for Management is already something like 12 percent below the 2012 level, that is, assuming the passage of the Grimm-Connelly amendment, and I do not think that further cuts can or should be sustained.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. RUNYAN

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 41, line 22, after the dollar amount, insert "(increased by \$5,000,000)".

Page 41, line 23, after the dollar amount, insert "(increased by \$2,500,000)".

Page 41, line 25, after the dollar amount, insert "(increased by \$2,500,000)".

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. Mr. Chairman, my amendment increases funding for the Staffing for Adequate Fire and Emergency Response Grant by \$2.5 million and Assistance to Firefighters Grants, restoring these programs to FY12 levels.

The funding increase is deficit neutral, as it is offset by a \$5 million decrease to the Office of Under Secretary for Management. These grants provide vital funding to our Nation's first responders to help them adequately staff firehouses and to provide the necessary specialized equipment to protect our brave men and women.

With first responder budgets being slashed all around the country, this portion of funding will help ensure fire departments can adequately respond to our constituents' emergency. During this period of budgetary constraints, we must prioritize the programs we need the most.

My amendment clearly shows that our brave first responders are a priority. This amendment is endorsed by the International Association of Fire Fighters and the International Association of Fire Chiefs.

I thank my colleagues on both sides of the aisle for helping me support this amendment, and I yield back the balance of my time.

Mr. CLARKE of Michigan. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. I want to thank the gentleman from New Jersey (Mr. RUNYAN) for offering this amendment.

I have joined him in a bipartisan fashion because our local units of governments need this money to be able to rehire their firefighters and to get the training equipment that they need to better prepare our firefighters to respond to a natural disaster or a terrorist attack.

I support this amendment. This will help cities like Detroit and other municipalities in metro Detroit that need to apply for these funds. This provides more money—back to the level in prior years—so that our communities can be safer.

Again, I want to commend the author of this amendment. He has my support. I'm honored to be on this amendment as a cosponsor.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. We accept the gentleman from New Jersey's amendment, considering this is only a \$5 million cut.

I yield back the balance of my time.

Mr. KISSELL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. KISSELL. Mr. Chairman, I rise in support of this amendment. I appreciate my colleague from New Jersey for bringing this forward. With full support, I agree with him.

I would like to point out that, just for example, June 17 through 23, that week is EMS fire safety survival week. It's just one of the many weeks that we recognize our firemen for what they do for us and the importance of what they do for us. There is an image of 9/11, the firemen and what they did for our Nation in New York when we were attacked.

□ 1940

But that image is also recurring throughout the Nation, throughout the communities, when firemen come to our homes or come to our businesses or go to scenes of accidents. Anywhere our communities need them, the firemen go. This restoring of the grant is just something that we should do—and I'm glad that we are going to do it—to secure that bond to allow them the training and equipment that they need to take care of us. So this is an investment in them so they can take care of us.

I appreciate my colleague bringing this amendment forward. I'm very happy and proud to be on this amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in strong support of firefighter grant programs. I applaud Chairman ADERHOLT for fully funding the budget request for these programs, that is, providing \$670 million for the assistance to the Firefighter Grant Program equally divided between SAFER hiring grants and equipment grants.

I also commend the chairman for accepting the amendment our colleagues have just offered. Although, again, the offset is not what one would wish, this is a case, I think, where the consideration, the balance of values clearly leads us to bring this program to the present funding levels, which is what the amendment does.

We have approved in committee these firefighter grants and we've also approved the continuation of the waivers. That was my amendment in committee and I am pleased that we were able to adopt those—the economic hardship waivers that are currently in place.

The law traditionally permits SAFER grants only to be used to hire new firefighters. That provision makes sense when our economy is booming and local governments are in a position to hire new workers. But when the local budgets are continuing to shrink

and some fire stations are closing their doors and others are laying off workers, FEMA needs the flexibility to use these grants to keep firefighters from being laid off in the first place. The administration has requested this, and FEMA Administrator Fugate testified to this need earlier this year during our appropriations hearings.

I believe strongly in the need to assist local fire departments and ensuring they have the personnel and equipment necessary to keep our communities safe. When I was chairman of the subcommittee from 2007–2010, we were able to more than double the funding for the SAFER program, reaching a peak of \$410 million in fiscal year 2010.

It's regrettable that we're still not able to maintain that level because any cuts to firefighter grants do result in thousands of fewer firefighters on the job. They leave fewer departments able to maintain safe staffing levels and much less to add needed personnel. So we need to maintain this support.

The real challenge in many communities is not the reluctance of local governments to hire new personnel. It's the potential and actual layoffs of personnel, which would mean reduced levels of safety. So it's very important for us to maintain robust grant funding for these programs. It's going to help preserve public safety and security. In this bill we've provided for this. And this amendment adds to that.

So I urge its adoption, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN). The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$49,743,000, of which \$6,700,000 shall remain available until September 30, 2014 for financial systems modernization efforts: *Provided*, That \$29,017,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives all statutorily required reports and plans that are due with the submission of the President's budget proposal for fiscal year 2014 pursuant to the requirements of section 1105(a) of title 31, United States Code.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$241,543,000; of which \$116,870,000 shall be available for salaries and expenses; and of which \$124,673,000, to remain available until September 30, 2015, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activi-

ties, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$317,400,000; of which not to exceed \$4,250 shall be for official reception and representation expenses; and of which \$93,764,000 shall remain available until September 30, 2014.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$109,264,000, of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,366,024,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$38,250 shall be for official reception and representation expenses; of which not less than \$284,530,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2013, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year: *Provided further*, That \$836,600,000 shall not be available for obligation until the Commissioner of U.S. Customs and Border Protection submits to the Committees on Appropriations of the Senate and the House of Representatives the multi-year investment and management plans that are due with the submission of the President's budget proposal for fiscal year

2014 as submitted pursuant to the requirements of section 1105(a) of title 31, United States Code.

AMENDMENT OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 13, after the first dollar amount, insert “(increased by \$30,000,000)”.

Page 9, line 14, after the dollar amount, insert “(reduced by \$30,000,000)”.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The point of order is reserved.

The gentleman from Alabama is recognized for 5 minutes.

Mr. GRIJALVA. I rise today to offer an amendment to the Department of Homeland Security appropriations bill that strengthens our efforts to have a secure and prosperous border. As you know, these issues are foremost in the thoughts of people across this country. As was noted by my friend and colleague from Arizona, Mr. FLAKE, his amendment acknowledged the reality that strengthening the ports of entry should be a national priority. His amendment was accepted as a means to begin to increase and pay attention to that national priority. It's a jobs issue, and it's a security issue.

Land ports of entry are the economic drivers for the U.S. economy and also the front line for facilitating legitimate trade and travel while preventing unauthorized entry and contraband from crossing the border. Along the nearly 2,000-mile border with Mexico, U.S. Customs and Border Protection carry out this mission in 42 land ports of entry located in Arizona, California, New Mexico, and Texas. While significant investments in the border have been made in recent years, including the opening of three new crossings in 2010, more is demanded.

Staffing at our land ports of entry have been severely overlooked, compromising our national and economic security. While a necessary buildup of border enforcement has occurred over the last 10 years, that proportional increase and attention to customs and ports of entry has not occurred.

It is estimated that in Arizona alone, our ports of entry need 500 additional officers to meet a staffing need: 250 at the port of entry in Nogales, 50 in Douglas, and 150 in San Luis. Nationwide there is a need for up to 5,000 additional CBP officers. These shortages are alarming and they have alarming consequences.

A 2008 GAO report said “weakness in traveler inspections exists at our Nation's ports of entry.” And according to this report: “Field office managers said that staffing shortages created vulnerabilities in the inspections process.”

In 2008, the Department of Commerce found that the “cumulative loss in output due to border delays over the next 10 years is estimated at \$86 billion.” Our economy and indeed our security will continue to be compromised unless we take strong measures.

My amendment seeks to redirect within the account of border infrastructure additional funds for the personnel sorely needed.

Let me just end by indicating some facts and points of reference. U.S.-Mexico bilateral trade reached nearly \$400 billion in 2010. Mexico is the third-ranked commercial partner of the U.S. and second largest market for U.S. exports. Mexico spent \$163 billion in U.S. goods in 2010. Twenty-two States count on Mexico as their number one or two export market, and it's the top five for 14 other States. One in every 24 workers in the Nation depends on U.S.-Mexico trade for their employment.

This is an issue of the economy. It's an issue about jobs. My amendment merely addresses a reality: from unobligated and enhancement funds within the budget to transfer \$30 million to begin that initial step to bring our ports of entry and customs to a full force in terms of staffing and to begin to expedite legitimate trade and end long waiting periods, improve our economy, and, yes indeed, continue to provide the advanced security that we need on those borders.

Mr. Chairman, I yield back the balance of my time.

□ 1950

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman from Alabama may state his point of order.

Mr. ADERHOLT. The amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Arizona proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

AMENDMENT OFFERED BY MS. HAHN

Ms. HAHN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 13, after the first dollar amount, insert “(increased by \$10,000,000)”.

Page 55, line 2, after the dollar amount, insert “(reduced by \$24,250,000)”.

Page 55, line 4, after the dollar amount, insert “(reduced by \$24,250,000)”.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. Mr. Chairman, my amendment is simple. It would increase \$10 million in funding to the Customs and Border Protection salaries and expense account and decrease funding of the National Bio and Agro-Defense Facility by S&T for \$24,250,000 in order to increase the staffing of CBP agents in our Nation's airports.

This amendment is intended to strengthen security and improve the American business advantage by putting more CBP agents in our airports so that they can handle the continuously growing number of travelers to this country.

My own district in California is bookended by two great economic engines of the Los Angeles region—the Port of Los Angeles at the southern end and the Los Angeles International Airport at the north. One of the common complaints I hear from LAX airport is that there are simply not enough Customs and Border Protection agents to effectively and efficiently process the amount of foreign visitors that enter this country every year. In fact, the delays at our country's airports have resulted in losing nearly \$100 billion in economic output over the last 10 years.

If we want to continue being a top destination for immigrants, foreign visitors, and businesspeople, we need to establish a welcoming presence to people who wish to visit this country. This means ensuring we have an efficient CBP staff that can continue to handle the growing number of people who visit this country.

In a letter sent from the L.A. World Airports to the United States Customs and Border Protection Commissioner, it states that:

Insufficient CBP staff has triggered alarming delays for LAX international passengers waiting to be processed through customs and immigration.

And while this shortage referred to LAX airport, delays due to personnel shortages are prevalent throughout our entire country, and I think this is extremely disconcerting. These delays are weakening our competitiveness in the global market, slowing the pace of business, and impeding the commerce we need to fuel our economic recovery. This adds costs to our Nation's airlines and businesspeople.

What's more, we know if we overextend and overwork our already overheroically overperforming CBP personnel guarding the gateways to our Nation, they are more likely to miss things—something or someone is more

likely to get through. They deserve support and numbers equal to the scale of the task that we are charging them with.

While I understand the intended purpose of the National Bio and Agro-Defense Facility, the reality is that this facility was appropriated \$75 million even though the President did not need nor request these funds. Additionally, DHS is still waiting for the recommended design modifications made by the National Academy of Sciences and for the administration to review the cost and scope of the project, which isn't anticipated to be completed until 2020.

I think these funds are better spent on increasing the security and promoting American commerce through our country's airports. The commerce that flows through our international airports powers our economy and keeps the United States a global leader in business. We need to preserve that commerce while protecting our homeland from those who would try to sneak through and do us harm.

I urge my colleagues to support what I think is a very important and crucial amendment, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Chairman, I rise to join the gentlelady from California in this amendment to increase staffing funding for Customs and Border Protection.

This is a critical issue for our economic competitiveness. If our Nation is going to compete globally, we need to think of ports of entry as strategic assets and real opportunities to expand our economy. Without adequate resources and staffing, wait times at ports of entry grow longer and longer. And every minute, Mr. Chairman, that goods and people sit at the border waiting to cross is an opportunity lost. That's opportunities lost for American businesses, for manufacturers, and workers. In total, these long delays are projected to result in lost output of more than \$86 billion over the next 10 years. In this tough economy, I don't think we can afford to lose these precious dollars.

And yet, despite the overwhelming need, increases in staffing in past years represent only a small fraction of what is needed to fully staff our ports of entry, according to the Government Accountability Office. To fully meet this need, we need to ensure that CBP has the resources it needs to get the job done. At a time when we need commerce to be moving full steam ahead to drive an economic recovery, we can't afford understaffing at our ports of entry.

Additional funding provided by this amendment to hire additional CBP of-

ficers will allow for faster processing times through ports of entry and allow more goods to flow through our borders. By facilitating trade, we not only support businesses and jobs, but we also add revenue, as CBP is the second largest source of revenue for the Treasury. It is only second to the Internal Revenue Service.

As my colleague has stated, the offset for this provision is a cut in funding for the National Bio and Agro-Defense Facility, which was appropriated about \$75 million in spite of the fact that the administration did not request these funds. The National Academy of Science is reviewing the security risk of revised design measures right now, and before that risk is fully mitigated, it's premature, I think, premature to appropriate additional funds, especially when funding for FY 2011 and FY 2012 remains unobligated. So this amendment, Mr. Chairman, will put these dollars to better use by promoting our economic growth, and I urge my colleagues to join us in supporting it.

With that, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the gentlelady's amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. This bill already provides robust funding for border security operations. In fact, this year we increase CBP border security inspection and trade facilitation by \$85 million above the President's request.

CBP border security is important, I totally agree, but let me mention that the funding that we've increased supports 21,186 CBP officers and other increases in the National Targeting Center and Global Entry, among other programs and initiatives, to increase efficiency in CBP operations.

CBP's budget faces real challenges. Seventy percent of CBP funds go for pay and benefits, up from 65 percent just last year.

□ 2000

This figure does not include costs associated with supporting frontline officers, such as equipment and facilities, much less new technology.

The committee report outlines opportunities for better managing fee funds and innovating CBP processes. Further, the Secretary has not yet submitted the workload staffing allocation model that will justify any additional CBP officer resources. Given these issues, it is not the time to increase CBP officer staffing.

I will say that it must be noted that the facility that would be cut, we have an immediate need to build up our capacity for research into pathogens that afflict animals and our food chain and, by extension, human beings. The Under

Secretary for the Department for Science and Technology herself testified before our subcommittee that the threat of a biological attack through a large and vulnerable food chain is a top priority. She has confirmed that the NBAF facility is required to meet this threat. So the administration itself has said that this is very important.

I would urge my colleagues to oppose this amendment, and I yield back the balance of my time.

Ms. HAHN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman will suspend. Does the gentlewoman ask unanimous consent to strike the last word?

Mr. HAHN. Yes.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

Mr. ADERHOLT. I object.

The Acting CHAIR. Objection is heard.

Ms. JENKINS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Kansas is recognized for 5 minutes.

Ms. JENKINS. Mr. Chairman, after an exhaustive review, the Department of Homeland Security chose Manhattan, Kansas, as the site for the new BSL-4 National Bio and Agro-Defense Facility. This will be the only such facility capable of researching large animals in the United States. The construction of this cutting-edge facility must move forward quickly so we can safely conduct critical research to develop vaccines and countermeasures in order to protect the public and our livestock from the threats of devastating diseases.

But not only will the NBAF accelerate America's ability to protect ourselves, our food supply, and the ag economy from biological threats; it will also be the world's premier animal health research facility and further solidify our Nation's place as the international leader in animal health.

The NBAF is needed to replace the obsolete and increasingly expensive Plum Island Animal Disease Center. This lab was built in the 1950s and has reached the end of its life. The facility does not contain the necessary biosafety level to meet the NBAF research requirements, and it never will. Any attempts to upgrade Plum Island would cost more than building the NBAF as planned. Currently, we do not have the ability to research the effects of these diseases on large animals at any facility in the United States, nor can we rely on international partners for our own security needs.

The NBAF project has a history of broad-based support. DHS, under both the Bush and Obama administrations, and the House Appropriations Committee under both Democrat and Republican leadership have made it clear

time and time again that our country needs the NBAF, and the best place for the NBAF is in Manhattan, Kansas.

Congress has already appropriated \$90 million, and the State of Kansas and the city of Manhattan have already committed more than \$200 million towards this project.

In this age of uncertainty and global threats, conducting vital research to protect our Nation could not be more crucial. We cannot just wish away these threats or rely on others for our own security. And the truth of the matter is we are dangerously under-protected from the threat of a biological attack against our people and our food.

While the gentlelady's amendment to increase salaries for the Custom and Border Patrol has merit, it shouldn't be done by cutting 29 percent of the funding for construction of this important lab. The result of this amendment will be stopping or delaying construction of this nationally important NBAF facility, and our Nation's food supply cannot afford another delay.

We need to protect our food and our families from danger. We need to stay on the cutting edge of this research field. Our security is at risk, and delaying this project further should not be an option. We need NBAF.

I urge my colleagues to vote against this destructive amendment, and I yield back the balance of my time.

Mr. POMPEO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, just as Congresswoman JENKINS opposed this amendment, I urge my colleagues to vote against this amendment as well.

The facility at NBAF is a facility that is not just about Kansas. It's important that it's in Kansas. I'm happy that Kansas went through an incredible competition against businesses all across the State and facilities all across the country to make sure that we had the best facility, the facility that was right not for Kansas, but right for America. After that competition, Manhattan, Kansas, was chosen for the site of the National Bio and Agro-Defense Facility, and now Kansas and the United States have already invested heavily in this facility. It's a facility that creates a biosafety lab level four. It's like no other asset, no other national security asset in America. It's incredibly important. It's important for our food supply and safety for human health.

It's not a partisan issue. It was supported by both the Bush and Obama administrations and was passed through both a Republican- and a Democrat-controlled Congress. So there's no partisan nature to what's going on at the National Bio and Agro-Defense Facility. It's simply about national security.

There have now been multiple reports and commissions indicating that this kind of threat is one of the most imminent threats to our Nation's entire homeland security. It's been for that reason that DHS has been very supportive of NBAF and NBAF being built in Kansas.

The State is uniquely qualified. It has exactly the right kind of scientific experts and precisely the expertise to be applied immediately and for the facility to be built in a way that it can operate safely.

We've got to protect animals and people from disease and make sure that when we do that our communities are safe and secure. This is a challenge that our country is ready and able to undertake at the facility in Kansas.

I urge my colleagues to reject this effort to delay this critical development essential to the health and safety of our food supply, and ultimately the safety of the American people.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. HAHN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HAHN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, \$700,242,000 to remain available until September 30, 2015, of which not less than \$138,794,000 shall be for the development of the Automated Commercial Environment.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, \$327,099,000, to remain available until September 30, 2015.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 14, after the dollar amount, insert "(reduced by \$3,000,000)".

Page 10, line 5, after the dollar amount, insert "(increased by \$624,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Chairman, the Border Patrol does a great job when they are allowed to do a great job. Unfortunately, one of the ironies we have is there are certain areas of access into this country by those who are illegal that seem to be an area of choice, especially of the drug cartels and the human traffickers. There is

also an unusual correlation between these areas of access and Federal property which has been designated as wilderness area or endangered species habitat. In fact, in the last year's figures that I have, over half of the illegal entries into this country went through one sector in Arizona. Only a portion of the State of Arizona is 80 percent federally controlled, much of that in wilderness area and endangered species habitat.

Ironically, the Border Patrol is restricted in these areas from the way they can enforce their purpose of patrolling the border. I find that one of the things that's very strange is the Border Patrol, on private property, has almost unlimited ability to do their job in enforcing border security.

□ 2010

It's only on Federal property that the Federal Border Patrol is restricted on how it fulfills its Federal purpose.

Fortunately, the drug cartels and the human trafficking, they don't necessarily care about that restriction. They, for some reason, don't necessarily respect the environmental laws that we have, and the destruction to our environment is caused by them. The trampling of those sensitive areas, pictures of endangered cacti that have been cut down and used by the drug cartels as blockades on the roads, the amount of trash that is left behind is not only destroying the environment, but also an amazingly expensive effort to try and clean it up. I have often flip-flopped said that the drug cartel would rather eat an endangered species than protect it.

Nonetheless, the Border Patrol is required to pay for environmental mitigation damages. Since 2007, the Department of Homeland Security has used the money we think we are appropriating to Homeland Security, to the amount of \$7 million, to go to the Department of the Interior for this proposed mitigation of environmental damages.

Let me give you a couple of examples of what this has bought us in the past. At the Arizona border they had to reposition their surveillance towers, which, of course, did lead to some security gaps in those areas, but it also caused a problem with the lesser long-nosed bat, which has the nasty habit in evenings of flying into the towers.

So one of the mitigations that was insisted upon by the Department of the Interior is that the Border Patrol had to pay for a bat patrol, costing thousands of dollars, to monitor and track a bat who may, indeed, sometimes fly into a tower.

On the Sonoran pronghorn sheep, over \$5 million has been paid in the last decade for the Border Patrol to create another Sonoran pronghorn herd, and to make sure that they have people there to monitor, feed, and

avoid the pronghorn. And if they ever come across it, they have to stand really, really still.

Even though this provision has been revoked in recent years, at times some of this money was used by the Department of the Interior to buy land that had nothing to do with border security whatsoever.

My amendment, therefore, takes what is in this proposal, \$3 million that has been earmarked for environmental mitigation, and moves it to a more legitimate and deserving use of that activity by taking it to the Air and Marine Interdiction Account to provide money for the Border Patrol to recapitalize their aging fleet.

Almost half of all the airplanes that the Border Patrol has are 33 years or older. This has impeded their operational readiness. These obsolete planes that they have make it unable for them to assist in properly securing the border. GAO, in its report, said in 2010 only 73 percent of the over 38,000 requests for air support could be granted simply because the fleet was aging at that particular time.

What it's simply trying to do here is a very simple concept. The better the Border Patrol is at controlling the border, the better the environment will be on the border. It's not the Border Patrol that causes environmental havoc; it is the drugs cartels and the human traffickers coming across. To take this money, which would go to mitigation, and put it where it is desperately needed, to try and help the infrastructure so the Border Patrol can better do their job, simply means we'll actually have a better environment by doing it.

It's the right thing to do. It would be an appropriate and intelligent thing for us to put the money where it would do the most good, in giving the Border Patrol the infrastructure they need to do their jobs along our borders, both in the North and in the South.

I urge adoption of this amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in support of this amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. The funds are included in support of border security, albeit to facilitate only the most necessary environmental mitigation activities directly related to border security construction, operation, and maintenance. However, I do understand the gentleman's position and concerns and, for that reason, we accept the amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this

amendment, which would eliminate \$3 million funding for environmental mitigation in our border security efforts, and add that money to air and marine assets, which is already greatly, greatly increased in this bill.

First a bit of context. Since 2006, this subcommittee has increased funding for border security by over \$2 billion annually. We invested well over \$1 billion for fencing and other tactical infrastructure alone during that period.

Responding to concerns about possible environmental problems associated with such a massive construction undertaking, much of which has taken place on environmentally sensitive lands, Congress provided very modest amounts to mitigate these potential environmental consequences.

Now, as a government, we have many responsibilities and priorities, and these include both securing our borders and protecting our natural and cultural resources. The sort of inter-agency agreement that Homeland Security and Interior have entered into for environmental mitigation is what we should be encouraging and supporting, especially because this arrangement is explicit, in that Interior cannot take any action that CBP does not first agree to.

So we've got to keep that commitment to protecting and preserving our environment. We have to maintain that commitment. And I urge colleagues to defeat this amendment.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Chairman, the Bishop amendment strikes environmental mitigation funding that has no place in this bill. This is a Homeland Security bill. We spend this money to protect the homeland and secure our borders. These are some of the most important responsibilities we have as a Congress under our Constitution.

But this money won't go to border security. This money will go to pay off Federal agencies just so the Border Patrol can access public lands.

Our Border Patrol is locked out of huge swaths of public lands along our border unless they fork over tax dollars for environmental mitigation. So we, the Congress, under the auspices of border security, are spending the people's hard-earned money on a slush fund for land managers.

Just to name a few examples, agencies have demanded this money to monitor bats, to monitor pronghorn antelope—my State of Wyoming has three times more antelope than people—and in one case, to protect the endangered ocelot, which hasn't even been seen in the area for 20 years.

This is madness. If you want to protect the species and ecosystems along

the border, then secure the border. Rampant border crossings across wilderness do more damage than our Border Patrol ever could.

We need to eliminate restrictions on the Border Patrol's access to Federal land, not enable them. If you want to stop this extortion of border security dollars, vote for the Bishop amendment. This puts money toward air and marine interdiction.

And if you want environmental mitigation, put it in the Interior bill where it belongs, and where Congress can keep track of where the money goes, and where land managers have to justify it.

Let our Border Patrol do its job. Vote for the Bishop amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

The Clerk will read.

The Clerk read as follows:

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$518,469,000, to remain available until September 30, 2015: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2013 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on any changes to the 5-year strategic plan for the air and marine program required under this heading in Public Law 112-74.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities,

and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, \$252,567,000, to remain available until September 30, 2017: *Provided*, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget proposal is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, an inventory of the real property of U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2014.

IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,236,331,000; of which not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$12,750 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than \$68,321,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That not less than \$10,000,000 shall be available for investigation of intellectual property rights violations, including the National Intellectual Property Rights Coordination Center: *Provided further*, That not less than \$134,626,000 shall be for worksite enforcement investigations, audits, and activities: *Provided further*, That of the total amount available, not less than \$1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which \$138,249,000 shall be for completion of Secure Communities deployment: *Provided further*, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the

preceding proviso and the funds obligated during that quarter to make such progress: *Provided further*, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2013: *Provided further*, That of the total amount provided, not less than \$2,749,840,000 is for detention and removal operations, including transportation of unaccompanied minor aliens, of which not less than \$91,460,000 shall be for alternatives to detention: *Provided further*, That of the total amount provided, \$10,300,000 shall remain available until September 30, 2014, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AMENDMENT OFFERED BY MS. LORETTA
SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 21, after the dollar amount, insert "(reduced by \$40,000,000) (increased by \$40,000,000)".

Page 13, line 24, after the dollar amount, insert "(reduced by \$40,000,000)".

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, my amendment is simple. Let us combat human trafficking and child exploitation.

□ 2020

My amendment would take \$40 million from the Detention and Removal Operations and transfer those funds to the Office of Investigations to support antichild exploitation and trafficking initiatives.

ICE is one of the key global partners aimed at dismantling criminal infrastructures engaged in child exploitation. These special agents are in many countries throughout the world and in the United States, and I have had the opportunity to meet with them overseas where child exploitation is rampant, such as in Thailand and Cambodia.

That is why I would like to increase the funding to combat child exploitation, and I am requesting \$40 million be transferred to them. The funds are coming from an account that is \$70 million over the President's budget. I didn't even take all of that excess. I'm just asking for \$40 million, leaving roughly \$30 million over the President's budget in ICE Detention and Removal Operations.

With women and girls accounting for over 80 percent of the people trafficked throughout the world, including within the United States, this issue is something that is very close to my heart, and I have been a vocal advocate to stop and combat sex exploitation trafficking.

My district represents the largest Vietnamese population in the world outside of Vietnam. The fact is that most of the human trafficking victims originate from Asia. I have a responsibility to the people I represent to seek out ways to ensure that ICE can combat child exploitation globally since it impacts us locally. In fact, in Cambodia, brothel owners pay traffickers anywhere from \$350 to \$450 for each attractive Vietnamese virgin 16 years or younger. Nonvirgins and those considered less beautiful are trafficked for about \$150 apiece.

I am asking the chairman to join me in this outrage that these things still happen in our modern world, and more often than not, they occur in our own districts here in the United States. The only way to eradicate child exploitation is to stand together to protect every child's right to be free from victimization. We can all work towards eliminating child exploitation by ensuring that we have people who combat this and by putting this money into this account. We need to give those people on the front line the tools to stop this. I thank the chairman for the time, and I ask him to support my amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. The concern is that the amendment seeks to gut detention operations just as the administration has tried to do; whereas, this bill holds the administration's feet to the fire and provides the resources to force them to actually enforce the law. The committee recommends \$2.75 billion for ICE Detention and Removal Operations, \$71 million above the request to sustain a minimum of 34,000 detention beds. Detention beds are a necessary resource to support robust immigration enforcement.

Make no mistake. There is a need for these resources. First, by the administration's own estimate, there are at

least 1.9 million removable criminal aliens in the United States. There is the general acknowledgment of an illegal alien population of approximately 11 million. With the expansion of Secure Communities and ICE's prior utilization, there is no doubt they need at least 34,000 beds. Despite the fact that Congress has funded every request that ICE has provided for bed spaces, we have gotten excuses that they do not have the resources needed. Now the resources are being provided, and the committee insists that ICE intensify its enforcement efforts and fully utilize these resources.

Let me say that countering child exploitation is a critical effort in this bill for which we already have provided increases for ICE and Secret Service activities. The Wasserman Schultz amendment, which will be brought up shortly, provides an additional 25 percent to the child exploitation center. We have been working with Congresswoman WASSERMAN SCHULTZ on this amendment. We are accepting that 25 percent increase for the child exploitation center, so I would urge my colleagues to oppose this amendment.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of my colleague's amendment, that of the Congresswoman from California, Ms. SANCHEZ.

I think it is a well-designed amendment both in its positive purpose and in the offsets that she has chosen. She proposes that we increase ICE funding for child exploitation, and that is a worthy cause that we do need to fund more generously than is present in the bill as brought to the floor.

Each year, millions of children fall victim to sexual predators. These young victims are left with permanent psychological and physical and emotional scars. Immigration and Customs Enforcement, ICE, targets and investigates child pornographers, child sex tourists and facilitators, the human smugglers and traffickers of minors, criminal aliens convicted of offenses against minors, and those deported for child exploitation offenses who have returned illegally. ICE is at the forefront of these activities and can make good use of the funding that our colleague proposes, so I commend her for bringing this issue to our attention and for putting this amendment before us.

The offsets are particularly well chosen. As I said as we began the debate on this bill, this bill contains some ill-advised funding floors, some mandatory spending that is rigid and is wasteful: an increased minimum of detention beds, for example, and the required floor funding for the 287(g) pro-

gram, a program that is very problematic and that really needs to be transitioned, in my view, to the Secure Communities Program, which maintains the Federal and local roles much more distinctly. These are offsets that we can afford and offsets that, in fact, would improve the bill, and only rarely can one say that about offsets in these debates.

So I commend the gentlelady for her amendment, and I urge its adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

Mr. FORTENBERRY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Chairman, I wish to enter into a colloquy with the gentleman from Alabama, Chairman ADERHOLT.

First, I want to commend his leadership on this appropriations bill concerning the security screenings of children by the Transportation Security Administration. The TSA should absolutely have particular sensitivity in the screening process of children and should minimize children's distress and discomfort. I am very thankful to the gentleman for raising this issue in the manager's amendment and for recognizing this need.

But as this process moves forward, I would encourage the chairman to stress the importance of this same sensitivity to the elderly and the infirm. We have all seen too many images in high-profile news stories about the mistreatment of the elderly and the infirm as well as of passengers with religious or conscience objections. No good American should be forced to check his modesty at the airport door—maybe his luggage but not his modesty.

I also appreciate the fact that the report encourages various alternative screening models that would better preserve the civil liberties and privacy of all passengers by moving toward a more risk-based approach, using intelligence more than relying on technology. I encourage the chairman to continue moving TSA along this path.

□ 2030

Would the chairman be willing to work with me on these issues for the benefit of America's airline passengers?

Mr. ADERHOLT. Will the gentleman yield?

Mr. FORTENBERRY. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I thank the gentleman for his support of the House report language on sensitivity for child passenger screenings, and it is certainly reasonable to include other vulnerable individuals like the elderly and the infirm.

I will work with the gentleman going forward on these matters, and thank him for bringing the challenges of screening these other individuals to the floor. I look forward to working with him on this matter.

Mr. FORTENBERRY. I thank the gentleman from Alabama again for his leadership on the overall appropriations bill here and for his particular sensitivity to this issue.

With that, Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, first let me just say how much I appreciate the opportunity to work with the chairman, and I appreciate his work both when we worked together in the leadership of the legislative branch appropriations subcommittee and also to express appreciation for his commitment to increasing the amount of funds available to pursue child exploitation in this bill, and for your commitment in protecting children. Both of us being parents of 8- and 13-year-olds, I have a particular appreciation for this.

I rise to ask for my colleagues' support for an amendment to protect what we've been talking about here this evening, our most vulnerable constituents, our children.

My amendment would fence off \$20 million in funds through ICE, Homeland Security Investigations, Cyber Crimes Center, for the purposes of child exploitation prevention and interdiction.

There is no question that our children need our support now more than ever. With the proliferation of the Internet and wireless technology, the spread of child pornography on line must be addressed aggressively now. We don't have a moment or an opportunity to waste.

The Department of Justice estimates that at any moment, there are more than 1 million pornographic images of children on the Internet, with an additional 200 images being posted every day. And more than one-third of the world's pedophiles involved in organized pornography rings worldwide live in the United States.

The Internet allows these images to be disseminated indefinitely, victimizing that child victim again and again with each click of the mouse. Because let's not forget that these are not just heinous images—they are crime scene photos. Every face in those photographs is the face of a child who needs our support in order to escape a living hell of constant abuse and exploitation.

Since the 1970s, before we even had a child pornography statute, ICE, which was then called the U.S. Customs Service, was the leader in the fight to protect our children. That is still true today. As recently as 2009, ICE was responsible for 52 percent of cases prosecuted for receipt or distribution of child pornography and 90 percent of cases prosecuted for child sex tourism.

This is in addition to hundreds of arrests every year and thousands of children rescued to date. Their efforts are second to none, and I know they will put these resources to good use. But for every child rescued, hundreds more remain trapped in a current of abuse, the horrors of which none of us can truly imagine. And we need the absolute best personnel going into the fight to rescue these children.

That's why it's my hope that some of these funds will be used to employ our wounded warriors, in addition to the experienced agents already fighting these battles. Our armed services have already protected us abroad, so naturally our veterans are a perfect choice to protect our most precious resources here at home. In fact, retired Army Master Sergeant Rich Robertson is already fighting child exploitation at the ICE field office in Tennessee. In his words, "Who better to hunt child predators than someone who's already hunted men?"

I'm enthusiastic about this initiative because I know that the immense skills and motivation returning servicemen and -women possess could be the key to our most successful affront on child exploitation yet. Child predators won't stand a chance.

By harnessing the abilities of our wounded warriors, we not only ensure that their skills, dedication, and drive are put to good use back at home, we give them the most dignified thank you of all, a job that truly makes a difference.

So let me be clear: With the passage of this amendment, we would be putting predators on notice. Their reign of terror is coming to an end. You can bet on it. I urge all of my colleagues to join me in committing to fight until every American child can live free from terror and exploitation, and support this important amendment, which, Mr. Chairman, I have at the desk, which I should have started with. So thank you very much.

I want to also add, Mr. Chairman, that I support my colleague from California's amendment to increase the

funds available to ICE for the purpose of fighting child exploitation by reducing the funds available for immigration detention and removal operations, which in this bill is unnecessarily increased above the President's request.

I thank the chairman and my colleagues' indulgence for doing this backwards.

Mr. ADERHOLT. Will the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I yield to the gentleman from Alabama.

The Acting CHAIR. The gentlewoman will suspend.

The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 21, after the dollar amount, insert "(reduced by \$20,000,000) (increased by \$20,000,000)".

Ms. WASSERMAN SCHULTZ. Now that the amendment is formally before us, I yield to the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, we would gladly accept the gentlelady's amendment.

Ms. WASSERMAN SCHULTZ. I thank the gentleman, and I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Chairman, I support the amendment offered by my colleague from Florida.

Each year, millions of children fall victim to sexual predators. These young victims are left with permanent psychological, physical, and emotional scars.

Immigration and Customs Enforcement, also known as ICE, targets and investigates child pornographers, child-sex tourists and facilitators, human smugglers and traffickers of minors, criminal aliens convicted of offenses against minors, and those deported for child exploitation offenses who have returned illegally.

The Child Exploitation Center is at the forefront of these investigations. Unfortunately, funding for ICE's Child Exploitation Center has decreased over the past 2 years from \$16.7 million in 2011 to a proposed \$14.7 million in 2013. This amendment bolsters funds for this center by a modest amount, bringing total funding to \$20 million, restoring the budget cuts and providing a small additional amount to make additional headway on ending these heinous crimes.

I appreciate the gentlelady bringing this issue to our attention, and I support the adoption of this amendment. These dollars will be well spent safeguarding our children worldwide.

I appreciate the chairman accepting the amendment, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chair, I am pleased to support an amendment by my dear

colleague and friend, Representative DEBBIE WASSERMAN SCHULTZ, to increase the current level of funding to \$20 million for the U.S. Immigration and Customs Enforcement, ICE budget for the purpose of investigating child exploitation.

The U.S. Immigration and Customs Enforcement Agency has played a key role in stopping child pornography from entering our country since the 1970's. With today's technology, abusers across the world can instantly trade and share lewd material of children with the greatest ease, unless we do something to stop it. Additionally, ICE is ramping up its efforts to stop traveling child sex offenders who enter and exit this country preying on innocent children. ICE's efforts are leading the way identifying and investigating these criminals and rescuing their victims.

Mr. Chair, this is a modest funding increase with the most important of purposes, protecting the world's most vulnerable citizens, the children. I wholeheartedly support this amendment, and urge my colleagues to do so as well.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. CARTER. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Texas to talk about an important immigration enforcement program.

Mr. CARTER. I thank the chair for yielding to me.

I would like to bring to the attention of my colleagues the recent change made by the Department of Justice to the State Criminal Alien Assistance Program, also known as SCAAP.

While this program is under the jurisdiction of the DOJ, it is a consequence of the Federal Government's failure to secure our borders, which is why I bring it up during this debate.

SCAAP reimburses States and counties for part of the cost of incarcerating undocumented criminal aliens. I want to emphasize that this program does not come close to fully reimbursing our States or our counties for the full cost of incarcerating these individuals.

Recently, DOJ announced that they will offer no reimbursement for what they consider to be unknown documented aliens. Being an unknown documented alien simply means that DHS has no information on that individual, a designation that would apply to a majority of the illegal aliens in this country. For example, when the sheriff in my home county picks up someone for aggravated assault and, in accordance with the Secure Communities Checks, the Federal database, if this person has never been processed by

DHS, they will be considered unknown documented aliens and therefore ineligible to be reimbursed for any part of the cost of the incarceration under this new rule.

I would like to point out this change disproportionately affects counties over States, both of which are eligible for reimbursement under SCAAP.

□ 2040

The county jail is the first point of contact with the criminal justice system for many illegal aliens, so there is no background on the individual. These inmates are also typically held for a shorter period of time, making it difficult for them to be processed by the Federal Government before they are transferred to a State institution after they are convicted. This change has much less impact on the States as they typically hold inmates for a much longer period of time, giving them plenty of opportunity to be processed by ICE agents who are typically located at the State prisons, a luxury the counties do not have.

If these changes were implemented in 2010, Williamson County, my home county, would have received \$90,000 less than their full payment for that year, which is only about \$150,000, and which is only a small portion of the overall cost of incarcerating these individuals. That's a lot of money for a moderately sized county in Texas. The impact on larger counties would be much greater.

I do not think that our counties should be punished for the Federal Government's failure to secure our borders and process undocumented aliens in an acceptable timeframe.

Now, I would like to commend Chairman ADERHOLT for prioritizing the frontline operations by funding Border Patrol agents and CBP agents at the highest levels in history. I would like to propose to the chairman that we work together with these Agencies to find a solution to this problem.

In the meantime, I will be writing a letter to the Justice Department, along with my friend and colleague, Congressman HONDA of California, to ask the Department to delay this change while we work to find a solution that will not punish our counties for the failures of the Federal Government.

Mr. ADERHOLT. Mr. Chairman, reclaiming my time, I share the concerns that have been raised by the gentleman from Texas this evening. The Department of Homeland Security needs the support of States and counties in border security, and SCAAP is an important tool to facilitate that support.

I look forward to working with the gentleman to ensure that the Department of Homeland Security and the Department of Justice find the right solution. I know that my other distinguished colleague on the Appropriations Committee from the State of Virginia has views on this program within his jurisdiction.

I yield back the balance of my time. Mr. WOLF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, as chairman of the Commerce, Justice and Science Subcommittee, I am very sympathetic to the concerns raised by the gentleman from Texas.

I understand that last year DOJ notified prospective FY11 SCAAP applicants of this coming change and encouraged jurisdictions to work closely with DHS to increase inmate alien status verification. I did not hear of any concerns with this new requirement during the consideration of CJS appropriations for FY12 or 13, but I would be pleased to work with you, as well as the Department of Justice and the Department of Homeland Security, to help ensure that the SCAAP reimbursement methodology is equitable for all types of jurisdictions and maximizes the verification of status for individual aliens.

With that, I yield back the balance of my time.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. As a member of the Subcommittee on Commerce, Justice, Science, I would like to thank our chairman, Mr. WOLF, Chairman ADERHOLT and my friend, Judge CARTER, for speaking on this important issue today.

The State Criminal Alien Assistance Program, SCAAP, is a bipartisan issue and a bipartisan effort to address it.

California jurisdictions already receive 10 percent of the total cost of reimbursement because of the drastic cuts this program has received over the past few years. The recent funding solicitation change that would stop reimbursements for all "unknowns" by the Department of Justice has the potential to worsen the situation. It will devastate county budgets at a time when they are already feeling the pinch of State and Federal cuts.

As a former member of the Santa Clara County Board of Supervisors, I know firsthand how terrible the impact of this change will be on our counties. It is undisputed that the vast majority of the undocumented immigrants residing in the U.S. are unknown to the Federal Government.

Therefore, the unilateral decision by DOJ to only provide SCAAP funds for those criminal undocumented that are known to the Federal Government is deeply troubling and is a back-door attempt to kill the SCAAP program.

As my friend, Judge CARTER, has noted, counties in particular will be hit by this change the hardest because of the inability for ICE agents to be

present at all times to process unknowns in county jails. In State jails, prisoners are held longer and ICE agents are on staff, so there is ample time and opportunity for unknowns to be processed in the system.

If the Department would like to make this change, it has to provide clear, timely, and accessible methods to the counties to process unknowns properly, something which they clearly do not have now.

I look forward to working with the appropriate Agencies and subcommittees to ensure that we can find an equitable solution to this issue. I appreciate both Chairman WOLF and Chairman ADERHOLT's time on this.

Until then, however, I will be writing a letter with my good friend, Judge CARTER, to the Department of Justice to delay this change until the appropriate time.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 21, after the dollar amount insert "(reduced by \$10,000,000)".

Page 12, line 7, after the dollar amount insert "(reduced by \$10,000,000)".

Page 37, line 18, after the dollar amount insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. Mr. Chairman, this amendment would add \$10 million to FEMA's State and local grant programs. This will be an additional \$10 million that our State governments and our local units of government could have available to them to better protect their citizens in the case of an emergency and also to respond more effectively to such a disaster.

This money can go to high-risk urban areas such as metro Detroit that really need the resources. It can also go to better protect and secure our ports, which would also benefit regions like metropolitan Detroit.

Again, the reason why I come to this Congress, to this budget and ask for these additional resources is because in the past this Congress failed to properly oversee the housing market, which resulted in a crisis that dramatically reduced property values all around this country and, most tragically, reduced the revenues available to States and localities to fund these important services.

That's why I'm asking this Congress, this House, to amend this budget to provide an additional \$10 million to our States and local units of government so they can better protect our citizens in case of an emergency.

I look for your support.

I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. This amendment seeks to cut critical funds for enforcing our Nation's immigration laws. Those laws are important to be enforced.

I urge my colleagues to oppose this amendment. I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the gentleman's amendment.

It adds \$10 million to FEMA, State and local grants. As we have said many times this evening, these are grant programs that have been cut severely in recent years. While this year's bill improves on that, we certainly can use more funding in this area, and the gentleman has figured out a way to do it. He has come up with an offset that actually improves the bill.

The proposed offset is to the troubled 287(g) program, reduces it by \$10 million, moving it closer to the administration's request.

□ 2050

Mr. Chairman, three Inspector General audits have found serious flaws with this program and ICE has had to terminate some 287(g) agreements because of racial profiling and other abuses. We have no business funding this program at levels above the request, much less having a mandatory funding level, which is included in this bill.

So the gentleman has come up with an amendment that adds needed grant funding and improves the bill and its offset. I urge its adoption, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CLARKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CLARKE of Michigan. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 21, after the dollar amount, insert "(reduced by \$501,331,000)".

Page 99, line 17, after the dollar amount, insert "(increased by \$501,331,000)".

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. My amendment would bring down funding for ICE to fiscal

year 2008 levels. I know that this is a time when it's critical to balance our budget and to cut government spending, and here's an example of a line item where we simply can't afford to continue to reward failure. This bill is a great place to start in making sure that we have a sound policy for our country. We can't afford to continue wasting billions of dollars of hard-earned taxpayer money to fund an Agency that, frankly, isn't producing results.

This bill proposed to appropriate billions of dollars to ICE to enforce our broken immigration laws. That means they spend this money to continue deporting hardworking immigrants, separating families, and kicking out students who have lived in this country their entire lives, all at taxpayer expense.

How much does this cost the American taxpayer? ICE itself has said that each deportation costs \$12,500. Outside estimates actually put the number higher—around \$23,000. In fact, it costs an average of \$112 a night just to detain illegal immigrants. That's right. This country is putting illegal immigrants up, effectively, at hotels. We might as well put them up at a bargain hotel. Let's find a \$49 room rather than spending \$112 a night to feed and house illegal immigrants every night. My amendment will not end that practice, but it will take it back to 2008 levels.

We simply can't deport our way out of our current immigration problems. One study estimates it would cost \$285 billion to deport all the illegal immigrants in the country, not to mention the devastating impact on the economy that that would have.

We need to replace our broken immigration system with one that works. Simply throwing good money after bad at a failed Agency like ICE, which has not stopped illegal immigration, is simply a recipe for continued disaster.

In addition, ICE is responsible for shutting down Web sites. Frequently, they have taken down legitimate Web sites without any due process of the law. The story of the music blog *dajazz1* should be a warning to all of us that we need to take a closer look at these efforts. This site was seized by ICE for over a year without any explanation or due process. When the government finally returned control of the site to its owners, they couldn't even explain why they took control of the Internet site. Imagine if the government had seized a printing press or magazine or a newspaper. We would be outraged on the left and on the right. Why is this any different? Seizing a Web site without any due process of the law is contrary to the principles enshrined in our Constitution, is un-American, and violates our freedom of speech.

Now make no mistake: even if my amendment passes, the bill would still

appropriate far too much for a failed agency. It still would appropriate billions of dollars. And I would still oppose that appropriation. But at least let's return that appropriation to 2008 levels to stop putting illegal immigrants up at hotels, stop closing down Web sites that are free press, stop funding enormous amounts of taxpayer money not solving our immigration problem.

It's more important than ever that we balance our budget and end the deficit. We can start that by reducing wasteful government spending instead of increasing wasteful government spending. ICE has failed to stop illegal immigration. Let's not reward failure. ICE has shut down Web sites without any due process. Let's not reward failure.

Obviously, there are Members on both sides of the aisle, myself included, that want to address our broken immigration system, and we should have a country that has zero illegal immigrants—not 10 million, not 12 million, not 15 million. Frankly, the less ICE does, the more likely we can eliminate illegal immigration in this country, because all they do is contribute to it. And my bill will at least reduce their funding to 2008 levels. I think it's a commonsense amendment. Anybody who opposes this amendment is effectively rewarding the continued failure of one of the most poorly performing government Agencies.

I urge my colleagues to vote for my amendment, and I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, this amendment slashes immigration enforcement and will result in laying off many, many ICE agents and potentially releasing dangerous criminal aliens from custody.

Now, the gentleman's argument is interesting. His argument seems to be that if you fire the enforcing officers and legalize the criminals, you're not going to have a problem. Well, I'm sorry, Mr. Chairman, but that's not the way it operates. When you break the law, you have to face the consequences. And we need the enforcement officers to go out and assist us enforcing the law.

Whether or not the immigration law is broken—I happen to agree that it is broken. We might not necessarily agree on how to fix it, but I agree that it is broken. Because I agree we have porous borders. But I believe the ICE people are doing the very best they can. Quite honestly, I'm shocked that the solution to a criminal problem is fire the law enforcement officers. And that's not good policy under anybody's thinking.

Supposedly, those who object are not thinking straight. Well, I would argue

the contrary is the case in this particular argument.

I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment. It cuts ICE salaries and expenses by over \$500 million and puts all of that spending in the Spending Reduction Account.

There's some ironies in this amendment. It would actually hinder our efforts to move away from the flawed 287(g) program. It would hinder nationwide deployment of the much more conceptually sound Secure Communities effort. It would greatly reduce funding for alternatives to detention, where we very much need to go. It would lay off thousands of ICE personnel. And what do these personnel do? We've hired them to fight the drug trade, to fight human trafficking, to fight violence along the Southwest border.

I urge defeat of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. I would like to thank the chairman, the ranking member, and members of the subcommittee for recognizing the importance of supporting a path for legal immigrants to become citizens. The United States has a special interest in and draws unique benefits from extending citizenship to immigrants who have met legal residence, character, English, and civics knowledge requirements. I appreciate the chairman's willingness to encourage U.S. Citizenship and Immigration Services to keep the naturalization application fee affordable so that we don't prevent legal immigrants from pursuing citizenship simply because they cannot afford it. But I am concerned that the way the bill approaches funding for immigrant integration grant programs could undermine this effort to keep fees affordable.

□ 2100

Integrating immigrants strengthens their commitment to the United States and makes us a stronger and more prosperous democracy. Integration grants have proven to be a cost-effective means of encouraging immigrants to integrate. It is unfair that the cost and limited availability of citizenship education and legal assistance is the

reason that many of the more than 8 million legal and taxpaying permanent residents are unable to naturalize, despite their eligibility to do so.

This bill only allows funding of immigrant integration programs through fees collected, departing from past practice of providing discretionary funding to support the program. This approach will require fee hikes that push naturalization further out of the reach of people who already struggle to pay costs of up to thousands of dollars for the current application, attorneys' fees, required document collection and preparation for the naturalization examination, defeating the subcommittee's own stated goal of keeping fees affordable.

The future viability of the immigrant integration grant program may depend on Congress's willingness to reinstate discretionary funding to support it, as the Senate has proposed to do in its version of the bill. I support the Senate's approach to provide direct discretionary funding in the amount of \$5 million, regardless of the funds deposited into the immigration examination fee account, and I hope that as we move forward to conference with the Senate, we can adopt that approach.

It is in this country's interest to support our future U.S. citizens, and so it is in all of our interest to get support for immigrant integration grants right.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$232,006,000, to remain available until September 30, 2015: *Provided*, That, subject to section 503 of this Act, the Secretary of Homeland Security may transfer up to \$5,000,000 to the Office of Biometric Identity Management to support the transition of the Arrival and Departure System: *Provided further*, That amounts transferred pursuant to the preceding provision shall remain available until September 30, 2014.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$5,450,000, to remain available until September 30, 2016.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,041,230,000, to remain available until September 30, 2014, of which not to exceed \$8,500 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed \$3,969,569,000 shall be for screening operations, of which \$409,000,000 shall be available for explosives detection systems; \$120,239,000 shall be for checkpoint support; and not to exceed \$1,071,661,000 shall be for aviation se-

curity direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, \$100,000,000 shall be available for the purchase and installation of these systems, of which not less than 9 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2013 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$2,971,230,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2014: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2013, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title: *Provided further*, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: *Provided further*, That the preceding proviso shall not apply to personnel hired as part-time employees: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the

Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk. The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 23, after the dollar amount insert "(reduced to \$0)".

Page 99, line 17, after the dollar amount insert "(increased by \$5,041,230,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment would completely eliminate funding for the Transportation Security Administration, TSA, and transfer that money into the deficit reduction account, saving taxpayers more than \$5 billion.

The fact of the matter is very simple: TSA is not doing the job that it was created to do 10 years ago.

Originally, Congress intended for TSA to be an efficient, cutting-edge, intelligence-based agency responsible for protecting our airports and keeping passengers safe and secure. Today it has grown into one of the largest bureaucracies, bigger than the Departments of Labor, Energy, Education, Housing and Urban Development, and State all combined—larger than all of those. They've had a 400 percent increase in staff over the past 10 years. A good portion of that has gone to headquarters employees making six figures on average.

What's worse is that American passengers aren't getting a good return on the nearly \$60 billion that they've invested and spent on TSA. Reports indicate that more than 25,000 security breaches have occurred at U.S. airports since 2001. Plus, we have evidence today that terrorists that are on the no-fly list have been still able to fly successfully aboard U.S. aircraft.

On top of this startling information, we've all seen the recent news headlines detailing the lack of professionalism, unreliable training, and even alleged corruption in the TSA ranks. Just about the only thing that TSA is good at is using its extensive power to violate American travelers' civil liberties. The stories range from embarrassing near-strip searches all the way to agents being hired without background checks. This is all evidence that TSA has veered dangerously off course from what it was intended to do.

I've repeatedly asked that we use our resources to focus on intelligence and technologies that can be more effective when it comes to catching terrorists—instead of patting down grandmas and children. I've demanded Administrator Pistole's resignation, and I've called for the privatization of TSA, along with some of my other colleagues here in the House. But we have still yet to

see the necessary changes made to the TSA personnel or procedures that will ensure the safety and security of our airports and passengers.

Mr. Chairman, this amendment to zero out funding for TSA forces Congress and the Department of Homeland Security to start all over again, start from scratch on a better, more effective, more progressive system for protecting our airlines without violating the person and liberties of our citizens.

I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, again, it's never been a solution for failed enforcement to fire all the police officers and get rid of them and then hope it will all work out. Without speaking to the criticisms of the gentleman, the terrorist threat is still real. This is an agency that has that duty and responsibility. To zero them out and lay them all off would not be productive in stopping criminal activity in the United States, and for that reason I oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I, too, rise to oppose this amendment.

Aviation continues to be the main focus for terrorists seeking to do us harm. I would think we all realize that. This amendment would prohibit all of the screening, all of the scanning, all of the protective measures that we have undertaken for our protection. It's indiscriminate, it's excessive, and it should be rejected.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, \$126,418,000, to remain available until September 30, 2014.

Mr. MICA. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman and my colleagues, I had intended to offer an amendment at this stage in the proceedings, but I'm not going to do it at this time because I have received some

cooperation from the Appropriations Committee, and I want to thank Chairman ADERHOLT and the staff and others for including in this DHS bill some reforms of TSA that are long overdue.

The gentleman from Georgia just mentioned that this is an agency that is out of control, and it is important that we as Members of Congress try to get agencies that spin out of control under control, and that's, I think, what we're attempting to do here.

Let me say about this process, this is an incredible process and it's an open process, and so I thank our side of the aisle for allowing Members to have these opportunities.

□ 2110

We were closed off from many opportunities in the past to make these changes that are necessary in reforming agencies like TSA.

Well, let me say what they have done in this bill that is important, and one reason I'm going to support the bill—they need to go a lot further than they've gone, but one reason I'm going to support the bill is they have taken some opportunity to cut some of the administrative overhead.

Listen to this: TSA has grown to 65,000 employees. Of that, there are 14,000 administrative personnel—4,000 in Washington, D.C., not very far from us, 4,000 making on average—and they've got the statistics right here, the staff will give them to you—\$104,000 on average per administrative person. Ten thousand administrative people out in the field. So this bill does reduce—I believe it's by about \$60 million—some of that administrative overhead. That's only the beginning, but at least it's a beginning.

This bill also cuts out programs that have failed, like the Behavior Detection Program. It reduces some of the spending there—another program that doesn't work that we need to cut funds on. It does redirect some money. And I must congratulate the committee for restoring the flight deck officer cuts.

The Obama administration proposed disarming our pilots, 50 percent of that program—volunteer pilots who pay their own way to learn how to arm themselves to protect their aircraft, themselves, and their passengers; one of the most cost-effective programs we had. I guess that would be the way that the Obama administration goes. You want to keep the bureaucracy but do away with cost-effective programs. But thank you, committee members and staff, for restoring that.

So almost every proposal we made from the Transportation Committee for cuts and reassignment of funds have been made here—not to the degree I would like, but at least I will say it's a beginning.

Finally, let me say that we've got to do something to further get this agency under control. Last week, we

learned a little bit about a meltdown in security at one of my Florida airports, Fort Myers. We got some information because we get tips all the time. Everybody tells us what's going on at TSA—except the TSA bureaucrats that are trying to protect their positions. You know, they waited until Friday afternoon and released a one-paragraph statement pooh-poohing what had taken place at Fort Myers and keeping our committee in the dark, trying to keep it from the public and the press and from Congress.

I took the opportunity to let the press and the public know what I knew—which wasn't much. And thank goodness for a free and open press because they went after TSA. We found out Monday morning, along with everyone else, what they had done in not providing accurate information, not telling us it was one of the most serious of meltdowns of TSA personnel. And we've had them before in Newark and Charlotte, we've had them in New York City and others. So this is an agency that's out of control. We need to cut the bureaucracy, as they've begun to do here. We need to realign where the moneys need to be spent.

I have no problem with spending money for security and making certain that terrorists don't take advantage of our most vulnerable Achilles heel in the transportation network, and for the American public, that's aviation. We've seen them go after it again and again. But you need to spend the money where it makes the most sense and does the most as far as true aviation security. Expensive aviation theater security is not the way we're going to go.

I yield back the balance of my time.

Mr. DUNCAN of Tennessee. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Chairman, I had intended to or had considered offering an amendment again this year concerning the Federal Air Marshal Program. I offered an amendment last year to simply keep the Federal air marshals at level funding. They were approaching almost \$1 billion spending each year, and they've been given 10 straight years of increases.

This program, though, was called to my attention by an article that I read in USA Today in which they said that more air marshals had been arrested than had been arrests made by air marshals, and that they were spending approximately \$200 million per arrest each year. I became convinced, because of that report and other reports, that this really was probably one of the most useless, needless agencies in the entire Federal Government. But I offered the amendment knowing that it's almost impossible to cut a law enforce-

ment agency or an agency that can claim it's doing something toward aviation safety and security. So my amendment received a lot more votes than I expected but did not pass.

But at that time, Chairman ROGERS and Ranking Member PRICE assured me that they would look a little more closely at this program, and I feel that they have done so. So I rise to commend them and tell them that I appreciate the fact that they have taken an \$86.5 million cut to this program. That is, frankly, more than I had planned to cut in the amendment that I offered last year.

I want to say that I am a really strong supporter of law enforcement—always have been and always will be—but when you take scarce law enforcement dollars that are especially needed for our local law enforcement people, who are the ones out there fighting the real crime that needs to be fought, then you're depriving the agencies that really need it when you give it to an agency like the Federal Air Marshal Program that is doing almost no good whatsoever for this country. Almost every Member in this Congress flies a couple of times each week; thus, we're doing the same thing that these Federal air marshals are doing. It's one of the softest, easiest jobs in the Federal Government just to fly back and forth, back and forth, back and forth.

So I want to say that I appreciate the fact that Chairman ROGERS and Ranking Member PRICE have agreed to this \$86.5 million cut. I wish it was a lot more, and I still think this agency needs to be eliminated, but I do appreciate the progress that's being made thus far. So I will not offer an amendment this year because I think at least we've started in the right direction on this program.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I ask unanimous consent to consider my amendment at this point in the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 23, after the dollar amount insert "(increased by \$10,000,000) (reduced by \$10,000,000)".

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment to the fiscal year 2013 Homeland Security appropriations bill to increase the funding for the Federal Flight Deck Officer—or the FFDO—program. This amendment is fully offset, costing the taxpayers no additional money. This amendment is also supported by the National Rifle Association.

Mr. Chairman, 9/11 woke us up. The reality is that we live in a very dangerous world with varied and morphing threats. While screening can reduce some threats, terrorists are constantly probing and exploiting our weaknesses. FFDOs, along with Federal air marshals, act as a chief deterrent, but ultimately the last line of defense is the Federal flight deck officer.

Reinforced doors are an important step to slow an attacker and buy time, but ultimately the armed pilot is the last line of defense in someone taking over the aircraft to be used as a weapon of mass destruction. Let me say that again. The last line of defense is not the secured cockpit door, but the armed pilot behind it.

According to estimates by the Air Line Pilots Association, Federal flight deck officers only cost \$15 per flight segment. Currently, FFDOs defend over 100,000 flight segments per month and 1.5 million flight segments per year. Thousands of Federal flight deck officers have been certified for the program, despite a budget that hasn't grown since this program's inception. Federal flight deck officers pay many of the expenses out of their own pockets for the privilege and the honor to defend our country from terrorist attack.

This year, the Obama administration proposed to halve the program, effectively shutting it down. With their proposal of only \$12.5 million in funding, the program would not be able to recertify all of the pilots in the program or even maintain its current management structure, and it certainly would not be able to train any new Federal flight deck officers.

I'm thankful that Chairman ADERHOLT and Ranking Member PRICE have restored the funding levels to the same as they were last year at \$25.5 million, but level funding means that over a thousand pilots who have expressed interest in becoming FFDOs cannot be vetted or trained. Also, at this funding level, the program could only train a limited number of pilots who have been vetted and would take almost 10 years to process the current backlog, to say nothing of future pilots who may volunteer for the program.

□ 2120

With the coming mandatory retirement of many pilots at the age 65 and with the combination of fewer new FFDOs coming online, the program will not provide the same level of deterrence.

I'd like to reiterate that the increased funding for the program will not come at a greater expense to taxpayers, and the increase in this amendment of \$10 million is fully offset.

For only \$15 per flight, Federal flight deck officers provide the most cost-effective aviation security program in existence. As a former Federal flight

deck officer myself, I can personally testify about the sacrifices and expenses pilots undergo to participate in the program. They actually pay to protect and defend the Nation.

I urge my colleagues to support this amendment.

Mr. CARTER. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from Texas.

Mr. CARTER. We accept the amendment.

Mr. CRAVAACK. I thank the gentleman, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment. It increases funding for the Federal Flight Deck Officers program. But the bill already greatly increases this program above the request, 50 percent above the request, returning the program to its 2012 level.

And it's not a harmless offset. On the contrary, aviation management is already cut by \$20 million in this bill, and we can ill afford to cut it further. So this is an unnecessary and unwise trade-off, and I urge rejection of the amendment.

I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HUIZENGA of Michigan. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. I thank the gentleman for yielding.

Mr. Chairman, over 700 pilots have been vetted and not trained; 1,500 pilots have applied for the program but have not yet been vetted. It costs about \$6,000 per pilot to put them through the backlog for check and training. At current funding at \$25.5 million, they're only able to bring about 250 new pilots per year on board, which leaves them in less than a status quo status, probably declining once the age of 65 hits many of the pilots in backlog.

Funding is the bottleneck, rather than the training center capacity. \$10 million would not clear the backlog that currently exists. It would be a good start, though.

The proposal to reduce the funding for screening and maintenance and screener PC&B by \$5 million each, we have strong approval of many organizations for this program, including the Airline Pilots Association.

Mr. Chairman, this is one of the most valuable programs and deterrents that is in the air at the current time. It costs again, once again, \$15 per flight to protect the American traveling public. To me, Mr. Chairman, this is a no-brainer.

Mr. HUIZENGA of Michigan. I would like to commend my friend, my freshman colleague from Minnesota, for offering this amendment, and commend him for his service to our country in the military and then what he's been doing. I think it's a valuable lesson, having been there in that cockpit yourself, dealing with this program. And I support this amendment as well.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk, and I would ask unanimous consent that my amendment be considered out of order.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 23, after the dollar amount, insert "(reduced by \$61,000,000)".

Page 20, line 6, after the dollar amount, insert "(increased by \$50,000,000)".

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I thank the chairman of the subcommittee and the ranking member for their courtesies.

I am the ranking member on the Transportation Security Committee and have had the privilege of serving as the chairperson of that committee. I now work with the chairperson, and I appreciate the opportunity to speak to the issues of our committee as relates to the present appropriations.

I think we can all be reminded of a number of incidents, starting with 9/11 and the attack on the Nation's aviation and the Nation's soul. During that time, we did not have the structure of Federal Air Marshals that we have today.

We can be reminded of the shoe bomber, the Christmas Day bomber, the issue of the pilot that caused a disturbance some weeks and months ago. We know that the idea of aviation security is crucial. In the course of that, we have developed a very important system called the Federal Air Marshal system.

If you would query much of the traveling public, whether domestic or international, they would say yes to more Federal Air Marshals, and I agree. I've offered amendments and legislation to require more Federal Air Marshals on international trips and certainly have encouraged the training and utilization of FAMS on domestic trips.

I have visited their offices. I've sat down and spoken to them. They are committed and dedicated public servants.

My amendment will restore the Federal Air Marshals, FAMS, budget by \$50 million.

As you're aware, FAMS is an integral program to the homeland security mission. I believe that this recommendation takes into consideration the crucial operational challenges FAMS will face as a result of a reduction.

The FAMS risk-based concept of operations, CONOPS, outlines the two constraints that impact its optimal allocation of flight coverage:

First, FAMS is, of course, dependent on the number of Federal Air Marshals available;

Secondly, FAMS' flight coverage is reliant on the mission travel budget which covers all FAMS travel expenses, including hotel and per diem costs.

With the large cost difference between domestic and international flight operations, CONOPS must be used to conduct the most optimal mission allocation that can be maintained within those limitations.

In deciding the FAMS appropriation, the House must take into consideration FAMS' plan to extend its current hiring freeze in FY 2013, as mandated by the President's budget. It plans to be cooperative.

With limited employees, if the proposed \$50 million reduction were to be implemented, FAMS' operation would be severely undermined. I would venture to say they would be shut down to a great extent. The program would be forced to extend the hiring freeze to include civilian personnel, implement a furlough of all FAMS personnel for a minimum of 4 days, reduce mission coverage, assess which offices can be shut down, and consider a reduction in force, or RIF, to strategically reduce onboard staffing levels. This is not the time to do this in the course of franchise terrorism.

In addition, FAMS would suffer a significant decline in critical operational programs, including travel, information technology, and logistical support. A reduction would be an obstruction to the good work and progress of this program.

For these reasons, I encourage my colleagues to look closely at the devastation and the loss of these dollars and ask you to restore the \$50 million to the FAMS budget.

I would ask my colleagues to consider this amendment, and I would ask that we include or recognize FAMS as an integral part of a homeland security, Nation security, frontline security, and an important point and program to consider funding necessary to ensure the security of the traveling public and the Nation's homeland.

With that, I ask support of the Jackson Lee amendment.

I yield back the balance of my time.

Mr. Chair, I rise today to offer my amendment to H.R. 5855, Making Appropriations for the Department of Homeland Security for the Fiscal Year ending September 2012. My amendment will restore The Federal Air Marshall (FAMS) budget by \$50 million. As you are aware, FAMS is an integral program to the homeland security mission. I believe that this recommendation takes into consideration the crucial operational challenges FAMS will face as a result of a reduction.

The FAMS risk-based concept of operations (CONOPS) outlines the two constraints that impact its optimal allocation of flight coverage. First, FAMS is of course, dependent on the number of Federal Air Marshals available. Secondly, FAMS flight coverage is reliant on the mission travel budget which covers all FAM travel expenses including hotel and per diem costs. With the large cost difference between domestic and international flight missions, CONOPS must be utilized to conduct the most optimal mission allocation that can be maintained within these limitations.

In deciding the FAMS appropriation, the House must take into consideration FAMS' plan to extend its current hiring freeze into FY 2013 as mandated by the President's Budget. With limited employees, if the proposed \$50 million reduction were to be implemented, FAMS' operations would be severely undermined.

The program would be forced to extend the hiring freeze to include civilian personnel, implement a furlough of all FAMS personnel for a minimum of four days, reduce mission coverage, assess which offices can be shut down and consider a reduction in force (RIF) to strategically reduce on-board staffing levels. In addition, FAMS would suffer a significant decline in critical operational programs including travel, information technology and logistical support. A reduction would be an obstruction to the good work and progress of this program. For these reasons, I urge my colleagues to restore the \$50 million to the FAMS budget.

Mr. ADERHOLT. Mr. Chairman, I rise to reluctantly oppose the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. While the Federal Air Marshals Service, known as FAMS, does and certainly will continue to provide an additional layer in aviation security, the committee saw an opportunity in this bill to strike a balance and achieve some savings in a program that, before this year, had been growing rapidly.

FAMS deployment surged following the 9/11 attacks and again following the 2009 Christmas Day bombing attempts. Exactly how they are deployed, and how many there are cannot be discussed in open session. However, it is possible to note that many other security measures have been put into place since both of those events took place.

Intensified screening, new and more capable intelligence, information sharing, a more secure cockpit, and the expansion of the Federal Flight Deck Of-

ficer program are examples of steps taken to secure aviation that reduce the need to rely on FAMS on routes that do not represent the highest threat potential.

□ 2130

The bill takes these security improvements into account and focuses on funding to cover the top priority routes based on threat, whether domestic or whether international. The bill also fully funds the FFDO program, which complements FAMS, and in some cases it is the only security element on board. In addition, the report directs the TSA and the FAMS to look again at how to include other Federal law enforcement agents working with them.

This amendment, while I believe it is well-intentioned, would sustain funding to lower priority flights at the expense of other security measures that offer more immediate security impacts. The committee report calls for FAMS to brief the committee within 60 days on its optimal mix of staffing, scheduling, and recommendations for any regulatory or legislative actions needed to improve the FAMS operation.

I believe the bill will support a robust and targeted FAMS mission, and I look forward to moving forward with a more focused and effective posture in aviation security. Therefore, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I am happy to yield to the gentlelady from Texas for a response.

Ms. JACKSON LEE of Texas. I thank the distinguished ranking member, and I really thank the chairman for his comments.

I don't want to give a whole historical perspective, but I've certainly been on the Homeland Security authorizing committee since 9/11. I am quite familiar with the technologies and various changes in aviation travel in particular, and we've made great strides. We have certainly made great strides, but here is my point that I think is crucial: How long are we going to continue to count on heroic, if you will, passengers and continue to cite them as great heroes until the day of some tragic and horrific incident?

We thank the American traveling public for what it has done to thwart a number of incidents, some of which, obviously, are not terrorist-directed but which do impact on the traveling public's security while airborne.

Air marshals are the frontline support and defense in a vessel, if you will, in an aircraft that, if tampered with airborne, can be a catastrophe of enormous proportions. Air marshals are, in essence, a crucial part of the security of this Nation. If we are to literally ob-

literate them by the \$50 million reduction, you will see a reduction in mission, what offices will be ultimately shut down, FAMS personnel being furloughed for a minimum of 4 days, and civilian personnel gone.

I don't deny that we can look to be responsible fiscally and that we can find ways that will streamline. I happen to believe that \$50 million is too drastic a cut and should be restored. So I would ask my colleagues, in spite of what changes may have been made, that they do not act superior to that human resource on that aircraft that is standing in the gap for a dastardly devastating terrorist act or some other altercation that needs the resources and expertise of the Federal Air Marshals.

Let me conclude by saying for a very long time I've introduced legislation to give flight attendants the kind of security training that would help them in the course of a potential terrorist incident on the aircraft. We'd hoped that that would have already occurred. I believe the other front-liners are TSO officers. That flight training has not yet occurred, so Federal Air Marshals act in the capacity of that standing in the gap to secure the crew and as well to secure the traveling public.

Who wants to subject the traveling public, domestic or international, to that kind of gaping hole of the reduction of cost or dollars that would ultimately result in this huge reduction of mission, furloughs, loss of civilians, closed offices?

I think that we need to reconsider, and I would ask my colleagues to support this amendment of adding back the \$50 million reduction that has taken place.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$192,424,000, to remain available until September 30, 2014.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71;

115 Stat. 597; 49 U.S.C. 40101 note), \$928,663,000, to remain available until September 30, 2014: *Provided*, That the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security; checkpoint support; and explosives detection systems refurbishment, procurement, and installations; on an airport-by-airport basis for fiscal year 2013: *Provided further*, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$879,600,000: *Provided*, That the Director, Federal Air Marshal Service, shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than 90 days after the enactment of this Act a detailed, classified expenditure and staffing plan for ensuring optimal coverage of high risk flights.

UNITED STATES COAST GUARD OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$6,759,627,000; of which \$340,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$17,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: *Provided further*, That of the funds provided under this heading, \$75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a revised future-years capital investment plan for fiscal years 2014 through 2018, as specified under the heading Coast Guard "Acquisition, Construction, and Improvements" of this Act, is submitted to the Committees on Appropriations of the Senate and the House of Representatives.

AMENDMENT OFFERED BY MR. DOLD

Mr. DOLD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 1, after the first dollar amount, insert "(increased by \$5,200,000)".

Page 22, line 14, after the dollar amount, insert "(reduced by \$5,200,000)".

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DOLD. I certainly want to thank the chairman and the ranking member for their leadership on this legislation, and I want to thank the staff for working with me on this amendment.

Mr. Chairman, my amendment increases the Coast Guard operating expenses by \$5.2 million to address search and rescue capabilities in the Great Lakes Region. Search and rescue is one of the Coast Guard's oldest missions, dating back to the U.S. Rescue Cutter Service that was founded in 1790.

Today, Coast Guard search and rescue response involves multimission stations, cutters, aircraft, and boats linked by communication networks. It also includes over 5,000 commercial vessels that provide a voluntary global response force. Using these assets in the past year, the Coast Guard has responded to over 6,468 search and rescue cases, assisting over 10,000 people and saving over 1,400 lives. Just last week, Mr. Chairman, two young women were saved by the Coast Guard's air assets on Lake Michigan.

Unlike the President's budget, which makes dramatic cuts to critical search and rescue operations, this amendment would increase our Nation's search and rescue capabilities by adding funding for needed assets, assets vital to lifesaving capabilities.

Mr. Chairman, these investments build on previous investments that specifically increase capability in the Great Lakes to include the installation of Rescue 21 this past December. Rescue 21 is now standing watch on over 42,000 miles of coastline, improving the Coast Guard's ability to assist mariners in distress and saving lives and property. Further, by the end of this fiscal year, the Coast Guard will have delivered the last of three new long-range response boats to the Great Lakes area, which will enhance response capabilities.

Mr. Chairman, the Great Lakes is one of the most popular recreation areas in our country, and the Coast Guard is a vital part of making it safe for thousands each year. We can't stand by and allow the administration to eliminate lifesaving efforts on our Great Lakes, so I certainly urge support for this amendment.

I do want to yield the remaining time I have to my good friend who has been instrumental in assisting me on this amendment, the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I thank my good friend from Illinois for yielding.

Mr. Chairman, we not only serve on the Financial Services Committee together, we also share a Great Lake.

Michigan is uniquely situated, literally bordering all five of the Great Lakes—Lake Superior, Lake Huron,

Lake Michigan, Lake Saint Clair, Lake Ontario. Four of those are actually international boundary waters with thousands of miles of shoreline that are on there, and there are dozens of ports throughout the Great Lakes. I might add that they are aptly served by the District Nine commander out of Cleveland as he is juggling all of the various assets that the Coast Guard has.

□ 2140

But I do reject the plans by this administration to decrease the search and rescue capabilities in the Great Lakes. This vital amendment restores funding in order to maintain a level of capability that has been present in the Great Lakes for many years, and it has been much needed, Mr. Chairman.

As the gentleman noted, these funds, combined with offsets in this bill, address shortfalls that this administration has actually advocated for. So Coast Guard search and rescue in all of the Great Lakes cannot be shortchanged. As we see in example after example, whether it be by boat or by helicopter in Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Ontario, some of the busiest boating traffic—recreational, as well as commercial traffic—that we see anywhere in the world concentrated in that area.

I urge a "yes" vote on this amendment.

Mr. DOLD. I thank the gentleman for his help.

I do urge my colleagues to support this amendment. It is commonsense legislation. We cannot afford to have search and rescue capabilities be diminished. As we look at the number of recreational boaters, it's a vital part of making sure that we're saving lives in the Great Lakes region.

Mr. ADERHOLT. Will the gentleman yield?

Mr. DOLD. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, I want to commend the gentlemen from Illinois and from Michigan for their commitment for search and rescue, and we would gladly accept their amendment.

Mr. DOLD. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. DOLD).

The amendment was agreed to.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. At this time, I would like to engage the distinguished chairman in a colloquy regarding the *Polar Sea*, the Coast Guard's second heavy icebreaker. It has been decommissioned and will soon be put in dry dock to prepare it for scrapping. However, I believe that before the resale of the *Polar Sea* is significantly reduced by removing its propellers and

shafts that the Coast Guard must consider another option.

To date, the Coast Guard has not yet officially surveyed the private sector for interest in the *Polar Sea* in its current condition. Private sector interest in the *Polar Sea* may increase after the summer's Arctic drilling season, when permitted drilling is expected to be shortened due to heavier than usual ice.

My good friend from Washington (Mr. DICKS) and I are offering this colloquy to delay the scrapping. Our goal is to specifically instruct the Coast Guard to provide a survey of whether or not there is a better use for this vessel.

I was prepared to offer an amendment today that would direct the Coast Guard to report back to Congress on the condition of the *Polar Sea*, the costs associated with reactivating the vessel for service, and the interest of private or public entities in purchasing and operating the *Polar Sea*.

This amendment would have prevented the Coast Guard from moving any major equipment or systems from the *Polar Sea* until the Coast Guard submitted its report to Congress. Unfortunately, this amendment is subject to a point of order, but I would ask the chairman for his support and commitment to work with me and Mr. DICKS on this important issue as we pursue an alternative legislative fix in the Transportation Committee. Time is of the essence.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to my good friend from Washington.

Mr. DICKS. I thank my good friend from Alaska for yielding, and I thank the gentleman for raising this important issue.

The dramatic reduction in the Arctic sea ice that is happening at the North Pole is leading to substantial growth in activity in the Arctic region.

The Coast Guard in the High Latitude Study determined that it needs a minimum of three heavy and three medium icebreakers to meet its statutory mission. This bill includes funding to start the design phase of a new heavy icebreaker; however, it will not enter service until 2020 at the earliest. Until then, there will be only one heavy icebreaker, the *Polar Star*, and one medium icebreaker in operation. This is clearly not enough for the Coast Guard to accomplish its mission. And given the age of the *Polar Star*, which entered service in the 1970s, the possibility of a breakdown or extended maintenance period is significant, which would leave us without any serviceable heavy icebreaker at all.

As my friend has noted, the *Polar Sea*, the Coast Guard's second heavy icebreaker, has been decommissioned and is awaiting the final orders to scrap it. Given our rapidly growing need in the polar region, I worry that

the Coast Guard is not considering other options for the *Polar Sea*.

Personally, I think a compelling case can be made for directing the Coast Guard to make the investment and put it back into service. But, at the very least, the Coast Guard needs to take time to review alternatives. In my judgment, it would be a shame to scrap such a potentially useful asset when there is so much evidence before us that we need more immediate icebreaking capacity.

My friend from Alaska has noted that he and I had been considering working on language that would direct the Coast Guard to consider alternatives but that such an amendment would be subject to a point of order.

I am glad the gentleman will be able to work on the issue on a bill pending before the Transportation and Infrastructure Committee. I want to indicate to him that I share his commitment to ensuring that the Nation's icebreaking needs are met and will continue to work with him to ensure that the Coast Guard considers all available options for the *Polar Sea*.

Mr. ADERHOLT. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, I understand the concerns of my colleagues from the State of Washington and from the State of Alaska. It is important to keep the vessel intact. My subcommittee agrees with this important goal.

I urge the Coast Guard to work with the authorizing committee to accomplish this assessment.

Mr. YOUNG of Alaska. I am thankful for the understanding of the chairman and the ranking member of the full committee. This is important to our Nation and especially Alaska, and I do appreciate your consideration.

With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GARDNER

Mr. GARDNER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 24, insert before the period at the end the following:

: Provided further, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Homeland Security to comply with the Coast Guard's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7)).

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, this amendment which I'm offering along with my colleague, Mr. WELCH from Vermont, addresses an important issue relating to Coast Guard facilities.

We've offered this same amendment to the two other appropriations bills this week, and they've passed by a voice vote. And while my colleague from Vermont is not here this evening, I want to commend him for his hard work on these amendments, and energy savings performance contracts in general.

I think the passage of these amendments sends a clear signal that Congress understands the importance of saving energy and, therefore, savings costs for the Federal Government.

This amendment does one simple thing. It says that the Coast Guard should provide an inventory of ways to improve efficiencies in their buildings, which is already a directive under current law.

Under current law, energy savings performance contracts, or ESPCs, are provided as a mechanism for private companies to come into Federal buildings and make energy efficiency upgrades. ESPCs result in savings for the Federal Government and create well-paying private sector jobs at no cost to taxpayers. It creates a win-win situation of reducing debt and creating jobs. The private sector company must guarantee the project improvements will produce energy savings sufficient to pay for the project.

In this fiscal climate, there is no reason we shouldn't be helping the Federal buildings find ways to save money and upgrade Federal buildings with cleaner and more efficient facilities.

I urge adoption of this amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, we accept the gentleman from Colorado's amendment, and we appreciate him bringing this to the subcommittee's attention.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. GARDNER).

The amendment was agreed to.

□ 2150

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$12,151,000, to remain available until September 30, 2017.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; \$115,528,000.

AUTOMATION MODERNIZATION

For expenses of the Coast Guard automated systems, \$50,000,000, to remain available until September 30, 2015.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$1,428,593,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$938,000,000 shall be available until September 30, 2017, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which \$204,500,000 shall be available until September 30, 2017, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which \$59,000,000 shall be available until September 30, 2017, for other acquisition programs; of which \$109,911,000 shall be available until September 30, 2017, for shore facilities and aids to navigation, including waterfront facilities at Navy installations used by the Coast Guard; of which \$117,182,000 shall be available for personnel compensation and benefits and related costs: *Provided*, That of the funds provided under this heading, \$66,000,000 shall be immediately apportioned for contract for long lead-time materials, components, and designs for the seventh National Security Cutter notwithstanding the availability of funds for production costs or post-production costs: *Provided further*, That \$10,000,000 shall be available for infrastructure construction, to include design, engineering, and oversight required to support the continued development of the Department of Homeland Security consolidated headquarters; and all projects using this funding, with all related obligations and expenditures, shall be subject to the management review, approval, and oversight of the Department of Homeland Security, Office of the Under Secretary for Management: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget proposal is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Investment Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Secretary of Homeland Security shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget proposal as submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110-28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$19,690,000, to remain available until September 30, 2017, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments

under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,423,000,000 to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,556,055,000, of which not to exceed \$21,250 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2014: *Provided*, That up to \$18,000,000 for protective travel shall remain available until September 30, 2014: *Provided further*, That up to \$4,500,000 for National Special Security Events shall remain available until September 30, 2014: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for

the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses for acquisition, construction, and improvement of physical and technological infrastructure, \$56,750,000, of which \$4,430,000, to remain available until September 30, 2017, shall be for acquisition, construction, improvement, and maintenance of facilities, and of which \$52,320,000, to remain available until September 30, 2015, shall be for information integration and technology transformation project execution: *Provided*, That the Director of the United States Secret Service shall submit to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget proposal for fiscal year 2014 is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, a multi-year investment and management plan for its Information Integration and Technology Transformation program that describes funding for the current fiscal year and the following 3 fiscal years, with associated plans for systems acquisition and technology deployment.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, and information technology, \$45,321,000: *Provided*, That not to exceed \$4,250 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$1,110,430,000, of which \$200,000,000, shall remain available until September 30, 2014.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall include with the submission of the President's fiscal year 2014 budget a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

For necessary expenses for the Office of Biometric Identity Management, as authorized by section 7208 of the Intelligence Reform

and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), \$191,380,000: *Provided*, That of the total amount made available under this heading, \$156,486,000 shall remain available until September 30, 2015: *Provided further*, That, subject to section 503 of this Act, the Secretary of Homeland Security may transfer up to \$5,000,000 to U.S. Immigration and Customs Enforcement to support the transition of the Arrival and Departure Information System: *Provided further*, That amounts transferred pursuant to the preceding proviso shall remain available until September 30, 2014: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act, an expenditure plan for the Office of Biometric Identity Management: *Provided further*, That of the total amount made available under this heading, \$25,000,000 may not be obligated for the Office of Biometric Identity Management until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget proposal for fiscal year 2014 is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the Office of Biometric Identity Management: *Provided further*, That such multi-year investment and management plan shall include, for the current fiscal year and the following 3 fiscal years, for the Office of Biometric Identity Management program, the following—

(1) the proposed appropriations for each activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered, noting any deviations in cost or performance from the prior fiscal year expenditure or investment and management plan;

(2) the total estimated cost, projected funding by fiscal year, and projected timeline of completion for all enhancements, modernizations, and new capabilities proposed in such budget and underway, including and clearly delineating associated efforts and funds requested by other agencies within the Department of Homeland Security and in the Federal Government, and detailing any deviations in cost, performance, schedule, or estimated date of completion provided in the prior fiscal year expenditure or investment and management plan; and

(3) a detailed accounting of operations and maintenance, contractor services, and program costs associated with the management of identity services.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$132,003,000; of which \$27,702,000 is for salaries and expenses and \$85,394,000 is for BioWatch operations: *Provided*, That \$18,907,000 shall remain available until September 30, 2014, for biosurveillance, chemical defense, medical and health planning and coordination, and workforce health protection: *Provided further*, That not to exceed \$2,500 shall be for official reception and representation expenses: *Provided further*, That the Assistant Secretary for the Office of Health Affairs shall submit an expenditure plan for fiscal year 2013 to the Committees on Appropriations of the Senate and the House of Representatives not later than 45 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, \$712,565,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394): *Provided*, That not to exceed \$2,500 shall be for official reception and representation expenses: *Provided further*, That for purposes of planning, coordination, execution, and decision making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002: *Provided further*, That of the total amount made available under this heading, \$27,513,000 shall be for the Urban Search and Rescue Response System, of which no funds may be used for administrative costs: *Provided further*, That, of the total amount made available under this heading, \$22,000,000 shall remain available until September 30, 2014, for capital improvements and other expenses related to continuity of operations at the Mount Weather Emergency Operations Center.

AUTOMATION MODERNIZATION

For necessary expenses for automated systems of the Federal Emergency Management Agency, \$58,048,000 to remain available until September 30, 2015.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$1,762,589,000, which shall be distributed, according to threat, vulnerability, and consequence, at the discretion of the Secretary of Homeland Security based on the following authorities:

(1) The State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) The Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604).

(3) The Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) The Citizen Corps Program.

(5) Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163), including Amtrak security: *Provided*, That

such public transportation security assistance shall be provided directly to public transportation agencies.

(6) Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(7) Port Security Grants in accordance with section 70107 of title 46, United States Code.

(8) The Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(9) The Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(10) Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c).

(11) Buffer Zone Protection Program grants.

(12) Organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high risk of a terrorist attack:

Provided, That of the amount provided under this heading, \$55,000,000 shall be for Operation Stonegarden and no less than \$150,000,000 shall be for areas at the highest threat of a terrorist attack: *Provided further*, That \$231,681,000 shall be to sustain current operations for training, exercises, technical assistance, and other programs, of which \$155,500,000 shall be for training of State, local, and tribal emergency response providers: *Provided further*, That for grants under paragraphs (1) through (12), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That 7.02 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Salaries and Expenses" account for program administration: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communication towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That in fiscal year 2013: (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere

with the primary mission of the Center to train state and local emergency response providers; and (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency in existing chemical, biological, radiological, nuclear, explosives, mass casualty, and medical surge courses pursuant to section 4103 of title 5, United States Code, without reimbursement for the cost of such training.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 2.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 18, after the dollar amount, insert "(reduced by \$412,908,000)".

Page 99, line 17, after the dollar amount, insert "(increased by \$412,908,000)".

Mr. FLAKE (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

Mr. PRICE of North Carolina. Yes, Mr. Chairman, I object. We do not have a copy of the amendment.

The Acting CHAIR. Objection is heard.

The Clerk will continue to report the amendment.

The Clerk continued to read.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I apologize that my objecting to the reading took longer than the reading, but we will try to get through this quickly.

This amendment is straightforward and would simply reduce the amount appropriated for State and local programs in the bill by \$412 million, making the amount available for the Homeland Security grants consistent with FY 2012 levels. I understand that some of these are popular programs, and I'm under no illusions about the prospect of this amendment.

But I also understand that these programs were cut heavily last year within the fiscal year 2012 Homeland Security appropriations bill, but it was reported out of the committee with \$1.3 billion cut from the previous year and a funding level \$2.8 billion less than the President's request.

By comparison, this \$412 million cut looks a bit chintzy. There are good reasons for this. Setting aside the steep financial precipice that we find ourselves on, and we're still on, there are some problems with these programs that led to them being cut last year. According to the House appropriations report from 2012:

"These reductions are due to the persistent lack of quantifiable metrics that measure the additional capability that our Nation has gained for the billions of dollars that have been invested" in these grant programs.

In other words, we don't have good metrics actually to determine if this money is being spent well or not.

The report continues:

"Based on the latest estimates, the Department currently has almost \$13 billion in previously appropriated funds that remain unspent dating back to FY 2005. This level of unexpended balances is unacceptable."

That's what the report reads.

Mr. Chairman, the House Committee on Appropriations approved this bill and the report which accompanies it just less than 1 year ago. When it did, it appropriated only \$1 billion for these programs.

While the conference report increased that to \$1.34 billion today, we are preparing to approve a bill that appropriates more than 750,000 more than the House thought appropriate last year.

These programs, I should mention, were heavily criticized last year, and here we are with this massive increase. What dent has been made in the \$13 billion in unspent funds that existed less than 1 year ago? The criticisms levied by the House against these programs have been echoed by GAO as well.

In 2009 GAO found that:

"FEMA's assessments do not provide a means to measure the effective UASI region's projects that they have had on building regional preparedness capabilities, which is the goal of the program. Taxpayers have footed the bill for tens of billions of dollars in grants to States and localities with no clear way of telling how the money has improved readiness or national security. In fact, it remains difficult for any Member of Congress to even know what these funds are being spent on."

We've got to do better than this. When we don't get good reports back as to how the money is being spent, how can we ensure that additional monies like this are going to be spent in an appropriate manner?

I'm certain that my colleagues want to ensure that money is spent well. That's why I think we should simply forego spending this additional amount. That's what this amendment is intended to do. This amendment would simply reduce the amount appropriated by \$412 million, making it level with 2012 funding levels.

Again, we have got to start cutting spending somewhere, and when we increase spending on programs like this, where we don't get good information from the Agencies that spend it as to whether or not it's doing the good that it was intended to do, then I say this is an area that we should cut.

With that, I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, I rise in support of the gentleman from Arizona's amendment.

In fact, he beat me to the microphone because I had intended to introduce the same amendment that he is presenting to us now.

I would like to say that this amendment of Mr. FLAKE's will keep funding the State and local programs that fall under FEMA set at those 2012 levels. It does not affect disaster assistance, only State and local programs.

Mr. Chairman, our Nation is broke and many Agencies, along with entire branches of the Federal Government, are experiencing drastic cutbacks. As it stands, the underlying bill increases funding for State and local FEMA programs by more than \$400 million. While I'm well aware that FEMA provides necessary support for various grant training programs, I'm also a firm believer that these would be better regulated solely by State and local governments, not by the Federal Government.

Therefore, I feel it is more than reasonable to ask that, for right now, particularly while we are in such a crisis economically as a Nation, that we simply freeze funding for these programs at the 2012 level.

□ 2200

I congratulate my friend from Arizona (Mr. FLAKE) for his amendment and I heartily support it. I congratulate him on his longstanding efforts to bring the Federal Government into fiscal sanity. I urge support of this amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment. This amendment would decimate the funding for our FEMA Homeland Security grants. By that I mean the State and local grants on which our communities depend. I mean the transit and rail grants that we've heard so much about in this evening's debate; I mean the port security grants; I mean the UASI grants—the urban area grants that are risk based and targeted to the areas in this country that are under the greatest risk; and other programs of smaller size. These programs have helped keep our communities safe. After all, our first responders are not at the Federal level. Our first responders are at home. And our States and our communities are on the frontlines of responding and preparing to respond, mitigating, and then dealing with disasters—disasters of terrorist attacks, natural disasters, and other major emergencies.

This amendment would return to the 2012 funding levels, which were greatly reduced from previous-year funding levels. In fact, the levels in 2012 were at an all-time low and were widely decimated by our States and localities. So this year we've begun in this bill to

build those funding levels where they need to be, and this amendment would wipe all that out in a single stroke.

The author of this amendment has made a great deal of the pace of the spending on these grant programs. I have to say that the figures cited tonight are misleading in the sense that these are multiyear programs. They're often dealing with large construction projects. All of this money except the money for the current year is obligated. It's not just sitting there. The money is obligated. Of course, after the projects are completed, the full amount will be registered as spent.

And so we need to oversee these programs carefully. We need to make sure that they're being administered in a responsible way. We need to exercise careful oversight. But the notion that we would come in and wipe it out with a single amendment the progress we've made in getting these funds back to a level that will give our communities and States the support they need, I think, is unthinkable.

I hope this body will reject this amendment.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I am happy to yield to the gentleman from Washington.

Mr. DICKS. I would just like to associate myself with the gentleman's remarks. I feel these programs are very important and that there have been major cuts made in the last 2 years, as I understand it, and that this would just be another major cut on top of this.

To my friend from Georgia, austerity isn't helping England, it isn't helping France, it isn't helping Greece, and it's not going to help the United States. We need the recovery here at home. That's what we need—not mindless cutting and slashing of the budget that will throw people out of work and not create jobs for the American people.

Austerity has failed. I think it's time for the majority to wake up and recognize that.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield to the gentleman.

Mr. BROUN of Georgia. I thank my friend from North Carolina for yielding.

I would just remark about, Mr. Chairman, my friend from Washington State's remark. The countries in Europe are failing because they spend too much money. The government does not make jobs. It's the private sector that makes jobs. Republicans have passed bill after bill after bill here in the House that HARRY REID throws in the trash can as soon as they get over to the Senate.

We've passed bills here that would lower the cost of gasoline and oil. Natural gas, of course, is very low because

of the amount that we have, and it's gone down because the marketplace works. We need to develop our God-given resources.

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, we are talking here about State and local grant programs whereby the Federal Government shares in emergency preparedness and response. It is virtually without dissent in our communities that this funding is needed.

I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. We rise to oppose the amendment as well. We have concerns about the cuts in funding as well. I want to go on record that we do have concerns about this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MS. HAHN

Ms. HAHN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 18, after the dollar amount insert “(increased by \$75,000,000)”.

Page 55, line 2, after the dollar amount insert “(reduced by \$75,000,000)”.

Page 55, line 4, after the dollar amount insert “(reduced by \$75,000,000)”.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. My amendment would increase funding for port security grants by \$75 million.

I came to Congress to really bring the issue of our ports into our national dialogue and how important they are to our economy, to our jobs, to our national security. I've been the co-founder, with my friend TED POE, of the Congressional Ports Caucus. As a Representative of a district that borders one of the largest ports in the country, this issue is very important to me.

The lessons of 9/11 have taught us that we must continuously be vigilant in proactively seeking out and preventing our country's most pressing threats. The Port Security Grant Program helps address these threats by providing key funding to port areas for enhancing maritime security.

We have millions of tons of cargo shipments coming into ports across this country, and they provide viable entry points for terrorists who seek to use weapons of mass destruction. When people ask me what keeps me up at night, it's the thought of what could happen at one of our ports and what that would mean not only to our national economy but to the global economy. An attack at our Nation's ports

could severely damage our own fragile economy right now and cause a ripple effect across the global supply chain. This requires us to take proactive steps and invest in critical detection and response operations and equipment.

Each year, port security officials attempt to address these many threats that exist at our Nation's ports by applying for these port security grants. Unfortunately, the irresponsible cuts to preparing these grants this last year resulted in huge gaps being left unaddressed and security officials unable to build and sustain capabilities needed to prevent, detect, respond to, and recover from a potential attack.

While I commend the chairman and ranking member's efforts in bolstering funding for State and local homeland security programs this year, this amendment will ensure that the ports receive the funding they need in order to address the lingering gaps in port security of which there are many.

And even though I understand the intended purpose of the National Bio and Agro-Defense Facility, the reality is that this facility was appropriated \$75 million even though President did not need or request these funds.

□ 2210

Additionally, Department of Homeland Security is still waiting for the recommended design modifications made by the National Academy of Sciences and for the administration to review the cost and scope of this project which isn't anticipated to be completed until 2020. I think this money could be better spent on providing critical support for our American ports and inland waterway system which is provided through this Port Security Grant Program.

I have no doubt that all of us recognize the urgency of this threat and the importance of having safe and secure maritime facilities in order to protect our critical borders, moving goods, and our American citizens. Therefore, I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. As I mentioned earlier in the evening, our Nation does have an immediate need to build up our research capacity into pathogens that afflict animals and our food chain and, by extension, human beings. This amendment would put that at risk, and therefore, I would oppose the amendment.

I now yield to the gentlelady from Kansas to have her speak on this amendment as well.

Ms. JENKINS. Mr. Chairman, I thank the gentleman for yielding.

DHS, under both the Bush and Obama administrations, has made it clear that a BSL-4 lab is essential to our national security, and building a new structure to host the National Bio and Agro-Defense Facility is both responsible and cost effective. Manhattan, Kansas, was selected as the new site for the NBAF after an exhaustive study by the Bush administration's DHS, and then reconfirmed by the current administration's 2012 budget. We need NBAF, and Manhattan is the best place to build it, a fact that Secretary Napolitano confirmed earlier this year in a hearing with the Appropriations Committee.

While FEMA's State and local grants are important, increasing them by eliminating the funding for construction of this lab is simply irresponsible. Make no mistake about it; if we had a surplus, it might be nice to increase these grants. But the result of this amendment will be stopping or delaying construction of the nationally important NBAF facility and jeopardizing the security of our Nation's food supply.

I urge the body to reject this amendment.

Mr. ADERHOLT. Mr. Chairman, we oppose the amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I hope we've established in the course of this discussion tonight that I and our side of the aisle are strongly in favor of the FEMA grants, and that most certainly includes the port grants. And so I commend our colleague for calling our attention to the importance of these port security grants and the need for more funding. Although in this bill we have begun the way back in terms of restoring funding for the State and local grants and the port grants and the rail and transit grants and the UASI high risk area grants, we're not there yet. And so our colleague has made a constructive suggestion as to how we might augment this funding.

I do feel obligated, though, to make a comment about the proposed offset. Our colleague has made some very cogent points about the NBAF project. I believe that with the funding that's already in the pipeline and the National Academy of Sciences reviews that are underway, that we do not need to include money in this year's bill for NBAF construction. But this is part of the science and technology account, and we're going to have later this evening an amendment from our colleague from New York that will suggest taking the NBAF-designated funding and restoring it to the science and technology account. And I have to say that that science and technology ac-

count is very much in need of that funding.

Science and technology research activities have been drastically and unwisely cut in recent years. They were cut by 60 percent over the past 2 years. There's a \$158 million increase in this bill that restores some of these cuts, but that's taking place against a baseline that was simply too low to meet the needs of the different homeland security components and the needs of our Nation.

So in weighing the equities here, as we said earlier, we have one compelling need and we also have an offset that raises some serious issues. We will have an occasion later this evening to talk about the science and technology account and the place of NBAF within that account.

I yield back the balance of my time.

Mr. YODER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. YODER. Mr. Chairman, I rise in opposition to the Hahn amendment, which strikes a dagger in our efforts to protect our country, our homeland security, from threats to our food system, our agriculture system, and threats to the American people.

As horrific as it is to imagine, reports show that one of our greatest vulnerabilities is threats to our food supply, to agriculture. One doesn't have to stretch too far to think how mad cow disease or some other viral spread could grind our economy to a halt and strike fear in the hearts of all Americans. This simply cannot happen.

The Hahn amendment, which completely defunds 100 percent of the National Bio and Agro-Defense Facility in this year's appropriations bill, would completely set us back, would make us very vulnerable to threats to our agricultural system from foreign-borne illness and those terrorists who would seek to injure and strike fear in the hearts of Americans.

Currently, our country lacks a bio-safety level 4 lab needed to keep our food supply safe. Both Secretary Vilsack and Secretary Napolitano have stated that this is a priority, and it has bipartisan support within the administration. Both President Bush and President Obama have supported it. Homeland security is not a partisan issue. We're here today to do what we can to protect the American people.

I want to commend the chairman and the committee for their work in ensuring that the National Bio and Agro-Defense Facility was properly funded and that we can move forward and continue to protect ourselves from terrorists around the world. I can assure us here today that terrorists are not sleeping. They are not waiting for this committee to debate. They're not waiting for conference committees. They're

doing everything they can to strike fear in the hearts of Americans and disrupt our food supply.

This weakness is something that we can not continue to let go by. That's why I stand strongly against the Hahn amendment. It's dangerous for our national security. It's dangerous for the American people, and I ask the body to reject it this evening.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. HAHN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HAHN. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. HIGGINS

Mr. HIGGINS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 18, after the dollar amount insert "(increased by \$58,000,000)".

Page 55, line 2, after the dollar amount insert "(reduced by \$58,000,000)".

Page 55, line 4, after the dollar amount insert "(reduced by \$58,000,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HIGGINS. Mr. Chairman, my amendment, which is cosponsored by Representative STIVERS, is a bipartisan effort to provide essential public safety funding to communities across the country that have been determined to be at high risk of a terrorist threat.

This amendment would provide for an additional \$58 million to State and local grant programs that the Secretary of Homeland Security should use to increase eligibility for the Urban Areas Security Initiatives to all communities at high risk, including Buffalo, which I represent. The intent is to restore the eligibility of these communities to again participate in the UASI program after being unfortunately cut out in the past.

The Buffalo-Niagara region was made ineligible without merit. The area includes four international border crossings and the busiest passenger crossing along the northern border with Canada, the largest electricity producer in New York State, and the area was home to the al Qaeda terrorist cell, the Lackawanna Six. It sits along two Great Lakes, which contain the largest freshwater supply in the world, and is within a 500-mile radius of 55 percent of the American population and 62 percent of the Canadian population.

□ 2220

Buffalo is not alone either. Border communities like El Paso, San Anto-

nio, and Austin were cut as well. Cities in close proximity to large ports, refineries, and utilities like Columbus, New Orleans, Memphis, Nashville, and Oklahoma City were cut as well. Thirty-six communities in total were cut from all across the country. Now, as we are only beginning to realize the threats posed by these places, is it penny-wise and pound-foolish to leave them without the resources to maintain the capacity gains they developed throughout this program?

Mr. Chairman, the 9/11 Commission made it clear that protecting the homeland from terrorist threats can and should be a Federal priority. Yet the Department has hedged on this commitment by excluding too many vulnerable communities that need to participate in this Department of Homeland Security program. We know that the threats to these areas are real, and we should be doing everything possible to provide law enforcement with the tools to prevent and to respond to them.

Again, Mr. Chairman, I urge my colleagues to support this bipartisan amendment because the terrorist threat to these communities is real and it is dynamic. We should be doing everything that we can to empower these communities to protect themselves from these threats.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I would strongly urge my colleagues to support fiscal discipline as well as critical research and development. Therefore, with the concerns we have about the gentleman's amendment, we ask for a "no" vote on this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, here we have another amendment dealing with FEMA grants. And once again, we've come to appreciate the need for more robust support for urban area grants, for State and local grants, for transit and port grants, rail grants, the kind of protective efforts that our communities require. We are reminded again that those grants have been cut very drastically in recent years, and in this bill we are only beginning to bring them back to the levels required.

So I want to commend our colleague for this amendment, which proposes \$58 million, I believe, in increased funding for these grants. This is money that could be well spent, wisely spent, prudently spent by our States and local communities.

Again, I simply call attention to the problems posed by the offset. Members will have to make their own judgments about this. The money is taken out of the Science and Technology Directorate at the Department of Homeland Security, taken out of the labs accounts, as I understand it, which does include the NBAF item discussed earlier, but isn't limited to NBAF.

I just remind colleagues that science and technology research activities have been cut 60 percent over the last 2 years. And so there's an increase in this bill. We fought our way back in this area, too, in this bill, restoring some of these cuts against the baseline that was way too low. And so these science and technology—this is not free money. This is related just as surely as anything in the bill to this country's security, and its underinvested in at the moment. So we do have to weigh competing values here, and certainly in the balance the science and technology priorities deserve serious consideration.

I yield back the balance of my time.

Mr. REYES. Mr. Chair, I rise to support the amendment offered by Mr. HIGGINS that would increase funding to the Federal Emergency Management Agency's State and Local Program by \$58 million to allow communities such as the one I represent, El Paso, Texas, to be eligible for Urban Areas Security Initiative, UASI, funding under the FY2013 Homeland Security Appropriations Bill.

As you know, UASI provides funding to address the unique planning, organization, equipment, and training needs of high-threat, high-density urban areas. The program assists in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism.

Unfortunately, the FY12 Homeland Security Appropriations bill contained provisions that would arbitrarily deny funding to more than 50 cities like El Paso, Texas. These hinder the progress that communities like El Paso have made to prevent, protect against, respond to and recover from terrorist attacks and could potentially undermine the ability of these cities to safeguard their communities.

As former Chairman of the House Permanent Select Committee on Intelligence, I know very well the importance of providing our cities with adequate resources to prepare, prevent, and protect against attacks. This is a time for our communities to remain vigilant. It is unwise to cut off resources by including arbitrary language that restricts funding for cities like El Paso, which sits on the U.S.-Mexico border across from what is arguably one of the most violent cities in Mexico—Ciudad Juarez. Yet, despite this, El Paso is ranked the safest large city in the U.S. I attribute this to the great work of law enforcement in our community which is supported by resources provided by UASI under the Department of Homeland Security's State and Local Grants programs. UASI has directed more than \$21.8 million to El Paso since 2007. Additionally, El Paso-Juarez is a major center for manufacturing and international trade and commerce. El Paso is home to one of the largest ports of entry on

the U.S./Mexico border, and is recognized as one of the top trading points in the entire United States. El Paso is home to Fort Bliss, one of the United States largest military bases and the Department of Defense's top ranked military asset.

In 2010, El Paso, Texas received \$5,389,900 as part of the UASI program and an additional \$75,000 through the UASI Non-profit Security Grant Program to help nonprofit organizations at high risk of attack and located within one of the UASI-eligible areas.

With continued violence in Mexico and other potential security threats in our area, these funds are especially critical. As our local governments continue to face budget difficulties, these Federal grants help ensure that our local law enforcement agencies have the resources they need to ensure El Paso remains the safest large city in the U.S.

El Paso has a track record of wisely investing UASI funds in projects such as an emergency notification system, an information fusion center, urban search and rescue teams, hazardous materials specialty teams, and critical interoperable communications infrastructure upgrades.

The UASI grant has provided the El Paso Region with equipment such as: chemical and hazardous materials detectors, thermal imaging cameras, personal protective equipment, command units, generators, tactical ballistic helmets and vests, security systems, response vehicles, emergency notification system, and even medical cache for H1N1 pandemic, as well as numerous other projects.

The grant funds have also assisted in coordination exercises, including: ranged interdepartmental communication and training, agency communication and training, and EOC exercises to regional cross-discipline and multi-agency training scenarios. All of the exercises are compiled and analyzed through After Action Reports, which are indispensable as training tools to reflect our areas of strength and weakness. In addition, the grant has also funded training such as National Incident Management System, Bomb Team, Hazmat, and other training exercises deemed eligible on the grant.

El Paso area communities have all benefited from the regional UASI by significantly increasing their capabilities. The funds allowed for the purchase of equipment and training such as those outlined by the Department of Homeland Security's National Planning Scenarios and Target Capabilities Lists. I urge my colleagues to support Mr. HIGGINS' amendment, the Urban Area Security Initiative, to ensure that our communities and our country remain safe. Mr. HIGGINS' amendment ensures that communities like mine in El Paso, Texas, receive the support they need from the UASI program.

I urge my colleagues to support this amendment and help continue to keep our large cities safe.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HIGGINS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. HIGGINS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$670,000,000, to remain available until September 30, 2014, of which \$335,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$335,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a): *Provided*, That in addition to the purposes otherwise authorized for SAFER grants in section 34 of that Act, the Secretary of Homeland Security shall make such grants available for the retention of firefighters: *Provided further*, That subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of section 34 of that Act shall not apply to amounts made available under this heading: *Provided further*, That not to exceed 4.7 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: *Provided*, That total administrative costs shall not exceed 2.7 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2013, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2013, and remain available until September 30, 2015.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$42,460,000.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$6,088,926,000, to remain available until expended, of which \$5,481,000,000 is for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency As-

sistance Act (42 U.S.C. 5121 et seq.): *Provided*, That the latter amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, 2 U.S.C. 901(b)(2)(D)): *Provided further*, That of which \$24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds made available in this or any other Act for disaster readiness and support not later than 60 days after the date of enactment of this Act: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code:

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

(C) the amount of obligations for non-catastrophic events for the budget year;

(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;

(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities; and

(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99-177);

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month beginning with the first full month after the date of enactment of this Act:

(A) a summary of the amount of appropriations made available by source, the transfers

executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

- (i) the beginning and ending balances;
- (ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;
- (iii) the obligations for catastrophic events delineated by event and by State; and
- (iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event; and

(D) the date on which funds appropriated will be exhausted.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, gross obligations for the principal amount of direct loans shall not exceed \$25,000,000.

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$92,145,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$171,000,000, which shall remain available until September 30, 2014, shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), and shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and floodplain management and flood mapping: *Provided*, That not to exceed \$22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than \$149,000,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2014: *Provided further*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2013, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

- (1) \$132,000,000 for operating expenses;
- (2) \$1,056,602,000 for commissions and taxes of agents;
- (3) such sums as are necessary for interest on Treasury borrowings; and
- (4) \$120,000,000, which shall remain available until expended, for flood mitigation actions; for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030); and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7)

of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8)), and section 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$14,331,000, to remain available until expended: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$111,924,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That, notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section

3109 of title 5, United States Code; \$228,467,000; of which up to \$44,758,000 shall remain available until September 30, 2014, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed \$10,200 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$27,385,000, to remain available until September 30, 2017: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$130,000,000: *Provided*, That not to exceed \$8,500 shall be for official reception and representation expenses.

Mr. ADERHOLT (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 54, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, \$695,971,000, of which \$493,539,000 shall remain available until September 30, 2015; and of which \$202,432,000 shall remain available until September 30, 2017, solely for operation and construction of laboratory facilities: *Provided*, That \$20,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives an updated plan for the expenditure of funds for construction of the National Bio- and Agro-defense Facility.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 3, after the dollar amount insert “(increased by \$75,000,000)”.

Page 55, line 4, after the dollar amount insert “(reduced by \$75,000,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Chairman, my amendment is simple: It reduces by \$75 million the amount that DHS can spend on construction of laboratory facilities—specifically, the National Bio and Agro-Defense Facility, or NBAF, planned for Manhattan, Kansas—and returns those funds to the research, development, acquisitions, and operations account. This unnecessary government spending is little more than an attempt to earmark funds for a project that the Obama administration zeroed out in its FY13 budget proposal, that the DHS acknowledges will cost over \$1 billion to construct, that the National Academy of Sciences has raised real concerns about the possibility of foot and mouth disease release, and that many in the agricultural community are asking, why take the chance?

When the National Academy of Sciences last reviewed the NBAF proposal, they indicated that the risk of foot and mouth disease in the Nation's Heartland was a 70 percent risk over a 50-year period. The academy also estimated the cost of a potential release of foot and mouth disease at \$9 billion to \$50 billion.

While it is correct that earlier this year DHS indicated this risk had been mitigated with additional design features, the National Academy of Sciences is still revising the Revised Risk Assessment. Common sense requires that until the Revised Risk Assessment is complete, we should not be entertaining the idea of appropriating precious taxpayer dollars for construction of this project.

NBAF has also become a financial boondoggle. The estimated cost of con-

struction has skyrocketed from an original estimate of \$451 million only a few years ago to well over \$1 billion today. At this time, it is a colossal risk to the American taxpayer to advance a project the cost of which has doubled in less than 5 years, and when funding for fiscal years 2011 and 2012 remain unobligated.

At a time when my Republican colleagues continually argue that our Nation's debt is out of control and the deficit must be reined in, it is both hypocritical and unwise to spend taxpayer dollars that the President has not requested for a project that is still under design review, to be placed in a region that is acutely sensitive to the horrible diseases that will be studied at the facility. The only logical, responsible thing to do while the many questions surrounding NBAF remain unanswered is to wait to invest taxpayers' hard-earned money and continue to utilize existing DHS assets to study the various animal diseases that face our agricultural community.

Mr. Chairman, funding for the construction of NBAF is tantamount to a \$75 million earmark for the Kansas delegation. Funds were not included in the President's budget, and the project has yet to spend the money that has already been appropriated. DHS has other important research and more pressing construction projects than NBAF.

I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I oppose the amendment because of concerns that we had noted earlier about the importance of the NBAF program that the administration has stressed, and also the need that was stressed in our hearings earlier in the spring.

At this time I'd like to yield to the lady from Kansas to speak on this amendment as well.

Ms. JENKINS. I thank the gentleman for yielding.

The first priority of the Federal Government is to protect the American people, and the National Bio and Agro-Defense Facility has been declared necessary to provide that protection.

The Department of Homeland Security, under both the Bush and Obama administrations, and the House Appropriations Committee under both Democrat and Republican leadership, have made it quite clear time and time again that the country needs the NBAF, and the best place to do that research is in Manhattan, Kansas.

Congress has already appropriated \$90 million, and the State of Kansas and the city of Manhattan have already committed more than \$200 mil-

lion towards the project. For the record, the calculations performed in this updated SSRA that were previously mentioned indicated that the estimated probability that an accident happening at this facility was less than point one-one percent.

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While again, this proposal might be nice if we had a surplus, the result of this amendment will be stopping or delaying construction of this vital NBAF facility, jeopardizing our security and our Nation's food supply. I urge the body to reject this amendment.

Mr. ADERHOLT. I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the amendment offered by my friend from New York (Mr. BISHOP), an amendment that will increase funding for research and development activities within the Science and Technology Directorate by \$75 million, and it will dictate that no new appropriated funds will be available in fiscal year 2013 for the National Bio and Agro-Defense Facility, NBAF. I stress, no new funds.

The administration did not request funds for NBAF in 2013, and I simply cannot support inclusion of the \$75 million contained in this bill until two National Academy of Sciences reviews are completed on the security of this new facility to prevent the accidental release of foot-and-mouth virus or other harmful pathogens.

Members may recall that the GAO, the National Academy of Sciences, and Congress itself have had longstanding concerns about the decision to relocate the National Bio and Agro-Defense Facility to the mainland unless we have a comprehensive and validated strategy to prevent the release of foot-and-mouth virus and other harmful pathogens into the community.

In 2011, the National Academy of Sciences found that, based on preliminary designs of the facility, there would be a 70 percent risk of a release of foot-and-mouth disease leading to infection outside the laboratory. The economic cost was estimated to be between \$9 billion and \$50 billion over the next 50 years as the life span of NBAF would be projected.

DHS has redone its site security risk assessment now that the NBAF design is further along, adding additional protective measures suggested by the original National Academy study. As required by statute, the National Academy is reviewing the site security risks again to take into account these new mitigation strategies.

Now, even if we assume that the National Academy gives a positive review

to NBAF, and I very much hope such a review will be warranted, the facility has 2 years of previously appropriated funds that remain unobligated. Science and Technology has told us that these funds will permit construction to begin and fund all necessary activities through fiscal year 2013, so the \$75 million included in the bill before us is not needed at this time and will not be needed in the new fiscal year.

This \$75 million set-aside in the bill for NBAF has some serious consequences for the science and technology function. It will eliminate most, if not all, funding for new research projects at the Department that they plan to begin in 2013. These projects focus on critical homeland security capabilities and would do the following:

Improve maritime transit security, improve explosive detection capability for mass transit, bulk cargo and suicide bombers, provide building security and checkpoint security with a stand-off ability to detect trace explosives on people and personal items, would improve TSA's capability to identify threats to aviation security, would integrate passenger screening at airports to improve security and the travelers' overall screening experience, would increase government security when using cloud-based computing systems, would improve Federal, State and local and animal health officials' emergency response to control the spread of foreign animal diseases and mitigate any impact on the livestock industry, develop countermeasures against high-priority diseases that threaten U.S. livestock, provide building and facility operators a rapid warning and response capability to protect occupants in the event of a chemical or biological attack, and would improve the national, State and local ability to respond to and recover from the effects of a nuclear radiological attack.

Mr. Chairman, that is an impressive list of research priorities. We should take very, very seriously any budget proposal that would displace or move aside these research priorities.

So, under this amendment, this \$75 million will be returned to this critical research and development function, restoring these efforts, taking them back to their requested level. These funds will permit S&T to resume research and development work on 22 projects not funded in fiscal 2012, and would increase funding for 34 projects in the important Homeland Security missions such as border security, bio security, chemical security, explosives detection, hostile behavior detection and disaster resiliency.

There's a lot at stake in this amendment, my colleagues. I urge you to adopt it.

I yield back the balance of my time.

Mr. HUELSKAMP. I move to strike the last word.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. HUELSKAMP. Mr. Chairman, as a farmer and rancher myself, I am very concerned by this amendment. One might be led to believe that with the adoption of this amendment, somehow important research would continue. Actually the opposite is true, Mr. Chairman.

We have billions and billions of dollars in this country that are based on our livestock industries, and unless this Congress and this President continue forward with a plan to build a BSL level 4 security research facility, we will not do the necessary research to protect critical industries, livestock industries in particular, in this Nation. Let me identify two diseases, the Hendra virus and the Nipah virus, that research is not occurring on right now. The Hendra virus' first outbreak was in Australia in 1994. It killed 13 horses. But more importantly, it killed a number of humans. It's a zoonotic disease, and the research is not occurring now.

Secondly, how about the Nipah virus? First identified in Malaysia in 1999, the outbreak resulted in the killing of more than 1 million hogs and 257 cases in humans, killing 105 of them.

Without this type of research, Mr. Chairman, these are the kinds of viruses we have no protection for. Folks might say, well, don't worry, if we would have this type of virus in America, we can outsource the research to friendly countries, Australia and Canada, that will do the research for us.

But, Mr. Chairman, I'm not willing to rely on outsourcing the protection of very important industries. And these are just accidental outbreaks. There are numerous other viruses, numerous other diseases that are in the hands, I believe—and research will show—in the hands potentially of enemies of our country. And we need to oppose this amendment and protect our key vital food and agriculture industries from accidental, as well as potential bioterrorist, attacks.

So I urge my colleagues to oppose this amendment and defend our critical industries.

I yield back the balance of my time.

The Acting CHAIR (Mr. BASS of New Hampshire). The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

DOMESTIC NUCLEAR DETECTION OFFICE MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$38,000,000: *Provided*, That not to exceed \$2,500 shall be for official reception and representation expenses: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives at the time of the submission of the President's budget proposal for fiscal year 2014 pursuant to the requirements of section 1105(a) of title 31, United States Code, a strategic plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture that shall—

(1) define each departmental entity's roles and responsibilities in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;

(2) identify and describe the specific investments being made by departmental components in fiscal year 2013, and planned for fiscal year 2014, to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to close known vulnerabilities and gaps, including associated costs and timeframes, and estimates of feasibility and cost effectiveness; and

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2013 and 2014.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$226,830,000, to remain available until September 30, 2014.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$51,455,000, to remain available until September 30, 2015.

TITLE V GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be

available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program, project, or activity;

(2) eliminates a program, project, office, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2013 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or reduces the numbers of personnel by 10 percent as approved by the Congress; or

(3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue oper-

ations as a permanent working capital fund for fiscal year 2013: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2013 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2013 from appropriations for salaries and expenses and operating expenses for fiscal year 2013 in this Act shall remain available through September 30, 2014, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of an Act authorizing intelligence activities for fiscal year 2013.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds or a task or delivery order that would cause cumulative obligations of multi-year funds in a single account to exceed 50 percent of the total amount appropriated;

(3) make a sole-source grant award; or

(4) announce publicly the intention to make or award items under paragraph (1), (2), or (3) including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under "State and Local Programs".

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. (a) Sections 520, 522, and 530, of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

(b) The third proviso of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114), shall not apply with respect to funds made available in this Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act. For purposes of the preceding sentence, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 515. Except as provided in section 44945 of title 49, United States Code, funds

appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration", and "Transportation Security Support" for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 516. Any funds appropriated to Coast Guard "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 517. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking "2012" and inserting "2013".

SEC. 518. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 519. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the "Office of the Secretary and Executive Management", the "Office of the Under Secretary for Management", or the "Office of the Chief Financial Officer", may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under chapter 85 of title 41, United States Code;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 3101 (b) of title 41, United States Code; or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: *Provided*, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review se-

lected contracts awarded in the previous fiscal year through means other than a full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 4, 2013.

SEC. 520. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) the responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of section 509(c) and sections 503(c)(3) and 503(c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and 313(c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate; and

(3) not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 521. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 522. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 523. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "September 30, 2012" and inserting "September 30, 2013"; and

(2) in subsection (c)(1), in the matter preceding subparagraph (A), by striking "September 30, 2012" and inserting "September 30, 2013".

SEC. 524. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 525. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 526. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 527. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1(g)(4)(B) of title 31, United States Code (as added by Public Law 102-393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 528. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 529. If the Administrator of the Transportation Security Administration determines that an airport does not need to participate in the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Administrator shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 530. (a) Notwithstanding any other provision of law during fiscal year 2013 or any subsequent fiscal year, the Secretary of Homeland Security shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of the sale described in subsection (a) shall be deposited as offsetting

collections into the Department of Homeland Security—Science and Technology—“Research, Development, Acquisition, and Operations” account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 531. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 532. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 6 U.S.C. 121 note), as amended by section 550 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83), is further amended by striking “on October 4, 2012” and inserting “on October 4, 2013”.

SEC. 533. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 534. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301.10-124 of title 41, Code of Federal Regulations.

SEC. 535. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 536. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 537. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler or successor program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled “Risk Management Guide for Information Technology Systems”;

(2) the National Institute for Standards and Technology Special Publication 800 53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations,”; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the “Administrator”).

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the “Sponsoring Entity”.

(c) The Administrator shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 538. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 539. (a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Administrator shall continue to submit reports described in subsection (a)(2) every 90 days until the Administrator certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 540. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers’ and crews’ privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 541. (a) Notwithstanding section 286(n) of the Immigration and Nationality Act (8 U.S.C. 1356(n)), of the funds deposited into the Immigration Examinations Fee Account, \$9,200,000 shall be available to United States Citizenship and Immigration Services in fiscal year 2013 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 542. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security

to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 543. Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: *Provided*, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: *Provided further*, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 34,000 detention beds: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 544. None of the funds made available under this Act or any prior appropriations Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 545. The Department of Homeland Security Chief Information Officer, the Commissioner of U.S. Customs and Border Protection, and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall, with respect to fiscal years 2013, 2014, 2015, and 2016, submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget proposal for fiscal year 2014 is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, the information required in the multi-year investment and management plans required, respectively, under the headings “Office of the Chief Information Officer” under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74), “U.S. Customs and Border Protection—Salaries and Expenses” under title II of such division, and “U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology” under such title, and section 568 of such Act.

SEC. 546. The Secretary of Homeland Security shall ensure enforcement of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

SEC. 547. (a) The Secretary of Homeland Security shall ensure by submitting proposals that the fees collected pursuant to

section 13031(b)(1)(A)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(i)) and described in section 601 of the United States-Colombia Trade Promotion Agreement Implementation Act of 2011 (Public Law 112-42) shall be available to U.S. Customs and Border Protection in fiscal year 2014 and subsequent fiscal years.

(b) The President's budget request shall include proposals to completely offset any budgetary cost associated with the provisions of subsection (a).

SEC. 548. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "September 30, 2012" and inserting "September 30, 2013".

SEC. 549. (a) RESTRICTION.—Except as provided in subsection (b), the Secretary and the Deputy Secretary of Homeland Security and the Commandant and Vice Commandant of the Coast Guard may not travel aboard any Coast Guard owned or operated fixed-wing aircraft after the date of the submission of the President's budget request for fiscal year 2014 if the Secretary has not provided the Committees on Appropriations of the House of Representatives and the Senate the Comprehensive Acquisition Strategy Report required in title I and the Commandant has not provided the Capital Investment Plan, required in Coast Guard Acquisition, Construction and Improvement of title II.

(b) EXCEPTION.—Subsection (a) shall not apply in the case of travel aboard an aircraft described in such subsection—

(1) to respond to a major disaster or emergency declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) to respond to a discharge classified as a spill of national significance under part 300.323 of title 40, Code of Federal Regulations;

(3) for evacuation purposes, including for a medical emergency; or

(4) to respond to emergent national security issues as required by the President.

(c) NOTIFICATION.—The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not later than 5 days after engaging in travel prohibited in subsection (a) under an exception provided in subsection (b).

SEC. 550. Notwithstanding Office of Management and Budget Circular A-11, in a budget submission of the Coast Guard for Department of Homeland Security, Coast Guard, "Acquisition, Construction, and Improvements" for fiscal year 2014 or any fiscal year thereafter, costs related to the construction or conversion of a cutter shall be requested in accordance with the following guidelines:

(1) Costs of outfitting and post-delivery activities and spare or repair parts shall be requested not earlier than for the first fiscal year in which it is necessary to incur such costs to maintain a planned production schedule, which may be subsequent to the fiscal year for which cutter end costs are requested.

(2) Costs of long lead time items shall be requested for the fiscal year in which it is necessary to incur such costs to maintain a planned production schedule, which may be in advance of the fiscal year for which cutter end costs are requested.

(3) Costs of program management shall be requested for each fiscal year, for the portion of program management costs attributable to such fiscal year.

(4) For purposes of the preceding paragraphs—

(A) the term "long lead time items" means components, parts, material, or effort with significantly longer lead times than other elements of an end item;

(B) the term "outfitting" means procurement or installation of on board repair parts, other secondary items, equipment, and recreation items; precommissioning crew support; general use consumables furnished to the shipbuilder; the fitting out activity to fill a vessel's initial allowances; and contractor-furnished spares;

(C) the term "post delivery activities" includes design, planning, Government furnished material, and related labor for Government-responsible defects and deficiencies identified during builders trials, acceptance trials, and testing during the post-delivery period; costs of all work required to correct defects or deficiencies identified during the post-delivery period; and costs of all work required to correct trial card deficiencies on a vessel of a particular class, as well as on subsequent vessels of that class (whether or not delivered) until the corrective action for that cutter class is completed; and

(D) the term "cutter end costs" includes the cost of construction or conversion of a vessel, deferred work identified prior to vessel delivery, and, when unrelated to a specific fix, normal changes authorized prior to completion of fitting out, advanced planning, and travel.

SEC. 551. (a) The President, acting through the Administrator of the Federal Emergency Management Agency, shall establish new procedures to administer assistance for debris and wreckage removal provided under sections 403(a)(3)(A), 407, and 502(a)(5) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

(b) The new procedures established under paragraph (a) may include—

(1) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion of projects under sections 403(a)(3)(A), 407, and 502(a)(5) of such Act if the State, local government, or owner or operator of the private non-profit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

(2) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

(3) allowing utilization of program income from recycled debris without offset to grant amount;

(4) reimbursing base and overtime wages for employees and extra hires of a State, local government, or owner or operator of a private non-profit facility performing or administering debris and wreckage removal; and

(5) notwithstanding any other provision of law, if the actual costs of projects under subparagraph (b)(1) are less than the estimated costs thereof, the Administrator may permit a grantee or sub grantee to use all or part of the excess funds for any of the following purposes:

(A) Debris management planning.

(B) Acquisition of debris management equipment for current or future use.

(C) Other activities to improve future debris removal operations, as determined by the Administrator.

SEC. 552. (a) Of the amounts made available by this Act for "Department of Homeland Security—National Protection and Programs Directorate—Infrastructure Protection and Information Security—Federal Network Se-

curity", \$202,000,000 shall be used to deploy on Federal systems technology to improve the information security of agency information systems covered by section 3543(a) of title 44, United States Code: *Provided*, That funds made available under this section shall be used to assist and support Government-wide and agency-specific efforts to provide adequate, risk-based, and cost-effective cybersecurity to address escalating and rapidly evolving threats to information security, including the acquisition by the Department of Homeland Security of an automated and continuous monitoring program that includes equipment, software, and Department of Homeland Security-supplied services: *Provided further*, That not later than January 1, 2013, and quarterly thereafter, the Under Secretary of Homeland Security of the National Protection and Programs Directorate shall submit to the Committees on Appropriations of the Senate and House of Representatives a report on the obligation and expenditure of funds made available under this section: *Provided further*, That automated and continuous monitoring software procured by the funds made available by this section shall not collect or store personally identifiable information, nor monitor the content of network traffic: *Provided further*, That such software shall be installed, maintained, and operated in accordance with all applicable privacy laws and agency-specific restrictions and standards on access to personally identifiable information.

(b) Funds made available under this section may not be used to supplant funds provided for any such system within an agency budget.

(c) Not later than April 1, 2013, the heads of all Federal agencies shall submit to the Committees on Appropriations of the Senate and House of Representatives expenditure plans for necessary cybersecurity improvements to address known vulnerabilities to information systems described in subsection (a).

(d) Not later July 1, 2013, and quarterly thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the execution of the expenditure plan for that agency required by subsection (c): *Provided*, That the Director of the Office of Management and Budget shall summarize such execution reports and annually submit such summaries to Congress in conjunction with the annual progress report on implementation of the E-Government Act of 2002 (Public Law 107-347), as required by section 3606 of title 44, United States Code.

(e) This section shall not apply to the legislative and judicial branches of the Federal Government and shall apply to all Federal agencies within the executive branch except for the Department of Defense, the Central Intelligence Agency, and the Office of the Director of National Intelligence.

SEC. 553. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 554. None of the funds made available under this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or

suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 555. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated in this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 556. (a) None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States, unless—

(1) such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States; or

(2) such attendance is pursuant to law enforcement, security, or military operations.

SEC. 557. (a) The head of any agency, office, or component funded by this Act shall submit quarterly reports to the Inspector General regarding the costs and contracting procedures relating to each conference, ceremony, and similar event, to include commissioning, de-commissioning, change of command, and other ceremonies, held by the agency during fiscal year 2013 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each event described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that event;

(2) a detailed statement of the costs to the Government relating to that event, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that event; and

(3) a description of the contracting procedures relating to that event, including—

(A) whether contracts were awarded on a competitive basis for that event; and

(B) a discussion of any cost comparison conducted by the agency in evaluating potential contractors for that event.

(c) Not later than 30 days after the end of fiscal year 2013, the Inspector General shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives on Department of Homeland

Security spending on conferences, ceremonies, and similar events in fiscal year 2013, as reported pursuant to subsections (a) and (b). The report shall list the relevant events, substantiate that the Department complied with all applicable laws and regulations associated with spending on such events, and describe in detail the total costs to the Government associated with those events, to include the amount of funding obligated and expended by appropriation or other source of funding, including relevant budget accounts.

SEC. 558. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 559. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

(RESCISSIONS)

SEC. 560. The unobligated balance of each amount specified for a project or activity under the heading “Federal Emergency Management Agency—National Predisaster Mitigation Fund” in the explanatory statement accompanying Public Law 110-161 where the Federal Emergency Management Agency has received written notification of the intent by the recipient to not apply for the grant is rescinded, and the overall unobligated balance available under such heading in such Act is reduced accordingly.

(RESCISSIONS)

SEC. 561. Of the funds appropriated in Department of Homeland Security Acts the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

(1) \$42,500,000 from Coast Guard “Acquisition, Construction, and Improvements,” 2010/2014.

(2) \$91,100,000 from Coast Guard “Acquisition, Construction, and Improvements,” 2011/2015.

(3) \$40,412,000 from U.S. Customs and Border Protection “Border Security Fencing, Infrastructure, and Technology,” 2012/2014.

(4) \$48,000,000 from Coast Guard “Acquisition, Construction, and Improvements,” 2012/2016.

(RESCISSION)

SEC. 562. From the unobligated balances made available in the Department of the

Treasury Forfeiture Fund established by section 9703.1 of title 31, United States Code, which was added to such title by section 638 of Public Law 102-393, \$60,000,000 shall be permanently rescinded.

(RESCISSIONS)

SEC. 563. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$1,316,000 from Department of Homeland Security “Office for Domestic Preparedness”; and

(2) \$2,831,000 from Federal Emergency Management Agency “National Predisaster Mitigation Fund”.

SEC. 564. (a) Section 44945 of Title 49, United States Code, is hereafter repealed.

(b) The table of sections at the beginning of chapter 449 of title 49, United States Code, is hereafter amended by striking the item relating to such section.

SEC. 565. None of the funds made available by this Act may be used to require a facility to employ or to not employ a particular security measure for personnel surety if the facility has adopted personnel measures designed to—

(1) verify and validate individuals’ identification;

(2) check individuals’ criminal history;

(3) verify and validate individuals’ legal authorization to work; and

(4) identify people with terrorist ties.

SEC. 566. None of the funds appropriated by this Act for U.S. Immigration and Customs Enforcement shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 567. None of the funds appropriated by this Act for U.S. Immigration and Customs Enforcement shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 568. Nothing in the preceding section shall remove the obligation of the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement to provide escort services necessary for a female detainee to receive such service outside the detention facility: *Provided*, That nothing in this section in any way diminishes the effect of section 567 intended to address the philosophical beliefs of individual employees of U.S. Immigration and Customs Enforcement.

Mr. ADERHOLT (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 99, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SPENDING REDUCTION ACCOUNT

SEC. 569. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the

House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

□ 2240

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Ms. MOORE of Wisconsin.

An amendment by Mr. BROWN of Georgia.

An amendment by Mr. HOLT of New Jersey.

First amendment by Mr. CLARKE of Michigan.

Second amendment by Mr. CLARKE of Michigan.

First amendment by Ms. HAHN of California.

Second amendment by Ms. HAHN of California.

An amendment by Mr. POE of Texas.

An amendment by Mr. BISHOP of Utah.

An amendment by Ms. LORETTA SANCHEZ of California.

An amendment by Ms. JACKSON LEE of Texas.

An amendment by Mr. HIGGINS of New York.

An amendment by Mr. BISHOP of New York.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 260, not voting 17, as follows:

[Roll No. 345]

AYES—154

| | | |
|-------------|---------------|------------|
| Ackerman | Carnahan | Courtney |
| Andrews | Carney | Crowley |
| Baca | Carson (IN) | Cummings |
| Baldwin | Castor (FL) | Davis (CA) |
| Becerra | Chu | Davis (IL) |
| Berkley | Cicilline | DeFazio |
| Berman | Clarke (MI) | DeGette |
| Bishop (GA) | Clarke (NY) | DeLauro |
| Blumenauer | Clay | Deutch |
| Bonamici | Cleaver | Dicks |
| Brady (PA) | Clyburn | Dingell |
| Braley (IA) | Cohen | Doggett |
| Butterfield | Connolly (VA) | Doyle |
| Capps | Cooper | Edwards |
| Capuano | Costa | Ellison |
| | Costello | Engel |

| | |
|----------------|----------------|
| Eshoo | Lewis (GA) |
| Farr | Lipinski |
| Fattah | Lofgren, Zoe |
| Frank (MA) | Lowey |
| Fudge | Lujan |
| Garamendi | Lynch |
| Gonzalez | Maloney |
| Green, Al | Markey |
| Grijalva | Matsui |
| Gutierrez | McCollum |
| Hahn | McDermott |
| Hanabusa | McGovern |
| Hastings (FL) | McNerney |
| Heinrich | Meeks |
| Higgins | Michaud |
| Himes | Miller (NC) |
| Hinche | Miller, George |
| Hinojosa | Moore |
| Hirono | Moran |
| Holt | Murphy (CT) |
| Honda | Nader |
| Hoyer | Neal |
| Jackson (IL) | Pallone |
| Jackson Lee | Pascarella |
| (TX) | Pastor (AZ) |
| Johnson (GA) | Pelosi |
| Johnson, E. B. | Peters |
| Kaptur | Pingree (ME) |
| Keating | Polis |
| Kildee | Price (NC) |
| Kind | Quigley |
| Kucinich | Rangel |
| Langevin | Richardson |
| Larsen (WA) | Richmond |
| Larson (CT) | Rothman (NJ) |
| Lee (CA) | Roybal-Allard |
| Levin | Ruppersberger |

NOES—260

| | |
|---------------|---------------|
| Adams | Davis (KY) |
| Aderholt | Dent |
| Akin | DesJarlais |
| Alexander | Diaz-Balart |
| Altmire | Dold |
| Amash | Donnelly (IN) |
| Amodei | Dreier |
| Austria | Duffy |
| Bachmann | Duncan (SC) |
| Bachus | Duncan (TN) |
| Barletta | Ellmers |
| Barrow | Emerson |
| Bartlett | Farenthold |
| Barton (TX) | Fincher |
| Bass (NH) | Fitzpatrick |
| Benish | Flake |
| Berg | Fleischmann |
| Biggart | Fleming |
| Bilbray | Flores |
| Bilirakis | Forbes |
| Bishop (NY) | Fortenberry |
| Bishop (UT) | Fox |
| Black | Franks (AZ) |
| Blackburn | Frelinghuysen |
| Bonner | Gallegly |
| Bono Mack | Gardner |
| Boren | Garrett |
| Boswell | Gerlach |
| Boustany | Gibbs |
| Brady (TX) | Gibson |
| Brooks | Gingrey (GA) |
| Brown (GA) | Gohmert |
| Buchanan | Goodlatte |
| Bucshon | Gosar |
| Buerkle | Gowdy |
| Burgess | Granger |
| Burton (IN) | Graves (GA) |
| Calvert | Graves (MO) |
| Camp | Green, Gene |
| Campbell | Griffin (AR) |
| Canseco | Griffith (VA) |
| Carney | Grimm |
| Carson (IN) | Guinta |
| Castor (FL) | Guthrie |
| Chu | Hall |
| Cicilline | Hanna |
| Clarke (MI) | Harper |
| Clarke (NY) | Chaffetz |
| Clay | Chandler |
| Cleaver | Coffman (CO) |
| Clyburn | Cole |
| Cohen | Conaway |
| Connolly (VA) | Cravaack |
| Cooper | Crawford |
| Costa | Crenshaw |
| Costello | Critz |
| | Cuellar |

| |
|-------------------|
| Rush |
| Ryan (OH) |
| Sanchez, Linda T. |
| Sanchez, Loretta |
| Sarbanes |
| Schakowsky |
| Schiff |
| Schwartz |
| Scott (VA) |
| Serrano |
| Sewell |
| Sherman |
| Sires |
| Smith (WA) |
| Speier |
| Sutton |
| Thompson (CA) |
| Thompson (MS) |
| Tierney |
| Tonko |
| Towns |
| Tsongas |
| Van Hollen |
| Velázquez |
| Visclosky |
| Wasserman |
| Schultz |
| Waters |
| Watt |
| Waxman |
| Welch |
| Wilson (FL) |
| Woolsey |
| Yarmuth |

| |
|---------------|
| Miller, Gary |
| Mulvaney |
| Murphy (PA) |
| Neugebauer |
| Noem |
| Nugent |
| Nunes |
| Nunnelee |
| Olson |
| Owens |
| Palazzo |
| Paulsen |
| Pearce |
| Pence |
| Perlmutter |
| Peterson |
| Petri |
| Pitts |
| Platts |
| Poe (TX) |
| Pompeo |
| Posey |
| Price (GA) |
| Quayle |
| Rahall |
| Reed |
| Rehberg |
| Reichert |
| Renacci |
| Reyes |
| Ribble |
| Rigell |
| Rivera |
| Roby |
| Roe (TN) |
| Rogers (AL) |
| Rogers (KY) |
| Rogers (MI) |
| Rohrabacher |
| Rokita |
| Rooney |
| Ros-Lehtinen |
| Roskam |
| Ross (AR) |
| Ross (FL) |
| Royce |
| Runyan |
| Ryan (WI) |
| Scalise |
| Schilling |
| Schmidt |
| Schock |
| Schrader |
| Schweikert |
| Scott (SC) |
| Scott, Austin |
| Sensenbrenner |
| Sessions |
| Shimkus |
| Shuster |
| Simpson |
| Smith (NE) |
| Smith (NJ) |
| Smith (TX) |

NOT VOTING—17

| | | |
|-----------|------------|--------------|
| Bass (CA) | Filner | Paul |
| Cardoza | Holden | Scott, David |
| Coble | Lewis (CA) | Shuler |
| Conyers | Myrick | Slaughter |
| Culberson | Napolitano | Stark |
| Denham | Oliver | |

□ 2304

Messrs. BISHOP of New York and ISRAEL changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 345, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. BROWN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 140, noes 273, not voting 18, as follows:

[Roll No. 346]

AYES—140

| | | |
|-------------|-------------|-------------|
| Adams | Bishop (UT) | Buerkle |
| Akin | Black | Burgess |
| Amash | Blackburn | Burton (IN) |
| Bachmann | Brady (TX) | Camp |
| Bartlett | Brooks | Campbell |
| Barton (TX) | Brown (GA) | Canseco |
| Benish | Buchanan | Cantor |

Cassidy
Chabot
Chaffetz
Conaway
Cravaack
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Engel
Eshoo
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Harris
Hartzler
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)

NOES—273

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen

Hultgren
Hunter
Hurt
Jenkins
Johnson, Sam
Jordan
King (IA)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Lofgren, Zoe
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Neugebauer
Nugent
Nunnelee
Olson
Paulsen
Pence
Petri
Pitts

Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Ribble
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Wilson (SC)
Woodall
Yoder
Young (FL)

Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Hoyer
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lungren, Daniel
E.
Lynch

Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Neal
Noem
Nunes
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Price (NC)

NOT VOTING—18

Bass (CA)
Cardoza
Holden
Coble
Conyers
Culberson
Finer
Grijalva
Paul
Honda
Lewis (CA)
Myrick
Napolitano

□ 2308

Mr. CASSIDY changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 346, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 240, not voting 18, as follows:

Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson

Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (IN)

[Roll No. 347]

AYES—173

Ackerman
Andrews
Baca
Baldwin
Barletta
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Burgess
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Deutch
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)

Fudge
Gibson
Goodlatte
Green, Al
Griffith (VA)
Grimm
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Landry
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Marino
Markley
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Mica
Michaud
Miller (NC)
Miller, George
Moore
Moran

Murphy (CT)
Nadler
Neal
Owens
Pallone
Pascarell
Pelosi
Pence
Perlmutter
Peters
Petri
Pingree (ME)
Polis
Quigley
Himes
Rahall
Rangel
Reyes
Richardson
Richmond
Rooney
Rothman (NJ)
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—240

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burton (IN)
Calvert

Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (KY)
Dent
DesJarlais
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson

Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Guinta
Guthrie
Hall
Harper

Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Larsen (WA)
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
Bass (CA)
Cardoza
Coble
Conyers
Culberson
Diaz-Balart

McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paulsen
Pearce
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
LoBiondo
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Filner
Grijalva
Hirono
Holden
Lewis (CA)
Myrick
Napolitano
Oliver
Paul
Shuler
Slaughter
Stark

Royce
Runyan
Rush
Ryan (WI)
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Velázquez
Visclosky
Walberg
Walsh (IL)
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

□ 2312

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 347, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Michigan (Mr. CLARKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 202, not voting 18, as follows:

[Roll No. 348]

AYES—211

Ackerman
Aderholt
Andrews
Baca
Bachmann
Baldwin
Barletta
Barrow
Bass (NH)
Benishek
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (IA)
Brown (FL)
Buchanan
Buerkle
Butterfield
Camp
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Deutch
Diaz-Balart
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Eshoo
Farr
Fattah
Fitzpatrick
Fudge
Garamendi
Gibson
Adams
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Bartlett
Barton (TX)
Becerra
Berg
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchson
Burgess
Burton (IN)
Calvert
Campbell
Canseco
Gonzalez
Goodlatte
Graves (MO)
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Guthrie
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Huizenga (MI)
Hunter
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jordan
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Landry
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsock
Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Mulvaney
Murphy (CT)
Nadler
Neal
Owens
Pallone
Pascarell
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Quigley
Rahall
Gardner
Rangel
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Rogers (MI)
Rooney
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Smith (NJ)
Southernland
Speier
Stivers
Stutzman
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Upton
Van Hollen
Walz (MN)
Wasserman
Schultz
Watt
Welch
West
Whitfield
Wilson (FL)
Woolsey
Yarmuth

NOES—202

DesJarlais
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Engel
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gallagher
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Grimm
Guinta
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Hoyer
Huelskamp
Hultgren
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
LaTourette
Latta
Long
Lucas
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris
Rodgers
Miller (FL)
Miller, Gary
Moran
Murphy (PA)
Hall
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Reed
Rehberg
Renacci
Ribble
Rokita
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Ross (FL)
Royce
Ruppersberger
Ryan (WI)
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Velázquez
Visclosky
Nunes
Walberg
Walden
Walsh (IL)
Waxman
Webster
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)
Paul
Ryan (OH)
Shuler
Slaughter
Stark
Waters

NOT VOTING—18

□ 2315

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 348, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Michigan (Mr. CLARKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 254, not voting 18, as follows:

[Roll No. 349]

AYES—159

| | | |
|-------------|----------------|------------------|
| Ackerman | Green, Gene | Nadler |
| Andrews | Grijalva | Neal |
| Baldwin | Gutierrez | Pallone |
| Bass (NH) | Hahn | Pascarell |
| Becerra | Hanabusa | Pastor (AZ) |
| Berkley | Hastings (FL) | Pelosi |
| Berman | Hayworth | Peters |
| Bishop (NY) | Heinrich | Pingree (ME) |
| Blumenauer | Higgins | Polis |
| Bonamici | Himes | Price (NC) |
| Boswell | Hinchee | Quigley |
| Brady (PA) | Hinojosa | Rahall |
| Braley (IA) | Hirono | Rangel |
| Brown (FL) | Hochul | Reyes |
| Capps | Holt | Richardson |
| Capuano | Honda | Richmond |
| Carnahan | Hoyer | Rothman (NJ) |
| Carney | Israel | Roybal-Allard |
| Carson (IN) | Jackson (IL) | Rush |
| Castor (FL) | Jackson Lee | Ryan (OH) |
| Chu | (TX) | Sánchez, Linda |
| Ciçilline | Johnson (GA) | T. |
| Clarke (MI) | Johnson, E. B. | Sanchez, Loretta |
| Clay | Kaptur | Sarbanes |
| Cleaver | Keating | Schakowsky |
| Clyburn | Kildee | Schiff |
| Cohen | Kind | Schwartz |
| Conyers | Kucinich | Scott (VA) |
| Costello | Langevin | Scott, David |
| Courtney | Larsen (WA) | Serrano |
| Critz | Larson (CT) | Sewell |
| Crowley | Lee (CA) | Sherman |
| Cummings | Levin | Sires |
| Davis (CA) | Lewis (GA) | Smith (WA) |
| Davis (IL) | Loeb sack | Speier |
| DeGette | Lofgren, Zoe | Sutton |
| DeLauro | Lowey | Thompson (CA) |
| Deutch | Lujan | Thompson (MS) |
| Dicks | Lynch | Tierney |
| Dingell | Maloney | Tonko |
| Doggett | Manzullo | Towns |
| Doyle | Markay | Tsongas |
| Edwards | Matsui | Van Hollen |
| Ellison | McCarthy (NY) | Velázquez |
| Engel | McCollum | Visclosky |
| Eshoo | McDermott | Walz (MN) |
| Farr | McGovern | Wasserman |
| Fattah | Meeks | Schultz |
| Frank (MA) | Michaud | Watt |
| Fudge | Miller (NC) | Waxman |
| Garamendi | Miller, George | Welch |
| Gibson | Moore | Wilson (FL) |
| Gonzalez | Moran | Woolsey |
| Green, Al | Murphy (CT) | Yarmuth |

NOES—254

| | | |
|-------------|---------------|---------------|
| Adams | Buchanan | DesJarlais |
| Aderholt | Bucshon | Diaz-Balart |
| Akin | Buerkle | Dold |
| Alexander | Burgess | Donnelly (IN) |
| Altmire | Burton (IN) | Dreier |
| Amash | Calvert | Duffy |
| Amodei | Camp | Duncan (SC) |
| Austria | Campbell | Duncan (TN) |
| Baca | Canseco | Ellmers |
| Bachmann | Cantor | Emerson |
| Bachus | Capito | Farenthold |
| Barletta | Carter | Fincher |
| Barrow | Cassidy | Fitzpatrick |
| Bartlett | Chabot | Flake |
| Benishkek | Chaffetz | Fleischmann |
| Berg | Chandler | Fleming |
| Biggert | Coffman (CO) | Flores |
| Bilbray | Cole | Forbes |
| Bilirakis | Conaway | Fortenberry |
| Bishop (GA) | Connolly (VA) | Fox |
| Bishop (UT) | Cooper | Franks (AZ) |
| Black | Costa | Frelinghuysen |
| Blackburn | Cravaack | Gallely |
| Bonner | Crawford | Gardner |
| Bono Mack | Crenshaw | Garrett |
| Boren | Cuellar | Gerlach |
| Boustany | Davis (KY) | Gibbs |
| Brady (TX) | DeFazio | Gingrey (GA) |
| Brooks | Denham | Gohmert |
| Broun (GA) | Dent | Goodlatte |

| | | |
|-----------------|---------------|---------------|
| Gosar | Marchant | Rooney |
| Gowdy | Marino | Ros-Lehtinen |
| Granger | Matheson | Roskam |
| Graves (GA) | McCarthy (CA) | Ross (AR) |
| Graves (MO) | McCauley | Ross (FL) |
| Griffin (AR) | McClintock | Royce |
| Griffith (VA) | McCotter | Runyan |
| Grimm | McHenry | Ruppersberger |
| Guinta | McIntyre | Ryan (WI) |
| Guthrie | McKeon | Scalise |
| Hall | McKinley | Schilling |
| Hanna | McMorris | Schmidt |
| Harper | Rodgers | Schock |
| Harris | McNerney | Schrader |
| Hartzler | Meehan | Schweikert |
| Hastings (WA) | Mica | Scott (SC) |
| Heck | Miller (FL) | Scott, Austin |
| Hensarling | Miller (MI) | Sensenbrenner |
| Herger | Miller, Gary | Sessions |
| Herrera Beutler | Mulvaney | Shimkus |
| Huelskamp | Murphy (PA) | Shuster |
| Huizenga (MI) | Neugebauer | Simpson |
| Hultgren | Noem | Smith (NE) |
| Hunter | Nugent | Smith (NJ) |
| Hurt | Nunes | Smith (TX) |
| Issa | Nunnelee | Southerland |
| Jenkins | Olson | Stearns |
| Johnson (IL) | Owens | Stivers |
| Johnson (OH) | Palazzo | Stutzman |
| Johnson, Sam | Paulsen | Sullivan |
| Jones | Pearce | Terry |
| Jordan | Pence | Thompson (PA) |
| Kelly | Perlmutter | Thornberry |
| King (IA) | Peterson | Tiberi |
| King (NY) | Petri | Tipton |
| Kingston | Pitts | Turner (NY) |
| Kinzing (IL) | Platts | Turner (OH) |
| Kissell | Poe (TX) | Upton |
| Kline | Pompeo | Walberg |
| Labrador | Posay | Waldeen |
| Lamborn | Price (GA) | Walsh (IL) |
| Lance | Quayle | Webster |
| Landry | Reed | West |
| Lankford | Rehberg | Westmoreland |
| Latham | Reichert | Whitfield |
| LaTourette | Renacci | Wilson (SC) |
| Latta | Ribble | Wittman |
| Lipinski | Rigell | Wolf |
| LoBiondo | Rivera | Womack |
| Long | Roby | Woodall |
| Lucas | Roe (TN) | Yoder |
| Luetkemeyer | Rogers (AL) | Young (AK) |
| Lummis | Rogers (KY) | Young (FL) |
| Lungren, Daniel | Rogers (MI) | Young (IN) |
| E. | Rohrabacher | |
| Mack | Rokita | |

NOT VOTING—18

| | | |
|-------------|------------|-----------|
| Barton (TX) | Culberson | Olver |
| Bass (CA) | Finer | Paul |
| Butterfield | Holden | Shuler |
| Cardoza | Lewis (CA) | Slaughter |
| Clarke (NY) | Myrick | Stark |
| Coble | Napolitano | Waters |

□ 2318

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 349, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. HAHN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentlewoman from California (Ms. HAHN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 261, not voting 14, as follows:

[Roll No. 350]

AYES—156

| | | |
|---------------|----------------|------------------|
| Ackerman | Gohmert | Moore |
| Altmire | Gonzalez | Moran |
| Amash | Green, Al | Murphy (CT) |
| Baca | Green, Gene | Nadler |
| Baldwin | Grijalva | Neal |
| Barrow | Gutierrez | Owens |
| Becerra | Hahn | Pallone |
| Berkley | Hanabusa | Pascarell |
| Berman | Hastings (FL) | Pastor (AZ) |
| Bishop (GA) | Heinrich | Pelosi |
| Bishop (NY) | Higgins | Peters |
| Blumenauer | Himes | Pingree (ME) |
| Bonamici | Hinchee | Polis |
| Brady (PA) | Hinojosa | Quigley |
| Braley (IA) | Hirono | Rahall |
| Brown (FL) | Hochul | Rangel |
| Butterfield | Holt | Richardson |
| Capps | Honda | Richmond |
| Capuano | Hoyer | Rohrabacher |
| Carnahan | Israel | Roybal-Allard |
| Carney | Jackson (IL) | Royce |
| Carson (IN) | Jackson Lee | Ruppersberger |
| Castor (FL) | (TX) | Rush |
| Chandler | Johnson (GA) | Ryan (OH) |
| Chu | Kaptur | Sánchez, Linda |
| Ciçilline | Keating | T. |
| Clarke (MI) | Kildee | Sanchez, Loretta |
| Clarke (NY) | Kind | Schakowsky |
| Cohen | Kucinich | Schiff |
| Connolly (VA) | Langevin | Schrader |
| Conyers | Larsen (WA) | Schwartz |
| Courtney | Larson (CT) | Scott (VA) |
| Crowley | Lee (CA) | Scott, David |
| Cuellar | Levin | Serrano |
| Cummings | Lewis (GA) | Sewell |
| Davis (CA) | Lowey | Sherman |
| Davis (IL) | Lujan | Sires |
| DeFazio | Lynch | Speier |
| DeGette | Maloney | Sutton |
| DeLauro | Markay | Thompson (MS) |
| Deutch | Matheson | Tierney |
| Dicks | Matsui | Tonko |
| Dingell | McCarthy (NY) | Towns |
| Doggett | McClintock | Tsongas |
| Donnelly (IN) | McDermott | Van Hollen |
| Doyle | McGovern | Velázquez |
| Ellison | McNerney | Wasserman |
| Engel | Meehan | Schultz |
| Fattah | Meeks | Waxman |
| Frank (MA) | Michaud | Wilson (FL) |
| Fudge | Miller (NC) | Woolsey |
| Gallely | Miller, Gary | Yarmuth |
| | Miller, George | |

NOES—261

| | | |
|-------------|--------------|---------------|
| Adams | Buchanan | Dent |
| Aderholt | Bucshon | DesJarlais |
| Akin | Buerkle | Diaz-Balart |
| Alexander | Burgess | Dold |
| Amodei | Burton (IN) | Dreier |
| Andrews | Calvert | Duffy |
| Austria | Camp | Duncan (SC) |
| Bachmann | Campbell | Duncan (TN) |
| Bachus | Canseco | Edwards |
| Barletta | Cantor | Ellmers |
| Bartlett | Capito | Emerson |
| Barton (TX) | Carter | Eshoo |
| Bass (NH) | Cassidy | Farenthold |
| Benishkek | Chabot | Farr |
| Berg | Chaffetz | Fincher |
| Biggert | Cleaver | Fitzpatrick |
| Bilbray | Clyburn | Flake |
| Bilirakis | Coffman (CO) | Fleischmann |
| Bishop (UT) | Cole | Fleming |
| Black | Conaway | Flores |
| Blackburn | Cooper | Forbes |
| Bonner | Costa | Fortenberry |
| Bono Mack | Costello | Fox |
| Boren | Cravaack | Franks (AZ) |
| Boswell | Crawford | Frelinghuysen |
| Boustany | Crenshaw | Garamendi |
| Brady (TX) | Critz | Gardner |
| Brooks | Davis (KY) | Garrett |
| Broun (GA) | Denham | Gerlach |

Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lucas

Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen

Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ryan (WI)
Sarbanes
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Cummings
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 273, not voting 14, as follows:

[Roll No. 351]

AYES—144

Altmire
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clay
Cohen
Connolly (VA)
Conyers
Courtney
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutsch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Ellison
Fattah
Fitzpatrick
Frank (MA)
Frelinghuysen
Gonzalez
Green, Al

Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Keating
Kildee
Kind
Kucinich
Lance
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lowe
Maloney
Mark
Matheson
Matsui
McCarthy (NY)
McCaul
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lipinski
LoBiondo

Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Webster
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bass (CA)
Cardoza
Coble
Culberson
Filner

Holden
Lewis (CA)
Myrick
Napolitano
Oliver

Paul
Shuler
Slaughter
Stark

Ackerman
Adams
Aderholt
Akin
Alexander
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks

NOES—273

Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clarke (NY)
Cleaver
Clyburn
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw

Critz
Crowley
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Fudge
Gallegly
Garamendi

Bass (CA)
Cardoza
Coble
Culberson
Filner

NOT VOTING—14

Holden
Lewis (CA)
Myrick
Napolitano
Oliver

□ 2324

Mr. JOHNSON of Georgia changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 351, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. Poe) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

□ 2321

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 350, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MS. HAHN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentlewoman from California (Ms. Hahn) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 302, noes 113, not voting 16, as follows:

[Roll No. 352]

AYES—302

| | | |
|---------------|-----------------|--------------------|
| Adams | Duncan (SC) | Larson (CT) |
| Akin | Duncan (TN) | Latham |
| Alexander | Ellmers | LaTourette |
| Altmire | Emerson | Latta |
| Amodei | Engel | Lipinski |
| Austria | Eshoo | LoBiondo |
| Bachmann | Farenthold | Loebsack |
| Bachus | Fincher | Lofgren, Zoe |
| Baldwin | Fitzpatrick | Lucas |
| Barletta | Flake | Luetkemeyer |
| Barrow | Fleischmann | Lujan |
| Bartlett | Fleming | Lummis |
| Barton (TX) | Flores | Lungren, Daniel E. |
| Bass (NH) | Forbes | |
| Benishek | Fortenberry | |
| Berg | Franks (AZ) | |
| Berkley | Gallegly | |
| Biggert | Gardner | |
| Bilbray | Garrett | |
| Bishop (NY) | Gerlach | |
| Bishop (UT) | Gibbs | |
| Black | Gibson | |
| Blackburn | Gingrey (GA) | |
| Bonamici | Gohmert | |
| Bonner | Goodlatte | |
| Bono Mack | Gosar | |
| Boren | Gowdy | |
| Boswell | Granger | |
| Boustany | Graves (GA) | |
| Brady (PA) | Graves (MO) | |
| Brady (TX) | Green, Al | |
| Braley (IA) | Green, Gene | |
| Brooks | Griffin (AR) | |
| Broun (GA) | Griffith (VA) | |
| Buchanan | Grimm | |
| Bucshon | Guinta | |
| Buerkle | Guthrie | |
| Burgess | Hahn | |
| Burton (IN) | Hall | |
| Calvert | Hanna | |
| Camp | Harper | |
| Campbell | Harris | |
| Canseco | Hartzler | |
| Cantor | Hastings (WA) | |
| Capito | Hayworth | |
| Capps | Heck | |
| Carney | Heinrich | |
| Carter | Hensarling | |
| Chabot | Herger | |
| Chaffetz | Herrera Beutler | |
| Chandler | Higgins | |
| Coffman (CO) | Himes | |
| Cole | Hochul | |
| Conaway | Holt | |
| Connolly (VA) | Huelskamp | |
| Conyers | Huizenga (MI) | |
| Cooper | Hultgren | |
| Costa | Hunter | |
| Courtney | Hurt | |
| Cravaack | Issa | |
| Crawford | Jenkins | |
| Critz | Johnson (OH) | |
| Cuellar | Johnson, Sam | |
| Cummings | Jones | |
| Davis (CA) | Jordan | |
| Davis (KY) | Kaptur | |
| DeFazio | Keating | |
| DeLauro | Kelly | |
| Denham | Kind | |
| Dent | King (IA) | |
| DesJarlais | King (NY) | |
| Diaz-Balart | Kinzingler (IL) | |
| Doggett | Kissell | |
| Dold | Kline | |
| Donnelly (IN) | Labrador | |
| Doyle | Lamborn | |
| Dreier | Landry | |
| Duffy | Lankford | |

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Scalise
Schakowsky
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)

Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thornberry
Tiberi
Tipton
Tonko

Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 186, not voting 15, as follows:

[Roll No. 353]

AYES—230

| | | |
|---------------|-----------------|-------------------|
| Adams | Garrett | Noem |
| Aderholt | Gerlach | Nugent |
| Akin | Gibbs | Nunes |
| Alexander | Gibson | Nunnelee |
| Altmire | Gingrey (GA) | Olson |
| Amash | Gohmert | Palazzo |
| Amodei | Goodlatte | Paulsen |
| Austria | Gosar | Pearce |
| Bachmann | Gowdy | Pence |
| Bachus | Granger | Peterson |
| Barrow | Graves (GA) | Petri |
| Bartlett | Graves (MO) | Pitts |
| Benishek | Green, Gene | Platts |
| Berg | Griffin (AR) | Pompeo |
| Biggert | Griffith (VA) | Posey |
| Bilbray | Grimm | Price (GA) |
| Bilirakis | Guinta | Quayle |
| Bishop (GA) | Guthrie | Reed |
| Bishop (UT) | Hall | Reichert |
| Black | Hanna | Renacci |
| Blackburn | Harper | Reyes |
| Bonner | Harris | Ribble |
| Bono Mack | Hartzler | Rigell |
| Boren | Hastings (WA) | Rivera |
| Boustany | Hayworth | Roby |
| Brooks | Hensarling | Roe (TN) |
| Broun (GA) | Herger | Rogers (AL) |
| Brown (FL) | Herrera Beutler | Rogers (KY) |
| Bucshon | Huizenga (MI) | Rogers (MI) |
| Buerkle | Hurt | Rohrabacher |
| Burton (IN) | Issa | Rokita |
| Calvert | Johnson (IL) | Rooney |
| Camp | Johnson (OH) | Ros-Lehtinen |
| Campbell | Johnson, Sam | Roskam |
| Canseco | Jones | Ross (AR) |
| Cantor | Jordan | Ross (FL) |
| Capito | Kelly | Runyan |
| Carter | King (NY) | Ruppersberger |
| Cassidy | Kingston | Ryan (WI) |
| Chabot | Kinzingler (IL) | Sánchez, Linda T. |
| Chaffetz | Kline | Schilling |
| Cole | Labrador | Schock |
| Conaway | Lamborn | Schweikert |
| Costa | Lance | Scott (SC) |
| Cravaack | Landry | Scott, David |
| Crawford | Lankford | Sensenbrenner |
| Crenshaw | Latham | Sessions |
| Cuellar | Latta | Shimkus |
| Cummings | Lipinski | Shuster |
| Davis (CA) | LoBiondo | Simpson |
| Davis (KY) | Lucas | Smith (NE) |
| Denham | Luetkemeyer | Smith (NJ) |
| Dent | Lummis | Smith (TX) |
| Diaz-Balart | Mack | Southerland |
| Dold | Manzullo | Stearns |
| Donnelly (IN) | Marchant | Stivers |
| Dreier | Marino | Stutzman |
| Duffy | Matheson | Sullivan |
| Duncan (SC) | McCarthy (CA) | Terry |
| Duncan (TN) | McClintock | Thornberry |
| Edwards | McCotter | Tiberi |
| Ellmers | McHenry | Tipton |
| Emerson | McIntyre | Turner (NY) |
| Farenthold | McKeon | Turner (OH) |
| Fincher | McKinley | Upton |
| Flake | McMorris | Walberg |
| Fleischmann | Rodgers | Walsh (IL) |
| Fleming | Meehan | Webster |
| Flores | Mica | West |
| Forbes | Miller (FL) | Westmoreland |
| Fox | Miller (MI) | Whitfield |
| Franks (AZ) | Miller, Gary | Wilson (SC) |
| Frelinghuysen | Mulvaney | Wittman |
| Gallegly | Murphy (PA) | |
| Gardner | Neugebauer | |

NOES—113

Ackerman
Aderholt
Amash
Andrews
Baca
Becerra
Berman
Bilirakis
Bishop (GA)
Blumenauer
Brown (FL)
Butterfield
Capuano
Carnahan
Carson (IN)
Cassidy
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Costello
Crenshaw
Crowley
Davis (IL)
DeGette
Deutch
Dicks
Dingell
Edwards
Ellison
Farr
Fattah
Foxy
Frank (MA)

Frelinghuysen
Neal
Pallone
Pastor (AZ)
Pelosi
Polis
Price (NC)
Quigley
Rangel
Reed
Richmond
Rothman (NJ)
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell
Smith (NE)
Speier
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—16

Bass (CA)
Cardoza
Coble
Culberson
Filner
Holden
Lewis (CA)
McCollum
McMorris
Rodgers
Myrick
Napolitano

□ 2327

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 352, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

Wolf
Womack
Woodall

Yoder
Young (AK)
Young (FL)

Young (IN)

NOES—186

Ackerman
Andrews
Baca
Baldwin
Barletta
Barton (TX)
Bass (NH)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Buchanan
Burgess
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Davis (IL)
DeFazio
DeGette
DeLauro
DesJarlais
Deutch
Dicks
Dingell
Doggett
Doyle
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi

Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Israel
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (IA)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loeback
Lofgren, Zoe
Long
Lowey
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore

Moran
Murphy (CT)
Nadler
Neal
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Scott (VA)
Scott, Austin
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Bass (CA)
Cardoza
Coble
Culberson
Filner

Holden
Lewis (CA)
McCaul
Myrick
Napolitano

□ 2330

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 353, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further pro-

ceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 249, not voting 15, as follows:

[Roll No. 354]

AYES—167

Ackerman
Andrews
Baca
Baldwin
Becerra
Berkley
Berman
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeback
Lofgren, Zoe
Lowey
Lujan
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal

Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Billbray
Billirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks

Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy

Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt

Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
McMorris
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey

Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bass (CA)
Cardoza
Coble
Culberson
Filner

Holden
Larsen (WA)
Lewis (CA)
Myrick
Napolitano

□ 2333

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 354, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the

gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 60, noes 355, not voting 16, as follows:

[Roll No. 355]

AYES—60

| | | |
|---------------|---------------|----------------|
| Ackerman | Harris | Mulvaney |
| Amash | Hastings (FL) | Nadler |
| Baldwin | Heinrich | Polis |
| Bishop (GA) | Hinchey | Price (GA) |
| Braley (IA) | Hirono | Quayle |
| Carson (IN) | Holt | Quigley |
| Castor (FL) | Honda | Rangel |
| Clarke (NY) | Jackson (IL) | Richmond |
| Clay | Jackson Lee | Sánchez, Linda |
| Cleaver | (TX) | T. |
| Conyers | Johnson (GA) | Schweikert |
| Davis (CA) | Jordan | Scott (VA) |
| Davis (IL) | Kucinich | Southerland |
| Ellison | Lee (CA) | Stutzman |
| Engel | Levin | Sutton |
| Fitzpatrick | Maloney | Thompson (MS) |
| Fudge | Markey | Towns |
| Garrett | Meeks | Walsh (IL) |
| Green, Al | Mica | Welch |
| Griffith (VA) | Michaud | Young (FL) |
| Grijalva | Miller (NC) | |

NOES—355

| | | |
|-------------|---------------|---------------|
| Adams | Camp | Doyle |
| Aderholt | Campbell | Dreier |
| Akin | Canseco | Duffy |
| Alexander | Cantor | Duncan (SC) |
| Altmire | Capito | Duncan (TN) |
| Amodei | Capps | Edwards |
| Andrews | Capuano | Ellmers |
| Austria | Carnahan | Emerson |
| Baca | Carney | Eshoo |
| Bachmann | Carter | Farenthold |
| Bachus | Cassidy | Farr |
| Barletta | Chabot | Fattah |
| Barrow | Chaffetz | Fincher |
| Bartlett | Chandler | Flake |
| Barton (TX) | Chu | Fleischmann |
| Bass (NH) | Cicilline | Fleming |
| Becerra | Clarke (MI) | Flores |
| Benishek | Clyburn | Forbes |
| Berg | Coffman (CO) | Fortenberry |
| Berkley | Cohen | Foxx |
| Berman | Cole | Frank (MA) |
| Biggert | Conaway | Franks (AZ) |
| Bilbray | Connolly (VA) | Frelinghuysen |
| Bilirakis | Cooper | Galleghy |
| Bishop (NY) | Costa | Garamendi |
| Bishop (UT) | Costello | Gardner |
| Black | Courtney | Gerlach |
| Blackburn | Cravaack | Gibbs |
| Blumenauer | Crawford | Gibson |
| Bonamici | Crenshaw | Gingrey (GA) |
| Bonner | Critz | Gohmert |
| Bono Mack | Crowley | Gonzalez |
| Boren | Cuellar | Goodlatte |
| Boswell | Davis (KY) | Gosar |
| Boustany | DeFazio | Gowdy |
| Brady (PA) | DeGette | Granger |
| Brady (TX) | DeLauro | Graves (GA) |
| Brooks | Denham | Graves (MO) |
| Broun (GA) | Dent | Green, Gene |
| Brown (FL) | DesJarlais | Griffin (AR) |
| Buchanan | Deutch | Grimm |
| Buchanan | Diaz-Balart | Guinta |
| Buerkle | Dicks | Guthrie |
| Burgess | Dingell | Gutierrez |
| Burton (IN) | Doggett | Hahn |
| Butterfield | Dold | Hall |
| Calvert | Donnelly (IN) | Hanabusa |

| | | |
|-----------------|----------------|------------------|
| Hanna | McCotter | Rush |
| Harper | McDermott | Ryan (OH) |
| Hartzler | McGovern | Ryan (WI) |
| Hastings (WA) | McHenry | Sanchez, Loretta |
| Hayworth | McIntyre | Sarbanes |
| Heck | McKeon | Scalise |
| Hensarling | McKinley | Schakowsky |
| Herger | McMorris | Schiff |
| Herrera Beutler | Rodgers | Schilling |
| Higgins | McNerney | Schmidt |
| Himes | Meehan | Schock |
| Hinojosa | Miller (FL) | Schrader |
| Hochul | Miller (MI) | Schwartz |
| Hoyer | Miller, Gary | Scott (SC) |
| Huelskamp | Miller, George | Scott, Austin |
| Huizenga (MI) | Moore | Scott, David |
| Hultgren | Moran | Sensenbrenner |
| Hunter | Murphy (CT) | Serrano |
| Hurt | Murphy (PA) | Sessions |
| Israel | Neal | Sewell |
| Issa | Neugebauer | Sherman |
| Jenkins | Noem | Shimkus |
| Johnson (IL) | Nugent | Shuster |
| Johnson (OH) | Nunes | Simpson |
| Johnson, E. B. | Nunnelee | Sires |
| Johnson, Sam | Olson | Smith (NE) |
| Jones | Owens | Smith (NJ) |
| Kaptur | Palazzo | Smith (TX) |
| Keating | Pallone | Smith (WA) |
| Kelly | Pascarell | Speier |
| Kildee | Pastor (AZ) | Stearns |
| Kind | Paulsen | Stivers |
| King (IA) | Pearce | Sullivan |
| King (NY) | Pelosi | Terry |
| Kingston | Pence | Thompson (CA) |
| Kinzinger (IL) | Perlmutter | Thompson (PA) |
| Kissell | Peters | Thornberry |
| Kline | Peterson | Tiberi |
| Labrador | Petri | Tierney |
| Lamborn | Pingree (ME) | Tipton |
| Lance | Pitts | Tonko |
| Landry | Platts | Tsongas |
| Langevin | Poe (TX) | Turner (NY) |
| Lankford | Pompeo | Turner (OH) |
| Larson (CT) | Posey | Upton |
| Latham | Price (NC) | Van Hollen |
| LaTourette | Rahall | Velázquez |
| Latta | Reed | Visclosky |
| Lewis (GA) | Rehberg | Walberg |
| Lipinski | Reichert | Walden |
| LoBiondo | Renacci | Walz (MN) |
| Loebstack | Reyes | Wasserman |
| Lofgren, Zoe | Ribble | Schultz |
| Long | Richardson | Waters |
| Lowe | Rigell | Watt |
| Lucas | Rivera | Waxman |
| Luetkemeyer | Roby | Webster |
| Lujan | Roe (TN) | West |
| Lummis | Rogers (AL) | Westmoreland |
| Lungren, Daniel | Rogers (KY) | Whitfield |
| E. | Rogers (MI) | Wilson (FL) |
| Lynch | Rohrabacher | Wilson (SC) |
| Mack | Rokita | Wittman |
| Manzullo | Rooney | Wolf |
| Marchant | Ros-Lehtinen | Womack |
| Marino | Roskam | Woodall |
| Matheson | Ross (AR) | Woolsey |
| Matsui | Ross (FL) | Yarmuth |
| McCarthy (CA) | Rothman (NJ) | Yoder |
| McCarthy (NY) | Roybal-Allard | Young (AK) |
| McCaul | Royce | Young (IN) |
| McClintock | Runyan | |
| McCollum | Ruppersberger | |

NOT VOTING—16

| | | |
|-----------|-------------|-----------|
| Bass (CA) | Holden | Paul |
| Cardoza | Larsen (WA) | Shuler |
| Coble | Lewis (CA) | Slaughter |
| Culberson | Myrick | Stark |
| Cummings | Napolitano | |
| Filner | Oliver | |

□ 2336

Mr. RUPPERSBERGER changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 355, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. HIGGINS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HIGGINS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 266, not voting 15, as follows:

[Roll No. 356]

AYES—150

| | | |
|---------------|---------------|------------------|
| Ackerman | Frank (MA) | Pallone |
| Altmire | Graves (MO) | Pascarell |
| Andrews | Green, Al | Pastor (AZ) |
| Baca | Green, Gene | Paulsen |
| Baldwin | Grijalva | Pelosi |
| Barrow | Gutierrez | Perlmutter |
| Bass (NH) | Hahn | Peters |
| Becerra | Hanabusa | Pingree (ME) |
| Berkley | Hanna | Quigley |
| Berman | Hastings (FL) | Rahall |
| Bishop (GA) | Higgins | Reed |
| Bishop (NY) | Himes | Reichert |
| Blackburn | Hinchey | Richardson |
| Bonamici | Hinojosa | Richmond |
| Brady (PA) | Hirono | Rigell |
| Braley (IA) | Hochul | Rothman (NJ) |
| Brown (FL) | Honda | Ruppersberger |
| Capps | Jackson (IL) | Rush |
| Capuano | Jackson Lee | Ryan (OH) |
| Carnahan | (TX) | Sánchez, Linda |
| Carson (IN) | Johnson (GA) | T. |
| Castor (FL) | Kaptur | Sanchez, Loretta |
| Chu | Keating | Sarbanes |
| Cicilline | Kildee | Schakowsky |
| Clarke (MI) | Kind | Schrader |
| Clarke (NY) | Kline | Scott, David |
| Clay | Kucinich | Sensenbrenner |
| Cleaver | Langevin | Serrano |
| Cohen | Larson (CT) | Sewell |
| Connolly (VA) | Levin | Sherman |
| Conyers | Lewis (GA) | Sires |
| Cooper | Lowey | Speier |
| Courtney | Lynch | Stivers |
| Cravaack | Maloney | Sutton |
| Critz | Manzullo | Thompson (CA) |
| Cuellar | Markey | Thompson (MS) |
| Cummings | Matheson | Tierney |
| Davis (IL) | Matsui | Tonko |
| DeFazio | McCaul | Towns |
| DeGette | McCollum | Tsongas |
| DeLauro | McGovern | Upton |
| Deutch | McIntyre | Velázquez |
| Dingell | Meeks | Visclosky |
| Doggett | Michaud | Walz (MN) |
| Donnelly (IN) | Miller (MI) | Wasserman |
| Doyle | Miller (NC) | Schultz |
| Ellison | Moore | Waters |
| Engel | Murphy (CT) | Watt |
| Farr | Nadler | Welch |
| Fincher | Neal | Wilson (FL) |
| Fitzpatrick | Owens | Yarmuth |

NOES—266

| | | |
|-------------|-------------|-------------|
| Adams | Benishek | Boustany |
| Aderholt | Berg | Brady (TX) |
| Akin | Biggert | Brooks |
| Alexander | Bilbray | Broun (GA) |
| Amash | Bilirakis | Buchanan |
| Amodei | Bishop (UT) | Bucshon |
| Austria | Black | Buerkle |
| Bachmann | Blumenauer | Burgess |
| Bachus | Bonner | Burton (IN) |
| Barletta | Bono Mack | Butterfield |
| Bartlett | Boren | Calvert |
| Barton (TX) | Boswell | Camp |

Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coffman (CO)
Cole
Conaway
Costa
Costello
Crawford
Crenshaw
Crowley
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Eshoo
Farenthold
Fattah
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler

Holt
Hoyer
Huelskamp
Huiizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (CA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Mack
Marchant
Marino
McCarthy (CA)
McCarthy (NY)
McClintock
McCotter
McDermott
McHenry
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)

NOT VOTING—15

Bass (CA)
Cardoza
Coble
Culberson
Filner

Holden
Larsen (WA)
Lewis (CA)
Myrick
Napolitano

Oliver
Paul
Shuler
Slaughter
Stark

□ 2341

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 356, I was away from the Capitol due to prior commit-

ments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 245, not voting 20, as follows:

[Roll No. 357]

AYES—166

Ackerman
Amodei
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Fattah
Foxy
Frank (MA)
Fudge
Gonzalez
Green, Al

Green, Gene
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kildee
Kind
King (NY)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lowey
Lujan
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)

Nadler
Neal
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Sires
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—245

Adams
Aderholt

Akin
Alexander

Altmire
Amash

Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carson (IN)
Cassidy
Chabot
Chaffetz
Chandler
Clay
Cleaver
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huiizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Loebach
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce

Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Herrera Beutler
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—20

Bass (CA)
Cardoza
Carter
Coble
Costa
Culberson
Filner

Holden
Kaptur
Larsen (WA)
Lewis (CA)
Miller (FL)
Myrick
Napolitano

Oliver
Paul
Shuler
Slaughter
Stark
Waters

□ 2344

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 357, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chair, I was unavoidably detained and missed rollcall vote Nos. 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, and 357. Had I been present, I would have voted "aye" on rollcall vote Nos. 345, 347, 348, 349, 350, 351, 354, 356 and 357. Had I been present, I would have voted "no" on rollcall Nos. 346, 352, 353, and 355.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WESTMORELAND) having assumed the chair, Mr. BASS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SALMON LAKE LAND SELECTION RESOLUTION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to

Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. CANTOR) for today and the balance of the week on account of medical reasons.

Mr. CULBERSON (at the request of Mr. CANTOR) for today after 10 p.m. on account of illness.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2013 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON WAYS AND MEANS

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2013. The revision is designated for the Health Care Cost Reduction Act of 2012, H.R. 436. A corresponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974 (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution, pursuant to section 101 of H. Con. Res. 112.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

| | Fiscal Year | | |
|---|-------------|-----------|------------|
| | 2012 | 2013 | 2013 2022 |
| Current Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,799,329 | (1) |
| Outlays | 2,947,662 | 2,891,863 | (1) |
| Revenues | 1,877,839 | 2,260,625 | 32,439,140 |
| Change for Health Care Cost Reduction Act (H.R. 436): | | | |
| Budget Authority | 0 | 0 | (1) |
| Outlays | 0 | 0 | (1) |
| Revenues | 0 | -2,103 | -22,627 |
| Revised Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,799,329 | (1) |
| Outlays | 2,947,662 | 2,891,863 | (1) |
| Revenues | 1,877,839 | 2,258,863 | 32,416,513 |

¹ Not applicable because annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on the Judiciary.

ADJOURNMENT

Mr. SCHOCK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 7, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6321. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Commodity Options (RIN: 3038-AD62) received April 30, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6322. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Community Facility Loans (RIN: 0575-AC78) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6323. A letter from the Deputy Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Specification for 15 kV and 25 kV Primary Underground Power Cable received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6324. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acequinocyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0449; FRL-9346-4] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6325. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances; Technical Correction [EPA-HQ-OPP-2010-1079; FRL-9344-9] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6326. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluoxastobin; Pesticide Tolerances [EPA-HQ-OPP-2009-0677; FRL-9345-3] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6327. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dimethomorph; Pesticide Tolerances [EPA-HQ-OPP-2011-0388; FRL-9346-6] received May 1, 2012, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6328. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0179; FRL-9345-6] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6329. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carfentrazon-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0428; FRL-9346-5] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6330. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — General Provisions; Operating and Strategic Business Planning (RIN: 3052-AC66) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6331. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: United States-Korea Free Trade Agreement (DFARS Case 2012-D025) (RIN: 0750-AH69) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6332. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Defense Trade Cooperation Treaty with the United Kingdom (DFARS 2012-D034) (RIN: 0750-AH70) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6333. A letter from the Principal Deputy General Counsel, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Supplemental Standards of Ethical Conduct for Employees of the Bureau of Consumer Financial Protection [Docket No.: CFPB-2012-0016] (RIN: 3209-AA15) received April 30, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6334. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (Township of Alexandria, Hunterdon County, New Jersey, et al.) [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8227] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6335. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — State Community Development Block Grant Program: Administrative Rule Changes [Docket No.: FR-5181-F-02] (RIN: 2506-AC22) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6336. A letter from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting the Authority's final rule — Unfair Labor Practice Proceedings; Negotiability Proceedings; Review of Arbitration Awards; Miscellaneous and General Requirements received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6337. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina; Charlotte; Ozone 2002 Base Year Emissions Inventory [EPA-R04-OAR-2012-0355(b); FRL-9666-7] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6338. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitation Guidelines and New Source Performance Standards for the Airport Deicing Category [EPA-HQ-OW-2004-0038; FRL-9667-6] (RIN: 2040-AE69) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6339. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of 2011 Consent Decree to Control Emissions from the GenOn Chalk Point Generating Station; Removal of 1978 and 1979 Consent Orders [EPA-R03-OAR-2011-0889; FRL-9666-3] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6340. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Final Response to Petition From New Jersey Regarding SO₂ Emissions From the Portland Generating Station [EPA-HQ-OAR-2011-0081; FRL-9660-5] (RIN: 2060-AR42) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6341. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees [Docket No.: RM12-5-000] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6342. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Category XIII (RIN: 1400-AD13) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6343. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Implementation of the Defense Trade Cooperation Treaty between the United States and the United Kingdom (RIN: 1400-AD95) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1060; Directorate Identifier 2011-NM-015-AD; Amendment 39-16945; AD 2012-03-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2010-0858; Directorate Identifier 2010-NM-183-AD; Amendment 39-16974; AD 2012-05-02] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes [Docket No.: FAA-2011-0723; Directorate Identifier 2010-NM-080-AD; Amendment 39-16978; AD 2012-05-06] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0296; Directorate Identifier 2010-NM-106-AD; Amendment 39-17000; AD 2012-06-19] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0331; Directorate Identifier 2011-NM-119-AD; Amendment 39-17008; AD 2012-07-02] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0303; Directorate Identifier 2010-NM-214-AD; Amendment 39-16939; AD 2012-02-16] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0272; Directorate Identifier 2011-NM-042-AD; Amendment 39-16989; AD 2012-06-08] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6351. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turbofan Engines [Docket No.: FAA-2011-0959; Directorate Identifier 2011-NE-25-AD; Amendment 39-16970; AD 2012-04-14] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6352. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mooney Aviation Company, Inc. (Mooney) Airplanes [Docket No.: FAA-2012-0275; Directorate Identifier 2012-CE-009-AD; Amendment 39-16981; AD 2012-05-09] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6353. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Columbia, SC, and Establishment of Class E Airspace; Pelion, SC [Docket No.: FAA-2011-1196; Airspace Docket No. 11-ASO-38] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6354. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Cocoa Beach, FL [Docket

No.: FAA-2012-0099; Airspace Docket No. 12-ASO-11] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6355. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; Seattle, WA [Docket No.: FAA-2011-1358; Airspace Docket No. 11-ANM-19] (RIN: 2120-AA66) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6356. A letter from the Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Annual Price Inflation Adjustments for Contribution Limitations Made to a Health Savings Account Pursuant to Section 223 of the Internal Revenue Code (Rev. Proc. 2012-26) received May 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6357. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on the Requirement to Report on Health Insurance Coverage [Notice 2012-32] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6358. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Reporting by Applicable Large Employers on Health Insurance Coverage Under Employer-Sponsored Plans [Notice 2012-33] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6359. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Calendar Year Resident Population Figures [Notice 2012-22] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6360. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Minimum Value of an Employer-Sponsored Health Plan [Notice 2012-31] received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6361. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Summary of Benefits and Coverage and Uniform Glossary [TD 9575] (RIN: 1545-BJ94) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 679. Resolution providing for consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, and providing for consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-518). Referred to the House Calendar.

Mr. UPTON: Committee on Energy and Commerce. H.R. 4471. A bill to require anal-

yses of the cumulative impacts of certain rules and actions of the Environmental Protection Agency that impact gasoline, diesel fuel, and natural gas prices, jobs, and the economy, and for other purposes (Rept. 112 519). Referred to the Committee of the whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANKFORD:

H.R. 5900. A bill to modify the training requirements for certain fire departments applying for Federal grants; to the Committee on Science, Space, and Technology.

By Mr. JACKSON of Illinois (for himself, Ms. ROYBAL-ALLARD, Mr. TOWNS, Mr. LEWIS of Georgia, Ms. NORTON, Mr. CONYERS, Mr. HONDA, Ms. BASS of California, Ms. LEE of California, Mr. HASTINGS of Florida, Mr. RUSH, Ms. SCHAKOWSKY, Ms. WATERS, Ms. MOORE, Ms. FUDGE, Ms. JACKSON LEE of Texas, Mr. CLEAVER, and Ms. EDWARDS):

H.R. 5901. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage and to index future increases to such wage to increases in the consumer price index; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 5902. A bill to establish a Congressional Advisory Commission on the Implementation of United States Policy under the Taiwan Relations Act; to the Committee on Foreign Affairs.

By Mr. SAM JOHNSON of Texas:

H.R. 5903. A bill to amend the Internal Revenue Code of 1986 to treat recipients of the Korea Defense Service Medal as war veterans for purposes of determining whether contributions to posts and organizations of war veterans are charitable contributions; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. NADLER):

H.R. 5904. A bill to deter terrorism, provide justice for victims, and for other purposes; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LANKFORD:

H.R. 5900. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. JACKSON of Illinois:

H.R. 5901. Congress has the power to enact this legislation pursuant to the following:

The 13th, 14th and 15th Amendments to the Constitution.

By Mr. ANDREWS:

H.R. 5902. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution to regulate Commerce with foreign

Nations, and among the several States, and with the Indian tribes.

By Mr. SAM JOHNSON of Texas:

H.R. 5903.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. DANIEL E. LUNGREN of California:

H.R. 5904.

Congress has the power to enact this legislation pursuant to the following:

The Justice Against Sponsors of Terrorism Act is authorized under Article 1 Section 8 of the United States Constitution which provides that Congress shall have to power to "define and punish piracies and felonies committed on the high seas, and offences against the law of nations"

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. DOLD.

H.R. 104: Mr. YOUNG of Indiana.

H.R. 420: Mr. LANCE.

H.R. 456: Mr. CLEAVER.

H.R. 459: Mr. BOSWELL, Mr. DENT, and Mr. CHANDLER.

H.R. 694: Mr. ISRAEL, Ms. BORDALLO, Ms. NORTON, Mr. MCGOVERN, and Mr. DOLD.

H.R. 733: Mr. MATHESON.

H.R. 831: Mr. CHANDLER.

H.R. 860: Ms. HOCHUL and Mr. CRITZ.

H.R. 885: Mr. CHANDLER and Mr. CLARKE of Michigan.

H.R. 890: Mrs. LOWEY and Mrs. CHRISTENSEN.

H.R. 904: Mr. HUIZENGA of Michigan, Mr. CRITZ, Mrs. MILLER of Michigan, and Mr. DONNELLY of Indiana.

H.R. 942: Ms. JENKINS, Mr. HULTGREN, Mr. YOUNG of Alaska, and Mr. SCHRADER.

H.R. 1001: Mr. CLEAVER.

H.R. 1006: Mr. TURNER of New York.

H.R. 1057: Mr. RUPPERSBERGER and Mr. DOLD.

H.R. 1161: Mr. LANDRY.

H.R. 1259: Mr. UPTON, Mr. DENHAM, and Mr. MATHESON.

H.R. 1265: Mr. HEINRICH, Mr. ROKITA, and Mr. SCHWEIKERT.

H.R. 1321: Mr. POE of Texas and Mrs. MYRICK.

H.R. 1340: Mr. CARDOZA.

H.R. 1356: Mr. CHANDLER.

H.R. 1418: Mr. REYES.

H.R. 1488: Mr. CARNAHAN.

H.R. 1498: Mr. GRIFFIN of Arkansas, Mr. JOHNSON of Georgia, Mr. HINCHEY, Mr. WAXMAN, Mr. CRENSHAW, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. MICHAUD, and Mr. PETERSON.

H.R. 1511: Mr. PERLMUTTER.

H.R. 1639: Mr. MANZULLO.

H.R. 1681: Mr. CARNAHAN.

H.R. 1700: Mr. POE of Texas.

H.R. 1704: Mrs. BACHMANN.

H.R. 1774: Ms. CASTOR of Florida and Mr. CARNAHAN.

H.R. 1789: Mr. MCINTYRE.

H.R. 1860: Mr. MARINO.

H.R. 1956: Mr. REICHERT.

H.R. 1960: Mr. BILBRAY.

H.R. 1964: Mr. PALAZZO.

H.R. 2077: Mrs. HARTZLER and Mr. GIBBS.

H.R. 2088: Ms. KAPTUR.

H.R. 2194: Mr. STARK and Mr. DOGGETT.

H.R. 2198: Ms. JENKINS, Mr. CRAWFORD, Mr. ROGERS of Michigan, Mr. KLINE, and Mr. ALTMIRE.

H.R. 2268: Mr. FARR.
 H.R. 2466: Mr. FARENTHOLD.
 H.R. 2499: Mr. JOHNSON of Georgia and Mr. RYAN of Ohio.
 H.R. 2655: Mr. YOUNG of Alaska and Mr. OLVER.
 H.R. 2700: Mr. KINZINGER of Illinois.
 H.R. 2721: Mr. ANDREWS, Mr. FATTAH, and Mr. ELLISON.
 H.R. 2746: Ms. ZOE LOFGREN of California and Mr. ENGEL.
 H.R. 2751: Mr. POE of Texas.
 H.R. 2770: Mr. PERLMUTTER.
 H.R. 2774: Mr. MILLER of Florida.
 H.R. 2775: Mr. ELLISON.
 H.R. 2787: Mr. CHANDLER.
 H.R. 2810: Mr. AKIN.
 H.R. 2866: Mr. PRICE of North Carolina.
 H.R. 2962: Mr. ALTMIRE and Mr. POE of Texas.
 H.R. 2970: Mr. CHANDLER.
 H.R. 2978: Mr. GIBBS.
 H.R. 3059: Mr. McDERMOTT.
 H.R. 3106: Mr. OLVER.
 H.R. 3173: Mr. RIGELL and Mr. PALAZZO.
 H.R. 3187: Mr. MEEHAN and Mr. MARKEY.
 H.R. 3279: Mr. MICHAUD.
 H.R. 3300: Mr. HASTINGS of Florida.
 H.R. 3341: Mrs. BONO MACK and Mr. BUTTERFIELD.
 H.R. 3352: Mr. POE of Texas.
 H.R. 3506: Mr. ROSKAM.
 H.R. 3614: Ms. BONAMICI.
 H.R. 3620: Mrs. CHRISTENSEN.
 H.R. 3624: Ms. SLAUGHTER.
 H.R. 3627: Mr. NUNNELEE, Mr. CAPUANO, Mr. CASSIDY, and Mr. VISCLOSKY.
 H.R. 3643: Mr. CARNEY and Mr. BISHOP of New York.
 H.R. 3656: Mr. LATHAM.
 H.R. 3849: Mr. LATHAM.
 H.R. 3860: Ms. SLAUGHTER.
 H.R. 3891: Mr. HONDA and Mr. ROTHMAN of New Jersey.
 H.R. 4070: Mr. CICILLINE and Mrs. NAPOLITANO.
 H.R. 4076: Mr. LONG.
 H.R. 4100: Mrs. CAPPS.
 H.R. 4134: Mr. PALLONE.
 H.R. 4169: Mr. CROWLEY.
 H.R. 4171: Mrs. SCHMIDT, Mr. POSEY, Mr. YOUNG of Alaska, Mr. MCCLINTOCK, Mr. PRICE of Georgia, Mr. BISHOP of Utah, and Mr. PEARCE.
 H.R. 4173: Mr. CLAY.
 H.R. 4223: Mr. PENCE.
 H.R. 4227: Mr. ALTMIRE and Mrs. DAVIS of California.
 H.R. 4251: Ms. RICHARDSON.
 H.R. 4255: Mr. SHIMKUS.
 H.R. 4259: Mr. CLARKE of Michigan.
 H.R. 4269: Mr. MICHAUD.
 H.R. 4277: Ms. CLARKE of New York.
 H.R. 4336: Mr. PAUL.
 H.R. 4345: Mr. PALAZZO.
 H.R. 4367: Mr. CLARKE of Michigan, Ms. BUERKLE, Mr. SHULER, Mr. HANNA, Mrs. MILLER of Michigan, Mr. DINGELL, Mr. REYES, Mr. TURNER of Ohio, and Mr. UPTON.
 H.R. 4377: Mrs. ADAMS.
 H.R. 4381: Mr. LATHAM, Mr. CONAWAY, Mr. REED, and Mr. GRIFFIN of Arkansas.
 H.R. 4382: Mr. NUNNELEE, Mr. LATHAM and Mr. REED.
 H.R. 4383: Mr. NUNNELEE, Ms. FOXX, and Mr. LATHAM.
 H.R. 4405: Mr. SIRES and Mr. HARRIS.
 H.R. 4408: Mr. RUPPERSBERGER.
 H.R. 4471: Mr. CONAWAY, Mr. REED, Mr. LATHAM, Mr. NUNNELEE, Ms. FOXX, and Mr. DUNCAN of South Carolina.
 H.R. 4480: Mr. REED, Mrs. CAPITO and Ms. JENKINS.
 H.R. 4484: Mr. LABRADOR.

H.R. 4965: Mr. KLINE.
 H.R. 5050: Mr. ELLISON.
 H.R. 5186: Mr. GRIJALVA.
 H.R. 5630: Mr. KLINE.
 H.R. 5707: Mr. CARNEY.
 H.R. 5738: Mr. UPTON.
 H.R. 5741: Mr. AMODEI.
 H.R. 5781: Mr. CLAY.
 H.R. 5839: Mr. WEST.
 H.R. 5872: Mr. KLINE and Mr. SHUSTER.
 H.J. Res. 103: Mr. ADERHOLT.
 H.J. Res. 110: Mr. WITTMAN.
 H. Con. Res. 114: Mr. GRIFFITH of Virginia.
 H. Con. Res. 116: Ms. JENKINS.
 H. Con. Res. 122: Mr. SESSIONS.
 H. Con. Res. 127: Mr. CASSIDY, Mr. MATHE-SON, Mr. LANCE, and Mrs. MYRICK.
 H. Res. 134: Mr. WITTMAN.
 H. Res. 289: Ms. NORTON, Mr. SIRES, and Mr. ENGEL.
 H. Res. 397: Ms. LORETTA SANCHEZ of California.
 H. Res. 506: Mr. GARRETT.
 H. Res. 609: Mr. ROTHMAN of New Jersey and Mr. LANKFORD.
 H. Res. 613: Mrs. LOWEY, Mr. VISCLOSKY, Ms. KAPTUR, Mr. HONDA, Mr. PASTOR of Arizona, Mr. FARR, Mr. OLVER, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. SCHIFF, Ms. MCCOLLUM, Ms. LEE of California, Mr. CULBERSON, Mr. LATOURETTE, Mr. SIMPSON, and Mr. DICKS.
 H. Res. 618: Mr. CICILLINE, Mr. POMPEO, Mr. TURNER of Ohio, Mr. HASTINGS of Florida, Mr. REYES, Mr. CARNAHAN, and Mr. CRITZ.
 H. Res. 651: Ms. LEE of California and Mr. HASTINGS of Florida.
 H. Res. 660: Mr. STARK and Mr. GRIJALVA.
 H. Res. 662: Mrs. ELLMERS and Mr. CANSECO.
 H. Res. 663: Mr. MCCAUL, Mr. SCHOCK, Mr. HEINRICH, and Mr. FRANK of Massachusetts.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5855

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 2: Page 3, line 23, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 9, line 14, after the dollar amount, insert "(increased by \$10,000,000)".

H.R. 5855

OFFERED BY: MR. GARDNER

AMENDMENT No. 3: Page 21, line 24, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Homeland Security to comply with the Coast Guard's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7))

H.R. 5855

OFFERED BY: MR. WALSH OF ILLINOIS

AMENDMENT No. 4: At the end of the bill (before the short title), insert the following: SEC. ____ None of the funds made available under title I may be used by the Chief Financial Officer of the Department of Homeland Security to purchase any new software licenses for applications that have been identified as exceeding the number of existing and unused software licenses held by the Department.

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 5: Page 2, line 17, after the dollar amount, insert "(reduced by \$3,655,500)".

Page 3, line 23, after the dollar amount, insert "(reduced by \$6,393,840)".

Page 5, line 7, after the dollar amount, insert "(reduced by \$1,492,290)".

Page 5, lines 22 and 23, after each dollar amount, insert "(reduced by \$7,246,290)".

Page 6, line 8, after the first dollar amount, insert "(reduced by \$9,522,000)".

Page 6, line 15, after the dollar amount, insert "(reduced by \$3,277,920)".

Page 11, line 21, after the dollar amount, insert "(reduced by \$157,089,930)".

Page 15, line 23, after the dollar amount, insert "(reduced by \$151,236,900)".

Page 19, line 4, after the dollar amount, insert "(reduced by \$3,792,540)".

Page 19, line 11, after the dollar amount, insert "(reduced by \$5,772,720)".

Page 19, line 18, after the dollar amount, insert "(reduced by \$27,859,890)".

Page 20, line 6, after the dollar amount, insert "(reduced by \$26,388,000)".

Page 29, line 14, after the first dollar amount, insert "(reduced by \$46,681,650)".

Page 32, line 9, after the first dollar amount, insert "(reduced by \$1,359,630)".

Page 33, line 8, after the dollar amount, insert "(reduced by \$5,741,400)".

Page 35, line 10, after each dollar amount, insert "(reduced by \$3,960,090)".

Page 36, line 4, after the dollar amount, insert "(reduced by \$21,376,950)".

Page 51, line 16, after the dollar amount, insert "(reduced by \$3,357,720)".

Page 52, line 20, after the first dollar amount, insert "(reduced by \$6,854,010)".

Page 54, line 17, after the dollar amount, insert "(reduced by \$3,900,000)".

Page 55, line 19, after the first dollar amount, insert "(reduced by \$1,140,000)".

Page 99, line 17, after the dollar amount, insert "(increased by \$498,099,270)".

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 6: Page 15, line 23, after the dollar amount insert "(reduced to \$0)".

Page 99, line 17, after the dollar amount insert "(increased by \$5,041,230,000)".

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 7: Page 37, line 18, after the dollar amount, insert "(reduced by \$412,908,000)".

Page 99, line 17, after the dollar amount, insert "(increased by \$412,908,000)".

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 8: None of the funds made available by this Act may be used for Behavior Detection Officers or the SPOT program.

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 9: None of the funds made available by this Act may be used to cancel or decline to renew any contract with a person under the Screening Partnership Program of the Transportation Security Administration, unless the Secretary of Homeland Security—

(1) certifies that the company is not performing up to Transportation Security Administration standards; and

(2) obtains the approval for such cancellation from the airport at which the person participates in the program.

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 10: None of the funds made available by this Act may be used to hire new airport or airline employees for whom the Transportation Security Administration

has not completed a full background check, in accordance with applicable laws and regulations.

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 11: None of the funds made available by this Act may be used to carry out 100 percent cargo screening goals or directives.

H.R. 5855

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 12: None of the funds made available by this Act may be used to limit the scope of, or restrict access to, the Screening Partnership Program of the Transportation Security Administration.

H.R. 5855

OFFERED BY: MR. CRAVAACK

AMENDMENT No. 13: Page 15, line 23, after the dollar amount insert “(increased by \$10,000,000) (reduced by \$10,000,000)”.

H.R. 5855

OFFERED BY: MR. MURPHY OF PENNSYLVANIA

AMENDMENT No. 14: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to close the Federal Air Marshal Service office located at Pittsburgh, Pennsylvania, or to relocate air marshals stationed at that office.

H.R. 5855

OFFERED BY: MR. WALSH OF ILLINOIS

AMENDMENT No. 15: Page 2, line 17, after the dollar amount insert “(reduced by \$13,400,000)”.

Page 15, line 23, after the dollar amount insert “(increased by \$13,400,000)”.

H.R. 5855

OFFERED BY: MR. PIERLUISI

AMENDMENT No. 16: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to implement, administer, or enforce section 1301(a) of title 31, United States Code (31 U.S.C. 1301(a)), with respect to the use of amounts made available by this Act for “Customs and Border Protection—Salaries and Expenses” for the expenses authorized to be paid in section 9 of the Jones Act (48 U.S.C. 795) and for the collection of duties and taxes authorized to be levied, collected, and paid in Puerto Rico, as authorized in section 4 of the Foraker Act (48 U.S.C. 740), in addition to the more specific amounts available for such purposes in the Puerto Rico Trust Fund pursuant to such provisions of law.

EXTENSIONS OF REMARKS

CELEBRATING DENTON PUBLIC LIBRARY'S 75 YEARS OF SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor the Denton Public Library, an esteemed local institution, in celebrating 75 years of service to the whole Denton community. The three-branch library system currently provides a full online catalog and a web-based automation system that houses more than 240,000 items. It has also assisted the community by providing over 1,400,000 quality resources of educational, informational, and cultural value. To achieve this service, took a great deal of commitment.

In 1914, the City Federation of Women's Clubs gave a report stating the clear need for a free public library for the City of Denton. Philanthropist Andrew Carnegie would contribute a building if the city contributed a location and maintenance for the building. When the City Council could not guarantee their support, Carnegie withdrew his offer.

In the Depression Era, the federal government established the Works Progress Administration. One of its services was the sponsorship of school libraries. This program allowed the Denton County Schools Superintendent to employ Mattie Pyrene Wilson as the library supervisor and establish a program of inter-school loans. In order to expedite the loans, a bookmobile service was inaugurated. Wilson opened a small 3,000 volume library on the third floor of the courthouse and the bulk of the material was acquired through a \$10 state teacher allowance and books donated by the Parent Teacher Association of Denton. In 1935, the Junior Shakespeare Club commenced a movement to combine the Denton County School Library with a public library. The club encouraged the county school board and the city and county commissions to join together to support a library that would be free to all citizens of Denton County. The club also conducted a book drive and collected more than 4000 books to initially stock the proposed library; the city commission donated \$600 for the purchase of new books and the county agreed to furnish shelves, equipment and utilities. Finally, Denton's first public library opened on June 6, 1937. Over the years, the library has expanded to meet the needs of a growing population. There are now three locations and over 75,000 square feet of space dedicated to readers and researchers.

The Denton Public Library has positively influenced the community of Denton, serving young and old alike with a foundation of knowledge. With the support of the citizens of Denton, the library will continue to flourish and provide resources to broaden intellectual and creative horizons. It is my pleasure to recog-

nize the Denton Public Library for 75 years of service and this significant milestone in its history. I am privileged to represent the City of Denton in the U.S. House of Representatives.

HONORING THE WORLD AFFAIRS COUNCIL OF ST. LOUIS AND THE DONALD DANFORTH PLANT SCIENCE CENTER AS THE 2012 RECIPIENT OF THE COUNCIL'S INTERNATIONAL HUMANITARIAN OF THE YEAR AWARD

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. AKIN. Mr. Speaker, I rise today to recognize the World Affairs Council of St. Louis, and to honor the Donald Danforth Plant Science Center as the 2012 recipient of the Council's International Humanitarian of the Year Award.

The World Affairs Council of St. Louis is dedicated to educating, inspiring, and engaging citizens and businesses in international affairs and the critical global issues of our times. It is the oldest such organization in St. Louis.

Each year, the World Affairs Council of St. Louis welcomes more than 300 visitors to the greater metropolitan area, including leading ambassadors and other foreign dignitaries, as well as students from around the world. The Council's mission is to promote understanding, engagement, relationships, and leadership in world affairs, and it connects the citizens of the St. Louis region with the world.

The Council's International Humanitarian of the Year Award, its highest honor, recognizes the Donald Danforth Plant Science Center this year for its mission to improve the human condition through crop research which centers on feeding the hungry, improving human health and preserving the environment. This award specifically recognizes the Center's Institute for International Crop Improvement, which aims to bring improved crops to small farmers in places such as Uganda, Kenya, Nigeria, and Burkina Faso. These crops yield more per acre, are richer in essential nutrients, and resistant to disease, insects and drought, and they can bring tremendous benefit to small farmers.

The Donald Danforth Plant Science Center serves as a seed of hope in the St. Louis region—applying research to better address malnutrition, preserve our environment, and explore novel, sustainable energy solutions. The World Affairs Council honors Danforth Center's leadership as an essential part of fostering this valuable, humanitarian-based research which can impact the lives of farmers and citizens in nations throughout the world.

On June 7, 2012, the Donald Danforth Plant Science Center will receive the International

Humanitarian of the Year Award. I ask my colleagues to join me in recognition of this honor.

IN RECOGNITION OF THE RETIREMENT OF JERRELLE FRANCOIS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. CUMMINGS. Mr. Speaker, I rise to acknowledge a long-time servant of the community, Mrs. Jerrelle Francois, an accomplished educator and public servant who will leave her post as Vice Chair of the Baltimore City Board of School Commissioners on June 30, 2012.

Jerrelle has served the students of Baltimore for more than three decades. Beginning her service as a teacher at Cherry Hill Junior High School, and continuing on to become a Department Head, Assistant Principal, Principal and Assistant Superintendent, Ms. Francois has brought care, mentoring and education to thousands of the city's children. A graduate of Morgan State University, Jerrelle has dedicated her professional life to serving the children of Baltimore and to revitalizing education in the state of Maryland.

Due to her exemplary career, Jerrelle was nominated for the 2011 Richard R. Green Award by her colleagues. When nominating her, they wrote of her service, "Ms. Francois' 30-year career as an educator and administrator at every level of Baltimore City Public Schools exemplifies the highest standards of public service and dedication to the students and families of Baltimore." They went on to say, "Ms. Francois has devoted her life to a passionate commitment to the children of Baltimore and the relentless pursuit of constant improvement in student achievement. As part of this dedication, she is firmly committed to achieving equity in education for all students."

Jerrelle's career may speak for itself but what cannot be stated on a resume is her inspirational leadership and her value to the countless lives of students, parents, teachers and administrations alike that she has touched.

Mr. Speaker, the words of her colleagues speak volumes about the person that she is, but one of the most profound statements I can make about this great American is that Jerrelle exemplifies the dedication to providing education, especially to underserved populations, that we as a nation strive for. She is the personification of what we seek to have our education system be—dedicated, driven and providing for those who truly need it.

Mr. Speaker, I ask my colleagues to join me in recognizing this great career.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN SPECIAL RECOGNITION OF DR. MARSHA S. BORDNER FOR HER SERVICE AS PRESIDENT OF TERRA STATE COMMUNITY COLLEGE

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding public servant in Ohio's Fifth Congressional District. Dr. Marsha S. Bordner is retiring from Terra State Community College, located in Fremont, Ohio, after spending over thirty-five years in the education field.

Dr. Marsha S. Bordner became the President of Terra State Community College in 2003, following her time as the Vice President for Academic and Student Affairs at Clark State Community College in Springfield, Ohio. During her tenure as President at Terra State Community College, the school has seen record high enrollment levels, the redevelopment of the educational facilities to include state of the art equipment, and a new strategic plan to lead the college into the future.

A resident of Catawba Island, Dr. Marsha S. Bordner has strived to expand the education of the area's residents not only through the collegiate setting, but by working with local public school systems to allow high school students to earn college credit through Terra State Community College. Dr. Marsha Bordner has also reinstated Terra State Community College's partnership with local communities through the offering of music performances of Terra State Community College faculty and students at area venues.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Marsha S. Bordner for her role in promoting and expanding the educational opportunities for the residents of Ohio's Fifth Congressional District. Our communities have undoubtedly benefited from her years of dedicated service. We wish Dr. Marsha S. Bordner all of the best upon her retirement as the President of Terra State Community College.

IN HONOR OF COLONEL WILLIAM T. BARE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. FARR. Mr. Speaker, I rise today to honor and pay tribute to Colonel William T. Bare on the occasion of his retirement from the United States Air Force on August 1, 2012.

Colonel Bare has given 27 stellar years to service to the United States Air Force. He has had a wide array of experience in intelligence, foreign language training, program management, policy development, and has linguistic capabilities in several foreign languages. Of particular note, he recently served as the Assistant Commandant of the Defense Language Institute Foreign Language Center (DLIFLC)

and the Commander, 517th Training Group, Presidio of Monterey, California, located in my congressional district. The Defense Language Institute Foreign Language Center is regarded as one of the finest schools for foreign language instruction in the nation.

It is important that we as a nation recognize our service men and women for their dedication to the United States of America, particularly those as accomplished as Colonel William T. Bare.

Mr. Speaker, on behalf of a grateful nation, I join my colleagues today in saying thank you to Colonel Bare for his extraordinary dedication to duty and service to his country throughout his distinguished career in the United States Air Force. I wish him, his wife Joselyn, his three daughters Lindsay, Jade, and J'adore (aka Jazzy), and his parents Bill and Elinor, much continued happiness as they start a new chapter in their lives.

IN RECOGNITION OF HOSPICE OF WESTERN RESERVE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise to acknowledge the 34th Annual Meeting of Hospice of the Western Reserve on May 24, 2012.

Since 1978, Hospice of the Western Reserve, a community-based, mission-driven not-for-profit organization, has provided comfort care and emotional support to patients and their families at the end-of-life. Its mission is "to provide palliative end-of-life care, caregiver support and bereavement services throughout Northern Ohio."

Hospice of the Western Reserve is committed to providing ideal patient care, regardless of age, race, color, national origin, disability or sexual orientation. It celebrates the individual worth of each life, and strives to relieve suffering, enhance comfort, promote quality of life, foster choice in end-of-life care, and support effective grieving.

Hospice of the Western Reserve affirms the dignity of life, and advocates for patient and family comfort and quality during life's final phase. The board, staff and volunteers believe that hospice patients have the right to continue life to the fullest extent possible according to their circumstances. They foster opportunities for continued growth and fulfillment.

Hospice of the Western Reserve's specialized services (including AIDS, pediatric, perinatal, and chronic disease-specific teams) provide care and support to patients, families and caregivers wherever they call home, whether it be in their home, at an assisted living facility, in a hospital, nursing facility or group home, in a county jail or at a homeless shelter.

Hospice of the Western Reserve is not part of a chain or franchise and is not owned by anyone but the community. Its services are not administered by hospitals, insurance companies or health systems. Through exemplary partnerships with the Northern Ohio's premier healthcare systems, Hospice of the Western Reserve incorporates state-of-the-art care and

best practices for its patients and their families.

Hospice of the Western Reserve's involvement with multiple community agencies, advisory councils and academic institutions keeps its staff and volunteers abreast of emerging trends and allows them to take a leadership role in addressing the ever-changing needs of our community. Hospice of the Western Reserve has received numerous awards from community, professional and non-profit organizations.

In 2010, Hospice of the Western Reserve provided care to 6,779 patients and families across Northern Ohio, including care to 1,757 patients and families at its world-class 42-bed in-patient facility, David Simpson Hospice House overlooking Lake Erie. Hospice of the Western Reserve is the longest-serving hospice and the largest non-profit hospice in the State of Ohio.

Mr. Speaker and colleagues, please join me in congratulating Hospice of the Western Reserve at its 34th Annual Meeting as it celebrates its long-standing service to the people of Northern Ohio and looks forward to many more years of quality care to its patients and their families.

DYLAN BEKEMEIER OF REPUBLIC HIGH SCHOOL WINNING THE MISSOURI CLASS 3 STATE INDIVIDUAL GOLF CHAMPIONSHIP

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. LONG. Mr. Speaker, I rise today to congratulate Dylan Bekemeier from Republic High School for winning the Missouri Class 3 State Individual Golf Championship.

Dylan should be commended for all of his hard work throughout the regular season and bringing home the individual state title to his school, family and community. At the State Golf Championships in Springfield, Dylan won the individual state title with an impressive second round showing of 68, 4 under par. His total score was 140. Completing his sophomore year means Dylan will be a force to be reckoned with in Missouri high school golf in the coming years.

I urge my colleagues to join me in congratulating Dylan Bekemeier, the Missouri Class 3 State Golf Champion.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 5th, 2012, I was absent during roll-call vote No. 315 due to a family medical issue. Had I been present, I would have voted "no" on the McClintock of California Amendment No. 3.

TRIBUTE TO MAJOR GENERAL
BRIAN L. TARBET

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. CHAFFETZ. Mr. Speaker, I rise to honor the service and dedication of Major General Brian L. Tarbet, the Adjutant General of the Utah National Guard. He has served his country as a member of the Utah National Guard for over 30 years. As the Adjutant General for the Utah National Guard, General Tarbet has been responsible for over 7,000 soldiers and airmen for the past 12 years.

General Tarbet began his military career as a Second Lieutenant in the United States Army Reserve in 1973. After being a member of the ROTC program and earning his bachelor of arts degree in political science from Utah State University, General Tarbet served on active duty from 1973 to 1975. General Tarbet then joined the Utah Army National Guard as a First Lieutenant and received his juris doctorate from the University of Utah in 1978. During the 2002 Winter Olympic Games, General Tarbet commanded over 4,500 troops providing security in Salt Lake City, just months after the September 11 terrorist attacks heightened security concerns surrounding high profile events. He has led the Utah National Guard through many deployments of soldiers and airmen supporting operations around the globe.

I invite my colleagues to join me in celebrating the accomplishments of this incredible man who placed service to his country above that of his own ambitions. Major General Brian L. Tarbet is a great example of the men and women who have served or who are currently serving our country in the various branches of the Armed Forces. I am grateful to every member of the military for the great sacrifice that they make every day.

IN RECOGNITION OF H.E.
MINISTER FADY ABOUD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to recognize H.E. Minister Fady Abboud, Minister of Tourism for the Republic of Lebanon and to welcome him to the City of Cleveland.

Born on March 21, 1955, Minister Abboud graduated from the International School of Choueifat. In 1976, following a year of service in the military, he began studying at the University of Westminster. Minister Abboud and his wife of 26 years, Sarah-Lilianna, have two children, Faddy and Joanne.

Fady Abboud had a successful career in industry, working in the packaging, plastic engineering, general machines and metal processing, and food businesses. In 1982, he was named Chairman of General Packaging Industries. In 2002, he was elected as President of the Board of the Association of Lebanese Industrialists. Minister Abboud is also a member

of the American Lebanese Chamber of Commerce and the International Chamber of Commerce.

Abboud was appointed as the Minister of Tourism in November 2009. Since his appointment, Minister Abboud has turned the office's focus to sustainable tourism in order to promote the different regions of Lebanon.

Mr. Speaker and colleagues, please join me in welcoming H.E. Minister Fady Abboud to the City of Cleveland.

D-DAY REMEMBRANCE

HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. GIBSON. Mr. Speaker, I rise today to commemorate the Second Annual Recognition and Remembrance ceremony being held in Delmar, NY by the D-Day Remembrance Association. It is truly a commendable event to honor those who sacrificed so much in order to return freedom and democracy to Europe in one of the most courageous and awe-inspiring military operations ever conceived.

The D-Day Remembrance Association hosts this event to remember and honor the events of those several days and particularly the servicemembers who stormed the beaches, airdropped behind enemy lines, and supported the invasion from sea. As a result of the efforts of this remarkable collection of volunteers, and many others like it across the nation, these annual gatherings create new treasured memories for all veterans, their children, grandchildren and others who recognize and appreciate the significant contributions and sacrifices that the "Greatest Generation" made in name of freedom.

The Battle of Normandy was fought during World War II in the summer of 1944, between the Allied nations and German forces occupying Western Europe. Almost 70 years later, the Normandy Invasion, or D-Day, remains the largest seaborne invasion in history, involving nearly three million troops crossing the English Channel from Great Britain to Normandy in occupied France.

On June 6, 1944, 160,000 Allied troops landed along a 50-mile stretch of heavily-fortified French coastline to fight Nazi Germany. General Dwight D. Eisenhower called the operation a crusade in which "we will accept nothing less than full victory." By the end of the first day, the Allies had gained a foothold in Normandy. The cost of D-Day was high—more than 2,500 were killed and 8,500 wounded—but more than 100,000 Soldiers began the march across Europe to defeat Hitler. I am in awe of what they accomplished during this period that can only be described as Hell on Earth.

Our men and women who served in combat and support roles did not ask for that war; yet, they answered the nation's call with honor and conviction. They put aside the instinct for self-preservation and risked their lives for all humanity in order to preserve freedom and defeat evil. They personified the words, "Greatest Generation." Those men had survived the Great Depression, fought and won World War

II, returned to America and simply tried to put it all behind them—rebuilding lives, families, and our country.

We are strengthened by their courage and awestruck by their valor. God Bless our veterans and those who gave their lives so that we may live free. Let us continue to stand for the ideals for which they fought, live a life worthy of their sacrifice, and work tirelessly to preserve our cherished way of life.

RECOGNIZING JUNE AS LGBT
PRIDE MONTH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize June as National LGBT Pride Month. Our greatest strength is its promise of equality for every citizen, and we have made significant progress in ensuring that promise is kept regardless of sexual orientation or gender identity.

As a proud member of the Congressional LGBT Equality Caucus, I am committed to extending full rights to all Americans, repealing discriminatory laws, and eliminating hateful violence.

This past year has brought many changes in law and policy, and there have been noticeable changes in public discourse as well. Last year, the military repealed its discriminatory "Don't Ask, Don't Tell" policy, and a federal circuit court ruled last week that the Defense of Marriage Act is unconstitutional. President Obama's historic endorsement of same-sex marriage has also moved this country into a new era of progressive thinking and equal rights for all.

The 37th District of California has seen incredible movement toward equality and acceptance. I am proud to represent the significant population of gay, lesbian and transgender constituents in my district. This is a community that has become integral to the Long Beach area and continues to give back to the city in many ways.

Long Beach Lesbian & Gay Pride, Inc. is one of the larger philanthropic organizations in the city, and they developed the Long Beach Lesbian and Gay Pride Parade in 1984. They have also granted nearly one million dollars to local non-profit organizations, and organized a toy drive for disabled and disadvantaged children in conjunction with catholic charities.

The Long Beach Lesbian and Gay Pride Parade continues to be the main project for the organization. When it first began its organizers faced death threats and fierce opposition. Today, the parade is the nation's third-largest pride parade and attracts over 75,000 participants annually. It is heralded as one of the district's most popular attractions, and its organizers have helped to foster greater understanding and respect in the community.

During my time in Congress I have supported many different areas of LGBT legislation. I am an original co-sponsor of multiple bills including: the Employment Non-Discrimination Act to prohibit discrimination in the work place; the Equal Access to COBRA Act which

guarantees the continuation of health coverage to any qualified beneficiary under an employer's health insurance; and the Reuniting Families Act which supports the core value of keeping all families together regardless of sexual orientation or gender identity together.

I voted to repeal the Don't Ask Don't Tell policy, and signed the amicus brief declaring the Defense of Marriage Act unconstitutional, and I am proud the Obama Administration will no longer defend section 3 of DOMA. These actions make our country stronger not weaker; they bring our national policies closer to our national ideals; and they affirm that in America it is the content of our character that counts, not immutable characteristics of birth.

Mr. Speaker, I urge my colleagues and American citizens to join me in celebrating the accomplishments of the LGBT community across the United States. However, there is still so much more work to be done. Every citizen of this country deserves the same opportunities regardless of sexual orientation or gender identity. Recent events have made momentous gains towards that goal, but let us not forget we still have a long fight ahead of us.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. ELLISON. Mr. Speaker, on May 31, 2012, I missed rollcall votes Nos. 297–305 due to a family obligation. Had I been present I would have voted "yea" on rollcall votes Nos. 297, 300, 302, 304, and 305. I would have voted "nay" on rollcall votes Nos. 298, 299, 301, and 303.

Mr. Speaker, on June 1, 2012, I missed rollcall votes Nos. 306–314 due to a family obligation. Had I been present I would have voted "yea" on rollcall votes Nos. 308, 312, 313, and 314. I would have voted "nay" on rollcall votes Nos. 306, 307, 309, 310, and 311.

OZARK CHRISTIAN COLLEGE'S 70TH ANNIVERSARY

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. LONG. Mr. Speaker, I rise today in celebration of Ozark Christian College's 70th Anniversary.

Ozark Bible College started out in Bentonville, Arkansas, on June 12, 1942 and two years later relocated to Joplin, Missouri. The name Ozark Christian College was adopted in 1985 when Ozark Bible College merged with Midwest Christian College of Oklahoma City, Oklahoma.

Ozark Christian College offers degree programs that help lay the foundation for their graduates who are called to careers in vocational ministry. Ozark Christian College graduates total more than 14,000 and are serving in 48 states and 40 counties.

Volunteerism is an important characteristic for the school. Ozark Christian College has been serving the Joplin area for 68 years and was heavily involved in helping after Joplin was struck by an EF-5 tornado on May 22, 2011. With open arms, the entire campus was used in a variety of ways from a Red Cross Command Center, to housing for 3,000 volunteers, and to a meeting place for three churches.

The school's motto of "Training Men and Women for Christian Service" has played an important role in the school's 70 year history and will continue to as students answer the call to vocational ministry.

I want to congratulate Ozark Christian College as they celebrate 70 years.

IN RECOGNITION OF MR. SEAN NELSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise to recognize the good work and achievements of Sean Nelson, who is leaving the U.S. Department of Veterans Affairs Medical Center (VAMC) in Cleveland. Sean is leaving the VA after nearly a decade of service to the Veterans of North-east Ohio.

Sean Nelson is a 2001 graduate of Bradley University in Peoria, Illinois, with a degree in Biology and a 2003 graduate of the University of Memphis with a Master of Health Administration. Mr. Nelson began his career at the VA Boston Healthcare System in 2003 as an Administrative Fellow. He transferred to the Cleveland VAMC in 2004.

He held numerous line and staff positions of increasing responsibility in Cleveland, including Chief of Quality and Information Management starting in 2005 and Chief of External Affairs and Facility Planning beginning in 2007. He later served as Assistant Director and Acting Associate Medical Center Director before his appointment as the Deputy Medical Center Director of the Cleveland VAMC in January 2011.

Sean is a graduate of the 2011 Executive Career Field Program and graduate of the 2008 Cleveland Bridge Builders flagship program. He is an active member of the American College of Healthcare Executives.

During his tenure, Sean has been part of the leadership team at the Cleveland VAMC that has overseen tremendous expansion with the opening of the Parma outpatient facility and the growth of the Wade Park facility as it was consolidated with the now-defunct Brecksville hospital. My staff and I have come to depend on Sean's eagerness to serve our nation's veterans and his ability to solve problems.

Mr. Speaker and colleagues, please join me in wishing Sean Nelson much success as he takes his tremendous skills and dedication to service to the next steps in his career.

RECOGNIZING BEVERLY F. LYELL

HON. TIM WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. WALBERG. Mr. Speaker, I rise today to recognize Beverly F. Lyell upon her recent retirement as the Executive Director of Goodwill Industries of Southeastern Michigan.

Compassion, commitment, and courage are three words which accurately describe Beverly. Over the past several decades, Beverly has been actively serving communities throughout Michigan. In 1975, she began working for Goodwill Industries of Southeastern Michigan as an assistant supervisor in the Ceramics Department. During her tenure at Goodwill, she worked in a number of different capacities before becoming Executive Director. As Executive Director, she has helped Goodwill attain various certifications, coordinate capital campaigns, and develop successful programs aimed at assisting the physically and mentally impaired and at risk members of our community.

In addition to her work with Goodwill Industries, Beverly has also served as a board member of many other organizations. She has received a number of awards over the years that reflect the respect our community has for her work and her character. In addition to raising their own children, she and her husband, Steve, have served as foster parents and have raised service puppies for the disabled. She is also an active member of her church. Beverly has truly left a mark on the community and improved the quality of life for many. Her character, integrity, and ever-optimistic personality have changed lives forever.

Beverly should be commended for her service to the community and I offer her my best wishes for the future.

RECOGNIZING 50 YEARS OF KTXR 101.3 FM "THE GENTLE GIANT"

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. LONG. Mr. Speaker, it was June 13, 1962, when KTXR 101.3 FM "The Gentle Giant" began informing and entertaining the Ozarks audience with great music and special programming.

Under the guidance of local owners Ken and Jane Meyer, what started in the 60s as a 6,000 watt station by 1970 became a 100,000 watt "Class C" FM operation. In 2001, when a bad ice storm brought the KTXR tower down, the Meyers received FCC permission to build the only "Class C-0" tower in the state of Missouri. Soaring 1488 feet above ground, it is Missouri's tallest radio tower with the state's largest coverage, heard throughout mid and southern Missouri, northern Arkansas, parts of Oklahoma, and Kansas.

KTXR is a rarity in Springfield. It is one of the only locally owned and operated FMs in the market. When it signed on the air, KTXR became not only the second FM station in the

city but also the second in the state to broadcast in stereo. Jane Meyer was the first woman in Springfield to sell radio advertising and was the first woman in the state to be a radio station general manager.

While the music on KTXR may have changed over the decades from classical to easy listening to light hits to today's Greatest Hits, there have always been several constants. Jane Meyer decided early on to add "special programs with special appeal." Knowing the volatility and importance of weather in the Ozarks, she hired her own resident meteorologist rather than be dependent on the National Weather Service. Then, 35 years ago Wayne Glenn, "The Old Record Collector," became part of KTXR special programming and has not missed an air shift in all that time.

Possibly the most unique programming decision the Meyers made was to put sports on a music station. While most in the radio broadcast industry would tell you a music/sports format would never work, KTXR has proved them wrong. It started with the Kansas City Royals in the 1970s, and a few years later KTXR became the exclusive radio home of the St. Louis Cardinals in the Ozarks and remains so today. Drury University and Evangel University were two of the local colleges sports programs aired on KTXR in the 70s. In the 80s the station picked up the Missouri State University Bears and KTXR remains the flagship station of the Bears Radio Network. After carrying the Bears for several years it was Jane Meyer's decision to broadcast the Lady Bear basketball games that helped propel them to a nation-high attendance record and in turn she received an invitation to address the NCAA national meeting about marketing women's sports.

Though Jane Meyer passed away in 2001 her influence is still felt not only in the halls of KTXR but throughout the Ozarks. She and Ken Meyer have always served on numerous boards and foundations giving of their time and finances to support the community that has always been supportive of Meyer Communications.

Over the past 50 years Meyer Communications has grown from the humble beginnings of one station to, at any one time, owning several radio and television stations, an outdoor signage company, and an advertising agency. But, it has always been KTXR "The Gentle Giant" that is the heartbeat of the company.

Ken Meyer has stated unequivocally "in my opinion Jane Meyer made KTXR the class station of Springfield. Any way you look at it Jane was the Gentle Giant."

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 5, 2012, I was absent during rollcall vote No. 318 due to a family medical issue. Had I been present, I would have voted "aye" on the Matheson of Utah Amendment.

RECOGNIZING HERITAGE MIDDLE SCHOOL STUDENT ESSAYS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. DUNCAN of Tennessee. Mr. Speaker, eighth grade students from Heritage Middle School in Maryville, Tennessee, recently visited Washington, DC.

Our office gave the students and chaperones a tour of the Capitol, and I received a very nice thank you letter from trip coordinator Patricia Russell and principal Steve Moser.

Along with the thank you note, I was also sent the enclosed four essays from some of the students on the trip. I was so impressed with these essays that I wanted them to be included in the CONGRESSIONAL RECORD.

I hope my Colleagues and other readers of the RECORD will take a few minutes to read the impressions of these 8th grade students about our Nation's Capital.

MY AMERICAN APPRECIATION

(By Anna Stout)

"In a mountain of despair, there is a stone of hope," said Martin Luther King Jr. I read this quote from the Martin Luther King Jr. memorial. This was one of the most significant moments on the whole Washington D.C. trip for me. The trip to D.C. changed my whole of life. I use to take every little thing for granted, like eating and the things I owned. Going to the Holocaust Museum, the Lincoln memorial, and the Martin Luther King Jr. memorial all increased my appreciation for my American heritage.

The Holocaust Museum was probably the saddest, most moving thing I've ever experienced. When you read about what happened in books or on the internet you don't really understand what happened. You kind of just think "yeah that's awful, hope it doesn't ever happen again" but when you see with your own eyes the actual happenings of what Holocaust, it changes you forever. When I walked into the room, and saw hundreds of pairs of shoes, I went into shock. I just stood there and looked at how many there were. It took me a few minutes before I started to look at the individual shoes, the baby shoes, the shoes that were my size, and the shoes that were bigger than my own foot. I was in such shock it took me at least 5 minutes to move, and 10 to stop staring at them all. That change how I look at everything. How I get mad over having "nothing to wear" and they wore rags. Now everything I do, a part of the Holocaust is in my thoughts.

I really liked the Lincoln memorial because Lincoln really fought to keep our Nation together and without that, things today would be way different. Most of us probably would even be here. I use to think that Lincoln started the war to free all the slaves, when really he started the war to keep our united states together. Personally I think he was one of the most successful, helpful presidents ever. And Im glad that there is a memorial built in his honor. To remind the generations to come, about all he did.

Last but not least, the Martin Luther King Jr. memorial. I really enjoyed going to this memorial, because I have a lot of respect for Martin Luther King. I think what he did for our nation was an amazing, and very brave thing. He stood up and fought for what he believed in, but he did it peacefully. That sets

an amazing example for the people of our time. To not have to use guns and war to solve things is a great accomplishment. "In a mountain of despair, there is a stone of hope."—Martin Luther King Jr. I didn't quite get this at first, until I started to think about it. What King means is, there is always a little bit of hope, even if the problem is huge. To always cling to that piece of hope, and you will overcome the problem.

Some of the reasons my appreciation for my American heritage has increased is because of the Holocaust Museum, the Lincoln Memorial, and the Martin Luther King Jr. memorial. I am deeply grateful for being able to go on this trip. I am so thankful for everyone that has done something for our country, not just the things listed above. Without these people and these events, we would not be here, and we would not be America. Thank you everyone.

WASHINGTON D.C. ESSAY

(By Chloe Atchley)

"We the People of the United States . . ." Thomas Jefferson wrote. I believe that as a citizen of the United States, we should have pride in our country. On my trip to Washington D.C., I grew a new appreciation and curiosity for my great Nation. Three places I was able to visit that helped my respect grow were the Arlington National Cemetery, the Vietnam Veteran's Memorial, and the Jefferson Memorial.

The first place that helped me appreciate my Nation more was the Arlington National Cemetery. In my opinion, what shocked me the most was just how many graves there were. They lined the fields and area for miles. Every single one of those people served my country. Some of them died and sacrificed themselves for it. This cemetery did a wonderful job honoring those people, those heroes.

The second place that helped me appreciate my Nation more was the Vietnam's Veteran Memorial. When I saw it, it was dark, and I couldn't see how long it was. Walking along beside it, I was surprised to find that it kept on going on with me. There are 58,272 names on the wall today. It gave me pride to be American knowing that every last one of those people did their best to protect us and help others.

The last place that helped me appreciate my country more was the Jefferson Memorial. Out of everything I saw and visited, this was definitely one of my favorites. It was quiet, peaceful, and reflective, just like how I think Thomas Jefferson would have liked it. The sun was setting, and reflected on the walls of the little dome beautifully. It illuminated the excerpts from the Declaration of Independence that were engraved everywhere. It was a reminder of how we originally fought for our freedom, and of how my home began.

These are some of the places that increased my appreciation for my American heritage. This trip was one of the best experiences I have ever had. I hope everyone can stop to remember the sacrifices made and the struggles conquered through our history, and hold their head higher in remembrance that they are an American.

WASHINGTON, DC ESSAY

(By Callie Effler)

Very few places make one more proud to be an American than Washington, DC. I saw very many things in our nation's capitol that I will remember for the rest of my life, but several stuck out that made me feel even more blessed than I already do to live in

America. Three things and places in particular that made me especially appreciate my American heritage were the Vietnam Veterans' Memorial, the National Archives, and the flag that inspired the Star Spangled Banner.

All of the monuments were breathtakingly beautiful, but the Vietnam Veterans' Memorial didn't catch my eye for that reason—it was that it had so many names. 58,795 brave men and women were willing to pay the ultimate price to preserve the freedom and safety that so many of us take for granted today. These soldiers, nurses, and others who gave their lives so that we in the United States and those in other countries could be free are true heroes.

Another thing that made me prize my American heritage was the National Archives. There, we saw many documents including the Declaration of Independence and the Constitution. It made me feel honored to have the opportunity to see the documents that shaped our past, which led to my present, and will lead to our future. In my opinion, these are some of the most important documents in the world. They led to changes in not only our country, but others as well.

Lastly, the flag that inspired our national anthem was the most amazing thing I saw in Washington. I couldn't believe that such a massive flag could even be made! It's colossal size was accomplished by a woman and several teenage girls. They made a flag—by hand—that survived battle and sparked a poem that is now one of the most recognizable tunes in history. Even then, Americans were making great things, both physical items and ideas.

The Vietnam Veterans' Memorial, National Archives, and the Star-Spangled Banner are only three of the things I saw in Washington, DC, that made me proud of my American heritage. I think that everyone should have the opportunity to see the things from the past that shaped their future. I will never forget my 8th grade field trip, and will cherish all of the things that make our country great.

WASHINGTON D.C.

(By Madison Jacobs)

Washington D.C. is located between Virginia and Maryland in the District of Columbia. I believe that it is important to know about your country's history in order to be able to do the basic things adults do. This experience was breathtaking and intriguing. I have learned several things while on this trip but the three places that taught me a lot was The National Archives, the Vietnam Memorial, and the Holocaust Museum.

My first place visited that I really enjoyed and learned a lot from was the National Archives. This acquaintance was both enticing and captivating. Seeing the Declaration of Independence, The Constitution, and the Bill of Rights I felt astonished and proud to live in this country. It is incredible to see that in 200 years these documents are still around and we go by them today. I especially enjoyed looking at all of the documents written so long ago.

The second place visited that I enjoyed and learned from was the Vietnam Memorial. It gave me great pride in my country but also at the same time it made me feel sad that all of these wonderful men; fathers, sons, husbands, and brothers lost their lives. This war lasted for 16 years. During these years 58,000 people died fighting so that we could all be free and giving their life for ours. The Vietnam Memorial was very humbling to me. My lasting impression is that I will always re-

spect and honor those who fight and die for our country.

My third place I visited that I learned from was the Holocaust Museum. The Holocaust was a mass killing of Jews and other civilians. The factors that contributed to this were anti-Semitism and the rise of the Nazis. My most vivid thing that I will always remember is the room with all of the Jewish people's shoes. Also the smell of the shoes from the leather was horrible. This will always stay in the back of my mind. The Holocaust Museum really touched me with the fact that millions of people died who were innocent and died for what they believed in.

The National Archives, The Vietnam Memorial, and The Holocaust Museum were the three places that we went to that touched me the most. These places have affected our nation's history in many different ways and they represent what Americans are and what we stand for. I really enjoyed this trip and would like to go back one day in the near future.

IN RECOGNITION OF THE DEDICATION OF THE CROATIAN CULTURAL GARDEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the dedication of the Croatian Cultural Garden, taking place on June 3, 2012.

The 254 acre piece of land that constitutes Rockefeller Park was donated to the City of Cleveland by John D. Rockefeller in 1896. The Cleveland Croatian Cultural Garden is a two acre piece of land within Rockefeller Park. The Cleveland Cultural Gardens were founded in 1926 to create a memorial area for the diverse ethnic groups that shape the region, and to serve as a space for reflection on peace, cooperation and understanding. The Cultural Gardens are currently a collection of 26 gardens which include African-American, American Indian, British, Chinese, Czech, Estonian, and Slovenian gardens, among others.

The mission of the Croatian Cultural Garden is to dedicate a garden that celebrates the rich cultural achievements and contributions of the Croatian people and to endow an educational legacy for future generations. Groundbreaking on the Garden took place on April 30, 2011 with the support of the Garden's benefactor, Ed Lozick.

The dedication of Phase I of the Croatian Cultural Garden will begin with a Holy Mass at St. Paul Croatian Church. Phase I includes the installation of "The Immigrant Mother" statue which represents Croatian mothers who emigrated to the U.S. The bronze statue was sculpted by Cleveland and Croatian-American, Joseph Turkaly. The granite base of the statue is inscribed with three Croatian symbols; the Croatian Homeland Shield (Grb), the original Croatian alphabet (Glagoljica) and the pleter design. The Gardens will also have a heart shaped flower garden representing the "Licitar Heart" as well as three benches carved from stone from the island of Brac.

Mr. Speaker and colleagues, please join me in recognition of the dedication of the Croatian Cultural Garden.

RETIREMENT OF JIMMY MILLER

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. MICA. Mr. Speaker, I rise to recognize the service of one of this body's most able, dedicated and respected employees, James R. "Jimmy" Miller.

After 53 years of combined service here on Capitol Hill and a distinguished career in the United States Air Force, Jimmy is retiring from the Committee on Transportation and Infrastructure.

Mr. Miller has ensured the smooth operation of the Committee's hearings, meetings, and functions for decades. And he has been the person that Committee Members and staff have gone to when we simply needed to get something done, because no one else has a better understanding of how the House of Representatives functions on a daily basis.

It has been said that every committee has a Jimmy Miller, but Transportation has THE Jimmy Miller.

Jimmy has been much more than a long-serving staffer; he has been a trusted friend to me, to other Members of Congress, and to his countless Hill colleagues for more than 30 years. While his family is undoubtedly happy they'll be seeing more of him in the coming days, we on Capitol Hill will feel his considerable absence.

Jimmy's service to our country began when he joined the United States Air Force in 1959, where he rose to the rank of Command Sergeant Major, the highest rank possible for an enlisted airman.

During his 28 years of distinguished service in the Air Force, Jimmy served under three Chairmen of the Joint Chiefs of Staff, General Earle Wheeler, General George Brown, and General David C. Jones.

In 1980, Command Sergeant Major Miller became the Air Force legislative liaison to the House of Representatives.

In 1987, he retired from the Air Force and was subsequently appointed by Chairman Bob Roe to join the staff of the House Committee on Science, Space and Technology. Jimmy then came with Chairman Roe to the Committee on Public Works and Transportation in 1991.

Jimmy has shepherded numerous delegations of U.S. officials to meetings with their foreign counterparts all over the world. He has crossed the globe more times than most people, having been to more than 170 countries, and he has established many friendships along the way.

Jimmy embodied a bipartisan spirit over the years, serving under six chairmen, Republicans and Democrats alike. In fact, Jimmy insisted that he equally serve all the Members of the Committee, regardless of which party led the House.

Jimmy accorded all of us on the Hill with the same respect over the years, whether we've wielded a gavel or a paintbrush, and we all admire his humble professionalism and dedication.

Jimmy was born on August 22, 1940 to Alyce and Robert Miller in Paulding, Ohio and

was one of nine children. His parents instilled in them the values of family, God, and country and helped shape their children's personal lives and their public citizenship.

Even with all of his successes, including meeting many of the world's leaders, Jimmy's most important achievement has been his own family. He has been a caring, loving, and proud father to his children, Kim, Bob, Chris, and Shawn. I know Jimmy is looking forward to spending more time with his four children, nine grandchildren, one great grandson, and his wife Peg.

I will personally miss Jimmy. I consider him a close friend and I know that the House of Representatives will miss him. On behalf of this body, which he has served so well, I want to thank Jimmy for his dedicated service to our Nation and wish him a happy and healthy retirement.

Mr. Speaker, I ask you and all of our colleagues to join in thanking Jimmy Miller for his years of service to the House of Representatives and our Nation. We wish him a wonderful retirement and want him to know we all appreciate his service and friendship.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mrs. MALONEY. Mr. Speaker, on June 5, 2012, I missed rollcall votes numbered 315, 316, 317, and 318. Had I been present, I would have voted "no," on rollcall No. 315, the McClintock Amendment which would reduce the Nuclear Energy account by \$514,391,000, and apply the savings to the spending reduction account; "yes" on rollcall No. 316, the Hirono Amendment which would reduce the Fossil Energy Research and Development account by \$133,400,000, and increase funds for the Advanced Research Project Agency account by the same amount; "no" on rollcall No. 317, the McClintock Amendment which would zero out the Fossil Energy Research and Development account (a cut of \$554 million) and apply the savings to the spending reduction account; and "yes" on rollcall No. 318, the Matheson Amendment which would increase the Non-Defense environmental cleanup account by \$9,600,000, and reduce the National Nuclear Security Weapons account by the same amount.

CONGRATULATING MRS. HELEN R. HENDERSON ON HER 100TH BIRTHDAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Mrs. Helen R. Henderson from Pahokee, Florida on the occasion of her 100th birthday, which is June 8, 2012. Born in Kentucky, Mrs. Henderson was raised on her family's farm. From her earliest days, she

learned the value of a healthy diet, eating the food her family raised. Her life has been characterized by hard work, dedication, compassion, and inner strength.

Helen and her late husband, Brooks Henderson, devoted their lives to education in the Glades area, with Brooks serving as the principal of Pahokee High School, and Helen working as a special needs elementary education teacher in Belle Glade and Canal Point. Helen began her love for learning at a young age when she traveled six miles by horse and buggy to attend her one-room schoolhouse in Kentucky. Sadly, the Henderson's only child, Ann, passed away several years ago, but their love of education was passed down to their grandson, Kevin Henderson, an instructor at Palm Beach State College in Belle Glade.

An accomplished musician, Helen has played piano at her church, First United Methodist of Pahokee, for over 60 years. A lifelong follower of Jesus Christ, she has taught Sunday school to several generations of Pahokee children. She still faithfully attends Sunday school and worship service each week. She still lives in her own home in Pahokee, where she enjoys spending time with friends, participating in church activities, and working in her yard. Helen says the secret to her longevity is hard work and eating right.

Mr. Speaker, Mrs. Helen Henderson is a fine citizen, and I am proud that she continues to make a positive impact on the Glades community. I am delighted to join her family, friends and many admirers in wishing her a very happy 100th birthday and continued good health and happiness for years to come.

IN RECOGNITION OF ELIAS BOU SAAB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Honorable Elias Bou Saab, the Mayor of Dhour Shweir and Ain Al Sindyaneh, and welcome him to the City of Cleveland.

Born and raised in Dhour Shweir, Mayor Bou Saab earned his Bachelor of Business Administration in Marketing from The American College in London and his Master of Arts in International Relations from Boston University. In 1992, he established and served as the first president of the Lebanese Graduates of Britain.

Dedicated to higher education and improving relations between the United States and the Arab world, in 1995 Bou Saab moved to Dubai and founded the American University in Dubai. Today he serves as the executive vice president of the university overseeing the implementation of policies and long-term planning.

In 2010, Bou Saab was elected as the Mayor of his hometown of Dhour Shweir and Ain Al Sindyaneh. He is also an active member of the Clinton Global Initiative, co-founder of the Emirates Lebanese Friendship Association and former Member of the Board of Directors of the Young Arab Leaders.

Mr. Speaker and colleagues, please join me welcoming Mr. Elias Bou Saab to the City of Cleveland.

RECOGNIZING OXFORD HEALTHCARE OF JOPLIN

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. LONG. Mr. Speaker, I rise today in celebration of the reopening of Oxford HealthCare in Joplin, Missouri.

Oxford HealthCare is a home care provider that serves more than 50 counties in southwest and central Missouri. In 1975, Oxford HealthCare began operations in Joplin and Springfield, Missouri. On May 22, 2011, a tornado struck the Joplin community and destroyed Oxford's office. It was very important to Oxford HealthCare that they get to a new normal as quickly as possible because their patients and employees were dependent on them, and in their business there is no excuse not to show up for work.

Hours after the tornado tore through Joplin, Destiny Church opened its doors to Oxford. By the next morning the Joplin and Springfield staff converged on the church with everything needed to do business. For weeks Oxford staff worked out of plastic tubs that held office and medical supplies and they used cell phones and laptops using a computer system that their IT Department was able to establish on the spot. Oxford was back to business as usual. The Zimmer Radio Group helped Oxford get word to their staff and patients that they were working out of Destiny Church.

With the help of the entire company, within three days of the storm all 650 employees and patients were accounted for. Some had been in the path of the storm and lost their homes. Many suffered injuries.

Immediately after the tornado employees who were suffering themselves continued to see their patients without fail. In those first days after the storm many Oxford staff stayed with the patients they were with during the storm, without going to their own homes, until they knew the patients were safe and had family to watch over them. In an effort to ensure that the community's clinical needs were being met, Oxford set up makeshift first aid stations throughout the neighborhoods that were in the path of the tornado. Volunteer nurses from the entire company took their vacation time to staff the tents from 8 5, seven days a week for a number of weeks, where 1,400 tetanus shots were given and first aid was administered.

Oxford eventually left Destiny Church and set up a temporary office in Carthage as plans were being made to return to Joplin. The resilience of Oxford and its employees is amazing and I am honored to help Oxford celebrate the reopening of their new facility in Joplin.

PERSONAL EXPLANATION

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. MCINTYRE. Mr. Speaker, I was unable to be present for votes on June 5, 2012. Had

I been present, I would have voted in the following ways: "no" on rollcall vote No. 315, "no" on rollcall vote No. 316, "no" on rollcall vote No. 317, and "yes" on rollcall vote No. 318.

TRIBUTE TO HONOR FLIGHT OF
EASTERN OREGON AND HONOR
FLIGHT OF PORTLAND, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. WALDEN. Mr. Speaker, I rise to recognize the 54 World War II veterans from Oregon who will be visiting their memorial this Friday in Washington, D.C. through Honor Flight of Eastern Oregon and Honor Flight of Portland, Oregon. On behalf of a grateful State and country, we welcome these heroes to our Nation's Capital.

The veterans on this flight from Oregon are: Theodore Baumeister, U.S. Army; William Burgess, U.S. Army; Warren F. Ebersole, U.S. Army; Walter J. Forsea, U.S. Army; Teresa Fortino, U.S. Army; Jay L. Garrison, U.S. Army; Zoella Hickmon, U.S. Army; James E. Monroe, U.S. Army; Walter S. Saunders, U.S. Army; Joseph W. Sharpe, U.S. Army; Frank K. Walsh, U.S. Army; Earl C. Williams, U.S. Army; Glenn A. Wrede, U.S. Army; Arthur J. Blumberg, U.S. Army Air Forces; John Bogen, U.S. Army Air Forces; Merrit S. Kelsay, U.S. Army Air Forces; Daniel F. McAllaster, U.S. Army Air Forces; Robert J. Miller, U.S. Army Air Forces; Arthur Perkins, U.S. Army Air Forces; Gene Woodward, U.S. Army Air Forces; Jerry Benson, U.S. Coast Guard; Charles L. Burgess, U.S. Marine Corps; Golda F. Fabian, U.S. Marine Corps; William Gordon, U.S. Marine Corps; Charles R. Holmes, U.S. Marine Corps; Keith C. Tucker, U.S. Marine Corps; Dwain E. Whitney, U.S. Marine Corps; Levi D. Chamberlin, U.S. Merchant Marine; John Alford, U.S. Navy; Robert Barber, U.S. Navy; Eldon Bartlett, U.S. Navy; Sylvine Elie Bourque, U.S. Navy; John E. Curran, U.S. Navy; Bruce L. Dickman, U.S. Navy; Richard M. Finch, U.S. Navy; Louis Fortino, U.S. Navy; Ted S. Georgioff, U.S. Navy; Dale D. Halm, U.S. Navy; Merrily Kurtz Hewett, U.S. Navy; Jack Hilbourne, U.S. Navy; Leslie H. Horn, U.S. Navy; Robert J. Huesby, U.S. Navy; Charles H. Kies, U.S. Navy; Robert L. Lee, U.S. Navy; Leo Moore, U.S. Navy; Thomas Mummy, U.S. Navy; Walker D. Nicholson, U.S. Navy; Raymond Quimby, U.S. Navy; Richard G. Ray, U.S. Navy; George Reiner, U.S. Navy; Louis Stone, U.S. Navy; Robert B. Stuart, U.S. Navy; Helmer C. Wallan, U.S. Navy; Arthur L. Welch, U.S. Navy.

These 54 heroes join more than 81,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, D.C. to reflect at the memorials built in honor of our Nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these brave Americans who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Eastern Oregon and Portland, Oregon for their exemplary dedication and service to this great country. I especially want to recognize U.S. Army veteran Dick Tobiasson and the Bend Heroes Foundation, whose tireless work will result in over 100 World War II veterans from Oregon visiting the memorials and U.S. Capitol.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 5, 2012, I was absent during rollcall vote No. 316 due to a family medical issue. Had I been present, I would have voted "aye" on the Hirono of Hawaii Amendment.

JEWISH-B2B NETWORKING: A VALUED
RESOURCE FOR SMALL
BUSINESSES AND OUR COMMUNITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to congratulate the Jewish B2B Networking (JBN) and its founder, Shalom Klein, for their outstanding work in promoting and nurturing small businesses in the metro Chicago area. Next week, on June 14, JBN will hold its second "Business Event" at the Lincolnwood Town Center in my district, just one of the many ways that it is helping small businesses, workers and our economy.

I attended last year's inaugural Business Event, along with representatives from over 2,700 small businesses, elected officials and job seekers. It was extraordinary—a vibrant, exciting and incredibly useful opportunity for small businesses to network, learn from each other, make contacts, set up meetings to help build their companies, and share their experiences and concerns with Members of Congress. It was so successful that plans began right there on the spot to hold another Event in 2012.

Small business men and women are essential to our economic well-being. In Illinois, they represent 98 percent of all employers. They also represent the spirit of innovation and entrepreneurship that has made our country so strong. It is imperative that we foster small business creation and expansion—and that is the mission of JBN.

It is never easy to start a small business, but it is especially challenging today as we work to recover from the impacts of the Great Recession. JBN was formed in 2010, through the vision of Shalom Klein, to help provide the support and tools needed to help small businesses thrive.

Through its monthly networking events, JBN provides critical and practical information to

help small business owners learn about available lending resources. Business to business networking through monthly forums provide the opportunity to share "best practices" and pick up tips that can help small businesses succeed. JBN is creating a vibrant network—not just among Chicagoland small businesses but between small businesses and policymakers at the local, State and national levels. This year, for example, they brought small business owners to Washington, D.C. so that they could share their experiences and recommendations with the Obama Administration and Members of Congress and also learn about opportunities and assistance.

JBN has touched over 6,000 active business networking partners and has over 17,000 subscribed networkers receiving weekly communications and utilizing its interactive website.

Through its Business Event and through online job listings, JBN has helped more than 200 job seekers obtain employment. Over 5,000 businesses and job seekers are expected at next week's event in Lincolnwood, to exchange business information, ideas, and resources.

There are many wonderful small business men and women who have contributed to the success of JBN, but I want to specifically recognize the vision and work of Shalom Klein, its founder. As a small businessman, Shalom felt the need to connect with others. As an organizer, he did something about it. He invited 20 people to an informal "networking" lunch at the Slice of Life kosher restaurant in Skokie—and 70 people came.

Out of Shalom's initiative, Jewish B2B Networking was born. Open to all, the non-profit organization has taken off—serving a role that had been missing in the community. What I so admire about Shalom Klein—beyond his enthusiasm and skill—is his refusal to rest on his laurels, despite the many successes he has already achieved. As he has said, he will not be satisfied if JBN reaches a plateau—as high as it may be—he wants it to keep growing and growing, empowering more and more small business men and women. His spirit is infectious, his ability to inspire people to action is enormous, and I know he and JBN will continue to excel in their efforts.

JBN knows that local communities cannot prosper without small businesses, and they are committed to providing the climate that will help them succeed. I want to thank JBN for all that it has done already and wish it well as it, like the small businesses it assists, seeks to expand its activities in the future.

IN HONOR OF MR. WILLIAM
ARTHUR FIELDS, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. William Arthur Fields, Sr., who lived his life centered around family, community, and hard work.

Mr. Fields was born on May 21, 1915 in Columbus, Ohio. He was married to Estelle, for

68 years and had four children, William, Jr., Ronald, Janice and Charles. He was an avid reader, who enjoyed hunting, fishing and golf and shared his love of nature with his family on many fishing trips to Lake Erie. He was a life-long member of Mt. Zion Missionary Baptist Church.

Mr. Fields started a family-owned and operated construction and masonry company, Fields Brothers Masonry. A skilled block and masonry contractor, he used his skills to improve his community whenever he was called upon. Following his first retirement, Mr. Fields became a dispatcher for the City of Columbus, Maintenance Department. In addition, he was a volunteer firefighter for Clinton Township.

I offer my condolences to his children, Janice Bosley and Charles (JoAnn) Fields; daughters-in-law, Earlene Fields and Shirley Hawkins; brothers, Charles and Carl (Jean) Fields; sister-in-law, Bettye Randle; 15 grandchildren, 34 great-grandchildren and 13 great-great-grandchildren.

Mr. Speaker and colleagues, please join me in celebrating the long and prolific life of Mr. William Arthur Fields, Sr.

HEROES OF COMPASSION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Ms. KAPTUR. Mr. Speaker, I wish to congratulate the heroes and heroines of compassion in our community for their exceptional devotion to serving the needs of others. In so doing, the ethic they set creates a better way of life for people across our region and enriches the human condition. The Charter for Compassion was created by Karen Armstrong, author of many interfaith books in 2008. Her wish was that the faith leaders of the world would acknowledge their core common value of compassion in a simple document and the response to her idea for Heroes of Compassion was phenomenal. Greater Toledo has many individuals and organizations that qualify as Heroes of Compassion. But many of these individuals and institutions are unsung heroes and heroines. Their stories of compassion are untold, while news of violence and conflict make headlines. The First Heroes of Compassion of Toledo were honored at the 11th Annual MultiFaith Banquet on March 11, 2012 at the Franciscan Center at Lourdes University, and later at a community gathering at the Unitarian Universalist Church on Glendale Ave. The First Heroes of Compassion included:

Sr. Mary Angelita Abair: Decades of work in central Toledo with the poor, marginalized, imprisoned, and disabled;

Cherry Street Mission: Emergency shelter, food and other assistance;

Dr. Lawrence V. Conway, The Diller Foundation: Provides medical equipment and supplies to many deserving countries and the Medical Hall of Fame;

Judge Charles J. Doneghy: Inner city youth mentor and support for prostate cancer awareness;

Fr. Martin Donnelly: Founding chair of Erase the Hate Toledo and Central City Ministries and many other organizations;

Hannah's Socks: Founded by four year old Hannah Turner and has since supplied 200,000+ pairs of socks to the homeless last year;

Jewish Family Service Food Bank: Food, supplies and moral support to the needy in the general community;

Ken Leslie & Pat Lewandowski, 1Matters—Tent City: Working to change the perception of the homeless;

Lifeline Toledo: Support for inner city homeless, including mobile medical support;

The Ronald McDonald House Charities: Provides a free home away from home for families accessing specialized medical care for their children;

Martha Pituch, RN, Cherry St. Mission Clinic: Founded and developed a nursing clinic to provide primary health care for homeless persons;

Devorah (Friedrich) Shulamit, Interfaith Blood Drive: Founder of the first interfaith blood drive in the nation, now in its 25th year;

Sr. Grace Ellen & Sr. Jeremias, Sisters of St. Francis of Sylvania Gardens: Developed a nationally recognized four-season polyhouse to provide food for the needy year round;

Mike Szuberla, Toledo GROWS: Provides support for 150 community gardens and re-entry and proactive programs for at-risk youth;

St. Paul's Community Center: Daily hot meals, emergency shelter, and other services for the homeless;

St. Vincent de Paul Conference: Tangible, confidential, no-questions-asked assistance to those in need;

Toledo Area Ministries, Feed Your Neighbor Ministry: 12 food pantries, serve over 80,000 clients per year;

Toledo Mountain Mentors: One-on-one mentoring and outdoor experiences for at-risk teens.

A MOVING TRIBUTE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. WOLF. Mr. Speaker, I submit remarks delivered at the recent memorial service, at Washington National Cathedral, for the late Chuck Colson.

Emily Colson, Chuck's daughter, gave a compelling personal eulogy which gave us a glimpse into Chuck as a father and grandfather—his undying love and devotion to his family were beautiful to behold.

The Reverend Dr. Timothy George delivered the homily—a stirring charge to those Chuck left behind to “be not afraid.”

I commend these eloquent, heartfelt tributes which honor a man whose prophetic voice will be sorely missed.

EMILY COLSON MEMORIAL SERVICE TRANSCRIPT

Good morning. My name is Emily Colson, and I am very blessed to be Chuck Colson's daughter. Today we celebrate a life well lived. I am thankful to be old enough to have known my father before he became a Christian and to see the change, the transformation in my father when Christ ruled in his heart. My father still had the same intel-

lect and drive and passion for life, but a softness came over him. I think about my dad's office in his home in Florida, the desk highly polished where he worked tirelessly, and I think about the over-stuffed green chair in the corner where every morning he would kneel and pray. I think of the 3x5 cards my dad carried in his pocket underneath his jacket. There were 15 or 20 of them there, an ever growing to do list. But in that list he also had names, people that he prayed for every day. My dad became, as Scripture says, a new creation, and he loved his family differently.

My father in his work changed people all over the world and he also changed his family. That drive became a source of an affectionate joke in our family. We love to get together for family reunions and vacations and all of our family would be so excited to relax for a week together. And we would find ourselves in one scheduled fun activity to the next scheduled fun activity. And then my father would announce, he would declare, let's all take five minutes and relax. I was teasing him about it one day, and he looked at me just with a hint of a smile, and he said “Emily, six minutes would be wasteful.”

But even with that drive when I would call my dad or when he would call me, which was daily (sometimes it was more than once a day), you would think my dad had nothing else to do in his life. He was fully present. I thought he only did that for me. But I now know he has done it for everyone in our family. He put God first, family second above all else. That's the mark of a great father and a great leader. I encourage all of you who are fathers to understand the powerful impact you can have in your children's lives. Don't miss it. My father loved his family. He and Patty just celebrated 48 years. Patty has been there as a partner in ministry; has kept my dad humble and well fed. My dad loved his three children, his grandchildren, and he almost lived to see his first great-grandchild, who will be born next month.

But perhaps for me the greatest mark of my dad's character has been his relationship with my son, Max. Max is 21 with a diagnosis of autism. And when we would come, which was frequently, my dad would clear his schedule and do nothing else but be present for Max and do everything Max loved, because Max needed his grandfather. And as it turns out, his grandfather needed Max.

My father has stood by his convictions even when no one else was looking. My father has been a defender of the weak. We will miss his zest for life. He was always the first to laugh and the last one to stop laughing. Every meal he ate was the best one he'd ever had, or so he would tell us. He was our advisor, mentor, friend, shoulder and encourager.

I think of that encouragement today. Today is a celebration of my father's life. But today is also about us, you and me. What will we do in the shadow of such an extraordinary role model. There is work to be done. I encourage you to continue the work God has begun through my father's life. Do the right thing. Seek the truth. Defend the weak. Live courageous lives. My father left a wonderful legacy and he left many writings for us to follow, to learn from. He left something for us this morning, for this moment today. “I want my funeral services to be joyful. I don't want people to be sad because I believe with every ounce of conviction in my body that death is but a homecoming and that we will be in the presence of God. It is the culmination of life. It's a celebration.”

BE NOT AFRAID!

A HOMILY DELIVERED BY THE REVEREND DR. TIMOTHY GEORGE AT THE MEMORIAL SERVICE FOR CHARLES W. COLSON AT WASHINGTON NATIONAL CATHEDRAL ON MAY 16, 2012

Invocation: In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

In the ancient book of Joshua we read: "Now after the death of Moses, the servant of the Lord, it came to pass that the Lord spake unto Joshua the son of Nun saying, 'Moses my servant is dead: now therefore arise, go over this Jordan, thou, and all this people, unto the land which I do give to them, even to the children of Israel. . . . As I was with Moses, so I will be with thee: I will not fail thee, nor forsake thee. Be strong and of a good courage. Be thou strong and very courageous. Have not I commanded thee? Be strong and of a good courage; be not afraid, neither be thou dismayed: for the Lord thy God is with thee whithersoever thou goest.'" (Joshua 1:1-9, selected verses)

Charles Wendell Colson was once the youngest captain in the United States Marines and, at his request, he was laid to rest several days ago at Quantico National Cemetery. He loved his country fiercely and served it well. But we are here today, in this the nation's church, to celebrate the life of one who ended his days as a soldier in another army, the militia Christi, a battalion without bullets, soldiers of Christ, arrayed in truth, wielding weapons of faith, prayer, and love. To describe this change in the life of Chuck Colson requires us to use freighted words such as conversion, redemption, transformation.

Not that Chuck ever completely outgrew the Marines. There was an intensity and drivenness about him that could be formidable. He did not suffer fools gladly and he was not blessed with an overabundance of patience. Chuck loved to tell the story about a man who accosted him on a plane one day, pushing, shoving, jostling for a seat. Chuck said to him, "Fella, do you know who you're messing with? I'm an ex-marine, an ex-con, and if I weren't a Christian you'd be on the floor of this plane!" Then he presented the Gospel to him.

Chuck was not perfect, but he was forgiven. He never got over the wonder and surprise of having encountered Jesus Christ as a real person, a living reality; the one person in human history who passed through the gossamer veil of death and came back to tell us what was on the other side and how we should prepare for that journey by living every day in the light of eternity. Chuck's autobiography, *Born Again*, tells the story of a man born in Boston on the wrong side of the tracks. He clawed his way up the ever-spiraling ladder of success until he reached the pinnacle of power as Special Counsel to the President of the United States.

But when his career was shattered in the wake of Watergate, he found himself in the position of another henchman, Thomas à Becket, who had done the bidding of King Henry II in the twelfth century. In a play about his life, Becket stands on stage, stripped of the insignia of his high office, and exclaims, "Oh, God, there must be more, there must be something more!"

Chuck Colson had such a moment in the summer of 1973. Sitting alone late one night in the driveway of his friend Tom Phillips, filled with guilt and despair, he burst into tears "crying so hard," he later said, "it was like trying to swim underwater." That night he prayed his first real prayer, "God, I don't know how to find you. But I'm going to try. Somehow I want to give myself to you."

Take me, take me, take me, he repeated over and over.

And God did take Chuck Colson from that moment of surrender to a federal prison in Alabama, to the experience of baptism as a new believer in Christ, to the founding of Prison Fellowship, a wonderful ministry to prisoners and their families now chartered in 113 countries around the world. And God took Chuck to the side of Mary Kay Beard, a former inmate and bank robber who could boast of being on the FBI's Ten Most Wanted list. At our fundraisers, Chuck used to say that no one could ask for money like Mary Kay! Together with Chuck she founded a ministry called Angel Tree that has served some six million children of prisoners over the last three decades. Chuck never forgot that he served a Savior who had been crucified as a prisoner, one who knew what it was like to be stripped, sentenced, beaten, and mocked. He never forgot Jesus' words: "I was in prison and you visited me."

Chuck's conversion was not only emotional, it was also intellectual and moral as well. "I could not sidestep," he said, "the central question God had placed squarely before me. Was I to accept without reservation Jesus Christ as Lord of my life? It was like a gate before me. There was no way to walk around it. I would step through or I would remain outside. A 'maybe' or 'I need more time' was kidding myself. The phrase 'accept Jesus Christ' had sounded at first both pious and mystical, the language of the zealot, maybe black magic stuff. But the question was: did I believe what Jesus said? If I did, then I accepted. Not mystical or weird at all, and with no in-between ground left. Either I would believe or I would not—and believe it all or none of it."

Of course, there have been and still are the critics. When *Born Again* was released, Chuck's hometown newspaper, *The Boston Globe*, wrote: "If Colson can repent, there just has to be hope for everyone!" To which Chuck would be the first to say, Yes! that's exactly the point. Hope for everyone, anyone. The invitation has gone out with your name on it. It says RSVP. There is no limit to this love of God. His grace and forgiveness reach to the least, the last, and the lost, which, at the end of the day, is all of us, each of us sooner or later, in one way or other.

Of all the tributes that have been written about Chuck in recent days, the one that touched me most deeply was by Mr. Lanny Davis, who served as Special Counsel to President Clinton, the same title Chuck Colson had in his work at the White House with President Nixon. Mr. Davis described his meeting with Chuck several years ago at a dinner before the National Prayer Breakfast. They greeted one another, and Chuck said to Mr. Davis, "I've wanted for a very long time to say something to you: I am sorry, may God forgive me." "I looked at him, stunned," Mr. Davis wrote. Chuck continued, "You know, I'm the guy who put you on the enemies list—that was wrong, please forgive me." Mr. Davis said, "I looked into his eyes and I felt a strange and deep peace. It was eerie. I also saw a profound goodness and spirituality. My eyes teared up. 'Of course I forgive you, Mr. Colson.' Mr. Davis then asked for Chuck's forgiveness, as years before he himself had spoken with hatred about Chuck. Immediately, Chuck hugged him. "I learned an important lesson that night," Lanny Davis said. "I vowed that I would never use the word 'hate' about people in politics with whom I disagreed."

Over the years, Chuck came to see the close connection between the despair he wit-

nessed within the prisons and the "culture of death" in society on the outside. He knew that genuine reform had to embrace the family, the community, and the church as well as the state. He came to see that the work he had done, and continued to do, in the prisons would ultimately fail unless it was undergirded by a robust Christian worldview, an understanding of what it is we believe and how it applies to our lives.

This perspective was reinforced by the three great intellectual heroes to whom Chuck turned again and again. William Wilberforce, the young member of Parliament who devoted his life to the abolition of the slave trade. And Abraham Kuyper, the Reformed theologian and prime minister of the Netherlands whom Chuck quoted, I believe, more than anyone else. Kuyper said: "There is not one square inch in the whole domain of our human existence over which Christ, who is Sovereign over all, does not cry: 'Mine, that belongs to me!'" And there was Dietrich Bonhoeffer, a champion of faith and conscience in one of the darkest moments of human history. Bonhoeffer, who preached a gospel of costly grace and who, in 1937, wrote "When Christ calls a man, he bids him come and die."

Chuck Colson was a Baptist but he had a passion for Christian unity that reached far beyond his own denomination. In the early nineteen-nineties, Chuck and his close friend, the late Father Richard John Neuhaus, brought together a group known as Evangelicals and Catholics Together—not a mere coalition but a fellowship of earnest Evangelicals and faithful Catholics who recognized that beyond all the differences that continued to separate us, we shared a fundamental unity as brothers and sisters in Christ, a vision for reconciliation that continues still.

This same impulse was behind the 2009 Manhattan Declaration, which began as a statement and has now become a movement of more than half a million Protestant, Catholic, and Orthodox believers all committed to the three most pressing, and increasingly contested moral issues of our time: the sanctity of life for every single person including the elderly, the weak, and the pre-born, each of whom is made in the image of God (*imago Dei*) and is worthy of our respect and protection; the historic institution of marriage, not for the sake of traditionalism but for the flourishing of families and the nurture of children, an institution Cardinal Timothy Dolan has called the cornerstone of society; and religious freedom, not only for Christians, but for all persons everywhere, and for religious institutions as well as for individuals, for synagogues, mosques, temples and churches and the work they do on behalf of the common good in education and benevolence. Chuck believed in these things and he stood for them with courage, charity and civility.

For those who thought that this was just the old political Colson in a new disguise, he reminded them that while citizens in a representative democracy such as ours have a special responsibility, the fundamental issue is not political but spiritual. What Chuck advocated was a chastened form of civic virtue based on the fact that Christians hold a dual citizenship, one in this world, and the other, as St. Paul said, in heaven. With St. Augustine, Chuck wanted us to avoid two mistakes that Christians have often made and that still tempt us today.

One is the lure of utopianism, the mistake of thinking that we can produce a human society that will solve our problems and bring

about the Kingdom of God on earth. This was the basic error of both liberalism and Marxism in the nineteenth century. But the other error is equally disastrous: cynicism. This happens when we become so jaded by the evil around us that we are tempted to give up on this world altogether, to retreat into our own self-contained circle of contentment, which can be either a pious holy huddle or a secular skeptics club. How are we to avoid such reactions?

Perhaps Francis of Assisi can help us here. One day after his conversion to Christ when he was riding back to Assisi, he saw a leper on the road. He reached out to embrace the leper and actually gave him a kiss. It was the kiss of peace. In that moment when he embraced this filthy diseased outcast, Francis said that he was overcome by a dual sensation. On the one hand, he was nauseated. He wanted to throw up. On the other hand, he was permeated with a sense of sweetness (*suavitas*) and well-being, and both sensations were in that one embrace.

Chuck Colson knew that both reactions were critical to our faith. If all we experience is nausea, we will become cynics. We will give up on the world and turn away from it in despair. But if all we have is sweetness, then our faith will amount to little more than sentimental fluff, what Schopenhauer called an "unscrupulous optimism that leads us nowhere but to vanity." Genuine faith and true ministry take place on the thin edge between nausea and sweetness.

Chuck Colson often experienced that thin edge. Once while visiting Trivandrum, India, he was taken to a camp with more than a thousand inmates, most of them "untouchables." Caged in squalid holes, with no toilets or running water, they were totally dehumanized, treated as outcasts. Speaking through a Hindi translator, Chuck shared his own testimony of grace and forgiveness. After the closing prayer, acting against the advice he had been given, he jumped down from the platform and ran to touch the men before him. Later, he wrote about this event: "Suddenly, like a flight of birds, men rose to their feet and circled around me. I shook every hand I could. Most of the men just reached and touched; they were desperate to 'touch,' to know that the love God offers is real." Later, they went back to their grim cells. But that night, through the witness of Chuck Colson, they had received some good news: in Jesus Christ there are no untouchables. All of us bear that message whenever we walk the thin edge of costly discipleship.

John Calvin was right when he warned against extravagant speculation in the mystery of death. There is much we do not know. And this is a good occasion for each of us to think about our own deaths, for death waits for each of us around the next corner, or the next. John Donne spoke of the democracy of the dead. Mortality is egalitarian. It comes equally to each of us, and when it comes, it makes us all equal. Today we mourn with Chuck's beloved Patty, the Colson family, and countless citizens across our land and around the world who have lost a great friend, champion, leader, and world Christian statesman. But we do not grieve as those who have no hope, for as St. Paul has reminded us, to live is Christ and to die is gain.

It has been said that this life is a chasm of light suspended between two eternities of darkness. But the Gospel Chuck Colson believed and proclaimed tells a different story: this life is the real shadowland, and often a vale of tears, suspended between two eternities of light. We come into this world, each

of us, from the hands of the invisible God who dwells in light inaccessible. And, we leave this world, trusting in Jesus Christ, to go into what the African American preacher calls the land of "no more," no more sorrow, no more crying, no more pain or death, no more crime or violence, no more prison and no more night, for we go into that land beyond the shadows where we shall have no need of candles, nor light of the sun, for the Lord God will give light to all those gathered around his throne and that of the Lamb.

And in the meantime? How now shall we live?

One of Chuck's last books was titled *The Good Life*. And it closes with these words: "The good life? A life worth living? Indeed. But the good life is possible only if we live in expectation that life will end as richly as we lived it, if we laugh off the maggots and affirm that these bones shall live in the resurrection. Live each day as if it were the best of days and the last of days. And when the last of days comes, live it as the best of days."

And who will take the place of Chuck Colson? Earlier this year I visited the grave of the great evangelist D.L. Moody who died in 1899 in Northfield, Massachusetts. At that time, everyone was saying, who can fill the shoes of the great D.L. Moody? There seemed no one on the horizon who commanded the respect and loyalty that Moody had. It's quite depressing to read the religious press of those days. But unbeknownst to anyone on earth at the time, a little baby named John was about to be born to Sir Arnold Stott and his wife Lily. About the same time, another little boy named Billy entered the Graham family in Charlotte. A few years later, Pastor and Sister King in Atlanta celebrated the birth of baby Martin. And in 1931, in a hardscrabble section of Boston, a baby named Charlie Colson arrived.

Today the servant of God named Chuck Colson is dead and the Lord is saying to us as he said to Joshua and the children of Israel long ago: as I was with Chuck, so I will be with you. Be not afraid! I will not fail you, nor forsake you. Be strong and of a good courage. Be not afraid! Be not dismayed. For the Lord your God is with you wherever you go.

Let us pray: Oh, God, whose days are without end and whose mercies cannot be numbered: Make us, we beseech thee, deeply sensible of the shortness and uncertainty of life. Remind us of the wonderful promise of our Lord Jesus Christ who said: "Come unto me, all ye that labor and are heavy laden and I will give you rest. We praise thee that through his atoning death on the cross, and his glorious resurrection, Jesus has opened wide the gates of eternal life to all who believe.

Today we give thanks for thy servant Charles Wendell Colson, for his steadfastness in faith, obedience to thy Word, and love for thy Church, for his gracious smile, loving touch, and contagious confidence in Jesus Christ his only comfort in life and death, and ours as well. We say farewell in the sure and certain hope of the resurrection, until we meet again in that blessed land of "no more", through Jesus Christ our Lord, who liveth and reigneth with thee and the Holy Ghost now and forevermore. Amen.

IN RECOGNITION OF THE U.S. HOLOCAUST MEMORIAL MUSEUM SECOND ANNUAL LUNCHEON IN CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I am pleased to acknowledge the gathering of supporters of the United States Holocaust Memorial Museum in Cleveland for the second annual Cleveland Luncheon on Monday May 21, 2012. The luncheon featured remarks by Museum Director Sara Bloomfield, a Cleveland native, and former U.S. Attorney General Michael Mukasey. Judge Mukasey discussed the importance of the Museum's training for judges, "Law, Justice, and the Holocaust: How the Courts Failed Germany."

The idea of a U.S. Holocaust Memorial Museum began in 1978. On November 1, 1978, President Jimmy Carter established the "President's Commission on the Holocaust," chaired by author and Holocaust survivor Elie Wiesel. The commission was charged with, among other things, reporting back on how an appropriate museum could be created in Washington to commemorate the Holocaust which would be funded through contributions by the American people. The U.S. Holocaust Memorial Museum was completed in 1993 on 1.9 acres of land adjacent to the National Mall in Washington donated by the federal government with the \$200 million in construction costs paid completely by private donations.

To quote Director Bloomfield, the "Museum presents the Holocaust in a way that challenges people to confront human nature—the entire spectrum, from extraordinary evil that led to the mass murder of Jews to the extraordinary goodness of people who risked their lives, risked the lives of their families to save another human being, and every kind of shade of human behavior in between. And, for me, it says to people, now that you know this about ourselves as a species, what must you do with this? You must do something with this. You must be responsible for our species."

Mr. Speaker, Director Bloomfield's perspective sums up the practical necessity of peace education, which I fully support and have advocated on this floor and in the corridors of Congress. I am pleased that there is a national grassroots movement to support the U.S. Holocaust Memorial Museum and that the movement has convened for a second year in Cleveland. Please join me in acknowledging the importance of this movement and the support they provide to continuing the peace education conducted on a daily basis at the U.S. Holocaust Memorial Museum.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. SHERMAN. Mr. Speaker, I was unavoidably absent yesterday. Had I been

present, I would have voted "nay" on rollcall No. 315, "yea" on rollcall No. 316, "nay" on rollcall No. 317, "yea" on rollcall No. 318.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,733,409,283,200.18. We've added \$5,106,532,234,287.10 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING LIEUTENANT MARC ROGERS' SERVICE

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. LONG. Mr. Speaker, I rise today to recognize and honor LTG Marc E. Rogers for his service to our country.

Our country has been blessed to have citizens like Lt. Gen. Rogers who have selflessly volunteered to defend our Nation and freedom. They are the reason why we are the strongest Nation on Earth, and the reason we stand today with freedoms unparalleled across the globe. Lt. Gen. Rogers joined the Air Force in 1974 and served as an electronic combat pilot, Aggressor pilot, instructor pilot, evaluation pilot, operations officer and commander. During his time in the Air Force he commanded at the squadron level, group, wing and numbered air force levels. Lt. Gen. Rogers led combat operations in Iraq and Bosnia. He has served in a variety of positions at command headquarters including the Joint Staff, U.S. Joint Forces Command, Headquarters U.S. Air Force, Tactical Air Command, U.S. Air Forces in Europe, Air Education and Training Command, and Air Force Materiel Command.

Our republic and the freedoms that flow from it remain the envy of the world because of service and sacrifices of men and women like Lt. Gen. Rogers. I am proud of Lt. Gen. Rogers' service to our Nation and am honored to call him my neighbor in the 7th Congressional District of Missouri. I wanted to take this opportunity to honor his service to a grateful Nation.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 5th, 2012, I was absent during roll-

call vote No. 317 due to a family medical issue. Had I been present, I would have voted "no" on the McClintock of California Amendment No. 5.

IN REMEMBRANCE OF FATHER JOHN J. CREGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Father John J. Cregan, who ministered to parishes throughout our community, including Blessed Sacrament, St. Joseph's Church, St. Thomas More and Our Lady of Angels. Father Cregan also served as the Chaplain for the Cleveland Police and Fire, Greater Cleveland Police and Fire, Holy Name Society, Cleveland Office of the FBI, the Greater Cleveland Police Emerald Society, Retired Irish Police Society and the Anchor Club. Collectively, he held these roles for more than forty years.

Father Cregan had a long and distinguished history in Cleveland. Born on June 2, 1935, Father Cregan went to St. Vincent de Paul grade school and later graduated from Saint Ignatius High School. After attending St. Meinrad Minor Seminary, Borromeo Seminary, and St. Mary Seminary, Father Cregan was ordained at Saint John Cathedral by Auxiliary Bishop Floyd Begin on May 20, 1961.

Father Cregan was especially active with safety organizations such as police officers and firemen. He was an invaluable source of support, kindness and guidance for the women and men who bravely serve in the line of duty. His service led to him being honored with numerous awards, including becoming the 12th inductee of the Cleveland Police Museum Hall of Fame.

Father Cregan's joy and strong faith were apparent after listening to any of his sermons. His kind spirit and good nature has brought countless people to his church. His dedication, generosity, and love to his members was like no other. He truly cared for all people. We, as a community, were blessed to have Father Cregan.

I offer my condolences to his sisters, Sister M. Theresine, Rita Joyce, and Florence Schwind and his 15 nieces and nephews.

Mr. Speaker and colleagues, please join me in honoring the life of Father John J. Cregan who served his community selflessly with love and talent.

RECOGNIZING DR. MATTHEW HOLDEN, ACADEMICIAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor and acknowledge Dr. Matthew Holden, Academician.

Holden was born in Mound Bayou, Mississippi and subsequently grew up in Chicago.

He is married to the former Dorothy Amanda Howard and they are the parents of Paul Christopher Hendricks and John Matthew Alexander Holden. Holden is an alumnus of Northwestern University (M.A., Ph.D., Political Science, Anthropology minor), of Roosevelt University (B. A., Political Science, History minor), and of Wendell Phillips High School (Chicago).

He taught at Wayne State University in Detroit, the University of Pittsburgh, the University of Wisconsin—Madison, and the University of Virginia, where he was the Henry L. and Grace M. Doherty Professor of Politics. He has also been the Newman Visiting Professor of American Civilization, Cornell University, and has been a visiting professor at Jackson State University. In his writings and experience, Holden has emphasized the connection of political science concepts to the actual world that they seek to explain, and of learning from the actual world to refine concepts.

Professor Holden has written extensively in many fields of the discipline of political science. This work has included energy politics and environmental policy, regulatory policy and practice, urban and metropolitan politics, public policy and administration, executive politics, law and politics, and race and ethnic politics.

Among his works are *Continuity & Disruption: Essays in Public Administration*, a study of race and politics entitled *The Divisible Republic*, an edited volume on *Varieties of Political Conservatism*, and contributions to a joint volume on *Resources and Decisions*.

He is also the author of a new volume, now in the last stage of writing, entitled *The Practice of Power*, a study of public administration and political power, for the University of Oklahoma Press. This volume is based on the Rothbaum Lecture in Representative Government delivered in 2001 and rewritten over the past decade. In 1973, he published a two volume perspective on race relations and civil rights entitled *The Politics of the Black "Nation"* and *The White Man's Burden*. A combined trade edition was also published under the title *The Divisible Republic*.

He has also been engaged in many activities outside the academy. He held full time appointive public office as Commissioner of the Public Service Commission of Wisconsin and as Commissioner of the Federal Energy Regulatory Commission. He has been a member of the Electricity Advisory Board (U.S. Department of Energy), Task Force on Electric System Reliability (U.S. Department of Energy), President's Air Quality Advisory Board, and of the Board of Directors of Atlantic Energy, Inc.

Among his public affairs activities have been assignments in congressional testimony on D.C., government organization and on energy policy, and as a witness before the House Judiciary Committee on historical and constitutional standards on Presidential impeachment. He has also been a witness on state legislative hearings on energy.

He has also been a member of the Delegate Assembly of the National Urban League, the Education and Youth Incentives Committee of the National Urban League, the Boards of Directors of the Madison, Wisconsin and Pittsburgh, Pennsylvania Urban Leagues, in local NAACP chapters, and is an active layperson in the Episcopal Church.

He has also been a strong advocate for improving the analytical basis of African American politics, and has spent recent years advancing the concept of a think tank on politics, economics, and government, especially in the Lower Mississippi Valley. One of his major current interests, as well, is historic preservation, especially in Mound Bayou where the vicissitudes of the contemporary economy are severe and adverse effects.

He is a former President of the American Political Science Association, a former President of the Policy Studies Organization, a Fellow of the American Academy of Arts and Sciences, and a Senior Fellow of the National Academy of Public Administration. He holds the L.L.D. (Hon.) from Tuskegee University, the L.H.D. (Hon.) from Roosevelt University, and the L.H.D. (Hon.) from Virginia Theological Seminary. Holden has recently become a member of the Board of the Abraham Lincoln Association.

Jackson State University has also created a Matthew Holden, Jr. Symposium Lecture in recognition of his work and of his and Mrs. Dorothy Holden's donation of the 4,000 volume library that is now called The Mrs. Dorothy Howard Holden and Dr. Matthew Holden, Jr. Reading Room. Holden's academic, personal, and official papers have mainly been donated to the University of Virginia Archives. When those papers are processed they will provide one of most extensive collections in any university of materials on regulatory policy and procedure as seen from a commissioner's standpoint.

Holden served in the United States Army, with sixteen months in Korea in the 7th Infantry Division Artillery.

Matthew Holden, Jr. is the Wepner Distinguished Professor in Political Science, University of Illinois—Springfield, a position he has held since August 2009. He is the convener of the Wepner Symposium on the Lincoln Legacy and Contemporary Scholarship.

HONORING AND CELEBRATING THE LIFE OF EVELYN WEINSTEIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. ACKERMAN. Mr. Speaker, I rise today to celebrate the life of Evelyn Weinstein, beloved mother, grandmother, and wife, tireless advocate for the underprivileged, and friend to all who knew her. Regrettably, Evelyn passed away earlier this week.

To say that Evelyn believed in giving back and paying forward would be an understatement—she devoted her entire life to helping the most vulnerable members of our society. The daughter of Polish immigrants, Evelyn worked hard to achieve the American Dream, graduating first from Brooklyn College and then going on to receive a Masters degree from Columbia University. Evelyn used her education and training to help others by becoming a certified psychiatric social worker in New York State.

During World War II and its aftermath, she helped veterans and their families cope with

the psychiatric issues of war and also assisted children with respiratory ailments. During her four-decade long career as a social worker, she was a stalwart advocate for patients, assisting thousands of them at Jamaica, Long Island Jewish and North Shore hospitals. She was also the director of Long Term Care Ombudsman, Nassau County, safeguarding the rights of nursing-home residents and helping families deal with the difficult transition of placing loved ones into elder-care facilities.

Always the ardent activist, Evelyn was involved with many social agencies and organizations dedicated to assisting low income and vulnerable individuals, including: the Nassau Action Coalition, helping the aged and disabled and blind on Social Security Income; the Kimmel Housing Development Foundation, advocating for affordable housing; and the Social Action Committee of Temple Emanuel of Great Neck, serving as its chairperson. Evelyn also received numerous honors for her good works during her long and varied career, including: the American Jewish Congress Woman of the Year award, the Nassau County Social Worker of the Year award, and Nassau County Senior Citizen of the Year award.

Evelyn met the love of her life, Jack Weinstein, while she was attending Brooklyn College. They married in 1946 after Jack's service in the U.S. Navy and had three sons, Seth, Michael, and Howard. Jack went on to become a federal district judge, then chief judge, in the Eastern District of New York. But before Jack could become one of the most distinguished jurists in the country, Evelyn worked nights as a social worker and helped care for their young son so that Jack could attend Columbia University law school.

Evelyn was known for a lifetime of selfless devotion to her family, friends, coworkers, patients and clients. Her human touch and empathy for those in need led to the bettering of thousands of lives, not just through her own work, but also through her efforts of teaching people how to help people. She trained and supervised hundreds of social workers and volunteer "ombudspeople" along the way so that they could continue to "pay forward" what Evelyn had "given back" to her community. Evelyn was deeply committed to the concept of citizen representatives overseeing and engaging in government programs in their communities.

Mr. Speaker, Evelyn's energy and compassion for helping the disadvantaged never wavered, never flagged. She is already sorely missed, but her gift of helping others, as well as inspiring all of us to help those less fortunate than us, will always endure. I ask all of our colleagues to rise and join me in honoring Evelyn Weinstein.

HONORING LEROY KELLER

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor Mr. Leroy Keller of Scarborough, Maine, who is celebrating his 50th consecutive year as a volunteer with the American Legion, Department of Maine Dirigo Boys State Program.

Leroy has been an integral part of the Maine American Legion Boys State Program for the last half century. Boys State programs currently operate in 48 States around the country, and they serve over 19,000 high school students every year. Enrolled students are given the opportunity to learn about the operation of State and local governments by running a model state. Boys State helps instill a sense of civic engagement in our youth, while also providing them with an experience that is both fun and educational. The Department of Maine Dirigo Boys State was founded in 1947, and through the hard work of people like Leroy, the program has made a significant impact in the lives of thousands of Maine high school students.

Few people can claim to embody the spirit of community engagement as completely as Mr. Keller. Leroy retired from a distinguished career as an educator in the Mount View and Deer Isle Stonington School districts. He has also refereed and coached youth sports for 40 years in the Eastern Maine Conference.

After five decades, Leroy's commitment to Maine's youth through the Boys State Program is second only to his 51-year marriage to his wife Mary. He has been the senior counselor coordinator for most of his 50 years at the organization, overseeing countless volunteers and students, including myself. I am humbled to be one of the many lives touched by Leroy's warmth and dedication.

On June 16, Dirigo Boys State will be honoring Leroy for his service and he is most deserving of this recognition.

Mr. Speaker, please join me in congratulating Mr. Keller on achieving this milestone, and thanking him for all that he does on behalf of Maine's youth.

WEST VIRGINIA ALWAYS FREE HONOR FLIGHT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. RAHALL. Mr. Speaker, I rise today to honor a group of distinguished West Virginia Veterans—the State's first Honor Flight—who came to Washington today to visit war memorials and our Nation's Capitol. It was my privilege to meet with them so that I could personally thank them for their outstanding service. I am humbled and honored at any opportunity to meet such remarkable American patriots and to pay tribute to those who have done so much for us.

I welcomed them to their Nation's Capitol, and I do mean their Capitol, because without them and their service to our Nation, this old capitol just might not be here.

On this day they will visit the World War II, Korean and Vietnam Veterans memorials. I asked them while they are at the Korean War Memorial, to read the words chiseled in the granite wall there, "Freedom is not free." Truer words were never uttered.

And, for their service, we, as a Nation, can never repay them, but I have to say, we darn well better never quit trying to honor them in our thoughts and prayers and deeds.

The Honor Flight is a measure of what the service of Veterans has meant to those who freely contribute to keep these missions of lasting memories for you going. We salute all those who contribute and help organize them.

And it's up to those of us in the public sector to stand firm in our Nation's commitment to Veterans' long term health care and other benefits.

From towns born of mining, to our state born of war, to a nation under God, each of West Virginia's Veterans symbolizes the depth of human giving and the height of divine compassion. One word best describes what our Veterans did: sacrifice.

What they, and those who served with them, sacrificed is reflected in the white and black granite of our war memorials. They serve as timeless reminders to all who pass their way that we must always remember and honor those who stood in harm's way so that freedom's light could continue to shine.

Every time a Veteran steps foot on the grounds of one of the war memorials, they honor all who did not live to see it. And their visit adds a living testament to the memorial's significance, when each returns home and tells family and friends about the experience.

These West Virginia Veterans defended our Nation under the banner of red, white and blue; and on behalf of a grateful Nation, I presented each of them our country's colors, Old Glory, to take home with them.

I am so proud of all Veterans and will continue to fight and to work with my colleagues in the House to address their needs. As a Nation, we have a duty and responsibility to support and acknowledge the great sacrifice that our veterans so willingly made for all of us.

So much of the Nation's greatness rests on the shoulders of these protectors of America—like the members of West Virginia Honor Flight—whose commitment and duty to God, country, and family keeps strong the foundation of our republic.

May God always bless our Nation with men and women such as these:

Andrew Semonco—Age 88—WW II Vet.—Bluefield, W. Va.; Harold Lee Dobbins, Sr.—Age 85—WW II Vet.—Beckley, W. Va.; Robert Arthur Day—Age 85—WW II Vet.—Beaver, W. Va.; Frank Martin Johnston—Age 90—WW II Vet.—Bluefield, Va.; Howard B. Candler—Age 86—WW II Vet.—Bluefield W. Va.; Joseph Laenen—Age 84—WW II Vet.—Montcalm, W. Va.; Cecil Pennington—Age 83—WW II Vet.—Princeton, W. Va.; Buford S. Helmandollar—Age 86—WW II Vet.—Princeton, W. Va.; William D. Foley—Age 87—WW II Vet.—Crab Orchard, W. Va.; Ralph L. Kiblinger—Age 82—WW II Vet.—Beaver, W. Va.

Victor T. Birchfield—Age 89—WW II Vet.—Lester, W. Va.—joined Army in 1940's in Hotchkiss, W. Va.—Sgt., served in the European Theater in combat units, infantryman; Bruce Blevins—Age 86—WW II Vet.—Princeton, W. Va.; Eugene Lusk—Age 87—WW II Vet.—Herndon, W. Va.; Leonard (Whitey) Beckett—Age 87—WW II Vet.—Princeton, W. Va.; James A. Harvey—Age 78—Korean War Vet.—Bluefield, W. Va.; Franklin Sargent—Age 77—Korean War Vet.—Bluefield, W. Va.; Conrad (Connie) Jenkins—Age 79—Korean War Vet.—Lashmeet, W. Va.; Joel W. Birchfield—Age 64—Vietnam Vet.—Lester, W. Va.; Raymond A. Desplaines—Age 60—Vietnam Vet.—Bluefield, W. Va.; Alphonso Hancock—Age 74—Vietnam Vet.—Bluefield, W. Va.

Ivan R. Freeland—Age 64—Vietnam Vet.—Fairmont, W. Va.; David A. Simmons—Age 62—Vietnam Vet.—Bluefield, W. Va.; Randall R. Lawhorn—Age 62—Vietnam Vet.; Robert B. Ashby—Age 73—Vietnam Vet.—Princeton, W. Va.; Johnnie Williams—Age 66—Vietnam Vet.—Bluefield, W. Va.; Justin S. Bays—Age 65—Vietnam Vet.—Bluefield, W. Va.; James L. Scott—Age 70—Vietnam Vet.—Rock, W. Va.; Donald F. Sternoff, Jr.—Vietnam Vet.—Bluefield, W. Va.; Ernest R. Rose—Vietnam Vet.—Age 63—Raysal, W. Va.; Jackie L. Etter—Vietnam Vet.—Age 75—Bluefield, W. Va.

Richard N. Wirt—Vietnam Vet.—Age 74—Princeton, W. Va.; Gary S. Bowling—Vietnam Vet.—Age 63—Bluefield, W. Va.; Richard Sturgell—Vietnam Vet.—Age 63—Thorpe, W. Va.; Stephen O. Beckett—Vietnam Vet.—Age 59—Hiwassee, Va.; Laura King and Marie Blackwell—Bluefield, W. Va. representing their father and husband, David Blackwell, Vietnam Veteran who passed away 4 months ago; Dreama Denver—Princeton, W. Va.—President, The Denver Foundation, V Pres. Always Free H. F. representing her deceased father Korean War Vet., Glen E. Peery; Charles Thomas Richardson—Princeton, W. Va.—President, Always Free Honor Flight representing his deceased father WW II Vet., Clifford Richardson; Pamela Coulbourne—Princeton, W. Va.—Exec. Assistant, The Denver Foundation, Coord. Always Free H.F. representing her deceased father WW II Vet.—Francis L. Fluharty; Steve Coleman—Bluefield, W. Va.—Official Photographer, The Denver Foundation & Always Free H. F. representing his deceased father WW II Vet., James M. Coleman; Burk Allen Adkins—Washington, D.C.—Board Member of Always Free H.F., Public Relations for The Denver Foundation, representing his deceased father WW II/Korea Vet., Stanley Adkins.

IN HONOR OF ST. MARTIN OF TOURS SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of St. Martin of Tours School, a distinguished primary Catholic school located in Maple Heights, Ohio that is closing after 49 years of serving the community.

St. Martin of Tours was founded in 1963 under the leadership of Pastor John J. Gerrity. The school originally had just three grades. One grade was added each year until each grade, from kindergarten through eighth, was represented. The first principal was Sister Mary Electa Coleman, a member of the Humility of Mary Sisters.

Students at St. Martin of Tours participate in many activities that are educationally, spiritually, and socially enriching. The 6th, 7th, and 8th graders maintain pen-pal relationships with residents of a local senior care facility. The Liturgy Team collaborates with the West Side Catholic Center. Twice a month students in grades 4-8 travel to the Center to volunteer their service. Since 1989, students have participated in the DARE program, a program that teaches children how to avoid drugs and violence. The school also has a Peace Pole in their Memory Garden, around which students and faculty gather each Memorial Day, Vet-

eran's Day, and for special prayer services to commemorate loved ones who have passed away.

In 1997, the school won the National Blue Ribbon of Excellence Award from the United States Department of Education. Despite the outstanding education students at St. Martin of Tours have received for almost fifty years, this year will be the school's last.

Mr. Speaker and colleagues, please join me in honoring St. Martin of Tours, a school that has provided education of the highest quality for decades. It will certainly be missed by the community it served.

PERSONAL EXPLANATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. CLEAVER. Mr. Speaker, due to a commitment in my district, I had to miss votes on H.R. 5325. Had I been present, I would have voted "no" on rollcall vote 315, "aye" on rollcall vote 316, "no" on rollcall vote 317, "yes" on rollcall vote 318.

PERSONAL EXPLANATION

HON. DIANE BLACK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mrs. BLACK. Mr. Speaker, during Floor consideration of H.R. 5325 on June 1, 2012, I mistakenly recorded my vote on roll No. 311 as "no" on the question on agreeing to the amendment offered by Mr. MCCLINTOCK of California.

I intended to vote "yes", on the McClintock amendment, which sought to reduce the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account by \$1,450,960,000 and apply the savings to the spending reduction account. Again, I would like to reiterate my strong support for the McClintock amendment and wish to clearly state for the record that I support the amendment to H.R. 5325 and did not intend to vote against it.

HONORING LOGAN ROUSH

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Logan Roush, of New Berlin, Pennsylvania.

Logan, a 22-year-old, lifelong resident of Pennsylvania's 10th Congressional District, will have the distinct honor of delivering the keynote address at this year's dinner for Pennsylvania Cystic Fibrosis, Inc.

As an amateur historian, Civil War buff, and diehard Notre Dame football fan, Logan stands as an example to people across the

district and the country who are struggling with cystic fibrosis. He embodies courage and strength, as he works to achieve good through the adversity of his struggles.

Logan graduated from Mifflinburg High School and completed one semester at Susquehanna University, until he was unable to continue due to his battle with cystic fibrosis. Along with his parents, Shawn and Kelly Roush, and his grandmother, Betty Hollenbach, Logan has served as a longtime member of PACFI, emceeding their annual dinner for the past ten years.

Mr. Speaker, I rise today to honor my constituent, Logan Roush, and ask my colleagues to join in praising his commitment to country and community.

CONGRATULATIONS TO MOUNT
WASHINGTON CRUISES ON THEIR
140TH ANNIVERSARY

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Mount Washington Cruises on reaching your 140th anniversary.

New Hampshire is proud to be home to some of the most beautiful sights in the Northeast. The White Mountains and Lakes Region have attracted tourists from all over the world, and the beauty and grandeur of Lake Winnepesaukee has been shared with thousands of visitors thanks to the M/S Mount Washington.

The MIS Mount Washington is truly one of New Hampshire's greatest treasures and continues to be one of the State's leading tourist attractions in the Lakes Region and for Weirs Beach. The daily in season tours give visitors the chance to view firsthand the beauty and majesty of Lake Winnepesaukee. With the ability to hold 1250 passengers, the "Mount" has also been a popular venue for parties, weddings and various celebrations. Today Mount Washington Cruises is owned and operated by local individuals ensuring that this fine vessel and her operations maintain in New Hampshire and are run by New Hampshire's great citizens.

I congratulate the owners, officers and crew of the Mount Washington Cruises for their continued success and their dedication to maintain the great legacy of the M/S Mount Washington here in the Granite State. I wish you all the best for continued success in the future.

WORLD ENVIRONMENT DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Ms. RICHARDSON. Mr. Speaker, today is World Environment Day. Established by the United Nations and now in its 40th year, World Environment Day draws the attention of the international community to the urgent and continuing need to address environmental issues.

A "green" economy is one whose growth in income and employment is driven by public and private investments that reduce carbon emissions and pollution, enhance energy and resource efficiency, and prevent the loss of biodiversity and ecosystem services. These investments need to be incentivized and supported by targeted public-private partnerships, policy reforms, and regulation changes.

One of the main engines for economic growth is a higher rate of employment, which both reduces the burden on the economy and gives consumers the purchasing power to sustain a middle-class standard of living through supporting industries. And "greening the economy" creates good-paying jobs.

The theme of this year's celebration is "Green Economy: Does it Include You?"

On behalf of the 7,000,000 residents of the 37th Congressional District of California whom I represent, I am proud to answer this question in the affirmative. The people, businesses, and institutions of the 37th Congressional District of California have taken groundbreaking steps to strengthen and advance America's green economy. For example, the Port of Long Beach's Clean Trucks Program has reduced air pollution from harbor trucks by 90 percent. The City of Long Beach has implemented several initiatives aimed at "greening" its economy, including the Green Business Recognition Program, the Environmental Purchasing Policy, and the foundation of the Green Job Center.

As a member of the Sustainable Energy and Environment Caucus and the Committee on Transportation and Infrastructure, I have worked to advance environmentally sustainable policies that will position our country to compete and win in the global economy of the 21st century. In the 111th Congress, I introduced the Diesel Emissions Reduction Act, DERA, of 2010, which extended a national and State-level grant, rebate and loan program that created jobs and improved the Nation's air quality. This legislation also provides economic incentives to decrease emissions and protect the environment, which will result in significant health benefits for communities across the country. DERA was signed into law by the President on January 4, 2011.

I am also proud to have voted to pass such other important "green" legislation as the American Clean Energy and Security Act, the Home Star Jobs Act, and Renewable Energy Credits and Other Business and Individual Credits Act.

Mr. Speaker, since its inception in 1972 World Environment Day has grown to become one of the main vehicles to focus attention and encourage action by the international community in support of the environment. World Environment Day is a day for people from all walks of life to come together to ensure a cleaner, greener and brighter outlook for themselves and future generations.

Everyone counts in this initiative and everyone can help make a difference. Whether by organizing a neighborhood clean-up, stop using plastic bags and get your community to do the same, planting a tree, walking to work, starting a recycling drive, everyone can contribute to making our communities safer, healthier, and cleaner.

So on World Environment Day, I commend all those individuals and organizations across

the Nation and around the world for the contributions they are making and urge all Americans to join them in the worthwhile effort.

IN HONOR OF TOM AND BEVERLY
JELEPIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Tom and Beverly Jelep, the former Mayor of Bay Village, Ohio and his wife.

Tom Jelep was the Mayor of Bay Village from 1994 to 2000. In August of 2010, Tom was diagnosed with non-Hodgkin's lymphoma. After ten months of treatment, Tom is now cancer-free. However, the experience left his wife, Beverly, overwhelmed with the responsibilities of maintaining a home, a family, and also their real estate business. Friends and Bay Village residents were eager to help the former mayor and his family by providing them with food, lawn care services, and other day-to-day needs for which they no longer had time. The couple realized how difficult a cancer diagnosis must be for people without such support, and was deeply thankful for the generosity of their friends and neighbors during their difficult time.

Tom and Beverly have decided to establish an organization called Friends From the Start that will provide the same basic services for other cancer patients. The organization's website will include links to businesses that are willing to offer their services for free or a reduced cost to people with cancer. Friends From the Start will be run by volunteers and will also have volunteers present to personally assist the patients.

Mr. Speaker and colleagues, please join me in honoring Tom and Beverly Jelep, a couple familiar with the hardships of cancer who are dedicated to maintaining the quality of life for their neighbors should they battle this terrible disease.

GRACE APOSTOLIC CHURCH'S 65
YEARS OF SERVICE

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. LONG. Mr. Speaker, I rise today in celebration of Grace Apostolic Church's 65 years of service in the community of Joplin, Missouri.

Grace Apostolic Church was founded in 1947, by the late Irving Baxter Sr. It was originally located at 16th and Pearl Street. In 1948, an Army chapel was picked from Fort Crowder and moved to the location on 15th and Pearl, where the church remained until 1967. In 1957, Reverend William J. Garrett assumed the pastorate.

In 1966, land was acquired at 2601 Connecticut, where the new facility was built. The new building at 26th and Connecticut was dedicated in 1967 and Elder William Garrett

served as Pastor for 52 years. In 2009, Dr. Gary W. Garrett assumed pastoral duties.

A major remodeling project was started by Pastor Garrett and has transformed this property.

Grace Apostolic Church has impacted the Joplin area for 65 years and is a purpose-driven church. The vision of Grace Church is to help people, restore lives and families, and help meet the needs of the families that are hurting.

On May 22, 2011, Grace Church became a refuge for many who sought shelter, just minutes before the storm ravaged the city. Having been blessed by God and escaping the full impact of the storm, Grace Church stood and continually provided shelter, food, and encouragement to those in need.

Grace Church has an illustrious history of 65 years of service in Joplin, and has provided spiritual guidance for thousands of people spanning nearly seven decades. Grace Church has been blessed to serve Joplin and the surrounding communities.

HONORING LANCE CORPORAL JEFFREY KNIGHT

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. HENSARLING. Mr. Speaker, I am humbled today to recognize Lance Corporal Jeffrey Knight for his service to our country. Lance Corporal Knight was a combat engineer for the United States Marine Corps, who was severely injured while serving in Afghanistan in June of 2011, resulting in the loss of both legs and one hand. Currently undergoing treatment at Brooke Army Medical Center, Lance Corporal Knight takes great pride in the fact that no other soldier was hurt under his watch.

Thanks to the selfless sacrifice of Lance Corporal Knight and others like him, my children will sleep in a safer and freer America tonight. As a father, as a congressman, and as an American, I am honored to offer this small token of gratitude to Lance Corporal Knight for his brave service to our nation. As Ronald Reagan once said, "We will always remember, we will always be proud, we will always be ready, so we may always be free."

On behalf of the constituents of the Fifth District of Texas, I extend prayers and best wishes to LCpl Knight for a speedy recovery.

A TRIBUTE TO THE 2012 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate the 2012 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition (NECO), the Ellis Island Medal of Honor

pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. We honor these outstanding individuals because they create a better world for all of us in the future by the work they do today. Since the Medal's founding in 1986, more than 2,000 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

This medal is not about money, but about people who seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. Even in the midst of difficult financial times, this award serves to remind us all that with hard work and perseverance anyone can achieve the American dream. In addition, by honoring these remarkable Americans, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation.

Mr. Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and in congratulating all of the 2012 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD.

2012 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

A. Marshall Acuff, Jr., Michael W. Allen, PhD, Nancy Arabian, Carol M. Baldwin, Michael D. Bennett, Neil Berg, Peter Bheddah, Ravishankar Bhooplapur, Herman Chanan, Sam Chang, Johnson Chen, Sanjiv Chopra, MD, MACP, William A. Cooper, Bita Daryabari and Helene Irma der Stepanian.

Leena Doshi, MD, NYS Lieutenant Governor Robert Duffy, Angelo Dundee, Robert F. Dunn, Annie Falk, Leonard A. Ferrari, PhD, Jason C. Fu, Bob Gaudio, Fletcher Doud Gill, Nishan Goudsouzian, MD, Richard H. Grace, Dr. Peter Gruss, VADM Robert S. Harward, USN, David A. Hirsch and Chung-Wha Hong.

Surendra Jain, MD, James J. Jimmerson, Esq., Robert Trent Jones, Jr., Dr. Henry (Hyun Suk) Kang, Kevork Karajerjian, AIA, Declan Kelly, Howard Kessler, Michele Kessler, Dalida Keuroghlian, Dongsuk Kim, Paul Klaassen, Gerda Weissmann Klein,

Emrah Kovacoglu, Thomas C. Lee, MD and Harry Leibowitz, PhD.

Sugar Ray Leonard, Hoi Ken Leung, William Li, MD, Emily E. Lin, AIA, Superintendent David Luchsinger, Felix Luu, David E. Luzzi, PhD, MBA, David S. Mack, Spiro J. Macris, DDS, Kai D. Mai, DDS, Ray Mancini, Steven G. Mandis, John A. Mattiacci, DPM, Leonard Mazur and James H. McGuire.

Hon. Gregory W. Meeks, Papken Megerian, Lt Col Ed Monroe, USAF (Ret), Dr. Gordon H. Mueller, Colonel Mark Mykleby, USMC (Ret.), Ryan Nabors, MSIR, Ohannes Nercessian, MD, Helen Ngan Shim Ng, General Raymond T. Odierno, USA, BGen Joseph L. Osterman, USMC, Edith Padilla-Serrano, John A. Peca, Helen K. Persson, Alice Petrossian and H.E. Dr. Vanda Pignato.

First Deputy Commissioner Rafael Pineiro, NYPD, Pasquale Pistorio, CAPT Wayne Porter, USN, Dominic L. Pugliani, Thomas C. Quick, Edward J. Rappa, Hon. Ileana Ros-Lehtinen, Ghassan M. Saab, Peter Kaivon Saleh, DrPH, Theresa Patnode Santmann, Wido L. Schaefer, Dr. Tamer Seckin, Dr. Hasu P. Shah, Peter Stephen Shelley, MME, Brooke Shields, Joan Ellyn Silber, PhD, Dr. Rajendra Singh, Ronald E. Spears and Joyce Philibosian Stein.

John P. Thomas, MD, FACS, Dr. Ronan Tynan, Frankie Valli, Mohammad Reza Vaziri, Helen verDuin Palit, DHL, CAPT Joe Vojvodich, USCG, Paul E. Wakim, DO, Jose M. Wiley, MD, FACC, FACP, FSCAI, Maj. Gen. James L. Williams, USMC (Ret.), Dr. Carolyn Y. Woo and Tommy C. Xie.

SUPPORT FOR FIRE AND SAFER GRANTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. HOYER. Mr. Speaker, I rise today in support of the amendment offered by Mr. RUNYAN and Mr. KISSELL and others, which seeks to ensure that our Nation's fire stations are adequately staffed and that firefighters have the tools they need to protect our communities safely and effectively. Specifically, this amendment will restore the successful FIRE and SAFER grant programs to last year's funding level of \$337.5 million each.

Independent observers have found that FIRE and SAFER work: an independent study from the U.S. Fire Administration found that grants like these are making our fire departments more prepared and better equipped to protect our communities. Cutting FIRE and SAFER makes it more difficult for our communities to recruit, train, and retain skilled firefighters. And, it makes it far more difficult for our departments to equip themselves with the up-to-date tools critical to protecting property and saving lives.

I want to make clear that I am not pleased with the offset being used to restore this funding. However, I recognize that my colleagues were left with very few options, given the cuts made to the overall bill. I am hopeful that this will be addressed in conference with the Senate.

I urge my colleagues to support this amendment, fund FIRE and SAFER at the Fiscal Year 2012 level, and protect these vital investments in public safety.

HONORING CAPTAIN SCOTT MCKEE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. HENSARLING. Mr. Speaker, I am humbled today to recognize Captain R. Scott McKee for his service to our country. In 1987, he enlisted in the Army as an airborne paratrooper at the age of 17 and was soon accepted into Georgia Military College, where he was commissioned as a second lieutenant in 1991.

After his commission as a lieutenant, he served as an operations officer and tank platoon leader with the 1st Battalion, 66th Armored Regiment at Fort Hood, Texas. While at Fort Hood, then-First Lieutenant McKee deployed to Guantanamo Bay, Cuba. In Cuba, he served as a Quick Reaction Force platoon leader in support of Operation Sea Signal, responsible for the security and safety of over 2,000 Haitian and Cuban migrants and U.S. personnel on the base.

Upon leaving active duty, Captain McKee enrolled at Texas Wesleyan School of Law, attending classes at night while working full-time. In 2008, he was elected to serve as the Henderson County District Attorney, taking office on January 1, 2009.

A year after assuming office, Captain McKee mobilized with the Army National Guard's 3rd Battalion, 256th Light Infantry Regiment for a deployment to Iraq on January 4, 2010. During his deployment to Iraq, Captain McKee served as the infantry operations officer for the battalion and planned over 1,200 combat missions throughout Iraq, participating in many of them.

While in Iraq, Captain McKee was awarded the Bronze Star for his actions and performance in a combat zone. He was also awarded the Louisiana War Cross by the Adjutant General of the State of Louisiana.

Captain McKee currently serves as the commander of Company A, 3rd Battalion, 156th Infantry Regiment, Louisiana National Guard out of Fort Polk, Louisiana. He and his wife, Ashley, have three children, Stuart, Ryan, and Ranger.

As the Member of Congress for the Fifth District of Texas in the United States House of Representatives, it is my honor to recognize Captain McKee for his service to our nation in uniform and to the citizens of Henderson County as the District Attorney.

PERSONAL EXPLANATION

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. SCHILLING. Mr. Speaker, on Friday June 1, 2012, I attended a family funeral and was unable to cast my votes for Roll Numbers 306 through 313. These were amendments to H.R. 5325, the fiscal year 2013 Energy and Water Development and Related Agencies Appropriations Act.

Had I been present, my votes would have been as follows:

For roll No. 306, an amendment by Congressman SCALISE of Louisiana Page 3, Line 16—Transfers \$10 million from Department of Energy Salaries & Expenses to Corps of Engineers construction account. I would have voted "aye".

For roll No. 307, an amendment by Congressman KING of Iowa Page 3, Line 16—Strikes \$1 million from Fish and Wildlife and adds \$571,000 to Operations and Maintenance. I would have voted "aye".

For roll No. 308, an amendment by Congressman MORAN of Virginia, Page 12, Line 16—Strikes Sec. 110. Sec. 110 prevents the Corps of Engineers from updating guidance concerning federal jurisdiction under the Clean Water Act. I would have voted "no".

For roll No. 309, an amendment by Congressman HULTGREN of Illinois, Page 20, Line 15—Takes \$30 million from Energy Efficiency and Renewable Energy and puts \$15 million in the Office of Science. I would have voted "aye".

For roll No. 310, an amendment by Congressman CHAFFETZ of Utah, Page 20, Line 15—Reduces Advanced Manufacturing by \$74 million, to FY 2011 spending levels, and transfers this amount to the Spending Reduction Account. I would have voted "aye".

For roll No. 311, an amendment by Congressman MCCLINTOCK of California, Amendment No. 6—Reduces Energy Efficiency and Renewable Energy by \$1.45 billion and puts the savings in the Spending Reduction Account. I would have voted "no".

For roll No. 312, an amendment by Congresswoman KAPTUR of Ohio, Page 20, Line 15—Transfers \$10 million from the Department of Energy Administrative accounts to Energy Efficiency and Renewable Energy. I would have voted "no".

For roll No. 313, an amendment by Congressman TONKO of New York, Page 20, Line 15—Transfers \$180 million from National Nuclear Security Administration—Weapons Activities to Energy Efficiency and Renewable Energy for Weatherization assistance and state energy programs. I would have voted "no".

For roll No. 314, an amendment by Congresswoman HAHN of California, Page 20, Line 15—Adds \$50 million to Energy Efficiency and Renewable Energy offset by a \$100 million reduction in Fossil Energy Research and Development. I would have voted "no".

It is an honor to serve the people of the 17th Congressional District of Illinois.

HONORING THE CONTRIBUTIONS
OF JEWISH-AMERICANS**HON. FREDERICA S. WILSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Ms. WILSON of Florida. Mr. Speaker, today it is my honor to rise and recognize the contributions of Jewish-Americans to our nation. I commend President Barack Obama for designating May 2012 as Jewish Heritage Month. Also, I thank Congresswoman DEBBIE WASSERMAN SCHULTZ, my fellow Floridian, for

leading the congressional effort to commemorate Jewish Heritage Month.

My relationship with the Jewish community dates back to my childhood years. It was a very different time then. While segregation and oppression were the norm, members of the Jewish community treated me and my family with love and compassion. Decades later, these guiding principles remain the same. Today, as many of my colleagues honor Jewish-Americans who have made significant contributions to our nation, I will recognize Steven Sonenreich, a leader in the healthcare industry and South Florida community.

Mr. Sonenreich has been a leader in my community for over 30 years. In addition to leading Mount Sinai Hospital, he is an advisory board member for the University of Miami School of Business's Health Administration Department and the 5,000 Role Models of Excellence Project. Furthermore, he serves on numerous other boards and committees.

Whether we visit hospitals as an expecting mother or for emergency purposes, we place our lives in the hands of the many healthcare professionals and we expect them to meet our needs at the highest level. Mr. Sonenreich keenly understands this. During my mother's last moments, Mr. Sonenreich ensured that I had access to her, so that I could remain by her side. His commitment to serving others and leadership are two factors accounting for his remarkable career.

After earning his Masters Degree in Business Administration at the University of Miami, Mr. Sonenreich began his health care career at Mount Sinai in 1976. During his initial 20 year tenure at Mount Sinai, he worked his way through the ranks, starting in the finance division. He was Mount Sinai's first Director of Marketing and Business Development and later was named Vice President of Administration. In 1990, he became Executive Vice President and Chief Operating Officer, responsible for all the operational management of the Medical Center.

In 1996, Mr. Sonenreich left Mount Sinai for the opportunity to become Chief Executive Officer of Cedars Medical Center in Miami. Under his direction, Cedars won several awards for customer service and overall performance including Florida Medical Business Journal's Annual Healthcare Award for the Best Run Hospital and Best Hospital Administrator, Mercury Award for overall performance and the Systema Group's Consumer Opinion Award in 2000.

The Mount Sinai Medical Center Board of Trustees recruited Mr. Sonenreich back to the hospital in October 2001. Under his leadership, the hospital has won numerous awards, including the Solucient 100 Top Hospitals, designation as a UnitedHealth Premium Cardiac Specialty Center; the Clinical Trials Participation Award presented by the American Society of Clinical Oncology, Excellence in Facility Expansion (Mount Sinai's cardiac catheterization lab) from South Florida Business Journal, Excellence In Health Services (Mount Sinai's Community Clinical Oncology Program) from South Florida Business Journal and Kids Crown Award—Best Place to Give Birth in Miami-Dade County and South Florida.

Mr. Steven Sonenreich remains one of our nation's most outstanding community leaders

and providers of healthcare. I thank him today for his service to South Florida and our nation.

HONORING LIEUTENANT COLONEL
ROBERT ROACH (RETIRED)

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2012

Mr. HENSARLING. Mr. Speaker, I am humbled today to recognize Lieutenant Colonel Robert Roach for his service to our country. Lieutenant Colonel Roach joined the United States Army Air Forces as an Aviation Cadet in November of 1942, was called to active duty in January of 1945, and beginning at age 21, piloted his B-17 through 35 missions into Germany during World War II.

During one of these missions, his plane was hit by ground fire. Fearful that they would not make it, he ordered his crew to bail out. Thankfully, he survived and continued to serve—retiring after 28 years in the Air Force and Air Force Reserve.

As the Member of Congress for the Fifth District of Texas in the United States House of Representatives, it is my honor to recognize Lieutenant Colonel Roach for his service and acts of bravery that allow us the freedoms we enjoy today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 7, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine equality at work, focusing on the "Employment Non-Discrimination Act".

SD-106

Judiciary
To hold an oversight hearing to examine the Department of Justice.

SD-226

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine proliferation prevention programs at the Department of Energy and at the Department of Defense in review of the Defense Authorization Request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC 217 following the open session.

SR-232A

Appropriations
Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee
Business meeting to markup proposed budget estimates for fiscal year 2013 for Labor, Health and Human Services, and Education, and Related Agencies.

SD-124

Intelligence
To hold closed hearings to examine certain intelligence matters.

SH-219

3:30 p.m.
Appropriations
Financial Service and General Government Subcommittee
Business meeting to markup proposed budget estimates for fiscal year 2013 for Financial Services and General Government.

SD-138

JUNE 13

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine risk management, focusing on JPMorgan Chase and Co.

SD-G50

Environment and Public Works
To hold hearings to examine the nominations of Allison M. Macfarlane, of Maryland, and Kristine L. Svinicki, of Virginia, both to be a Member of the Nuclear Regulatory Commission.

SD-406

Health, Education, Labor, and Pensions
Business meeting to consider any pending nominations.

SD-430

Veterans' Affairs
To hold hearings to examine economic opportunity and transition legislation.

SR-418

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Defense.

SD-192

2 p.m.
Aging
To hold hearings to examine empowering patients and honoring individual's choices, focusing on lessons in improving care for individuals with advanced illness.

SD-562

2:45 p.m.
Foreign Relations
To hold hearings to examine the nominations of Richard L. Morningstar, of Massachusetts, to be Ambassador to the Republic of Azerbaijan, Timothy M. Broas, of Maryland, to be Ambassador to the Kingdom of the Netherlands, and Jay Nicholas Anania, of Maryland, to be Ambassador to the Republic of Suriname, all of the Department of State.

SD-419

JUNE 14

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine competitiveness and collaboration between the United States and China on clean energy.

SD-366

10 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine saving taxpayer dollars by curbing waste and fraud in Medicaid.

SD-342

2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine new taxes on tribal self-determination.

SD-628

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 27

10 a.m.
Veterans' Affairs
To hold hearings to examine health and benefits legislation.

SR-418

JUNE 28

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine creating positive learning environments for all students.

Room to be announced

SENATE—Thursday, June 7, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You reign in robust majesty, and we face our labors with joy in knowing that You are always with us. We rely on Your word and celebrate Your holiness, mercy, and love.

Use our Senators today to accomplish Your will on Earth. Help them to remember that You desire to use them to speak and live for You, so that others may find in them the way to You. Be their defender and the keeper of body and soul all the days of their lives. Imbue their minds with Your vision of what is best for our Nation and world.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to Calendar No. 415, S. 3240.

The ACTING PRESIDENT pro tempore. The clerk will report the motion. The bill clerk read as follows:

Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize the agricultural programs through 2017, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, we are now on the motion to proceed to the farm bill.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, the time until 10:30 a.m. will be equally divided between the two leaders or their designees. At 10:30 a.m. there will be a cloture vote on the motion to proceed to the farm bill. We hope we can reach agreements on the amendments today.

The hour following the cloture vote will be equally divided, with the Republicans controlling the first half and the majority controlling the final half.

Mr. President, here we are again on these endless, wasted weeks because the Republicans are preventing us from going to legislation. We should have been legislating on this bill. This is a bipartisan bill. It is managed by two very good Senators. One is a Democrat, DEBBIE STABENOW, chairman of that committee, and PAT ROBERTS from Kansas, who in the past has been chairman of the committee and is ranking member of the committee today. They have come up with a very good bill. It saves the country \$23 billion. It gets rid of a lot of wasted subsidies. It is a fine piece of legislation.

We hear the hue and cry constantly from our Republican friends to do something about the debt. This bill does it. It saves the country \$23 billion. We are going to have a cloture vote on the ability for us to proceed to the bill, and on the ability for us to start legislating.

I don't need to give a lecture to the Presiding Officer about how vexatious this is, that we have to do this every time. The Presiding Officer wanted to do something to change this process at the beginning of this Congress. I will bet, Mr. President, if we maintain our majority—and I feel quite confident we can do that and the President is re-elected—there are going to be some changes. We can no longer go through this on every bill. There are filibusters on bills they agree with. It is a waste of time to prevent us from getting things done. So enough on that. It is such a terrible waste of our time.

MEASURES PLACED ON THE CALENDAR—S. 3268 AND S. 3269

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the titles of the bills for the second time.

The bill clerk read as follows:

A bill (S. 3268) to amend title 49, United States Code, to provide rights for pilots, and other purposes.

A bill (S. 3269) to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills, en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

Mr. REID. Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved. Under the previous order, the time until 10:30 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the Chair start calling the roll, with the time equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

STUDENT LOANS

Mr. MCCONNELL. Mr. President, it has been a week now since the Republican leadership in the Senate and the House sent several good-faith, bipartisan proposals to the White House in an effort to resolve the student loan issue. And what has the White House done? Absolutely nothing. The President has not yet responded. One can only surmise he is delaying a solution so he can fit in a few more campaign rallies with college students while pretending someone other than himself is actually delaying action.

Today the President is taking time out of his busy fundraising schedule to

hold an event at UNLV, where, once again, he will use students as props in yet another speech calling on Congress to act. What the President won't tell these students is that the House has already acted and that Republicans in both Chambers are ready to work on solutions as soon as the President can take the time. All the President has to do is to pick up his mail, choose one of the bipartisan proposals we laid out in a letter to him last week—proposals he has already shown he supports, with pay-fors he has recommended—and then announce to the students that the problem has been solved.

Unfortunately, the President is apparently more interested in campaigning for the students at UNLV than actually working with Congress to find a solution.

Mr. President, I would suggest you open your mail. Just open your mail, and you will find a letter there from the Speaker and from the majority leader in the House and from Senator KYL and myself laying out a way to pay for the extension of the current tax rates for student loans for another year that you yourself previously recommended. The only people dragging their feet on the issue are over at the White House itself—dragging their feet to fit in yet another college visit.

Republicans here in Congress have been crystal clear on this issue for weeks. We are ready to resolve the issue. It is time the President showed some leadership and worked with Congress to provide the certainty young people and their parents need. I encourage the President, if he really wants to do something to help students, to join us in working to find a solution. This is really pretty easy. We all agree that we ought to extend the current student loan rates for a year.

We have recommended to you, Mr. President, the way to pay for it that you have already adopted. This isn't hard.

Every day he is silent on solutions is another day closer to the rapidly approaching deadline here at the end of the month.

TAX RATE EXTENSION

Mr. President, I stood with the Speaker of the House yesterday and his conference leadership and called for at least a 1-year extension of current tax rates to provide certainty to families and job creators around the country that their taxes will not be going up on January 1.

In the Obama economy, we are facing a looming fiscal crisis that some have called the most predictable in history. Millions are unemployed, millions more are underemployed, and the country is facing the largest tax hike in history at the end of this year.

This tax hike the President wants would hit hundreds of thousands of small businesses. To put that in perspective, this tax hike would hit job

creators who employ up to 25 percent of our workforce, and we really can't allow that to happen. I think we all know we cannot allow that to happen. The economy is far too fragile right now.

Former President Bill Clinton said we are in an economic recession, and earlier this week, before the Obama campaign got to him, he was for temporarily extending current tax rates. Yesterday the Democratic Senate Budget Committee chairman came out and said he was for temporarily extending current tax rates. And I would remind everyone that it was the President himself in December of 2010 who said that you don't raise taxes in a down economy. Well, the economy is slower now than it was when he last agreed with us to extend current tax law back in December of 2010. In fact, the rate of growth in our economy is slower now than it was in December 2010 when the President agreed with us that at that point we ought to do a 2-year extension of the current tax rates. We are experiencing slower growth now than then. The same arguments apply now.

This is the time to prevent this uncertainty and the largest tax increase in American history—right in the middle of a very fragile economy. It really doesn't make any sense to do otherwise. Let's extend all the current tax relief right now—before the election. Let's show the American people we are actually listening to them. Let's send a message that in these challenging economic times, taxes won't be going up for anyone at the end of this year. And let's not stop there. Let's tackle fundamental, progrowth tax reform. This is something upon which there is bipartisan agreement. I think we all agree it has been over 25 years since we did comprehensive tax reform in this country. It is time to do that again. We all agree on that. The President thinks that and Republicans and Democrats in the Congress think that. The time to act is now. If the President is serious about turning the economy around, preventing taxes from going up at the end of the year is one bipartisan step he could take right now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, today the Senate will vote to move forward on the Agriculture Reform, Food, and Jobs Act, also known as the farm bill. I hope my colleagues will vote to join us and begin the debate officially on this important jobs bill because it is so important to 16 million people who get their jobs from agriculture.

Our economy has seen some tough times, as we all know. Certainly we know that in Michigan. But agriculture has been one of the really bright spots. It is an underpinning of our economic recovery, and we want to

keep it that way. If we fail to pass a new farm bill before the current one expires in September, it would cause widespread uncertainty and result in job losses in a very important part of our economy that is critical to keeping our recovery going.

Agriculture is one of the only parts of the economy, if not the only part, that has a trade surplus—\$42.5 billion in 2011—the highest annual surplus on record. We know that for every \$1 billion in exports, 8,400 people are working. So this is a jobs bill.

Thanks to the farm bill, tonight American families will sit down around the kitchen table and enjoy the bounty of the world's safest, most abundant, and most affordable food supply. I think it is too easy for all of us to take that for granted. The men and women who work hard from sunrise to sunset every day to put that food on our tables deserve the economic certainty this bill provides.

The farm bill before us today makes major reforms. We are cutting subsidies. We are ending direct payments. We cut the deficit by over \$23 billion. As my friend and ranking member has said, this is voluntary. This is a real cut, as my budget chairman would say, and it is more than double what was recommended in the Simpson-Bowles Commission. So this is serious. This is real. And we in agriculture—the first authorizing committee to recommend real deficit reduction cuts—are serious about making sure we are doing our part and that the families and ranchers and people involved in agriculture are doing their part as well. They are willing to do that. We have to have economic certainty because we are talking about creating jobs all across America, in rural areas and in urban areas.

This farm bill gives farmers new export opportunities so they can find new global markets for their goods and create jobs. This farm bill helps family farmers sell locally. We are tripling support for farmers markets, which are growing all over this country, and new food hubs to connect farms with schools and other community-based organizations.

This farm bill provides training and mentoring and access to capital for new and beginning farmers to get their operations off the ground. The bill really is about the future of agriculture in our country. As I have said so many times, this is not your father's farm bill. This is about the future.

We had three young farmers visiting with Senator ROBERTS and me yesterday, and I can tell my colleagues they were so impressive—I feel very confident about the future—but they were saying loudly and clearly that we need to get this done now so they can plan for themselves and their families.

We are also for the first time offering new support and opportunities for our veterans who are coming home. The

majority of those who have served us in such a brave and honorable way in Iraq and Afghanistan come from small towns all across America, and they are now coming home. Many of them want the opportunity to stay at home, to be able to go into farming, to be able to have their roots back in their communities. We are setting up new support in this farm bill to support our veterans coming home.

The farm bill supports America's growing biomanufacturing businesses, where companies use agricultural products instead of petroleum to manufacture products for consumers. I am so excited about this because in my State of Michigan, we make things and grow things, and biomanufacturing is about bringing that together. As we move through this bill, I look forward to talking more about that.

This bill moves beyond corn-based ethanol into the next generation of biofuels that use agricultural waste products and nonfood crops for energy. This bill provides a new, innovative way to support agricultural research—the men and women who every day fight back against pests and diseases that threaten our food supply—with a new public-private research foundation to stretch every dollar and get the most results.

We extend rural development with a new priority for those proposing to maximize Federal, State, local, and private investment so that smalltown mayors—such as those who came before our committee—across the country can actually understand and use the programs. We are simplifying it. We are going from 11 different definitions of “rural” down to 1 so that it is simple and clear and so that smalltown mayors and local officials have better tools to use to support their communities.

Finally, let me say one more time that this bill is a jobs bill. Sixteen million people work in this country because of agriculture. We are creating jobs. We are cutting subsidies. We are reducing our deficit by over \$23 billion. I hope our colleagues will join with us this morning in a very strong vote to move forward on this bill.

Can the Chair announce the time remaining on both sides?

The ACTING PRESIDENT pro tempore. There is 18 minutes on the Republican side and 11½ minutes on the Democratic side.

Ms. STABENOW. Let me first yield, if I might—I know Senator NELSON also wishes to speak—7 minutes, if that is appropriate, to our distinguished budget leader.

In introducing the Senator from North Dakota, I wish to say that we would not have the thoughtful approach on the alternative in the commodity title that we have today—we know we are going to be working more to strengthen that as we move through

the process, but we would not have the strong risk-based approach we have without the senior Senator from North Dakota, our budget chairman. We also would not have the energy title we have that creates jobs without his amendment and his hard work. Frankly, this is somebody whom I looked to on every page of the farm bill because of his wonderful expertise.

I have to say one more time that I am going to personally and, as a Senator and chair of the committee, greatly miss him when he leaves at the end of the year. I think I may be locking the door so he can't leave.

So I yield 7 minutes to the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to say that the Senator has provided brilliant leadership on this legislation. I am in my 26th year here. I have never seen a chairwoman so personally and directly engaged to make legislation happen in an extraordinarily difficult and challenging environment.

When the history of this legislation is written, Senator STABENOW, the chairwoman of our committee, will be in the front rank of those who made this happen. I want to express my gratitude to her on behalf of farm and ranch families all across America for the extraordinary leadership she has provided.

Farm policy has many critics, and they perpetuate a myth about the farm bill: that it only benefits a handful of wealthy farm and ranch families. The truth is much different. The critics, who often look down their noses at hard-working farm families who feed this country, do not seem to understand the competition farmers face in the international arena and what an extraordinary success this farm policy has been.

The simple fact is, our agricultural policy benefits every consumer in America. As a share of disposable income, Americans have the cheapest food in the history of the world. Americans spend less than 10 percent of their disposable income on food, which is far less than any other country. As the Senator, the chairwoman of the committee, Ms. STABENOW, says very clearly, this is not only good for consumers, this is a jobs bill. Sixteen million people in this country have jobs because of an agricultural policy that has been a stunning success.

It is also a bill that helps us compete around the rest of the world. The 2008 farm bill has been a tremendous success by any measure—record farm income, record exports, record job creation. That is the history of the 2008 bill. It has contributed to the strong economic performance of American agriculture. As you may recall, it passed with an overwhelming bipartisan majority and it was paid for. It was paid

for. We actually reduced a little bit of the deficit with that legislation.

That strong safety net created by the 2008 bill has enabled American farmers to continue to produce food for our Nation, even while facing tremendous market and weather risks.

Critics of farm policy also imply that the farm bill is busting the budget. That is simply false. Farm bill spending is only a tiny sliver of the overall Federal budget. Total outlays for the new farm bill are about 2 percent of total Federal spending; and of the farm bill spending, only about 14 percent—14 percent—goes to commodity and crop insurance programs. The vast majority of the spending in this bill goes for nutrition. Mr. President, 79 percent of the spending in this bill goes for nutrition programs. Only 14 percent goes for what could traditionally be considered farm programs. The farm provisions constitute less than one-third of 1 percent of total Federal spending. That is a bargain for American consumers and taxpayers.

The truth is, our producers face stiff international competition. In 2010, our major competitors—the Europeans—outspent us almost 4 to 1 in providing support for their farmers and ranchers. And the EU is not the only culprit. Brazil, Argentina, China, and others are gaining unfair market advantages through hidden subsidies such as currency manipulation, market access restrictions, and input subsidies that the WTO is incapable of disciplining.

The reality is that farming is a risky business. Not only do farmers and ranchers have to deal with unfair global competition, they also have to face natural disasters and unpredictable price fluctuations.

The Senate Agriculture Committee, working together in a bipartisan way, will contribute over \$23 billion to deficit reduction. That is twice as much as the Simpson-Bowles fiscal commission recommended—twice the savings that the Simpson-Bowles commission recommended. In so doing, the committee has provided more than its fair share of fixing this country's deficit and debt problems. If the rest of the committees of Congress did what this committee has done under the leadership of Senator STABENOW, there would be no deficit and debt problem. That is a fact.

This is also a reform bill. This is the strongest reform bill that has gone through a committee of Congress in the history of farm legislation, and the chairwoman and ranking member can be incredibly proud of the leadership they have provided.

This legislation streamlines conservation programs, reducing the number of programs, and making them simpler to understand and administer. It reauthorizes important nutrition programs for 5 years, helping millions of Americans.

I also want to thank Senator LUGAR and Senator HARKIN and the eight other sponsors on the Ag Committee for joining me in an amendment to continue funding for key rural energy programs. We are spending almost \$1 billion a day importing foreign energy. How much better off would we be as a Nation if that money stayed here in the United States, instead of looking to the Middle East, if we could look to the Midwest for our energy supplies? This legislation will help move us in that direction.

In addition, I want to thank Senator BAUCUS and Senator HOEVEN for working with me to pass an amendment that will improve the bill for farmers in our part of the country. I am also pleased the new farm bill will continue the livestock disaster programs that are so important to our ranchers when feed losses or livestock deaths occur due to disaster-related conditions.

This legislation is the product of countless hours of deliberation, and to reach this point was no easy task. However, I still have some concerns about this legislation.

I am concerned that the new Agriculture Risk Coverage, or ARC, program will not do enough if agriculture prices collapse again, as they have done so many times in the past.

For those of you who do not believe that crop prices can fall again, I will tell you that I have heard that argument before. In 1996, many said that we had reached a new plateau of high prices, so Congress put in place the freedom to farm legislation that removed price supports. Two years later, Congress had to pass the largest farm disaster program in history because prices had crashed and farmers were going under. I will continue to work to ensure that we improve these provisions before the final passage of this bill so that we do not find ourselves in that situation again.

It is vital that we pass a farm bill, and it is just as vital that we make sure these programs continue to work for American producers and consumers.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. MANCHIN). The Senator's time has expired.

Mr. CONRAD. I thank the chairwoman and I thank the Presiding Officer.

Mr. ROBERTS. Mr. President, how much time do we have on the Republican side?

The PRESIDING OFFICER. Eighteen minutes.

Mr. ROBERTS. Eighteen?

The PRESIDING OFFICER. Eighteen.

Mr. ROBERTS. I thank the Presiding Officer.

Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROBERTS. Mr. President, I rise today in support of the cloture vote on the motion to proceed to the farm bill. Let me point out what the distinguished chairwoman and the distinguished Senator who has just spoken have already pointed out—and it bears repeating; I know it is somewhat repetitive if people have been paying attention to the remarks we have had here prior to this vote—but this is a reform bill at a time in which reforms are demanded. It saves \$23.6 billion in mandatory spending. They are real cuts. They are real deficit savings. It accomplishes this by reforming, reducing, and streamlining programs.

We eliminate four commodity programs. These programs are very difficult to go through at the FSA office, the Farm Service Agency we have. So when farmers have come in to try to wade through the four commodity programs, they have always been terribly difficult and complex.

We streamline the 23 conservation programs into 13 and eliminate duplication. We tighten a major loophole in nutrition programs. We cut 16 rural development authorizations. We cut over 60 authorizations in the research title and streamline programs.

In whole, we cut and/or streamline over 100 programs. Show me another committee that has done that on a voluntary basis. There is not any in the House or the Senate.

We have had speech after speech after speech—why can't you work together back there in Washington and do what is right for the American people and quit spending money we do not have? We had a supercommittee that worked on this for a considerable amount of time. I do not question anybody's intent who had that tough job. At that time, we offered to the supercommittee a package that could have been done at that particular time. But we did it—"we" meaning the chairwoman and myself and members of the committee, and staff as well, who worked extremely hard.

So there has not been anybody else who has come forward and said: Here is real deficit reduction. That is why we should support the motion to proceed. We have made the tough decisions because that is what you do in rural America—whether it is in Michigan, Kansas, the Dakotas, or Nebraska. Because that is what you do when budgets are tight and you need to get things done.

Those in rural America are also why we need to get this bill done. The current law expires September 30. How many things around here are in purgatory? Tax extenders, the tax bill, what we call the tax cliff that we are looking at over here if we do not get things done, the specter of a lameduck Congress—in 3 weeks trying to get things done like that. And you put folks in

purgatory where they cannot make any decisions.

Well, it would be a disaster in rural America if we do not pass this law before we revert back to the permanent 1949 law. That law in no way reflects current production or domestic and international markets. And I would say, even if we extend the current law, it does not reflect what we need as of today. That law goes back to base acres of 25 years ago. We are talking about planted acres as of today. So basically it would be government-controlled agriculture on steroids, and it would also mean that virtually all programs in the current law would expire.

We cannot let that happen. We need certainty. Farmers need certainty. Ranchers need certainty. Bankers need certainty. Everybody up and down every Main Street in rural America needs certainty. Agribusiness needs certainty. We need it because our farmers and ranchers and their bankers need to know what the farm bill and the programs are going to look like.

In farming, you have to go to your banker every year to get an operating loan for the coming year. We raise winter wheat in Kansas. We are known for that. Kansas is known as the "wheat State." It will be planted in September. That means farmers will be going to their bankers as early as late July—next month—or early August to get their operating notes for the coming year. Without certainty in the farm bill, it is more difficult to make any economic projection, and it is more difficult for farmers to obtain loans and for bankers and farm credit to provide that credit. That is why we need to get it done now in their behalf. Rural America needs to know the rules of the game.

Just as importantly, American taxpayers are demanding government reforms and reduced deficit spending. This bill delivers on both fronts. It is true reform.

Let's get this bill done. I urge my colleagues to vote for the motion to proceed.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before turning to the distinguished Senator from Nebraska, I want, one more time, to say what a pleasure it has been—and continues to be—to work with the senior Senator from Kansas. This has been a partnership effort. It has been a strong bipartisan effort. And I look forward to continuing to have that be the case as we move to get this bill done.

Now I wish to yield up to 5 minutes to the Senator from Nebraska. And I thank Senator NELSON for his strong advocacy for rural development, for helping us make these true reforms. He has been a strong advocate for the reforms in the commodity title, moving

us to a risk-based system. He has been a strong advocate for crop insurance and for conservation, EQIP—things that are important, I know, to Nebraska.

This is also someone whom we are going to dearly miss on the committee and in the Senate at the end of the year. I think I may put the Senator from Nebraska and the Senator from North Dakota in a room together, lock the door, and not let them leave, because they are both so invaluable.

I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. NELSON of Nebraska. I thank the Senator for her strong efforts in bringing together this very important reform bill. We are moving in the right direction now with farm policy, moving away from protectionism, moving away from outmoded programs to something that certainly is, in today's world, important; that is, a safety net but a safety net that involves risk management as opposed to direct farm payments.

This is particularly important to the State of Nebraska and all our producers. We are No. 1 in production of many commodities, from red meat to great northern beans; second in the Nation in the production of ethanol, pumping more than 2 billion gallons of this homegrown fuel into our energy supply every year.

Our productive farmers and ranchers in Nebraska make us fifth in the Nation in agricultural receipts. While nearly one-third of all Nebraska jobs are related to agriculture, it is our No. 1 industry. Given that importance to my State, I truly appreciate the work that has been done and the strong bipartisan support of 16 to 5 to get this bill out from the committee to the floor.

Truly it is about reform. It creates a market-oriented safety net. It eliminates direct farm subsidy payments. It streamlines and simplifies and consolidates programs and at the same time creates jobs, helping our economy grow.

I would like to emphasize one point again. This major reform moves us away from government controls on production and moves us toward the private market to help sustain American agriculture, going in the right direction. It does all that while also making, as it has been noted, a substantial contribution, more than \$23 billion, to deficit reduction. That sets the example of how Washington can begin to get our fiscal house in order. Our bipartisan work in the agriculture bill is important. It demonstrates that we can work together, particularly when it comes to deficit reduction and finding new ways to do things in a different way.

Turning to the reforms, by ending duplication and consolidating pro-

grams, the bill eliminates more than 100 programs or authorizations. It contains strong payment limitation language. Funding programs for those who do not need them is nothing short of agricultural welfare. Producers in my State understand we cannot keep funding programs for those who do not need them, nor should we.

They understand we do need to fund programs for those who are in need, particularly given our national fiscal problems. We need to prioritize better. So the bill ends those outdated subsidies, ensuring that farmers will not be paid for crops they are not growing on land they are not planting, and ends direct farm payments, saving taxpayers \$15 billion on that program alone. That is a lot of money, even in Washington terms.

As we end those subsidies, the farm bill establishes that crop insurance will be the focal point of risk management, as it should, by strengthening crop insurance and expanding access so farmers are not wiped out by a few days of bad weather. This allows farmers and ranchers on their own to select the best risk management for their production needs, rather than having to rely on the sometimes good will of the government to bail them out in periods of volatility.

At the same time, one of the greatest challenges farmers face is the risk that prices will decline or collapse over several years. When things are good, people never expect them to go bad. When they are bad, they are worried they will never go good. Insurance will not cover multiyear price plunges. This leaves farmers exposed to high costs and low prices, and that can put them out of business.

In the Agriculture Committee, we worked to address this risk by creating the Agricultural Risk Coverage Program, a program that provides producers with a very simple choice to determine how best to manage their operation's risk. It seeks to strike a better balance with this market-oriented approach. We want farmers to stay in farming, but we do not want them to farm Federal programs.

To conclude, this is a solid reform-minded start. In my mind, it strikes the right balance between the need to cut spending while maintaining a strong safety net to ensure a stable supply of food, feed, fuel, and fiber. It is my hope that we will act on this bill soon and that the House will follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally to both sides.

The PRESIDING OFFICER. Only the Republicans have time remaining.

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I yield the remaining time to the distinguished chairwoman and thank her so much for this team effort that has brought this excellent farm bill to the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, as we bring this time to a close, I just once again wished to thank my ranking member and friend Senator ROBERTS. I wish to thank all the members of the committee. We had some tough negotiations. We had a strong bipartisan vote. As with any farm bill, there are still improvements we can make, and we are committed to doing that as we move forward.

But, overall, what we see before us is a true reform bill, cutting over \$23 billion from the deficit, the first authorizing committee to do that, cutting or consolidating about 100 different authorizations or programs. That, frankly, is unheard of. We have done that while strengthening the farm safety net, moving to a risk-based system, strengthening conservation. I am very proud that we have 643 different conservation groups supporting this bill. All together, we are moving forward on a strong agriculture, reform, food and jobs bill.

I hope colleagues will join us in a very strong vote to proceed to this bill.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

Harry Reid, Debbie Stabenow, Carl Levin, Kent Conrad, Jeff Bingaman, Herb Kohl, Patrick J. Leahy, Michael F. Bennet, Christopher A. Coons, Al Franken, Max Baucus, Barbara A. Mikulski, Ben Nelson, Amy Klobuchar, Sherrod Brown, Jeff Merkley, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—90

| | | |
|------------|--------------|-------------|
| Akaka | Franken | Murkowski |
| Alexander | Gillibrand | Murray |
| Ayotte | Graham | Nelson (NE) |
| Barrasso | Grassley | Nelson (FL) |
| Baucus | Hagan | Paul |
| Begich | Harkin | Portman |
| Bennet | Hoeben | Pryor |
| Bingaman | Hutchison | Reed |
| Blumenthal | Inouye | Reid |
| Blunt | Isakson | Risch |
| Boozman | Johanns | Roberts |
| Boxer | Johnson (SD) | Rockefeller |
| Brown (MA) | Kerry | Rubio |
| Brown (OH) | Klobuchar | Sanders |
| Burr | Kohl | Schumer |
| Cantwell | Kyl | Sessions |
| Cardin | Landrieu | Shaheen |
| Carper | Lautenberg | Shelby |
| Casey | Leahy | Snowe |
| Chambliss | Levin | Stabenow |
| Coats | Lieberman | Tester |
| Cochran | Lugar | Thune |
| Collins | Manchin | Toomey |
| Conrad | McCain | Udall (CO) |
| Coons | McCaskill | Udall (NM) |
| Corker | McConnell | Warner |
| Crapo | Menendez | Webb |
| Durbin | Merkley | Whitehouse |
| Enzi | Mikulski | Wicker |
| Feinstein | Moran | Wyden |

NAYS—8

| | | |
|--------|--------|--------------|
| Coburn | Hatch | Johnson (WI) |
| Cornyn | Heller | Lee |
| DeMint | Inhofe | |

NOT VOTING—2

| | |
|------|--------|
| Kirk | Vitter |
|------|--------|

The PRESIDING OFFICER. On this vote, the yeas are 90; the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, there will be an hour of debate equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa.

HEALTH CARE RULING

Mr. GRASSLEY. Mr. President, political leaders on the Democratic side of the aisle are now preemptively charging the Supreme Court with judicial activism if that Court would strike down President Obama's health care law as unconstitutional. I cannot remember when such a significant threat to judicial independence was made in attempting to affect the outcome of a pending case. It is an outrageous attack on the separation of powers.

Democrats claim unless the Court rules in accordance with the policy preferences of a particular speaker, the Court's decision would be illegitimate. This is dangerous and this is wrong.

President Obama wrongly argued it would be unprecedented for the Su-

preme Court to strike down a law that a large congressional majority passed. He was wrong on the size of the majority, and he was wrong about the Supreme Court's history in striking down laws they consider unconstitutional. The President of the United States knows better because he is a former constitutional law lecturer. He should know the Supreme Court has done just that on many occasions over more than two centuries, and it is just not the case, as Democrats claim, that the Supreme Court can strike down ObamaCare only by failing to follow established commerce clause jurisprudence.

When the Judiciary Committee held a hearing last year on the constitutionality of the law, I asked whether the Supreme Court would need to overturn any of its precedents to strike down the individual mandate part of the health care reform. None of the witnesses—and most of those witnesses were selected by the majority Democrats—could identify a single precedent that would have to be struck down. No matter how many times liberals repeat the statement, it is just not so—the Supreme Court would not be an activist court if it struck down health care reform.

What is unprecedented is health care reform's infringement on personal liberty. The Constitution establishes a very limited Federal Government. But when the Supreme Court asked him the obvious question of what limit to Federal power would exist if the individual mandate were upheld, the Solicitor General, arguing for the government and in support of the constitutionality, could not and did not provide an answer.

So the Obama administration believes the Federal Government can force Americans to purchase broccoli or gym memberships, and don't believe anyone who says otherwise once we start down that road of unprecedented power of the Federal Government under the commerce clause.

Critics contend that the whole body of law allowing Federal regulation of the economy would be threatened if the Supreme Court struck down the health care reform bill. They even say that such a ruling would harm the legitimacy of the Supreme Court. That is just plain nonsense. The Supreme Court has never addressed a law like this. Striking down ObamaCare would have no effect on any other existing law.

The real change in the law—and to the country as a whole—would be if the health care reform bill were upheld as constitutional. People understand this instinctively. A recent Gallup poll found that 72 percent of Americans—including even 56 percent of people who call themselves Democrats—believe the individual mandate is unconstitutional. So they clearly would accept

the legitimacy of a ruling striking down the individual mandate.

There is a constitutional law professor I am familiar with who leans on the conservative side. He rarely discusses his work with his young children. But the health care case has generated such attention that his 8-year-old son asked him about it. The father explained that the case involved whether the government could make people buy health insurance. This is what his 8-year-old son said: "They can't do that. This is a free country." So even 8-year-olds understand the overreach of health care reform.

Unlike the supporters of ObamaCare, who really never bothered to think through the law's constitutionality before passing it, most Americans understand that this law threatens our freedom unlike any previous law. And I expect that the Supreme Court will agree. They understand that the law is not compatible with the Constitution and must be struck down.

It is ridiculous to claim that striking down this law would be judicial activism. A ruling that ObamaCare is unconstitutional would recognize that the law departed from the text of the Constitution, the very structure of our federalism, and even against the history of our country.

As former Judge McConnell has written, judicial activism cannot be defined one way when the meaning of actual constitutional text is at issue and another way when the words of the Constitution are silent on questions such as same-sex marriage and abortion. This is what Judge McConnell wrote:

[T]here cannot be one set of rules for liberal justices and another set for conservatives.

By threatening the Court in advance, the critics are showing that they now have real doubts that the health care reform bill is constitutional. Whether addressed to an individual Justice or to the Court as a whole, claims that only one possible result can be reached or the Court's ruling would be illegitimate are shockingly improper attempts to influence a pending case.

But all the Justices seem to have agreed to combat what they see as any threat to their judicial independence. I suspect that inappropriate attempts to influence the Court's decisions on pending cases will backfire. They will make the Justices more determined than ever to show that they are adhering to their oath to defend the Constitution without regard to popular opinion. They will never want their rulings to appear to have been the result of political browbeating. So let the Justices undertake their proper responsibility in deciding the constitutionality of health care reform. Let them do it without threatening to pillory them in advance if we do not like the outcome. There is always time for reasoned criticism after any ruling and particularly this ruling.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Utah is recognized.

Mr. LEE. Mr. President, I stand today to respond to what I believe are irresponsible and dangerous attacks on the legitimacy of the Supreme Court of the United States.

Over a 3-day period, beginning on March 26 of this year, the Supreme Court held more than 6 hours of oral argument to address the constitutionality of the Affordable Care Act. I was privileged to attend each of those sessions, and I can say that as a lifelong student of the Constitution and as one who served as a law clerk at the Supreme Court of the United States, I was very interested to not only watch the arguments but also to read many of the briefs and follow each of the proceedings very closely.

Like so many others who watched or read those proceedings, I was most impressed by the quality of the questions, the quality of the advocacy, and the overall discussion that took place in the Supreme Court. Through their questions, the Justices showed keen interest in the nature of the arguments made in support of ObamaCare. For example, Justice Kennedy asked whether, under the administration's theory of the commerce clause, there could be any meaningful limitation on the Federal Government's power under the commerce clause. He asked specifically, "Can you create commerce in order to regulate it?" Such questions and hypotheticals are common and they are a useful way by which lawyers and judges tend to test the basic principled limits enshrined in our Constitution.

If the Federal Government may compel commerce so that it may regulate the resulting commercial activity, there would arguably be little, if any, limit to the scope of Federal power. There would be no aspect of our individual lives that the Federal Government could not dictate and control. Such an all-powerful authority is, of course, flatly inconsistent with the Constitution's doctrine of enumerated powers—this principle that is perhaps more well-settled than any other principle within our almost 225-year-old founding era document.

Based on the Justices' questions and oral argument, many commentators—myself included—have predicted that the Supreme Court may well choose to invalidate the individual mandate of the Affordable Care Act. Apparently anticipating this possible outcome, some of my colleagues, as well as President Obama, have made statements suggesting that it would somehow be improper for the Supreme Court to invalidate the Affordable Care Act. They have asserted that striking down an act of Congress such as this one would somehow amount to judicial ac-

tivism and that that would otherwise be wildly inappropriate. They have criticized some of the questions asked by individual Justices, and they have even gone so far as to suggest that those Justices who might vote to invalidate the Affordable Care Act would do so for reasons representing bias or partisan political motivations. This reminds me of the old saying that you can often tell in a particular game which team is losing by which side happens to be yelling at the referee.

In response to these false and, frankly, reckless statements, I would like to make three points.

First, attempts to manipulate or to bully the Supreme Court, especially during deliberations in a particular proceeding, are irresponsible, and they tend to threaten the very fabric of our constitutional Republic. Each Justice has sworn an oath to support, defend, and bear true faith and allegiance to the Constitution and to discharge his or her duties faithfully and impartially.

From time to time, politicians and others may disagree with the Court as to important constitutional issues or even on the merits of a particular case. I certainly feel that way myself from time to time. But it is simply inappropriate for elected representatives—who themselves have sworn an oath to the Constitution—in a spirit of partisanship, to question the honesty and impartiality of our Nation's highest Court in what could be perceived as part of an effort on the part of those elected politicians to influence a case pending before the Supreme Court.

Second, criticisms of the well-established principle of judicial review grossly misrepresent how our constitutional Republic functions.

President Obama and some Members of this body have suggested that the judiciary—which they sometimes denigrate as a group of unelected people—should simply defer to Congress. But, of course, each branch of government, including the judiciary, has an essential duty under the Constitution to police its own actions, to make sure that its own actions comply with the text, the spirit, and the letter of the Constitution.

Congress and the executive branch should police themselves to make sure they don't transgress those limits. But when the political branches happen to overstep their own boundaries, their own legitimate limits—as I believe happened with the individual mandate—the Supreme Court can and indeed must enforce the Constitution.

In a recent appearance before the Judiciary Committee, Justice Breyer explained, "We are the boundary patrol." The Constitution sets boundaries, of course. That is what is at issue here. This foundational principle applies to popular laws just as much as it applies to unpopular laws.

The vast majority of Americans—about 74 percent, according to one recent poll—oppose the ObamaCare individual mandate. The Supreme Court will not strike it down merely because it is unpopular, but the Court must do so if the mandate exceeds the authority granted to Congress under the Constitution. That is what is at issue.

Third and finally, it simply is not the case that a court can properly be described as activist just because it enforces the Constitution's structural limits on Federal power. In this context, it is not altogether helpful to focus the discussion of whether the Court is acting properly on the contours of the words "activist" or "activism." We have to remember that, for the Supreme Court, not acting to invalidate an unconstitutional law is every bit as bad, is every bit as repugnant to the rule of law and to the Constitution as it is for the Court to act to invalidate a law that is entirely justified on a constitutional basis. Both represent, both are the product of a betrayal of the Supreme Court's duty to decide cases according to the laws and to the Constitution of the United States of America.

When the Supreme Court acts to enforce the Constitution's limits on Federal power—as I expect it may do in the Affordable Care Act case—it does so pursuant to specific textual provisions of the Constitution. Enforcing the law in this undeniably legitimate matter is not activist; rather, it is an essential function of the judiciary in preserving the liberties guaranteed by our Constitution. Among those liberties, of course, are those protected by perhaps the most important fundamental component of the Constitution, this notion that we are all protected when the power of Congress and the power of the Federal Government as a whole is restricted. This is why James Madison appropriately observed that it was with good reason that the Founding Fathers reserved to the States powers that he described as numerous and indefinite, while describing those powers that were vested in this body as few and defined. We are all safer, we are all more free, we are all more prosperous to the extent that we stand by this most important fundamental precept of the Constitution. That is what is at issue in this case.

I hope and I trust that, moving forward, President Obama and my colleagues in this body will refrain from attempting to bully the Supreme Court or seeking to misrepresent the Court's important work in fulfilling its constitutional duties. Let's stop yelling at the referees and let the Supreme Court do its job while we do ours.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wish to speak to this same question. As everyone knows, a ruling on the constitutionality of ObamaCare is expected

later this month. I think it is important that it be done in the right context. A lot of our Democratic colleagues have made clear their view that if the ruling doesn't go the way they want it to, it is not because they passed an unconstitutional law but rather, in their view, because it is some kind of a partisan activity by judicial activists and a lot of attention has been specifically focused on Chief Justice Roberts. This should not stand.

The President himself actually started this, I think, when he said:

I'm confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress.

Never mind it was not passed by a strong majority—and, by the way, the chairman of the Judiciary Committee said something very recently, basically issuing a warning to Chief Justice Roberts on the floor of the Senate, stating that a 5-to-4 decision to overturn the law would be controversial. "I trust he will be a Chief Justice for all of us and that he has a strong institutional sense of the proper role of the judicial branch." In other words, the intimation here is if the decision doesn't go their way, the Court's reputation, and specifically the reputation of Chief Justice Roberts, is on the line.

The Wall Street Journal wrote about this, and others have, talking about threats by the President and certain other members of his party with warnings that:

Mr. Roberts has a choice—either uphold ObamaCare, or be portrayed a radical who wants to repeal the New Deal and a century of precedent.

Let's clear up a few things. First of all, as I said, the law was not passed by a strong majority of Congress, it was passed exclusively by Democrats. Not a single Republican supported it. It was the first time in history that major domestic legislation was passed by one party.

That is not the key point in terms of the constitutionality of the law, however. The key point is that the Court's job is, as Chief Justice Roberts said at his confirmation hearing, to work as an umpire, calling the balls and strikes as the Court sees them. Nonlegal arguments, such as the Court's decisions have to be popular or unanimous—those are just unserious and frankly political rhetoric.

We all know that in 1803, in the *Marbury v. Madison* case, the U.S. Supreme Court established the review of congressional action under article III of the Constitution. Since then, courts have overturned hundreds of laws. It would hardly be, therefore, unprecedented or extraordinary for the Court to overturn a congressional enactment as the President has said. As the Supreme Court noted in that case, courts determining whether acts of the legis-

lative branch are consistent with the Constitution is "of the very essence of judicial duty." The Court further noted that "the Constitution is superior to any ordinary act of the legislature." If the two conflict, "the Constitution and not such ordinary act must govern the case to which they both apply."

The actual substance of the case which Democrats seem eager to avoid talking about is that ObamaCare, if upheld, empowers the Federal Government to order its citizens to purchase particular goods and services that the government believes its citizens must have. That sort of all-powerful Federal Government is at odds with the concept of enumerated powers, as is creating commerce in order to regulate it, as Justice Kennedy intimated at the oral argument.

This is why a significant majority of Americans dislike the law. They know the Constitution is meant to place limits on the power of our Government in order to protect the freedom of the people.

I can't guess how the Court is going to rule. It may not agree with my views. But I suggest that political leaders in the executive and legislative branches need to cool their rhetoric, as my colleague said, stop yelling at the umpire and stop the thinly veiled threats and react to the ruling after it is rendered, rather than before.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, would the Chair advise me when 5 minutes have elapsed.

I wish to add a few more words to what has already been said by some of our most distinguished lawyers in the Senate; that is, it is not controversial that, since 1803, the doctrine of judicial review, as decided by the U.S. Supreme Court, has held in essence that it is the responsibility of the judiciary, the Supreme Court, to say what the law is. Congress has its role and the Court has its role and they are different. We can tell one reason they are different is because Congress is elected every 6 years in the Senate, every 2 years in the House. We are accountable to the people for our decisions, for the policies we vote for and against. That is why we are called the political branches of government, as is the executive branch. The President stands for election. In essence, every Presidential election, every congressional election is a referendum on the people and the policies they embrace.

The role of the Supreme Court and Federal courts is very different, as we all know. It is kind of remarkable to me that we are having this conversation, but it is necessitated by the fact that the President and the distinguished chairman of the Senate Judiciary Committee have—at different times and different places—questioned the legitimacy of the Supreme Court

performing this function, which Chief Justice John Marshall wrote about in 1803 in *Marbury v. Madison*, that it is the role, the emphatic duty of the Court to say what the law is.

If it is Congress's responsibility to write the policies and to write legislation, how is it different from the judiciary? Sometimes the judiciary interprets that legislation, trying to figure out what Congress intended. But in the area of constitutional review, more fundamentally they want to make sure Congress has stayed within the limits imposed upon it by the American people when they ratified the U.S. Constitution. Of course, that is the big decision in the health care case.

It is almost unprecedented. We probably have to go back to the 19th century to find where the Supreme Court gave so much time for advocates to argue a Supreme Court case. Ordinarily, it is very strict time limits. But here the Court set 3 days' worth of arguments down because of the importance of the case and importance of the issues that the Court will be called upon to decide.

My colleagues have already talked about the fact that the individual mandate has been the focus of so much attention. It is not the only issue. There is another very important issue in terms of whether the Congress and the Federal Government can commandeer State resources through a huge expansion in Medicaid, which is then forced down on the States that they then have to accommodate within their State balanced budget requirements. But on the individual mandate, certainly we saw how the Solicitor General of the United States stumbled, not because he is inarticulate or incapable—he is very articulate, he is a very capable lawyer—but he simply did not have a good argument to make when he was asked what is the principle limitation on the Federal Government's authority under the commerce clause if the Federal Government can do this. Stated another way, what is it that the Congress cannot do, the Federal Government cannot do, if they can force us to buy a government-approved product and then fine us if we do not do that, which is the individual mandated argument.

I don't think it is a controversial topic, and I am surprised we even find ourselves here, responding to the Congress's remarks and the chairman of the Judiciary Committee's remarks questioning the authority that existed since 1810 in *Marbury v. Madison*, the doctrine of judicial review and the role of the judiciary to say what the fundamental law of the land allows and does not allow in terms of Federal power.

There is another argument being made; that is, that if the Supreme Court comes out and disagrees with Congress on the health care law, that somehow its legitimacy will be jeopardized. I do not think public opinion

polls have or should have anything to do with the way the Supreme Court decides an issue because their focus should be on the Constitution and not on the policy arguments. In other words, they should not interfere with our role to make policy because, of course, we are then held accountable to the voters while they are given life tenure and they are given the protection of no reduction in their salary during their service on the bench—exactly for the reason they need to be protected from public opinion because their role is to focus on the Constitution.

I close by saying, according to a recent poll, 74 percent of Americans want the Court to strike down the individual mandate. Were the Court to do that, it would hardly undermine the legitimacy of the Court if the Court happened to, by coincidence, render a decision that the majority of Americans would agree with.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to invoke cloture on the motion to proceed to the agriculture bill.

Mr. DURBIN. I ask consent to speaking as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I listened carefully to the speech given on health care reform, and I would like to put in perspective what the challenge is that faces America. Absent health care reform, absent a change in the growing increase in the cost of medical care, not only families but businesses and governments will find it impossible to adequately fund the health care Americans need. If we do not come together, as we tried with our health care reform bill, and dedicate ourselves to reducing the increase in the growth of the cost of medical care and do it with an assurance of quality being protected, then the net result of all this, I am afraid, is going to end up with America with medical bills it cannot pay.

We find as we look at government programs—Medicare, Medicaid, veterans programs, for example—that if we do not change the projected rate of growth of cost in these programs, in just a short period of time, the Federal budget of America will be consumed by health care costs and interest on the national debt to the exclusion of everything else.

I just heard my friend, the Senator from Texas, speak against individual mandates. The word “mandate,” I am sure, rubs many people the wrong way. But let’s take a look at what that individual mandate is. From my point of view, it is a question of individual re-

sponsibility, whether individuals in this country have a responsibility to have health insurance.

Some argue of course not; they do not. Yet the reality is that if we do not have some sort of individual responsibility, the people without health insurance will get sick, present themselves at the hospital, be taken care of, and their expenses will be shifted to all the rest of us, to everyone else. So to argue that people have no responsibility to have health insurance is an argument against individual responsibility and an argument that others should have to pay for the medical bills of those who have no insurance. That, to me, is unfair as well.

We had, within the Health Care Reform Act, protection against expensive premiums. We limited the amount an individual would have to pay for health insurance to 8 percent of their income. We provided special help to those in lower income categories. I think that in itself is an effort to strike the right balance.

I have been given a note by the staff that the Republican side has time left. I see my colleague, the Senator from Alabama, has come to the floor. I will yield to him at this point and resume after he has finished.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I know the Senator is the assistant leader. The majority has a lot of things to do. If he would like to finish now, I would be pleased to yield.

The American people are all worried about the direction of our country and for a good reason; they have witnessed a growing disregard for the Constitution and the limits that it places on the federal government. Our Government is a government of limited powers. In essence, I hear my friend and colleague and able advocate Senator DURBIN say the question is about medical care. The question is about, he thinks, that it is unfair that some people do not buy insurance and therefore we ought to make them buy insurance. He thinks that is unfair.

We had a nearly year-long debate in this Congress, and Senator DURBIN prevailed by a single vote, before Senator BROWN could be confirmed to kill the health care bill. They were able to pass it through with an interim Senator by a single vote and it passed. But that is not what I and Senator CORNYN and others are here to talk about today. The point today is, Should the Supreme Court of the United States decide this question as a matter of law and principle or should they divine what they think the people want—although the polls show the American people consistently oppose this legislation and never supported it, ever, but it was rammed through anyway. So they want to say: This is important. We think it is unfair—even though the

polling data shows people don’t want this law—and the Supreme Court should uphold the law and shouldn’t worry about a little thing like the Constitution and limited powers.

So that is what I want to talk about today. I want to affirm the duty of the Supreme Court of the United States, and that duty is to fairly and objectively interpret the Constitution and to render justice, not based on polling data and not based on congressional desire.

Polling data shows that the American people overwhelmingly think the law is an impermissible, unconstitutional regulation, so it is difficult for me to say this is such a matter that the Supreme Court has to acknowledge a minority view and approve it even if the Constitution doesn’t agree. I don’t think that is an argument that can be sustained, in my view.

Since the oral arguments in the case, in my view—and a lot of my colleagues share this view—the President himself, Democrats in the House and the Senate, their friends in the media and liberal government, pro-health care advocates have stepped up undignified and unjustified attacks on the Court, which seems to me to be a pretty transparent effort to try to influence the decision of an independent branch of government. It also seems to me an attempt—since I have been a student of this for some time now—to lay the groundwork and to declare that the Supreme Court is somehow illegitimate if they don’t render a verdict in line with one that my colleagues think should be rendered.

I will say parenthetically that 2 years ago when this passed 60 to 40, it took 60 votes to pass it. It wouldn’t pass today. It wouldn’t even come close to having 60 votes today because the American people spoke and sent home a lot of people who voted for this bill when they didn’t want them voting for it. That was a big deal in the election, frankly, if you want to talk about that.

So this philosophy that we hear advocated is a dangerous philosophy of law and jurisprudence. It is results-oriented. It is political, not law, and it surely is contrary to the great heritage of law that this country has been so blessed with. It may be that my colleagues are concerned because when pressed by the Supreme Court Justices during oral argument, the Solicitor General of the United States seemed to be utterly incapable of identifying any limiting principle on government power. The Solicitor General proffered various reasons why health care is unique, but not one of them was effectively grounded on any constitutional text, principle, or theory—at least in my view.

People can disagree. The Justices will have the final word on it. The nonlegal argument that the Court

should not overturn a popular law suggested by many is, of course, irrelevant, not only because this health care law is, in fact, unpopular, but because popularity does not translate into constitutionality. Of course, under the popularity theory, it would be wrong for the Court to strike down the Defense of Marriage Act, which the administration has decided is unconstitutional and refuses to defend in court, even though the law was so popular that it passed 342 to 67 in the House and 85 to 14 in the Senate. So making the popularity argument revealed the lack of legal argument. It condemns such advocates as advocates against law, not for law.

Supporters of the health care law have disdainfully and consistently dismissed the notion, and it was done during the debate, that the legislation raised serious constitutional questions. I remember the debate in the Senate. This disdain was no more starkly demonstrated than when a reporter asked then-Speaker of the House of Representatives NANCY PELOSI what the constitutional basis was for the statute, and she condescendingly replied: Are you serious?

Is our time up?

The PRESIDING OFFICER. The time has expired.

Mr. REID. How much time does the Senator need?

Mr. SESSIONS. Mr. President, how long might the majority leader expect to be, and if it is possible to have consent to speak an additional 5 minutes after the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Alabama be recognized for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. I know the majority leader is extremely busy, and I appreciate his courtesy and respect with the difficult duty he has here.

She said: Are you serious? Well, when the Solicitor General of the United States was being grilled by the Justices, I have to say it looked serious then. It is axiomatic that the Commerce clause—which is the provision in the Constitution that the law's supporters argue gives the government the power to take over health care—was never understood to grant unlimited power to the Federal Government. The Federal Government, without doubt, is a government of limited powers.

It certainly never meant that Congress could regulate noncommerce under the power to regulate commerce. We can't regulate noncommerce when the only power the Federal Government is given is the power to regulate commerce. Give me a break.

As distinguished Judge Roger Vinson stated in his opinion in this case when he struck this bill down:

It would be a radical departure from existing law to hold that Congress can regulate inactivity under the Commerce clause. If it has the power to compel an otherwise passive individual into a commercial transaction with a third party merely by asserting—as it was done in the Act—that compelling the actual transaction is itself “commercial and economic in nature, and substantially affects interstate commerce,” it is not hyperbolizing to suggest that Congress could do almost anything it wanted . . . If Congress can penalize a passive individual for failing to engage in commerce, the enumeration of powers in the Constitution would have been in vain, for it would be “difficult to perceive any limitation on federal power” (Lopez), and we would have a Constitution in name only. Surely this is not what the Founding Fathers could have intended.

It is a serious question. The Supreme Court needs to decide it, and they don't need to have Congress trying to pressure them one way or the other.

The President of the United States, President Obama, might think that it is, in his words “unprecedented” or “extraordinary” for the Court to strike down a clearly unconstitutional statute, but it is not. The Supreme Court has a duty under the Constitution and under the powers of the judiciary to speak clearly if Congress passes a law that violates the Constitution, that assumes powers Congress does not have, and that attempts to act in ways on behalf of the Federal Government that the Constitution never gave the government the power to do. They have a duty to strike it down.

The Court's reputation would be damaged if it bows to political bullying, but it won't be damaged if it follows the Constitution. I think it is wrong to disparage and threaten the Court during the pendency of a case in order to influence the outcome. I don't have any problem with criticizing a decision if I disagree with it, but to try to politically pressure the Court I think is wrong for us to do.

These are important questions of law. I have an opinion, but the Court has a duty. That duty is to decide the case before them impartially, as a neutral umpire, and without regard to the crowd noise. I believe they will do their duty, and we all await the outcome.

I thank the Chair, and I thank the majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

PRODUCTIVITY OF CONGRESS

Mr. REID. Mr. President, the last Congress was the most productive in the history of the country. Some say not the most productive, but certainly no one disagrees that it is the most productive since Franklin Roosevelt was President during his first term. But since there is a new majority in the House, this Congress has been altogether different and that is an understatement.

Consistently this Congress has taken weeks or months to pass even simple,

commonsense legislation and proposals that would have previously passed in minutes. The Senate has wasted literally months considering bipartisan bills only to have those bills smothered to death under nonrelevant Republican amendments.

Congressional Republicans have held even the most important jobs measures hostage to extract votes on unrelated ideological amendments—despite the minority leader's own call to “stop all the showboats.” Those were his words.

The Democrats and American people have endured this blatant obstruction all year—in fact, for 18 months. What is it we are talking about? Obstruction. If you look in the dictionary, it says it all. I did that this morning. The dictionary says that obstruction is a condition of being clogged or blocked. Doesn't that define what has happened here in this wonderful body we call the Senate? Republicans have clogged or blocked everything we have tried to do, even things they have agreed on.

Yesterday we read that we will have to endure it every day for the rest of the year—every day for the rest of this Congress. And this came from Congressman CANTOR, the No. 2 person in the Republican-dominated House of Representatives. House Republican leaders admit they have given up on actually running the country. Despite the work that remains to keep our country on the right track and continue 27 months of private sector job growth, they say they are done legislating for the year, and in spite of the fact the President is working to create 4.3 million private sector jobs.

But listen to this report from the political publication Politico yesterday, and I quote:

Serious legislating is all but done until after the election . . . The rest of this year, Cantor said, will likely be about sending “signals. . . .”

Let's try that again. Because it is hard to comprehend that someone who is supposedly running the other body would say such a thing, but he did.

Serious legislation is all but done until after the election. The rest of this year, Cantor said, will likely be about sending “signals. . . .”

So rather than work with Democrats to strengthen our economy and create jobs, congressional Republicans will put on a show designed to demonstrate the extreme ideological direction in which they would lead this country.

Majority Leader CANTOR's candor is frightening. He said out loud what practically every Republican on Capitol Hill has been thinking all along: They care more about winning elections than creating jobs. We just don't usually hear them say so in public when reporters are listening.

Just a short month ago, Speaker BOEHNER urged Congress “to roll up your sleeves and get to work.” To an audience of conservatives, the Speaker

said, "We can't wait until after the election to legislate."

Less than a week after, he said Leader MCCONNELL urged us to "stop the show votes that are designed to fail. Let's stop the blame game. Let's come together and do what the American people expect us to do."

The statements of Speaker BOEHNER and Leader MCCONNELL are Orwellian. They do exactly the opposite of what they say.

Republican Senator OLYMPIA SNOWE, by all means a moderate Senator, who is retiring amid frustration of increasing partisanship in Washington, wrote to me in April to urge quick Senate action on many of the challenging issues facing us. It was a letter crying out for help—but not for help from us, not for help from Democrats. She was speaking to the Republicans. She knew they were holding up virtually everything we were trying to do. I am sure that is one reason this fine woman is leaving the Senate.

Leader CANTOR's remarks provide a window into the true Republican agenda. It seems when congressional Republicans forget the world is watching, they say what they really mean. They are more interested in putting on a partisan sideshow than in solving the real problems facing this Nation. In truth this comes as no surprise. It is just more of the same.

Republicans have launched a series of attacks on access to health care for women, even contraception, and have filibustered legislation to ensure American women get equal pay for equal work.

In my desk—I haven't used this in a while, but I knew it was here all the time. Filibuster, filibuster, filibuster, filibuster. That is what obstruction is all about. "Filibuster," from the dictionary:

One of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies during the 17th century; one who engages in unauthorized and irregular warfare against foreign States; a pirate craft.

Now, it is also defined as:

To obstruct progress in legislative assembly; to practice obstruction.

That is what they have done. They have filibustered legislation to ensure American women get equal pay for equal work. Who could be against that? The American people—if we take a poll, no one is against it. Republicans aren't against it, except Republicans in the Congress of the United States.

They have stopped us from restoring fairness to the Tax Code to ensure billionaires don't pay a lower tax than middle-class families. They put women at risk by holding the Violence Against Women Act in limbo. They blocked a bill to hire more teachers, cops, firefighters, and first responders. They have stalled important jobs measures such as the aviation bill. We had 22 short-term extensions of that.

Finally, they shut down the government on one occasion—the government as it relates to the Federal Aviation Administration—putting tens of thousands of people out of work. They have stalled for months and months work done on a bipartisan basis by two fine Senators: Senator BOXER, the chairman of that committee, and Senator INHOFE, the ranking member. It doesn't matter. They are stalling the highway bill. Millions of jobs. We can't get it done.

For months, congressional Republicans have actively worked against any piece of legislation that might create jobs or support economic growth. We don't need to take my word for it, just look at the record. Democrats have known all along that congressional Republicans' No. 1 goal isn't to improve the economy or to create jobs. It is to defeat President Obama.

People say: Oh, come on. You don't really mean that, do you? I mean every word of it. Here is why: The leader of the Republicans in the Senate said it. I didn't make it up. The minority leader, the senior Senator from Kentucky, said so plainly in another one of those moments of candor. Here is what he said:

The single most important thing we want to achieve is for President Obama to be a one-term President.

He said that in October of 2010 when this country was mired in monumental challenges, rather than saying let's work together and do some things. How many jobs could we have created if we had some semblance of help from the Republicans in Congress? Not 4.3 million jobs. Remember, 8 million or 10 million were lost in the Bush administration. We have struggled to get some of them back. We could have created millions more jobs just with a little help, but here is where they are headed. They are headed toward doing everything they can, no matter what it takes, to try to make President Obama a one-term President.

We are fighting back from the greatest recession since the Great Depression. Yet Republicans' top priority hasn't been to create jobs; their top priority wasn't to help businesses to grow and to have people hire workers. It wasn't to train the next generation of skilled employees or to hire more cops and firefighters or to put construction crews back to work building those roads and bridges we need. We have 70,000—not 7,000—70,000 bridges that are in trouble in this country. They need help.

We have a bridge in Reno, NV, where they will not have the kids stay on the schoolbus. They take them out, drive the bus over the bridge, and have the kids walk across the bridge. That is not the only place; all over the country that is happening. But we are getting no help. No, that wasn't their top priority, to help create those construction jobs. It was to drag down the economy

in the hopes of defeating President Obama. Thanks to Leader CANTOR's candor, today we know Republican priorities haven't changed one single bit.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I wish to thank the majority leader for that statement. He comes to the floor with the other members of the leadership team to call to the attention of the Nation a statement made yesterday by the majority leader of the House Republicans, ERIC CANTOR of Virginia.

Many people remember, I say to the majority leader, that it was ERIC CANTOR who was appointed to the deficit task force the President created, chaired by Vice President JOE BIDEN—a bipartisan effort to try to deal with the deficit—and people will remember there came a moment after several weeks when Mr. CANTOR stood up and said: I am leaving. He walked out, literally walked out of this highest level negotiation on deficit reduction. He said: I want no part of it.

Well, we have another walkaway. ERIC CANTOR, the majority leader in the House, has announced we are finished for business this year. There is nothing more we are going to do. We are going to politic and campaign and posture. To him, I guess, that is an important responsibility. To the rest of America it is an abdication of responsibility—an abdication of responsibility.

This morning, the Chairman of the Federal Reserve, Ben Bernanke, appeared before the Joint Economic Committee. They wanted to talk to him about what more could be done at the Federal Reserve on monetary policy dealing with interest rates to get the economy moving forward. It is a legitimate policy question. But if Mr. Bernanke could have turned the tables for a moment, he might have asked the Members of Congress: Well, what are you doing to get the economy moving forward? I think that is a reasonable question.

Let me suggest to Mr. CANTOR, who thinks we are finished for business this year, that there are many elements of outstanding business that can help create jobs in America. Let's start with the first one: the Transportation bill. The Transportation bill will create 2.8 million jobs in America. What kind of jobs? As the majority leader said, jobs to repair bridges and highways, to build our airports, to make sure America has a safe infrastructure upon which to build our economy.

Well, in the Senate, we came to an agreement. Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, and Senator JIM INHOFE from Oklahoma, the ranking Republican member, reached an agreement and brought a bill to the Senate floor. We went through the long process of amendments, and it passed. I think the final rollcall was 74 to 22. It

was an overwhelming bipartisan vote that extended for 2 years highway construction in America and created 2.8 million jobs.

Well, obviously, that is something that is good for America. The question that should be asked is, Well, where was the House Transportation bill? The honest answer is they never produced one—never. They couldn't agree on a bill. The House Republicans failed to pass the Transportation bill. Ultimately, they passed a measure to extend the current highway trust fund and taxes that are collected to July 1, just a few weeks from now.

Then the majority leader appointed a conference committee, and I am honored to be on that committee with a number of my colleagues. I can't tell my colleagues how hard Senator BOXER and Senator INHOFE have worked on that committee. This bipartisan effort, Democrats and Republicans, has resulted in a compromised counteroffer which they personally hand-delivered to the Chairman of the Transportation and Infrastructure Committee JOHN MICA. They understand we have a July 1 deadline. They understand the urgency to take it up and move it to create and keep 2.8 million jobs in America.

What was the response of Speaker BOEHNER? Well, it was warming and welcoming, but the fact is as of today, maybe tomorrow—the House is gone for a week. So in this critical period of time when we are up against a July 1 deadline, when millions of American jobs are on the line, the House Republicans are leaving and the Republican majority leader, ERIC CANTOR of Virginia, said it doesn't make any difference if they stayed because they are not going to do anything significant. They are just going to politic and posture.

How do we explain that to the families of all of these workers across America—workers who need a job at a time when the economy is tough? I guess people living paycheck to paycheck now have to accept this furlough that the majority leader has announced for the rest of the year.

There is important work to be done, and it isn't just the Transportation bill. The majority leader raised some questions and issues that are still pending between us. Let me also add another one to the list: cybersecurity.

I attended a meeting, I guess it was about 2 months ago, the likes of which I have never seen since I have been in the Senate. We had a request by the administration—in fact, it started with Senator MIKULSKI asking them for it—to ask all of the Senators, Democrats and Republicans, to go to a classified setting—a secret setting—for a briefing on cybersecurity. There was a large turnout, Democrats and Republicans, and they spelled out to us the threat to the United States of America from

China, Russia, other countries, and individual actors who are trying to invade our information technology to steal the secrets not only of our government but also of major companies, to burrow into our systems such as the utilities of America and be prepared at a moments' notice to destroy the capacity of the U.S. economy or worse.

We went through the exercise, and it really spelled out for us what might happen; what might happen if there were a cybersecurity attack into the United States and it literally turned out the lights on the great city of New York. What would happen? Well, it would take days before we could restore service. In the process, people would die, the economy would be crippled, and we are at risk of that happening.

So the administration has produced a cybersecurity bill to keep America safe from that kind of attack. Well, unfortunately, it doesn't meet Mr. CANTOR's test. He has told us we can't do anything the rest of the year. All we can do is campaign, politic, and give speeches.

We have a responsibility as Members of the Senate and the House to accept the challenges facing this Nation; No. 1, to create jobs, invigorate the economy, and get this country moving forward; second, keeping America safe.

I might say to Mr. CANTOR from Virginia, take some time during your next recess—which is next week—and go over to the Central Intelligence Agency and sit down with them and talk about cybersecurity and the danger to the United States, and ask them if we can wait 6 months or a year to get back to this issue. I know what they are going to say. They are going to remind him he swore to defend and uphold this great United States of America. And if he is going to do it, he ought to roll up his sleeves and go to work instead of coming up with another excuse for political campaigning and delay.

This comes down to a basic question. ERIC CANTOR, House Republican majority leader, has all but predicted that 2012—this year—is substantively over. We are finished. No more heavy lifting. It reminds me of when I was a kid on the last day of school before summer vacation. Remember that? It is usually a half day. You could not wait to race out the front door, screaming and hollering and throwing things in every direction, jumping up and down with your buddies, saying: We are going to go swimming tomorrow. And get your bike out. We are going to go have some fun. It was 3 months, at least, of pure unadulterated joy, no responsibility.

Well, Majority Leader CANTOR has announced that school is out for the House Republicans. They are finished for the year. But America is not finished. Our agenda is still there.

I want to commend the Senate Republicans who have joined us in passing

this transportation bill. And I want to say to Speaker BOEHNER: When you return from the next recess, next week, roll up your sleeves and get to work. Put 2.8 million Americans to work with this bipartisan transportation bill. Have the courage to bring it for a vote on the floor of the House of Representatives so we can put America to work and make certain they know we take our job seriously.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of the words of the majority leader and the majority whip. Many of us have been frustrated lately by the glacial pace of activity in the House of Representatives. The Senate is supposed to be the cooling saucer, but, these days, the House is where jobs bills and other important measures go to die.

They are dragging out negotiations on a highway bill that would put millions to work. They refuse to even allow a conference on a bipartisan Violence Against Women Act reauthorization, even though the Senate produced a bill with 68 votes. They have refused to act at all on a bipartisan bill that cracks down on China's unfair currency practices—something which their own party's nominee for President claims to support.

Why the stalling? Well, we got our answer in the pages of *Politico* 2 days ago.

ERIC CANTOR, who controls the floor schedule in the House, has decided to forgo legislating in favor of politicking full time.

Despite all the major challenges this Congress faces—despite the crisis of confidence that may hit our markets in the fall due to uncertainty over the looming fiscal cliff—ERIC CANTOR has declared a moratorium on any serious legislating until after the fall elections.

The House of Representatives is like a computer that has been turned on sleep mode, and it does not plan to be rebooted until after November.

This is a breathtaking admission by the No. 2 Republican in the House. I would not be surprised if Leader CANTOR wishes he could take his statement back. It contradicts the rhetoric from many on his own side.

Just last month, in a speech at the Peterson Institute, the Speaker of the House made a great show of calling on the administration and Congress to tackle tax cuts and the debt ceiling now—before the election. Here is what Speaker BOEHNER said:

It's about time we roll up our sleeves and get to work.

Unfortunately, Leader CANTOR's comments seem to reflect House Republicans' true intentions more so than Speaker BOEHNER's quote. And that is a terrible shame. Leader CANTOR and the

House Republicans are shrinking from a potentially historic moment.

I have a message for Leader CANTOR: You may have abandoned any intention to legislate this year, but we will not bow to election-year politics here in the Senate. The Nation needs us, and we have too much to do.

All around this Chamber, there are green shoots of bipartisan activity. In the last 2 months alone, we have overhauled the postal system, approved a multiyear transportation program, renewed the Violence Against Women Act, streamlined drug approval rules at the FDA, renewed the Export-Import Bank, and passed a bill to help business startups. We have confirmed 20 judges and put the Federal Reserve Board at full strength for the first time in 6 years. And just this morning, we moved to proceed to a farm bill—the first overhaul of agriculture in 5 years—by an overwhelming 90-to-8 vote.

Every one of the issues I mentioned had broad bipartisan support. Each would not have been accomplished without bipartisan support. These are items, certainly, that are not the same as the big challenges that await us on taxes and spending, but they are not trivial. They are not post office namings either. They are real accomplishments.

“The Senate is on something of a roll,” the New York Times recently reported. These accomplishments could very well prove to be the building blocks for bipartisan compromise on the bigger issues that await our Nation. So the House may already have entered election mode, but, I daresay, the Senate may be starting to gel at just the right time.

In the Senate there is a hunger to legislate. Republicans and Democrats alike in this Chamber sense our Nation is at a crossroads, and their first instinct is not to pause to contemplate its political implications, but to get things done. For this, I must salute the growing number of my colleagues across the aisle who are seeking to work across the aisle.

Even as the loudest voices on the Republican side cite the President's defeat as their No. 1 goal, I believe there is a silent majority within the Republican Caucus that yearns to come together and address the Nation's problems, free of partisan politics.

Even after the extreme elements in their own party have claimed two of the most esteemed Members of this body—one by retirement; one in a contentious primary—a silent majority of brave Republicans still dares to believe that compromise is a virtue, not a vice.

My colleague from Tennessee, Senator ALEXANDER, is a Senator I admire. He has taken the lead in bringing Members together to tackle the big issues that await us at the end of this calendar year.

I was at a briefing this week organized by Senator ALEXANDER, a Republican, and Senator WARNER, a Democrat. Believe me, no one in that room thinks, as Leader CANTOR apparently does, that these issues should be put off till the election. The conversations were quite preliminary, for sure, but the motivations of all the Senators who attended were pure.

Senator COBURN is another brave Republican. I may disagree with TOM COBURN on most issues, and even on many of his tactics, but I admire the courage he displays on a daily basis by standing up to even the most powerful special interests in his party. He does not talk the talk about bucking his party's orthodoxy on revenues. He walks the walk. Just this morning, I watched him on one of the morning news programs making great sense about the need for both parties to show leadership in confronting the big issues. He also made a point of saying that, unlike Leader CANTOR, he does not believe these issues should wait till the election.

My colleague from South Carolina, Senator GRAHAM, is another such brave Republican. We have our differences on many issues, but he is a statesman, plain and simple. He has been quite vocal on his wish to overturn the defense cuts in the sequester. But while others in his party propose to replace these cuts on entirely their own terms, Senator GRAHAM has bravely signaled an openness to make the tradeoffs needed to help bridge the partisan divide. Asked by the New York Times recently about the potential for tapping revenues to replace some of the sequester cuts, Senator GRAHAM bravely bucked his party's orthodoxy. “I have crossed the Rubicon on that [one],” he said. Be assured, Senator GRAHAM is someone we can negotiate with.

Senators ALEXANDER, COBURN, and GRAHAM are not alone. There are others who realize the need to act in a bipartisan fashion.

Senator ALEXANDER's colleague from Tennessee, Senator CORKER, recently called out his own party for famously rejecting a deal, a hypothetical deficit deal with a 10-to-1 ratio of spending cuts to tax increases.

Senators ISAKSON and COLLINS said in the same Politico article that they, too, would be open to supporting a grand bargain that includes revenues as well as spending cuts.

And my colleague from Oklahoma, Senator INHOFE, is featured in the pages of Roll Call today for his Herculean efforts to get House Republicans to be reasonable on a long-term highway bill, along with his colleague and our friend Senator BOXER.

I suggest that the House majority leader reconsider his remarks to Politico and take a page from the book of these brave Republicans. The House may be in an all-politics mode, but the

Senate is not done legislating—not by a long shot. And let's be honest: If a solution to these big issues is at all possible in the lameduck, or maybe even before the election, it is not going to come from the House. It is going to come out of the Senate.

So I suggest to Leader CANTOR, Washington does not need an election to bridge our differences. It needs the Senate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come today to talk—as my colleagues have discussed—about the fact that Republicans in the House of Representatives seem ready to pack it in for the year.

Led by their majority leader and by the “my way or the highway” philosophy they have stuck to all year, they have signaled that they have given up on the work of the American people.

From our yearly responsibility to pass appropriations bills, to legislation that would create thousands of good-paying construction jobs, to efforts to stop an impending student loan hike, to a bill that would protect vulnerable American women from violence, House Republicans have now indicated they would rather kick the can down the road.

It is unfortunate that this is their attitude—not just for our college students or construction workers looking for jobs or women at risk, but it is statements such as the one the House majority leader made that make every American shake their head. That is because as American families come together around their kitchen table to make tough decisions about their mortgage or how to make tuition payments or even about how they are going to afford groceries, they want to see us coming together to make similarly tough decisions.

But as Leader REID and my other colleagues have made clear: It is tough to legislate from only one side of Capitol Hill. It is tough to address the issues affecting everyday Americans when House Republicans are more interested in drawing dividing lines than coming to the middle. It is pretty tough to create jobs and help our economy rebound when House Republicans are more focused on next year than on the bills that are stuck in their Chamber today. And it is impossible to do anything about the looming fiscal cliff we face when House Republicans continue to show they do not get that it will take a balanced approach to fix.

The bottom line is we need a partner in legislating, and it appears from comments such as those that were made this week that hope is quickly fading.

What is particularly concerning about House Republicans wanting to shutter their Chamber for the year is the fact that bipartisan, commonsense

Senate legislation is languishing there. Bills that have gotten support from overwhelming majorities, and that were carefully crafted over months of negotiations, are in limbo for no good reason.

In fact, what I would like to do today is highlight two important numbers to illustrate what I mean. The first number is 68. Madam President, 68—that is the number of Senators who voted to pass a bipartisan, inclusive bill to reauthorize the Violence Against Women Act. It is a total that includes 15 Republican Senators who, like the vast majority of Americans, agreed with us that we not only need to reaffirm our commitment to protect those at risk from domestic violence but that we also need to improve and expand protections. Those are 68 Senators who came together to say that our commitment to saving the lives of victims of domestic violence should be above politics; 68 Senators who said we cannot allow partisan considerations to decide which victims we help and which we ignore; 68 Senators who sent a strong bipartisan message to the House that we can come together to strengthen protections for all victims, regardless of where they live or their race or their religion or gender or sexual orientation. Unfortunately, it is a message that Republicans in the House have ignored. True to form, instead of taking up our bipartisan bill, Republicans have passed a bill that leaves out both the additional protections for vulnerable women and the delicate compromises we achieved.

Men and women across our country see the headlines that Leader REID pointed out earlier. They know their protections are at risk, and they are at risk not because the Senate cannot come together but because House Republicans refuse to join us.

The second number I wanted to highlight today is 74. That is the number of Senators who came together to send a bipartisan transportation jobs bill to the House; 74 Senators who voted for a bill that will create or save millions of jobs in the country today; 74 Senators who said that politics should not get in the way of our economic recovery or the need to fix our crumbling infrastructure; 74 Senators who got behind a bill that was the product of intense and long negotiation between Senators we know often did not see eye to eye but who did come together to pass a bill that could truly be called a compromise.

Yet here we are, months after this bill was passed with overwhelming bipartisan support, and it, too, is now the subject of political games in the House. Another bill that should never be considered political has become part of their grandstanding routine. It does not have to be this way. If Republicans can set aside politics and stand up to their tea party base, we can protect

victims of domestic violence. We can pass a transportation bill. We can stop those tuition hikes. We can pass our appropriations bills.

In fact, we can even come together on the big issues that House Republicans have indicated they believe can only be resolved after an election. If Republicans are ready to admit it will take a balanced and bipartisan deal to avoid that fiscal cliff, we can make a deal tomorrow. But on this issue, Republicans have not just refused to meet us in the middle. They will not even come out of their corner.

We all know a bipartisan deal is going to be required to include new revenue along with spending cuts. Unfortunately, Republicans are singularly focused on protecting the wealthiest Americans from paying a penny more in taxes. Democrats are ready. We are willing to compromise. We know it is difficult, but we have to have a partner to do that.

Republicans need to understand that the fiscal cliff is not simply going to disappear if they close their eyes and wish hard enough. We are going to have to act, and Republicans should not let politics stop them from working with us now on a balanced and bipartisan deal which middle-class families expect and deserve.

Statements such as the one made by the House majority leader only reaffirm what American families fear the most, that at a time when they deserve a government at their backs, they are being abandoned. In the Senate, we have shown we can come together around bipartisan solutions. But we cannot do it alone. House Republicans need to send the American people a clear message they are willing to be a partner in compromise.

It is time for them to take up our bipartisan legislation to protect women and put workers back on the job. It is time to work with us in the appropriations process and help our Nation too. It is time to realize that a solution to the impending fiscal cliff will require a balance. It is certainly not time to give up.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I appreciate very much the wonderful statements by Senators DURBIN, SCHUMER, and MURRAY. We have a problem in this country based on what CANTOR said. Here are the headlines: "Congress switches from policy to politicking." All we have said here today has been based on fact. That is too bad. It is too bad we have someone who is running the House of Representatives who is trying to kill these important pieces of legislation Senator SCHUMER outlined that we have passed over here. We have passed all these things, worked very hard to get them done.

Because of politicking, and not policy, the majority leader of the House of

Representatives is killing all this legislation for reasons we all understand.

ORDER OF PROCEDURE

Madam President, cloture has been invoked on the motion to proceed to the farm bill by an overwhelming vote of 90 to 8. Senators STABENOW and ROBERTS are now, as we speak, working on an agreement to amendments to the bill. I am hopeful they can make significant progress over the weekend. There will be no more rollcall votes today. Monday at 5:30 we will have a vote on Andrew Hurwitz to be a Ninth Circuit judge.

I hope we can get the farm bill done next week and lock in an agreement on flood insurance, which is also vitally important to this country.

The PRESIDING OFFICER. The Senator from Oregon.

LEGISLATING

Mr. WYDEN. Madam President, I came to the floor to talk about legislating. I was struck, in fact, by the comments recently because what I am here to talk about is essentially the yeoman's bipartisanship we have seen with Senator STABENOW and Senator ROBERTS on the farm bill. I am going to talk about some specific ideas, each of which I believe could win bipartisan support and help strengthen the legislation as we go forward in the Senate.

I believe it is hard to overstate the importance of writing the best possible farm bill in the Senate. When America desperately needs more jobs, and 1 in every 12 American jobs is tied to agriculture, this bill is an opportunity for the private sector to grow more jobs. When obesity rates are driving the American health care challenge, this bill can promote healthier eating without extra cost to taxpayers. When we are concerned about the threat to our treasured lands and air and water, this bill is our primary conservation program. When our rural communities are especially hard hit, and the Presiding Officer knows about this because she has a lot of rural country in her State, these rural communities are walking on an economic tightrope, and this bill can be a lifeline.

I spent much of last week in rural Oregon. In my State, Oregonians do a lot of things well, but what we do best is grow things—lots of things. Oregon grows more than 250 different crops, including everything from alfalfa seed to mint and blueberries. Several weeks ago, the Oregon Extension Service reported that agricultural sales in my home State increased more than 19 percent in 2011.

Agriculture in Oregon is now more than a \$5 billion industry annually, and much of this is driven by high prices for wheat and cattle and dairy products, fruits, vegetables, and other specialty crops. The fact is, agriculture is the lodestar to prosperity for many rural Oregon communities. Nationwide, there are many other towns in a similar position to the small communities I

have the honor to represent in the Senate.

That is what is apropos about this talk and the need for bipartisanship. Senator SCHUMER listed a number of these bipartisan areas. I consulted with the chair of the Agriculture Committee, Senator STABENOW, and the ranking member, Senator ROBERTS, who I also served with in the other body. After getting their counsel, I selected 28 Oregonians, from every corner of my State and across all types of agriculture, to help serve as an advisory committee on ways to improve the economic opportunities for Oregon, specifically through this bill.

We have the good fortune to have the committee chaired by Mrs. Karla Chambers, who owns a farm in the Willamette Valley, Stahlbush Farms, and also Mike Thorne, a wheat farmer in eastern Oregon.

From the outset, this advisory committee did not talk at all about politics, did not talk about whether there was a Democratic way to write a farm bill or a Republican way to write a farm bill. What they did talk about was the importance of the issues I have just outlined: jobs, health care, conservation, rural communities. That is what they spent their time focused on and particularly the jobs issue was central to their discussion.

There are about 38,000 farms in my home State which roughly support 234,000 jobs. That is about 11 percent of our State's employment. As much as 80 percent of the agricultural goods produced in Oregon are sold out of State. Half of that is exported to foreign countries. That is especially important to me because I chair the trade subcommittee of the Senate Finance Committee. So what I have taken as the centerpiece of my approach to agriculture and to our country's economy is that we ought to do our very best to: grow things in the United States, to add value to them in the United States, and then ship them somewhere.

It is especially important for Oregon agriculture. As I just noted, 80 percent of the agricultural goods that are produced in our State are sold out of State.

Abroad, our producers are doing very well. Nationally, each \$1 billion in agricultural exports is tied to approximately 8,400 American jobs. These growing overseas markets represent a way to create and sustain good-paying jobs that rely on export sales. In fact, agriculture is one of the only sectors with a trade surplus, and in 2011, it boasted a surplus totaling \$42.5 billion—the highest annual surplus on record.

That is why I was honored to have a chance—when Chairman BAUCUS was tied up in discussions with respect to the super committee—to manage a significant part of the debate on the three recently passed free-trade agreements,

which again give us a chance, as I have indicated, to build on that proposition that I have outlined, where we grow things here, add value to them here, and then ship them somewhere else.

Nothing says that more than giving those opportunities to producers from Oregon to Florida. They sell their fruits and vegetables, their wheat, their beef, their nursery crops, and other high-value products at home and abroad. The farm bill continues those programs that American producers rely on to help market their goods in foreign markets. I think it is important again to stress the bipartisanship associated with making sure there are bountiful opportunities for American agriculture and particularly for Oregon agricultural goods.

The second area my agriculture advisory committee focused on was stressing the importance of healthy nutrition here at home. Of course, the USDA, our Department of Agriculture, has recommended eating five fresh fruits and vegetables daily.

What that means is that from Burns, OR, to Bangor, ME, farm programs need to make it easier for those with low incomes to be able to eat healthier. There never ought to be a tradeoff between health and affordable food. So I think we have to look at some fresh approaches to promote healthy nutrition in this country. I believe it is not just an economic threat to our economy, it is also a national security threat to our Nation because we have seen, regrettably, that many Americans who would like to wear the uniform of the United States, patriots, have not been able to pass the health standards necessary to serve in our military.

In the past three decades, obesity rates have quadrupled for children ages 6 to 11. More than 40 percent of Americans are expected to be obese by 2030. The Centers for Disease Control reports that in 2008 alone, the United States spent \$147 billion on medical care related to obesity. Obesity is the top medical reason one in four young people cannot join the military, and it has been identified by the Department of Defense as a threat to national security. It doesn't have to be this way.

I wish to outline some specific ideas for changing that and to promote good health in our country without adding extra costs to taxpayers. One opportunity for change is through the Farm to School Program. Again, without costing taxpayers additional money, it ought to be easier for delicious pears, cherries, and other healthy produce, grown just a few miles down the road, to make it into our schools. This ought to be a national approach. Schools from Springfield, OR, to Savannah, GA, currently purchase their fruits and vegetables from USDA—the Department of Agriculture—warehouses, which may be hundreds of miles away. Many of our farmers and our producers

would like to sell their goods to local schools, and many schools would like to source their produce locally. The farm bill ought to promote that.

When I was in Oregon last week, I had a chance to meet with the management of Harry & David. They are a major employer in my State, and an Oregon pear producer. They told me they want to sell their fruit to schools down the street, but instead a complex maze of Federal rules and regulations has created a hassle for them, and the process sounds like bureaucratic water torture. So I am going to offer an amendment that would make it less of a hassle for producers such as Harry & David and farmers to sell directly to local schools, all without spending additional Federal dollars.

A second opportunity to improve our Nation's health lies with the SNAP program, the Supplemental Nutrition Assistance Program, better known as food stamps. This program currently spends over \$70 billion a year. This is the big expenditure in the farm bill, and there is no way to really determine whether it promotes good nutrition. Think of all of the possibilities for helping our country, all the possible benefits if the SNAP program did more to improve nutritional outcomes for those who use the program.

Let me make clear that I am not for cutting benefits. I understand the crucial lifeline this program provides for millions of our people. What I am interested in doing is seeing that, through that \$70 billion, it is possible to improve nutritional outcomes, all while getting the best value out of that enormous expenditure.

One of the ways we could do it would be to allow States to obtain a waiver from the SNAP program when they bring their farmers, their retailers, their health specialists, and their beneficiaries together and say: We have a consensus for improving the nutritional outcomes in our State, for those on the Food Stamp Program, the SNAP program. They ought to be able to get a waiver in order to do that and help us produce more good health in America. That is not some kind of national nanny program. That is not telling people they can only eat this or that. It is just common sense to have farmers, retailers, those on the program, and health specialists look, for example, to try to create some voluntarily incentive to promote better nutrition with this enormous expenditure, and I intend to offer an amendment to do that.

A third opportunity for improvement is through what is known as gleanings. Historically, gleaners gathered leftover produce from the fields, but today gleaners play a crucial role in reducing the staggering amount of food that goes to waste each year. At a time when food waste is the single largest category of waste in our local landfills—more than 34 million tons of

food—again, without spending extra taxpayer money, we can do more to ensure that this unwanted food is used to tackle hunger in America.

Led by the dedicated work of local food banks, many are striving to put America's food bounty to better use. In Portland, OR, Tracy Oseran runs a wonderful nonprofit organization known as Urban Gleaners. They are poised to collect surplus food—hundreds of thousands of pounds of food—from grocers, restaurants, parties, and all kinds of social organizations, and they redistribute those hundreds of thousands of pounds of food to organizations that serve the hungry. Urban Gleaners is doing great work, but they could be doing a lot more.

Without spending a dime of extra money, we can advocate for gleaners all across America by making it possible for them to receive loans through the Microloan Program. If someone is trying to set up a gleaning program in a small town and they have to borrow, say, \$20,000 to start a refrigeration program to preserve the quality of the food, let's make it possible for the gleaners to do that.

I am not proposing—and I discussed this with the chair of the committee, Senator STABENOW, and Senator ROBERTS, the ranking minority member—to allocate one additional dime to the program. I think it is a fine program. I simply want to say that when we have gleaners in our country who are telling us about the enormous amount of food that is still wasted despite their tremendous efforts, let's not pass up an opportunity to, with this bill, make it possible to promote gleaning in our country.

To produce the healthy food needed to feed America, we need fertile agricultural land, and conservation plays a central role in that. Roughly 28 percent of Oregon's land mass is devoted to agricultural production. Maintaining this land is crucial for our long-term productivity. For more than half a century, the farm bill has supported infrastructure modernization and conservation projects. They give, once again, the opportunity for collaboration, and that is key to our natural resources.

I see my friend from Arizona, Senator MCCAIN, here. We talked about doing this in the forestry area years ago. We ought to be promoting collaborative projects to boost rural economies. It is the Oregon way, and we ought to build on that in this farm bill as well.

The time is also ripe to promote farmers markets and locally grown food, which will lead to greater awareness of local markets, roadside stands, and community-supported agriculture. This farm bill expands those opportunities, and I think these types of local initiatives give us the opportunity to change the trajectory—the tragic and staggering trajectory—of obesity in

this country, and to ensure the viability of these programs, the land required to produce nutritious foods must be addressed.

I plan to offer, as I have indicated in these comments, a number of amendments to the farm bill, each of which I have discussed with the chair of the committee, Senator STABENOW, and ranking member, Senator ROBERTS.

The farm-to-school amendment that I will offer would not spend additional taxpayer money, but it would make it easier for schools to purchase locally for the breakfast, lunches, and snacks they serve children.

My second amendment would allow States across this country to get a waiver under the SNAP program, so they can consult with their farmers, their retailers, their health specialists, and those who use it, and try to come up with a way to get more good health and nutrition out of the \$70 billion that is spent on the program. States ought to have an opportunity to do that so that the SNAP program can be a launch pad for healthier eating rather than just a conveyor belt for calories. With a waiver, States with innovation and effective ideas could improve nutritional outcomes and put their good ideas into action.

Third, I intend to offer an amendment—again, it doesn't spend additional taxpayer money—to promote gleaning through the Microloan Program.

Finally, based on the recommendations of the Institute of Medicine, I will offer an amendment to make it possible to advance some of the recommendations of the Institute of Medicine to look at the relationship between agriculture policy, the diet of the average American, and how we can reduce childhood obesity. This amendment would give us a chance to advance the recommendations of the Institute of Medicine. They have made a number of thoughtful proposals that I think will give us a chance to reduce obesity and promote our national security, and we certainly should pursue them through this farm bill.

The last comment I will make is that I think Oregonians got it right, and I think we ought to be building on the work done by Senator STABENOW and Senator ROBERTS. At a crucial time in American history, this bill can help us grow more jobs, it can help us improve the health of the people of our country without spending additional money, and it is an opportunity to protect our treasured land and air and water. Finally, it is a lifeline for rural communities—these communities that I have described as walking on an economic tight rope.

I intend to work with my colleagues on a bipartisan basis. I have heard all this talk about how the legislating is over. We ought to build on the work that has been done already and get this

important bill across the finish line because it will be good for our economy, for our national security, and it will be good for our health and for our environment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FALLEN HEROES

Mr. MORAN. Madam President, last week on Memorial Day, Americans remembered our Nation's fallen troops who laid down their lives for our Nation. We are blessed to live in a country where individuals volunteer to defend our Nation and our freedoms—no matter the cost. Because of the sacrifices of our Nation's veterans, we have the opportunity to live in the strongest, freest, and greatest Nation on Earth.

Today at Arlington National Cemetery, 30 U.S. servicemembers will be honored for their service and sacrifice to our country. These men were killed last August when insurgents fired upon their helicopter as it was rushing to aid troops in a firefight in Wardak Province in Afghanistan. More than 20 U.S. special operations forces were killed when the helicopter crashed—the deadliest single loss of American forces in the war in Afghanistan.

Among those lost were brave soldiers who called Kansas home: CWO Bryan Nichols of Hays, SPC Spencer Duncan of Olathe, and SGT Alexander Bennett of Tacoma, WA, who was stationed in New Century, KS. These men will be given full honors during a special memorial service and laid to rest at Arlington National Cemetery.

We lost 30 American heroes on that tragic day—brave men who answered the call to defend our country. Our Nation is forever indebted to these young men for their service and sacrifice. Especially today, we think of their families and the loved ones they left behind. May God comfort them in their time of grief and be a source of strength for them.

Yesterday, in Kansas, another soldier's life was remembered. PFC Cale Miller of Olathe was killed just 2 weeks ago during a combat mission in Afghanistan when the vehicle he was driving was struck by an improvised explosive device.

It has been said that the "American soldier does not fight because he hates who is in front of him, he fights because he loves those who are behind him." This passage was read during Cale's service in Olathe, and it is a fitting description of this young man's devotion to his country.

Cale was raised in Olathe and was a 2007 graduate of Olathe Northwest High School, where he was a member of the

football and track teams and played trumpet in the marching and jazz bands. Three years after graduation, Cale joined the Army and was assigned to Ft. Lewis in Washington State.

Cale was known as a fierce warrior on the battlefield and was one of “the best of the best.” Among his buddies he had a reputation for being a hard worker, someone who would go above and beyond to accomplish the task at hand. Cale’s battalion commander said he was known as “everyone’s protector” and was “hands down, the best Stryker driver he ever had seen.”

More importantly, his sergeant said Cale had the unique ability of knowing the right thing to say at the right moment. He was a source of strength that pulled his sergeant and his squad mates through many difficult days.

Cale loved the Army, but he was also devoted to his family. He loved to laugh and had a great sense of humor, which helped his family find the bright side of every situation. His stepfather Dave is known for giving sound and practical advice and served as a role model for Cale. In fact, Cale once told his mom he was turning into the “Dave” for his buddies since they often turned to him for advice or encouragement. Cale had a close relationship with his sister Courtney and loved his mother deeply. He spoke of her often to his buddies.

My heart goes out to the entire Miller family, and I ask that all Kansans, all Americans, join me in remembering them in our thoughts and prayers during this difficult time.

On Monday, Cale was given a hero’s welcome upon his return to Kansas. Volunteers placed flags along 151st Street in Olathe and hundreds of people stood in silence waving those flags and signs that read “Community 4 Cale” to honor this young man and his service to our country. This demonstration of support comes naturally to Kansans who respect and honor those who volunteer to defend and serve our Nation.

Today we honor Cale Miller, Brian Nichols, Spencer Duncan, and Alexander Bennett, who laid down their lives for our country. We thank God for giving us these heroes, and we remain committed to preserving this Nation for the sake of the next generation so they, too, can pursue the American dream with freedom and liberty. We are indebted to our veterans to do nothing less.

May God bless our service men and women, our veterans, and the country we all love.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I would like to thank Senator MORAN of Kansas for a very moving tribute to those who have served and sacrificed. I know the people of Kansas join him in expressing their gratitude for their service and

sacrifice, and I thank the Senator from Kansas for a very eloquent and moving statement. God bless.

Mr. MORAN. Madam President, I thank the Senator from Arizona for his tremendous service.

Mr. McCAIN. Madam President, I ask unanimous consent that the Senator from Connecticut and I be permitted to join in a colloquy on the situation in Syria.

The PRESIDING OFFICER. Without objection, it is so ordered.

SYRIA

Mr. McCAIN. Before entering into our colloquy, I would like to make some brief remarks.

It should come as no surprise to any of our colleagues—and it certainly comes as no surprise to me—that the civil war raging in Syria has only deteriorated further over the past 2 weeks. On Saturday, May 26, we read the horrific news of a massacre that Bashar al-Assad’s forces committed in the Syrian town of Houla. At least 108 civilians—the majority of them women and children—are now believed to have been killed, some from repeated shelling by Assad’s tanks and artillery, but most slaughtered in their homes and executed in the streets. Survivors describe a scene so gruesome that even after 16 months of bloodshed and more than 10,000 dead, it still manages to shock the conscience.

There are now reports of another massacre by Assad’s forces with as many as 78 Syrians dead and that Syrian authorities are blocking access to the scene for the U.N. monitors on the ground. These massacres of civilians are sickening and evil, but it is only the latest and most appalling evidence there is no limit to the savagery of Assad and his forces. They will do anything, kill anyone, and stop at nothing to hold on to power.

What has been the response of the United States and the rest of the civilized world to this most recent atrocity in Syria? More empty words of scorn and condemnation. More hollow pledges that the killing must stop. More strained expressions of amazement at what has become so tragically commonplace.

Indeed, as Jeffrey Goldberg has noted, administration officials are now at risk of running out of superlative adjectives and adverbs with which to condemn this violence in Syria. They have called it “heinous,” “out-rageous,” “unforgivable,” “breath-taking,” “disgraceful,” and many other synonyms for the same. I don’t know what else they can call it. Yet the killing goes on.

The administration now appears to be so desperate they are returning to old ideas that have already been tried and failed. Let me quote from a New York Times article that appeared on May 27.

In a new effort to halt more than a year of bloodshed in Syria, President Obama will

push for the departure of President Bashar al-Assad under a proposal modeled on the transition in another strife-torn Arab country, Yemen. . . . The success of the plan hinges on Russia, one of Mr. Assad’s staunchest allies, which has strongly opposed his removal.

This is a case of history repeating itself as farce. Trying to enlist Russia in a policy of regime change in Syria is exactly what the administration spent months doing earlier this year, and that approach was decisively rejected by Russia when it vetoed a toothless sanctions resolution in the U.N. Security Council in February.

How is this recycled policy working out? Well, last week, a human rights organization disclosed that on May 26, a Russian ship delivered the latest Russian supply of heavy weapons to the Assad regime in the Port of Tartus. Last Friday, the Russian Foreign Ministry issued a statement on the Houla massacre—and blamed it on the opposition. President Putin, after blowing off a trip to Washington in favor of a visit to Europe, suggested that foreign powers were also to blame for the Houla massacre. He went on to reject further sanctions on the Assad regime and to deny Russia is shipping any relevant weapons to Assad.

Not to be outdone, last week the Russian Foreign Minister also described the situation in Syria this way.

It takes two to dance—although this seems less like a tango and more like a disco, where several dozens are taking part at once.

One might think this alone would be enough to disabuse the administration of its insistence, against all empirical evidence, that Russia is the key to ending the violence in Syria. One might think so, but one would be wrong. Asked last week whether he could envision some kind of military intervention in Syria without a U.N. Security Council resolution, which is subject to a Russian and Chinese veto, the Secretary of Defense said, no, he cannot envision it.

Similarly, the White House spokesman, Jay Carney, rejected the idea of providing weapons to the Syrian people to help them defend themselves, saying that would lead to—get this, get this: If we supplied weapons to the Syrian resistance, it would lead to “chaos and carnage,” and it would militarize the conflict. It would militarize the conflict. After more than 10,000 have been slaughtered by Bashar al-Assad with Russian weapons, Iranians on the ground, it would militarize the conflict.

It is difficult even to muster a response to statements and actions such as these. U.S. policy in Syria now seems to be subject to the approval of Russian leaders who are arming Assad’s forces and who believe the slaughter of more than 10,000 people in Syria can be compared to a disco party. Meanwhile, the administration refuses even to provide weapons to Syrians

who are struggling and dying in an unfair fight, all for fear of "militarizing the conflict." If only the Russians and the Iranians and al-Qaida shared that lofty sentiment.

I pray that President Obama will finally realize what President Clinton came to understand during the Balkan wars. President Clinton, who took military action to stop ethnic cleansing in Bosnia and did so in Kosovo without the U.N. Security Council mandate, ultimately understood that when regimes are willing to commit any atrocity to stay in power, diplomacy cannot succeed until the military balance of power changes on the ground.

As long as Assad and his foreign supporters think they can win militarily, which they do, they will continue fighting and more Syrians will die. In short, military intervention of some kind is a prerequisite to the political resolution of the conflict we all want to achieve.

The question I would pose to my colleague from Connecticut and to the administration is this: How many more have to die? How many more have to be raped? How many more young Syrians are going to be tortured and killed? How many more? How many more before we will act? How many more?

I would like to also ask, When will the President of the United States speak up in favor of these people who are fighting and dying for freedom?

I thank my colleague from Connecticut for his continued involvement. He has shared the same experiences I have in refugee camps, meeting people who have been driven out of their homes, family members killed, tortured, young women raped as a matter of policy and doctrine of Assad's brutal forces.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, it is an honor to join in this colloquy with my friend from Arizona, though I obviously take no pleasure in it because it is an outcry—a *cri de coeur*—an outcry of the heart about the slaughter going on in Syria now, once again, with a government killing its own people to maintain its own presence and power. It is an outcry because for more than a year now the rest of the world, including the United States, has offered these victims of the brutal violence of the Bashar al-Assad regime in Damascus essentially words—words of condemnation, words of sympathy. But those words—or the few cell phones we have given those Syrian freedom fighters—don't stand up against Assad's tanks, his guns, and the brutality of his forces.

So I would say the answer to the question my friend from Arizona posed—how many more people have to be killed?—obviously, too many people

have already been killed. It is time for the United States to show some leadership.

Senator MCCAIN and I are not calling for American troops on the ground in Syria. We are not calling for the United States alone to take action. There is a coalition of the willing. If we continue to say we are not going to take action to help the victims of Assad's brutality until and unless we get authorization from the U.N. Security Council, there is never going to be any help to go to these victims in Syria because the Russians and probably the Chinese will veto any U.N. resolution.

Every time we say we have to go to the U.N., we raise the power of Russia to protect its ally in Damascus. But there is a coalition of the willing ready throughout the Arab world, and I think some in Europe and elsewhere, which will not act until the United States shows some leadership.

I want to just briefly put this in a historical context. After the Nazi Holocaust of the last century, the world said, "Never again." "Never again." We have kept that pledge in some cases, such as Bosnia and Kosovo, although it took us too long—too many people were killed before the world acted—and in other places, such as Rwanda, we turned away from the slaughter of people there.

Once again, we are challenged to show the victims whether we are true to our words. I read something a few days ago in the Washington Post. An article was drawing parallels between the genocide in Bosnia during the 1990s and the killing that is taking place in Syria today. There was a 37-year-old survivor of the Srebrenica massacre in Bosnia that finally got the world to get involved, who said:

It's bizarre how "never again" has come to mean "again and again." It is obvious that we live in a world where Srebrenicas are still possible. What is happening in Syria today is almost identical to what happened in Bosnia two decades ago.

So what is the world waiting for? A Syrian Srebrenica when thousands are killed on a single day by their own government before we act? I hope not. And that is why we speak out today.

Just within the hour, a story was posted on Reuters news service out of Beirut:

Six hours after tanks and militiamen pulled out of Mazraat al-Qubeir, a Syrian farmer said he returned to find only charred bodies among the smoldering homes of his once-tranquil hamlet.

"There was smoke rising from the buildings and a horrible smell of human flesh burning" said a man who told how he watched Syrian troops and "shabbiha" gunmen attack his village as he hid in his family olive grove.

"It was like a ghost town" he told Reuters. . . .

Senator MCCAIN and I have been explicit for some period of time. We have

been both to Turkey and Lebanon to talk to leaders of the opposition and people in the refugee camps, and they simply say to us: As Americans, you are our only hope. This is from a people whose government has been determined in its anti-American posture, the Assad government, and yet the people now turn to us—as people always do in a time of crisis around the world—and say, This is what America is about. America has a moral government that cares about people's right to life and liberty, and we will not be saved unless you get involved.

I hope the latest events move our government to go beyond words to actions. And immediately. Again, Senator MCCAIN and I have talked about actions we would support: arms to the opposition fighters, training of the opposition fighters, safe havens in Turkey, and perhaps other neighboring countries to Syria, where they can be trained and equipped; provision of intelligence that we have, which will help the opposition fight to defend themselves and their families.

Frankly, if it were up to us—and I know I can speak for Senator MCCAIN—I think if we wanted to help and turn the tide quickly without a lot of unnecessary loss of life, we would use allied air power, Americans and our allies, and we would hit some targets important to the Assad government. I think that would break their will, and it would increase the number of defections from Assad's army and from the very important business community, and would result in a much sooner end to this terrible waste of lives.

So that is our outcry, and that is my answer to the question of my friend from Arizona. I thought the Senator was particularly right in condemning the idea that if we get involved, it militarizes the conflict—the conflict is already militarized on one side. Russia and Iran are providing Assad with all the weapons he needs. In the meantime, the opposition is scrounging around, paying exorbitant prices just for bullets which they have been running out of.

I ask my friend from Arizona, people say that intervention in Syria will be much harder than it was in Libya. I wonder if he would respond to that argument against us getting involved.

Mr. MCCAIN. I thank my colleague. I also want to point out that traveling in the region and meeting with the leaders in these various countries, it cries out for American leadership. I think my colleague would agree, in a coordinated partnership with these countries. But they cry out for American leadership. And meanwhile, the President of the United States, as this slaughter goes on, is silent. His spokesman says they don't want to militarize the conflict. How in the world could you make a statement like that when 10,000 people have already been slaughtered?

That, to me, is so bizarre. I am not sure I have ever seen anything quite like it.

There is always the comparison, I say to my friend from Connecticut, about Libya. There is an aspect of this issue. Libya was not in America's security interests. Libya was clearly a situation where we got rid of one of the most brutal dictators who was responsible for the bombing of Pan Am 103 and the deaths of Americans. But if Syria goes on the path to democracy, it is the greatest blow to Iran in 25 years. Hezbollah is broken off. Russia loses its last client state. Iran loses the most important ally it has in the region.

Finally, I would say to my friend we keep hearing over and over again that extremists will come in; Al Qaida will come in. We heard that in Tunisia, we heard that in Libya, we are hearing that in Egypt, and we are hearing that again—neglecting the fact that al Qaida and extremists are the exact antithesis of who these people are. These people believe in peaceful demonstrations to bring about change—they have been repressed through brutality—whereas al Qaida, as we know, believes in acts of terror.

I agree with my colleague, if we provided a sanctuary for these people in order to organize and care for the wounded, to have a shadow government set up as we saw in Libya, then I think it is pretty obvious that it would be a huge step forward.

Again, as my friend from Connecticut has often said so eloquently, probably the most immortal words ever written in English are: We hold these truths to be self-evident, that all of us are endowed—all—by our Creator with certain inalienable rights.

The people of Syria who are suffering under this brutal dictatorship and are being slaughtered as we speak I believe have those inalienable rights. The role of the United States has not been to go everywhere and fight every war, but it has been the role of the United States of America, when it can, to go to the assistance of people who are suffering under dictatorships such as this, one of the most brutal in history. And for us to now consign them to the good graces of Russia and whether they will veto a U.N. Security Council resolution as to whether we will act on behalf of these people is a great abdication of American authority and responsibility.

Finally, I wish to say that Senator LIEBERMAN and I have visited these places. We have seen these people. I wish all of our colleagues—I wish all Americans—could have gone to the refugee camp where there are 25,000 people who have been ejected from their homes, the young men who still had fresh wounds, the young women who had been gang raped, the families and mothers who had lost their sons and daughters. It is deeply moving. It is deeply, deeply moving. And, as my friend from Connecticut said, they cry out. They cry out for our help.

We should be speaking up every day on their behalf, all of us, and we should be contemplating actions that stop this unprecedented brutality.

Mr. LIEBERMAN. Madam President, I thank Senator MCCAIN. I think he spoke with real clarity and strength, and this is exactly what we need to continue to do.

I want to go to the point he made. Some people say we shouldn't get involved in Syria because we don't know who the opposition is; therefore, we should be cautious before helping them.

We have had the opportunity to meet the opposition and their leadership, both the political opposition and the military opposition. And I would tell you, to the best of my judgment—I believe it is our judgment—these aren't extremists. These are Syrian patriots. As Senator MCCAIN said, this whole movement started peacefully. They went out into the squares in big cities in Syria. They were asking for more freedom. They actually weren't at the beginning asking for an overthrow of the Assad government. But what was Assad's response to them? He turned his guns on them and started to kill them wantonly. And when they decided there was no peaceful course—because he rejected every compromise alternative that intermediaries put in—they took up arms such as they could find.

The danger here is not that the people who are the leaders of the opposition are extremists or terrorists; the danger is that the extremists and terrorists will take over this movement if we and the rest of the civilized world don't get involved, and the Syrian opposition will be sorely tempted to take their support because they have no alternative. We simply can't let that happen.

I know there is a lot going on in our country. I know people are worried about the economy, as we are, of course. But America's strength and credibility in the world has actually always been not only what we are about by our founding documents and our history but what maintains our credibility and strength in the world, which is a foundation of our economic strength. The longer we give words but no action in response to the murder and rape of victims in Syria, the lower our credibility is. And we can't afford that.

Senator MCCAIN said, and I want to emphasize, the main reason to get involved here is humanitarian. It is what America is about. It is about the protection of life and liberty. But it happens to be that this makes a lot of strategic sense, too, because the No. 1 enemy we have in the world today is Iran. If Assad goes down, Iran will suffer a grievous blow.

Some people said, and some still say it—including high officials of our government—that it is not a question of

whether Bashar al Assad will fall but when. I don't agree. Having been over there talking to the opposition, watching what is happening, this is a profoundly unfair fight. Assad has most of the guns and systems, and the freedom fighters have very little. He will keep doing this as long as he has to, and this war will go on a long time, with thousands and thousands and thousands of more innocent people killed as they were earlier today in the Mazraat al-Qubeir.

The facts cry out for us to take action. I hope and pray we will. Senator MCCAIN and I and others have. Senator RUBIO has an op-ed in the Wall Street Journal today that speaks to some of the points we have made, and others on both sides I hope will continue to speak out until finally there will be action to save the lives of innocents.

I ask unanimous consent to have printed in the RECORD a series of questions that opponents of our involvement raised, and the answers I would offer to those questions arguing for our involvement with a coalition of the willing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Providing weapons to the opposition will only "militarize" the situation in Syria further and add to the chaos there.

Our policy must be based on the reality of the situation in Syria as it is, not as we might wish it to be—and the reality in Syria today is that the conflict has already militarized. It has militarized not because of the Syrian opposition—which began last year by holding peaceful protests—but because of Bashar al Assad himself, who responded to peaceful protests by unleashing tanks, artillery, militias and attack helicopters to slaughter the Syrian people, and will keep doing so until he is stopped.

Bashar's regime has been enabled and encouraged in its campaign of violence by Russia, by Iran, and by Hezbollah. They are providing and resupplying Assad with weapons. They are providing funding to sustain his killing machine. They are providing training and instruction to Assad's forces. There are even reports that Iranian operatives are on the ground in Syria. In fact, an IRGC Quds force commander acknowledged this last week.

That is why the situation has militarized in Syria. And right now, it is not a fair fight. While Assad is being armed and resupplied by Russia, Iran, and Hezbollah, the Free Syrian Army has only light weapons to defend itself. When Senator McCain and I traveled to southern Turkey in April to meet with Syrian refugees and opposition fighters, we were told that opposition fighters were running out of ammunition. Getting communications equipment to the opposition in Syria, as the United States has pledged to do, will be helpful. But radios alone will not protect the Syrian people against tanks and helicopters.

Providing weapons and intelligence and other lethal support to the Syrian opposition therefore won't militarize the situation in Syria. The conflict already has been militarized, because of Assad. What we can do is give the Syrian people the chance to defend themselves against Assad, by providing them

with weapons. This will give the Syrian people a chance to fight back and change the military balance on the ground in Syria.

And let me add: it has been almost a year since President Obama said that Assad must go. And still he remains in power. We all agree that there will be no peace or stability in Syria as long as Assad is in charge. But there is absolutely no prospect that he will leave power until the military balance of power in Syria turns against him. As of now, Assad thinks that he is winning. The only way to change the military balance of power is to begin to provide the opposition with the means to turn the tide of this fight against him. Until that happens, Assad will stay, and the Syrian people will continue to die.

Syria is not Libya. Intervention in Syria will be much harder and more complicated.

It is true that there are differences between Syria and Libya. Syria's air defenses are far more sophisticated. The population of Syria is larger and more diverse than the population of Libya. And the opposition in Syria does not have a safe zone—although it is worth remembering that the only reason the opposition in Libya had a safe zone was because of our intervention. Had we not stepped in when we did, Qaddafi's forces would have overrun Benghazi and slaughtered the people there—just as Bashar al Assad did after the opposition briefly took over Homs and Hama and other cities in Syria. Likewise, if we were to intervene as we did in Libya, we could create a safe zone for the Syrian opposition to organize.

But here is another difference between Libya and Syria that is even more important. The stakes in Syria are dramatically higher than they were in Libya.

First, let's remember: Bashar al Assad is Iran's most important ally in the Arab world. His regime is the critical linchpin that connects Iran and Hezbollah. As General Mattis told the Senate Armed Services Committee earlier this year, the fall of Assad would represent "the biggest strategic defeat for Iran in 25 years." It would make it harder for Tehran to ship weapons to Hezbollah, including the tens of thousands of rockets that are pointed at our ally Israel. That is why the Iranians are doing everything in their power to help Assad crush the opposition and stay in power. The fight in Syria, therefore, is fundamentally about Iran. If Assad stays in power, it will be viewed by everyone in the Middle East as a huge victory for Iran, and a defeat for the United States.

Second, if things continue on their current path in Syria, it is increasingly clear that the country will descend into a sectarian civil war. The result could be a failed state in the heart of the Middle East, and the perfect environment for al Qaeda to establish a foothold. In addition, we are already seeing signs that chaos in Syria is spilling over and destabilizing Lebanon. This will likely get worse, threatening not only Lebanon but also Syria's other neighbors, including Jordan, Turkey, Iraq, and of course Israel. In short, if Syria collapses, it will be a threat to the entire Middle East, including some of our closest friends there. Add to this that the Syrian regime has one of the largest stockpiles of chemical weapons in the world.

For all of these reasons, the United States has vital national interests at stake in Syria—much more than we did in Libya. We cannot afford to let Iran prevail in Syria. We cannot afford to let Syria become a failed state with weapons of destruction that threaten its neighbors. We cannot afford to

allow Syria to become a new base for al Qaeda. And yet, in the absence of our intervention, these are precisely the outcomes that are most likely to happen.

Unlike in Libya, there is no international consensus for intervention in Syria.

Let's be absolutely clear. The United States should not act unilaterally in Syria. Nor do we need to put any boots on the ground there. On the contrary, our key partners in the Middle East have the money, resources, and territory that are needed for a full-scale effort to train, equip, arm, and organize the Syrian opposition against Assad—and they are ready to do so. What has been missing is leadership, organization and strategy, which only the United States can provide.

Senator McCain and I have personally traveled to the Middle East on several occasions this year. We have spoken to the leaders of our key partners in the region. They are ready to work with us to help the opposition. They have also said so publicly. Saudi Arabia and Qatar have called for providing weapons to the Syrian resistance. The Kuwaiti parliament has called on its government to do the same. The leader of Turkey has spoken openly about the need for establishing safe zones. Most importantly, Syrians themselves have for months been calling for international intervention, including military intervention.

Now it is true we cannot get a UN Security Council resolution authorizing military intervention in Syria. That is because of Russia and China, whose governments made clear long ago that, for their own reasons, they will veto any meaningful resolution related to Syria. There is no sign that is going to change.

But let's also remember: NATO took military action in Kosovo in 1999 without UN authorization. Then, as now, a dictator was slaughtering innocent people. Then, as now, the dictator was a close ally of Moscow, which made clear it would not allow the UN to authorize the use of force. Thankfully, this did not stop President Clinton from rescuing Kosovo. At the time, he argued, correctly, that the UN Security Council was not the sole path to international legitimacy and instead worked through NATO to save Kosovo.

The same is true today. And there is no reason why the Arab League or the Gulf Cooperation Council (GCC) or perhaps the Friends of Syria Contact Group couldn't provide the legitimacy for military measures to save Syria, just as NATO did in 1999.

Why not just let Syria's neighbors take the lead in helping the Syrian opposition? Why does America need to be involved?

It's true that many of our partners in the Middle East want to help the Syrian opposition by providing them with weapons. But they want and need America to work with them in this effort. They recognize that only the United States can provide the leadership, the organization, and the strategy to ensure that these efforts to support the Syrian opposition are successful.

That being said, I don't doubt that, in the absence of U.S. leadership, some countries in the region will try to supply the Syrians with weapons on their own. Likewise, the Syrian fighters themselves are trying to find weapons wherever they can—including through the black market and criminal networks. And can we blame them for doing so? They are in a fight for their very lives.

So the question is not whether weapons are going to flow to the opposition. The question

is whether we the United States play a role in this process, or whether we take a hands-off approach and just let the chips fall where they may. The question is, which path is more likely to allow us to protect our interests and encourage a decent outcome in Syria? Which path is more likely to be successful?

If we stand back, it is much more likely that the people in Syria who will end up with weapons will not be the people we want to see empowered. It will not be the elements in the opposition who respect human rights and reject terrorism.

By contrast, if we get involved, we will be in a much stronger position to influence the conduct of the Syrian opposition, to empower the responsible elements inside the country and sideline those on the fringes who commit human rights abuses or who have ties to al Qaeda.

The Russians can be persuaded to abandon Assad. We should focus on attention on diplomacy with Moscow, rather than aiding the opposition.

For months, the Obama Administration has told us that Russia is on the brink of changing its position and abandoning Assad. For months, we have been told that Moscow is coming around to seeing things our way. And as we've waited and waited for the Russians, thousands more Syrians have been killed, the situation inside Syria has deteriorated, and nothing has changed.

Mr. President, it is time to stop waiting for Putin. The Russians are not going to abandon Assad—especially as long as he seems to be winning on the battlefield. If there is any chance to get Moscow on board, it will only happen when the Russians realize that Assad is going to lose—and that it is therefore in their interest to work with us to hasten his departure in exchange for protecting their interests in post-Assad Syria.

Finally, let me add, even if Putin is somehow persuaded to abandon Assad, it is far from clear that he has the means to deliver. Last year, the Turkish government—which had previously been one of Assad's closest partners in the world—turned against him as the violence in Syria escalated. This had absolutely no effect on Assad, who continued his campaign of terror. The same very well could prove to be the case with Russia as well.

We don't know who the opposition is, and we should therefore be cautious before helping them.

Mr. President, we hear again and again that we don't know who the Syrian opposition is. This astonishes me. It has been nearly a year and a half since this uprising began. If we don't know who the Syrian opposition is by now, it is only because of a willful refusal on the part of the Obama Administration to find out who they are.

The truth is, we do have a good idea of who these people are. Senator McCain and I have met with them—here in Washington, in Turkey, Lebanon and elsewhere in the region. We have met the leaders of the Syrian National Council and of the Free Syrian Army. We have met with young Syrian activists who have been going back and forth into Syria. We have met with the refugees who have fled the killing fields of Hama and Homs and Deraa into neighboring countries.

So there is no great mystery here. These people are not al Qaeda. They are Syrians who are desperately trying to free themselves from a terrible dictatorship.

Now it is unquestionably true that al Qaeda is trying to exploit the situation in

Syria. They want to get a foothold there. But that is precisely why we must help the opposition. The fact is, the longer this conflict goes on, the more the Syrian people are going to be vulnerable to radicalization. And if responsible nations abandon the people of Syria, al Qaeda will stand a better chance of making inroads.

The opposition is too divided, and therefore we can't effectively help them until they unify and get organized.

It is true that there are divisions in the Syrian opposition. But it is worth remembering that the Libyan opposition also was divided. It was our intervention that helped them to unite, not least because we ensured that they had the safe zone in which to do so.

People who therefore argue that we shouldn't help the Syrian opposition until they are united have it exactly backwards. It is precisely by helping the Syrian opposition that we can unite them.

A U.S.-coordinated train-and-equip mission would provide the leverage to better unify and broaden the opposition, incorporate all of the key stakeholders in Syrian society, and influence their conduct. The benefit for the United States in helping to lead this effort directly is that it would allow us to more effectively empower those Syrian groups that share our interests and our values.

Syrian fighters who want our help must reject al-Qaeda and terrorism; refrain from human rights abuses and revenge killings; place themselves under civilian-led opposition command-and-control; and secure any weapons stockpiles that fall into their hands.

The American people are tired of war. We can't afford to get involved in another fight in the Middle East.

Mr. President, Senator McCain and I know that the American people are tired of war. But the fact is, the United States remains the leader of the world. We are the indispensable nation. And we have vital national interests in the world that we need to uphold, and we have values that we have to stand for. Everyone in the world knows that there is only one nation on earth that can stop the killing in Syria, if it chooses to do so, and that is us. And if we fail to do so, then the responsibility for that failure and that continued killing will also rest with us—just as it did with Rwanda.

Let me close, Mr. President, by asking a simple question: how many people must die before the United States puts an end to this slaughter? More than 10,000 have been killed. More than 1,000 have died just since the Annan plan was announced two months ago. How many more must be killed before we do something meaningful to hasten the end of the Assad regime?

A few days ago, the Washington Post ran a story about the parallels between the genocide in Bosnia during the 1990s, and the killing that is taking place in Syria today. The Post interviewed a 37-year old survivor of the Srebrenica massacre, who said: "It's bizarre how 'never again' has come to mean 'again and again.' It's obvious that we live in a world where Srebrenicas are still possible. What's happening in Syria today is almost identical to what happened in Bosnia two decades ago."

That is sadly true. Shame on us if we fail to stop history from repeating itself.

Mr. LIEBERMAN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask permission to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASPÉE DAY

Mr. WHITEHOUSE. Madam President, we are always wise in this Chamber to reflect with reverence and gratitude on those who risked their lives fighting to establish this great Republic. Today I would like to recognize and celebrate the 240th anniversary of one of the earliest acts of defiance against the British Crown in our American struggle for independence.

Most Americans remember the Boston Tea Party as one of the major events building up to the American Revolution. I see the pages in front of me nodding knowledgeably: Yes, I do know about the Boston Tea Party.

We learned that story of the spirited Bostonians—literally spirited Bostonians, I am told—clamoring onto the decks of the East India Company's ships and dumping those tea bags into Boston Harbor to protest British taxation without representation.

However, there is a milestone on the path to the Revolutionary War that is too often overlooked, and that is the story of 60 or so brave Rhode Islanders who challenged British rule more than a year before the Tea Party in Boston. Today I rise to honor those little-known heroes who risked their lives in defiance of oppression on one dark night in Rhode Island 240 years ago.

In the year before the Revolutionary War, as tensions with the American Colonies grew, King George III stationed revenue cutters, armed customs patrol vessels, along the American coastline to prevent smuggling and force the payment of taxes and impose the authority of the Crown. One of the most notorious of these ships was stationed in Rhode Island's Narragansett Bay. The HMS *Gaspée* and her captain, Lt William Dudingston, were known for destroying fishing vessels, seizing cargo, and flagging down ships only to harass, humiliate, and interrogate the colonials.

Outraged by this egregious abuse of power, the merchants and shipmasters of Rhode Island flooded civil and military officials with complaints of the *Gaspée*, exhausting every diplomatic and legal means to stir the British Crown to regulate Dudingston's conduct. Not only did British officials ignore the Rhode Islanders' concerns, they responded with open hostility. The commander of the local British fleet, Adm John Montagu, warned that anyone who dared attempt acts of resistance or retaliation against the

Gaspée would be taken into custody and hanged as a pirate, which brings us to June 9, 1772, 240 years ago this week.

Rhode Island ship captain Benjamin Lindsey was en route to Providence from Newport in his ship, the *Hannah*, when he was accosted and ordered to yield for inspection by the *Gaspée*. Captain Lindsey and his crew ignored that command and raced northward up Narragansett Bay—despite the warning shots fired by the *Gaspée*. As the *Gaspée* gave chase, Captain Lindsey knew that his ship was lighter and drew less water, so he sped north toward Pawtuxet Cove, toward the shallow waters off Namquid Point. The *Hannah* shot over the shallows, but the heavier *Gaspée* grounded and stuck firm.

The British ship and her crew were caught stranded in a falling tide and would need to wait many hours for a rising tide to free the hulking *Gaspée*. Spotting this irresistible opportunity, Captain Lindsey proceeded on his course to Providence and enlisted the help of John Brown, a respected merchant from one of the most prominent families in the city. The two men rallied a group of Rhode Island patriots at Sabin's Tavern in what is now the East Side of Providence. Together, the group resolved to put an end to the *Gaspée*'s reign over Rhode Island waters.

That night, the men, led by Captain Lindsey and Abraham Whipple, embarked in eight longboats quietly down Narragansett Bay. They encircled the *Gaspée* and called on Lieutenant Dudingston to surrender his ship. Dudingston refused and ordered his men to fire upon any who tried to board. Refusing to yield to Dudingston's threats, the Rhode Islanders forced their way onto the *Gaspée*'s deck, wounding Dudingston with a musket ball in the midst of the struggle. Right there in the waters of Warwick, RI, the very first blood in the conflict that was to become the American Revolution was drawn.

As the patriots commandeered the ship, Brown ordered one of his Rhode Islanders, a physician named John Mawney, to head immediately to the ship's cabin to tend to Dudingston's wound. In their moment of victory, Brown and his men showed mercy to a man loathed for his cruelty, a man who had threatened to open fire on them only moments before.

Allowing the *Gaspée*'s crew time to collect their belongings, Brown and Whipple took the captive Englishmen to the shore before returning to the despised *Gaspée* to rid Narragansett Bay of her presence once and for all. They set her afire. The blaze spread to the ship's powder magazine, setting off explosions like fireworks, the resulting blast echoing across the bay as airborne fragments of the ship splashed down into the water.

The site of this historic victory is now named Gaspée Point in honor of

these audacious Rhode Islanders. So I come again to this Senate floor to share this story and to commemorate the night of June 9, 1772, and the names of Benjamin Lindsey, John Brown, and Abraham Whipple, a man who went on to serve as a naval commander in the Revolutionary War. I do know that these events and the patriots whose efforts allowed for their success are not forgotten in my home State. Over the years, I have enjoyed marching in the annual Gaspée Day Parade in Warwick, RI, as every year we recall the courage and zeal of these men who fired the first shots that drew the first blood in that great contest for the freedoms we enjoy today. They set a precedent for future patriots to follow—including those in Boston who more than a year later would have their Tea Party.

But don't forget, as my home State prepares once again to celebrate the anniversary of the Gaspée incident, that while Massachusetts colonists threw tea bags off the deck of their British ship, we blew ours up and shot its captain more than a year before. We are little in Rhode Island, but, as Lieutenant Dudingston discovered, we pack a punch.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOBS

Mr. COATS. Madam President, I just returned from a week back home in Indiana where I had the opportunity to meet with Hoosiers from all parts of our State and on all kinds of different issues. One of the common themes that came out of my week back home was the sentiment that we just are not growing as fast as we need to as a nation in order to get people back to work.

We held a job fair in Lafayette, IN. About 2,200 people showed up at this job fair looking for work opportunities. While many walked away with job offers in hand, clearly there are not enough viable opportunities out there to get the people back to work who really want to get back to work.

As I talked to businesspeople across the State, particularly with small business owners, there was a common theme that came forward: they are very reluctant to hire. It is not that their businesses aren't improving. We have seen some significant improvement, particularly in Indiana, with some drop in the unemployment rate. But they say it is not specifically that

they don't have the work, it is that they are afraid to hire. They are afraid to hire new people because there is so much uncertainty about what their taxes are going to be, what new regulations are going to come forward, what new items are going to be imposed upon them by the regulatory authorities in Washington, DC, and by the health care reform bill which puts some new mandate on them.

To hire new employees, they say, we have to factor in all of these various uncertainties in terms of our ability to continue this business on a profitable basis. So whether it is talking to farmers in southern Indiana who are upset about the various proposed regulations affecting their businesses or whether it is manufacturers in northwest Indiana or to small business people across the State, I am hearing this repetitive response—that Washington is trying to impose too much, and there is too much uncertainty about their ability to deal with the future and make decisions about hiring.

One of the latest things we have been hearing is that the EPA is imposing significant new regulations relative to the Clean Air Act on emissions that will affect Indiana utilities in a very significant way. Another thing our businesspeople mentioned is they don't know what their utility rates are going to be in the future because of these new regulations coming out, and the utilities are basically telling them they are going to have to pay more in the future because of these new regulations.

I stand here as someone who voted for the Clean Air Act and supports the Clean Air Act. We are all for clean air. However, there are those of us who are trying to propose reasonable ways of achieving that goal without negatively impacting our ability to hire people and the ability of consumers to pay their utility bills and the ability of corporations and businesses to have reasonable rates so they can compete worldwide in producing products. They are not asking for a return to dirty skies. They are not asking for a return to dirty water. They are citizens of the United States. They breathe the same air we all breathe. What they are saying, however, is that they need a solution to the problem handled in a responsible, reasonable way, and an affordable way that gives them time to implement these regulations. There has been a lot of talk recently about two items the EPA has been imposing on the power industry, and after visiting with Indiana utilities it is clear the EPA timeline will result in more job loss and skyrocketing rates. So, again, while we all want to support clean air, doing so in a way that also keeps our people at work and keeps our utility rates at a reasonable level is not being considered by the EPA.

I joined with a Democrat, JOE MANCHIN of West Virginia, to bring forward legislation that meets the standards and meets the goals but does so in a way that gives those power-producing

utilities the opportunity and time and cost opportunity to be able to accomplish that. All we have done is just extend, in the case of one of the regulations, for 2 years, and in the case of another, for 3 years to give those utilities time to comply because the immediate compliance requirements of the EPA on these utilities means they are going to have to shut down the plants.

Some of them are in retrofit as we speak; however, that retrofit may not meet the EPA deadline. Therefore, they are asking for the right to get a waiver for an extension. That is what Manchin-Coats—Coats-Manchin—does. It provides a reasonable way of achieving the goals of clean air, but doing so in a way that doesn't have a devastating impact on our States as these regulations would do.

One is the CSAPR Rule, which deals with sulfur and nitrogen oxide emissions, and the other is called Utility MACT, which reduces mercury emissions. In particular, there is a movement underway now to remove mercury from these emissions. But if we don't do it in a responsible way, the consequences of the EPA regulations coming down hard mean closing up to six powerplants in Indiana and a skyrocketing of utility rates.

There is a particular impact on small business. Small business, as we know, provides most of the hiring and those small businesspeople don't have the backroom support to comply with all the written and required regulations that are being imposed on them. I have talked to so many people who have said instead of being out on the showroom floor, being out front at the counter, they have to be back half the time in their business complying with regulations. A hospital administrator told me of the 12,000 people under their employ, 6,000 provide care and 6,000 fill out paperwork for compliance with regulations, compliance with reimbursement, administrative costs, many of which are imposed by legislation or regulation, in most cases, that comes out of Washington.

So as we look at opportunities in the Senate to responsibly address some of these issues, in this business it is always tempting to politicize the process so that if someone doesn't immediately step up and salute the latest EPA regulation, we are harming people here or denying people there; that there are safety concerns, and we are risking harm to people and so forth. All we are asking for is a reasonable way to go forward to meet reasonable health and safety standards. What we are saying is that the surge of regulations that is pouring out of Washington upon our people and upon our businesses within the last 2 or 3 years is staggering, and it is clearly holding down growth. It is clearly holding down economic recovery. It is clearly holding down the ability of businesses to hire and put more people back to work.

So whether it is the Inhofe resolution of disapproval, which I strongly support, or any of a number of other proposals, I am going to support those. The blank check that has been given to regulatory agencies, because it is not possible for this administration to pass it through Congress as they did in 2009 and 2010 with a total majority no longer exists. Therefore, the regulatory agencies appear to have been given a blank check, and they have just run amok with regulations. So as we look at these regulations, let's take a reasonable look in terms of what we need to accomplish and in terms of providing for the health and safety of our people and what the consequences are of trying to do it in a way that jeopardizes our economic recovery and getting people back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today to speak on S. 3240, the legislation to reauthorize the farm bill. As a former chairman and former ranking member of the Agriculture Committee in the Senate, I recognize how difficult it is to combine all of the diverse interests into legislation that meets the needs of all crops, regions, and rural and urban communities that the farm bill impacts. This bill before us is no exception. I am disappointed that at this time I am not able to support this bill because of its current form.

I wish to take a moment to commend the chairman and the ranking member for their efforts in putting a farm bill together in the very difficult budget time we are in. We all understand that agriculture has to pay its fair share of deficit reduction. Frankly, for what it is worth, it is going to be at the lead of the pack when it comes to participating in deficit reduction. We are one of the first agencies out of the box to make a commitment to do so.

That being said, it is my hope that at the end of the day, I will be able to support this bill as we complete the legislative process. However, as of today, the bill is filled with inequities and is unbalanced. Contrary to statements made on this floor over the last several days, the bill under consideration seeks to place a one-size-fits-all policy on every region of the country. It works for some regions, but it does not work for other regions. Because the distribution of benefits is skewed to one particular region, it fails the basic test of fairness that we all seek in legislation that moves through this Chamber.

I believe the farm bill needs to provide an effective safety net for farmers, ranchers, and rural communities in times of deep and sustained price decline. It should also responsibly provide nutrition assistance to those in need in all parts of the country, urban and rural alike.

The farm bill initially, and remains, focused on farmers and ranchers, help-

ing them manage a combination of challenges, much out of their own individual control, such as unpredictable weather, variable input costs, and market volatility. All combined determine profit or loss in any given year. The 2008 farm bill continues today to provide a strong safety net for producers, and any follow-on legislation must adhere to and honor the same commitment we made to our farmers and ranchers across America 4 years ago.

At the same time, I believe the agriculture sector can contribute to deficit reduction, and the bill before us provides savings and mandatory spending programs. The key, though, is to do this in an equitable and fair manner throughout all titles and areas of the bill. The nutrition benefits in this bill, which are already inflated by the President's failed stimulus package, are reduced by only one-half of 1 percent, while the commodity title is cut by roughly 15 percent. By this account, it is clear that the Agriculture Committee carefully determined how best to contribute to deficit reduction to ensure an undue burden was not placed on those truly in need.

This farm bill will be my fourth as a Member of Congress, and each has had its own unique challenges and opportunities. Balancing the needs and interests of all agriculture requires patience and an open ear. It is very important that we recognize the unique differences between commodities as well as at different parts of the country.

As agricultural markets become more complex, we must be mindful that a one-size-fits-all program no longer works for U.S. agriculture. Regions are much more diverse than they ever were, and we need to recognize this diversity by providing producers with different options that best match their cropping and growing decisions.

My greatest concern with this bill is that the commodity title redistributes resources from one region to another not based on market forces or cropping decisions, but based on how the underlying program—the Agriculture Risk Coverage Program—was designed. After deducting a share for deficit reduction, certain commodities receive more resources than others, and crops such as peanuts and rice are left without any safety net whatsoever.

There are many reports illustrating the lopsidedness of this bill. Among the biggest losers in budget baseline are wheat, barley, grain, grain sorghum, rice, cotton, and peanuts. We should not convince ourselves that this is not going to have an enormous negative consequence for many regions of the country. Put simply, by making the bill too rich for a few at the expense of many it lacks balance.

Some will say planting shifts are responsible for much of the change in the budget baseline, and that is partly true. But it does not take away the in-

jury that would be inflicted on regions of the country nor does it tell the whole story. By squeezing all crops into a program specially designed for one or two crops, this bill will force many growers to switch to those crops in order to have an effective safety net. This is the very planting distortion caused by farm policy that we seek to avoid in any farm bill.

But there is another very serious problem with this bill: It is not going to be there when farmers really need it. Whether offered on an on-farm or area-wide basis, offering farmers a narrow 10-percent band of revenue protection will not provide a safety net if crop prices collapse—and we know they will. Under this bill, a farmer has an 11-percent deductible, then the next 10 percent of losses is covered, but then farmers are left totally exposed to a plunge in crop prices all the way down to the loan rate. If that happens, Congress will be asked to pass ad hoc disaster programs again. We should seek to avoid such disaster packages, and farm bills give us the opportunity to do that, not create ad hoc disaster opportunities. Crop insurance can cover the production side of the risk if you can afford to buy higher coverage, but it does not cover year-on-year low prices. Even the 10-percent revenue band the bill does cover has problems. Because the revenue guarantee is based on the previous 5 years' price and production, the guarantee is only as good as those previous 5 years. If they were bad or they become bad, the guarantee is also bad. This is not an effective safety net.

Just last week, my staff and I traveled throughout south Georgia, and we witnessed crop damages and in some cases total losses of crops which were the result of a hailstorm that occurred across a 40-mile stretch of Georgia. It is estimated that well over 10,000 acres have been damaged or totally lost. I do not see how a small band of revenue protection, provided for in this bill, that is limited to \$50,000, is helpful to some farmers who lost over \$1 million in one field. The ARC proposal in this bill is simply not an effective safety net.

Members have come to the floor championing the commodity and crop insurance programs included in the bill, as well as stating that we were solving the problem with commodity programs by eliminating direct payments. I have seen quotes in the press criticizing southern commodities, stating we are too closely tied to direct payments.

Well, let me be very clear. I have never been a fan of direct payments, and back in 1996, as a Member of the House, I supported a much different proposal. Let me also state clearly that from my point of view, direct payments were always difficult to defend and we needed to find a different way to provide a safety net, while doing it in a

fiscally responsible way. Southern growers have not asked for direct payments at any time during the current discussions. My criticism stems entirely from the fact that this farm bill shoehorns all producers into a one-size-fits-all policy. Producer choice based on a producer's inherent risk is the better course to follow.

The University of Georgia's National Center for Peanut Competitiveness evaluated the ARC Program, which is the fundamental safety net that is provided for in this farm bill, and they determined that it is of little utility to peanut producers. The center has a database of 22 representative farms spread throughout Oklahoma, New Mexico, Texas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia. Based on the analysis provided, this farm bill does not provide the same level of protection as for midwestern growers who will be growing corn and soybeans. That is a fact.

I want to work with the chair and ranking member with respect to trying to make the bill more balanced and more equitable, but, frankly, all of our offers to this point in time have been rejected. Peanut producers have offered no proposal that includes direct payments, yet they are labeled as "unwilling to change from the status quo." The ARC Program is not new; it is a derivative of a program in the 2008 farm bill that experienced low participation. In fact, when producers had a choice, they chose something other than this type of program.

In spite of all this, I should point out that this bill includes a new program for cotton that complies with our international commitments and will show our trading partners that we will abide by our international agreements.

As chairman and ranking member of the Agriculture Committee, I committed to finding a solution to the WTO Brazil case. I authored legislation in 2005 and again in 2008 that made significant changes in the cotton and export programs to bring us into compliance with our international commitments. We eliminated the Step 2 program, we reformed the cotton marketing loan program, and reduced the cotton countercyclical program unilaterally and in good faith.

We find ourselves again reforming the cotton safety net with what is called the Stacked Income Protection Plan for users of upland cotton, or the STAX program. The program in this bill is a significant departure from what is available to other covered commodities and puts us down the path of resolving the WTO dispute with Brazil. My hope now is that our Brazilian friends engage in a real and meaningful way and we can put this issue behind us.

At the end of the day, let's remember, the reason we are here is to rep-

resent the hard-working men and women who work the land each day to provide the highest quality of agricultural products in the world. I believe we have the opportunity to pass a bill that can be equal to their commitment in providing food, feed, and fiber that allow us to continue to be the greatest producer on the Earth.

Right now, this bill lacks the commitment and strength of those it was designed to support. I do not intend to impede the movement of the farm bill that, if repaired through an open amendment process—of which we have been assured at this point—has the potential of providing for all of America.

Farm bills are complex. They always consume a lot of floor time. But the farm policy is also very important. I look forward to the forthcoming debate over the next several days and weeks and, at the end of the day, to hopefully having a true, meaningful, and balanced farm bill that will provide producers an equitable opportunity of a safety net and at the same time continue to provide the world with the safest, most productive, and highest quality agricultural products there are today.

With that, Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

MAJORITY CONTROL OF SENATE AGENDA

Mr. THUNE. Madam President, earlier today the majority leader and the majority whip came to the floor to decry and denounce, attack Republicans for what appeared to be literally everything bad that has happened in the world in the last several years, to the point you have to ask yourself, do they really believe what they are saying? They came down here to talk about how Republicans are blocking this, are blocking that.

I think it is important to point out that now for the past 6 years, the Democrats have been the majority party in the U.S. Senate. In fact, for 2 of those years, they had a filibuster-proof, 60-vote majority in the Senate. Filibuster proof—literally, they could do anything they wanted to in the Senate. They had a majority in the House of Representatives, and, of course, they got the Presidency.

If you look at the volume of the legislation that was produced at the time, most of the things that were accomplished with the 60-vote, filibuster-proof majority were things the American people disagreed with—I think as evidenced now by what you see in terms of public opinion polling about the health care bill. Most people disagree with the individual mandate that was included in that legislation and disagree generally with many of the provisions in the bill.

But my point very simply is, for a period of time, the Democrats literally had the run of the tables here in Wash-

ington, DC, as we know it—a filibuster-proof, 60-vote majority in the Senate, a majority in the House of Representatives, and the Presidency—yet they come down and decry Republicans as being responsible for all the things that have or have not happened here in the Senate.

One of the things they point out is that there is this intent by Republicans to continue to filibuster legislation. I would argue that nothing could be further from the truth. In fact, everybody knows that in the Senate the majority leader is the person who is first to be recognized on the Senate floor, which allows him to use that power to offer a series of Democratic amendments to pending legislation in a way that prevents Republicans from offering their own ideas. It is called filling the tree—sort of a term of art that is used around here in the Senate. But filling the tree essentially is what the Democratic majority leader has the opportunity to do because he has the power of recognition and he can fill the amendment tree and prevent the Republican amendments from being offered and voted on.

Now, interestingly enough, Majority Leader REID once insisted that this practice "runs against the basic nature of the Senate." Let me repeat that. Majority Leader REID once insisted that filling the amendment tree "runs against the basic nature of the Senate." But by the way the Senate operates today, it is pretty clear that he has abandoned that assessment.

According to the Congressional Research Service, the CRS, Majority Leader REID has employed this tactic a record 59 times. He has used it to block minority input into legislation 50 percent more often than the past six majority leaders combined. I think that is worth repeating. This majority leader has used the filling-of-the-tree procedure 50 percent more often than the past six majority leaders combined. So the only option the minority is left with under that scenario is to basically try to get votes on amendments and to work with the majority, in which case the majority says: No, we are not going to give you any amendments; we have filled the tree. So a cloture motion is filed, and we end up having a vote on cloture.

What we have seen repeatedly now is the Senate sort of break down into this state of dysfunction simply because the majority does not want to make tough votes on amendments. We have seen this over and over and over again. As I say, it is historic and unprecedented in terms of the number of times it has occurred in the U.S. Senate.

I would also suggest that the real reason, probably, that we do not have votes on amendments and that the filling of the tree is used repeatedly is because Members on the other side do not want to make the hard decisions, do

not want to cast the tough votes. I think that is evidenced as well by the fact that for 3 years in a row now, we have not had a budget in the Senate.

If there was a real interest in solving problems, you would think the majority—again, which has the responsibility to put a budget on the floor—would bring a budget to the floor that would set a direction for the future of this country and ask the Members of the Senate to vote on it, to vote on amendments, to have an opportunity to say to the American people: This is how we would lead the country. That has not happened now for over 1,100 days, for the past 3 years.

Now, Republicans are ready and willing to work with the majority, as we have evidenced on many occasions. In fact, we are going to debate, this next week, farm bill legislation—something for which there is bipartisan support in the Senate.

I would argue that there are many things we would like to see done. We would love to have an opportunity to vote on extending the tax rates that are in effect today—which is something that even President Clinton in the last few days has come out in support of—because we know—everybody here knows—we are facing this fiscal cliff. It could be very dangerous to our economy if steps are not taken to prevent and avoid that. And we would be more than willing to work with the majority on extending the tax rates to give some certainty to our job creators and our small businesses.

We would also like to work with them on the sequester that is going to happen at the end of the year, in redistributing those cuts in a way that does not completely decimate our national security budget.

There are lots of things the Republicans are ready to work on with our colleagues on the other side when it comes to trying to grow the economy and create jobs. But, frankly, we believe it is important that we at least have an opportunity to get amendments debated and voted on. That simply has not happened, as I pointed out by the number of times the majority leader has filled the tree.

So I am not suggesting there is not plenty of blame to go around in Washington for the state of the situation we are in. All I am simply saying is that for the majority leader to come down here and suggest that somehow Republicans are responsible for gridlock here in the U.S. Senate is a complete denial of reality and a denial of the facts.

As I said before, they had a period here for a few years where they had the complete run of the place. They had a 60-vote, filibuster-proof majority in the Senate, a majority in the House of Representatives, and the Presidency, enabling you to do literally anything you wanted to do. They still have the majority in the U.S. Senate, the ability to

control the agenda and to determine what does and does not come to the floor, what amendments are allowed, and the use of the filling of the tree in an unprecedented way. It is pretty clear to me that to suggest for a moment it is Republicans who are attempting to slow things down around here or keep the majority from working its will is completely contrary to the facts and the reality, as I think most Senators—all Senators, I think—know.

I know my colleague from Wyoming is someone who is somewhat new here, but he has been here long enough now to have seen many times where the majority has prevented the minority from actually offering amendments, getting votes on amendments on the floor of the Senate. I would just suggest to him and allow him to make some observations with regard to this subject as well because it strikes me, at least, that he and I both—and many of our colleagues—are very interested in working with the majority on things that would actually put people back to work, get our economy growing again.

We would love to have that opportunity.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I would just like to comment on that. Because it does not matter how long one is here, all we need do is pick up the newspaper or pick up the National Journal. I agree with my colleague from South Dakota.

At the beginning of this year, the National Journal, big article, picture of the majority leader, and the headline is: "Reid's New Electoral Strategy." "Forget passing bills" is the subheadline. "Forget passing bills. The Democrats just want to play the blame game in 2012."

That is exactly what we saw this morning on the floor of the Senate. This is not some piece of fiction. This is something that actually the majority leader told 40 Democrats from the House about his goal, his intentions for the 2012 year in Congress. It goes on to say:

Working with the White House, Senate Democrats are applauding a 2012 floor agenda driven by Obama's reelection campaign. . . .

It goes on.

Senate floor action will be planned less to make law—

We have 8.2 percent unemployment, and this party admits—the leader admits in this piece the Senate action will be planned less to make law—than to buttress Obama's charge that Republicans are obstructing measures. . . .

That is what their goal is? That is a year's plan, as outlined to Democrats in the House from the majority leader.

It goes on to say:

. . . Democrats will push legislation that polls well and dovetails with Obama's campaign. . . .

With 8.2 percent unemployment, that is not polling so well. With the New York Times reporting today that over two-thirds of Americans want to find that the health care law is unconstitutional—New York Times, two-thirds of Americans, unconstitutional health care law. That is what the people are saying.

Nothing this President and this administration and the Democrats are doing is polling very well. We ought to look back at the history of this great institution. The Senate is a unique legislative institution. No matter who the majority is, it is designed to guarantee the minority party, and therefore a large block of Americans whom it represents, that that party has a voice.

Traditionally, this body functions well when the majority party works to find consensus with the minority party on the process and the substance of legislation—consultation, compromise, and both parties working together. Historically, that has been the rule, not the exception, as we have seen in recent years.

I sit here and look at the seat, the empty seat a couple rows ahead of me and off to the other side of the aisle where Robert Byrd sat.

Senator Byrd understood the importance of allowing for a full debate and amendment process in order to preserve the Senate as a unique institution in our democracy—"the one place in the whole government where the minority is guaranteed a public airing of its views." The Senate, he taught, "was intended to be a forum for open and free debate and for the protection of political minorities." Indeed, "as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure."

I would say allowing the minority to debate and amend legislation has given way to what we see now as Democrat's election-year political strategy of blaming Republicans as obstructionists. The minority and the majority need to work together. Majority Leader REID has done all these things in terms of the strategy and the blaming by preventing Republicans from amending pending legislation, ending debate before it starts, and bypassing the committee process.

He has made a habit of squelching the voice of the minority by curtailing its ability to amend legislation. The majority leader is always the first to be recognized on the Senate floor. He can use that power to offer a series of Democratic amendments to pending legislation in a way that prevents Republicans from offering any of their ideas. It is called filling the tree.

How often does it happen? Let's think first about the history. The majority leader once insisted that this practice of filling the tree, he said, "runs against the basic nature of the

Senate." By the way the Senate operates today, however, it is clear he has abandoned that previous assessment.

According to the Congressional Research Service, Majority Leader REID has employed this tactic a record 59 times. He has used it to block minority input in legislation 50 percent more often than the past five majority leaders combined. The minority's only option, under these circumstances, is to oppose ending debate on legislation known as invoking cloture in order to convince the majority to allow it to offer amendments to legislation and thereby represent the interests of their constituents.

This is a very bad practice. When one takes a look at Congress after Congress, whether it was George Mitchell, Bob Dole, Trent Lott, Tom Daschle, Bill Frist, combined, here we have Senator REID 50 percent more than all the others combined.

So here we are. We have come to the floor of the Senate to respond to what we heard from the majority leader this morning about obstructionism, and what do we see? It is just a page from the majority leader's playbook of the electoral strategy for 2012 from the leader of the majority. Forget passing bills, the Democrats just want to play the blame game in 2012. That is exactly what we saw today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE HIGHWAY BILL

Mrs. SHAHEEN. Mr. President, actually, I am not here to play the blame game. I am here to talk about a place where we in the Senate have found real bipartisan consensus. It is an issue that is critical to us in the State of New Hampshire and to all the Senators because, in 23 days, our country's surface transportation programs are going to shut down unless Congress can come to an agreement on critical legislation.

Nearly 3 months ago, 74 Senators voted to pass a measure that would reauthorize these programs through the end of fiscal year 2013, providing much needed certainty to our States and to private industry. In this Chamber, Senators from vastly different ideologies were able to lay aside those differences and come up with bipartisan ways to pay for this bill, to streamline Federal programs, and to make our transportation investments more efficient, so we spend less on overhead, more on roads and bridges and other transportation projects.

This process was not easy, as everyone remembers. It required compromise from both sides to ensure that we could put together legislation that would bring America's transportation policies into the 21st century. But if JIM INHOFE from Oklahoma, the ranking member on the Environment and Public Works Committee, and BARBARA BOXER, the chair of that committee,

can come together and figure out how to put together a transportation bill, there is no reason why our adjoining body over in the House cannot do the same thing.

I have been very disturbed by recent news that the House is less interested in finishing this bill than in approving a host of unrelated policies. There is a time and a place for us to consider whether some of the amendments that have been proposed on the Transportation bill in the House, such as whether coal ash should be regulated as a hazardous material, but the Transportation bill is not one of those places.

We need to focus on policies that will encourage the types of investment in our highways, in our railroads, in our bridges that put Americans back to work and spur economic growth. We just heard the unemployment rate went up slightly for the last month. We have legislation pending that came out of the Senate that would put people back to work.

Every billion dollars we spend in transportation funding puts 28,000 people to work, and we have the House fiddling while construction workers all over this country are out of work. The conference committee needs to focus on transportation policies that will reduce congestion, that will create jobs, and that unleash economic development.

We have a project similar to that in New Hampshire. It is one of our most important roads. It is the corridor that goes from our largest city of Manchester down to the border with Massachusetts. It has too much traffic on it today. It is a safety concern. We need to finish this road. We are being held up from doing that because of the failure of the House to be willing to go along with what the Senate did and reach agreement.

Our Department of Transportation in New Hampshire has said that work on just a single portion of this highway, Interstate 93, will put to work 369 people in the construction industry, which is still struggling. That is the industry in this country that still has the biggest impact from this recession. Last year in Nashua and Portsmouth, NH, construction employment declined by 7 percent. Job creation in that industry remains stagnant in New Hampshire and nationwide and we need this legislation to get these folks back to work.

It is not only construction jobs that depend on Federal investments in transportation; it is our economy as a whole. The deteriorating condition of America's infrastructure, its roads, its railroads, its bridges, costs businesses more than \$100 billion a year in lost productivity, and this is a bill that a broad coalition of people are behind. Both the AFL-CIO and the U.S. Chamber of Commerce agree that we need transportation legislation.

Despite the importance of this spending to American workers and busi-

nesses today, the House plans to vote on a motion to cut Federal transportation investment by one-third. The Federal Highway Administration found that cutting funding so severely would put 2,000 people in New Hampshire alone out of work, one-half million people in the country out of work.

This is a time when we should be creating jobs, not destroying them. Cutting funding at this time would be so shortsighted. Brazil, China, and India are all spending about 9 percent of their GDP per year on infrastructure, roads, bridges, public transportation. What we are spending in the United States is roughly 2 percent. That is half of what we were spending in the 1960s when there was real bipartisan support for policies from both President Kennedy and President Dwight Eisenhower to invest in projects such as our Interstate Highway System.

Both Republicans and Democrats agree that investment in our Interstate Highway System was one of the best decisions in our Nation's history. Members of both parties need to come together as we have for decades and focus on reasonable bipartisan policies that will end the uncertainty that States and private industry are facing when it comes to our transportation legislation.

On June 30, it will have been 1,000 days since our last Federal Transportation bill expired. Congress needs to come together now and pass a transportation reauthorization bill before we get to the end of those 1,000 days.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak in support of the farm bill which is now before the Senate. As a member of the Senate Agriculture Committee, I worked, together with my fellow committee members, on a bipartisan basis to put forward what we believe is a sound farm bill for this country. We passed the bill out of committee on a strong bipartisan vote, 16 to 5. So it comes to the Senate floor for deliberation. The bill is entitled "The Agriculture, Reform, Food and Jobs Act of 2012."

I would like to begin with just a simple question. Why is the farm bill so important? Why is the farm bill so important? I think the first chart I have sums it up. This is the most important point I will make today. I am going to begin and I am going to conclude my comments with it as well. U.S. farmers and ranchers provide the highest quality, lowest cost food supply in the world. Our farmers and ranchers today provide the highest quality, lowest cost food supply in the world.

Not only do they provide the highest quality, lowest cost food supply in the world, but in the history of the world. That is vitally important to every single American. So when we pass a farm

policy that supports our network of farmers and ranchers throughout this great country, we are doing something that makes a fundamental difference every day for every American and for millions of people beyond our borders.

There are other aspects to the farm bill that are very important as well. For example, we have a tremendous number of jobs in farming and ranching across this country—every State in this country, throughout our heartland and beyond. There are not just direct jobs in farming and ranching but there are indirect jobs, from food processing to retail, to transportation, to marketing—you name it. We could say it is an incredible jobs bill, which it is. There is no question about it. When we provide a good, sound, solid farm program for our farmers and ranchers, we are also very much passing a jobs bill as well.

We can also talk about it in terms of a favorable balance of trade. The United States has a deficit in its trade balance, but agriculture has a positive balance of trade. We export millions in food products all over the world to feed hungry people, and it generates a positive return for this country in a big way.

We can talk about it in terms of national security. Think about how important good farm policy is for national security. We produce not only the food we need, but far more than the food we need for our citizens, we provide food for many citizens in other countries as well. Think about the national security implications if we had to depend on other countries for our food supply—maybe even countries that don't necessarily share our interests or values, which is currently the case with energy. We certainly don't want to be in that situation when it comes to feeding our people. So it is truly an issue of national security. We want to be in the position to make sure we have farmers and ranchers who will supply not only the food we need in this country but food that people consume in many countries throughout the world.

For all those reasons this is an incredibly important bill. It is not just incredibly important to farmers and ranchers, it is incredibly important for every single one of us—for all those reasons and more.

The second point I want to make is this farm bill is cost-effective. It is not only cost-effective, but we provide real savings to help to reduce the deficit and the debt. It provides strong support to our farmers and ranchers, but it does it the right way. It does it in a way where we provide savings that will go to reduce the deficit and debt. Our farmers and ranchers are stepping up and not only doing an amazing job for this country in terms of what they do in food supply and job creation, but they are helping meet the challenge of our deficit and debt as well.

The second chart is an example of what I am talking about in terms of the farm program being cost-effective. I will use this and several other charts to go into the actual numbers to show that the farm program—particularly this bill we have crafted—is not only cost-effective, but it provides real savings as well. At the same time, it provides enhanced support for our farmers and ranchers throughout the country.

Looking at the chart, if you think of the total Federal budget as this cornfield, the portion that goes to the farm bill would be similar to this ear of corn out of the cornfield. If you think of the total cornfield as the Federal budget, the farm bill would be about one ear of corn. The portion of the farm bill that goes to farmers and ranchers to support what they do would be one kernel of corn out of the entire cornfield. To put those numbers into perspective—and these are analyzed numbers—you are talking about Federal spending of about \$3.7 trillion, in that range. You are talking about a farm bill that, on an annualized basis, is about \$100 billion. So it is \$100 billion out of \$3.7 trillion. Then if you talk about the portion that actually goes to support farmers and ranchers and support that network, you are talking about less than \$20 billion out of \$3.7 trillion. That is why I use this frame of reference.

If we go to the next chart, we will go into some of the numbers and how that funding is broken out in the farm bill itself. This pie chart shows the CBO scoring. Of course with any legislation you need the CBO scoring that shows the actual cost. We try to do that in a consistent way across all of the legislation we pass. CBO uses a 10-year scoring period. On that basis, this entire pie, the farm program score, over a 10-year period is \$960 billion. Of that, almost \$800 billion is nutrition programs. Almost 80 percent goes to nutrition. I mean by that, primarily SNAP, nutritional assistance payments, or food stamps. So nutrition programs comprise 80 percent of the total cost in the farm bill.

Only about 20 percent actually goes for farming and ranching, for farm programs, and for conservation. So in the scoring, that is only about \$200 billion. We know the bill is not a 10-year bill, it is a 5-year bill. So the actual cost is \$480 billion, or half of the score. That means approximately \$400 billion goes for nutrition programs, food stamps, and so forth; and less than \$100 billion goes for farm programs and conservation programs. So we are talking about an annual cost of this farm program—a program that supports farmers and ranchers who feed this country and much of the world—of about \$20 billion—actually less.

Let's go to the next chart on how the program actually provides savings, how farmers and ranchers are providing real

savings for deficit reduction in this country. This bill saves more than \$23 billion—\$23.6 billion is the savings generated by this farm bill; \$15 billion comes from the farm programs themselves; \$6 billion comes from conservation programs; only about \$4 billion comes out of nutrition programs. So 80 percent of the cost in the bill is nutrition programs, which is \$400 billion over 5 years. Only \$4 billion comes out of the nutrition programs; close to \$20 billion comes out of the agriculture portion of the bill. Going back to my prior chart, if you go back to the crop insurance provisions and commodity, which comprise the farm support network, that is about \$150 billion in the CBO scoring. Remember, I said \$15 billion comes out of that \$150 billion. My point is that 10-percent reduction. So farmers and ranchers are stepping up in the farm bill and saying, OK, we are going to help meet the deficit and the debt challenge. They are, in essence, taking 10 percent less.

Think about that, if throughout all aspects of the Federal budget everybody stepped up the way farmers and ranchers are in this legislation and said, OK, here is a 10-percent reduction we are going to take to help get the deficit under control and the debt under control. My point is, very clearly, in this legislation we have real savings, and that savings is being provided by our farmers and ranchers.

At the same time—this is my third point, and it is very important—this farm bill provides the kinds of support our farmers and ranchers need by providing the risk management tools our farmers need. This farm bill provides strong support for our farmers and ranchers, and it does it the right way. It does it right, with sound risk management tools. What are those risk management tools? I have them here on the chart. It enhances crop insurance. Second, a new Agriculture Risk Coverage—or ARC—Program. It includes also reauthorization of the no-net-cost sugar program. It improves and extends the livestock disaster assistance program. These are the kinds of risk management tools our farmers and ranchers have asked for. They are cost-effective and a market-based approach. They provide the sound, solid safety net our farmers and producers need to continue to produce the food supply for this country.

I will go into more detail on the next chart on crop insurance. As I travel around the State, and as myself and others who are members of the Agriculture Committee travel the country, one thing our farmers and ranchers say to us over and over again is that they want enhancements to crop insurance. We worked on the safety net for our farmers, and as we worked on the tools for them, they said the heart of the farm bill needs to be enhanced crop insurance. That is exactly what we have

done with this legislation. That is the heart of the bill.

Enhanced crop insurance involves a number of things. First, farmers can buy individual crop insurance, and do buy it, at whatever level they deem appropriate. They look at their farm operation and decide how much crop insurance they are going to buy to cover that farm operation. But as they insure at higher levels, the cost to buy that insurance gets more and more expensive. One of the things we tried to do in terms of enhancing crop insurance is figure out how we can help insure at a higher level at an affordable price. That is one of the new innovations. It is called the supplemental coverage option, or SCO. It enables farmers to insure or cover their farming operation at a higher level, but still at an affordable price.

The way it works is, the farmer buys his normal, individual, crop insurance that he would normally purchase. But then, in addition, on a countywide basis, he can buy supplemental coverage, with the supplemental coverage option, on top of his existing insurance. If he typically insures up to, say, 60, 65, or maybe a 70-percent level, he can buy additional insurance on top of his regular policy at a reasonable premium. His regular policy is an individual, farm-based policy, and this is a county-based policy that provides additional coverage at a reduced rate—again, management tools on a market-based approach to cover their farming operation.

The second innovation on the next chart is a program called Agriculture Risk Coverage, or ARC. Very often, farmers—obviously, one of the challenges they face is due to weather. When they face weather challenges, oftentimes we can get in a wet cycle or a dry cycle. So the problem they have with weather may not be limited to one year. You may have a number of years where they face real weather challenges.

In addition, what may happen is that it may trigger losses in their farming operation that are not severe enough to trigger their regular crop insurance, but still cause them losses. You can have repetitive or shallow losses. Over time, those can make an incredible difference in terms of farmers being able to continue in farming and continue their operation. We add shallow loss coverage, or the agriculture risk coverage, to help them protect against these repetitive losses, which they often face due to weather conditions. That is the agriculture risk coverage. It covers between 11 and 21 percent of historical revenue.

How do you calculate that percentage? That is a 5-year average—the last 5-year average—based on price and yield, the revenue they generate on their farming operation. You take out the high year and the low year, and

you average the other three. The way it works is, when you have a year where the farmer's crop insurance may not trigger, they still have help when they have a loss, but a loss that may not trigger on their crop insurance. In other cases, it works with their crop insurance to make sure they are adequately covered so they can continue their farming operation. Again, an enhanced risk management tool, cost-effective, focused on a market-based approach to make sure our farmers and ranchers have the coverage they need to continue their operation.

One other point I want to make in wrapping up is that this bill also continues strong support for agricultural research. Agricultural research is making a tremendous difference for our farmers in terms of what they are doing to increase productivity. Obviously, we all know technology has done amazing things to help productivity. But at the same time, agricultural research has made an incredible difference in not only food production—productivity when it comes to food production—but energy production as well.

So that is it. That is how this legislation works. It provides strong support to our farmers and ranchers. It provides that support on a cost-effective basis. The bill emphasizes a market-based approach, focused on crop insurance, which is exactly what producers have told us they want. At the same time, this legislation provides real savings—\$23.6 billion—to help reduce the Federal deficit and the debt. It is bipartisan, and it received strong committee support.

I know some of our southern friends are still looking for more help with price protection, and we are working with them. It is likely the House Agriculture Committee will seek to do more in that area as well. But this is legislation that we need to move forward. This is legislation that supports our farmers and our ranchers the right way as they continue to provide—and I am going to go back to my very first chart—support our farmers and ranchers as they provide the highest quality and the lowest cost food supply for every single American.

As I said, this is where I started my comments, and this is where I will conclude. When we are talking about a farm bill, we are talking about something that is important to every single American—every single American. We do it the right way here, and I ask all of my fellow Senators on both sides of the aisle—we worked together in a great bipartisan way in the committee—to work together in a great bipartisan way on the Senate floor and pass this bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE COST REDUCTION ACT OF 2012

Mr. HATCH. Mr. President, today the House of Representatives will vote on the Health Care Cost Reduction Act of 2012. I want to say a few words about that bill, which repeals two of the more counterproductive of the many components of the President's health care law.

Specifically, it repeals the restrictions on the use of FSAs and HSAs in the purchase of over-the-counter medications, as well as the medical device tax.

I want to thank my colleagues in the House for advancing this legislation. Repeal of the onerous OTC restrictions and the device tax are priorities of mine as well. I have introduced legislation that specifically repeals the medical device tax, and my bill—the Family and Retirement Health Investment Act—includes the repeal of the limitations on the purchase of over-the-counter medication.

Others in the Senate, including my friend and colleague Senator HUTCHISON, have also been working to repeal the OTC restrictions. My friends from Massachusetts and Pennsylvania, Senators BROWN and TOOMEY, have been strong advocates for repeal of the medical device tax. I appreciate working with them and all Members who are committed to the repeal of the President's health care law.

I appreciate the hard work of Chairman CAMP and Speaker BOEHNER in moving the Health Care Cost Reduction Act through committee and onto the floor. I also want to thank, in particular, my friend Congressman ERIK PAULSEN of Minnesota for his hard work. We have partnered on both the OTC repeal and the medical device repeal, and he has been tireless in fighting not only for his constituents but for all Americans who are burdened by these misguided policies.

Despite some weak protestations to the contrary from the White House, neither of these provisions serve any health policy purpose. They exist for one reason: to bankroll the \$2.6 trillion in new spending that is the real soul of ObamaCare. There is no good that can come of ObamaCare. The bad and ugly are plenty, however.

The restriction on the purchase of over-the-counter medications—what some have called a medicine cabinet tax—inconveniences patients and busy families, increases burdens on primary care providers, reduces patient choice, and may actually increase health care utilization and spending. So much for bending the cost curve down.

The medical device tax, in addition to harming patients, is a job killer at a

time when our country needs all the good jobs it can get. Together, they are also clear violations of the President's pledge not to raise taxes on families making less than \$250,000 a year.

With respect to the restrictions on the purchase of over-the-counter medications, ObamaCare now requires the holders of health savings accounts and flexible spending arrangements to obtain a physician's prescription before using those accounts to purchase over-the-counter medicine. In some respects, this policy, more than any other, represents the incredible arrogance and wrongheadedness of the President's signature domestic achievement.

When President Obama and his allies touted the virtues of this law, they mentioned increased access and lower costs. Yet to pay for the law's coverage expansions, they included this medicine cabinet tax, which will do nothing but burden medical providers, undermine access to health care, and increase costs for patients and businesses.

It is worth noting that in yesterday's Statement of Administration Policy announcing President Obama's opposition to the House bill, they did not even describe this provision in detail, much less defend it. It seems clear to me the administration is embarrassed by this tax on patients, and they should be.

A study from the Consumer Health Products Association determined that 10 percent of office visits are for minor ailments, and 40 million medical appointments are avoided annually through the self-care enabled by over-the-counter drugs.

According to a study by Booz & Company, the availability of these over-the-counter medications saves \$102 billion annually in clinical and drug costs. Yet ObamaCare deliberately restricts their availability.

With respect to the medical device tax, we all know how bad this tax policy is. I am sure the President knows how bad this policy is as well, but he and his allies continue to defend it. Beginning next year, ObamaCare imposes a tax on the sales of medical device makers—not the profits, the sales.

With this excise tax, even unprofitable firms will be responsible for a 2.30-percent tax on sales of their devices. It is difficult to overstate the damage to patients and our economy this tax will wreak.

According to one analysis, this ObamaCare tax will kill between 14,000 and 47,000 jobs. We wonder why we are having trouble with unemployment. According to another analysis by Benjamin Zycher, it will reduce research and development by \$2 billion a year. The resulting collapse in innovation will undermine care for not only the elderly but all patients. Zycher has determined that the effect of this tax will

be 1 million life-years lost annually—one million life-years lost annually.

Between 1980 and 2000, new diagnostic and treatment tools, such as improved scanners, catheters and tools for minimally invasive surgery, helped increase life expectancy by more than 3 years. Medical devices helped to slash the death rate from heart disease by a stunning 50 percent and cut the death rate from stroke by 30 percent.

From 1980 to 2000 the medical device industry was responsible for a 4-percent increase in U.S. life expectancy, a 16-percent decrease in mortality rates, and an astounding 25-percent decline in elderly disability rates, according to a study by MEDTAP International.

Why on Earth would anyone vote for a targeted tax on an industry that provides such enormous value and security to patients?

For those who vote against repealing this tax today and stand against its repeal in the Senate, it is worth recalling last week's jobs report. In the month of May, our economy created only 69,000 new jobs. That is, frankly, pathetic. It is barely keeping up with population growth, much less digging us out of our jobs deficit.

I think there is little doubt the mere threat of this tax on medical devices is contributing to these paltry numbers. In other words, this tax is undercutting a key industry, creating deep uncertainty, and hindering job creation.

Since President Obama signed this tax into law, the dollar amount of venture capital invested has declined more than 70 percent. The \$200 million raised last year is the lowest level of medical device startup activity since 1996.

This industry is one of the engines of our economy. According to the Lewin Group—a highly respected group—the medical technology industry contributes nearly \$382 billion in economic output to the U.S. economy every year. In 2006, it shipped over \$123 billion in goods, paid \$21.5 billion in salaries to 400,000 American workers, and was responsible for a total of 2 million American jobs.

It pays its employees on average \$84,156—that is 1.85 times the national average—and more than 80 percent of medical device companies are small businesses employing 50 people or less. Yet this is the industry President Obama decided to target? This is the industry every Senate Democrat voted to tax when ObamaCare passed the Senate?

There are over 120 medical device companies in my home State of Utah alone. Let me tell you, they know what is going to happen if this tax goes into effect, and it is not going to be pretty. I think the President must know this. He and his advisers must know what a disaster the medicine cabinet tax and the medical device tax are as both fiscal and health policy. But yesterday they doubled down on it. Their State-

ment of Administration Policy threatened a veto of the House bill. It is clear to everyone that the USS ObamaCare is a sinking ship, but the President seems committed to going down with it.

ObamaCare needs to go. All of it. The law created a web of unconstitutional, misguided, unrealistic, and costly regulations, taxes, fees, and penalties. That web must be pulled down in its entirety, whether by the Supreme Court, or by a Republican Congress and President Romney.

There are few policies more emblematic of that law's failures than the medical device tax and restrictions on the purchase of over-the-counter medications, and I commend my friends in the House for repealing them today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COONS pertaining to the introduction of S. 3275 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, since we are talking about farm legislation as well as nutrition legislation, I think I should be very transparent when I talk about this and talk about my background and lifetime in farming. I don't want to say something about farm bills and then have people who don't know where I am coming from find out later that I am a farmer and might benefit from some of the farm programs. So in the vein of transparency and accountability, I will just say that since 1960, when my father died, I have been involved in farming. Since 1980, I have been involved with my son Robin renting my farmland, farming with what we call in Iowa 50-50 farming. Others might call it crop share. Basically, that means that he and I are partners, and I pay for half the expenses, and I get half of the crop to market, and he gets the land rent-free. When you are crop-sharing or when you are 50-50, that means I am not an absentee landowner collecting cash rent, that I have risks. With risks, you assume that maybe you might get a crop or not get a crop, and if you don't get a crop, you don't get your rent as a landlord. It is the same for my son. He has risks as well. If he doesn't get a crop, he won't have to pay rent, but he isn't going to have anything to live on if he doesn't have a crop. So that is kind of the situation I have been in since 1960 when I was farming on my own and then in partnership with my son.

In the last 7 or 8 years, we have had a grandson, Patrick Grassley, who is a

member of the State legislature, join our farming operation, and what I found out, with having a grandson in the farming operation, they don't have a lot of work for a grandfather to do. So last year about all I did was fall tillage with what we call in Iowa chisel plowing.

With that background, I want to go to my statement.

Growing up on my family farm outside of New Hartford, IA, where I still live today, I grew to appreciate what it means to be a farmer. The dictionary defines a farmer as "a person who cultivates land or crops or raises animals." But that definition doesn't come close to fully describing what a farmer is. Being a farmer means someone willing to help a cow deliver a calf in the middle of the night when it might be 5 degrees outside. A farmer is someone who is willing to put all of their earthly possessions at risk just to put a bunch of seed in the ground and hope the seed gets rain at just the right time. Farmers work hard cultivating their crops and get the satisfaction of seeing the result of their hard work at the end of each crop season. They take great pride in knowing they are feeding this Nation. A farmer in Iowa produces enough food to feed 160 other people. So obviously we export about one-third of our agricultural production.

Farmers tend to be people who relish the independence that comes with their chosen profession. They are people with dirt under their fingernails, and they also work very long hours. Often they are underappreciated for what they do to put food on America's dinner table, and they receive an ever-shrinking share of the food dollar.

At this point, I would speak about a fellow Senator. I won't name the fellow Senator, but he is from an urban State.

Throughout our years of service here, I like to say to him: Do you know that food grows on farms?

And he says: Oh, does it?

Well, the other night at the spouses' dinner we had, he came up to my wife and he said: I know food grows in supermarkets, but CHUCK thinks it grows on farms.

So that is the sort of camaraderie we have around here on agriculture, and I am very glad to have it.

I always say that agriculture is probably a little easier in the Senate because I believe every Senator, even in Alaska, Hawaii, and New Hampshire, represents agriculture to some degree—maybe not as much as in the Midwest, where I come from, or California or Texas, but every State has some agriculture, and there is an appreciation of it. In the other body, our House of Representatives, I don't know an exact figure, but I would imagine that there are probably only 50 districts that really are agriculture-oriented districts and the rest of them are very urban or sub-

urban. So we have an understanding of agriculture and how important it is. When I talk about it, I don't mean to talk down to my colleagues, but I do think I understand agriculture. It is not to say that other Senators don't understand agriculture, but I think if you have been involved in it for a lifetime the way three or four of us here in the Senate have been, it means a little more.

Farmers have chosen a line of work that comes with risk. It is a risk that is inherent in farming and often out of their control. The risk inherent in farming is why we have farm programs.

If I may digress a little bit here, from memory, just to show how there are a lot of issues with agriculture that are beyond the control of farmers—I am not just talking about natural disasters such as hail or drought. In 1972 Nixon wanted to get reelected so bad that he froze the price of beef. It was only for a short period of time, maybe 3 or 4 months, because they found out it was not working the way he wanted. He didn't care about the farmers. Iowa was No. 1 in beef production up to that time. After that, everybody got squeezed out of the beef business because of the freeze. We went from No. 1 down to No. 13. Now I think we are about fifth or sixth in the production of beef.

Another example is when soybeans were being exported and they got up to \$13 a bushel in 1973 or 1974—let's see. I am just trying to think. It was either when Nixon or Ford was President. At the time, one of them decided it was going to drive up the price of food in America, so they forbid the export of soybean. Soybean prices fell from \$13 down to \$3.

Another time, Carter decided that it was wrong for Russia to invade Afghanistan. At that time, we were selling them wheat, until the decision was made that we were not going to sell them any more wheat, so the price dropped.

I suppose I ought to think of things a lot more recent, but there are a lot of international politics that affect farming. Right now it is with Iran sanctions and oil. I am not sure to what extent that affects the price of energy, but agriculture is a big user of energy.

So what I am trying to say with just a few examples—and I ought to have more from memory—is that there are so many things that are beyond the control of farmers that if you ever wonder why we have a farm safety net, that is why.

Why do we have a farm safety net? For national security. As Napoleon said, an Army marches on its belly. We have to have food. Why do you think Japan and Germany protect their farmers so much today? Because they found in World War II that if they don't have food, they don't have very good national security. Or how long can a nu-

clear submarine stay underwater? Forever. Except if it runs out of food, it has to come up. Or what about the old adage of being nine meals away from a revolution? In other words, as a mother and dad, if you can't get food for your kids for 3 days, and they are crying, you might take any action to make sure they get food.

So I think having a secure supply of food is very essential to the social cohesion of our society.

We don't worry about that in America, do we? We go to the supermarket and the shelves are full, but there are a lot of places in the world where they don't have that. There are a lot of places in the world where they pay more than 50 percent of disposable income for food, and in America it is about 9, 10, or 11 percent.

So there are plenty of reasons to make sure we have a sound agricultural system in America, and we ought to make sure we take it seriously, both from a national security standpoint and for our social betterment.

If we want a stable food supply in this country, we need farmers who are able to produce it. When they are hit by floods, droughts, natural disasters, wild market swings, or unfair international barriers to their products, farmers need the support to make it through because so much is beyond the control of farmers. Most farmers I know wish there wasn't the need for a government safety net, but they appreciate that safety net when they do need it. For decade after decade, Congress has maintained farm programs because the American people understand the necessity of providing a safety net for those providing our food.

That is not to say that each and every farm program ever created needs to continue. In fact, there is a lot in this farm bill we have before us that brings reform, and some programs not reauthorized, that prove what I just said—that just because we have had some for 60 years doesn't mean we have to have them for the next 5 years in this farm program. Just as there are shifts in the market, sometimes public sentiment toward certain farm programs also shifts.

Take direct payments, for instance. There was a time and place for direct payments to help farmers through some lean years. But now times are OK in the agriculture industry, and the American people have rightly decided it is time for direct payments to end. With a \$1.5 trillion deficit every year, it is also a reality that those payments can't continue from a budget point of view. So the Senate committee has responded, and we have proposed eliminating the direct payment program, and many farmers agree direct payments should go away as well.

There are other reforms the American taxpayers want to see. There is no reason the Federal Government should

be subsidizing big farmers to get even bigger. I might repeat myself as I go through my statement, but I want to say that a farm safety net ought to protect the people who don't have the ability to get beyond these things that are beyond their control—whether it is domestic politics or whether it is a natural disaster or whether it is international politics or energy policies or all of the things that can happen.

There are some farmers who might not get over that hump because it is beyond their control—a problem that affects them financially. But there are some farmers who have that capability, and I think traditionally we have geared the farm program—not enough, from my point of view—but we have geared the farm program toward a safety net for small- and medium-sized farmers.

We have a situation where 10 percent of the farmers in recent years—the biggest farmers—are getting 70 percent of the benefits of the farm program. There is nothing wrong with getting bigger. I want to make that clear. In fact, in agriculture, with the equipment costs a farmer has to get bigger, but the Federal taxpayers should not be subsidizing farmers to get bigger. It isn't just a case of a principle not to do that; it is the economic impact. When we do that—provide the government subsidy to the big farmers—they go out and buy more land, which drives up the price of farmland or drives up the cash rent in a particular area. Consequently, it makes it very difficult for young people to get started farming.

We want to be able—we have to pass this on to the young farmers. Many farmers understand that in order for us to have a farm program that is defensible and justifiable, it needs to be a program designed to help these small- and medium-sized farmers who actually need the assistance to get through rough patches out of their control.

So what I have been trying to do for years, and it was finally put in this farm bill, is to put a hard cap on the amount of money one farming operation can get so, hopefully, we cut down that 10 percent of the largest farmers that gets 70 percent of farm payments, so it is more proportional to the benefit of small- and medium-sized farmers. That is in this bill at \$50,000 per individual and \$100,000 per married couple for the payments under the Agriculture Risk Coverage Program. It is in this bill. I know to a lot of people listening that \$50,000 and \$100,000 is too much, and it is even too much for most Iowans. But there are some sections of this country, such as the South and West, where we will find our fellow Senators—I don't know how open they are going to be about this, but behind the scenes they are raising Cain about this \$50,000 cap. I just about had this put in the present farm bill in 2008, except I had 57 votes, and we know how

things work around here. We have to have 60 votes to get something done if people want to push the point. So I didn't get 60 votes. Now it is in the farm bill. I don't know who is negotiating around here on amendments, but there is going to be somebody trying to take this out of here—somebody from the South, I would imagine—trying to take this \$50,000 cap out.

I expect to have the same considerations to this not being taken out by a 60-vote margin as I was kept from putting it in 5 years ago because if it had been put in 5 years ago, we would have saved \$1.3 billion over that period of time.

Taxpayers are tired of reading reports about how so many nonfarmers receive farm payments. I have been working to get reforms on the farm payment eligibility for years, and just as the tide has turned on the status quo for direct payments, the tide has turned on program eligibility. The bill contains crucial reforms to the “actively engaged” requirements. These reforms will ensure farm payments go to actual farmers. The American people are not going to stand idly by anymore and watch farm payments head out the door to people who don't farm. In other words, if they aren't out there working the land—if they are on Wall Street or something and have farmland in the Midwest—they shouldn't be collecting these farm payments.

There have been some people complaining about the payment limit reforms I have talked about. They complain it will detrimentally change the way some farm operations do things. Well, if they mean it will not allow nonfarmers to skirt around payment eligibilities and line their pockets with taxpayers' money meant for actual farmers, then the answer is, yes; that is what those reforms will do.

Let me make it perfectly clear. The reforms contained in this bill will not impact a farmer's ability to receive farm payments. Furthermore, the reforms will not affect the spouse rule. In other words, if the husband and wife are together in the farming operation, and some Senator comes around and says the spouse who is working beside the other spouse in this farming operation can't get the benefit of it, they are wrong.

These reforms reflect what we hear from the grassroots, which is Congress needs to be a better steward of the taxpayers' dollars. That is true if we are talking about farm programs or any other Federal program.

Those who are against these reforms are asking the American people to accept the status quo and to continue to watch as farm payments go to megafarms and nonfarmers. We cannot and will not accept the status quo. In other words, 10 percent of the biggest farmers getting 70 percent of the benefits of the farm program ought to end.

The Agriculture Committee should be proud of the improvements we are making to payment limitations in this bill. With these reforms we bring defensibility and integrity to this farm bill. In addition, it is probably the only bill that is going to pass this year that is going to cut any programs, and it is going to do that by \$23 billion. In fact, without these reforms in the farm program, I wouldn't be able to support this bill.

I urge my colleagues to voice their support for these important payment limitation provisions and join with me in resisting any attempt to weaken these reforms, particularly from people in the Southern States who say somehow we ought to still continue to allow these megafarmers to get these millions of dollars of payments.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to discuss today several amendments I have to the farm bill that is now before the Senate. What might surprise many people to learn is that the overwhelming majority of funds in the farm bill are not spent on anything to do with farmers or even agriculture production. For instance, crop insurance amounts to—which is a big part of the new bill and is progress, I think—the crop insurance provisions amount to just 8 percent of what we will be spending. Horticulture is less than 1 percent. But a full 80 percent of the farm bill spending goes to the Federal food stamp program. Yet only 17 percent of the small savings that are found in this proposal comes from food stamps. Out of the \$23 billion in cuts, none of which occurs next year, out of almost \$1 trillion in spending over 10 years. So about \$23 billion in cuts. Most of that is taken from the farm provisions, but only 20 percent of it goes to that. At the same time, food stamp spending is virtually untouched. I believe they propose \$4 billion in savings after 80 percent of the cost of this bill is in the food stamp program. The other \$17 billion comes out of the 20 percent—not the food stamps.

Overall, the legislation will spend \$82 billion on food stamps next year—\$82 billion, and an estimated \$770 billion over the next 10 years. To put these figures in perspective—and they are so large it is difficult to comprehend—we will spend, next year, \$40 billion on the Federal highway program, but \$80 billion on the food stamp program.

Food stamp spending has more than quadrupled—four times. It has increased fourfold since the year 2001. It has increased 100 percent since President Obama took office, doubled in that amount of time. There are a number of reasons for this arresting trend. While the poor economy has undeniably increased the number of people who qualify for food stamps, this alone does not explain the extraordinary growth in the program.

For instance, between 2001 and 2006, food stamp spending doubled, but the unemployment rate remained around 5 percent. So from 2001 to 2006, we had a doubling of food stamps while unemployment is the same. When the food stamp program was first expanded nationwide, about 1 in 50 Americans received food stamp benefits. Today, nearly one in seven receive food stamp benefits.

We need to think about that. This is a very significant event. We need to ask ourselves, is this good policy? Is it good for America? Not only is it a question of, do we have the money, the second thing is, is it going to the right people? Is the money being expended wisely? Is it helping people become independent? Is it encouraging people to look for ways to be productive and be responsible themselves for their families? Or does it create dependency, part of a series of government programs that, in effect, are not beneficial to the people who actually benefit from them in the short term?

Three factors help explain this increase. First is that eligibility standards have been significantly loosened over time with a dramatic drop in eligibility standards in the last few years. Second, it has been the explicit policy goal of the Federal bureaucracy to increase the number of people on food stamps. Bonus pay is even offered to States that sign up more people. States administer this program.

And, third, the way the system is arranged with States administering the program but the Federal Government providing all of the money, all of it, they do not have—States do not match food stamps. States have an incentive, do you not see, to see their food stamp budget grow, not shrink, because it is more Federal money coming into the State which they pay no part of.

That means overlooking, I am afraid, I hate to say, dramatic amounts of fraud and abuse, because the enforcement and supervision is given over to the States. So I filed a modest package of food stamp reforms to the farm bill which will achieve several important goals: save taxpayer dollars, which is a good thing; reduce the deficit; achieve greater accountability in how the program is administered; confront widespread waste; direct food stamps to those who truly need them; and help more Americans achieve financial independence.

I guess I am the only person in the Senate who has ever dealt with fraud in the food stamp program. Shortly after law school, when I was a young Federal prosecutor, I prosecuted fraud in the food stamp program. Later I came back as a U.S. attorney, and we saw drug dealers selling food stamps, we saw various other manipulations of it. As attorney general of Alabama for a period, I was involved in enforcing integrity in the program. So I know the benefits food stamps play to people in desperate need. I know it is helpful. But I know, Americans know, they see it every day, that there are abuses in this program. It is the fastest growing entitlement program bar none. We need to look at it. I understand there are some who oppose even saving \$4 billion over 10 years out of the food stamp program.

We are spending 80 a year. Four years ago, we were spending 40. We cannot do better than that?

Food stamps is the second largest Federal welfare program following Medicaid. If food stamp spending were returned next year to the 2007 funding level, and you agreed to increase it for 10 years at the rate of inflation, that would produce an astonishing \$340 billion in savings for the U.S. Treasury. And we have to have some savings because we don't have the money to continue spending at the rate we are.

Food stamps are 1 of 17 Federal nutritional support programs and 1 of nearly 80 Federal welfare programs. So there is no confusion, these figures count only low-income support programs. They don't include Medicare, Social Security, or unemployment benefits.

Collectively, our Federal welfare programs constitute about \$700 billion in Federal spending and \$200 billion in State contributions to the same programs. That is about \$900 billion on the Federal-State combined—most of it Federal—and \$900 billion is about one-fourth of the entire Federal budget.

An individual on food stamps may receive as much as \$25,000 in various forms of financial assistance for their household from the Federal Government—as much as \$25,000—in addition to whatever salary they may earn in part- or full-time work, or any support they may receive from their families or communities. In other words, this is not normally the only source of income for the person.

Changes in eligibility have also eliminated the asset test for food stamp benefits, which brings me to the first of four amendments I have filed.

No. 1, let's restore the asset test for food stamps. This change has been quite significant. Through a system known as categorical eligibility, States can provide benefits to those whose assets exceed the statutory asset limit, as long as they receive some other Federal benefit. Why is that? I don't know;

it makes no sense to me. If you qualify for another program, you automatically get food stamps. Categorically, you are eligible for them. One State went so far as to determine that individuals were food-stamp eligible solely because they received a brochure for another benefit program in the mail. Well, that meant there is more money from the Federal Government coming into their State, more benefits. I guess they see it as an economic benefit. It didn't cost them any money; the money came from Washington.

According to the CBO, the simple process of going back and restricting the categorical eligibility problem that is now springing up would produce \$12 billion in savings for taxpayers over the next 10 years and should not eliminate a single person who qualifies for food stamps under the statutory restrictions for the program. All it would mean is that if you qualify for food stamps and fill out the proper form, you get it, like everybody else has to do.

Second, there is the heating subsidy loophole. Fifteen States are using a loophole in order to get more food stamp dollars from the Federal Government. They do this by mailing a very small check—get this—often less than a dollar a month—under the Low Income Home Energy Assistance Program, LIHEAP. Anyone who receives that check, which may be as little as a few dollars a year, becomes eligible to claim a lower income on the basis of home energy expenses—even if they don't pay those expenses.

This reform will require households that receive food stamps to provide proof of payment for their heating or cooling in order to qualify for the income deduction. If the government is paying for your heating, you should not say I need food stamps because I have a big heating bill. But this is a clever maneuver designed by States—frankly, deliberately—to extract more money from Washington—free money for their States, and it is not good policy for America. It is not right that some States get more under the food stamps program by using this technique than others who don't use this abusive practice. Closing this loophole will produce \$14 billion in savings over the next 10 years. That is a lot of money.

No. 3, let's end the bonus payments going to States for increasing the number of people who sign up. We ought to be giving bonuses to people who identify people who are abusing the problem and bringing those down, if anything.

States currently receive bonus payments for enrolling individuals in the food stamp program. Those bonus payments highlight the perverse incentive States have to expand food stamp registration rather than to reduce fraud and help more people achieve financial

independence. We need to be focusing on helping people to get work and to be more productive and to bring in more money for their families than food stamps would bring in. That is what the focus of American vitality and growth should be.

No. 4, let's implement the SAVE Program for food stamp usage. This amendment would simply require the government to use a very simple SAVE Program, similar to the E-Verify Program, to ensure that adults receiving benefits are in fact lawfully in the country. This is a commonsense thing to do at a time when we have to borrow 40 cents out of every dollar we spend in this government. We spend \$3,700 billion and we take in \$2,400 billion. We borrow the rest every year. We cannot afford to be providing incentives, benefits, bonuses, and payments to reward people who have entered the country illegally. We just don't have the money.

Ultimately, beyond first steps, the best way to achieve integrity in the food stamp program is to block-grant it to the States. Send so much for the program, a fair percentage to each State, and let them distribute it. This will provide States with a strong incentive to make sure each dollar is being properly spent. They don't have that today. It does no damage to a State if somebody is getting the money improperly, or getting more than they are entitled to. If a State is administering the program and some people are getting too much and others are not getting enough, then the State has an incentive to make sure the abuses stop and the aid goes to the people who need it. That is the kind of program we need in America—one that works and has incentives built in to make the program have integrity.

The House budget adopts this reform. They like to complain about the House and say the House doesn't know what they are doing. This is a commonsense reform. I am proud of what the House did. They did exactly the right thing. Senate Democrats, of course, have not even written a budget in 3 years. It has become clear that if we had gone through a financial analysis, a budget debate in this Congress, we could save a lot of money by ending the abuses in the Food Stamp Program, and it would help us do other things the government needs to do. It would also become clear that we will run out of money to pay for this program if we don't make changes soon. We are in a financial situation that is so grave that every expert has told us we are on an unsustainable path and we have to get off of it. If we don't, we can have another financial catastrophe, like in 2007, and like they are having in Europe today. That is very possible. So we have to reduce our deficit and our abusive spending.

Reforming the way we deliver welfare is the compassionate course. It is not

mean-spirited to say that people who are not entitled to the benefits don't need the benefits and should not get them. There is nothing wrong with that. There is nothing wrong with having incentives in your program, not to see how many people you can get on food stamps but to see how many we can get to work and be productive and take care of themselves.

The result of welfare reform in 1996, if you remember that—and many of you do—was less poverty, more growth, less teen pregnancy, more work, and more people successfully caring for themselves. We have slipped back, in my opinion. We moved back from some of the progress we made from the 1996 provision.

Unfortunately, since 1996, Members in both parties have failed to protect these gains. The welfare budget has swelled dramatically. Oversight has diminished. Standards have slipped. We now find ourselves in need of welfare reform for the 21st century. We do. That is the nature of any government, where once programs are established, they go beyond rationality and need to be reformed periodically.

It is time to re-engage the national discussion over how the receipt of welfare benefits can become damaging, not merely to the Treasury but also to the recipient.

Left unattended, the safety net can become a restraint, permanently removing people from the workforce. And Federal programs, unmonitored, can begin to replace family, church, and community as a source of aid and support.

We need to reestablish the moral principle that Federal welfare should be seen as temporary assistance, not permanent support. The goal should be to help people become independent and self-sufficient.

Such reforms, made sincerely and with concern for those in need, will improve America's social, fiscal, and economic health. Empowering the individual is more than sound policy; it remains the animating moral idea behind the American experience, our national exceptionalism. We believe in individual responsibility. We believe in helping people in need, but we don't believe in creating circumstances where decent, hard-working people, who work extra and save their money, who give up vacations and going out to eat so they can take care of their family, are also required to support people who are irresponsible. That is not a healthy situation for us to be in.

We need to strike the right balance. We can help those people in need and create a government and a social assistance program in America that benefits the people we seek to benefit and benefits the State treasuries at the same time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT LOANS

Mr. BROWN of Ohio. Mr. President, I come to the floor fairly often to share letters I get from people in Ohio and especially when it is an issue that is on the tips of so many young people's tongues and on the minds of so many in our State.

I spent much of the last month visiting with students on college campuses at Wright State University in Dayton, at Hiram College in Portage County in northeast Ohio, at the Cuyahoga County Community College in Cleveland, at the University of Cincinnati, and Ohio State University. Just this last Monday, I was at Owens Community College in Toledo. I hear over and over and over about the debt that far too many of our young people bear when they get out of school.

Today is the last session day for our pages from the winter term, and I hope the burden of debt on them—they are still several years away from absorbing the debt from college and going on to the workplace. But I worry for them, as I worry for so many of my constituents from Cleveland to Cincinnati and Ashtabula to Middletown and Gallipolis to Wauseon because the average Ohio student who is graduating from a 4-year school and who has borrowed money owes \$27,000. This is a small step, but it is one more piling on of debt. If we are not able to freeze interest rates on Stafford loans—which is what my legislation will do, with Senator REED of Rhode Island, Senator HARKIN of Iowa—to freeze interest rates for at least another year, these students will be faced with another \$1,000, in addition to what they are already facing.

It has become a moral issue. If we turn things over to these young people when they come out of school and they face this kind of debt, it means they are less likely to buy a house, it means they are less likely to start a business, and it means they are less likely to start a family. Do we want to do that to this generation of smart, young, enthusiastic, talented people, instead of giving them a better launch for their lives in their twenties and thirties? That is why it is essential we do this.

Two years before the Presiding Officer came to the Senate, in 2007, we passed this freeze; President Bush

signed legislation that Senator Kennedy and I and others in the Health, Education, Labor, and Pensions Committee worked on to freeze interest rates for Stafford subsidized loans at 3.4 percent. There is a 5-year freeze. If we don't act by July 1, 2012, 5 years after we passed it, that will mean these loans are going to double.

I wish to share a couple letters I have gotten from people in Ohio. This doesn't just affect the students; there are some 380,000 college students in my State whom it affects. But it doesn't just affect these students; it affects their families. Their parents, sometimes their grandparents, send us letters about how serious this is for them. I will read two letters.

Jeff from Lorain—which happens to be my home county:

I've been a lifelong resident of Lorain, OH. My daughter graduated top of her class from Southview in 2008. She just graduated from Hiram College with a bachelor in Mathematics and minor in Political Science Cum Laude. She maxed out her Stafford loans each year, and these help her to attend college. I've worked in factories all my life, the last 20 years at Avon Lake Ford so we are able to help some but the major work was done by our daughter with her focus and hard work. She is moving on to grad school but at some point she will have to start repaying these loans. Do we want to burden these young bright minds with loan payments that are so large they will weigh them down financially for a large portion of their young adult lives? Were these loans designed to help students who don't come from families with large disposable incomes? Or are they to be used as a way to make money off our young people trying to reach their potential?

One of the good things President Obama did about this was he helped people get into the Federal Direct Loan Program so they would no longer be borrowing from banks at much higher interest rates. College is too expensive. The States don't put enough money into colleges so that the colleges don't charge such high tuitions. Tuitions have gone up like this over the years. But at least we were able to make a big difference on interest. This is our chance to do it again, and we shouldn't let Jeff and his daughter down and others.

The other letter I will read is from Marcelline from Wilberforce.

I am 60 years old. I went back to school to get a job that would not continue to destroy my physical health. My previous job for companies like BP and Wal-Mart were devastatingly hard on me all with little or no medical help. I also returned in hopes of obtaining employment that will position me to be gainfully employed for the next 15 to 20 years. I am supporting my two grandchildren both are aspergers and my son while he tries to gain a degree of his own. I see no possibility of retiring before I die. I also see no possibility of paying off my education before I die. When I started my education I could justify the cost, but I have seen it going up yearly to the point I see no way of paying for it now, especially if interest rates continue to climb. I cannot conceive how the young

people will be able to repay their debts. I am very concerned for them. The burden this will place on them as they go forward is heartbreaking.

This is the story the Presiding Officer hears in Anchorage, in Fairbanks, in Nome. I hear it in Toledo. I hear it in Lima. I hear it in Mansfield. I hear it in Sandusky. It is incumbent upon us—it is a moral question—not to load more debt on these young people so they can develop their talents in a way that not only will help them individually, not only will help their families but will help our society prosper.

We know what the GI bill did in the 1940s and 1950s and 1960s. It not only helped millions of service men and women and their families, it also lifted the prosperity of the United States of America. We owe this generation no less than that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ANDREW DAVID HURWITZ, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to consider Calendar No. 607, the nomination of Andrew David Hurwitz, of the State of Arizona, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk with respect to that nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the 9th Circuit.

Harry Reid, Patrick J. Leahy, Al Franken, Daniel K. Inouye, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Michael F. Bennet, Herb Kohl, Patty Mur-

ray, Robert P. Casey, Jr., Tom Udall, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Christopher A. Coons, Mark Begich.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived; that at 4:30 p.m. on Monday, June 11, there be up to 60 minutes of debate on the motion to invoke cloture on the nomination, equally divided between the two leaders, or their designees; that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture on the nomination; further, that if cloture is not invoked on the nomination, the Senate resume legislative session and the motion to proceed to S. 3240 be agreed to at 2:15 p.m., Tuesday, June 12; finally, if cloture is invoked, that upon disposition of the Hurwitz nomination, the Senate resume legislative session and the motion to proceed to S. 3240 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that we now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WARREN B. LEWIS III

Mr. BURR. Mr. President, I want to honor the life of Investigator Warren "Sneak" B. Lewis III of the Nash County Sheriff's Office. On June 9, 2011, Investigator Lewis' life was cut short when he was fatally wounded while attempting to apprehend a fugitive wanted for murder in Kinston, N.C. I want to take a moment to remember him as we near the anniversary of his death.

Investigator Lewis began his career in law enforcement in 2002, when he joined the Nash County Sheriff's Office as a deputy. Through his hard work and dedication, he was promoted to Investigator where he first served with the Narcotics Division and was later assigned to the U.S. Marshals Service's Eastern District of North Carolina Violent Fugitive Task Force. On this assignment, Investigator Lewis helped the Task Force with the difficult and important work of locating and arresting fugitives throughout eastern North Carolina.

Investigator Lewis was dedicated to protecting the people of North Carolina, and today we remember him as he gave his life in service to our State. I

want his wife Shannon Lewis, daughters Lauren and Ashley Lewis, father Warren Lewis, and mother Ann Lewis to know that my thoughts and prayers are with them on this day. I know that Investigator Lewis will be forever missed, and his service and sacrifice will not be forgotten.

ADDITIONAL STATEMENTS

REMEMBERING JOHN D. WRAY

• Mr. BENNET. Mr. President, today I wish to honor a former Tuskegee University professor whose efforts to support this country during the First World War, with the help of the hard-working young people he recruited for agricultural clubs, have gone largely unacknowledged until recently.

After the United States entered World War I in April of 1917, Professor John D. Wray left his position at Tuskegee University and relocated to North Carolina to aid in the war effort. As a professor specializing in agricultural science, Wray utilized his unique skills to help grow food for servicemembers fighting abroad. He partnered with Black county agents to organize and encourage African-American farmers' children to join agricultural clubs, which became known as the Saturday Service League. Wray even created a newspaper, the *Rural Messenger*, which was advertised as "the only Negro farm journal in the world."

In the first issue, Wray wrote that the children "were told why they should engage in this work as a necessary defense for their country; that they could greatly assist by growing food to feed the boys who had gone to the trenches." In just 1 year's time, Wray had increased participation in North Carolina agricultural clubs tenfold, growing enrollment from 1,400 to more than 14,000. The Saturday Service League produced more than 17,000 chickens, 30,000 eggs, 23,000 pounds of pork, 700 bushels of wheat, 500 bushels of peas, 1,800 bushels of peanuts, 32 bales of cotton, 45,000 bushels of corn, and 700 bushels of potatoes in a single year.

Even after the war ended in 1919, many of the youth were inspired by Wray's patriotism and continued to work in the clubs to help feed the hungry and displaced peoples of Europe. By World War II, the clubs were nicknamed the "Victory Volunteers."

Born in 1889, Wray grew up on a tobacco farm near Durham and moved to Greensboro, NC, to attend the Agricultural and Technical College, where he received his degree in agricultural science. There he met his wife and developed a passion for community organizing. Utilizing the agricultural skills he learned at the college, Wray taught the youth he organized modern farming techniques that increased yields 10

times over, actively improving the utility of each farmer he encountered. In 1915, the North Carolina Agricultural Experiment Station offered him a job with a salary of \$1,200 per year, making him the first African-American agent for the North Carolina Extension Service. He also became an advocate for young Black men who were mistreated while serving their country in military service.

While many wartime stories focused on the front lines of combat, it is equally important to recognize Americans who worked to support them. Professor John D. Wray knew exactly what he could do to maximize his support for the United States in one of our greatest times of need. I learned of Professor Wray through his granddaughter, Kathryn Green, who now resides in Denver, CO. She and her family take great pride in his contributions to our Nation's war effort during World War I. I join them and all Americans today in offering our gratitude and thanks to Professor Wray's outstanding commitment to country, community, and the agricultural sciences.●

TRIBUTE TO CHUCK LANGE

• Mr. BOOZMAN. Mr. President, today I wish to honor Chuck Lange, who recently retired as the executive director of the Arkansas Sheriff's Association after more than two decades of service at the ASA and a lifetime of dedication to safety and law enforcement.

As executive director of ASA, Chuck worked for the sheriffs of Arkansas but he shared his expertise in law enforcement with many more people. Chuck's passion for law enforcement and the lessons he learned at the University of Arkansas, the Southwest Texas State's Crime Prevention Institution, and the FBI National Academy benefitted Arkansans during his 43 years in law enforcement and security-related services.

Chuck's professional achievements are far-reaching and his accomplishments continue far beyond the office. He passed along his decades of law enforcement knowledge to others. As a volunteer, Chuck conducts training sessions for rape victim advocates, earning him accolades from Rape Crisis, Inc. Having also taught women's self-defense classes, it is evident that Chuck has a true commitment to making sure Arkansans understand how to protect themselves and stay safe.

Chuck shares his strong commitment to law enforcement as a member of several boards and task forces including the Arkansas Law Enforcement Memorial Board; executive board at the Criminal Justice Institute; Arkansas Coalition Against Domestic Violence Board; Governor's Strategic Prevention Framework Advisory Board and Governor's Task Force on After School Programs.

I congratulate Chuck Lange for his outstanding achievements and success in law enforcement and I ask my colleagues to join me in honoring him on his retirement. I wish him continued success in his future endeavors. We are all grateful for his years of service and leadership to Arkansas.●

REMEMBERING KATIE BECKETT

• Mr. WHITEHOUSE. Mr. President, I rise today to pay tribute to the courage of Katie Beckett, whose recent passing bids us pause to remember the challenges faced by families with children with long-term care needs, and the support we can provide to them.

Katie and her family will forever be known as heroes who fought for fair Medicaid benefits for every child. Before their advocacy work, Medicaid did not cover at-home treatment for children with disabilities or special health care needs. As a child suffering from viral encephalitis, Katie was forced to live in a hospital in order to receive treatment under Medicaid. Her mother went to work lobbying on behalf of Katie and other children in the same situation. As a result of her efforts, President Reagan passed a waiver that would allow children on Medicaid the option to receive medical care in their homes.

To this day, the waiver—which is referred to as the "Katie Beckett Waiver"—enhances the quality of life of thousands of children across the Nation, including many in my home State of Rhode Island.

Caroline Friedman of Portsmouth, RI weighed 2 pounds, 15 ounces when she was born. In order to survive, Caroline must receive cardiac medicine through a central line in her heart. Because of the Katie Beckett Waiver, Caroline receives her life-sustaining treatment outside of the hospital. She is now 9 years old, and is living a full life attending school, joining Girl Scouts, and even taking karate classes.

Because of the Katie Beckett Waiver, Jacob Vandal of Little Compton, RI, who suffers from a rare genetic disorder, was able to receive home-based therapy services. Receiving this treatment at home made a huge difference to his developmental progress. Now, Jacob is a well-adjusted 27 year old who works in a supported employment program—something his parents say would not have been possible without the at-home care afforded to him by the Katie Beckett Waiver.

Katie Beckett and her family paved the way for Caroline, Jacob, and so many others like them to receive their treatment at home with their family, where they most wanted to be. I know these individuals and their families will be forever grateful for the difference the Beckett family has made to

their lives. On behalf of all Rhode Islanders, I extend my heartfelt condolences to the Beckett family for their loss.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

ENROLLED BILLS SIGNED

At 4:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3268. A bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 3269. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, June 7, 2012, she had presented to the President of the United States the following enrolled bills:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6383. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenamidone; Pesticide Tolerance; Technical Amendment" (FRL No. 9351-5) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6384. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York" (Docket No. APHIS-2012-0003) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6385. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the National Defense Authorization Act for fiscal year 2012 (OSS Control No. 2012-0717); to the Committee on Armed Services.

EC-6386. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, a report relative to military construction requirements related to antiterrorism and force protection (DCN OSS No. 2012-0654); to the Committee on Armed Services.

EC-6387. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report entitled "2011 Military Working Dog Disposition Report"; to the Committee on Armed Services.

EC-6388. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Ronald L. Burgess, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6389. A communication from the Acting Under Secretary of Defense (Personnel and

Readiness), transmitting the report of five (5) officers authorized to wear the insignia of the grade of major general and brigadier general, respectively, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6390. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Title 41 Positive Law Codification—Further Implementation" ((RIN0750-AH55) (DFARS Case 2011-D003)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Armed Services.

EC-6391. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Contractors Performing Private Security Functions" ((RIN0750-AH28) (DFARS Case 2011-D023)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Armed Services.

EC-6392. A communication from the Acting Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a Selected Acquisition Report (SAR) for the Evolved Expendable Launch Vehicle (EELV) program; to the Committee on Armed Services.

EC-6393. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on May 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6394. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "U.S. Treasury Securities—State and Local Government Series" ((31 CFR Part 344) (Department of the Treasury Circular, Public Debt Series No. 3-72)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6395. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6396. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-6397. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning operations at the Naval Petroleum Reserves for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC-6398. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Risk-Informed Extension of the Reactor Vessel Nozzle Inservice

Inspection Interval" (WCAP-17236-NP, Revision 0) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Environment and Public Works.

EC-6399. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulatory Guide 8.33, 'Quality Management Program'" (Regulatory Guide 8.33) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC-6400. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Health Physics Surveys During Enriched Uranium-235 Processing and Fuel Fabrication" (Regulatory Guide 8.24, Revision 2) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC-6401. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Performing Verification Walkdowns of Plant Flood Protection Features" (Endorsement of NEI 12-07) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC-6402. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Seismic Walkdown Guidance for Resolution of Fukushima Near-Term Task Force Recommendation 2.3: Seismic" (Endorsement of EPRI 1025286) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC-6403. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC-6404. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Belarus; to the Committee on Finance.

EC-6405. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Rev. Rul. 2006-57-Issues for Public Comment" (Notice 2012-38) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Finance.

EC-6406. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Customs Broker Recordkeeping Requirements Regarding Location and Method of Record Retention" ((RIN1515-AD66) (formerly RIN1505-AC12)) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Finance.

EC-6407. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to implementation of menu and vending ma-

chine labeling; to the Committee on Health, Education, Labor, and Pensions.

EC-6408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2011 Medical Device User Fee and Modernization Act (MDUFMA) Financial Report"; to the Committee on Health, Education, Labor, and Pensions.

EC-6409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Implementation of Section 3507 of the Patient Protection and Affordable Care Act of 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-6410. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Generic Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-6411. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-6412. A joint communication from the Secretary of Agriculture and the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents and Toxins for Calendar Year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-6413. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Health and Human Services, Office of General Counsel; to the Committee on Health, Education, Labor, and Pensions.

EC-6414. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6415. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendments to Sterility Test Requirements for Biological Products; Correction" ((RIN0910-AG16) (Docket No. FDA-2011-N-0080)) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6416. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "2010 Impact and Effectiveness of Administration for Native Americans (ANA) Projects Report"; to the Committee on Indian Affairs.

EC-6417. A communication from the Director of the Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Servicemembers' Group Life Insurance Traumatic Injury Protection Program—Genitourinary Losses" (RIN2900-A020) received

during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 3276. An original bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes (Rept. No. 112-174).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland.

Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida.

John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3271. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

By Mr. SANDERS:

S. 3272. A bill to improve access to oral health care for vulnerable and underserved populations; to the Committee on Finance.

By Mr. BROWN of Massachusetts:

S. 3273. A bill to establish a youth summer employment program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CORKER, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. SESSIONS, and Mr. BROWN of Massachusetts):

S. 3274. A bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COONS (for himself, Mr. MORAN, Mr. TESTER, Mr. FRANKEN, Mrs. KLOBUCHAR, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 3275. A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3276. An original bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Ms. LANDRIEU (for herself and Mrs. SHAHEEN):

S. 3277. A bill to encourage exporting by small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BEGICH:

S. 3278. A bill to amend the Consolidated Farm and Rural Development Act to provide and improve housing in rural areas for educators, public safety officers, and medical providers, and their households, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 3279. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHANNES (for himself, Mr. ALEXANDER, Mr. BOOZMAN, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. PORTMAN, Mr. RUBIO, Ms. SNOWE, Mr. CHAMBLISS, and Mr. BURR):

S. 3280. A bill to preserve the companion-ship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. COBURN):

S. 3281. A bill to terminate the Federal authorization of the National Veterans Business Development Corporation; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. SHAHEEN, and Mr. RUBIO):

S. Res. 486. A resolution condemning the PKK and expressing solidarity with Turkey; to the Committee on Foreign Relations.

By Mr. BEGICH (for himself, Mr. BENNET, Mr. BOOZMAN, and Mr. ISAKSON):

S. Res. 487. A resolution expressing the sense of the Senate that the ambush marketing adversely affects Team USA and the Olympic and Paralympic Movements and should not be condoned; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. LIEBERMAN, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. COLLINS, and Ms. AYOTTE):

S. Res. 488. A resolution commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine; considered and agreed to.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1244

At the request of Mr. INOUE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1301

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1613

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1989, a bill to amend

the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2036

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2060

At the request of Mr. KOHL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2060, a bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2205

At the request of Mr. MORAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2234

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2242

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2242, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 2282

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2282, a bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

S. 2364

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2364, a bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3078

At the request of Mr. PORTMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Tennessee (Mr. CORKER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3078, *supra*.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3248

At the request of Mr. ENZI, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3270

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3270, *supra*.

S. CON. RES. 46

At the request of Mr. WEBB, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for the Man in the Sea Memorial Monument to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Connecticut (Mr. BLUMENTHAL)

and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2163

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2163 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2165

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 2165 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. BARRASSO, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 2165 intended to be proposed to S. 3240, *supra*.

AMENDMENT NO. 2187

At the request of Mr. KERRY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 2187 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2188

At the request of Mr. KERRY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 2188 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3271. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

Mr. KERRY. Mr. President, approximately one in five Medicare beneficiaries—or 9 million people—purchase a Medigap supplemental insurance policy to protect against high out-of-pocket costs and to make health care costs more predictable. Current law includes a 'guaranteed issue right' to Medigap for beneficiaries age 65 or older, which means they cannot be denied Medigap coverage or charged a higher Medigap premium because of their medical condition.

Unfortunately, current law discriminates against Medicare beneficiaries with disabilities who are under age 65, as well as beneficiaries with kidney

failure, End Stage Renal Disease or “ESRD” by denying them the same right that seniors have to guaranteed issuance of Medigap policies. This exposes individuals with disabilities and kidney failure to substantial out-of-pocket costs and poses a significant barrier to health care services. In the absence of equal opportunity and access to Medigap policies at the Federal level, 29 States have enacted guaranteed issue rights to disabled and ESRD beneficiaries.

Individuals with kidney failure are subject to an additional discriminatory provision in federal law that prohibits Medicare ESRD beneficiaries from joining Medicare Advantage plans. They are the only group of Medicare beneficiaries currently denied the same Medicare choices as other Medicare beneficiaries.

Today I am introducing the Equal Access to Medicare Options Act, a bill that improves coverage options to Medicare beneficiaries. My legislation would eliminate discriminatory treatment in the supplemental insurance market, bring more financial stability to Medicare beneficiaries with disabilities and ESRD with high out-of-pocket health care costs, and reduce reliance on Medicaid as the payer of last resort. Specifically, it would extend guaranteed issue of Medigap policies to all Medicare beneficiaries, including beneficiaries with disabilities and ESRD. It would ensure equal access to supplemental insurance for all Medicare beneficiaries, regardless of age, disability or ESRD status.

Additionally, my legislation recognizes that Medicare beneficiaries need flexibility to adjust their coverage as changes to their plans are made. It would give guaranteed issue rights to Medicare Advantage enrollees if they decide to switch to traditional Medicare during an enrollment period. Today, if a Medicare Advantage enrollee learns of premium increases or benefit reduction in their plan, they have the option of returning to traditional Medicare but they have no assurance they can buy Medigap coverage if they do so.

The Equal Access to Medicare Options Act would provide guaranteed issue to dual-eligibles who lose their Medicaid coverage and find themselves in traditional Medicare without the cost protections of Medicaid and without supplemental coverage options. Finally, this legislation would—for the first time—give beneficiaries with end-stage renal disease the option of enrolling in Medicare Advantage plans.

I would like to thank the nearly 50 organizations who have been integral to the development of the Equal Access to Medicare Options Act and who have endorsed it today, including the California Health Advocates, Center for Medicare Advocacy, Dialysis Patient Citizens, Fresenius Medical Care, Medi-

care Rights Center, and the National Kidney Foundation.

The Affordable Care Act prohibits discrimination based on health status in the private health insurance market, beginning in 2014. It is inconsistent and unconscionable for federal law to allow insurers to discriminate based on health status in the Medigap market. All individuals, regardless of their health status, deserve the same access to comprehensive and affordable coverage options.

The reforms included in this legislation would finally end discriminatory Medicare policies in Federal law and would ensure that all Medicare beneficiaries regardless of their disability or age have equal opportunity and access to affordable Medicare options. I look forward to working with my colleagues in the Senate to achieve these goals in the context of health care reform.

By Mr. COONS (for himself, Mr. MORAN, Mr. TESTER, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 3275. A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes; to the Committee on Finance.

Mr. COONS. Mr. President, when it comes to America's energy policy, Republicans and Democrats alike have made it clear they support an all-of-the-above energy strategy.

As the Presiding Officer knows, serving on the Energy Committee along with me, there is broad agreement on the need for a comprehensive approach that will develop secure, homegrown, efficient energy sources for our next generation.

I believe an across-the-board policy that accepts the likely reality of our current dependence on our fossil-based fuels going forward, as well as the vital need to develop and deploy new, promising, clean energy fuels of the future, is essential. Such a policy will provide certainty to our markets, opportunities to our families and companies and communities, and ensure that we are not—as some would say—picking winners and losers in the energy space.

Yet there is today an obstacle standing in the way of a truly comprehensive strategy that at least both parties say they want. It is a provision in our Federal Tax Code that has its metaphoric thumb on the scale, tipping the balance in favor of traditional fossil fuels. That is why I am so glad I have been able to work with my colleague and friend Senator MORAN of Kansas to today introduce bipartisan legislation that will level the playing field and bring parity to one piece of Federal tax policy relating to energy.

Investors in oil, natural gas, coal, and pipelines have for nearly 30 years been able to form publicly traded entities called master limited partnerships, or MLPs. These partnerships include a passthrough tax structure that avoids double taxation and leaves more cash available to distribute to investors. They have for investors the liquidity and the return that is commonly associated with equity and the tax advantage that is associated with partnerships, and they have been able to aggregate and deploy a significant amount of private capital in the traditional fossil fuel marketplace, roughly \$350 billion today across 100 MLPs. They have access to private capital at a lower cost, something that capital-intensive alternative energy projects in the United States badly need now more than ever.

As a result, MLPs should be a great source for raising private capital for clean energy projects as well as they have been for fossil fuel projects. The only problem is, under current law, only fossil fuel-based energy projects can attract this type of private energy investment. That is right—we are currently in our tax policies working against our broadly stated commitment as a country to an all-of-the-above energy policy with a statute that explicitly excludes clean energy projects from forming these MLPs. This inequity is starving a growing portion of America's domestic energy sector of the very capital it needs to build and grow and compete. So Senator MORAN and I, along with other colleagues, decided to fix it. We came together and said it was time to level the playing field.

Sometimes when I have the opportunity, I have gone for a run here in Washington or, even better, in my home State in Delaware. Something any runner can tell you is that going up and down hills is what saps your strength. When a surface is flat, you can go farther, you can go faster, and it is the same with our Federal Tax Code. When it comes to evening things out, we have two choices. We can either lower everything to a common level by eliminating MLPs—by saying this tax advantage shouldn't be given to its traditional beneficiaries in gas and oil and coal, or we can raise the level of opportunity and attract greater investment by broadening the fields that can take advantage of MLPs to include wind and solar, biomass, geothermal, cellulosic, biodiesel.

In my view, the better strategy, the better approach is the bipartisan one that takes our colleagues at their word and says we intend to stop picking winners and losers and, instead, embrace an all-of-the-above energy strategy. Senator MORAN and I have chosen this option and believe that rather than eliminating MLPs, bringing everything together and making renewables on the

same level playing field with fossil fuels has a better promise for the future of the American energy economy.

This is a relatively straightforward proposal. Our bill, the Master Limited Partnerships Parity Act, will bring new fairness to the Tax Code in this specific area. It recognizes revenue from projects that sell electricity or fuels produced from clean energy sources as qualifying MLPs.

This change will encourage investment in domestic energy resources, and could bring substantial new private capital off the sidelines to finance renewable projects ranging from wind and solar to geothermal and cellulosic ethanol, just at a time when we so badly need it.

Harnessing the power of the private market is essential if alternative energy projects are to grow and create jobs all across America. Two experts in energy finance, Felix Mormann and Dan Reicher from Stanford's Steyer-Taylor Center for Energy Policy and Finance, wrote an op-ed this past week in the New York Times endorsing this legislation.

They said:

If renewable energy is going to become fully competitive and a significant source of energy in the United States, then further technological innovation must be accompanied by financial innovation so that clean energy sources gain access to the same low-cost capital that traditional energy sources like coal and oil and natural gas enjoy.

In the search for common ground on energy policy, this kind of simple fairness is the sort of thing I hope we can all agree on. That is why the MLP Parity Act carries the strong support of a wide range of business groups, financial experts, and energy organizations.

David Crane is the CEO of Fortune 300 company NRG Energy. NRG has generating assets across a wide range of traditional fuel sources and clean and alternative energy sources. Mr. Crane said:

The MLP Parity Act is a phenomenal idea. It's a fairly arcane part of the tax law, but it's worked well and has been extremely beneficial to the private investment in the oil and gas space. The fact that it doesn't currently apply to renewables is just a silly inequity in our current law.

We are also grateful for the support of national organizations such as the American Wind Energy Association, the Solar Energy Industries Association, the American Council on Renewable Energy, and many others, and thank them for their hard work in promoting this commonsense energy future for our country.

I also wish to specifically thank Dr. Chris Avery and Franz Wuerfmannsdobler who worked in my office so well in preparing this and moving this forward as public policy. And I wish to thank Josh Freed of Third Way for bringing this to our attention and producing one of the first policy papers on how master limited partnerships can be

a great financing vehicle for clean energy.

I have no doubt there is significant growing opportunity worldwide in alternative fuels. There is a clean energy future coming. The only question is whether American workers, American communities, and American companies will benefit from this, or will simply be bystanders and watch our competitors pass us by. I think if we are going to lead, we have to work together. The private sector can and will provide the financing and the researchers to develop critical innovations and deploy them, but the Federal Government—the Congress in particular—must set a realistic and positive policy pathway to sustain these innovations and let the market work to its fullest potential. The Master Limited Partnerships Parity Act moves us toward that goal. By leveling the playing field for fair competition, this market-driven solution could provide vital and needed support for the kind of comprehensive energy strategy we need to power our country for generations to come.

Some of us who will support this bill also support things such as the ITC, the PTC, and other clean energy financing vehicles. Others may not. On the specific question of master limited partnerships, the bill we introduced today simply allows us to come together in a bipartisan way to open it up to all energy sources, and to build a sustainable energy financing future on this planet.

Once again, I want to thank my cosponsor, Senator MORAN. I look forward to working with all of my colleagues, on the Energy Committee and throughout the Senate and the House, to move forward this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Master Limited Partnerships Parity Act".

SEC. 2. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS AND TRANSPORTATION FUELS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended by striking "industrial source carbon dioxide," and all that follows and inserting "or of any industrial source carbon dioxide; or the generation, storage, or transmission to the electrical grid of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48, or the accepting or processing of such resource or property for such utilization; or the generation or storage of thermal power exclusively utilizing any

such resource or property; or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426; or the production for sale by the taxpayer, the transportation, or the storage of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J))."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. COBURN):

S. 3281. A bill to terminate the Federal authorization of the National Veterans Business Development Corporation; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to cease federal involvement in the National Veterans Business Development Corporation.

This bipartisan bill would cease, once and for all, Federal involvement in the National Veterans Business Development Corporation, also known as The Veterans Corporation or simply TVC. Let me begin by thanking the bill's cosponsors, former Small Business Committee Chair KERRY and Senator COBURN. Senator COBURN, as most in this body will recognize, is a true leader in efforts to streamline the Federal Government. Recently he spoke with us about ideas for Federal entities or programs that could be eliminated and we readily provided TVC as an example of an entity that we had already identified that the Federal Government should sever its ties with.

I want to say at the outset that an amendment, with identical text as our legislation, passed the Senate by a vote of 99-0 in May of 2011, but the bill it was attached to did not pass. We are introducing this repeal as a standalone bill because TVC has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act, P.L. 106-50 in 1999. In December of 2008, former Small Business Committee Chairman KERRY and I investigated TVC, and issued a report detailing the organization's blatant mismanagement and wasting of taxpayers' dollars.

The report found, among other things, that TVC failed to support Veteran Business Resource Centers; had wasteful programs; lacked outcomes-based measurements; provided its employees with unacceptably high executive compensation; engaged in dubious expenditures, and failed to properly fundraise.

For instance, our report concluded that TVC had spent only 15 percent of the Federal funding that it had received on veterans business resource centers, which TVC was required to establish and maintain under law. In fiscal year 2008, the percentage dropped to about 9 percent. We also found that TVC's executives received unacceptably high levels of compensation given

the organization's limited resources and reach. While an average of 15 percent of TVC's federally appropriated funds went to the Centers, 22 percent of TVC's fiscal year 2007 Federal appropriation dollars were spent on its top two executives' compensation packages alone. Moreover, the organization miserably failed to fundraise—which was required by law in order for it to become self-sufficient—and during fiscal years 2005 through 2007, TVC leaders spent \$2.50 for every \$1.00 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. Additionally, through broad decision-making powers granted to TVC's executive committee under the organization's bylaws, the committee approved a number of measures without proper approval or ratification from the full Board, including \$40,000 in employee bonuses in 1 year alone.

Since the issuing of the Small Business Committee's report, Congress has appropriated no further funding for TVC, and the Small Business Administration, SBA, has incorporated the Veteran Business Resource Centers, VBRCs, that TVC previously funded into its existing network of Veteran Business Outreach Centers, VBOCs. These moves were publically supported by a variety of veteran service organizations, including the American Legion and the Veterans of Foreign Wars, VFW. For instance, in August of 2008, the American Legion passed a resolution at its national convention, Resolution No. 223, stating that the Legion "... no longer support[s] the continuing initiatives or existence of the national Veterans Business Development Corporation."

At present, TVC is still federally chartered. At the same time, it receives no Federal funds, has no Department or Agency oversight. In light of everything I have discussed, it is my belief that the Federal government must take the next step and fully sever all ties with the organization. I ask my colleagues to support this bipartisan bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking "section 34(d)" and inserting "section 33(d)";

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking "section 35" each place it appears and inserting "section 34";

(ii) in subsection (a)—

(I) in paragraph (2), by striking "section 35(c)(2)(B)" and inserting "section 34(c)(2)(B)";

(II) in paragraph (4), by striking "section 35(c)(2)" and inserting "section 34(c)(2)"; and

(III) in paragraph (5), by striking "section 35(c)" and inserting "section 34(c)"; and

(iii) in subsection (h)(2), by striking "section 35(d)" and inserting "section 34(d)";

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking "section 34" each place it appears and inserting "section 33"; and

(ii) in subsection (c)(1), by striking section "34(c)(1)(E)(ii)" and inserting section "33(c)(1)(E)(ii)";

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking "section 43" and inserting "section 42";

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking "section 43" and inserting "section 42"; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking "section 43" and inserting "section 42".

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking "and the National Veterans Business Development Corporation".

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking "any of the" and all that follows and inserting "any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2)."

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking "section 43 of the Small Business Act, as added by this Act" and inserting "section 42 of the Small Business Act (15 U.S.C. 657o)".

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking "In cooperation with the National Veterans Business Development Corporation, develop" and inserting "Develop".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 486—CONDEMNING THE PKK AND EX-PRESSING SOLIDARITY WITH TURKEY

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. SHAHEEN, and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 486

Whereas, since 1984, the Kurdistan Workers' Party (PKK), also known as the Kongra-Gel, has waged a campaign of violence and terrorism against the people and Government of Turkey;

Whereas it is estimated that at least 30,000 people have been killed in PKK-associated violence since 1984;

Whereas the United States Government designated the PKK as a Foreign Terrorist Organization in 1997, as a Specially Designated Global Terrorist in 2001, and a Significant Foreign Narcotics Trafficker in 2008;

Whereas, in 2010 and 2011, the Department of the Treasury designated the top leaders of the PKK/Kongra-Gel as Significant Foreign Narcotics Traffickers, including the head of the PKK/Kongra-Gel Murat Karayilan and senior leaders Ali Riza Altun and Zubayir Aydar;

Whereas, in 2004, the Council of the European Union added the PKK to its list of terrorist organizations;

Whereas President George W. Bush in October 2007 characterized the PKK as a "common enemy" of the United States and Turkey, saying of the PKK, "It's an enemy to Turkey, it's an enemy to Iraq, it's an enemy to people who want to live in peace.";

Whereas President Barack Obama in April 2009 stated that, "Iraq, Turkey, and the United States face a common threat from terrorism. . . And that includes the PKK";

Whereas the Government of Turkey, under Prime Minister Recep Tayyip Erdogan, has begun to take historic steps to resolve sources of grievance among Kurds in Turkey that are exploited by the PKK;

Whereas the PKK has a safe haven in the Qandil Mountains of northern Iraq where many PKK fighters are currently based;

Whereas the Government of Turkey has been developing and deepening diplomatic, economic, and strategic ties with the Kurdistan Regional Government in northern Iraq;

Whereas Prime Minister Erdogan on April 20, 2012, stated, "The stance of the Turkish state is clear: once [the PKK] lay down their arms, it is [our stance] to completely stop military operations";

Whereas Masoud Barzani, President of the Kurdistan Regional Government in northern Iraq, stated on April 20, 2012, "The PKK should lay down its arms. . . If the PKK goes ahead with weapons, it will bear the consequences.";

Whereas the PKK has support networks in countries in Europe, which engage in illicit and deceptive activities to facilitate PKK recruitment, financing, logistical support, training, and propaganda, including satellite television broadcasting and print media that support the PKK's violent terrorist agenda;

Whereas, according to the 2011 EU Terrorism Situation and Trend Report, published by the European Police Office (EUPOL), the PKK is "actively involved in money laundering, illicit drugs and human trafficking, as well as illegal immigration inside and outside the EU," and fundraises in the EU "using labels like 'donations' and 'membership fees', but are in fact extortion and illegal taxation";

Whereas the Europe-based satellite television channel, Roj TV, was banned from broadcasting in Germany by the German Interior Ministry in 2008 and, in January 2012, convicted by a court in Denmark for "promoting terrorism" as an undeclared propaganda arm of the PKK;

Whereas PKK-affiliated television channels continue to operate in European countries, including Sweden, Norway, and Denmark;

Whereas Turkey since 1952 has been a member of the North Atlantic Treaty Organization (NATO);

Whereas the armed forces of Turkey and the United States have served together as allies during the Korean War, in Kosovo, in Afghanistan, and in the 2011 NATO intervention in Libya, Operation Unified Protector;

Whereas President George W. Bush said of Turkey, “[Turkey’s] success is vital to a future of progress and peace in Europe and in the broader Middle East—and the Republic of Turkey can depend on the support and friendship of the United States”; and

Whereas President Obama said of Turkey, “Turkey is a critical ally. Turkey is an important part of Europe. And Turkey and the United States must stand together, and work together, to overcome the challenges of our time”: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the continued campaign of terrorism by the Kurdistan Workers’ Party (PKK) and expresses solidarity with the victims of PKK violence;

(2) reaffirms that the PKK is a common enemy of the United States and Turkey, and all responsible countries and governments in the world;

(3) urges the PKK to lay down its arms, renounce violence, and pursue peaceful dialogue with the Government of Turkey;

(4) commends the historic steps taken by the Government of Turkey to address the sources of grievance and alienation that have been exploited by the PKK to justify acts of terrorism;

(5) welcomes efforts by the United States Government to support the Government of Turkey in developing and implementing a comprehensive strategy to eliminate the threat posed by the PKK;

(6) encourages the United States Government to make available diplomatic, military, and intelligence support to the Government of Turkey so that it can apprehend or eliminate irreconcilable violent elements of the PKK;

(7) applauds the deepening economic and political ties between the Government of Turkey and the Kurdistan Regional Government in Iraq;

(8) supports greater cooperation between and among the relevant authorities in Turkey, the United States, the Iraqi Kurdistan Region, and Iraq to end the PKK sanctuary in the Qandil Mountains of northern Iraq;

(9) urges increased intelligence and counterterrorism cooperation among the governments of the United States, Turkey, Germany, and other countries in Europe to disrupt and eliminate PKK support networks based in Europe, including PKK financing and fundraising; and

(10) urges the European Union and governments in Europe—

(A) to take measures to ensure the PKK cannot use their territories for fundraising, recruitment, financing, logistical support, training, and propaganda; and

(B) to ban and prevent from operating on their territory any media, including satellite broadcasting stations, that is financed, controlled, or coordinated by the PKK or that promotes the PKK’s violent terrorist agenda.

SENATE RESOLUTION 487—EXPRESSING THE SENSE OF THE SENATE THAT THE AMBUSH MARKETING ADVERSELY AFFECTS TEAM USA AND THE OLYMPIC AND PARALYMPIC MOVEMENTS AND SHOULD NOT BE CONDONED

Mr. BEGICH (for himself, Mr. BENNET, Mr. BOOZMAN, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 487

Whereas the London 2012 Olympic and Paralympic Games will occur on July 27 through August 12 and August 29 through September 9, respectively;

Whereas more than 10,500 athletes from 204 nations will compete in 26 Olympic sports, while 4,200 Paralympic athletes will compete in 20 sports;

Whereas Team USA athletes have spent countless days, months, and years training in hopes of earning a spot on the United States Olympic or Paralympic teams;

Whereas the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.)—

(1) made the United States Olympic Committee the coordinating body for all Olympic-related and Paralympic-related athletic activity in the United States; and

(2) gave the United States Olympic Committee the exclusive right in the United States to name, seals, emblems, and badges;

Whereas Congress also authorized the Committee to allow companies to use any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan American Sports Organization, or the United States Olympic Committee in furtherance of the United States Olympic efforts;

Whereas Team USA is significantly funded by 35 sponsors who assure that the United States has the best team competing for the nation;

Whereas in recent years, a number of entities have engaged in ambush marketing as a marketing strategy, affiliating themselves with the Olympic and Paralympic Games without becoming sponsors of Team USA;

Whereas ambush marketing harms the Olympic and Paralympic Movements, undermines sponsorship activities, and allows competing companies an unfair and unethical advantage over companies who are officially sponsoring Team USA and providing funding for the elite athletes of the United States; and

Whereas efforts to prevent ambush marketing have enjoyed limited success as the strategies ambush marketers use continue to multiply: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) ambush marketing should not be condoned, especially those marketing efforts that adversely affect the ability of Team USA to attract and retain the necessary sponsorships to be successful at the 2012 Olympic and Paralympic Games in London, England; and

(2) corporations in the United States should be encouraged to cease all ambush marketing efforts, particularly related to the Olympic and Paralympic Movements.

SENATE RESOLUTION 488—COMMENDING THE EFFORTS OF THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL OF MAINE, NEW HAMPSHIRE, MASSACHUSETTS, AND CONNECTICUT, WHO CAME TOGETHER TO EXTINGUISH THE MAY 23, 2012, FIRE AT PORTSMOUTH NAVAL SHIPYARD IN KITTERY, MAINE

Ms. SNOWE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. LIEBERMAN, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. COLLINS, and Ms. AYOTTE) submitted the following resolution; which was considered and agreed to:

S. RES. 488

Whereas the USS Miami (SSN-755), a Los Angeles-class nuclear attack submarine with a crew of 13 officers and 120 enlisted personnel, arrived at Portsmouth Naval Shipyard on March 1, 2012, for 20 months of scheduled maintenance;

Whereas at 5:41 p.m. EDT on May 23, 2012, a 4-alarm fire occurred in the forward compartment of the USS Miami;

Whereas emergency response personnel, led by the firefighters of Portsmouth Naval Shipyard, worked for nearly 10 hours in tight, obstructed quarters filled with noxious smoke and searing heat—

(1) to prevent any loss of life;

(2) to bring the fire under control; and

(3) to successfully prevent the flames from reaching any nuclear material and allow the nuclear reactor to remain unaffected and stable throughout;

Whereas 23 fire departments and emergency response teams from the States of Maine, New Hampshire, Massachusetts, and Connecticut provided mutual aid support during the fire, including—

(1) Pease Air Force Base, New Hampshire;

(2) York County Hazardous Materials Response Team, Maine;

(3) Massachusetts Port Authority Logan Airport Crash Team;

(4) South Portland Fire Department, Maine;

(5) Eliot Fire Department, Maine;

(6) Lee Fire Department, New Hampshire;

(7) Dover Ambulance, New Hampshire;

(8) Portsmouth Fire Department, New Hampshire;

(9) Hampton Fire Department, New Hampshire;

(10) Kittery Fire Department, Maine;

(11) Newcastle Fire Department, New Hampshire;

(12) American Medical Response Ambulance, New Hampshire;

(13) Hanscom Air Force Base, Massachusetts;

(14) Naval Submarine Base New London, Connecticut;

(15) Rye Fire Department, New Hampshire;

(16) Greenland Fire Department, New Hampshire;

(17) York Fire Department, Maine;

(18) Newton Fire Department, Connecticut;

(19) Somersworth Fire Department, New Hampshire;

(20) Rollinsford Fire Department, New Hampshire;

(21) South Berwick Fire Department, Maine;

(22) York Ambulance, Maine; and

(23) York Beach Fire Department, Maine; and

Whereas the heroic actions of those firefighters, emergency response personnel, and the USS Miami crew and shipyard firefighters, 7 of whom suffered minor injuries during the fire, directly prevented catastrophe, and greatly limited the severity of the fire even in the most challenging of environments: Now, therefore, be it

Resolved, That the Senate—

(1) commends the exemplary and courageous service of all the firefighters and emergency response personnel who came together to successfully contain the fire, minimizing damage to a critical national security asset and ensuring no loss of life; and

(2) expresses support for the Navy and the exceptionally skilled workforce at Portsmouth Naval Shipyard in Kittery, Maine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2190. Ms. SNOWE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2191. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2192. Ms. AYOTTE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2193. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2194. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2195. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2196. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2197. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2198. Mr. MCCAIN (for himself, Mr. PAUL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2199. Mr. MCCAIN (for himself, Mr. KERRY, Mr. COBURN, Mrs. SHAHEEN, Mr. CRAPO, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2200. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2201. Mrs. SHAHEEN (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2202. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2203. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2204. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2205. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2206. Ms. MURKOWSKI (for herself, Mr. KERRY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2207. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2208. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2209. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2210. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2211. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2212. Mr. JOHANNIS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2213. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2214. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2215. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2216. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2217. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2218. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2219. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2220. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2221. Mr. WYDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2222. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2223. Mrs. MCCASKILL (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2224. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2226. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2227. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2228. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2229. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2230. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2231. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2232. Mr. TESTER (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2233. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2234. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2235. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2236. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2237. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2238. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2239. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2240. Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2241. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2242. Mr. NELSON of Nebraska (for himself, Mr. JOHANNIS, Mr. JOHNSON of South Dakota, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2243. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2244. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2245. Mr. HARKIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2190. Ms. SNOWE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, strikes lines 12 and 13 and insert the following:

PART IV—FEDERAL MILK MARKETING ORDER REFORM

SEC. 1481. REQUIRED AMENDMENTS TO FEDERAL MILK MARKETING ORDERS.

(a) AMENDMENTS REQUIRED.—

(1) **IN GENERAL.**—The Secretary shall amend each Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (in this part referred to as a “milk marketing order”), as required by this section.

(2) **RELATION TO OTHER LAWS.**—Except as provided in section 1482, the Secretary shall execute the amendments required by this section without regard to any provision of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, as in effect on the day before the date of enactment of this Act.

(b) **USE OF END-PRODUCT PRICE FORMULAS.**—The Secretary shall eliminate the use of end-product price formulas for setting prices for Class III milk.

(c) **ADMINISTRATIVE AUTHORITY.**—In addition to and notwithstanding the authority provided under section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary may—

(1) require handlers to report, maintain, and make available all information and records that the Secretary considers necessary for the administration of any milk marketing order; and

(2) adopt only such conforming amendments to milk marketing orders as the Secretary determines to be necessary to implement the amendments required by this section.

SEC. 1482. AMENDMENT PROCESS.

(a) PROCESS.—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments to milk marketing orders required to be made by section 1481 shall be subject to subsections (17) and (19) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(2) **NOTICE OF FINAL DECISION ON PROPOSED AMENDMENTS.**—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register notice of a final decision on the proposed

amendments to be made to milk marketing orders in order to comply with section 1481.

(3) PRODUCER REFERENDUM.—

(A) **REFERENDUM REQUIRED.**—As soon as practicable after publication of the final decision on the proposed amendments under paragraph (2), the Secretary shall conduct a producer referendum regarding the final decision on the proposed amendments.

(B) TERMS OF REFERENDUM.—

(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), the producer referendum shall be conducted in the manner provided by section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(ii) **SINGLE REFERENDUM.**—The referendum shall be a single referendum upon which approval or failure of the proposed amendments to all milk marketing orders shall depend.

(iii) **APPROVAL REQUIREMENTS.**—The proposed amendments shall require approval by $\frac{1}{2}$ of participating producers or by volume of production (rather than $\frac{2}{3}$) in order for the referendum to pass and the proposed amendments to take effect.

(C) **EFFECT OF FAILURE.**—If the referendum fails, the milk marketing orders shall remain in force as in effect before the proposed amendments were published.

(b) **EFFECT OF COURT ORDER.**—If the Secretary is enjoined or otherwise restrained by a court order from executing the amendments to milk marketing orders required by section 1481, the length of time for which that injunction or other restraining order is effective shall be added to any time limitation in effect under paragraph (2) or (3) of subsection (a), so as to extend those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is in effect.

(c) **RELATION TO OTHER AMENDMENT AUTHORITY.**—Nothing in this part affects the authority of the Secretary to subsequently amend milk marketing orders, or the ability of producers or other persons to seek such amendments, in accordance with the rule-making process provided by section 8c(17) of the Agricultural Adjustment Act (7 U.S.C. 608c(17)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

PART V—EFFECTIVE DATE

SEC. 1491. EFFECTIVE DATE.

SA 2191. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 596, between lines 12 and 13, insert the following:

“(12) **OTHER FEDERAL BENEFITS.**—Notwithstanding any other provision of law, any cooperative organization or other entity that receives a loan or loan guarantee under this subsection for a wind energy project shall be ineligible for any other Federal benefit, assistance, or incentive for the project under any other provision of law.”

SA 2192. Ms. AYOTTE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 568, strike line 6 and all that follows through page 574, line 11, and insert the following:

“(b) **VALUE-ADDED AGRICULTURAL PRODUCER GRANTS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **MID-TIER VALUE CHAIN.**—The term ‘mid-tier value chain’ means a local and regional supply network that links independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

“(i) targets and strengthens the profitability and competitiveness of small- and medium-sized farms that are structured as family farms; and

“(ii) obtains agreement from an eligible agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

“(B) **PRODUCER.**—The term ‘producer’ means a farmer.

“(C) **VALUE-ADDED AGRICULTURAL PRODUCT.**—The term ‘value-added agricultural product’ means any agricultural commodity or product—

“(i) that—

“(I) has undergone a change in physical state; and

“(II) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

“(III) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product; or

“(IV) is aggregated and marketed as a locally produced agricultural food product; and

“(ii) for which, as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

“(I) the customer base for the agricultural commodity or product is expanded; and

“(II) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

“(2) GRANTS.—

“(A) **IN GENERAL.**—The Secretary may make grants under this subsection to—

“(i) independent producers of value-added agricultural products; and

“(ii) an agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture, as determined by the Secretary.

“(B) **GRANTS TO A PRODUCER.**—A grantee under subparagraph (A)(i) shall use the grant—

“(i) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity (including through mid-tier value chains) for value-added agricultural products; or

“(ii) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

“(C) **GRANTS TO AN AGRICULTURAL PRODUCER GROUP, COOPERATIVE OR PRODUCER-BASED BUSINESS VENTURE.**—A grantee under subparagraph (A)(ii) shall use the grant—

“(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product; or

“(ii) to develop strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product.”

“(D) AWARD SELECTION.—

“(i) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects—

“(I) carried out by an applicant that has not previously received a grant under this subsection;

“(II) carried out by an applicant that has not received any Federal assistance for the prior fiscal year;

“(III) that contribute to increasing opportunities for operators of small- and medium-sized farms that are structured as family farms; or

“(IV) at least $\frac{1}{4}$ of the recipients of which are beginning farmers or socially disadvantaged farmers.

“(ii) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide substantial weight to the priorities described in clause (i).

“(E) AMOUNT OF GRANT.—

“(i) IN GENERAL.—The total amount provided to a grant recipient under this subsection shall not exceed \$150,000.

“(ii) MAJORITY-CONTROLLED, PRODUCER-BASED BUSINESS VENTURES.—The total amount of all grants provided to majority-controlled, producer-based business ventures under this subsection for a fiscal year shall not exceed 10 percent of the amount of funds used to make all grants for the fiscal year under this subsection.

“(F) TERM.—The term of a grant under this paragraph shall not exceed 3 years.

“(G) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than \$50,000 under this subsection.

“(H) APPLICATION REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, an applicant shall disclose or provide to the Secretary in the application for the grant—

“(i) the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a))) of the applicant;

“(ii) an estimate of the number of jobs and increased revenue expected to be created if a grant is awarded and implemented;

“(iii) all other Federal assistance received by the applicant for the previous fiscal year;

“(iv) all previous grants received by the applicant under this subsection; and

“(v) all previous loans, loan guarantees, and grants received by the applicant from the Secretary.

“(I) RECIPIENT REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, a recipient shall disclose to the Secretary the adjusted gross income of the recipient for the previous year (as determined by the Secretary)—

“(i) on the completion of a grant agreement, in the final report of the recipient for the grant agreement; and

“(ii) on the date that is 3 years after the date of the submission of the final report described in clause (i).

“(J) LIMITATIONS.—

“(i) IN GENERAL.—The Secretary shall not provide a grant under this subsection to any producer that, during the 3-year period preceding the date of receipt of the application of the producer, has submitted a final grant report for another value-added agricultural producer grant.

“(ii) NO GRANTS TO PRODUCERS OF ALCOHOLIC BEVERAGES.—The Secretary shall not provide a grant under this subsection to any producer of an alcoholic beverage.

“(3) RETENTION OF RECORDS.—In carrying out the program under this subsection, the Secretary shall—

“(A) retain all records associated with the program under this subsection until the date on which the Office of the Inspector General of the Department determines which records need to be retained so as to conduct an audit of the program for the prior 10 years; and

“(B) after that date, continue to retain all records so determined by the Office of the Inspector General to be necessary for the audit.

“(4) AUDIT REQUIREMENTS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Office of the Inspector General of the Department and the Comptroller General of the United States shall initiate audits of the program under this subsection.

“(B) REQUIREMENT.—Audits under this paragraph shall include a determination of the percentage of entities continuing in operation 3 years after the date on which the projects of the entities under this subsection were completed, beginning with grants awarded in fiscal year 2006.

“(C) PROHIBITION ON USE OF FUNDS.—

“(i) IN GENERAL.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection prior to the completion and publication of audits conducted by the Office of the Inspector General of the Department and the Comptroller General of the United States in accordance with this paragraph.

“(ii) LACK OF PROGRAM SUCCESS.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection if a determination is made under subparagraph (B) that less than 60 percent of grant recipients are continuing in operation 3 years after date on which the projects of the grant recipients were completed.

“(5) WEBSITE.—Notwithstanding any other provision of law, for each fiscal year for which grants are awarded under this subsection, the Secretary shall publish in an electronically searchable format and clearly identify on the rural development website of the Department—

“(A) the total number of grants awarded;

“(B) the total dollar amount of grants awarded;

“(C) the amount awarded to each grantee;

“(D) the name of each grant recipient;

“(E) a description of each grant; and

“(F) beginning on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

“(i) an anonymous list of the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a))) of each grant recipient;

“(ii) an anonymous list of each grant recipient who filed final reports under paragraph (2)(I)(i), including—

“(I) the average adjusted gross income disclosed on the grant application of the grant recipient; and

“(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient;

“(iii) an anonymous list of each grant recipient who reported average adjusted gross income 3 years after the date of the submission of a final report under paragraph (2)(I)(ii), including—

“(I) the average adjusted gross income disclosed on the grant application of the grant recipient;

“(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient; and

“(III) the average adjusted gross income disclosed 3 years after the date of the submission of the final report; and

“(iv) the percentage of grant recipients in operation 3 years after the date on which the grant recipients submitted final reports, as determined using the average adjusted gross income information submitted under paragraph (2)(I)(ii).

“(6) ADJUSTED GROSS INCOME LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a grant under this subsection if the average adjusted gross income of the person or legal entity exceeds \$1,000,000, as those terms are defined in sections 1001(a) and 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a), 1308-3a(a)).

“(7) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2013 through 2017.

“(B) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS, SOCIALLY DISADVANTAGED FARMERS, AND MID-TIER VALUE CHAINS.—

“(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund projects that benefit beginning farmers or socially disadvantaged farmers.

“(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund applications of eligible entities described in paragraph (2) that propose to develop mid-tier value chains.

“(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.

“(8) SENSE OF SENATE.—It is the sense of the Senate that—

“(A) the free flow of information from Federal agencies is critical to enable Congress to perform its constitutionally required oversight obligations; and

“(B) the Department of Agriculture should endeavor to achieve transparency, cooperation, and expediency in interactions with Members of Congress.

SA 2193. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON BONUS AUTHORITY; REPORTS ON TRAVEL EXPENSES.

(a) LIMITATIONS ON BONUS AUTHORITY FOR EMPLOYEES UNDER INVESTIGATION.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

“§ 4531. Employees under investigation

“(a) DEFINITIONS.—In this section—

“(1) the term ‘adverse finding’ relating to an employee of an agency means a determination that the conduct of the employee—

“(A) violated a policy of the agency; and
 “(B) subjects the employee to removal;
 “(2) the term ‘agency’ means—

“(A) an Executive department, as that term is defined under section 101; and
 “(B) an independent establishment, as that term is defined under section 104; and
 “(3) the term ‘bonus’ means any bonus or cash award, including—

“(A) an award under this chapter;
 “(B) an award under section 5384; and
 “(C) a retention bonus under section 5754.
 “(b) ONGOING INVESTIGATIONS.—

“(1) IN GENERAL.—If an employee of an agency is the subject of an ongoing investigation by the Inspector General of the agency that may result in the removal of the employee, the head of the agency may determine to award a bonus to the employee, but may not pay a bonus to the employee.

“(2) CONCLUSION OF INVESTIGATION.—At the conclusion of an investigation described in paragraph (1) relating to an employee of an agency to whom the head of the agency determined during the period the investigation was ongoing to award a bonus—

“(A) if the Inspector General does not make an adverse finding relating to the employee, the head of the agency may pay the bonus to the employee; and
 “(B) if the Inspector General makes an adverse finding relating to the employee—

“(i) that results in the removal of the employee, the head of the agency may not pay the bonus to the employee; and
 “(ii) that results in an adverse action against the employee that is less severe than removal, the head of the agency may not pay the bonus, or award any bonus, to the employee during the 2-year period beginning on the date on which the Inspector General makes the adverse finding.

“(3) NOTICE.—The Inspector General of an agency shall notify the head of the agency if the Inspector General is conducting an investigation of an employee of the agency that may result in the removal of the employee.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

“4531. Employees under investigation.”.

(b) REPORTS ON TRAVEL EXPENSES.—Section 6506 of title 5, United States Code, is amended by adding at the end the following:

“(e) REPORTS ON TRAVEL EXPENSES OF TELEWORKERS.—

“(1) DEFINITION.—In this subsection, the term ‘agency’ means—

“(A) an Executive department, as that term is defined under section 101; and
 “(B) an independent establishment, as that term is defined under section 104.

“(2) REPORTS TO COMPTROLLER GENERAL.—Not later than December 31, 2012, and each year thereafter, the head of each agency, and the head of each part of an agency, shall submit to the Comptroller General a report that certifies that all travel expenses that the agency (or part thereof) paid for teleworking employees during the most recent full fiscal year accurately reflect the actual travel expenses incurred by the employees while teleworking.”.

SA 2194. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize

agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. FIDUCIARY EXCLUSION UNDER ERISA.

Section 3(21)(A) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(21)(A)) is amended by inserting “and except to the extent a person is providing an appraisal or fairness opinion with respect to qualifying employer securities (as defined in section 407(d)(5)) included in an employee stock ownership plan (as defined in section 407(d)(6)),” after “subparagraph (B).”.

SA 2195. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. GAO CROP INSURANCE FRAUD REPORT.

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

“(6) GAO CROP INSURANCE FRAUD REPORT.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.”.

SA 2196. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike line 13.

SA 2197. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike lines 3 through 9.

SA 2198. Mr. MCCAIN (for himself, Mr. PAUL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 16 and all that follows through page 69, line 18, and insert the following:

Subtitle C—Sugar Program Repeal

SEC. 1301. REPEAL OF SUGAR PROGRAM.

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. 1302. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2013 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2013 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar.”.

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting “(other than sugar beets and sugarcane)” after “commodities”; and

(B) in paragraph (3), by inserting “(other than sugar beets and sugarcane)” after “commodity”.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting “, sugar beets, and sugarcane” after “tobacco”.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “, and milk”.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. 1303. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA TARIFF RATE.

(a) ELIMINATION OF TARIFF ON RAW CANE SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.13 through 1701.14.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.13, as in effect on the day before the date of the enactment of this section:

| | | | | | |
|---|------------|---|------|-----------|----|
| “ | 1701.13.00 | Cane sugar specified in subheading note 2 to this chapter | Free | 39.85¢/kg | |
| | 1701.14.00 | Other cane sugar | Free | 39.85¢/kg | ”. |

(b) **ELIMINATION OF TARIFF ON BEET SUGAR.**—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.12 through

1701.12.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the

article description for subheading 1701.12, as in effect on the day before the date of the enactment of this section:

| | |
|---------------------------------|-----------------------|
| “ 1701.12.00 Beet sugar | Free 42.05¢/kg ”. |
|---------------------------------|-----------------------|

(c) **ELIMINATION OF TARIFF ON CERTAIN REFINED SUGAR.**—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking the superior text immediately preceding subheading 1701.91.05 and by striking subheadings 1701.91.05 through 1701.91.30 and inserting in numerical sequence the following new subheading, with

the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12.05, as in effect on the day before the date of the enactment of this section:

| | |
|--|-----------------------|
| “ 1701.91.02 Containing added coloring but not containing added flavoring matter | Free 42.05¢/kg ”; |
|--|-----------------------|

(2) by striking subheadings 1701.99 through 1701.99.50 and inserting in numerical sequence the following new subheading, with

the article description for such subheading having the same degree of indentation as the article description for subheading 1701.99, as

in effect on the day before the date of the enactment of this section:

| | |
|----------------------------|-----------------------|
| “ 1701.99.00 Other | Free 42.05¢/kg ”; |
|----------------------------|-----------------------|

(3) by striking the superior text immediately preceding subheading 1702.90.05 and by striking subheadings 1702.90.05 through

1702.90.20 and inserting in numerical sequence the following new subheading, with the article description for such subheading

having the same degree of indentation as the article description for subheading 1702.60.22:

| | |
|--|-----------------------|
| “ 1702.90.02 Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids | Free 42.05¢/kg ”; |
|--|-----------------------|

and
(4) by striking the superior text immediately preceding subheading 2106.90.42 and

by striking subheadings 2106.90.42 through 2106.90.46 and inserting in numerical sequence the following new subheading, with

the article description for such subheading having the same degree of indentation as the article description for subheading 2106.90.39:

| | |
|---|-----------------------|
| “ 2106.90.40 Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter | Free 42.50¢/kg ”. |
|---|-----------------------|

(d) **CONFORMING AMENDMENT.**—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking additional U.S. note 5.

(e) **ADMINISTRATION OF TARIFF-RATE QUOTAS.**—Section 404(d)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(1)) is amended—

(1) by inserting “or” at the end of subparagraph (B);

(2) by striking “; or” at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(f) **EFFECTIVE DATE.**—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 1304. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2013 crop of sugar beets and sugarcane.

SA 2199. Mr. MCCAIN (for himself, Mr. KERRY, Mr. COBURN, Mrs. SHAHEEN, Mr. CRAPO, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 12207. REPEAL OF DUPLICATIVE PROGRAM.

(a) **IN GENERAL.**—Effective on the date of enactment of the Food, Conservation, and Energy Act (7 U.S.C. 8701 et seq.), section 11016 of that Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section are repealed.

(b) **APPLICATION.**—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 of the Food, Conservation,

and Energy Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section had not been enacted.

SA 2200. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 6 and 7 insert the following:

(c) **STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.**—Section 203B(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7505(a)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively; and

(2) by adding at the end the following:

“(3) **STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.**—The Secretary shall allow a State the option of receiving a cash payment that is equal to 15 percent of the value of the commodities that the State would otherwise receive for a fiscal year under this Act, in lieu of receiving the commodities, to purchase locally produced commodities for use in accordance with this Act.”.

SA 2201. Mrs. SHAHEEN (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 944, after line 23, add the following:

SEC. 11005. LIMITATION ON PAYMENT OF PORTION OF PREMIUM BY CORPORATION.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

“(8) **LIMITATION.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of this title, the total amount of premium paid by the Corporation on behalf of a person or legal entity, directly or indirectly, with respect to all policies issued to the person or legal entity under this title for a crop year shall be limited to a maximum of \$40,000.

“(B) **RELATIONSHIP TO OTHER LAW.**—To the maximum extent practicable, the Corporation shall carry out this paragraph in accordance with section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”.

SA 2202. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 205, line 4, insert “by eligible entities” after “purchase”.

On page 207, lines 10 and 11, strike “contiguous acres” and insert “areas”.

On page 208, line 24, insert “if terms of the easement are not enforced by the holder of the easement” before the semicolon at the end.

SA 2203. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, line 17, strike “50 percent” and insert “½”.

On page 206, line 19, strike “In the case of” and insert the following:

“(i) COST SHARE.—In the case of”.

On page 206, between lines 23 and 24 insert the following:

“(ii) SOURCE OF CONTRIBUTION.—The Secretary may enter into an agreement with an eligible entity that waives the requirements of subparagraph (B)(ii) for a project of special environmental significance.”.

SA 2204. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 652, between lines 12 and 13, insert the following:

“SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term ‘agency with rural responsibilities’ means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

“(2) PARTNERSHIP.—The term ‘Partnership’ means the State Rural Development Partnership continued by subsection (b).

“(3) STATE RURAL DEVELOPMENT COUNCIL.—The term ‘State rural development council’ means a State rural development council that meets the requirements of subsection (c).

“(b) PARTNERSHIP.—

“(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

“(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

“(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

“(A) to lead and coordinate the strategic operation and policies of the Partnership; and

“(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

“(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

“(A) to cooperate with States to implement the Partnership;

“(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

“(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

“(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

“(c) STATE RURAL DEVELOPMENT COUNCILS.—

“(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the

Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

“(2) COMPOSITION.—A State rural development council shall—

“(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

“(B) have a nonpartisan and nondiscriminatory membership that—

“(i) is broad and representative of the economic, social, and political diversity of the State; and

“(ii) shall be responsible for the governance and operations of the State rural development council.

“(3) DUTIES.—A State rural development council shall—

“(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

“(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

“(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

“(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

“(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

“(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

“(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

“(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

“(d) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

“(1) DETAIL OF EMPLOYEES.—

“(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

“(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

“(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

“(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified inter-

mediary under which the intermediary shall be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

“(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

“(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

“(A) to support 1 or more specific program or project activities; or

“(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

“(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2013 through 2017.

“(2) FEDERAL AGENCIES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

“(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

“(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

“(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.”.

SA 2205. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

“(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water

supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

“(I) rural water supply corporations, co-operatives, or similar entities;

“(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

“(III) rural or native villages in the State of Alaska;

“(IV) native tribal health consortiums;

“(V) public agencies; and

“(VI) Native Hawaiian Home Lands.

“(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

“(I) water supply systems; or

“(II) waste disposal facilities.

“(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

“(iv) CERTAIN AREAS TARGETED.—

“(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

“(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

“(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

“(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

“(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

“(bb) areas described under subclauses (III) and (VI) of clause (i).

“(C) LOANS AND GRANTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

“(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

“(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

“(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

“(I) directly to the individuals by the Secretary; or

“(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

“(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(i) for grants under this paragraph, \$60,000,000 for each fiscal year;

“(ii) for loans under this paragraph, \$60,000,000 for each fiscal year; and

“(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, \$20,000,000 for each fiscal year.

“(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

SA 2206. Ms. MURKOWSKI (for herself, Mr. KERRY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 522, strike line 15 and all that follows through page 523, line 2, and insert the following:

(12) FARM.—The term “farm” means an operation involved in—

“(A) the production of an agricultural commodity;

“(B) ranching;

“(C) aquaculture; or

“(D) in the case of chapter 2 of subtitle A, commercial fishing.

“(13) FARMER.—The term “farmer” means an individual or entity engaged primarily and directly in—

“(A) the production of an agricultural commodity;

“(B) ranching;

“(C) aquaculture; or

“(D) in the case of chapter 2 of subtitle A, commercial fishing.

SA 2207. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12. REAUTHORIZATION OF DENALI COMMISSION.

Subsection (a) of the first section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277) (relating to authorization of appropriations) is amended—

(1) by striking “section 4 under this Act” and inserting “section 304”; and

(2) by striking “for fiscal years 2000, 2001, 2002, and 2008” and inserting “for each of fiscal years 2012 through 2017.”.

SA 2208. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

“(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a water catchment or cistern system.”.

SA 2209. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

“(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

“(I) rural water supply corporations, co-operatives, or similar entities;

“(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

“(III) rural or native villages in the State of Alaska;

“(IV) native tribal health consortiums;

“(V) public agencies; and

“(VI) Native Hawaiian Home Lands.

“(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

“(I) water supply systems; or

“(II) waste disposal facilities.

“(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

“(iv) CERTAIN AREAS TARGETED.—

“(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

“(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

“(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

“(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

“(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

“(bb) areas described under subclauses (II), (III), and (VI) of clause (i).

“(C) LOANS AND GRANTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

“(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

“(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

“(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

“(I) directly to the individuals by the Secretary; or

“(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

“(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(i) for grants under this paragraph, \$60,000,000 for each fiscal year;

“(ii) for loans under this paragraph, \$60,000,000 for each fiscal year; and

“(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, \$20,000,000 for each fiscal year.

“(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

SA 2210. Mr. JOHANNNS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add insert the following:

SEC. 122. USE AND DISCHARGE OF PESTICIDES.

(a) **SHORT TITLE.**—This section may be cited as the “Reducing Regulatory Burdens Act of 2012”.

(b) **USE OF AUTHORIZED PESTICIDES.**—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) **USE OF AUTHORIZED PESTICIDES.**—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of—

“(A) a pesticide authorized for sale, distribution, or use under this Act; or

“(B) the residue of such a pesticide that results from the application of the pesticide.”.

(c) **DISCHARGES OF PESTICIDES.**—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) **DISCHARGES OF PESTICIDES.**—

“(1) **NO PERMIT REQUIREMENT.**—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of—

“(A) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or

“(B) the residue of such a pesticide that results from the application of the pesticide.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) Manufacturing or industrial effluent.

“(D) Treatment works effluent.

“(E) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

SA 2211. Mr. JOHANNNS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, after line 22, insert the following:

SEC. 4010. EMPLOYMENT AND TRAINING.

(a) **ADMINISTRATIVE COSTS.**—Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the matter preceding paragraph (1), by inserting “(other than a program carried out under section

6(d)(4) or 20)” after “supplemental nutrition assistance program” the first place it appears.

(b) **FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.**—

(1) **IN GENERAL.**—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “\$90,000,000” and inserting “\$187,000,000”; and

(ii) in subparagraph (E)(i), by striking “\$20,000,000” and inserting “\$30,000,000”;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking “, (g), (h)(2), or (h)(3)” and inserting “or (g)”.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended by striking “, (g), (h)(2), and (h)(3)” and inserting “and (g)”.

(c) **WORKFARE.**—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

SA 2212. Mr. JOHANNNS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122. FARM DUST REGULATION PREVENTION.

(a) **SHORT TITLE.**—This section may be cited as the “Farm Dust Regulation Prevention Act of 2012”.

(b) **NUISANCE DUST.**—Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

“(a) **DEFINITION OF NUISANCE DUST.**—

“(1) **IN GENERAL.**—In this section, the term ‘nuisance dust’ means particulate matter that—

“(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

“(B) consists primarily of soil, other natural or biological materials, or any combination of soil or other natural or biological materials;

“(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

“(D) is not comprised of residuals from the combustion of coal.

“(2) **EXCLUSIONS.**—The term ‘nuisance dust’ does not include radioactive particulate matter produced from uranium mining or processing.

“(b) **APPLICABILITY.**—Except as provided in subsection (c), any reference in this Act to particulate matter does not include nuisance dust.

“(c) **EXCEPTION.**—Subsection (b) does not apply to any geographical area in which nuisance dust is not regulated under State, tribal, or local law if the Administrator, in consultation with the Secretary of Agriculture, finds that—

“(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

“(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or any subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or any subcategory of nuisance dust).”

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding exceptional events, or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding exceptional events.

SA 2213. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION OF PARTICIPATION BY MEMBERS OF CONGRESS IN AGRICULTURAL PROGRAMS.

No Member of Congress, spouse of a Member of Congress, or immediate family member of a Member of Congress shall participate in a program authorized under this Act or an amendment made by this Act.

SA 2214. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(2) **CLERICAL AMENDMENT.**—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

(b) **CONFORMING AMENDMENTS.**—

(1) **AVAILABILITY OF PAYMENTS TO CANDIDATES.**—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking “, section 9008(b)(3).”

(2) **REPORTS BY FEDERAL ELECTION COMMISSION.**—Section 9009(a) of such Code is amended—

(A) by adding “and” at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

(3) **PENALTIES.**—Section 9012 of such Code is amended—

(A) in subsection (a)(1), by striking the second sentence; and

(B) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) **AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.**—The second sentence of section 9037(a) of such Code is amended by striking “and for payments under section 9008(b)(3).”

(c) **RETURN OF PREVIOUSLY SUBMITTED MONEY FOR DEFICIT REDUCTION.**—Any amount which is returned by the national committee of a major party or a minor party to the general fund of the Treasury from an account established under section 9008 of the Internal Revenue Code of 1986 after the date of the enactment of this Act shall be dedicated to the sole purpose of deficit reduction.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to elections occurring after December 31, 2012.

SA 2215. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 915, strike line 10, and all that follows through page 919, line 6.

SA 2216. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 969, strike line 1, and all that follows through page 970, line 5.

SA 2217. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 980, strike line 13, and all that follows through page 983, line 20.

SA 2218. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 736, strike line 6, and all that follows through page 738, line 18.

SA 2219. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 271, between lines 4 and 5, insert the following:

SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) **HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.**—

(1) **IN GENERAL.**—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);”

(2) **EXEMPTIONS.**—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking “(2) If,” and inserting the following:

“(2) **ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.**—

“(A) **IN GENERAL.**—If,”

(B) in the second sentence, by striking “In carrying” and inserting the following:

“(B) **MINIMIZATION OF DOCUMENTATION.**—In carrying”;

(C) by adding at the end the following:

“(C) **CROP INSURANCE.**—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.”

(b) **WETLAND CONSERVATION PROGRAM INELIGIBILITY.**—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

“(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”

SA 2220. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, insert the following:

SEC. 12207. INDUSTRIAL HEMP.

(a) **EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.**—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (16)—

(A) by striking “(16) The” and inserting “(16)(A) The”; and

(B) by adding at the end the following:

“(B) The term ‘marihuana’ does not include industrial hemp.”;

(2) by adding at the end the following:

“(57) The term ‘industrial hemp’ means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”

(b) **INDUSTRIAL HEMP DETERMINATION.**—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

“(i) **INDUSTRIAL HEMP DETERMINATION.**—If a person grows or processes *Cannabis sativa* L. for purposes of making industrial hemp in accordance with State law, the *Cannabis sativa* L. shall be deemed to meet the concentration limitation under section 102(57).”

SA 2221. Mr. WYDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 42. TASK FORCE TO PROMOTE NATIONAL SECURITY BY REDUCING CHILDHOOD OBESITY.

(a) FINDINGS.—Congress finds that, as of the date of enactment of this Act—

(1) the obesity epidemic has reached a crisis point that threatens the national security of the United States;

(2) in the past 3 decades, obesity rates have quadrupled for children ages 6 to 11;

(3)(A) Department of Defense data indicates that an alarming 75 percent of all young people in the United States ages 17 to 24 are unable to join the military; and

(B) obesity is the leading medical reason why applicants fail to qualify for military service;

(4) in April 2010, more than 100 of the top retired generals, admirals, and senior military leaders in the United States released a report entitled “Too Fat to Fight”, which urgently called on Congress to pass new child nutrition legislation that would—

(A) get junk food out of schools; and

(B) support increased funding to improve nutritional standards and the quality of meals served in schools;

(5) in May 2012, the Institute of Medicine released a report entitled “Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation”, which called for the establishment of a task force to examine evidence on the relationship between agricultural policy, the diet of the average American, and childhood obesity;

(6) a cooperative national effort by experts in agriculture, security, and health in the form of a scientifically rigorous task force is needed;

(7)(A) properly managed, the school environment can be instrumental in fostering healthful eating habits that will last a lifetime;

(B) unfortunately, some of the agricultural food and nutrition policies of the United States contribute to the obesity epidemic;

(C) Federal food and nutrition programs are woven into the fabric of the lives of children in the United States;

(D) every day, millions of children buy breakfast, lunch, and snacks in school; and

(E) funding for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) accounts for nearly 75 percent of the total cost of this Act;

(8) since the enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.), there has been a sea change of interest and focus on the obesity epidemic in the United States;

(9) Congress should have the very best information when making policy decisions; and

(10) establishment of a task force will help to focus on the relationship between agricultural policies and obesity.

(b) PURPOSES.—The purposes of the Task Force established under this section are—

(1) to facilitate the next round of fact-based solutions to the obesity epidemic; and

(2) to build the foundation for evaluating and considering the very best available scientific evidence on the relationship between agriculture policies, the diet of the average American, childhood nutrition, and childhood obesity.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a task force to be known as the “Task Force to Promote National Security by Reducing Childhood Obesity” (referred to in this section as the “Task Force”).

(2) MEMBERSHIP.—

(A) ELIGIBILITY.—Members of the Task Force shall—

(i) have specialized training or significant experience in matters under the jurisdiction of the Task Force; and

(ii) represent, at a minimum—

(I) national security interests;

(II) national agricultural interests; and

(III) national health interests.

(B) COMPOSITION.—

(i) IN GENERAL.—The Task Force shall be composed of 15 members, in a manner that ensures fair and balanced representation of the national security, agriculture, and health sectors of the United States.

(ii) APPOINTMENT.—As soon as practicable after the date on which funds are first made available to carry out this section, members shall be appointed to the Task Force in accordance with the following requirements:

(I) 1 member shall be—

(aa) appointed by the Secretary to represent the Department of Agriculture; and

(bb) an expert in the field of agricultural policy as that field relates to childhood nutrition and childhood obesity.

(II) 1 member shall be—

(aa) appointed by the Secretary; and

(bb) an expert in the field of nutrition as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(III) 1 member shall be—

(aa) appointed by the Secretary to represent the Economic Research Service of the Department of Agriculture; and

(bb) an expert in the field of economics as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(IV) 3 members shall be appointed by the Secretary to represent the private agriculture industry, of whom—

(aa) all shall be experts in the respective fields of the members as those fields relate to agricultural policy, childhood nutrition, and childhood obesity;

(bb) 1 shall be a representative of the fruit and vegetable industry;

(cc) 1 shall be a representative of the grain-growing industry; and

(dd) 1 shall be a representative of the animal food products industry.

(V) 3 members shall be appointed by the Secretary of Defense to represent the Department of Defense, of whom—

(aa) all shall be experts in national security as that field relates to childhood nutrition and childhood obesity; and

(bb) 1 shall be a current or former senior noncommissioned officer with at least 2 years of experience in the physical training and conditioning of new recruits.

(VI) 2 members shall be appointed by the Secretary of Defense on the nomination of Mission: Readiness (or a successor entity).

(VII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the Institute of Medicine of the National Academy of Sciences; and

(bb) an expert in the field of public health as that field relates to childhood nutrition and childhood obesity.

(VIII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American Academy of Pediatrics; and

(bb) an expert in the field of pediatric public health as that field relates to childhood nutrition and childhood obesity.

(IX) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Occupational and Environmental Medicine; and

(bb) an expert in the field of adult public health (as that field relates to childhood nutrition and childhood obesity) that has expertise in leveraging employer resources to improve the health of the children of the employees.

(X) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Preventive Medicine; and

(bb) an expert in the field of preventative medicine as that field relates to childhood nutrition and childhood obesity.

(C) CHAIRPERSON.—The Secretary shall appoint 1 member of the Task Force to serve as chairperson for the duration of the proceedings of the Task Force.

(D) VICE CHAIRPERSON.—The Secretary of Defense shall appoint 1 member of the Task Force to serve as vice chairperson for the duration of the proceedings of the Task Force.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(4) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Task Force.

(B) VACANCIES.—A vacancy on the Task Force—

(i) shall not affect the powers of the Task Force; and

(ii) shall be filled in the same manner as the original appointment was made.

(5) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

(6) MEETINGS.—The Task Force shall meet at the call of the Chairperson.

(7) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

(d) DUTIES.—

(1) IN GENERAL.—The Task Force shall evaluate—

(A) the implications of agricultural policies on the diet of the average American and childhood obesity; and

(B) how agricultural policy can be used to reduce childhood obesity to promote national security.

(2) REQUIREMENTS.—The Task Force shall—

(A) evaluate the evidence on the relationship between agricultural policies of the United States (including agricultural subsidies and the management of commodities) and the diet of the people of the United States, specifically the relationship between agricultural policies and childhood obesity;

(B) consider the current understanding and degree of implementation of using an optimal mix of crops and agricultural production methods so as to meet the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) develop recommendations for future policy options and policy-related research to address agricultural policies that are identified as potential contributors to childhood obesity;

(D) develop recommendations on how agricultural policy can be used to reduce childhood obesity to promote national security; and

(E) develop recommendations for establishing a formal process by which Federal food, agriculture, national security, and health officials would review and report on

the possible implications of agricultural policies of the United States for obesity prevention, to ensure that this issue is fully taken into account each and every time that policymakers consider the Farm Bill reauthorization and other legislation affecting agricultural and nutrition policies.

(3) **REPORT.**—Not later than 1 year after the date on which all members of the Task Force are appointed, the Task Force shall submit to the Secretaries of Agriculture, Defense, and Health and Human Services, and to the appropriate committees of Congress, a report that contains—

(A) a detailed statement of the findings and conclusions of the Task Force; and

(B) the recommendations of the Task Force for such legislation and administrative actions as the Task Force considers appropriate.

(e) **POWERS.**—

(1) **HEARINGS.**—The Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

(2) **INFORMATION FROM FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—The Task Force may secure directly from a Federal agency such information (other than classified or confidential information) as the Task Force considers necessary to carry out this section.

(B) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

(3) **POSTAL SERVICES.**—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) **TASK FORCE PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **NON-FEDERAL EMPLOYEES.**—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

(B) **FEDERAL EMPLOYEES.**—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) **TRAVEL EXPENSES.**—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

(3) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Task Force may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Task Force to perform the duties of the Task Force.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Task Force.

(C) **COMPENSATION.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Chairperson of the Task Force

may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(A) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

(B) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Task Force may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) **LIMITATION.**—No payment may be made under subsection (f) except to the extent provided for in advance in an appropriations Act.

(h) **TERMINATION OF TASK FORCE.**—The Task Force shall terminate 90 days after the date on which the Task Force submits the report of the Task Force under subsection (d)(3).

SA 2222. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 769, strike lines 12 through 16 and insert the following:

“section;

“(D) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section; and

“(E) with respect to an application for assistance under this section, shall—

“(i) promptly post on the website of the Rural Utilities Service—

“(I) an announcement that identifies—

“(aa) each applicant; and

“(bb) the amount and type of support requested by each applicant; and

“(II) a list of the census block groups or tracts that the applicant proposes to serve; and

“(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

“(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

“(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

“(II) any other data regarding the availability of broadband service that the Sec-

retary may collect or obtain through reasonable efforts.”.

SA 2223. Mrs. MCCASKILL (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. DRIVING DISTANCE FOR PURPOSES OF PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

Section 14212(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 6932a(b)(1)) is amended by inserting “driving” after “20” each place it appears.

SA 2224. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . RULE RELATING TO CHILD LABOR.

Notwithstanding any other provision of law, the Secretary of Labor shall not promulgate any regulation, including under the authority provided to enforce section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212), that addresses child labor as it relates to agriculture, without first consulting with and obtaining the approval of the Chairman and Ranking Member of Committee on Agriculture of the House of Representatives, the Chairman and Ranking Member of the Committee on Agriculture of the Senate, and the Secretary of Agriculture.

SA 2225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE BY PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS.

(a) **DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.**—In this section:

(1) **IN GENERAL.**—The term “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) **EXCLUSIONS.**—The term “seriously delinquent tax debt” does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) **PROHIBITION.**—Notwithstanding any other provision of this Act or an amendment made by this Act, an individual or entity who has a seriously delinquent tax debt shall be ineligible to receive financial assistance (including any payment, loan, grant, contract, or subsidy) under this Act or an

amendment made by this Act during the pendency of such seriously delinquent tax debt.

(c) **REGULATIONS.**—The Secretary of Agriculture, in conjunction with the Secretary of the Treasury, shall issue such regulations as the Secretary considers necessary to carry out this section.

SA 2226. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

SA 2227. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. STUDY ON SUGAR-SWEETENED BEVERAGES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the impact of sugar-sweetened beverages on obesity and human health in the United States; and

(2) the impact on obesity and human health of public health proposals that affect the cost and size of sugar-sweetened beverages.

SA 2228. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. PULSE CROP PRODUCTS.

(a) **PURPOSE.**—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE PULSE CROP.**—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) **PULSE CROP PRODUCT.**—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) **PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.**—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) **EVALUATION.**—Not later than September 30, 2016, the Secretary shall conduct

an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) **REPORT.**—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representatives a report describing the results of the evaluation.

(f) **FUNDING.**—

(1) **IN GENERAL.**—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$5,000,000.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SA 2229. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 7409. AGRICULTURAL RESEARCH SERVICE FACILITIES.

(a) **IN GENERAL.**—Subtitle F of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971 et seq.) is amended by adding at the end the following:

“SEC. 253. AGRICULTURAL RESEARCH SERVICE FACILITIES.

“The Agricultural Research Service shall operate at least 1 facility in each State.”

(b) **CONFORMING AMENDMENT.**—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by sections 4206(b) and 12201(b)) is amended—

(1) in paragraph (9), by striking “or” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(11) the authority of the Secretary to operate facilities under section 253.”

SA 2230. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 564, between lines 10 and 11, insert the following:

“(h) **GRANTS AND LOAN GUARANTEES TO PROVIDE HOUSING FOR EDUCATORS, PUBLIC SAFETY OFFICERS, AND MEDICAL PROVIDERS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **EDUCATOR.**—The term ‘educator’ means an individual who—

“(i) is employed full-time as a teacher, principal, or administrator by—

“(I) a public elementary school or secondary school that provides direct services to students in grades prekindergarten through grade 12, or a Head Start program; and

“(II) meets the appropriate teaching certification or licensure requirements of the State for the position in which the individual is employed; or

“(ii) is employed full-time as a librarian, a career guidance or counseling provider, an education aide, or in another instructional or administrative position for a public elementary school or secondary school.

“(B) **MEDICAL PROVIDER.**—The term ‘medical provider’ means—

“(i) a licensed doctor of medicine or osteopathy;

“(ii) an American Indian, Alaska Native, or Native Hawaiian recognized as a traditional healing practitioner;

“(iii) a health care provider that—

“(I) is licensed or certified under Federal or State law, as applicable; and

“(II) is providing services that are eligible for coverage under a plan under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

“(iv) a provider authorized under section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616); or

“(v) any other individual that the Secretary determines is capable of providing health care services.

“(C) **PUBLIC SAFETY OFFICER.**—The term ‘public safety officer’ means an individual who is employed full-time—

“(i) as a law enforcement officer by a law enforcement agency of the Federal Government, a State, a unit of general local government, or an Indian tribe; or

“(ii) as a firefighter by a fire department of the Federal Government, a State, a unit of general local government, or an Indian tribe.

“(D) **QUALIFIED COMMUNITY.**—The term ‘qualified community’ means any open country, or any place, town, village, or city—

“(i) that is not part of or associated with an urban area; and

“(ii) that—

“(I) has a population of not more than 2,500; or

“(II)(aa) has a population of not more than 10,000; and

“(bb) is not accessible by a motor vehicle, as defined in section 30102 of title 49, United States Code.

“(E) **QUALIFIED HOUSING.**—The term ‘qualified housing’ means housing for educators, public safety officers, or medical providers that is located in a qualified community.

“(F) **QUALIFIED PROJECT.**—The term ‘qualified project’ means—

“(i) the construction, modernization, renovation, or repair of qualified housing;

“(ii) the payment of interest on bonds or other financing instruments (excluding instruments used for refinancing) that are issued for the construction, modernization, renovation, or repair of qualified housing;

“(iii) the repayment of a loan used—

“(I) for the construction, modernization, renovation, or repair of qualified housing; or

“(II) to purchase real property on which qualified housing will be constructed;

“(iv) purchasing or leasing real property on which qualified housing will be constructed, renovated, modernized, or repaired; or

“(v) any other activity normally associated with the construction, modernization, renovation, or repair of qualified housing, as determined by the Secretary.

“(G) EDUCATIONAL SERVICE AGENCY, ELEMENTARY SCHOOL, LOCAL EDUCATIONAL AGENCY, SECONDARY SCHOOL, STATE EDUCATIONAL AGENCY.—The terms ‘educational service agency’, ‘elementary school’, ‘local educational agency’, ‘secondary school’, and ‘State educational agency’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) GRANTS.—The Secretary may make a grant to an applicant to carry out a qualified project.

“(3) LOAN GUARANTEES.—The Secretary may guarantee a loan made to an applicant for the construction, modernization, renovation, or repair of qualified housing.

“(4) FINANCING MECHANISMS.—The Secretary may make payments of interest on bonds, loans, or other financial instruments (other than financial instruments used for refinancing) that are issued to an applicant for a qualified project.

“(5) APPLICATION.—An applicant that desires a grant, loan guarantee, or payment of interest under this subsection shall submit to the Secretary an application that—

“(A) indicates whether the qualified housing for which the grant, loan guarantee, or payment of interest is sought is located in a qualified community;

“(B) identifies the applicant;

“(C) indicates whether the applicant prefers to receive a grant, loan guarantee, or payment of interest under this subsection;

“(D) describes how the applicant would ensure the adequate maintenance of qualified housing assisted under this subsection;

“(E) demonstrates a need for qualified housing in a qualified community, which may include a deficiency of affordable housing, a deficiency of habitable housing, or the need to modernize, renovate, or repair housing;

“(F) describes the expected impact of the grant, loan guarantee, or payment of interest on—

“(i) educators, public safety officers, and medical providers in a qualified community, including the impact on recruitment and retention of educators, public safety officers, and medical providers; and

“(ii) the economy of a qualified community, including—

“(I) any plans to use small business concerns for the construction, modernization, renovation, or repair of qualified housing; and

“(II) the short- and long-term impact on the rate of employment in the qualified community; and

“(G) describes how the applicant would ensure that qualified housing assisted under this subsection is used for educators, public safety officers, and medical providers.

“(6) INPUT FROM STATE DIRECTOR OF RURAL DEVELOPMENT.—The State Director of Rural Development for a State may submit to the Secretary an evaluation of any application for a qualified project in the State for which an application for assistance under this subsection is submitted and the Secretary shall take into consideration the evaluation in determining whether to provide assistance.

“(7) PRIORITY.—In awarding grants and making loan guarantees and payments of interest under this subsection, the Secretary shall give priority to an applicant that is—

“(A) a State educational agency or local educational agency;

“(B) an educational service agency;

“(C) a State or local housing authority;

“(D) an Indian tribe or tribal organization, as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(E) a tribally designated housing entity;

“(F) a local government; or

“(G) a consortium of any of the entities described in subparagraphs (A) through (F).

“(8) LIMITATION.—The Secretary may provide assistance to the same applicant under only 1 of paragraphs (2), (3), and (4).

“(9) REQUIREMENT.—As a condition of eligibility for a grant, loan guarantee, or payment of interest under this subsection, at least 1 named applicant shall be required to maintain ownership of the qualified housing that is the subject of the grant, loan guarantee, or payment of interest during the greater of—

“(A) 15 years; or

“(B) the period of the loan for which a loan guarantee or payment of interest is made under this subsection.

“(10) REPORTING.—

“(A) BY APPLICANTS.—Not later than 2 years after the date on which an applicant receives a grant, loan guarantee, or payment of interest under this subsection, the applicant shall submit to the Secretary a report that—

“(i) describes how the grant, loan guarantee, or payment of interest was used; and

“(ii) contains an estimate of the number of jobs created or maintained by use of the grant, loan guarantee, or payment of interest.

“(B) BY GAO.—Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report evaluating the program under this subsection.

“(11) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for fiscal year 2012, and each fiscal year thereafter.

“(B) AVAILABILITY.—Any amounts appropriated to carry out this subsection shall remain available for obligation by the Secretary during the 3-year period beginning on the date of the appropriation.

“(C) USE OF FUNDS.—Of any amounts appropriated for a fiscal year to carry out this subsection, the Secretary shall use—

“(i) not less than 50 percent to make grants under this subsection;

“(ii) not more than 5 percent to carry out national activities under this subsection, including providing technical assistance and conducting outreach to qualified communities; and

“(iii) any amounts not expended in accordance with clauses (i) and (ii) to make loan guarantees and payments of interest under this subsection.

SA 2231. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 764, strike lines 9 through 15 and insert the following:

“(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

“(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of

rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

“(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

“(I) certified by the affected community, city, county, or designee; or

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable; and

“(iii) give a higher priority to applicants that have not previously received grants, loans, or loan guarantees under paragraph (1) and that are seeking to build out unserved areas or to upgrade rural households to the minimum acceptable level of broadband service established under subsection (e).

On page 765, line 22, strike “and” after the semicolon at the end.

On page 766, line 7, strike the period at the end and insert “; and”.

On page 766, between lines 7 and 8, insert the following:

“(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

On page 766, between lines 21 and 22, insert the following:

(i) by striking clause (i) and inserting the following:

“(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e);”;

On page 766, line 22, strike “(ii)” the first place it appears and insert “(iii)”.

On page 766, line 25, strike “(iii)” the first place it appears and insert “(iv)”.

On page 767, strike lines 8 through 18 and insert the following:

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “the proceeds of a loan made or guaranteed” and inserting “assistance”; and

(bb) by striking “for the loan or loan guarantee” and inserting “of the eligible entity”;

(II) in clause (i), by striking “is offered broadband service by not more than 1 incumbent service provider” and inserting “are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e)”; and

(III) in clause (ii), by striking “3” and inserting “2”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in subparagraph (B) (as so redesignated)—

(I) in the subparagraph heading, by striking “3” and inserting “2”; and

(II) in clause (i), by inserting “the minimum acceptable level of broadband service established under subsection (e) in” after “service to”;

(C) in paragraph (3)—
 (i) in subparagraph (A), by striking “loan or” and inserting “grant, loan, or”; and
 (ii) in subparagraph (B), by adding at the end the following:

“(iii) INFORMATION.—Information submitted under this subparagraph shall be—

“(I) certified by the affected community, city, county, or designee; and

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable.”;

(D) in paragraph (4)—

(i) by striking “Subject to paragraph (1),” and inserting the following:

“(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),”;

(ii) by striking “loan or” and inserting “grant, loan, or”; and

(iii) by adding at the end the following:

“(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).”;

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “loan or” and inserting “grant, loan, or”; and

(ii) in subparagraph (C), by inserting “, and proportion relative to the service territory,” after “estimated number”;

(F) in paragraph (6), by striking “loan or” and inserting “grant, loan, or”;

On page 767, line 19, strike “(D)” and insert “(G)”.

On page 767, line 22, strike “(E)” and insert “(H)”.

On page 768, line 6, before the semicolon, insert the following: “, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure)”.

On page 768, line 9, before the semicolon, insert the following: “, including—

“(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

“(II) the speed of broadband service;

“(III) the price of broadband service;

“(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

“(V) any other metrics the Secretary determines to be appropriate

On page 769, strike lines 5 through 12 and insert the following:

“(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

“(i) recover funds from loan defaults;

“(ii)(I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

“(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

“(iii) consolidate and minimize overlap among the programs; and”.

On page 769, between lines 16 and 17, insert the following:

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

“(A) a 4-Mbps downstream transmission capacity; and

“(B) a 1-Mbps upstream transmission capacity.”

“(2) ADJUSTMENTS.—At least once every 2 years, the Secretary shall adjust the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.”;

On page 769, line 17, strike “(5)” and insert “(6)”.

On page 769, between lines 19 and 20, insert the following:

(7) in subsection (g), by striking paragraph (2) and inserting the following:

“(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

“(A) consider whether the recipient would be serving an area that is unserved; and

“(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.”;

On page 769, line 20, strike “(6)” and insert “(8)”.

On page 769, strike lines 23 and 24 and insert the following:

(B) in paragraph (1)—

(i) by inserting “grants and” after “number of”; and

(ii) by inserting “, including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas” before the semicolon at the end;

On page 770, line 5, strike “and”

On page 770, between lines 6 and 7, insert the following:

(E) in paragraph (5), by striking “and” at the end;

(F) in paragraph (6), by striking the period at the end and inserting “; and”;

(G) by adding at the end the following:

“(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

“(A) the number of residences and businesses receiving new broadband services;

“(B) network improvements, including facility upgrades and equipment purchases;

“(C) average broadband speeds and prices on a local and statewide basis;

“(D) any changes in broadband adoption rates; and

“(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.”;

On page 770, strike line 7 and insert the following:

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

“(k) BROADBAND BUILDOUT DATA.—

“(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under

this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

“(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the ‘Administration’); and

“(B) not later than 30 days after the earlier of—

“(i) the date of completion of any project milestone established by the Secretary; or

“(ii) the date of completion of the project.

“(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

“(3) CORRECTIONS.—

“(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

“(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

“(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correction by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of making the grant or loan award decision.”;

(11) in paragraph (1) of subsection (l) (as redesignated by paragraph (9))—

On page 770, strike line 12 and insert the following:

(12) in subsection (m) (as redesignated by paragraph (9))—

SA 2232. Mr. TESTER (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XIII—RECREATIONAL HUNTING, FISHING, AND SHOOTING

SEC. 13001. SHORT TITLE.

This title may be cited as the “Sportsmen’s Act of 2012”.

Subtitle A—Hunting, Fishing, and Recreational Shooting

PART I—HUNTING AND RECREATIONAL SHOOTING

SEC. 13101. MAKING PUBLIC LAND PUBLIC.

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended to read as follows:

“SEC. 3. AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts requested

for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under subsection (b).

“(b) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

“(c) CRITERIA.—Projects identified on the priority list developed under subsection (b) shall secure recreational public access to Federal public land in existence as of the date of enactment of this section that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460l-5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”;

(B) in the first sentence of section 9 (16 U.S.C. 460l-10a), by striking “by section 3 of this Act”;

(C) in the third sentence of section 10 (16 U.S.C. 460l-10b), by striking “by section 3 of this Act”.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.)”.

SEC. 13102. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person who submits, with the permit application, proof that the polar bear—

“(I) was legally harvested by the person before February 18, 1997; or

“(II) was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations (or a successor regulation).

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.”.

SEC. 13103. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.

The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development

project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

SEC. 13104. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—Section 512(b) of the Credit CARD Act of 2009 (16 U.S.C. 1a-7b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “firearm including an assembled or functional firearm” and inserting “firearm (including an assembled or functional firearm) or bow”;

(2) in paragraphs (1) and (2), by inserting “or bow or crossbow” after “firearm” each place it appears.

PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT

SEC. 13201. TARGET PRACTICE AND MARKSMANSHIP TRAINING.

This part may be cited as the “Target Practice and Marksmanship Training Support Act”.

SEC. 13202. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on

Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 13203. DEFINITION OF PUBLIC TARGET RANGE.

In this part, the term “public target range” means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 13204. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”;

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of

acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

SEC. 13205. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

PART III—FISHING

SEC. 13301. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

(2) in clause (vi) by striking the period at the end and inserting “, and”; and

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

SEC. 13302. PROHIBITION ON SALE OF BILLFISH.

(a) PROHIBITION.—No person shall offer for sale, sell, or have custody, control, or possession of for purposes of offering for sale or selling billfish or products containing billfish.

(b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act (16 U.S.C. 1857).

(c) EXEMPTION FOR TRADITIONAL FISHERIES AND MARKETS.—Subsection (a) does not apply to the State of Hawaii and Pacific Insular Area as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(35)), except that billfish may be sold under this exemption only in the United States and the Pacific Insular Area.

(d) BILLFISH DEFINED.—In this section, the term “billfish”—

(1) means any fish of the species—

(A) *Makaira nigricans* (blue marlin);

(B) *Kajikia audax* (striped marlin);

(C) *Istiompax indica* (black marlin);

(D) *Istiophorus platypterus* (sailfish);

(E) *Tetrapturus angustirostris* (shortbill spearfish);

(F) *Kajikia albida* (white marlin);

(G) *Tetrapturus georgii* (roundscale spearfish);

(H) *Tetrapturus belone* (Mediterranean spearfish); and

(I) *Tetrapturus pfluegeri* (longbill spearfish); and

(2) does not include the species *Xiphias gladius* (swordfish).

SEC. 13303. REPORT ON ARTIFICIAL REEFS IN THE GULF OF MEXICO.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Secretary of Commerce and the heads of other Federal and State agencies, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a plan to assess how best to integrate the goals of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2101 et seq.) and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(b) CONTENTS OF PLAN.—The plan required under subsection (a) shall include—

(1) an assessment of the capability of the Department of the Interior to identify and issue a public notice of platforms and related structures scheduled to be removed in 2012 and 2013 pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in the notice to lessees on the decommissioning for platforms and related structures in the Gulf of Mexico OCS Region (NTL No. 2010-G05) of the Department of the Interior;

(2) strategies for coordination with relevant Federal and State agencies and accredited marine research institutes and university marine biology departments to assess the biodiversity and critical habitat present at platforms and related structures subject to removal pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010-G05;

(3) an assessment of the potential impacts of the removal of the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010-G05 on the Gulf of Mexico ecosystem and marine habitat;

(4) an assessment of the potential impacts of not removing the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL NO. 2010-G05, including potential damage as a result of hurricanes and other incidents; and

(5) an assessment of the potential impacts of the removal of platforms and related structures on the rebuilding plans for Gulf reef fish and habitat, as developed by the National Marine Fisheries Service of the Department of Commerce.

(c) FINAL REPORT.—Not later than 18 months after the date of submission of the

plan developed under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a final report that includes—

(1) a description of public comments from regional stakeholders, including recreational anglers, divers, offshore oil and gas companies, marine biologists, and commercial fishermen; and

(2) findings relative to comments developed under this subsection, including options to mitigate potential adverse impacts on marine habitat associated with the removal of platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010-G05.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section such sums as are necessary.

Subtitle B—National Fish Habitat

PART I—NATIONAL FISH HABITAT

SEC. 13401. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term “Board” means the National Fish Habitat Board established by section 13402(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) **FISH.**—

(A) **IN GENERAL.**—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) **INCLUSIONS.**—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) **FISH HABITAT CONSERVATION PROJECT.**—

(A) **IN GENERAL.**—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 13404; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) **INCLUSIONS.**—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) **NATIONAL FISH HABITAT ACTION PLAN.**—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) **PARTNERSHIP.**—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 13403(a).

(12) **REAL PROPERTY INTEREST.**—The term “real property interest” means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(14) **STATE AGENCY.**—The term “State agency” means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

SEC. 13402. NATIONAL FISH HABITAT BOARD.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established a board, to be known as the “National Fish Habitat Board”—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) **MEMBERSHIP.**—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) **COMPENSATION.**—A member of the Board shall serve without compensation.

(4) **TRAVEL EXPENSES.**—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) **APPOINTMENT AND TERMS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) **INITIAL BOARD MEMBERSHIP.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) **TRIBAL REPRESENTATIVES.**—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) **TRANSITIONAL TERMS.**—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) **VACANCIES.**—

(A) **IN GENERAL.**—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) **TRIBAL REPRESENTATIVES.**—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) **CONTINUATION OF SERVICE.**—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) **REMOVAL.**—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) **CHAIRPERSON.**—

(1) **IN GENERAL.**—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) **TERM.**—The Chairperson of the Board shall serve for a term of 3 years.

(d) **MEETINGS.**—

(1) **IN GENERAL.**—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) **PUBLIC ACCESS.**—All meetings of the Board shall be open to the public.

(e) **PROCEDURES.**—

(1) **IN GENERAL.**—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of $\frac{2}{3}$ of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 13403; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 13403. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and
(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 13404. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating ac-

tively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity

pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

SEC. 13405. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) **FUNCTIONS.**—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this part;

(5) assist the Secretary in carrying out the requirements of sections 13406 and 13408;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 13409;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) **INTERAGENCY OPERATIONAL PLAN.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) **STAFF AND SUPPORT.**—

(1) **DEPARTMENTS OF INTERIOR AND COMMERCE.**—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 13413.

(2) **STATES AND INDIAN TRIBES.**—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) **DETAILEES AND CONTRACTORS.**—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) **QUALIFICATIONS.**—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) **WAIVER OF REQUIREMENT.**—The Secretary may waive all or part of the non-Federal contribution requirement under section 13404(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) **REPORTS.**—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

SEC. 13406. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) **IN GENERAL.**—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

SEC. 13407. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

SEC. 13408. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

SEC. 13409. ACCOUNTABILITY AND REPORTING.

(a) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 13404(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 13404(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 13404(b) that was based on a factor other than the criteria described in section 13404(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) **REVISIONS.**—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 13410. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

SEC. 13411. EFFECT OF PART.

(a) **WATER RIGHTS.**—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) **STATE AUTHORITY.**—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) **EFFECT ON INDIAN TRIBES.**—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) **EFFECT ON OTHER AUTHORITIES.**—

(1) **ACQUISITION OF LAND AND WATER.**—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) **PRIVATE PROPERTY PROTECTION.**—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) **MITIGATION.**—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

SEC. 13412. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 13413. FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FISH HABITAT CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for fish habitat conservation projects approved under section 13404(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) **NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 13409, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) **REQUIRED TRANSFERS.**—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 13405(c).

(3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 13406—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) **PLANNING AND ADMINISTRATIVE EXPENSES.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 3 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) **AGREEMENTS AND GRANTS.**—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) **DONATIONS.**—

(1) **IN GENERAL.**—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) **TREATMENT.**—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

PART II—DUCK STAMPS

SEC. 13501. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than \$750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of \$306 to \$1,091 per acre.

SEC. 13502. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) **COST OF STAMPS.**—

“(1) **IN GENERAL.**—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

“(2) **COLLECTION OF AMOUNTS.**—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) **AMOUNTS.**—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”.

SEC. 13503. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) **WAIVERS.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) **LIMITATION.**—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”.

SEC. 13504. PERMANENT ELECTRONIC DUCK STAMPS.

(a) **DEFINITIONS.**—In this section:

(1) **ACTUAL STAMP.**—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accord-

ance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS

SEC. 13601. PURPOSES.

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

SEC. 13602. DEFINITIONS.

In this part:

(1) CONSERVATION ACTION.—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 13602.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **JOINT VENTURE.**—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 13601 and in accordance with section 13603.

(6) **MANAGEMENT BOARD.**—The term “Management Board” means a Joint Venture Management Board established in accordance with section 13603.

(7) **MIGRATORY BIRDS.**—The term “migratory birds” means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) **PROGRAM.**—The term “Program” means the Joint Ventures Program conducted in accordance with this part.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SERVICE.**—The term “Service” means the United States Fish and Wildlife Service.

(11) **STATE.**—The term “State” means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

SEC. 13603. JOINT VENTURES PROGRAM.

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) **COORDINATION WITH STATES.**—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

SEC. 13604. ADMINISTRATION.

(a) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 13601.

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) **MANAGEMENT BOARD.**—

(1) **IN GENERAL.**—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 13601;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

SEC. 13605. GRANTS AND OTHER ASSISTANCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 13604.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

SEC. 13606. REPORTING.

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 13601;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

SEC. 13607. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 13608. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

PART IV—REAUTHORIZATIONS

SEC. 13701. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

SEC. 13702. PARTNERS FOR FISH AND WILDLIFE ACT.

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

SEC. 13703. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) IN GENERAL.—Officers”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) POWERS.—To carry out its purposes under” and inserting the following:

“(c) POWERS.—

“(1) IN GENERAL.—To carry out the purposes described in”; and

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”; and

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”; and

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other

rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”; and

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.”

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

SEC. 13704. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”; and

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”.

SEC. 13705. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

SEC. 13706. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act

\$6,500,000 for each of fiscal years 2012 through 2017.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

SEC. 13707. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “21”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”.

SA 2233. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, strike line 8 and insert the following:

“(G) REFERENCE PRICES.—Beginning with the 2014 reinsurance year, the Corporation shall, through the Standard Reinsurance Agreement, calculate the reimbursement of administrative and operating costs using reference prices for covered commodities (as defined in section 1104 of the Agriculture Reform, Food, and Jobs Act of 2012) based on the average prices for the 1999 through 2008 crop years, as determined by the Corporation, in a manner that is budget neutral.”.

SA 2234. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 829, strike lines 16 through 18 and insert the following:

(1) in subsection (a), by adding at the end the following:

“(3) DEFINITIONS.—In this section:

“(A) CONVENTIONAL BREEDING.—The term ‘conventional breeding’ means the development of new varieties of an organism through controlled mating and selection without the use of transgenic methods.

“(B) PUBLIC BREED.—The term ‘public breed’ means a breed that is the commercially available uniform end product of a publicly funded breeding program that—

“(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

“(ii) remains in the public domain for research purposes.

“(C) PUBLIC CULTIVAR.—The term ‘public cultivar’ means a cultivar that is the commercially available uniform end product of a publicly funded breeding program that—

“(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

“(ii) remains in the public domain for research purposes.”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)(iii), by striking “conventional breeding, including cultivar and breed development,” and inserting “public cultivar development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including”; and

(ii) in subparagraph (B)(iv), by striking “conventional breeding, including breed development,” and inserting “public breed development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including”; and

(B) in paragraph (11)(A)—

(i) in the matter preceding clause (i), by striking “2012” and inserting “2017”; and

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(iii) not less than 5 percent shall be made available to make grants for research on conventional plant and animal breeding as described in paragraph (2).”; and

On page 829, line 19, strike “(2)” and insert “(3)”.

SA 2235. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. IMPROVING NUTRITION PILOT PROJECTS.

Section 17(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)) is amended by adding at the end the following:

“(4) IMPROVING NUTRITION PILOT PROJECTS.—

“(A) IN GENERAL.—As soon as practicable after the date of enactment of this paragraph, after providing notice but without regard to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’), the Secretary shall carry out on a trial basis in 5 or more States pilot projects to test program changes designed—

“(i) to improve the nutrition of supplemental nutrition assistance program beneficiaries; or

“(ii) to assist the beneficiaries in meeting Federal nutrition guidelines.

“(B) PROJECT APPROVAL REQUIREMENTS.—In selecting pilot projects under this paragraph, the Secretary shall give priority to projects—

“(i) that provide a reasonable expectation that—

“(I) under the project, the nutritional value of food purchased with supplemental nutritional assistance program benefits will increase; or

“(II) the project will assist supplemental nutritional assistance program beneficiaries in meeting Federal nutrition guidelines;

“(ii) that will be developed using a public process that shall include—

“(I) representatives of agricultural producers, program beneficiaries, anti-hunger advocates, and public health groups; and

“(II) solicitation of substantial public input for a period of not less than 90 days; and

“(iii) for which the responsible State or local authority guarantees that the State or local authority will maintain cost neutrality for the duration of the project.

“(C) DURATION.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), a pilot project under this paragraph shall be authorized for not more than 5 years.

“(ii) REPORT.—As soon as practicable after the end of the 3-calendar-year period beginning on the date of implementation of a pilot project under this paragraph, the Secretary shall issue a comprehensive report that assesses whether or not the pilot project has met or will meet the stated goals of the project.

“(iii) POSITIVE DETERMINATION.—Only if the Secretary makes a positive determination in the report described in clause (ii) shall the pilot program continue for the remainder of the 5-year authorization.

“(D) WAIVER.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any requirement of this Act to the extent necessary to carry out a project under this paragraph.

“(ii) LIMITATION.—A waiver granted under clause (i) shall not reduce the eligibility for, or amount of, benefits available to recipients under this Act.

“(iii) REQUIREMENT.—The Secretary shall approve or deny any waiver request made by a State for a project under this paragraph not later than 60 days after the date on which the Secretary receives the request.”

SA 2236. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

“(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a holding tank, water catchment or cistern system.”

SA 2237. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, strike lines 4 through 6 and insert the following:

“(2) EXCLUSIONS.—In this subsection, the term “direct operating loan” shall not include—

“(A) a loan made to a youth under subsection (d); or

“(B) a local market loan, as defined by the Secretary.

On page 389, line 18, insert “(including a local market loan, as defined by the Secretary)” after “A direct loan”.

On page 393, line 7, strike “The Secretary” and insert “Except as provided in paragraph (3), the Secretary”.

On page 394, between lines 6 and 7, insert the following:

“(3) LOCAL MARKET LOANS.—The Secretary shall not make or guarantee a local market loan (as defined by the Secretary) under this title if the local market loan would result in the total principal indebtedness outstanding at any 1 time for a local market loan made under this title to any 1 borrower to exceed \$50,000.

On page 395, line 22, insert “(including a local market loan)” after “a direct loan”.

On page 488, between lines 13 and 14, insert the following:

“(3) LOCAL MARKET LOANS.—In the case of a local market loan made or granted under this title, the Secretary shall contract with community-based nongovernmental organizations or other appropriate partners, as determined by the Secretary—

“(A) to assist borrowers in successfully identifying and meeting local market opportunities;

“(B) to provide technical assistance to borrowers; and

“(C) to provide business management and credit counseling services to borrowers.

On page 523, line 9, insert “(including a local market loan, as defined by the Secretary)” before “under section 3201”.

SA 2238. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 7, strike “no less” and insert “more”.

On page 110, line 22, strike “no less” and insert “more”.

On page 112, after line 21, add the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the feasibility of establishing 2 classes of milk, a fluid class and a manufacturing class, to replace the 4-class system in effect on the date of enactment of this Act in administering Federal milk marketing orders.

(2) FEDERAL MILK MARKET ORDER REVIEW COMMISSION.—The Secretary may elect to use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1726), or documents of the Commission, to conduct all or part of the study.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Ag-

riculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this subsection, including any recommendations.

SA 2239. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 832, line 6, strike “\$50,000,000” and insert “\$100,000,000”.

SA 2240. Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____ . PERMANENT ESTATE TAX REPEAL.

(a) IN GENERAL.—

(1) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 2210. TERMINATION.

“(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

“(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

“(2) section 2056A(b)(1)(B) shall not apply on or after such date.”

(2) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of such Code is amended by adding at the end the following new section:

“SEC. 2664. TERMINATION.

“This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.”

(3) CONFORMING AMENDMENTS.—

(A) The table of sections for subchapter C of chapter 11 of such Code is amended by adding at the end the following new item:

“Sec. 2210. Termination.”

(B) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

“Sec. 2664. Termination.”

(4) RESTORATION OF PRE-EGTRRA PROVISIONS NOT APPLICABLE.—

(A) IN GENERAL.—Section 301 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 shall not apply to estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) EXCEPTION FOR STEPPED-UP BASIS.—Paragraph (1) shall not apply to the provisions of law amended by subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to carryover basis at death; other changes taking effect with repeal).

(5) SUNSET NOT APPLICABLE.—

(A) Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act in the case of estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is hereby repealed.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply to the

estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

(b) MODIFICATIONS OF GIFT TAX.—

(1) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) COMPUTATION OF TAX.—

“(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

“(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

“(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

“(2) RATE SCHEDULE.—

| “If the amount with respect to which the tentative tax to be computed is: | The tentative tax is: |
|--|---|
| Not over \$10,000 | 18% of such amount. |
| Over \$10,000 but not over \$20,000 | \$1,800, plus 20% of the excess over \$10,000. |
| Over \$20,000 but not over \$40,000 | \$3,800, plus 22% of the excess over \$20,000. |
| Over \$40,000 but not over \$60,000 | \$8,200, plus 24% of the excess over \$40,000. |
| Over \$60,000 but not over \$80,000 | \$13,000, plus 26% of the excess over \$60,000. |
| Over \$80,000 but not over \$100,000 | \$18,200, plus 28% of the excess over \$80,000. |
| Over \$100,000 but not over \$150,000 | \$23,800, plus 30% of the excess over \$100,000. |
| Over \$150,000 but not over \$250,000 | \$38,800, plus 32% of the excess of \$150,000. |
| Over \$250,000 but not over \$500,000 | \$70,800, plus 34% of the excess over \$250,000. |
| Over \$500,000 | \$155,800, plus 35% of the excess of \$500,000.”. |

(2) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of such Code is amended by adding at the end the following new subsection:

“(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor’s spouse under subpart E of part I of subchapter J of chapter 1.”.

(3) LIFETIME GIFT EXEMPTION.—Paragraph (1) of section 2505(a) of such Code is amended to read as follows:

“(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were \$5,000,000, reduced by”.

(4) CONFORMING AMENDMENTS.—

(A) Section 2505(a) of such Code is amended by striking the last sentence.

(B) The heading for section 2505 of such Code is amended by striking “UNIFIED”.

(C) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

“Sec. 2505. Credit against gift tax.”.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to gifts made on or after the date of the enactment of this Act.

(6) TRANSITION RULE.—

(A) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as one preceding calendar period.

SA 2241. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HAZARDOUS MATERIAL ENDORSEMENT EXEMPTION.

(a) EXCLUSION.—Section 5117(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

“(i) driven by a Class A commercial driver’s license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

“(ii) clearly marked with a placard reading ‘Diesel Fuel’.”.

(b) EXEMPTION.—Section 31315(b) of title 49, United States Code, is amended by adding at the end the following:

“(8) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all Class A commercial driver’s license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous material endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading ‘Diesel Fuel’.”.

SA 2242. Mr. NELSON of Nebraska (for himself, Mr. JOHANNES, Mr. JOHNSON of South Dakota, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 12207. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking “1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010” and inserting “1990, 2000, or 2010 decennial census, and any area deemed to be a ‘rural area’ for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020”; and

(2) by striking “25,000” and inserting “35,000”.

SA 2243. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. PERFORMANCE BONUS PAYMENTS.

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

“(5) USE OF PERFORMANCE BONUS PAYMENTS.—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

- “(A) technology;
- “(B) improvements in administration and distribution; and
- “(C) actions to prevent fraud, waste, and abuse.”.

SA 2244. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, between lines 3 and 4, insert the following:

SEC. 4001. ENHANCING SERVICES TO ELDERLY AND INDIVIDUALS WITH DISABILITIES SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RECIPIENTS.

(a) IN GENERAL.—Section 3(p) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (4) the following:

“(5) a public or private nonprofit food purchasing and delivery service that—

“(A) purchases food for, and delivers the food to, individuals who are—

“(i) unable to shop for food; and

“(ii) not less than 60 years of age; or

“(II) individuals with disabilities;

“(B) clearly notifies the participating household at the time the household places a food order—

“(i) of any delivery fee associated with the food purchase and delivery provided to the household by the service; and

“(ii) that a delivery fee cannot be paid with benefits provided under the supplemental nutrition assistance program; and

“(C) sells food purchased for the household at the price paid by the service for the food without any additional cost markup.”.

(b) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish criteria to identify a food purchasing and delivery service described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)); and

(2) establish procedures to ensure that the service—

(A) does not charge more for a food item than the price paid by the service for the food item;

(B) offers food delivery service at no or low cost to households under that Act;

(C) ensures that benefits provided under the supplemental nutrition assistance program are used only to purchase food, as defined in section 3 of that Act (7 U.S.C. 2012);

(D) limits the purchase of food, and the delivery of the food, to households eligible to receive services described in section 3(p)(5) of that Act (as added by subsection (a)(3));

(E) has established adequate safeguards against fraudulent activities, including unauthorized use of electronic benefit cards issued under that Act; and

(F) such other requirements as the Secretary considers appropriate.

(c) LIMITATION.—Before the issuance of regulations under subsection (b), the Secretary may not approve more than 20 food pur-

chasing and delivery services described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)) to participate as retail food stores under the supplemental nutrition assistance program.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 30 days after the date of the enactment of this Act.

SA 2245. Mr. HARKIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, strike lines 4 through 6, and insert the following:

“(2) EXCEPTIONS.—In this subsection, the term ‘direct operating loan’ shall not include—

“(A) a loan made to a youth under subsection (d); or

“(B) a microloan made to a young beginning farmer or rancher or a military veteran farmer, as defined by the Secretary.”.

On page 389, line 18, insert “(including a microloan, as defined by the Secretary)” after “A direct loan”.

On page 393, line 7, strike “The Secretary” and insert “Except as provided in subsection (c), the Secretary”.

On page 394, between lines 16 and 17, insert the following:

“(c) MICROLOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish a program to make or guarantee microloans.

“(2) LIMITATION.—The Secretary shall not make or guarantee a microloan under this chapter that would cause the total principal indebtedness outstanding at any 1 time for microloans made under this chapter to any 1 borrower to exceed \$35,000.

“(3) APPLICATIONS.—To the maximum extent practicable, the Secretary shall limit the administrative burdens and streamline the application and approval process for microloans under this subsection.

“(4) COOPERATIVE LENDING PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with community-based and nongovernmental organizations, State entities, or other intermediaries, as the Secretary determines appropriate—

“(i) to make or guarantee a microloan under this subsection; and

“(ii) to provide business, financial, marketing, and credit management services to borrowers.

“(B) REQUIREMENTS.—Before contracting with an entity described in subparagraph (A), the Secretary—

“(i) shall review and approve—

“(I) the loan loss reserve fund for microloans established by the entity; and

“(II) the underwriting standards for microloans of the entity; and

“(ii) establish such other requirements for contracting with the entity as the Secretary determines necessary.

On page 395, line 22, insert “a microloan to a beginning farmer or rancher or military veteran farmer or” before “a direct loan”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Indian Affairs be authorized to meet during the session of the Senate on June 7, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 7, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2012, at 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 7, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, “Recommendations from the Blue Ribbon Commission on America’s Nuclear Future for a Consent-Based Approach to Siting Nuclear Waste Storage and Management Facilities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 7, 2012, at 10:45 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, “The Path to Freedom: Countering Repression and Strengthening Civil Society in Cuba.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Nathan Engle, a legislative fellow in my office, be granted floor privileges for the consideration of S. 3240.

The ACTING PRESIDENT pro tempore. Without objection, so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent that the following detailees: Maureen James, Marcus Graham, and Kevin Norton, be granted floor privileges for the duration of the consideration of S. 3240, the Agriculture Reform, Food and Jobs Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TO ALLOW THE CHIEF OF THE FOREST SERVICE TO AWARD CERTAIN CONTRACTS FOR LARGE AIR TANKERS

Mr. REID. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3261.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 3261) to allow the Chief of the Forest Service to award certain contracts for large air tankers.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I rise today to discuss the importance of updating our aging and diminishing fleet of air tankers for emergency wildfire suppression operations.

Congress, the Forest Service, and communities sensitive to fire have known for a decade that we need to retire old air tankers. The tragic deaths this past weekend of two Forest Service contractors in an air tanker crash, and a crash landing at the Minden-Tahoe Airport near Carson City, remind us that further delay is unacceptable.

First, I would like to express my deep sorrow over the deaths of the two Forest Service contractors. Todd Tompkins and Ronnie Edwin Chambless were killed on Sunday as they dropped flame retardant from their P-2V7 heavy air tanker on the White Rock fire. At its highest point, the fire was ravaging nearly 5,000 acres in western Utah and southeastern Nevada, including sagebrush and other grasses in Lincoln County, NV.

Between the two of them, Captain Tompkins and First Officer Chambless had been flying for nearly three decades, including over a decade fighting fires. Captain Tompkins said he liked his work because it helped save communities and lives. Sadly, when he went into that mission on Sunday, he could not save his own.

My State has incurred much devastation from wildfires in recent years. These blazes have destroyed homes, displaced families and businesses, and wiped out both critical wildlife habitat and productive grazing lands.

Of course, without the brave work of the air tanker pilots dispatched to bat-

tle these fires, the damage could have been much worse. It is therefore critical that we help ensure these courageous men and women have the tools they need to conduct their important public safety work and preserve their own lives.

Today, we are asking for unanimous consent for Senate passage of legislation introduced by Senators WYDEN and BINGAMAN, S. 3261, which would allow the Forest Service to quickly complete the contracting process for acquiring at least seven new large air tankers to fight wildfires during the 2012 and 2013 fire seasons.

The Forest Service is contending with an aging fleet of aircraft. The agency is working with planes that were designed for combat in the Korean War. Finding parts for tankers a half-century old is difficult, leading them to be grounded for long periods of times when repairs are needed.

The Forest Service has said it needs between 18 and 28 new air tankers for optimal response to emergency response to wildfires. Today, however, there are only nine Forest Service tankers deemed airworthy to fight fires during what is expected to be a terrible fire season. If we act promptly, Congress has the opportunity to help the Forest Service put more tankers into service this year.

To partially satisfy the need for new air tankers, the Forest Service has requested that Congress waive a 30-day notification requirement before it awards contracts for four large air tankers. S. 3261 would waive this requirement, and allow the Forest Service to deploy these urgently needed air tankers.

There are hundreds of men and women currently fighting the White Rock fire, and I understand they are making progress. We should recognize their bravery, and provide them with the tools needed to do their dangerous job more safely by taking swift action on this issue.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3261) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. WAIVER.

Notwithstanding the last sentence of section 3903(d) of title 41, United States Code, the Chief of the Forest Service may award contracts pursuant to Solicitation Number AG-024B-S-11-9009 for large air tankers earlier than the end of the 30-day period beginning on the date of the notification required

under the first sentence of section 3903(d) of that title.

Mr. REID. Mr. President, we less than a week ago had two pilots killed in Nevada fighting fires with one of these airplanes that was old, old, old. I appreciate the work of the Senators who worked so hard to get this done. This is an important piece of legislation that will allow us to do a better job of fighting fires when we have these new large air tankers. The old ones are really, really old.

MAKING A TECHNICAL CORRECTION IN PUBLIC LAW 112-108

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5883, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5883) to make a technical correction in Public Law 112-108.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5883) was ordered to a third reading, was read the third time, and passed.

CORRECTING A TECHNICAL ERROR IN PUBLIC LAW 112-122

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5890.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5890) to correct a technical error in Public Law 112-122.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5890) was ordered to a third reading, was read the third time, and passed.

HONORING THE CONTRIBUTIONS OF THE LATE FANG LIZHI TO THE PEOPLE OF CHINA AND THE CAUSE OF FREEDOM

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 476 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 476) honoring the contributions of the late Fang Lizhi to the people of China and the cause of freedom.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I do not know of any further debate on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on adoption of the resolution.

The resolution (S. Res. 476) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

Whereas the Chinese scientist and democracy advocate, Fang Lizhi, passed away at his home in Tucson, Arizona, on April 6, 2012;

Whereas Fang Lizhi was born in February 1936 in Beijing, China;

Whereas, in 1952, Fang Lizhi enrolled in the Physics Department of Peking University, where he met his future wife, Li Shuxian, and joined the Chinese Communist Party in 1955;

Whereas, in 1955, Fang Lizhi openly questioned the lack of independent thinking in China's education system and, in 1957, drafted a letter with Li Shuxian and other associates proposing political reform;

Whereas Fang Lizhi and Li Shuxian were sentenced to hard labor in 1957 and 1958, respectively, as victims of China's Anti-Rightist Campaign;

Whereas, during China's Cultural Revolution, Fang Lizhi and other faculty members and students of the University of Science and Technology of China were sentenced to "reeducation through labor" in a coal mine and a brick factory;

Whereas, after he was again freed from confinement, Fang Lizhi emerged as China's leading astrophysicist and wrote the first modern Chinese-language cosmological studies, although the theory of general relativity contradicted Communist dogma;

Whereas, when he was appointed as vice president of the University of Science and Technology of China in 1984, Fang Lizhi initiated a series of reforms intended to democratize the management of the university and enhance academic freedom;

Whereas, in the winter of 1986-1987, when Chinese students across China protested on behalf of democracy and human rights, the Government of China fired Fang Lizhi from his post at the University of Science and Technology of China and subsequently purged him from the Communist party;

Whereas when, in the wake of his purge, excerpts from Fang Lizhi's speeches were distributed by authorities in China as examples of "bourgeois liberalism", his writings became tremendously popular among Chinese students;

Whereas, in February 1989, Fang Lizhi published an essay entitled "China's Despair and China's Hope", in which he wrote, "The road to democracy has already been long and difficult, and is likely to remain difficult for many years to come.";

Whereas, in this essay, Fang Lizhi also wrote that "it is precisely because democracy is generated from below—despite the many frustrations and disappointments in our present situation—I still view our future with hope";

Whereas, in the spring and early summer of 1989, Chinese students gathered in Tiananmen Square to voice their support for democracy, as well as to protest corruption in the Chinese Communist Party;

Whereas Fang Lizhi chose not to join the protests at Tiananmen Square in order to demonstrate that the students were acting autonomously;

Whereas, from June 3 through 4, 1989, the Government of China directed the People's Liberation Army to clear Tiananmen Square of protestors, killing hundreds of students and other civilians in the process;

Whereas, the Government of China issued arrest warrants for Fang Lizhi and Li Shuxian after the Tiananmen Massacre, accusing the pair of engaging in "counter-revolutionary propaganda" and denouncing Fang as the "instigator of chaos which resulted in the deaths of many people";

Whereas, on June 5, 1989, Fang Lizhi and Li Shuxian were escorted by United States diplomats to the United States Embassy in Beijing;

Whereas, between June 1989 and June 1990, United States diplomatic personnel under the leadership of Ambassador James R. Lilley sheltered Fang Lizhi and Li Shuxian at the United States Embassy in Beijing, despite the many hardships it imposed on the mission;

Whereas, at a November 15, 1989, ceremony awarding Fang Lizhi the Robert F. Kennedy Human Rights Award, Senator Edward M. Kennedy said of Fang "What Andrei Sakharov was in Moscow, Fang Lizhi became in Beijing.";

Whereas, on June 25, 1990, Fang Lizhi and Li Shuxian were allowed to leave China for the United Kingdom and then the United States;

Whereas, in 1992, Fang Lizhi received an appointment as a professor of physics at the University of Arizona in Tucson, where he continued his research in astrophysics and advocating for human rights in China;

Whereas, in the years since June 4, 1989, a new generation of Chinese activists has continued the struggle for democracy in their homeland, working "from below" to protect the rights of Chinese citizens, to increase the openness of the Chinese political system, and to reduce corruption among public officials; and

Whereas, with the passing of Fang Lizhi, China and the United States have lost a great scientist and one of the most eloquent human rights advocates of the modern era: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Fang Lizhi;

(2) honors the life, scientific contributions, and service of Fang Lizhi to advance the cause of human freedom;

(3) offers the deepest condolences of the Senate to the family and friends of Fang Lizhi; and

(4) stands with the people of China as they strive to improve their way of life and create a government that is truly democratic and respectful of international norms in the area of human rights.

COMMENDING THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL—USS "MIAMI" FIRE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 488.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 488) commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23rd, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in support of a resolution recognizing the incredible courage and tremendous skill of the firefighters and emergency first responders who extinguished the fire aboard the USS *Miami* (SSN-755), a Los Angeles-class nuclear-powered submarine, 2 weeks ago at Kittery-Portsmouth Naval Shipyard in Kittery, ME.

At approximately 5:41 p.m. on Wednesday, May 23, 2012, a four-alarm fire broke out inside the forward compartment of the USS *Miami*, which was 3 months into a 20-month overhaul at Kittery-Portsmouth. More than 100 first responders from 23 locations in 4 separate States responded to successfully contain the damage of the blaze and ensure that there was no tragic loss of life.

With nothing less than fearless determination in the face of what has been called the most significant emergency to strike the shipyard in decades, brave firefighters battled zero visibility in tight, obstructed quarters filled with noxious smoke and searing heat for more than 10 hours to limit the fire to the forward quarters of the ship and eventually extinguish it entirely.

Due to the unimaginably challenging space constraints, Kittery-Portsmouth firefighters, in a command capacity and with a succinct collaborative effort with shipyard project team personnel, directed the rotation of multiple waves of groups of only three or four firefighters at a time to descend two stories into the ship to push back the flames. Their critical decision to immediately request assistance from mutual aid communities up and down the

coast ensured sufficient manpower to sustain the continuous delivery of roughly three million gallons of water and fire suppressants needed to tame the blaze.

The integration of firefighters from so many seacoast communities was seamless, and should be held as an example of successful inter-jurisdictional cooperation that could be used as a model for similar emergencies in the future. Furthermore, the fact that each and every one of these exceptional firefighters, many of whom had no prior experience aboard a submarine, could walk into such an extraordinarily difficult situation and perform so successfully is a testament to their exhaustive training, remarkable abilities and undaunted valor.

Due to their inspirational efforts, with only seven responders suffering minor injuries, the fire and all subsequent damage was greatly limited, and the ship's nuclear reactor remained safe and stable throughout. After the fire, I had the privilege of meeting some of the firefighters who summoned unparalleled bravery and demonstrated such tenacity and skill in preventing the potentially catastrophic escalation of this fire. These men and women represent the very best of their field, and it is an honor to sponsor this resolution recognizing them.

Indeed, it is largely thanks to these able firefighters and emergency first responders that we have the opportunity to repair the USS *Miami*. When I spoke with Navy Vice Admiral McCoy, commander of Naval Sea Systems Command, after the fire, he said, "We're determined to send the *Miami* back to sea."

I join Admiral McCoy in this sentiment. With a growing shortage of submarines in our Navy, it is vital that the USS *Miami* and its crew are able to quickly return to their vital work of keeping this country safe and secure, as the boat has done since its commission in 1990. Indeed, in the coming weeks and months, I look forward to working with the Navy, the men and women of Kittery-Portsmouth Naval Shipyard, and my colleagues in the Senate to ensure that the USS *Miami* is quickly returned to service.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 488

Whereas the USS *Miami* (SSN-755), a Los Angeles-class nuclear attack submarine with a crew of 13 officers and 120 enlisted personnel, arrived at Portsmouth Naval Ship-

yard on March 1, 2012, for 20 months of scheduled maintenance;

Whereas at 5:41 p.m. EDT on May 23, 2012, a 4-alarm fire occurred in the forward compartment of the USS *Miami*;

Whereas emergency response personnel, led by the firefighters of Portsmouth Naval Shipyard, worked for nearly 10 hours in tight, obstructed quarters filled with noxious smoke and searing heat—

(1) to prevent any loss of life;
(2) to bring the fire under control; and
(3) to successfully prevent the flames from reaching any nuclear material and allow the nuclear reactor to remain unaffected and stable throughout;

Whereas 23 fire departments and emergency response teams from the States of Maine, New Hampshire, Massachusetts, and Connecticut provided mutual aid support during the fire, including—

(1) Pease Air Force Base, New Hampshire;
(2) York County Hazardous Materials Response Team, Maine;
(3) Massachusetts Port Authority Logan Airport Crash Team;
(4) South Portland Fire Department, Maine;
(5) Eliot Fire Department, Maine;
(6) Lee Fire Department, New Hampshire;
(7) Dover Ambulance, New Hampshire;
(8) Portsmouth Fire Department, New Hampshire;
(9) Hampton Fire Department, New Hampshire;
(10) Kittery Fire Department, Maine;
(11) Newcastle Fire Department, New Hampshire;
(12) American Medical Response Ambulance, New Hampshire;
(13) Hanscom Air Force Base, Massachusetts;
(14) Naval Submarine Base New London, Connecticut;
(15) Rye Fire Department, New Hampshire;
(16) Greenland Fire Department, New Hampshire;
(17) York Fire Department, Maine;
(18) Newington Fire Department, Connecticut;
(19) Somersworth Fire Department, New Hampshire;
(20) Rollinsford Fire Department, New Hampshire;
(21) South Berwick Fire Department, Maine;
(22) York Ambulance, Maine; and
(23) York Beach Fire Department, Maine; and

Whereas the heroic actions of those firefighters, emergency response personnel, and the USS *Miami* crew and shipyard firefighters, 7 of whom suffered minor injuries during the fire, directly prevented catastrophe, and greatly limited the severity of the fire even in the most challenging of environments: Now, therefore, be it

Resolved, That the Senate—

(1) commends the exemplary and courageous service of all the firefighters and emergency response personnel who came together to successfully contain the fire, minimizing damage to a critical national security asset and ensuring no loss of life; and

(2) expresses support for the Navy and the exceptionally skilled workforce at Portsmouth Naval Shipyard in Kittery, Maine.

RECOGNIZING THE SPRING PAGE CLASS

Mr. REID. Mr. President, we have worked hard. Not as hard as I would

have liked or not as long hours as I would have liked and not as much accomplished as I would have liked, but this is the last day for this group of pages.

These spring pages have been exemplary. I really enjoy walking past them. They are out there studying. They are sitting here as we speak now. I wish I could have been a page. I really do. I think it would have been a great life.

We have done a much better job of making sure they are safe and happy. When I first came here, the pages lived wherever they could find a place to live. Now we have wonderful, safe, secure dormitories for those young men and women. We have a wonderful educational program for them. It is hard; no one can say it is easy. They learn a lot.

Two of my granddaughters have been pages. It changed their lives. They came here not having much interest in government. By the time they left, they had started reading the newspapers—not like the Presiding Officer and I, they did most of their reading online. But they were interested in government, and they still are. I guess they are both seniors now, one at New York University and one at the New School in New York.

One of my prized possessions in my office is a picture of my first two grandchildren, these two little girls, Ryan and Mattie. They are in diapers, and they are hanging onto each other. Then I have a picture right on the same little table of them in their page uniforms. That is a wonderful picture for me. It shows the progress of people's lives. It is really meaningful to me.

I can say this to these pages: This will be an opportunity they will never forget. They will make friends here who will be friends for the rest of their lives. The Presiding Officer and I know the friends you make when you are young are just so important to you as you proceed through life. I still love to pick up the phone and call some of the young men and—in fact, I talked to a woman today with whom I went to school. That is good. That is what life is all about. Make good friends and maintain that friendship.

Now, they have seen some things in the Senate that I think will be in the history books forever. We passed the surface transportation bill, we passed the Violence Against Women Act, we passed the Ex-Im Bank reauthorization, Iran sanctions bill, FDA Modernization Act, postal reform—we passed that.

We are in the process of trying to resolve the student loan debate, but we worked on that. That was something we were able to move on through this body. We did not pass the paycheck fairness—we did not, but we have been involved for a long time on the Paycheck Fairness Act. They have been

able to watch all of this, and they can go home and tell their friends and family that they all relate to this stuff all of the time because they know now how the foundation of the government works. They have been here.

So I appreciate personally everything they have done. Senator MCCONNELL is going to speak to the pages tomorrow. I am not going to be able to be here. But he will tell those assembled that he is speaking on our behalf. I appreciate that very much.

ORDERS FOR MONDAY, JUNE 11, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, when the Senate convenes on Monday, it will resume consideration of the farm bill postcloture. We are working on an agreement to move that bill forward.

There will be a cloture vote at 5:30, as I announced, on Andrew Hurwitz.

ADJOURNMENT UNTIL MONDAY, JUNE 11, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:23 p.m., adjourned until Monday, June 11, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2012. (RE-APPOINTMENT)

UNITED STATES POSTAL SERVICE

STEPHEN CRAWFORD, OF MARYLAND, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2015, VICE ALAN C. KESSLER, RESIGNED.

DEPARTMENT OF STATE

JOHN M. KOENIG, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN

THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

NARENDHRAN CHANMUGAM, OF FLORIDA
JOHN BREVARD CRHFIELD, OF CALIFORNIA
LAUREL K. FAIN, OF CALIFORNIA
GEOFFREY DISSTON MINOTT, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

RICHARD BRIAN AARON, OF FLORIDA
CHRISTOPHER W. ABRAMS, OF WASHINGTON
WRENN F. R. BELLAMY, OF SOUTH DAKOTA
SARAH BLANDING, OF TENNESSEE
KRISTIN MARGARET BORK, OF OREGON
ABBAS BOBBY BUSARI, OF VIRGINIA
CLINT CAVANAUGH, OF NEVADA
ANDREW COLBURN, OF THE DISTRICT OF COLUMBIA
JENNIFER LYNN CROW YANG, OF VIRGINIA
SUKHMINDER K. DOSANJH, OF CALIFORNIA
ALIA EL MOHANDS, OF MARYLAND
LEE KENNETH FORSYTHE, OF FLORIDA
VICTORIA REBECCA GELLIS, OF NEW JERSEY
KOVIA GRATZON-ERSKINE, OF OREGON
WHITNEY ELLEN JENSEN-RODRIGUES, OF CALIFORNIA
HAN KANG, OF CALIFORNIA
JOSHUA THOMAS KARNES, OF MICHIGAN
GEORGE N. KUM, OF VIRGINIA
MICHELLE IRENE LINDER, OF INDIANA
NANCY LOWENTHAL, OF THE DISTRICT OF COLUMBIA
CLIFFORD G. LUBITZ, OF VERMONT
ROBIN FLOOD MARDEUSZ, OF ALASKA
LINDA KAYE MCELROY, OF FLORIDA
JULIA V. NENON, OF VIRGINIA
BENJAMIN K. OWUSU, JR., OF MASSACHUSETTS
ERIK PACIFIC, OF CONNECTICUT
TAMMY L. PALMER, OF VIRGINIA
CHARLES S. POPE, OF VIRGINIA
PAUL J. RICHARDSON, OF NEW HAMPSHIRE
ELIZABETH SANTUCCI, OF NEW YORK
MARIEYOU SATIN, OF VIRGINIA
PADMA SHETTY, OF TEXAS
REENA SHUKLA, OF TENNESSEE
XERSES MANECK SIDHWA, OF TEXAS
IZETTA YVONNE SIMMONS, OF SOUTH CAROLINA
WILLIAM KANE SLATER, OF VIRGINIA
STEPHAN SOLAT, OF CALIFORNIA
CARA LEAH THANASSI, OF NEW HAMPSHIRE
TRACY CLAIRE THOMAN, OF OHIO
ALLYSON CLAIRE WAINER, OF CONNECTICUT
ANEDA WARD, OF WASHINGTON
SUSAN ANDREA WOFSY, OF CALIFORNIA
JANA S. WOODEN, OF CALIFORNIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral

ADMIRAL STEVEN E. DAY, USCGR

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARK F. RAMSAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. THOMAS W. TRAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. TIMOTHY M. RAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DARREN W. MCDEW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STANLEY T. KRESGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PAUL J. SELVA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES L. HUGGINS, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. BARRY D. KEELING

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOSEPH E. ROONEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL J. BUSHONG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

REAR ADM. (LH) JAMES W. CRAWFORD III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY AND FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. NANETTE M. DERENZI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL J. CONNOR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH F. JARRARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KEVIN J. PARK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CHARLES R. PERRY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY P. DIGIACOMO II
ALAN K. DOROW
BRYAN J. GRENON
PHILLIP A. HOGUE
THEODORE J. HULL
BRUCE C. R. LINTON
ALONZO R. LUCE
TRAVIS C. RICHARDS
JEFFREY M. SABATINE
TIMOTHY J. THURSTON
MICHAEL P. WEITZEL
RICHARD D. WILSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be lieutenant commander

DARREN W. MURPHY

WITHDRAWALS

Executive Message transmitted by the President to the Senate on June 7, 2012 withdrawing from further Senate consideration the following nominations:

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2011.

ROSLYN ANN MAZER, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE RICHARD L. SKINNER, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 21, 2011.

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RE-

CESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2012.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 WHICH WAS FORWARDED ON OCTOBER 5, 2011:

To be lieutenant general

MAJ. GEN. MICHAEL S. TUCKER

HOUSE OF REPRESENTATIVES—Thursday, June 7, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BARTON of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 2012.

I hereby appoint the Honorable JOE BARTON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

HONORING CLARENCE "SONNY" SZEJBACH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. BENISHEK) for 5 minutes.

Mr. BENISHEK. Mr. Speaker, let it be known that it's an honor and pleasure to pay tribute to Clarence "Sonny" Szejbach for his extraordinary heroism in connection with military operations involving conflict with an armed hostile force in the Republic of Vietnam, for which he was awarded the Distinguished Service Cross.

Clarence Szejbach served as a United States Army Specialist 4 in Company B, 3rd Battalion, 22nd Infantry, 25th Infantry Division. On June 6, 1969, while serving as a radio-telephone operator at Fire Support Base Crook in Thai Nin Province, when the base came under intense rocket and mortar attack, Specialist Szejbach secured his radio and followed the company commander to the defense perimeter to observe and report enemy movements. Exposing himself to the rain of enemy fire, he assisted in resupplying ammunition to troops in the bunkers. When the enemy blew gaps in the wire defenses and attempted to breach the perimeter, he

helped lead and organize a reaction force which beat back the hostile surge. After the battle subsided, he moved with the command group through the combat area to inspect enemy casualties and equipment. As the group searched the area, a wounded enemy soldier threw an anti-tank grenade at the company's commander. Specialist Szejbach unhesitatingly moved in front of the officer, deflected the armed weapon, and then picked it up and threw it. The grenade exploded as it left his hand, inflicting severe wounds on him.

Specialist Four Szejbach's extraordinary heroism and devotion to duty were in keeping with the highest traditions of the Armed Forces and reflect great credit upon himself, his unit, and the United States Army.

Clarence "Sonny" Szejbach was awarded the Distinguished Service Cross on December 7, 1969, the second-highest military decoration that can be awarded to a member of the United States Army. Mr. Szejbach, however, was unaware that he received this honor until nearly 42 years later, when an Antrim County Veterans Service Officer discovered the citation in his personnel file.

Clarence Szejbach returned to his childhood home of northern Michigan after his injuries to take over the family business, Ed and Son Food Market, in Elk Rapids, Michigan. He and his wife of 42 years, Christine, raised three children.

On behalf of the citizens of Michigan's First District, it's my privilege to recognize Clarence Szejbach, an American hero, for his service, sacrifice, and continued patriotism.

ENSURING CHILD CARE FOR WORKING FAMILIES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, earlier this month, I introduced the Ensuring Child Care for Working Families Act to help low-income workers stay in the workforce. My bill creates a guarantee of Federal child care assistance for children up to the age of 13 in families with incomes up to 200 percent of the Federal poverty level. This program would be matched with State funds and administered by the State.

Low-income families and single parents have been bearing the brunt of this recession. They want to work, but

often can't afford reliable and appropriate child care, so they are forced to either leave their jobs or to leave their kids in unhealthy or dangerous environments. For many poor people, there simply are no better options.

In the 1990s, Federal assistance for child care programs was established to address this very problem. It was created to help low-income families transition from welfare to paychecks. Over the years, funding for this program has dwindled, despite growing demand. The Temporary Assistance for Needy Families, the TANF legislation, was passed in 1996 to "end welfare as we know it." But we failed to provide the necessary support services to enable poor working families to succeed. One of those services is high-quality child care.

Today, only one of six children eligible for Federal child assistance receives it. Twenty-two States have waiting lists for child care. And families in 37 States were in worse circumstances in February of 2011 than they were in February of 2010 as the child care waiting list continues to grow, copayments rise, eligibility tightens, and reimbursement rates stagnate.

After three decades of wage stagnation in this country, with paychecks failing to keep up with the cost of health care, housing, and education, child care has become an unaffordable necessity for too many Americans.

A related problem that we also must acknowledge is the gender wage gap. Women only earn 77 cents for every dollar earned by men, according to the Census Bureau. Yet two-thirds of the women are now either the primary breadwinners or co-breadwinners in their family. So when there are wage gaps, entire families suffer. That means less money for food on the table and everything else that a family needs to survive.

Two days ago, Senate Republicans blocked a bill introduced by Senator BARBARA MIKULSKI that would strengthen the Fair Labor Standards Act's protections against pay inequities based on gender. As President Obama said, Republicans have once again put "partisan politics ahead of women and families." This is wrong. Republican Senators ought to explain to their constituents why they did not vote for Senator MIKULSKI's bill.

Let me be very clear: equal pay for equal work isn't just a woman's issue—it's a family issue. For the millions of American women whose families depend on their earnings, reliable child care is vital.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It's time to level the playing field for working women. I urge my colleagues to support H.R. 5188 so that all parents, particularly working women, have the child care they need to stay on the job.

□ 1010

SPACE CAMP CELEBRATES 30TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Mr. Speaker, today I rise to commend the United States Space and Rocket Center on its upcoming June 15 30th anniversary of Space Camp. Established in 1982, Space Camp in Huntsville, Alabama, is a national leader in informal science, technology, engineering, and math (STEM) education and workforce development.

Space Camp uses the leading edge of spaceflight technology simulation to teach campers real-world concepts and skills which translate into future academic and professional careers for students and teachers. The Space Camp program provides an essential public relations and support role to both government and private space programs by inspiring and training America's next generation of explorers, engineers, scientists, and leaders.

For emphasis, with nearly 600,000 graduates of the program, Space Camp has a 30-year track record of success in inspiring young people to pursue successful careers, particularly in STEM fields. Space Camp alumni include NASA mission control directors, NASA scientists, NASA engineers, executives of corporations, State government officials, national news correspondents, as well as soldiers and aviators who defend America's freedom every day. Graduates of Space Camp include three NASA astronauts and one astronaut from the European Space Agency.

Space Camp contributes to the future of America's exceptionalism in science, engineering, and research by instilling an exciting, life-changing educational experience with values of leadership, teamwork, and hard work. Space Camp's 30th anniversary is the perfect opportunity to recognize their important work and incredible achievements.

I congratulate Space Camp on their 30 years of unparalleled success and wish them well and salute them as they embark on their next 30 years.

POVERTY AND UNEMPLOYMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, as the founder of the Congressional Out of Poverty Caucus, I rise to continue talking about the crisis of poverty and the ongoing jobs emergency in America today.

Tea Party Republicans are busy blaming the President for our struggling economy, and the fact that our economy only gained 69,000 jobs last month. I want to remind my Republican colleagues that it was their deregulation, failed economic policies, and two wars off-budget that had our Nation losing over a million jobs every month when President Obama came into office. We were losing over a half-million jobs every single month.

Now they are complaining the Democrats have not been quick enough in cleaning up the Republicans' mess. The President and a Democratic Congress helped to stem that tide, and now despite every roadblock and Republican obstructionism, our economy is growing slowly and jobs are slowly coming back. So I don't understand how anyone can even try to blame the President's economic policies when they have refused to enact any of them.

Republicans have refused to work with us and to help Americans refinance underwater homes, to help protect investors and consumers by implementing the sound regulations of the Dodd-Frank bill. Also, they refuse to pass the American Jobs Act, or any sort of jobs plan, quite frankly. In fact, Republicans have done everything possible to obstruct every proposal to create jobs at every turn. Even though 56 percent of Americans think jobs should be Congress' number one priority, Republicans have failed to pass even one significant jobs bill. Instead, they work to create another false panic about a so-called fiscal cliff if they aren't allowed to immediately extend hundreds of billions of dollars in tax giveaways to the wealthiest 1 percent of Americans.

Mr. Speaker, there are only two real fiscal cliffs that I see. One is the fiscal cliff that will push our entire government over if they can make good on their threats and force our Nation into default and shut the government down. The second fiscal cliff is one that Republicans are pushing American families over the edge of when they cut off, mind you, cut off the emergency extension of critical unemployment benefits for millions of Americans who are struggling to find a job.

Republicans are telling struggling Americans that there is a fiscal cliff if you are out of work; they have to cut off your employment benefits. They are telling struggling Americans that there is a fiscal cliff if you are poor and hungry; they have to cut your food stamps. But somehow, if you are rich and a defense contractor, Republicans make it their business to protect you from facing any cliff or falling off of any cliff.

This is not the path forward for our Nation. What we need to do right now is to stop pushing families off fiscal cliffs. We have to support the economy by investing in the American people.

We need to get back to growing the middle class by lifting millions of Americans out of poverty.

Mr. Speaker, we must pass the American Jobs Act, invest in our country's infrastructure and transportation needs, increase job training efforts, and strengthen our safety net. Safety net programs like the Supplemental Nutrition Assistance Program and unemployment insurance just don't support struggling families, they support small businesses all across the country and in every single congressional district regardless of one's party.

This Congress must ensure that our Nation's safety net is a bridge that is strong enough to deliver us all, even the most vulnerable, over these troubled waters.

Americans are waiting. Democrats have been prepared to act, and Republicans must join us in creating jobs and reigniting the American Dream for all.

HONORING JOHN ROBERT "BOB" SLAUGHTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE) for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I rise today, along with Representatives MORGAN GRIFFITH and ROBERT HURT, to honor the memory of a constituent, a World War II veteran, a community leader, and a friend, John Robert "Bob" Slaughter.

On May 29, 2012, southwest Virginia lost one of its great American heroes. A passionate advocate for veterans and a driving force behind the National D-day Memorial in Bedford, it is only fitting that we honor Bob's memory as we mark the 68th anniversary of D-day this week.

Born on February 3, 1925 in Bristol, Tennessee, Bob's family later moved to Roanoke, Virginia. In 1941, at the age of 15, he joined the Virginia Army National Guard, Company D, 116th Infantry, 29th Division. A short time later, the United States was attacked at Pearl Harbor and entered the war. On September 27, 1942, the 29th Division set sail for England.

On D-day, June 6, 1944, Bob waded ashore to battle the foes of democracy at Omaha Beach. He was just 19 years old. His life was forever impacted by the memories of that day.

Mr. Speaker, I have stood on Omaha Beach in Normandy at low tide, which was the circumstances when these brave men landed there on June 6, 1944. The width of that beach, the distance that they had to come out of those landing boats through withering machine gun fire, bombs, and mines, is absolutely a remarkable demonstration of the courage of those men to liberate Europe.

Despite being wounded twice in combat following D-day, Bob remained in

the field until the end of the war in 1945. After the war, Bob returned to Roanoke, where he had a long career with the Roanoke Times & World-News. He was dedicated to his family and was also active in the community, coaching a basketball team for local youth.

Bob showed great determination by working to ensure that there was a proper memorial to the countless men who took part in the D-day invasion. On June 6, 1994, the 50th anniversary of D-day, Bob walked Omaha Beach with President Bill Clinton. On June 6, 2001, Bob's dream became a reality when the National D-day Memorial in Bedford was dedicated by President George W. Bush.

Thanks in large part to his efforts, the National D-day Memorial now stands in Bedford, where it serves as a constant reminder of those who paid the ultimate price to protect the freedoms that we hold so dear.

The life of Bob Slaughter is a true testament to the "Greatest Generation." We are honored to have known Bob and pay tribute to this great man's many contributions. We pray for his family—his wife of 65 years, Margaret Leftwich Slaughter; his two sons; two grandchildren; and two great-grandchildren—during this difficult time. We join the entire community in mourning the loss of this American hero.

□ 1020

SEXUAL ASSAULT IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I have now come to the floor some 21 times to tell the story of survivors of military sexual assault and the institution and culture that failed them. Some would tell you that the military has learned from their egregious mistakes and that they are largely now addressing this problem. The situation I'm describing to you today is happening right now and flies in the face of what we are being told by our military and the Members of Congress who believe that they have this problem under control.

Recently, a San Antonio newspaper began reporting on a scandal at Lackland Air Force Base that is growing by the day. So far, at least four Air Force instructors have been charged with sexual misconduct with at least 24 trainees. Like many cases of rape and sexual assault, the perpetrators are not denying that they engaged in sexual misconduct; they simply contend that the sex was consensual. It comes down to the words of the accused and the accuser—the instructor against the trainee. In the military, this usually means the perpetrator gets off or receives a disproportionately small punishment and the victim endures an arduous and

humiliating legal process with little sense of justice at the end.

Two of the women that have come forward were called over an intercom 2 days after they graduated from basic training last fall and asked to leave their dorm and to meet their instructors. In a dimly lit supply room, the women said they had sexual relations with their instructor. "I was frozen," one of the women said, explaining that her mind was racing. "I tried to think." Both women said failure to follow orders could cause them to be retained in basic training under the very instructors that assaulted them.

While unnerved about the order to leave their dorms, they told themselves it had to be legitimate. From the day they entered the military, they had been trained—and required—to follow the orders of their instructors, even those that didn't make sense. This may be hard for some in the civilian world to relate to, but it is the constant reality within our Armed Forces. It is ingrained in our military servicemen and -women to follow the orders of their chain of command and never, ever disobey. The justice system is also beholden to this chain of command, but I will get to that a little bit later.

Staff Sergeant Luis Walker, a military instructor, is charged with sexually assaulting 10 women, including sodomy and rape. Staff Sergeant Kwinton Estacio is charged with sexual misconduct with one woman, violating a no-contact order, and obstruction of justice. Staff Sergeant Craig LeBlanc is charged with sexual misconduct of two women trainees. Staff Sergeant Peter Vega-Maldonado has been charged and convicted of sexual misconduct with one woman.

Staff Sergeant Vega admitted in a plea bargain to having sex with one woman. His punishment? Ninety days in jail, 30 days of hard labor, reduction in rank, and forfeiture of \$500 a month in pay for 4 months. After striking the deal with prosecutors, Vega admitted that he actually had improper contact with 10 trainees.

Now, mind you, we are not firing these people. They continue to serve in the military. Vega is not immune to further prosecution, but his admission of guilt cannot be used against him in future procedures. Each victim will have to come forward and the prosecution will have to start from scratch. Vega will be forced to leave the Air Force, but without a bad conduct discharge. Imagine that, without a bad conduct discharge.

If the military is as vigilant as they say they are, how could such a repetitive, widespread, and sickening behavior still be occurring? What is being uncovered at Lackland flies in the face of what we are being told by our military. Is this what zero tolerance means in the military?

Former Air Force Secretary Whitten was quoted in the newspaper saying:

The age-old problem is that you're putting very smart, attractive people, marrying age, together in close quarters. It's a circumstance that is difficult and really requires restraint. Sometimes restraint is very difficult.

Secretary Whitten doesn't get it. The age-old problem in the military is attitudes like this. The age-old problem in the military is a broken justice system that delivers weak sentences, if any. The age-old problem in the military is that nine out of 10 women Staff Sergeant Vega has now admitted to committing sexual misconduct with have not come forward because they know that the odds of getting justice are slight and the odds of their careers being finished are great.

What is happening at Lackland Air Force Base should and needs to be a wake-up call. This problem is happening now, and it is systemic.

Victims are still not coming forward because of what keeps happening—backwards attitudes of blaming the victim, and disproportionately weak sentences. Writing off survivors as women who had consensual sex and now have regrets is insulting and I'm afraid how many in our military see this problem.

The Department of Defense has so far been unable to appropriately address this problem—and Lackland is proof of that.

We—Congress—need to act to circumvent the chain of command and give discretion to an impartial office to determine and facilitate the appropriate path for perpetrators and victims. We need to fix the system that survivors who report are now facing, right the injustices suffered by those that have already gone through this system and provide the care, resources and understanding for these survivors to get better.

OBAMACARE, MEDICAL DEVICE, MEDICINE CABINET TAX REPEALS, AND FSA IMPROVEMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, as one of the most outspoken opponents of ObamaCare, I hope that in the coming weeks the Supreme Court strikes down this disastrous piece of legislation. But the fact is no matter what the Supreme Court decides about ObamaCare, it does not change the reality that this law is horrible policy.

In just 3 short years, ObamaCare has already resulted in fewer jobs, higher health care costs, and more debt. That's why I have voted more than a dozen times to either defund or repeal ObamaCare since being elected to Congress. For instance, last November, my legislation that closed a loophole in the health care law and saved taxpayers \$13 billion was signed into law.

Today, the House will vote on legislation to repeal two of the ObamaCare law's most egregious job-killing taxes in this law: one, the medical device manufacturing tax; and, two, the medicine cabinet tax.

According to the Joint Tax Committee, the medical device tax increase will take away \$29 billion from job creators over the next decade. These higher costs will be passed along to consumers, like veterans with prosthetics and seniors with pacemakers and hip replacements.

This bill will also repeal the medicine cabinet tax increase, which prevents owners of health savings accounts, or HSAs, or flexible spending accounts, FSAs, from using these accounts to purchase nonprescription, over-the-counter medications. ObamaCare's limitation on purchasing over-the-counter medications will result in longer wait times for those who truly need the care and will also drive up health care costs.

In addition to repealing these disastrous tax hikes, the bill also improves the flexible spending accounts by allowing participants to get back unused FSA dollars, up to \$500, as taxable wages in the subsequent year. Under current law, any unused balance goes back to the employer and is lost by the employee. This reform to the FSA accounts rewards, rather than penalizes, consumers for being healthy and saving their money.

Before coming to Congress, I worked in health care as a registered nurse for more than 40 years. I have seen firsthand the problems and obstacles patients and health care providers face. But ObamaCare is only serving to exacerbate the current problems and create entirely new problems.

Our health care system desperately needs market-based and patient-centered reform, not a government takeover. It is critical that the House continue to fight against ObamaCare until either the Supreme Court overturns the law in its entirety or until we have willing partners in the Senate and in the White House.

BROADCAST WARNINGS THROUGH MOBILE DEVICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CLARKE) for 5 minutes.

Mr. CLARKE of Michigan. Mr. Speaker, as a member of the House Committee on Homeland Security, I'd like to thank our broadcasters for providing free radio and television broadcasting and warnings to our public that protects our families from impending disasters.

And to better warn our public in future emergencies, I ask this Congress to consider how we can make local free radio broadcasting available on all of our cell phones. You see, providing

these broadcast warnings through our mobile devices could be the most effective way that we can protect our families when disaster hits.

MAINTAINING INTEGRITY IN ELECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. NUGENT) for 5 minutes.

Mr. NUGENT. Mr. Speaker, I think we can all agree that the integrity of our elections is of fundamental importance to our democracy. We need to ensure that everyone who is eligible to vote has the ability to vote, and those that are ineligible to vote are stopped from voting in our elections.

We also have the responsibility to ensure that this responsibility falls largely on the States to ensure that voters have the right to vote that are eligible to. They do this by making sure that their voter rolls are clean, that their voter rolls are accurate. It's important that States have the ability to do that.

In my own State of Florida and others throughout this country, the Federal Government is being asked to help.

□ 1030

The Department of Homeland Security, in particular, has been unwilling to help those States that are asking for it.

Mr. Speaker, DHS is denying Florida the process to access what is called the Systematic Alienation Verification Entitlement database, or SAVE, as it's commonly referred to. SAVE undoubtedly is the best database for the States to use to cross-reference and cross-check their voter rolls for eligible or ineligible voters.

DHS is denying us access to this database, despite its own documents and regulations clearly stating that SAVE, for voter registration purposes, is one of the permissible uses. This is within their own documents as it relates to the operation of DHS. By denying access to the SAVE database, DHS is preventing States from ensuring to the best of their ability that the integrity of our elections is saved and preserved.

As we move forward with appropriations for Homeland Security, I feel we need to acknowledge the DHS refusal to meet this basic need and a basic request of our States. DHS' stonewalling is not something the people of Florida deserve, and it certainly isn't something that elected officials should tolerate.

Mr. Speaker, Floridians should not be denied the right to the fairest and most accurate elections possible. Floridians' votes should not be diminished because of political maneuvering by a Federal agency. No vote should be counted when it's cast by someone who is not eligible to vote in the United

States, vis-a-vis, they're not a citizen of this country.

DHS, through their SAVE program, has the ability to pass that information on to States. Florida is not the only State that has requested this information from DHS. DHS has, I believe, an ethical responsibility to provide that information because it's contained within their own bylaws and operation procedures within the Department of Homeland Security; and they have just stonewalled the States in regard to them trying to make sure their voter rolls are the most accurate possible.

Mr. Speaker, I believe that they are doing a disservice to the American public. Every vote should count. Every vote should count, and DHS should be required to submit the information to the States so they can make sure that their voter rolls are as accurate as possible.

HONORING THE ACHIEVEMENTS OF DR. AL MANN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, there are many heroic people among us who have been involved in making our quality of life in America the best the world has ever seen and, at the same time, uplifting all of humankind. While we oftentimes focus our gratitude and our adoration on politicians and athletes and movie stars, we need to acknowledge the many innovators, inventors, and technology entrepreneurs who have played a significant role in overcoming the many challenges we humans face together, challenges to our health and limitations to our physical well-being.

One of the most heroic of these special people is Dr. Al Mann. He flew in B-29s during World War II; and upon his return home, Al decided, instead of pursuing a career in the armaments industry, which could have been very lucrative, he would dedicate his life to building technologies that would improve the human condition.

Among his many achievements are the following: a vast improvement over pacemaker technology, which then made that available to so many millions of people whose lives have been changed because of it and extended because of it.

He also was involved in inventing, and it was his invention, a diabetic pump, a small mechanism that attaches to the body and allows patients to escape some of the worst ravages of diabetes.

He perfected the fully implantable cochlear implant, an electronic device that provides patients, some of whom have never been able to hear, with the ability to hear sound almost as well as those of us who hear naturally.

His latest invention and innovation would allow diabetics to receive their insulin through an inhaler rather than a syringe, a huge breakthrough that could be so meaningful to so many people who are suffering.

His achievements ought to serve as an example of the power of innovation in our country. Just as incredible as his inventions themselves, Dr. Mann accomplished all of this with private funds. And instead of relying on government grants or contracts, Dr. Mann made the risky investments of his own and those of his investors; and then, with his labor and genius, when it paid off, he reaped the benefits, which he then plowed back into more research to help even more people eliminate even more suffering.

Instead of receiving assistance from his government, Dr. Mann has, instead, run into bureaucratic obstacles time and again. As legislators, we have a responsibility to ensure that the Federal Government's actions, at the very least, do not thwart the heroic innovators such as Dr. Al Mann.

For this reason, I submit for the CONGRESSIONAL RECORD a letter Al Mann recently penned. I encourage all of my colleagues to read what he has to say and to take seriously the disturbing observations with our current system, as well as his recommendations on how we can ensure that the incredible potential of human innovation can be and will be brought to play in improving the lives of the American people and people everywhere.

LETTER FROM AL MANN: The Senate has just passed a bill to speed the availability of generic drugs. Hopefully that bill will die in the House. I say that the problem is not the pricing of drugs but the cost. What are needed are means for effectively lowering the expense and time to get a new drug approved. That would lower the costs and hopefully the pricing of drugs, and that would certainly be a worthwhile objective.

I am shocked and disappointed at the lack of understanding of this issue by the Congress. I certainly agree that we must seek ways to lower health care expense. I say that to do so we must focus on ways to LOWER the COST of providing health care NOT just targeting the PRICE.

There are multiple reasons for the price of drugs, but I assert that the earlier generic drug law has actually led to an INCREASE in the PRICING of drugs. It takes as long as 15 years—or even longer—and \$1–\$1.5 billion to gain regulatory approval of a new drug. With only 20 years of exclusivity before a generic drug is approved it should be obvious that the price of a new drug must be very high just to recover the development cost let alone a profit. Even the price of the generic version of a drug is typically only moderately discounted from the innovative drug rather than priced based on the manufacturing cost.

If you question the impact of the current generic drug law just ask yourself how many \$5 and \$10 drugs there were before that law. It only costs pennies to make a pill. However, only by charging high prices can the high costs of pharma development be recovered with any profit during the brief period

of patent protection remaining after regulatory approval.

Passing legislation to further ease and speed the availability of generic drugs will not likely lower pricing; if anything it would likely just reduce innovation of new drugs. That slowing is already beginning; most of the major pharma companies have already begun downsizing R&D. Surely that is not in our interest when there are new advanced technologies that could significantly improve and extend life.

We need to evaluate how we can speed and lower the cost of bringing a new drug to market rather than counting on the generics. There are various approaches that should be explored. One approach might be to delay approval of a generic to allow more time of exclusivity rather than to ease the generic regulatory process. There was such a delay built into the earlier bills, but that was certainly not adequate. Unfortunately it will not be easy to reverse the pricing practices of drugs—the companies and Wall Street have all gotten used to the high prices.

Of course the price of drugs is but a tiny part of the cost of health care. We ought to be reexamining many aspects of our health care system. We do need to reduce the price of health care—including the cost and the price of drugs. However, the challenge is not so simple as just approving generic drugs more quickly.

In fact the problem is not just the pricing; today many potentially valuable improvements and even new breakthrough drugs do not ever reach the market because of the regulatory hurdles. This problem and the costs will certainly become far greater as we move to more personalized medicine.

The consequence of easing the creation of generics may even worsen from what we see today; future breakthrough therapies may simply not become available in the U.S.! I just heard from a very credible person of a meeting of 12 advanced pharma companies discussing how to deal with the current regulatory challenges. I am told that 11 of those 12 companies are intending to launch their new products outside the U.S. and just to ignore the U.S. patients. Heretofore wealthy foreign patients came to the U.S. for superior medical treatment. Perhaps that practice may be reversing.

We want to protect our people from unsafe drugs. The challenge is how to do so in a more cost effective and more timely manner. I have suggested that we should redirect the regulatory standards to concentrate on safety, to lower the initial bar for efficacy to minimal requirements during a reasonable safety trial and then to issue a "provisional" approval. That provisional approval would be subject to a thorough review of clinical benefits compared to risk AND cost in something like a more rigorous REMS program.

Our nation is in a crossroad on many fronts. In health care the barriers are preventing our ability to topple diseases such as cancer and Alzheimer's that so many of us will face. Not only are we harming and even precipitating death of many of our people but we are losing economic growth and the engine for good paying jobs. Our government is the most significant obstacle to medical progress today. We have new tools from new science that could make such a difference if only there were not the barriers to innovation that we see today.

I am 86 years old and surely my objective is not self serving. For the past four decades I have been committed to trying to find solutions to unmet and poorly met health care needs. Yet I am so disgusted by the overly

restrictive process to medical innovation that has been created by our government that I have begun to sell off most of my several ventures. It is no longer worth the effort and the agony.

I am sending this communication to all the Representatives whose e-mail addresses I have. I would appreciate your forwarding this to your other colleagues.

ALFRED E. MANN.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 37 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of grace and goodness, thank You for giving us another day.

Your divine wisdom and power are abundantly sufficient for our many needs. Endow the Members of this assembly with a loyalty that never wavers and a courage that never falters as they seek to fulfill the high and holy mission which You have entrusted to them.

May it be their purpose and all of ours to see to the hopes of so many Americans that we authenticate the grandeur and glory of the ideals and principles of our democracy with the work we do.

Grant that the men and women of the people's House find the courage and wisdom to work together to forge solutions to the many needs of our Nation and ease the anxieties of so many.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

OVERSEAS CONTINGENCY OPERATIONS MUST WITHSTAND SEQUESTRATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Thursday, the Pentagon confirmed House and Senate Republicans' concerns by finally acknowledging that the Overseas Contingency Operations, a fund used to support troops in combat, will be subject to the sequestration cuts.

The Office of Management and Budget's senior adviser and associate director for Communications and Strategic Planning, Kenneth Baer, understands that if the sequester "were to take effect, it would be disastrous for our national security."

House Republicans have always been aware of the impacts sequestration will have on our brave men and women serving in uniform and the impacts it will have on their families. Last month, House Republicans passed the Sequester Replacement Reconciliation package, which is legislation that reduces the spending for unnecessary programs used to promote the President's liberal agenda, in order to use those funds to provide for a strong national defense. I urge my colleagues in the Senate to take action immediately and pass this bill.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PREVENT THE DOUBLING OF THE STUDENT LOAN RATE

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, in less than 1 month, the interest rate for student loans is scheduled to double from 3.4 to 6.8 percent.

This increased rate, combined with the skyrocketing costs for college, will make it extremely difficult for Americans to afford to go to college. The cost for a higher education at a public 4-year school has almost tripled in the last 17 years. Americans now owe more money in tuition than they do in credit cards. According to the Consumer Financial Protection Bureau, educational loan debt in our country has reached \$1 trillion.

Education is one of the biggest determining factors for earning potential. Those who have bachelor's degrees earn double the salary of those with high school diplomas. Those with associate

degrees earn 50 percent more than those with high school diplomas. I am also a strong supporter of fully funding Pell Grants, which provide Federal grant aid for students to make college more affordable.

Access to higher education is an investment in the future economic stability of our Nation. We must put aside partisan differences and work together to preserve Pell Grants and to prevent the student loan rate from doubling on July 1.

STUDENTS BEAR THE BRUNT OF A BAD ECONOMY

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, it is a tough time to be a student in America.

The President's health care bill, if not repealed, will make school health plans much more expensive. According to The Wall Street Journal, some plans that were \$440 a year are going up to \$1,300 or \$1,600. Many schools will drop coverage altogether either because of cost or because of the President's birth control requirement. Students and young adults will then likely choose the cheapest option—going uninsured and paying a fine to the government.

Then, in July, student loan interest rates are set to increase because of choices made by leading Democrats. Student loan debt now exceeds credit card debt in U.S. households, and the rate at which recent grads are underemployed or unemployed is 50 percent. No wonder students are moving back in with their parents and are more likely to take part-time jobs just to make ends meet.

These failed policies and the bad economy have pushed young adults into survival mode.

THE NATIONAL YOUTH SPORTS HEALTH & SAFETY INSTITUTE'S CALL TO ACTION

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the work of the National Youth Sports Health & Safety Institute. I am pleased to serve as an honorary member of the institute's leadership board.

In the United States, 50 million children participate in sports. Sports programs teach our children leadership and sportsmanship, help improve academics, and promote fitness and wellness for a lifetime, but more needs to be done to ensure the health and safety of our youth athletes.

They are increasingly susceptible to injuries, which is why the institute's work to advance and disseminate the latest research in keeping kids safe on

the field is so critical. On June 1, the National Youth Sports Health & Safety Institute met to launch a new call to action to all youth sports' stakeholders in America.

As founder and cochairman of the Congressional Caucus on Youth Sports, I applaud this effort. As inactivity remains alarmingly widespread, we must continue to expand sports and recreational opportunities that promote physical activity and wellness in the health of our children, but also always remember that their safety must remain paramount.

YUCCA MOUNTAIN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the American people have lost more than \$15 billion to cronyism. Pennsylvanians alone have lost \$1.4 billion.

Right now, in southern Nevada, there is an expensive hole in the ground where there should be a nuclear waste repository. We should be storing dangerous nuclear waste at a single secure and geologically sound location. Instead, much of it sits aboveground at dozens of sites scattered across the United States.

When President Obama appointed HARRY REID's aide, Gregory Jaczko, as the Nuclear Regulatory Commission chairman, he shut down Yucca Mountain against the express wishes of Congress. Jaczko even tried to stop the application process, defying a court order to continue certifying the safety of the facility.

Yesterday, this House overwhelmingly voted to give the NRC an additional \$10 million to do its job. No more excuses. Do the work so that we know whether Yucca Mountain is safe.

NATIONAL OCEANS WEEK

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, a strong American future depends on the sound stewardship of our oceans.

Nowhere is the ocean more magnificent and majestic than off of northern California's Sonoma County coast. These are some of the most abundant waters on Earth, but much of the area is vulnerable to "drill, baby, drill" enthusiasts.

That's why I have offered a bill to more than double the size of our existing national marine sanctuary off these coastal areas, giving these waters the permanent protection they need to protect them from oil and gas exploration. This legislation is a win-win—a pro-environment and pro-economic recovery bill. It is a conservation imperative, and it would provide a boost to

our commercial fishing industry and to our local tourism industry.

In recognition of World Ocean Day, I urge my colleagues to sign on to my bill, H.R. 192, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Protection and Modification Act.

□ 1210

PROTECT MEDICAL INNOVATION ACT

(Mr. BENISHEK asked and was given permission to address the House for 1 minute.)

Mr. BENISHEK. Mr. Speaker, as a doctor, who has taken care of patients in northern Michigan for 30 years, I strongly support the Protect Medical Innovation Act. This initiative will repeal the President's \$29 billion job-killing tax hike on our medical device manufacturers.

There are medical device businesses in my district that employ hundreds of people. These job providers should not be punished to pay for President Obama's health care law.

I'm a doctor, not a tax expert, but I know tax hikes on our job providers will hurt northern Michigan's economy. To me, it makes no sense to tax medical innovation. If this tax increase is enacted, there is little doubt these costs will be passed down to consumers and increase health care costs.

Mr. Speaker, I spent my entire career serving my community as a doctor. I want to see real health care solutions that put patients in control of their care, not the Federal Government.

I believe we need to listen to the American people about the need for real health care reform. I recommend we enact free-market reforms like letting people purchase health insurance across State lines, encouraging medical innovation, and allowing patients more flexibility in deciding how to spend their health care dollars.

REPLACE POSTMASTER GENERAL PATRICK DONAHOE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, in the past year, the United States Postal Service has attempted to close thousands of its facilities across the Nation. Though many, including the mail processing facility in Buffalo, have been spared, the process gives me no confidence that the current postal leadership should lead this organization during this challenging time.

Regarding the proposed closures, postal executives discourage public engagement, refuse to provide information on how they reach their often contradictory conclusions, and dismiss the idea that they were accountable to this

body or to the public. That is why I'm calling on the Postal Board of Governors to proceed with immediate action to replace Postmaster General Patrick Donahoe.

Mr. Speaker, I don't take this action lightly, but I believe that we are left with no choice. We must protect the institution of the Postal Service and the people and businesses it serves.

ULA'S 60 SUCCESSFUL MISSIONS

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, I rise today to applaud the achievements of the Air Force's Evolved Expendable Launch Vehicle program and the EELV industry team led by the United Launch Alliance. Just recently, ULA placed their 60th consecutive mission into orbit, the best record in the world.

ULA's Alabama employees work tirelessly to produce launch vehicles that are the backbone of America's national defense satellite program. ULA's success and partnership with the government in achieving on-time delivery and success is a testament to the patriotic bond between the private sector and America's warfighters.

ULA's 100 percent success record makes the challenging task of getting to orbit look easy, but, in fact, the company has built upon the expertise gained over 50 years, setting a standard for mission success that all others aspire to achieve.

ULA's record is a testament to the quality of the EELV program. It is an honor to represent the men and women who work at ULA's Alabama facility.

HONORING SECOND LIEUTENANT TRAVIS MORGADO

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize and honor the life and service of Army Second Lieutenant Travis Morgado, who was killed in action on May 23 in the Kandahar Province of Afghanistan. He was 25 years old. Travis was the son of Joe Morgado of San Jose, and our community was greatly saddened to hear of his passing.

Born in Los Gatos, he moved to Edmonds, Washington, with his mother when he was 5. He graduated from the University of Washington with a degree in civil engineering in 2009 and enlisted in the Army, determined to serve his country. He deployed to Afghanistan on March 20 and was tragically killed while conducting operations in support of Operation Enduring Freedom.

Second Lieutenant Morgado leaves behind his mother, Andrea; stepfather, Dean Kessler; his father, Joe; step-

mother, Nancy; as well as two younger brothers, a stepsister, and a stepbrother.

I would like to extend my gratitude to Second Lieutenant Morgado and his family. I ask my colleagues to join me in honoring his service to his country. He served America well with courage and honor. I ask all of Congress to join me in thanking his family as they grieve at his loss and to express our condolences to all of them.

STATE SENATOR BOB BACON

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, I rise today to honor and thank Colorado State Senator Bob Bacon for his 14 years of service in the Colorado State Legislature.

After serving for 6 years in the Colorado House of Representatives and 8 years in the Colorado Senate, Bob is retiring from elected office to uphold the Colorado State Legislature's commitment to term limits.

I had the opportunity to serve alongside Senator Bacon in the State legislature and know that Coloradans will miss a true champion for northern Colorado. As an educator for over 35 years, Senator Bacon's insight into the classroom and education system helped shape the policies that support Colorado students.

Senator Bacon served Coloradans well and has a genuine passion to help the students and citizens of Colorado. He was twice elected to the Poudre School District for the board of education before he served in the State legislature, and his commitment and service were recognized by the naming of Bacon Elementary School in Fort Collins in his honor.

Today, I would like to formally recognize Senator Bacon's outstanding commitment and thank him for his hard work, dedication, and selfless nature when serving the citizens of Larimer County and the students of Colorado.

KEEP STUDENT LOANS AFFORDABLE

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I would like to bring to your attention an issue that is extremely important to me and the middle class families around the country: the ability for every student in America who so desires to get a college education.

My dad was a waiter when I was growing up. I'm the first person in my family to go to college with the help of student loans. I know firsthand the invaluable role that student loans play in

helping Nevada's middle class families enable their children to get a college education. That is why I am so pleased that President Obama is visiting my alma mater today, the University of Nevada, Las Vegas. He will call on Congress to focus on keeping student loans affordable for Nevada's families as we approach the July 1 deadline when student loans will double.

Mr. Speaker, right now families across the country are sitting around their kitchen tables anxiously figuring out how to give their children the opportunity to go to college. They're counting on this Congress to stop worrying about protecting Wall Street corporations and Big Oil companies for just a few minutes and help their sons and daughters go to college.

I hope that we're up for this challenge.

COMMEMORATING THE BATTLE OF MIDWAY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, yesterday, our Nation remembered and commemorated the 68th anniversary of D-day, the World War II allied invasion of Normandy, France, and the beginning of the liberation of Europe from the forces of tyranny.

Today, I want to commemorate another historical World War II battle—70 years ago, the Battle of Midway, when the United States Navy struck back at imperial Japan, turning the tide in the Pacific and paving the way toward a great American victory at sea.

Six months earlier, Japanese planes infamously attacked Pearl Harbor, drawing the United States into that war. Yet our Navy recovered quickly and mobilized under the leadership of Admiral Ernest King, from the port city of Lorain, Ohio, on Lake Erie, and Admiral Chester Nimitz.

With the odds against them, our U.S. Navy boldly struck back at the Battle of Midway. Over 4 days, the Japanese lost all four of the large carriers that had attacked Pearl Harbor, not to mention a heavy cruiser, 248 carrier-based aircraft, and more than 3,000 men. The United States lost one carrier, the Yorktown, one destroyer, and 340 men.

Today, we commemorate this major historic achievement of our Navy. We honor the sacrifice of those who fought for us and died for us, and we express abiding gratitude for the bravery and dedication of all who fought in this battle in service to our Nation and freedom's cause.

Today, the free world remembers the Battle of Midway.

□ 1220

HONORING JOHAN SANTANA

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, I have often said that I'm truly partisan about one thing, not Democrats versus Republicans, but Mets fans versus everyone else in the country.

Last Friday, Mr. Speaker, the Mets had something worth saluting. Johan Santana threw the first no-hitter in the history of my beloved New York Mets. Now, more important than a no-hitter is the lessons it teaches all Americans.

Johan Santana had surgery that they thought would end his career. He didn't give up on himself; he didn't give up on New York. He's never given up on his roots in Venezuela, didn't give up on the children of Venezuela that he supports through his foundation. He hasn't given up on the children of 9/11 that he supports through Tuesday's Children.

It's not the no-hitter that counts, Mr. Speaker. It is the spirit and the determination and the dedication of Johan Santana. That is what makes me a baseball fan. That is what makes baseball America's pastime, and I am very pleased and proud to salute Johan Santana and Mets fans everywhere.

Mr. Speaker, let's go Mets.

STUDENT DEBT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, in just 23 days, the interest rates on Stafford student loans will double from 3.4 percent to 6.8 percent. Now, one of the few things that we agree on in this Congress is that the low interest rates should be extended, yet we've been unable to get across the goal line.

Congress needs to find the moral imagination and the will to get this done before July 1. Every day we wait, we're imposing an immense amount of anxiety on students, parents, and the economy.

Take Brian, from Grand Isle. He has \$100,000 in student loans. He's got two daughters; they each have \$20,000 in debt. His third daughter is in school with tuition costs that are up to \$40,000.

Brian is working 65 hours a week, but he can't keep up. He can't even begin to think about retirement. It's not an option. He's just trying to get from day to day and afford to keep his daughter in college.

Mr. Speaker, this Congress has 23 days. We're running out of time.

PROTECT MEDICAL INNOVATION

(Mrs. BACHMANN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, as a Representative of the great State of Minnesota, I stand here in support of my colleague Representative ERIK PAULSEN's bill to eliminate and repeal the medical device tax on the new ObamaCare legislation.

Our State of Minnesota is home to over 400 medical device manufacturers. We have over 35,000 people that are employed in this important industry that benefits all of the United States, 35,000 people. That about fills the Twins' Target Field. That's a lot of people who potentially could lose jobs in our home State.

I refuse to see a single job lost in Minnesota or in any of our States in our great country due to the legislation known as ObamaCare. Without repealing the medical device tax, jobs will be lost and also the costs of health care will go up.

I urge my colleagues to get behind ERIK PAULSEN's important piece of legislation. I know I will.

CAMPAIGN SPENDING

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Mr. Speaker, big money from corporations and billionaires is corrupting Washington and hurting the middle class. To make matters worse, 2 years ago the Supreme Court decided in the Citizens United case to open up campaign spending to secret, unlimited donations, possibly even from foreign sources.

Let's be clear: a handful of corporations and billionaires are trying to buy elections and control of our government. We need new rules to make Washington work for the middle class. We need to limit political contributions, and the public has a right to know who is paying for political ads.

Hey, because of Citizens United, our government is for sale. We need to stand shoulder to shoulder to stop Big Money from destroying our democracy.

HONORING WINONA AREA CHAMBER OF COMMERCE

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, I rise today to honor the Winona, Minnesota Area Chamber of Commerce on their centennial celebration.

On April 22, 1912, at the then-urging of then-President Taft, the U.S. Chamber of Commerce was established by a gathering of 700 delegates from across the country, including innovative people from Winona, Minnesota.

Even before the national chamber was formed, those very people in Winona had the foresight to establish

their own local association of community and business leaders that would give rise to that great city on the Mississippi. While the last 100 years have seen many changes, one constant in the Winona community has been the chamber.

Since its inception, the Winona Area Chamber of Commerce has been working to ensure local small business owners have the tools they need to succeed. While it's important to note their rich history, the Winona chamber also has an eye on the future. By offering low-cost or free educational programs for young professionals in leadership, microenterprise and business management, the local chamber works to ensure future small business owners will continue to have the tools to succeed.

Today I pay tribute to the foresight and leadership and wish the Winona Area Chamber of Commerce a happy 100th anniversary. Here's to another 100 years of promoting opportunity, small business growth and community involvement in Winona, Minnesota.

NATIONAL OCEANS MONTH

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, the oceans on either side of the United States defined this great country, and these oceans are in trouble. They are so big and so vast with so many aspects not understood that it's hard for people to comprehend that they are in trouble.

Without the ocean, we wouldn't have the air we breathe or much of the protein we eat. It is our world's largest public trust, and it is essential to human life as we know it.

It captures one-third of our carbon emissions, hosts millions of species, and offers limitless recreational and educational opportunities worldwide. Yet over 14 billion pounds of trash end up in our ocean and our beaches each year.

Therefore, I urge the Nation to celebrate National Oceans Month and honor World Oceans Day, which is tomorrow, by taking advantage of activities of the Capitol Hill Ocean Week.

This summer get wet, go to the beach, clean it up. Clean up the polluted rivers that flow into our oceans, and get in there and volunteer and learn more about the ocean resources upon which we so undeniably rely and how you can work to protect them.

I thank all those who have come to Washington for Capitol Hill Ocean Week. We need political friends. The ocean needs political friends.

BAN ON CORPORATE EXPENDITURES IN FEDERAL CAMPAIGNS

(Mrs. CHRISTENSEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, 2 years ago in Citizens United, the Supreme Court overturned two decades of precedents to strike down the ban on corporate expenditures in Federal campaigns. This opened the floodgates and allows corporations to spend unlimited funds, so now money comes from a handful of billionaires looking to wield their influence, and no one has to know who they are.

Campaigns like the one in Wisconsin and many others are being bought with that money instead of being decided by an honestly and factually informed public, as they should be. Romney's secretly funded PAC alone spent \$46 million before Memorial Day to sway your opinion, and it will continue to spend even more.

We have to end the influence of the secret money on our elections. That's why I am a cosponsor of the DISCLOSE Act, which will restore accountability in our elections. Americans want and deserve a more open and honest political process. Republicans blocked that bill in 2010. The GOP needs to listen to Americans and bring the DISCLOSE Act to the floor.

The American public has a right to know who is paying for campaign ads that they will be swamped with this election cycle, and they need to know sooner rather than later.

□ 1230

STUDENT LOAN INTEREST RATES

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I rise to support the extension of student loan interest rates. Student loans have been an essential tool for many students and families who otherwise wouldn't be able to afford the soaring costs of college tuition. However, in a few short weeks, Federal student loan interest rates are set to double from 3.4 to 6.8 percent, making the dream of attaining college even more difficult for millions of students and families.

We need to act now. It is our responsibility to ensure that all children have the ability to pursue higher education. The cost of attending college has gone up almost 30 percent in the last 10 years. We cannot afford to ignore struggling students across this Nation. In these uncertain economic times, we can make no greater investment than in education. More and more jobs require some sort of post-secondary education, and by 2018, just 6 years from now, 63 percent of employment opportunities will demand an education beyond high school.

It is pathological partisanship that is preventing us from dealing with this important issue.

PASS THE DISCLOSE ACT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, a great and noble President, Abraham Lincoln, proclaimed that government of the people, by the people, for the people, shall not perish from the Earth. It was government of the people, by the people, for the people, that gave us Social Security and Medicare.

But I regret to inform you today, Mr. Speaker, that government of the people, by the people, for the people is at risk—and it is at risk because there is a new concept that is evolving. It is government of the money, by the money, for the money. It is the notion that he who has the gold rules, changing the Golden Rule, Father.

I want you to know, dear friends, that if we do nothing, we will find ourselves with a new form of government. The Republic is at risk. We must do something about government of the money, by the money, for the money.

The DISCLOSE Act is one thing that we can do. We must act and pass the DISCLOSE Act.

PROVIDING FOR CONSIDERATION OF H.R. 436, HEALTH CARE COST REDUCTION ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 5882, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 679 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 679

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-23, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the

fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and except pro forma amendments offered at any time by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GARDNER). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 679 provides for consideration of H.R. 436, a bill to repeal the 2.3 percent excise tax on medical devices enacted as part of the President's health care law. It also provides for a structured rule for consideration of H.R. 5882, the Legislative Branch Appropriations Act. The legislative branch appropriations rule is typically the only structured rule in the appropriations process, and we are continuing that bipartisan tradition here today.

We are voting here today to stand up for more than 423,000 American employees and the health of millions that their work protects. A new \$29 billion

tax on medical devices, passed as part of the President's health care package, threatens to stifle innovation in the health care industry. If medical device manufacturers are punished with this new tax, we are all punished. Our health is punished. Our parents' health is punished. Our kids' health is punished.

Yesterday, I talked with one of my constituents, Dan Denson, who owns a medical device company in Summerville, South Carolina. He shared two concrete examples of how this new tax will hurt his company, the health care industry, and most importantly, it will hurt those in need of medical care.

For Dan's home health company the profit margin is about 10 percent. That profit is used to pay their employees, improve technology, and expand when it's needed. So if you cut into it by 2.3 percent, you're cutting into their ability to create better devices that then provide better care for patients.

As Dan put it, "I can assure you that any additional impact to our cash flow will reduce the money available for innovation."

Dan also talked to me about his fellow medical device companies who make the hoses for oxygen tanks and other devices which make life bearable for so many Americans. They are absolutely dependent on these devices. And what happens when we add a 2.3 percent tax to these smaller companies? Well, these companies work on a margin of around 3 percent. So you don't have to be a math major to figure out that when you have a 3 percent profit margin and you have a new 2.3 percent tax, you are pretty close to zero.

You simply cannot afford to run a business in this environment. You certainly cannot start a new business in this environment. We're not only hurting our medical device companies, we're also discouraging new entrepreneurs and innovators from being able to enter the ring.

I felt it was so important to share Dan's thoughts today, as it shows in clear terms how this new tax will not only affect Americans' wallets, but it could impact the health of Americans in this country.

□ 1240

If our medical device manufacturers cannot continue to adapt and move forward with new and better technologies, our medical care system will slow down right alongside it.

Because of innovation, life expectancy in the United States has increased by more than 3 years from 1986 to 2000, and the burden of chronic diseases representing more than 70 percent of the overall health care cost has been reduced. This tax affects devices ranging from cardiac defibrillators to artificial joints to MRI scanners, or, in plainer terms, the very devices that identify and treat patients in their

time of need, and even those devices that could save lives. These days, technology is improving every single day.

Why in the world would we want to put our innovators at a disadvantage? Why in the world would we want to take another \$29 billion worth of investments out of our future, out of our health care industry and put it in the hands of this government? There's no good answer to these questions, and there's no good reason for another new tax.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to the rule for the underlying bills H.R. 436, the Protect Medical Innovation Act, and H.R. 5882, the Legislative Branch Appropriations Act for Fiscal Year 2013. Frankly, I'm disappointed that the House Republicans continue to bring bills to the House under a closed process that restricts debate and discussion and doesn't allow amendments that could improve the underlying legislation and help forge a strong bipartisan majority.

Mr. Speaker, the Republicans started this Congress with cries to repeal and replace the Affordable Care Act, and yet here we are a year and a half later, this body has voted several times to repeal the bill, but we've yet to see any plans to replace it. And here we are again with another bill to repeal the Affordable Care Act. As far as I can tell, my colleagues on the other side of the aisle have not presented a plan to reduce rising health care costs, to provide health care insurance to 30 million uninsured Americans.

This body, and those who advocate repeal of the Affordable Care Act, it should be incumbent upon them to talk about what we should replace it with to prevent the rising cost of health care from being an increasing burden on American businesses and American families. The motivations for repealing the Affordable Care Act are weaker and more blatantly political than ever, especially after several votes of this body to repeal the Affordable Care Act.

There are many provisions of the Affordable Care Act that the American people broadly support, including young adults staying on their parents' health insurance until they're 26, including creation of exchanges. Seniors throughout the United States are already benefiting from the Affordable Care Act's elimination of the Medicare prescription drug doughnut hole. In fact, in 2011, over 5.1 million Medicare beneficiaries saved over \$3.2 billion on prescription drugs thanks to the Affordable Care Act.

States across the country, including my home State of Colorado, are enthusiastically implementing health insurance exchanges in a bipartisan way that will help us reduce health care costs and expand access to high quality, affordable health care. So why are we still here talking about repealing the Affordable Care Act instead of focusing on areas where we share common ground?

Unfortunately, the Protect Medical Innovation Act has been brought under a closed process which prohibits Members from being able to offer any amendments to this collection of four different bills. If my colleagues made an effort to compromise on health care proposals, there might actually be a chance to see legislation pass both Chambers with broad bipartisan support and signed by the President. This specific bill already has a veto threat from the President, and none of my colleagues on my side of the aisle were consulted with regard to a method of paying for this particular set of changes.

Instead, the Republicans have chosen to cobble together three unrelated bills that do three totally different things, along with a very partisan offset with no opportunity to revise these bills; no opportunity for us to do our job as legislators, to amend these bills; no opportunity for us to work to forge a majority around commonsense proposals that can improve health care and create jobs.

Let's take a look at what's in this diverse package of bills.

Now, the original Protect Medical Innovation Act, that was the original bill before these three other bills were added and before this payment mechanism was added, would've repealed the excise tax on the manufacture or import of certain medical devices, one of the methods of funding the Affordable Care Act.

Now a solid group of Members support repealing the tax. In fact, this tax impacts companies in my district like ZOLL Data Systems. And I hope we can have a straight up-or-down vote on this particular provision of this bill. But instead, it has been cobbled together with two unrelated bills and an unrelated method of paying for it.

Similarly, there's solid support for two other pieces of legislation that are contained in this bill. One bill would have repealed the Affordable Care Act's prohibition on using HSAs and FSAs to purchase over-the-counter drugs, and another would have allowed individuals with FSAs to redeem money left in their accounts at the end of the year.

Now, we all have our different opinions about these bills. I personally support allowing HSAs and FSAs to purchase over-the-counter drugs, and I personally oppose the FSA measure because I think that people should be able to spend the money that's left in

their FSAs by the end of year; otherwise, what's the purpose of an FSA? It kind of ceases to exist and simply becomes a tax shelter if it's not dedicated to health.

But the fact of the matter is, under this rule, no Members of this body will be able to express their support or opposition to any of these bills in particular because they've all been cobbled together into an incoherent mess of a bill which this rule is trying to jam down the throat of this body. We should have brought up these bills one at a time and found a reasonable offset. Instead, the Republicans have chosen to place the burden of paying for this cluster of bills on the backs of middle class American families.

Now, there's a number of alternative ways that we could have paid for these bills. The most obvious one would have been repealing oil and gas subsidies. This was an offset that was included in the Democratic substitute which the majority failed to even allow to come up for a vote by this body. That offset would have provided \$32 billion in reductions of oil and gas subsidies over 10 years, making sure that the government doesn't pick winners and losers in the energy space, allowing oil and gas to compete on a level playing field with all other energy resources instead of being designated as a recipient of taxpayer money and government subsidies. Now, that particular offset would have not only paid for eliminating the medical device tax, but also reduced our deficit by \$3 billion.

Today I introduced a bill, H.R. 5906, which would repeal the medical device tax and replace those lost revenues by eliminating tax loopholes and subsidies for oil and gas companies. Personally, I'm supportive of other ways of paying for the medical device tax as well. Let us work together to find a way to pay for any changes in the Affordable Care Act that don't fall squarely on the back of middle class American families.

However, Mr. Speaker, instead of a thoughtful offset, the Republicans have chosen to dig into the pockets of low- and middle-income Americans to pay for this bill. So let's look at how this bill would affect American families.

According to the Joint Committee on Taxation, this proposal would force 350,000 people to lose their health care insurance. Yes, that's 350,000 people less that would have health care insurance.

Now, how devastating and misguided is this? Let's take an example. Let's take a hypothetical family of four in Colorado, in Ohio, in Florida, in Pennsylvania. Let's say their household income is \$36,000 a year. They're working hard to stay in that middle class. It's getting harder and harder. The family income, \$36,000 a year; father and a mother. The mother has been out of work for 3 years. The total family cost

of health care insurance is \$12,000. Now, let's say the mother finds a job midway through the year. She's able to go back to work and she earns an additional \$36,000 for her family, bringing that family of four's earnings to \$72,000. They're fighting hard to stay in that middle class to afford their kids' college education. Now, under this bill, at the end of the year, that family is sent an additional health care bill for \$5,160, a tax increase of over \$5,000 for that middle class American family. Now, that's more likely to make it less of an incentive for that woman to get the extra job. What's the extra incentive to work if the government is going to stick you with a huge tax bill just for trying to support your family?

Let's take another example. A family of four in Michigan, in Nevada, a father and mother with two young children. Let's say that the mother doesn't work outside the home. They're earning \$36,000 a year and the family is struck with tragedy. The mother passes on early in the year leaving the father to support the kids. He takes a second job, as any good father would do, and is able to earn an additional \$18,000 during the year working a 40-hour-a-week job and working a 20-hour-a-week job to put food on the table. Now, that increases that family's income to \$54,000 from \$36,000. And what does this Republican tax increase do? Well, it presents them at the end of the year with an additional \$3,330 tax increase, a \$3,330 tax increase for a father who's just trying to put food on the table for his kids.

□ 1250

We can do better. The bill we are considering today would actually increase the tax hike on families by removing the restriction on the amount that families are required to pay. This has the perverse incentive of discouraging families from working and taking on additional jobs and working hard to get promoted. It takes away the incentive to perform well at your job and get a promotion or raise. Frankly, this payment mechanism encourages people to remain in poverty and on government assistance rather than striving to do better and earn more. This Republican bill punishes work, plain and simple, and is a huge tax increase on the middle class.

Now, Mr. Speaker, if we want to repeal the medical device tax, let's discuss how to pay for it. If some people in this body think protecting subsidies for oil and gas companies is more important than getting rid of the medical device tax, well, fine, let's find another way to do it. But, unfortunately, this approach before us today isn't a serious approach to reducing the deficit. It's an approach that the President would veto, it's an approach that puts a huge tax burden squarely on the shoulders of working families in this country, and it doesn't help get Americans back to work.

This proposal is based on politics, plain and simple, not on sound economic policies that are good for the middle class, good for the medical device industry, and good for America.

This underlying rule also makes in order the Legislative Branch Appropriations Act for 2013. Now, that's an act that funds Congress itself and its supporting agencies. In these times of fiscal austerity, everyone—especially Members of Congress—should be tightening their belts.

This bill provides a 1 percent reduction from last year's spending bill. Now, I am also heartened that it still ensures congressional support agencies have the sufficient funding they need to function so that we in this body can do our job.

But even while the House's budget has been cut over 10 percent over the last 2 years, the House majority has chosen to spend scarce resources that the taxpayers have appropriated to us to defend the constitutionality of the Defense of Marriage Act, which bars gay and lesbian servicemembers, veterans and their spouses from securing the same benefits offered to straight military couples.

As President Obama has determined, the law is simply indefensible constitutionally. And yet to date, this body, out of this bill, this Legislative appropriations bill, has spent three-quarters of a million dollars of taxpayer money on fancy lawyers defending this discriminatory and offensive law. This waste of tax dollars is especially troubling given the recent First Circuit decision which found that DOMA is unconstitutional.

Mr. Speaker, I can't support these underlying rules. It's beyond troubling to have a closed rule, not allowing amendments and thoughtful input from Members of both parties on four separate pieces of health care legislation that completely shuts out Republican ideas and Democratic ideas to improve the Affordable Care Act, improve job growth in this country, and help get our economy back on track.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I find it quite interesting and almost hilarious that my friend to the left would talk about tax increases when in fact embedded in this health care bill is \$123 billion in new taxes on property owners. Really? \$123 billion of new taxes on property owners in addition to the \$29 billion new tax they were talking about today, in addition to eliminating \$500 billion from Medicare in order to fund this health care plan.

I think the conversation about tax increases is a conversation we could spend a day on, and we'd be happy to have that conversation. But today, I'm going to yield 2 minutes to the gentleman from Texas, Chairman SESSIONS.

Mr. SESSIONS. Mr. Speaker, today, once again, we're on the floor of the House of Representatives with our friends on the other side of the aisle arguing about how we tax the American people, how if we're going to take this tax out we've got to replace it with another tax. Good gosh, aren't energy prices high enough already? Why do we want to pass that on to consumers and make gasoline more expensive? It does not make sense, and that's why we are here today to repeal a tax.

Mr. Speaker, what is the tax we're talking about? It is a tax on business, on high tech. It is on medical devices that have allowed America to lead the world in solving problems, to give people medical devices, things that will make their lives even better.

Mr. Speaker, I received a letter from Walter J. Humann, president and CEO, OsteoMed. He came and met with me at my office and then sent me a letter. Here's what Mr. Humann said—and I believe he represents not just the industry, but thousands of people, patients also who rely on high-tech and medical devices that would be without. He said:

In addition to challenges with the FDA and reimbursement, this 2.3 percent excise tax—which is on gross sales, whether or not a business has any profits or not—will directly impact our ability to create new jobs, invest in research and development and effectively compete in a global marketplace.

Further, he says:

It should be noted that OsteoMed is also aggressively re-directing its business focus to international markets that provide a less cumbersome and lengthy regulatory pathway with revenue streams that are not subject to the medical device tax . . . immediately saving 2.3 percent in the process. In the past month, OsteoMed initiated the search for sales managers in China and the Middle East to supplement recent managers hired in Korea and Italy.

Mr. Speaker, this is not just a tax. It is not just making it more difficult for employers to hire people. But it will stop America's innovative-ness to compete in the future.

OSTEOMED,

Addison, TX, June 5, 2012.

Hon. PETE SESSIONS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SESSIONS: Thank you for taking time to visit with me last week regarding OsteoMed and my concerns about the significant "headwinds" we face, especially related to the 2.3% medical device tax that is scheduled for implementation in 2013. On behalf of OsteoMed's 400 employees, I thank you for your support of H.R. 436, which would repeal this onerous provision that otherwise will negatively impact innovation and job creation at a time when we can least afford it.

As president & CEO of OsteoMed, a dynamic, 20 year old surgical device manufacturing company based in your district, I confront the challenges that America's innovators face every day. In addition to challenges with the FDA and reimbursement, this 2.3% excise tax—which is on gross sales, whether or not a business has any prof-

its—will directly impact our ability to create new jobs, invest in research and development and effectively compete in the global market.

OsteoMed formed a new subsidiary company a couple of years ago to develop an innovative spine product that greatly simplifies spine fusion surgery and improves patient outcomes. OsteoMed launched this product last year which quickly grew to almost \$5MM in sales in 2011 and currently employs a number of highly skilled, high paid individuals. Due to the significant upfront investment and on-going development costs, this new company is not projected to make a profit in the near future but is nevertheless subject to the device tax which will further delay this subsidiary's success. As a result, OsteoMed has now delayed additional new product developments and personnel in order to make "ends meet" and achieve the returns initially envisioned when this company was created.

OsteoMed's core business manufactures surgical implant systems for use in craniofacial, neurosurgical and small bone orthopedic (upper and lower extremities) surgeries. These systems require extensive, specialized instruments that are typically not sold, but are used to implant the devices that drive OsteoMed's revenue stream. The device tax will not only tax gross product revenues, but my understanding is it will also tax the instruments OsteoMed must invest in and place into hospitals at no charge thereby further reducing my company's profit opportunities and forcing expense reductions in other areas in order to achieve our profit goals.

OsteoMed's products are sold through a variety of sales channels and will require a new level of administrative burden in order to track the "gross" revenues defined by this tax. This requirement, along with the recent challenges imposed by the Physician Payment Sunshine Act, force additional levels of administration and non value added expenses that make OsteoMed less competitive and viable.

The market in which OsteoMed competes is in turmoil and has become increasingly competitive with many new offshore competitors. As economics and recent government restrictions have largely removed surgeons from the surgical device purchase decision process, hospitals are now forcing increasingly price concessions. Despite increased raw material and labor costs, OsteoMed has been unable to raise product prices over the past several years and is now equally unlikely to simply pass along the device tax to our customers.

Like any other responsible business, OsteoMed must carefully manage expenses in order to make profit and continue to grow and succeed. In order to cover the shortfall the new device tax will create, OsteoMed has already started to implement cut backs in its operations including the delay/cancellation of new product development projects and the hiring of additional personnel, including biomedical engineering positions. It should be noted that OsteoMed is also aggressively re-directing its business focus to international markets that provide a less cumbersome and lengthy regulatory pathway with revenue streams that are not subject to the medical device tax. . . . immediately "saving" 2.3% in the process. In the past month, OsteoMed initiated the search for sales managers in China and the Middle East to supplement recent managers hired in Korea and Italy. Unfortunately, OsteoMed has already started to effectively trade U.S.

jobs for overseas positions as a direct result of the medical device tax and other governmental involvement.

The medical device industry not only provides numerous highly skilled and attractive jobs across the U.S., but it also pays its workers on average 40% more than the typical job. We are a vibrant sector of the economy and one of the few remaining industries that produces a healthy export of products. Tragically, this industry has now become the focus of misguided and short-term government intervention and the growth and continued prosperity of this proud American industry now faces great hurdles.

Again, I thank you for your service to our country and specifically for your support of H.R. 436 to repeal this tax and to help America's innovators continue to improve patient care and drive job creation. I look forward to your ability to visit OsteoMed when you are back in Dallas so you can see firsthand our great employees and the innovative products they produce to help people around the world. Please do not hesitate to contact me to discuss this issue or any other issues impacting the medical device industry.

Sincerely,

WALTER J. HUMANN,
President & CEO,
OsteoMed.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in strong support of the legislation we will be voting on this afternoon to repeal the \$30 billion excise tax on medical device companies, and I'm proud to join Mr. PAULSEN in his effort to prevent this misguided tax from taking effect next year.

The district I represent in western Pennsylvania is home to a number of medical device companies that have planted their roots in our region. They offer high-paying, quality jobs and are developing innovative devices that are saving lives.

One example is Zoll Medical, which manufactures the LifeVest, a lightweight, wearable defibrillator that continuously monitors a patient's heart. The device allows patients with medical conditions to return to their daily lives with the peace of mind that they are protected from sudden cardiac arrest. This is the type of innovation that we should be encouraging in this country, not penalizing.

The excise tax is simply misguided policy. The American medical device industry has proven that when given the chance to succeed, it has the ability to produce devices that can better the quality of life for Americans and even save lives.

The industry is already facing challenges from foreign competitors that have an easier time getting their products to market. We must give the U.S. device manufacturers the opportunity to succeed, not punish them for being innovators and risk losing the incalculable contributions they provide to our economy, the delivery of health care and quality of life for every American.

The rule that we are debating today provides us with the chance to vote to

help ensure that the next great medical breakthrough is developed in this country right here in the United States and not overseas.

I urge my colleagues to support its passage, and I thank Mr. POLIS for yielding me the time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. Mr. Speaker, I first want to thank my friend, Mr. SCOTT, and fellow Rules Committee member, for allowing me time to speak on this important issue.

This rule brings to the floor a series of health issues that I hear about every day from constituents back home. About 46 million Americans have either a flexible spending account or a health savings account. These are hardworking American families that plan ahead for their health care. They're folks who don't want to be a drain on the health care system. But the Federal Government has the audacity to look at these funds from these families that have put aside for their health needs and see this as money for the government's taking. We need to be rewarding these people, not seeing them as a revenue source to pay for ObamaCare. But the government takeover of health care is going to punish them and encourage them to use more expensive treatment options.

The bill we are considering today will undo ObamaCare's limitation on purchasing over-the-counter medications, freeing both health savings accounts and physicians' offices from these new, burdensome regulations that go into effect.

□ 1300

It will allow families to cash out up to \$500 in their unused FSA balances at the end of the year as regular taxable income, and it will repeal a 2.3 percent tax imposed on the sale of medical devices. This tax will make health care more expensive. It will be passed down to the consumer, and it's already costing innovation and jobs in the medical device industry.

I applaud the Ways and Means Committee for their work on this legislation and encourage my colleagues on both sides of the aisle to pass not only the rule, but support the underlying legislation.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, I'll offer an amendment to the rule to make in order the Connolly amendment, which proposes that Members who repeal Federal benefits for their constituents must forfeit such benefits themselves. Why should Members of Congress get special benefits that we deny to our own constituents?

To discuss our proposal, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Chairman of the Federal Reserve Bernanke is on Capitol Hill today warning that if the Congress doesn't get the debt and deficit under control, we could be facing a fiscal collapse, a calamity. And he's right. And I think we all know that one of the ways to avoid a calamity is to move Americans from unemployment lines to payrolls.

But this is another day when the House will not consider legislation that would cut taxes for small businesses that hire people. This is another day when the House will not consider legislation that would rehire police officers, firefighters, teachers. This is another day when the House will not consider legislation to rebuild our roads and our bridges and our electronic infrastructure.

There is going to come a day when the House, I fear, will consider reductions in Medicare, Social Security, and Medicaid to deal with the deficit problem. Now, we need to consider these kinds of issues because they're an important part of the deficit. But when we do, I think most Members would agree with the proposition—I think all Members would probably agree with the proposition—that we should live under the laws that we write. If the Congress is going to consider a change to Social Security, we should live with that change. If the Congress is going to consider a change to Medicare, we should live with that change. We say this to our constituents when we go back to our districts.

Let's vote for it today. We propose to put on the floor, as part of today's legislative agenda, legislation that would say, pure and simple, if there's a change to Social Security, Members of Congress will live under the same change. If there is a change to Medicare, Members of Congress will live under the same change. If there's a change to Medicaid, Members of Congress will live under the same change. I think we'd probably get a unanimous vote for that proposition.

Let's put it on the floor and affirm to the people of this country who pay the bills and serve the country, we live under the same laws that we write.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the rule and underlying H.R. 436, the Protect Medical Innovation Act. This bill will make a positive impact in two critical areas: jobs and innovation.

For 40 consecutive months now, unemployment has exceeded 8 percent. Just last week, we received the unwelcome news that unemployment had increased in May from the prior month. We're on the wrong track, and the medical device tax included in the Affordable Care Act will make a bad situation even worse.

According to one industry study, the 2.3 percent medical device tax could result in the loss of 43,000 American jobs, and this is just outrageous. We should be taking steps to create good-paying American jobs, not preserving a tax hike that would ship these jobs overseas.

Let me just put that in perspective, Mr. Speaker. I have a unique observation point as a physician in practice for over 30 years, and let me take you through some innovations that I've seen.

In 1974, I learned how to do laparoscopy, which is where you place a scope inside the abdomen and look, just observe. And that's really about all we could do.

I remember, 1986, my partner and I did the first ectopic pregnancy. That's a tubal pregnancy, where pregnancy has occurred in the fallopian tube, and we were in there trying to get this pregnancy out through a scope. We did not have the equipment to do it.

Today you can take an ultrasound, diagnose this before rupture; and before, most of these were diagnosed after rupture, required blood transfusions, an open laparotomy, and days in the hospital. Today, I'm happy to report that we diagnose almost all of these before they rupture. We take a simple scope, with the new equipment and devices that have been discovered and utilized and developed, remove this, and send the patient home within hours.

I've watched, now, this go from just a rudimentary observation to incredible surgery with the new Da Vinci device—we're able to do very complicated pelvic surgery, prostate cancer surgery, other abdominal surgeries, heart surgeries—that have done many things, have reduced suffering, lowered morbidity, mortality, and we certainly do not need to go in a different direction.

Let me give you a very personal example that happened to me just 8 or 9 months ago.

In September of 2011, I was walking through the airport in Charlotte, North Carolina, when a gentleman arrested. If it had not been for an AED, a medical device, this gentleman would not be here with his family today. We were able to resuscitate him and send him successfully home to his family.

We do not need to decrease this innovation. I've seen absolutely spectacular things that have occurred over the last 30 years.

Also, this legislation is very simple. It does two other things. It allows an individual to use their HSA, which I have, to buy an across-the-counter medication instead of coming to my office, the most expensive entry point into the health care system other than the emergency room, to get a prescription. It's counterproductive. It wastes time for the patient and their families.

I also would certainly support the FSA agreement for letting someone keep \$500 of their money.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. ROE of Tennessee. And letting that individual and that family roll it over so they can use it the next year. Three very simple things and I will close.

Regardless of what you believe in the Affordable Care Act, or how you believe, I urge my colleagues to support this. And I find it a little bit comical that we are fussing about a closed rule on these three simple items when we discussed a 2,700-page health care bill on a closed rule.

Mr. POLIS. I yield myself such time as I may consume.

In response to my colleague, Mr. ROE's discussion of very expensive medical devices and equipment, part of the justification for looking at revenues for medical devices is, through making sure that more Americans have access to insurance, we're able to increase demand and compensation for procedures that involve costly medical devices. This is a way that can actually drive business and job growth for the medical device industry by having more people covered by insurance. The Affordable Care Act will cover millions and millions of more Americans to ensure that they have access to medical devices, driving consumption and purchase of medical devices as well.

Look, there's plenty of ways that we can talk about to pay for this bill. Unfortunately, this closed rule allows for no discussion, other than the extremely partisan, middle class tax increase, which the Republicans have proposed to pay for this bill.

Personally, I've also supported and continue to support looking at a soda tax. Rather than tax something that makes people healthier and improves public health, like medical devices, why not tax something that makes people less healthy, like corn syrup with food coloring and water, a little bit of caffeine added, no nutritional content, increases diabetes, increases obesity, tooth decay, even been shown to hurt kids' performance in schools. And a study by Health Affairs, a nationwide tax of 1 percent on sugary drinks would actually go a long way towards being able to pay for repealing the medical device tax.

So look, these are decisions that our constituents send us here to make. How do we want to pay for things? If we don't want to tax medical devices, are we going to tax the middle class instead, as this proposal will do?

We talked about a family of four in Ohio, family of four in New York, that would pay over \$5,000 a year in extra tax just because the mother went back to work, just because one member of the family might have passed away in a year, sticking them with an enor-

mous tax bill? This tax-and-spend Republican majority continues to advocate tax after tax after tax increase directly targeted to middle class and working American families.

□ 1310

Look, let's evaluate how we want to pay for health care in this country. Health care is important. Health care is expensive. If you have better ideas than the Affordable Care Act—better ways to reduce health care costs for businesses, help families access health care—let's get them on the table in an open process and talk about what we want to do to help drive down costs.

But this cobbled-together set of bills will only decrease access to health care in this country. It will undermine the very demand for the medical devices that are so important to job growth and creation in this country. It will undermine the incentive of middle class families to try to improve their stations in life—to take on a second part-time job, to seek a promotion at work. It's very contrary to our American values that hard work gets you ahead in this country. If you work hard and if you play by the rules, you have a shot in this country, and this cobbled-together set of bills is an affront to that very concept that makes me so proud to be an American.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I just heard the previous speaker say that the Affordable Care Act is going to provide so much opportunity for medical device manufacturers that they will simply be able to eat this device tax. Well, that's not the case in my district, and there are three principal reasons why we must repeal this device tax:

One, it increases health care costs for consumers on everything from wheelchairs, to bedpans, to prosthetics, to tongue depressors. Two, this is going to kill jobs. More than 400,000 jobs in the U.S. and 22,000 in Pennsylvania are directly employed by the medical device industry. This tax will put up to 43,000 American jobs at risk. Three, this is going to stifle innovation by reducing investment in R&D, which leads to medical breakthroughs.

By the way, this is a familiar health care law trifecta: higher costs, lost jobs, lost innovation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 15 seconds.

Mr. DENT. This tax is going to have a profound impact in my congressional district on companies like Aesculap, Boas Surgical, BioMed, B. Braun, Olympus, OraSure, and Precision Medical Instruments.

If you don't believe me, Chris Field of Boas Surgical in Allentown, a small

business that manufactures custom orthotics and prosthetics, explained that the tax may ultimately force the employer out of business:

The medical device tax would simply destroy what is left of our company. After giving it our all, we would simply have to turn out the lights, lock the doors and send 45 employees to the unemployment lines; and our patients, including many of our soldiers returning from combat, would no longer be able to receive medical devices, such as their prostheses, from a company which has faithfully served the Lehigh Valley for over 90 years.

Mr. POLIS. I yield myself such time as I may consume.

An executive summary of a report by the Bloomberg Government is entitled "Medical Device Industry Overstates Tax Impact," which was put together by health care policy analysts.

This study calls into question the assumption that several of my colleagues on the other side have indicated that the medical device tax results in the loss of 43,000 jobs. After investigating, the Bloomberg Government officials found that this figure was based on the hypothetical assumptions of a 10 percent reduction in domestic employment resulting from manufacturing moving their operations offshore. So it was just based on guesswork. It was said, Well, how many jobs do we want to say this would cost? Let's just say 10 percent.

Then they just put it down. There was no analysis. It was simply based on a guess, which I can just say with the same amount of backing that it will create 10,000 jobs or that it will eliminate 5,000 jobs or that it will create 20,000 jobs. You can say whatever you want, but there is no scientific analysis that leads to that conclusion.

In fact, throwing 350,000 Americans into the ranks of the uninsured as this cobbled-together set of bills would do and reducing the number of insured Americans by 350,000 is certain to reduce the demand for medical devices. It is certain to reduce job growth and to hurt many of the companies that are complaining about the medical device tax.

Again, if we can find a way to pay for it that doesn't throw over a quarter million Americans out of health care insurance and that doesn't increase taxes for a family making \$72,000 a year by over \$5,000, let's do it. We can. We can look at taxing things that make people less healthy rather than taxing things that make people more healthy. We can eliminate tax loopholes and subsidies for the oil and gas industry. We can discuss eliminating agriculture subsidies.

There are a lot of great ideas that Republicans and Democrats have to help replace the revenue that might be lost under this proposal; but under this closed rule, both Republicans and Democrats are prohibited from bringing any ideas forward about how to pay

for this bill other than with an enormous tax increase on the middle class, throwing Americans off the insurance rolls, which actually reduces the demand for medical devices and will cost jobs in this country under this bill.

I reserve the balance of my time.

EXECUTIVE SUMMARY

An excise tax on medical devices imposed by the 2010 federal health-care overhaul isn't likely to reduce industry revenue as much as the device manufacturers say. This Bloomberg Government Study finds that while some reduction in revenue is likely if the tax leads to higher prices, it won't hit manufacturers on the magnitude forecast in 2011 by an industry trade group.

The price effect of the tax will be offset to some degree by the expected increase in demand for medical devices as a result of the estimated 32 million Americans who will obtain health insurance under the law. The net impact on revenue remains uncertain.

The 2.3 percent tax on medical devices, which include pacemakers, artificial joints, and magnetic resonance imaging machines, takes effect in 2013. The tax may be passed along to the buyers of most medical devices, which will increase prices. A 2011 study commissioned by the Advanced Medical Technology Association, or AdvaMed, an industry trade group, estimates the resulting drop in revenue will be \$1.3 billion—close to the median of 12 scenarios in its economic model. That projection represents about 1.1 percent of the industry's \$116 billion in annual revenue. The group based its estimates on expected reactions by suppliers and buyers of medical devices to changes in price, a phenomenon that economists call price elasticity.

This study examines the economic assumptions underlying the industry group's findings. Using relevant research, this study finds that the price elasticity for medical devices is likely to be weaker than the industry put forward; in other words, an increase in price is not likely to lead to a severe contraction in demand. Even the most modest scenario considered by the AdvaMed study, projecting annual revenue losses of \$670 million, may be too high because it doesn't account for the likelihood of an increase in demand for medical devices by the newly insured.

This study also calls into question the assumptions behind another industry assertion that the medical-device tax will result in a loss of 43,000 U.S. jobs. That figure, the AdvaMed authors told Bloomberg Government, was based on a "hypothetical" assumption of a 10 percent reduction in domestic employment resulting from manufacturers moving their operations offshore to avoid the tax.

The study is AdvaMed's only quantitative analysis of the impact of the tax supporting the group's assertion that the medical-device tax will be harmful to manufacturers' revenue. This Bloomberg Government review of those findings gives lawmakers reason to be skeptical of its main findings.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. It is interesting to talk about an open or closed rule when we are discussing something with the Affordable Care Act. We all know what an open process that it was developed under and how wide open and inclusive that that was.

Let's talk some basic economics with this.

If you tax something more, you get less of it. That's simple economics. Apparently, somehow there is a desire to get less medical innovation. If we go to the medical innovators—the people with the latest devices, the newest devices, the best devices that are getting Americans healthier, that are providing a better quality of life for people from infants to senior adults—and then tax them more, we are discouraging them from future innovation and from creating the next products that create the next big medical wave on it.

Currently, the best medical innovation in the world is happening in the United States of America. We want to keep it that way. We talk a lot about: Why are we losing manufacturing jobs? Why are manufacturing jobs going around the world? I'll tell you why we're losing manufacturing jobs. It's because, every time you turn around when you're in a manufacturing segment, you've got a Federal regulator in your building who is checking out something else. Whether it's your paperwork or your process or your people, they are constantly checking everything else. We also have this very high corporate tax structure. We have the highest in the industrial world. Now we're taking it to the medical device folks and making it even higher and making it even harder.

What we need to do is have the best medical innovation in the world here, but we don't do that by punishing those companies for doing it here. If we want companies to go overseas and to do the best innovation in the world somewhere else, then we should continue to raise taxes on them. This solves that. This keeps it here. It keeps the companies here and keeps them from relocating and offshoring. It keeps premiums from going up. As the medical device cost goes up—guess what?—insurance premiums go up as well, as well as dental costs for dental devices.

This is just another example of picking winners and losers and finding an industry that is successful and saying, Let's tax them more so we can move that money somewhere else. I'll tell you what. Let's just have the best medical innovation in the world continue to be here. Let's take care of that medical device tax and clear it out as of today.

Mr. POLIS. My colleague from Oklahoma said, if you tax something, you get less of it. Under this bill, we tax work, and we tax middle class families taking a second job or getting a promotion at work. This bill will force families to stay on the government payroll. It will force people to continue to get their benefits because, if they try to work harder, you're increasing their taxes.

Yes, if you tax something, you get less of it. This bill will result in people

working less, having less of an incentive to work, less of an incentive to lift yourself up and to get off the government subsidies, less of an incentive to take a second job, less of an incentive to get a promotion. Why would we put squarely the burden of paying for this on people who just want to work harder to get ahead?

If you tax something, you get less of it. This bill in its current form results in less work, fewer jobs, fewer chances for middle class families to stay in the middle class, fewer chances for aspiring middle class families to reach the middle class.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, we keep hearing consistently that somehow a tax that isn't a tax is now considered a tax, so the notion of recapturing overpayments from health care subsidies should not be considered a tax. It should be considered being honest and fair. So let me say it one more time: that requiring people to return money not correctly given to them is not a tax increase; it is a matter of honesty and integrity.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. I thank my colleague.

Mr. Speaker, I think something has gone overlooked here today, which is that this is a bill that has bipartisan support. So often back home, the folks want us to do things that have bipartisan support. We've seen several Members from across the aisle speak in favor of this bill and of this rule today; but I think something else is going overlooked, which is that the President should support this. This should be a bill that the President of the United States supports. After all, he was the one who said when he was campaigning—and I'm quoting now from candidate Barack Obama:

I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase—not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

□ 1320

By the way, Mr. Chairman, it's very rare that we speak that boldly in politics. Oftentimes, we give ourselves space to walk things back. But that is about as unequivocal a statement as you can get.

I imagine that since that statement was made in 2008, it's by accident that we have, by my count, at least 13 taxes that violate that pledge. We have a new tax on cigarettes, a tax on non-qualified HSA distributions, a tax on insured and self-insured health plans, a tax on tanning services, a tax on brand name pharmaceuticals, and, of course, this tax on certain medical devices. My guess is that was done by mistake, and we need to fix that so that the President can keep his promises.

So I encourage my friends across the aisle, as well as my own colleagues, to vote for the rule and to vote for the bill to help the President out, to help the President keep his promises so that we do not raise taxes on anybody in this country who makes less than \$250,000.

Mr. POLIS. Mr. Speaker, my colleague ended his remarks by saying don't raise taxes on people making under \$250,000. This bill increases taxes on people making \$40,000, \$70,000, even as much as \$90,000. That's what it is—it's a huge middle class tax increase.

With that, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend from Colorado.

Mr. Speaker, I rise today to encourage my colleagues to vote "no" on ordering the previous question so we can consider Mr. CONNOLLY's amendment that would give our constituents a chance to see whose side their representative is on.

Since the Republican majority took office, they have repeatedly focused on chipping away at the protections afforded by Medicare, Medicaid, Social Security, and the Affordable Care Act. Yet many of these same Members are happy to claim these benefits for themselves and their families, even as they vote to deny access to these benefits for the very people who put them in office. The American people deserve better.

We're saying to our colleagues on the other side of the aisle: if you're going to force your constituents to give up the right to access affordable insurance or retirement security, then you should do the same.

Last year, I introduced a resolution that would require all Members of Congress to publicly disclose whether they participate in the Federal Employees Health Benefits program. The reasoning was simple: if Republicans wish to take away quality affordable health care from Americans, then they can no longer hide their benefits from the taxpayers that subsidize their own care.

The taxpayers are our employers, and they deserve to know which Members are keeping taxpayer subsidized health benefits for themselves and their families while they vote to deny those same health care benefits and rights to all American families.

For all their talk of transparency and accountability, my resolution was met with silence from the other side of the aisle. Today, they have a chance to try again and say to their constituents: I won't take away your benefits unless I'm willing to give up mine as well. How many will take that promise? Everyone should. But I fear that their party's political promises will trump the promises they should make to help their constituents.

I will vote to stand on the side of the American people, and I encourage

every one of my colleagues in this Chamber to join me and vote "no" on ordering the previous question.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I rise today in support of H.R. 436, the Health Care Cost Reduction Act.

Over the past 18 months, the House has been focused on legislation that will help set the table for job creation. This recession has proven more stubborn than previous ones in part because it hits solid, middle class jobs the hardest. The medical technology industry, however, is one area where America remains a global leader in manufacturing. There are more than 35,000 medical technology industry jobs in Ohio alone, well paying jobs too. Unfortunately, the President's health care law wants to punish this industry's success.

His overhaul of the health care industry created a 2.3 percent tax on medical device sales in the U.S., which will be implemented just 6 months from now. As a small business owner myself, I understand this tax will have a huge negative impact on this industry, killing American jobs, slowing medical innovation, and harming America's global competitiveness. That is because this tax is on revenues, not profits.

Some in the Halls of Congress and in this administration who have never worked in the private sector may not realize it, but that is an important distinction. Placing the tax on the revenue side makes it much more costly for small device makers to pay for it because many of them have high revenue levels, but much smaller profit margins. You're taxing them based on how much business they do, not on how much money they make, an idea only career politicians could dream up and attempt to implement.

Over 75 percent of medical device makers are small businesses with fewer than 50 employees. As such, it has been estimated that this tax will lead to somewhere between 15,000 and 50,000 lost jobs. I will not stand idly by while this tax threatens jobs across the country and my home State of Ohio. That is why I stand in strong support of the Health Care Cost Reduction Act, which would repeal this tax. And I thank Representative PAULSEN for introducing it. We simply cannot be competitively global when we tax our manufacturers and our small businesses at a higher rate than our foreign competitors tax theirs.

I call on my colleagues from both sides of the aisle to practice some economic common sense and join me in voting to repeal this tax.

Mr. POLIS. Why should Members of Congress get special benefits because they're Members of Congress that they vote to deny to their constituents? Thankfully, if we defeat the previous

question, Mr. CONNOLLY will bring forward an amendment that will address this issue.

With that, I am proud to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague, Mr. POLIS.

Mr. Speaker, I rise to urge my colleagues to defeat the previous question.

If we defeat the previous question, we will move immediately to consideration of an amendment that will ensure that Members of Congress do not shield themselves from changes in health care benefits that would reduce the level of care for our constituents. In fact, we might even call this the "what's good for the goose" amendment.

In fact, the simple commonsense amendment would add a new section at the end of the Legislative Branch Appropriations Act to prohibit any proposed repeal of benefits in Social Security, Medicare, Medicaid, or the Affordable Care Act from taking effect until it has certified that a majority of Members in this body and the Senate are no longer eligible, whether through automatic or voluntary withdrawal, to receive the very same benefits being repealed.

My colleagues will recall that during the health care reform debate, we responded to false claims about Members of Congress having gold-plated health care by removing ourselves from the Federal Employees Health Benefits program. Members will soon use their own State-based exchanges to purchase insurance just like any other family in their community.

We wanted our constituents to have as much confidence as we do that the exchanges will deliver the care that's promised. In keeping with that spirit, my simple amendment would ensure Members of Congress stand with their residents in living with any changes in benefits we might legislate.

Mr. Speaker, we can offer our residents comfort of mind knowing that Members of Congress will share in those same benefits or reduced benefits by adopting this simple commonsense amendment, proving that what is good for the goose is also good for the gander.

I urge defeat of the previous question.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman.

Mr. Speaker, Indiana is a global leader in medical device innovation in the United States, providing tens of thousands of high-wage jobs to Hoosiers. There are over 300 medical device manufacturers in the State, many of them small businesses, all working on cutting-edge innovation.

Mr. Speaker, we need to preserve what is working in America. The med-

ical device industry is working. In fact, it's helping to save manufacturing in this country, period. One of the biggest threats to the medical device industry is the tax punishing policies put forth by the last Congress and the President of the United States, commonly known as ObamaCare. It will send these manufacturing jobs to other countries so the cost of the tax can be made up.

□ 1330

In addition to sending jobs out of the country, this tax, if not repealed, will only drive up the cost of health care by shifting the costs onto consumers.

Medical device jobs provide an average of \$60,000 in Indiana alone, which is 56 percent higher than the State average. The economic impact of Indiana's medical device industry eclipses \$10 billion, and job growth has increased nearly 40 percent in the last few years. Similar numbers can be applied to the State and across this Nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. ROKITA. Although the tax is not scheduled to take effect until next January, we are already feeling its choking boot on the necks of hardworking Americans and sick people. Indiana medical device companies have already laid off good Americans, thanks to this tax, which is just one more example of this failed Presidency.

The national unemployment rate increased again last month. We cannot afford to move forward with this ill-conceived tax on American innovation, on American companies who add value to this Nation and its economy.

I encourage all of my colleagues, Mr. Speaker, to vote "yes" on the rule and for final passage of H.R. 436.

Mr. POLIS. I have no additional speakers on this huge Republican middle class tax increase. I would like to ask my colleague if he has any remaining speakers. I am prepared to close.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. I thank the gentleman for yielding.

Mr. Speaker, Illinois is hurting. Unemployment has been above 8 percent for the past 3 years. The medical technology industry is one of the only success stories in the State, employing thousands and still growing.

The district I represent is home to many of these medical technology companies. These are quality jobs with employees earning, on average, 10 percent more than their counterparts in similar manufacturing fields.

We must act now without hesitation. Illinois alone could lose anywhere from 1,200 to 1,300 good-paying jobs that support American families. That's why I

cosponsored H.R. 436, rise in support now, and will continue to support all efforts to repeal the medical device tax.

Mr. Speaker, the highest level of prosperity occurs when there is a free market economy and a minimum of government regulations. Illinois has suffered enough. We can't stand idly by and watch more burdensome taxes prevent honest, hardworking American from getting the quality jobs they deserve.

Mr. POLIS. I would like to inquire if my colleague has any remaining speakers, and I would like to inquire of the Speaker how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 2¼ minutes remaining, and the gentleman from South Carolina has 6¾ minutes remaining.

Mr. POLIS. I yield myself the remainder of the time.

Mr. Speaker, at a time when millions of Americans are still out of work, here's yet another bill on the House floor that does nothing to create jobs or get our economy back on track.

This House has already passed repeals of the Affordable Care Act several times, and here we have another bill that takes three bills and lumps them together with a controversial payment mechanism that's a huge tax increase on the middle class, and it drives Congress further from consensus and sound governance.

Again, we're spending another legislative day repealing parts of the Affordable Care Act that the President has said he would veto with no opportunity for Members of either party to offer amendments or substitutes.

Instead of seeking a bipartisan agreement on reducing health care costs or even doing anything to further the repeal of the medical device tax, the Republicans have made it impossible for many to support this bill by combining a number of unrelated bills with a huge middle class tax increase. This is not the transparent one-bill-at-a-time House that the American people deserve.

My colleagues are once again passing on an opportunity for bipartisan reform in favor of simply scoring political points.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can make sure that Members of Congress don't receive special benefits that we would deny to our constituents.

I urge a “no” vote on the rule, so we can avoid this enormous Republican middle class tax increase, and I yield back the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield myself the remaining time.

My assumption is my friends to the left truly believe if you say it often enough, it might become true. Even if it doesn't become true, if you say it often enough, perhaps someone watching will assume that the words being spoken are somehow true.

We've heard it several times in the last hour, things that have been said over and over again because we are obviously once again in an election year. After hearing the arguments made by the other side regarding the previous question, there is no doubt that we are in an election year.

To clarify, any future changes in benefits to Social Security or Medicare would also and always apply to Members of this body. There are no exceptions, Mr. Speaker, no, not one exception whatsoever. There are no carve-outs in the law giving special treatment to Members of Congress under Social Security or Medicare.

But if you say it often enough, perhaps someone, somewhere watching somewhere in this Nation will come to the conclusion that it must be right. Let me say it one more time.

Members of Congress will comply with the law as it is on Social Security and Medicare.

Secondly, we have heard consistently over and over again—and this is another part of that alternate universe that doesn't exist unless you want someone to believe something that is simply not true—that somehow recapturing overpayments of health care subsidies is now considered a tax. I would say that at a time when we face a \$16 trillion debt, we cannot afford to not recapture all the money owed to the Federal Government.

My friends on the left want people to believe that if you recapture the dollars that were given inappropriately that somehow, some way this becomes a tax increase. Let me say it just in case folks listening didn't understand the words that I was speaking.

Requiring people to return money not correctly given to them, this is not a tax, and it certainly is not a tax increase. It is simply a matter of honesty and integrity.

Mr. Speaker, we're talking about the health care bill that took \$500 billion from Medicare. We're talking about the health care bill that takes \$500 billion out of the pockets of everyday, average middle class Americans in the form of tax increases. There is one tax increase on those folks who own property, \$123 billion through a new 3.8 percent tax. Today we find ourselves in the position of repealing a \$29 billion medical device tax because the people who need the

medical devices will end up paying that tax.

I think we are in a position today, Mr. Speaker, to make sure that over 423,000 Americans who are employed in this country are able to continue to work. I believe that we are in a position, Mr. Speaker, to ensure that the health care of millions of Americans continues to be a critical part of the discussion.

Mr. Speaker, we are in a place to make sure that new taxes, \$29 billion of new taxes, don't continue to destroy American jobs.

Mr. Speaker, I urge my colleagues not only to vote for the rule but to vote for the underlying legislation.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 679 OFFERED BY
MR. POLIS OF COLORADO

At the end of section 2, add the following: Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Connolly of Virginia or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

Sec. 3. The amendment referred to in section 2 is as follows:

At the end of the bill (before the short title), insert the following:

Members who repeal federal benefits for their constituents must forfeit such benefits for themselves.

SEC. ____ (a) IN GENERAL.—Any proposed repeal of benefits in Social Security, Medicare, or Medicaid, or of any benefit provided under the Patient Protection and Affordable Care Act (Public Law 111-148), shall not take effect until the Director of the Office of Personnel Management certifies to the Congress that a majority of the Members of the House of Representatives and a majority of Members of the Senate have, as of the date that is 30 days after the date of the passage of the repeal in the respective House, voluntarily and permanently withdrawn from any participation, and waived all rights to participate, as such a Member in that benefit. (b) MEMBER DEFINED.—In this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To

defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 12, as follows:

[Roll No. 358]

YEAS—240

| | | |
|---------------|-----------------|---------------|
| Adams | Goodlatte | Nunnelee |
| Aderholt | Gosar | Olson |
| Akin | Gowdy | Palazzo |
| Alexander | Granger | Paulsen |
| Amash | Graves (GA) | Pearce |
| Amodei | Graves (MO) | Pence |
| Austria | Griffin (AR) | Peterson |
| Bachmann | Griffith (VA) | Petri |
| Bachus | Grimm | Pitts |
| Barletta | Guinta | Platts |
| Bartlett | Guthrie | Poe (TX) |
| Barton (TX) | Hall | Pompeo |
| Bass (NH) | Hanna | Posey |
| Benishek | Harper | Price (GA) |
| Berg | Harris | Quayle |
| Biggert | Hartzler | Reed |
| Bilbray | Hastings (WA) | Rehberg |
| Bishop (UT) | Hayworth | Reichert |
| Black | Heck | Renacci |
| Blackburn | Hensarling | Ribble |
| Bonner | Herger | Rigell |
| Bono Mack | Herrera Beutler | Rivera |
| Boren | Huelskamp | Roby |
| Boustany | Huizenga (MI) | Roe (TN) |
| Brady (TX) | Hultgren | Rogers (AL) |
| Brooks | Hunter | Rogers (KY) |
| Broun (GA) | Hurt | Rogers (MI) |
| Buchanan | Issa | Rohrabacher |
| Bucshon | Jenkins | Rokita |
| Buerkle | Johnson (IL) | Rooney |
| Burgess | Johnson (OH) | Ros-Lehtinen |
| Burton (IN) | Johnson, Sam | Roskam |
| Calvert | Jones | Ross (FL) |
| Camp | Jordan | Royce |
| Campbell | Kelly | Runyan |
| Canseco | King (NY) | Ryan (WI) |
| Cantor | Kingston | Scalise |
| Capito | Kinzinger (IL) | Schilling |
| Carter | Kissell | Schmidt |
| Cassidy | Kline | Schock |
| Chabot | Labrador | Schweikert |
| Chaffetz | Lamborn | Scott (SC) |
| Coffman (CO) | Lance | Scott, Austin |
| Cole | Landry | Sensenbrenner |
| Conaway | Lankford | Sessions |
| Cravaack | Latham | Shimkus |
| Crawford | LaTourette | Shuster |
| Crenshaw | Latta | Simpson |
| Culberson | LoBiondo | Smith (NE) |
| Davis (KY) | Long | Smith (NJ) |
| Denham | Lucas | Smith (TX) |
| Dent | Luetkemeyer | Southerland |
| DesJarlais | Lummis | Stearns |
| Diaz-Balart | Lungren, Daniel | Stivers |
| Dold | E. | Stutzman |
| Dreier | Mack | Sullivan |
| Duffy | Manzullo | Terry |
| Duncan (SC) | Marchant | Thompson (PA) |
| Duncan (TN) | Matheson | Thornberry |
| Ellmers | McCarthy (CA) | Tiberi |
| Emerson | McCaul | Tipton |
| Farenthold | McClintock | Turner (NY) |
| Fincher | McCotter | Turner (OH) |
| Fitzpatrick | McHenry | Upton |
| Flake | McIntyre | Walberg |
| Fleischmann | McKeon | Walden |
| Fleming | McKinley | Walsh (IL) |
| Flores | McMorris | Webster |
| Forbes | Rodgers | West |
| Fortenberry | Meehan | Westmoreland |
| Fox | Mica | Whitfield |
| Franks (AZ) | Miller (FL) | Wilson (SC) |
| Frelinghuysen | Miller (MI) | Wittman |
| Gallegly | Miller, Gary | Wolf |
| Gardner | Mulvaney | Womack |
| Garrett | Murphy (PA) | Woodall |
| Gerlach | Myrick | Yoder |
| Gibbs | Neugebauer | Young (AK) |
| Gibson | Noem | Young (FL) |
| Gingrey (GA) | Nugent | Young (IN) |
| Gohmert | Nunes | |

NAYS—179

| | | |
|---------------|----------------|------------------|
| Ackerman | Garamendi | Olver |
| Altmire | Gonzalez | Owens |
| Andrews | Green, Al | Pallone |
| Baca | Green, Gene | Pascarell |
| Barrow | Grijalva | Pastor (AZ) |
| Becerra | Gutierrez | Pelosi |
| Berkley | Hahn | Perlmutter |
| Berman | Hanabusa | Peters |
| Bishop (GA) | Hastings (FL) | Pingree (ME) |
| Bishop (NY) | Heinrich | Polis |
| Blumenauer | Higgins | Price (NC) |
| Bonamici | Himes | Quigley |
| Boswell | Hinchee | Rahall |
| Brady (PA) | Hinojosa | Rangel |
| Braley (IA) | Hirono | Reyes |
| Brown (FL) | Hochul | Richardson |
| Butterfield | Holden | Richmond |
| Capps | Holt | Ross (AR) |
| Capuano | Honda | Rothman (NJ) |
| Carnahan | Hoyer | Roybal-Allard |
| Carney | Israel | Ruppersberger |
| Carson (IN) | Jackson (IL) | Rush |
| Castor (FL) | Jackson Lee | Ryan (OH) |
| Chandler | (TX) | Sanchez, Linda |
| Chu | Johnson (GA) | T. |
| Cicilline | Johnson, E. B. | Sanchez, Loretta |
| Clarke (MI) | Kaptur | Sarbanes |
| Clarke (NY) | Keating | Schakowsky |
| Clay | Killdeer | Schiff |
| Cleaver | Kind | Schrader |
| Clyburn | King (IA) | Schwartz |
| Cohen | Langevin | Scott (VA) |
| Connolly (VA) | Larsen (WA) | Scott, David |
| Conyers | Larson (CT) | Serrano |
| Cooper | Lee (CA) | Sewell |
| Costa | Levin | Sherman |
| Costello | Lewis (GA) | Sires |
| Courtney | Lipinski | Smith (WA) |
| Critz | Loeb sack | Speier |
| Crowley | Lofgren, Zoe | Stark |
| Cuellar | Lowe | Sutton |
| Cummings | Lujan | Thompson (CA) |
| Davis (CA) | Lynch | Thompson (MS) |
| Davis (IL) | Maloney | Tierney |
| DeFazio | Markey | Tonko |
| DeGette | Matsui | Towns |
| DeLauro | McCarthy (NY) | Tsongas |
| Deutch | McCollum | Van Hollen |
| Dicks | McDermott | Velázquez |
| Dingell | McGovern | Visclosky |
| Doggett | McNerney | Walz (MN) |
| Donnelly (IN) | Meeks | Wasserman |
| Doyle | Michaud | Schultz |
| Edwards | Miller (NC) | Waters |
| Ellison | Miller, George | Watt |
| Engel | Moore | Waxman |
| Eshoo | Moran | Welch |
| Farr | Murphy (CT) | Wilson (FL) |
| Fattah | Nadler | Woolsey |
| Frank (MA) | Napolitano | Yarmuth |
| Fudge | Neal | |

NOT VOTING—12

| | | |
|-----------|------------|-----------|
| Baldwin | Coble | Marino |
| Bass (CA) | Finler | Paul |
| Bilirakis | Kucinich | Shuler |
| Cardoza | Lewis (CA) | Slaughter |

□ 1404

Messrs. COHEN, CICILLINE, DICKS and LYNCH changed their vote from “yea” to “nay.”

Messrs. CRAWFORD and PETERSON changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 358, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

CONGRATULATING SPEAKER PELOSI ON 25 YEARS OF SERVICE TO CONGRESS

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, all of us

through our lives meet people, particularly when we were young—and I'm sure this happened to people who were with leaders of our country. Thomas Jefferson, a young man, I'm sure there were people who met Thomas Jefferson when he was 25 and they said to themselves, boy, this guy's really got his head in the clouds. And then he became one of the great people of democracies in our world.

When I was 23 years of age, in 1962, I was working for a United States Senator whose name was Daniel Brewster from our State of Maryland. That summer, he hired as an intern a young woman—younger than me, but about my age—close—and we had the opportunity to get to know one another. We sat approximately 12 feet from one another as a young college graduate and a young law school student. That was 1962.

Through the years, I stayed in Maryland, and that young woman got married and moved to California. Just a few years later, I came to the Congress of the United States, and 6 years later she came to the Congress of the United States, after having been the chairman of her party in the largest State in the Union, having been very much involved with the United States Senate, having been a leader in our country, not as a Member of Congress, but in her role as a significant party leader and a member of the Democratic National Committee.

When Sala Burton died, herself a member of a distinguished political family, this young woman ran for Congress of the United States. Her father had served in the Congress of the United States, been a member of the Appropriations Committee, been mayor of Baltimore city, and been the father of a mayor of Baltimore city. How proud he would be of this young daughter he raised at his knee, not, frankly, as somewhat caricatured as a San Francisco, but as a Baltimore City pol—I say that with great affection—who knew how to put neighborhoods together, who knew how to take care of citizens in that city. That's where she learned her politics.

As Thomas Jefferson had people who attacked him bitterly, she has had the same. We all have that in this game that we participate in that we care deeply about. That young woman that I first worked with in 1962 became the highest-ranking woman in the history of our country in our government. And now we note—some celebrate, others note—her attaining of a quarter of a century of service in this body.

□ 1410

And all of us will be able to tell our grandchildren. I have my grandchildren now. Maybe I'll have more, but I have a number of them now, and a number of them are young women, and I tell them how proud they can be of the

leadership and the trail that has been blazed by this extraordinary woman.

I've talked to a number of you on the Republican side of the aisle, my good friend ROY BLUNT, and he says to me, he said, Boy, that woman has a spine of steel. And that she does. Those of us who have dealt with her know that she's one of the strongest leaders any of us have served with, whether you agree with her or don't agree with her.

So I rise, Mr. Speaker, to note this anniversary of 25 years of service of NANCY D'ALESSANDRO PELOSI, from the State of Maryland, the very proud State of Maryland, to have a daughter like NANCY, and a State that is proud of its citizen servant, NANCY PELOSI.

Ladies and gentlemen, I now have the great honor of yielding to my friend. He's of a different party, but we're both Americans. We both love this institution, and he is now, himself, not quite as historic a figure because there have been many men who have been Speaker of the House of Representatives, but my friend, JOHN BOEHNER, Speaker of the House.

Mr. BOEHNER. Let me thank my friend, Mr. HOYER, for yielding.

Mr. Speaker, I rise today to commend our colleague, the gentlelady from California, on her 25 years of service to this institution. It's the latest in a series of milestones for the gentlelady from California.

On January 4, 2007, I had the privilege of presenting Leader PELOSI the gavel when she became the first female Speaker of the House. But just as important as this anniversary is in and of itself, it also represents 25 years of commitment and service to this institution.

Now, the gentlelady from California and I have differing political philosophies, and we've had some real battles here on the floor over the 22 years that I've served with her, but many of you know that the gentlelady and I have a very, very workable relationship and we get along with each other fine. We treat each other very nicely and actually have a warm relationship, because we all serve in this institution and we all have work to do to protect the institution and serve the institution. And I can tell all of my colleagues on both sides of the aisle that I enjoy my relationship with her and enjoy our ability to work together.

Now, it doesn't mean that we're going to agree on taxes or that we're going to agree on spending, but I know I speak for the whole House when I rise today to say to the gentlelady from California, Mrs. PELOSI, congratulations on 25 years of real service to this institution.

Thank you.

Mr. HOYER. Mr. Speaker, before I yield back, the gentlelady from California would like me to yield, and I do so.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

In the political life that we have here and our service to the American people, I take great pride in always saying, when somebody says to me, Were you surprised when somebody did this, that, or this bill did that or that? I say, I'm hardly ever surprised in politics because I know what the possibilities are.

I am thoroughly surprised today. I had absolutely no idea the mischief that Mr. HOYER was up to, going back decades, I might add. But I thank him for his kind words, and all of you for your nice reception.

I thank the Speaker for his gracious comments as well. While he was speaking, I was remembering, oh, my goodness, we're taking up time on the floor and it's personal and that. But then I was recalling that it wasn't that long ago when we—maybe 5, 6 years ago when we came to the floor to acknowledge that then-Speaker Hastert was the longest serving Republican Speaker of the House and we made much ado about that landmark. So I comfortably accept your kind words, since we could observe that, and I think and I said, Long may his record stand, at that time.

That passes for humor in certain circles.

As the gentlemen were speaking, I was recalling when I was first Speaker and sitting in the chair to welcome the President of the United States to the Chamber for the first time, and it was President George W. Bush. President Bush surprised me that day, too, when he opened his remarks by saying to the gathered crowd that many Presidents had come to the Congress to speak to a joint session, but none of them had ever opened their remarks with these two words, "Madam Speaker."

And he then went on to say that although my father had served in Congress with President Roosevelt and President Truman, and that was a tremendous honor for him, little would that compare to the idea that his, he said something like "baby girl" was sitting in the chair as Speaker of the House. That was an honor for me.

His father honored me for my 25th anniversary, President George Herbert Walker Bush, on President's Day, by inviting me to speak to his library, the Bush library at Texas A&M. We recalled a time of civility in the Congress when he was President, and we had our disagreements, as the Speaker acknowledged we still do, but we did so with great civility, and that was what we talked about that day. I considered that a great honor.

And I consider this a great honor to serve with each and every one of you, patriots all, representatives, independent representatives of your district. And that word has two meanings. It's your title. It's also our job description, that we represent our districts and bring the beautiful diversity of opinion, of ethnicity, of generations, of

geography, of philosophy to the Congress of the United States. The beauty, I say in my district, is in the mix.

While I'm very honored to have served as the Speaker of the House, first woman Speaker of the House, first Italian American Speaker of the House, first Maryland Speaker of the House, first California Speaker of the House, many firsts, it always is the greatest privilege of my life, as I'm sure it is with each of you, to step on the floor of the House to represent and speak for the people of each of our individual districts.

So I thank you, Mr. Speaker, for your kind words. While, as you said, we may not always agree on taxes, we did at one time when President Bush was President, and we worked together at that time on his stimulus package, which was tax-oriented. You remember that. And it was good for the country, and it was a good model for us to go forward.

□ 1420

It is an honor to serve with you as Speaker. While I with great joy accepted the gavel from you that first time, it wasn't so joyful to hand it back over. Nonetheless, it's all in the Chamber, and that's where we all serve for the American people.

STENY, you don't know when and you don't know where, but one day—one day—I will repay this magnificent honor you have extended to me, which has taken me totally by surprise. Wait until I talk to my staff about this later.

STENY HOYER is a great patriot, a great Marylander, a great American, a great Member of Congress—a Member's Member, a person who respects every person he serves with.

STENY HOYER—and Mr. Speaker, I know I speak for everyone in the Chamber when I say—we are proud to call you a colleague.

Thank you so much for this time.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 173, not voting 17, as follows:

[Roll No. 359]

AYES—241

Adams Gosar Nunnelee
 Aderholt Gowdy Olson
 Alexander Granger Owens
 Amash Graves (GA) Palazzo
 Amodei Graves (MO) Paulsen
 Austria Griffin (AR) Pearce
 Bachmann Griffith (VA) Pence
 Bachus Grimm Petri
 Barletta Guinta Pitts
 Bartlett Guthrie Platts
 Bass (NH) Hall Poe (TX)
 Benishek Hanna Pompeo
 Berg Harper Posey
 Biggart Harris Price (GA)
 Bilbray Hartzler Quayle
 Bishop (GA) Hastings (WA) Reed
 Bishop (UT) Hayworth Rehberg
 Black Heck Reichert
 Blackburn Hensarling Renacci
 Bonner Herger Ribble
 Bono Mack Herrera Beutler Riggell
 Boren Huelskamp Rivera
 Boustany Huizenga (MI) Roby
 Brady (TX) Hultgren Roe (TN)
 Brooks Hunter Rogers (AL)
 Broun (GA) Hurt Rogers (KY)
 Buchanan Issa Rogers (MI)
 Buschon Jenkins Rohrabacher
 Buerkle Johnson (IL) Rokita
 Burgess Johnson (OH) Rooney
 Burton (IN) Johnson, Sam Ros-Lehtinen
 Calvert Jones Roskam
 Camp Jordan Ross (AR)
 Campbell Kelly Ross (FL)
 Canseco King (IA) Royce
 Cantor King (NY) Runyan
 Capito Kingston Ryan (WI)
 Carter Kinzinger (IL) Scalise
 Cassidy Kissell Schilling
 Chabot Kline Schmidt
 Chaffetz Labrador Schock
 Coffman (CO) Lamborn Schweikert
 Cole Lance Scott (SC)
 Conaway Landry Scott, Austin
 Cravaack Lankford Sensenbrenner
 Crawford Latham Sessions
 Crenshaw LaTourette Shimkus
 Culberson Latta Shuster
 Davis (KY) LoBiondo Simpson
 Denham Long Smith (NE)
 Dent Lucas Smith (NJ)
 DesJarlais Luetkemeyer Smith (TX)
 Diaz-Balart Lummis Southerland
 Dold Lungren, Daniel Stearns
 Donnelly (IN) E. Stivers
 Dreier Mack Stutzman
 Duffy Manzullo Sullivan
 Duncan (TN) Terry
 Ellmers Matheson Thompson (PA)
 Emerson McCarthy (CA) Thornberry
 Farenthold McCaul Tiberi
 Fincher McClintock Tipton
 Fitzpatrick McCotter Turner (NY)
 Flake McHenry Turner (OH)
 Fleischmann McIntyre Upton
 Fleming McKeon Walberg
 Flores McKinley Walden
 Forbes McMorris Walsh (IL)
 Fortenberry Rodgers Webster
 Foxx Meehan West
 Franks (AZ) Mica Westmoreland
 Frelinghuysen Miller (FL) Whitfield
 Gallegly Miller (MI) Wilson (SC)
 Gardner Miller, Gary Wittman
 Garrett Mulvaney Wolf
 Gerlach Murphy (PA) Womack
 Gibbs Myrick Woodall
 Gibson Neugebauer Yoder
 Gingrey (GA) Noem Young (AK)
 Gohmert Nugent Young (FL)
 Goodlatte Nunes Young (IN)

NOES—173

Ackerman Bonamici Carney
 Altire Boswell Carson (IN)
 Andrews Brady (PA) Castor (FL)
 Baca Braley (IA) Chandler
 Barrow Brown (FL) Chu
 Becerra Butterfield Cicilline
 Berkley Capps Clarke (MI)
 Bishop (NY) Capuano Clarke (NY)
 Blumenauer Carnahan Clay

Cleaver Hoyer Polis
 Clyburn Israel Price (NC)
 Cohen Jackson (IL) Quigley
 Connolly (VA) Jackson Lee Rahall
 Conyers (TX) Rangel
 Cooper Johnson (GA) Reyes
 Costa Johnson, E. B. Richardson
 Costello Kaptur Richmond
 Courtney Keating Rothman (NJ)
 Critz Kildee Roybal-Allard
 Crowley Kind Ruppertsberger
 Cuellar Langevin Rush
 Cummings Larsen (WA) Ryan (OH)
 Davis (CA) Larson (CT) Sanchez, Linda
 Davis (IL) Lee (CA) T.
 DeFazio Levin Sanchez, Loretta
 DeGette Lewis (GA) Sarbanes
 DeLauro Lipinski Schakowsky
 Deutch Loebbsack Schiff
 Dicks Lofgren, Zoe Schrader
 Dingell Lowey Schwartz
 Doggett Lujan Scott (VA)
 Doyle Lynch Scott, David
 Edwards Maloney Serrano
 Ellison Markey Sewell
 Engel Matsui Sherman
 Eshoo McCarthy (NY) Sires
 Farr McCollum Smith (WA)
 Fattah McDermott Speier
 Frank (MA) McGovern Stark
 Fudge McNerney Sutton
 Garamendi Meeks Thompson (CA)
 Gonzalez Michaud Thompson (MS)
 Green, Al Miller (NC) Tierney
 Green, Gene Miller, George Tonko
 Grijalva Moore Towns
 Gutierrez Moran Tsongas
 Hahn Murphy (CT) Van Hollen
 Hanabusa Nadler Velazquez
 Hastings (FL) Napolitano Visclosky
 Heinrich Neal Walz (MN)
 Higgins Olver Wasserman
 Himes Pallone Schultz
 Hinchey Pascrell Watt
 Hinojosa Pastor (AZ) Waxman
 Hirono Pelosi Welch
 Hochul Perlmutter Wilson (FL)
 Holden Peters Woolsey
 Holt Peterson Yarmuth
 Honda Pingree (ME)

NOT VOTING—17

Akin Cardoza Marino
 Baldwin Coble Paul
 Barton (TX) Duncan (SC) Shuler
 Bass (CA) Filner Slaughter
 Berman Kucinich Waters
 Bilirakis Lewis (CA)

□ 1427

So the resolution was agreed to.
 The result of the vote was announced
 as above recorded.

A motion to reconsider was laid on
 the table.

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 359,
 I was delayed and unable to vote. Had I been
 present I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 359, I
 was away from the Capitol due to prior com-
 mitments to my constituents. Had I been
 present, I would have voted "no."

HEALTH CARE COST REDUCTION
ACT OF 2012

Mr. CAMP. Mr. Speaker, pursuant to
 House Resolution 679, I call up the bill
 (H.R. 436) to amend the Internal Re-
 venue Code of 1986 to repeal the excise
 tax on medical devices, and ask for its
 immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr.
 SIMPSON). Pursuant to House Resolu-
 tion 679, in lieu of the amendment in

the nature of a substitute rec-
 ommended by the Committee on Ways
 and Means printed in the bill, the
 amendment in the nature of a sub-
 stitute consisting of the text of Rules
 Committee Print 112-23 is adopted and
 the bill, as amended, is considered
 read.

The text of the bill, as amended, is as
 follows:

H.R. 436

*Be it enacted by the Senate and House of Rep-
 resentatives of the United States of America in
 Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as
 the "Health Care Cost Reduction Act of 2012".

(b) **TABLE OF CONTENTS.**—The table of con-
 tents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Repeal of medical device excise tax.

Sec. 3. Repeal of disqualification of expenses
 for over-the-counter drugs under certain
 accounts and arrangements.

Sec. 4. Taxable distributions of unused bal-
 ances under health flexible spending ar-
 rangements.

Sec. 5. Recapture of overpayments resulting
 from certain federally-subsidized health
 insurance.

SEC. 2. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) **IN GENERAL.**—Chapter 32 of the Internal
 Revenue Code of 1986 is amended by striking
 subchapter E.

(b) **CONFORMING AMENDMENTS.**—

(1) Subsection (a) of section 4221 of such Code
 is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) of such
 Code is amended by striking the last sentence.

(c) **CLERICAL AMENDMENT.**—The table of sub-
 chapters for chapter 32 of such Code is amended
 by striking the item relating to subchapter E.

**SEC. 3. REPEAL OF DISQUALIFICATION OF EX-
PENSES FOR OVER-THE-COUNTER
DRUGS UNDER CERTAIN ACCOUNTS
AND ARRANGEMENTS.**

(a) **HSAs.**—Subparagraph (A) of section
 223(d)(2) of the Internal Revenue Code of 1986 is
 amended by striking the last sentence.

(b) **ARCHER MSAs.**—Subparagraph (A) of sec-
 tion 220(d)(2) of such Code is amended by strik-
 ing the last sentence.

(c) **HEALTH FLEXIBLE SPENDING ARRANGE-
 MENTS AND HEALTH REIMBURSEMENT ARRANGE-
 MENTS.**—Section 106 of such Code is amended by
 striking subsection (f).

(d) **EFFECTIVE DATE.**—The amendments made
 by this section shall apply to expenses incurred
 after December 31, 2012.

**SEC. 4. TAXABLE DISTRIBUTIONS OF UNUSED
BALANCES UNDER HEALTH FLEXI-
BLE SPENDING ARRANGEMENTS.**

(a) **IN GENERAL.**—Section 125 of the Internal
 Revenue Code of 1986 is amended by redesign-
 ating subsections (k) and (l) as subsections (l)
 and (m), respectively, and by inserting after
 subsection (j) the following new subsection:

"(k) **TAXABLE DISTRIBUTIONS OF UNUSED BAL-
 ANCES UNDER HEALTH FLEXIBLE SPENDING AR-
 RANGEMENTS.**—

"(1) **IN GENERAL.**—For purposes of this section
 and sections 105(b) and 106, a plan or other ar-
 rangement which (but for any qualified dis-
 tribution) would be a health flexible spending
 arrangement shall not fail to be treated as a caf-
 eteria plan or health flexible spending arrange-
 ment (and shall not fail to be treated as an acci-
 dent or health plan) merely because such ar-
 rangement provides for qualified distributions.

"(2) **QUALIFIED DISTRIBUTIONS.**—For purposes
 of this subsection, the term 'qualified distribu-
 tion' means any distribution to an individual

under the arrangement referred to in paragraph (1) with respect to any plan year if—

“(A) such distribution is made after the last date on which requests for reimbursement under such arrangement for such plan year may be made and not later than the end of the 7th month following the close of such plan year, and

“(B) such distribution does not exceed the lesser of—

“(i) \$500, or

“(ii) the excess of—

“(I) the salary reduction contributions made under such arrangement for such plan year, over

“(II) the reimbursements for expenses incurred for medical care made under such arrangement for such plan year.

“(3) **TAX TREATMENT OF QUALIFIED DISTRIBUTIONS.**—Qualified distributions shall be includible in the gross income of the employee in the taxable year in which distributed and shall be taken into account as wages or compensation under the applicable provisions of subtitle C when so distributed.

“(4) **COORDINATION WITH QUALIFIED RESERVIST DISTRIBUTIONS.**—A qualified reservist distribution (as defined in subsection (h)(2)) shall not be treated as a qualified distribution and shall not be taken into account in applying the limitation of paragraph (2)(B)(i).”

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 409A(d) of such Code is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) a health flexible spending arrangement to which subsection (h) or (k) of section 125 applies.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2012.

SEC. 5. RECAPTURE OF OVERPAYMENTS RESULTING FROM CERTAIN FEDERALLY-SUBSIDIZED HEALTH INSURANCE.

(a) **IN GENERAL.**—Paragraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).

(b) **CONFORMING AMENDMENT.**—So much of paragraph (2) of section 36B(f) of such Code, as amended by subsection (a), as precedes “advance payments” is amended to read as follows: “(2) **EXCESS ADVANCE PAYMENTS.**—If the”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after December 31, 2013.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

□ 1430

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 436.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I come to the floor today in support of H.R. 436, the Health Care Cost Reduction Act of 2012.

This bill would repeal two of the harmful tax hikes contained in the

Democrats' health care law: the medical device tax and restrictions on using health-related savings accounts for over-the-counter medication.

The legislation also includes a provision that will increase flexibility for health care consumers who use flexible spending arrangements. All are fully paid for by recouping overpayments of taxpayer-funded subsidies used to purchase health care in the government-run exchanges. Notably, every one of these provisions has bipartisan support.

As a result of ObamaCare, beginning in 2013, a 2.3 percent tax will be imposed on the sale of medical devices by manufacturers or importers. This tax will increase the effective tax rate for many medical technology companies, threatening higher costs, job loss, and reduced investment here at home. One study predicts that as many as 43,000 American jobs are at risk if this goes into place.

A recent Washington Post piece by George Will reinforced the threat to job creation and investment, noting that Zimmer—based in Indiana—is laying off 450 workers and taking a \$50 million charge against earnings; Medtronic expects an annual charge against earnings of \$175 million; and ZOLL Medical Corporation's CEO, Rich Packer, says the tax will impact the company's investment in research and development, stating that means fewer jobs for engineers. Plain and simple, this tax hike is a job killer, and it must be repealed. I commend committee member ERIK PAULSEN for introducing this legislation.

Another ObamaCare tax increase, the medicine-cabinet tax, imposes new restrictions on the purchase of over-the-counter medications through tax-advantaged accounts used to pay for health care-related needs. Because of the Democrats' health care law, patients must now get a prescription from a physician if they want to use these accounts to pay for over-the-counter medications. The ban affects everyday lives. It prevents a mom from using her FSA in the middle of the night to buy cough medicine for her sick child without a prescription. It also leaves doctors saddled with unnecessary appointments to get a prescription so that a parent can use their FSA to buy Claritin for their son's allergies.

One study estimates that even eliminating half of these unnecessary appointments could save patients time and the health care system more than 20 million visits each year, reaping a savings of more than \$5 billion. These new restrictions must be repealed, and I'm happy that the provision introduced by committee member LYNN JENKINS is being considered today.

The last provision is a new approach that allows consumers the freedom and flexibility to keep more of their money. Under current law, employees'

FSA balances must be spent by the end of the year or they will forfeit any unused balance back to their employers under the use-it-or-lose-it rule. Such a rule encourages wasteful and needless spending at the end of the year. This legislation would allow participants to cash out up to \$500 in FSA balances, and those funds would be treated as regular taxable wages.

Allowing Americans to keep more of their hard-earned dollars in these difficult times is a commonsense goal that should be widely supported. This provision, championed by Dr. BOSTANY, is a commonsense one; and I urge its passage.

Finally, I would like to take just a moment to talk about the offset for this legislation, asking those who receive higher tax payer-funded premium subsidies than they are eligible to receive to repay all of the overpayment. Let me be clear: this is a bipartisan offset. Increasing the amount of overpayments to be repaid was a proposal first put forward by congressional Democrats in the 2010 Medicare doc-fix legislation which passed the Democrat-controlled House 409-2. Such an offset was used again when the House passed and the President signed the 1099 repeal last year and more than 70 Democrats supported that bill. In fact, Health and Human Services Secretary Sebelius said:

Paying back subsidy overpayments makes it fairer for all taxpayers.

This legislation, and the provisions included here, are supported by job creators big and small, patient advocates, senior organizations, and physician groups. I urge my colleagues to join me in supporting these groups by voting for the Health Care Cost Reduction Act.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

This bill is mainly a smoke screen. It is an effort to cover up the failure, indeed the refusal, of Republicans to act on the key issue facing our Nation: jobs and economic growth.

As ranking member, I sent a letter last Friday to DAVE CAMP, who chairs the committee with the jurisdiction over the bill before us today, urging action on six major jobs bills within the committee's jurisdiction: extension of the section 48(c) advanced energy manufacturing credit; extension of the production tax credit for wind power and other vital advanced-energy incentives; extension of the highly successful build America bonds program, which financed more than \$180 billion in infrastructure investment; extension of the 100 percent bonus depreciation; creation of a 10 percent income tax credit for small businesses that do create new jobs or increase their payroll; an extension of a jobs-related expired provision, such as the R&D tax credit.

The answer: silence and continued inaction by Republicans in this House.

Another bill over which the committee has jurisdiction, the highway bill, remains unacted upon. That bill would mean millions of jobs. No action. The Republican House message on the highway bill is: our way or the highway. And that means no highways.

It is June. There is now the likelihood of no action or none before the construction season is over in numerous States. That inaction is not an accident. It is deliberate. It is implementing the goal stated 20 months ago by the Senate Republican leader:

"The single most important thing we want to achieve is for President Obama to be a one-term President."

It is reflected in the recent interview by the House Republican leader. Mr. CANTOR said the rest of the year will likely be about "sending signals, we have huge problems to deal with."

Sending signals? The American people don't need and want signals. They need for us to take action to strengthen the economic recovery.

We will hear today Republican efforts to describe the bill before us to repeal the tax on medical devices as a jobs bill. What it really is is another Republican effort to repeal health care reform, step by step, costing, in this case, \$29 billion.

We Democrats want more Americans to have access to medical devices. Health care reform helps do this by expanding insurance coverage to over 30 million individuals, which indeed will help the growth of and the innovation in the medical device industry. And as was true for other health groups benefiting from increases in health coverage, the medical device industry was asked to help to pay for health care reform so it would be fully paid for, not add to the deficit, as so many Republican measures, but it would be fully paid for.

□ 1440

They signed a letter with others pledging:

We, as stakeholder representatives, are committed to doing our part to make reform a reality in order to make the system more affordable and effective for patients and purchasers. We stand ready to work with you to accomplish this goal.

The first signature on that letter is from and by the President and CEO of the Advanced Medical Technology Association.

Now the Republicans are attempting to give that industry a free pass—a free pass—contrary to their stated commitment. The industry has not proposed any alternative whatsoever to meet that obligation reflected in the letter they signed. There is an effort here to cast repeal of the tax as a small business bill.

The 10 largest companies in this submarket would pay 86 percent of the

taxes relating to nondiagnostic devices. According to CRS, the 10 largest companies that manufacture medical devices had total companywide profits on all their lines of businesses, both devices and other products, of \$42 billion in 2010, including companies mentioned here, and \$48 billion in 2011, and these companies had gross revenues from the sale of medical devices in 2010 of \$133 billion.

There was an effort here also to cast the bill as an effort to stop offshoring, but this point needs to be made. It's a fact: The tax applies to all covered devices, including those that are imported. So if anybody thinks they can just move overseas and bring it back here and not pay a tax, they're simply incorrect.

The effort to cast this as a jobs bill involved allegations repeated here during the debate on the rule, which were analyzed by a neutral source and found to be simply erroneous. A Bloomberg group analysis made that clear: "The study used by Republicans cites no evidence for the job loss claim."

Further, the study's assumptions, "conflict with economic research, overstate companies' incentives to move jobs offshore, and ignore the positive effect of new demand" created by the health care reform law.

Before Rules yesterday, I asked that my substitute be placed in order to allow debate on two real jobs initiatives mentioned in my letter to you, Chairman CAMP: a tax credit for employers that expand their payrolls, and an extension of bonus depreciation. Those two provisions would help create hundreds of thousands of jobs, not speculation, but real, including in small businesses. This has not been allowed.

So we have open rules, as we have seen the last few days on some bills, that often mainly result in numerous amendments, shifting some monies from one place to another in an agency, not often helping to create a single job, but a closed rule when it comes to bringing up provisions helping to create American jobs and economic growth.

This is further evidence of what is really going on here in this Congress, a deliberate effort now increasingly undisguised to close the door on action to engender job creation and economic growth before the election.

November 6 is what is driving the Republican Congress. Politics, not people. That is only not cynical, it is, indeed, pernicious. We owe it to the American people to blow the whistle on this. Too much, indeed, is at stake.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, June 6, 2012.
Re Vote No on Protect Medical Innovation
Act of 2011, H.R. 436.

DEAR REPRESENTATIVE: The National Women's Law Center writes in strong opposition to H.R. 436, the Protect Medical Innovation

Act of 2011, because it would undermine a critical protection in the Affordable Care Act (ACA) and reduce financial security for women and families. The bill would pay for the elimination of the modest excise tax on medical devices and other revenue provisions of the ACA by increasing the tax liability of individuals and families receiving premium tax credits through the new insurance exchanges.

The modest excise tax on medical devices is a fair way to raise revenue to help finance affordable health care coverage for millions of Americans. The expansion of health care coverage will benefit a wide range of health-related industries, including the medical device industry, by increasing demand for their products. Other industries in the health sector are contributing to financing an expansion from which they will profit; it is entirely appropriate to require the medical device industry to make a contribution as well. The tax will have minimal impact on consumers, because it does not apply to medical devices that consumers buy at retail, such as eyeglasses or hearing aids, and spending on taxable medical devices represents less than one percent of total personal health expenditures. And the tax will not encourage manufacturers to shift production overseas: it applies equally to imported and domestically produced devices, and devices produced in the United States for export are not subject to the tax. Repealing this tax and forgoing \$29 billion in needed revenues would be irresponsible—even without the outrageous step of imposing this cost directly on Americans without access to affordable health care coverage.

Increasing the tax liability of individuals and families receiving premium tax credits for health insurance coverage is unfair and would reduce coverage for hundreds of thousands of Americans. The ACA provides premium tax credits to families with household income at or below 400 percent of poverty who enroll in coverage through an exchange. An advance payment of the premium tax credit will go directly to insurance companies so that the monthly insurance premium paid by families is reduced, thereby making health coverage more affordable for millions of families. However, there is a "reconciliation" at the end of the year when a family files taxes to ensure that the right amount of credit was paid to the insurer on the family's behalf. The "reconciliation" is based on actual household income for the year, while the advance payment is based on a projection that could be based on current income or past tax returns. The ACA included an important protection by including a cap on the amount of repayment penalty a family would have to pay based on "reconciliation."

The proposal expected this week would entirely eliminate this protection, leaving families vulnerable to an unaffordable tax bill. Many families will be discouraged from enrolling in coverage because of the potential tax liability at the end of the year. Much of the savings from the proposal are achieved because hundreds of thousands of people are expected to refuse coverage if the cap is eliminated. Women will be particularly affected by the elimination of the cap. Women have lower incomes than men and experience larger income variability from one year to another. This suggests women will be more at risk for repayment penalties. Women also often make the health care decisions for the family and will be faced with the difficult decision of enrolling in affordable coverage or forgoing that coverage because of a potential tax penalty.

The cap on the repayment penalty has already been increased. Eliminating the cap would eliminate all protections for families that are doing their best to provide the right information to the exchange but face mid-year changes in income or family size. A server in a restaurant could gain new shifts or be promoted to manager. An employer may give unexpected bonuses in December. A couple could get married mid-year without fully understanding the impact on household income and poverty level. The cap on the repayment penalty needs to remain in place in order to protect families and provide the stability promised in the ACA.

We urge you to protect the security of families and the revenue provisions of the Affordable Care Act so millions of Americans can receive affordable health care by voting no on H.R. 436 and any proposal to eliminate the cap on the repayment penalty.

Very truly yours,

JUDY WAXMAN,

*Vice President, Health
and Reproductive
Rights.*

JOAN ENTSMACHER,

*Vice President, Family
Economic Security.*

CONSUMERS UNION,

Yonkers, NY, June 6, 2012.

Hon. PETE STARK,

*U.S. House of Representatives, Cannon House
Office Building, Washington, DC.*

DEAR CONGRESSMAN STARK: Consumers Union, the advocacy arm of Consumer Reports, urges you to oppose H.R. 436. This bill would subject consumers seeking to afford health insurance to unfair penalties in order to pay for repeal of the medical device excise tax under the Affordable Care Act (ACA). The Congressional Budget Office estimates that repealing the device tax would cost \$29 billion dollars over the next ten years. CU opposes measures that would undermine the Affordable Care Act's financing and thus jeopardize the expansion of health insurance coverage to currently uninsured or underinsured individuals.

Proponents of the device tax repeal argue that it would hinder the device industry's competitiveness and ultimately force manufacturers to move jobs overseas. But the excise tax was structured in such a way as to avoid this result. The 2.3 percent excise tax applies to imported as well as domestically manufactured devices but does NOT apply to exports. Thus, it should not disadvantage American manufacturers trying to sell products abroad. Nor would it disadvantage domestically produced products sold in the US, as foreign competitors are subject to the same tax.

When fully implemented the ACA is expected to create 30 million newly insured consumers in the health sector. The Affordable Care Act finances the expansion of coverage by a range of payment modifications to other sectors of the health industry. The medical device industry also stands to gain from the increased demand for medical devices that a large newly insured population will bring. The device tax does not apply to devices that individuals can buy retail such as hearing aids and eye glasses. The device industry makes the case that many devices are used in acute care settings, where care may be provided whether a person is insured or not. But this would ignore the many devices that are used for joint replacement, treatment of incontinence and other non acute surgeries and treatments. It is only fair that the device industry pays its share

in exchange for significant new revenue opportunities.

Further, CU opposes the proposed offset for the legislation, the elimination of caps on subsidy repayments for individuals.

Under the ACA, eligibility for tax credits subsidies to purchase private plans through health exchanges will be based on an individual's annual income, determined retrospectively when taxes are filed. To ease the cash flow considerations associated with purchasing coverage, these credits are advanceable, meaning that families can receive an estimate of their credit and use those funds to pay for coverage earlier in the year. However, since many low- and middle-income families experience income variation throughout the year due to job changes, seasonal employment and the like, it may mean that too much or too little credit was awarded during the year.

The law currently caps the amount individuals must pay back in the event of this circumstance. We believe that the current cap structure strikes a balance between discouraging individuals from abusing the system and taking money to which they are not entitled and not penalizing individuals for working hard to increase their family income so as not to need a subsidy. Last year Congress lowered these caps, exposing subsidy users to more liability. We fear eliminating these caps would have a chilling effect on low income family's willingness to use the subsidies to purchase insurance.

For these reasons Consumers Union urges you to reject H.R. 436. We look forward to working with you on more constructive ways to improve the ACA in the future.

Sincerely,

DEANN FRIEDHOLM,

*Director,
Health Care Reform.*

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, Mr. PAULSEN of Minnesota.

Mr. PAULSEN. I thank the chairman for yielding, and I thank him for his leadership on the committee as well.

Mr. Speaker and Members, the medical technology industry is one of America's greatest success stories. This is an industry that has led the global device industry for decades with life-improving, lifesaving technologies that help patients and literally save lives.

This device industry employs 423,000 Americans across the country. Some of our States, like Minnesota, have a high propensity because we have a huge ecosystem of medical technology—35,000 jobs, alone, in my State.

But all that will change, Mr. Speaker, unless we act to stop a new medical device, a new \$29 million tax that is going to be imposed in just a little over 6 months that was part of the President's new health care law. Now, this is an excise tax. It is not on profits. It is a tax that is going to be on revenue.

What does that mean? Well, we all know the names of the big companies that are successful and do really well across the country and sell throughout the world.

I will tell you this: almost every week I get a chance to tour a company

that has five employees, that has 10 employees. You have never heard of these companies, but they are working on lifesaving and life-improving technologies. They are doctors. They are engineers. They are entrepreneurs. They are innovators. This tax will change all that because it's estimated that this tax will cost 10 percent of the workforce.

I talked to a company earlier this day, a CEO of a company earlier today, of a 13-year-old medical device company. It employs 1,500 workers here in the United States, and he's consistently added 300 jobs a year for the last few years. He said, point blank, if this tax goes into effect, it will cost the company \$14 million. That means 200 people less will be hired this next year.

Mr. Speaker, what is worse to point out, companies are already preparing right now for the impact of this tax. Companies are already laying off employees. We have heard of companies in Michigan that are laying off 5 percent of their workforce in anticipation of the tax. So, Mr. Speaker, jobs are clearly at risk.

And this will especially hit startup companies hard, companies that are not yet profitable, because this is a tax on revenue, not on profits.

We have a chance and an opportunity to stop this tax dead in its tracks because it's an opportunity to protect jobs. We passed the bill in committee just a week ago, under the chairman's leadership, with bipartisan support. We have 240 coauthors of support for this legislation with bipartisan support. I anticipate we will be successful moving forward.

I ask and urge support for the legislation.

Mr. LEVIN. I yield 3 minutes to the distinguished gentleman from California, a senior member of our committee, Mr. STARK.

Mr. STARK. I thank the gentleman for yielding.

I rise in strong opposition to H.R. 436, one more piece of Republican legislation that protects special interests at the expense of working with families. This is just another message in an attempt to undercut the Affordable Care Act. It repeals a small excise tax imposed on the medical device industry as their contribution to health reform in light of their expanded market.

I might remind you that repealing this tax costs \$29 billion in deficit losses.

□ 1450

How do they finance this legislation? Like they always do—take it out of the hides of low- and middle-income working families and give it to rich manufacturers.

The bill eliminates protections in the health reform law that prevent families from potentially being hit with an unexpected tax because of unforeseen

income changes. According to the Joint Committee, this change by the Republicans would cost over 350,000 people to become uninsured.

It's important to note that the medical device industry stood with President Obama and others in the health care industry in May of 2009 and pledged to contribute their fair share toward making health reform a reality. Well, it's time to put your money where your mouth was.

The medical device industry gains more than 30 million newly insured Americans through health reform, many of whom will use medical devices at some point in their lives. Our analysis shows that the vast majority of this tax would be paid by the 10 largest device companies—and they're all highly profitable.

Protecting the very profitable medical device industry from paying a small contribution toward health reform should not be our priority in this Congress. We must create jobs, ensure patients maintain access to physicians and Medicare, and prevent student loan rates from doubling on July 1. Those are the priorities facing our Nation.

I urge all of my colleagues to join me in voting "no" on this Republican giveaway to special interests.

Mr. Speaker, I am submitting the following Statement of Administration Policy opposing H.R. 436, the Protect Medical Innovation Act, as well as letters in opposition to the bill.

STATEMENT OF ADMINISTRATION POLICY
H.R. 436—HEALTH CARE COST REDUCTION ACT OF 2012

(Rep. Camp, R-Michigan, and 240 cosponsors, June 6, 2012)

The Affordable Care Act made significant improvements to the Nation's health care system that are helping to improve individuals' health and give American families and small business owners more control of their own health care. These important changes include: ending the worst practices of insurance companies; giving uninsured individuals and small business owners the same kind of choice of private health insurance that Members of Congress have; and bringing down the cost of health care for families and businesses while also reducing Federal budget deficits.

H.R. 436, which would repeal the medical device excise tax, does not advance these goals. The medical device industry, like others, will benefit from an additional 30 million potential consumers who will gain health coverage under the Affordable Care Act starting in 2014. This excise tax is one of several designed so that industries that gain from the coverage expansion will help offset the cost of that expansion.

This tax break, as well as other provisions in the legislation relating to tax-favored health spending arrangements, would be funded by increased repayments of the Affordable Care Act's advance premium tax credits, which would raise taxes on middle-class and low-income families, in many cases totaling thousands of dollars, notwithstanding that they followed the rules. This legislation would also increase the number of uninsured Americans.

In sum, H.R. 436 would fund tax breaks for industry by raising taxes on middle-class and

low-income families. Instead of working together to reduce health care costs, H.R. 436 chooses to refight old political battles over health care. If the President were presented with H.R. 436, his senior advisors would recommend that he veto the bill.

CONSUMER GROUPS OPPOSE H.R. 436

"This bill would subject consumers seeking to afford health insurance to unfair penalties in order to pay for repeal of the medical device excise tax . . . When fully implemented the ACA is expected to create 30 million newly insured consumers in the health sector . . . The medical device industry also stands to gain from the increased demand for medical devices that a large newly insured population will bring . . . It is only fair that the device industry pays its share in exchange for significant new revenue opportunities."—Consumers Union.

"Medical devices are a \$65 billion industry that has seen double-digit growth in each of the last five years. A small 2.3% tax is reasonable considering the substantial sales growth they will experience when health insurance benefits are extended to an additional 33 million people beginning in 2014. Repealing the [medical device] tax would be a gift to large corporations at the expense of middle-class families."—Health Care for America NOW!

"The Affordable Care Act established taxes on a wide range of industries that will benefit from the law . . . it is simply punitive to demand that low and middle-income families be asked to fund a tax cut for a profitable industry that refuses to do its share."—American Federation of State, County and Municipal Employees, AFL-CIO.

"The expansion of health care coverage will benefit a wide range of health-related industries, including the medical device industry, by increasing demand for their products. Other industries in the health sector are contributing to financing an expansion from which they will profit; it is entirely appropriate to require the medical device industry to make a contribution as well . . . Repealing this tax and forgoing \$29 billion in needed revenues would be irresponsible—even without the outrageous step of imposing this cost directly on Americans without access to affordable health care coverage."—National Women's Law Center.

"The Affordable Care Act protects consumers by capping the tax penalty they will owe if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected changes in income or family status. Eliminating the caps on repayment will force lower- and middle-income individuals and families to make a difficult decision: Receive advance payments and risk having to pay back some or all of the premium assistance received at the time of reconciliation or go without coverage."—Families USA.

HEALTH CARE FOR AMERICA NOW, June 6, 2012.

DEAR REPRESENTATIVE: On behalf of Health Care for America Now, the nation's leading grassroots health care advocacy coalition, we urge you to oppose H.R. 436, a bill to take away money from middle-class families who purchase health insurance with the assistance of premium tax credits and give it to medical device manufacturers. The provision would raise taxes on families whose midyear changes in income or circumstances cause a year-end recalculation of their premium tax credit.

Medical devices are a \$65 billion industry that has seen double-digit growth in each of

the last five years. A small 2.3% tax is reasonable considering the substantial sales growth they will experience when health insurance benefits are extended to an additional 33 million people beginning in 2014.

Repealing the tax would be a gift to large corporations at the expense of middle-class families. Under current law, families without an offer of affordable insurance at work will receive premium subsidies based on income. Changes during the year—when someone gets a new job or receives a raise or when a family member obtains other coverage—might cause the amount of the advance payment to differ from the payment calculated in the end-of-year reconciliation, even when income changes have been reported in an accurate and timely way. Under existing law, families are required to repay any excess credit, but that repayment is capped for low- and middle-income families earning less than 400% of the federal poverty level.

This legislation removes the repayment cap and jeopardizes the financial security of middle-income families who face unexpected lump-sum repayments. Fear of repayment will cause approximately 350,000 people to refuse the premium tax credit assistance and go uninsured and unprotected against potentially catastrophic health problems and medical bills. Over time, the consequence will be fewer families with insurance and higher premiums for everyone else who buys health insurance coverage.

This bill is another partisan attempt to undermine the Affordable Care Act and demonstrates troubling priorities. We should not increase the number of uninsured in order to give tax breaks to wealthy corporations. We urge you to oppose this measure.

Sincerely,

ETHAN ROME,
Executive Director.

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES.
Washington, DC, June 6, 2012.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to oppose H.R. 436 which is scheduled for consideration this week.

H.R. 436 would repeal the excise tax on medical devices that was enacted to help pay for health care reform. The Affordable Care Act established taxes on a wide range of industries that will benefit from the law, including hospitals, home health agencies, clinical laboratories, insurance companies, drug companies and the manufacturers of medical devices. In fighting to repeal the tax, the industry has made dubious claims about the impact it will have on jobs. In fact, an analysis by Bloomberg Government concluded that the effect of the tax "could be offset by demand from millions of new customers." No doubt, the prospect of millions of new paying customers led other industries to accept a share of the cost of achieving reform.

The Joint Committee on Taxation estimates that repealing the excise tax would cost \$29 billion over 10 years. In order to pay for this loss of revenue, H.R. 436 would eliminate the caps on repayments of subsidies received by families who later experience an improvement in their financial circumstances. Such an improvement might come about as the result of a new job or a marriage.

Because it is hard to predict the future and because the repayments could far exceed the

penalty for failing to obtain coverage, many people will choose to forgo coverage. The Joint Committee on Taxation estimates that it would cause 350,000 people to choose to remain uncovered. As this is likely to be a healthier group, participants in the exchange risk pool would be less healthy, leading to higher premiums in the exchange. Moreover, it is simply punitive to demand that low- and middle-income families be asked to fund a tax cut for a profitable industry that refuses to do its share.

We urge you to oppose H.R. 436.

Sincerely,

CHARLES M. LOVELESS,
Director of Federal Government Affairs.

JUNE 7, 2012.

Hon. PETE STARK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN STARK: On behalf of the American Cancer Society Cancer Action Network, American Diabetes Association, and American Heart Association, we are writing to express our concerns about the offset used in H.R. 436, the Health Care Cost Reduction Act. Collectively our organizations represent the interests of patients, survivors and families affected by four of the nation's most prevalent, deadly and costly chronic conditions, cancer, diabetes, heart disease and stroke.

We are deeply concerned that repealing the repayment caps for low- and moderate-income families who are eligible to receive tax credits to help make insurance coverage affordable would undermine the goals of the Affordable Care Act and result in an estimated additional 350,000 Americans going uninsured, according to the Joint Committee on Taxation. This policy would discourage individuals and families from enrolling in health insurance coverage through state-based exchanges.

Moreover, the policy could disproportionately affect people with chronic conditions like cancer, heart disease and diabetes for two reasons. First, in the exchanges, premiums will be age adjusted, and because people with chronic conditions are generally older, their premiums will be relatively more. Thus, if they have to repay part of a subsidy that was used to purchase health insurance, the amount will be relatively large. Also, the fear of having to potentially pay back part of a subsidy may make them less willing to obtain the coverage they need. Second, some younger and relatively healthy people may also choose not to enroll and use a subsidy to help them purchase health insurance because they fear a change in income may put them at risk of having to return part of the subsidy to the government. The loss of young, healthy people in the insurance pools undermines the overarching goal of universal coverage and raises the premiums of those who remain in the pools.

Thank you for your consideration of our views.

Sincerely,

CHRISTOPHER W. HANSEN,
President, American Cancer Society, Cancer Action, Network;

SHEREEN ARENT,
Executive Vice President, Gov't Affairs & Advocacy, American Diabetes Assn.;

MARK A. SCHOEBERL,
Executive Vice President, Advocacy & Health Quality,

American Heart Assn.

Washington, DC, June 5, 2012.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Families USA, the national organization for health care consumers, we are writing to express strong opposition to a proposal likely to be considered on the House floor this week that would undermine protections in the Affordable Care Act for middle-class families and put the financial security of these families at risk.

The proposal being considered as part of H.R. 436, the Protect Medical Innovation Act of 2011, would eliminate what remains of a "safe harbor" that protects individuals and families from substantial tax penalties. We urge you to reject this proposal.

Under the Affordable Care Act, families with annual income at or below 400 percent of poverty (\$92,200 for a family of four in 2012) are eligible to receive tax credits to help pay for the cost of their health insurance premiums. Families can get credits paid to insurance companies on a monthly basis to offset the cost of monthly premiums. At the end of the year, families face a "reconciliation" to ensure that the right amount of credit was paid, based on a family's actual—rather than projected—income. The Affordable Care Act protects consumers by capping the tax penalty they will owe if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected changes in income or family status.

Eliminating the caps on repayment will force lower- and middle-income individuals and families to make a difficult decision: Receive advance payments and risk having to pay back some or all of the premium assistance received at the time of reconciliation or go without coverage. The problem with this is threefold:

(1) Eliminating the safe harbor will likely result in millions of Americans remaining uninsured. The fear of facing sizeable repayment penalties at the time of tax filing would create a powerful disincentive for individuals and families to take up the premium credits and enroll in exchange coverage.

(2) Eliminating the safe harbor runs counter to the coverage and cost-containment goals of the Affordable Care Act. By undermining the affordability and availability of coverage for lower- and middle-income individuals and families, this proposal would also lessen the ability of the Affordable Care Act to help bring the cost of care and coverage under control for all Americans.

(3) Eliminating the safe harbor undermines the effectiveness of the tax credits. Families who choose to receive advance payments and then face a tax penalty at the time of reconciliation will be, understandably, angry. Likewise, those who choose to forgo the receipt of advance payments and cannot afford coverage as a result will be upset that they must go without coverage and pay a penalty because of it.

Sincerely,

RONALD F. POLLACK,
Executive Director.

Mr. CAMP. I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding, and I thank him for his

leadership on this very important issue.

Mr. Speaker, last Thursday, H.R. 5842, the Restoring Access to Medication Act, which I authored and introduced, passed out of the full Ways and Means Committee markup with bipartisan support. It is now included in this bill that is being considered on the floor today.

We all know the President's health care law is full of pitfalls that make health care more expensive for average Americans. While we await the Supreme Court's ruling on constitutionality of the entire health care overhaul, there is bipartisan, bicameral agreement that requiring folks to have a doctor's prescription to buy medicine as simple as Advil or cough syrup with their health savings account or flexible savings account is simply wrong.

This provision would repeal the unnecessary and punitive ObamaCare limitation on reimbursement of over-the-counter medications from health FSAs, HRAs, and Archer MSAs that took effect back in 2011. Given the economic climate where jobs are hard to find, families are struggling to make ends meet; and when every dollar counts, this provision ensures that consumers have the flexibility to use these savings accounts as they see fit to purchase over-the-counter medications they need, exactly when they need them.

Republicans are committed to looking for commonsense solutions that address the chief concern facing both families and employers: costs. This bill and this provision is about lowering costs so both families and job creators have some of the relief that ObamaCare failed to achieve.

I urge my colleagues to support H.R. 436 today.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to another important member of our committee, the gentleman from Seattle, Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I never cease to be amazed. I think I've seen the silliest thing in the world and then I come out here and they've done it again.

Sometime in the next 23 days, the Supreme Court is going to make a ruling on whether the Affordable Care Act is constitutional. If they throw it out, as the Republican Party at prayer is hoping, this tax will have never existed. It will be gone because it's never been implemented. It's not affecting anybody. This is a PR stunt for the election. The Republicans are helping the device industry back out of a deal they made during health care reform.

In May 2009, the president of AdvaMed, which is the professional organization of the device manufacturers, signed a letter to President Obama stating: "We are ready to work with you" to do health reform.

The industry later agreed to the excise tax, knowing the cost would be offset by the new demands for devices created by the 30 million new people who would be insured. That was the deal they made.

You can't make a deal with a Republican and think it's going to last. It surely won't. And all the other sectors of the health care industry made similar deals.

Unlike the Bush-era Congress, the Democrats insisted their legislation be paid for. We paid for the whole thing. Well, guess what? AdvaMed now wants out of the deal. They never meant it. They were a flim-flam operation when they came in in the first place. They also claim that, Oh, my God, we're going to lose 43,000 jobs. You know who did the study? AdvaMed contracted with somebody to do a study; and lo and behold, they lost 43,000 jobs. Bloomberg had an independent consultant look at it, and they find that there is no evidence that there will be any jobs lost whatsoever. That was entered into the RECORD during the earlier debate, and I won't do it again.

The demand for devices will remain steady even after the tax kicks in, and the tax does not only apply to devices made in America and shipped overseas. It applies to every one of them. There's no way you're going to get out of it.

So the argument about offshoring jobs is just political nonsense. They want to call this is a jobs bill—we're saving 43,000 jobs. They were never in doubt, never in question.

That a company is laying off somebody today in anticipation of a tax that goes in effect in 2013, folks, 6 months from now that might be repealed by the Supreme Court, you can't tell me that the management of these companies are that foolish.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. McDERMOTT. They're going to pay for it by having the IRS claw back the subsidy to middle-income families who will be in the new health plans. The Treasury will pay these subsidies directly to the health plan so the individuals won't even know it happened. So they will be invisible to the newly insured, but at the end of the year, middle class people are suddenly going to get a bill from the IRS for something they never knew went there.

So, in other words, we're going to let a hundred-billion-dollar industry pull out of a deal and pay for it by requiring working people across this country to write a check to the IRS. Welcome to Republican-style health reform.

Vote "no" on this bill. It's simply another way to try and repeal ObamaCare. Mr. Obama cares. He passed a bill. The Republicans have done nothing since they have been in charge.

Mr. CAMP. I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank Chairman CAMP for his leadership on this issue.

I rise in support of this bill. Let's be clear: successful health care reform efforts must begin by lowering costs, promoting high-quality health care, and fostering innovation. ObamaCare does the opposite.

Even Medicare's own actuary warns that the President's medical device tax will increase Americans' monthly premiums. The tax will also eliminate more than 40,000 jobs. Passage of this bill will reduce costs and save jobs by repealing this tax.

Mr. Speaker, as a heart surgeon, I have used medical innovations that have saved thousands of lives. I want to highlight something. Back in the 1950s, when we had no surgical treatments for heart disease, a surgeon watched a woman die helplessly. After 8 or 9 months, he actually devised the very first heart-lung machine in his shop. This led to an explosion in technology that has saved millions of lives the world over. This was an American innovation.

Eighty percent of device companies today have fewer than 50 employees. These are innovators. These are the people who create jobs. These are the guarantors of American innovation.

□ 1500

And without this, what are we going to have with our health care system? That's what's made American health care the best on the planet. We don't want to take a step back. Putting this tax in place will discourage these start-up innovators. They will not take risks, and we'll harm patients in the long run because of the lack of breakthroughs.

I'm also very pleased that this bill contains Ms. JENKINS' provision that will prevent a middle class tax hike. It will allow individuals to use their flexible spending arrangements to purchase over-the-counter medications without having to go see a doctor for a prescription, which is costly and time-consuming.

Finally, I'm pleased that the bill includes bipartisan legislation that I authored with Congressman JOHN LARSON of Connecticut to make it easier for Americans to save their pretax dollars in FSAs without losing the money if they don't use it at the end of the year. It's their money. They should be able to keep the money and use it for their own health care purposes or for whatever purposes they deem essential for their families.

Americans need tax relief to help them with the rising out-of-pocket costs of health care and other costs that they have. We should be encouraging and not punishing new medical breakthroughs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield an additional 30 seconds to the gentleman.

Mr. BOUSTANY. I urge my colleagues to support these commonsense solutions in H.R. 436.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to another very distinguished member of our committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the ranking member. This bill repeals the 2.3 percent excise tax on medical devices used in the United States that was originally enacted as part of the Affordable Care Act. Now let's talk straight to the American people. How many bills do we have to go through until you will admit that all you're doing is trying to bleed the legislation, which is now law in the United States, so that the resources are not there to carry out the mandate? No industry gets a free pass when it comes to health care reform. All sectors of the health care industry, from pharmaceutical companies to hospitals to drug manufacturers and the medical device industry, contributed to the cost of health reform and were at the table during these discussions. How different is that? They agreed to this.

In fact, in a letter to President Obama in 2009, the medical device industry pledged to do their part in lowering health spending by \$2 trillion. What made them change their mind? They committed to making health care reform a reality. They put it in writing. It's all in—it's all in—to lower health care costs. Now we've had some kind of a moral change of sorts.

Many of these companies were present when it was discussed, and they understood the long term benefits. Thanks to health care reform, the medical device industry stands to gain a lot of customers and increase a lot of revenue. According to the RAND Corporation, an estimated 33 percent of newly insured adults will be of the age 50-64, an age group when many people will need medical devices. By bringing so many new people into the insurance market, the Affordable Care Act will provide patients the opportunity to access medical devices that save and improve their lives.

This bill that we have before us is not about patient care. It is not about saving money in our health care system. It's just another attempt by the majority to dismantle health care reform piece by piece. Repealing this provision from the Affordable Care Act once again undermines financing for the law and will unfortunately do more harm than good.

Unlike what happened in the previous 8 years, we want to pay for things so we don't get ourselves deeper into debt. You don't get it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. PASCRELL. And to pay for this change, the majority once again returns to the true-up provision—how many times are you going to go there?—which only hurts the middle class, who receive needed subsidies to enter the health insurance market.

So here's what's going to happen in the health care bill: insurance companies gain a lot of new customers, adding to free enterprise. We're not against that. Medical device companies are going to get a lot of new customers, particularly in the age group which I mentioned before. We're not against free enterprise. But they agreed at the table, since they were all in, and they put it in writing, that they were willing to provide those lowering of costs of close to \$2 trillion. You can't go back on a deal—let's call it that. An agreement—let's make it better.

I urge my colleagues to protect the Affordable Care Act. Vote "no" on this legislation. It will not bring us any closer to health care reform in this country.

Mr. CAMP. Mr. Speaker, at this time I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. I rise in strong support of the Protect Medical Innovation Act.

Mr. Speaker, it's a well-known principle if you increase taxes on something, you get less of it. The medical device tax is a tax on innovation. It's a tax on creating good-paying American jobs, and it's a tax on the development of potentially lifesaving medical treatment.

Because it taxes sales instead of income, it will be especially harmful to new startup businesses that aren't turning a profit yet. My friends on the other side object to the offset in this bill even though it merely requires that people pay back benefits they make too much money to qualify for. Their view seems to be that we should make it as easy as possible for people to sign up for taxpayer-funded benefits. And if that means we waste some money along the way, so be it.

Mr. Speaker, at a time when we're borrowing 32 cents of every dollar we spend, I suggest we should be doubly careful to ensure that benefits go only to those who truly need them.

The question before us today is simple: do we want less innovation, less entrepreneurship, less high-tech jobs, and less medical breakthroughs? If you think America has too much of these things, vote "no." But if you want to see more jobs, more startups, and more health care innovation, vote "yes" and repeal this damaging tax.

Mr. LEVIN. It's now my pleasure to yield 2 minutes to the very distinguished Member from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I thank the gentleman from Michigan for the time.

Mr. Speaker, I want the Affordable Care Act to be fully implemented for the benefit of all Americans. I also support a healthy growing medical device industry in Minnesota and across America. I support eliminating this medical device tax, which should never have been included in the Affordable Care Act. But at the same time, I strongly oppose the offset in this bill.

This Tea Party Republican-controlled House has voted over and over again to eliminate health reform's protections and benefits, denying millions of Americans access to lifesaving care, including medical devices. The Republican goal is to kill health care reform; my goal is to strengthen it.

Today, I will vote to send this bill to the Senate, where I know a responsible offset can be found. My two Minnesota Senators are committed to repealing this tax, and they will find an offset that does no harm. Eliminate this tax and strengthen health care for all Americans, that's my goal.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington State (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, we have been here before. We're here today to talk about the Health Care Cost Reduction Act, and it's an act reducing costs from a bill that's called the Affordable Health Care Act. So let's just bring a little bit of context into this, Mr. Speaker.

□ 1510

This isn't the first time, as I've said, we've been here. The 1099 reform, language included in the so-called Affordable Care Act, more commonly known as ObamaCare, a burdensome tax on small businesses. The Democrats agreed it needed to be removed from the bill. The President agreed and signed it into law.

The CLASS Act that was announced by the Secretary of Health, Secretary Sebelius, we can't afford to implement the CLASS Act. That was designed to help with long-term health care issues. Can't do it; can't afford it under the Affordable Care Act.

The Independent Review Board, we've passed a bill here in the House to eliminate that. What does that do? It takes away all the choice from the American people, especially seniors and veterans, on what you want to do with your own health care.

So, time after time after time we're finding language in this bill that is not affordable, that does not give Americans the opportunity to choose for themselves. It takes away choice. It takes away freedom.

Today we're talking about a 2.3 percent tax that will cost thousands of jobs—about 10,000 in the State of Washington—and it will increase the price of these medical devices on things that you may not even think about. For example, a filtration device on a dialysis machine, that's going to be a medical device that will be taxed. Who's going to pay for that? Well, the claim is that these companies that are making so much money, they'll be the ones to pay for it. This bill is paid for through those companies. Those costs are passed on to the customers, to the patients.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. REICHERT. Thank you, Mr. Chairman.

So I would say, Mr. Speaker, this bill does not have a real good track record, and we should vote for this Health Care Cost Reduction Act. I encourage my colleagues to do the same.

Mr. LEVIN. Mr. Speaker, I now have the privilege of yielding 2 minutes to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman for yielding.

Mr. Speaker, the medical device industry is a unique American success story, both for patients and for our economy. Within the last two decades, we have seen a rapid growth in medical technology companies in my home State of Pennsylvania, providing tens of thousands of jobs, billions of dollars in revenue, and contributing to better health outcomes for millions of Americans and patients globally. These are good-paying jobs that help sustain the middle class in our country, and we must create an environment that encourages 21st century innovative industries like medical device manufacturing.

As our economy continues to struggle, an additional 2.3 percent excise tax would be a burdensome charge on an industry that is steadily growing and creating jobs. One medical device company that employs hundreds in my district told me:

We are at full capacity and need to expand. This excise tax will prevent any plans for growth in the near future.

Mr. Speaker, we simply cannot allow the potential for job growth, the potential for further American innovation and competitiveness to be lost in today's economy.

Last year, I cosponsored the original version of the Protect Medical Innovations Act. There is bipartisan support to repeal this tax, but in the past week Republicans have muddled the process and decided to play politics with this bill.

While I strongly disagree with the path Republicans have decided to take, the issue at hand is about sustaining

and creating American jobs, and I support the repeal of the excise tax on medical devices.

Mr. CAMP. Mr. Speaker, at this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Thank you, Mr. Chairman.

What I'd like to do is just reflect for a minute on some of the promises around President Obama's health care law.

You remember he said during the course of the debate about the health care law, Mr. Speaker, that if you like what you have, you can keep it. But what we've found is that some estimates say that up to 30 percent of employers will actually drop their health care coverage. So those folks that have that coverage, they don't get to keep that coverage, Mr. Speaker.

There was also a promise that the law would actually lower premiums, and yet family premiums are already increasing by as much as \$1,600 per year.

But there was one promise that was made that was actually kept, and it was a promise, Mr. Speaker, from the gentlelady from California, who, as Speaker of the House, said, in a nutshell, We've got to pass the bill so that you can know what's in it.

Well, she did, and we do.

What's in it was a cascading group of mistakes. One was the 1099 bill—big mistake. It wasn't found the first time around, but we were able to fix that. The second was the CLASS Act, a recognition that it was a failure and inoperable. It hasn't been dealt with by the administration, but at least they put the white flag up and said it's ridiculous.

Two other things now have come to our attention. The first is well discussed. That is the medical device tax. Even the gentleman from Washington, from the other side of the aisle, makes an argument criticizing the study, but at best he creates a Hobson's choice. At best, he says, well, it may not kill jobs; but then in the alternative, Mr. Speaker, it's just going to raise health care costs. That's what that study says.

The irony is now we have the chance, under the leadership of the gentlelady from Kansas (Ms. JENKINS), to make it so that working moms don't have to have the hassle of going to see a physician when their child is sick in order to buy an over-the-counter medication. This is well thought out. It makes perfect sense. We need to support this.

I urge an "aye" vote.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to another distinguished member of our committee, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Well, Mr. Speaker, our long wait is over. A year and a half after their move to repeal the Afford-

able Care Act, the Republicans are back with the "replace" part of their "Repeal and Replace" slogan. And rather than offering an answer to comprehensive health care for 30 million more Americans, who need it, all they have to offer today is a tax break for Tylenol. Well, I'll tell you, health care in this country is more than a two-Tylenol headache, and it needs a more comprehensive response.

Of course, the real purpose of their action today is just this week's attempt to wreck the Affordable Care Act and to protect health insurance monopolies. Some of these are the very same health insurers that demand more than 20 cents of every dollar for their overhead—20 cents; 10 times the administrative cost of the Medicare system.

But our Republican colleagues never let reality get in the way of ideology when they question most any government initiative that is called "public," as in public education, or "social," as in Social Security. As usual, they continue to demand legislation that offers more comfort for the comfortable, while actually increasing the number of uninsured by 350,000. Understand that. If this legislation becomes law, instead of decreasing the number of uninsured American families, we'll have 350,000 more Americans that don't have health insurance. That's their plan.

Our country continues to face a real health care crisis. Too many small businesses and individuals are paying too much for too little health care. Millions of families are just one accident on the way home from work this evening, or one illness, one child with a disability, from facing personal bankruptcy. That has not changed.

The Affordable Care Act I believe is too weak. It should be much stronger. But it is so much better than the system we find ourselves in today with so many lacking so much. And it's far superior to the Republican do-little or do-next-to-nothing approach; give the American people half a life preserver, which is their approach.

As always, when there is a need for public action, whether it is building a better bridge or more bridges, or providing an opportunity for more young Americans to get a college education, or health care—be it preventive care, school-based care, long-term care—the Republican answer is always the same: No. No. And their excuse is always the same, too: "The deficit made me do it."

"I'd like to do something about long-term care, but we just can't afford to do it." What a contrast when it comes to bills like that of today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. DOGGETT. Because whenever it is about depleting the Treasury's ability to fund those affordable needs for

our country, they don't worry too much about the deficit. \$46 billion earlier in the year; this bill is part of a package of almost \$42 billion of additional revenue depletion. Later in the summer, we are told they will come up with \$4 trillion of Bush tax cut extensions.

What this will ultimately lead to, if we pursue the irresponsible path,—of which this is just another step—is that vital public programs that work—Medicare and Social Security—cannot be sustained.

□ 1520

They cannot be financed. There is no free lunch to retirement and health security in this country. It requires that we invest in a responsible way, and that's what the Affordable Health Care Act does.

Reject this legislation today, which will undermine that reform, and set us back in our efforts to provide health care security to millions of American families.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Michigan, Chairman CAMP.

Mr. Speaker, I rise in support of the legislation before us to reduce health care costs and expand patient freedom in health care decision-making.

Speaker BOEHNER and I made clear yesterday that the House will not act to raise taxes on anyone. The bill on the floor today is one step of many that we will need to take this year to ensure that end.

Even though the medical device tax has not yet been applied, the tax has already led to job losses, and threatens to reverse America's role as a global leader and innovator in the life sciences industry. We know if we want to encourage innovators, we cannot tax them.

Mr. Speaker, with all of the bipartisan action in the House and Senate on legislation to improve the approval process for drugs, biologics, and medical devices at the Food and Drug Administration, it would be reasonable to assume that Congress could find common ground on issues that are core to promoting jobs and innovation.

Unfortunately, don't expect this bill to reach the President's desk in a timely fashion, even with Members from both parties calling for the repeal of this harmful tax. The medical device tax was created as part of the new health care law and, for that reason alone, the administration continues to defend this tax which was only created to fund an unworkable law.

In fact, Mr. Speaker, the President has threatened to veto our bill because the tax will pay for his health care law. We should not be increasing taxes to

pay for a law that a majority of Americans want repealed, a law that even some ardent supporters admit will not work as intended.

Mr. Speaker, the real price is being paid by the American people. A tax on medical devices will harm patient care, not improve it. With this tax, it will now be more expensive for patients to walk into the exam room because the bed itself can be classified as a medical device. The tax will dramatically alter the research and development budgets of medical device companies.

Mr. Speaker, just yesterday, a constituent of mine from Richmond requested that Congress recognize the vital importance of research funding and the direct impact that it could have for her son, Joshua, who was born with a rare and serious heart defect. Only 8 years old, Joshua has already braved three open-heart surgeries. There's no medical procedure today that can help this little boy. We need to encourage the medical innovations, not stifle them with taxes, so that there can be hope for kids like Joshua.

Further, the tax is directly causing job losses and could directly impact small business growth, as the medical device companies often start with just a few employees. Overall, this tax could result in the loss of tens of thousands of American jobs in an industry that is key to economic growth.

Mr. Speaker, the President's veto threat is notably silent on the other two major provisions of this bill, provisions championed by Representative LYNN JENKINS and Representative CHARLES BOUSTANY, to give patients more control over their health savings accounts and flexible spending arrangements, respectively. Are these provisions acceptable to the White House?

Will health savings accounts even be permitted if the President's health care law remains on the books?

The uncertainty caused by the law highlights, once again, how truly flawed it is, and why all of the President's health care law must be repealed.

Mr. Speaker, there are many difficult issues that Congress must address to ensure America remains a country of opportunity, innovation, and growth. Supporting this bill should be easy.

I'd like to thank Representative ERIK PAULSEN for his leadership in advancing this legislation to eliminate a harmful tax. And I want to recognize the leadership of Chairman DAVE CAMP, who is working to put forward pro-growth tax reform that will make our Tax Code simpler and fairer and result in a growing economy.

Mr. LEVIN. Could you please indicate how much time there is on each side?

THE SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 17½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 26¼ minutes remaining.

Mr. LEVIN. I yield myself 30 seconds. It's the Republicans who've combined these three bills. The Republicans.

And the leader talks about jobs. I wish he would give instructions to the Ways and Means Committee to consider and bring up jobs bills that are just languishing from inaction. We need more than signals. We need action.

I yield 3 minutes to the gentleman from California (Mr. THOMPSON), a distinguished member of our committee.

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker and Members, I rise today in opposition to this bill. And this is not a tax that I like. As a matter of fact, I don't like this tax at all.

The medical device industry has been on the forefront of creating jobs, pushing medical innovation, and keeping all of us healthier. But we didn't pass this provision in a vacuum, and today we're not voting to repeal it in a vacuum. We didn't pass it to be vindictive or mean or because we just felt like it.

This provision was passed as part of a larger bill that was a response to a national crisis in health care that we're experiencing in our country. In order to do this, we had to make some really hard choices so our grandkids and our great grandkids weren't stuck with the bill for this response, like they were for the drug benefits for seniors or the tax cuts their grandparents enjoyed.

This wasn't done lightly, and the device industry isn't alone in sharing in some of this responsibility. But the device industry will also see the benefits of having 30 million additional people covered by health care. Many of those will be customers of the device industry.

I'd vote to repeal this provision today, yesterday, or tomorrow if we were having a serious discussion about the provision with a serious pay-for. Instead, we're repealing a tax on an industry that had over \$40 billion in profits in 2010, and we're paying for it on the backs of middle class people, some of whom, for the first time in their adult lives, will have access to quality, affordable health care.

Now, this is probably the tenth time in this Congress that we've repealed, or we will vote to repeal, part of the Affordable Care Act. In addition to that, we've also voted to repeal the entire act.

This is not honest debate on policy but, rather, another political cheap shot at the Affordable Care Act. For these reasons, I urge a "no" vote on this legislation.

Mr. CAMP. I yield 2 minutes to the gentleman from Pennsylvania (Mr. GERLACH), a distinguished member of the Ways and Means Committee.

Mr. GERLACH. I thank the chairman for his leadership and recognition.

Mr. Speaker, I rise today in support of this legislation and urge my col-

leagues to vote to stop now a \$30 billion tax increase on medical innovation. This pending tax means higher costs for doctors and hospitals, less investment in finding new ways to improve treatments for patients, and fewer jobs for American workers.

What's at stake in Pennsylvania are an estimated 20,000 high-tech manufacturing jobs. Approximately 600 medical device manufacturers have helped our Commonwealth's workforce transition from a rust-belt economy to a high-tech leader in life sciences, biotechnology, and medical device manufacturing. However, this looming tax on innovation threatens to bring a little bit of that rust back to our manufacturing base.

Some of the medical device manufacturers in Pennsylvania have said that forcing them to write larger checks to the Internal Revenue Service would mean facing decisions about cutting back on research and development or raising prices. Cutting research and development would mean patients wait longer for groundbreaking treatments and products.

Raising prices would put American workers at a disadvantage compared to their European competitors who are often propped up by huge government subsidies.

Now, I realize the President's in full campaign mode. He's traveling around the country talking about the importance of working together to create jobs. So I would respectfully submit then that passing this legislation to protect American jobs we already have would be at the top of the to-do list that we keep hearing about from the White House.

□ 1530

Mr. Speaker, we should be providing incentives that spur innovation rather than the Federal Government's taking more out of the private sector, which will threaten to drive these manufacturers out of business or overseas.

I ask that all Members support this legislation today so that we can stop a \$30 billion tax hike in 2013 and prevent putting up new barriers that will cost American workers their jobs.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to another distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman.

Mr. Speaker, I rise to talk about the simplicity of the medical device excise tax and to remind people, as the majority leader said, that this is really about repealing the Affordable Care Act. This is not a debate about just the medical device excise tax. This is an effort to repeal the entire action.

This is a tremendous industry. I've worked with them for years. There are 400 medical device companies that employ 24,000 people and about 82,000 people indirectly. It is critical to the Massachusetts economy.

We are debating the same issue we debated 2 years ago when I worked closely with colleagues. By the way, the way Congress once functioned was to work with labor and the respective industries and with Members on both sides of the aisle in order to have an outcome that everybody, if they didn't love it, could at least come to say that they liked.

I negotiated decreasing that tax from 5 to 2.3 percent, and I stood up to those who thought it ought to be 5 percent. The big request from the industry was that they wanted the devices that were imported to be subject to the same tax. They were absolutely correct. We reached a compromise with the industry that bought into this suggestion because they knew that they would benefit from the expansion of insured individuals under the Affordable Care Act. I should note something that is very important today, which is that the industry receives Medicare payments indirectly via payments from hospitals.

Now I worry about the impact of the tax on the medical device industry. If we had a good pay-for today and if everybody agreed that we were going to try to hold onto the basis of the Affordable Care Act, count me in. One medical device company recently said to me, If we're going to get hit with a new tax, it's going to cost our company \$100 million a year. To withstand that kind of tax increase, we're going to have to look at cutting jobs.

I understand that, and I'm concerned about the push for companies that are going to cut back on research and development; but I cannot support this piece of legislation due to the offset which would repeal the true-up protections for lower- and middle-income families that use the Affordable Care Act's premium tax credits. According to Joint Tax, 350,000 fewer individuals will become insured if those protections are repealed, and I can't support that.

The reality is that this vote is simply another political stunt to chip away at the health care reform act. I am open to working with Chairman CAMP. If we can find a path forward, as I've indicated, count me in. This is not the path to pursue. This is not the way to do it. A reminder: This really is not the way that this Congress functioned when I came to it, particularly on the Ways and Means Committee, when you work with industry and labor to accomplish extraordinary things.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, last week, the House passed, by 387-5, major legislation that impacts millions of jobs by allowing the faster and safe approval of medical devices and pharmaceutical drugs.

Rather than sending those jobs overseas, they're staying here. The administration's impending tax on medical devices is a ticking time bomb for manufacturing jobs and innovation across the country and especially in Michigan, which is why we need to repeal it and pass this legislation.

Last month, I visited Stryker, a major device manufacturer that is headquartered in Kalamazoo and Portage, Michigan. They reinforced the harmful impacts that this tax will have on our corner of the State. Stryker employs about 2,500 workers in Kalamazoo County. They tell me that the tax is going to cost their company alone \$150 million, and that number does not include the millions of dollars and thousands of man-hours that they're going to have to expend on ensuring that they're in compliance with that tax. These are dollars that could be better spent on wages, research, development, and investments in lifesaving technologies, which would not only help the employment sector but, obviously, patients as well. Stryker also recently announced the elimination of 1,000 jobs worldwide, which is a 5 percent reduction in its global sales force. The cause of that reduction: making up the cost for this impending tax.

The President said earlier this year that he would do whatever it takes to create jobs in America. He needs to sign this bill because, without it, it's going to cost jobs—as has been proven in Michigan alone.

Mr. LEVIN. I yield myself 30 seconds.

We very much favor the medical device industry. They agreed to pay for health insurance coverage. In 2011, Stryker had revenue of \$8.37 billion on these products with a net income of \$1.3 billion. Everybody is going to have to participate, as they promised, to make health care work. If everybody ducks out, people will go uninsured.

It is now my privilege to yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the ranking member on the Ways and Means Committee for yielding me this time.

Mr. Speaker, in the waning days of the work we were doing to get the Affordable Care Act in shape for consideration before the entire Congress, I wasn't an enthusiastic supporter of the medical device manufacturing tax as one of the pay-fors in order to pay for health care reform. I, however, agreed with the President wholeheartedly that health care reform had to be fully paid for. In fact, the idea was to pay for it, and then some, so that we had the ability to start reducing our budget deficits out into the future.

Because of the work that was done and because of the hard negotiations and the tradeoffs that were made, the Congressional Budget Office, in its analysis of the Affordable Care Act when it passed, said it would reduce

the budget deficit by over \$1.2 trillion over the next 20 years. Now, that is a significant achievement—that we are able to start reforming a health care system in desperate need of reform, pay for it at the same time, work to improve the quality of care and the access of care for 33 million uninsured Americans, but also start bending the cost curve in healthcare.

I was concerned about the medical device tax as an element of the pay-for, however, because of the vital role that the medical device industry has in our economy. They play an important role when it comes to job creation. They enjoy certain competitive advantages here in the United States market. I was concerned about the tax applying to the sales of the products as opposed to profits because of the impact it will have on smaller manufacturers, which operate on a much smaller margin.

That's why I support the legislation before us today, but I do so under the proviso and with the understanding that the pay-for that is being used right now is controversial on our side. I don't think it's the ideal pay-for. I don't believe that it's going to be the pay-for that the Senate would consider if it takes this measure up. It certainly won't be the pay-for that the President will feel comfortable signing into law. So there is going to be additional work that we're going to have to do together to try to find an acceptable bipartisan pay-for if we're going to repeal this tax on an important industry in our country.

I would also submit to my colleagues on the other side that there are many proposals under the Affordable Care Act that have enjoyed wide bipartisan support in the past, proposals that can help find savings in the healthcare system. They include the build-out of the health information technology system that our health care providers desperately need, which will not only improve the efficiency of care delivered and reduce medical errors, but will finally start collecting that crucial data so we know better what works and what doesn't work in the delivery of health care. There are delivery system reforms in the health care reform bill that are already proving effective and that lead us towards a system that is more integrated, that is more coordinated, that is patient-focused, thus producing a much better outcome of care but at a better price.

Ultimately, we have to continue working together to change the way we pay for health care in this country so that it's based on the value—or the quality or outcome of care that's given—and no longer on the volume of services and tests and things that are done regardless of the results. There has been wide bipartisan agreement in the past over these issues which are included in the Affordable Care Act, but you would never guess it by listening to the terms of the debate today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. KIND. While I support the legislation and what it's trying to accomplish here, I still think, following today's debate, there is going to be a lot more work that we're going to have to do in dealing with the other side of the Capitol, with the Senate, as far as coming up with acceptable pay-fors, in its mind, and also in working with this administration.

□ 1540

So hopefully we can reduce this tax burden on an important industry. But we can do it in a more reasonable and commonsense fashion so we don't jeopardize the health care access of over 350,000 Americans, which may be adversely impacted with this "true-up" provision, that is being used today to pay for the repeal of this revenue measure.

I thank my colleague for the time I was yielded.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chairman, thank you for your leadership on this important piece of legislation.

Mr. Speaker, I rise today in support of the repeal of the 2.3 percent medical device tax created in the health care law.

This tax will have a devastating impact on jobs, estimated to be over 1,200 job losses in the State of Illinois, which already has an unemployment rate higher than the national average. Instead of working on policies that will incentivize economic growth, this tax will stunt it while adversely affecting small businesses and local communities.

Not far from my hometown is Canton, Illinois, an example of what can happen when device manufacturers partner with small communities. In May of 2013, Cook Polymer Technology, a raw material manufacturer, announced plans to open a second plant in Canton, Illinois, a town with a population of just under 15,000. These two facilities jump-started Canton's economy, leading to the creation of over 100 new well-paying jobs.

This partnership also led to a full percentage point drop in Canton's unemployment rate. According to Canton's mayor, private developers are now building more homes than at any time in the last 15 years combined in this little town's history. None of this would have been possible without Cook's decision to invest in Canton. Unfortunately for Canton, the looming medical device tax has already resulted in Cook's decision against building a new factory in the United States.

This tax will lead to future job losses as companies decide to close or cut

back on their operations in R&D work. Communities like Canton will see their recent economic gains stalled, and it is why it is imperative that Congress repeal this device tax before job losses are realized and America finds it is no longer the leader in medical device technologies.

I urge passage of this bill and the repeal of the tax.

Mr. LEVIN. I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the ranking member for yielding time.

I walked in on the last two speakers, neither of whom said anything I disagree with, except that I can't support the bill because of the pay-for that is in the bill.

I'm convinced that we should repeal the medical device excise tax. I think it's driving jobs and innovation offshore, and a lot of that is happening in my congressional district. I also think it is counterproductive to talk about doing it and paying for it in the way that has been proposed in this bill. And I will therefore unfortunately not be able to support the bill as it is written today and introduced because of the manner in which it's being paid for.

I don't think there is anything complicated about this. We need to find a more acceptable way to do what I think a lot of us agree needs to be done, which is to repeal the medical devices tax. But this is not the way to pay for it, and we must find an acceptable pay-for.

I thank the ranking member for yielding time.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Chairman, thank you for yielding.

Mr. Speaker, I hope in the coming weeks, the Supreme Court strikes down this disastrous piece of legislation, but the reality is that no one knows for sure what the court is going to do. So we must continue to do everything we can to get rid of this law.

Today, as a cosponsor of this Health Care Cost Reduction Act of 2012, I continue to fulfill my pledge to defund, repeal, and replace ObamaCare with commonsense solutions.

First, this bill defunds ObamaCare by getting rid of these job-killing taxes. The 2.3 percent Medicare device tax would cost the taxpayers almost \$30 billion, and the cost to the manufacturing industry would be about 43,000 jobs, forcing them either to close down or to ship these jobs overseas.

This bill also repeals ObamaCare's over-the-counter restrictions on flexible spending accounts. ObamaCare's government-must-know-everything mentality takes the flexibility out of the flexible spending accounts and drives up the health care costs. Most

importantly, we're replacing it with real reforms that promote consumer choice, quality care, and reduced health care costs.

This is what the good people of the Sixth District of Tennessee expect me to do, why they sent me to Washington, and why I'm continuing to fight every day to defund, repeal, and replace ObamaCare with commonsense solutions.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I certainly want to thank the chairman for his leadership.

I'm pleased to rise in support of this legislation because it will save jobs. We hear time and time again all across the country that the biggest issue that we face is jobs and the economy.

We've got an unemployment rate of 8.2 percent, and we need to be focusing in on growing our economy. This special tax increase on medical device manufacturers frankly would do quite the opposite. It would cost jobs. In the 10th District of Illinois, thousands of individuals are employed by manufacturers that provide medical devices. Frankly, we need to create an environment here in Washington, D.C., that promotes innovation, promotes these medical device companies from all around the globe to come here to our country.

So I'm pleased to support this legislation, and I urge my colleagues to support it as well, because we cannot have additional anxiety, uncertainty that is out there in the marketplace. We need to make sure that we are growing our economy, and we need to do that by providing an environment right here in Washington. Frankly, we're not doing that today. I support the legislation, and I urge my colleagues to do the same.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today in strong support of this legislation that will repeal the job-killing, innovation-destroying tax on medical devices. I want to thank Congressman PAULSEN for introducing this legislation.

Mr. Speaker, California, and particularly San Diego, is a hub of medical device activity. Companies such as NuVasive or Edwards Lifesciences Corporation are but a few of the companies that are located in my district in California, San Diego.

While considering this device tax, we've got to understand that the medical device industry in San Diego alone is a \$4.9 billion job-generating, job-creating industry. This industry represents one-third of all the life sciences

industries, employing in my district 10,000 employees with an average income of \$100,000.

The medical device tax will cost jobs. That's not just in my district, but across the country. Hopefully we'll see this tax repealed. Because in the long run, this tax may not only cost jobs, but could cost lives.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. BILBRAY. Thank you very much. I appreciate it, Mr. Chairman.

Let's join together and pass the repeal of this destructive tax and move forward with good legislation that will provide affordable health care while providing job opportunities for our citizens.

Mr. CAMP. Mr. Speaker, at this time, I yield 1 minute to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. Mr. Speaker, I rise today in support of the Health Care Cost Reduction Act.

The American people know that the President's health care law is costing us more in premiums and more in taxes. It's costing us our constitutional liberties, and it is costing us American jobs.

One of the tax increases that will support this law is a \$20 billion tax on our manufacturers that will result in thousands of lost American jobs at a time when our unemployment rate is over 8 percent for the third year in a row. Today's vote keeps faith with the American people as we continue working to repeal this law and to replace it with reforms that will deliver higher quality health care, lower costs, and that will preserve American jobs.

I urge my colleagues to support this bill, and I thank the chairman and the committee for its work on this bill.

□ 1550

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. SCHILLING).

Mr. SCHILLING. Thank you, Mr. CAMP. I appreciate your hard work on this.

Unemployment is the largest problem we face today, so why would anyone want to punish innovation by forcing more taxes on American medical device companies. That is exactly what the President's health care law does, but we have a chance to repeal this tax today.

I hope the Senate will follow suit. This tax will hurt the medical device industry, including companies like Cook Medical, which has two facilities in my district in Canton, Illinois. Cook currently has 100 employees, but is looking to expand and provide more jobs for men and women in Illinois.

Support H.R. 436 to promote innovation, jobs and growth across our country.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Thank you, Mr. Chairman.

Mr. Speaker, I strongly support the repeal of the ObamaCare medical device tax, which stifles research and costs jobs at a time when our economy is struggling to recover.

My bill, H.R. 1310, which repeals this tax on first responder medical devices, shares the goal of H.R. 436, the Health Care Cost Reduction Act.

In my community, Mound Laser and Photonics Center, which provides services to the medical device industry, was forced to layoff 10 employees as a result of this impending tax. Ferno, another company in my community which manufactures emergency health care products, says this tax will result in reduced research, development and production of new products.

Mr. Speaker, I urge all of my colleagues to support H.R. 436 and repeal this burdensome tax.

Mr. Speaker, beginning in 2013, a 2.3 percent excise tax will be imposed on the sale of medical devices by manufacturers, providers, or importers. This tax will place yet another burden on American businesses, stifling development of innovative life-saving products and costing jobs when our economy is struggling to recover, and will result in higher costs and inferior care for patients.

I strongly support the repeal of the 2.3 percent medical device excise tax. That is why I authored H.R. 1310, to repeal this tax on medical devices used by first responders. My bill shares the goal of H.R. 436, the Health Care Cost Reduction Act, which includes a provision to completely repeal the excise tax.

Earlier this year, a company headquartered in Miamisburg, Ohio in my district, Mound Laser & Photonics Center, MLPC, wrote to me about the negative effect of this new tax. MLPC specializes in laser-based micro and nano-fabrication and provides services to a number of markets, including the medical device industry. The firm is a tremendous research and development success story in southwest Ohio, growing from three employees to over forty. The majority of these workers have backgrounds in science and engineering, critical fields our country needs to compete in the global economy.

However, MLPC recently scaled back its operations and was forced to lay off 10 employees due to the loss of business from one of its medical device clients. Specifically, Dr. Larry Dosser, President and CEO of MLPC wrote:

This is an unprecedented and devastating decision, which I believe is a direct result of Obama's Healthcare Reform Act. Not only does this impact the lives of these very good people, it also impacts MLPC's progress on a new facility that would be a major demonstration project for advanced manufacturing in the Dayton region.

I have also met with business leaders from Ferno-Washington Inc., a global leader in manufacturing and distribution of professional emergency and healthcare products based in Wilmington, Ohio. Ferno says the tax increase

will cause the company to scale back research, development, and production of new products, hampering the company's ability to compete. The executives at Ferno estimate the cost of the tax is equivalent to 23 jobs.

Mr. Speaker, now is not the time to impose an extra burden on American businesses when our economy is struggling to get back on track. I urge all my colleagues to support H.R. 436 and repeal the 2.3 percent medical device excise tax.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, thank you for your leadership on this issue.

The economic news has been pretty grim lately. Last month, America created a mere 69,000 jobs, the lowest in a year. The job growth has been cut by two-thirds just the last few months. The unemployment rate, the only reason it went down is so many millions of Americans have just given up looking for work.

Now we learned today of all the 10 economic recoveries since World War II, this recovery ranks 10th, dead last, and dead last isn't acceptable to anyone.

This bill stops the killing of 43,000 American jobs; 43,000 American jobs will be lost if this new tax on our medical devices, on our stents and pacemakers and others, goes into place. This bill is all about saving jobs.

It also lowers the costs for patients because all those taxes get thrown right back on the patients and carried through, and it stops a tax on innovation in America, at which we are very good. It's key to our economic future. This bill prevents that attack. It also allows families the freedom to use their health savings accounts to buy over-the-counter prescriptions, which saves them money and allows them to keep more of their health savings account amounts the end of the year so that way they don't use it or lose it.

In Texas, we'll lose 2,000 jobs if this bill isn't signed by the President. I know he has vetoed it, but these are jobs, Mr. President. This is health care costs; this is innovation. This is what we ought to be rewarding in America, not punishing.

I support this bill strongly. I applaud Chairman CAMP and the members of the Ways and Means Committee who are bringing it to us.

By the way, to make sure it doesn't add to the deficit, if you get a Federal subsidy in health care for which you're not eligible, we'll have you pay it back. We just have you pay back what you didn't earn. That's the right way to do it, and that's the right way to pass this bill.

Mr. CAMP. I yield 2 minutes to the distinguished gentlewoman from Washington (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. I thank the gentleman for yielding.

Beginning in a few short months, a 2.3 percent excise tax on medical devices will go into effect as a result of the President's health care bill. As George Will recently wrote, this new tax will "tax jobs out of existence."

Last year, I had the opportunity to host a jobs and innovation roundtable discussion with leaders from the medical device industry. One of the CEOs that was a part of the roundtable stated that if you're trying to destroy an industry, you're doing a very good job of it.

He was referring both to the delays at the FDA, as well as the medical device tax. In my home State of Washington, there are 17 medical device companies that provide over 8,700 people jobs. These are high-paying jobs with an annual payroll of over \$500 million. These companies cannot hire new employees because of this job-killing new tax; 900 people would lose their jobs in Washington State. Nationally, it's estimated 43,000 U.S. jobs will be lost directly due to this tax.

This is one of 18 new taxes brought to you by ObamaCare. This one will cause medical device companies to reduce their research and development funds in order to pay for the new tax.

Who thinks that decreasing jobs in this economy is a good idea?

Patients deserve safe and effective medical devices, and Americans deserve the jobs that create medical devices. This legislation will help preserve what has been just a great American success story driven by our medical devices manufacturers that are developing lifesaving treatments.

I urge all of my colleagues to support H.R. 436.

Mr. CAMP. At this time we have no further speakers and are prepared to close, if the gentleman is prepared to close.

Mr. LEVIN. I yield myself the balance of my time.

In a sense, there is much at stake in this debate. If this bill were to become law, it would unravel health care reform. What this industry seems to be asking is a reversal of their commitment to make health care reform work. If this Congress and the President were to say okay, every other industry that participated in saying they pay their share to make it viable, they'd come in line, and there would be no answer to them. In that sense, this debate, this issue is significant.

But in another sense it really isn't. This bill isn't going anywhere. The Senate leadership has already said it's not taking it up. There's been issued a Statement of Administration policy. The recommendation is the President would veto it. There's a certain emptiness to this debate because the bill isn't going anywhere.

The real significance is that it's being brought up despite that, raising the question, Does the majority in this

House want a bill that goes somewhere relating to jobs?

The word "jobs" has been mentioned here more than any other word. As mentioned earlier, there is no evidence that jobs would be lost, as indicated by the majority.

The only study says that the 43,000 claim is wrong. So what's really at stake here, the significance of this debate is this: Will the majority do more than signal in this session, in its remaining months, or will it take up jobs legislation? I think there's an increasing indication that they, the majority, do not want a jobs bill that will go anywhere.

I mentioned earlier the letter I wrote to the chairman of our committee. I mentioned in there six provisions clearly relating to jobs in America, the 48C Advanced Energy Manufacturing Credit that once had bipartisan support.

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The production tax credit for wind power, the Republicans came before the Ways and Means Committee and said, Extend it. But, silence. The Build America Bonds program. It helped to create hundreds and thousands of jobs—\$180 billion in infrastructure investment. The 100 percent bonus depreciation that both sides say they support. But nothing but inaction. The proposal by the President for a 10 percent income tax credit for small businesses that could create jobs, not the illusory statements mentioned here. And then the R&D tax credit that the chairman of this committee and I have championed for years—and all we do is have a hearing.

And so this bill raises starkly this issue: Does this majority want bills going nowhere, or will they do more than signal and act to help create jobs that the people of this country badly need. That's the real issue before us today.

I urge a "no" vote on this bill on the merits. I urge the majority to start saying "yes" to jobs bills for the people of the United States of America.

I yield back the balance of my time.

Mr. CAMP. I yield myself such time as I may consume.

I would just say to my friend from Michigan that we in the committee are in the process of reviewing all of the tax extenders. There's going to be about a hundred of them that expire at the end of the year, research and development being one of them—one I, obviously, have supported over the past.

Given our budget situation and given the record deficits run up by this administration, we're taking a close look at all of these provisions to make sure that they're justified, to make sure that they really bring economic benefits and jobs to this country, not just pass them along because that's what's been done in the past, but to really

take our oversight responsibilities, review responsibilities seriously to make sure the things that we're doing are efficient, are effective, and really get to the core of how do we get this economy moving again.

We had the jobs numbers last Friday. They were abysmal. Clearly, the economic policies of this administration have been a failure. We're, obviously, trying to address some of the other policies of this administration that aren't going to work. And clearly, there are flaws in the health care bill. We've had bipartisan support to fix some of them, like repealing that onerous 1099 provision that would have put a wet blanket over all small businesses as they try to file paperwork on every expenditure over \$600. It was a ridiculous provision. We had strong bipartisan support to repeal it. The President signed it. That is law.

We're now looking at today what we can do to improve other problems in this health care bill. One of them, clearly, is we need to help people save and allow them to afford the kinds of medications they need. For example, they tax over-the-counter medications by saying you can't use your tax-free savings account to buy cough syrup for your sick child.

So what's happening is many people are going to doctors. They're actually having to get a prescription so they can use their flexible spending account, the account that they have set aside to save for their medical needs. And don't we want parents to be able to try to find a least-cost alternative? If cough syrup will fix the problem that their child is having and meet their medical need, shouldn't we do that first, before going to the ER or before going to get a prescription? Again, what we want to do is keep parents in the driver's seat. Let them make the medical decisions that effect them and their children.

So we believe that it's so important that we allow over-the-counter medicines to be purchased out of an FSA. That is just a critical thing. And that has had strong bipartisan support.

The other issue is regarding medical devices. Clearly, taxing the medical devices is going to do one of two things. It's going to cost jobs. As Stryker Corporation in my home State of Michigan says, it's responsible for about a thousand layoffs as they try to plan for the future. Or, it's going to raise costs. Either one is a bad choice for those people who have medical needs that they need to meet.

And the last provision in this is, can people keep some of the money in their health care or flexible spending account if they don't have all their medical needs requiring the use of money out of that account? Can they save some of it, or do they have to use it or lose it and buy extraneous things or things they don't really need. What this bill would do is say you can keep

some of those dollars—up to \$500. You would pay tax on it. And that means that if you've overestimated what your medical needs are, you can get some of those dollars back and use those. Again, it's your wages. You've put it in there. It's yours. You should be able to get it back.

I think these are all strong provisions. They've all had good bipartisan support, both for the substance of them as well as for the pay-for in the bill. That has had strong bipartisan support as well.

So I would urge support for this legislation. I do think it has a lot of support in the Senate as well, and I think we're going to see this legislation move forward. So I urge a "yes" vote, and I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise today in opposition of H.R. 436. We find ourselves, yet again, going through another Republican dog and pony show as my colleagues attempt to repeal the Affordable Care Act bit by bit without replacing any of these pieces. I cannot even count how many of these circuses we have gone through this session. Instead of working for their constituents, my friends across the aisle are busy concocting schemes solely for political gain that will ultimately cost the American people, this time to the tune of more than \$29 billion. That's right, the non-partisan Congressional Budget Office estimates that if the medical device tax is repealed it will add to our deficit.

I think we would all agree that the medical technology industry is a critical industry, employing more than 400,000 workers nationwide and more than 9,000 in my home state. The work that they do is critical to keeping the American people healthy and to keeping our country competitive. During the drafting of the Affordable Care Act, the medical device industry, along with pharmaceutical companies, insurance companies and hospitals, committed to doing their part to make health reform a reality. Advocating to repeal the medical device tax appears to me to be going back on that commitment to the President and the American people.

Supporters of H.R. 436 like to say the medical device tax hurts small manufacturers, but the reality is the ten largest manufacturers will pay 86 percent of the tax. These same supporters claim the tax will result in the loss of jobs, but they seem to forget about the millions of new customers that the ACA will provide device companies. It seems to me that if you have 33 million more people with the ability to access medical devices, companies may need some employees to help them meet this new demand. I agree that it is important that the medical device industry can continue to succeed, and I believe that the Affordable Care Act will do so.

In addition to abolishing the medical device tax, H.R. 436 aims to repeal the definitions the Affordable Care Act put in place for tax-advantaged flexible spending accounts and health savings accounts. A small minority of workers benefit in minor ways from these accounts, whereas millions of Americans will be guaranteed access to comprehensive, affordable health care through the ACA. By enacting

these provisions the ACA raises over \$4 billion. The Republicans think they will pay for dismantling the ACA with changes they already used to finance two earlier pieces of legislation. Dipping repeatedly into a pot of money that will force hundreds of thousands of citizens to forgo health care coverage is not a viable solution. While my colleagues speak about wanting to balance our budget and reduce our deficit they are busy repealing a tax that would add to our precarious fiscal circumstances and taking away provisions enacted in the ACA that generate vitally needed dollars. And, my friends, we are all aware of the age old axiom that actions speak louder than words.

Mr. Speaker, this legislation is not a constructive use of this body's time. We cannot re-litigate the debates of the past. If we are to improve the health care that we are delivering to patients, and inspiring and encouraging innovation in our industry, I stand ready and willing to work with my colleagues on bipartisan legislation that will do so.

Ms. SCHWARTZ. Mr. Speaker, today's vote is nothing more than a political stunt by Congressional Republicans to once again undermine the health care reform law. Republicans included a "poison pill" to ensure limited Democratic support rather than work in a bipartisan manner on an important policy issue. This once again proves they are more interested in politics than policy.

We should take a serious look at corporate tax policy and its impact on innovation in this country. In Pennsylvania, the medical innovation industry is vital to economic growth, employing more than 80,000 people and pumping more than \$13 billion into the local economy. I am proud that Pennsylvania companies are on the front lines of this innovation, and it is essential that they have the ability to grow and thrive.

We must work together to strengthen America's role as a global leader in the medical innovation sector, which will yield the next generation of life-saving treatments and strengthen our economic competitiveness. I urge my Republican colleagues to work with us to implement tax policies that will preserve, promote and grow these innovative industries.

Mr. PENCE. Mr. Speaker, I rise today in support of the Health Care Cost Reduction Act of 2012, H.R. 436, offered by Rep. PAULSEN of Minnesota, which will repeal the 2.3 percent tax on medical devices included in ObamaCare that is set to take effect at the end of this year.

This tax will have a dramatic impact on Indiana, which is one of the leading states in the medical device industry. The "orthopedic capital of the world" is in Warsaw, and across the state 20,000 Hoosiers design, manufacture, and sell a multitude of life-saving and life-enhancing products, creating a \$10 billion economic impact.

The medical device tax threatens all of that success. Unless it is repealed, Indiana stands to lose more than 2,000 jobs in the medical device sector. This job-killing tax will stifle innovation, harm patients and raise the cost of health care for Hoosiers.

Repealing the medical device tax will ensure that Hoosiers can continue to lead in the medical device industry. Let us show our commit-

ment to innovation and job growth today by passing the Health Care Cost Reduction Act and fully repealing the medical device tax.

Mr. MARCHANT. Mr. Speaker, this legislation will stop an impending tax created by Obamacare on medical devices. This tax stifles innovation, reduces jobs, and increases costs on patients. Congress must act to ensure that the medical device tax does not come in to effect.

Additionally, I support the new choices this bill gives consumers. Users of Health Savings Accounts will once again be able to access their HSA funds for over-the-counter purchases. This change reduces unnecessary doctor's office visits that are being made solely to obtain a prescription to use HSA funds. Lastly, this bill greatly improves Flexible Spending Accounts. Rather than forcing unneeded end of year purchases, this bill allows for a \$500 cash-out option to be considered as taxable income. This change makes FSAs much more attractive, giving consumers another choice to determine the health care plan that is best for them—rather than the government making that choice. I urge support of the bill.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to H.R. 436, the "Protect Medical Innovation Act." This bill would repeal a 2.3 percent tax on the sale of medical devices that was scheduled to take effect in 2013 as a part of the healthcare reform legislation. The Joint Committee on Taxation, however, has said that this tax elimination would cost the government \$29.1 billion in lost revenue through fiscal year 2022.

This decrease in revenue would be offset by the elimination of the cap on repayments of advance premium tax credits. This provision had been introduced to aid low- and moderate-income families whose economic circumstances changed dramatically during the year. The current repayment cap on tax credits is important to millions of American families facing economic uncertainty because it offers a guarantee that they will not be hit with unexpected tax bills at the end of the year. H.R. 436 brings the threat of uncapped expenses and will effectively serve as a deterrent for families considering purchasing healthcare coverage.

The Joint Committee on Taxation has estimated that the loss of revenue will therefore increase the number of uninsured Americans by 350,000, and I fear that the 37th Congressional District of California will be particularly impacted. In the city of Los Angeles, it was reported this month that unemployment had risen to 8.2 percent, or 13.6 percent for African Americans and 11 percent for Latinos. In construction alone, 28,000 jobs were cut, along with 13,000 in government. As we debate the repayment cap, we must keep in mind these thousands of hardworking citizens and their families who might otherwise feel the security of affordable healthcare coverage in uncertain times.

Mr. Speaker, healthcare reform legislation does not unfairly target the medical device industry, as many are claiming today. In the spring of 2009, representatives from various healthcare sectors, including medical device companies, pledged in a letter to work with President Obama to accomplish the goal of a

more affordable and efficient healthcare system. This tax serves as the industry's contribution to the cost of reform. It is not an unreasonable sum, especially when the industry stands to benefit from an additional 30 million insured customers. Of those, roughly 10 million will fall between the ages of 50 and 64, an age group with a high proportion of people needing medical devices.

The passage of this bill would send a dangerous message to other healthcare sectors who are contributing to the cost of comprehensive healthcare reform. Pharmaceutical companies, health insurance companies, skilled nursing facilities, laboratories, and home health providers have all taken on additional costs and taxes. We should be wary of setting a precedent that exempts one industry from its promised contributions, should other sectors then push for a similar repeal.

Supporters of this bill have also aligned themselves with small businesses; however, any tax relief would be siphoned off to large corporations. Industry analysts predict that the ten largest companies manufacturing medical devices, who in 2011 had net profits of \$48 billion, will pay 86 percent of this tax. The medical device industry is already very profitable, and the benefit of ten million new customers will outweigh the cost of the tax.

I would like to take an additional moment to address the Republicans' claims that this bill will stop job loss and decelerated innovation. There is currently no incentive for medical device companies to shift jobs overseas because the tax does not apply to devices sold to other nations. Moreover, devices imported into the United States are subject to the same 2.3 percent tax. This means that there will be no unfavorable advantage for foreign-manufactured devices in domestic markets, and there will be no added cost to selling American devices in the international market.

Mr. Speaker, I was an original supporter of President Obama's plan for healthcare reform, and I believe that H.R. 436 would only be a step backwards. I will vote against this legislation, and I urge my colleagues to do the same.

Mr. RAHALL. Mr. Speaker, I believe that changes to the Patient Protection and Affordable Care Act are necessary and have cosponsored and supported several bills in this Congress to amend the health care law before it takes full effect.

West Virginians—our working families, our seniors on fixed incomes, our small businesses—are looking for and deserve substantive action from the Congress to address rising health care costs and access to quality care and I regret that the only thing the House majority in this Congress has brought to the floor is a slew of bills purposely designed to generate gridlock and stall in the legislative process.

While I do not support this measure, I believe that the Congress has a responsibility to address the concerns that have been raised by health care providers and medical device manufacturers, and I hope that it will do so.

Mr. PRICE of North Carolina. Mr. Speaker, I will be voting against H.R. 436, not because I believe that the current tax on the device industry is perfect, but because I object to the politicization of the issue and the use of a fundamentally-flawed offset.

As one of their first acts upon taking the majority, House Republicans voted to repeal the Affordable Care Act. Since then, they have voted to dismantle the law piece by piece. Today, they are at it again, and instead of addressing industry concerns in a concise and targeted manner, the majority has crammed together a politically-motivated bill designed to stick it to the President. Don't just take my word for it. Compare the bill we have before us today with the 1099 repeal law. Both deal with problematic revenue raisers included in the health reform law, but the 1099 repeal bill took a targeted approach that represented practical policymaking at its best. This effort is purely political, and the result is a legislative goody bag.

Moreover, while the 1099 bill's offset, a modification of the health insurance subsidy recapture cap, was a difficult pill to swallow, H.R. 436's offset is a poison pill. H.R. 436 would fully lift the cap, leading an estimated 350,000 people to forgo health insurance, according to the bipartisan Joint Committee on Taxation. These are working Americans earning between 133 and 400 percent of the federal poverty level. Why would the Majority ask working and middle income people to bear this burden alone? It is unacceptable.

As the representative from a part of our country known for its research and innovation, I fully understand the importance of the device industry. Medical devices have the potential to save and enrich the lives of Americans, and the companies that produce them are helping our economy recover by investing in new technology and providing high-paying, high-skilled jobs. Those companies also tried to be good actors in the health insurance reform debate. Like other industries, device companies understand that the skyrocketing cost of health care represents one of the greatest threats to families, small business owners, state and federal budgets, and the overall economy. Attempting to reverse this trend is one of the reasons Congress enacted the Affordable Care Act, and AdvaMed, the trade association representing medical device manufacturers, participated in the effort to ensure that the legislation would be deficit-neutral.

The final law brought the original \$40 billion levy on device manufacturers down to a \$20 billion contribution through a 2.3% excise tax on medical devices. However, as the ten-year budget window has shifted, industry reports that they expect to paying closer to \$29 billion. We need to monitor this carefully and find a fair solution that accounts for the additional business the device industry may acquire as a result of the Affordable Care Act, while underscoring the need to keep the industry vibrant and innovative. That is not the discussion we are having today, but I hope it is one House Republicans will be willing to have in the near future, and I stand ready to work with them to do just that.

Mr. YOUNG of Florida. Mr. Speaker, I am pleased to support the passage of H.R. 436, the Protect Medical Innovation Act of 2012, legislation I agreed to cosponsor last year aimed at repealing yet another harmful job killing provision put into place by the President's controversial health care reform law. Unless Congress moves to repeal it, beginning in 2013, a 2.3 percent excise tax will be imposed

on the sale of medical devices by manufacturers or importers across the country.

The medical device tax will increase the effective tax rate for many medical technology companies. Unfortunately, the tax would be collected on gross sales, not profits, meaning companies could end up owing more in taxes than they produce in profits. As a result, device companies, many of which are small, entrepreneurial firms, are expected to pass the cost of the tax onto consumers, lay off workers, or cut R&D. These actions are unacceptable for an industry currently employing tens of thousands of Americans, as well as leading the way in innovation and scientific discovery. And in Florida, which is home to one of our nation's largest medical device economies, the impact of this excise tax would be particularly devastating in a state hit hard by the economic downturn.

Throughout the past year we have been listening to our local business owners who tell us the economy will not grow and new jobs will not be created until there is more certainty in our economy and more certainty in government fiscal and tax policies. H.R. 436 is a great first step in doing just that by permanently preventing the medical device tax from being implemented.

Mr. Speaker, I urge my colleagues in the United States Senate to follow our lead and quickly pass this legislation and send it to President Obama for his signature into law. Further delaying the effort to repeal this harmful tax will only lead to greater uncertainty throughout the medical technology sector, causing business owners to delay crucial decisions about long-term investment and expansion.

Mrs. CAPPS. Mr. Speaker, I rise today out of concern regarding the Protect Medical Innovation Act of 2011 (H.R. 436).

I am extremely disappointed that this bill, which addresses important issues, was needlessly injected with partisanship.

The medical device industry is integral to both our health care system and our economy.

Regardless of our political leanings, we should all be able to agree that it is in all of our best interests to support a thriving domestic medical device industry.

I have met with a variety of people on this issue—innovators, manufacturers, patients, consumer advocates, and many other stakeholders.

I understand their concerns about the impact that this policy would have, especially on small firms and in California, and wish we had the opportunity to look at a range of options to address them.

Unfortunately, in the bill before us, the House Majority has once again found a way to poison a bill by slashing important insurance provisions in the Affordable Care Act.

Yet again they have shown that they are willing to disregard American families in order to get a pithy sound bite and further their own divisive agenda.

By removing protections for low- and moderate income families who receive subsidies to purchase private health insurance, this bill pits American families verse manufacturers.

It essentially punishes people for improving their situation by getting a new job or a raise.

The result? According to the Congressional Budget Office, an estimated 350,000 families

would be added to the uninsured ranks, and others would be left debating between going for a promotion or paying a hefty tax bill.

Health care is a right deserved by all, and shouldn't come with fear of punishment.

And the idea of asking American families to choose between having health insurance and improving their financial situations is preposterous.

Through this bill, the other side has shown that they are more concerned with dismantling health care reform than ensuring that the American people have access to health care.

And therefore I cannot vote for it.

Mr. GENE GREEN of Texas. Mr. Speaker, I oppose H.R. 436 but I am opposed to the Medical Device Excise Tax. I support the Affordable Care Act, but just like all bills, it was not perfect.

In Texas, the medical device industry supports nearly 55,000 jobs. It is an industry at the cutting edge of technological innovation and is critical to addressing many of the health challenges we face now and will in future. I believe this industry, just like any other, should pay their fair share, but I am worried that a tax like this will chill innovation. The tax is on revenue and not profits, which will have a disproportionate effect on small and mid-sized companies. Medical devices are incredibly expensive to develop and it takes a lot of revenue to offset overhead. By taxing revenue, instead of profit, it adds additional costs. Most business taxes are calculated on the profits after expenses, but this one is not.

A company near our district in Houston, Cyberonics, employs hundreds of Americans. A few years ago, I toured their facilities. I was surprised to learn that they did all of their manufacturing in-house, in Houston. This is an increasingly rare way to do business, but one we should encourage. Their company is a good example of American innovation and entrepreneurship. I am concerned that the way this tax is structured, it will negatively impact Cyberonics and companies like it. We should be taking steps to support research, design, and manufacturing job growth in our country.

While I oppose this tax, I am also opposed to the way this bill pays for the repeal of the tax. We should not replace a poorly designed policy with more poorly designed policies. This bill shifts the cost on to low and middle income earners and potentially risks their health insurance coverage under ACA.

We should find a better way to fix this and I want to work with my colleagues to craft a compromise that will not endanger American jobs but at the same time won't shift significant costs on to those who can least afford it.

Mr. VAN HOLLEN. Mr. Speaker, H.R. 436 is primarily focused on dismantling the Affordable Care Act, which is why I will oppose it today.

Medical devices offer important benefits to individuals throughout the country. In some cases they save lives; in other cases, they improve the quality of life. An important part of the Affordable Care Act was to expand access to the benefits of medical devices by making health insurance more affordable. Indeed, as a result of the Affordable Care Act, over 30 million more Americans will have access to affordable care. This is good for the individuals, and it is also good for the manufacturers of

these devices, who will now have more people who can afford their products.

Now, the medical device industry apparently wants to keep the benefits of having more insured people capable of benefiting from their products without contributing to the effort that allows those individuals to afford their coverage in the first place. If every group that joined the effort to expand insurance coverage took that approach, the entire health care reform effort would fall apart—which is precisely the outcome the Republican majority is seeking with this legislation.

Additionally, rather than finding a different way to pay for extending affordable health insurance to over 30 million Americans, this repeal—and the rest of the bill—is offset by eliminating existing protections for middle and lower-income citizens who receive tax credits for insurance they purchase on the exchange, a change the nonpartisan Joint Committee on Taxation estimates will increase the ranks of the uninsured by 350,000.

While I would support the provision in this bill allowing health care flexible spending account holders to recover up to \$500 in unspent funds from their FSAs if it came before the House as a freestanding bill, the vast majority of this legislation is clearly aimed at undermining the Affordable Care Act.

Accordingly, I urge a “no” vote.

Mr. CARNEY. Mr. Speaker, I rise today to express my thoughts about the tax on medical devices.

The House voted on H.R. 436, the Health Care Cost Reduction Act of 2012. This bill would have repealed the 2.3 percent tax on medical devices that was instituted to pay for the Affordable Care Act. While I did not support H.R. 436, I recognize that medical device makers are at the forefront of innovation and that Federal legislation should support those efforts. I am concerned about the impact that the medical device tax will have on American jobs. Particularly during these difficult economic times, I believe we must do everything we can to encourage, not stifle, job creation.

I believe the Affordable Care Act will provide critical health care coverage to millions of Americans, and I also believe that paying for it responsibly is important. I did not support H.R. 436 because I do not believe that Americans already struggling to afford the cost of healthcare coverage should bear the burden of eliminating this tax. Moreover, I believe we should refrain from making significant changes to the funding structure of the Affordable Care Act until the Supreme Court has rendered its decision on the constitutionality of the law. At that time, the House should revisit repealing the medical device tax with an offset that protects American families while being fiscally responsible.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to discuss my vote on H.R. 436, The Protect Medical Innovation Act of 2011. As many of my colleagues know, I helped lead the charged throughout the 2010 healthcare debate to ensure the medical device industry was not overly burdened by the Patient Protection and Affordable Care Act (ACA). During negotiations on the final healthcare bill, I made it a point to argue that overly taxing the medical device industry would stump innovation, affect patient care

quality and burden an already struggling job market. When we came together to discuss health care reform, we agreed that it was necessary for everyone to contribute in order to ensure a successful outcome. That is why I fought tirelessly, within my own caucus, to make sure the bill was responsible in the way Congress paid for legislation.

As we approach the 2014 deadline of final implementation for ACA, many uncertainties have arisen from both the general public and business community. The Republican Majority had addressed this growing concern with an onslaught on key revenue provisions of the ACA. In fact, they have paid for those repeals by targeting programs from those repeals by targeting programs from those individuals who need ACA the most. For that reason, I was forced to vote against H.R. 436, which CBO estimated, if enacted, could remove over 350,000 individuals off of health care. Given that many of my constituents rely on the health care benefits provided by the ACA, I could not support this bill as written.

However, as the full implementation moves forward, I will continue to monitor the effects of this legislation on the medical device industry. If the capacity that is anticipated to flood the markets does not become realized. I am ready and willing to work with the medical device industry to unburden them of any unnecessary taxes, while responsibly ensuring that the rest of the ACA moves forward.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 679, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 436 is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1621

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 4 o'clock and 21 minutes p.m.

HEALTH CARE COST REDUCTION ACT OF 2012

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill H.R. 436 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Page 1, after line 8, insert the following:

(b) PROHIBITING TAX BENEFITS FOR COMPANIES THAT OUTSOURCE AMERICAN JOBS.—

(1) IN GENERAL.—The amendment made by subsection (a) shall not apply to any sale of a taxable medical device by the manufacturer, producer, or importer which outsourced American jobs during the testing period with respect to such sale.

(2) DETERMINATION OF OUTSOURCED AMERICAN JOBS.—For purposes of paragraph (1), American jobs are outsourced by a manufacturer, producer, or importer, as the case may be, during a testing period if the manufacturer, producer, or importer has fewer full-time equivalent employees in the United States on the last day of the testing period as compared to the first day of the testing period and has an increase in the full-time equivalent employees outside the United States on the last day of the testing period as compared to the first day of the testing period.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) TESTING PERIOD.—The testing period with respect to a sale is the calendar year in which the date of sale occurs.

(B) EMPLOYEES OUTSIDE THE UNITED STATES.—An employee shall be treated as employed by the employer outside the United States whether employed directly or indirectly through a controlled foreign corporation (as defined in section 957) or a pass-through entity in which the taxpayer holds at least 50 percent of the capital or profits interest.

(C) EXCEPTION FOR EMPLOYEES SEPARATED VOLUNTARILY OR FOR CAUSE.—The number of full-time equivalent employees shall be determined without regard to any employee separated from employment voluntarily or for cause.

(4) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or guidance on employer aggregation, mergers and acquisitions, and dispositions of an employer and rules regarding the payment date for taxes owed if the offshoring occurs after the date of a sale.

Page 1, line 9, strike “(b)” and insert “(c)”.

Page 2, line 1, strike “(c)” and insert “(d)”.

Mr. BISHOP of New York (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. PAULSEN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. PAULSEN. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, this is the final and only amendment any Member has been given the opportunity to offer to this bill. It will not kill the bill or send it back to committee. If adopted, H.R. 436 will immediately proceed to final passage as amended.

The amendment I offer is a simple, commonsense effort to discourage American employers from outsourcing American jobs. It conditions the repeal of the medical device tax on an employer keeping jobs in the United States. If a device manufacturer sends jobs overseas during a calendar year, then the repeal of the tax does not apply to that manufacturer for that year.

Both Democrats and Republicans want to create conditions that get American families back to work; both Democrats and Republicans agree that the Tax Code should discourage employers from shipping jobs overseas; and both Democrats and Republicans want American families to prosper and have the opportunity to achieve limitless possibilities. But we have different approaches to achieving that goal. While we have different approaches, I think all reasonable people can agree that the ultimate job destroyer is outsourcing.

I listened very carefully to the debate that took place on the underlying bill. Virtually every speaker on the Republican side of the aisle mentioned jobs, mentioned employment, mentioned job-killing regulations, job-killing taxes. I think the best way to kill a job isn't a regulation and it isn't a tax. The best way to kill a job and to kill American opportunity is to have that job done by someone overseas instead of by an American simply because it's cheaper to have that job done overseas.

This is an issue that weighs heavily on the minds of our constituents. A 2009 Harvard study found that half of all Americans are resentful of businesses that send jobs overseas, and over 80 percent have concern for their family's future due to outsourcing. No American should be fearful that their job will be shipped overseas, and this Congress should end those policies that provoke this anxiety.

The Tax Code still gives incentives to employers who create jobs in foreign countries rather than here at home. Our Republican colleagues rail against foreign aid, but isn't providing another country a job that an American could do the ultimate example of foreign aid?

I doubt we'll be able to eliminate outsourcing, but with this amendment,

this Congress can discourage it. Adopting this amendment is our first step towards reforming our tax system in a way that benefits American businesses and American workers. Every time a U.S. business moves operations overseas, we lose opportunity, we lose economic growth, we lose competitiveness, and we lose desperately needed revenue necessary to reduce the deficit.

This bill was considered under a closed rule, so Republicans can't justify their opposition with the usual claim that Democrats are trying to subvert an open amendment process. An open amendment process simply didn't exist for this bill. This time there is no hiding: Either you support American jobs for Americans or you don't.

I urge all Members to support this amendment and to protect American jobs.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, I withdraw my point of order and seek time in opposition.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, this motion is nothing more than a distraction from the real issue, and that is stopping a massive, job-killing tax increase from taking place on the medical device industry. The legislation before us today is a bipartisan initiative to repeal that tax and make health care more affordable for all Americans.

House Republicans want to reduce health care costs and make coverage more affordable for families who are struggling. Democrats clearly rammed through a one-size-fits-all health care law that has made health care more expensive, and now they're back at it again attempting to thwart efforts to bring down health care costs.

This is about saving American jobs. This industry is one of America's best success stories that accounts for about 423,000 jobs across the country. It's made up of America's best innovators, entrepreneurs, engineers, doctors, and risk-takers who are improving and saving lives. This will all change, Mr. Speaker, unless we stop this tax, a \$29 billion tax in just a little over 6 months that will cost this industry over tens of thousands of jobs, according to studies.

There's also two other important provisions that are in this legislation, Mr. Speaker. First of all, Congresswoman JENKINS' legislation that ensures that all families with an FSA or an HSA account can use their own health care dollars for their own health care needs for simple, over-the-counter medications without having to go to a doctor for a prescription. And we've also got Congressman BOUSTANY's legislation, which will allow flexible spending account participants to withdraw their own unused, hard-earned dollars at the end of the year.

□ 1630

Mr. Speaker, this legislation has 240 coauthors. It's bipartisanly supported. I urge rejection of the motion to recommit and support of the underlying legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 179, nays 239, not voting 13, as follows:

[Roll No. 360]

YEAS—179

| | | |
|---------------|----------------|------------------|
| Ackerman | Fattah | Miller (NC) |
| Altmire | Frank (MA) | Miller, George |
| Andrews | Fudge | Moore |
| Baca | Garamendi | Moran |
| Becerra | Gonzalez | Murphy (CT) |
| Berkley | Green, Al | Nadler |
| Berman | Green, Gene | Napolitano |
| Bishop (GA) | Grijalva | Neal |
| Bishop (NY) | Gutierrez | Oliver |
| Blumenauer | Hahn | Owens |
| Bonamici | Hanabusa | Pallone |
| Boswell | Heinrich | Pascarell |
| Brady (PA) | Higgins | Pastor (AZ) |
| Braley (IA) | Himes | Pelosi |
| Brown (FL) | Hinchey | Perlmutter |
| Butterfield | Hinojosa | Peters |
| Capps | Hirono | Peterson |
| Capuano | Hochul | Pingree (ME) |
| Cardoza | Hochul | Polis |
| Carnahan | Holt | Price (NC) |
| Carney | Honda | Quigley |
| Carson (IN) | Hoyer | Rahall |
| Castor (FL) | Israel | Rangel |
| Chandler | Jackson (IL) | Reyes |
| Chu | Jackson Lee | Richardson |
| Ciциlline | (TX) | Richmond |
| Clarke (MI) | Johnson (GA) | Rothman (NJ) |
| Clarke (NY) | Johnson, E. B. | Roybal-Allard |
| Clay | Jones | Ruppersberger |
| Cleaver | Kaptur | Rush |
| Clyburn | Keating | Ryan (OH) |
| Cohen | Kildee | Sánchez, Linda |
| Connolly (VA) | Kind | T. |
| Conyers | Kissell | Sanchez, Loretta |
| Costa | Langevin | Sarbanes |
| Costello | Larsen (WA) | Schakowsky |
| Courtney | Larson (CT) | Schiff |
| Critz | Lee (CA) | Schrader |
| Crowley | Levin | Schwartz |
| Cuellar | Lewis (GA) | Scott (VA) |
| Cummings | Lipinski | Scott, David |
| Davis (CA) | Loebach | Serrano |
| Davis (IL) | Lofgren, Zoe | Sewell |
| DeFazio | Lowey | Sherman |
| DeGette | Lujan | Sires |
| DeLauro | Lynch | Smith (WA) |
| Deutch | Maloney | Speier |
| Dicks | Markey | Stark |
| Dingell | Matsui | Sutton |
| Doggett | McCarthy (NY) | Thompson (CA) |
| Doyle | McCollum | Thompson (MS) |
| Duncan (TN) | McDermott | Tierney |
| Edwards | McGovern | Tonko |
| Ellison | McIntyre | Towns |
| Engel | McNerney | Tsongas |
| Eshoo | Meeks | Van Hollen |
| Farr | Michaud | Velázquez |

Visclosky
Walz (MN)
Wasserman
Schultz

Waters
Watt
Waxman
Welch

Wilson (FL)
Woolsey
Yarmuth

NAYS—239

| | | |
|---------------|-----------------|---------------|
| Adams | Gohmert | Olson |
| Aderholt | Goodlatte | Palazzo |
| Alexander | Gosar | Paulsen |
| Amash | Gowdy | Pearce |
| Amodei | Granger | Pence |
| Austria | Graves (GA) | Petri |
| Bachmann | Graves (MO) | Pitts |
| Bachus | Griffin (AR) | Platts |
| Barletta | Griffith (VA) | Poe (TX) |
| Barrow | Grimm | Pompeo |
| Bartlett | Guinta | Posey |
| Barton (TX) | Guthrie | Price (GA) |
| Bass (NH) | Hall | Quayle |
| Benishek | Hanna | Reed |
| Berg | Harper | Rehberg |
| Biggert | Harris | Reichert |
| Bilbray | Hartzler | Renacci |
| Bishop (UT) | Hastings (WA) | Ribble |
| Black | Hayworth | Rigell |
| Blackburn | Heck | Rivera |
| Bonner | Hensarling | Roby |
| Bono Mack | Herger | Roe (TN) |
| Boren | Herrera Beutler | Rogers (AL) |
| Boustany | Huelskamp | Rogers (KY) |
| Brady (TX) | Huizenga (MI) | Rogers (MI) |
| Brooks | Hultgren | Rohrabacher |
| Broun (GA) | Hunter | Rokita |
| Buchanan | Hurt | Ross (AR) |
| Bucshon | Issa | Ros-Lehtinen |
| Buerkle | Jenkins | Roskam |
| Burgess | Johnson (IL) | Ross (FL) |
| Burton (IN) | Johnson (OH) | Royce |
| Calvert | Johnson, Sam | Runyan |
| Camp | Jordan | Ryan (WI) |
| Campbell | Kelly | Scalise |
| Canseco | King (IA) | Schilling |
| Cantor | King (NY) | Schmidt |
| Capito | Kingston | Schock |
| Carter | Kinzing (IL) | Schweikert |
| Cassidy | Kline | Scott (SC) |
| Chabot | Labrador | Scott, Austin |
| Chaffetz | Lamborn | Sensenbrenner |
| Coffman (CO) | Lance | Sessions |
| Cole | Landry | Shimkus |
| Conaway | Lankford | Shuster |
| Cooper | Latham | Simpson |
| Cravaack | LaTourette | Smith (NE) |
| Crawford | Latta | Smith (NJ) |
| Crenshaw | LoBiondo | Smith (TX) |
| Culberson | Long | Southerland |
| Davis (KY) | Lucas | Stearns |
| Denham | Luetkemeyer | Stivers |
| Dent | Lummis | Stutzman |
| DesJarlais | Lungren, Daniel | Sullivan |
| Diaz-Balart | E. | Terry |
| Dold | Mack | Thompson (PA) |
| Donnelly (IN) | Manzullo | Thornberry |
| Dreier | Marchant | Tiberi |
| Duffy | Matheson | Tipton |
| Duncan (SC) | McCarthy (CA) | Turner (NY) |
| Ellmers | McCauley | Turner (OH) |
| Emerson | McClintock | Upton |
| Farenthold | McCotter | Walberg |
| Fincher | McHenry | Walden |
| Fitzpatrick | McKeon | Walsh (IL) |
| Flake | McKinley | Webster |
| Fleischmann | McMorris | West |
| Fleming | Rodgers | Westmoreland |
| Flores | Meehan | Whitfield |
| Forbes | Mica | Wilson (SC) |
| Fortenberry | Miller (FL) | Wittman |
| Fox | Miller (MI) | Wolf |
| Franks (AZ) | Miller, Gary | Womack |
| Frelinghuysen | Mulvaney | Woodall |
| Gallegly | Murphy (PA) | Yoder |
| Gardner | Myrick | Young (AK) |
| Garrett | Neugebauer | Young (FL) |
| Gerlach | Noem | Young (IN) |
| Gibbs | Nugent | |
| Gibson | Nunes | |
| Gingrey (GA) | Nunnelee | |

NOT VOTING—13

Akin
Baldwin
Bass (CA)
Bilirakis
Coble

Filner
Hastings (FL)
Kucinich
Lewis (CA)
Marino

Paul
Shuler
Slaughter

□ 1656

Messrs. HUNTER, SHIMKUS, and SCHOCK changed their vote from “yea” to “nay.”

Mr. CARNEY and Mr. DAVIS of Illinois changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 360, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 270, nays 146, not voting 15, as follows:

[Roll No. 361]

YEAS—270

| | | |
|--------------|---------------|-----------------|
| Adams | Critz | Hayworth |
| Aderholt | Cuellar | Heck |
| Alexander | Culberson | Hensarling |
| Altmire | Davis (CA) | Herger |
| Amash | Davis (KY) | Herrera Beutler |
| Amodei | DeFazio | Higgins |
| Austria | Denham | Hochul |
| Bachmann | Dent | Holden |
| Bachus | DesJarlais | Huelskamp |
| Barletta | Diaz-Balart | Huizenga (MI) |
| Barrow | Dold | Hultgren |
| Bartlett | Donnelly (IN) | Hunter |
| Barton (TX) | Dreier | Hurt |
| Bass (NH) | Duffy | Issa |
| Benishek | Duncan (SC) | Jenkins |
| Berg | Duncan (TN) | Johnson (IL) |
| Biggert | Ellison | Johnson (OH) |
| Bilbray | Ellmers | Johnson, Sam |
| Bishop (GA) | Emerson | Jones |
| Bishop (NY) | Farenthold | Jordan |
| Bishop (UT) | Fincher | Keating |
| Black | Fitzpatrick | Kelly |
| Blackburn | Flake | Kind |
| Bonner | Fleischmann | King (IA) |
| Bono Mack | Fleming | King (NY) |
| Boren | Flores | Kingston |
| Boswell | Forbes | Kinzing (IL) |
| Boustany | Fortenberry | Kissell |
| Brady (TX) | Fox | Kline |
| Brooks | Franks (AZ) | Labrador |
| Broun (GA) | Frelinghuysen | Lamborn |
| Buchanan | Gallegly | Lance |
| Bucshon | Gardner | Landry |
| Buerkle | Garrett | Lankford |
| Burgess | Gerlach | Latham |
| Burton (IN) | Gibbs | LaTourette |
| Calvert | Gibson | Latta |
| Camp | Gingrey (GA) | Lipinski |
| Campbell | Goodlatte | LoBiondo |
| Canseco | Gosar | Loebach |
| Cantor | Gowdy | Long |
| Capito | Granger | Lucas |
| Cardoza | Graves (GA) | Luetkemeyer |
| Carter | Graves (MO) | Lummis |
| Cassidy | Griffin (AR) | Lungren, Daniel |
| Chabot | Griffith (VA) | E. |
| Chaffetz | Grimm | Mack |
| Chandler | Guinta | Manzullo |
| Coffman (CO) | Guthrie | Marchant |
| Cole | Hall | Matheson |
| Conaway | Hanna | McCarthy (CA) |
| Costa | Harper | McCarthy (NY) |
| Cravaack | Harris | McCauley |
| Crawford | Hartzler | McClintock |
| Crenshaw | Hastings (WA) | McCollum |

McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle

NAYS—146

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleave
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez

NOT VOTING—15

Akin
Baldwin
Bass (CA)
Bilirakis
Coble

Filner
Gohmert
Hastings (FL)
Kucinich
Lewis (CA)

Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

□ 1704

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 361, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall No. 360 and 361, I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 360 and "aye" on rollcall No. 361.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5855 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except (1) pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; and (2) further amendments, if offered on this legislative day, as follows: an amendment by Mr. ADERHOLT regarding funding levels; an amendment en bloc by Mr. ADERHOLT consisting of amendments specified in this order not earlier disposed of; an amendment by Ms. BALDWIN limiting funds regarding Coast Guard Offshore Patrol Cutter class of ships; an amendment by Mr. BARLETTA regarding section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; an amendment by Mrs. BLACK limiting funds for the position of Public Advocate within U.S. Immigration and Customs Enforcement; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration employee training; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration teams used in any operation; an amendment by Mr. BROOKS regarding section 133.21(b)(1) of title 19, Code of Federal Regulations; an amendment by Mr. BROWN of Georgia limiting funds for Behavior Detection Officers or the SPOT program; an amendment by Mr. BROWN of Georgia regarding the Screening Partnership Program; an amendment by Ms. BROWN of Florida regarding funding levels for U.S. Customs and Border Protection; an amendment by Mr. CRAVAACK limiting funds for security screening personnel; an amendment by Mr. CRAVAACK limiting funds to pay rent for storage of screening equipment; an amendment by Mr. CRAVAACK regarding section 236(c) of the Immigration and Nationality Act;

an amendment by Mr. CROWLEY regarding India; an amendment by Mr. CULBERSON regarding the Immigration and Nationality Act; an amendment by Mr. DAVIS of Illinois regarding cybersecurity; an amendment by Mr. ELLISON regarding the Civil Rights Act of 1964; an amendment by Mr. ENGEL regarding light duty vehicles; an amendment by Mr. FLORES regarding section 526 of the Energy Independence and Security Act of 2007; an amendment by Mr. FORTENBERRY limiting funds to restrict airline passengers from recording; an amendment by Mr. GARRETT limiting funds for VIPR teams; an amendment by Mr. GRAVES of Missouri regarding the rule entitled Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives; an amendment by Ms. HOCHUL regarding unclaimed clothing; an amendment by Mr. HOLT limiting funds for aerial vehicles; an amendment by Mr. HOLT regarding scanning systems; an amendment by Mr. KING of Iowa regarding Department of Homeland Security policy documents; an amendment by Mr. KING of Iowa regarding Executive Order 13166; an amendment by Mr. LANDRY regarding aerial vehicles; an amendment by Mr. LOEBSACK limiting funds to deny assistance obligated by FEMA; an amendment by Mr. MEEHAN regarding Boko Haram; an amendment by Ms. MOORE regarding a pending application for status under the Immigration and Nationality Act; an amendment by Mr. MURPHY of Pennsylvania regarding a Federal Air Marshal Service office; an amendment by Mr. PIERLUISI regarding section 1301(a) of title 31, United States Code; an amendment by Mr. POLIS regarding an across-the-board reduction; an amendment by Mr. PRICE of Georgia regarding immigration laws; an amendment by Mr. RYAN of Ohio regarding visas; an amendment by Mr. SCHWEIKERT regarding the Secure Communities program; an amendment by Mr. SULLIVAN regarding section 287(g) of the Immigration and Nationality Act; an amendment by Mr. THOMPSON of California regarding deportation of certain aliens; an amendment by Mr. TURNER of New York regarding surface transportation security inspectors; and an amendment by Mr. WALSH of Illinois regarding software licenses; and that each such further amendment may be offered only by the Member named in this request or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and that each further amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an oppo-

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Alabama? There was no objection.

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5855 and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Alabama? There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5855.

Will the gentleman from New Hampshire (Mr. BASS) kindly resume the chair.

□ 1715

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, with Mr. BASS (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 6, 2012, an amendment offered by the gentleman from New York (Mr. BISHOP) had been disposed of and the bill had been read through page 99, line 17.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order, which is at the desk.

AMENDMENT OFFERED BY MS. BROWN OF FLORIDA

Ms. BROWN of Florida. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Departmental Management and Operations—Departmental Operations—Office of the Secretary and Executive Management", and increasing the amount made available for "U.S. Customs and Border Protection—Salaries and Expenses", by \$28,400,000 and \$25,000,000, respectively.

Mr. ADERHOLT. I reserve a point of order.

The Acting CHAIR. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. BROWN of Florida. I'm going to offer and withdraw my amendment but would like to continue to work with the committee to ensure our busiest airports have the Customs and Border Protection personnel they need to operate efficiently.

It is clear from the amendment being offered and statements being made that we have a severe need for additional Customs and Border Protection officers at every point of entry into the United States. Airports across America are losing customers and alienating foreign visitors because of the lack of Customs and Border Protection officers and the major delays it causes. Many foreign tourists anxious to spend money in the U.S. are kept on the tarmac for hours waiting to get processed by Customs and Border Protection. This is unacceptable and is forcing tourists to travel to non-U.S. destinations. This is also causing significant economic harm to many of our country's busiest cities.

My home airport, Orlando International Airport, which is one of the busiest ones in the U.S. and the number one tourist destination, bringing tourists from all over the world to visit our amazing amusement parks, universities, and business centers, is a prime example of the problem.

Since 2009, Orlando International Airport traffic has grown by more than 17 percent without any increase in Customs and Border Protection personnel. The results are waiting times that exceed 2 and sometimes 3 hours. However, this does not take into account those all too frequent instances where passengers are required to remain onboard the arriving aircraft, parked on ramps for up to an additional hour because the lines in the Federal Inspection Station are too long to securely and efficiently process them.

President Obama recognized this fact when he traveled to central Florida to announce his Executive order directing the Department of Homeland Security and the Department of Commerce to develop and implement a plan within 60 days to increase nonimmigrant visa processing capacities in China and Brazil by 40 percent in the coming year. Clearly, increased visitation to the United States means jobs, yet without additional Customs and Border Protection resources, Orlando International Airport will not be able to help the President achieve this goal.

With just 15 new Customs and Border Protection agents, the airport could accommodate additional flights that would generate 2,000 jobs and generate revenues of \$360 million a year. That is a great return on our investment and exactly the kind of shot in the arm that our region desperately needs.

I know we're not going to solve this problem today, but I want to encourage

this committee and the Department of Homeland Security to make every effort to ensure that a simple lack of Customs and Border Protection personnel isn't costing thousands of jobs and millions in economic development.

I ask unanimous consent to withdraw the amendment, and I yield back the balance of my time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1720

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I would yield to the gentleman from Nebraska (Mr. TERRY) to talk about an important cyber-critical infrastructure issue.

Mr. TERRY. Thank you, Mr. Chairman, for allowing me the opportunity to express my concerns with proposals that would allow the Department of Homeland Security to impose cybersecurity private infrastructure that it deems "critical."

The administration wants to expand DHS's role in designating private networks as critical infrastructure for the purpose of subjecting them to regulation, but it has yet to take care of its own networks. I commend Chairman ADERHOLT for including language in this bill that requires executive branch agencies to get their act together and formulate expenditure plans to protect their own networks. If they can't even secure Federal networks, why in the world would we want to give them authority to regulate private sector networks?

I understand that DHS currently works with the private sector on a voluntary basis, but that should be the extent of their involvement with critical infrastructure. As a member of the Speaker's Task Force on Cybersecurity, as well as the co-chairman of the Energy and Commerce Working Group on Cybersecurity, I have the very firm opinion that DHS simply should not be allowed to regulate cyber-critical infrastructure in the private sector.

I have great respect for the chairman. I will not be offering my amendment. I look forward to continuing to work with my colleagues on this issue, and again thank the chairman for his courtesy.

Mr. ADERHOLT. I thank the gentleman for his comments. I am also a member of the Speaker's Task Force on Cybersecurity, and I understand the concerns that the gentleman has expressed this afternoon.

As the gentleman noted, this bill focuses on Federal network security by addressing the failure of the administration to protect its own networks. Again, I want to thank the gentleman

for his comments, and I would be happy to work with him to address his concerns.

I yield back the balance of my time.

The Acting CHAIR. Who seeks recognition?

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. I want to thank the chairman and Ranking Member PRICE for their hard work in writing a bill that keeps American families safe and prioritizes border and immigration law enforcement in a very tough budget environment.

In this bill, the Federal Air Marshal Service is under particular pressure to reduce costs, and we all share the common goal of pursuing the most cost-efficient and mission-effective air marshals to protect our skies.

In my district, there are over 80 dedicated and professional air marshals at the Pittsburgh International Airport, which is one of the country's 50 busiest airports. We all know about the air marshals' hard work, training, and risk to keep us safe; but I'm concerned about the potential impact on air marshals' cost and the impact upon families if the Federal Air Marshal Service moves forward with a restructuring plan. That's why I was going to offer an amendment with Congressman ALTIRE to ensure no decision is made impacting Pittsburgh's air marshal workforce without first conducting a cost-benefit analysis that explores all potential options.

I'm concerned if the Transportation Security Administration proceeds with closing the Pittsburgh office, any potential for savings would be dwarfed by the hundreds of thousands of dollars spent to relocate employees and their families.

Currently, taxpayers and the TSA pay almost nothing in commuting costs because the Pittsburgh air marshal office is less than 2 miles from the Pittsburgh airport terminal. Since air marshals are doing most of their work on a plane, the office exists mostly as a place for employees to go and complete their paperwork. Forcing air marshals to travel between a new office potentially much further from the Pittsburgh airport would dramatically increase costs and travel time.

What's most important for purposes of cost and security is the proximity of the air marshal workforce to the airport. I have asked the Federal Air Marshal Service to review alternatives to closure or transfer of the Pittsburgh field office, including co-locating its office on the grounds of the 911th Airlift Wing, which is an Air Reserve military base, part of the Pittsburgh International Airport.

Moving to the 911th would save the Agency a significant amount of overhead and rent costs while preserving the Federal Air Marshal Service operational mission to keep the skies safe.

I've been assured by the director of the Federal Air Marshal Service that he will look into alternatives to save costs, and I would like to get the assurance from the chairman that he'll work with me on securing that report.

Mr. ADERHOLT. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ELLISON

Mr. ELLISON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used in contravention of any of the following:

(1) The Fifth and Fourteenth Amendments to the Constitution of the United States.

(2) Title VI of the Civil Rights Act of 1964 (relating to nondiscrimination in federally assisted programs).

(3) Section 809(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to prohibition of discrimination).

(4) Section 210401(a) of the Violent Crime and Law Enforcement Act of 1994 (relating to unlawful police pattern or practice).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chairman, I have an amendment that I believe should enjoy bipartisan support on all sides. America being the land of the free, home of the brave, where liberty and justice for all is how we live. We recite those words every day when we come to the floor to say the Pledge of Allegiance.

This is simply an amendment which says in America, law enforcement will respect the individual dignity of each person and operate on the basis of what would indicate criminal behavior, not race, not national origin, not religion.

The leaders of four separate important caucuses in this Congress have come together and are in support. That includes the Congressional Progressive Caucus, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus, which have all come together to say this is an important thing for all of us to support.

Everyone here in this body appreciates the hard work of DHS employees and what they do on a daily basis to keep our country safe. We thank them and value the work that they do. And we appreciate all law enforcement, especially when they put their lives at risk for our safety. No one questions law enforcement in general. But you

should know, and there is no doubt and there is ample evidence to demonstrate, that there have been occasions in which individual Americans have been singled out, and this is not what our Nation is about. It's not the policy that we should support; and, therefore, we should support an amendment which says that discrimination has no place in the administration of the law.

Occasionally, reports of racial, ethnic, and religious profiling do surface. We see them in the media and reports in the civil liberty unions. In fact, I have reports in my hand, Mr. Chairman, "Immigration Enforcement: Minor Offenses With Major Consequences by the ACLU," and "The Growing Human Rights Crisis," which details how people have been singled out based on impermissible criteria. And so it is important for us to affirm in America, after all we have gone through to create liberty and justice for all, that we've got to affirm this principle here today.

Too many Americans who were simply going about their business have been discriminated against based solely on race, ethnicity, and religion. It's wrong when it happens, all of us can agree. And it's not what our country is all about. This amendment I'm offering today simply says it's contrary to our values. Our amendment is straightforward. It simply cites the Constitution and existing anti-discrimination laws to affirm that no funds made available by this bill can be used to engage in racial, ethnic, or religious profiling.

□ 1730

This is not a controversial amendment. It affirms core American values hard fought for not only in the civil rights movement, but many others, even including the Civil War. Nor it is partisan. In fact, it was a former Bush administration official who said, "Religious or ethnic or racial stereotyping is simply not good policing." So that's not coming from me. That's an official from the Bush administration, and I quite agree with what he said.

So I urge all my colleagues to stand with me and vote in favor of this important amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. We would be happy to accept the amendment from the gentleman from Minnesota.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I want to second the chairman's willingness here to accept this

amendment. We think it's a good amendment, straightforward, intended to achieve goals about which we all ought to be able to agree. It simply seeks to ensure that Federal funding for the Department of Homeland Security is not used by law enforcement to discriminate or to deprive individuals of their constitutional rights.

I commend the gentleman for offering this amendment and urge its acceptance.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled "Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives" published by the Department of Homeland Security on April 2, 2102 (77 Fed. Reg. 19902).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today to offer an amendment which would prohibit funds from being used to enforce a rule proposed by this administration.

Under current law, certain spouses, children, and parents of U.S. citizens who are in this country illegally are not eligible to apply for a green card without first leaving the United States. These immediate relatives must travel abroad to obtain a green card from the Department of State and must also request from the U.S. Citizenship and Immigration Services a waiver to the 3-year or 10-year ban that they received as a result of their unlawful presence.

The DHS-proposed rule would allow illegals with U.S. citizen relatives to stay in the United States while the Federal Government decides on their waiver requests. Specifically, the rule allows illegals to apply for and receive a provisional waiver to the 3-year or 10-year ban they received. The rule would simply allow them to remain in the U.S. illegally.

I'm a strong proponent of enforcing our current immigration laws, and this proposed rule allows illegals to circumvent Federal statutes that govern admission. It makes it easier for illegals to stay in our country unlawfully.

The core impact of the proposed rule will be to encourage relatives of U.S. citizens to come to the U.S. illegally. All an illegal individual needs to do is apply for a provisional waiver from the 3-year or 10-year ban and then apply for a green card.

What's even worse is if the U.S. Citizenship and Immigration Services denies an application for a provisional waiver, ICE will not prosecute that illegal for being in the U.S. unlawfully. In fact, ICE announced in August 2011 that it would seek to dismiss the prosecution of cases of illegals who have applied for a green card.

My amendment is going to block this proposed rule, known as the Provisional Unlawful Presence Waiver. I think it's going to send a strong message to illegals that are in our country unlawfully, you're not going to receive any form of benefits or leniency from our government.

My amendment also sends a message to this administration to start enforcing our current immigration laws, to support all efforts to control and defend our borders, and to stop giving breaks to those who have come to this country illegally.

I urge my colleagues to support my amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would be happy to accept the gentleman's amendment.

Mr. GRAVES of Missouri. I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment, which would negate the recent rule that would grant certain immediate relatives of U.S. citizens to apply for a provisional unlawful presence waiver while still in the U.S.

Applications for the unlawful presence waiver can take months or even years to adjudicate. This change in processing, this new rule, would permit U.S. citizens to remain united with their loved ones and ensure that the U.S. citizen is not subjected to the very harm—that is, prolonged separation—that the waiver, if granted, was meant to prevent.

To be clear, a pending or approved provisional waiver will not provide the interim benefits, such as employment authorization, it will not provide lawful status, it will not stop the accrual of unlawful presence, it will not provide protection from removal.

What it would do is eliminate the catch-22 faced by many American families who want to do the right thing by having family members already eligible for the waiver come forward to ad-

just to legal status. Under the current process, they're penalized if they come forward, penalized by long-term separation from U.S. citizens who are immediate relatives and who depend on them for emotional and financial support.

By allowing the processing of waiver applications in the United States, the proposed rule would improve the efficiency of the process and would save taxpayer money. It's a much needed change. It's a good rule. This change in processing is vitally needed. I see no reason to approve an amendment here tonight that would cancel out this beneficial change, and I urge the amendment's defeat.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, it has come to my attention that my amendment has a typo in it. It reads 2102 as the date. I ask unanimous consent that that be changed to 2012.

The Acting CHAIR. Is there objection?

Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled "Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives" published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902).

Mr. GRAVES of Missouri. Mr. Chairman, with that, I would urge my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Missouri (Mr. GRAVES).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to issue an immigrant or nonimmigrant visa to a citizen, subject, national, or resident of Brazil until the President of the United States determines and certifies to the Congress that the Government of Brazil has amended its laws to remove the prohibition on extradition of nationals of Brazil to other countries, except that the President may waive the application of this section on a case-by-case basis if the President determines and certifies to the Congress that it is in the national interests of the United States to do so.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I have a heart-wrenching story to share with the Congress and the American people, of which I would like this amendment to help take some action: the egregious 2007 case of a decorated airman's murder in my congressional district, the State of Ohio v. Claudia C. Hoerig.

□ 1740

According to the affidavit, Mrs. Hoerig, wife of the deceased, purchased a Smith & Wesson .357, learned how to use it, practiced in Warren, in Trumbull County, Ohio, and days later, on March 12, 2007, she allegedly shot her husband, Major Karl Hoerig, twice in the back of the neck and once in the back of the head.

After being charged with aggravated murder by the Court of Common Pleas of Trumbull County, Ohio, Mrs. Hoerig fled to her native Brazil, where she has found sanctuary for 5 years.

The issue here, Mr. Chairman, is that I have a family in my district that has not seen justice served. She went to Brazil, in which we have an extradition treaty, but the Brazilian Constitution says that Brazilian citizens can't come back to the United States. But the issue here is that in 1999 Mrs. Hoerig renounced her citizenship in Brazil, became a citizen of the United States of America. So we have every right to ask the Brazilians to send her back to the United States.

She needs to have justice served. The Hoerig family needs justice served, and Karl Hoerig deserves that as he rests in peace.

The Brazilian Government has, on numerous occasions, pledged to internally investigate this matter and investigate the possible renunciation of Mrs. Hoerig's citizenship on the following grounds: in that, in her sworn, signed affidavit, Mrs. Hoerig renounced her Brazilian citizenship on the occasion of her U.S. naturalization in 1999, and that the Brazilian Government has stated that it may, in fact, honor Hoerig's renunciation, given the serious criminal nature.

So this amendment, because I cannot seem to get the attention of the Brazilian officials, after numerous letters, numerous attempts, working closely with the State Department, can't get the Brazilians' attention. So this amendment is saying that we shall not use money to let Brazilians into the United States and allow them visas.

1.8 million visas are predicted to Brazilians in 2013. And I hope that some of us on both sides of the aisle can say that this man served our country. We have a woman who renounced her Bra-

zilian citizenship, came to the United States, killed this airman, and went back to Brazil and now is in sanctuary there.

So I understand there may be some issues with this potential amendment here, but I will say, Mr. Chairman, that there are defense bills that will come to this floor, and I will attempt in some way to get the Brazilians' attention with the defense bills. There is foreign ops money, foreign aid that we use with Brazil. I will come to this floor as many times as I need to to try to get the attention of the Brazilian Government to make sure that Karl Hoerig and his family have the justice that they have earned, not just by being citizens of the United States, but also by serving this country so nobly for so many years.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and it constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Seeing none, the Chair is prepared to rule.

The Chair finds that this amendment includes language conferring authority. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to provide funding for the position of Public Advocate within U.S. Immigration and Customs Enforcement.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Tennessee (Mrs. BLACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mrs. BLACK. Mr. Chairman, I'm here today to talk about my amendment that would prohibit funding for an ill-conceived lobbyist position at the Immigration and Customs Enforcement, or ICE.

The Obama administration announced on February 7 of this year

that it would begin advocating on behalf of illegal aliens, illegal alien advocates and communities that harbor illegals.

When Congress established the Department of Homeland Security, it created an advocate position for immigrants in the legal immigration process, but it declined to create one for illegal immigrants. The President cannot continue to willfully ignore the laws and the intent of Congress.

Mr. Chairman, there are currently 10 million unauthorized aliens in this country, and in the last 3 years, eight States have adopted immigration enforcement measures to address the illegal alien population in their States. This has come to pass because of the Federal Government's failure to secure the borders and enforce our immigration laws.

Nevertheless, the administration has not only used taxpayer dollars to sue States for such laws, but now wants to use taxpayer dollars to act as a lobbyist for illegal aliens. My amendment would deny the Obama administration funding for the illegal alien advocate position at ICE.

Contrary to what the Obama administration seems to think, the Department of Homeland Security was not created to act as a lobbying firm for illegal aliens. Using taxpayer dollars to fund a position whose primary purpose is to advocate on behalf of individuals who have come into our country illegally is ridiculous and certainly a waste of precious taxpayer dollars.

The administration should be using this money instead for its intended purpose—to combat illegal immigrants.

Mr. ADERHOLT. Will the gentleman yield?

Mrs. BLACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. We believe this is duplicative, but we will accept the gentlelady from Tennessee's amendment. The position would be duplicative, but we do accept the gentlelady's amendment.

Mrs. BLACK. I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment. It would prohibit any funding for Immigration and Customs Enforcement's new Public Advocate, a crucial position formed just this past February.

The public advocate works directly with ICE's Executive Assistant Director of Enforcement and Removal Operations to respond to acute and pressing concerns from those going through the immigration process, as well as family members and advocates. For example,

the public advocate assists individuals and community members in resolving complaints and concerns with agency policies and operations, particularly those that are related to the use of ICE enforcement involving U.S. citizens. It proposes changes and recommendations to fix community-identified immigration problems and concerns. Without the public advocate, individuals proceeding through the immigration process would not have the same level of access to neutral, unbiased internal oversight, fulfilling the role of ombudsman for the public.

Since its inception on February 7, the public advocate has provided effective resolution of serious complaints, assisted in increasing public engagement while severely impeding community participation and commonsense enforcement strategies.

By adopting this amendment, we'd be saving ICE less than \$200,000 per year, while severely impeding community participation and commonsense enforcement strategies.

I can't imagine why we would want to cancel a position that is so effective in helping citizens, helping those who have a stake in all this, helping them penetrate the bureaucracy, helping them get a resolution of serious complaints, making this agency, in effect, more user friendly, more responsive. Why would we want to damage that or destroy it? But that's exactly what this amendment would do, and I urge its rejection.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

□ 1750

AMENDMENT OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. It is the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

Pursuant to the order of the House of today, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. I, along with my colleague Mr. ROYCE of California, plan to offer a bipartisan amendment to the measure, but I understand this is sub-

ject to a point of order. I appreciate the chair and the ranking member for supporting an opportunity to say a few words since I won't be asking for a vote on the amendment at this time.

My amendment is about the importance of cooperation on homeland security between the United States and India. I believe that one of the most important decisions the United States has made in recent years is to strengthen our relationship with the democratic nation of India. With that relationship, one of our most important decisions has been to cooperate and coordinate on matters dealing with homeland security.

The fact is that both the United States and India face threats of terrorist attacks. The people of India will never forget the tragedy of 9/11. After all, many of those who were killed were of Indian origin. The people of the United States looked on in horror as terrorists carried out the brutal Mumbai attacks. In those attacks, terrorists killed not only Indians but Americans as well. 9/11 and Mumbai remind us of why it is important that we work together with India, and the people of our two countries remind us of why we must sustain and deepen that cooperation even further.

So I want to urge the Department of Homeland Security to continue the important work that it is doing with regard to India to help ensure that both of our countries are safe from terrorist attack.

I also want to thank my colleague Mr. ROYCE, who had planned to offer this amendment along with me. Support in this area is bipartisan, and we will continue to work in a bipartisan way.

Mr. Chairman, at this time, I ask unanimous consent to withdraw my amendment, and I yield back the balance of my time.

The Acting CHAIR. Is there objection?

Seeing none, the amendment is withdrawn.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chair, I rise today to offer an amendment which addresses

another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Department of Homeland Security appropriations bill.

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than jet fuel from traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel.

Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department, which is why I am offering this amendment again today to the Homeland Security appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix: to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop all of our domestic energy resources, including alternative fuels.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Mr. Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

Now, in some circles, there is a misconception that my amendment will somehow prevent the Federal Government and our military from being able to produce and use alternative fuels. Mr. Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal Government purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs.

I offered a similar amendment to the CJS appropriations bill, and it passed with bipartisan support. My similar amendments to the MilCon-VA and to

the Energy and Water appropriations bills also passed by voice votes. My friend Mr. CONAWAY also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: It increases our reliance on Middle Eastern oil. It hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean and efficient American oil and gas. It also increases the cost of American food and energy. It hurts American jobs and the American economy. Last but certainly not least, it costs our taxpayers more of their hard-earned dollars.

I urge my colleagues to support the passage of this commonsense amendment.

At this time, I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Yes, I would be happy to accept your amendment, and I look forward to working with you as we move forward in the process.

Mr. FLORES. I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I think it's fair to say, if we are talking about common sense, that the balance of common sense lies against this amendment and with section 526 of the Energy Independence and Security Act.

It's quite a straightforward provision intended simply to ensure that the environmental costs from the use of alternative fuels, whatever they may be, are at least no worse than the fuels in use today. Why shouldn't that burden of proof be placed on the use of alternative fuels? It requires that the Federal Government do no more harm when it comes to global climate change than it is already doing through the use of unconventional fuels.

So this is a commonsense provision. It escapes me as to why we would want to violate this or bypass it in this Homeland Security bill, so I urge the rejection of the amendment.

I yield back the balance of my time.

Mr. FLORES. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. FLORES. I appreciate the gentleman's remarks, but I do want to say this:

Again, my amendment does nothing to restrict the fuel choices of any Federal agency, in particular, those of the U.S. military. What it does do, for instance, is to allow the agencies to procure fuel that is refined from oil from Canada oil sands once the Keystone

pipeline is built and once those fuels are refined. Today, theoretically, section 526 would restrict the use of those energy resources from our friendly neighbor—I think that is inappropriate—and it also causes our taxpayer funds to be spent less wisely.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

□ 1800

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to enforce Executive Order 13166 (August 16, 2000; 65 Fed. Reg. 50121).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment addresses Executive Order 13166. That was an executive order that was issued in August of 2000 that directed our Federal agencies to provide foreign-language services to anyone who might seek to engage with the American Government. When I say the American Government, I do mean, Mr. Chairman, not just the Federal Government, but also local government.

The order directs Federal fund recipients—meaning local government—to pay for the enormous cost of providing translation and interpreter services from their own funds. There is no Federal reimbursement for this executive order. Many of us support English as the official language. We understand that there are billions that are spent in an effort to facilitate access to government to people who do not have the language skills, but also understand it is impossible to meet all of those demands.

As we watch the proliferation in this government, I would look at what recently Secretary of Homeland Security Janet Napolitano released, a memorandum detailing a DHS language access plan, which expands Executive Order 13166.

In summary, Mr. Chairman, this amendment simply says that no funds available under this act may be utilized to enforce Executive Order 13166.

With that, I yield to the chairman of the subcommittee from Alabama.

Mr. ADERHOLT. I rise in support of the gentleman's amendment from Iowa, and we think this is a good idea.

Mr. KING of Iowa. Reclaiming my time, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. GINGREY of Georgia). The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. This is an amendment that it seems very clear would actually hamper DHS operations and make us less safe.

Every component of DHS has to communicate effectively in their daily operations in order to accomplish the mission of the Department. How can ICE enforce our immigration laws without being able to communicate meaningfully with foreign-born persons with limited English proficiency? This is a critical executive order. It was a top priority in the Bush administration.

There was a memorandum issued during the Bush administration to the heads of all Federal agencies that helped facilitate the development of limited English-language proficiency plans.

To elaborate on that further, I yield to the gentlewoman from California (Ms. CHU), a leading member on the Judiciary Committee.

Ms. CHU. Mr. Chairman, I rise to oppose this amendment.

If this amendment passed, it would have a negative effect on many immigrants, many of whom work hard and play by the rules and are here legally, but may not have the ability to speak English well.

If this amendment passed, innocent people could be harmed. Foreign-born naturalized citizens would be at risk of erroneous detention and deportation by ICE. Not only that, detainees with serious, possibly life-threatening, medical needs would be placed in great peril due to the inability to make medical requests and communicate effectively with medical service providers.

If this amendment passed, lives could be lost because DHS and FEMA would have difficulty issuing danger warnings and evacuation instructions, as well as other critical notices in other languages during times of national emergency or catastrophe.

If this amendment passed, it would be harder for people to become citizens. That is because DHS would be prevented from providing foreign-language assistance to the elderly and disabled immigrants and refugees seeking to naturalize and become U.S. citizens.

We want immigrants to be fully assimilated in American society. This amendment would stop this process and, in fact, potentially cause great harm to many who do not deserve it.

I urge my colleagues to oppose this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, just quickly in closing, I would point out that we got along fine without this executive order up until the year 2000, and we'll get along fine without this executive order after the year 2012.

The assimilation component of this doesn't take place if you facilitate foreign-language speaking within government. Eighty-seven percent of Americans support this policy, the policy of English as the official language. This is a component of it. There's nothing that prevents justice, health, or emergency services from utilizing multiple languages to take care of the people.

So I urge its adoption, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield to my good friend from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Thank you, Mr. DICKS. I will be brief.

I just want to point out that the executive order itself indicates that only actions that would not be unduly burdensome should be engaged in. And the true scope of this amendment is really quite broad and adverse to the enforcement of the law.

If you are ICE and you have people in custody, those people in custody may not be speaking English, and you may need to be able to communicate with them in a language other than English. The broad scope of this amendment could interfere with that.

I would like to note, also, as to the FEMA issue that my colleague from California referred to, we think of DHS as immigration. My colleague from Iowa has mentioned that frequently in our committee. But the Department of Homeland Security is very broad. This could be the Coast Guard dealing with sailors in the Caribbean Sea, either people they believe are out to do mischief or people who are in distress who may not speak English. This could be storm warnings, as has been mentioned. There are parts of Florida where Spanish is spoken. Certainly in Puerto Rico, Spanish is spoken and hurricanes come. You want to alert the entire population in a way that they can understand that danger is on its way.

I think this repeal of this executive order, which goes back almost 12 years and through many administrations, is ill-advised. It will make the country less safe, and certainly it is an amendment that we should not support.

With that, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have a King amendment at the desk, 322.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available in this Act may be used to finalize, implement, administer, or enforce the "Morton Memos" described in subsection (b).

(b) For purposes of this section, the term "Morton Memos" refers to the following documents:

(1) Policy Number 10072.1, published on March 2, 2011.

(2) Policy Number 10075.1, published on June 17, 2011.

(3) Policy Number 10076.1, published on June 17, 2011.

Mr. KING of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

□ 1810

Mr. KING of Iowa. Mr. Chairman, this amendment, this second King amendment, addresses the Morton memos, and he would be the director of ICE, and he is quite well known for the memos that unfolded that are known as the Morton memos. There are three of them. These memos, compiled together, bring about the effect of administrative amnesty. We'll remember that the President issued a policy sometime probably less than a year ago when he essentially announced that they were going to look for ways that they didn't have to deport people that are already adjudicated for deportation.

At the time there were 300,000 people here in the United States here illegally who had been adjudicated for deportation. They were awaiting a final deportation order.

The President's policy, as echoed through Department of Homeland Security Secretary Janet Napolitano, and acted on by ICE Director Morton, issued three memos that gave administrative amnesty this way.

Memo number one was the most significant, and it said this: that aliens

who pose a danger to national security or are a risk to public safety, they might be deported. Illegal aliens who have recently entered the U.S., they might be deported if you catch them at the border, so to speak, Mr. Chairman. The third component of that memo number one was aliens who are fugitives or otherwise obstruct immigration controls might be deported. It really means the rest of them we're not going to pay much attention to. That's the administrative amnesty component.

Memo number two discouraged ICE agents from enforcing immigration laws against aliens, many who would qualify if the DREAM Act had been enacted—which is a pretty outrageous policy when you consider that it has multiple times been voted down in Congress.

Number three discouraged ICE agents from enforcing immigration laws against aliens who were victims or witnesses of crimes.

Those are the Morton memos. This amendment prohibits the dollars from being used in this budget to enforce the Morton memos.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,
March 2, 2011.

Memorandum for: All ICE Employees
From: John Morton, Director
Subject: Civil Immigration Enforcement:
Priorities for the Apprehension, Detention,
and Removal of Aliens

PURPOSE

This memorandum outlines the civil immigration enforcement priorities of U.S. Immigration and Customs Enforcement (ICE) as they relate to the apprehension, detention, and removal of aliens. These priorities shall apply across all ICE programs and shall inform enforcement activity, detention decisions, budget requests and execution, and strategic planning.

A. Priorities for the apprehension, detention, and removal of aliens

In addition to our important criminal investigative responsibilities, ICE is charged with enforcing the nation's civil immigration laws. This is a critical mission and one with direct significance for our national security, public safety, and the integrity of our border and immigration controls. ICE, however, only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States. In light of the large number of administrative violations the agency is charged with addressing and the limited enforcement resources the agency has available, ICE must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the removals the agency does conduct promote the agency's highest enforcement priorities, namely national security, public safety, and border security.

To that end, the following shall constitute ICE's civil enforcement priorities, with the first being the highest priority and the second and third constituting equal, but lower, priorities.

Priority 1. Aliens who pose a danger to national security or a risk to public safety

The removal of aliens who pose a danger to national security or a risk to public safety

shall be ICE's highest immigration enforcement priority. These aliens include, but are not limited to:

aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;

aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders;

aliens not younger than 16 years of age who participated in organized criminal gangs;

aliens subject to outstanding criminal warrants; and

aliens who otherwise pose a serious risk to public safety.

For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel should refer to the following new offense levels defined by the Secure Communities Program, with Level 1 and Level 2 offenders receiving principal attention. These new Secure Communities levels are given in rank order and shall replace the existing Secure Communities levels of offenses.

Level 1 offenders: aliens convicted of "aggravated felonies," as defined in § 101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than one year, commonly referred to as "felonies";

Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as "misdemeanors"; and

Level 3 offenders: aliens convicted of crimes punishable by less than one year.

Priority 2. Recent illegal entrants

In order to maintain control at the border and at ports of entry, and to avoid a return to the prior practice commonly and historically referred to as "catch and release," the removal of aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa and visa waiver programs shall be a priority.

Priority 3. Aliens who are fugitives or otherwise obstruct immigration controls

In order to ensure the integrity of the removal and immigration adjudication processes, the removal of aliens who are subject to a final order of removal and abscond, fail to depart, or intentionally obstruct immigration controls, shall be a priority. These aliens include:

fugitive aliens, in descending priority as follows:

fugitive aliens who pose a danger to national security;

fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;

fugitive aliens with criminal convictions other than a violent crime;

fugitive aliens who have not been convicted of a crime;

aliens who reenter the country illegally after removal, in descending priority as follows:

previously removed aliens who pose a danger to national security;

previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;

previously removed aliens with criminal convictions other than a violent crime;

previously removed aliens who have not been convicted of a crime; and

aliens who obtain admission or status by visa, identification, or immigration benefit fraud.

The guidance to the National Fugitive Operations Program: Priorities, Goals and Ex-

pectations, issued on December 8, 2009, remains in effect and shall continue to apply for all purposes, including how Fugitive Operation Teams allocate resources among fugitive aliens, previously removed aliens, and criminal aliens.

B. Apprehension, detention, and removal of other aliens unlawfully in the United States

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of other aliens unlawfully in the United States. ICE special agents, officers, and attorneys may pursue the removal of any alien unlawfully in the United States, although attention to these aliens should not displace or disrupt the resources needed to remove aliens who are a higher priority. Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.

C. Detention

As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are primary caretakers of children or an infirm person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

D. Prosecutorial discretion

The rapidly increasing number of criminal aliens who may come to ICE's attention heightens the need for ICE employees to exercise sound judgment and discretion consistent with these priorities when conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases. Particular care should be given when dealing with lawful permanent residents, juveniles, and the immediate family members of U.S. citizens. Additional guidance on prosecutorial discretion is forthcoming. In the meantime, ICE officers and attorneys should continue to be guided by the November 17, 2000 prosecutorial discretion memorandum from then-INS Commissioner Doris Meissner; the October 24, 2005 Memorandum from Principal Legal Advisor William Howard; and the November 7, 2007 Memorandum from then Assistant Secretary Julie Myers.

E. Implementation

ICE personnel shall follow the priorities set forth in this memorandum immediately. Further, ICE programs shall develop appropriate measures and methods for recording and evaluating their effectiveness in implementing the priorities. As this may require updates to data tracking systems and methods, ICE will ensure that reporting capabilities for these priorities allow for such reporting as soon as practicable, but not later than October 1, 2010.

F. No Private Right Statement

These guidelines and priorities are not intended to, do not, and may not be relied

upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, June 17, 2011.

Memorandum for: All Field Office Directors,
All Special Agents in Charge, All Chief
Counsel

From: John Morton, Director

Subject: Exercising Prosecutorial Discretion
Consistent with the Civil Immigration
Enforcement Priorities of the Agency for
the Apprehension, Detention, and Re-
moval of Aliens

PURPOSE

This memorandum provides U.S. Immigration and Customs Enforcement (ICE) personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. The memorandum also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

This memorandum builds on several existing memoranda related to prosecutorial discretion with special emphasis on the following:

Sam Bernsen, Immigration and Naturalization Service (INS) General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion (July 15, 1976);

Bo Cooper, INS General Counsel, INS Exercise of Prosecutorial Discretion (July 11, 2000);

Doris Meissner, INS Commissioner, Exercising Prosecutorial Discretion (November 17, 2000);

Bo Cooper, INS General Counsel, Motions to Reopen for Considerations of Adjustment of Status (May 17, 2001);

William J. Howard, Principal Legal Advisor, Prosecutorial Discretion (October 24, 2005);

Julie L. Myers, Assistant Secretary, Prosecutorial and Custody Discretion (November 7, 2007);

John Morton, Director, Civil Immigration Enforcement Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011); and

John Morton, Director, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011).

The following memoranda related to prosecutorial discretion are rescinded:

Johnny N. Williams, Executive Associate Commissioner (EAC) for Field Operations, Supplemental Guidance Regarding Discretionary Referrals for Special Registration (October 31, 2002); and

Johnny N. Williams, EAC for Field Operations, Supplemental NSEERS Guidance for Call-In Registrants (January 8, 2003).

BACKGROUND

One of ICE's central responsibilities is to enforce the nation's civil immigration laws in coordination with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS). ICE, however, has limited resources to remove those illegally in the United States. ICE must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities, namely the promotion of national security, border security, public safety, and the integrity of the

immigration system. These priorities are outlined in the ICE Civil Immigration Enforcement Priorities memorandum of March 2, 2011, which this memorandum is intended to support.

Because the agency is confronted with more administrative violations than its resources can address, the agency must regularly exercise "prosecutorial discretion" if it is to prioritize its efforts. In basic terms, prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual. ICE, like any other law enforcement agency, has prosecutorial discretion and may exercise it in the ordinary course of enforcement. When ICE favorably exercises prosecutorial discretion, it essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case.

In the civil immigration enforcement context, the term "prosecutorial discretion" applies to a broad range of discretionary enforcement decisions, including but not limited to the following:

- deciding to issue or cancel a notice of detainer;
- deciding to issue, reissue, serve, file, or cancel a Notice to Appear (NTA);
- focusing enforcement resources on particular administrative violations or conduct;
- deciding whom to stop, question, or arrest for an administrative violation;
- deciding whom to detain or to release on bond, supervision, personal recognizance, or other condition;
- seeking expedited removal or other forms of removal by means other than a formal removal proceeding in immigration court;
- settling or dismissing a proceeding;
- granting deferred action, granting parole, or staying a final order of removal;
- agreeing to voluntary departure, the withdrawal of an application for admission, or other action in lieu of obtaining a formal order of removal;
- pursuing an appeal;
- executing a removal order; and
- responding to or joining in a motion to reopen removal proceedings and to consider joining in a motion to grant relief or a benefit.

AUTHORIZED ICE PERSONNEL

Prosecutorial discretion in civil immigration enforcement matters is held by the Director and may be exercised, with appropriate supervisory oversight, by the following ICE employees according to their specific responsibilities and authorities:

- officers, agents, and their respective supervisors within Enforcement and Removal Operations (ERO) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

- officers, special agents, and their respective supervisors within Homeland Security Investigations (HSI) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

- attorneys and their respective supervisors within the Office of the Principal Legal Advisor (OPLA) who have authority to represent ICE in immigration removal proceedings before the Executive Office for Immigration Review (EOIR); and

- the Director, the Deputy Director, and their senior staff.

ICE attorneys may exercise prosecutorial discretion in any immigration removal proceeding before EOIR, on referral of the case from EOIR to the Attorney General, or dur-

ing the pendency of an appeal to the federal courts, including a proceeding proposed or initiated by CBP or USCIS. If an ICE attorney decides to exercise prosecutorial discretion to dismiss, suspend, or close a particular case or matter, the attorney should notify the relevant ERO, HSI, CBP, or USCIS charging official about the decision. In the event there is a dispute between the charging official and the ICE attorney regarding the attorney's decision to exercise prosecutorial discretion, the ICE Chief Counsel should attempt to resolve the dispute with the local supervisors of the charging official. If local resolution is not possible, the matter should be elevated to the Deputy Director of ICE for resolution.

FACTORS TO CONSIDER WHEN EXERCISING PROSECUTORIAL DISCRETION

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

- the agency's civil immigration enforcement priorities;

- the person's length of presence in the United States, with particular consideration given to presence while in lawful status;

- the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;

- the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;

- whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;

- the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;

- the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;

- whether the person poses a national security or public safety concern;

- the person's ties and contributions to the community, including family relationships;

- the person's ties to the home country and conditions in the country;

- the person's age, with particular consideration given to minors and the elderly;

- whether the person has a U.S. citizen or permanent resident spouse, child, or parent;

- whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;

- whether the person or the person's spouse is pregnant or nursing;

- whether the person or the person's spouse suffers from severe mental or physical illness;

- whether the person's nationality renders removal unlikely;

- whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;

- whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and

- whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as

ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

That said, there are certain classes of individuals that warrant particular care. As was stated in the Meissner memorandum on Exercising Prosecutorial Discretion, there are factors that can help ICE officers, agents, and attorneys identify these cases so that they can be reviewed as early as possible in the process.

The following positive factors should prompt particular care and consideration: veterans and members of the U.S. armed forces;

- long-time lawful permanent residents;
- minors and elderly individuals;
- individuals present in the United States since childhood;

- pregnant or nursing women;
- victims of domestic violence, trafficking, or other serious crimes;

- individuals who suffer from a serious mental or physical disability; and

- individuals with serious health conditions.

In exercising prosecutorial discretion in furtherance of ICE's enforcement priorities, the following negative factors should also prompt particular care and consideration by ICE officers, agents, and attorneys:

- individuals who pose a clear risk to national security;

- serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind;

- known gang members or other individuals who pose a clear danger to public safety; and

- individuals with an egregious record of immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud.

TIMING

While ICE may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing the enforcement proceeding. As was more extensively elaborated on in the Howard Memorandum on Prosecutorial Discretion, the universe of opportunities to exercise prosecutorial discretion is large. It may be exercised at any stage of the proceedings. It is also preferable for ICE officers, agents, and attorneys to consider prosecutorial discretion in cases without waiting for an alien or alien's advocate or counsel to request a favorable exercise of discretion. Although affirmative requests from an alien or his or her representative may prompt an evaluation of whether a favorable exercise of discretion is appropriate in a given case, ICE officers, agents, and attorneys should examine each such case independently to determine whether a favorable exercise of discretion may be appropriate.

In cases where, based upon an officer's, agent's, or attorney's initial examination, an exercise of prosecutorial discretion may be warranted but additional information would assist in reaching a final decision, additional information may be requested from the alien or his or her representative. Such requests should be made in conformity with ethics rules governing communication with represented individuals³ and should always emphasize that, while ICE may be considering

whether to exercise discretion in the case, there is no guarantee that the agency will ultimately exercise discretion favorably. Responsive information from the alien or his or her representative need not take any particular form and can range from a simple letter or e-mail message to a memorandum with supporting attachments.

DISCLAIMER

As there is no right to the favorable exercise of discretion by the agency, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the legal authority of ICE or any of its personnel to enforce federal immigration law. Similarly, this memorandum, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

June 17, 2011.

Memorandum for: All Field Office Directors,
All Special Agents in Charge, All Chief
Counsel

From: John Morton Director,

Subject: Prosecutorial Discretion: Certain
Victims, Witnesses, and Plaintiffs

PURPOSE

This memorandum sets forth agency policy regarding the exercise of prosecutorial discretion in removal cases involving the victims and witnesses of crime, including domestic violence, and individuals involved in non-frivolous efforts related to the protection of their civil rights and liberties. In these cases, ICE officers, special agents, and attorneys should exercise all appropriate prosecutorial discretion to minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice. This memorandum builds on prior guidance on the handling of cases involving T and U visas and the exercise of prosecutorial discretion.

DISCUSSION

Absent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime. In practice, the vast majority of state and local law enforcement agencies do not generally arrest victims or witnesses of crime as part of an investigation. However, ICE regularly hears concerns that in some instances a state or local law enforcement officer may arrest and book multiple people at the scene of alleged domestic violence. In these cases, an arrested victim or witness of domestic violence may be booked and fingerprinted and, through the operation of the Secure Communities program or another ICE enforcement program, may come to the attention of ICE. Absent special circumstances, it is similarly against ICE policy to remove individuals in the midst of a legitimate effort to protect their civil rights or civil liberties.

To avoid deterring individuals from reporting crimes and from pursuing actions to protect their civil rights, ICE officers, special agents, and attorneys are reminded to exercise all appropriate discretion on a case-by-case basis when making detention and enforcement decisions in the cases of victims of crime, witnesses to crime, and individuals

pursuing legitimate civil rights complaints. Particular attention should be paid to:

victims of domestic violence, human trafficking, or other serious crimes;

witnesses involved in pending criminal investigations or prosecutions;

plaintiffs in non-frivolous lawsuits regarding civil rights or liberties violations; and

individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions) who may be in a non-frivolous dispute with an employer, landlord, or contractor.

In deciding whether or not to exercise discretion, ICE officers, agents, and attorneys should consider all serious adverse factors. Those factors include national security concerns or evidence the alien has a serious criminal history, is involved in a serious crime, or poses a threat to public safety. Other adverse factors include evidence the alien is a human rights violator or has engaged in significant immigration fraud. In the absence of these or other serious adverse factors, exercising favorable discretion, such as release from detention and deferral or a stay of removal generally, will be appropriate. Discretion may also take different forms and extend to decisions to place or withdraw a detainee, to issue a Notice to Appear, to detain or release an alien, to grant a stay or deferral of removal, to seek termination of proceedings, or to join a motion to administratively close a case.

In addition to exercising prosecutorial discretion on a case-by-case basis in these scenarios, ICE officers, agents, and attorneys are reminded of the existing provisions of the Trafficking Victims Protection Act (TVPA), its subsequent reauthorization, and the Violence Against Women Act (VAWA). These provide several protections for the victims of crime and include specific provisions for victims of domestic violence, victims of certain other crimes, and victims of human trafficking.

Victims of domestic violence who are the child, parent, or current/former spouse of a U.S. citizen or permanent resident may be able to self-petition for permanent residency. A U nonimmigrant visa provides legal status for the victims of substantial mental or physical abuse as a result of domestic violence, sexual assault, trafficking, and other certain crimes. A T nonimmigrant visa provides legal status to victims of severe forms of trafficking who assist law enforcement in the investigation and/or prosecution of human trafficking cases. ICE has important existing guidance regarding the exercise of discretion in these cases that remains in effect. Please review it and apply as appropriate.

Please also be advised that a flag now exists in the Central Index System (CIS) to identify those victims of domestic violence, trafficking, or other crimes who already have filed for, or have been granted, victim-based immigration relief. These cases are reflected with a Class of Admission Code "384." When officers or agents see this flag, they are encouraged to contact the local ICE Office of Chief Counsel, especially in light of the confidentiality provisions set forth at 8 U.S.C. § 1367.

NO PRIVATE RIGHT OF ACTION

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

I would then at this point urge its adoption and yield to the acting subcommittee chairman, the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, the committee strongly supports the gentleman's amendment. It is entirely important and vitally important that the Congress defund the administration's unilateral attempt to bypass the laws of the United States and implement an amnesty program by Executive order. It's unacceptable. It violates the law.

As all of us in Texas know—I had brought with me tonight for this debate, because it's so important to remember, that the first image on the first coin of the Republic of Mexico states, liberty and law. There is a wonderful image of the liberty cap over the scales of Justice. It points out quite correctly, the Republic of Mexico's, the first coin they ever minted, that there can be no liberty without law enforcement.

We strongly support the gentleman's amendment. How vitally important it is that we restore law and order to the border, that we enforce the immigration laws in this country in a way that is evenhanded and fair and just, because only when the border is secure, only when the immigration laws are enforced, will we be able to actually have a healthy commerce with Mexico, will we be able to actually have a guest worker program with Mexico and allow people to come here legally to work so we can actually restore the back and forth trade that has made Texas and all the border States so prosperous.

We strongly support the gentleman's amendment and urge its adoption.

Mr. KING of Iowa. Reclaiming my time, Mr. Chairman, I would point out that the Morton memos, in effect, provide administrative amnesty potentially for millions.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit the use of funds to enforce memos, internal ICE memos, on civil immigration enforcement priorities and on prosecutorial discretion.

Now, our friend from Texas rightly talks about the importance of law enforcement, and I would just ask colleagues, is there any law enforcement agency in the land that does not set priorities?

Every law enforcement agency set priorities. They have to make the most effective use of limited resources.

No law enforcement agency can go after every violation indiscriminately. Every law enforcement agency has to prioritize its resources to decide what's most important, what's most protective of the public safety and go after

the perpetrators that would do us the most harm. That's about as basic as it gets.

In a world with limited resources, it's dangerous and irresponsible not to prioritize the detention and deportation of people who pose a threat to public safety and national security.

Why would we want ICE to spend as much time and energy going after innocent kids in college who were brought to this country by their parents as it spends going after known, dangerous criminals? Why would we want ICE to focus on the detention and deportation of the spouses of U.S. citizens serving in our military, rather than on people who pose a threat to national security?

The answer is, we would not want them to do such reckless and indiscriminate things. We want them to set priorities, and that's exactly what the Morton memos are about.

I yield to the ranking member of the Immigration Subcommittee of the Judiciary Committee, the gentleman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. It is true that every law enforcement agency in the land makes priorities for enforcement. You're going to go after the dangerous gang member before you go after somebody who is double-parked or who is jaywalking. That's what police do all over the United States.

What these memos do is to put some order into who we're going after first. It's important to note that in all of the memos there is a statement that this does not create any right for a person who is here without their proper papers. It is merely a set of priorities.

I would note also that these memos are not new. The prosecutorial discretion memos have been in effect since 1996. I recall in 1999 I was a member of the Judiciary Committee. Then-Chairman Henry Hyde, along with now Chairman LAMAR SMITH, asked the Department of Homeland Security, actually, the immigration service at the time, to set priorities, and here's what they said.

The letter expressed concern about cases of apparent extreme hardship, such as removal proceedings against legal permanent residents who came to the United States when they were very young, many years ago, maybe committed a single criminal crime at the lower end of the spectrum, who have always been law abiding, and said to the INS that they should exercise discretion more regularly. That was done by the Clinton administration, the Bush administration, and now the Obama administration.

To suggest that deportations are not occurring is extremely misleading because, in fact, there have been more deportations during the Obama administration per year than at any time in the Nation's history. DHS has removed

over 779,000 individuals in deportation proceedings, an 18 percent increase.

However, there is a limit to the number who can be deported per year. Surely, we would all agree that going after criminals and terrorists is a higher priority than going after grandma or little kids.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I would just make the point that I listened to a lot of discussion about something that we well know around here is prosecutorial discretion. We don't have the resources to prosecute every law breaker and we know that law enforcement has to use that discretion on those resources.

This, though, is the President's policy. This is the President's policy of administrative amnesty that's implemented through the White House, through Janet Napolitano down through Director Morton and his Morton memos, which are amnesty.

They said, we don't want to enforce the law. We want to have comprehensive immigration reform, which we know are code words for amnesty, and they are bringing it about through an executive administrative amnesty in the same way as they are trying to implement cap and trade rules through EPA rules and regulations.

□ 1820

I would add also they have a responsibility to enforce the law. It says in article II of the Constitution:

He shall take care that the laws be faithfully executed.

This Constitution doesn't give an exemption. It doesn't say you're going to enforce the ones you like and not the ones you don't like. We have to adopt this amendment so that we do direct the law.

I would urge its adoption, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, we've all heard the words from law enforcement: I don't make the laws; I just enforce it. The trouble is the administration is now saying: I don't like the laws. I won't enforce them in this category. It would be equivalent to an officer saying, I'm not going to enforce any drug laws because I don't agree with them. I want to wait until I may see a bank robber.

The fact is the executive branch is trying to legislate from the White House and violate the separations clause by using what is basically a pocket veto after the time limit that is described by law. That pocket veto is not only wrong; it's unconstitutional.

I would ask that the Judiciary Committee hold a hearing and ask the ICE agents about the fact that they've been directed, even when they raid a place where they have a warrant for somebody's arrest, even if they know other individuals are committing a crime at the time that they're in those situations, they're not allowed to arrest those they're witnessing in the commission of a crime under direction of the executive branch, which is trying to legislate from the White House.

We need to send a clear signal. It is for the White House and the executive branch to execute the laws of this country, not to change them, not to erase them, and not to try to legislate from a branch that is constitutionally not supposed to be making those decisions.

Mr. CULBERSON. I yield back the balance of my time.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds made available by this Act may be used to provide to a Transportation Security Officer, Behavior Detection Officer, or other employee of the Transportation Security Administration

(1) a badge or shield; or

(2) a uniform with epaulets or a badge tab.

Mr. DICKS. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

We all know that the TSA is out of control and Congress does have an institutional role to rein them back in. In 2005, the TSA administratively reclassified airport security screeners' title to Transportation Security Officers, or, as they are called, TSOs; and

subsequently they changed their uniforms to resemble that of a Federal law enforcement officer. In 2008, a metal badge was added to this uniform. This title and the uniform, the changes that were made, Mr. Chairman, were simply made to give the TSOs an authoritative appearance.

Despite the new title and appearance, the TSOs and the BDOs, or Behavioral Detection Officers, do not receive any Federal law enforcement training, they're not eligible for Federal law enforcement benefits, and the TSOs and the BDOs are in name only, I remind you. The problem is they were set in place as airport security screeners; and administratively, since 2005, they have moved through all of these changes.

As of November 2009, the TSA had spent \$1,027,560.10 on TSO badges. The current amount is unknown because TSA will not release the figure.

When Congress created the TSA, their presence at our Nation's security checkpoints at the airports was supposed to be in the capacity of airport security screeners, not transportation security officers or law enforcement officers. Almost every day of the week you can turn on the news and you see story after story where a TSO in uniform has been arrested or has acted inappropriately with a passenger. I believe many of these problems stem from the fact that the TSA does not consistently conduct what we would call routine preemployment or ongoing background checks of new and existing employees. Yet after inconsistent use of background checks and only 80 hours of classroom training, we are giving TSOs a badge and a uniform.

Meanwhile, if you were interested in joining most of our police departments, you would spend up to 6 months in an academy, where you would receive law enforcement training. This would come after you met certain application requirements and were accepted to that academy. And then, after you pass a test and complete that training, you would be given the right to wear a uniform and be called Officer. Here in D.C., the TSA has advertised for Washington Reagan International Airport TSOs on pizza boxes and on pumps at discount gas stations.

TSOs are abusing their uniforms and badges. Just days before Thanksgiving, a Virginia woman was raped after a TSO from Washington Dulles approached her wearing a TSA-issued uniform and flashed his badge. This past March, the TSO supervisor at Washington Dulles was arrested for allegedly running a prostitution ring. However, it's been reported that the individual pled guilty to a second degree assault in 1999. Why didn't TSA catch that while performing that background check before they gave him a badge and a uniform?

TSOs are abusing this limited authority. I just released a report this

week that details 50 arrests involving the TSOs. These are reasons enough that we need to take them out of the uniforms, disallow the uniforms, and put them back to their job title of airport security screener.

I urge my colleagues to join the American Alliance of Airport Police Officers, which represents rank-and-file airport police officers in Dallas, L.A., and New York, who are tired of the TSA's mission creep and to adopt and support this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is aimed at the people who protect us in our airports. It disparages their service, devalues their contribution, undermines our efforts to make this a more professional and competent force. Why would we do this? What an unnecessary and damaging amendment.

This amendment would prevent the Transportation Security Administration non-law enforcement personnel from wearing a metal badge or wearing a uniform that resembles the uniform of law enforcement. What an insult to these people. We count on these people to protect us. We put them in our aviation system as critical protection against terrorism and against others who could do us harm. How counterproductive is this to our efforts to develop a competent professional force?

□ 1830

TSA's current title and uniform policies are consistent with the skilled and professional nature of TSA's frontline workforce. These policies are aligned with policies for other security professional positions within the Department of Homeland Security.

So how gratuitous is it to disparage this workforce? These are skilled professionals. We want to make them more so. We want to boost their morale and show appreciation for their efforts. This amendment would be a backward step and, I think, a fairly petty backward step. It would hinder our efforts to develop a risk-based, intelligence-driven organization to secure our airports.

With that, I yield to our colleague from the authorizing committee, the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank you very much.

Mr. PRICE is absolutely right, I serve as the ranking member on the Transportation Security Committee on Homeland Security, and a risk-based, well-trained professional team is what we have been working toward and what we are achieving.

I ask my colleagues to remember America pre-9/11 without a professional

workforce. And I'd also like to say that in spite of the citations of inappropriate behavior, which none of us condone, there are thousands and thousands of untold stories of TSO officers doing their job, providing the safety lines for the safety of this Nation and providing assistance to the traveling public.

How do I know? Because I make it a habit of visiting airports and seeing our TSO officers work and interacting with them and asking them how long they have served. Many of them came in after 9/11 because they could not sit idly by while the Nation had been attacked. Many of them are former law enforcement officers, former military personnel who believed that they were serving their Nation.

What is a badge? It is a dignity that is allowed to those who are on the front lines of the Nation's security.

What is a uniform? It is a consistent statement that you are authorized to do your duty.

And I would simply say in the mistakes that occur in any body, whatever body it might be, local law enforcement, the United States military, do we strip them of their gear because of incidental or arbitrary incidents that individuals perpetrate? In this instance, we have a majority of heroic, first-line individuals who want to do better.

Can we do better? Absolutely. But it is not done through the removal of the badge or the removal of the uniform. I would just say to my colleagues that we have been blessed since the tragedy of 9/11, but I am reminded of the tragedy of 9/11, and I'm reminded of the heroic souls who lost their lives, families who still mourn. And I'm reminded of the effort of this Congress and the administration at that time, President George Bush, to answer the call. The TSA was part of answering that call. It is our duty, I believe, to ensure that professional service, to allow them to serve, and to ensure that they are serving the American public.

With that, I ask my colleagues to oppose the gentlelady from Tennessee's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding. One point where I think we all agree is that there are many good people that work with the TSA. I have some good friends that work with the TSA. But to my colleagues here on the floor, I would remind you, those that are our airport screeners and now called transportation security officers, they cannot

detain anyone. If they find someone they want to detain, they have to call the airport police.

I would also remind you, in the legislation that was passed in this House, they are designated as an airport security screener to assist the traveling public. I will also remind you that these TSOs receive 80 hours of training—80 hours—and then 3 to 5 weeks of on-the-job training. Our air marshals, our policemen, those law enforcement officers are receiving much more training. And despite TSA's growing presence, more than 25,000 security breaches have occurred at U.S. airports in the last decade, and they are dealt with by the airport police.

Mr. ADERHOLT. Mr. Chairman, I rise regrettably to oppose the amendment. I think this amendment is very well-intentioned; but the amendment, unfortunately, would force the TSA to wear civilian gear and this could possibly confuse the public as to whether the screeners have the authorized duty to carry out their lawful inspection of screening. It would also require the TSA to discard millions of dollars' worth of current uniforms, and the bill does not fund any new uniforms.

I do think that there are some things we need to address, and I appreciate the gentlelady from Tennessee bringing it to my attention here, and I would be happy to work with her. Again, I have to oppose the amendment, but like I said, I would be happy to work with her and see if we can't come to some accommodation on this.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has reserved a point of order. Does the gentleman insist on his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used for Transportation Security Administration Transportation Security Officers or Behavior Detection Officers outside an airport.

Mr. DICKS. Mr. Chairman, we do not have an accurate copy of the amendment, and we feel like we're at a disadvantage. This thing has been rewritten, and we don't have the final draft.

The Acting CHAIR. A copy of the amendment will be distributed.

Mr. DICKS. Thank you.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, that is the correct amendment, and I want to thank the committee for working with us to make certain that we get it right. One of the things that I have learned through my legislative career is that many times leg counsel will advise something is done one way and parliamentarians another way. And whether it was at the State level or the Federal level, it is good to say let's get it right and let's do it right the first time. You have less cleanup. If we did more of that in this House, we would be coming back to this floor to correct wrongs that have been done. Certainly our plate is full of them this year.

□ 1840

There are some great aspects in the DHS bill, but there is one I have a lot of concern on, and it is the funding that is there for these DHS VIPR teams.

Now, this is what has happened since 2005. The VIPR teams have begun conducting random searches and screenings at train stations, subways, bus terminals, ferry terminals, and other mass transit locations around the country.

The objective of VIPR deployments is to augment capabilities that disrupt and deter potential terrorist activity. However, to date, we have not received any report of a VIPR team successfully preventing a single terrorist activity, despite the fact that during this timeframe the FBI, the CIA, and police officers have been highly successful at discovering and apprehending terrorists here in the U.S.

Last year alone, VIPR teams ran more than 9,300 unannounced checkpoints and other search operations. This comes at a rate of approximately 170 to 190 deployments each week. This past October, Tennessee became the first State to conduct a statewide VIPR team operation with TSA transportation security officers. The VIPR team randomly inspected truck drivers on the side of Tennessee's highways. And I remind you, these are individuals that have no law enforcement training.

Recently, we even saw TSA TSOs at the Capitol South Metro station a few weeks ago randomly inspecting—

Mr. DICKS. Will the gentlewoman yield?

Just very briefly, we're confused again because the gentlelady is referring to section 1 of her previous amendment, which is now taken out.

The Acting CHAIR. The gentlewoman from Tennessee controls the time.

Does the gentlewoman yield?

Mrs. BLACKBURN. No, I do not yield. And I'm going to finish my statement and discuss the activity of these teams that are working outside of an airport.

What we have to remember is that TSOs were previously called airport security agents. Now they have become transportation security officers, and now they are working outside of the airport.

I want you to keep in mind this about what transpired at the Capitol South Metro. Passengers had their bags randomly inspected. Keep in mind that these TSOs did not inspect every bag that came in front of them. They entered the station looking through some random selections, and they ignored everybody that was leaving that station. They only took people going in, not people coming out. That should really give everybody concern right now. If there was some reason for actionable intelligence, you would have been searching everybody just a few steps away from this Capitol.

Funding for almost 200 VIPR deployments each week that are random and are not based on and driven by intelligence is not an effective national security policy, nor does it serve the American taxpayer well. Catching terrorists isn't a secret; it needs to be driven by intelligence, which is why the FBI, our Nation's law enforcement, and the Capitol Police have been successful at it.

I encourage my colleagues to support the amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I first want to express some puzzlement though, and perhaps the sponsor of this amendment can clarify this as she closes.

One of the early scribbled versions of this amendment did indeed refer to VIPR teams, and about two-thirds of her statement was about VIPR teams, but my understanding is that the copy of the amendment we now have has had that portion scratched out. So the amendment no longer pertains to VIPR teams.

Could I, just for a moment, get some clarification on that.

And I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

And yes, all of these TSOs that are working outside of our Nation's airports, as I said, they were originally

put in place as airport security officers. As the gentleman well knows—

Mr. PRICE of North Carolina. Reclaiming my time, I asked a very direct question: Does the amendment include or not include VIPR teams?

I yield to the gentlewoman.

Mrs. BLACKBURN. At this point, the amendment is addressing those that are working outside of our Nation's airports. This is an overreach; it is a stretch. They are not put in place to do that, and I think the gentleman from North Carolina understands that very well.

Mr. PRICE of North Carolina. I thank the gentlewoman for clarifying that.

There is a lot of confusion about this amendment. The VIPR teams aside, let me just say that to put in this bill a blanket prohibition against TSA officers operating outside of an airport is overly broad and really would be damaging with respect to the things our screeners often are asked to do. Some screeners do assist in passenger screening at transit facilities, for example, and sometimes they are asked to help in screening at national security events. I am told there may be a role at the national conventions or events of that sort where a surge capacity is called for.

Now, some discretion, some good judgment is called for in the use of these personnel, but it escapes me why, in an appropriations bill, we would want to write in a blanket prohibition of this sort when there are demonstrable uses for these personnel outside the airport that are very valuable and contribute to our security.

So I urge defeat of the amendment, and yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. At this time, I would like to yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman. I'll be brief.

If you've ever travelled in an airport for the last 10 years, you're familiar with the TSAs and their invasive conduct in certain circumstances, whether it's the full body scans or the pat downs, what have you. One thing that most Americans thought is that, if you didn't want to go through that, you could still always travel simply by driving your own car, driving your own truck, and not have to go through such an examination. That is not the case anymore.

The TSA is not just for airports anymore, as the gentlelady has explained. They now go beyond the airports. They go onto the Nation's highways and they go onto the rest stops and they go onto the truck stops and the rest. And they are doing so in a manner that is

not from the original intent of the Homeland Security bill that created the TSAs. They are going out there where no identifiable public security threat has been posed and they're doing so in the most absurd manner.

Down in Savannah, Georgia, they went last year and they checked on the Amtrak trains. That sounds like a good idea. But you know when they did it? They did it when the people were getting off of the train as opposed to getting onto the train.

They went over to Texas a little while ago, in Brownsville, Texas, and they checked the cars there, private cars—your car, my car, trucks and what have you. And they did it over at a port, not when the people are going into the port when there might be a risk or a threat to the port; they did it when cars were leaving the port. And again, there was no identifiable risk or threat posed at that period of time.

There is support for the TSA in general, but let's focus it back at the airport again and let Americans know that you can still travel in this country, you can get in your own car and not be worried that there is going to be a TSA agent out there with no conceivable threat whatsoever and engaging in basically what really is security theater.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentlewoman.

Ms. ZOE LOFGREN of California. I would just like to make a brief comment, because I actually share the concern that's been expressed about TSA agents randomly going out. I had an incident such as that in the city of San Jose, and I find it improper and highly objectionable.

However, the concern I have in this amendment is, as Mr. PRICE has said, you could not utilize this workforce and say, Okay, we're having the Republican convention; we need an all hands on deck to do security. If this amendment passes, that would be off limits. If you had an actual articulable threat where you needed expertise, you couldn't use them.

So I think that is a mistake, even though I want to say I think the issue you've raised is a solid one and I agree with you. It's just I think the amendment goes way beyond the issue that we agree on.

I thank the gentleman for yielding.

□ 1850

Mr. ADERHOLT. I thank the gentlelady, and reclaim my time.

I appreciate the gentlelady from Tennessee working with us on this as we are trying to reword the amendment with the proposed changes. So with the proposed changes that have been given to the Clerk and handed out to the minority, we would accept the changes and accept the amendment.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. It just seems to me that, we shouldn't be doing an amendment here on the floor when we really don't have all the information before us. Your side is in charge of Homeland Security. PETER KING is the very able chairman of the Homeland Security Committee. There ought to be hearings on this issue if, in fact, TSA people are overstepping their bounds.

But to come here on the floor and try to cut off all funding, when we have no idea—the gentlelady had to rewrite her amendment several times, for God knows what reason. I mean, this is hardly the way to legislate.

So I urge the defeat of this scratchy little amendment, and let's go to PETER KING and BENNIE THOMPSON and ask them to hold hearings on this. Do this responsibly.

This amendment will be dropped. It isn't going anywhere, frankly, so you might as well face the fact that when we get to conference this is gone. The Senate will never agree to it. The administration would never agree to it, and they shouldn't.

If you want to do something that's constructive, go to the Homeland Security Committee and let them deal with it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. PIERLUISI

Mr. PIERLUISI. I have an amendment at the desk that was printed in the CONGRESSIONAL RECORD as Amendment No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement, administer, or enforce section 1301(a) of title 31, United States Code (31 U.S.C. 1301(a)), with respect to the use of amounts made available by this Act for "Customs and Border Protection—Salaries and Expenses" for the expenses authorized to be paid in section 9 of the Jones Act (48 U.S.C. 795) and for the collection of duties and taxes authorized to be levied, collected, and paid in Puerto Rico, as authorized in section 4 of the Foraker Act (48 U.S.C. 740), in addition to the more specific amounts available for such purposes in

the Puerto Rico Trust Fund pursuant to such provisions of law.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, violent crime in Puerto Rico and the neighboring U.S. Virgin Islands has been on the rise since 2000, even though violent crime nationwide has decreased substantially during that same time period.

Puerto Rico's homicide rate is about six times the national average. Although there are a number of reasons for this alarming spike in violence, one of the most important factors is that the U.S. government has, to its credit, substantially increased resources along the Southwest border with Mexico in an effort to stem the flow of drugs into our Nation through the Central American land corridor and to reduce violence in U.S. border States.

As a result, drug trafficking organizations have adapted, increasingly utilizing air and maritime routes through the Caribbean in order to supply the U.S. market, just as they did back in the 1980s and 1990s. In 2011, Puerto Rico, with a population of 3.7 million, had nearly as many homicides as Texas, with a population of 25 million. According to estimates, 75 percent of these homicides were linked to the international drug trade.

Through various bills and accompanying committee reports, the Appropriations Committee has taken clear notice of this issue and directed Federal law enforcement agencies to prioritize counter-drug efforts in the U.S. Caribbean. Indeed, in the report accompanying the bill before us, the committee states:

The public safety and security issues of the U.S. territories in the Caribbean must be a priority. The committee expects that the Secretary will allocate the resources, assets and personnel to these jurisdictions in a manner and to a degree consistent with that principle.

I want to thank the chairman and the ranking member for including this important language.

U.S. Customs and Border Protection is on the front lines of the counter-drug fight. The agency has hundreds of personnel stationed in Puerto Rico. These men and women work for the various offices under the agency's umbrella.

My amendment is designed to address a problem that has recently arisen, one that compromises the ability of CBP to carry out its vital counter-drug mis-

sion in Puerto Rico. For over a century, Federal law has provided that the collection of certain duties and taxes in Puerto Rico by CBP or its predecessor agencies will be deposited in something called the Puerto Rico trust fund.

Pursuant to the law and an implementing agreement between the Puerto Rico government and the Federal Government, a significant portion of that money is also used to fund certain Federal operations, including the maritime operations of CBP's office of Air and Marine in Puerto Rico.

For many years this arrangement worked well enough. However, recently, because of a shortfall in the Puerto Rico trust fund of about \$1.7 million due to reduced customs collections, CBP closed a critical boat unit in San Juan that, in 2010, seized over 7,000 pounds of illegal drugs. This is because CBP has interpreted current Federal law to require that it use either the trust fund or general congressional appropriations to fund its operations, but not both.

My amendment would simply give CBP the authority to supplement any funding from the trust fund with general appropriations made in this bill, so that we will avoid a repeat of what happened in the case of the San Juan boat unit.

My amendment does not require CBP to spend a single additional dollar in Puerto Rico, or to prioritize Puerto Rico over other jurisdictions in any way, and the CBO has indicated the amendment has no budgetary impact. The amendment merely gives the agency the flexibility and discretion to draw upon general appropriations in the event there is a shortfall in the trust fund in order to fulfill its responsibilities in Puerto Rico.

Adoption of the amendment will ensure that the CBP's counter-drug mission in Puerto Rico is not unduly harmed. This, in turn, will promote the broader national security interest of the United States, since 80 percent of the drugs that enter Puerto Rico are ultimately transported to the U.S. mainland.

I want to thank the chairman and the ranking member for including language in the committee report on this subject, and I look forward to continuing to work with them to ensure that the Department of Homeland Security, including CBP, has the resources it needs to adequately address the drug-related violence crisis in Puerto Rico.

I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, we withdraw our point of order, and we accept the amendment.

Mr. PIERLUISI. I thank the majority, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to terminate an agreement governing a delegation of authority under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) that is in existence on the date of the enactment of this Act.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, it is no secret that the Obama administration wants to phase out the 287(g) program. This program has successfully teamed up local law enforcement with Federal agents to pursue a wide range of investigations such as human smuggling, gang, and other organized crime activity and money laundering.

□ 1900

The President thinks this program is ineffective.

In order to phase out the 287(g), President Obama's FY2013 budget request struck \$17 million from the program by terminating agreements and by stopping any further agreements from being signed. Thankfully, the underlying bill restores funding to the 287(g).

The 287(g) program provides State and local law enforcement with the training to identify, process, and detain possible immigration offenders. This program extends the Federal Government's ability to enforce our immigration laws without the additional overhead.

This program has been highly successful at not only apprehending immigration offenders but in facilitating the incarceration of dangerous criminals, and it has contributed to overall public safety. Nationwide, more than 1,500 officers have been trained and certified to enforce immigration laws, and there are 68 active memoranda of agreements in 24 States. Altogether, since the program's inception, 287(g) has identified over 186,000 aliens for removal.

Mr. Chairman, let me tell you about some local 287(g) success stories from my district. In February of this year, the Tulsa County Sheriff's Office was able to bust a sex slave ring in Tulsa and rescue the female victims from having up to 22 men forced on them per day. This was possible because of the 287(g) partnership.

Because of this partnership, the Tulsa County Sheriff's Office conducted investigations into known large

shipments of amphetamine, opium and powdered testosterone, resulting in successful prosecution and asset forfeiture. Because of 287(g), the Tulsa County Sheriff's Office assisted with an arrest of nine illegal immigrants, one of whom was a child, being smuggled inhumanely in the bed of a Chevy Avalanche. Since the inception of the program in Tulsa, the Tulsa County Sheriff's Office has identified, processed, and entered into immigration proceedings on over 14,000 aliens, representing those with dangerous criminal backgrounds.

Sex trafficking, drugs, and human smuggling are all part of what the 287(g) program helps to stop. These stories are from Tulsa, but every locality that participates in this program has similar and equally laudable results.

While full funding has been restored to 287(g) in H.R. 5855, the program needs further protection. In order to further insulate these successful agreements and protect them from being terminated for cost-saving purposes or political reasons, my amendment simply prevents the termination of standing 287(g) agreements. We cannot allow the Obama administration any loophole to phase out or terminate this important program and place more undue pressure on our communities already burdened by criminal illegal immigration. Simply put, until the Federal Government steps up and starts doing its job, local law enforcement will continue to pick up the slack and enforce our laws.

I encourage the adoption of my commonsense amendment by my colleagues today, and I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit any funds from being used to terminate 287(g) agreements.

The 287(g) program, as many people know, is a well-intentioned effort to allow State and local law enforcement entities to enter into a partnership with Immigration and Customs Enforcement. It is well intentioned, but it has turned out seriously flawed in the practice. Nine years after the 287(g) program was first initiated, there has been a thorough documentation of abuses and of the poor management of the program. There have been three audits by the DHS Inspector General that have raised serious concerns about the program.

As a result, ICE has had to reform the 287(g) program to ensure consistency in immigration enforcement actions across the country. The agencies have also had to terminate some 287(g) task forces, notably in Maricopa County, Arizona, after the Justice Depart-

ment clearly documented racial profiling and other program abuses. Two other counties were also terminated for cause. There are also questions about cost-effectiveness, in fact, very serious questions about cost-effectiveness. Under the 287(g) task force model, it costs \$13,322 to apprehend one alien and \$19,941 to remove that alien.

Because of these costs, as well as other concerns I've already mentioned, Assistant Secretary Morton began notifying communities this spring that ICE would no longer be considering any 287(g) task force model request from State and local jurisdictions. It, instead, will devote resources to the expansion of other ICE programs and to the continued deployment of Secure Communities. For comparison purposes, under Secure Communities, it costs ICE \$649 to apprehend one alien, and \$1,321 to remove the alien. That's 10 times less than the 287(g) task force model.

Many communities across the country are agreeing with the transitioning away from the 287(g) program to Secure Communities. For example, the sheriff of Davidson County, Tennessee, questioned whether the 287(g) program was necessary given its low level of apprehensions and the fact that only 68 communities participated across the country. With Secure Communities being fully implemented nationwide in over 3,000 communities by the spring of 2013, I, frankly, see little need to continue the 287(g) program. Now, if this amendment is adopted, it's going to force ICE to fund this cost-prohibitive and questionable immigration enforcement activity in order to keep on doing what we know isn't working and wasting Federal taxpayer funds.

This is a time of fiscal restraint. This is a time when we should be applying cost-benefit standards, effectiveness standards. So Members need to oppose this amendment and allow the Assistant Secretary to prioritize funding decisions based on the most pressing immigration needs of this country and on reasonable standards of cost-effectiveness.

With that, I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the distinguished gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I would just like to note that there is a difference—and obviously the gentleman has a right to refine his amendment—between the original version of the amendment that we saw, which had a provision that allowed for the termination in certain cases. For example, when the Inspector General determined that a term of the agreement was vio-

lated, the amendment before us no longer has that provision. I think it's an important distinction.

In addition to the very high costs of over \$33,000 to find and remove an alien under this program, there are complicated agreements that are engaged in between the localities and the Federal Government. If they aren't adhered to, there needs to be an enforcement action, and that would not be the case under this amendment.

I would note also that, if localities no longer think it's worth it—because, really, they're entering into agreements that cost them, too—it's time that might be better spent doing something else. If they say that this is not working out—we want to terminate it—I don't think, under this amendment, they would be able to do it because the Federal Government would need to respond to their requests and terminate.

Finally, as Mr. PRICE has indicated, this is a program that, although I think had good intentions, didn't work out the way people thought. That sometimes happens in law, and it often happens in immigration law. It's expensive. It's in fewer than 100 localities in the United States, and many of them are rethinking it. The terms and conditions have frequently not been adhered to. In some notorious cases, there have been flagrant violations of civil rights, and the Department has had to go in and yank contracts. Even in the cases where there haven't been really outrageous civil rights violations, there have been problems.

I think there are likely better and more cost-effective ways to enforce the immigration laws, which is why the Department has notified us that it is its intention to begin notifying communities just this spring that it's not going to be considering any further requests from State and local jurisdictions.

That current policy would be permitted under this amendment, and they don't have to accept any more, so we would be stuck with the 68 that we have—no more, no less. I don't think that's a sensible way to proceed on the enforcement of the immigration law; and I think the amendment, although I'm sure well-intentioned, would not enhance the enforcement of law.

□ 1910

Mr. DICKS. Mr. Chairman, I reclaim my time.

ICE itself has raised concerns about the cost effectiveness of the 287(g) program. With all due respect, this sounds like a program that both sides think isn't working that well. We ought to get rid of it. We could put this up on your wall as one of the things you've killed.

For example, under the 287(g) task force model, it costs \$13,322 to apprehend one alien and \$19,941 to remove

them. If you compare that, as the distinguished ranking member did, with the Secure Communities program, it costs ICE \$649 to apprehend one alien and \$1,321 to remove them. That is more than 10 times less than the 287(g) task force model.

I would be glad to yield to my distinguished friend from Oklahoma to answer why you would want to keep the more expensive program if the Secure Communities program is working.

Mr. SULLIVAN. I believe the 287(g) program has been a huge success, and I disagree with my colleagues on the other side that it's not.

What we're trying to do is get rid of criminal illegal immigrants in our country that are raping people, involved in drug trafficking, that are murdering people, that are dangerous criminals. I think the program is a huge success, and I can just tell you stories in my area about sex slaves and human trafficking.

Mr. DICKS. Reclaiming my time, again, I would just ask the gentleman to contemplate that if we have a Secure Communities program that is dealing with this same issue and doing it at 10 times less for the taxpayers and this 287(g) program has had the inspector general all over it, why wouldn't we get rid of it if it is that expensive to do and use Secure Communities? This is just a commonsense thought here.

With that, I yield back the balance of my time.

Mr. SULLIVAN. This program actually cuts costs. It's a program that is very efficient. It's one that has to be implemented at the local levels because the Federal Government has failed to do its job.

The Federal Government doesn't do anything in immigration policy at all in this country, and it has been thrust upon local communities like my local sheriff's office. My local sheriff, Stanley Glanz, has instituted this 287(g) program in our community, and it's kept us safe and secure. We've taken it into our own hands to get people off our streets that are criminal illegal immigrants. It costs money to do that, but I think it's done in a very efficient way that cuts costs. It's done in a very efficient manner. These people are wreaking havoc on our communities, and there is a lot of cost involved in that that's not being talked about to the tune of millions and millions of dollars across this country.

I think for us, we would be abdicating our responsibility. Congressman DICKS, we would be abdicating our responsibility if we do not fund this 287(g) program. This is something we should embrace on both sides of the aisle. It's so important. Because of our location to other countries, we have people coming through our country every day smuggling people and drugs all the time. We have identity theft in our community, and it needs to be ad-

ressed. This is the only way we can do it until we have comprehensive immigration policy in this country.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I would like to add that we strongly support 287(g). As a matter of fact, we have increased 287(g) by 25 percent in this bill. We reject the administration's cuts to 287(g), and we agree with the amendment from the gentleman from Oklahoma.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the chairman for yielding.

Mr. Chairman, my home State is still recovering from billions of dollars in damage after the floods of 2008, which were the worst disaster in our State's history and one of the worst disasters in our Nation's history.

Unfortunately, today we have communities that have been awarded funds through the FEMA Public Assistance program that are afraid that over a year after the funds were awarded to replace buildings, and local funds have been spent, FEMA may be required to take back that funding at no fault of the community. That's what those folks are afraid of.

We shouldn't leave our local communities holding the bag on a failed project, destroyed and decaying buildings, and a loss of local taxpayer funds.

I don't believe that FEMA should come into one of our communities and take back disaster recovery funding over a year after it's already been awarded and after our communities have already spent a large amount of their taxpayers' money with the understanding that the project was moving forward.

Communities recovering from disasters right now, as I know the chairman's has, are also struggling in the worst recession since the Great Depression. The last thing they need is to have even more uncertainty thrown at

them by losing disaster recovery assistance.

Disaster recovery must be a collaboration. Our local communities should not have the rug pulled out from under them, after years of struggling to recover, because the Federal Government committed support for rebuilding a community and then later took back that support. We need to maintain a partnership with States and communities, which means confidence that the Federal Government's promise of recovery funding means something.

Mr. Chairman, I just hope that we can work together with FEMA to ensure that taxpayer dollars are protected, that we can work together at all levels to rebuild communities and economies destroyed by disasters all over this great Nation, and that a local community's recovery can continue to move forward while we address any issues outside the community's ongoing recovery process.

Mr. ADERHOLT. I want to thank the gentleman for raising these issues and bringing it to our attention.

Just this past year, the district I represent was devastated by tornados. So the people of the district that I represent know firsthand what it is to work with FEMA and the recovery from a horrific disaster.

I understand my colleague's concerns and agree that we need to be cognizant of the burden on local communities if they've been awarded recovery funds and then have those funds taken back through no fault of their own.

My colleague certainly raises some commonsense points and issues that we should look at to address and to make sure that communities across the country aren't expending local funds for no reason, so that taxpayer dollars are protected at both the local and at the Federal level, so there is a better and more cooperative partnership between the Federal Government and these recovering communities.

It is important that the State and the Federal partnership on disaster recovery is maintained in a collaborative and productive fashion, and I agree with my colleague from Iowa and hope that the issues like this don't disrupt the partnership that lead to communities doubting the sincerity or the ability of their government to come to their aid in such a time as needed.

I know that everyone wants favorable outcomes and for our communities to recover as quickly as possible and agree that communities shouldn't shoulder the burden of an agency's mistake.

As recovery continues in the district of my colleague from Iowa, I pledge to work with him and FEMA to address these issues and look forward to recovery in a timely manner.

Mr. Chairman, I yield back the balance of my time.

□ 1920

AMENDMENT OFFERED BY MR. BARLETTA

Mr. BARLETTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. BARLETTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BARLETTA. Mr. Speaker, every day we're in session, we create new laws. Some affect spending, some protect our citizens and country, some honor those who have fallen. All are important, all carry the same weight, and all are Federal laws. But there are some elected officials in the United States who believe that they can pick and choose the laws they follow.

In 1996, Congress passed and the President signed the bipartisan Illegal Immigration Reform and Immigrant Responsibility Act. This law says very clearly that no local government entity or official may prohibit or in any way restrict any government entity or official from sending to or receiving from Immigration and Customs Enforcement information regarding the citizenship or immigration status of any individual.

Every day in cities across America, elected officials break that law and millions of illegal aliens benefit from the lack of enforcement. They benefit by taking jobs from American citizens and legal immigrants. They benefit by using taxpayer-funded benefits.

Some of our communities not only ignore the law, but many communities across our Nation willfully violate Federal law by encouraging illegal aliens to live in their cities, saying that they will be safe from Federal Government's reach.

Mind you, the Federal Government is not asking these cities to do anything extraordinary. The government is not asking cities to implement a radical new law. The Federal Government is merely asking these cities to obey the law, a law that has been on the books for 16 years. This is what the American people want.

According to a recent poll, an overwhelming majority of Americans want the Department of Justice to uphold the law and take legal action against cities that break existing Federal immigration law. But, once again, in the area of illegal immigration control, the Federal Government fails to act.

Instead, we send billions of tax dollars to these communities. That's why

my colleagues and I rise to offer this amendment this evening. This amendment will prevent Federal funds from being given to cities and towns that do not follow Federal immigration law. This amendment will uphold existing Federal law. It will discourage the creation of a confusing national patchwork where some cities uphold the law and other cities willfully ignore it.

This amendment makes sense. It will keep us safe, and it cuts down on waste, fraud and abuse. I strongly encourage my colleagues to vote "yes" on this amendment.

With that, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is merely a restatement of existing law. It doesn't need to be in this bill. Moreover, there's no evidence that any State or local government has violated Federal law in this area.

In 2007, in fact, Homeland Security Secretary Michael Chertoff, a Republican, as we all know, testified that he wasn't aware of any city that interferes with the Department's ability to enforce the law. It's a largely fabricated problem, I believe, and the amendment itself would simply restate existing law.

I yield to Ms. LOFGREN, the ranking member of our Immigration Policy and Enforcement Committee.

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I would, in joining my opposition to the amendment, note that the amendment before us actually does not prevent highway funds and other funds from going to so-called sanctuary cities at all.

Further, I would note, as Mr. PRICE has done, that these so-called sanctuary laws really very rarely, if at all, from the record, have to do with communicating between the locality and the Federal Government. They have to do with what the locality is doing and their own citizens.

In many urban parts of the country, police chiefs have made a decision that they need to trust their communities to be witnesses to crime, to come forward, to cooperate with the police, and that they do not want to play the role of immigration police. They want to be the real police. That is a decision that localities can make, provided that they do not run afoul of the 1996 act that prohibits the restrictions on sending and receiving information.

Here's the deal: you can say we're not going to disrupt this community because of our need to get the trust of the community, but you can't prohibit the communication with the Federal Government.

I think that this amendment will not achieve anything. The law is already clear. It passed in 1996.

I would further note that there is a case, it had to do with gun control. It's called the Prince case, and what it says is that the Federal Government cannot commandeer local and State governments to enforce the Federal law.

If that's really what the intent is here, it would violate the Supreme Court decision saying that you can't use the power of the Federal Government to force cities to enforce gun control laws. I would say you couldn't do that to force cities to enforce immigration laws either. That would be the Prince case.

This amendment doesn't matter, really, whether the amendment is approved or not because, as I indicated and Mr. PRICE has indicated, this has been part of our law since 1996.

Mr. PRICE of North Carolina. I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I would simply like to rise in support of the gentleman from Pennsylvania's amendment and say that we agree with his amendment that he has brought forth tonight.

I yield to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. Chairman. This amendment is common sense. The city of San Francisco, for example, officially declared itself an illegal alien sanctuary city by the Board of Supervisors in 1989, and now lawmakers are taking that a huge step further by actually creating legislation to grant illegal aliens official city identification cards.

The head of the Public Information Office of the National Association of Chiefs of Police reports that in California, illegal aliens in San Francisco are being assured through costly Spanish language advertising campaigns that they will never be reported to Federal law enforcement agents such as ICE, Immigrations and Customs Enforcement, or Homeland Security investigation, or the U.S. Border Patrol, or any other Federal agency that could initiate the deportation process. That's a direct violation of the Federal law that the gentleman from Pennsylvania just read.

I'm proud to coauthor this amendment with my friend from Pennsylvania because he's exactly right. This amendment will save lives.

If a local law enforcement agency refuses to follow Federal law, they should not expect to be rewarded with Federal grant money, and that's what this amendment would do—cut off Federal grant money to sanctuary cities across America. I suspect you'll see them repeal their sanctuary city policy

very rapidly when they discover they don't have access to Federal money.

Most recently, in the city of San Francisco, a renowned gang member, a member of the MS-13 gang, was just convicted for three first-degree murders in 2008. A father and two sons were murdered by this illegal alien who had multiple run-ins with law enforcement authorities in San Francisco. But because of the sanctuary city policy in San Francisco, he was not deported.

□ 1930

I urge the Members of the House to support the gentleman's amendment. This amendment will save lives.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Arizona.

Mr. SCHWEIKERT. I thank the gentleman for yielding.

This is one of the moments where you get to stand up behind the microphone, and being from Arizona, embrace the irony.

Think of this. This Federal Government sues my State for actually enforcing the Federal immigration law. But yet in this particular case, in this amendment, as my friend here was just pointing out, we hand money to communities that are walking away from enforcing the very law. Does anyone see the irony of: You sue us for doing it, but yet we reward municipalities for becoming a sanctuary city and not living up to their obligations.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. BARLETTA. Thank you.

Again, to sum this up, I was a mayor of a small town in Pennsylvania, and when the problem of illegal immigration hit my city, I came here to ask for help because our small budget couldn't help defend the people in my community. And when I came here and I talked to many experts, when I left here what I got was a nice coffee mug, a lapel pin, a pat on the back, and a Good luck, Mayor.

I finally decided after a 29-year-old city man was shot between the eyes by an illegal alien who had been arrested eight times before he came to my city, I said enough was enough. I had to protect the people in my community. And what happened was I was sued, and I was told that, We will bankrupt your city if you continue to fight.

But yet we have mayors across the country who are going to pick and choose what laws they want to defend. We're not asking for some crazy new law. We're asking mayors to defend the laws that they took an oath of office that they would defend. And that's what this bill would do. We should not reward those who are openly defying Federal laws that this Congress had passed.

Mr. ADERHOLT. Reclaiming my time, I would just like to say I support

the gentleman from Pennsylvania's amendment.

I yield back the balance of my time. Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the distinguished gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Washington.

I rise in opposition to this amendment.

I think this amendment is an opportunity for us to examine why this issue is being discussed. The fact that there is such a large illegal population in our cities, in our counties, in our States, is not their fault. It's not a mayor's fault. It's not a county commissioner's fault. It's not a Governor's fault. It is our fault. It is Congress's fault. It is the failure of our Federal policies' fault.

Many of our communities have large illegal populations, including many of the communities I represent. And they try to get by. They try to engage in community policing to keep their community safe and earn the trust of their immigrant populations. They try to ensure that their immigrant populations are well cared for. They're doing as best they can. But until we fix that policy here and replace our broken immigration laws with a system that works for this country and works for the private sector and is in touch with reality, it's counterproductive to prevent experimentation at the State and local level.

If the State of Utah wants to experiment with work permits because of the lack of Federal action, let's find a way to let them do it. If our cities and towns find a way to get by a little bit better with the burden that we in this body have placed on them by refusing to take up immigration reform, then let them do it. Let them try to get by a little better. And until this body actually has the courage to address fixing our broken immigration system, we should not consider measures that continue to symbolically or really continue to handcuff our State and local officials in dealing with the problems associated with illegal immigration.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARLETTA).

The amendment was agreed to.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. At this time I would like to yield to the gentleman from Rhode Island to talk about an important cyber workforce issue.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

I'd first like to thank Chairman ADERHOLT for his hard work. His efforts to support and strengthen cybersecurity activities within the Department of Homeland Security have been commendable, and I want to thank him and his staff, as well as Mr. PRICE and his staff, for crafting this important piece of legislation.

There can be no doubt of the importance of ensuring DHS has the resources it needs to execute its role in protecting against cyberthreats, and key to this is attracting and retaining a robust and skilled cyber workforce.

DHS has been delegated numerous critical responsibilities in securing Federal networks through Federal statute and OMB memorandum. These include operating the United States Computer Emergency Readiness Team, or US-CERT, and overseeing the Trusted Internet Connection initiative. DHS also has prime responsibility within the executive branch for the operational aspects of Federal agency cybersecurity with respect to the information systems that fall under the Federal Information Security Management Act.

While I applaud the chairman for delivering on the need to strengthen America's homeland security efforts in the face of reduced Federal spending, I would ask him if he gave consideration to the hiring, development, and retention of our top-tier cybersecurity talent charged with performing the aforementioned critical duties. An organization such as the Department of Homeland Security absolutely must be able to attract and keep these highly skilled and highly valued individuals in order to defend Federal networks and inform better policy.

Mr. ADERHOLT. I thank the gentleman for his continued leadership on cybersecurity matters and welcome the opportunity to engage him in this colloquy. Ensuring that the Department of Homeland Security has the resources needed to execute cybersecurity responsibilities entrusted to it is extremely important to both the short-term and the long-term success of its critical cybersecurity roles.

I assure the gentleman that we will continue to examine how to best proceed to make sure the Department has adequately and effectively resourced to deter and defend against cybersecurity threats.

Mr. LANGEVIN. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman.

Mr. LANGEVIN. I thank the gentleman. In that spirit, I would like to encourage the gentleman to work together with Mr. PRICE on efforts to determine and address potential DHS cyber workforce challenges. Specifically, I believe it would be a great value to have DHS study a report on its

efforts, challenges, and recommendations to address cyber workforce requirements at the agency.

Given their critically important roles with regard to Federal cybersecurity, I believe we absolutely must make sure that DHS can attract and, equally as important, retain the best and the brightest to defend our networks.

Mr. ADERHOLT. I appreciate the gentleman's views and I look forward to working closely with him in examining these issues as we move forward. I'll make every effort to address the workforce concern as we move toward conference on this bill.

Mr. LANGEVIN. I thank the chairman. I certainly look forward to working with my good friend to ensure that our Federal Government is properly addressing these critically important cybersecurity and cyberworkforce challenges. It's a very important issue, and I thank the chairman for all of his hard work and also thank Ranking Member PRICE for his outstanding work on this important bill.

Mr. ADERHOLT. I yield back the balance of my time.

EN BLOC AMENDMENT OFFERED BY MR.
ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I have an amendment en bloc at the desk, and I would ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Department of Homeland Security any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. _____. None of the funds made available by this Act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles.

SEC. _____. None of the funds made available under this Act may be used in contravention of immigration laws (as defined in session 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alabama (Mr. ADERHOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, this amendment combines three separate amendments which were outlined in our unanimous consent agreement earlier. The first, from Mr. ENGEL, has a limitation on funds for the lease or

purchase of new light-duty vehicles that are not in accordance with the President's fleet efficiency standards.

□ 1940

The second amendment is from Mr. HOLT. It is a limitation on funds for the use of armored, unmanned aerial systems. And the third is from Mr. PRICE of Georgia. It's a limitation on funds being used in contravention of the Nation's immigration laws.

I would urge my colleagues to support the adoption of this en bloc amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. If I can ask the chairman a question on this, it says none of the funds made available by this act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles; is this from Homeland Security? Is this prohibition on Homeland Security?

Mr. ADERHOLT. That is correct.

Mr. DICKS. Has there ever been any plan to buy armed drones by Homeland Security?

Mr. ADERHOLT. No.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the en bloc amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The en bloc amendment was agreed to.

AMENDMENT OFFERED BY MR. TURNER OF NEW
YORK

Mr. TURNER of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) Except as provided in subsection (b), of the amounts made available by this Act, not more than \$20,000,000 may be made available for surface transportation security inspectors.

(b) The limitation described in subsection (a) shall not apply to the National Explosives Detection Canine Training Program and Visible Intermodal Prevention and Response Teams.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TURNER of New York. Mr. Chairman, my amendment today seeks to limit funding for the surface transportation inspection program.

Mr. Chairman, at a hearing held by the Transportation Security Subcommittee of Homeland Security, of

which I am a member, industry witnesses raised serious concerns about the efficacy of the surface transportation inspection program. Here are some of the concerns raised at the hearing:

Most surface inspectors have no surface transportation experience or surface security background whatsoever. Many surface inspectors were promoted from screening passengers at airports;

These inspectors report to the Federal security directors at local airports who commonly also do not possess any surface transportation experience.

At least one local TSA official indicated he is always looking for things for his inspectors to do to occupy their time;

Most surface inspectors have two things to look for in a typical day: whether a transit system is reporting incidents to the TSA and a box is checked on their clipboard, and whether there is a security person on duty, another box to be checked on a clipboard;

The work of these inspectors is redundant, performed by employees of other agencies, such as the Department of Transportation, OSHA or EPA, and on and on. What they do is ultimately slow down commerce on our Nation's rails and highways.

Since 2008, TSA has more than doubled the size of the transportation inspection workforce and quadrupled the program's budget. Yet, according to the majority of stakeholders we heard from, there has been almost no tangible improvement in security as a result of these investments.

Last year, TSA's entire surface transportation security budget was \$126 million. Of this amount, surface inspectors cost taxpayers \$54 million, which does not even include headquarters, administration, oversight, and staff associated with the program. This means that the surface transportation inspection program, which has been labeled as ineffective by a number of freight, rail, passenger service, bus, and mass transit agencies, is consuming more than 40 percent of the entire surface transportation security budget.

Millions of Americans rely on surface transportation every day. More than 8 million people use public transportation in New York City alone. Despite this need, less than 2 percent of the TSA's nearly \$8 billion budget goes toward securing our Nation's surface transportation systems, and a large portion of that limited budget is being squandered on this ineffective inspection program.

Surface transportation security is too important to our national economy and receives too small a portion of homeland security funding to waste a single dollar. Opponents of this amendment may argue that it will result in Federal inspectors being put out of work. It will not. We are transferring

money to implement more productive security measures within TSA. The question is simply: Why should taxpayers, especially those who rely on surface transportation every day, have to fund a program that has no proven ability to enhance security?

My amendment today seeks to limit the inspector program budget to \$20 million, which would substantially reduce its size, and allow the saved money to be put forward in other more effective surface programs, such as canine detection units, particularly at bus and rail stations. This amendment strengthens security. It addresses concerns raised by the very transit systems the program is designed to protect.

Today, I ask you to join me in supporting this measure.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I confess to some puzzlement as to the intent of this amendment. Despite the gentleman's explanation, what he's doing here is, in effect, totally restructuring the surface transportation security program. He's limiting to \$20 million the funds available for surface transportation security inspectors. That's a potential decrease of \$70 million from the carve-out in the bill.

Now, he also, in the current draft of this amendment, excludes from the prohibition, excludes the national explosives canine training program and the VIPR teams, in essence shifting—he's not reducing funding overall. He's shifting a huge amount of funding to these two functions. I just don't understand the rationale for that, particularly when you consider the vital functions of the surface transportation security inspectors, why would we want to virtually phase them out? The mission of these individuals is to assess the risk of terrorist attacks for all nonaviation transportation, to issue potential regulations, to enforce existing rules and protect our transportation systems.

This proposed limitation could hinder rail inspections, baseline assessments, mass transit assessments, and risk mitigation activities. As I read the amendment, all these functions would be drastically compromised, and with them, I think the security of the traveling public. So I'm baffled by the amendment, but I feel constrained to oppose it and urge its defeat.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise to reluctantly oppose the gentleman's amendment.

I appreciate that he has brought this to our attention. I just found out about the matter today. I would like to work with the gentleman from New York. However, I do have concerns about the broadness of this amendment.

The TSA surface transportation security inspectors, or TSI, provide a number of security functions agreed on as a result of consultation with the State, Federal, local, and private stakeholders. In addition, the inspectors provide the subject matter expertise for FEMA to evaluate eligibility for surface transportation security grants.

The amendment that the gentleman brings up tonight would result in laying off about 240 inspectors, which is about 60 percent of the current workforce. This would be an excessive action to address what seems to be a need to better focus on the operations of surface inspectors. It would effectively take TSA out of the surface security realm at a time when we know terrorists and those interested in attacking our mass transit and other surface modes of transportation are focused on just that, so I urge my colleagues to reject the amendment.

I yield back the balance of my time.

□ 1950

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TURNER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TURNER of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 2 percent.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

- (1) "Analysis and Operations";
- (2) "United States Secret Service—Salaries and Expenses";
- (3) accounts in title III; and
- (4) accounts of the Domestic Nuclear Detection Office.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, our Nation continues to struggle under an increasing mountain of debt. My con-

stituents sent me to Washington to do something about the budget deficit. That's why I was one of the handful of Members who voted for the Simpson-Bowles budget—the only budget, I might add, of the five budgets considered by the House of Representatives that had bipartisan support. Republicans and Democrats have voted for it. So, too, I joined my colleagues on the other side of the aisle, in some, but not all, of the across-the-board cuts and cuts that have been proposed to various agencies in different appropriations bills.

This amendment is simple. It's a straight 2 percent cut across the board to this bill, exempting counterterrorism accounts. We shouldn't choose between protecting our country and cutting wasteful government spending. This was designed to protect the most politically sensitive and important accounts in this bill, namely, FEMA and antiterrorism activities, which was, of course, the original purpose under which President Bush composed the Department of Homeland Security, and it's an area that we should not sacrifice.

My amendment is really about safeguarding the American people without continuing to squander taxpayer dollars. The best thing we can do to safeguard the American people is balance our budget. The longer we fail to take action with regard to making the necessary cuts, the more we make ourselves economically beholden to foreign countries such as China. During this time of budgetary constraints when our deficit is spiraling out of control, we need to take every opportunity to eliminate unnecessary government spending.

Now, cutting government spending is never easy. It might mean jobs in different agencies, it might mean missions that we agree or disagree on. But I think cutting \$640 million from an overall bill of \$46 billion is a reasonable first step.

Now, in particular, the Department of Homeland Security has significant waste and abuse that can be targeted for reduction. It's had massive failures; and in these economic times, we shouldn't continue to reward failure of an agency.

There are so many frivolous programs in the Department it's really hard to know where to begin. Now, in the 2011 report, the independent GAO suggested 11 actions that DHS or Congress could take to reduce the cost of government operations; and yet of those 11 actions, only one has been fully addressed.

Take, for example, one example from the report that GAO found is that CBP's Arizona Border Surveillance Technology Plan is not accomplishing its goal to support Arizona border security. The GAO made three recommendations last year to the program, and DHS has not taken them

into action. This year's GAO report suggests Congress should consider limiting future funding to the program until DHS can show that they have addressed the flaws and they're able to work in conjunction with Arizona border security.

We can't continue to increase funding for a Department that fails to deliver. If this Department succeeded, Mr. Chair, why do we have 10 to 15 million people in this country illegally? Is this Department making a dent in that number? I think not. Will they make less or more of a dent with 2 percent less funding? I think not. We can't afford to continue to throw money down the toilet trying to build virtual or real fences at the border that can't prevent crossing, hurting our own stalled economy trying to police our way to restore the integrity of our laws.

Look, this country needs to address our broken immigration system. There are 10 to 15 million people in this country illegally. The Department of Homeland Security has failed. They have failed. Are we going to reward failure by increasing their budget, or are we going to penalize failure? Maybe if we finally do a 2 percent cut, they'll get the message that they can't just keep telling Congress they need more money. Every agency tells Congress, we need more money, give us more money. That's why this country is in this mess.

Look, make no mistake, if my amendment passes, the bill would still appropriate tens of billions of dollars to this Department, enough to continue all necessary activities and fully continue the funding enhancements to our antiterrorist programs. But it's imperative to the future of this country that we take real action to achieve fiscal sustainability and spur economic growth. We can take that first step today—and I've joined my colleagues on the other side of the aisle in support of similar amendments in the past with regard to different appropriations bills—by reducing government spending in this bill.

I urge my colleagues on both sides of the aisle to vote for my amendment.

Mr. DICKS. Will the gentleman yield?

Mr. POLIS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 15 seconds remaining.

Mr. POLIS. I yield the final 15 seconds to the gentleman from Washington.

Mr. DICKS. The only thing I would say to my friend is, if you know where all these programs are, you ought to cut the programs and not do an across-the-board cut. That is the easy way out.

Mr. POLIS. Reclaiming my time, I thank the gentleman. I urge support of the amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition because the amendment would slash critical funding for our Nation's homeland security. For the third fiscal year in a row, this bill that we have before us accomplishes a dual goal that we have constantly worked on—fiscal discipline and necessary funding for the homeland security needs of this country.

The bill reduces the departmental management by \$191 million, or 17 percent, below the request and \$71 million below last year. It demands efficiency from all agencies, including an overall reduction of the TSA of \$147 million, or 3 percent. It cuts programs that are not performing and reduces bureaucratic overhead.

The Department is an Agency of 230,000 employees with an absolutely critical Federal mission. So I would urge my colleagues to join me in opposing this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, our colleague from Colorado is a persistent critic of the Department of Homeland Security, and I think often his criticisms have force—for example, his remarks a few moments ago on the unneeded so-called “sanctuary cities” amendment. This amendment, though, I believe is an overreach, is indiscriminate, and I do feel constrained to oppose it. It would reduce funding for every frontline agency within the Department of Homeland Security by 2 percent.

The bill already includes a 1 percent reduction for the budget request, and it reflects the third year in a row that funding for the Department of Homeland Security has decreased. I think this amendment would do damage to our security. If this reduction were adopted, critical programs such as border security, immigration enforcement and transportation security would no longer be shielded from ill-advised cuts throughout the bill.

The reduction would require the Department to lay off crucial staff we've hired over the past 3 years, including more Border Patrol Agents, CBP officers at the ports of entry—and many of those ports of entry are already backed up—ICE investigators along the Southwest border, and Coast Guardsmen who work on environmental efforts such as oil spills.

This reduction would also mean the Department would need to abandon critical research and technology procurements, the science and technology

program that we're painstakingly building back from unacceptably low levels in the current fiscal year. These research efforts will better protect our aviation and transit systems, and we need to continue cutting-edge research.

□ 2000

We also need to protect our national security so that we can prevent or thwart attempted attacks before they occur. As we saw just last month, terrorists remain committed to attacking the United States, our citizens, and our allies.

Finally, with this amendment, front office and management activities would also be negatively affected. Already, this bill slashes funding by 21 percent below the administration's request.

I know that's an easy target, Mr. Chairman. There's no constituency out there for good management and for necessary administrative expenses. But believe me, cutting those front offices, cutting those administrative functions does affect front line operations at the end of the day.

The Secretary and her staff have to run the day-to-day operations of the Department. They need adequate personnel, adequate staff support. The offices are already operating on fumes. This additional cut would do great damage.

So this is an amendment that I believe, despite the offerer of the amendments good intentions and his conscientious critique of certain departmental operations, I believe the amendment is overly broad, would do damage, and should be rejected.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. I want to associate myself with the gentleman's comments and the chairman's comments on this amendment. We're talking here about homeland security, and we have been hit before. And we can't have a meat-ax, across-the-board approach. We would certainly oppose it if the other side was attempting to do it, and we have to have the same kind of discipline on our side.

I suggest, in good faith, to the gentleman from Colorado, if you've got all these reports and all these things about various programs that aren't functioning, offer amendments on each of those programs, and then we can vote on them and make a discerning decision. But just going across the board, I think, is the easy way out, and I urge rejection of the gentleman's amendment.

Mr. PRICE of North Carolina. I thank the ranking member for his comments. I agree with them.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) add the following:

SEC. _____. None of the funds made available by this Act may be used to enforce section 44920(F) of title 49, United States Code.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, my amendment says that no funds in the underlying bill may be used to restrict access to the Screening Partnership Program, SPP program, of the Transportation Security Administration, TSA.

SPP is a pilot program that the Federal Government is using to test privatization at certain airports. Currently, there are 16 airports that participate in this program, and a 17th airport has just recently been approved. These airports have received overwhelmingly positive reports and feedback from passengers as well as security personnel alike.

In fact, last night I was talking with my good friend, Congressman CYNTHIA LUMMIS from Wyoming, and she was telling me about the success of the Jackson Hole Airport in Jackson, Wyoming, which is part of the SPP program. Almost three-fourths of all travelers in the State of Wyoming fly in and out of Jackson Hole, and Congresswoman LUMMIS said that the screening process there is top of the line. They've not had any problems whatsoever.

You see, airports can still be effective and do their due diligence without the Federal Government directing, dictating how their security should be set up.

I understand that the language in the underlying bill attempts to make access to SPP easier. However, the purpose of my amendment is to ensure that we don't ever use funds to restrict participation in the program, and here's an example of why.

Kansas City Airport is another airport that has been testing out privatization. They've been part of SPP for a few years and have received stellar customer reviews, with no reported problems.

Recently, though, the private contractor handling the security reapplied for the SPP program, but the administration denied their application. Even worse, the administration selected a different bidder that has no experience whatsoever in airport security. I don't understand this. This makes no sense, and it's a perfect example of how the administration will shut out good private contractors in order to ensure a lasting place in the Federal Government for the TSA.

Mr. Chairman, the SPP program will not only spur our economy by creating good jobs in the private sector, but it will also relieve some of the burdensome costs that the TSA imposes on our Federal budget. I urge my colleagues to support this commonsense amendment so that we can take privatization of the TSA one step further.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise reluctantly to oppose the amendment of my good friend from Georgia.

I do support privatized screening; however, I'm concerned how the amendment that has been proposed by the gentleman would be applied. The effect of the amendment would be to prohibit TSA from canceling a contract for cause, such as the case where a privatized screening airport fails to comply with applicable laws and security requirements.

The amendment may be intended to restrain TSA from capriciously canceling contracts, but it would go too far, and it would tie the TSA's hands.

So again, I reluctantly cannot support my colleague's amendment, and I would urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I want to associate myself with the remarks of the chairman.

I confess to some confusion as to the exact intent of the amendment. Like some earlier amendments we were dealing with, it seems to have gone through many drafts. I'm not sure if the idea is to say you can't terminate an agreement or that somehow you can't restrict access to the program. But, in any case, it seems to me the problem with this amendment is a tying of the Administrator's hands when some flexibility and some judgment is called for.

I certainly have no objections to the principle of the Screening Partnership Program. If a private company can provide screening in accordance with TSA standards and a local airport authority

wants to contract with them, so be it. In fact, this bill increases funding for the SPP by \$15 million over current year levels.

But to say that under no circumstances can the TSA exercise discretion in granting these contracts or continuing them, I think, really goes too far. We need standards. We need qualified professionals to screen passengers. We need for the TSA Administrator to have some flexibility to protect the flying public. So if a private company fails or doesn't meet the standards, then they shouldn't be given this contract, and we have to have the flexibility to make sure that they don't receive the contract.

So I associate myself with the position of the chairman, and urge rejection of the amendment.

I yield back the balance of my time.

□ 2010

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for Behavior Detection Officers or the SPOT program.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. My amendment eliminates all funding for the behavior detection officers and for the Screening of Passengers by Observation Techniques program, better known as the SPOT program.

The SPOT program trains TSA behavior detection officers to monitor regular airline passengers for stress, fear, or deceptive behavior. The officers then are supposed to put any passengers who exhibit terrorist-like behaviors, such as stress, fear, and deceptive behavior, through a more rigorous screening process.

This seems to be reasonable, but actually, Mr. Chairman, it is laughable. These agents go through very minimal training, and they are hardly qualified to delve into the psychology of a possible terrorist.

This program was modeled after a very effective one used in Israel, but their agents go through a very extensive program of preparation for this line of work. Plus, they focus on a handful of airports in Israel as opposed to the hundreds that we have to worry

about here in the United States. Moreover, almost any passenger having a bad day could be deemed a terrorist under the list of emotions that the agents are supposed to take note of. We've all stood in line and have seen the awkward, invasive pat-downs that many innocent passengers have to endure. Many of us have seen the crying children or elderly grandmas who suffer through these embarrassing protocols as we try to get through security. It has got to stop.

I would also like to point out that the SPOT program costs us a quarter of a billion dollars to operate annually, and it will require more than \$1.2 billion over the next 5 years. We don't have that kind of money to spend on a program that just simply does not work. Believe me, it doesn't work.

The Government Accountability Office has found that 17 known terrorists, all who are on the No Fly List, have been able to board airplanes over 24 different times from eight different SPOT-certified airports. There are 17 terrorists on the No Fly List who have boarded airplanes at least 24 times at eight different SPOT-certified airports. In fact, the GAO also found that not one terrorist—not one—has been caught by the SPOT program. The program has not been scientifically validated anyway.

Mr. Chairman, that alone is enough to convince me that the SPOT program is a waste of our time, a waste of our money, and is flat out not working. So let's get rid of it and, instead, invest our resources in intelligence and in technologies that help us catch terrorists before they ever step foot inside an airport in the first place.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I do appreciate the gentleman's oversight concerns and his suggestions on how we can make this a better program. However, behavior detection officers are actually a meaningful layer of our Nation's risk-based approach to security.

While there have been questions about the overall size of the program and the science behind it, this committee has continued to address any concerns through robust oversight. I would welcome the opportunity to work with the gentleman from Georgia on how we might address these concerns, but this does not mean that we should completely destroy a program that is designed to counter new and evolving tactics being developed by terrorists and our adversaries as we speak.

As recently as last month, after a foiled terrorist plot that originated in

Yemen, we learned that our enemies are still actively plotting to hit our aviation sector. These operatives are devising new methods for attacking this Nation, and some of them are more difficult to detect using the traditional screening methods that we normally see in the airports. This is where the behavior detection officers come into play. These officers serve as additional layers, as I mentioned, of defense to root out these adversaries who would try to slip through our defenses.

This committee will continue to make sure that the BDO program is rightly sized and that the Department validates the science behind it. It is something that we have certainly focused on this year and that we need to continue to focus on. Again, cutting the entire program would be irresponsible and would open up holes in our Nation's security posture, particularly in light of the continued attempts to attack our Nation's transportation system.

I would urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I would associate myself with the words of the chairman and also oppose this amendment.

The behavior detection program utilizes specially trained individuals to identify potentially high-risk passengers. It's not a new or a novel idea. In fact, it has been a cornerstone of the Israeli Government's aviation security for many years. Administrator Pistole, a man who has spent his entire professional career dedicated to protecting this country, does believe in this program. He is also attempting to refine it and to utilize it to its fullest potential.

Our committee has resisted greatly expanding the program. In fact, we don't fund the administration's request for an additional 75 officers, and we do reduce the funding by \$7 million. The program is important. It is part of a layered system of security, so it would, I think, not be wise to eliminate the program altogether. I think it would be unsafe, in fact, so I urge the rejection of the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. In my own State of Washington, we had Ahmed Ressaam, the millennium bomber. He came across from Victoria on a ferryboat, and as he was going through the search procedures, he showed anxiety. Because of that, he was sent over for a secondary screening. He got out of his car and ran, and he was captured, actually,

by former prosecutor Dan Clem from Kitsap County, my home county. This is an example. This was a guy who was going to go to Los Angeles and blow up Los Angeles' LAX Airport. Because of his behavior and the alertness of the officers to know that this person was showing signs of anxiety, we were able to thwart that.

So I'm with the chairman and the ranking member here. Let's not do something precipitous. Let's defeat, as we always do, the gentleman's amendment.

Mr. PRICE of North Carolina. I yield back the balance of my time, Mr. Chairman.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 2020

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment to the fiscal year 2013 Homeland Security appropriations bill to prohibit Immigration and Customs Enforcement, ICE, from using taxpayer dollars to process the release or administer alternatives to detention to illegal immigrants who commit a crime in violation of section 236(c) of the Immigration and Nationality Act.

Importantly, this section requires the U.S. Government to detain illegal aliens who have committed serious crimes until the illegal alien is deported to their home country. For example, section 236(c) would require ICE to detain an alien that committed murder until the alien is deported.

I think this is a very commonsense provision. In fact, my opinion is that criminal illegal aliens shouldn't be in the United States in the first place, but that's a debate for another day.

Make no mistake, I believe that the vast majority of ICE employees are great Americans, and I personally appreciate the work they do to ensure the Nation remains a nation founded under the rule of law. However, ICE does not always operate in accordance with section 236(c). For example, ICE has allowed criminal illegal aliens who are

waiting for a deportation hearing to leave Federal detention facilities and reenter the general public if the criminal illegal alien is fitted with a GPS tracking device or regularly checks in with an ICE supervisor. This is very troubling to me, Mr. Chairman.

In August 2010, ICE policy for releasing dangerous criminal aliens proved deadly. According to a Freedom of Information Act report, illegal alien Carlos Montano was sentenced to over a year in jail for a second DUI and was released from ICE custody wearing only a GPS tracking device. This is in direct violation of section 236(c) and is a violation that had tragic consequences. On August 1, Montano got drunk, got behind a wheel, and collided head on with a vehicle carrying three nuns. The head-on collision killed 66-year-old Sister Jeanette Mosier of Virginia.

To protect innocent citizens from criminal illegal aliens, I firmly believe we need to enforce our immigration laws, especially section 236(c). Mandating the detention of dangerous criminal illegal aliens is plain common sense.

Last year, this amendment overwhelmingly passed the House in a bipartisan vote, but the provision was stripped out in conference. So I'm offering the amendment again this year.

I urge my colleagues to support this amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would like to say that we would agree with the gentleman from Minnesota's amendment and would support it and think it's a good idea.

Mr. CRAVAACK. I thank the gentleman.

And I also believe that this is a good use of taxpayer dollars. I do not believe in releasing illegal immigrants that commit serious crimes.

With that, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I have read this amendment carefully, and we dealt with it, as colleagues may remember, on the floor last year.

The gentleman offering the amendment says it does nothing but restate existing law, but, at a minimum, it sends a strong anti-immigrant message.

The gentleman says the amendment prohibits the use of funds by ICE to process the release of illegal immigrants to administer alternative forms of detention to immigrants who have committed crimes which supposedly

mandated incarceration. If we're following the existing law, I don't understand the need for this language, the need for this amendment.

Mr. CRAVAACK. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Sir, ICE is not following existing law, and this would prohibit the funds to ensure that those funds would not be used to allow illegal immigrants that have committed heinous crimes to be readmitted back into the public for any reason.

Mr. PRICE of North Carolina. If ICE is not enforcing existing law, then ICE needs to be brought into line. But this amendment, you're saying, does not add to existing law.

Mr. CRAVAACK. Will the gentleman yield?

Mr. PRICE of North Carolina. Yes.

Mr. CRAVAACK. This would prevent illegal aliens from being released back into the general public that have committed crimes either on a bracelet or by "checking in" with their ICE supervisor.

Mr. POLIS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Colorado.

Mr. POLIS. I thank the gentleman for yielding.

This amendment highlights the flip side of this issue in some alternate reality university.

There is a real issue with detention. The issue is not that criminal aliens are being released. They are not. The real issue is we're continuing to pay for the ongoing and indefinite detention of noncriminal aliens at a great cost to taxpayers. We're putting illegal immigrants who have committed no crime—may have violated our civil code—up at detention facilities to the tune of \$120 a night when alternatives to detention, proven effective, cost \$15 to \$20 a night. It's like some alternate reality.

There is a real problem. It's not that criminal aliens are being released. They're not. By the way, if they are, then we need to focus on detaining criminal aliens. There's no disagreement in this body. But why are the noncriminal aliens caught up in this net?

At our detention facility of ICE in Aurora, which is outsourced to a private provider, it's only 40 percent of the detainees that are criminal aliens and 60 percent that are not. Why aren't we talking about saving money, spending \$15 or \$20 instead of \$120 per night putting illegal immigrants up at expensive hotels? Why aren't we talking about that? This is like some alternate reality that I simply can't understand.

The amendment doesn't do anything. We're not releasing criminal aliens nor should we. Nobody thinks we should.

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman,

that's the point. There is no evidence that the gentleman has presented or that I've seen that ICE is, in fact, releasing or holding in alternatives to detention people who, according to the law, should be detained. The law is what it is. This amendment does not add or subtract to the law. It clearly insinuates that things are going on that we have no evidence that are occurring. For that reason alone, it seems redundant on one level, but has a misleading and hostile message on the other. I urge its rejection.

ICE isn't pursuing alternatives to detention in cases where they shouldn't be doing so. I see no evidence for that. In fact, I think alternatives to detention often are useful and certainly more cost effective, and the absconding rate is very low. If we have people who should be detained, then of course we should detain them. But the notion that ICE is not doing that, that ICE is pursuing these other alternatives with people who really shouldn't have access to them, is not accurate. For that reason, I urge rejection of this amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I don't know what alternate reality they're speaking of. I'm speaking of the reality of this world. I'm speaking of Mr. Montano, who got drunk and got behind a wheel of a car because he is on a GPS tracking device after committing a heinous crime and being tracked, supposedly, by ICE.

□ 2030

I'm talking about illegal aliens that are let into our society, and the majority of whom don't come back to their supervisor, but they also just disappear into the fabric of the country. That's the reality that I'm speaking of to protect the American public from illegal aliens that are illegally in the United States that have created a heinous crime against Americans. This is the reality that I'm speaking of.

This law will defund ICE to ensure that illegal aliens that have committed heinous crimes that are not deported back into their home countries are kept detained until such time as they are deported or remain in custody.

Mr. ADERHOLT. I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to my good friend from Colorado. He will tell us more about the alternate reality, I think.

Mr. POLIS. I thank the gentleman from Washington.

Look, if criminal aliens are not being detained in accordance with the law, simply restating the law won't change that.

Again, what's happening today is noncriminal aliens are being detained. What does that mean? It means that mothers are torn from their sons. It means that fathers are torn from their daughters. It means that spouses and families are torn apart across our country who have not committed any crime.

Now, criminal aliens represent a significant percentage of the illegal immigrants in detention. We all agree that they should be detained. We're not talking about paroling, we're not talking about alternative detention for criminal aliens.

Now, how could we address this problem in a real way, in the real world, to ensure that we have enough beds to contain criminal aliens? The best way to do that is not detain noncriminal aliens. Then we have enough beds, we have enough security. We save money, and we can make darn sure that criminal aliens aren't exempted from detention.

Let's talk a little bit about Colorado. At our Aurora detention facility, we have about 450 beds. Now, we have more demand than that; and like in many States, our county jails are used as detention facilities.

Now, the counties are reimbursed by the Department of Homeland Security. By the way, it's another Federal bailout of the prison industry. Many of them are private prisons. But, again, our Federal Government is paying \$120 a night, \$150 a night, \$100 a night for the detention of noncriminal aliens.

If people are being let go because there is no room for them, it's because we're filling the cells with innocent mothers, with innocent children, with families being torn apart. That's the only reason I could think of why anybody who has committed a crime might be let go.

Look, if we're serious about making sure that anybody who represents a threat to our society is detained until they are deported or sentenced, we need to do something about noncriminal aliens and make sure that we can fully embrace the successful alternatives to detention, which not only allow families to be together, parents to be with their kids, parents to participate in school conferences, parents who participate in making sure that their kids have food on the table, but also save taxpayer money and keep those beds open for criminal aliens about whom there is no disagreement whatsoever, who should remain safe from society and be kept behind bars.

This amendment restates something which already is the law and is not an actionable change. If we want to make

an actionable change, I would be happy to work with my friend to do so to make sure these beds aren't being taken up by noncriminal aliens and that we could aggressively pursue alternative detention for those who have not committed any crimes in this country and whose only violation is a civil violation.

There is a legitimate issue here. We want to make sure that criminal aliens are detained and deported. There is no disagreement about that.

To do so, rather than simply restating something that's obvious and already the case, we should move forward in making sure that we target our resources. We target our limited resources after criminal aliens rather than the vast majority of our illegal population, which is engaged in a civil violation but are not threats to society.

We're talking about people that are important to our economy and important to our communities, the fabric of our communities. We're talking about the president of the student body in a high school in my district who happens to lack documentation. We're talking about families that play important economic roles in our district in agriculture, in service industries, across various sectors. We're talking about consumers in our stores, driving the demand and driving support for job creation in the middle class.

Are there people who are a threat to society? Yes. Some are Americans, some are green card holders, some are here illegally. I think across the board we agree that those who are a threat to society need to be removed from society as expeditiously as possible.

We can do so more expeditiously and more efficiently if we can reform our detention system to make sure that we're not catching all the noncriminal aliens up in the system because they happen to be in the wrong place at the wrong time.

Mr. DICKS. Reclaiming my time, do you think they deserve a trial? Do these people deserve a trial.

Mr. POLIS. Absolutely, they deserve a trial.

Mr. DICKS. I mean, there has to be some kind of legal process.

Mr. POLIS. That's right. The way that they do this in our Aurora detention facility, they have criminal aliens who wear a red jump suit. Noncriminal aliens wear a yellow jump suit. So they wear different jump suits. They're in different areas of the detention facility, in part because we don't want the criminal element, including some gangs, to corrupt or taint the noncriminal aliens that are there too. They are separated out.

But we're paying 120 bucks a night for all of them. Why not focus that enforcement effort on the criminal element to detain and deport them, rather than separating and stripping the mothers of their child?

I oppose the amendment.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, at this time I would like to yield to our colleague from the authorizing committee, the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member and the ranking member of the full committee and ranking member of the subcommittee for their courtesies, and I think clearly over this process that we've had an opportunity, as authorizers, to work with our friends on the Appropriations Committee.

I wanted to have the opportunity to share what I think is important information, an amendment that I believe and hope that the policy aspect of these amendments we can work together in conference to ensure we've come to a meeting of the mind.

I look forward to working with the conferees and working with the Senate to make some corrections. Last evening, my amendment to help to restore the mission of FAMS was, in essence, an amendment that needs to be clarified. I again rise with the policy amendment that would help FAMS, the Federal Air Marshals, which I think I could poll any American and ask them the question as to whether or not Federal Air Marshals are, in fact, a crucial element of our security.

Today in our hearing, Administrator Pistole, in a direct question that I asked of him as to whether a \$50 million reduction would reduce the mission and the security aspect of the Federal Air Marshals, his emphatic answer was, yes, that is what is happening.

I think that we should streamline and be efficient, but my amendment that we were hoping that would be discussed was an amendment to restore the \$50 million. It should be noted that this was taken from \$5 billion, and many Members thought we were, in essence, drawing resources that were taken away from a small pot; but of \$5 billion, we are simply asking that 50, 51 would be taken out to restore the mission of FAMS and to respond to concerns about cabin security.

Mr. Chair, I rise today to offer my amendment 404 to "the FAMS Appropriation in Fiscal Year (FY) 2013." The House Report has recommended reducing the FAMS budget by \$50 million. It is my sincere belief that this is a detrimental mistake. This recommendation ignores FAMS' integral part in the homeland security mission. If FAMS loses \$50 million to its

budget it will result in the virtual shut down of the FAMS program.

Flight coverage is controlled by two outstanding factors: the number of FAMS available and the Mission Travel Budget which includes hotel and per diem costs. These constraints directly impact FAMS ability to perform optimally. They are outlined in the FAMS risk-based concept of operations (CONOPS). International flights are the highest risk followed by large plane and long haul flights.

With the reduction, FAMS will be forced to choose whether domestic or international flight coverage will be decreased. If domestic flights are maintained, then international flight coverage must be cut by 20 percent. Keep in mind that as I stated, international flights are the highest risk operations. By contrast, if international flights are maintained, domestic flight coverage must be cut by as much as 30 percent. This domestic reduction does not take into account the 10 percent decrease noted in the President's proposed budget. In total, FAMS domestic coverage will face a crippling 40 plus percentage reduction that FAMS has not experienced since Christmas Day 2009. I mention this date because on Christmas Day in 2009, a failed attack forced Congress to increase FAMS' size to cover both domestic and international flights. It was clear then that Congress recognized flight vulnerabilities that have since been all but forgotten. While we believe that we cannot afford the FAMS budget, what we truly cannot afford is a successful attack to our security.

It is important to note that FAMS is exploring alternative cost saving efforts. FAMS plans to extend its current hiring freeze into FY 2013 as mandated by the President's Budget. The reduction combined with limited employees would severely undermine FAMS mission. The hiring freeze will extend to administrative personnel in FY'13. FAMS will also implement a furlough of all FAMS personnel of three to five days, reduce mission coverage, assess which offices can be shut down and consider a reduction in force (RIF) to strategically reduce on-board staffing levels. In addition, FAMS will undergo a significant decline in critical operational programs including travel, information technology and logistical support.

I must stress again that any reduction to the FAMS budget goes beyond the reasonable operational abilities of this program. It will severely impact our aviation security and impede the good work and progress of this program. For these reasons and more I urge my colleagues to restore the \$50 million to the FAMS budget.

AMENDMENT TO H.R. 5855, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

SEC. ____ The amounts otherwise provided by this Act are revised by increasing the amount made available for "Security, Enforcement, and Investigations—U.S. Customs and Border Protection—Salaries and Expenses", by increasing the amount made available for "Federal Air Marshals", and by reducing the amount made available for "Research and Development, Training, and Services—United States Citizenship and Immigration Services" by \$25,000,000, \$25,000,000, and \$50,000,000, respectively.

In addition, we have an amendment that I hope the policy of it will be

moved in conference, the overall look of adding resources to the Transportation Security Administration, particularly TSA, in the amount of \$50 million, that will help restore the reduced mission of the Federal Air Marshals, more training, professionalism; but there is no doubt we have to close offices, we have to furlough FAMS, and we have to be able to try to meet the concerns of, in essence, the question of cabin security.

□ 2040

It is very difficult to not have this \$50 million. I am going to work with conferees, and I hope to work with the ranking member and the chairperson to see the value of providing some restoration to the FAM dollars.

Mr. Chair, I rise today to offer my amendment to H.R. 5855, Making Appropriations for the Department of Homeland Security for the Fiscal Year ending September 2012. Jackson 405 amendment will increase the budget for the Transportation Security Administration by \$50 million.

The Transportation Security Administration, which was created in the aftermath of 9/11, nothing is more important to me than the safety of the traveling public. TSA, informed by the latest intelligence, researches and deploys technology and constantly evaluates and updates screening procedures in order to stay ahead of the evolving threats to aviation security.

The United States has a complex and interconnected transportation network that has developed primarily over the last 100 years, and is what makes our fast-paced lives possible. Our ability to travel efficiently from place to place and to transport materials and consumer products around the world is essential to our modern lifestyle, and to our nation's security and economic health. At the same time, our transportation infrastructure (e.g., roads, bridges, bus stations, railways and railway stations, airports, inland waterways, seaports and pipelines) is vulnerable to damage from both natural and man-made disasters.

The transportation infrastructure in the United States includes: Aviation, 5,000 Public Airports; Passenger Rail and Railroads, 120,000 Miles of Major Railroads; Highways, Trucking, and Busing, 590,000 Highway Bridges; 4,000,000 of Public Roadways; Pipelines, 2,000,000 Miles of Pipelines; Maritime, 300 Inland/Coastal Ports; Mass Transit, 500 Major Urban Public Transportation Operators.

In the event of a natural disaster or terrorist attack, damage to transportation systems can result in injury and loss of life, hamper emergency evacuation from the scene of the disaster, and inhibit rescue workers' ability to get to the scene to provide aid. Sometimes, as in the case of Hurricane Katrina, the existing transportation systems, even if undamaged, are insufficient to effectively evacuate a disaster area. Recovery from a disaster can take years and be very expensive for individuals, private companies and government agencies.

Focusing on transportation security means that we are doing what we can to predict, plan for and prevent, if possible, these catastrophic events. This includes developing resilient

transportation systems, mitigating the effects of a disaster, and planning for recovery.

I ask my colleagues to join me in increasing the budget for TSA.

Also, I think it is very important on this question of Buy America, and that is legislation that requires the Department of Homeland Security funds to, in this time of unemployment, be used for American companies only. One might say we already have a Buy America. Well, let me just educate my colleagues. In the issue of screening, where there is this desire to have a Screening Partnership Program through the FAA legislation that was passed in February, the prohibition of using foreign companies to screen Americans in United States airports was removed. And so foreign companies can now be our screeners. That, of course, is a question of jobs. It is particularly a question of Federal dollars dealing with security going to foreign-owned companies.

This amendment is a crucial amendment. I wish my colleagues would have allowed it on the floor of the House. But I believe that this should be a matter taken up under the security premise as to whether or not, even if there is a provision for the Screening Partnership Program, which, again, Mr. Pistoletto indicated that the \$15 million that was allotted out of our screening program was going to undermine the screening program, the federally based screening program, that our system should be federally focused. But if there is an SPP, if there is a Screening Partnership Program, the idea of having foreign-owned companies secure the contracts, take away American jobs, and then be screening Americans, is ludicrous at best.

I would encourage individuals that we can work together. I look forward to working together.

Mr. Chair, I rise today to offer my limitation, amendment 403 to H.R. 5855, the "Department of Homeland Security Appropriations Act in Fiscal Year (FY) 2013." Under my amendment, DHS funds will only be allocated to companies controlled by U.S. citizens. In the midst of an economy that continues to maintain a high unemployment rate, it is imperative that we do everything in our power to ensure that American tax dollars support American businesses which will in turn support our citizens and our families. Private companies that perform security screenings at our U.S. airports are no different. Security protection laws and private vs. federal screening disagreements aside, we must ensure that we hire our own American companies.

Unlike other aspects of aviation security that are subject to multiple hearings before Congressional committees, there have been no hearings or findings of fact to establish the security risk of allowing foreign owned companies to perform screening at U.S. airports. Prior to this year, the Screening Partnership Program (SPP) allowed some U.S. airports to opt-out of using federal screeners. In addition, 40 U.S.C. § 44920 prohibited TSA from entering into contracts to provide private screenings

of passengers and bags by any company that was not owned and controlled by a citizen of the United States. Congress changed this requirement in February with the FAA Modernization Act that included a waiver of the requirement that private screening contracts only be awarded to U.S. owned companies.

According to the Defense Security Service, a U.S. company is considered to be under foreign ownership, control or influence "when a foreign interest has the power, direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the company in a manner which may result in unauthorized access to classified information or may affect adversely the performance of classified contracts."

By allowing foreign companies to conduct security screenings at our airports, we leave ourselves vulnerable to foreign interests taking precedence in the safety of our citizens and the security of our flights.

It is no secret that aviation security in the U.S. remains a focus of Al Qaeda. In thwarting attacks, it is not enough to merely mitigate a hostile, foreign influence. Any access to intelligence, technologies, policies or procedures that could be communicated to foreign terrorists must be avoided entirely. Concerns about national security have led to tighter guidelines for federal government approval of foreign acquisitions of U.S. companies by foreign investors and the granting of federal contracts to foreign owned companies. But they neglect the other important issue at hand—the loss of opportunities for American companies.

The law establishing the opt-out program in 2001 required the head of TSA to determine there are private screening companies owned and controlled by U.S. citizens to perform screening contracts. There is no evidence of any shortage of U.S. owned security companies to perform screening when an application is granted.

We must not allow foreign owned companies to perform screening at any U.S. airport. The U.S. should not reopen itself to a risk of lives lost and damage to the aviation industry and the U.S. economy by opening the door to the risk of another attack by Al Qaeda or any other terrorist group outside the U.S. In addition, American tax dollars should support our American businesses and our people. For these reasons and more I urge my colleagues to include my limitation amendment to the DHS appropriations bill.

AMENDMENT TO H.R. 5855, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill (before the short title) add the following:

SEC. ____ None of the funds made available by this Act may be obligated for a contract entered into under section 44920 of title 49, United States Code, with a private company that is not owned and controlled by a citizen of the United States.

Mr. PRICE of North Carolina. I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

First amendment by Mr. KING of Iowa.

Second amendment by Mr. KING of Iowa.

First amendment by Mrs. BLACKBURN of Tennessee.

Second amendment by Mrs. BLACKBURN of Tennessee.

An amendment by Mr. SULLIVAN of Oklahoma.

An amendment by Mr. TURNER of New York.

An amendment by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 18, as follows:

[Roll No. 362]

AYES—224

| | | |
|--------------|-----------------|-----------------|
| Adams | Denham | Huizenga (MI) |
| Aderholt | Dent | Hultgren |
| Alexander | DesJarlais | Hunter |
| Altmire | Dreier | Hurt |
| Amash | Duffy | Issa |
| Austria | Duncan (SC) | Jenkins |
| Bachmann | Duncan (TN) | Johnson (IL) |
| Bachus | Ellmers | Johnson (OH) |
| Barletta | Emerson | Johnson, Sam |
| Barrow | Farenthold | Jones |
| Bartlett | Fincher | Jordan |
| Barton (TX) | Fitzpatrick | Kelly |
| Bass (NH) | Fleischmann | King (IA) |
| Benishek | Fleming | King (NY) |
| Berg | Flores | Kingston |
| Bilbray | Forbes | Kinzinger (IL) |
| Bishop (UT) | Fortenberry | Kissell |
| Black | Foxo | Kline |
| Blackburn | Franks (AZ) | Labrador |
| Bonner | Galleghy | Lamborn |
| Boren | Gardner | Lance |
| Boustany | Garrett | Landry |
| Brady (TX) | Gerlach | Lankford |
| Brooks | Gibbs | Latham |
| Broun (GA) | Gibson | LaTourette |
| Buchanan | Gingrey (GA) | Latta |
| Bucshon | Gohmert | Lipinski |
| Buerkle | Goodlatte | LoBiondo |
| Burgess | Gosar | Long |
| Burton (IN) | Gowdy | Lucas |
| Calvert | Granger | Luetkemeyer |
| Camp | Graves (GA) | Lummis |
| Campbell | Graves (MO) | Lungren, Daniel |
| Canseco | Griffith (VA) | E. |
| Cantor | Grimm | Mack |
| Capito | Guinta | Manzullo |
| Carter | Guthrie | Marchant |
| Cassidy | Hall | McCarthy (CA) |
| Chabot | Hanna | McCauley |
| Chaffetz | Harper | McClintock |
| Coffman (CO) | Harris | McCotter |
| Cole | Hartzler | McHenry |
| Conaway | Hastings (WA) | McIntyre |
| Cravaack | Hayworth | McKeon |
| Crawford | Hensarling | McKinley |
| Crenshaw | Herger | McMorris |
| Culberson | Herrera Beutler | Rodgers |
| Davis (KY) | Huelskamp | Meehan |

| | | |
|--------------|---------------|---------------|
| Mica | Ribble | Southerland |
| Miller (FL) | Rigell | Stearns |
| Miller (MI) | Roby | Stivers |
| Miller, Gary | Roe (TN) | Stutzman |
| Mulvaney | Rogers (AL) | Sullivan |
| Murphy (PA) | Rogers (KY) | Terry |
| Neugebauer | Rogers (MI) | Thompson (PA) |
| Noem | Rohrabacher | Thornberry |
| Nugent | Rokita | Tiberi |
| Nunes | Rooney | Turner (NY) |
| Nunnelee | Roskam | Turner (OH) |
| Olson | Ross (FL) | Upton |
| Palazzo | Ryan (WI) | Walberg |
| Paulsen | Scalise | Walden |
| Pearce | Schilling | Walsh (IL) |
| Pence | Schmidt | Webster |
| Peterson | Schock | West |
| Petri | Schweikert | Westmoreland |
| Pitts | Scott (SC) | Whitfield |
| Platts | Scott, Austin | Wilson (SC) |
| Poe (TX) | Sensenbrenner | Wittman |
| Pompeo | Sessions | Wolf |
| Posey | Shimkus | Womack |
| Price (GA) | Shuster | Yoder |
| Quayle | Simpson | Young (AK) |
| Reed | Smith (NE) | Young (FL) |
| Rehberg | Smith (NJ) | |
| Renacci | Smith (TX) | |

NOES—189

| | | |
|---------------|----------------|------------------|
| Ackerman | Frelinghuysen | Pallone |
| Amodel | Fudge | Pascarelli |
| Andrews | Garamendi | Pastor (AZ) |
| Baca | Gonzalez | Pelosi |
| Becerra | Green, Al | Perlmutter |
| Berkley | Green, Gene | Peters |
| Berman | Grijalva | Pingree (ME) |
| Biggert | Gutierrez | Polis |
| Bishop (GA) | Hahn | Price (NC) |
| Bishop (NY) | Hanabusa | Quigley |
| Blumenauer | Hastings (FL) | Rahall |
| Bonamici | Heck | Rangel |
| Bono Mack | Heinrich | Reichert |
| Boswell | Higgins | Reyes |
| Brady (PA) | Himes | Richardson |
| Braley (IA) | Hinchey | Richmond |
| Brown (FL) | Hinojosa | Rivera |
| Butterfield | Hirono | Ros-Lehtinen |
| Capps | Hochul | Ross (AR) |
| Capuano | Holden | Rothman (NJ) |
| Cardoza | Holt | Roybal-Allard |
| Carnahan | Honda | Royce |
| Carney | Hoyer | Ruppersberger |
| Carson (IN) | Israel | Rush |
| Castor (FL) | Jackson (IL) | Ryan (OH) |
| Chandler | Jackson Lee | Sánchez, Linda |
| Chu | (TX) | T. |
| Ciulline | Johnson (GA) | Sanchez, Loretta |
| Clarke (MI) | Johnson, E. B. | Sarbanes |
| Clarke (NY) | Kaptur | Schakowsky |
| Clay | Keating | Schiff |
| Cleaver | Kildee | Schrader |
| Clyburn | Kind | Schwartz |
| Cohen | Langevin | Scott (VA) |
| Connolly (VA) | Larsen (WA) | Scott, David |
| Cooper | Larson (CT) | Serrano |
| Costa | Lee (CA) | Sewell |
| Costello | Levin | Sherman |
| Courtney | Lewis (GA) | Sires |
| Critz | Loebach | Smith (WA) |
| Crowley | Lofgren, Zoe | Speier |
| Cuellar | Lowey | Stark |
| Cummings | Lujan | Sutton |
| Davis (CA) | Lynch | Thompson (CA) |
| Davis (IL) | Maloney | Thompson (MS) |
| DeFazio | Markey | Tierney |
| DeGette | Matheson | Tipton |
| DeLauro | Matsui | Tonko |
| Deutch | McCarthy (NY) | Tsongas |
| Diaz-Balart | McCollum | Van Hollen |
| Dicks | McDermott | Velázquez |
| Dingell | McGovern | Vislosky |
| Doggett | McNerney | Walz (MN) |
| Dold | Meeks | Wasserman |
| Donnelly (IN) | Michaud | Schultz |
| Doyle | Miller (NC) | Waters |
| Edwards | Miller, George | Watt |
| Ellison | Moore | Waxman |
| Engel | Moran | Welch |
| Eshoo | Murphy (CT) | Wilson (FL) |
| Farr | Nadler | Woodall |
| Fattah | Napolitano | Woolsey |
| Flake | Olver | Yarmuth |
| Frank (MA) | Owens | Young (IN) |

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Billrakis
Coble
Conyers

Filner
Griffin (AR)
Kucinich
Lewis (CA)
Marino
Myrick

Neal
Paul
Runyan
Shuler
Slaughter
Towns

□ 2107

Messrs. ISRAEL, PASCRELL, DAVIS of Illinois, and WOODALL changed their vote from “aye” to “no.”

Messrs. HARPER, PEARCE, GRIMM, NUGENT, and COFFMAN of Colorado changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 362, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 175, not voting 18, as follows:

[Roll No. 363]

AYES—238

Adams
Aderholt
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor

Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly

Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)

Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)

Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling

Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—175

Ackerman
Amash
Andrews
Baca
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Chaoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett

Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Loftgren, Zoe
Lowey
Luján

Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader

Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark

Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky

Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Billrakis
Coble
Conyers

Filner
Kucinich
LaTourette
Lewis (CA)
Marino
Myrick

Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2112

Mr. COLE changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 363, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 282, not voting 18, as follows:

[Roll No. 364]

AYES—131

Adams
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonstany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Canseco
Chabot
Cravaack
Culberson
Davis (KY)
Duncan (SC)
Duncan (TN)
Ellmers

Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Harper
Harris
Hartzler
Heck

Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry

McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Nugent
Nunnelee
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo

NOES—282

Ackerman
Aderholt
Altmire
Andrews
Austria
Baca
Barletta
Barrow
Bartlett
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
DesJarlais
Deutch

Posey
Price (GA)
Quayle
Rehberg
Reichert
Rigell
Roby
Rokita
Rooney
Roskam
Ross (FL)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner

Sessions
Shimkus
Smith (NE)
Southernland
Stearns
Stutzman
Sullivan
Terry
Tipton
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)

Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Noem
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Renacci
Reyes
Ribble
Richardson
Richmond
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)

Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers

Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky

NOT VOTING—18

Filner
King (IA)
Kucinich
Lewis (CA)
Marino
Myrick

Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

Neal
Paul
Runyan
Shuler
Slaughter
Towns

Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (NH)
Becerra
Berkley
Berman
Billbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Buerkle
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper

Landry
Lankford
Latham
Latta
Loeb sack
Long
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McKeon
McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pelosi
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Ribble
Rigell

NOES—210

Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Engel
Fattah
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Gutierrez
Hahn
Hall
Hanabusa
Hastings (FL)
Hayworth

Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southernland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Tiberi
Turner (NY)
Upton
Walberg
Walden
Walsh (IL)
Waters
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Woodall
Yoder
Young (AK)
Young (IN)

Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holden
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2116

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated against:
Mr. FILNER. Mr. Chair, on rollcall 364, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted "no."

AMENDMENT OFFERED BY MRS. BLACKBURN
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the second amendment offered
by the gentlewoman from Tennessee
(Mrs. BLACKBURN) on which further
proceedings were postponed and on
which the noes prevailed by voice vote.
The Clerk will redesignate the
amendment.
The Clerk redesignated the amend-
ment.

RECORDED VOTE
The Acting CHAIR. A recorded vote
has been demanded.
A recorded vote was ordered.
The Acting CHAIR. This will be a 2-
minute vote.
The vote was taken by electronic de-
vice, and there were—ayes 204, noes 210,
not voting 17, as follows:

[Roll No. 365]

AYES—204

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishak
Berg
Biggart
Black
Blackburn
Bonner
Bono Mack
Boustany

Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Coffman (CO)
Conaway
Cravaack
Crawford

Culberson
Davis (CA)
Davis (KY)
DeFazio
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores

McCotter
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert

Renacci
Reyes
Richardson
Richmond
Rivera
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)

Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Womack
Woolsey
Yarmuth
Young (FL)

NOT VOTING—17

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers

Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal

Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2122

Mr. COLE changed his vote from
“aye” to “no.”

Ms. PELOSI, Ms. LORETTA SAN-
CHEZ of California, Ms. SPEIER, and
Mr. LOEBSACK changed their vote
from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 365, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “no.”

AMENDMENT OFFERED BY MR. SULLIVAN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Oklahoma (Mr. SUL-
LIVAN) on which further proceedings
were postponed and on which the ayes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 250, noes 164,
not voting 17, as follows:

[Roll No. 366]

AYES—250

Adams
Aderholt
Alexander

Altmire
Amash
Amodei

Austria
Bachmann
Bachus

Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Hunter
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar

Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes

Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Rohy
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—164

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)

Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MD)

Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)

Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchee
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating

Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markay
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes

Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—17

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers

Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal

Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2126

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated for:

Mr. THOMPSON of Pennsylvania. Mr.
Chair, on rollcall No. 366 I inadvertently voted
“no,” I meant to vote “aye.” Had I voted cor-
rectly, I would have voted “aye.”

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 366, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “no.”

AMENDMENT OFFERED BY MR. TURNER OF NEW YORK

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New York (Mr. TUR-
NER) on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 101, noes 314, not voting 16, as follows:

[Roll No. 367]

AYES—101

| | | |
|--------------|-----------------|---------------|
| Adams | Gowdy | Miller (FL) |
| Amash | Graves (GA) | Mulvaney |
| Bachmann | Graves (MO) | Neugebauer |
| Barletta | Griffith (VA) | Nunnelee |
| Barton (TX) | Guinta | Pence |
| Benishkek | Harris | Pitts |
| Bishop (UT) | Hartzler | Poe (TX) |
| Blackburn | Hensarling | Posey |
| Brady (TX) | Herrera Beutler | Price (GA) |
| Broun (GA) | Huelskamp | Quayle |
| Buchanan | Huizenga (MI) | Ribble |
| Burgess | Hultgren | Rohrabacher |
| Burton (IN) | Issa | Royce |
| Campbell | Johnson (IL) | Ruppersberger |
| Cantor | Johnson, Sam | Scalise |
| Cassidy | Jordan | Schweikert |
| Chabot | Kelly | Scott (SC) |
| Chaffetz | King (IA) | Scott, Austin |
| Cravaack | King (NY) | Sensenbrenner |
| DeFazio | Kingston | Sessions |
| Duncan (SC) | Labrador | Shimkus |
| Duncan (TN) | Lamborn | Smith (NE) |
| Farenthold | Lankford | Southerland |
| Fincher | Latta | Stearns |
| Flake | Long | Stutzman |
| Fleming | Luetkemeyer | Turner (NY) |
| Flores | Lummis | Walberg |
| Foxx | Mack | Walsh (IL) |
| Franks (AZ) | Marchant | West |
| Garrett | McClintock | Westmoreland |
| Gingrey (GA) | McHenry | Wilson (SC) |
| Gohmert | McKinley | Woodall |
| Goodlatte | Meehan | Young (AK) |
| Gosar | Mica | |

NOES—314

| | | |
|-------------|---------------|---------------|
| Ackerman | Chu | Farr |
| Aderholt | Cicilline | Fattah |
| Alexander | Clarke (MI) | Fitzpatrick |
| Altmire | Clarke (NY) | Fleischmann |
| Amodei | Clay | Forbes |
| Andrews | Cleaver | Fortenberry |
| Austria | Clyburn | Frank (MA) |
| Baca | Coffman (CO) | Frelinghuysen |
| Bachus | Cohen | Fudge |
| Barrow | Cole | Gallegly |
| Bartlett | Conaway | Garamendi |
| Bass (NH) | Connolly (VA) | Gardner |
| Becerra | Conyers | Gerlach |
| Berg | Cooper | Gibbs |
| Berkley | Costa | Gibson |
| Berman | Costello | Gonzalez |
| Biggert | Courtney | Granger |
| Bilbray | Crawford | Green, Al |
| Bishop (GA) | Crenshaw | Green, Gene |
| Bishop (NY) | Critz | Griffin (AR) |
| Black | Crowley | Grijalva |
| Blumenauer | Cuellar | Grimm |
| Bonamici | Culberson | Guthrie |
| Bonner | Cummings | Gutierrez |
| Bono Mack | Davis (CA) | Hahn |
| Boren | Davis (IL) | Hall |
| Boswell | Davis (KY) | Hanabusa |
| Boustany | DeGette | Hanna |
| Brady (PA) | DeLauro | Harper |
| Braley (IA) | Denham | Hastings (FL) |
| Brooks | Dent | Hastings (WA) |
| Brown (FL) | DesJarlais | Hayworth |
| Bucshon | Deutch | Heck |
| Buerkle | Diaz-Balart | Heinrich |
| Butterfield | Dicks | Herger |
| Calvert | Dingell | Higgins |
| Camp | Doggett | Himes |
| Canseco | Dold | Hinchee |
| Capito | Donnelly (IN) | Hinojosa |
| Capps | Doyle | Hirono |
| Capuano | Dreier | Hochul |
| Cardoza | Duffy | Holden |
| Carnahan | Edwards | Holt |
| Carney | Ellison | Honda |
| Carson (IN) | Elmiers | Hoyer |
| Carter | Emerson | Hunter |
| Castor (FL) | Engel | Hurt |
| Chandler | Eshoo | Israel |

| | | |
|-----------------|------------------|---------------|
| Jackson (IL) | Moran | Schakowsky |
| Jackson Lee | Murphy (CT) | Schiff |
| (TX) | Murphy (PA) | Schilling |
| Jenkins | Nadler | Schmidt |
| Johnson (GA) | Napolitano | Schock |
| Johnson (OH) | Noem | Schrader |
| Johnson, E. B. | Nugent | Schwartz |
| Jones | Nunes | Scott (VA) |
| Kaptur | Olson | Scott, David |
| Keating | Olver | Serrano |
| Kildee | Owens | Sewell |
| Kind | Palazzo | Sherman |
| Kinzinger (IL) | Pallone | Shuster |
| Kissell | Pascrell | Simpson |
| Kline | Pastor (AZ) | Sires |
| Lance | Paulsen | Smith (NJ) |
| Landry | Pearce | Smith (TX) |
| Langevin | Pelosi | Smith (WA) |
| Larsen (WA) | Perlmutter | Speier |
| Larson (CT) | Peters | Stark |
| Latham | Peterson | Stivers |
| LaTourette | Petri | Sullivan |
| Lee (CA) | Pingree (ME) | Sutton |
| Levin | Platts | Terry |
| Lewis (GA) | Polis | Thompson (CA) |
| Lipinski | Pompeo | Thompson (MS) |
| LoBiondo | Price (NC) | Thompson (PA) |
| Loeb sack | Quigley | Thornberry |
| Lofgren, Zoe | Rahall | Tiberi |
| Lowe y | Rangel | Tierney |
| Lucas | Reed | Tipton |
| Lujan | Rehberg | Tonko |
| Lungren, Daniel | Reichert | Tsongas |
| E. | Renacci | Turner (OH) |
| Lynch | Reyes | Upton |
| Maloney | Richardson | Van Hollen |
| Manzullo | Richmond | Velazquez |
| Markey | Rigell | Visclosky |
| Matheson | Rivera | Walden |
| Matsui | Roby | Walz (MN) |
| McCarthy (CA) | Roe (TN) | Wasserman |
| McCarthy (NY) | Rogers (AL) | Schultz |
| McCaul | Rogers (KY) | Waters |
| McCollum | Rogers (MI) | Watt |
| McCotter | Rokita | Waxman |
| McDermott | Rooney | Webster |
| McGovern | Ros-Lehtinen | Welch |
| McIntyre | Roskam | Whitfield |
| McKeon | Ross (AR) | Wilson (FL) |
| McMorris | Ross (FL) | Wittman |
| Rodgers | Rothman (NJ) | Wolf |
| McNerney | Roybal-Allard | Womack |
| Meeks | Rush | Woolsey |
| Michaud | Ryan (OH) | Yarmuth |
| Miller (MI) | Ryan (WI) | Yoder |
| Miller (NC) | Sanchez, Linda | Young (FL) |
| Miller, Gary | T. | Young (IN) |
| Miller, George | Sanchez, Loretta | |
| Moore | Sarbanes | |

NOT VOTING—16

| | | |
|-----------|------------|-----------|
| Akin | Kucinich | Runyan |
| Baldwin | Lewis (CA) | Shuler |
| Bass (CA) | Marino | Slaughter |
| Bilirakis | Myrick | Towns |
| Coble | Neal | |
| Filner | Paul | |

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2130

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated against:
Mr. FILNER. Mr. Chair, on rollcall 367, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. POLIS
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 316, not voting 16, as follows:

[Roll No. 368]

AYES—99

| | | |
|---------------|---------------|---------------|
| Adams | Grijalva | Neugebauer |
| Amash | Gutierrez | Nunnelee |
| Barton (TX) | Hahn | Pastor (AZ) |
| Becerra | Hartzler | Pence |
| Benishkek | Hastings (FL) | Petri |
| Black | Hensarling | Pitts |
| Blackburn | Herger | Poe (TX) |
| Brooks | Huelskamp | Polis |
| Broun (GA) | Huizenga (MI) | Pompeo |
| Buerkle | Hultgren | Price (GA) |
| Burgess | Hurt | Quayle |
| Burton (IN) | Issa | Ribble |
| Camp | Jenkins | Rigell |
| Campbell | Johnson (IL) | Rohrabacher |
| Chabot | Jordan | Royce |
| Chaffetz | Kind | Ryan (WI) |
| Cooper | King (IA) | Schilling |
| Deutch | Labrador | Schweikert |
| Duffy | Lance | Scott (SC) |
| Duncan (SC) | Lankford | Scott, Austin |
| Duncan (TN) | Larsen (WA) | Serrano |
| Eshoo | Lee (CA) | Sessions |
| Fincher | Lofgren, Zoe | Speier |
| Flake | Lummis | Stearns |
| Flores | Lynch | Stutzman |
| Foxx | Mack | Tiberi |
| Franks (AZ) | Manzullo | Upton |
| Garrett | Marchant | Velazquez |
| Goodlatte | McClintock | Walberg |
| Gosar | Miller (MI) | Walden |
| Gowdy | Moran | Walsh (IL) |
| Graves (GA) | Mulvaney | Wilson (SC) |
| Griffith (VA) | Napolitano | Woodall |

NOES—316

| | | |
|-------------|---------------|---------------|
| Ackerman | Carnahan | Doggett |
| Aderholt | Carney | Dold |
| Alexander | Carson (IN) | Donnelly (IN) |
| Altmire | Carter | Doyle |
| Amodei | Cassidy | Dreier |
| Andrews | Castor (FL) | Edwards |
| Austria | Chandler | Ellison |
| Baca | Chu | Elmiers |
| Bachmann | Cicilline | Emerson |
| Bachus | Clarke (MI) | Engel |
| Barletta | Clarke (NY) | Farenthold |
| Barrow | Clay | Farr |
| Bartlett | Cleaver | Fattah |
| Bass (NH) | Clyburn | Fitzpatrick |
| Berg | Coffman (CO) | Fleischmann |
| Berkley | Cohen | Fleming |
| Berman | Cole | Forbes |
| Biggert | Conaway | Fortenberry |
| Bilbray | Connolly (VA) | Frank (MA) |
| Bishop (GA) | Conyers | Frelinghuysen |
| Bishop (NY) | Costa | Fudge |
| Bishop (UT) | Costello | Gallegly |
| Blumenauer | Courtney | Garamendi |
| Bonamici | Cravaack | Gardner |
| Bonner | Crawford | Gerlach |
| Bono Mack | Crenshaw | Gibbs |
| Boren | Critz | Gibson |
| Boswell | Crowley | Gingrey (GA) |
| Boustany | Cuellar | Gohmert |
| Brady (PA) | Culberson | Gonzalez |
| Brady (TX) | Cummings | Granger |
| Braley (IA) | Davis (CA) | Graves (MO) |
| Brown (FL) | Davis (IL) | Green, Al |
| Buchanan | Davis (KY) | Green, Gene |
| Bucshon | DeFazio | Griffin (AR) |
| Butterfield | DeGette | Grimm |
| Calvert | DeLauro | Guinta |
| Canseco | Denham | Guthrie |
| Cantor | Dent | Hall |
| Capito | DesJarlais | Hanabusa |
| Capps | Diaz-Balart | Hanna |
| Capuano | Dicks | Harper |
| Cardoza | Dingell | Harris |

| | | |
|-----------------|----------------|------------------|
| Hastings (WA) | McHenry | Ryan (OH) |
| Hayworth | McIntyre | Sánchez, Linda |
| Heck | McKeon | T. |
| Heinrich | McKinley | Sanchez, Loretta |
| Herrera Beutler | McMorris | Sarbanes |
| Higgins | Rodgers | Scalise |
| Himes | McNerney | Schakowsky |
| Hinchey | Meehan | Schiff |
| Hinojosa | Meeks | Schmidt |
| Hirono | Mica | Schock |
| Hochul | Michaud | Schrader |
| Holden | Miller (FL) | Schwartz |
| Holt | Miller (NC) | Scott (VA) |
| Honda | Miller, Gary | Scott, David |
| Hoyer | Miller, George | Sensenbrenner |
| Hunter | Moore | Sewell |
| Israel | Murphy (CT) | Sherman |
| Jackson (IL) | Murphy (PA) | Shimkus |
| Jackson Lee | Nadler | Shuster |
| (TX) | Noem | Simpson |
| Johnson (GA) | Nugent | Sires |
| Johnson (OH) | Nunes | Smith (NE) |
| Johnson, E. B. | Olson | Smith (NJ) |
| Johnson, Sam | Oliver | Smith (TX) |
| Jones | Owens | Smith (WA) |
| Kaptur | Palazzo | Southerland |
| Keating | Pallone | Stark |
| Kelly | Pascarell | Stivers |
| Kildee | Paulsen | Sullivan |
| King (NY) | Pearce | Sutton |
| Kingston | Pelosi | Terry |
| Kinzinger (IL) | Perlmutter | Thompson (CA) |
| Kissell | Peters | Thompson (MS) |
| Kline | Peterson | Thompson (PA) |
| Lamborn | Pingree (ME) | Thornberry |
| Landry | Platts | Tierney |
| Langevin | Posey | Tipton |
| Larson (CT) | Price (NC) | Tonko |
| Latham | Quigley | Tsongas |
| LaTourette | Rahall | Turner (NY) |
| Latta | Rangel | Turner (OH) |
| Levin | Reed | Van Hollen |
| Lewis (GA) | Rehberg | Visclosky |
| Lipinski | Reichert | Walz (MN) |
| LoBiondo | Renacci | Wasserman |
| Loeback | Reyes | Schultz |
| Long | Richardson | Waters |
| Lowey | Richmond | Watt |
| Lucas | Rivera | Waxman |
| Luetkemeyer | Roby | Webster |
| Lujan | Roe (TN) | Welch |
| Lungren, Daniel | Rogers (AL) | West |
| E. | Rogers (KY) | Westmoreland |
| Maloney | Rogers (MI) | Whitfield |
| Markey | Rokita | Wilson (FL) |
| Matheson | Rooney | Wittman |
| Matsui | Ros-Lehtinen | Wolf |
| McCarthy (CA) | Roskam | Womack |
| McCarthy (NY) | Ross (AR) | Woolsey |
| McCauley | Ross (FL) | Yarmuth |
| McCollum | Rothman (NJ) | Yoder |
| McCotter | Roybal-Allard | Young (AK) |
| McDermott | Ruppersberger | Young (FL) |
| McGovern | Rush | Young (IN) |

NOT VOTING—16

| | | |
|-----------|------------|-----------|
| Akin | Kucinich | Runyan |
| Baldwin | Lewis (CA) | Shuler |
| Bass (CA) | Marino | Slaughter |
| Bilirakis | Myrick | Towns |
| Coble | Neal | |
| Filner | Paul | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2133

Messrs. GARRETT and KING of Iowa changed their vote from “no” to “aye.”
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 368, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2013”.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REED) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 667, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TIERNEY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIERNEY. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 5855 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 19, line 18, after the dollar amount insert “(reduced by \$16,630,000)”.

Page 32, line 16, after the dollar amount, insert “(increased by \$16,630,000)”.

Page 39, line 20, strike “\$150,000,000” and insert “\$490,300,000”.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, tonight I rise to offer the final amendment. I want to be clear that this is a final amendment to the bill. It will not kill the bill, nor will it send it back to committee. If it's adopted, the bill will be voted on immediately as amended.

Let me start by saying that it's unfortunate that the House Republicans

unilaterally reneged upon the agreed upon discretionary caps that were established by the Budget Control Act. Their doing so—just to finance more tax cuts for people that were already tremendously well-off—has resulted in the Appropriations Committee having to absorb \$19 billion in reductions below the Budget Control Act. So I recognize, Mr. Speaker, that subcommittee Chairman ADERHOLT and Ranking Member PRICE did the very best that they could with this bill given the subcommittee's allocation. Nevertheless, I offer this final amendment that focuses on two important areas: combating the increasing cyberthreat facing this country and protecting our urban areas from terrorist threats.

This week's Washington Post pointed out that in recent years, there have been numerous revelations about how the unknown vulnerabilities of our networks and cyberinformation were used to break into systems that were assumed to be secure.

□ 2140

One came in 2009 targeting Google, Northrop Grumman, Dow Chemical and hundreds of other firms when hackers from China penetrated the targeted computer systems. Over several months, the hijackers siphoned off oceans of data, including the source code that runs Google systems. According to the same article, another attack last year took aim at cybersecurity giant RSA, which protects most of the Fortune 500 companies.

But it's not only a problem for the largest companies. In fact, according to Reuters, 40 percent of all the targeted Internet attacks are directed toward more vulnerable companies with fewer than 500 employees.

Mr. Speaker, I expect the chairman will defend this bill's investments in cybersecurity and, again, I appreciate that. He did what he could do, and we should be doing more. While we spend more than China, Russia, and the next eight countries combined ensuring that our military superiority is intact, we have not taken that same sense of purpose to cybersecurity.

My amendment does precisely that, adding \$17 million in new funding to the National Protection and Programs Directorate for additional cybersecurity personnel, including training and education opportunities to grow the future cybersecurity workforce. With repeated and increasingly dangerous threats to our Federal and private cybernetworks, it's critical that we have staff with the utmost up-to-date training and skills to address these threats.

The final amendment also increases the bill's investment in Urban Area Security Initiative grants from \$150 million to \$490.3 million. This will not take money away from anybody; it just

reallocates the distribution. This is the amount Secretary Napolitano devoted to the Urban Area Security grants in 2012. As my colleagues know, these grants are intended to protect the highest risk and highest density urban areas from terrorist threats. These grants have been substantially reduced under the Republican majority, and these reductions have put our Nation's most populated areas at greater risk.

With that, Mr. Speaker, I yield to my colleague from New York.

Mrs. LOWEY. While I appreciate language in the bill set aside for high threat areas, I fear that it's simply insufficient to combat the threats we know are facing our most populated cities.

This motion simply raises the floor that must be spent protecting our major population levels to be equal to current levels. The amount of money dedicated to urban areas has dropped from \$887 million in 2010, \$725 million in 2011, to now under \$500 million, yet the threats we face have not diminished.

I thank the gentleman for offering this motion and yielding, and I urge my colleagues to vote to protect our critical population and economic centers.

Mr. TIERNEY. Reclaiming my time, Mr. Speaker, this final amendment improves the underlying bill and hopefully will garner bipartisan support. Let's take these additional threats to combat cyberthreats, but step up our efforts to protect our urban areas from terrorist threats. Please support the motion to recommit.

With that, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, this bill is already robust on cybersecurity. It provides a substantial increase in every cybersecurity program across the Department.

Furthermore, this bill already does more for grants to high-risk areas than any previous DHS appropriations bill, and we increase grants by more than \$400 million. Let me repeat that: By more than \$400 million we increase grants.

In short, this motion is not needed. This bill cuts spending overall, but it also fully sustains all frontline and high-risk operation. It is a balanced bill. It is a disciplined bill. It is a bill worthy of support.

Mr. Speaker, it's time to vote. It's time to meet our Nation's needs for security and fiscal restraint. I urge my colleagues to reject this unnecessary motion and to enthusiastically support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 165, noes 251, not voting 15, as follows:

[Roll No. 369]

AYES—165

| | | |
|---------------|----------------|------------------|
| Ackerman | Fudge | Napolitano |
| Altmire | Garamendi | Oliver |
| Andrews | Gonzalez | Pallone |
| Baca | Green, Al | Pascarell |
| Bass (CA) | Green, Gene | Pastor (AZ) |
| Becerra | Grijalva | Pelosi |
| Berkley | Gutierrez | Perlmutter |
| Berman | Hahn | Peters |
| Bishop (GA) | Hanabusa | Pingree (ME) |
| Bishop (NY) | Hastings (FL) | Polis |
| Blumenauer | Higgins | Price (NC) |
| Bonamici | Himes | Quigley |
| Brady (PA) | Hinchey | Rahall |
| Brown (FL) | Hinojosa | Rangel |
| Butterfield | Hirono | Reyes |
| Capps | Hochul | Richardson |
| Capuano | Holden | Richmond |
| Cardoza | Holt | Rothman (NJ) |
| Carnahan | Honda | Roybal-Allard |
| Carson (IN) | Hoyer | Ruppersberger |
| Castor (FL) | Israel | Rush |
| Chu | Jackson (IL) | Ryan (OH) |
| Ciavarella | Jackson Lee | Sanchez, Linda |
| Clarke (MI) | (TX) | T. |
| Clarke (NY) | Johnson (GA) | Sanchez, Loretta |
| Clay | Johnson, E. B. | Sarbanes |
| Cleaver | Kaptur | Schakowsky |
| Clyburn | Keating | Schiff |
| Cohen | Kildee | Schwartz |
| Connolly (VA) | Kind | Scott (VA) |
| Conyers | Langevin | Scott, David |
| Cooper | Larsen (WA) | Serrano |
| Costa | Larson (CT) | Sewell |
| Costello | Lee (CA) | Sherman |
| Courtney | Levin | Sires |
| Critz | Lewis (GA) | Smith (WA) |
| Crowley | Lipinski | Speier |
| Cuellar | Lofgren, Zoe | Stark |
| Cummings | Lowe | Sutton |
| Davis (CA) | Lynch | Thompson (CA) |
| Davis (IL) | Maloney | Thompson (MS) |
| DeFazio | Markey | Tierney |
| DeGette | Matsui | Tonko |
| DeLauro | McCarthy (NY) | Tsongas |
| Deutch | McCollum | Van Hollen |
| Dicks | McDermott | Velázquez |
| Dingell | McGovern | Visclosky |
| Doggett | McIntyre | Wasserman |
| Doyle | McNerney | Schultz |
| Edwards | Meeks | Waters |
| Ellison | Miller (NC) | Watt |
| Engel | Miller, George | Waxman |
| Eshoo | Moore | Welch |
| Farr | Moran | Wilson (FL) |
| Fattah | Murphy (CT) | Woolsey |
| Frank (MA) | Nadler | Yarmuth |

NOES—251

| | | |
|-------------|-------------|-------------|
| Adams | Bass (NH) | Boustany |
| Aderholt | Benishke | Brady (TX) |
| Alexander | Berg | Braley (IA) |
| Amash | Biggert | Brooks |
| Amodei | Billbray | Brown (GA) |
| Austria | Bishop (UT) | Buchanan |
| Bachmann | Black | Bucshon |
| Bachus | Blackburn | Buerkle |
| Barletta | Bonner | Burgess |
| Barrow | Bono Mack | Burton (IN) |
| Bartlett | Boren | Calvert |
| Barton (TX) | Boswell | Camp |

| | | |
|-----------------|-----------------|---------------|
| Campbell | Huelskamp | Pompeo |
| Canseco | Huizenga (MI) | Posey |
| Cantor | Hultgren | Price (GA) |
| Capito | Hunter | Quayle |
| Carney | Hurt | Reed |
| Carter | Issa | Rehberg |
| Cassidy | Jenkins | Reichert |
| Chabot | Johnson (IL) | Renacci |
| Chaffetz | Johnson (OH) | Ribble |
| Chandler | Johnson, Sam | Rigell |
| Coffman (CO) | Jones | Rivera |
| Cole | Jordan | Roby |
| Conaway | Kelly | Roe (TN) |
| Cravaack | King (IA) | Rogers (AL) |
| Crawford | King (NY) | Rogers (KY) |
| Crenshaw | Kingston | Rogers (MI) |
| Culberson | Kinzinger (IL) | Rohrabacher |
| Davis (KY) | Kissell | Rokita |
| Denham | Kline | Rooney |
| Dent | Labrador | Ros-Lehtinen |
| DesJarlais | Lamborn | Roskam |
| Diaz-Balart | Lance | Ross (AR) |
| Dold | Landry | Ross (FL) |
| Donnelly (IN) | Lankford | Royce |
| Dreier | Latham | Ryan (WI) |
| Duffy | LaTourette | Scalise |
| Duncan (SC) | Latta | Schilling |
| Duncan (TN) | LoBiondo | Schmidt |
| Ellmers | Loebuck | Schock |
| Emerson | Long | Schraeder |
| Farenthold | Lucas | Schweikert |
| Fincher | Luetkemeyer | Scott (SC) |
| Fitzpatrick | Lujan | Scott, Austin |
| Flake | Lummis | Sensenbrenner |
| Fleischmann | Lungren, Daniel | Sessions |
| Fleming | E. | Shimkus |
| Flores | Mack | Shuster |
| Forbes | Manzullo | Simpson |
| Fortenberry | Marchant | Smith (NE) |
| Fox | Matheson | Smith (NJ) |
| Franks (AZ) | McCarthy (CA) | Smith (TX) |
| Frelinghuysen | McClintock | Southerland |
| Gallely | McClintock | Stearns |
| Gardner | McCotter | Stivers |
| Garrett | McHenry | Stutzman |
| Gerlach | McKeon | Sullivan |
| Gibbs | McKinley | Terry |
| Gibson | McMorris | Thompson (PA) |
| Gingrey (GA) | Rodgers | Thornberry |
| Gohmert | Meehan | Tiberi |
| Goodlatte | Mica | Tipton |
| Gosar | Michaud | Turner (NY) |
| Gowdy | Miller (FL) | Turner (OH) |
| Granger | Miller (MI) | Upton |
| Graves (GA) | Miller, Gary | Walberg |
| Graves (MO) | Mulvaney | Walden |
| Griffin (AR) | Murphy (PA) | Walsh (IL) |
| Griffith (VA) | Neugebauer | Walz (MN) |
| Grimm | Noem | Webster |
| Guinta | Nugent | West |
| Guthrie | Nunes | Westmoreland |
| Hall | Nunnelee | Whitfield |
| Hanna | Olson | Wilson (SC) |
| Harper | Owens | Wittman |
| Harris | Palazzo | Wolf |
| Hartzer | Paulsen | Womack |
| Hastings (WA) | Pearce | Woodall |
| Hayworth | Pence | Yoder |
| Heck | Peterson | Young (AK) |
| Heinrich | Petri | Young (FL) |
| Hensarling | Pitts | Young (IN) |
| Herger | Platts | |
| Herrera Beutler | Poe (TX) | |

NOT VOTING—15

| | | |
|-----------|------------|-----------|
| Akin | Kucinich | Paul |
| Baldwin | Lewis (CA) | Runyan |
| Bilirakis | Marino | Shuler |
| Coble | Myrick | Slaughter |
| Filner | Neal | Towns |

□ 2159

Mr. CARNEY changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 369, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 182, not voting 15, as follows:

[Roll No. 370]

YEAS—234

| | | |
|---------------|-----------------|---------------|
| Adams | Gingrey (GA) | Nunes |
| Aderholt | Gohmert | Nunnelee |
| Alexander | Goodlatte | Olson |
| Altmire | Gosar | Owens |
| Amodei | Gowdy | Palazzo |
| Austria | Granger | Paulsen |
| Bachmann | Graves (GA) | Pearce |
| Bachus | Graves (MO) | Pence |
| Barletta | Griffin (AR) | Peterson |
| Barrow | Griffith (VA) | Petri |
| Bartlett | Grimm | Pitts |
| Barton (TX) | Guinta | Platts |
| Bass (NH) | Guthrie | Poe (TX) |
| Benishke | Hall | Pompeo |
| Berg | Hanna | Posey |
| Berkley | Harper | Price (GA) |
| Biggert | Harris | Quayle |
| Bilbray | Hartzler | Rahall |
| Bishop (UT) | Hastings (WA) | Reed |
| Black | Hayworth | Rehberg |
| Blackburn | Heck | Reichert |
| Bonner | Heinrich | Renacci |
| Bono Mack | Hensarling | Ribble |
| Boren | Herger | Rigell |
| Boswell | Herrera Beutler | Rivera |
| Boustany | Huizenga (MI) | Roby |
| Brady (TX) | Hultgren | Roe (TN) |
| Brooks | Hunter | Rogers (AL) |
| Broun (GA) | Hurt | Rogers (KY) |
| Buchanan | Issa | Rogers (MI) |
| Bucshon | Jenkins | Rohrabacher |
| Buerkle | Johnson (OH) | Rokita |
| Burton (IN) | Johnson, Sam | Rooney |
| Calvert | Jordan | Ros-Lehtinen |
| Camp | Keating | Roskam |
| Canseco | Kelly | Ross (AR) |
| Cantor | King (IA) | Ross (FL) |
| Capito | King (NY) | Scalise |
| Carter | Kingston | Schilling |
| Cassidy | Kinzinger (IL) | Schmidt |
| Chabot | Kissell | Schock |
| Chaffetz | Kline | Schweikert |
| Chandler | Labrador | Scott (SC) |
| Coffman (CO) | Lamborn | Scott, Austin |
| Cole | Lance | Sessions |
| Conaway | Landry | Shimkus |
| Cravaack | Lankford | Shuster |
| Crawford | Latham | Simpson |
| Crenshaw | LaTourette | Smith (NE) |
| Culberson | Latta | Smith (NJ) |
| Davis (KY) | LoBiondo | Smith (TX) |
| Denham | Long | Southerland |
| Dent | Lucas | Stivers |
| DesJarlais | Luetkemeyer | Stutzman |
| Diaz-Balart | Lungren, Daniel | Sullivan |
| Dold | E. | Terry |
| Donnelly (IN) | Mack | Thompson (PA) |
| Dreier | Manzullo | Thornberry |
| Duffy | Marchant | Tiberi |
| Duncan (SC) | Matheson | Tipton |
| Ellmers | McCarthy (CA) | Turner (NY) |
| Emerson | McCarthy (NY) | Turner (OH) |
| Farenthold | McCaul | Upton |
| Fincher | McCotter | Walberg |
| Fitzpatrick | McHenry | Walden |
| Fleischmann | McIntyre | Webster |
| Fleming | McKeon | West |
| Flores | McKinley | Westmoreland |
| Forbes | McMorris | Whitfield |
| Fortenberry | Rodgers | Wilson (SC) |
| Fox | Meehan | Wittman |
| Franks (AZ) | Mica | Wolf |
| Frelinghuysen | Miller (FL) | Womack |
| Gallely | Miller (MI) | Woodall |
| Gardner | Miller, Gary | Yoder |
| Garrett | Murphy (PA) | Young (AK) |
| Gerlach | Neugebauer | Young (FL) |
| Gibbs | Noem | Young (IN) |
| Gibson | Nugent | |

NAYS—182

| | | |
|---------------|----------------|------------------|
| Ackerman | Garamendi | Olver |
| Amash | Gonzalez | Pallone |
| Andrews | Green, Al | Pascarell |
| Baca | Green, Gene | Pastor (AZ) |
| Bass (CA) | Grijalva | Pelosi |
| Becerra | Gutierrez | Perlmutter |
| Berman | Hahn | Peters |
| Bishop (GA) | Hanabusa | Pingree (ME) |
| Bishop (NY) | Hastings (FL) | Polis |
| Blumenauer | Higgins | Price (NC) |
| Bonamici | Himes | Quigley |
| Brady (PA) | Hinchev | Rangel |
| Braley (IA) | Hinojosa | Reyes |
| Brown (FL) | Hirono | Richardson |
| Burgess | Hochul | Richmond |
| Butterfield | Holden | Rothman (NJ) |
| Campbell | Holt | Roybal-Allard |
| Capps | Honda | Royce |
| Capuano | Hoyer | Ruppersberger |
| Cardoza | Huelskamp | Rush |
| Carnahan | Israel | Ryan (OH) |
| Carney | Jackson (IL) | Ryan (WI) |
| Carson (IN) | Jackson Lee | Sánchez, Linda |
| Castor (FL) | (TX) | T. |
| Chu | Johnson (GA) | Sanchez, Loretta |
| Cicilline | Johnson (IL) | Sarbanes |
| Clarke (MI) | Johnson, E. B. | Schakowsky |
| Clarke (NY) | Jones | Schiff |
| Clay | Kaptur | Schrader |
| Cleaver | Kildee | Schwartz |
| Clyburn | Kind | Scott (VA) |
| Cohen | Langevin | Scott, David |
| Connolly (VA) | Larsen (WA) | Sensenbrenner |
| Conyers | Larson (CT) | Serrano |
| Cooper | Lee (CA) | Sewell |
| Costa | Levin | Sherman |
| Costello | Lewis (GA) | Sires |
| Courtney | Lipinski | Smith (WA) |
| Critz | Loebsack | Speier |
| Crowley | Lofgren, Zoe | Stark |
| Cuellar | Lowe | Stearns |
| Cummings | Lujan | Sutton |
| Davis (CA) | Lummis | Thompson (CA) |
| Davis (IL) | Lynch | Thompson (MS) |
| DeFazio | Maloney | Tierney |
| DeGette | Markey | Tonko |
| DeLauro | Matsui | Tsongas |
| Deutch | McClintock | Van Hollen |
| Dicks | McCollum | Velázquez |
| Dingell | McDermott | Visclosky |
| Doggett | McGovern | Walsh (IL) |
| Doyle | McNerney | Walz (MN) |
| Duncan (TN) | Meeks | Wasserman |
| Edwards | Michaud | Schultz |
| Ellison | Miller (NC) | Waters |
| Engel | Miller, George | Watt |
| Eshoo | Moore | Waxman |
| Farr | Moran | Welch |
| Fattah | Mulvaney | Wilson (FL) |
| Flake | Murphy (CT) | Woolsey |
| Frank (MA) | Nadler | Yarmuth |
| Fudge | Napolitano | |

NOT VOTING—15

| | | |
|-----------|------------|-----------|
| Akin | Kucinich | Paul |
| Baldwin | Lewis (CA) | Runyan |
| Bilirakis | Marino | Shuler |
| Coble | Myrick | Slaughter |
| Finer | Neal | Towns |

□ 2207

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 370, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, and 370. Had I been present, I would have voted "aye" on rollcall vote Nos. 360, and 369. Had I been present, I would have voted "no" on rollcall vote Nos.

358, 359, 361, 362, 363, 364, 365, 366, 367, 368, and 370.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permissions granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 7, 2012 at 6:08 p.m.:

That the Senate passed S. 3261.

That the Senate passed without amendment H.R. 5883.

That the Senate passed without amendment H.R. 5890.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 2210

MOTION TO INSTRUCT CONFEREES
ON H.R. 4348, SURFACE TRANSPORTATION
EXTENSION ACT OF
2012, PART II

Mr. BROWN of Georgia. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Broun of Georgia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on provisions that limit funding out of the Highway Trust Fund (including the Mass Transit Account) for Federal-aid highway and transit programs to amounts that do not exceed \$37,500,000,000 for fiscal year 2013.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Georgia (Mr. BROWN) and the gentleman from Oregon (Mr. DEFALZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROWN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all know that our country is facing an unprecedented fiscal emergency. We're broke as a Nation. While a number of us believe that the Federal Government's spending must be limited from the very start, it's clear to most of us here that any spending that we do must be offset. We cannot continue to build debt for our children and our grandchildren.

In most cases, when we wish to increase spending, we are presented with a very difficult choice: whether to increase taxes, as some would have us to do, or reduce spending in other areas of

the Federal Government. But the case before us today, the Federal highway system, is different from most Federal programs.

Much of the spending in the underlying bill is filtered through the highway trust fund, which was built on a unique principle of "user pays." Unlike most government programs which rely on general tax revenues, the programs which provide for new roads and highway improvements are paid for by highway users through the 18.4 cents per gallon gas tax. It isn't a perfect system, but it was created with a built-in accountability measure in mind: that the highway trust fund may only give out in obligations the amount in which it takes in through gas tax revenues.

Until recently, this principle worked relatively well. But increasing construction costs, stricter federally mandated fuel efficiency standards, and a reluctance to increase the gas tax—especially during an economic downturn—have led to a decrease in the highway trust fund's purchasing power.

None of these problems should have been a surprise to Congress, Mr. Speaker, as many of them were direct results of actions taken by this body. Nevertheless, these obstacles should have led us to some sort of congressional action in order to keep the highway trust fund—and the Federal highway programs as a whole—solvent.

So what did Congress do? Did we increase the gas tax? Did we reverse the fuel efficiency standards? Did we reorganize any of the programs or do anything to encourage the production of cheaper fuel here in the U.S.? No, absolutely not. When faced with the threat of bankrupting the highway trust fund in 2005, Congress did nothing to rein in spending or increase revenues. Instead, Congress passed the SAFETEA-LU law, which was the biggest, most expensive transportation authorization in history. Not surprisingly, by 2009, the highway trust fund was broke. Since then, we've passed three separate bailouts of the highway trust fund totaling nearly \$30 billion.

Mr. Speaker, I fear that the bill which is currently in conference will only lead to more of the same of that deficit spending. My fear is supported by numbers from the Congressional Budget Office which show that for each of the next 2 years, there is a projected \$8 to \$9 billion gap between the likely revenues and the expected outlays within the highway trust fund.

It is important to note, however, that these estimates are developed using current budgetary conditions. This means that changes could be made during the conference which would prevent this shortfall from happening again.

One approach which has been embraced by many Members is to tie U.S. energy production to highway financing. On its face, this approach looks

like a win-win solution to both drive down gas prices and allow for increased investment in transportation infrastructure.

While I support language to authorize the Keystone pipeline and other domestic energy projects, I must caution my colleagues about combining such initiatives to pay for a transportation authorization. There are many regulatory hurdles that these projects must cross, as well as litigation, before they come to fruition. I don't agree with these burdens, but they are a reality. Even in the best case scenario, it will be years before we see any profits from Keystone or any energy development that many of us would like to see us undertake.

Indeed, using potential energy production to pay for other priorities is not new in this body. In fact, the House has voted to allow development of the resources in the Arctic National Wildlife Refuge more than 10 times since 1995. But as many of us know, policies that are passed here in the House, or even in both bodies, do not always take effect as intended.

While I agree that our Nation's infrastructure needs significant help, we simply cannot allow ourselves to spend billions of dollars that we simply don't have based on the promise of potential, unrealized energy revenues. That's why I have brought this motion to the floor tonight.

My motion to instruct would restore the inherent limits which were built into the highway trust fund originally. It would ask that the conferees only obligate funds which are equal to what the Congressional Budget Office projects that the government will take in via the Federal gas tax over the course of fiscal year 2013.

If my language were added to the bill, it would return discipline to a broken program until either additional real revenue becomes available or policy changes are made which would relieve the pressure on the highway trust fund.

We are in a fiscal crisis, Mr. Speaker. As a House Member, when I evaluate legislation, I ask myself four questions. The first, is it right? Is it moral? The second, is it constitutional according to the original intent of the Constitution? The third, is it needed? And the fourth, can we afford it?

Given what the conferees are working with, I can't sign off on that last question. It is simply not affordable.

We cannot continue to create more debt. And I'm not the only one who feels that way, Mr. Speaker. In fact, likewise, just 2 days ago, the U.S. Chamber of Commerce sent a letter to House Members earlier this week expressing its fear of an "impending fiscal cliff." In part, the letter states that:

America is accelerating toward a fiscal cliff while at the same time Congress and the

President are ignoring a growing long-run fiscal imbalance.

Mr. Speaker, it seems clear to me that passing the motion before us here today would be an important step towards reining in spending and allowing us to step back from the precipice on which we find ourselves, a precipice of total economic collapse of our Nation.

Unfortunately, as with every other issue, the debate over transportation spending has become "cuts for thee, but not for me." The time for such games has ended. My motion would attempt to rein in Federal spending and hold us to our honest limits for now. And if the best case scenario presents itself down the road, all the better.

I urge my colleagues to support this motion, and I reserve the balance of my time.

□ 2220

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I might consume.

Well, here we are in the dark of the night, voting on what is really, for the most part meaningless, which is a motion to instruct conferees, which is nonbinding. But in this case, since this might indicate the intent of the majority, should this motion prevail, this is a very significant discussion of the future of our country.

Now, the gentleman talked about runaway spending, and we have some substantial agreement there. I was the lead Democratic sponsor on a balanced budget amendment which would force us to agree on ways to move toward fiscal responsibility, including both revenues, which that side denies, and expenditures.

But when we look at expenditures, we need to discriminate between consumption and investment. Investment in transportation and infrastructure, giving the United States of America a 21st century, competitive infrastructure system to compete with the rest of the world.

Our competitor nations get it. China's spending almost 10 percent of their gross domestic product on transportation investment so they can be more competitive, get their goods to market more quickly, more efficiently, more fuel efficiently, move their people more efficiently.

India, 5 percent. Brazil, 6 percent. United States of America, a little bit less than 1 percent—and the gentleman's amendment would cut it to zero for the next year. Yes, zero.

Now, how does that happen?

Well, the fact is that as we incur obligations to spend money on infrastructure, there's a tail, there's a lag. We only reimburse the States once the projects are finished. And it happens that, over the next year, the past obligations to which the Federal Government has committed, would equal the amount of money to which the gentleman would limit us, which would

mean no new investment in transportation and infrastructure in this country, despite the fact we have 150,000 bridges in the Federal system that are at the point of collapse or need substantial rehabilitation.

We have 40 percent of the miles on the national highway system that don't just need an overlay; they need to be dug up. They need to be totally rebuilt. And a \$70 billion backlog on our transit system. That's the 19th and 20th century system, let alone a 21st century transit them.

And guess what? If we make these investments with the "Buy America" requirements, which many on that side of the aisle are opposed to, we would put millions to work in this country. So we are, on this side, fighting for more investment. There are many on that side fighting for reduced investment. But this motion would actually propose zero, zero investment for the next year in transportation and infrastructure in America, with the deteriorating system. And that's somehow fiscally prudent.

The gentleman talked about the Chamber of Commerce. Kind of interesting because actually I have a letter dated June 5, pretty recent, from the Chamber of Commerce:

Passing transportation reauthorization legislation is a concrete step Congress and the administration can take right now to support job, economic productivity without adding to the deficit. The Chamber strongly opposes the Broun amendment, the motion to instruct conferees, and urges you to vote against this effort to slash funding for highways, transit, and safety programs. The Chamber may consider including votes on or in relation to this Broun amendment to instruct in our annual how they voted score card.

That's good. I might end up at 5 percent or 10 percent because I am going to oppose it. A lot of time I'm kind of zero with the Chamber. So that's good. They get it.

There's a long list of businesses and others that are opposed to this amendment. They understand for America to compete in the modern 21st century world we need an up-to-date transportation system. We don't have it, and the 20th century system we have, the legacy of Dwight David Eisenhower, a Republican President, is falling apart.

At the levels the gentleman would mandate with this motion to instruct, according to the Congressional Budget Office, there would be zero new investment in the coming year. That is hundreds of thousands of jobs lost, opportunities lost.

Now, I understand that on their side of the aisle they're having a very robust debate—I didn't bring my poster tonight—about the issue of devolution. And devolution is a theory that the Federal Government shouldn't be involved in national transportation pol-

icy. It should be delegated to the 50 States, and they should be responsible for paying for it.

Well, guess what? We had that system until 1956. Dwight David Eisenhower and the surface transportation legacy he gave us with the national highway system. And I have a great poster—I wish I'd brought it—which is a great photo from the air of the new, brand new, spanking new, beautiful new Kansas Turnpike, 1956. And guess what?

It ends kind of abruptly, and you go, wow, what's that line? Why does it end there?

Well, that was a farmer's field in Oklahoma, because Oklahoma said, well, we'll build our section too. We'll have a new, coordinated thing. But they said, well, we don't have the money, and they couldn't do it. And it wasn't done until the Eisenhower bill was adopted and we had a national investment in a national transportation highway system.

They want to go back to the good old days, a 50-State system funded by the 50 States that's disconnected. So freight comes into L.A., which is going to all of the Western United States, well, even some of it further to the east, maybe, probably not all the way to Georgia, who knows. Some of it. And well, I guess California would have to pay for moving all the freight for the rest of the country. Well, maybe they're not going to do that, and maybe the other States aren't going to do that under this kind of new, bizarre theory of devolution.

We need a 21st century, efficient, competitive, world-class national transportation system. The bill that the Senate passed won't get us there. I would vote for it. Won't get us there.

The bill that was proposed on the Republican side of the aisle, which they couldn't even get out of conference, would move us backwards. This bill would take us back to essentially, not quite even Third World status because Third World countries are investing more of their GDP in transportation and infrastructure than us. It would be Fourth World, formerly First World, vaulting over everybody else saying, hey, we're just going to let it fall apart. We're going to leave it up to the 50 States, and maybe they can get it together for a national system. Maybe they can't. This is nuts.

With that, I reserve the balance of my time.

Mr. BROUN of Georgia. To begin with, I yield myself as much time as I may consume, and then I'll yield to my good friend, Mo BROOKS from Alabama.

But prior to yielding to Mr. BROOKS, I want to say that my good friend, who I have utmost admiration and good feelings towards personally, my friend from Oregon is just factually incorrect. If this motion to instruct is indeed put into the conference report that, hope-

fully, they will get out, there will continue to be new investment in our infrastructure. The difference will be that we just won't create any more debt.

And the argument I got from my colleague on the other side just shows the very drastic difference in philosophy between my Democratic colleagues and me and many on our side, and that's that it seems to me that the philosophy of the Democratic party is that only government creates jobs.

The government doesn't make any money. They just take money from those who are creating jobs and spend it on whatever government decides that they want to spend it on. We spent a tremendous amount of money, which is going to wind up being over \$1 trillion in a stimulus package that our President gave us. And where are the jobs? He created some temporary jobs. Created even temporary infrastructure jobs, but our economy is no better.

The American people are asking, where are the jobs? Where's the stronger economy?

There is none. And there is none because the philosophy of my Democratic colleagues just simply does not work. Socialism has never worked under any socialist particular regime in the history of this Nation, and it's not going to work under the socialistic regime of Barack Obama and my Democratic colleagues.

I believe in transportation. It's one of the few truly constitutional functions of the Federal Government under the original intent. In our Founding Fathers' time they called it a postal road system.

□ 2230

But what I am against is creating more debt for my two grandchildren, who are 6 and 7. Their names are Tillman and Cile Surratt, and they live in Oconee County, Georgia. What we are doing here in this body and what we've been doing in the 5 years I've been here is creating more debt that they and their children and their grandchildren are going to have to pay. They're going to live at a lower standard than we do today.

It's because of this philosophy of Big Government spending; it's because of a philosophy of government knows best for America; and it's a philosophy of government is going to take away from those who are producing and creating jobs and give it to government bureaucrats to try to tell us how to run our lives.

It has to stop. America is broke, and we have to stop this deficit spending. Where are the jobs?

We can create some part-time jobs. I'd like to see us have a transportation bill. I'd like to see us have a 10-year transportation bill based on highway trust fund spending—nothing else—and not going into debt any further. So the

philosophy of my good friend from Oregon and his colleagues on the Democratic side is a philosophy of economic failure as a Nation, and we've got to stop it.

I would now like to yield 10 minutes to my good friend from Alabama (Mr. BROOKS).

Mr. BROOKS. I support Representative BROWN's motion to instruct. Let me explain why.

For six decades, America has been the greatest Nation in history. We are blessed with a standard of living envied by the world, a military unmatched in history, freedoms that others can only dream of.

Why is America great? Because Americans before us sacrificed so that their children, their grandchildren, their country would enjoy a better future.

Our Founding Fathers exemplified America's spirit when they stated in the Declaration of Independence:

And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

In contrast, today's Washington abandons America's foundational principles. Today's Washington supports unsustainable spending binges that abandon our children and grandchildren and America's future.

Perhaps a refresher is needed to emphasize America's financial plight.

Mr. Speaker, let me first direct your attention to this deficit chart. As the chart reflects, America suffers from three consecutive, record-breaking, and unsustainable trillion-dollar deficits, and we are in the midst of a fourth trillion-dollar deficit that is projected for this year.

Think about that for a moment.

In fiscal year 2011, Washington borrowed 36 cents for every dollar it spent. No household or business could survive borrowing 36 cents for it to operate. Similarly, no nation can survive that either. As a result, America blew through the \$15 trillion accumulated debt mark in November of last year. This year, America is going to blow through the \$16 trillion debt mark.

Mr. Speaker, the next chart reflects spending for FY 2010 and FY 2011. In FY 2010, the cost of America's debt service was \$196 billion. In FY 2011, the cost of America's debt service was \$221 billion. They're relatively small slices of those pies. However, in just 1 year, the cost to American taxpayers to service America's debt increased by \$25 billion.

To put that into perspective, \$25 billion is more than NASA's entire budget—and this is at record low interest rates. If America's creditors become as insecure as the creditors of Greece, Spain, Italy, and any number of other nations and if interest rates go up accordingly, America's debt service would jump to the \$800 billion-a-year

range, making debt service more costly than our entire budget for national defense, our entire budget for Social Security, or our entire budget for Medicare. Consequently, if we had this small slice of the pie increase to \$800 billion a year, every other service provided by the Federal Government would have to shrink.

So that we are clear, reckless, out-of-control spending is the cause of America's deficits.

In fiscal year 2007, when NANCY PELOSI became House Speaker and when HARRY REID became the Senate Majority Leader, America spent \$2.7 trillion. In FY 2011, America spent \$3.6 trillion. In just 4 years, Federal Government spending went up \$900 billion—a 33 percent increase. Simply stated, there is no end in sight to Washington's reckless and irresponsible spending.

Mr. Speaker, if Washington does not gain wisdom and backbone, if Washington does not change its reckless spending habit, then there will be an American insolvency and bankruptcy. For emphasis, the question is not "if." The questions are "when?" and "how much damage will be done to our Nation from that insolvency and bankruptcy?" President Obama's Chairman of the Joint Chiefs of Staff, Mike Mullen, gave insight when he stated, "I think the biggest threat we have to our national security is our debt."

And he is right. Already, America's out-of-control spending threatens to force the firing of 700,000 national defense personnel starting in a mere 7 months, on January 1 of 2013. Let me emphasize that: threatened with 700,000 lost jobs. No enemy has ever undermined America's national defense so badly.

But it does not end with the decimation of America's national defense, which may leave America at the mercy of our enemies abroad. America's insolvency and bankruptcy risk the elimination of Social Security and Medicare, thereby breaching our obligations to our elderly and leaving them impoverished and without medical care.

To summarize the danger to America, think back to the Great Depression in the 1930s and imagine how bad it would have been if then the Federal Government had been insolvent. As you do this, remember the result of the Great Depression—an ensuing war that killed tens of millions of men, women, and children worldwide.

All of this brings me to PAUL BROWN's motion to instruct. The transportation bill is a microcosm of what threatens America. We enjoy, roughly, \$37 billion in expected highway revenue, yet some in Washington seek to spend, roughly, \$51 billion. That's \$14 billion a year that we don't have.

Now, there are solutions to this budget gap that I could support. We could cut \$14 billion in foreign aid and

spend it on American roads, but my colleagues across the aisle oppose that. We could cut welfare and stop paying \$14 billion a year to people to not work and instead pay \$14 billion a year to people to work on buildings and bridges, but my colleagues across the aisle oppose that. There are plenty of solutions out there, but simply borrowing another \$14 billion a year we don't have is not one of them.

Mr. Speaker, I cannot in good conscience support a transportation bill that spends, roughly, \$14 billion we don't have, thereby accelerating America on its path to insolvency and bankruptcy.

In that vein, I thank Congressman PAUL BROWN for filing his motion to instruct and for displaying the leadership America so sorely needs. Congressman BROWN is a man of principle. He has the intellect to understand the economic disaster that awaits America if Washington does not live within its means. More importantly, Mr. BROWN has the backbone to do something about it. It is an honor to stand with Congressman BROWN and to support his motion to instruct.

Mr. DEFAZIO. I yield myself such time as I may consume.

I appreciate and I certainly do respect the gentleman from Georgia, and he is a gentleman, but let's get a few things straight here.

We're not talking about government jobs. We're talking about private sector jobs. The Federal Government does not build bridges. The Federal Government does not restore the condition of our highways. The Federal Government does not build transit vehicles or invest in transit systems. What the Federal Government does is to invest with strong "buy America" provisions to the best low-cost bidders to make and restore these products to make America more competitive.

□ 2240

One of the things that underlays our system, the most basic thing—I mean, George Washington, he started to build canals; Abraham Lincoln, the transcontinental railway; Dwight David Eisenhower, the national highway system, which is now falling apart; and Ronald Reagan put transit into the highway trust fund, because we shouldn't neglect our urban areas and the needs of those people.

The effect of the Brown amendment would be zero new Federal expenditures beginning October 1 next year on transit highways and other investments in transportation in this country. You can't get around that. That's what they're proposing. Because we have past obligations and the way they've written, this would limit us to only pay for past obligations, not any new obligations.

They rattled on and prattled on a bit about the Obama stimulus. I voted

against it. Why did I vote against it? Because 7 percent was transportation investment and 40 percent was tax cuts. And guess what? Those damn tax cuts didn't put anybody back to work, and they won't put anybody back to work in the future. That's all you guys want, is tax cuts. We need investment in our country. We need investment in moving people and goods. We need to compete with the world, and you don't want to do it. That's nuts.

I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak against this motion to instruct.

Mr. Speaker, I've been through this movie before as a member of the Budget Committee. This is not new ground. When it was first unveiled before us and I looked at the transportation provisions, I asked the Republican staff to pin down exactly the amount of money that is available. This essentially is what the Republican budget is, and it was not enough to meet the current obligations. It meant that there would be no new programming. And now we're bringing it to the floor with instructions to make sure that this is what the conference committee enacts.

Let us be clear. What my friend and colleague from Oregon pointed out is that this is an opportunity for us to empower the private sector. Republicans and Democrats alike have been visited time and time and time again—first of all, you could hear from people in your district that the Recovery Act kept businesses afloat, kept people working, made a huge difference in every State in the union. Even though I agree with my colleague from Oregon that it wasn't enough infrastructure, but the contractors, electrical contractors, unions, and pavers were thankful for it to help many of them not go out of business.

The list of people who oppose this amendment are not opposing it because our proposal is socialism. To the contrary. The Amalgamated Transit Union, the American Coal Ash Association, the American Concrete Pavement Association, the American General Contractors, the Laborers' International, the Portland Cement Association, the Carpenters, and the U.S. Chamber oppose this because it would add to the depression that we have in the construction cycle in the United States right now. We would not be able to keep pace, and it would result in hundreds of thousands of jobs being lost.

We had a proposal that passed the Senate with 74 votes—half the Republicans—that would enable us to have two construction cycles. The Republicans, who could not get the votes to even have the courage to bring their proposal to the floor—it fell apart, hav-

ing been brought to the Transportation Committee. And I am a proud alumni member of that committee. For the first time in history, it was a blatantly partisan bill that had never even had a hearing. They somehow got it out of committee, and they got it out of our Ways and Means Committee, but the support within the Republican Party completely fell apart before it came to the floor. They were afraid to have it voted on because it would have been defeated because it was bad for America. I had a list of 600 groups when I was arguing against it in our Ways and Means Committee that thought it was terrible policy.

We requested the Republican leadership to at least allow the Senate bill to be voted on, and they were afraid to do that. So we're in conference now merely because the Republicans just had a short-term extension, unwilling to allow this body—and I know there would be a number of my Republican friends who would have joined with us. Not a majority of Republicans, but enough that it would have passed comfortably, and we wouldn't be caught in this Never Never Land.

My good friend from Georgia is concerned that his two grandchildren will be facing debt. Well, the Republican budget would force us to increase the debt ceiling. It will force us to borrow in order to have more unfunded tax cuts, even while it undercuts investment in infrastructure. This was admitted by the Republican chair of the committee in our budget hearing yesterday. He admits that it's not going to balance any time in the foreseeable future, and that it will require the increase in the debt ceiling.

But there's a very different philosophy. It has nothing to do with socialism. My Lord, I thought that the John Birch claim that Dwight Eisenhower was a Communist or a socialist was discredited. The partnership we've had with the highway trust fund and investing in America's future is something that is the opposite of socialism. It is a public-private partnership that has involved people at all levels in government in things that made a difference.

I had a meeting today with 80 stakeholders primarily from the private sector, including environmentalists and unions and businesses and trade associations, who are apoplectic over the prospect that this House would go on record to shut down all new investment for the next year and further undercut the opportunity of moving a bipartisan Senate bill to at least give us two construction cycles and move forward.

I agree that we need to be concerned about a debt burden, and independent analysis of why we've had an exploding debt includes unfunded tax cuts. Remember, Mr. DeFAZIO and I served here when the big fear was that we were going to pay off all government debt.

What would the insurance companies do? What would the pension plans do if there wasn't government debt to invest in? This is part of the rationale for the Bush tax cuts of 2001 and 2002, because we were looking at a \$5.3 trillion surplus.

Well, they solved that problem. They solved it with tax cuts, primarily for people who need them the least. Yet, we have serious problems with increasing health care costs, and now they are trying to dismantle the Affordable Care Act, which would actually, over 20 years, start reining those costs in. They had not one, but two unfunded wars, which my colleague and I from Oregon opposed. There is the collapse of the economy.

It is interesting that Mr. Romney's adviser, when there was criticism of the Romney record in Massachusetts for debt and problems of job loss, said:

Well, you know, part of that is that's not really a good criterion, because a lot of those jobs were lost in Governor Romney's first year in office, and you shouldn't count those.

□ 2250

There is a certain merit to that, but if you use the Romney standard of not being accountable for the first year as Governor of Massachusetts, the problems with employment and the problems with the debt look much, much different, because this President inherited one of the worst situations in American history.

It is important that we focus on where we need to go forward. We actually had a much higher percentage of the gross domestic product in public debt immediately after World War II. It's much higher than the debt burden today.

How was that solved? Was it solved by cutting taxes to zero? No. They had much higher tax rates for 20 years until the Kennedy-Johnson tax cuts. They invested in America, as my friend from Oregon pointed out. They invested in education for returning veterans, they invested in the highway, the transcontinental highway fund, they invested in America's future.

That's what we should be doing now. The absolute worst thing, the worst thing would be to shut down investment this next year in transportation and infrastructure.

That's why companies from A to Z oppose this motion to instruct. I hope, instead, we pass the Senate bill, get 2 years of construction cycle, reject this wrong-headed approach, and get on with the business of rebuilding and renewing America.

Mr. DEFAZIO. I thank the gentleman. I would point out that the Senate, the proposed Senate bill, which we could pass tonight, if we call people back, or tomorrow, or next week if we stayed in town to work, but we have breaks every other week now—39 legislative days until the election. America

doesn't have any problems. We don't need to be here. Right? Come on.

But the bottom line is the Senate bill would not create a penny of new debt and would fund current levels of investment, which are not what we need; but we could get by with that for 2 years until we figure out a way to make more robust investments.

The gentleman would reduce that investment to zero, zero, not exaggeration. That's the Congressional Budget Office—zero. No Federal spending for transit, no Federal spending for highways next year. That's hundreds of thousands, millions, probably a million jobs, probably 1.6 million, we would sacrifice on the altar of what? Again, back to the principle, investment consumption.

Certainly you can understand that on your side of the aisle. It's been a Republican tradition to invest in America, to invest in a more efficient transportation system for America, to make us more competitive in the world, to move our people and our goods more efficiently, to avoid importing foreign fuel and all the other things we have to do with an inefficient system. This would defy all that and say, no, United States of America, we're not going to invest in our national transportation system.

We're going to devolve that to the 50 States. We're going to go back to 1956 when one State decides to make an investment and the other State doesn't and the road ends at the border. I can't understand what this is all about.

With that, I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Georgia has 10 minutes remaining, and the gentleman from Oregon has 8½ minutes remaining.

Mr. BROUN of Georgia. Mr. Speaker, I want to say my friends from Oregon are just factually incorrect. This would not cut out all new spending, and they are using scare tactics to promote their Big Government agenda.

I yield 5 minutes to my good friend, the gentleman from South Carolina, JEFF DUNCAN.

Mr. DUNCAN of South Carolina. I want to thank my friend from Georgia for yielding to me tonight.

I think our colleagues on the other side of the aisle are in denial about deficits and debt. What it means—I put the debt clock right here in front for everyone to see, but if you can't see it, America is \$15.74 trillion in debt.

In fact, we've had over \$30 million added to the Nation's debt just since we have been talking this evening and the clock's running right now; \$50,000 per American citizen in this country is your share of the Nation's debt.

You know, back in July of 2010, my wife and I, we took our boys, it was

after a campaign, and we went out across the Nation. In 17 days we went through 19 States, and we visited no less than 11 national parks. Now, this was after the \$1.2 trillion stimulus package passed by President Obama in the Democrat-controlled Congress.

But what did I see as I drove through the 19 States of this country's heartland? Where did I see the construction projects on the road, the \$1.2 trillion in deficit spending to get the jobs we never got?

I saw the construction happening, road construction happening on roads leading into national parks. I didn't see it on the interstate highways that would allow transportation of commerce around this land. I saw it in the national parks.

We're \$15.74 trillion in debt, and all the gentleman is asking to do is let's live within our means. Let's collect the highway tax, and let's just spend that. Let's not continue to perpetuate deficit spending. But, you know, we throw words around like "millions" and "billions" and "trillions" around this Nation, and we lose track of what a trillion is.

But let me just tell you, if we decided to get serious about paying back our Nation's creditors, and we did it at the rate of \$20 million a day, and we did that every day, 7 days a week, 365 days a year—and, ladies and gentlemen, listen up—if we did that every day of the year, from the time Jesus Christ was born until now, we have only paid back \$14.9 trillion of our debt, less than what we owe, at the rate of \$20 million a day, for 746,000 days that it's been.

Now it's time to get serious about what we're doing in this country with regard to revenue and with regard to deficit spending. This the fourth year in a row we will be in excess of a trillion dollars, spending a trillion dollars more than we're bringing in as a Nation. All we're doing on the Republican side is saying, you know what, it's time America lives within its means. It's time we have a balanced budget.

We need a balanced budget to the Nation's Constitution to require this body, which shows no fiscal restraint, require this body to live within its means just like we have to do at home in our family budgets and our small business budgets. It's time to get serious in this country about our Nation's debt and about what our deficit spending means.

Quit spending money for jobs we never got from the Obama stimulus package.

Mr. DEFAZIO. I yield myself such time as I may consume.

The language limits the funding out of the highway trust fund, including the mass transit account for Federal aid highway and transit programs, to amounts that do not exceed \$37.5 billion, about a third of the cost of the continuing war in Afghanistan, which I

would like to bring to a close. But the existing obligations of the Federal Government for past construction, we reimburse States once the project is done, transit project, highway project, bridge project, done, we reimburse them. We don't pay them in advance. Our current obligations for the next year are \$38.8 billion.

So, if we limit the outlays to \$37.5 billion, and we owe \$38.8 billion to the States when they deliver their completed contracts in the coming year, that means we would have negative spending on Federal investments in transportation and infrastructure.

While competitive nations around the world are investing dramatically to more efficiently move goods and people, we would spend less than zero.

I don't know how we spend less than zero, but that's what this amendment would do. You keep prattling on about the Obama stimulus. I voted against it. I was one of the few Democrats who did. I voted against it not because of investment in infrastructure, but because it didn't invest in infrastructure. The President talked about it. Larry Summers hated infrastructure.

□ 2300

Timmy Geithner hates infrastructure. Old-school Jason Furman, all his advisers, they hate it. Seven percent of the money we borrowed was invested in infrastructure. Seven percent of that \$800-some billion dollars. And guess what? I can justify that borrowing because I can say to my kids and my grandkids, We built that bridge, we built that transit system, we built that highway, and you're still using it, and it made America more competitive.

But over 40 percent was tax cuts. He adopted the Republican approach. How many jobs did the tax cuts create? Nada, zero, none. You guys want to do more tax cuts, and you don't want to do any investment. That's what this would lead us to. You want to continue the Bush tax cuts—all of them—and you want to invest less than zero in Federal infrastructure.

I reserve the balance of my time.

Mr. BROUN of Georgia. I am not sure where my friend gets his mathematics from, but it's certainly not in reality.

I yield such time as he may consume to my friend, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. I thank the gentleman for yielding and I thank the gentleman for offering his motion. We've heard all kinds of emotional stuff and language here. But let's just cut to the chase. This doesn't cut anything. It doesn't slash anything. This is a motion to instruct conferees in the transportation bill, the conferees on that legislation, to limit spending in the transportation legislation to the amount of money that's in the highway trust fund. It's as simple as that. Here's the money that came in. All you can do is spend what you have.

Imagine that concept. Imagine government actually just following that simple concept. Here's what came in. That's all you can spend. If we'd been doing that, we wouldn't have this debt that Mr. DUNCAN so eloquently spoke about. We wouldn't have the problems we see. You can say all the things you want, but it is that simple. This is apple pie, this is baseball. This is as plain as it gets. This is what every family has to do. This is what every small business has to do. This is what every township has to do. This is what every village has to do, every county has to do, every city has to do, every State has to do. The only entity that doesn't have to do this is, Oh, by the way, that entity that happens to have a \$16 trillion national debt.

This is as simple as it gets. What you take in is all you can spend. You can't do what the politicians love to do: borrow from someone else. Borrow from some other program, which means you have to sell bonds to run up the debt. You can't do what politicians love to do: spend more than you have. You can only spend what you have.

And yet the other side says, This is terrible. This will ruin everything. This will make us Third World status. I'll tell you what will make us Third World status is a debt larger than our GDP. That's where Greece is. That's where they are. That's what will make us Third World status.

This is as simple and as plain as it can get, and I appreciate the courage of the gentleman to bring the motion forward to have this debate. This is a debate that we need to have in this country. If we can't even limit spending in this program to what comes in from the dedicated revenue, if we can't even do that, how are we ever going to cut spending elsewhere to get a handle on our deficit and our debt problem, if we can't even do this?

The American people get this. And you can try to confuse them with all the fancy language you've heard from the gentleman from Oregon—you can try to—but the American people get it.

I want to commend the gentleman for offering his motion, and I plan on supporting it tomorrow when we have a vote.

Mr. DEFAZIO. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Oregon has 6 minutes remaining. The gentleman from Georgia has 3½ minutes.

Mr. DEFAZIO. I yield myself 3 minutes.

Again, we're failing to discriminate between investment and consumption. The Republicans were all for consumptive tax cuts, i.e., give people the money, they'll spend it on consumer goods, that will somehow put people back to work, as opposed to investing in the future of our country. That's what I'm talking about here.

It's interesting that they're on the wrong side from the Chamber of Commerce, the Association of General Contractors, and other groups that are incredibly generous to them during the campaign season who think they're very wrongheaded with this amendment.

This isn't fancy language. I have the statistics from the Department of Transportation. Over the next year, the Federal Government is legally obligated for past construction projects authorized under law to pay \$38.8 billion to the States. This amendment would say we can spend no more than \$37.5 billion in the coming year. That means we cannot even meet our legal obligations for past construction which will be completed by October 1. That means an end to all Federal investment in transportation in this country on October 1 for the next year.

It's not fancy language. It's a fact. It comes from the Congressional Budget Office, which the Republicans control, and the Department of Transportation, which the Obama administration controls. It's pretty much the consensus in the business community, the Chamber of Commerce, the Association of General Contractors, and everybody else. This would mean an end to investment for 1 year. That's a minimum of 1.6 million jobs lost. It's an incredible lost opportunity for the future of our kids and grandkids.

You need to understand the difference between—you're supposedly the party of business. It's like people borrow money when they're in business if they have a good investment to make, if they can make their company more competitive. We can make our country more competitive if we invest in our transportation infrastructure. If we neglect it and people have to detour around the 150,000 bridges that are weight-limited and about to collapse like the one in Minnesota, if they have to detour around the 40 percent of the deteriorated national highway system, if people can't get to work or get killed like they did here in Washington, D.C., on a deficient mass transit system because we have a \$70 billion backlog, and all of these investments, when made by the private sector, for the private sector, and for the people of America, are made in America. And you would defer instead to more tax cuts.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I have the right to close, and I am going to reserve the balance of my time until the time to close.

Mr. DEFAZIO. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Oregon has 3 minutes remaining.

Mr. DEFAZIO. Again, I wish this wasn't the dark of the night because this is a debate America should and would like to have. I'll reiterate: the

United States Chamber of Commerce, with whom I frequently disagree, strongly opposes the Broun motion. We have a long list of groups, private sector business groups, who oppose this motion because this is not about government jobs. It's about private sector jobs. This is not about government gone wild.

I wish it had been different. I wish that the stimulus had been half as large and 100 percent invested in the infrastructure of this country. We would have put millions more people back to work, and we would be on the road to recovery today. But instead, in deference to three Senate Republicans, the President, who wanted to look bipartisan, gave in to six times as much money for tax cuts as investment in infrastructure. And you want to blame infrastructure for the debt and the deficit, or the Obama failed stimulus? No, guys, no. It's your policies. We implemented them. And they don't work. We need to invest in the underpinnings of the country.

When I was first elected to office, I served with a very, very conservative Republican, a guy named Bill Rogers on the Lane County Commission, and he would always say, Government's for two things. I'd say, What's that, Bill? He'd say, Roads and rope. Roads and rope. That is public safety and infrastructure.

And there has been bipartisan agreement since George Washington that the Federal Government has an obligation to more efficiently move goods and people in this country. That's a long time before the incredibly competitive 21st century and what we're dealing with today with our huge trade deficits and everything else. That was George Washington.

Abraham Lincoln, a Republic President: Build the transcontinental railway. Borrowed money to do it, by God. What do you know? And then, Dwight David Eisenhower, the National Highway System, National Defense Highway System. And Ronald Reagan: We need to invest in transit in our cities.

□ 2310

And you would turn back the clock to pre-George Washington and say the 50 States—we didn't have States then, but, you know, you guys are going to at least allow us to keep federalism and that intact. But "they should create somehow a Federal system. They should coordinate. They should raise the money. This is not an obligation of the Federal Government."

This is not imaginary. This is not play. It's not ideology. It's simple hard numbers and facts. The number you would allow for the next year is deficient to the previous obligations.

Now, I know you guys took us—and there are a number of you on that side who say, hey, it doesn't matter if the Government of the United States of

America defaults. I think it does. I've been good for my debts. I think our country has got to be good for our debts. And I think we would be in a disaster if we weren't.

So you can say that. Oh, yeah, you know, it's meaningless. It's facts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEFAZIO. This is reality. Invest in America. Why do you hate this country so much?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BROUN of Georgia. Mr. Speaker, I was just charged by this gentleman for hating America, and I challenge those words, and I ask that his words be taken down.

The SPEAKER pro tempore. The gentleman will be seated, and the Clerk will report the words.

Mr. BROUN of Georgia. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman's demand is withdrawn.

The gentleman is recognized for the remaining 3 minutes.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield for one second.

Mr. BROUN of Georgia. I yield to the gentleman for just one second.

Mr. DEFAZIO. Well, give me four, maybe.

I did not mean to direct the remark to you. It was a generic statement out of concern.

Mr. BROUN of Georgia. Well, the gentleman did obviously direct remarks towards me. He pointed at me when he said: "Why do you hate America so much?"

I love my country. I'm a U.S. marine. I'm trying to save my country from financial collapse. And that's what this is all about: stop spending money that we don't have.

We've got to finish the projects that we've already started, those that have already been approved and funded, before we start dipping into the general fund. It's estimated that we'll have a shortfall of \$8 billion to \$9 billion if this motion to instruct is not put in place.

We cannot afford the status quo. Their argument is to continue spending money, continue down a road that is going to cause a financial collapse of this Nation, in my opinion.

□ 2330

We need to create jobs. We need to get this country going economically. The policies of this administration have not worked. Policies that were put forward while NANCY PELOSI was Speaker of this House, with the stimulus bill and other big spending bills just have been essentially abject failures.

We cannot continue spending money that we don't have, and that's the reason I brought this motion forward, a motion to instruct the conferees to

spend—continue transportation funding, continue building our transportation infrastructure, which I think is absolutely critical for economic development. But creating more debt is not the answer.

I resent being accused of hating America, and it angers me when I'm accused, personally accused by somebody that I thought was a friend. And I'm going to try very hard not to take this personally. I will not carry a grudge because I know, from my heart, we can disagree on issues, and I don't take it personally. But when he pointed at me and accused me of hating America, that's the reason I asked for his words to be taken down.

And what I ask my colleagues in this House to do is look in their hearts, because we absolutely have to change the way this House, this Congress, this government is doing business. We cannot continue spending ourselves to oblivion, and that's the way we're headed.

We need to create jobs. We need to create a strong economy. This has not been about tax increases or tax decreases, as has been accused tonight. This is about spending money that we have, and no more.

I encourage my colleagues to please vote for this motion to instruct, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, today I rise in strong opposition to the Motion to Instruct Conferees on H.R. 4348 offered by the gentleman from Georgia, Mr. BROUN. The draconian cuts directed by this motion would cripple the Nation's infrastructure and leave hundreds of thousands of people unemployed.

The language of the gentleman's motion is confusing at best. The exact amount suggested to be cut differs due to interpretation of the word "funding." By limiting the Highway Trust Fund's expenditures in FY 2013 to \$37.5 billion, the gentleman's motion would essentially bankrupt the Fund because \$37.5 billion is less than the amount needed to reimburse State and public transit agencies for obligations incurred in prior fiscal years.

The Federal Government already owes \$38.8 billion for projects that were implemented in the previous fiscal year, or are currently under construction. If we do not authorize the funds necessary to pay these debts, the government will be in default.

Spending cuts of this magnitude would cut more than 1.6 million jobs in a field with more than 2.2 million people already out of work. At the beginning of the spring and summer construction season the unemployment rate in the industry was at 14.2%, and in May alone jobs fell by 28,000. It would be foolish to vote for a motion that will have the effect of putting more Americans out of work. That would be the result if the Broun Motion were adopted.

The motion by the gentleman from Georgia ignores the long-term underinvestment in our nation's surface transportation. Investments in transportation support economic growth, increase productivity and enhance America's competitiveness in the global economy.

A strong national infrastructure is what will bring this country back from the recession we

are currently fighting through. The Highway Transit Fund is essential for not only providing a safe transportation network, but creating millions of jobs for hardworking Americans.

Mr. Speaker, I understand that my colleagues and I are working during a time of economic constraints, and I understand that we must make spending cuts across the board in order to control the debt we have accumulated.

However, this motion is an irresponsible move, and if implemented would have disastrous consequences. The Highway Trust Fund would no longer have the ability to carry out highway, highway safety and public transit projects or activities. This would have long lasting negative effects on our nation's infrastructure and economy.

Mr. Speaker, this motion is bordering on absurd. I cannot believe that a member of congress means to drive our nation into default, and cripple our infrastructure in the process. I stand before you today to ask my colleagues, regardless of their political ideology, to ignore the motion put before you. This is what is best for our nation, and our economy.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEFAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JUNE 6, 2012 AT PAGE H3575

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2013 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON WAYS AND MEANS

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2013. The revision is designated for the Health Care Cost Reduction Act of 2012, H.R. 436. A corresponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974 (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution, pursuant to section 101 of H. Con. Res. 112.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

| | Fiscal year | | |
|------------------------|-------------|-----------|------------|
| | 2012 | 2013 | 2013–2022 |
| Current Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,799,329 | 1 |
| Outlays | 2,947,662 | 2,891,863 | 1 |
| Revenues | 1,877,839 | 2,260,625 | 32,439,140 |
| Change for the Health | | | |
| Care Cost Reduction | | | |
| Act (H.R. 436): | | | |
| Budget Authority | 0 | 0 | 1 |
| Outlays | 0 | 0 | 1 |
| Revenues | 0 | -2,103 | -22,627 |
| Revised Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,799,329 | 1 |
| Outlays | 2,947,662 | 2,891,863 | 1 |
| Revenues | 1,877,839 | 2,258,522 | 32,416,513 |

¹ Not applicable because annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. CANTOR) for today on account of personal reasons.

Mr. MARINO (at the request of Mr. CANTOR) for today on account of personal reasons.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3261. An act to allow the Chief of the Forest Service to award certain contracts for large air tankers to the Committee of Agriculture.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of the Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 31, 2012, she presented to the President of the United States, for his approval, the following bills.

H.R. 5740. To extend the National Flood Insurance Program, and for other purposes.

H.R. 3992. To allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel.

H.R. 2947. To provide for the release of the reversionary interest held by the United

States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

H.R. 4097. To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, June 8, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6362. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Electric Motors and Small Electric Motors [Docket No.: EERE-2008-BT-TP-0008] (RIN: 1904-AC05) received May 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6363. A letter from the Chief, Policy and Rules, OET, Federal Communications Commission, transmitting the Commission's final rule — Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band [ET Docket No. 04-186; ET Docket No. 02-380] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6364. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transmission Planning Reliability Standards [Docket No.: RM11-18-000; Order No. 762] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6365. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Fees [NRC-2011-0161] (RIN: 3150-AJ00) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6366. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Aging Management of Stainless Steel Structures and Components in Treated Borated Water [LR-ISG-2011-01] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6367. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Filing a Renewed License Application [Docket No.: PRM-54-6; NRC-2010-0291] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6368. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Roth Feature to the Thrift Savings Plan and Miscellaneous Uniformed Services Account Amendments received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6369. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations [FAC 2005-59; FAR Case 2012-013; Item I; Docket 2012-0013, Sequence 1] (RIN: 9000-AM22) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6370. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Revision of Cost Accounting Standards Threshold [FAC 2005-59; FAR Case 2012-003; Item III; Docket 2012-0003, Sequence 1] (RIN: 9000-AM25) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6371. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Free Trade Agreement-Columbia [FAC 2005-9; FAR Case 2012-012; Item II Docket 2012-0012, Sequence 1] (RIN: 9000-AM24) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6372. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-59; Introduction [Docket FAR 2012-0080, Sequence 4] received May 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6373. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Ocean City Maryland Offshore Grand Prix, Ocean City, MD [Docket No.: USCG-2012-0046] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6374. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Wy-Hi Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI [Docket No.: USCG-2012-0342] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crowley Barge 750-2; Bayou Casotte; Pascagoula, MS [Docket No.: USCG-2012-0190] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Smokin the Lake; Gulfport Lake; Gulfport, MS [Docket No.: USCG-2012-0168] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Category IIIa, IIIb, and IIIc Definitions; Delay of Effective Date and Reopening

of Comment Period [Docket No.: FAA-2012-0019; Amdt. No. 1-67] (RIN: 2120-AK03) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6378. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Amendment to Agency Rules of Practice [Docket No.: FMCSA-2011-0259] (RIN: 2126-AB38) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6379. A letter from the Director of Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications in 2012 (RIN: 2900-AO28) May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6380. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42 Qualified Contract Provisions [TD 9587] (RIN: 1545-BD20) received May 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY (for herself, Mrs. LOWEY, Mr. BERMAN, Mr. ACKERMAN, Ms. BASS of California, Ms. BORDALLO, Mrs. CAPPS, Mr. CARNAHAN, Ms. CLARKE of New York, Ms. DELAUNO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Mr. LARSON of Connecticut, Ms. LEE of California, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. EDWARDS, Mr. LARSEN of Washington, Mr. CICILLINE, Ms. HIRONO, Mr. OLVER, Ms. DEGETTE, and Mr. WELCH):

H.R. 5905. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs.

By Mr. POLIS (for himself, Ms. MCCOLLUM, Mr. OWENS, Mr. ROSS of Arkansas, Mr. CAPUANO, Mrs. DAVIS of California, Mr. SHERMAN, and Mr. KIND):

H.R. 5906. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5907. A bill to modify the boundary of Yosemite National Park, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN:

H.R. 5908. A bill to require the Federal Government to buy paper and paper products from American sources; to the Committee on Oversight and Government Reform.

By Mr. CUMMINGS:

H.R. 5909. A bill to improve access to oral health care for vulnerable and underserved populations; to the Committee on Energy and Commerce, and in addition to the Com-

mittees on Ways and Means, the Judiciary, Natural Resources, Veterans' Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOLD (for himself, Mr. PETERS, Mr. ROSKAM, Mr. BARROW, Mr. HULTGREN, Mr. HANNA, Mr. SCHOCK, and Mr. RENACCI):

H.R. 5910. A bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself, Mr. MURPHY of Pennsylvania, Mr. LONG, Mrs. NOEM, Mr. SCHOCK, Mr. BOREN, Mr. LUCAS, Mr. COLE, Mr. LANKFORD, and Mr. BOSWELL):

H.R. 5911. A bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. FITZPATRICK, Mr. CAMPBELL, Mr. PAUL, Mr. BARTLETT, Mr. FLEMING, Mr. LANDRY, Mr. YODER, Mr. KINGSTON, Mr. WEBSTER, Mr. LAMBORN, Mr. SOUTHERLAND, Mr. JORDAN, Mr. GOHMERT, Mr. BROUN of Georgia, Mrs. SCHMIDT, Mr. PITTS, Mr. PAULSEN, Mrs. LUMMIS, Mr. CHABOT, Mr. ISSA, Mr. FLEISCHMANN, Mr. QUAYLE, Mrs. NOEM, Mr. MCCLINTOCK, Mr. CANSECO, and Mr. GRIFFIN of Arkansas):

H.R. 5912. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction; to the Committee on House Administration.

By Mr. MCCAUL (for himself, Mr. KEATING, and Mr. LONG):

H.R. 5913. A bill to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department; to the Committee on Homeland Security.

By Mr. ROE of Tennessee:

H.R. 5914. A bill to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes; to the Committee on Natural Resources.

By Mr. KELLY:

H.R. 5915. A bill to amend the Fair Labor Standards Act to exempt marketing research participants and mystery shoppers from certain provisions of that Act; to the Committee on Education and the Workforce.

By Mr. CARNAHAN (for himself, Mr. HOLT, Mr. MORAN, Mr. LIPINSKI, Mr. ENGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Ms. ROS-LEHTINEN, Mr. CICILLINE, Ms. NORTON, and Mrs. BIGGERT):

H.R. 5916. A bill to provide for the establishment of a body to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals; to the Committee on Science, Space, and Technology.

By Mr. CLYBURN:

H.R. 5917. A bill to suspend temporarily the duty on 4,4'-Diamino-2,2'-stilbenedisulfonic acid; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5918. A bill to extend the temporary suspension of duty on Grilamid TR 90; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5919. A bill to extend the temporary suspension of duty on Grilbond IL 6-50°F; to the Committee on Ways and Means.

By Mr. CLARKE of Michigan (for himself and Mr. STIVERS):

H.R. 5920. A bill to create jobs and promote fair trade by increasing duties on certain foreign goods imported into the United States; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5921. A bill to extend the temporary suspension of duty on Primid QM-1260; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5922. A bill to extend the temporary suspension of duty on Primid XL-552; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 5923. A bill to direct the Secretary of the Interior to establish a grant program to eradicate non-native constrictor snakes from ecosystems in which they exist in sustainable populations, and for other purposes; to the Committee on Natural Resources.

By Mr. MACK:

H.R. 5924. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed; to the Committee on Foreign Affairs.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 5925. A bill to protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes; to the Committee on the Judiciary.

By Mr. STIVERS:

H.R. 5926. A bill to authorize and request the President to award the Medal of Honor posthumously to Major Dominic S. Gentile of the United States Army Air Forces for acts of valor during World War II; to the Committee on Armed Services.

By Mr. TONKO:

H.R. 5927. A bill to authorize the Secretary of Interior to carry out projects and conduct research on water resources in the Hudson-Mohawk River Basin, to establish a Hudson-Mohawk River Basin Commission, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 5928. A bill to designate a peak in the State of Alaska as "Mount Chosin Few"; to the Committee on Natural Resources.

By Mr. RIGELL:

H. Res. 680. A resolution expressing the sense of the House of Representatives that, as part of any agreement on Medicare reform, Medicare should not be changed for any citizens of the United States over the age of 55 and any agreement should provide a detailed plan to reduce waste, fraud, and abuse in the program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE:

H. Res. 681. A resolution expressing support for designation of the Thursday before Thanksgiving as Children's Grief Awareness Day; to the Committee on Education and the Workforce.

By Ms. NORTON:

H. Res. 682. A resolution expressing the sense of the House of Representatives supporting the Federal workforce; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. SCHAKOWSKY:

H.R. 5905.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the powers of Congress, as enumerated in Article I, Section 8.

By Mr. POLIS:

H.R. 5906.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. COSTA:

H.R. 5907.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the United States Constitution.

By Ms. BALDWIN:

H.R. 5908.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CUMMINGS:

H.R. 5909.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"

By Mr. DOLD:

H.R. 5910.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to "regulate commerce with foreign Nations and among the several States."

By Mr. SULLIVAN:

H.R. 5911.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. COLE:

H.R. 5912.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the United States Constitution.

Additionally, since the Constitution does not provide Congress with the power to provide financial support to U.S. political parties, the general repeal of the Presidential Election Campaign Fund for this purpose is

consistent with the powers that are reserved to the States and to the people as expressed in Amendments IX and X to the United States Constitution.

Further, Article I Section 8 defines the scope and powers of Congress and does not include this concept of taxation in furtherance of funding U.S. political parties within the expressed powers.

By Mr. MCCAUL:

H.R. 5913.

Congress has the power to enact this legislation pursuant to the following:

article 1 clause 8 section 18

By Mr. ROE of Tennessee:

H.R. 5914.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article 1, Section 8, Clause 17 of the United States Constitution.

By Mr. KELLY:

H.R. 5915.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. CARNAHAN:

H.R. 5916.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. CLYBURN:

H.R. 5917.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5918.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5919.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLARKE of Michigan:

H.R. 5920.

Congress has the power to enact this legislation pursuant to the following:

Congress' power to regulate Commerce with foreign Nations under Article I, Section 8, clause 3 of the Constitution.

By Mr. CLYBURN:

H.R. 5921.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5922.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. HASTINGS of Florida:

H.R. 5923.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MACK:

H.R. 5924.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian

Tribes; and Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof; and Article 1 Section 9 Clause 7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 5925.

Congress has the power to enact this legislation pursuant to the following:

Amendment 4, clause 1, of the United States Constitution states that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Although the Constitution does not specifically designate Congress the power to address personal privacy, Article 1, Section 8, Clause 18 designates to Congress the power the make all laws necessary and proper for carrying into and protecting against all powers vested by the Constitution of the United States. This bill would be necessary and proper for securing the rights guaranteed to the people in the 4th Amendment.

By Mr. STIVERS:

H.R. 5926.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. TONKO:

H.R. 5927.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. YOUNG of Alaska:

H.R. 5928.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. BISHOP of Utah.

H.R. 451: Mr. CALVERT and Mr. MCCOTTER.

H.R. 459: Mr. DIAZ-BALART, Mr. FLEMING, and Mr. JORDAN.

H.R. 640: Mr. SCHIFF and Mr. RYAN of Ohio.

H.R. 653: Mr. PRICE of North Carolina.

H.R. 719: Mr. GIBSON and Mr. HASTINGS of Washington.

- H.R. 890: Mr. MICA.
H.R. 891: Mr. SCOTT of Virginia.
H.R. 965: Mr. MEEKS.
H.R. 997: Mrs. ELLMERS.
H.R. 1063: Ms. HERRERA BEUTLER.
H.R. 1236: Mr. WEST.
H.R. 1244: Ms. PINGREE of Maine.
H.R. 1283: Mr. BISHOP of Utah.
H.R. 1464: Mr. BURTON of Indiana and Ms. BORDALLO.
H.R. 1489: Mr. TONKO and Mr. MCGOVERN.
H.R. 1533: Mr. GIBBS.
H.R. 1581: Mr. STIVERS.
H.R. 1639: Mr. KING of New York and Mr. LANGEVIN.
H.R. 1675: Mr. LATTA, Mr. HUNTER, and Ms. DEGETTE.
H.R. 1755: Mr. CLAY and Mr. ISRAEL.
H.R. 1802: Mr. KING of Iowa.
H.R. 1878: Mr. AL GREEN of Texas.
H.R. 1955: Ms. CASTOR of Florida.
H.R. 1956: Mr. THORNBERRY.
H.R. 1971: Mr. DAVID SCOTT of Georgia.
H.R. 2012: Ms. JACKSON LEE of Texas.
H.R. 2022: Ms. JACKSON LEE of Texas.
H.R. 2108: Mr. PRICE of Georgia.
H.R. 2123: Mr. ROSS of Arkansas.
H.R. 2140: Mr. HOLT.
H.R. 2268: Mr. CONYERS, Ms. BORDALLO, and Mr. RIVERA.
H.R. 2599: Mr. MORAN.
H.R. 2655: Mr. HONDA.
H.R. 2705: Mr. COURTNEY.
H.R. 2751: Ms. CHU.
H.R. 2774: Mr. CARTER.
H.R. 2861: Ms. NORTON, Mr. RANGEL, and Mrs. MALONEY.
H.R. 2913: Mr. CICILLINE.
H.R. 2962: Mr. COURTNEY, Mr. LOBIONDO, and Mr. BLUMENAUER.
H.R. 2969: Mr. GRIMM.
H.R. 2978: Mr. DENHAM.
H.R. 3015: Mrs. MALONEY, Mr. MARKEY, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. BOSWELL, and Mr. LEWIS of Georgia.
H.R. 3036: Mr. OWENS and Mr. MCGOVERN.
H.R. 3086: Mr. PERLMUTTER and Mr. GUINTA.
H.R. 3109: Mr. THOMPSON of California.
H.R. 3187: Mr. JOHNSON of Ohio, Ms. WILSON of Florida, Mr. HEINRICH, and Mr. CLEAVER.
H.R. 3238: Mr. HASTINGS of Florida, Ms. CHU, and Mr. RYAN of Ohio.
H.R. 3264: Mr. FLAKE.
H.R. 3307: Mr. HASTINGS of Florida.
H.R. 3337: Mr. RANGEL, Mr. BACA, Mr. LUETKEMEYER, and Ms. LEE of California.
H.R. 3352: Mr. LATOURETTE.
H.R. 3356: Mr. PAUL.
H.R. 3364: Mr. WALBERG.
H.R. 3399: Mr. STEARNS.
H.R. 3423: Mr. JOHNSON of Ohio.
H.R. 3429: Mr. HARPER.
H.R. 3461: Mr. LABRADOR, Mr. COOPER, Mr. POE of Texas, Mr. KINZINGER of Illinois, Mr. YOUNG of Alaska, Mr. AUSTRIA, Mr. REYES, and Mr. SMITH of Texas.
H.R. 3474: Mr. ROSKAM.
H.R. 3486: Mr. AL GREEN of Texas.
H.R. 3510: Mr. THOMPSON of California and Mr. NUGENT.
H.R. 3591: Mr. ROSS of Arkansas, Mr. DOYLE, Mr. VISCLOSKEY, and Mr. ALTMIRE.
H.R. 3618: Mr. LARSEN of Washington and Mr. MEEKS.
H.R. 3619: Mr. MCGOVERN and Ms. WATERS.
H.R. 3643: Mr. FLAKE.
H.R. 3661: Mr. PAULSEN, Ms. LEE of California, Mr. LATOURETTE, Mr. DOLD, Mr. TURNER of Ohio, Mr. CLAY, and Mr. WALZ of Minnesota.
H.R. 3679: Ms. HERRERA BEUTLER.
H.R. 3803: Mr. SHUSTER.
H.R. 3860: Ms. NORTON and Mr. CONYERS.
H.R. 3862: Mr. MILLER of Florida.
H.R. 3993: Mr. HEINRICH.
H.R. 4004: Mr. SCHRADER and Mr. ANDREWS.
H.R. 4078: Mr. MILLER of Florida.
H.R. 4115: Mrs. EMERSON.
H.R. 4152: Ms. RICHARDSON.
H.R. 4155: Mr. COURTNEY and Ms. CHU.
H.R. 4209: Mr. MORAN.
H.R. 4215: Mr. DAVID SCOTT of Georgia.
H.R. 4269: Mr. HUNTER and Mr. ROKITA.
H.R. 4287: Ms. LORETTA SANCHEZ of California, Mr. KIND, Mr. GARAMENDI, Ms. SUTTON, Mr. LEWIS of Georgia, Ms. BONAMICI, Mr. CARNAHAN, Ms. BASS of California, Mr. JOHNSON of Georgia, Mr. MICHAUD, Mr. WAXMAN, Mr. COURTNEY, Mr. AL GREEN of Texas, Ms. CHU, and Mr. SCHILLING.
H.R. 4306: Mr. CLARKE of Michigan.
H.R. 4313: Mr. KING of Iowa, Mr. MCKINLEY, and Mr. BOREN.
H.R. 4323: Ms. BASS of California.
H.R. 4325: Ms. CHU.
H.R. 4350: Mr. MCKINLEY and Mr. CUMMINGS.
H.R. 4362: Mr. COHEN, Mrs. LOWEY, and Mr. COFFMAN of Colorado.
H.R. 4367: Mr. WALDEN, Mr. GARAMENDI, Mr. DONNELLY of Indiana, Mr. DENHAM, Mr. WATT, Mr. GINGREY of Georgia, and Mr. BARROW.
H.R. 4381: Mr. MILLER of Florida and Mrs. CAPITO.
H.R. 4382: Mrs. CAPITO and Mr. CONAWAY.
H.R. 4402: Mr. SOUTHERLAND, Mr. LAMBORN, Mr. FLAKE, and Mr. LUETKEMEYER.
H.R. 4470: Mr. ENGEL.
H.R. 4971: Mr. POE of Texas.
H.R. 4972: Mr. MCGOVERN and Mrs. MALONEY.
H.R. 5157: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.
H.R. 5186: Mr. TIERNEY.
H.R. 5188: Mr. KUCINICH and Mr. SERRANO.
H.R. 5331: Ms. BASS of California.
H.R. 5542: Mr. HONDA.
H.R. 5646: Mrs. BLACK and Mr. LUETKEMEYER.
H.R. 5731: Mrs. ROBY, Mr. NUNNELEE, and Mr. KLINE.
H.R. 5746: Mr. REED, Mr. SMITH of Nebraska, and Mr. MARCHANT.
H.R. 5747: Mr. BUTTERFIELD and Mr. WALZ of Minnesota.
H.R. 5789: Mr. MCGOVERN.
H.R. 5796: Mr. COURTNEY and Mr. TOWNS.
H.R. 5822: Mrs. MYRICK.
H.R. 5825: Mr. MCGOVERN.
H.R. 5839: Mr. RIVERA.
H.R. 5864: Mr. LATOURETTE, Mr. HASTINGS of Florida, and Mrs. CAPPs.
H.R. 5871: Mr. ANDREWS.
H.R. 5873: Mr. AUSTIN SCOTT of Georgia, Mr. HANNA, Mrs. ROBY, Mr. DEFazio, Mr. REHBERG, and Mrs. HARTZLER.
H.J. Res. 110: Mr. ROKITA.
H. Con. Res. 119: Ms. HAHN, Mr. STARK, and Mr. DAVIS of Illinois.
H. Res. 177: Ms. WILSON of Florida and Mr. ACKERMAN.
H. Res. 220: Mr. CRITZ.
H. Res. 289: Mrs. MALONEY and Ms. WOOLSEY.
H. Res. 298: Mr. LONG, Mr. ROKITA, and Mr. BOSWELL.
H. Res. 506: Mr. ENGEL and Ms. ESHOO.
H. Res. 609: Mr. CAPUANO.
H. Res. 618: Mr. MCGOVERN, Mr. LARSEN of Washington, Ms. FUDGE, and Ms. CHU.
H. Res. 623: Mr. BOREN, Mr. BARROW, Mr. COSTA, Mr. MICHAUD, Mr. PETERSON, and Mr. SCHRADER.
H. Res. 640: Ms. BORDALLO and Ms. LEE of California.
H. Res. 650: Mr. FRELINGHUYSEN.
H. Res. 651: Mr. CARSON of Indiana.
H. Res. 665: Ms. HIRONO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5855

OFFERED BY: Mr. CROWLEY

AMENDMENT No. 17: At the end of the bill (before the short title), insert the following: SEC. _____. It is the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India.

H.R. 5855

OFFERED BY: Mr. BARLETTA

AMENDMENT No. 18: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Ms. SPEIER. Mr. Speaker, I would like to state that my vote against the Tipton amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2013 was made in error. I support this amendment, which prohibits agencies funded under the bill from conducting surveys in which money is included or provided for the benefit of the survey responder. The amendment does not prohibit federal agencies from gathering public input or sending out surveys, which is a necessary process, but I agree with the author of the amendment that we must put an end to the unethical practice of giving away taxpayer dollars to solicit a desired response.

IN RECOGNITION OF MR. JAMES D. LINDSEY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to recognize my dear friend, Mr. James D. Lindsey, who is retiring as President and Chief Executive Officer of First State Bank.

Mr. Lindsey attended North Texas University and the Stonier Graduate School of Banking. He began his career with First State Bank—Mesquite in 1971, starting in the bookkeeping department. His successful career is the result of his hard work and dedication; he served in various areas of the bank and literally worked his way to the top. He is a well-known and highly respected leader in the banking profession and the broader Mesquite community. In 2002, he received the prestigious Chairman's Award from the Independent Bankers Association of Texas and in 2008, was elected to the Board of Directors of The Independent Bankers Bank. Mr. Lindsey also served as Director for the Mesquite Economic Development Foundation and was appointed to the Texas Banking Commissioner's Council. First State Bank and the banking profession have greatly benefitted from his work ethic, vision, and leadership. He is a man of great character who firmly abides by his principles. I am honored to call him my friend and know that Mr. Lindsey will be greatly missed.

Mr. Speaker, I ask my esteemed colleagues join me in congratulating Mr. Lindsey on his retirement. I wish him all the best in his future endeavors. May God continue to bless him and his family.

BROADCAST EMERGENCY PREPAREDNESS

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Ms. SEWELL. Mr. Speaker, June 1st marked the official start to this year's hurricane season. As the hurricane season begins and tornado season continues, we are in an even greater need for life saving communications and technology. I want to take this time to thank our local TV and radio stations for the invaluable lifesaving work they do during times of emergencies.

Radio and television stations are our nation's most reliable network for distributing critical emergency information. Even when the electricity goes out and internet networks and cell phone towers go down, over-the-air broadcasting continues to air. This was never more evident than in the wake of the April 27, 2011 tornadoes and storms that ravaged the great State of Alabama.

Last year, four months into my first term in office, the State of Alabama experienced unimaginable tragedy as we were ravaged by the force of tornadoes and storms. Nine of the 12 counties in my district experienced tremendous damage and loss. These devastating storms destroyed many of our homes, churches, schools, and businesses. 253 lives were lost including 76 from the 7th Congressional District.

There is no doubt that broadcasters act as first responders in times of crisis. Before and after these devastating tornadoes, broadcasters remained on the air uninterrupted, providing local communities with vital, lifesaving information. Had it not been for our local broadcasters providing critical information around the clock, many more lives could have been lost. Americans depend on their local TV and radio stations when unforeseen emergencies arise.

If we are to improve disaster preparedness in our Nation, we must ensure that local stations have effective tools to communicate with the public during these times of crisis. This can be done by readily equipping mobile devices with broadcast radio for emergency preparedness. Cell phones are ubiquitous and broadcast radio would provide instant emergency information on the go to the widest possible audience during times of emergencies.

The ability to have access to lifesaving information is critical and has very serious homeland security implications. For example, during last year's 5.8 Virginia earthquake, cell phone networks in the Washington, D.C. area became overloaded and inoperable.

This should never be the case. Congress, the Federal Emergency Management Agency, the Federal Communications Commission and the mobile phone industry should consider

ways to expand the availability of broadcast radio service in mobile phones to keep Americans safe.

I look forward to working with these various agencies to ensure that all Americans have the next generation of emergency warnings and information.

Again, thank you to local broadcasters for providing lifesaving coverage during times of emergencies and crisis situations around the clock.

IN HONOR OF MICHAEL CARROLL,
CHIEF EXECUTIVE OFFICER OF
THE AMERICAN RED CROSS OF
GREATER COLUMBUS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. TIBERI. Mr. Speaker, I am pleased to congratulate Michael Carroll, Chief Executive Officer of the American Red Cross of Greater Columbus for 34 years of outstanding service.

For the past three and a half decades, the citizens of the Greater Columbus area have received assistance and comfort from their friends and neighbors through the work of this fine leader. Since 1995, Mr. Carroll has served as CEO of the American Red Cross of Greater Columbus covering Fayette, Franklin, Madison, and Pickaway counties. In 2007, he was appointed Regional CEO for the Central-Southeast Ohio Region comprised of 16 Red Cross chapters covering 26 Ohio counties.

His talents are so well respected that he has often been called upon to aid other areas of the country as well. Since 1979, Mr. Carroll has served in field leadership roles on more than 20 major disaster operations in 12 States including Hurricane Hugo in 1989. In September 2004, he served as Deputy Director of the Hurricane Frances relief operation in Florida and, in September 2005, was Director of Hurricane Katrina relief for Texas, Arkansas, and Oklahoma.

The Red Cross is an internationally recognized symbol of humanitarianism and hope, and Michael Carroll has done much to burnish that reputation by easing the pain and sorrow of disaster victims across our community and around the Nation. In short, Michael Carroll has made our community a safer and better place to live.

I offer my best wishes to him and his family for a wonderful retirement. His legacy will stand as an example for all, and he will be dearly missed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

VICTORIA STAVE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Victoria Stave for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Victoria Stave is an 11th grader at Arvada West High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Victoria Stave is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Victoria Stave for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. HEINRICH. Mr. Speaker, I unfortunately missed four votes today, which included rollcall votes 315, 316, 317, and 318.

If I had been present, I would have cast the following votes on amendments to H.R. 5325, Energy and Water Development and Related Agencies Appropriations Act, 2013: rollcall vote 315 (McClintock Amendment #3): "yea," rollcall vote 316 (Hirono Amendment): "yea," rollcall vote 317 (McClintock Amendment #5): "no," rollcall vote 318 (Matheson Amendment): "yea."

INTRODUCING THE STOP NON-NATIVE ANIMALS FROM KILLING ENDANGERED SPECIES ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Stopping Non-Native Animals from Killing Endangered Species, or SNAKES, Act. This bill implements a successful pilot program in which specially trained dogs help to detect the Burmese python and other constrictor reptiles ravaging the Everglades ecosystem. The bill will fund a program to prevent the snakes from establishing sustainable populations in new areas as well as to control the snakes that are already out there.

I am a Florida native and travel across the Everglades frequently. Until recently, there was rarely a time that I would drive through

the Everglades and not see animals like wading birds and rabbits along the roadside. Since these snakes have spread over the last few years, however, I rarely see any animals at all anymore. In fact, recent studies have shown the mammal population in the Everglades has declined over 90 percent in some cases.

This drastic reduction in numbers is the result of the Burmese python and other constrictor reptiles wreaking havoc throughout the Everglades, obliterating endangered and local wildlife, and upsetting the delicate balance of the ecosystem. The snakes in Florida are contained to a relatively limited area right now, but they will not remain that way. Experts anticipate that the snakes may expand beyond the Everglades, or escape from pet-owners and breeders in other parts of the country to then possibly establish new breeding populations there.

I am sad to say that while there is no proverbial silver bullet to completely eradicate the snakes already in the Everglades, we do have some tools at our disposal that can stop them from spreading. This bill today implements one such technique that has already recently proved its success in the field.

Auburn University EcoDogs, working along with Federal, State, county, tribal government entities, universities, and non-profit stakeholders, recently trained dogs for a study to assess whether detection dogs were an effective tool for python management efforts. As it turned out, dog search teams can cover more distance and have a higher accuracy rate in particular scenarios than human searchers.

The team consisted of two dogs, named Jake and Ivy, a dog handler and a snake handler. It performed free-ranging python searches on a variety of State, Federal, and tribal lands. In controlled searches, dogs performed approximately 2.5 times faster than human searchers, in addition to having a significantly higher success rate of 92 percent during controlled canal searches, when compared to the human search team of 62 percent. The SNAKES Act authorizes the Secretary of the Interior to work with the stakeholders to establish this detection program.

These specially trained dogs can also respond to specific python sightings throughout the year. A rapid response team will take a dog directly to the site where a python was recently spotted in order to track the snake from there. In addition to organized searches, this will help manage and control the spread of pythons and other large constrictor snakes.

I would not be introducing this bill if the dogs were ever in any danger, Mr. Speaker. At no point do the dogs approach the snakes. Instead, once a dog indicates that a snake is in the area, it is taken to a safe distance while a human handler captures the snake.

Unfortunately, these snakes have already destroyed much of the wildlife of the Everglades. This program alone will not bring them back. Nor will it completely eradicate the snakes that are already breeding, as there are simply too many snakes that are too widespread.

However, these dogs are useful for keeping the snakes where they are and stopping them from spreading to other areas. We should, therefore, quickly establish a full-time dog detection team so that we have the ability to respond with the best tools available in order to

prevent what happened in the Everglades from happening anywhere else in the United States.

TEA ANDERSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tea Anderson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tea Anderson is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tea Anderson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tea Anderson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. MILLER of Florida. Mr. Speaker, due to being unavoidably detained, I missed the following rollcall vote: No. 357 on June 6, 2012. If present, I would have voted: rollcall vote No. 357—Bishop (NY) Amendment, "nay."

TRIBUTE TO THE TOWN OF OAKHAM ON THE OCCASION OF THE 250TH ANNIVERSARY OF ITS FOUNDING

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. OLVER. Mr. Speaker, I rise today to recognize the 250th anniversary of the town of Oakham, Massachusetts. Beginning in 1742, Scotch-Irish Presbyterians began to buy land in what was then called "Rutland West Wing" in the hopes of incorporating their own town under a Presbyterian form of government. After two failed attempts, Oakham was finally incorporated on June 7, 1762.

In early colonial times, the present town of Oakham was a virgin forest occupied by bands of Nipmuk Indians who made seasonal camps in the area for hunting, fishing, and agricultural purposes. During King Philip's War (1675–1676) a 150 square mile area known as Naquag, which includes the land presently

known as Oakham, became a stronghold for Native Americans. The Native Americans were on the losing end of the conflict and many of them then left central Massachusetts looking for new homes. Those who remained were forced to live in four "Indian Towns" under close supervision by the colonists. This left the entire area of Naquag open for colonial expansion.

In 1686, five Nashaway Indians, who claimed ownership of Naquag, sold the territory to a group of land speculators from Lancaster, Massachusetts for "25 pounds hard cash." By 1722, Scotch-Irish immigrants began to buy lots in the area and the town of Rutland was soon incorporated with a Congregational minister. Oakham's founding would be another 40 years in coming.

By the beginning of the Revolutionary War, Oakham's population had grown to nearly 600 people. The town was strongly pro-revolution so loyalists in town were forced to leave their property behind and flee to British strongholds in Boston and Canada. The town raised a company of Grenadier to prevent a British attack on Boston during the War of 1812 and also sent nearly 100 volunteers to serve during the Civil War. Nearly one fifth of these soldiers would not live to see Oakham again.

The sixth Massachusetts Turnpike was built between Pelham and Shrewsbury in 1799. This 43 miles toll road followed Old Turnpike Road in Oakham and remained in service until 1828, making travel to and from Oakham much easier and faster. In 1877, The Central Massachusetts Railroad opened providing quick transportation for both people and goods throughout the northeast. A depot in town helped Oakham grow and prosper, but by the early 20th century population began to decline as people began to leave farms and move to industrial centers.

Today, Oakham has settled into a quiet bedroom community. Recreation has become Oakham's economic focal point with two campgrounds and an 18-hole golf course. An abundance of state land in town provides open space that can be enjoyed by residents and visitors all year long.

From ice fishing, cross country skiing, and snowmobiling in the winters to hiking, biking, horseback riding, and hunting in the warmer months, Oakham is a relaxing retreat for many.

On the occasion of the 250th anniversary of the town of Oakham, Massachusetts, I congratulate its citizens and praise their dedication and perseverance throughout the town's history. It has been an honor to represent this great community and I wish the people of Oakham a healthy and prosperous future.

SVETLANA MIKHAYLOVA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Svetlana Mikhaylova for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Svetlana Mikhaylova is an 8th grader at Drake

Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Svetlana Mikhaylova is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Svetlana Mikhaylova for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA, IRVINE'S MEN'S VOLLEYBALL TEAM

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. CAMPBELL. Mr. Speaker, I would like to congratulate the University of California, Irvine's (UCI's) men's volleyball team for winning the 2012 National Collegiate Athletic Association (NCAA) Division I Men's Volleyball National Championship. This is UC Irvine's third national championship in six years, which makes them one of only five programs to have won more than two men's volleyball titles.

UC Irvine won the 2012 championship with a 3-0 (25-22, 34-32, 26-24) victory over USC. Senior Carson Clark was named the Most Outstanding Player (MOP) after recording a match-high 22 kills, hitting .465, and added eight digs and three service aces. Clark joined Ryan Ammerman (2009) and Matt Webber (2007) as the only Anteater players to have earned MOP distinction. Kevin Tillie, Chris Austin, and Connor Hughes were named to the All-Tournament team along with Clark.

The Anteaters concluded the year ranked No. 1 in the country in the final AVCA Coaches Poll. The Anteaters were ranked No. 1 or No. 2 all but two weeks this season. UCI was ranked No. 1 for five weeks this season which was the most weeks at the top of the poll by any school in the country this year. The Anteaters have been ranked No. 1 in five different years (2003, 2006, 2007, 2009, 2012) under head coach John Speraw. Additionally, the Anteaters have been ranked in the nation's top 10 for 118 consecutive weeks, including No. 1 for 26 of those weeks.

UCI ended the year 26-5 overall, which ties Lewis (26-11) for the most wins in the country this season. The Anteaters finished in a tie for second in the MPSF with a 17-5 record. The 26 wins is the fourth most in school history, while the 17 MPSF wins were tied for third most in school history. UCI was 9-4 at home, 12-1 on the road and 5-0 on neutral courts. They also ranked fourth in the country in attendance with 1,224 fans per match.

Furthermore, UCI captured the 2012 MPSF title with back-to-back 3-2 victories over No. 1 USC and second-seed Stanford. UCI topped fifth-seed UCLA, 3-1 in the quarterfinals. Senior Carson Clark was named the tournament's

Most Outstanding Player, while Kevin Tillie and Dan McDonnell were selected to the all-tournament team. It was the second time in program history (2007) that UCI won the MPSF Championship title.

Carson Clark and Kevin Tillie were named first team American Volleyball Coaches Association All-America. It is only the second time in program history that UCI has had two players on the first team in the same season. UCI ranked first in the country in hitting percentage (.354), assists (13.32) and win/loss percentage (.839). The Anteaters ranked second in kills (14.0) and aces (1.67). Carson Clark was third in the nation with a 0.55 ace average. Jeremy Dejno was ranked 11th nationally with a 0.38 mark. Kevin Tillie ranked third in the country in hitting percentage (.387), while Dejno is sixth (.347) and Clark was 13th (.324). Tillie was also 11th in kills per set (3.80) and Clark is 12th (3.73).

Additionally, Carson Clark became the first player in MPSF history to be named to the league's first-team all four years. He also made UCI history becoming the first Anteater to earn AVCA All-American all four years. Clark was named first team All-American as a senior and sophomore, while garnering second team as a freshman and junior. Kevin Tillie and Jeremy Dejno joined Clark on the All-Mountain Pacific Sports Federation first-team, while Dan McDonnell was a second team All-MPSF honoree. It is the first time in the program's history that three Anteaters have been selected to the MPSF first team in the same year. UC Irvine joins UCLA as the only two teams to have three first-team MPSF honorees. This is the first MPSF honor for Tillie, Dejno and McDonnell.

Senior Carson Clark left his mark in the UCI record books. This season he became UCI career leader in kills (1,861), attack attempts (4,042) and aces (183). He recorded 61 service aces this season, bettering his previous school mark of 50 set in 2010.

Kevin Tillie was the last Sports Imports/AVCA National Player of the Week (Apr. 24) honoree after his 20-kill performance against UCLA in the MPSF quarterfinals. It is Tillie's second national award this year, taking the honor on Jan. 31 as well. Carson Clark was named Sports Imports/AVCA Men's Division I-II National Player of the Week on Mar. 19. UCI players have been named a Sports Imports/AVCA Player of the Week 20 times overall with Clark also garnering the award on Apr. 4, 2011 and Apr. 12, 2010. This year, Clark was named MPSF Molten Player of the Week on Mar. 12, while Tillie earned it on Mar. 5 and Jeremy Dejno was recognized on Jan. 9.

Congratulations to head coach, John Speraw, and the men's volleyball team of the University of California, Irvine, for winning the 2012 NCAA Division I Men's Volleyball National Championship. I am proud to recognize the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of California, Irvine win the national title.

It is an honor to represent UC Irvine, under the leadership of Chancellor Michael V. Drake, M.D., as it continues to establish itself as a world-class research university, and as one of the top universities in the Nation.

CONGRESSWOMAN HONORS THE CAREER OF CHIEF MASTER SERGEANT JOHN A. ELDER, RETIRING FROM THE UNITED STATES AIR FORCE

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize the exemplary career of Chief Master Sergeant John A. Elder, a great military leader in the United States Air Force. After thirty years of exceptional service to the Air Force, we celebrate Chief Elder's retirement and reflect back on a career of distinguished accomplishments.

Originally from South Boston, Virginia, in July 1982, Chief Elder enlisted in the Air Force and reported for Basic Military Training to Lackland Air Force Base, Texas. After graduating from the Biomedical Equipment Maintenance Technician (BMET) course and completing his first operational assignment at Blytheville Air Force Base, Arkansas, he relocated to the Department of Defense's largest contingency hospital located at Royal Air Force Little Rissington in England. There, he played an integral role in establishing the first Contingency Medical Equipment Repair Center which serviced all contingency hospitals in Europe.

In 1990, Chief Elder was selected as an Air Training Command technical training instructor at Sheppard Air Force Base, Texas. There, he taught basic and advanced BMET courses before being selected as a curriculum developer. Chief Elder was then selected as the Air Force representative for tri-service consolidation of BMET training. He was instrumental in the successful consolidation of Army, Navy and Air Force BMET training and the design and construction of a new, first of its kind, \$16 million Department of Defense BMET training facility.

During his assignment at Sheppard Air Force Base, Chief Elder received several honors including Air Education and Training Command READY Augmenter of the Year, 882d Training Group NCO of the Year, 384th Training Squadron NCO of the Year, and DoD Biomedical Equipment Technician of the Year. Additionally, Chief Elder earned his international certification as a Biomedical Equipment Technician and was awarded the Airman's Medal for heroism for his lifesaving actions during an off-base house fire.

After serving in Alabama and Virginia, in 2007, Chief Elder arrived at Fairchild Air Force Base in Spokane, Washington to serve as the 92d Medical Group superintendent. One of Chief Elder's most notable achievements was during his time as superintendent of the 332d Expeditionary Medical Group, Joint Base Balad, Iraq, where he led 357 members at the Air Force Theater Hospital to a 98% survival rate during combat operations. His leadership and dedication was instrumental to unit moral and the medical care rendered to our wounded warriors.

Additionally, since his arrival at Fairchild Air Force Base, the 92d Medical Group has been recognized with numerous Air Force, Com-

mand and individual awards. Chief Elder also provides strategic guidance, direction and leadership on all issues affecting the professional development, mentorship, and proper utilization of assigned enlisted personnel in support of 30,000 beneficiaries in the greater Spokane area.

So, today I urge all of my colleagues to join me in thanking Chief Master Sergeant John A. Elder for his service and celebrating his lifelong commitment to the United States Air Force and the 92d Medical Group at Fairchild Air Force Base. We are all grateful for John's unwavering dedication to our country and for all of his accomplishments—he is a true American patriot.

IN RECOGNITION OF THE
SUFFIELD HALL OF HONOR IN-
DUCTEES

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to extend my sincerest congratulations to the six distinguished graduates of Suffield High School who were inducted into the Suffield Foundation for Excellent Schools' 2012 Hall of Honor on May 18, 2012. The Hall of Honor is a highly competitive program established to put the spotlight on graduates of Suffield High School who have achieved noteworthy success in their careers in very diverse endeavors. It is no coincidence that such an impressive group came from Suffield High School, a school that actively recruits high quality teachers and staff members. The town of Suffield itself has a proud tradition of supporting the high quality learning environment at Suffield High School, which has been essential to its success. The Hall of Fame is a part of that effort. It seeks not only to celebrate past graduates but also seeks to give students who are presently enrolled or who will be enrolled, inspiration and role models for their own studies and future careers.

Mr. Charles R. Waterman is a nuclear power and turnaround expert, who served as President of Electro Mechanics, Sensor Engineering, and Delas-Weir. Ms. Robbi Gorman D'Allessandro is a writer of stage and screen plays, and founded the Artist's Donor Initiative to encourage artists to donate blood and bone marrow. Mr. James Remington currently serves as the Lieutenant Commander of the U.S. Navy and has supported U.S. missions in Kosovo, Bosnia and Herzegovina, Afghanistan, and Iraq. Mr. Toby J. Moffett, Jr., served four terms as Congressman for Connecticut's Sixth District and now serves as chairman of the Moffett Group, a government relations and consulting firm. Mr. James Chapdelaine is a famed musician as well as a film and television composer, and he has received 12 Emmy Awards and numerous Addy Awards. Mr. Ted W. Beneski is a renowned financier and was a founding principal of Carlyle Management Group and chair of his own foundation, the Ted and Laurie Beneski Foundation. Additionally, the Hall of Honors recognized Ms. Mary Anne Kelly Zak for "Excellence in

Education." Ms. Zak taught in the Suffield Public School system for over 20 years and served as an adjunct English professor at the University of Connecticut.

These inductees have earned a place in the Hall of Honors through exemplary contributions to their respective fields. Again, I ask my colleagues to join me in applauding their accomplishments.

IN MEMORY OF INVESTIGATOR
WARREN LEWIS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. JONES. Mr. Speaker, today I would like to pay tribute to a hero from Eastern North Carolina who was killed in the line of duty last June 9.

Nash County (NC) Sheriff's Office Investigator Warren B. Lewis III was assigned to the United States Marshals Service's Eastern District of North Carolina Violent Fugitive Task Force, where he was killed in the line of duty in Kinston, NC, on June 9, 2011, while attempting to apprehend a violent fugitive wanted for murder.

Investigator Lewis has a stellar record of service in the Nash County Sheriff's Office. In 2002 he began his service to the people of Nash County as a Deputy and was eventually promoted to Investigator and assigned to the Narcotics Division.

Later assigned to the Eastern North Carolina Violent Fugitive Task Force, Investigator Lewis served for over 3 years coordinating, locating, and arresting fugitives throughout the region.

In addition to serving the people of Nash County, Investigator Lewis was a family man, a great friend, and a talented water skier. He leaves behind a wife, Shannon, two daughters, Lauren and Ashley, and his parents, Warren, Jr., and Ann. This is a tragedy, as it is when any law enforcement officer is killed in the line of duty. But adding even more to the tragedy is when a family is left behind.

On behalf of the United States House of Representatives I express my deepest sympathy to the family of Investigator Lewis, and thank you for his life of service to the people of Eastern North Carolina.

May God continue to bless the family of Investigator Lewis, the Nash County Sheriff's Office, the U.S. Marshals Service, and our country.

SARAI VALDEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Sarai Valdez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Sarai Valdez is a 12th grader at Jefferson Senior High and received this award because her determination

and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sarai Valdez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Sarai Valdez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

50TH ANNIVERSARY OF THE FLORIDA GLASS GROUP

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. DEUTCH. Mr. Speaker, I would like to submit the following:

HOUSE RESOLUTION

Whereas, 2012 marks the 50th Anniversary of the development of Contemporary Art Glass in the United States, and to celebrate the milestone and recognize the many talented artists, including many in Florida, more than 500 glass demonstrations, lectures and exhibitions will take place in museums, galleries, art centers, universities, art organizations, festivals and other venues across the United States, and

Whereas, the Florida Glass Group is an Florida non-profit organization with over 75 members primarily in Florida whose mission is to educate the public concerning the development and appreciation of Contemporary Glass Art in Florida, and

Whereas, the Art Alliance of Contemporary Glass (AACG) is a national non-profit organization with members primarily from the United States, whose mission is to educate the public and to provide grants to further the development and appreciation of art made from glass (Contemporary Glass Art), and

Whereas, AACG and the Florida Glass Group inform and educate the public, including collectors, critics and art curators and provide financial support with grants to University Glass Programs, Museums, Art Center Glass Exhibitions and other public glass programs for Contemporary Glass Art, and

Whereas, the Boca Raton Museum of Art, the Norton Museum in West Palm Beach and the Naples Museum of Art and other art venues in Florida are having exhibitions in 2012 in recognition of the 50th Anniversary of the development of Contemporary Glass Art in the United States; and

Whereas, the 50th Anniversary of the development of Contemporary Glass Art in the United States is also being specifically celebrated and recognized on November 3rd, 2012 by over 300 glass collectors, glass artists, curators, and art gallery owners at an event sponsored by AACG on the Spirit of Chicago in connection with the Sculpture Objects & Functional Art International Art Show (SOFA) one of the World's Foremost Fairs of

Art and Design Events at the Navy Pier in Chicago from November 1st through the 4th 2012, therefore be it

Resolved by the House of Representatives of the United States that we recognize the 50th Anniversary of the development of Contemporary Glass Art in the United States; and be it further

Resolved, that we applaud and honor the accomplishments of the Florida Glass Group and AACG as they celebrate the 50th Anniversary in the United States and proclaim the year of 2012 as Contemporary Glass Art Awareness Year in the United States; and be it further

Resolved, that we encourage educators throughout the United States to provide educational programs for their students about Contemporary Glass Art and to arrange for students to attend exhibitions and otherwise participate in the various events and exhibitions recognizing the 50th Anniversary of Contemporary Glass Art. We also encourage all citizens to attend events and exhibitions recognizing the 50th Anniversary of Contemporary Glass Art; and be it further

Resolved, that suitable copies of this resolution be delivered to the members of the Art Alliance of Contemporary Glass and Florida Glass Group at the special celebration of the 50th Anniversary of Contemporary Glass Art in the United States on the Spirit of Chicago on November 3, 2012 during the SOFA Event at Navy Pier in Chicago as a symbol of our respect and esteem for those organizations and their memberships.

INTRODUCTION OF THE HUDSON- MOHAWK RIVER BASIN ACT OF 2012

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. TONKO. Mr. Speaker, today I am introducing the Hudson-Mohawk River Basin Act of 2012, a bill to authorize the Secretary of the Interior to carry out projects and conduct research on water resources in the Hudson-Mohawk River Basin. The bill also establishes a river basin commission to unify the five States and five sub-basins that comprise the Hudson-Mohawk River Basin—the Nation's most densely populated river basin—to manage the vital water resources that bind together the communities, economies, and heritage of the northeast region in an integrated, holistic manner.

For too long, the five sub-basins of this basin have been addressed as independent entities. There is no overarching organization to facilitate coordination and collaboration of the many efforts underway within each of these areas. The landscape, however, operates differently. It functions as a whole. These sub-basins are intimately connected to each other by the waters that course through their streams and tributaries to eventually reach the New York-New Jersey Harbor. Actions taken by individual entities within each sub-basin have impacts that extend beyond local borders. Years of progress in environmental

sciences inform us that ecosystem-based management and watershed-level planning will result in the most sustainable outcomes. A river basin commission would provide the forum to facilitate a whole-basin view.

Our country has a long experience of using commissions to bring different jurisdictions together to promote sound management of common resources. In the West, there was early recognition that the seven basin States of the Colorado River needed to work together to ensure equitable access and proper management of the Colorado River. In the East, the Delaware, Susquehanna, and Potomac River Basin Commissions and the Appalachian Regional Commission have guided cooperative efforts of neighboring States to develop and manage important common resources for the benefit of the region. The Hudson-Mohawk River Basin deserves similar attention.

A 2007 study by Canadian authors Dalton, Dalton, and McLean documented the current management regime in the Hudson-Mohawk River Basin. The findings are staggering, including over 2,000 distinct governmental organizations: 12 federal agencies, 67 State agencies, 66 county agencies, and over 1,700 municipal agencies with some jurisdiction over land and water use. There are also over 200 non-profit organizations that focus on issues related to land and water management throughout the Basin. These statistics are indicative of the intense interest that residents and communities in the Basin have in its resources and their management.

The New York Ocean and Great Lakes Ecosystem Conservation Council created in 2006 was an important step forward recognizing the need to manage New York State's coastal areas through ecosystem-based management. The Council plays a vital coordinating role for State agencies and for the many local governments, non-profit groups, businesses, and citizens who depend upon our coastal ecosystems. These systems are influenced by the waters that flow into them and connect them through the Hudson, Mohawk, Passaic, and Raritan Rivers.

The sheer number and diversity of organizations operating within these five basin States present a significant challenge to considering projects and policies that impact the basin in a holistic manner. Despite these hurdles, these many entities have provided tremendous vision, stewardship and creativity for many years. A commission would be in a position to build upon their work and provide the five States of the basin a single forum for working together with the Federal Government to coordinate and encourage cooperation among the many interested parties who have a stake in the basin. Development of a basin-wide plan that places the individual on-going efforts into a whole-basin context would facilitate our ability to apply ecosystem-based management principles in a consistent and efficient manner.

The Mohawk and Upper Hudson sub-basins contribute over half of the flow of water to the lower Hudson River. Water quality in these basins directly impacts quality in the Lower Hudson. Yet, in comparison to the Lower Hudson, these two areas have far less institutional infrastructure and have received far less attention in the ongoing effort to restore the health of the Hudson River and its estuary. The

Lower Hudson is a great success story—one that I would like to see repeated for the Mohawk and Upper Hudson. The locally-spawned efforts of dedicated citizens to embrace the Lower Hudson, advocate for its stewardship, and work to improve its floodplain served as the impetus for State government to become more involved. The goal of this legislation is to create a basin commission in order to assist these communities further and to engage the other sub-basins to accelerate development of their water resource programs by imitating successful programs of the Lower Hudson. The organizational infrastructure of the Lower Hudson Sub-basin provides an excellent foundation for building similar organizational strength in the Mohawk and Upper Hudson Sub-basins. Stronger partnerships among communities in the Upper Hudson and Mohawk Sub-basins will enable these regions to redesign and rebuild infrastructure to promote economic development, provide better flood protection, and improve water quality that will complement the efforts of downstream communities and improve conditions not only in the immediate area but also in the Lower Hudson and the Harbor.

The Raritan and Passaic River Sub-basins have, for too long, been viewed as mature industrial corridors rather than as sources of community revitalization and economic opportunity. Through the efforts of the State of New Jersey in partnership with the Federal Government and many dedicated non-profit organizations like the Raritan Headwaters Association and the Passaic River Coalition, water quality of these mighty rivers has improved in recent decades. However, more effort is needed if these watersheds and the marshes and bays of the New York-New Jersey Harbor are to be restored to ecological health and the New York Bight is to reach its full environmental and economic potential. The excellent work being done by the Environmental Protection Agency's, EPA, New York-New Jersey Harbor Estuary Program and Hudson River Estuary Program—the latter of which was recently expanded to Troy, NY—would be aided greatly by improvements in the water quality of the rivers that eventually flow into the Harbor. EPA and other agencies acknowledge the importance of a holistic approach, and I believe that formation of a whole basin plan will afford us the opportunity to build upon the successes achieved in each of the Sub-basins and to magnify their impacts throughout the Basin. In addition, the comprehensive plan developed by the commission through an inspired, collaborative process with the public would provide the framework for additional Federal resources for the region.

My legislation is modeled on other successful regional programs and river basin commissions. The Governors of each of the five basin States would serve on the commission along with the Secretary of the Interior as a representative of the Federal Government. The Commission is charged with planning and implementing projects and policies that govern the use of water resources in the basin. The Commission would adopt an annual budget including information about individual projects and their costs, along with identifying the appropriate financing. The bill provides the Secretary of the Interior with \$25 million per year

to fund projects that are consistent with the comprehensive plan and spelled out in more detail in the water resources program.

The Commission's plan, developed in consultation with the member States, Federal agencies, local governments, non-governmental organizations, and all other water users, will tie together the many organizations and interests throughout the basin to tackle large-scale projects. The plan must be developed in collaboration with citizens and local communities. It would provide a unifying vision for the basin and its water resources. And, as I have indicated above, the plan developed through a collaborative process will build a basin-wide organizational structure that will give basin states and communities the framework to compete for additional resources for the region.

The natural and historic resources of the Hudson-Mohawk River Basin are fundamental building blocks that we can use to re-invigorate local communities throughout the Basin. The devastating flood events that occurred in many communities in the Basin last year compel us to re-think our connection to the rivers and tributaries throughout the Basin. Our interconnectedness was visible to the naked eye. We need to better adapt our infrastructure to be more resilient to floods. But more than that, if we integrate improvements in water quality and wildlife habitats into plans for the redevelopment of waterfronts, we will reconnect citizens and communities to the river to yield recreational, community, and economic benefits. As communities are drawn together through the public planning process authorized in the bill, they will be able to work on common priorities and launch a new chapter of prosperity in the history of the Basin.

The Hudson-Mohawk River Basin, together with the Erie Canal, connects the Great Lakes to the Atlantic Ocean. The Hudson-Mohawk River Basin is the cradle of our American democracy. The footprints of the earliest North American civilization and the early development of our modern Nation are replete and scattered throughout this entire region. The waters of the Hudson, Mohawk, Raritan, and Passaic Rivers formed our early transportation networks and provided the food and power that enabled us to forge the Nation and initiate the early westward expansion of the country we know today. Essentially, the water of the Hudson-Mohawk Basin is the ink that wrote our early history. This important common heritage should be revered and celebrated. It has been more than 400 years since the first European settlements were established in the watersheds of the Hudson, Mohawk, Raritan and Passaic Rivers. We should keep faith with those early pioneers and ensure a bright future for our children and generations to follow by working together to maintain the health and beauty of these mighty waterways and promoting economic development compatible with these great environmental assets. I believe the establishment of a Hudson-Mohawk River Basin program with a river basin commission to guide this effort will help us to accomplish these worthy goals.

HONORING PEACE ACTIVIST DICK HEIDKAMP

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise to recognize Dick Heidkamp, a former Catholic priest and member of the Chicago Religious Leadership Network on Latin America, an organization that seeks to promote peace and improve the lives of people living in Latin American countries. Throughout his career, Dick has passionately advocated for human rights, peace, and justice for all, with a special focus on Central and South America.

Dick has been a member of the Peace and Justice Committee at the Mary Seat of Wisdom Church in Park Ridge, Illinois, for 38 years. He has also advocated for justice at organizations throughout Chicagoland, including Illinois SOA Watch, Eighth Day Center for Justice, Su Casa Catholic Worker, and Cristo Ray High School.

Dick first brought his high energy commitment to Chicago Religious Leadership Network in 1998. He has been a dedicated participant in CRLN, serving on its Board of Directors since 1999. In his time at CRLN, Dick has traveled throughout Latin America promoting justice and peace in underdeveloped countries, seeking to improve the lives of people living in nations such as Cuba, Guatemala, El Salvador, and Colombia.

Dick has consistently advocated for policies that would increase standard of living for all people, recognizing that poverty is not just a tragedy for individuals and families but a key cause of global instability. Dick has fought for a U.S. foreign aid system that considers human rights above militarization. He has also lobbied Congress to end military aid to Colombia and to eliminate the trade embargo of Cuba, arguing that it keeps essential goods away from the Cuban people.

Understanding the plight of impoverished economies, Dick led the CRLN public policy delegation to Washington D.C. for the Jubilee 2000 campaign. That successful campaign pushed to cancel third world debt owed to the wealthiest nations of the world. Looking out for the average citizen, Dick and CRLN believed that this debt cripples already-struggling nations, preventing their governments from supplying services for their people.

Dick has always sought to give a voice to the voiceless. He has been a cheerful and committed public witness for nonviolent action in response to injustice worldwide, bringing attention to some of the Western Hemisphere's most overlooked problems. I congratulate him on his decades of service and his vocal support of justice, peace, and human rights in Latin America.

SAVANNAH PRIDE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Savannah

Pride for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Savannah Pride is a 7th grader at Everitt Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Savannah Pride is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Savannah Pride for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

RECOGNIZING MAJOR GENERAL TIMOTHY J. LOWENBERG

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Major General Timothy J. Lowenberg for his years of service to Washington State and our country. He has served our state for decades, most recently as The Adjutant General for the State of Washington. In this role, he served as commander of all Washington Army and Air National Guard forces and Director of the State's Emergency Management and Enhanced 911 programs.

Major General Lowenberg was commissioned as an officer in the Air Force concurrent with his graduation from the University of Iowa in 1968. In 1971, he earned a Doctor of Jurisprudence degree from the University of Iowa, College of Law. Prior to becoming The Adjutant General, Major General Lowenberg served as the Air National Guard Assistant to The Judge Advocate General of the Air Force. In this role, he oversaw programs affecting more than 114,000 Air Guard members, trained all Air Guard judge advocates and paralegals, and developed the civil affairs mission of the United States Air Force.

In 1999, Governor Gary Locke appointed Major General Lowenberg Adjutant General. He led the Washington State National Guard's transition from a strategic reserve to an operational reserve, making the Washington State National Guard a vital component of the operations in Iraq and Afghanistan. He also led emergency responses to a variety of events, including the 1999 WTO Riot in Seattle, wildfires in 2000, flooding across western Washington in 2007 and 2009, and state preparedness for the 2010 Olympics in Vancouver, British Columbia.

Major General Lowenberg is the second longest-serving Adjutant General since the creation of the Washington Territorial Militia in 1855. His leadership and hard work will be remembered for the advances he implemented in the National Guard during a crucial time in the history of our Nation and the National Guard.

Mister Speaker, it is with great pleasure that I honor Major General Lowenberg on his re-

tirement. His leadership on military issues, homeland security and domestic preparedness, at the state and federal level, are second to none and will truly be missed. I wish him the best in all of his future endeavors.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

June 5 2012:

Rollcall vote 315, On agreeing to the McClintock Amendment—I would have voted "nay."

Rollcall vote 316, On agreeing to the Hirono Amendment—I would have voted "nay."

Rollcall vote 317, On agreeing to the McClintock Amendment—I would have voted "nay."

Rollcall vote 318, On agreeing to the Mathe-son Amendment—I would have voted "nay."

June 6 2012:

Rollcall vote 345, On agreeing to the Moore amendment—I would have voted "nay."

Rollcall vote 346, On agreeing to the Broun (GA) amendment—I would have voted "nay."

Rollcall vote 347, On agreeing to the Holt Amendment—I would have voted "nay."

Rollcall vote 348, On agreeing to the Clarke Amendment—I would have voted "nay."

Rollcall vote 349, On agreeing to the Clarke Amendment—I would have voted "nay."

Rollcall vote 350, On agreeing to the Hahn Amendment—I would have voted "nay."

Rollcall vote 351, On agreeing to the Hahn Amendment—I would have voted "nay."

Rollcall vote 352, On agreeing to the Poe Amendment—I would have voted "aye."

Rollcall vote 353, On agreeing to the Bishop Amendment—I would have voted "aye."

Rollcall vote 354, On agreeing to the L. Sanchez Amendment—I would have voted "nay."

Rollcall vote 355, On agreeing to the Jackson-Lee Amendment—I would have voted "nay."

Rollcall vote 356, On agreeing to the Higgins Amendment—I would have voted "nay."

Rollcall vote 357, On agreeing to the Bishop Amendment—I would have voted "nay."

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. HEINRICH. Mr. Speaker, I unfortunately missed nine votes today, which including rollcall votes 306, 307, 308, 309, 310, 311, 312, 313 and 314.

If I had been present, I would have cast the following votes on amendments to H.R. 5325, Energy and Water Development and Related Agencies Appropriations Act, 2013:

Rollcall vote 306 (Scalise Amendment): "yea."

Rollcall vote 307 (King Amendment): "no."
Rollcall vote 308 (Moran Amendment): "yea."
Rollcall vote 309 (Hultgren Amendment): "no."
Rollcall vote 310 (Chaffetz Amendment): "no."
Rollcall vote 311 (McClintock Amendment No. 6): "no."
Rollcall vote 312 (Kaptur Amendment): "yea."
Rollcall vote 313 (Tonko Amendment): "no."
Rollcall vote 314 (Hahn Amendment): "yea."

TANYA ESTRADA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tanya Estrada for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tanya Estrada is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tanya Estrada is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tanya Estrada for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

A VETERAN'S MESSAGE TO HIS COUNTRY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, I am very proud of the members of my family who have served this country in wartime. My cousin Arthur Cozewith, has remained a vigorous advocate for fair treatment for all of our veterans.

On Memorial Day this year, he was the guest speaker after the parade in his hometown of Pearl River, New York, and he shared with me the remarks he made on that occasion.

I grew up listening to Arthur's stories of what he and the others went through during World War II, including the experience of prisoners of war, and I continue to be inspired by his determination to see that others who serve are treated the way they should be treated by a nation that should be grateful, and through its gratitude helps define our greatness.

Mr. Speaker, as an expression of family pride and in agreement with his message, I ask that the eloquent remarks of my cousin

Arthur Cozewith be printed here as a reminder to us as we legislate this year on matters affecting veterans of how important our duty is.

I would like to thank Honorable Judge and Vietnam War flyer extraordinaire Paul Phinney III for the Honor on this Memorial Day of presenting some of my memories, thoughts and thanks related to the sacrifices made by our veterans. At the age of 18, in November 1942, I enlisted in the U.S. Army and served during WWII as a rifleman in Co. F, 333rd Infantry Regiment of the 84th Division, participating in the battle for Europe. Now, 67 years after the end of WWII, I still remember the days of blood, mud and hot steel and the impact of such days on my buddies, my friends and my relatives serving in the armed forces. I still remember my Army buddy, 19-year-old Bob Koebler, killed in action on Dec. 2, 1944, my Uncle David Golush who died of wounds received during the battle for Sicily and my high school friend, Bill Miller, who died when his bomber crashed. I remember that there were exactly 34 bunks in a German reinforced concrete fortification because a wounded American soldier occupied each one. I remember the mistreatment and slow starvation of Americans who were POW's. I remember all the things I don't want to remember.

As I remember, I readily relate to those veterans who sacrificed body and mind during WWII, Korea, Vietnam, Bosnia, Gulf Storm, Iraq, Afghanistan and the wars before and in-between to preserve this great country we live in—the United States of America. I am forever grateful for those sacrifices, which now enable my children, grandchildren and great grandchildren to live with equality and freedom.

I also remember that during WWII, our country acted like a sleeping giant who had been rudely awakened. Americans were united as one, as close together as the fingers in a closed fist. Our decisions were based on one consideration—what was best for America. "What is in it for me" was not a permissible thought. We accepted rationing, censorship and lack of goods in the stores. We grew our own vegetables in victory gardens, we conserved everything, we had air raid drills and bought E bonds to save our economy and onward the list goes—winning was not only our sole objective, but also our only option in order to preserve our freedom.

As we face the challenges of today and the new challenges to come, I wonder if we can again work in unity for the best interests of the country. Will we be able to pass along to future generations the same opportunities we were provided by those who sacrificed their lives for all that is great about America?

To ensure a bright future for our country, I ask all of you not to forget that these sacrifices led to our resulting good fortune. Adopt a creed that fits within President John Kennedy's words, "Ask not what your country can do for you, but what you can do for your country." Insist that those in power, both elected and non elected, act in a manner that puts country first. Keep in mind the truth in the adage "United we stand . . . divided we fall." Become and remain proactive in promoting and implementing these ideals after today's remembrances have gone by.

And finally, show your appreciation to the Veteran Community. If you are an uncommitted eligible Veteran, Pearl River American Legion Post 329 and VFW post 7370 welcomes you to join us as we reach out to Veterans and the community at large.

Remember our war disabled veterans and work to alleviate their on going pain and

suffering by insisting that our Congress and Veterans Administration eliminate an antiquated processing system which results in delaying claims in some cases for more than a year.

Thank you for listening. G-d Bless us all and G-d Bless America.

—Arthur Cozewith

A TRIBUTE TO LIEUTENANT COMMANDER EDWARD LEE SR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Lieutenant Commander Edward Lee Sr. For 34 years, Lieutenant Commander Lee has served in the United States Navy and in the fall will celebrate his retirement after decades of service to his community.

Lieutenant Commander Lee has deployed ten times to the Indian Ocean, Gulf of Oman, Sea of Japan, and Mediterranean during his career. Promoted to his current rank of Lieutenant Commander in June of 2008, it is evident that Lieutenant Commander Lee has truly committed himself to the United States Navy. Subsequent to his time in the service, Lieutenant Commander Lee has taken great pride in furthering his education. In 2004, LCDR graduated Cum Lade with a Bachelor of Science degree from Saint Leo University. In addition Lieutenant Commander Lee received his Master's of Science in Information Assurance from University of Maryland.

Lieutenant Commander Lee's personal decorations include the Navy and Marine Corps Commendation Medal (five awards), the Navy and Marine Corps Achievement Medal (four awards), and several other Service and Campaign ribbons and medals. He was promoted to the rank of E-8 (SCPO) in February of 1998, as a result of his selecting for the Limited Duty Officer Commissioning Program. After that, he worked his way up to the rank of Lieutenant Commander.

Lieutenant Commander Lee's long and impressive career showcases his commitment and service to not only his local community but also to the Nation. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking LCDR Edward Lee Sr. for his work and congratulate him on the occasion of his retirement.

CELEBRATING CHUCK ROGERS' 25 YEARS AT SPRINGFIELD LITTLE THEATRE

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. LONG. Mr. Speaker, for 25 years John R. "Chuck" Rogers has tapped into his artistic talents to entertain audiences at the Springfield Little Theatre.

As the Springfield Little Theatre's technical director, Chuck has played an instrumental role in more than 175 productions.

I had the honor of working with him and seeing up close his talents and passion for the theatre when he directed me in a production of *Cheaper by the Dozen* in 1994. Having no prior acting experience, I can attest to the tremendous job and care he puts into the entire production.

In addition to the Springfield Little Theatre, Chuck shares his artistic talents with the Springfield Ballet, Springfield Regional Opera, Ozarks Technical Community College, The Creamery Arts Center, and Drury University. He has also helped with public television shows in Branson, Missouri.

The Springfield community and surrounding area is lucky to have a neighbor like Chuck. He continues to provide us with great entertainment after more than 25 years of involvement in the arts.

I want to congratulate Chuck Rogers' 25 years at the Springfield Little Theatre and wish him continued success. Break a leg Chuck!

TYIA JOHNSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tyia Johnson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tyia Johnson is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tyia Johnson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tyia Johnson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING MR. FRANK EDWARD RAY

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. DENHAM. Mr. Speaker, I rise today to posthumously honor the life and legacy of San Joaquin Valley resident Mr. Frank Edward Ray. Mr. Ray will be remembered as a hero for the brave actions he took to rescue twenty-six young school children who fell victim to a school bus kidnapping plot while in his care.

Frank Edward Ray, or Ed as he was known, was born in Le Grand, California on February 26, 1921. As a boy, his family relocated to Chowchilla, California. After graduating from Chowchilla Union High School in 1940, Mr. Ray married his wife, Odessa, in 1942. The

couple purchased a ranch in Dairyland, California on which they farmed alfalfa, corn, and raised dairy cows. In the early 1950's, Mr. Ray went to work for Dairyland Union School District as a bus driver.

While driving a busload of summer school students home in the summer of 1976, Mr. Ray's daily route quickly became anything but normal. As he drove the bus along a tree-lined avenue, he encountered a white van blocking the road. After Mr. Ray brought the bus to a stop to avoid a collision with the van, three armed men hijacked the school bus. The assailants forced Mr. Ray and the 26 school children off the bus into cramped vans and drove 100 miles to a rock quarry in Livermore, California.

As part of an elaborate plot to obtain \$5 million dollars in ransom, the kidnappers forced Mr. Ray and the children into a makeshift bunker made from a moving van buried in the ground. Before leaving the scene, the kidnappers covered the roof of the van with steel plates, 100 pound vehicle batteries, and dirt. Despite risk of further danger, Mr. Ray and several of the older children in the group used materials found in the van to dig their way out. After 16 hours of clearing debris, Mr. Ray was able to help all of the children escape from the underground van.

Because of Mr. Ray's bravery, selflessness, and loving sense of responsibility for the children in his care, all 26 students escaped the kidnapping ordeal safely. He assisted in the apprehension of the kidnappers—all three of which are serving life sentences. His heroic actions and leadership in the face of uncertain danger established him as a hero in the Chowchilla community. In addition to local appreciation, his heroic efforts in the nationally renowned kidnapping became an example of excellence across America. Just two months after the crime, Mr. Ray resumed his route on the same bus. He retired from Alview-Dairyland Union School District in 1988, after 40 years of service.

Mr. Ray passed away in May 2012 at the age of 91. In the days preceding his death, he was visited by many of the students he saved 35 years ago. Mr. Ray is survived by his wife, Odessa, with whom he would have celebrated 70 years of marriage in June 2012. He is also survived by his two sons, Glen and Danny; his sister, Esther Danelli; three grandchildren; and three great-grandchildren. He will be missed by the close-knit community of Chowchilla.

Mr. Speaker, please join me in posthumously honoring Mr. Frank Edward Ray for his invaluable service to his community. His legacy will not soon be forgotten.

RECOGNIZING THE ROEBUCK FAMILY'S MILITARY SERVICE

HON. RICHARD B. NUGENT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. NUGENT. Mr. Speaker, I rise today to recognize and honor a proud American family with over one hundred total years of military service to this Nation.

In 1980, Violet I. Roebuck, originally from St. Croix, U.S. Virgin Islands, moved with her family, to Lake Placid, Florida.

Harold Roebuck Jr., father to Carlos, Harold III, Venecia and Gisette tragically died shortly after the family's move to Florida during a return trip to St. Croix. Their mother, Violet I. Roebuck had the difficult task of raising her five children, including her eldest son Wayne Moorehead, as a working single mother.

Of her five children, four served in the military, each for more than 20 years for a total of over 80 years of service. In addition, Violet's son-in-law Ira Wenzel II served an additional 22 years.

With such a strong commitment to this Nation, it's really no surprise that the patriotism Violet had instilled in her children was passed on to a second generation of her family who have now begun their proud and faithful service to this Nation.

Today, Harold Roebuck IV and Eddie Moorehead are following in the footsteps of their parents in proud service to this Nation.

It is important to always remember that families like Violet Roebuck's are clear examples of what makes this Nation so great.

Today, I am humbled to have the opportunity to bring the attention of this house to a family of true American heroes.

To the Roebuck family, God bless you and your family's brave service to this Nation.

With that, I ask my colleagues to join me in recognizing and honoring the achievements of this patriotic American family.

HONORING THE 100TH ANNIVERSARY OF THE INTER AMERICAN UNIVERSITY OF PUERTO RICO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. SERRANO. Mr. Speaker, today I rise to pay tribute to the Inter American University of Puerto Rico, which is celebrating 100 years since its establishment on the island of Puerto Rico.

The Inter American University of Puerto Rico was founded in 1912 as the Polytechnic Institute of Puerto Rico, by Reverend John Will Harris. At the time they offered elementary and secondary education in the town of San German. In 1944, the university was accredited by the Middle States Association of Colleges and Schools, making it the first liberal arts college to be so accredited in Puerto Rico.

Over the last century, the Inter American University of Puerto Rico has greatly expanded, educating thousands of students pursuing their studies in the humanities, social sciences, and hard sciences. Under the leadership of University President Dr. Manuel J. Fernos, today the Inter American University of Puerto Rico has more than 50,000 registered students at eleven sites, including schools specializing in optometry and law. As the only optometry school in Latin America, it is the main provider of bilingual optometrists in the world.

The university also stands out for its extensive offering of online courses, making it a leader in distance learning. The Inter American University of Puerto Rico prides itself on

their international partnerships with other prestigious universities located in Spain, England, Italy, Mexico, China, and the Dominican Republic. The university also maintains a large number of partnership programs with schools located in the 50 States. These partnerships and programs expand the knowledge and experiences of the university's students, and have made the Inter American University of Puerto Rico a recognized cultural bridge between North America and Latin America.

Mr. Speaker, I ask my colleagues to join me in recognizing the 100th anniversary of this historic institution of higher education, which has made a lasting impact on students in Puerto Rico and throughout the rest of both the United States and Latin America.

TESLA MILLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tesla Miller for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Tesla Miller is a 12th grader at Arvada West High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tesla Miller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tesla Miller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING ARLENE LOWENSTEIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. ENGEL. Mr. Speaker, Arlene Lowenstein began volunteering for Jewish causes as a pre-teen by standing outside of E.J. Korvettes on Central Avenue in Scarsdale, collecting funds for Israel during the Six-Day War. She has not ceased her support of Israel.

Arlene is now Fleetwood Synagogue's Treasurer and Finance Committee Chair. Fleetwood Synagogue is an organization that relies almost entirely on volunteers and Arlene's duties include many that are normally done by an organization's staff, including billing members, paying bills, banking, reporting tax and donation information, and maintaining the synagogue's contact lists.

She treats her volunteering activities with absolute seriousness, and ensures that whatever tasks she undertakes are done accurately and in a timely manner. She does not

limit herself to just the financial aspects of the synagogue. She has worked on the dinner committee for years, and is particularly adept at editing written material sent out by the synagogue.

During the ten years her daughter Tovah attended Stein Yeshiva, Arlene served as the PTA President. In 1993, Arlene and her husband, Jack, were the first parents ever honored at the school's testimonial dinner.

Arlene was also active in Rena Hadassah in Mount Vernon, where she chaired the annual Camp Fair which was the organization's most successful fundraiser. She received the "Hands of Healing" award from the Westchester Hadassah Region in 1993.

Arlene grew up in Yonkers, and is a product of Lincoln Park Jewish Center. She spent a year studying at Hebrew University in Jerusalem and is a graduate of Barnard College. After graduate school at CUNY, she worked as a computer programmer and a proof reader, before her current profession—Travel Agent. She is the manager of Transland Travel Bureau, a family-owned business. Arlene's husband is Co-President of Fleetwood Synagogue. Her daughter is an English teacher at the Moriah School in Englewood, New Jersey. Arlene's dedication to Fleetwood Synagogue is apparent to all who know her.

I join with Fleetwood Synagogue in honoring Arlene Lowenstein for the good work she has done in the community for so many years. She is a living mitzvah.

IN HONOR OF MASTER SERGEANT
CHILDS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a true patriot who died in service to this great country. On May 4, 2012, Master Sergeant Gregory L. Childs died of a non-combat related illness at the age of 38 in Kabul Province, Afghanistan, in support of Operation Enduring Freedom.

Master Sergeant Childs was raised in Warren, Arkansas, where he graduated from Warren High School in 1992. After graduation, he joined the United States Army where he served his country with honor for 20 years, traveling to Bosnia, Germany, Columbia, and two tours to Afghanistan. He excelled through the ranks of the Non-Commissioned Officer (NCO) Corps and earned the rank of Master Sergeant (MSG), one of the highest ranks you can receive in the U.S. Army NCO Corps. At the time of his death, Master Sergeant Childs was assigned to the Defense Logistics Agency, Administrative Support Center, Fort Belvoir, Virginia.

Although I never had the honor to meet Master Sergeant Childs, on behalf of the State of Arkansas, I extend my sincere condolences to his family, friends and all who knew him for this devastating loss.

Master Sergeant Childs is survived by his daughter, Kourtlan Iman Childs of Arlington, Texas; his mother, Eula Childs of Warren, Ark.; his brother, Shawn Childs of Little Rock,

Ark.; a grandmother, Maola Jones of Hermitage, Ark.; a fiancée, Jewele Johnson of Columbia, SC; best friends Chad Mingo of Shreveport, LA, and Alonzo Hampton of Bowling Green, KY, as well as a host of other relatives, friends, and soldiers.

When we think of true heroes, we think of brave Americans like Master Sergeant Childs who risk everything to defend freedom and serve this great country. We will always be grateful for his selfless sacrifice and he will be deeply missed by all who knew him. My thoughts and prayers go out to his family and friends during this very difficult time. We are who we are as a nation because of patriots like Master Sergeant Childs.

Today, I ask all Members of Congress to join me as we honor the life of Master Sergeant Gregory L. Childs and his legacy, as well as each man and woman in our Armed Forces, and all of those in harm's way, who give the ultimate sacrifice in service to this great country. We owe them our eternal gratitude.

HONORING WILLIAM EDWARD
SAXTON

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of William Edward Saxton and to mourn him upon his passing at the age of 86.

Born in Hazel Park, Michigan on March 14, 1926 to Dean and Margaret Saxton, Bill graduated from Plymouth High School, where he met his future wife Valerie, in 1944. He served honorably in the U.S. Navy during World War II and went on to study business management and engineering at the University of Michigan, graduating in the late 1940's. Bill and Valerie married in the summer of 1947. Taking the reins from his father, Bill became the owner and operator of Saxton's Garden Center, an 83-year-old family business in Plymouth, Michigan. A historical cornerstone of Plymouth's pedestrian friendly downtown located at Ann Arbor Trail and Penniman, the former Saxton's Feed Company once served as a stop on the Underground Railroad.

Under Bill's knowledgeable and forthright leadership, Saxton's Feed Company transitioned from farm-supply and livestock feed to Saxton's Garden Center as farms gave way to subdivisions. Bill became active in the Plymouth Community and the Plymouth Chamber of Commerce. Saxton's is a perennial sponsor of the Plymouth Ice Festival, Art in the Park and many other downtown events. Kellogg Park borders Saxton's just to the west and has become a focal point of the community thanks to the generosity of patrons like Bill Saxton.

Sadly, on June 4, 2012, Bill succumbed to his second battle with cancer and passed from this earthly world to his eternal reward. He is survived by his beloved wife of nearly 65 years, Valerie and his precious children Alan, Craig and Christopher. Reuniting in eternity with his adored daughter Karin, Bill will long

be remembered by grandchildren Nichelle, Lauren, Christopher and Sarah. He leaves a legacy in his cherished great grandchild Connor and will be sorely missed by his treasured siblings Dean and Margaret.

Mr. Speaker, William Saxton will be long remembered as a dedicated husband, father, grandfather, veteran, legendary businessman, philanthropist, community leader and above all as a friend. Bill was a man who deeply treasured his family, friends, community and his country. Today, as we bid Bill Saxton farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our community and our country.

SHYANNE SWARTWOOD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Shyanne Swartwood for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Shyanne Swartwood is a 10th grader at Jefferson County Open School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shyanne Swartwood is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Shyanne Swartwood for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,734,596,578,458.59. We've added \$5,107,719,529,545.51 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1776, Richard Henry Lee of Virginia proposed to the Continental Congress a resolution calling for a Declaration of Independence. We have squandered our independence by shackling ourselves with this national debt.

TRIBUTE TO NASHVILLE
INTERNATIONAL AIRPORT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. COOPER. Mr. Speaker, today I rise to salute the Nashville International Airport, an ambassador for Music City.

On June 12, 1937, Nashville's airport officially opened as Berry Field in honor of Colonel Harry S. Berry, state administrator for the Works Progress Administration. It became a military base during World War II for the 4th Ferrying Command, and later returned to passenger service with rapid growth and high demand. In 1988, it was renamed the Nashville International Airport to reflect its new status as a hub for Tennessee air transportation.

Over the years, BNA has evolved into a state-of-the-art facility connecting the Nashville area with the rest of the world serving nearly 10 million passengers a year. As a leader in airport innovation, BNA was one of the first commercial airports to have a master plan and is now one of twelve airports in the FAA's Sustainable Master Plan Pilot Program.

BNA is not just an airport, it's an experience. It welcomes visitors with gracious southern hospitality and country twang. Its unique design offers a taste of Music City with live music, shops and restaurants showcasing our Tennessee flavor. It not only provides excellent service to its customers and employees, it is an important partner in our community.

And so, Mr. Speaker, it is my privilege today to salute the Nashville International Airport for its 75 years of dedicated service to our citizens and our community, and for promoting higher standards in airport service. I am grateful for the contributions BNA provides not only to Nashville, but to travelers around the world.

SHANNIA TILLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Shannia Tiller for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Shannia Tiller is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shannia Tiller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Shannia Tiller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE PEOPLE OF
AMERICA'S LOG CABIN INDUSTRY

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. RIBBLE. Mr. Speaker, I rise today to recognize America's log cabin industry as a quintessential symbol of the American pioneering spirit, embodying America's strength and ingenuity.

Log cabins, whether used for recreation or as primary residences, are economically sustainable, reducing waste and employing materials that put Mother Nature's beauty at center stage. The industry is experiencing renewed growth, exporting this American icon to nations from Germany to China.

Log cabin production directly supports thousands of jobs from builders to sales professionals, as well as the housing market, lending institutions, and many others. The people of this industry are hard-working, charitable, and deserving of recognition for their centuries of accomplishment.

IN HONOR OF U.S. ARMY
SPECIALIST VILMAR GALARZA
HERNANDEZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. FARR. Mr. Speaker, I rise today to honor the life of Specialist Vilmar Galarza Hernandez, U.S. Army. On May 26, 2012, this native of Salinas, California was killed in his second combat tour in Afghanistan. It is with great sadness to note that Specialist Galarza was only twenty-one years old and married just two months ago. In his all too short life, he made a lasting impact on his family, friends, comrades, and community. Specialist Galarza exemplified valor and duty, and will be remembered as an American hero.

On October 7, 1990, Vilmar Galarza Hernandez was born to Pedro and Gregoria Galarza, Mexican immigrant farmworkers. Vilmar grew up in Salinas, California, a thriving agricultural community. The famed author John Steinbeck called this community "the valley of the world," a reference to the workers who came to scratch out a living from the earth. Vilmar's parents instilled in him and his two siblings, Rubi and Marvin, the principles of the American dream: that with hard work and determination any opportunity was for their taking.

After graduating from Everett Alvarez High School, Vilmar choose the noble path of enlisting in the United States Army. In the Army, he was assigned to the 4th Battalion, 23rd Infantry Regiment, 2nd Stryker Brigade Combat Team, 2nd Infantry Division. Vilmar was known by his command "as a rock that you could lean on." His company commander, Captain Brandon Wohlschlegel, said that Vilmar was "the model soldier." The Army awarded Specialist Galarza the Bronze Star, Purple Heart, and Army Good Conduct medals

as well as campaign ribbons for service in Afghanistan.

Vilmar was destined to achieve great success for himself as he sought to make a better life for his family. He grew up in a neighborhood with few advantages, but succeeded in spite of the challenges. Vilmar was a fighter and a visionary who struggled against the odds and persevered to follow his dreams. On March 28, 2012, just two weeks before his second deployment, he realized a dream when he married his sweetheart Margarita Contreras. It is heartbreaking to know that Vilmar's dreams were not all fulfilled, but his spirit will live on in the hearts of all those who loved him.

Mr. Speaker, I know I speak on behalf of the entire House in extending the Nation's deepest sympathies to Specialist Vilmar Galarza Hernandez's parents Pedro and Gregoria Galarza, his siblings Rubi and Marvin Galarza, his wife Margarita Contreras-Galarza, and his extending family, friends, and comrades. He will be missed, but we will never forget him.

IN RECOGNITION OF THE HARVEY
HOUSE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. FARR. Mr. Speaker, I rise today to recognize the Santa Lucia Chapter of the National Society Daughters of the American Revolution and the historic Harvey House in Salinas, California. The Harvey House was built in 1868 by the first Mayor of Salinas, Isaac Julian Harvey. It has served, among other functions, as the principal Salinas Valley meeting location for the Santa Lucia Chapter for the last seventy five years. Mayor Harvey's daughter, Mabel Harvey, helped to found the Santa Lucia chapter and opened the Harvey House for the chapter's first meeting on October 31, 1938. Mabel's daughter Helen Currie, in turn served as the Santa Lucia Chapter's organizing Regent. On June 9, 2012, the Santa Lucia Chapter will place a plaque commemorating its longstanding relationship with this historic property, and in so doing commemorate the important place that the Salinas Valley holds in the history of California, and indeed, the nation.

The Daughters of the American Revolution, founded in 1890 and headquartered in Washington, D.C., is a non-profit, non-political volunteer women's service organization dedicated to promoting patriotism, preserving American history, and securing America's future through better education for children. DAR members volunteer more than 250,000 hours annually to veteran patients, award thousands of dollars in scholarships and financial aid each year to students, and support schools for underserved children with annual donations exceeding one million dollars. As one of the most inclusive genealogical societies in the country, DAR boasts 170,000 members in 3,000 chapters across the United States and internationally.

Mr. Speaker, in closing, I want to thank the Santa Lucia Chapter of the Daughters of the

American Revolution for its work and for honoring this important landmark of Salinas history.

H.R. 5651, THE FOOD AND DRUG ADMINISTRATION REFORM ACT OF 2012

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. KUCINICH. Mr. Speaker, the very mechanism dictated by the Prescription Drug User Fee Act and the Medical Device User Fee Act is flawed. It is an inherent conflict of interest for drug and medical device manufacturers to pay millions of dollars in fees to the FDA that are designed to speed up regulatory approval, when the FDA is charged with making sure those drugs are safe and effective. H.R. 5651, the Food and Drug Administration Reform Act, perpetuates that flawed model.

At the same time, we have a shortage of affordable, and in some cases life saving drugs that must be addressed immediately. Currently, while the pharmaceutical and medical device manufacturers are allowed to pay to expedite approval, no such privilege exists for generic drugs. Such a competitive disadvantage has the result of keeping much less expensive and equally effective drugs off the market while boosting profits for pharmaceutical manufacturers. Our seniors deserve better than to have to split pills because pharmaceutical companies have an exclusive right to manipulate the market to pad their already massive profit margins at the expense of those in need to pharmaceuticals. This bill corrects that imbalance. This bill also begins to address the increasingly prevalent sudden episodes of shortages of drugs that are life-supporting or life-sustaining. Such episodes are immediately life-threatening if caregivers are not given sufficient notice to identify alternative supplies or treatments.

I support the Food and Drug Administration Reform Act of 2012 and will continue to work for FDA reform.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes today, which included rollcall votes 297, 298 and 299.

If I had been present, I would have voted against rollcall vote 297, the Previous Question on the Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855.

If I had been present, I would have voted against rollcall vote 298, H. Res. 667—Rule providing for consideration of four bills—H.R. 5743—Intelligence Authorization Act for Fiscal Year 2013, H.R. 5854—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2013, H.R. 5325—Energy

and Water Development and Related Agencies Appropriations Act, 2013, and H.R. 5855—Department of Homeland Security Appropriations Act, 2013.

Lastly, I would have voted against rollcall vote 299, Representative FRANKS' (AZ 2) bill, H.R. 3541.

CONGRATULATING JEFF RICE ON OVER THIRTY-ONE YEARS OF SERVICE AT DOLLAR GENERAL

HON. DIANE BLACK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mrs. BLACK. Mr. Speaker, in today's America, it can be difficult to find employees who truly exemplify service, loyalty, integrity and commitment. Today, it is my honor to recognize Jeff Rice for his thirty-one years of service at Dollar General. Jeff first joined Dollar General as a part time employee in 1981 and began working full time on May 7, 1984.

Beginning as an order puller at the Scottsville Distribution Center in Kentucky, Jeff grew his career and his influence through his hard work and dedication to excellence to eventually become the Vice President of Human Resources for the company. The length of Jeff's tenure has only been matched by the depth of his commitment to the Dollar General family and its success.

What is truly inspirational about Jeff is the positive impact he has had on the employees at Dollar General and his community. When he retires in July, his easy smile, passion for doing the right thing, and deeply rooted values will be hard for Dollar General to replace. I congratulate Jeff on an exceptional career and wish him well in what surely will be an exceptional retirement that will undoubtedly be filled with continued service to others.

IN HONOR OF THE FRIENDSHIP CIRCLE OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Friendship Circle of Cleveland, a non-profit organization dedicated to providing Jewish children who have special needs with a full range of social recreational and Judaic experiences; providing their parents with respite and support; and enriching, inspiring and motivating Jewish teens through sharing of themselves with others.

Led by co-executive directors, Rabbi Yossi Marozov and Mrs. Estie Marozov, the Friendship Circle offers a wide-array of programs for the children they serve. The services provided include after-school programs, volunteer opportunities, at-home assistance, and cooking classes. The Friendship Circle provides almost all of its services to special needs children by pairing them with teen volunteers.

Last fall, the Friendship Circle moved to a new 12,000 square-foot space in Pepper Pike.

The new building is twice the size of their former facility in South Euclid and was retrofitted especially to accommodate the needs of special needs children.

On Thursday, June 7, 2012, the Friendship Circle will be hosting "The Art of Friendship" event. The celebration will recognize the 2011–2012 teen volunteers. It will feature a tribute to leading autism awareness advocates Shari and Michael Goldberg and a presentation by chalk artist and speaker Richard Hight.

Mr. Speaker and colleagues, please join me in honoring the Friendship Circle of Cleveland, a life-changing organization for thousands of area Jewish children with special needs.

HONORING UNIFIED GROCERS ON THEIR 90TH ANNIVERSARY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate Unified Grocers, headquartered in my congressional district, on their 90th year of successful serving independent grocery retailers in the state of California.

Unified Grocers was formed in 1922 by a group of 15 grocers who came together to pool their resources in order to effectively compete in the marketplace. With headquarters in the city of Commerce, California, Unified Grocers operates a milk processing plant, bakery and six major distribution centers across the country. Unified Grocers is committed to helping its members build successful long-term businesses as well as remain competitive and grow in today's economy.

Unified Grocers runs an innovative, efficient, and sophisticated distribution chain that allows its members to stock their stores with items that are needed in their individual communities. They are responsive to a changing market and dedicated to the effective operation of facilities that are right-sized, well maintained and optimally located.

I once again congratulate Unified Grocers on the celebration of their 90th anniversary. I thank them for continuing to provide quality jobs in the 34th congressional district and throughout California and for giving back to our community to make it stronger.

IN HONOR OF MS. BETH MOONEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Beth Mooney, who is being honored as the fifth recipient of the Notre Dame College Medal.

Born and raised in Midland, Michigan, Ms. Mooney's family relocated to Texas prior to her senior year of high school. She studied history at the University of Texas where she graduated summa cum laude in 1977. Following graduation, Ms. Mooney took on jobs at

First City National Bank of Houston and Republic Bank in Dallas. While working with Republic Bank, she earned an MBA from Southern Methodist University in 1983.

After more than 30 years of experience in banking, which includes serving as Senior Executive Vice President and Chief Financial Officer for AmSouth Bancorporation, Ms. Mooney joined KeyCorp in 2006 as Vice Chair of Key Community Banking. Just a few years later, Ms. Mooney was made the Chairman and Chief Executive Officer of KeyCorp, becoming the first woman to head one of the 20 largest independent banks in the United States.

In addition to serving as the Chairman and Chief Executive Officer of KeyCorp, Ms. Mooney is a dedicated member of the Greater Cleveland community. She is a trustee and treasurer of the board of the Musical Arts Association/The Cleveland Orchestra, a trustee of The Cleveland Clinic Foundation, a trustee of United Way of Greater Cleveland, a member of The Financial Services Roundtable and board chair of Neighborhood Progress, Inc.

Mr. Speaker and colleagues, please join me in congratulating Ms. Beth Mooney, the recipient of the 2012 Notre Dame College Medal.

PERSONAL EXPLANATION

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Ms. TSONGAS. Mr. Speaker, I missed votes on the day of June 1, 2012, because I was unavoidably detained at a family funeral. Had I been present, I would have voted against amendments to the FY 2013 Energy and Water Development Appropriations Act that sought to reduce funding for renewable energy and energy efficiency programs. I would have instead supported amendments that support and expand renewable energy and energy efficiency programs, and also increase funding for weatherization assistance and state energy programs.

Finally, I would have voted for an amendment to strike language undermining Clean Water Act protections for streams, wetlands, and other waterways. The underlying bill strikes protections that help safeguard drinking water sources from pollution, protect lives and property from flooding, and ensures the viability of economically beneficial fish and wildlife habitat.

IN HONOR OF THE RETIREMENT OF BOOKER THOMAS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. CARSON of Indiana. Mr. Speaker, today I rise to congratulate Booker Thomas, who has capably served as President and CEO of HealthNet, Inc. for well over a decade, on his well-deserved retirement.

Mr. Thomas has devoted his entire distinguished career to public health and public

safety in predominantly poor and urban neighborhoods in cities across the Midwest. As President and CEO of HealthNet, Inc., Mr. Thomas oversaw a dramatic expansion resulting in the establishment of seven primary care centers, two specialty care centers, and eight school-based clinics in order to better serve low-income Hoosiers throughout Indianapolis.

Today, HealthNet provides medical care to 50,000 Hoosiers and is the state's largest Federally Qualified Health Center. Under his leadership, HealthNet has garnered numerous accolades including the Joint Commission's prestigious Gold Seal of Approval. His exceptional leadership has positioned HealthNet as a community staple, ensuring that those most at risk in the 7th District will continue to have access to high-quality medical care.

Since his arrival to the 7th Congressional District of Indiana, Mr. Thomas has been actively engaged in efforts to improve scholastic performance. As a board member of Indianapolis-based non-profit Learning Well, thousands of students have benefited from improvements in their health, well-being and academic performance. I applaud him for his devotion to our community.

Today, I ask my colleagues to join me in honoring Booker Thomas for being an outstanding community partner, and for the exemplary effort and passion he has brought to improving access to health care in the 7th District of Indiana. I wish him the very best in his retirement.

IN HONOR OF FATHER JOHN CARLIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Father John Carlin, who is celebrating his 25th Anniversary as Pastor of St. Charles Borromeo Parish.

Father Carlin graduated from Borromeo College Seminary in 1972 and later from St. Mary Seminary in 1976. Later that year he was ordained a priest for the Diocese of Cleveland. In 1987, Father Carlin was appointed Pastor of St. Charles Borromeo Parish at the young age of 38.

As Pastor, Father Carlin has been a loving and compassionate leader of his church. He provides guidance and hospitality for his parishioners and serves as a mentor to seminarians. He is dedicated to the spiritual and educational development of each parishioner and has helped maintain St. Charles Borromeo School during his time as Pastor. Every building of the nearly 90-year-old parish has been updated and renovated under Father Carlin's pastorate. This year marks Father Carlin's 25th anniversary as Pastor of St. Charles Borromeo Parish.

Mr. Speaker and colleagues, please join me in honoring Father John Carlin, the Pastor who has shown tremendous leadership and guidance to his parish for the past quarter century.

HONORING THE CAREER OF COSMO PANETTA

HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. MCNERNEY. Mr. Speaker, I rise today to ask my friends and colleagues to join me in recognizing the distinguished career of Cosmo Panetta and his 38 years as a small business owner in Pleasanton, California.

Cosmo embodies the American Dream, emigrating from Calabria, Italy in 1957. After graduating from Pacific High in San Leandro, he attended Moliere's Barber College. Cosmo obtained his state barber's license and soon bought his own business to serve the residents of the Tri-Valley. Cosmo has been a fixture in the community ever since. He's touched the lives of all those he's come across, including my own. His work ethic is exemplified by his shop's 12-hour workdays and seven-day workweeks. There is even a sign that hangs outside Cosmo's barbershop reading "1 billion haircuts."

With exemplary dedication to his adopted country and outstanding service for 38 years, Pleasanton will always be thankful to Cosmo. Grace, diligence and kindness are only a few of the many words that can be used to describe a gentleman of his exceptional character. He is a true example of the American Dream and of what a person can accomplish in our great country. I ask you to join me in honoring Cosmo Panetta for his remarkable service to the City of Pleasanton.

RECOGNIZING THE DARTMOUTH COLLEGE 7S RUGBY FOOTBALL CLUB

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to congratulate the Dartmouth College Men's 7s Rugby team upon winning their second consecutive USA 7s Collegiate Rugby National Championship on Sunday, June 3rd in Philadelphia, Pennsylvania.

Led by their coach, Alex Magleby, a powerful and experienced Dartmouth squad defeated the talented team from the University of Arizona 24-5 in the final match. The Big Green was dominant throughout the 16-team, two-day round-robin tournament winning a total of six games. During this time they outscored their opponents by a combined score of 170-41. It was only during their semifinal match against the University of California that Dartmouth ever found their selves behind, but the squad from Hanover battled back from a 12 point deficit to a 21-19 victory.

The 2012 7s Collegiate Rugby National Championship adds to the distinguished record and history of Dartmouth Rugby. In addition to the 2011 7s National Championship, Dartmouth has the most rugby wins and championships among the members of the Ivy League, including winning 12 of the last 15 Ivy

League Championships (15s), as well as the 2012 Ivy League 7s Championship.

Mr. Speaker it is with great pleasure to recognize the success of my alma mater and the members of the 2012 Dartmouth College 7s Rugby team.

Bill Lehmann '12
Nate Brakeley '12
Derek Fish '12
Will Mueller '12
Paul Jarvis '12
Clark Judge '12
Dave Turnbull '12
Justin Ciambella '13
Pat Flynn '13
Kevin Clark '14
James Sharpe '14
Madison Hughes '15
Coach Alex Magleby '00.

IN RECOGNITION OF DR. MAZEN
NAOUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Dr. Mazen Naous, an internationally recognized professor, poet and author.

A native of Beirut, Lebanon, Dr. Naous immigrated to the United States at the age of eighteen to pursue his collegiate career. He attended The Boston Conservatory and graduated in 1996 with a Bachelor of Fine Arts in Music Composition and Classic Guitar. He continued his education at the University of Massachusetts Boston where he earned a Master of Arts in 2001 and his Ph.D. in English Literature from University of Massachusetts Amherst in 2007. During his post-graduate studies, Dr. Naous was the recipient of the Kennedy Award for Outstanding Work in the Field of Poetry and a national Consortium for Faculty Diversity Fellowship.

Dr. Naous has dedicated his career to higher education and improving intercultural understanding between the United States and Arab world. Currently, Dr. Naous is an assistant professor of English and comparative literature at the College of Wooster. Previously, he taught at the Lebanese American University, City University of New York and College of Staten Island. Dr. Naous will be returning to Lebanon in the next academic year where he will be teaching at the University of Balamand.

Currently, Dr. Naous is working on his first book, *The Arab American Novel and Alternative Poetics*. According to Dr. Naous, the book aims to secure a space for Arab American literature in the fields of American studies and postcolonial diasporas, and assert its importance to aesthetics and artistic innovation.

Mr. Speaker and colleagues, please join me in recognizing the renowned career of Dr. Mazen Naous.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Ms. VELÁZQUEZ. Mr. Speaker, due to a personal family matter I was not present for rollcall votes 294–314. Had I been present, this is how I would have voted:

On rollcall Vote 294: H.R. 5651, Food and Drug Administration Reform Act of 2012 I would have voted yes.

On rollcall Vote 295: H.R. 4201, The Service member Family Protection Act I would have voted yes.

On rollcall Vote 296: H.R. 915, The Jaime Zapata Border Security Task Force Act I would have voted yes.

On rollcall Vote 297: Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855 I would have voted yes.

On rollcall Vote 298: H. Res. 667, Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855 I would have voted no.

On rollcall Vote 299: H.R. 3541, Prenatal Nondiscrimination Act I would have voted no.

On rollcall Vote 300: Democratic Motion to Recommit H.R. 5743 I would have voted I would have voted yes.

On rollcall Vote 301: Final Passage of H.R. 5743, Intelligence Authorization Act for Fiscal Year 2013 I would have voted yes.

On rollcall Vote 302: Grimm Amendment which strikes Section 517, which prohibits the use of funds for construction bid solicitations that require or prohibit project labor agreements I would have voted yes.

On rollcall Vote 303: Franks Amendment to prohibit the use of funds from being used to enforce the prevailing wage requirements of the Davis-Bacon Act I would have voted no.

On rollcall Vote 304: Democratic Motion to Recommit H.R. 5854 I would have voted yes.

On rollcall Vote 305: Final Passage of H.R. 5854, Military Construction and Veterans Affairs Act, 2013 I would have voted yes.

On rollcall Vote 306: Scalise Amendment to increase the Army Corps of Engineers Construction Account by \$10 million for Louisiana Coastal Restoration and reduces the Department of Energy Administration Account by the same amount I would have voted yes.

On rollcall Vote 307: King Amendment to reduce the Army Corps of Engineers Construction Account by \$1,000,000 and increases the Operation and Maintenance Account by \$571,429 I would have voted no.

On rollcall Vote 308: Moran Amendment which strikes Section 110 of the bill. The section prohibits the Corps of Engineers from using funds to issue guidance, enforce or supplement rules regarding definition of waters under the jurisdiction of the Clean Water Act I would have voted yes.

On rollcall Vote 309: Hultgren Amendment to reduce the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account by \$30 million and increases the Science Administrative and Facility Account for National Laboratories by \$15 million I would have voted no.

On rollcall Vote 310: Chaffetz Amendment to reduce funds for Energy Efficiency and Renewable Energy by \$74,000,000 and applies the savings to the spending reduction account I would have voted no.

On rollcall Vote 311: McClintock Amendment to zero out the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account (a cut of \$1.45 billion) and applies the savings to the spending reduction account I would have voted no.

On rollcall Vote 312: Kaptur Amendment to increase the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account by \$10 million and reduces the Department of Energy Administrative Account by the same amount I would have voted yes.

On rollcall Vote 313: Tonko Amendment to increase the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy Account by \$180,440,000 for the Weatherization Assistance Program and the State Energy Program and reduces the Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities Account by the same amount I would have voted yes.

On rollcall Vote 314: Hahn Amendment to increase funds for Energy Efficiency and Renewable Energy by \$50 million and reduces funds for Fossil Energy Research and Development by \$100 million I would have voted yes.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE WEST SIDE MARKET

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate Cleveland's West Side Market, a publicly-owned market that has been a city landmark for the past 100 years.

The Market was originally an open-air farmer's market that was established in 1840. It eventually became known as the Pearl Street Market when an enclosed building was built to house the many vendors. Today, the West Side Market is located across the street from the old Pearl Street Market. It was built in 1912, making this year its 100th anniversary.

The West Side Market features over 100 vendors who sell a variety of fresh food items, including meat, seafood, dairy products, fruits, vegetables, and pastries. Some of the vendors are third, fourth, and even fifth generation vendors whose ancestors were original occupants at the opening of the Market. The Market has retained the same selection of culturally and ethnically diverse foods that could be found in 1912 when many of the vendors were immigrants to Cleveland. For many Clevelanders, the West Side Market is a place full of memories and traditions, and is a symbol of their Cleveland heritage.

The celebration of 100th anniversary of the West Side Market will begin on June 2, 2012 with a Kick-Off event that will feature the opening of the newly renovated Market

Square Park. The Kick-Off will also include performances by Happy Timers Polka, Belly Dancers, Duo Anime, Rey Cintron Latin Jazz, C Sardas Dance Company and The Academy.

Mr. Speaker and colleagues, please join me in honoring The West Side Market, a historical landmark that has remained a beloved cornerstone of the Cleveland community for the past 100 years.

HONORING THE 55TH NATIONAL
PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to recognize the fifty-fifth National Puerto Rican Day Parade, which will be held on June 10, 2012, in New York City. As one of our nation's largest parades, this event recognizes the proud and rich heritage of the Puerto Rican community here in the United States.

The first Puerto Rican Day Parade was held on Sunday, April 13th, 1958, in "El Barrio" in Manhattan. It struck an unprecedented chord in the community, galvanizing thousands of Puerto Ricans in a powerful demonstration of their rise as an important ethnic group. Over the next four decades, the New York Puerto Rican Day Parade became an essential and fundamental cultural event in New York City. The parade began as a show of strength for the Puerto Rican community in New York, but eventually grew into a broader celebration of Puerto Rican achievements in New York City and elsewhere. The parade has been so successful that in 1995, its organizers increased its size and transformed it into the national and international cultural affair that it is today.

This Sunday, June 10th, delegates representing more than half of the states in the United States will join the approximately 3 million parade goers who transform New York's Fifth Avenue into a sea of Puerto Rican and United States flags. It's a unique event which celebrates the rich cultural and political relationship that exists between the City of New York and Puerto Rico. Puerto Ricans positioned New York as a vital and dynamic international, multilingual city that continues to welcome individuals from all over the world.

Mr. Speaker, the National Puerto Rican Day Parade is a unique event which represents the richness and diversity that exists in the Puerto Rican community, both in New York, nationally, and internationally. As a Puerto Rican and a New Yorker, I am proud to participate in this year's parade, as I have for many years.

Mr. Speaker, I look forward to marching in the fifty-fifth annual National Puerto Rican Day Parade, and I am confident that the parade will continue to be an important cultural celebration in New York for many years to come.

RECOGNIZING THE SUCCESS OF
THE ROMAN MEAL COMPANY ON
THEIR 100TH ANNIVERSARY

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. SMITH of Washington. Mr. Speaker I rise to honor the Roman Meal Company and the Matthaai family on the company's 100th anniversary. This impressive milestone places Roman Meal among fewer than 25 private companies in the United States who have been in business for one century.

The company was founded in 1912 by Robert Jackson, a Canadian physician and historian, who came to Tacoma, WA for medical treatment. Mr. Jackson studied how Roman legionnaires fought, and discovered they ate a diet that included wheat and rye for strength and stamina. He then developed a hot cereal meal based on that diet.

In 1927, William Matthaai purchased the Roman Meal Health Company. The Matthaai family used centuries of baking knowledge and Mr. Jackson's formula to develop Roman Meal Bread. William Matthaai's son, Charles, still comes to work every day at the age of 92 and his grandson, William, serves as CEO.

Running a company continuously for 100 years requires more than outstanding products. Roman Meal's ability to survive through the Great Depression, multiple recessions, and evolving consumer preferences required that the company adapt quickly to changes in the marketplace. Pressures from competition and trade demanded that they constantly innovate to stay ahead.

Mr. Speaker it is with great pleasure that I recognize the success of the Roman Meal Company and the Matthaai family in creating an excellent product and a dynamic company that has thrived for 100 years. I wish them continued success.

IN HONOR OF MS. SHIRLEY
MACLAINE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Shirley MacLaine who is being honored with the 40th American Film Institute (AFI) Life Achievement Award on June 7, 2012.

Born on April 24, 1934 in Richmond, Virginia, MacLaine grew up the daughter of Ira Owens and Kathryn Corinne Beaty. She attended Washington-Lee High School and during the summer prior to her senior year had her first role on Broadway as a member of the chorus in a revival of Oklahoma. MacLaine had been trained in ballet before turning to acting. She returned to the stage and New York City following her high school graduation and became an understudy to Carol Haney in The Pajama Game, a role which she eventually took over. It was this role that launched MacLaine's career onto the Silver Screen.

MacLaine made her film debut in 1955's "The Trouble with Harry," for which she won the Golden Globe Award for New Star of the Year—Actress. Throughout her almost 60 year career, MacLaine has appeared in more than 60 films, made numerous television and Broadway appearances, produced, directed, and has authored several books. A five-time Oscar nominee, MacLaine won the Academy Award for Best Actress in 1983 for her role in Terms of Endearment.

AFI's Life Achievement Award is America's highest honor for a career in film. However, in addition to honoring MacLaine's illustrious film career, the American Film Institute is also celebrating her work in television, on Broadway, as an author and as a philanthropist. Meryl Streep, who was the recipient of the AFI Life Achievement Award in 2004, will be presenting MacLaine her award.

Mr. Speaker and colleagues, please join me in honoring one of the most accomplished and moving actresses of a generation and a close personal friend, Ms. Shirley MacLaine on the occasion of receiving AFI's 40th Life Achievement Award.

IN HONOR OF JOE JASKIEWICZ

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to recognize and honor Joe Jaskiewicz who has stepped down after many distinguished years of public service. Joe was born in Brooklyn, New York and moved to Norwich, Connecticut as a young boy. In 1964, he married his high school sweetheart, Beverly. Shortly after graduation, Joe began work as a pipefitter at Electric Boat where he worked for 37 years, eventually becoming a supervisor.

Mr. Jaskiewicz went on to serve the Town of Montville in many capacities. He began his career in the Parks & Recreation Department and spent four years as Chairman of the Board of Finance before being elected to the Town Council. After chairing the body for four years, Joe became Mayor in 2003. During his eight years in office, Joe Jaskiewicz championed economic development in Montville, bringing new businesses and jobs to the area. In his first term, Joe nearly doubled the size of the police force and supervised the renovation of all Montville schools. Although Joe's career was marked by numerous achievements, one of his proudest accomplishments was the transformation of the old Fair Oaks School into the Fair Oaks Community Center. He also served as the Chair of the Southeast Connecticut Council of Governments for one year during his second term as mayor. His decision to step down is a loss for the town he loves, but I believe after recharging his batteries, Joe will be back in the public arena in some new and exciting form to continue his service.

In addition to his work in the local government, Joe has been active in youth sports, coaching Pee Wee football and Little League. I urge my colleagues to join with me in honoring Joe Jaskiewicz and all the wonderful

work he has completed for the Town of Montville, Connecticut.

TRIBUTE TO THE RETIREMENT OF
MR. JOHN FENTON, CEO,
METROLINK

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. GARY G. MILLER of California. Mr. Speaker, rise to pay tribute to Southern California Regional Rail Authority Chief Executive Officer John Fenton, who is retiring this year.

John Fenton led efforts to enhance safety and instilled safety culture at Southern California Regional Rail Authority, commonly referred to as Metrolink. He hosted a summit on safety to facilitate the implementation of safety culture nationwide, was joined by over 60 members of the California Legislature to bring awareness to safety culture statewide, pioneered a curriculum for railroad safety with the University of Southern California's Viterbi School of Engineering and deployed the safest passenger rail cars available known as the Guardian Fleet across the Metrolink System.

John Fenton's leadership and commitment to Positive Train Control implementation in advance of the federal mandate were unwavering and he became a nationwide spokesperson on its significance to rail safety in the country for passenger and freight rail providers.

John Fenton brought a level of integrity, passion and tremendous enthusiasm to the position and was respected by railroad stakeholders such as the NTSB, rail unions and federal and state regulatory agencies.

John Fenton's dedication and perseverance led Metrolink to increase its ridership, thereby reducing traffic congestion and air emissions and providing Southern California commuters with a safe, reliable, efficient and cost-effective means to travel.

In the two years that John Fenton has led Metrolink, he has ushered in a new era of service that has included a 14 percent service expansion, the introduction of express trains, bike cars, quiet cars, service to sporting events throughout the region, and increased coordination with other regional transit providers including airports.

John Fenton's private sector railroad experience helped him introduce business oriented best practices that led to efficiencies in the agency that elevated Metrolink's performance and resulted in improved Metrolink reputation in the region to passengers, employees, stakeholders, rail industry partners and the news media.

John Fenton expanded a fuel conservation policy to save over 860,000 gallons of fuel annually, reducing costs to the agency and reducing idling, noise and air emissions from Metrolink facilities and was unwavering in his vigilant pursuit of additional operational efficiencies.

Under John Fenton's administration the agency pursued major capital projects including the Metrolink Service Expansion Program, Orange County Grade Crossing Safety Im-

provements, Glendale Corridor Grade Crossing Safety Improvements, Los Angeles Union Station Platform Improvements, and Perris Valley Line Expansion.

John Fenton brought his strong mid-west values from Indiana to all of his endeavors while embracing his role of "Johnnywood" with rock-star flair, as required by the unique Los Angeles culture.

John Fenton's departure to Florida is a loss to the Southern California region's railroading industry. He is leaving an admirable legacy as well as many friends and colleagues that will miss him.

HONORING SCORE AND ITS CONTRIBUTION TO SMALL BUSINESSES

HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. WEST. Mr. Speaker, I realize that small business is essential for creating jobs in our nation. Small businesses are the engine of America's economy, and there is an organization that exists to help strengthen small businesses and assist them in achieving their dreams. That organization is SCORE. SCORE is a nonprofit that provides free business advice to anyone looking to start or grow a small business. With over 350 chapters across our nation, SCORE volunteers stand ready and willing to help all of those who want it.

As a strong supporter of all small businesses in our nation, I am proud to congratulate the South Palm Beach SCORE chapter in Florida for winning the United States Small Business Administration's National SCORE Chapter of the Year Award. South Palm Beach SCORE was chosen to receive this award thanks to the strong relationships they've built in their local small business community, the programs they have developed assisting veterans and young entrepreneurs, and their efforts to expand the reach of their chapter to new entrepreneurs and small business owners.

South Palm Beach SCORE helped over 5000 small businesses in Fiscal Year 2011. South Palm Beach SCORE has also started a number of programs that have helped their community grow, including joining with Lynn University, Palm Beach State College, and Florida Atlantic University to assist with Veteran Affairs, Government Trade Shows, and Mentoring Business School students and alumni; forming a program with the Boca Raton Chamber of Commerce to provide a 33-week course working with area students, ages 11-18, focused on successfully starting and operating a small business; and creating the Veterans Grant Program to help returning Iraq and Afghanistan vets start or grow their own business.

South Palm Beach SCORE members funded the program by donating over a quarter of a million dollars of their own money to get the program off the ground. The criteria for National SCORE Chapter of the Year award is based on demonstration of the chapter delivering quality, contributions to the community, client focus, and merit achievement.

To ensure small businesses' continued success, I will work to focus in the United States Congress on what is best for entrepreneurs, small business owners and their communities. This means providing SCORE with the funding they need to adequately assist those people who need it.

SCORE is an effective and efficient catalyst for job creation. Studies show for every \$1 appropriated to SCORE, \$57 flows into the federal treasury from SCORE clients. SCORE is a unique national organization serving the two great American ideals: entrepreneurial spirit and volunteerism. It is my hope the Federal Government tries to maintain SCORE's budget at \$7 million to let volunteer experts continue to help small business owners at no cost to them.

SCORE exists to help entrepreneurs achieve their dream of success and strengthen the economy of this great nation, and we need to support them in their efforts.

South Palm Beach SCORE chapter winning the Small Business Administration's National SCORE Chapter of the Year Award exemplifies the goal in meeting entrepreneurs' dreams and growing of economy.

MARKING THE TWENTY-FIFTH ANNUAL BERNIE FOWLER PATUXENT WADE-IN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2012

Mr. HOYER. Mr. Speaker, I rise to mark the twenty-fifth Patuxent River Wade-In, begun by former Maryland State Senator Bernie Fowler in 1988. This year's wade-in will take place on June 10 at Jefferson Patterson Park in St. Leonard.

We rely on a multitude of measurements to take stock of our economic health, such as the Industrial Production Index, the Consumer Price Index, and the S&P 500 index. However, to take stock of the health of the Patuxent River—and, indeed, of our stewardship of the Chesapeake Bay—there is no index more important than Bernie's annual "Sneaker Index." Bernie's sneakers have now been the leading non-scientific measure of the river's health for a quarter century.

Each year, in order to gauge the health and water quality of the Patuxent River, Bernie has waded into its water to measure its clarity, stopping at the point at which he can no longer see his sneakers. As a young man, he recalled being able to see them clearly when the water was already up to his chest—through as much as sixty inches of river water. When Bernie first waded in the river to measure in 1988, he could only get as far as his shins, recording only eight inches of water before his sneakers disappeared beneath the polluted waters. In 2011, Bernie measured this level at 31.25 inches—slightly lower than the previous year and much lower than the over-42 inch record in 2004. This is a sign that we still have much work to do.

I have had the honor of joining him, along with other Maryland elected officials, at the banks of the Patuxent for many years at this

annual event. Throughout his career, Bernie has done much to draw attention to the health of the river and the Chesapeake Bay into which it flows. The Patuxent is the Chesa-

apeake's only tributary to flow entirely through our State, and Marylanders feel a special responsibility to protect it for future generations.

Let us continue to follow in Bernie Fowler's footsteps and heed his call to conserve and

protect the Patuxent River and the Chesapeake Bay, and let us leave our children and grandchildren a cleaner and clearer Patuxent and Chesapeake to enjoy and treasure.

HOUSE OF REPRESENTATIVES—*Friday, June 8, 2012*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, thank You for giving us another day.

Quicken our spirits so that we will know the blessings of living together in unity and peace. We have our personal aspirations and ideas of what is best. Grant that we might know the satisfaction from sharing our common concerns and experiencing the joy of mutual accomplishment.

Bless the Members of the people's House with success in bringing fruition to all efforts to work toward common solutions to the issues facing our Nation—solutions which seem so distant in these days.

During the days of the coming week, may the American people be able to communicate their hopes for the efforts of their congressmen and -women. May they understand as well that a unified nation is equally the work of each of us where we live.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BARROW) come forward and lead the House in the Pledge of Allegiance.

Mr. BARROW led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side of the aisle.

ENERGY POLICY THAT CREATES JOBS

(Mr. COFFMAN of Colorado asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, today the oil and gas industry in Colorado directly employs 50,000 people and supports over 190,000 jobs in our State. However, the Obama administration has increasingly put up barriers that drive out energy development on Federal lands—a practice that disproportionately impacts job creation in Colorado and other Western States.

For this reason, my colleagues and I have introduced the Domestic Energy and Jobs Act of 2012. My portion of this bill will ensure responsible, steady, and reliable exploration of our abundant resources every year, which will facilitate the job creation that comes from expanded energy development.

We have endured 38 straight months of higher than 8 percent unemployment. The fact that we are not fully benefitting from our energy resources here at home is simply wrong. I urge this administration to follow our lead in the House and support an energy policy that puts people back to work.

CLOSING OF SNOOKY'S RESTAURANT

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise today to mourn the passing of an institution in my district—Snooky's Restaurant in Statesboro, Georgia. Forty-one years ago, Bruce Yawn opened a family-style restaurant, along with his father, Snooky Yawn.

For 41 years, Snooky's wasn't just a place to get some great Southern cooking, it was a favorite gathering place for the folks who call Statesboro home, and it was home away from home for tens of thousands of young people who came from all over the State of Georgia to attend Georgia Southern University.

In fact, the Georgia Southern University football program was practically founded at Snooky's, where the legendary founding coach, Erk Russell, was a regular. Coach Russell and his many friends and admirers would sit around and talk about football, fishing, and farming—among other things—for hours.

Mr. Speaker, our country needs all the places like Snooky's that we can get, and we need to keep all of those that we can. So it's appropriate to thank Bruce Yawn, and all the other

Bruce Yawns of the land, for the contribution they make to our sense of community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Chair would remind Members and staff to take their conversations outside the Chamber.

VERA, VOICE OF TEXAS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, each month I receive thousands of emails from my neighbors in Texas about issues that are important to them. Vera from Humble, Texas, wrote me this:

American manufacturers do their part to improve the environment, and United States manufacturing is the leader in developing clean technologies. Policymakers should look very cautiously at new government programs that would expand environmental rules or impose entirely new regulatory regimes. The EPA's actions, such as those on ozone standards, chemical action plans, and cement emission regulations will increase costs, destroy jobs, and undermine U.S. manufacturers' ability to compete in the global marketplace. Our position and our prosperity will not hold if American manufacturing continues to be the victim of overregulation. Congress must commit to policies that ensure America's ability to compete and to succeed.

Mr. Speaker, Vera is right. Regulators need to quit putting American businesses out of business because of unnecessary, expensive overregulation.

And that's just the way it is.

UNLESS CONGRESS ACTS IN 22 DAYS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 22 days, the interest rate for the subsidized Stafford student loan program is going to increase from 3.4 percent to 6.8 percent. Despite this approaching deadline, with over 7 million college students waiting for an answer, what is the House GOP leadership's response? To send us home today for the ninth week of recess since last January. Despite the fact that the Senate will be in session next week, and as was reported in the press last night, a real bipartisan compromise is going to be emerging. But, of course, we won't be able to act on it

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

next week because we won't be here. The next time we're on the floor, this chart will be down to 11 days until the rate doubles.

Mr. Speaker, this work schedule by the Republican leadership would make Homer Simpson blush. It is time for us to go to work and find a compromise that is going to fix this issue for 7 million college students waiting for an answer all across America.

PRESIDENT'S POLICIES HURTING AMERICA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, there are too many Americans out of work, and the President's policies only make things worse. There are fewer prime working-age adults in jobs than at any point in the two decades prior to the start of the recession. By combining those who are not actively seeking work, along with those who are involuntarily working part-time, the real unemployment rate checks in at 14.5 percent.

The President's policies have led to lower U.S. rankings on world indexes of economic freedom and business opportunity. The President's regulations are costing businesses billions. The EPA Utility MACT rule alone will cost \$9.6 billion per year to the American consumer, according to the Agency's own estimates.

The President has stalled energy development on public lands, leaving us subject to foreign oil imports and high gas prices.

Mr. Speaker there are 28 bipartisan bills awaiting Senate action. It is long past time for the President and the Senate to join with the House to increase American jobs, opportunity, and competitiveness.

AMERICA'S TRANSPORTATION SYSTEM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, last night we debated the future of our national transportation system. There are two competing views. There are those of us who want to rebuild and build upon the Eisenhower legacy with a national transportation system. And then there are those on the ultra-right who say the Federal Government should not invest in the national transportation system. It should be devolved to the States.

Hey, we already tried that. This is 1956. This is the brand spanking new Kansas turnpike. Guess what? It ended in a farmer's field at the Oklahoma line because Oklahoma didn't build their section until the Eisenhower plan

passed and the Federal Government made the investment. They want to go back to those good old days. That's going to work really well.

Those of us who believe in investing in a national transportation system, putting America back to work, being more competitive and more fuel efficient last night were accused of being Socialists. We're Socialists because we believe in that. Right, Dwight David Eisenhower was a Socialist? The U.S. Chamber of Commerce are Socialists?

The U.S. Chamber is adamantly opposed to the Broun instruction. They say the Chamber strongly opposes the Broun motion to instruct conferees and urges you to vote against this effort to slash funding for highways, transit and safety programs.

He would take it zero—no new investment on October 1.

That's bad for America.

□ 0910

FIND THE LEAK, MR. PRESIDENT

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, today I call on the White House to get off the campaign trail, show leadership, do the President's job, and aggressively pursue the leakers of America's state secrets. These leaks have ranged from implicating the United States in Stuxnet, a computer virus that targeted nuclear centrifuges in Iran, to revealing a detailed "kill list" for terrorists targeted for assassination. Not only do these leaks compromise America's efforts to preserve our national security, they teach our allies not to trust us. Look at the doctor who helped the United States gather DNA evidence to locate Osama bin Laden. His reward? His identity was revealed, and he faces 33 years in a Pakistan jail.

Mr. Speaker, where is the outrage from the White House about these leaks? It's time for the President to plug the holes and protect America's national security.

INVEST IN AMERICA'S INFRASTRUCTURE

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to implore my colleagues to abandon their my-way-or-the-highway approach to the job-creating highway bill currently in conference. We cannot afford to kick the can down the road again.

During the recent recession, 1.9 million jobs were lost in the construction sector. There are still about 1.4 million unemployed construction workers. But reauthorizing a long-term highway bill,

as is encouraged by the President, would begin to fix this problem.

In my district alone, 25 years ago, on April 5, 1987, the Thruway bridge collapsed at 10:50 a.m. on a Sunday morning near Fort Hunter, New York. Ten people died. They included three men returning from a bowling tournament, a mother and a daughter heading to a baby shower, two Shriners, a married couple driving to Texas, and a truck driver heading to Wisconsin. The cause was failure to properly maintain the bridge.

No price can be put on the lives that were suddenly ended that very tragic day, but their memory should serve as a stark reminder that our failure here has real, painful, life-taking consequences.

Let's move forward and invest in America's infrastructure—to put construction workers back on the job, to help businesses grow, and to keep our drivers and truckers safe.

REMEMBERING JOSEPH WILLIAM AUBIN AND THOSE WHO HAVE SACRIFICED FOR AMERICA

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, I rise to note that this week U.S. Navy Technician Joseph William Aubin, a young man of Bridgeport, Connecticut, had his name added to the Vietnam Memorial Wall just down the way here 46 years after he died on a flight from the Philippines to Vietnam. This was a solemn and happy occasion as we recognized one in a long line of millions of men and women who have sacrificed for us and for our country.

But there's a lesson in this event. There will come a moment, undoubtedly, when the young men and women that are returning from Afghanistan and Iraq seem as lost in the midst of time as Joseph William Aubin does today. So this is really about us, and it's always been about us.

It's about them working for our safety, our liberty, and our values. And it is about us to make sure that we, as people, don't succumb to the fact that we drift, that memory fades, and that urgency is unsharpened. It is about us to make sure that 20 years from now we remember Joseph William Aubin and those like him who sacrificed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. CRENSHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on H.R. 5882.

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). Is there

objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 679 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5882.

The Chair appoints the gentleman from New Hampshire (Mr. BASS) to preside over the Committee of the Whole.

□ 0915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes, with Mr. BASS of New Hampshire in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. CRENSHAW) and the gentleman from California (Mr. HONDA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. CRENSHAW. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen of the House, we bring before the House today the 2013 appropriations bill for the Legislative Subcommittee. This is a bill that spends \$3.3 billion, which is approximately 1 percent less than last year. That's a \$33.4 million reduction from last year.

I think all of us know that we are living in difficult economic times in this country. Taxpayers want to know that when they send their money to Washington it's being spent wisely. We also know that government needs money to provide services, but right now government needs something more. The government needs a sense of discipline to rein in spending. The government needs a commitment to make sure that every task of government is accomplished and completed in a most efficient and most effective manner, more so than ever before.

Our subcommittee took this philosophy to heart, and we had a series of

hearings. We listened to the Agency heads as they came before us and talked about their needs, their wants, their priorities. We considered all of that and made some very difficult, some tough, but I think workable, decisions that allow us to move forward.

I would remind the Members that over the last two cycles we have reduced spending on the Legislative Branch Subcommittee funding bill by almost 8 percent, and after we finish this bill, we will have decreased spending by nearly 9 percent.

So let me just give you all a summary of the highlights of this bill.

First and foremost, we fund the House of Representatives at \$1.2 billion. That's the same level as last year. It's the same level that was requested by the House of Representatives. When people say, "Well, why didn't you reduce the House any further?" I would remind Members that over the last two cycles we have reduced funding for our own House by 10.5 percent. The Members' office accounts—the so-called Members' Representational Accounts—are funded at last year's level. Once again, when people say, "Why didn't you cut those again?" I would remind Members that we have cut those. The appropriations have been reduced by 13.5 percent for the office accounts. That takes us back to 2008 levels, which is a substantial cut.

We have certainly led by example. We have tightened our belts. We have reined in spending, and I think we can be proud of that. We also have language that allows Members, if they don't spend all of their office account, they can reduce the national debt with their leftover funds.

The Capitol Police receive about a \$20 million increase. That will allow them to reduce the backlog in training that they have. It will also alleviate some of the salary shortfalls, because this is a year where we have the two national conventions and we also have the inauguration.

The Congressional Budget Office receives a very slight increase to acquire some much-needed equipment.

The Architect of the Capitol, which we fund, actually receives the largest reduction, about a 10 percent reduction. The Architect brings to us a series of projects that he would like to see funded. We can't fund them all, but

we give priority to those that deal with health and safety issues because so many people work in the Capitol complex, so many visitors come here every year.

This subcommittee was concerned about the fact that we don't have the money right now to continue the rehabilitation of the Capitol dome, that great symbol of freedom that we see every day. We have spent \$19 million to begin that rehabilitation project, and it's about \$100 million to finish that. I'm confident we'll find the money very shortly and complete that project.

If you look at the Library of Congress, they receive a very modest increase.

The Government Accountability Office, the so-called watchdog of this Congress, they receive a slight increase to allow them to add 21 new full-time equivalent personnel. That will allow them to continue to write the reports that they write that tell us whether we're spending the money wisely or not.

□ 0920

And I think it will allow them to continue to meet the ever-increasing demands that we, as Members, place on them.

The Government Printing Office receives a cut, again, for the third straight year. They're doing a much better job of dealing with binding and printing of the information that they provide for us.

So, in a nutshell, Mr. Chairman, that summarizes the bill. I want to be sure and say thank you to all the members of the subcommittee, both the Democrats and Republicans, for the work that they put in to bring this bill before us today.

I want to say a special word of thanks to my colleague, Mr. HONDA, the ranking member. I thank him for his bipartisan spirit as we work together to fund these agencies that we depend on every day.

And, finally, I certainly want to express the gratitude of all the members of the committee to our staff, both the Democratic side and the Republican side, for the tireless effort they put in to bring this bill before us.

So with that, Mr. Chairman, I reserve the balance of my time.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2013 (H.R. 5882)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|--------------------|--------------------|---------|---------------------|---------------------|
| ----- | | | | | |
| TITLE I - LEGISLATIVE BRANCH | | | | | |
| HOUSE OF REPRESENTATIVES | | | | | |
| Salaries and Expenses | | | | | |
| House Leadership Offices | | | | | |
| Office of the Speaker..... | 6,943 | 6,943 | 6,943 | --- | --- |
| Office of the Majority Floor Leader..... | 2,278 | 2,278 | 2,278 | --- | --- |
| Office of the Minority Floor Leader..... | 7,433 | 7,433 | 7,433 | --- | --- |
| Office of the Majority Whip..... | 1,971 | 1,971 | 1,971 | --- | --- |
| Office of the Minority Whip..... | 1,525 | 1,525 | 1,525 | --- | --- |
| Republican Conference..... | 1,573 | 1,573 | 1,573 | --- | --- |
| Democratic Caucus..... | 1,554 | 1,554 | 1,554 | --- | --- |
| Subtotal, House Leadership Offices..... | 23,277 | 23,277 | 23,277 | --- | --- |
| Transition to Calendar Year Funding | | | | | |
| Office of the Speaker..... | 1,736 | --- | --- | -1,736 | --- |
| Office of the Majority Floor Leader..... | 569 | --- | --- | -569 | --- |
| Office of the Minority Floor Leader..... | 1,858 | --- | --- | -1,858 | --- |
| Office of the Majority Whip..... | 493 | --- | --- | -493 | --- |
| Office of the Minority Whip..... | 381 | --- | --- | -381 | --- |
| Republican Conference..... | 393 | --- | --- | -393 | --- |
| Democratic Caucus..... | 388 | --- | --- | -388 | --- |
| Subtotal, Transition to Calendar Year Funding... | 5,818 | --- | --- | -5,818 | --- |
| Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail | | | | | |
| Expenses..... | 573,939 | 573,939 | 573,939 | --- | --- |
| Committee Employees | | | | | |
| Standing Committees, Special and Select..... | 125,965 | 126,365 | 125,965 | --- | -400 |
| Committee on Appropriations (including studies and investigations)..... | 26,666 | 26,666 | 26,666 | --- | --- |
| Subtotal, Committee employees..... | 152,631 | 153,031 | 152,631 | --- | -400 |
| Salaries, Officers and Employees | | | | | |
| Office of the Clerk..... | 26,114 | 22,370 | 22,370 | -3,744 | --- |
| Office of the Sergeant at Arms..... | 12,585 | 13,828 | 12,585 | --- | -1,243 |
| Office of the Chief Administrative Officer..... | 116,782 | 116,782 | 116,782 | --- | --- |
| Office of the Inspector General..... | 5,045 | 4,692 | 4,692 | -353 | --- |
| Office of General Counsel..... | 1,415 | 1,415 | 1,415 | --- | --- |
| Office of the Chaplain..... | 179 | 179 | 179 | --- | --- |
| Office of the Parliamentarian..... | 2,060 | 2,060 | 2,060 | --- | --- |
| Office of the Parliamentarian..... | (1,466) | (1,466) | (1,466) | --- | --- |
| Compilation of precedents of the House of Representatives..... | (594) | (594) | (594) | --- | --- |
| Office of the Law Revision Counsel of the House..... | 3,258 | 3,258 | 3,258 | --- | --- |
| Office of the Legislative Counsel of the House..... | 8,814 | 8,814 | 8,814 | --- | --- |
| Office of Interparliamentary Affairs..... | 859 | 859 | 859 | --- | --- |
| Other authorized employees..... | 347 | 485 | 485 | +138 | --- |
| Historian..... | 170 | 170 | 170 | --- | --- |
| Subtotal, Salaries, officers and employees..... | 177,628 | 174,912 | 173,669 | -3,959 | -1,243 |

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2013 (H.R. 5882)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|--|--------------------|--------------------|-----------|---------------------|---------------------|
| Allowances and Expenses | | | | | |
| Supplies, materials, administrative costs and Federal tort claims..... | 3,696 | 3,696 | 3,696 | --- | --- |
| Official mail for committees, leadership offices, and administrative offices of the House..... | 201 | 201 | 201 | --- | --- |
| Government contributions..... | 264,848 | 270,905 | 272,548 | +7,700 | +1,643 |
| Business Continuity and Disaster Recovery..... | 17,112 | 17,112 | 17,112 | --- | --- |
| Transition activities..... | 1,722 | 4,125 | 4,125 | +2,403 | --- |
| Wounded Warrior program..... | 2,500 | 2,175 | 2,175 | -325 | --- |
| Office of Congressional Ethics..... | 1,548 | 1,548 | 1,548 | --- | --- |
| Miscellaneous items..... | 760 | 760 | 760 | --- | --- |
| Subtotal, Allowances and expenses..... | 292,387 | 300,522 | 302,165 | +9,778 | +1,643 |
| Total, House of Representatives..... | 1,225,680 | 1,225,681 | 1,225,681 | +1 | --- |
| JOINT ITEMS | | | | | |
| Joint Economic Committee..... | 4,203 | 4,219 | 4,203 | --- | -16 |
| Joint Congressional Committee on Inaugural Ceremonies..... | 1,237 | --- | --- | -1,237 | --- |
| Joint Committee on Taxation..... | 10,004 | 10,004 | 10,004 | --- | --- |
| Office of the Attending Physician | | | | | |
| Medical supplies, equipment, expenses, and allowances..... | 3,400 | 3,433 | 3,467 | +67 | +34 |
| Office of Congressional Accessibility Services..... | 1,363 | 1,367 | 1,363 | --- | -4 |
| Total, Joint items..... | 20,207 | 19,023 | 19,037 | -1,170 | +14 |
| CAPITOL POLICE | | | | | |
| Salaries..... | 277,133 | 303,132 | 297,133 | +20,000 | -5,999 |
| General expenses..... | 63,004 | 70,637 | 63,004 | --- | -7,633 |
| Total, Capitol Police..... | 340,137 | 373,769 | 360,137 | +20,000 | -13,632 |
| OFFICE OF COMPLIANCE | | | | | |
| Salaries and expenses..... | 3,817 | 4,206 | 3,817 | --- | -389 |
| CONGRESSIONAL BUDGET OFFICE | | | | | |
| Salaries and expenses..... | 43,787 | 44,637 | 44,280 | +493 | -357 |
| ARCHITECT OF THE CAPITOL | | | | | |
| General administration..... | 101,340 | 102,601 | 90,755 | -10,585 | -11,846 |
| Capitol building..... | 36,154 | 97,072 | 28,591 | -7,563 | -68,481 |
| Capitol grounds..... | 9,852 | 18,502 | 17,152 | +7,300 | -1,350 |
| House of Representatives buildings: | | | | | |
| House office buildings..... | 94,154 | 83,964 | 83,964 | -10,190 | --- |
| House Historic buildings revitalization fund..... | 30,000 | 50,000 | 30,000 | --- | -20,000 |

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2013 (H.R. 5882)
(Amounts in thousands)

| | FY 2012 Enacted | FY 2013 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|--------------------|--------------------|-----------|---------------------|---------------------|
| Capitol Power Plant..... | 132,229 | 127,533 | 118,016 | -14,213 | -9,517 |
| Offsetting collections..... | -9,000 | -9,000 | -9,400 | -400 | -400 |
| Subtotal, Capitol Power Plant..... | 123,229 | 118,533 | 108,616 | -14,613 | -9,917 |
| Library buildings and grounds..... | 46,876 | 53,594 | 30,660 | -16,216 | -22,934 |
| Capitol police buildings, grounds and security..... | 21,500 | 30,802 | 20,867 | -633 | -9,935 |
| Botanic garden..... | 12,000 | 12,140 | 12,140 | +140 | --- |
| Capitol Visitor Center: | | | | | |
| CVC Operations..... | 21,276 | 21,588 | 21,276 | --- | -312 |
| Total, Architect of the Capitol..... | 496,381 | 588,796 | 444,021 | -52,360 | -144,775 |
| LIBRARY OF CONGRESS | | | | | |
| Salaries and expenses..... | 420,093 | 430,051 | 422,024 | +1,931 | -8,027 |
| Authority to spend receipts..... | -6,350 | -6,350 | -6,350 | --- | --- |
| Subtotal, Salaries and expenses..... | 413,743 | 423,701 | 415,674 | +1,931 | -8,027 |
| Copyright Office, salaries and expenses..... | 51,650 | 52,772 | 52,136 | +486 | -636 |
| Authority to spend receipts..... | -35,513 | -33,611 | -33,611 | +1,902 | --- |
| Subtotal, Copyright Office..... | 16,137 | 19,161 | 18,525 | +2,388 | -636 |
| Congressional Research Service, salaries and expenses. | 106,790 | 109,205 | 107,668 | +878 | -1,537 |
| Books for the blind and physically handicapped | | | | | |
| Salaries and expenses..... | 50,674 | 51,522 | 50,775 | +101 | -747 |
| Total, Library of Congress..... | 587,344 | 603,589 | 592,642 | +5,298 | -10,947 |
| GOVERNMENT PRINTING OFFICE | | | | | |
| Congressional printing and binding..... | 90,700 | 83,632 | 83,632 | -7,068 | --- |
| Office of the Superintendent of Documents, salaries | | | | | |
| and expenses..... | 35,000 | 34,728 | 34,728 | -272 | --- |
| Government Printing Office Revolving Fund..... | 500 | 7,840 | 4,096 | +3,596 | -3,744 |
| Total, Government Printing Office..... | 126,200 | 126,200 | 122,456 | -3,744 | -3,744 |
| GOVERNMENT ACCOUNTABILITY OFFICE | | | | | |
| Salaries and expenses..... | 533,600 | 550,551 | 544,120 | +10,520 | -6,431 |
| Offsetting collections..... | -22,304 | -24,318 | -24,318 | -2,014 | --- |
| Total, Government Accountability Office..... | 511,296 | 526,233 | 519,802 | +8,506 | -6,431 |
| OPEN WORLD LEADERSHIP CENTER | | | | | |
| Payment to the Open World Leadership Center | | | | | |
| Trust Fund..... | 10,000 | 10,000 | 1,000 | -9,000 | -9,000 |
| JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT | | | | | |
| Stennis Center for Public Service..... | 430 | 430 | --- | -430 | -430 |
| Grand total..... | 3,365,279 | 3,522,564 | 3,332,873 | -32,406 | -189,691 |

Mr. HONDA. Mr. Chairman, I yield myself such time as I may consume.

I am pleased we are considering the fiscal year 2013 Legislative Branch appropriations bill. Chairman CRENSHAW has been collegial in the development of this bill, and I appreciate his willingness to accept our input throughout the process.

The chairman's mark before us funds the legislative branch at \$3.3 billion, a cut of 1 percent from fiscal year 2012, and this does not include Senate items. Even with a lower allocation, Chairman CRENSHAW was able to level-fund and even increase several areas important to the operation of the legislative branch. The House, overall, is held flat at \$1.225 billion. The Capitol Police will receive \$360 million, a nearly 6 percent increase. The Congressional Budget Office is funded at \$44.3 million, at \$493,000 above the fiscal year 2012 level. And the Government Accountability Office is funded at \$519.8 million—\$8.5 million, or nearly 2 percent, above fiscal year 2012.

While the levels are adequate for some agencies, the allocation required the subcommittee to propose no funding to continue the rehabilitation of the Capitol dome, this Nation's great symbol of democracy. This bill's lack of funding for this critical project is a direct result of the House Republicans' unilateral decision to cast aside the funding levels agreed to under the Budget Control Act. The majority's decision required the Appropriations Committee to absorb \$19 billion in reductions across all of the bills.

One issue that I continue to be concerned about is the House General Counsel's defense of the discriminatory Defense of Marriage Act, DOMA. With the limited funding available for the House of Representatives, I think there are far more worthy uses of the precious taxpayers' resources than funding contracts for outside counsel to defend the highly controversial—and two U.S. district courts and a Federal appellate court have ruled unconstitutional—DOMA. I am concerned that the scarce resources available to the House will continue to be siphoned off in order to defend a law that continues to be found unconstitutional in the courts.

I am privileged to represent Silicon Valley, the center of technological innovation in this country. Since I joined the subcommittee, I have tried to push the House and other agencies to explore technological solutions to issues such as transparency, evacuation management, and data storage.

As you probably know, Federal agencies, including our own in the legislative branch, can be slow to change and develop new technologies. This is mentioned in the report, which includes language on the issue of bulk-data downloads of legislative information, something I requested and secured lan-

guage about in this bill in fiscal year 2009.

This effort is now being championed by leadership on both sides of the aisle, as it is a way to increase transparency by allowing the public to easily download and analyze government data. There are some concerns about cost and the ability to authenticate the data that the language in the report tries to address. I think, however, that these are relatively simple matters to overcome, as data is already being compiled in a format that can be easily distributed, and technology support staff has indicated that only a simple procedure is needed to make the bulk data available.

Furthermore, the GPO already employs an authentication standard for its own accessible bulk data through its FDSys, or the Federal Digital System, Web site that we could also utilize.

The House majority recently announced that it will immediately create a task force, as described in this bill, to expedite a report and implementation of public access to bulk legislative data. While I believe the time to implement this is now, I expect to be included in these efforts as ranking member of the subcommittee and a longtime advocate since before 2009.

In conclusion, Mr. Chairman, I want to reiterate my appreciation for the chairman's effort to work with my side of the aisle on issues where there was agreement. I am glad to see the congressional support Agencies, including the Congressional Budget Office, the Government Accountability Office, and the Congressional Research Service, are adequately funded.

Mr. Chairman, I want to thank the hardworking professional staff that has helped to craft this bill and assisted the subcommittee in a bipartisan manner over the course of the year: Liz Dawson, Chuck Turner and Jenny Kesiah on the majority side, along with Michael Kirlin with Chairman CRENSHAW's personal office, and Shalanda Young and Danny Cromer on our side of the aisle, along with Ken Takeda and Mark Nakamoto from my office.

Mr. Chairman, I reserve the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LUNGREN), the chairman of the House Administration Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 5882, the Legislative Branch Appropriations Act. As chairman of the Committee on House Administration, which oversees many of the agencies affected by these appropriations, I am pleased we are continuing to uphold our pledge to reduce government spending, while providing the nec-

essary security and support for each Member to fulfill their constitutional responsibilities.

Since taking control of the House, we've worked diligently to identify and eliminate wasteful spending and streamline and improve operations by using technology, thereby saving taxpayers millions. We've also worked to reduce spending on the production and printing of unnecessary publications, including an amendment offered by my colleague, Mr. HARPER, to reduce the number of copies of the U.S. Code printed for the House.

With the support of the Appropriations Committee, we will further improve House technology through an advancement of programs utilized by the Law Revision Counsel and the Office of the Legislative Counsel that modernize and improve their capabilities.

Utilizing new technologies, we will continue to increase the accuracy and accessibility of legislative proposals and changes to the U.S. Code. As the people's House, it is imperative we continue to use technological innovations to foster transparency and provide our constituents with timely and accurate information.

I'd like to thank the appropriators for their support in providing the resources necessary to enhance and streamline House operations and reduce overall expenses. And later, when we have an amendment on the floor that once again tries to make us go backward in our effort to get rid of waste produced in this House, I will stand and oppose that.

We have had a successful program of converting waste to energy, one of the most innovative programs in the entire country. We've convinced the other side of the Capitol, the Senate, to join us. We have thousands of tons of waste now not going into landfills but being converted to clean energy, one of the best examples of a technology that the EPA says is one of the cleanest in the country. We ought to be thankful for that. We ought not to go backwards. We ought to understand.

And in doing that, we have also given best or better customer service to those who utilize the various restaurants on the campus here in the Capitol. Those are things that we ought to be proud of and not be shy about the successes that we have had.

So I'll still be here on the floor to talk about one of those amendments, as we did just a year ago.

□ 0930

Mr. HONDA. Mr. Chairman, I yield 2 minutes to the gentleman from Washington, the distinguished ranking member of the Committee on Appropriations, Mr. DICKS.

Mr. DICKS. First of all, I would like to pass along my appreciation to Chairman CRENSHAW and to Ranking Member HONDA for their willingness to work

together in a very bipartisan manner. I also would like to commend the staffs of the majority and minority for their efforts in bringing this bill where we are today.

This bill's allocation is just slightly below last year's and is well within the range of what would have been expected had the majority stuck to the discretionary number agreed to in the Budget Control Act. But for the most part, this bill has been protected from Ryan budget austerity.

Many programs and agencies important to the operation of Congress have been spared from harmful cuts. Support agencies, such as the Congressional Budget Office, the Congressional Research Service, and the Government Accountability Office are all adequately funded, which will allow them to continue operating without further reductions in staff or services. However, it is important to note that not every account has been spared.

As we all know, the Architect of the Capitol is in the middle of an extensive restoration effort. This bill's allocation does not provide the funds needed to begin the second phase of that effort but, rather, cuts the Architect of the Capitol significantly below last year's funding level. As I'd mentioned during the committee markup, I'd rather the dome remain a monument to our Nation's greatness than become a symbol for shortsighted austerity.

Mr. HONDA. Mr. Chairman, I yield back the balance of my time.

Mr. CRENSHAW. I think this is a good bill. I think it has been adequately explained.

I yield back the balance of my time.

Mr. BISHOP of Georgia. Mr. Chair, I rise in support of the Fiscal Year 2013 Legislative Branch Appropriations bill.

Although this measure is the smallest of the thirteen annual appropriations bills, it plays a giant role by funding some of the most vital areas of the United States Government.

In fact, the Legislative Branch Subcommittee is responsible for more than just the operations of the United States Congress.

The Subcommittee also is responsible for the preservation of our cultural heritage by the Library of Congress; the objective analysis of our budget and economic decisions by the Congressional Budget Office; the independent evaluation of the Federal Government's performance by the Government Accountability Office; and the publishing and dissemination of government information by the Government Printing Office.

In short, none of us here in Congress could represent our constituents effectively and make informed decisions in the national interest without the resources provided for in this bill.

As a Member of this Subcommittee, I want to commend Chairman CRENSHAW and Ranking Member HONDA for working together in a bipartisan fashion to craft this legislation.

I know that both of you were dealt a difficult hand with your Subcommittee allocation. Nevertheless, I am pleased that you were able to

either level fund or provide small increases in the budgets of most accounts.

Many of the accounts under this Subcommittee's jurisdiction already have been cut to the bone. Further significant reductions would have seriously jeopardized their missions—some of which include finding cost savings and efficiencies throughout the government—and would have had an adverse impact on the services that we in Congress provide to our constituents.

I am glad that we were able to hold the line and prevent further harm.

I also am grateful by you and your staff's willingness to engage on the issue of the security of our District Offices and our District Staff.

I am especially pleased by the inclusion of report language I sponsored along with Representative LATOURETTE directing the House Sergeant at Arms, in coordination with the United States Capitol Police, to develop a series of recommendations and best practices on security features or enhancements for House District Offices to be made available to new and returning Members prior to the start of the 113th Congress.

Again, I want to thank Chairman CRENSHAW and Ranking Member HONDA on your work on this bill.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of H.R. 5882, the FY13 Legislative Branch Appropriations bill and to commend Chairmen ROGERS and CRENSHAW and Ranking Members DICKS and HONDA for working together to bring this bipartisan legislation to the floor.

H.R. 5882 provides \$3.3 billion for operations of the House of Representatives and joint operations with the U.S. Senate. The funding level is \$34 million less than the current year and \$190 million less than requested by those offices and agencies covered by the bill. H.R. 5882 freezes funding for House operations at the current level, while increasing funds for the U.S. Capitol Police, for the Government Accountability Office—which conducts oversight investigations for the Federal government, and for the non-partisan Congressional Budget Office.

The funding provided by this measure is needed for the smooth and efficient operation of the House of Representatives and the U.S. Senate. It provides funds for phone service, for computers, for postage and for every other resource necessary for the legislative branch of the American government to serve the people of the United States.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 5882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,225,680,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$23,275,773, including: Office of the Speaker, \$6,942,770, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,277,595, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$7,432,812, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,971,050, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,524,951, including \$5,000 for official expenses of the Minority Whip; Republican Conference, \$1,572,788; Democratic Caucus, \$1,553,807. *Provided,* That such amount for salaries and expenses shall remain available from January 3, 2013 until January 3, 2014.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$573,939,282.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$125,964,870: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2014.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$26,665,785, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2014.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$173,669,084, including: for salaries and expenses of the Office of the Clerk, including not more than \$23,000, of which not more than \$20,000 is for the Family Room, for official representation and reception expenses, \$22,370,252; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than \$3,000 for official representation and reception expenses, \$12,585,000, of which \$5,463,251 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than \$3,000 for official representation and reception expenses, \$116,782,000, of which \$3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$4,692,000; for salaries and expenses of the Office of General Counsel, \$1,415,000; for the Office of the Chaplain, \$179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official

representation and reception expenses, \$2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$859,000; for other authorized employees, \$484,832; and for salaries and expenses of the Historian, \$170,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$302,165,206, including: supplies, materials, administrative costs and Federal tort claims, \$3,696,118; official mail for committees, leadership offices, and administrative offices of the House, \$201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$272,548,016; Business Continuity and Disaster Recovery, \$17,112,072, of which \$5,000,000 shall remain available until expended; transition activities for new members and staff, \$4,125,000; Wounded Warrior Program \$2,175,000, to remain available until expended; Office of Congressional Ethics, \$1,548,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$760,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) **REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**—Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members’ Representational Allowances” shall be available only for fiscal year 2013. Any amount remaining after all payments are made under such allowances for fiscal year 2013 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) **REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) **DEFINITION.**—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. (a) Section 109(a) of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 95d(a)) is amended by striking the period at the end and inserting the following: “, and for reimbursing the Secretary of Labor for any amounts paid with respect to unemployment compensation payments for former employees of the House.”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

SEC. 103. (a) Section 101(c)(2) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(c)(2)) is amended by striking “and ‘Allowances and Expenses’ ” and inserting the following: “ ‘Allowances and Expenses’, the heading for any joint committee under the heading ‘Joint Items’ (to the extent that amounts appropriated for the joint committee are disbursed by the Chief Administrative Officer of the House of Representatives), and ‘Office of the Attending Physician’ ”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

OVERSIGHT OF OFFICE OF INSPECTOR GENERAL

SEC. 104. (a) **OVERSIGHT.**—The Office of the Inspector General of the House of Representatives shall provide the Committee on Appropriations of the House of Representatives with a copy of each audit and investigative report the Office produces, and shall consult regularly with such Committee with respect to the Office’s operations.

(b) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,203,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$10,004,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$1,300 per month to the Senior Medical Officer; (3) an allowance of \$725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of \$725 per month to 2 assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) \$2,603,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,467,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$1,363,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$297,133,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and

liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$63,004,000, of which \$2,700,000 shall remain available until September 30, 2015 to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2013 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

AUTHORITY TO TRANSFER AMOUNTS BETWEEN SALARIES AND GENERAL EXPENSES

SEC. 1001. During fiscal year 2013 and any succeeding fiscal year, the Capitol Police may transfer amounts appropriated for the fiscal year between the category for salaries and the category for general expenses, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.

FUNDS AVAILABLE FOR WORKERS COMPENSATION PAYMENTS

SEC. 1002. (a) **IN GENERAL.**—Available balances of expired United States Capitol Police appropriations shall be available to the Capitol Police to make the deposit to the credit of the Employees’ Compensation Fund required by section 8147(b) of title 5, United States Code.

(b) **CONFORMING AMENDMENT.**—Section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907) is amended by striking subsection (f).

(c) **EFFECTIVE DATE.**—This section shall apply with respect to appropriations for fiscal year 2013 and each fiscal year thereafter.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$3,817,000, of which \$527,500 shall remain available until September 30, 2014: *Provided*, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

SEC. 1101. (a) The second sentence of section 415(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) is amended to read as follows: “There are appropriated for such account such sums as may be necessary to pay such awards and settlements.”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$44,280,000.

ADMINISTRATIVE PROVISION

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1201. (a) Section 3111(e) of title 5, United States Code, is amended—

(1) by striking “(e)” and inserting “(e)(1)”;

and

(2) by adding at the end the following new paragraph:

“(2) In this section, the term ‘agency’ includes the Congressional Budget Office, except that in the case of the Congressional Budget Office—

“(A) any student who provides voluntary service in accordance with this section shall be considered an employee of the Congressional Budget Office for purposes of section 203 of the Congressional Budget Act of 1974 (relating to the level of confidentiality of budget data); and

“(B) the authority granted to the Office of Personnel Management under this section shall be exercised by the Director of the Congressional Budget Office.”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$90,755,000, of which \$999,000 shall remain available until September 30, 2017.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$28,591,000, of which \$3,500,000 shall remain available until September 30, 2017.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$17,152,000, of which \$7,300,000 shall remain available until September 30, 2017.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$83,964,000, of which \$19,362,000 shall remain available until September 30, 2017.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, \$30,000,000, shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Ju-

diciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$108,616,000, of which \$23,404,000 shall remain available until September 30, 2017: *Provided*, That not more than \$9,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2013.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$30,660,000, of which \$4,900,000 shall remain available until September 30, 2017.

CAPITOL POLICE BUILDINGS, GROUNDS, AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, \$20,867,000, of which \$2,840,000 shall remain available until September 30, 2017.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$12,140,000: *Provided*, That of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, \$21,276,000.

ADMINISTRATIVE PROVISION

FUNDS AVAILABLE FOR WORKERS COMPENSATION PAYMENTS

SEC. 1301. (a) IN GENERAL.—Available balances of expired Architect of the Capitol appropriations shall be available to the Architect of the Capitol to make the deposit to the credit of the Employees' Compensation Fund required by section 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2013 and each fiscal year thereafter.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any

trust fund held by the Board, \$422,024,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2013, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2013 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: *Provided further*, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, \$7,068,000 shall remain available until expended for the digital collections and educational curricula program.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, \$52,136,000, of which not more than \$28,029,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2013 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$5,582,000 shall be derived from collections during fiscal year 2013 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$33,611,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America,

\$107,668,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$50,775,000: *Provided*, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISION

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2013, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$178,958,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

AUTHORITY TO TRANSFER AMOUNTS BETWEEN CATEGORIES OF APPROPRIATIONS

SEC. 1402. (a) IN GENERAL.—During fiscal year 2013 and any succeeding fiscal year, the Librarian of Congress may transfer amounts appropriated for the fiscal year between the categories of appropriations provided under law for the Library of Congress for the fiscal year, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any category of appropriations for the Library of Congress for a fiscal year may be transferred from that account by all transfers made under subsection (a).

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING (INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$83,632,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for

printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

OFFICE OF SUPERINTENDENT OF DOCUMENTS SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$34,728,000: *Provided*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2011 and 2012 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, \$4,096,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than \$7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive

Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings "Office of Superintendent of Documents" and "Salaries and Expenses" may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$519,802,000: *Provided*, That, in addition, \$24,318,000 of payments received under sections 782, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

FUNDS AVAILABLE FOR WORKERS COMPENSATION PAYMENTS

SEC. 1501. (a) IN GENERAL.—Available balances of expired Government Accountability Office appropriations shall be available to the Government Accountability Office to make the deposit to the credit of the Employees' Compensation Fund required by section 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2013 and each fiscal year thereafter.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$1,000,000.

TITLE II—GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2013 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LBFMC

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

LANDSCAPE MAINTENANCE

SEC. 206. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related rea-

sons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

DELIVERY OF BILLS AND RESOLUTIONS

SEC. 209. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

DELIVERY OF CONGRESSIONAL RECORD

SEC. 210. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 211. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds \$1,000 for the vehicle in any month.

AUTHORIZING COMMERCIAL ACTIVITY ON UNION SQUARE

SEC. 212. (a) CONTINUATION OF TYPES OF ACTIVITY PREVIOUSLY AUTHORIZED.—

(1) IN GENERAL.—Notwithstanding any limitations on the use of the United States Capitol Grounds (including section 5104(c) of title 40, United States Code), the Chief of the United States Capitol Police (hereafter referred to as the "Chief")—

(A) may issue a permit authorizing a person to engage in commercial activity in Union Square if the activity is similar to the types of commercial activity permitted in Union Square prior to the transfer of jurisdiction and control of Union Square to the Architect of the Capitol under section 1202 of the Legislative Branch Appropriations Act, 2012 (Public Law 112-74); and

(B) under the terms and conditions of such a permit, may require the person to whom the permit is issued to pay a fee to cover any costs incurred by the Architect of the Capitol as a result of the issuance of the permit, if the fees are similar to the fees collected by the Director of the National Park Service for commercial activity permitted in Union Square prior to such transfer of jurisdiction and control.

(2) REGULATIONS.—The Chief shall carry out this section in accordance with such regulations as the Capitol Police Board may promulgate pursuant to the Board's authority under section 14 of the Act of July 31, 1946 (2 U.S.C. 1969).

(b) CAPITOL TRUST ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account for the Architect of the Capitol to be known as the "Capitol Trust Account", consisting of all fees collected by the Chief under subsection (a)(2).

(2) TRANSFER.—Immediately upon receiving any fees collected under subsection (a)(2), the Chief shall transfer the fees to the Capitol Trust Account.

(3) USE OF FUNDS.—Amounts in the Capitol Trust Account shall be available without fiscal year limitation for such maintenance, improvements, and projects with respect to Union Square as the Architect of the Capitol considers appropriate, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

(c) UNION SQUARE.—In this section, the term "Union Square" means the area for which jurisdiction and control was transferred to the Architect of the Capitol under section 1202 of the Legislative Branch Appropriations Act, 2012 (Public Law 112-74).

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the Legislative Branch Appropriations Act, 2012 (Public Law 112-74).

SPENDING REDUCTION ACCOUNT

SEC. 213. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974, excluding Senate items, exceeds the amount of proposed new budget authority is \$0.

This Act may be cited as the "Legislative Branch Appropriations Act, 2013".

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 112-518 and except pro forma amendments offered at any time by the chair or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Mr. CRENSHAW. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. I know there is an amendment that is going to be offered by Mr. GOSAR from Arizona, and I understand that he is just outside the Chamber at this very moment.

So I thought I would take a minute, while he comes to the floor, to just remind everyone of the great job that this subcommittee has done in working through all of the issues in order to bring them before the House. There are several amendments that are going to be offered here today, and we will certainly take those into consideration. From my standpoint, some of those amendments are good amendments, and there are some that I will oppose.

As we begin that process, I just want to, once again, thank everyone who has spent so much time and energy in bringing this to the House floor. In recognizing that this is the branch that funds the House of Representatives, which encompass all of the agencies that we look to to give us support, we wanted to make sure that they have adequate funds, because when they do a good job, it helps us to do a good job.

Mr. DICKS. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman from Washington.

Mr. DICKS. If we have another Member, could we go out of order by unanimous consent? Is that a problem?

Mr. CRENSHAW. In response to your question, I think it is in order, Mr. DICKS. I know that I, Mr. HONDA, and you as well, Mr. DICKS, could strike the last word and make a comment or two if you'd like. Mr. HONDA might want to say a word.

Mr. DICKS. Apparently, we would have to go back in the House and ask unanimous consent if we wanted to go out of order on this. Maybe it's just better to wait for the gentleman from Arizona to get here.

Since we're here, what is the plan for phase two of the Capitol, of the dome restoration? How does the chairman see this?

Mr. CRENSHAW. That's an excellent question. We ought to take a little time.

Mr. DICKS. I thought it was.

Mr. CRENSHAW. As you know, phase one is in process, and that's the skirt of the dome. You can see some of the work that's being done there. The next phase is much more expensive. I think it's a little over \$100 million. As you know, we have an inauguration that's coming. So, during the inauguration, I would hope that we wouldn't have a lot of construction going on to impair the view of that beautiful dome. It is my desire that, as soon as the inauguration is over, we can find the funds, which is a priority of this subcommittee. We might even break that up into two or three phases, but certainly that work needs to be done.

As you have often pointed out, when you look up and see that magnificent structure, it looks wonderful. But when you get up close, there are some problems that we need to deal with. We want to deal with those as soon as we can, so I think it's just a matter of priority.

Mr. DICKS. There is no emergency requirement here? I mean, this work is work that can be done over a staged period of time, and there is no real serious problem that could have an adverse effect on the Capitol, is there?

Mr. CRENSHAW. No, I don't think there is anything that makes it an emergency.

I think, clearly, like a lot of these projects that ought to be funded, the Architect has a long list of projects, and this is certainly one of those, so we want to be able to deal with that. It is a priority of this subcommittee, and we've talked about that. We want to make sure, as soon as we can, that we'll have the money to do that.

The CHAIR. The time of the gentleman from Florida has expired.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in support of H. Res. 397, to rein-

state the House Page Program, which was terminated in August of 2011.

This is in the context of the Legislative Branch appropriations. Unfortunately, this amendment was not made in order, but we're going to work with the committee as we go forward.

The House Page Program was an institution older than Congress, itself. Dating back to the first Continental Congress in 1774, House pages supported Congress by delivering messages, answering phones in the cloak-rooms, and serving on the House floor. Young people who served as House pages had the chance to see the inner workings of our government from a perspective many people did not. I had the opportunity to serve as a page for Senator Robert Byrd in 1988, and it is a summer I will never forget. The experience was instrumental in my motivation to become a public servant.

The House Page Program was not only a great opportunity for young people to learn about our government, but the enthusiasm of these young people also reminded us every day of why we are here.

□ 0940

In a time when we are trying to come together and find bipartisan solutions to our Nation's problems, pages serve as a reminder of our future. As we legislate on the House floor, pages served as witnesses to lawmaking that will affect their generation. They remind us to consider viable long-term solutions to the problems facing America.

In September of 2011, Minority Leader NANCY PELOSI proposed a new intern initiative to replace the House Page program. While this is a step in the right direction, I believe it is necessary to restore the tradition of young people serving Congress, even before they attend college.

I look forward to working with my colleagues to bring pages back to our Halls.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 1 OFFERED BY MR. GOSAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-518.

Mr. GOSAR. I have an amendment at the table.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, line 7, after the dollar amount, insert "(reduced by \$1,235,000)".

Page 36, line 10, after the dollar amount, insert "(increased by \$1,235,000)".

The CHAIR. Pursuant to House Resolution 679, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise today and speak of my simple and straightforward amendment.

My amendment would reduce funding at the United States Botanic Garden to the levels appropriated in 2009, which equals just over a \$1.2 million cut. That money would then be transferred to the spending reduction account so that we can take one more step towards reining in Federal spending.

I will be the first to say I appreciate the Botanic Garden and its beauty. I believe it is a great program, and I am personally interested in botany. But Members of Congress are often faced with difficult choices, especially given our current fiscal crisis. There are programs that are constitutionally mandated and other programs that are nice but are not constitutionally mandated. This is one program that is nice, but it cannot be immune from the fiscal pressures facing our government.

While the Botanic Garden is a wonderful attraction, Congress must seek to limit excess spending in the name of getting our fiscal house in order. No line item can be overlooked in making these assessments and decisions, including our own office budget, as we on the House side have demonstrated.

Mr. Chairman, so many families are tightening their belts during these trying economic times. Congress must do the same and make cuts where it can.

I ask each of the Members to vote in favor of the Gosar amendment, and I yield back the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. Mr. Chairman, I want to urge my colleagues to vote against this amendment.

One of the reasons we have committee structure is so that the members of the subcommittee that I chair—and Mr. HONDA is the ranking member. As I said earlier, we sit down. We listen to the AGG heads and the Architect of the Capitol, which is in charge of the budget for the Botanic Garden. They make difficult choices. They come to us, and we make difficult choices.

As I've said, we have reduced spending in the Legislative Branch Subcommittee for 3 years in a row. We are now at a point where it is almost 9 percent less than it was 3 years ago. So if you just decide you want to stand up and cut another 10 percent of this budget and then say you really like the Botanic Garden, it seems to me that this is a function of the Architect of the Capitol.

It costs \$12 million a year to have the Botanic Garden. A million people a year come to visit it and enjoy the beauty. If you're just going to stand up and say, Let's just cut 10 percent across the board, let's just start with the Botanic Garden, I don't know why you don't just cut 10 percent from the Capitol Police and 10 percent from some other areas. It just seems to be shortsighted.

We've gone through this process already. The Architect of the Capitol has said, I'm not going to ask for additional money to do some of the repairs I need to do. There's a need for a new roof and there's a need for some other things. They said, We're not going to ask for that because we're operating under the philosophy that we all believe here, that we ought to do more with less; we ought to try to do the best we can. So here we are.

I would just say that they're doing a good job. They're trying to control their costs. If we cut them any further, you really cripple them. You'll say to them that they can't have as many staff members, they'll have to close the Botanic Garden certain parts of the year. I think they've done a good job of managing their money. They have not asked for more dollars.

With that, I would urge Members to defeat this amendment, and I yield 2 minutes of my time in opposition to the gentleman from California (Mr. HONDA).

Mr. HONDA. I thank the gentleman.

Mr. Chairman, I also rise in opposition to the amendment which seeks to cut \$1.2 million from the Architect of the Capitol's Botanic Garden.

The hardest hit agency in this building is the Architect of the Capitol, which was cut by \$52.5 million, or 11 percent, making it impossible to fund the Capitol dome restoration in this bill. However, the chairman found a small amount of funding to try to keep up with the maintenance of the Botanic Garden. Nevertheless, Members attack because they can get a good headline in the papers for cutting a garden.

To that effect, the author of this amendment put out a press release after offering this same amendment last year. In that press release, Representative GOSAR stated:

The Botanic Garden has proven its ability to use tax dollars in a cost-effective and efficient way.

If the Botanic Garden has indeed proven it's ability to use its tax dollars in a cost-effective manner, why is the gentleman targeting this agency?

The public should know that after this amendment, we still won't finish the dome restoration. We still have to rehabilitate the Cannon House Office Building. The gentleman from Arizona wants to make sure the Botanic Garden is added to the scrap heap of buildings that we are unable to keep in working condition.

Our constituents sent us here to do real work and look for real solutions to the deficit, not to make political points by attacking institutions like the Botanic Garden, which was established back in 1820. As a Member of Congress, we have a responsibility to ensure that our Nation's heritage is kept intact for future generations by both tackling unnecessary spending,

but also by making investments in our future.

With that, Mr. Chairman, I urge defeat of this amendment.

Mr. CRENSHAW. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I thank the gentleman.

Just so we have a historical perspective of what we're talking about here today, the United States Botanic Garden is rooted in the Nation's heritage. During the late 18th century, George Washington, Thomas Jefferson, and James Madison shared the dream of a national Botanic Garden and were instrumental in establishing one on The National Mall in 1820.

It just seems to me that even though we're in difficult fiscal times—and I could make an argument that we should be spending money on projects to put people to work, including the dome. But this has a historic significance to our country—George Washington, Thomas Jefferson, and James Madison.

To me, we can find \$1.23 million to do the repair work that is necessary to keep this in good condition for the American people. This is a priority. I hope that we will all resoundingly defeat the gentleman's amendment.

Mr. CRENSHAW. Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chair, I rise in strong opposition to this amendment.

The Botanic Garden is a national treasure.

The history of the Botanic Garden starts over 200 years ago. Originally, the idea for a Botanic Garden came from George Washington himself.

Congress formally established the Garden in 1820 and it is one of the oldest botanic gardens in North America.

The Botanic Garden is dedicated to demonstrating the aesthetic, cultural, economic, therapeutic and ecological importance of plants to the well-being of humankind.

More than 750,000 visitors a year experience the Botanic Garden's plants displays, innovative exhibits, and special programs.

The Botanic Garden maintains 13,000 accessions, which equates to about 26,000 plants.

Its noteworthy collections include medicinal plants, rare species, orchids, carnivorous plants, cacti, bromeliads, cycads and ferns. Some of the plant specimens date back to the Garden's original 1842 founding collection.

There is no better place to gain an understanding of the essential relationship of plants to human life than at the Garden. Through living displays that feature the biodiversity of plants from around the world, the Garden brings to light the many benefits derived from plants including oxygen, food, medicine, fiber, fragrance, shelter, and inspiration.

Education is also a critical mission of the Botanic Garden. It creates opportunities to inspire our visitors to learn about the importance of plants and presents a variety of educational programming to visitors, teachers, and students.

The Botanic Garden partners with the Smithsonian Institution, U.S. Department of Agriculture (USDA), the National Wildlife Federation, the National Gardening Association and other domestic and international botanic gardens on its outreach programs to maximize its educational impact.

Mr. Chairman, this botanic collection is a global treasure.

Globally, about one in every eight known plant species is threatened or nearing extinction. In the United States, the figure rises to about three in every ten plant species.

Humans are inextricably intertwined with plants and other life forms, locked in a dynamic, co-dependent struggle for survival. It is in our own self-interest to pay them more attention.

Moreover, the Botanic Garden has a backlog of capital renewal and deferred maintenance projects of over \$14.5 million, which is \$2.5 million more than its total budget in this bill.

If Mr. GOSAR's amendment is accepted, it is likely to cost more taxpayer dollars as staff will likely have to be furloughed, the number of deferred maintenance projects will increase, and there will be less educational opportunities for students.

While we have serious fiscal challenges in this country, the U.S. Botanic Garden is not part of the problem.

Let's prosecute Wall Street wrong doings and recoup the billions upon billions used on bailouts rather than pick on the U.S. Botanic Garden.

I urge my colleagues to reject this misguided amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. GOSAR. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 0950

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. I yield to my colleague, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I just want to thank Congressman HONDA, the ranking member, for yielding me just a brief moment here to oppose this amendment and put comments on the record.

I oppose the Gosar amendment and the cuts to the United States Botanic Garden. Unless you've actually walked through the aisles and looked at the extraordinary collections, and exhibits, including specimens that preserve the genomes of extinct plants; and if you haven't really understood why medical science depends on many of the medicinal plants that are held there for posterity; and if you haven't really appreciated the importance of the botanical

sciences to human life; and if you haven't understood the work of the Botanic Garden that links to hundreds of communities across this country trying to help communities raise food, even inside urban borders and food deserts—then you really can't come to appreciate the importance of the fragility of life and how significant this botanical collection is to our country. This is a collection and capability that has been understood since George Washington's time over decades and indeed centuries. Our predecessors appreciated the importance of botanical sciences to human life even with science as rudimentary as it was at our Nation's founding. The site itself is nestled right adjacent to the Capitol, demonstrating the importance to the American people that those who came before us understood—the importance of the linkage between human life and plant life. Some of the most important scientific breakthroughs that we've had in medicine, for example, come from the plant kingdom.

I think that though the gentleman may have a good goal in mind in trying to handle our accounts in a more responsible way, this is a very irresponsible way to do it. Why? Because if the botanic garden has to cut existing contracts, or if they have to lay off workers, or put off longer deferred main tenancy, in the end what appears to be a cut may actually prove to be a budgetary increase over time in additional costs. Truly this cut is rather draconian cuts to the Architect of the Capitol.

I just wanted to say in a prior iteration of his amendment, the gentleman actually issued a press release saying the Botanic Garden has proven its ability to use tax dollars in a cost-effective and efficient way. I don't know how he might have changed his mind on that, but I think for the good of the country, for the future of medical science, for the linkage of this scientific collection to communities across the country, the Botanic Garden has proven its worth.

I want to thank the gentleman for yielding, and I appreciate the opportunity to place my remarks on the record.

Mr. HONDA. I yield back the balance of my time.

AMENDMENT NO. 2 OFFERED BY MR. BROUN OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-518.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 9, after the dollar amount, insert “(reduced by \$878,000)”.

Page 36, line 10, after the dollar amount, insert “(increased by \$878,000)”.

The CHAIR. Pursuant to House Resolution 679, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, this amendment is very simple. It would reduce the proposed funding for salaries and expenses of the Congressional Research Service, or CRS, back to fiscal year 2012 levels this year.

Mr. Chairman, we have to look at savings at every line of these appropriations bills, no matter how big or small they may be. This amendment would take almost a million dollars and transfer that money to the spending reduction account. Also, keep in mind that I'm not asking to cut anything. I'm not making any single cut in funding from CRS. I'm only asking that they receive the same amount of money that they are getting this very year.

We are in far worse shape than we were 1 year ago economically. Our national debt has hit almost \$16 trillion, yet this Congress continues to blow through trillions of dollars with a reckless disregard for our economic reality.

Mr. Chairman, I think CRS should have to pitch in and do their part by spending no more money next year than they're spending this year. It's called tightening the belt. Families have to do it, States have to do it, and branches of the Federal Government should also have to do it. We have to stop spending money that we do not have. I ask that my colleagues support this amendment as a step in the right direction for doing just that.

I reserve the balance of my time.

Mr. HONDA. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Mr. Chairman, this amendment would cut the funding level of the Congressional Research Service by \$878,000, returning it to the 2012 level.

He said that he's not doing anything to harm it because it's the same level as last year, but everybody knows that every year the cost of living, the cost of doing services, increases. So a flat, across-the-board push ahead kind of a budget is really a decrease. It's subtle, but it's still a decrease. I just want to let the gentleman know that that's the fact.

The other fact is the CRS is a research arm of the congressional Members. It's a research arm that we're able to use to do the kind of research that our folks really depend upon and is nonpartisan, is not biased in one way or another, and they are very professional in doing so. If we're expected to do the right kind of work for our constituency and then also for our country on issues, then we should be able to expect good work from our CRS.

In fact, Chairman CRENSHAW and his staff should be commended for recognizing the funding shortfall that CRS has incurred in recent years.

As other congressional staff can attest, CRS is really essential to help Members to be able to perform the duties by this kind of a nonpartisan research and policy analysis. I believe this divided Congress should take more advantage of this unbiased resource and not reduce its capacity. Therefore, I oppose the amendment and urge my colleagues do so also.

I yield back the balance of my time.

[From the Washington Times, June 6, 2012]

CONGRESSIONAL STAFFERS, PUBLIC
SHORTCHANGED BY HIGH TURNOVER, LOW PAY
(By Luke Rosiak)

The most powerful nation on Earth is run largely by 24-year-olds.

High turnover and lack of experience in congressional offices are leaving staffers increasingly without policy and institutional knowledge, a Washington Times analysis of a decade of House and Senate personnel records shows—leaving a vacuum that usually is filled by lobbyists.

Most Senate staffers have worked in the Capitol for less than three years. For most, it is their first job ever. In House offices, one-third of staffers are in their first year, while only 1 in 3 has worked there for five years or more.

Among the aides who work on powerful committees where the nation's legislation takes shape, résumés are a little longer: Half have four years of experience.

When Americans wonder why Congress can't seem to get anything done, this could be a clue. It's also a sharp difference from the average government employee: Unlike many state and federal workers with comfortable salaries, pensions and seemingly endless tenures, those in the halls of power are more likely to be inexperienced and overworked.

Low pay for high-stress jobs with less-than-stellar prospects for advancement takes a toll on institutional memory and expertise.

While senators make \$174,000, staff assistants and legislative correspondents—by far the most common positions in the Senate—have median pay of \$30,000 and \$35,000, respectively, significantly less than Senate janitors and a fairly low salary for college graduates in a city as expensive as Washington.

Historical pay records were transcribed from book form by the website Legistorm.

The size of committee and members' staffs have remained the same over the past decade, and salaries have often not risen with inflation—or at all.

The average legislative counsel in the House made \$56,000 last year, less than in 2007. While pay for parking-lot attendants in the House increased from \$26,000 to \$49,000 in the past decade, pay for staff assistants, who make up the bulk of the House's workforce, rose from \$26,000 to \$30,000. That puts them in the bottom fifth of the region's college-educated workforce.

It means that young workers have proximity to enormous power while surviving on a meager budget—dual forces that come together to push congressional staffers through the “revolving door” to highly paid K Street lobbyists. In the revolving door, former congressional staff and members use their personal connections and insider knowledge to attempt to pull the levers of

power on behalf of a paying client. A former congressional staffer is among the most valuable assets a company desiring legislative change can buy.

But it also means that staffers are often forced to rely on lobbyists while they still work for Congress, sometimes for the purest of reasons: While lobbyists with decades of experience in energy policy or other arcane areas are common, such depth of experience is nearly nonexistent on Capitol Hill. Though 10 years of experience in a home-state office, which handles constituent services and other less stressful concerns, is not rare, a person with a decade of experience is few and far between in Washington.

WITHOUT A FOUNDATION

"Who are congressional staff going to turn to?" asked Daniel Schuman, a former Congressional Research Service (CRS) lawyer who now studies policy at the nonpartisan Sunlight Foundation. "The experienced staff aren't there. But lobbyists and think tanks are beating down the door: 'Here's the legislation, here are the research materials and I've got the co-sponsors lined up.'"

As policy questions more frequently hinge on the nuances of technical matters, members of Congress are operating without the researchers and topical experts on which they have relied to cast informed votes.

With the shuttering of the Office of Technology Assessment, a 200-member congressional support agency that closed in 1995 under House Speaker Newt Gingrich, members who are largely lawyers and rhetorical masters are asked to differentiate between competing proposals that only scientists might be able to evaluate effectively.

The technology office researched and summarized scientific and technological matters, ranging from acid rain to wireless phones, for members who, with an average age of 64 in the Senate and 58 in the House, are legislating on matters such as the Internet, which most spent much of their lives without. Typical of its work products was a decades-ago warning on the effect of technology on copyright law, a question lawmakers contentiously grappled with this year.

"It helped us to . . . better oversee the science and technology programs within the federal establishment," said then-Rep. Amo Houghton, New York Republican, who served nine terms before retiring in 2005. The role of CRS, which provides research on topics beyond science and technology, has also been rolled back.

Brian Darling, a former Senate staffer who is now senior fellow for government studies at the conservative Heritage Foundation, said he strongly supports smaller government, but sometimes symbolic cuts can backfire.

"Cutbacks at CRS to me don't make a lot of sense, with their institutional knowledge. They put out a great nonpartisan work product. When crafting the legislative branch appropriation bill, members of Congress are trying to show they want to cut spending, but there can be repercussions," he said.

Though it seems paradoxical, a lack of knowledge and resources by congressional staffers can make for waste, Mr. Schuman said, citing an inability to conduct oversight, agency regulations that are left unchallenged, loopholes slipped into laws that are giveaways for special interests and poorly implemented programs.

He pointed to the creation of the Department of Homeland Security.

"The department is a mess because people didn't understand what would happen when

you merge so many different agencies with different cultures," he said. "It is bloated, inefficient and maladroit."

A failure by Congress to "understand the laws it passed" and "innovations in the private sector" also led ultimately to a huge crunch and the massive bailouts with taxpayer money, he said.

UP AND OUT

Consider the class of 2005. Of 186 Senate staff assistants who started that year, 82 percent had left by last year, 13 percent were still in the same position and the remaining 5 percent have moved up a notch. Of Senate legislative correspondents starting the same year, 83 percent have departed and the rest moved up.

In the House, of 105 people who started as legislative assistants, four made chief of staff in six years. Seven out of 10 left, and almost all the rest got other promotions.

As that group has come or gone, multiple other layers of congressional staff have been churned through. Among staffers who moved on from Congress in early 2010, three-quarters of departing staff assistants and legislative correspondents had two years or less under their belts.

Even policy wonks in the most non-political of positions, "professional staff" in the Senate committees where most legislative work gets done, last only five years on average, from the time they got their first job in Congress to the time they found a new employer.

"When people get married or have kids, around 35, you either jump up in pay by \$50,000 or you get out of there because you can't make it anymore. Making that money for 10 years puts people behind for the rest of their lives in terms of retirement," Mr. Schuman said.

Most college-educated workers in the D.C. area earn \$81,000 or more, with an average salary of \$93,850, according to the U.S. Census Bureau. For college grads under 30, the median salary is \$42,000.

Some 300 staffers who started in 2005 or 2006 are already registered federal lobbyists, a Times review of records indicated. They are preparing detailed policy papers, and in some cases drafting proposed legislation, for their former colleagues, and they have the time and resources to do a more thorough job than those still there—though one that has a slant in favor of their new, more generous employer.

"Staff are incredibly vulnerable to this. They're trying to do a very complicated job with limited resources," Mr. Schuman said.

As the federal government has grown dramatically over the decades, the Congress in charge of overseeing it has stayed the same or shrunk. A recent 10 percent reduction to congressional offices' budgets is the latest major reduction.

"When times are going bad, lawmakers say we have to cut Congress. But when things are going great, no one says it's time to hire more staff. You get the Congress you pay for," Mr. Schuman said.

Mr. Darling acknowledged that salaries made it nearly impossible for Congress to have many workers with significant experience. But he likened the limitation to "term limits" for staff. He decried the deferred compensation system that inspires some Hill staffers to make next to nothing for a few years so they can cash in big as a lobbyist afterward, but praised the idealists who toiled there.

"There's a perception that government workers are underworked, and that's far from the case in Congress. In fact, they tend

to burn out and leave for higher-paid positions," said Mr. Darling. Executive-branch bureaucrats could take a lesson from their grueling workload, he added.

"The way Congress runs is the way the federal government should run."

Mr. BROWN of Georgia. Well, my good friend from California said this is a decrease in spending, but it's not. It's just keeping the spending at the current levels for 1 more year. It makes sense.

We are in hard economic times as a nation. We're broke as a nation. We're spending more money than we're bringing in.

Members on both sides of the aisle certainly use the Congressional Research Service, and it's a good service for all of us. But we all have to tighten our belts. I hear Members on both sides talk about we need to make cuts, we need to balance our budget, we need to start dealing with the deficit and debt. I agree, we do.

This reminds me of some mantra that went on back during our founding period with a slightly different twist. Back in those days of founding our Nation, they were talking about taxes. The mantra was, Don't tax me, don't tax thee, tax that fellow behind the tree. Well, today it's, Don't cut me, don't cut thee, cut the fellow behind the tree. But there's not a person behind the tree.

We all need to tighten our belts. This is just a very small, not cut, but a stabilization of spending for the CRS. So I encourage my colleagues to make one small little, itty-bitty step towards financial reality and financial sanity by saying let's just freeze the spending level for CRS for 1 year.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HONDA. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-518.

Mr. HOLT. Mr. Chairman, I have amendment No. 3 at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, line 13, after the dollar amount, insert "(reduced by \$218,379) (increased by \$218,379)".

The CHAIR. Pursuant to House Resolution 679, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1000

Mr. HOLT. My amendment seeks to address a problem we face here in the legislative branch: the congressional supply of pocket-sized copies of the U.S. Constitution and Declaration of Independence is exhausted.

My amendment reduces and then reinserts \$218,379 from the budget for the Government Printing Office to address this shortage so that they can provide these pocket Constitutions and Declarations. It is the exact cost of the last printing of the pocket version of the Constitution.

But the money is not the root of the problem. The funding exists to print more pocket Constitutions today or tomorrow. What is lacking is the authority for the Government Printing Office to do so. The approval of this amendment appears to be the best parliamentary approach that we have right now to solve this immediate problem.

Last week, as I prepared to visit a school in New Jersey where we would hold a ceremony of oath of citizenship for new citizens, I asked my staff to make sure we had pocket Constitutions to distribute to them. I always carry one. I find many of my constituents want to as well. When I discovered that the supply was exhausted and none have been printed for this Congress, I thought we should address that problem now. Except for the dozens of copies that might be on a shelf in Members' offices or the few that are in a bag in the back of my station wagon, Members find that they cannot get these pocket Constitutions for love nor money.

Everyday, like so many of my Republican and Democratic colleagues, I point to this Constitution. When I meet with students, I ask them, What is the greatest invention of humans? And they, knowing I'm a scientist, will sometimes come up with some technological answer. I would argue our greatest invention is our constitutional system of government. Our brilliant, resilient, self-correcting system of government, dreamed up in Philadelphia so many years ago, functions remarkably well over the centuries. And this simple, 45-page pocket Constitution that Members have been able to share with their constituents for generations allows everyone to understand better that brilliant system of government.

Over my time here in the House, I have eagerly distributed these pocket Constitutions to students, new citizens, and many constituents who ask for them so that they can have their own. And who better to distribute these copies than a Representative working under the authority of article I of this ingenious document.

A self-governing country works only if we citizens believe that it does. A self-governing country works only if the citizens provide the motive force

for it to work. And familiarity with the copies of this ingenious, powerful, essential document provide the motivation and the mechanism for our government to work.

Since 2009, when Members of the 111th Congress each received a thousand copies of this pocket edition of the U.S. Constitution, Members of the House have not received any new pocket Constitutions. That means despite the fact that we began this Congress, the 112th, by reading the Constitution in this House Chamber, which I was pleased to participate in, no Member of the 112th Congress has been provided with any additional constitutions. So with no new copies of the pocket Constitution since 2009, except these few that I have here, it is long past time to fix this simple problem with this simple amendment.

I yield back the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I seek time in opposition, although I'm not necessarily opposed.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. I want to say thank you to the gentleman for bringing this to the attention of the House and just from an informational standpoint make Members aware that in February this House passed what we call the Printing Resolution, which calls for the printing of the pocket Constitutions that he's talking about. The other body now has that piece of legislation. Like a lot of other pieces of legislation that that body finds itself in possession of, nothing has happened.

So I think it's appropriate for some of us to encourage the other body to take up the Printing Resolution, solve the problem. And, actually, I was told just this morning that I think the point of your amendment has actually had an impact because the other body, I am told, has indicated that they plan to move ahead with the Printing Resolution that we sent them earlier this year. So I think all in all, that's been positive.

Mr. HOLT. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman.

Mr. HOLT. As I said in my remarks, the problem is not money; the problem is authorization. That can be accomplished by this joint resolution from the Joint Committee on Printing to the Government Printing Office, or it could be resolved through the appropriations, as I'm attempting to do now.

And I should point out, as the gentleman refers to the other body, it is out of pride of this body that we say we will do what we should do and the Senate will do what they will do and we will try to get together to move legislation forward. It is our job here today to do what we can do and to educate the public about this ingenious system of government that has been so successful for 2 centuries. We should do this.

Mr. CRENSHAW. Reclaiming my time, I yield 2 minutes to Mr. LUNGREN, the chairman of the House Administration Committee.

Mr. DANIEL E. LUNGREN of California. The gentleman is correct, we did pass a resolution over to the other body. It is customary that either body determine what their printing needs are, but we do have to normally have a resolution for it.

Under Mr. HARPER's direction, with the Joint Committee on Printing, we actually reduced our request by 50 percent to save money, but also to give adequate printing of what we thought was needed. The other body initially decided that they didn't need any more copies. They have now reassessed that and at the last minute have indicated to us that they see the need for doing that and have promised us that they will act on our resolution.

So this is a hope that maybe this is one thing that they can agree on sending out of their body this year and over to us. But in the meantime, the gentleman's amendment is appropriate. Let us not lose the Constitution over this.

Mr. CRENSHAW. Mr. Chairman, I yield 2 minutes to the ranking member, Mr. HONDA.

Mr. HONDA. Thank you for yielding.

I won't need the full 2 minutes because I think that the proponent, Congressman HOLT, has done an excellent job in expressing our sentiment about the importance of the pocket Constitution. I appreciate the chairman of the authorizing committee, Congressman LUNGREN, and my chairperson for taking the initiative in moving forward on this and prodding the other body to make sure that they act on Resolution 90.

So I would urge all Members to vote "yes" on this amendment.

Mr. CRENSHAW. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SCALISE

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-518.

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 21, after the dollar amount, insert "(reduced by \$1,000,000)".

Page 36, line 10, after the dollar amount, insert "(increased by \$1,000,000)".

The CHAIR. Pursuant to House Resolution 679, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. The amendment that I bring forward zeroes out the Open

World Leadership Center. This is a subset of the Library of Congress. This is an agency that's received millions of dollars over the years—in fact, \$123 million over the past 10 years—to bring foreign government leaders from countries like Russia and others to the United States, something that might be a good idea but, frankly, when you consider the fact that we're running massive deficits, have a mountain of debt that keeps building up, we have to cut back programs that we just can't afford to do. And clearly, this is one of those programs.

I do applaud the chairman and the committee for reducing this account. Although it's been reduced, there's still a million dollars remaining in the account. Ultimately, what we do is completely eliminate that funding. The reason that we're doing this, if you go back—and we've looked at the CONGRESSIONAL RECORD over the years, going back to 2009—Congress has been very clear to this agency, the Open World Leadership Center, that it's time for them to stop receiving government money.

□ 1010

Just look at the comments from April 21 of 2010. At the time, Chairman WASSERMAN SCHULTZ said:

Our subcommittee's stated goal has been that we would begin to wean you off your reliance on Legislative Branch funding, so it is somewhat difficult for me to understand why you have asked for \$2 million more in funding.

This is an agency, Mr. Chairman, that has shown an unwillingness to work with Congress who for years now has said it's time for you to stop getting government money. This isn't some new development. This is something that Republicans and Democrats have agreed on for years, and it's finally time for that government funding to end. And if they want to continue doing the work they do, they can still go seek private funding, which, by the way, Congress encouraged them to do years ago, but they refused to do that because they still had the ability to get government money. As long as we leave a million in this account, we continue to allow this agency, the Open World Leadership Center, to function when we've now, as a policy decision, finally said it's time for them to go.

So with that, I reserve the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. Everything the gentleman said is true except for the fact that what we are doing in this bill is actually shutting down the Open World program. When you do that, there are some costs involved in the final shutdown, and that's why last year this was funded at \$10 million. To

shut down the program, we basically took away \$9 million, left \$1 million there to terminate the existing contracts that we have. There's some final compensation that has to be paid. They have to close some offices. There are potential unemployment claims.

And so the point of this bill is to do exactly as the gentleman suggests, and that is to shut down this program which probably at one time was a very worthwhile program and was, I guess, a program that you could afford. But in today's world, this is a program that, under this legislative subcommittee, doesn't seem to be the right place to find funding. There were attempts in the past to fund it under the State-Foreign Operations Subcommittee.

But bottom line, the goal of this committee is to shut down this program because we can't afford it anymore. Even if you pass this amendment, it still costs a million dollars to shut down the program. The Congressional Budget Office scores it as a million dollars.

So I would say we ought not to pass this amendment. We ought to continue the process that has been started to shut down this program, and these dollars will be used to do just that.

With that, I reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, I continue to reserve.

Mr. CRENSHAW. Mr. Chairman, I yield 2 minutes to the ranking member, the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, the gentleman's amendment attempts to cut \$1 million in the bill for the Open World program, and I want to emphasize the word "attempts." I also want to emphasize that it's not my intent to support the idea of shutting down the program; it's the issue of the process of the gentleman's resolution.

Now, according to the Congressional Budget Office, the official bookkeeper of Congress, this amendment would net to zero. They believe that the organization would need at least \$1 million to ramp down the organization. That's the CBO's impartial analysis. That means that this amendment has no effect. Maybe the gentleman did not know that, or maybe he disagrees with the Congressional Budget Office, but the Congressional Budget Office is a fine arbiter, and it has concluded that this amendment would not save one red cent. Again, this is a process of zeroing out, and you need that money.

But let me emphasize again that it is not my intent to support the idea of closing down the program at all; it is just my comment on the process.

Mr. CRENSHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN), the former ranking member of the Legislative Branch.

Mr. MORAN. I thank my friend from Florida very much.

Mr. Chairman, not only do I oppose the amendment, I don't think we should be shutting down this program. This was a bipartisan program one of whose principal sponsors was Senator Ted Stevens from Alaska. What it does is to give voice to leaders within countries who are suffering under oppressive forms of government.

I just met with the Ukrainian delegation. My friend, Mr. CRENSHAW, may have had an opportunity to meet with them as well. They come through the Congress of the United States and the executive branch. They learn how our government works. And at a time when we are spending two-thirds of a trillion dollars on military security, this is the kind of program that can promote smart power by working with leaders in other countries. They want freedom of the press. They want democracy. They can't stand what communism did to their countries, but they don't want the kleptocracy of Russia. They don't want Russian domination. They want to be like the United States, and they want to come here and learn how to adopt the best principles that empower our democracy.

It's a good program. It's not much money, and the dividends that it yields are far greater than anything it costs us. I certainly agree we ought not eliminate the \$1 million placeholder, but I wish we would not eliminate this program at all because it's a program we ought to be proud to fund.

Mr. SCALISE. Mr. Chairman, I'm prepared to close, and I would first like to address some of the issues that were brought up during this discussion.

As it relates to the idea of having exchanges with people from foreign countries, that's why we have a State Department. And, in fact, the State Department has programs that do just that.

The Open World Leadership Center is a program run by the Library of Congress. If this program were so important to national security and relations with foreign countries, then the State Department would pick it up, but they haven't chosen to do that because they already do programs that are similar. But they probably do it a lot more effectively, and it's a lot more coordinated with the State Department because it's run out of the State Department.

So now you have a separate, duplicative program that Congress, both Republican and Democrat Members, for 3 years now has been saying, It's time for you to go.

And I go back again to the June 2009 committee hearing. The committee recommendation begins a phaseout of Legislative Branch financial support for the Open World program. That was the committee recommendation in 2009. Republicans weren't running the House back then. That was under Democratic leadership.

And of course in 2010, the chairman at the time, Ms. WASSERMAN SCHULTZ from the opposing party said:

Our subcommittee's stated goal has been that we would begin to wean you off your reliance on Legislative Branch funding.

Yet that same year, they asked for \$2 million more.

This is an agency that just doesn't get it, and this represents what's wrong with Washington when we're going broke. We are going broke right now. Every single day, every dollar spent here in Washington, 42 cents of that dollar is borrowed money, borrowed from countries like China, sending the bill to our kids and our grandkids. And here we've got a program that even Congress, Republican and Democrats, said it's time for the program to end, and yet they still have a million dollars sitting in their budget.

So what you would have is seven employees. They have a staff of seven people. So you've taken \$10 million away, and I applaud, again, the chairman for doing that. So you've said there will be no more program. There will be no more exchange. That's been a decision already made by the committee, the subcommittee. But you're leaving seven people to be paid to do absolutely nothing with money we don't have.

Now, how many small businesses across the country that have been facing these tough economic times are given a million-dollar check by the Federal Government to close down? Unfortunately, so many businesses have closed down because times are tough, but they don't get a million dollars from the Federal Government to do it, especially with money borrowed from China.

And now I would go to address the CBO issue. We actually asked CBO about this amendment. We asked them on Monday. Here's a letter from CBO. On Monday they said:

At this point, we estimate that your amendment would have no score.

So there is no cost to doing this, but it is a million dollars less that we'll be borrowing from China. And at some point they say a million dollars here, a million dollars there, pretty soon you're talking about real money.

We need to start making these tough decisions, and, frankly, this one isn't that tough. We ought to eliminate this program.

And I yield back the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. SCALISE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from Louisiana will be postponed.

□ 1020

AMENDMENT NO. 5 OFFERED BY MR. MORAN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-518.

Mr. MORAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS FOR
POLYSTYRENE PRODUCTS

SEC. ____ None of the funds made available in this Act may be used to obtain polystyrene products for use in food service facilities of the House of Representatives.

The CHAIR. Pursuant to House Resolution 679, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, this amendment, which I am offering jointly with Congress Members WELCH and PINGREE, would ban polystyrene products in our food service facilities here in the House.

Mr. Chairman, in 2011, the new Republican majority in the House instituted the use of polystyrene containers in our food service facilities. This amendment would prohibit the use of funds to purchase polystyrene products for use in the House cafeteria and eateries.

Removing polystyrene would show our concern for the health of our visitors and our employees, and for the future of our environment. We should be using recyclable and biodegradable products and avoiding polystyrene foam packaging.

Over 20 years ago, McDonalds and other for-profit fast-food restaurants replaced polystyrene foam with recyclable and paper board containers. The House of Representatives is the only place within the Capitol Complex to revert back to Styrofoam products. Neither the Senate, the Library of Congress, nor the Capitol Visitors Center food services use polystyrene food products out of concern for the health of their patrons. We should be leading by example, and this amendment provides a way through which we can show environmental responsibility to the thousands of constituents who visit our offices each year. We should be concerned about their health and that of our employees.

Polystyrene is also very difficult to recycle. Most polystyrene containers end up taking up inordinately large amounts of space in landfills or incinerators. The problems with polystyrene include cancerous chemicals used during manufacturing, minimal recycle

ability, enormous space taken up in landfills, and toxic byproducts released during incineration.

An EPA report on solid waste named the polystyrene manufacturing process the fifth-largest creator of hazardous waste. Toxic chemicals leak out of these Styrofoam containers into the food and drinks they contain and thus endanger human health and reproductive systems. That's our employees and our visitors to the House office buildings we're endangering. With this amendment, we can reduce environmental hazards and landfill waste, and protect the public's health.

I encourage my colleagues to support what I think should be a no-brainer amendment, and I reserve the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. Mr. Chairman, I just want to say that we don't use any appropriated funds to buy polystyrene containers. I just want to make that point that we don't use any appropriated money to do that.

I want to recognize a valued member of the subcommittee, the gentleman from California (Mr. CALVERT), for 2 minutes.

Mr. CALVERT. I thank the Chairman.

My friend's—and he is my friend, Mr. MORAN—amendment is certainly misguided and costly and a step backwards. Let's talk about the facts.

The House composting program in the last Congress increased our operating costs by half a million dollars a year, all for the luxury of using, remember, weak utensils that literally melted in your soup, and ineffective cups, soda cups, not including the extra paper insulators to keep your hands from burning once you use those ineffective paper cups. The cups, by the way, were two to three times more expensive than polystyrene foam cups.

And the environmental benefits. Peer reviewed studies confirm that foam food and beverage containers—which are recyclable and, by the way, are still used by McDonalds—use significantly less energy and water than their supposed eco-friendly alternatives. They use fewer raw materials, create less solid waste, and the carbon emission differences are nominal.

If Mr. MORAN would like to eliminate polystyrene in the House he needs to be right upfront with the American people and let them know how much this is going to cost them. In fact, this product costs less and is a better product. And I think that's something that we ought to do here in the government is find ways of saving money and produce a better outcome.

Mr. MORAN. Mr. Chairman, I would say to my good friend from California,

this amendment doesn't reintroduce the composting program, and it doesn't deal with those utensils—which I admit, some of them were not the best—but this deals with the polystyrene containers only, which is the greater source of concern for the health of our visitors and our employees.

At this time, I'd like to yield 1 minute to our friend and colleague from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. I thank my colleague, Mr. MORAN, for allowing me to speak and join him with this amendment today.

I rise in support of this amendment, which would prohibit us from using taxpayer money to stock the House cafeterias with polystyrene, or, as most Americans call it, Styrofoam. Maybe to some this seems like a small thing, but stocking our cafeterias with Styrofoam sends a terrible message.

When I was first elected to Congress in 2008, it was such a pleasure to see biodegradable materials in the cafeteria: cardboard containers, paper cups, even bamboo forks—which maybe didn't always work right, but they still were recyclable and biodegradable. We ate out of containers that looked a lot like what we now see in most fast food restaurants.

When the Republicans took control, that instantly changed and we are back to eating from Styrofoam. When my constituents read about it they were, frankly, quite shocked. They couldn't imagine why Congress was moving backwards.

Styrofoam takes hundreds of years to biodegrade and is a suspected carcinogen because of the chemical it leaches into food and liquid. I urge my colleagues to support our amendment to get rid of Styrofoam in the House cafeterias.

Mr. CRENSHAW. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the House Administration Committee, the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Last year we had this argument. Last year, it was criticism of the fact that I had approved a contract that got rid of the composting and instead that started a pilot project, I believe, in the gentleman from Virginia's district, where we are taking all of this and we are converting it from waste energy in the gentleman's district—one of the exemplary programs in the country. We're not putting this into a landfill; we are actually converting it. In fact, these products are one of the best means of creating energy from waste.

The second thing is, this is a condemnation of an industry that employs about 50,000 Americans around the country that deal with the production of this product. I would say they have

come to me and said: Can you at least defend us with the facts, that the FDA has to approve use for sale of these products that come into human contact. If it were carcinogenic, it would not be allowed.

The fact of the matter is, we used common sense. We actually took up a recommendation by the Democrats when the Republicans took over. One of the recommendations that was made in writing was that we eliminate the composting program because it cost too much money, it was unsuccessful, and in fact it caused more energy than it was supposed to save. We did that. I thought you were going to thank us for following your suggestion. We even put it in the gentleman's district—proud employees of the gentleman's constituency are reducing this waste to energy, and yet the gentleman comes before us and says the program that you have in my district, doggone it, we just don't want it. Sometimes people around here can't take yes for an answer.

Mr. MORAN. Well, certainly the gentleman makes a compelling argument here in terms of employment. But it is clear that when you talk to people who regularly use our cafeterias, that they are concerned about the health effects of polystyrene containers. In fact, there's a Facebook group that's been created called Stop the Styrofoam Invasion: Bring Cardboard Back to the House Cafeteria. Now, I'm sure these gentlemen see that effort on Facebook.

Communities across the country have rallied against polystyrene products, and bans have been instituted in cities and counties in California, Massachusetts, Illinois, Maine, Washington, Oregon, New Jersey, and New York.

□ 1030

Now, these are not statewide bans in all of these States. Many of them, they're cities and counties. But this is not something that is unique to the people supporting this amendment. Across the country, people are realizing that it is not healthy to use polystyrene as a material. It does take up too much land space in many places in the country, and we really ought to support this amendment.

I yield back the balance of my time.

Mr. CRENSHAW. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. HARPER

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-518.

Mr. HARPER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to provide an aggregate number of more than 50 printed copies of any edition of the United States Code to all offices of the House of Representatives.

The CHAIR. Pursuant to House Resolution 679, the gentleman from Mississippi (Mr. HARPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. HARPER. Mr. Chairman, this amendment would limit the printing of paper copies of the U.S. Code for the United States House of Representatives to 50 copies.

As chairman of the Joint Committee on Printing, I have been working to cut wasteful printing, and the U.S. Code is a prime example of what needs to be cut. Every 6 years, the United States Code is reprinted to incorporate new statutory changes.

Currently, the 2012 edition of the U.S. Code is slated to be printed by GPO in fiscal year 2013. However, the printing and production of the Code takes anywhere from 14 to 16 months, guaranteeing that the Code is outdated before it even is in print.

Mr. Chairman, my amendment would reduce the House's allotment from 213 to 50 copies. This reduction will ensure the long-term preservation of hard copies in the House, while freeing up over \$369,000 for FY2013, money that would be better spent modernizing and improving access to legislative information, including the Code.

The printed copies of the U.S. Code in the House are used less each day because of increasingly available, more up-to-date electronic alternatives. This amendment is a simple overdue reduction in unnecessary printing.

I want to thank Chairman LUNGREN, as well as the appropriators, for their support of these efforts; and I encourage my colleagues to support this amendment.

Mr. CRENSHAW. Will the gentleman yield?

Mr. HARPER. I yield to the gentleman from Florida.

Mr. CRENSHAW. Thank you for yielding. I just want to thank you for bringing this to our attention. I think it's well-intentioned. I think it's a good idea.

I'm just curious as to how you decided to have 50 copies instead of 213.

Mr. HARPER. Well, there's certainly an assessment of the number of copies

and the need and each agency that controls those and gets those. And we believe that on the distribution of those copies, as you look at it, that those agencies that get them, which include 43 copies to House Leg Counsel, 48 copies to House Law Revision Counsel, 13 copies to the House Committee on Appropriations, the House Legislative Resource Center receives four copies, House Parliamentarian receives three, and then the list goes on from there as to how we have those.

I certainly do believe that the House Committee on Appropriations, for example, is not going to need 13 full copies for those. Those are things that, even going back to law school days, you learn how to share the available copies.

Mr. CRENSHAW. Will the gentleman yield?

Mr. HARPER. I will certainly yield to the gentleman.

Mr. CRENSHAW. How many copies will the Appropriations Committee get under your amendment?

Mr. HARPER. Well, under the amendment we do not determine how many copies each will get. If we do a pro rata reduction in the numbers that go to each one, I think we could come to an agreement as to what those numbers will be.

Mr. CRENSHAW. If the gentleman will further yield, I just want to say I think that's a very good amendment.

Mr. HARPER. Thank you, sir.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. HARPER).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-518.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act for Members' Representational Allowances, the salaries and expenses of House Leadership Offices, or the salaries and expenses of Committee Employees may be used to purchase paid advertisements on any Internet site other than an official site of the Member, leadership office, or committee involved.

The CHAIR. Pursuant to House Resolution 679, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would simply prohibit Members, Committees, and leadership offices from using taxpayer-funded MRAs to purchase online advertisements. These ads are little more than a tool to boost name identi-

fication. They blur the lines between official duties and campaign activities. I believe, and I think most of us would concede, it's an inappropriate use of taxpayer money.

I know that some will stand up and say we've got to advertise town halls and whatever else that we're doing.

Let me tell you, all the online advertising that is being paid for by the taxpayers from Members' offices right now, town halls and those other notices represent a tiny fraction of that. Most of it are things like this, ads reading: Congressman X is fighting the madness. Click on this, and then it sends them to their official page, just boosting their name ID.

Representative X is working to lower gas prices by increasing American energy production. Find out more and like my page today.

Another one: Congressman X is committed to creating jobs, driving down spending, and shrinking the size of the Federal Government. That's pure electioneering or campaigning. The taxpayers have no reason to fund that kind of purchase in online advertising.

We already see the abuse that takes place with regard to franking. When you receive in the mail a four-color glossy that you can't even tell the difference between that these days and a campaign mailer, unless you look and see the very, very fine print that is there on the bottom of the mailer: paid for at taxpayer expense.

Enter the Internet world and the potential for abuse is that much greater when Members can target ads. Say if I wanted to run for Governor next, I could say that I want an ad to pop up or my name to pop up when somebody types in a Google search for Arizona Governor. I would submit to you that kind of thing is happening right now, and we've got to stop it before it brings a dark cloud over this body.

We all know what happened with earmarks in years past. It got so rampant and the corruption set in that we had to get rid of it completely. Let's stop this before it really balloons. There is abuse going on right now, but let's stop it before it gets big.

I urge adoption of the amendment and reserve the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I rise to claim time in opposition.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. Mr. Chairman, Members of the House, if the gentleman has a problem with communicating with constituents, then I think he ought to take his gripes to the Franking Commission.

I think everyone knows in this House that Members have an office account, and the philosophy is that you have an office account, you run your office. You are held accountable for how you spend those dollars. Some dollars are spent for salaries, for equipment, for rent, and for communications.

When the communications are paid for with taxpayers' dollars, they are subject to review by what's called the Franking Commission. That is a bipartisan commission, made up of Democrats, made up of Republicans. And before any kind of communication is put forward—whether it's a newsletter, maybe it is a postcard—before anything goes out, there are very strict guidelines that the Franking Commission uses to decide what goes in to those communication pieces.

Under the rules, Members are allowed to use their MRA, their office account, that's funded by taxpayers dollars. They can, if they want to announce they're going to have a town hall meeting, they can send out a postcard, they can send out a letter. They can actually buy advertising in a newspaper, as long as it meets the requirements of the Franking Commission. And they are very strict about how big your name can be and how many pictures you can have.

□ 1040

You can also buy time, buy advertising on the radio. If you want to say, "I'm going to have a meeting, and we're going to decide whether or not to appoint people to the military academies," you can do that. You can also use the Internet for that. Quite frankly, in today's world, that's how most people get their information. I'm not a tech guy, but I understand that social media is how a lot of young people and old people, as well, communicate.

If you want to communicate through the Internet, then you should have the same rules and regulations that apply to the print. You have to go to the Franking Commission, and they approve it. Again, Democrats and Republicans, they're making sure that these are official notices. They can direct you to your own Web site. Most Members have Web sites, and they can announce things on there.

So it seems strange to me to single out this new social media, which is where the world seems to be going. That's how people get their information. It's a lot cheaper to communicate on the Internet than it is to mail a letter or to mail a post card. It seems to me this is just an effort to micromanage how the Members use their MRAs, and you single out the one area in which the world seems to be going. So it's like a step backwards to say that you can communicate, that you can buy advertising on the radio, that you can buy an ad in a newspaper as long as you comply with these franking rules but that you can't do it with the Internet. It just seems like a strange way to go. Once again, all of this is subject to review by the Franking Commission, made up of Democrats and Republicans, in order to make sure that all of that is appropriate.

With that, I reserve the balance of my time.

Mr. FLAKE. In response, the gentleman mentioned people want to announce town halls and whatnot. That is a tiny, tiny fraction of what occurs in the money being spent, taxpayer money, through franking on the Internet. It's things like this, and I'll just read a few.

This is from a Member:

"Like" my Facebook page to find out what I'm doing to create jobs, to reduce spending, and to put our economy back on track.

How is that necessary for the taxpayer to fund? Come on. Let's get real here.

Another one:

I want to know, do you support a balanced budget amendment to the United States Constitution?

I don't really want to know that. Members just want to get traffic, name IDs to their Web pages.

Now, I'm not a Luddite here. I have my own Web page. I have a Facebook account. I do all of that, but I do it where it's appropriate—with campaign funds, not with official funds to campaign.

The gentleman mentioned that we ought to just kind of trust the Member—there is a Franking Commission—and let everybody do it. I should mention that, in 1997, when this bill came to the floor, Members thought there was some abuse going on with the franking of mail, so a requirement was put in to add the "printed at taxpayer expense." That was done by amendment on this bill on this floor in 1997. Also, there was abuse with franking too close to an election. So, with an amendment in this bill on this floor in 1997, there was put in a requirement that there is a 90-day blackout period in which you can't do it.

So there is a recognition that sometimes you go too far here. I can tell you that Members are going too far. I would invite anyone to go down to the Franking Commission and take a look at what's going on, to take a look at what Members are sending.

We're going to be voting on this quickly. So I would submit, if you're coming to the floor or watching this debate, you don't want to be on the other side of this issue, because we will be here, sooner or later, banning this practice. I hope it's sooner rather than later.

I reserve the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from California, the chairman of the House Administration Committee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I would just like to advise all Members that we have full-time employees working under the direction of Members of the Franking Commission and the House administration every single day who review the products of the offices of Members.

There is a limitation on the number of references you can make to yourself.

There is a limitation on the number of pictures you can have. There is a limitation on how large the pictures can be. There is a limitation on some of the language that there can be. We try not to censor, but we try to make a distinction between that which is partisanly political and that which is a communication to our membership.

If someone is trying to suggest that we ought not to be allowed to ask our constituents "What is your position on a balanced budget amendment?" I'd like to say that you have that right. If you don't want to ask that question, you don't have to ask that question, but that's for Members to be able to do that.

Frankly, I think the idea that somehow we ought to limit our communications to the old-fashioned snail mail is just wrong. What we've attempted to do is to use the principles that have been established by the Franking Commission over the years to the new technology. That is simply what we have done. It is no more or no less. If people want to complain about particular messages that have come out, we can look at that. In fact, we turn down many, many suggested pieces to be sent out by Members of Congress. We have tried to adjust to the new communications, and the gentleman's amendment would not allow us to use a new means of communication.

Mr. FLAKE. May I inquire as to the time remaining?

The CHAIR. The gentleman from Arizona has 30 seconds remaining.

Mr. FLAKE. In closing, I would just say we have a Franking Commission. They are making determinations like this, and we're still getting this stuff. We're still getting people saying, Congressman X—fighting the madness. "Like" my Facebook page now.

I would suggest that the bipartisan-ship of this Franking Commission is part of the problem. Both parties say, They're doing it, so we'll do it, too, and we'll both turn the other way.

That's why we get into problems with this. I'm just saying, please, get ahead of the curve here, and get ahead of where the taxpayers are going to be on this issue. I urge the support of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CRENSHAW. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in

House Report 112-518 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GOSAR of Arizona.

Amendment No. 2 by Mr. BROWN of Georgia.

Amendment No. 4 by Mr. SCALISE of Louisiana.

Amendment No. 5 by Mr. MORAN of Virginia.

Amendment No. 7 by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GOSAR

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 193, not voting 25, as follows:

[Roll No. 371]

AYES—213

| | | |
|---------------|-----------------|----------------|
| Adams | Dent | Hurt |
| Amash | DesJarlais | Israel |
| Amodei | Donnelly (IN) | Issa |
| Austria | Duffy | Jenkins |
| Bachmann | Duncan (SC) | Johnson (IL) |
| Barletta | Duncan (TN) | Johnson (OH) |
| Barrow | Ellmers | Johnson, Sam |
| Bartlett | Farenthold | Jones |
| Barton (TX) | Fincher | Jordan |
| Benishek | Fitzpatrick | Keating |
| Berg | Flake | Kelly |
| Biggert | Fleischmann | Kind |
| Bilbray | Fleming | King (IA) |
| Bishop (NY) | Flores | Kingston |
| Bishop (UT) | Forbes | Kinzinger (IL) |
| Black | Fox | Kissell |
| Blackburn | Franks (AZ) | Kline |
| Bono Mack | Galleghy | Lamborn |
| Boren | Gardner | Landry |
| Boustany | Garrett | Lankford |
| Brady (TX) | Gibbs | Latta |
| Braley (IA) | Gibson | LoBiondo |
| Brooks | Gingrey (GA) | Loebsack |
| Brown (GA) | Goodlatte | Long |
| Buchanan | Gosar | Luetkemeyer |
| Bucshon | Gowdy | Lummis |
| Buerkle | Graves (GA) | Manzullo |
| Burgess | Graves (MO) | Marchant |
| Burton (IN) | Griffin (AR) | Marino |
| Camp | Griffith (VA) | Matheson |
| Campbell | Guinta | McCarthy (CA) |
| Canseco | Guthrie | McCarthy (NY) |
| Cantor | Hall | McCauley |
| Carney | Hanna | McClintock |
| Cassidy | Harris | McCotter |
| Chabot | Hartzler | McHenry |
| Chaffetz | Hastings (WA) | McIntyre |
| Chandler | Heck | McKeon |
| Coffman (CO) | Hensarling | McKinley |
| Conaway | Herger | McMorris |
| Connolly (VA) | Herrera Beutler | Rodgers |
| Cooper | Himes | Mica |
| Costa | Hochul | Miller (MI) |
| Cravaack | Huelskamp | Miller, Gary |
| Critz | Huizenga (MI) | Mulvaney |
| Davis (KY) | Hultgren | Murphy (PA) |
| DeFazio | Hunter | Myrick |

Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell

NOES—193

Ackerman
Aderholt
Alexander
Altmire
Baca
Bachus
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Bonamici
Bonner
Boswell
Brady (PA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Carnahan
Carson (IN)
Carter
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Costello
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fortenberry
Frank (MA)
Frelinghuysen

Rivera
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland

Stearns
Stivers
Stutzman
Sullivan
Terry
Thornberry
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

Pelosi
Perlmutter
Perlmuter
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rogers (AL)
Rogers (KY)
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Simpson
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Moran
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOT VOTING—25

Akin
Andrews
Baldwin
Bass (CA)
Bilirakis
Cardoza
Coble
Denham
Filner
Gohmert
Green, Gene
Hirono
Holden
Kucinich
Labrador
Lewis (CA)
Mack
Meehan
Miller (FL)
Neal
Paul
Platts
Shuler
Slaughter
Towns

□ 1112

Ms. RICHARDSON, Mrs. CAPPS, and Messrs. DOLD and DREIER changed their vote from “aye” to “no.”

Mr. ISRAEL changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Chair, due to attending Corrections Professionals National Memorial Service, I missed the following rollcall vote: No. 371 on June 8, 2012. If present, I would have voted: rollcall vote No. 371—Gosar (R-AZ) Amendment, “aye.”

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 371, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mr. ANDREWS. Mr. Chair, on rollcall No. 371, had I been present, I would have voted “no.”

AMENDMENT NO. 2 OFFERED BY MR. BROUN OF GEORGIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 189, not voting 28, as follows:

[Roll No. 372]

AYES—214

Adams
Alexander
Amash
Austria
Bachmann
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Bilbray
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Costa
Cravack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores

Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Latham
Lipinski
LoBiondo
Long
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby

NOES—189

Ackerman
Aderholt
Altmire
Amodel
Baca
Bachus
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Camp
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Forbes
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Green, Al
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Hunter
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Loebach
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matsui
Matheson
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano

Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Renacci
Reyes
Richmond
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan

Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)
Smith (WA)
Speler
Stark
Sutton

Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Woolsey
Yarmuth
Young (AK)

NOT VOTING—28

Akin
Andrews
Baldwin
Bass (CA)
Bilirakis
Cardoza
Cicilline
Cleaver
Clyburn
Coble

Deutch
Filner
Gohmert
Green, Gene
Hirono
Holden
Kucinich
Labrador
Lewis (CA)
Mack

Meehan
Neal
Paul
Platts
Richardson
Shuler
Slaughter
Towns

□ 1117

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 372, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Chairman, on rollcall No. 372, I inadvertently voted “no”. I meant to vote “aye.”

AMENDMENT NO. 4 OFFERED BY MR. SCALISE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. SCALISE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 203, not voting 24, as follows:

[Roll No. 373]

AYES—204

Adams
Alexander
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)

Benishek
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks

Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy

Chabot
Chaffetz
Coffman (CO)
Conaway
Costa
Cravack
Crawford
Culberson
DeFazio
Denham
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harris
Hartzler
Hastings (WA)
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones

Jordan
Kelly
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lipinski
LoBiondo
Loebach
Long
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Terry
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—203

Ackerman
Aderholt
Altmire
Amash
Andrews
Baca
Becerra
Berg
Berkley
Berman
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver

Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (KY)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Fahrenthold
Farr
Fattah

Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Gosar
Granger
Green, Al
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating

Kildee
King (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Napolitano
Oliver
Pallone
Pascarell
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rogers (KY)
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz

Scott (VA)
Scott, David
Scott, Serrano
Sewell
Sherman
Shimkus
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOT VOTING—24

Akin
Baldwin
Bass (CA)
Bilirakis
Cardoza
Cicilline
Coble
Davis (IL)

Filner
Gohmert
Green, Gene
Hirono
Holden
Kucinich
Labrador
Lewis (CA)

Mack
Meehan
Neal
Paul
Platts
Shuler
Slaughter
Towns

□ 1121

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 373, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MR. MORAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 229, not voting 24, as follows:

[Roll No. 374]

AYES—178

Ackerman
Altmire
Baca
Bass (NH)
Becerra
Benishek
Berkley
Berman

Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)

Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler

| | |
|---------------|----------------|
| Chu | Israel |
| Clarke (MI) | Jackson (IL) |
| Clarke (NY) | Jackson Lee |
| Clay | (TX) |
| Cleaver | Johnson (GA) |
| Clyburn | Johnson (IL) |
| Cohen | Johnson, E. B. |
| Connolly (VA) | Jones |
| Conyers | Kaptur |
| Cooper | Keating |
| Costello | Kildee |
| Courtney | Kind |
| Critz | Langevin |
| Crowley | Larsen (WA) |
| Cuellar | Larson (CT) |
| Cummings | Lee (CA) |
| Davis (CA) | Levin |
| Davis (IL) | Lewis (GA) |
| DeFazio | Lipinski |
| DeGette | Loebsock |
| DeLauro | Loftgren, Zoe |
| Deutch | Lowey |
| Dicks | Luján |
| Dingell | Lynch |
| Doggett | Maloney |
| Doyle | Markey |
| Edwards | Matheson |
| Ellison | Matsui |
| Engel | McCarthy (NY) |
| Eshoo | McCollum |
| Farr | McDermott |
| Fattah | McGovern |
| Frank (MA) | McIntyre |
| Fudge | Meeks |
| Garamendi | Michaud |
| Gonzalez | Miller (NC) |
| Green, Al | Miller, George |
| Grijalva | Moore |
| Gutierrez | Moran |
| Hahn | Murphy (CT) |
| Hanabusa | Nadler |
| Hastings (FL) | Napolitano |
| Hayworth | Olver |
| Heinrich | Owens |
| Higgins | Pallone |
| Himes | Pascrell |
| Hinchey | Pastor (AZ) |
| Hinojosa | Pelosi |
| Hochul | Perlmutter |
| Holden | Peters |
| Holt | Pingree (ME) |
| Honda | Polis |
| Hoyer | Price (NC) |

| | |
|-------------------|--------------------|
| Quigley | Lankford |
| Rahall | Latham |
| Rangel | LaTourette |
| Reichert | Latta |
| Reyes | LoBiondo |
| Richardson | Long |
| Richmond | Lucas |
| Rigell | Luetkemeyer |
| Rothman (NJ) | Lummis |
| Roybal-Allard | Lungren, Daniel E. |
| Ruppersberger | Manzullo |
| Rush | Marchant |
| Ryan (OH) | Marino |
| Sánchez, Linda T. | McCarthy (CA) |
| Sanchez, Loretta | McCaul |
| Sarbanes | McClintock |
| Schakowsky | McCotter |
| Schiff | McHenry |
| Schwartz | McKeon |
| Scott (VA) | McKinley |
| Scott, David | McMorris |
| Serrano | Rodgers |
| Sewell | McNerney |
| Sherman | Mica |
| Sires | Miller (FL) |
| Smith (NJ) | Miller (MI) |
| Smith (WA) | Miller, Gary |
| Speier | Mulvaney |
| Stark | Murphy (PA) |
| Sutton | Myrick |
| Thompson (CA) | Neugebauer |
| Thompson (MS) | Noem |
| Tierney | Nugent |
| Tonko | Nunes |
| Tsongas | Nunnelee |
| Van Hollen | Olson |
| Velázquez | Akin |
| Visclosky | Baldwin |
| Walz (MN) | Bass (CA) |
| Wasserman | Bilirakis |
| Schultz | Cardoza |
| Waters | Cicilline |
| Watt | Coble |
| Waxman | Filner |
| Welch | |
| Wilson (FL) | |
| Woolsey | |
| Yarmuth | |
| Young (AK) | |
| Young (FL) | |

| | |
|--------------|---------------|
| Palazzo | Schweikert |
| Paulsen | Scott (SC) |
| Pearce | Scott, Austin |
| Pence | Sensenbrenner |
| Peterson | Sessions |
| Petri | Shimkus |
| Pitts | Shuster |
| Poe (TX) | Simpson |
| Pompeo | Smith (NE) |
| Posey | Smith (TX) |
| Price (GA) | Southerland |
| Quayle | Stearns |
| Reed | Stivers |
| Rehberg | Stutzman |
| Renacci | Sullivan |
| Ribble | Terry |
| Rivera | Thompson (PA) |
| Roby | Thornberry |
| Roe (TN) | Tiberi |
| Rogers (AL) | Tipton |
| Rogers (KY) | Turner (NY) |
| Rogers (MI) | Turner (OH) |
| Rohrabacher | Upton |
| Rokita | Walberg |
| Rooney | Walden |
| Ros-Lehtinen | Walsh (IL) |
| Roskam | Webster |
| Ross (AR) | West |
| Ross (FL) | Westmoreland |
| Royce | Whitfield |
| Runyan | Wilson (SC) |
| Ryan (WI) | Wittman |
| Scalise | Wolf |
| Schilling | Womack |
| Schmidt | Woodall |
| Schock | Yoder |
| Schrader | Young (IN) |

OT VOTING—24

| | |
|--------------|-----------|
| Gallegly | Mack |
| Gingrey (GA) | Meehan |
| Gohmert | Neal |
| Green, Gene | Paul |
| Hirono | Platts |
| Kucinich | Shuler |
| Labrador | Slaughter |
| Lewis (CA) | Towns |

□ 1125

adment was rejected.

of the vote was announced

rded.

| | |
|----------------|----------------|
| [Roll No. 375] | |
| AYES—148 | |
| Ackerman | Hall |
| Adams | Harris |
| Altmi re | Hartzler |
| Austria | Higgins |
| Bachus | Hochul |
| Bartlett | Israel |
| Bass (NH) | Jenkins |
| Benishek | Johnson (IL) |
| Berkley | Johnson (OH) |
| Bishop (NY) | Jones |
| Bishop (UT) | Jordan |
| Blackburn | Kaptur |
| Boswell | Kildee |
| Brady (TX) | Kind |
| Braley (IA) | King (IA) |
| Buchanan | Kissell |
| Burgess | Kline |
| Burton (IN) | Lamborn |
| Campbell | Latham |
| Carney | LoBiondo |
| Castor (FL) | Loebsack |
| Chabot | Lofgren, Zoe |
| Chaffetz | Long |
| Chandler | Luetkemeyer |
| Coffman (CO) | Lummis |
| Cooper | Marchant |
| Cravaack | Markey |
| DeFazio | Matsui |
| DeGette | McCarthy (NY) |
| Dent | McCaul |
| Dingell | McClintock |
| Doggett | McCollum |
| Donnelly (IN) | McDermott |
| Duncan (TN) | McGovern |
| Emerson | McIntyre |
| Eshoo | McNerney |
| Flake | Mica |
| Frank (MA) | Michaud |
| Franks (AZ) | Miller (FL) |
| Galleghy | Miller, Gary |
| Gardner | Miller, George |
| Garrett | Mulvaney |
| Gibbs | Myrick |
| Gibson | Noem |
| Gowdy | Owens |
| Graves (MO) | Palazzo |
| Griffin (AR) | Pascrell |
| Griffith (VA) | Pastor (AZ) |
| Guinta | Pence |
| Guthrie | Perlmutter |

Peters
Peterson
Petri
Polis
Posey
Quayle
Quigley
Rehberg
Reichert
Ribble
Roe (TN)
Rohrabacher
Rooney
Ross (AR)
Ross (FL)
Royce
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schradler
Schweikert
Scott (VA)
Sensenbrenner
Sessions
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Tiberi
Tipton
Turner (NY)
Upton
Van Hollen
Walsh (IL)
Walz (MN)
Wilson (SC)
Womack
Young (FL)

| | NOES—229 |
|-------------|---------------|
| Adams | Chaffetz |
| Aderholt | Coffman (CO) |
| Alexander | Cole |
| Amash | Conaway |
| Amodeli | Costa |
| Andrews | Cravaack |
| Austria | Crawford |
| Bachmann | Crenshaw |
| Bachus | Culberson |
| Barletta | Davis (KY) |
| Barrow | Denham |
| Bartlett | Dent |
| Barton (TX) | DesJarlais |
| Berg | Diaz-Balart |
| Biggert | Dold |
| Bilbray | Donnelly (IN) |
| Bishop (UT) | Dreier |
| Black | Duffy |
| Blackburn | Duncan (SC) |
| Bonner | Duncan (TN) |
| Bono Mack | Ellmers |
| Boren | Emerson |
| Boustany | Farenthold |
| Brady (TX) | Fincher |
| Brooks | Fitzpatrick |
| Broun (GA) | Flake |
| Buchanan | Fleischmann |
| Bucshon | Fleming |
| Buerkle | Flores |
| Burgess | Forbes |
| Burton (IN) | Fortenberry |
| Calvert | Foxo |
| Camp | Franks (AZ) |
| Campbell | Frelinghuysen |
| Canseco | Gardner |
| Cantor | Garrett |
| Capito | Gerlach |
| Carter | Gibbs |
| Cassidy | Gibson |
| Chabot | Goodlatte |

Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kinston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry

Mr. Chair, on rollcall 374, I was in the Capitol due to prior commitments. Had I been present, I would have voted "aye."

THE SPEAKER:

Mr. Speaker, on rollcall 374, on agreeing to the Motion to Reconsider H.R. 5882, the Fiscal Year 2000 Branch Appropriations Act, I would have voted "aye" because I was unavoidably absent. Had I been present, I would have voted "aye."

NO. 7 OFFERED BY MR. FLAKE

The unfinished business on the calendar is a motion offered for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on the floor. The proceedings were postponed because the ayes prevailed.

THE SPEAKER:

Mr. Speaker, I will redesignate the amendment as a recorded vote. I have redesignated the amendment.

RECORDED VOTE

A recorded vote has been taken. The recorded vote was ordered.

THE SPEAKER:

This will be a 2-minute recorded vote. The vote was taken by electronic device. The ayes were 148, the noes 261, and the votes were as follows:

NOES—261

| | |
|-------------|---------------|
| Aderholt | Cassidy |
| Alexander | Chu |
| Amash | Clarke (MI) |
| Amodei | Clarke (NY) |
| Andrews | Clay |
| Baca | Cleaver |
| Bachmann | Clyburn |
| Barletta | Cohen |
| Barrow | Cole |
| Barton (TX) | Conaway |
| Becerra | Connolly (VA) |
| Berg | Conyers |
| Berman | Costa |
| Biggert | Costello |
| Bilbray | Courtney |
| Bishop (GA) | Crawford |
| Black | Creshaw |
| Blumenauer | Critz |
| Bonamici | Crowley |
| Bonner | Cuellar |
| Bono Mack | Culberson |
| Boren | Cummings |
| Boustany | Davis (CA) |
| Brady (PA) | Davis (IL) |
| Brooks | Davis (KY) |
| Broun (GA) | DeLauro |
| Brown (FL) | Denham |
| Bucshon | DesJarlais |
| Buerkle | Deutch |
| Butterfield | Diaz-Balart |
| Calvert | Dicks |
| Camp | Dold |
| Canseco | Doyle |
| Cantor | Dreier |
| Capito | Duffy |
| Capps | Duncan (SC) |
| Capuano | Edwards |
| Carnahan | Ellison |
| Carson (IN) | Elmers |
| Carter | Engel |

Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Frelinghuysen
Fudge
Garamendi
Gerlach
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Granger
Graves (GA)
Green, Al
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hinojosa

| | | |
|-----------------|------------------|---------------|
| Holden | Meeks | Schakowsky |
| Holt | Miller (MI) | Schiff |
| Honda | Miller (NC) | Schock |
| Hoyer | Moore | Schwartz |
| Huelskamp | Moran | Scott (SC) |
| Huizenga (MI) | Murphy (CT) | Scott, Austin |
| Hultgren | Murphy (PA) | Scott, David |
| Hunter | Nadler | Serrano |
| Hurt | Napolitano | Sewell |
| Issa | Neugebauer | Sherman |
| Jackson (IL) | Nugent | Shimkus |
| Jackson Lee | Nunes | Shuster |
| (TX) | Nunnelee | Simpson |
| Johnson (GA) | Olson | Sires |
| Johnson, E. B. | Oliver | Smith (NE) |
| Johnson, Sam | Pallone | Stark |
| Keating | Paulsen | Stivers |
| Kelly | Pearce | Thompson (MS) |
| King (NY) | Pelosi | Thornberry |
| Kingston | Pingree (ME) | Tierney |
| Kinzinger (IL) | Pitts | Tonko |
| Lance | Poe (TX) | Tsongas |
| Landry | Pompeo | Turner (OH) |
| Langevin | Price (GA) | Velázquez |
| Lankford | Price (NC) | Visclosky |
| Larsen (WA) | Rahall | Walberg |
| Larson (CT) | Rangel | Walden |
| LaTourette | Reed | Wasserman |
| Latta | Renacci | Schultz |
| Lee (CA) | Reyes | Waters |
| Levin | Richardson | Watt |
| Lewis (GA) | Richmond | Waxman |
| Lipinski | Rigell | Webster |
| Lowey | Rivera | Welch |
| Lucas | Roby | West |
| Lujan | Rogers (AL) | Westmoreland |
| Lungren, Daniel | Rogers (KY) | Whitfield |
| E. | Rogers (MI) | Wilson (FL) |
| Lynch | Rokita | Wittman |
| Maloney | Ros-Lehtinen | Wolf |
| Manzullo | Roskam | Woodall |
| Marino | Rothman (NJ) | Woolsey |
| Matheson | Roybal-Allard | Yarmuth |
| McCarthy (CA) | Runyan | Yoder |
| McCotter | Rush | Young (AK) |
| McHenry | Ryan (OH) | Young (IN) |
| McKeon | Sánchez, Linda | |
| McKinley | T. | |
| McMorris | Sanchez, Loretta | |
| Rodgers | Sarbanes | |

NOT VOTING—22

| | | |
|-----------|-------------|-----------|
| Akin | Gohmert | Neal |
| Baldwin | Green, Gene | Paul |
| Bass (CA) | Hirono | Platts |
| Bilirakis | Kucinich | Shuler |
| Cardoza | Labrador | Slaughter |
| Cicilline | Lewis (CA) | Towns |
| Coble | Mack | |
| Filner | Meehan | |

□ 1129

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 375, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chair, on rollcall Nos. 371, 372, 373, 374 and 375 I was delayed and unable to vote. Had I been present I would have voted "aye" on rollcall No. 371, "aye" on rollcall No. 372, "aye" on rollcall No. 373, "no" on rollcall No. 374, and "aye" on rollcall No. 375.

□ 1130

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. BASS of New Hampshire, Chair of the Committee of the Whole House on the state of the Union, reported that

that Committee, having had under consideration the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes, and, pursuant to House Resolution 667, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. PINGREE of Maine. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. PINGREE of Maine. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Pingree of Maine moves to recommit the bill H.R. 5882 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 11, after the dollar amount, insert "(reduced by \$3,099,244)".

Page 4, line 9, after the dollar amount, insert "(reduced by \$3,099,244)".

Ms. PINGREE of Maine (during the reading). I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. PINGREE of Maine. Madam Speaker, every day my colleagues on the other side of the aisle talk about cutting spending. In fact, a fair number of them came here after getting elected by promising to slash wasteful spending and be good stewards of the taxpayer dollars. And they have voted for some pretty big spending cuts.

They cut spending on food stamps, making it harder for struggling families to put a meal on the table. They cut spending on unemployment benefits, making it harder for the millions of Americans who are looking for work to make ends meet. They cut spending on Pell Grants, making it harder for working families to put their kids through college.

But the problem is these cuts my colleagues have passed put the entire burden on working families and seniors

who are already struggling to get by and none of it on big oil companies or wealthy money managers. The problem is the burden of spending cuts is not now being shared equally or distributed fairly.

Today, Madam Speaker, I am offering my colleagues a chance to share that burden by cutting our own spending on fancy taxpayer-funded mailings that our constituents don't always want us to send. The amendment I'm offering represents a 10 percent cut in our franking budget. This would mean giving up expensive, glossy, self-promoting mailings and getting back to straight talk to our constituents. Don't get me wrong: Part of our job is communicating with our constituents and letting them know about the work we are doing here in Washington and in our home districts.

In my office, we've designated simple, straightforward mailings in-house to communicate directly with our constituents. We've designed them in-house. We've been able to cut the costs of this communication dramatically but still effectively communicate. In fact, we've recently sent an update to veterans explaining the programs available to them, and two or three constituents have received their lifetime veterans benefits because of that update.

Asking working families to sacrifice and bear the burden of spending cuts while protecting big banks, Big Oil, and congressional perks is one of the reasons our approval rating is at an all-time low.

Madam Speaker, we all agree we need to get budget deficits under control, but asking seniors, young people, and working families to feel the pain while passing tax cuts for the rich, protecting tax breaks for Big Oil, and spending millions of dollars on glossy, self-promoting mailers is unfair, and Americans know it.

If we want the American public to think we can be responsible and serious about cutting wasteful spending, we will pass this amendment today and take a big chunk out of our franking budget.

Let me be clear: this is the final amendment to the bill. It will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage as amended. And if adopted, the American people might have a little more faith that the people they send to Congress are really serious about cutting wasteful spending, and not just protecting the perks that they think will get them re-elected.

I urge you to vote "yes" on my final amendment.

I yield back the balance of my time. Mr. CRENSHAW. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. Madam Speaker, I want to urge my colleagues to vote “no” on this motion to recommit and vote for this very good bill.

Now, I’m not surprised that the Democrats don’t like this bill. This funding bill spends less money than last year, and last year’s bill spent less than the year before. So for 3 straight years we’ve reduced spending in the legislative branch. We’ve reduced spending on ourselves. So don’t tell us we haven’t shared in the pain. We are doing in this bill what we ask every agency or State government to do. We are doing in this bill what every American family does. We are setting priorities. We are tightening our belt. We are reining in spending. We are doing more with less. No wonder they don’t like it.

So I say let’s pass this bill, reject this motion to recommit, and cast a vote for fiscal responsibility by voting “yes.”

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. PINGREE of Maine. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill and the motion to instruct conferees on H.R. 4348.

The vote was taken by electronic device, and there were—ayes 101, noes 309, not voting 21, as follows:

[Roll No. 376]

AYES—101

| | | |
|---------------|----------------|----------------|
| Ackerman | Engel | Matsui |
| Altmire | Eshoo | McCarthy (NY) |
| Andrews | Farr | McCollum |
| Baca | Fattah | McGovern |
| Bass (CA) | Garamendi | McIntyre |
| Berkley | Gonzalez | McNerney |
| Berman | Green, Al | Michaud |
| Bishop (NY) | Hahn | Miller (NC) |
| Blumenauer | Hanabusa | Miller, George |
| Bonamici | Hastings (FL) | Murphy (CT) |
| Boswell | Higgins | Nadler |
| Brady (PA) | Hinojosa | Napolitano |
| Capps | Hochul | Owens |
| Carney | Holden | Pallone |
| Castor (FL) | Israel | Pelosi |
| Chandler | Johnson, E. B. | Perlmutter |
| Clarke (MI) | Jones | Peters |
| Clyburn | Kaptur | Peterson |
| Cohen | Keating | Pingree (ME) |
| Conyers | Kildee | Polis |
| Cooper | Kind | Quigley |
| Costa | Kissell | Rahall |
| Costello | Langevin | Rangel |
| Critz | Loeb sack | Schiff |
| Cuellar | Lofgren, Zoe | Schrader |
| Davis (CA) | Lowey | Schwartz |
| DeFazio | Lynch | Sherman |
| Deutch | Maloney | Smith (WA) |
| Doggett | Markey | Speier |
| Donnelly (IN) | Matheson | Stark |

Sutton
Thompson (CA)
Tierney
Tonko

Tsongas
Van Hollen
Velázquez
Walz (MN)

NOES—309

| | | |
|---------------|-----------------|------------------|
| Adams | Fleischmann | Marchant |
| Aderholt | Fleming | Marino |
| Alexander | Flores | McCarthy (CA) |
| Amash | Forbes | McCaul |
| Amodei | Fortenberry | McClintock |
| Austria | Fox | McCotter |
| Bachmann | Frank (MA) | McDermott |
| Bachus | Franks (AZ) | McHenry |
| Barletta | Frelinghuysen | McKeon |
| Barrow | Fudge | McKinley |
| Bartlett | Gallagher | McMorris |
| Barton (TX) | Gardner | Rodgers |
| Bass (NH) | Garrett | Meeks |
| Becerra | Gerlach | Mica |
| Benishek | Gibbs | Miller (FL) |
| Berg | Gibson | Miller (MI) |
| Biggert | Gingrey (GA) | Miller, Gary |
| Bilbray | Goodlatte | Moore |
| Bishop (GA) | Gowdy | Moran |
| Bishop (UT) | Granger | Mulvaney |
| Black | Graves (GA) | Murphy (PA) |
| Blackburn | Graves (MO) | Myrick |
| Bonner | Griffin (AR) | Neugebauer |
| Bono Mack | Griffith (VA) | Noem |
| Boren | Grijalva | Nugent |
| Boustany | Grimm | Nunes |
| Brady (TX) | Guinta | Nunnelee |
| Braley (IA) | Guthrie | Olson |
| Brooks | Gutierrez | Oliver |
| Broun (GA) | Hall | Palazzo |
| Brown (FL) | Hanna | Pascarell |
| Buchanan | Harper | Pastor (AZ) |
| Bucshon | Harris | Paulsen |
| Buerkle | Hartzler | Pearce |
| Burgess | Hastings (WA) | Pence |
| Burton (IN) | Hayworth | Petri |
| Butterfield | Heck | Pitts |
| Calvert | Heinrich | Platts |
| Camp | Hensarling | Poe (TX) |
| Campbell | Herger | Pompeo |
| Canseco | Herrera Beutler | Posey |
| Cantor | Himes | Price (GA) |
| Capito | Hinchey | Price (NC) |
| Capuano | Holt | Quayle |
| Carnahan | Honda | Reed |
| Carson (IN) | Hoyer | Rehberg |
| Carter | Huelskamp | Reichert |
| Cassidy | Huizenga (MI) | Renacci |
| Chabot | Hultgren | Reyes |
| Chaffetz | Hunter | Ribble |
| Chu | Hurt | Richardson |
| Clarke (NY) | Issa | Richmond |
| Clay | Jackson (IL) | Rigell |
| Cleaver | Jackson Lee | Rivera |
| Coffman (CO) | (TX) | Roby |
| Cole | Jenkins | Roe (TN) |
| Conaway | Johnson (GA) | Rogers (AL) |
| Connolly (VA) | Johnson (IL) | Rogers (KY) |
| Courtney | Johnson (OH) | Rogers (MI) |
| Cravaack | Johnson, Sam | Rohrabacher |
| Crawford | Jordan | Rokita |
| Crenshaw | Kelly | Rooney |
| Crowley | King (IA) | Ros-Lehtinen |
| Culberson | King (NY) | Roskam |
| Cummings | Kingston | Ross (AR) |
| Davis (IL) | Kinzinger (IL) | Ross (FL) |
| Davis (KY) | Kline | Rothman (NJ) |
| DeGette | Lamborn | Roybal-Allard |
| DeLauro | Lance | Royce |
| Denham | Landry | Runyan |
| Dent | Lankford | Ruppersberger |
| DesJarlais | Larsen (WA) | Rush |
| Diaz-Balart | Larson (CT) | Ryan (OH) |
| Dicks | Latham | Ryan (WI) |
| Dingell | LaTourette | Sanchez, Linda |
| Dold | Lat | T. |
| Doyle | Lee (CA) | Sanchez, Loretta |
| Dreier | Levin | Sarbanes |
| Duffy | Lewis (GA) | Scalise |
| Duncan (SC) | Lipinski | Schakowsky |
| Duncan (TN) | LoBiondo | Schilling |
| Edwards | Long | Schmidt |
| Ellison | Lucas | Schock |
| Ellmers | Luetkemeyer | Schweikert |
| Emerson | Luján | Scott (SC) |
| Farenthold | Lummis | Scott (VA) |
| Fincher | Lungren, Daniel | Scott, Austin |
| Fitzpatrick | E. | Scott, David |
| Flake | Manzullo | Sensenbrenner |

Waxman
Wilson (FL)
Yarmuth

Serrano
Sessions
Sewell
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry

Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Wasserman
Schultz
Waters
Watt

Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

| | | |
|-----------|-------------|-----------|
| Akin | Gohmert | Mack |
| Baldwin | Gosar | Meehan |
| Bilirakis | Green, Gene | Neal |
| Cardoza | Hirono | Paul |
| Cicilline | Kucinich | Shuler |
| Coble | Labrador | Slaughter |
| Filner | Lewis (CA) | Towns |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1153

Messrs. DINGELL and LEVIN changed their vote from “aye” to “no.”

Ms. WILSON of Florida and Mr. HINOJOSA changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 376, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 307, nays 102, not voting 22, as follows:

[Roll No. 377]

YEAS—307

| | | |
|-------------|---------------|---------------|
| Ackerman | Boren | Crawford |
| Adams | Boswell | Crenshaw |
| Aderholt | Boustany | Critz |
| Alexander | Brady (PA) | Crowley |
| Altmire | Brady (TX) | Culberson |
| Amodei | Braley (IA) | Davis (CA) |
| Andrews | Brooks | Davis (KY) |
| Austria | Brown (FL) | DeFazio |
| Baca | Buchanan | DeGette |
| Bachmann | Bucshon | DeLauro |
| Bachus | Buerkle | Denham |
| Barletta | Burton (IN) | Dent |
| Barrow | Calvert | DesJarlais |
| Bartlett | Camp | Deutsch |
| Barton (TX) | Canseco | Diaz-Balart |
| Bass (CA) | Cantor | Dicks |
| Bass (NH) | Capito | Dingell |
| Benishek | Capps | Dold |
| Berg | Carter | Donnelly (IN) |
| Berkley | Cassidy | Dreier |
| Berman | Castor (FL) | Duffy |
| Biggert | Chabot | Duncan (SC) |
| Bilbray | Chaffetz | Ellmers |
| Bishop (GA) | Clyburn | Emerson |
| Bishop (NY) | Coffman (CO) | Eshoo |
| Bishop (UT) | Cole | Farenthold |
| Black | Conaway | Fattah |
| Blackburn | Connolly (VA) | Fincher |
| Bonamici | Costa | Fitzpatrick |
| Bonner | Courtney | Fleischmann |
| Bono Mack | Cravaack | Fleming |

Flores
Forbes
Fortenberry
Foxy
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hochul
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (GA)
Lipinski

LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Maloney
Manzullo
Marchant
Marino
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)

NAYS—102

Amash
Becerra
Blumenauer
Broun (GA)
Burgess
Butterfield
Campbell
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Cooper

Costello
Cuellar
Cummings
Davis (IL)
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Farr
Flake
Frank (MA)
Franks (AZ)
Fudge
Gonzalez
Grijalva
Gutierrez
Heck
Hinchey

Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schmidt
Schock
Schradler
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Matheson
McDermott
McGovern
McIntyre
Miller (NC)
Miller, George
Mulvaney
Nadler
Napolitano
Oliver
Owens
Peters
Pingree (ME)
Polis
Price (GA)

Akin
Baldwin
Bilirakis
Cardoza
Cicilline
Coble
Filner
Gohmert

Price (NC)
Reichert
Reyes
Richmond
Roybal-Allard
Royce
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Schakowsky
Schiff
Schilling
Schwartz

NOT VOTING—22

Gosar
Graves (MO)
Green, Gene
Hirono
Kucinich
Labrador
Lewis (CA)
Mack

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1200

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOSAR. Mr. Speaker, on rollcall vote No. 377, I was unable to make it to the floor in time for the vote due to a previously scheduled meeting with constituents. Had I been present, I would have voted “yea.”

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 377, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Georgia (Mr. BROWN) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 82, nays 323, not voting 26, as follows:

[Roll No. 378]

YEAS—82

Adams
Amash
Bachmann
Black
Blackburn
Brooks
Broun (GA)
Buerkle
Flake
Fleming
Burton (IN)
Campbell

Carter
Chabot
Chaffetz
Conaway
Culberson
Duncan (SC)
Fincher
Flake
Fleming
Flores
Foxy

Franks (AZ)
Garrett
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Hastings (WA)
Heck
Hensarling

Schweikert
Sherman
Stark
Stearns
Sutton
Thompson (MS)
Tierney
Velázquez
Waters
Watt
Welch
Wittman
Woolsey
Yarmuth

Meehan
Neal
Paul
Shuler
Slaughter
Towns

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)

Mulvaney
Myrick
Neugebauer
Olson
Pence
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Scalise

NAYS—323

DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Gosar
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzer
Hastings (FL)
Hayworth
Heinrich
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)

Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Smith (TX)
Stutzman
Sullivan
Thompson (PA)
Thornberry
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Yoder

Johnson (IL)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Noem
Nugent
Nunes
Nunnelee
Oliver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)

| | | |
|--------------|------------------|---------------|
| Paulsen | Runyan | Terry |
| Pearce | Ruppersberger | Thompson (CA) |
| Pelosi | Rush | Thompson (MS) |
| Perlmutter | Ryan (OH) | Tierney |
| Peters | Sánchez, Linda | Tipton |
| Peterson | T. | Tonko |
| Petri | Sanchez, Loretta | Tsongas |
| Pingree (ME) | Sarbanes | Turner (NY) |
| Pitts | Schakowsky | Turner (OH) |
| Platts | Schiff | Upton |
| Polis | Schilling | Van Hollen |
| Price (NC) | Schmidt | Velázquez |
| Quigley | Schock | Visclosky |
| Rahall | Schrader | Walberg |
| Rangel | Schwartz | Walden |
| Reed | Scott (VA) | Walz (MN) |
| Rehberg | Scott, David | Wasserman |
| Reichert | Serrano | Schultz |
| Renacci | Sessions | Waters |
| Reyes | Sewell | Watt |
| Ribble | Sherman | Waxman |
| Richardson | Shimkus | Webster |
| Richmond | Shuster | Welch |
| Rigell | Simpson | Wilson (FL) |
| Rivera | Sires | Wittman |
| Roby | Smith (NE) | Wolf |
| Roe (TN) | Smith (NJ) | Womack |
| Rogers (AL) | Smith (WA) | Woolsey |
| Rogers (KY) | Southerland | Yarmuth |
| Rogers (MI) | Speier | Young (AK) |
| Ros-Lehtinen | Stark | Young (FL) |
| Roskam | Stearns | Young (IN) |
| Ross (AR) | Stivers | |
| Rothman (NJ) | Sutton | |

NOT VOTING—26

| | | |
|-------------|--------------|---------------|
| Akin | Gohmert | Neal |
| Baldwin | Green, Gene | Paul |
| Bilirakis | Hirono | Roybal-Allard |
| Bishop (UT) | Johnson, Sam | Shuler |
| Cardoza | Kucinich | Slaughter |
| Cicilline | Labrador | Tiberi |
| Coble | Lewis (CA) | Towns |
| Filner | Mack | Whitfield |
| Fitzpatrick | Meehan | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1206

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 378, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GRAVES of Missouri. Madam Speaker, on rollcall vote No. 378, the Broun of Georgia Motion to instruct, I voted "yea" when I intended to vote "nay." I apologize for any confusion and ask that the RECORD reflect my true intention.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed rollcall vote Nos. 371, 372, 373, 374, 375, 376, 377, and 378. Had I been present, I would have voted "aye" on rollcall vote Nos. 374, 376, and 377. Had I been present, I would have voted "no" on rollcall vote Nos. 371, 372, 373, 375 and 378.

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on rollcall No. 376, 377 and 378 I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 376 "aye" on rollcall No. 377 and "aye" on rollcall No. 378.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Madam Speaker, on Thursday, June 8th, 2012, I missed rollcall votes 371–378 for unavoidable reasons. Specifically, I was in Palm Harbor, Florida, in my congressional district, to attend my son's high school graduation. Had I been present, I would have voted as follows: rollcall No. 371: "yea" (Gosar of Arizona Amendment), rollcall No. 372: "yea" (Broun of Georgia Amendment), rollcall No. 373: "yea" (Scalise of Louisiana Amendment), rollcall No. 374: "nay" (Moran of Virginia Amendment), rollcall No. 375: "nay" (Flake of Arizona Amendment), rollcall No. 376: "nay" (On motion to recommit H.R. 5882 with instructions), rollcall No. 377: "yea" (Passage of H.R. 5882—Legislative Branch Appropriations Act for FY 2013), rollcall No. 378: "nay" (On Broun of Georgia motion to instruct conferees).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2942

Mrs. NOEM. Madam Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 2942.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

TO ALLOW THE CHIEF OF THE FOREST SERVICE TO AWARD CERTAIN CONTRACTS FOR LARGE AIR TANKERS

Mr. THOMPSON of Pennsylvania. Madam Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (S. 3261) to allow the chief of the forest service to award certain contracts for large air tankers, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the bill is as follows:

S. 3261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER.

Notwithstanding the last sentence of section 3903(d) of title 41, United States Code, the Chief of the Forest Service may award contracts pursuant to Solicitation Number AG-024B-S-11-9009 for large air tankers earlier than the end of the 30-day period beginning on the date of the notification required under the first sentence of section 3903(d) of that title.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise in support of S. 3261. This bill waives the congressionally mandated 30-day notification period before the Forest Service can issue new contracts for aircraft for its air tanker fleet.

There is some urgency to this bill given the catastrophic wildfires that are afflicting the western United States. The west is currently

experiencing a drought that has drastically increased the hazards of wildfire this year. A wildfire in New Mexico has already burned more than 400 square miles and is still raging.

The Forest Service must modernize its fleet of air tankers and must do so immediately. The fleet is using several tankers that have been in service for 50 years or longer. The agency intends to issue four contracts for seven new tankers, and this bill will allow the agency to move forward more quickly during this critical time.

Two tankers were lost this past weekend. Only nine tankers remain to fight fires at this time, which is inadequate to deal with wildfire threats our western communities face.

A tanker was forced to make a crash landing in Nevada this weekend when its landing gear failed.

Sadly, we learned the danger of flying these missions when a Forest Service tanker crashed in southern Utah this past weekend, killing both pilots.

I want to take a moment to recognize the pilots of these planes, Todd Neal Tompkins and Ronnie Edwin Chambless, both of Boise, Idaho. I hope their families know that we appreciate their service and sacrifice in making our communities safer.

This is a simple step Congress can take to assist the Forest Service during this critical period.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADJOURNMENT TO TUESDAY, JUNE 12, 2012

Mr. THOMPSON of Pennsylvania. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, June 12, 2012; when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, June 15, 2012; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, June 18, 2012.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1210

PROTECTING INNOCENT LIFE

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, last week this body took up H.R. 3541, the

Prenatal Nondiscrimination Act, which would prohibit abortion on the basis of an unborn baby's gender. Many advanced nations around the world already have laws restricting sex-selection abortions.

The United States of America should not allow abortions to be performed to select an unborn child's sex. Recognizing the importance of all life, I voted in favor of the bill and had high hopes it could be signed into law. Sadly, the measure failed to reach the majority needed for passage.

As unbelievable as it may sound, some Members of Congress were unwilling to vote to restrict abortions based on sex. Aborting a baby based upon its gender undermines one of our Nation's founding principles that all human beings are created equal.

Every Representative, every physician, every American needs to be reminded that at the center of our struggle is the protection of human life. We cannot live in a nation where some human life is valued and other life is not. All life has value, and the casual taking of life is morally wrong.

Let's join together to pray for the protection of the unborn. The intersection of prayer and action can produce amazing results. Through prayer and perseverance we can accomplish our goals and innocent human life can be protected.

MOST PRESSING LEGISLATIVE ITEMS WERE NOWHERE TO BE FOUND

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, some of the most pressing legislative items were nowhere to be found on the floor this week. We had an opportunity to make headway on critical legislation. Unfortunately, the leadership provided no action, not solutions, not action, only obstruction and delay.

First, student loan interest rates will double on July 1 if we do nothing, and we have done nothing.

Secondly, after losing 28,000 construction jobs last month, Congress still has not passed a highway bill, notwithstanding the fact that the Senate passed a bill with 75 percent of its Members in support, half of the Republican Conference in support, but it's nowhere on this floor as construction jobs languish and people look for work.

Speaker BOEHNER is now saying we might have to wait until November, even though it would create thousands of construction jobs. It seems to be "my way or no highway."

Third, we're headed for a fiscal cliff if Congress can't achieve a serious deficit reduction this year, and we've seen appropriations bills this week that break the budget agreement.

This has been another wasted week by a do-nothing Congress, and we're

about to begin a weeklong recess once again. Congress could do better. Congress must do better. Americans expect Congress to do better. It ought to take action now, not delay until it's too late.

SYRIA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, we can do better. As we work to ensure the tranquility of this great land and the opportunity for those who desire and deserve jobs, I frankly, think, it is likewise a devastating disaster, a crisis, that the world has not risen to stop the bloodshed in Syria.

I realize that we are not ready to engage in war, and I say that we do not have to. Syrian Americans are just pleading for the world to intervene, for Dr. Assad to step down, for the ceasefire to take place, and for the killing of women and children to stop.

I join with the administration to ask for Dr. Assad to be removed. I ask the Arab League, I ask the surrounding neighbors to stand up against this increasing violence. To the Syrian Americans that I have stood with in Houston, I stand with you until Dr. Assad is removed and the violence is stopped.

The United Nations has moved towards a resolution of peace, and Russia and China must stop standing in the way and watching bloodshed pour. Remember, children are dying.

Dr. Assad in Syria must leave and peace must come.

PRESIDENT REAGAN'S WESTMINSTER ADDRESS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise today to mark an important anniversary. Thirty years ago today, President Ronald Reagan delivered one of his most important speeches. He delivered an address to Westminster in which he talked about the imperative of our supporting the notion of self-determination around the world, and he called for the establishment of one of the most important national security items that we have in place today. It's known as the National Endowment for Democracy.

Mr. Speaker, in that speech, President Reagan said:

We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings. The objective I propose is quite simple to state: to foster the infrastructure of democracy, the system of a free press, unions, political parties, universities, which allows a people to choose their own way to develop their own culture, to

reconcile their own differences through peaceful means.

Three decades later, the vision that Ronald Reagan put forward in that famous speech is not only alive, but it's well and thriving all over the world. I would like to congratulate, congratulate all of those who have been part of the effort that was launched by that speech 30 years ago today by Ronald Reagan.

To the people all over the world who want to determine their futures, we stand with them in their quest for self-determination.

STUDENT LOAN INTEREST RATES

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, on July 1, student loan interest rates are due to double. We also have seen numerous very short-term transportation bills as an extended longer transportation bill, which could give real certainty to workers and firms, is sitting there in the Senate and is ignored by the House.

Despite the fact that the transportation bill is sitting there, we haven't taken the proper action, and student loan rates are due to rise, you wouldn't know it from being on the House floor. You wouldn't know it because the majority has not taken up these issues that are the most pressing issues to the American people.

I'm not here to say that the Republicans are sabotaging the economy in order to get an advantage in the election. But there are a lot of people who believe that is the case. If the Republican majority wants to make sure that the people of America know that they're operating on their best behalf, I urge them to take action to preserve low interest rates for students to go to college, to pass a transportation bill, and take up the one that the Senate has already passed.

Jobs are the key, but you wouldn't know it from being in this body, based on the action—or inaction—of the majority.

REPUBLICAN INACTION

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, our country continues to recover from the worst recession we've faced in generations. This progress is being made despite the best efforts of my colleagues on the other side of the aisle who stated that their singular goal is not creating jobs, but in making President Obama a one-term President. In the 18 months since they took the majority, the Republicans have had one constant, and that's been to obstruct, obstruct

when it comes to commonsense legislation to move the country forward.

Having a transportation bill, passing a long-term surface transportation bill would put 2 million people back to work.

They are obstructing in their unwillingness to keep college loans affordable, making sure that on July 1, 7 million students across this country will have their student loan interest rate double.

They have been obstructionist when it comes to the Paycheck Fairness Act, the simple task of making sure that women who do the same job with the same experience are paid the same money.

Obstruction, obstruction, obstruction. They could have done their part to make things happen for the American people, but they haven't done that.

Mr. Speaker, the actions of this Congress will speak louder than words. It's time for the Republicans to show their concern for the American people and not just with partisanship.

Stop the obstruction. Let's create jobs for the American people.

□ 1220

STARTUP JOBS ACT 2.0

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. This week, I joined with some of my colleagues to introduce the bipartisan Startup Jobs Act 2.0.

Mr. Speaker, students come to America from all over the world. They earn advanced degrees in science, technology, engineering, and mathematics. Then, upon graduating, they're forced to leave our country—forced to go back home and, in essence, compete against us. With them goes their knowledge, their ideas, and their aspirations to change the world. Many of these students want to stay here in America to make something of themselves here because America is still the best place for ideas to become realities. These ideas become solutions, which turn into job-creating companies.

According to a study by the National Foundation for American Policy, immigrants founded or cofounded almost half of the top 50 venture-backed companies in the United States. Since our Nation's founding, immigrants have flourished right along with our economy. America becomes a richer and more dynamic society by encouraging the best and the brightest from all over the world to set up shop here on our soil. That is why I'm honored to be an original cosponsor of the bipartisan, bicameral Startup Jobs Act 2.0 that will help America get back to work.

THE GOP'S ORPHANS

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, if Congress were a musical, then House Republicans would be Little Orphan Annie, singing, "The sun will surely come out tomorrow," because with the urgent challenges facing this Nation, with Americans staring at an impending fiscal cliff and economic calamity, the GOP has simply said, "Maybe we'll get to it tomorrow."

Let's revisit the little orphans the GOP has left behind:

Needed transportation and jobs bill.

The Medicare doc payment fix.

The debt ceiling extension.

The student loan interest rate hike.

The sequester's arbitrary, indiscriminate cuts.

The farm bill.

Postal reform.

The expiration of the Bush tax cuts, the AMT taxes, and the payroll tax cut which would collectively cost families \$4,000 more next year.

The impact to our economy and these poor little orphans is a staggering \$7 trillion. The nonpartisan CBO has said failure to act on these will send America back into a recession.

The Republicans need to recognize that every orphan deserves a home and work with us on responsible bipartisan solutions, or it's going to be "a hard knock life for us."

PASS THE TRANSPORTATION BILL AND PUT AMERICANS BACK TO WORK

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Much emphasis has been put on the deficit and that we do need to deal with the deficit. But at the same time, one way to deal with it is to stimulate the economy. There's no better way to stimulate the economy than a transportation bill that repairs our infrastructure, puts people to work here in America, and improves the ability of industry to move its product and for consumers to get product. Yet the transportation bill that's been passed in the House and passed in the Senate—differing bills—is stuck in a conference committee.

We need to pass a transportation bill and put America back to work with American-made products by American workers. My city of Memphis is a transportation center. We know highways and runways move product and move people and make sense. So I urge our leaders to see that the conference committee comes back, doesn't have extraneous provisions, and does what is necessary to put America back to work and passes the highway bill.

AMERICAN JOBS ACT

The SPEAKER pro tempore (Mr. MULVANEY). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. We all like to think about "what if"—what if I had actually gotten an A rather than an F in that high school class? What if I had hit that home run instead of struck out? The what-if game is part of our life. But I want to take that up today in a very, very serious way. This is about what if this Congress, led by our Republican colleagues, had taken up and passed President Barack Obama's American Jobs Act.

Last September, the President made a very bold proposal to put Americans back to work, a comprehensive piece of legislation that covered many, many different parts of the American economy. It's called the American Jobs Act. Fully paid for, not increasing the deficit at all, but paid for with the elimination of unnecessary tax breaks for Big Oil, unnecessary tax cuts for the extraordinarily wealthy 1 percent of Americans, a fully paid-for American Jobs Act proposed by the President last September.

What if? What if this House under our Republican leadership had taken up the elements of the American Jobs Act, modified them, as is our nature and our responsibility, but nonetheless passed those very significant proposals that would, according to economists, create somewhere between 1.3 and 1.9 million jobs immediately? Not some day in the future, but now. What if we had done that last September? What if our Republican leadership had allowed those measures to come before the committees and on this floor to be signed by the President? Then 1.3 million Americans or maybe even 1.9 million Americans would have a job today.

We're going to talk today about the most tragic what-if this Nation is pondering at this moment. What if the American Jobs Act had been implemented?

Let's talk about what it is. What are the elements of the American Jobs Act? Bear with me, if you will, as we go through these. I'll go through them rather quickly, and then we'll come back and touch on them as we go on.

If you've been watching here in the gallery or if you are watching C SPAN, you would have heard my Democratic colleagues talk about the transportation bill. The President said last fall, We need to have a transportation bill, and we need it now. We need to put men and women back to work in the construction industry repairing our bridges, building our highways, paving our airports, building the infrastructure that this Nation needs.

The student aid bill. We know that if America is going to compete, we have

to have the best educated workforce in the world. And so the President proposed a student aid bill, legislation that would provide additional sources of funding so students can go to school in community colleges, in 4-year schools, and in the master and doctorate programs.

The President took up one of the great conundrums and problems that this Nation faces from our competitors. Yes, China. China manipulates its currency, and the President said that has to stop. He asked for the House of Representatives and the Senate to pass a piece of legislation dealing with the manipulation of the Chinese currency, which gives them somewhere between a 20 and 25 percent price advantage on all the things that they manufacture and import into the United States. He said, Do something about that. Give me, the administration, the power to deal, to put a tariff on those Chinese goods if the Chinese Government continues to manipulate its currency.

He said we ought to buy American-made products. We ought to use our money, our taxpayer money, to buy American-made goods.

□ 1230

I have a piece of legislation that would do just that, and I'll talk about that before this hour is done.

Buy America. Enhance the Buy American provisions. Do away with the waivers that have created a 12-lane freeway for foreign products to find their way into America despite the laws.

The President said that there are millions of homes in America that are inefficient, that leak energy and cost the homeowner or the renter vast amounts of money. He said we could put people to work putting in new windows, caulking, putting insulation in the attics. We could put people to work and, in the process, reduce our consumption of energy and create jobs.

He said there ought to be a permanent research and development tax credit so that our industries would stay ahead of the competition around the world, so that they would know year after year after year that the research and development tax credit would be there and the more that they invested in research, the more that they took that research and developed products, the more jobs would be created, and they didn't have to worry that, well, maybe, it won't be there next year, so this 5-year research program, we won't do it. No, he wants certainty. His American Jobs Act would have given certainty. But the leadership in this House refused to take up all of those provisions.

The President went on and said we need a payroll tax cut for businesses and for the worker. We did a little of this. Businesses didn't get a tax break on their payroll; however, the men and

women that do work and do get a salary did get half of what the President proposed.

He said we ought to put veterans to work. And fortunately, on Veterans Day last year, we did pass a bill to do that, and we should consider even more.

285,000 teachers have lost their jobs this year across America. The President said that we cannot survive as a stable, growing country with a just society if we don't educate our kids, and so he said let's put those teachers back to work, 280,000 of them, and police and firemen along with them, so that we would have the public protection.

He said that in addition to a transportation enhancement, an additional \$50 billion over and above the transportation bill, we ought to put people to work and give a jump start. Just like you would with a dead battery on your car, he wanted to put those jumper cables on the American construction industry, \$50 billion, get it up and going.

And he said we need a permanent infrastructure bank.

I'll finish this up quickly, because it gets to be a rather long what-if. But, oh, what if. What if we had done these things?

How about rebuilding our schools and houses, again putting people to work. And how about allowing Americans to refinance their homes to stop the inevitable decline of the housing industry as more and more people were forced into bankruptcy and losing their homes.

It's the American Jobs Act, proposed by the President of the United States last September, and to this day, two of those policies have been adopted. What if? What if?

The economists say 1.3 million Americans would be working today if this legislation had been allowed to be brought to the floor of this House, had been allowed to be brought to the Senate and the President to sign it.

And don't forget this: It was fully paid for. It was fully paid for. The deficit would not have been increased. However, the oil companies would not have \$12 billion of your money in addition to what they've taken at the gasoline pump—the wealthiest industry in the world. We'd get our tax dollars back, and we'd put people to work.

And for those with a million dollars of annual income after all of the deductions, after all of the credits, for those with a million dollars of annual income, their taxes would have gone up to pay for putting 1.3 million Americans back to work. What if?

I'd like now to call upon my colleague from the State of Oregon who for years has fought for transportation, one of the senior members on the Transportation Committee.

Mr. DEFAZIO, you were here late last night fighting one of the most foolish proposals I have heard of, to cut the transportation budget by \$37 billion.

Thank you for fighting that fight and informing us. Fortunately, this House rejected that foolish proposal.

I yield to the gentleman from Oregon.

Mr. DEFAZIO. I thank the gentleman.

I would just key in on one of the aspects of the President's proposal, and that would be long-term legislation to invest \$450 billion in our crumbling infrastructure.

Now, some people say to me, well, Congressman, I don't work in construction. I say, these aren't just construction jobs. We have the strongest Buy America requirements in the area of transportation investments. Underline two words: "investments" and "jobs."

Now, those investments, if made under Buy America in, say, transit vehicles, involve engineering, manufacturing. They involve steel manufacturing. They involve sophisticated fabrication of vehicles, the tires for buses, all of those sorts of things. We could put millions of people back to work and begin to revive the devastated American manufacturing sector and for once keeping the Chinese from stealing our jobs because of the Buy America protections.

But, no, the Republicans don't want to do that. They don't really like the Buy America provisions in the bill, and they don't want to make the investments.

We were here till midnight last night. The gentleman from Georgia proposed that we end all new Federal investment in transportation infrastructure on October 1. There would not have been one penny more. All of the money that he would allow in next year's budget would only be enough to pay for ongoing projects.

When the States finish a project, we reimburse them. We authorize the projects; the States build them; we reimburse them. The money that he would limit us to would only pay for projects already ongoing. That would bring it all to a halt, despite the fact the system is falling apart. We're living off the legacy of Dwight David Eisenhower, a mid-20th century legacy. It's falling apart. It needs to be rebuilt. We also need to build out a 21st century infrastructure to more efficiently move goods and people and compete with our competitors.

Now, I heard a lot of nonsense last night, and 82 Republicans voted for this today, so this is a problem. The Republican Conference is having an internal war among themselves. They have 82 Members who believe the Federal Government—the Federal Government, the people of the United States assembled, the 50 States and territories—should not invest in transportation and infrastructure, that it should be done by the 50 States. It should be devolved. That's crazy. That's crazy. In the 21st century, we're going to have a 50-State transportation policy?

And how are the States going to pay for it? We tried that, until 1956. We had a turnpike built in Kansas that ended at the Oklahoma border, because Oklahoma didn't have the money, until Eisenhower passed the legislation and the Federal Government could invest. They want to go back to those good old days.

And then they prattle on about, well, these are just government jobs, government. They hate government. No, they're not government jobs. The government does not build bridges; the government does not build transit systems; the government does not build highways, gentlemen. They don't build any of those things. We go out and contract through the States for the lowest qualified bidders under Buy America requirements to build these projects with American workers and American products.

So let's stop all this nonsense on the Republican side of the aisle about the government can't create jobs. The investments the government makes can create jobs in the private sector.

We have an infrastructure that's falling apart. The President wants to rebuild it. The Senate even wants to rebuild it on a bipartisan basis. But, no, the Republicans in the House of Representatives have stopped forward progress on this legislation, forgoing potentially millions of jobs. It's a shame. I only hope that the Senate and the President can prevail on this issue.

I thank the gentleman for bringing this to the attention of the House.

Mr. GARAMENDI. Mr. DEFAZIO, for years you have been fighting for infrastructure. I didn't watch last night's debate as you fought fiercely to prevent one of the most foolish pieces of legislation—well, there have been many foolish pieces of legislation proposed by our colleagues, but you couldn't be more correct.

□ 1240

Let me just put this up. I came across this yesterday. Basically what this is is it's a diagram of the employment in the construction industry. We had about, what is that, 5,570,000 men and women working in the construction industry in January, and here we are in May and we're just over 5,500,000—some 20,000, almost 30,000 have lost their jobs. And the proposals that our Republican colleagues are making would guarantee that once these projects are finished, it would be over, nothing more.

But the President laid out not only a transportation bill, but he laid out a very robust jump-start to it—\$50 billion of additional money invested. Now, let's understand, this is not government money; this is an investment by the American people. It is their gasoline tax, their diesel tax. It is their investment in the highways and bridges and transportation systems of this Nation. Well, I guess if you're anti-tax

and you're anti-roads and you're pro-gridlock, you're guaranteeing that the economy will slow down and eventually, who knows, even collapse.

Fortunately, there's a gentleman here from the great Mid-Northwest, Mr. KEITH ELLISON. You've been on this issue for a long time. I know in your area you've been very, very concerned about the issues that are in the American Jobs Act. Please join us.

Mr. ELLISON. I want to thank you, Congressman, for making the issue of jobs the front and center issue.

We've been here all week long, and one of the things that I find just shocking is that we have not dealt with the issues that are really in front of the American people. And the number one issue is jobs.

We haven't dealt with future jobs that students could perhaps get if they got the education, which has to do with the doubling of interest rates on student loans, which is due in a few weeks unless the Republican majority acts. We certainly have not taken up a transportation bill that would extend extensive work to people. As many as 280,000 education jobs are on the chopping block in the upcoming school year due to pressure on State budgets.

So the bottom line is that this is an interesting week that we live in because there is no doubt—no one of the 435 Members of this body are under any doubt—student loan rates are doubling, unemployment is record high, and yet we didn't deal with any of these critical issues. I'm really shocked. I'm astounded. I'm under the impression that we're all here to work hard.

I'm one of those who doesn't like to sort of imply or even say that the Republicans are sabotaging jobs for political advantage because it's hard for me to imagine that any true public servant would ever do something like that, but there are a lot of folks out here who believe that is the case. I want our Republican colleagues to disprove that premise by getting some pro-job, pro-education legislation that we all can agree on.

Another thing that I'm glad to talk about is with regards to the Obama job plan. Under the American Jobs Act, Obama has laid out a plan. He has set forth a set of ideas, and one of the elements that I want to talk about a little bit is the job program for the long-term unemployed.

Obama has talked about dealing with the issues of the long-term unemployed, people who have been out of work, and you know, who have been chronically out of work for a long time—they call them the 99ers. It's modeled after an unemployment program in Georgia. Under that program, workers continue to collect unemployment benefits, plus a small stipend to cover transportation and other expenses at no expense to the employer. After 8 weeks of training, the company

may hire the person or not, and it can amount to a free tryout.

So I think that the Obama administration, under the American Jobs Act, is being responsive to the needs of the American people. I think the same cannot be said for the House of Representatives under the Republican majority. Under the American Jobs Act, the Republicans could bring it up today. Some of these ideas are things that they have proposed, and they won't even take those up. So this is really disappointing.

I think people who have been chronically unemployed for weeks and weeks and maybe perhaps years—I talked to a woman who has been out of work for 2½ years. This woman has a college degree, she is a highly trained professional from my district—Lauren, if you're watching, you know that I'm talking about you. I think the American Jobs Act has just what the doctor ordered if the Republican majority will take it up.

Mr. GARAMENDI. Well, Mr. ELLISON, in your community and my community, people want to go to work. They want a job. They want to be able to be part of the American machine that creates the wealth of this economy. They want to have the opportunity to provide the money for their family, take care of their needs. They take pride in their work. They're hardworking people, but they can't make it.

We have a long, long tradition in America that dates back really to the very first day of the American modern government. The day George Washington was sworn into office he undertook an industrial policy. I know our Republican colleagues like to talk about the Founding Fathers. Well, they really ought to listen to the Founding Fathers. And if they had listened to the Founding Fathers, they would have paid attention to the President's proposal on the American Jobs Act, because here's what George Washington did: he turned to his Treasury Secretary, Alexander Hamilton, and said, Mr. Hamilton, we need to grow this economy. We need to put people to work. We need to be a strong Nation, a strong economy, and I want you, Mr. Hamilton, to develop a policy to do that.

Hamilton came back a few months later with an industrial policy, 13 different items on about five pages—now it would probably take 5,000 pages, but nonetheless, he did it. Do you know what was in it? What was in that industrial policy that Hamilton presented to Washington and to Congress—and mostly implemented over the next decade or so—were policies that—let me put this back up. Let's see here. How many of these were in it? And here's the great “what if?”

There was a transportation part to those policies—in fact, two different ones. One, Hamilton said if we're going

to grow this economy, we need to have good roads, we need to have good canals, and we need to improve our ports. He proposed legislation that did become law—some of it by the States, some of it by the national government—that created the canal systems, put the roads in place, and improved the ports of America. Very beginnings of this Nation. Pay attention, my colleagues who like to talk about the Founding Fathers: the Founding Fathers said we need America to have a transportation program.

Currency reform was on the agenda. Yes, it was. Hamilton, Treasury Secretary, said we need to pay attention to the currency issue. There was a huge fight going on at the time about the Federal bank, about the currency issues, but he said we needed a common currency, and we needed to be aware of the international exchange rates that were going on so that we were not put at a disadvantage.

There was a Buy American program. Hamilton told George Washington and the Founding Fathers that we needed to put in place a Buy America provision. You just heard our colleague from Oregon talking about a robust Buy American provision—and sometime before I end I'll talk about my legislation that says if it's our tax dollars, it's going to be spent on American-made equipment and American jobs. We're not going to use our tax dollars to buy foreign equipment. That's precisely what Alexander Hamilton told George Washington in the very first Congress of this Nation, and they began to implement it.

Energy efficiency wasn't there. He did, however, talk about this one, this was one of the 13. He said we needed to have a robust research and development program—they called them patents at that time. We need to be ahead of everybody else. He wanted to put in policies, and they did become law. And here we have it today, just on these issues alone, these six issues.

The Founding Fathers said transportation. They said watch the currency. They said Buy American. And they said we need to be ahead with research and patents and be on the cutting edge of technology.

□ 1250

What if President Barack Obama's American Jobs Act had been taken up by the Republican leadership that control this House?

What if they had listened to the Founding Fathers and actually implemented what the President wanted to put in place? 1.3 million, 1.3 million jobs, perhaps as much as 1.9 million jobs Americans would be working today. The great "what if" question of our time.

What if they had listened to the Founding Fathers?

Mr. ELLISON, I know you have more to say.

Mr. ELLISON. Well, Congressman, if we had listened to the Founding Fathers, we'd be quite ways ahead. It's interesting, in the political rhetoric you hear, some people claim the Founding Fathers, but they don't claim the real Founding Fathers, the ones who actually had the foresight to make America a strong economic country by making sure that the government played an important role in making sure our economy was working, by promoting transportation, patents, currency protection and things like that.

But I would say that as we work here today, and as we think about all of the things that our Nation needs, none are more important than putting Americans back to work, I think. The American Jobs Act is a plan set forth by the President, and he's set this forth at a time when he's reaching his hand out. He's extending his hand. He's trying to get the Republican majority in the House to work with him.

But apparently they just won't do so because they have ideological and political considerations. One of those ideological things is that they just don't think the government is any good. They don't think the government can do any good. They don't think the government can help. And so we see proposals and amendments to simply eliminate the Federal role out of transportation. And of course we've seen them eliminate the Federal role out of environmental protection. We've seen a whole host of things like this.

You would think that the reason we have high unemployment is because of "job-killing regulations." They love this refrain. I'm sure Frank Luntz is very proud. He's a pollster who comes up with clever phrasing that they use a lot. But it's not job-killing regulations.

Any small business person will tell you the key to their success is customers. The key to customers is people who have jobs, who have some money to spend. If you've got no customers and your customers are broke, then they're not going to buy your cakes, your pies, and those folks are not going to be able to pay the taxes they need to keep our valued public employees working, teachers, firefighters, police officers, public health nurses, people who make the water and the meat safe to eat and drink.

They like to throw around terms like "socialism," but what we argue for is a mixed economy, a balance between the private sector and government, which enhances the performance of both, all in service to the American people.

So today I am in favor of us getting a strong, long-term, 6-year transportation bill. I am absolutely in favor of helping our students who are fearing that education is getting out of their economic reach. Absolutely, we have to be there to reform currency, to level the playing field with China.

We should buy American. What's wrong with buying American? I think buying American's good. I rather prefer buying American. In fact, whenever I get a product and it says "Made in America," I get a warm fuzzy all over.

Mr. GARAMENDI. Wouldn't you love to go into K-Mart or Target and see on the shelves "Made in America"?

Mr. ELLISON. Made in America.

Mr. GARAMENDI. Made in America. That's why the currency reform is so important.

Mr. ELLISON. If it was made in America, maybe we could make it in America.

Mr. GARAMENDI. Americans would make it if we made it in America. We'd have those middle class jobs. That's where it is.

Mr. ELLISON, thank you very much. I know you've got a plane; you've got to get back to Minneapolis. Thank you so much for joining us.

This is part of the Democratic agenda. This is something we've been working on now for well over 2 years, and we call it "Make It in America." This is rebuilding the American middle class. This is about the American middle class coming back.

Over the last 20 years, we've seen a decline in American manufacturing. In the early nineties, we were a little more than 19 million, almost 20 million, Americans in the manufacturing sector. Those were middle class jobs, where you can go to work, earn a living, live a middle class life, buy your bass boat, take the kids on a vacation.

Today, we're just over 11 million middle class manufacturing jobs in America. So looking at this dismal situation, a couple of years ago, shortly after I arrived here, we began looking at what do you do about this. Why did this happen? Why is it that the American manufacturing sector declined?

We did our studies. We did the economic analysis. But mostly, we looked at public policy. We looked at the laws of this land. We looked at what was going on in the public policy sector; and what we found was the policies of this Nation discouraged manufacturing and, in fact, rewarded American corporations that would offshore jobs, literally, actually, giving American corporations a reduction in their taxes for every job they offshored. Total about \$16 billion a year.

I know; you don't believe that. How could there be such a policy? That was my question. What? You mean to tell me that the tax policy of the United States gives a tax break to American corporations when they ship a job offshore?

Can't be. In fact, it was. And so in the last year, the last months of the Democrats' control of this House in 2010, we undertook to change that. We put a bill on this floor that would eliminate \$12 billion of that \$16 billion tax break that American corporations

had for offshoring jobs. It passed without one Republican vote. Not one Member of the Republican Party voted to end a tax break for American companies that offshored jobs.

The Senate took it up; it passed. President Obama signed that legislation.

Public policy matters. Public policy matters a great deal.

We've talked here today about the Buy American provisions, been in law for 30, 40 years, that basically say, if it's our taxpayer dollars, it ought to be used to buy American equipment.

Over the years, probably beginning in the eighties and carrying on, those provisions began to gain loopholes, one after another, so that at the end of 2010, the loophole was a 12-lane freeway that you could drive any project through and buy whatever you wanted to buy from wherever it came from. So much so that in San Francisco, when the Oakland Bay Bridge between Oakland and San Francisco had to be rebuilt because of earthquake safety issues—some of it fell down in the Loma Prieta earthquake—the largest construction project, public works project ever in California. The main central steel column for a uniquely designed bridge, \$1 billion or more, Chinese steel, Chinese welders, 6,000 jobs in China to save 10 percent.

It turns out the steel was faulty, the welds were faulty, the jobs were still in China and the inspectors were Chinese.

□ 1300

If we'd have had a Buy American provision that meant anything at all, we would have had 6,000 jobs in America; the inspectors would have been American; and there would be American jobs.

So my legislation, H.R. 613, says this:

If it is your tax money, it's going to be spent on American-made equipment, American-made steel, and the jobs will be in America.

Where is that bill? It hasn't even been taken up for a hearing in the Transportation Committee.

We're nibbling around the edges here. Of every bill that comes through this floor that's relevant to this issue, we try to shoehorn into it a Buy American provision. We try to increase the Buy American laws. We try to make certain that your tax money is going to be spent on American-made equipment. That's our agenda.

Have we been successful? No. No, we've not.

When the half-baked, worthless transportation bill was brought to the floor by our Republican colleagues, who could not even get agreement in their own caucus, we tried to put a provision on, an amendment on, and it was rejected. It was rejected.

Americans want to go to work. Public policy matters. Will your tax dollars be spent buying Chinese steel? I'll give you another example.

In Los Angeles, they went out to buy new light rail cars. Two bids were the final bids. One was by Siemens—yes, a German company that has a manufacturing plant for light rail cars in Sacramento, California. Siemens said that their light rail cars would have a minimum of 80 percent American-made content. A Japanese company came in and said, We'll do it for 60 percent. There was a slight difference. I think there was about a 2 percent difference in the bids.

So what did the MTA, the Metropolitan Transportation Authority, do? It chose the Japanese company. American jobs were lost immediately in Sacramento as a result of that decision.

Now, whose money is going to be spent buying those cars, those light rail cars? Whose money is it? Your money. It's your tax money. Good for Japan. They're going to get some jobs. Bad for Sacramento. Layoffs have already occurred, and there are more to come.

Do you want another example? I'll just use California. That's where I'm from.

The Bay Area Rapid Transit System, BART: \$3.2 billion for new trains over 10 years. \$3.2 billion. Two bids. One, Bombardier, a fine Canadian company, said they would build them with 66 percent American-made content. Okay, that's good. It's not good enough because Alstom, a French company, said they would build them with 90 percent American-made content. Yes, it's a little more expensive, but we're talking \$1 billion of American jobs here.

The Bay Area Rapid Transit System said, Well, the Federal Government says it's 60 percent, and we're going to have to go with 66. I said and thousands of Californians said and New Yorkers, which is where most of these jobs would be, that Alstom has a plant in New York to manufacture light rail and heavy rail cars. They said, Wait, let's take 2 months—2 months—and let's rebid this, and let's see what we can do. Alstom was prepared to lower their bid if they would have had an opportunity, and \$1 billion of American jobs are not here. They're somewhere else around the world.

Public policy matters. Public policy matters.

I think it's about time to wrap up here, so I'm going to go back to where we started.

What if the House of Representatives under the control of our Republican colleagues—totally under their control and the Senate also under the control of the Republicans because it takes 60 votes there—what if the President's American Jobs Act had been taken up and passed? We'll modify it, and don't forget it was fully paid for, 100 percent paid for with no increase in the deficit. The economists said clearly that 1.3 million would immediately result from the President's American Jobs Act. What if?

What does it mean to you in your community? Would that road have been built? Would you have had the job paving that road? repairing and painting that bridge? down at the local school, painting the school? cleaning up the playgrounds? putting new toilets into the restrooms or, specifically, a new laboratory in the high school—not a lavatory but a laboratory? What if?

What if we had put aside partisan politics?

Keep this in mind that the Republican leader of the Senate, on the day or shortly after President Obama was inaugurated, said that his number one goal was to make sure that this was a one-term President. So how do you do that? Well, when the President proposes an American Jobs Act that would employ 1.3 million Americans immediately, you make certain that it doesn't become law. You slow it down. Everything has to be 60 votes in the Senate; and here in this House, you do not even take it up. You don't allow a vote on it.

You don't do a transportation bill. You don't take the \$50 billion injected immediately into infrastructure—totally paid for. You don't do it even though that would employ tens of thousands of Americans. You make certain that the 288,000 teachers who have been laid off across America are not rehired so that my daughter's classroom is not 22 students but 35 students.

How do you destroy a President? You make certain that this economy doesn't move. You take his American Jobs Act, and you sit on it. That's what has happened. The great "what if."

What if we put Americans back to work? Yes, maybe Obama would get reelected—maybe I'd get reelected—but I'll tell you this: Americans would be working. Americans would be working. What if?

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CICILLINE (at the request of Ms. PELOSI) for today after 11 a.m. on account of official business in district.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5883. An act to make a technical correction in Public Law 112-108.

H.R. 5890. An act to correct a technical error in Public Law 112-122.

ADJOURNMENT

Mr. GARAMENDI. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 12, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetone; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0039; FRL-3944-2] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6382. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluxapyroxad; Pesticide Tolerances [EPA-HQ-OPP-2010-0421; FRL-9346-7] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6383. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Penflufen; Pesticide Tolerances [EPA-HQ-OPP-2010-0425; FRL-9341-8] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propylene oxide; Tolerance Actions [EPA-HQ-OPP-2005-0253; FRL-9346-8] (RIN: 2070-ZA16) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6385. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Amendments to Sterility Test Requirements for Biological Products [Docket No.: FDA-2011-N-0080] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Revocation of TSCA Section 4 Testing Requirements for One High Production Volume Chemical Substance [EPA-HQ-OPPT-2005-0033; FRL-9350-2] (RIN: 2070-AD16) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area [EPA-R03-OAR-2011-0714; FRL-9670-3] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6388. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Nitrogen Oxides Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries [EPA-R03-OAR-2011-0642; FRL-9671-9] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permit to Construct Exemptions [EPA-R03-OAR-2012-0292; FRL-9671-7] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R06-2011-0484; FRL-9652-9a] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality: Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver [EPA-HQ-OAR-2010-1076; FRL-9671-3] received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone [EPA-HQ-OAR-2009-0491; FRL-9671-4] (RIN: 2060-AR35) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6393. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 197 Ozone Standards for Transportation [EPA-HQ-OAR-2010-0885; FRL-9667-9] (RIN: 2060-AR32) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6394. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398) [MM Docket No. 00-168; MM Docket No. 00-44] received May 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6395. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Version 4 Critical Infrastructure Protection Reliability Standards [Docket No.: RM11-11-000; Order No. 761] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6396. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Patriot Challenge Kayak Race, Ashley River, Charleston, SC [Docket No.: USCG-2011-1095] (RIN: 1625-AA08) re-

ceived May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6397. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Non-Compliant Vessel Pursuit Training Course, Wando River, Charleston, SC [Docket No.: USCG-2012-0138] (RIN: 1625-AA00) received May 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6398. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-36] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6399. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Basis Reporting by Securities Brokers and Basis Determination for Debt Instruments and Options [Notice 2012-34] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 4480. A bill to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve; with an amendment (Rept. 112-520, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 901 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committees on Natural Resources, Agriculture, and Armed Services discharged from further consideration. H.R. 4480 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ (for herself and Mr. GRIMM):

H.R. 5929. A bill to amend the Investment Company Act of 1940 to change the asset coverage ratio and treatment of preferred stock for business development companies, to allow business development companies to purchase, otherwise acquire, or hold certain securities, and to direct the Securities and Exchange Commission to revise rules under

the Securities Act of 1933 relating to business development companies; to the Committee on Financial Services.

By Mr. MCKINLEY (for himself, Mr. GRIMM, Mr. CARSON of Indiana, and Mr. KILDEE):

H.R. 5930. A bill to amend the Internal Revenue Code of 1986 to increase the rehabilitation credit for commercial buildings and to provide a rehabilitation credit for principal residences; to the Committee on Ways and Means.

By Mr. CRAWFORD:

H.R. 5931. A bill to ensure the continuation of successful fisheries mitigation programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BUERKLE (for herself, Mr. PAUL, and Mr. KELLY):

H.R. 5932. A bill to amend the Internal Revenue Code of 1986 to allow 529 tuition programs with respect to elementary and secondary education expenses; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 5933. A bill to amend section 1120A of the Elementary and Secondary Education Act of 1965 to modify the comparability of services requirements; to the Committee on Education and the Workforce.

By Mr. FALCOMA (for himself, Mr. SABLAN, and Ms. BORDALLO):

H.R. 5934. A bill to amend title 18, United States Code, to include certain territories and possessions of the United States in the definition of State for the purposes of chapter 114, relating to trafficking in contraband cigarettes and smokeless tobacco; to the Committee on the Judiciary.

By Mr. FORTENBERRY:

H.R. 5935. A bill to prohibit the Secretary of Energy from enforcing regulations pertaining to certain battery chargers; to the Committee on Energy and Commerce.

By Mr. GARAMENDI (for himself, Mr. SMITH of Washington, Mr. AMASH, and Mr. PERLMUTTER):

H.R. 5936. A bill to amend the National Defense Authorization Act for Fiscal Year 2012 to provide for the trial of covered persons detained in the United States pursuant to the Authorization for Use of Military Force or the National Defense Authorization Act for Fiscal Year 2012 and to repeal the requirement for military custody; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE (for himself, Mrs. CHRISTENSEN, Ms. ROS-LEHTINEN, Mrs. BLACKBURN, Mr. CONNOLLY of Virginia, Mr. MORAN, Mr. CLARKE of Michigan, Mr. LEWIS of Georgia, Ms. LEE of California, Ms. NORTON, Ms. MOORE, Mr. RANGEL, and Mr. HONDA):

H.R. 5937. A bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery regarding, the availability and coverage of breast reconstruction, prostheses, and other options; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut (for himself and Ms. DELAUNO):

H.R. 5938. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limi-

tation on the exclusion for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mr. PASTOR of Arizona:

H.R. 5939. A bill to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; to the Committee on Oversight and Government Reform.

By Mr. PETERS (for himself, Mr. CAMPBELL, and Mr. ELLISON):

H.R. 5940. A bill to establish pilot programs to encourage the use of shared appreciation mortgage modifications, and for other purposes; to the Committee on Financial Services.

By Mr. PLATTS (for himself, Mr. TOWNS, and Mr. CONNOLLY of Virginia):

H.R. 5941. A bill to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. KIND, and Mr. ROSS of Arkansas):

H.R. 5942. A bill to repeal certain changes to contracts with Medicare Quality Improvement Organizations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself and Mr. WELCH):

H.R. 5943. A bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program, and for other purposes; to the Committee on Ways and Means.

By Mr. RICHMOND:

H.R. 5944. A bill to strengthen entrepreneurial education, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself, Mr. RAHALL, Mr. WALZ of Minnesota, and Mr. HUNTER):

H. Con. Res. 129. Concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces; to the Committee on Armed Services.

By Ms. CHU (for herself, Mr. SMITH of Texas, Mr. HONDA, Mr. ISSA, Mr. BURTON of Indiana, Mr. CLAY, Ms. LEE of California, Mr. GRIJALVA, Mr. SCHIFF, and Mr. JACKSON of Illinois):

H. Res. 683. A resolution expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act; to the Committee on the Judiciary.

By Mr. GRIMM:

H. Res. 684. A resolution expressing support for designation of March 29 as Vietnam Vet-

erans Day; to the Committee on Oversight and Government Reform.

By Ms. HOCHUL (for herself, Ms. SLAUGHTER, and Mr. HIGGINS):

H. Res. 685. A resolution recognizing the 200th anniversary of the War of 1812 and the ensuing 200 years of peace and cooperation between the United States and Canada; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUIZENGA of Michigan introduced a bill (H.R. 5945) for the relief of Jing Roberts; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENTS

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. VELÁZQUEZ:

H.R. 5929.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MCKINLEY:

H.R. 5930.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. CRAWFORD:

H.R. 5931.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8 of the U.S. Constitution.

By Ms. BUERKLE:

H.R. 5932.

Congress has the power to enact this legislation pursuant to the following:

Section 8, clause 1 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises . . ."), and the 16th Amendment.

By Mr. COHEN:

H.R. 5933.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. FALCOMA:

H.R. 5934.

Congress has the power to enact this legislation pursuant to the following:

Article IV Section 3 Clause 2 "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

By Mr. FORTENBERRY:

H.R. 5935.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for this bill is pursuant to Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. GARAMENDI:

H.R. 5936.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Section 8

By Mr. LANCE:

H.R. 5937.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. MURPHY of Connecticut:

H.R. 5938.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. PASTOR of Arizona:

H.R. 5939.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. PETERS:

H.R. 5940.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause (Art. I, § 8, cl. 3) of the United States Constitution provides that the Congress shall have the power to regulate interstate and foreign commerce. This legislation regulates the mortgage markets, which involve significant interstate and foreign commerce, with investors from around the world purchasing mortgages securitized by the Government Sponsored Enterprises.

By Mr. PLATTS:

H.R. 5941.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 18

By Mr. PRICE of Georgia:

H.R. 5942.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7

Imposes Congressional accountability for the spending of the other branches of government. Congress has the duty to fund and provide oversight to the federal administrative agencies, including the Department of Health and Human Services and direct the manner in which they expend taxpayer funds.

By Mr. REED:

H.R. 5943.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 16, to make all laws which shall be necessary and proper for carrying to execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any Department or Office thereof.

By Mr. RICHMOND:

H.R. 5944.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

Mr. HUIZENGA of Michigan:

H.R. 5945.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the United States Constitution states that "The Congress shall have Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States."

Article I, Section 8, Clause 3 of the United States Constitution states that "The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. COLE.

H.R. 733: Mr. HEINRICH.

H.R. 777: Mr. TURNER of New York and Mr. SCHRADER.

H.R. 860: Mr. DENHAM and Mr. BUTTERFIELD.

H.R. 876: Mr. CICILLINE.

H.R. 905: Mr. WEBSTER.

H.R. 942: Mr. SENSENBRENNER and Mr. CRAWFORD.

H.R. 1112: Mr. KLINE.

H.R. 1116: Mr. CARNAHAN and Ms. KAPTUR.

H.R. 1236: Mrs. NAPOLITANO.

H.R. 1240: Ms. BONAMICI.

H.R. 1259: Mr. SCHILLING.

H.R. 1265: Mr. ROSS of Arkansas.

H.R. 1474: Mr. FARENTHOLD.

H.R. 1475: Ms. NORTON.

H.R. 1489: Ms. HIRONO.

H.R. 1537: Mr. CARNAHAN.

H.R. 1639: Mr. STUTZMAN and Mr. AMODEI.

H.R. 1672: Ms. SCHAKOWSKY, Mr. SIREs, and Mr. FILNER.

H.R. 1733: Mr. HONDA.

H.R. 1956: Mr. HENSARLING and Mr. MCCAUL.

H.R. 2028: Mr. QUIGLEY and Mr. ELLISON.

H.R. 2077: Mr. POMPEO.

H.R. 2168: Ms. TSONGAS.

H.R. 2180: Ms. SLAUGHTER.

H.R. 2327: Mr. MILLER of Florida.

H.R. 2355: Ms. CHU.

H.R. 2925: Mr. BURGESS.

H.R. 3057: Ms. SUTTON.

H.R. 3179: Mr. GRIFFIN of Arkansas and Ms. SCHWARTZ.

H.R. 3395: Mr. PETRI.

H.R. 3496: Mr. POLIS.

H.R. 3497: Mr. LOEBSACK.

H.R. 3506: Mr. JOHNSON of Ohio.

H.R. 3522: Mr. ENGEL and Mr. AL GREEN of Texas.

H.R. 3627: Mr. GRIFFIN of Arkansas.

H.R. 3667: Mr. LATTA.

H.R. 3767: Mr. SMITH of Washington.

H.R. 3798: Mr. FRANK of Massachusetts and Mr. MCNERNEY.

H.R. 3873: Mr. WELCH.

H.R. 4066: Mr. FRANK of Massachusetts, Mr. YOUNG of Alaska, and Mr. BUCSHON.

H.R. 4122: Mr. ISRAEL.

H.R. 4132: Ms. HOCHUL.

H.R. 4171: Mr. PITTS.

H.R. 4186: Mr. GRIMM, Mr. WEBSTER, Mr. ROSS of Florida, and Mr. REICHERT.

H.R. 4202: Mr. CARSON of Indiana and Mr. MCNERNEY.

H.R. 4273: Mr. MURPHY of Pennsylvania.

H.R. 4278: Mr. MICHAUD.

H.R. 4286: Mr. FILNER, Ms. JACKSON LEE of Texas, Mr. RUSH, Mr. LEWIS of Georgia, and Ms. MOORE.

H.R. 4287: Ms. WOOLSEY and Mr. ELLISON.

H.R. 4341: Ms. CHU.

H.R. 4362: Ms. VELÁZQUEZ.

H.R. 4383: Mr. CONAWAY, Ms. JENKINS, Mrs. CAPITO, and Mr. REED.

H.R. 4385: Mr. COBLE, Mr. NUNNELEE, Mrs. NOEM, Mr. ALEXANDER, Mr. YOUNG of Indiana, Mr. FLAKE, and Mr. SMITH of Texas.

H.R. 4965: Mr. BONNER, Mr. AMODEI, Mr. SCHOCK, and Mr. MCCLINTOCK.

H.R. 5186: Mr. HOLT.

H.R. 5195: Mr. MCKINLEY.

H.R. 5381: Mr. QUAYLE.

H.R. 5647: Mr. COURTNEY and Mr. LEVIN.

H.R. 5799: Ms. SLAUGHTER.

H.R. 5840: Mr. ROE of Tennessee, Mr. GRIJALVA, Mr. STARK, Mr. HOLT, and Ms. CHU.

H.R. 5870: Mr. STARK.

H.R. 5872: Mr. WOODALL, Mrs. MILLER of Michigan, Mr. HANNA, and Mr. SAM JOHNSON of Texas.

H.R. 5892: Mr. WALDEN and Mr. GARDNER.

H.R. 5893: Ms. LINDA T. SÁNCHEZ of California and Ms. CHU.

H.R. 5901: Mr. ELLISON, Mr. GUTIERREZ, and Mr. GENE GREEN of Texas.

H.R. 5906: Mr. PERLMUTTER.

H.R. 5911: Mr. LOEBSACK and Mr. WEST-MORELAND.

H.R. 5912: Mr. NUNNELEE, Mr. LOEBSACK, Mr. BISHOP of Utah, and Mr. GARDNER.

H. Con. Res. 127: Mr. GRIFFITH of Virginia and Mr. SULLIVAN.

H. Res. 506: Mr. KEATING.

H. Res. 618: Mr. MICHAUD.

H. Res. 665: Mr. GRIMM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2942: Mrs. NOEM.

EXTENSIONS OF REMARKS

IN HONOR OF BIG BROTHERS BIG
SISTERS OF SANTA CRUZ COUNTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. FARR. Mr. Speaker, I would like to take the time today to commemorate the 30 years of dedication and service provided by Big Brothers Big Sisters of Santa Cruz County. Through its mentoring services, Big Brothers Big Sisters of Santa Cruz County has been a leader in prevention-based services to over 4,500 children and youth in our community since its founding in 1982.

By working to increase their sense of self-esteem and confidence, Big Brothers Big Sisters of Santa Cruz County has proven effective in keeping children and youth in school, away from drugs and alcohol, out of the juvenile justice system, and, thus able to make healthier, more constructive life choices.

Youth matched to Big Brothers or Big Sisters have been provided with caring, supportive, and positive adult role models who offer opportunities and options not otherwise available. Thousands of volunteer hours have been spent by carefully screened and trained mentors who provide one-on-one guidance, friendship, positive role-modeling, and support to youth in Santa Cruz County.

The commitment of Big Brothers Big Sisters of Santa Cruz County grants not only new-found opportunities and support to at-risk youth, but a sense of purpose and satisfaction to those who guide them, resulting in the enrichment of the family as well as the greater community. As is their goal, Big Brothers Big Sisters of Santa Cruz County has and will continue to create new opportunities to place appropriate mentors with youth from the increasing number of families in need.

The continued success of Big Brothers Big Sisters of Santa Cruz County can be attributed to the dedicated staff and volunteers who have helped generate support and enthusiasm in our community and who have worked admirably for the benefit of others.

Mr. Speaker, on behalf of myself and my colleagues in the House, I would like to thank and congratulate the staff and volunteers of Big Brothers Big Sisters of Santa Cruz County on 30 wonderful years of service.

CELEBRATING THE RETIREMENT
OF MANO FREY, VICE PRESIDENT AND REGIONAL MANAGER
OF THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, NORTHWEST REGION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. YOUNG of Alaska. Mr. Speaker, Mano Frey originally hails from Yakima, Washington, where he grew up with a relatively small family of ten sisters and seven brothers.

After graduating high school, Mano attended Seattle University where he majored in civil engineering. In 1970, Mano took a small break during his senior year to set off with his close friend for Alaska. Their destination? The now-famous city of Valdez, Alaska.

After experiencing the wonders and magnificence of what some call "old Alaska," Mano decided to delay college in favor of joining Laborers' Local 341. Almost immediately he was dispatched to pour concrete for a new school using a 90lb pavement breaker.

Soon, Mr. Frey became a steward for the drillers and powder men at the main terminal camp for the Trans Alaska Pipeline. The job, which at the time was the biggest in world history, had over 25 thousand people working on the line from Prudhoe Bay to Valdez.

His reputation grew within the union's leadership and in 1977 he was appointed to be the area's business agent. A year later they asked him to transfer to the union's headquarters in Anchorage. Soon after Mano became the union's president. In 1981, he attained the job of Business Manager, a position he held until he became International Vice-President and Regional Manager for LIUNA's Northwest Region.

During his time in Alaska, Mano left his mark as a leader. On more than one occasion, Mr. Frey was recognized by the Alaska Journal of Commerce as being one of the top ten most powerful people in Alaska. He was the first and only labor leader to be given the Public Service Gold Pan Award by the Anchorage Chamber of Commerce.

For a decade, Mano Co-Chaired the premier advocacy group Arctic Power, which advocated for the opening of the Alaska National Wildlife Refuge (ANWR) to oil exploration. To bring significant economic development to the State of Alaska and Nation.

Leading the program, Mano oversaw the huge advocacy effort to open the nation's largest oil reserve. Legislation to open ANWR has passed the House 12 times due in no small part to the work of advocacy groups like Arctic Power and the Alaska Congressional Delegation. The bill even passed the Senate once, only to be vetoed by President Clinton soon afterwards.

But, in his own inimitable style, Mano never lost faith and continued to push for the opening of ANWR, with the knowledge that if you ever let up on your goals, you certainly will never reach them.

It was with that same determination that Mano served as the Alaska AFL-CIO's executive president from 1984 until 2003. During his tenure, Mano also had the privilege of serving on the National AFL-CIO's Executive Council. Upon his retirement from the Alaska AFL-CIO, and in recognition of all the years of hard work and dedication to the working men and women everywhere, the organization named him President Emeritus.

In 2003 Mano became a Vice President and Regional Manager for the Laborers International Union of North America. He served this organization and its members with honor. He demonstrated on numerous occasions that he not only cared about how all of the Local unions under his jurisdiction fared, but that the most important mission was the welfare and quality of life of the members and their families.

On behalf of all the working men and women of Alaska and beyond, whose lives you enriched and livelihood you protected, I thank and wish you a happy retirement as you transition into your next chapter in life.

KATHRYN ELLIOT WILLIAMS

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mrs. ROBY. Mr. Speaker, the strength of a community is derived from leaders who contribute selfless gifts in an effort to benefit others. Service, grace, and support are namely a few of the many gifts and talents one can offer. Those who build on a foundation of service are truly the most valuable and remarkable individuals within our communities.

Kathryn Elliot Williams, my dear childhood friend, was a true servant of her community. All of those who knew Elliot were familiar with her giving nature. From a very young age, Elliot displayed a magnificent sense of eagerness to assist those around her. Described by others as "an inspiration to all," she set forth on a path to enrich others through her talents and gifts. However, a few weeks ago, Elliot lost a courageous battle with ovarian cancer.

She traveled an honorable journey for 36 years. In that time, she touched many lives through teaching, encouraging and serving. Her students, friends, neighbors and members of her church were those who benefited most. Their words describe Elliot the best:

"We honor her as a friend, wife, mother and professional and mostly a leader of Christianity,"

"What a wonderful and brave woman,"

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"There are so many amazing and wonderful things she accomplished for others,"

"Elliot never wavered when presented with obstacles,"

"A beautiful, kind person, she was truly an amazing woman,"

"Delightful even in the face of adversity,"

"She was honest, earnest and a true friend."

Elliot, a leader in her community and her home, stood as an example for all of those she encountered. Her actions resemble a challenge for each one of us to discover our God-given gifts and share them with everyone around us.

Elliot's husband, son and daughter, and her parents will memorialize a loving wife, mother, and daughter who shared her talents with the world. Elliot's community will remember a gentle and compassionate leader dedicated to the goodwill of others.

I honor Elliot for her ability to provide light, hope, and grace to those surrounding her. She was a community servant who rose to the challenge, lent support, and encouraged others. I thank her for her friendship and I know her life has shepherded future leaders to follow her Christ-centered example of service and goodwill.

HONORING DR. RON L. HOPPING

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. OLSON. Mr. Speaker, I rise today to recognize and congratulate Dr. Ron L. Hopping of Clear Lake, Texas. At the end of this month, Dr. Hopping will be installed as 91st President of the American Optometric Association (AOA) during their 115th annual meeting in Chicago, Illinois. This is a prestigious and well-deserved title for a man of great determination and success in his career of Optometry.

Dr. Hopping earned his Bachelor's degree from Southern California College of Optometry and completed his Master's degree in Public Health from the University of Texas in 1982. He is also the recipient of the President's Award for Outstanding Service from ten different state presidents and earned the distinction of Texas Optometrist of the Year in 2002. Dr. Hopping also received the Outstanding Faculty Award at the University of Houston, College of Optometry.

Among his many impressive accolades, Dr. Hopping is a Fellow of the American Academy of Optometry, as well as a Diplomate in Cornea and Contact Lenses. Dr. Hopping has also earned the title of Distinguished Practitioner by the National Academies of Practice in Optometry.

Dr. Hopping held several positions and served on numerous boards, including the American Optometric Association Board of Trustees. He served as a full-time faculty member with the rank of Assistant Professor at the University of Houston, College of Optometry and President of the Texas Optometric Association in 1996. Dr. Hopping also served as chair of the AOA Information and

Member Services Group, and on the AOA Communications Group Advisory Committee.

Currently, Dr. Hopping is a member of the AOA Executive, Investment, Agenda and Personnel Committees. His board liaison assignments include the Meetings Center and affiliate associations in Alaska, California, Hawaii, Nevada, and Oregon. Dr. Hopping is also the liaison for the Armed Forces Optometric Society, Southern California College of Optometry and Western University of Health Science College of Optometry.

Dr. Ron L. Hopping distinguishes himself through his many contributions to his profession. His previous achievements and dedication provide the foundation for what I predict will be an extremely successful term as President of the American Optometric Association. It's a privilege to extend a heartfelt congratulation to the 91st President of the American Optometric Association, Dr. Ron L. Hopping. Thank you for enriching the lives of many through your work.

IN RECOGNITION OF THE 300TH
ANNIVERSARY OF CHATHAM

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. KEATING. Mr. Speaker, I rise today to celebrate the 300th anniversary of the founding of Chatham, Massachusetts, a small, quaint town that has long been synonymous with the beauty of Cape Cod.

In 1606, Samuel de Champlain was the first European to traverse the area now known as Chatham. At the time of Champlain's arrival and until William Nickerson purchased land in 1656, the area was inhabited by the Monomoyick people. In 1664, William Nickerson settled his family in the area and eventually founded the town forty-eight years later on June 11, 1712.

The first 100 years of Chatham's recorded history indicate a struggle to establish a stable population and economy. The French and Indian Wars and the smallpox epidemic of 1760 claimed lives and money from the residents of the new town. After the Revolutionary War, however, fishing exports, whaling, ship building and salt production flourished, fueling the growth of the local economy.

By the late 1800's, the town began to benefit from the growing popularity of seaside vacationing. Wealthy vacationers and summer residents provided the basis for the new economic growth, and the popularity of this seaside haven among vacationers continued to expand throughout the 20th century. By 1950, the summer population of 5,000 greatly outnumbered 2,457 year-round residents.

Present day Chatham has continued its expansion and popularity. The small-town charm and pristine coastline have kept generations of vacationers and summer residents coming back each year.

Mr. Speaker, please join me in celebrating the 300th anniversary of Chatham, Massachusetts. May this beautiful Massachusetts town flourish for many years to come.

RECOGNIZING COLONEL HERMAN
"HANK" TILLMAN FOR HIS DIS-
TINGUISHED SERVICE TO THE
UNITED STATES AIR FORCE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. SARBANES. Mr. Speaker, I rise today to pay tribute to Herman "Hank" Tillman who passed away on February 19th 2012. Colonel Tillman received 41 citations and medals over a 31 year career of service in our nation's military, making him one of Maryland's most decorated war heroes. He served in World War II, Korea and Vietnam.

Colonel Tillman was born in Baltimore, MD in 1922. He graduated from Baltimore Polytechnic Institute and went on to attend Johns Hopkins University. While enrolled in night classes at Johns Hopkins and working throughout the day in the engineering department at Baltimore Gas and Electric Company, the United States was attacked at Pearl Harbor. Six weeks later, he enlisted.

Colonel Tillman first received his wings in December 1942 as part of the "Pearl Harbor Anniversary Class," and by the age of 20, he was piloting the B-17 Flying Fortress, at the time the world's biggest bomber. In two years, he flew 52 missions many of which were deep behind enemy lines. He made Captain at 21 and shortly after his 23rd birthday he was promoted to Major. He received the Purple Heart and the Distinguished Flying Cross in 1943 for safely landing his plane and crew despite heavy damage from German fire and serious shrapnel injuries to his leg.

After his distinguished service in WWII concluded, Colonel Tillman returned home to his high school sweet heart, Elizabeth Anne Brown. They were married on June 25th, 1944 at Brooklyn Baptist Church. They had three children—Paula, Bruce, and Terri—and Betty left her position with the Coast Guard to care for the kids full-time while Colonel Tillman served abroad.

Colonel Tillman's continued service in the Air Force took him to Korea and Vietnam. He later told the Baltimore Sun, "I was a career person," he says, "As an Air Cadet graduate, I had taken the [officer's] oath. To me, commitment and oaths mean something, just like a marriage oath." In Vietnam he flew 105 combat missions, most of which were in unarmed recon jets through heavily guarded enemy airspace. He received the Silver Star for a reconnaissance flight through heavy anti-aircraft fire near Mugia Pass that allowed attack planes to pinpoint enemy targets.

Colonel Tillman retired from the Air Force in 1972 after compiling 5,000 hours of flying time and earning 23 medals for bravery. He started a family business in Baltimore called Tillman Tool Company and later retired with his wife Betty to Kent Island, Maryland.

Colonel Tillman led an accomplished and fulfilled life. I would like to take this moment to thank him for his service to the United States, and to pass along my condolences to his proud family. Although we can never repay the debt our nation owes Colonel Tillman and other veterans like him, their sacrifices will always be remembered.

IN HONOR OF MARION OSHER
SANDLER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Marion Osher Sandler—a prominent leader, a generous supporter of many humanitarian causes, and a dear friend who died June 1st. Her passing is a great loss to our community and the nation.

Marion Osher was born to immigrant parents who valued both business and philanthropy and encouraged those values in her as well. When Marion married Manhattan lawyer Herb Sandler in 1961, a beautiful family and a lifelong partnership in business and philanthropy was begun.

Marion and Herb together turned a two-branch Oakland savings and loan into Golden West Financial Corporation, with more than 11,000 employees. They ran Golden West for 43 years, she, the marketing and consumer brains of the firm, he the strategist. Marion Sandler was the first and longest serving woman CEO of a Fortune 500 company in the United States.

The Sandler's success enabled them to give back to the community by funding progressive political organizations and non-profits, particularly those that uplift the disadvantaged and underserved, such as Human Rights Watch and the American Civil Liberties Union. They helped found The Center for Responsible Lending, which is devoted to protecting homeowners, The Center for American Progress, and ProPublica, an investigative journalism organization.

Marion and Herb also supported lifesaving medical research, most recently donating \$20 million to the University of California, San Francisco. The Sandler Neurosciences Center will house world leading clinical and research programs such as The Institute of Neurodegenerative Diseases, the UCSF Department of Neurology, the W.M. Keck Foundation Center for Integrative Neuroscience, and the UCSF Memory and Aging Center.

Marion Osher Sandler lived the American dream. With a deep belief in a brighter future, she used her enormous gifts and talents to expand opportunities for all. She leaves behind a phenomenal legacy of service.

Marion had many friends in the United States Congress. I hope it is a comfort to her family, including her beloved husband Herb, her children Susan and James, her grandchildren Leah and Elijah, and her brothers Bernard and Harold Osher, that so many mourn their loss and appreciate Marion's life.

IN RECOGNITION OF THE 300TH
ANNIVERSARY OF ABINGTON

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the 300th anniversary of Abington,

Massachusetts, a town that represents the pioneering spirit that helped launch America.

In 1650, the land that would eventually become Abington was purchased from the great leader Massasoit and the Wampanoag tribe. The shoemaking, lumbering and milling trades all helped the town develop in its early days, as colonists forged their way in their new home. As our young nation approached its most difficult trial—the Civil War—Abington became closely associated with the Abolition movement, holding open-air Abolition meetings as early as the 1840s. It also expanded its hold on certain trades. During the Civil War, half of the Union Army's shoes were manufactured in Abington. And the town's contribution to the lumber and milling industries greatly contributed to the Commonwealth's economic development.

The development of the Old Colony Railroad in 1845 connected Abington to Boston, allowing residents to easily commute between the two places. Approximately 25 years later, Abington was divided, with Rockland and Whitman becoming independent towns. Today, with a population of over 15,000 residents, Abington still stands as an important town and a proud suburb of the Commonwealth's capital.

Among its storied history, however, is an even more important fact. The Town of Abington has an unwavering tradition of loyalty with an exceptional record of community service dating back to the Civil War, when residents tried to help better the lives of those who had fled to the Union. The town has also been recognized for its contributions to the Old Colony & Fall River Railroads, which service residents throughout the state.

Mr. Speaker, I urge my colleagues to join me in congratulating the town of Abington and the entire Abington community on the celebration of their 300 years of service to the Commonwealth of Massachusetts and to the United States. May this beautiful Massachusetts town flourish for many years to come.

HONORING MR. JOHN SAKELLARIS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor Mr. John Sakellaris, in recognition of his years of service to both the Greek-American community and to all New Jerseyans. It gives me great pleasure to join with the Federation of Hellenic American Organizations of New Jersey in celebrating his achievements at their annual banquet.

Mr. Sakellaris was born in Volada on the island of Karpachos and came to America with the last wave of immigration of the decade 1965–1975. He has distinguished himself in his devotion to community involvement, both in the Karpachian community and beyond, serving as a friend and a model of accomplishment. Notably, his outstanding two-year service as chairman of the Karpachian Federation resulted in such a considerable increase of funds that the Foundation was able to purchase the “Karpachian Home” in New Jersey.

He has also achieved success as a restaurant owner, first with the ownership of Al's Diner in Jersey City and afterwards Lyndhurst Diner in Lyndhurst.

As a founding member of Pan Gregorian Enterprises in New Jersey, Mr. Sakellaris was instrumental in the formation of the Federation of Hellenic American Organizations of New Jersey. Through his tireless work with Andres Comodromos, Tassos Efstratiades and the founding Board members, Mr. Sakellaris helped to establish a sound and productive organization. He served as Executive Vice President of the Federation and currently is a Chairman of the Board of Pan Gregorian Enterprises of New Jersey.

Throughout his career, Mr. Sakellaris remained enthusiastically involved in political life, taking an active role in supporting several Philhellene political figures in New Jersey, such as Senator Bill Bradley, Senator Robert Menendez and Governor Jim Florio. In 1986, he joined the Michael Dukakis for President Committee, becoming one of the strongest supporters of the Greek American presidential candidate.

John Sakellaris has also served the Greek Orthodox Church in many capacities, including his service as a president of the Association of Voladiotou “Saint Anargyroi” and president of the parish council of Saint Demetrios Church in Jersey City. He was also a member of the Metropolitan Council of the Metropolis of New Jersey. For his selfless service, Mr. Sakellaris was awarded the title of Archon of the Ecu-menical Patriarchate.

Mr. Speaker, today I rise to honor the remarkable work of Mr. John E. Sakellaris, whose service and tireless efforts have touched the lives of the entire Greek-American community in New Jersey. I join with the grateful members of the Federation of Hellenic American Organizations of New Jersey, and all of my constituents in northern New Jersey, in thanking him for his innumerable contributions to the community.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. BECERRA. Mr. Speaker, on June 5, 2012, I was unavoidably detained and missed rollcall votes 315, 316, 317, and 318. If present, I would have voted “no” on rollcall votes 315 and 317, and “yea” on rollcall votes 316 and 318.

IN RECOGNITION OF THE 375TH
ANNIVERSARY OF DUXBURY

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the 375th anniversary of the town of Duxbury, Massachusetts, a beautiful coastal haven on the State's historic South Shore.

While the town itself was incorporated in 1637, people have inhabited the area for as much as 12,000 years. The Wampanoag tribe called the area now known as Duxbury "Mattakesset," meaning "place of many fish." Indeed, Duxbury is blessed with bountiful natural resources, including not only fish but shellfish, cranberries, rivers, ponds and idyllic beaches. Its English name was chosen by Myles Standish—an officer serving as a military advisor to the Pilgrims—who named it after Duxbury Woods in Great Britain.

Colonists in Duxbury fought in several early American wars, and during the Revolutionary War, the town maintained a militia of 60 minutemen under the leadership of Ichabod Alden. One of Duxbury's first natives, George Partridge, went on to represent the State of Massachusetts at the Continental Congress and was elected to the First Continental Congress.

The fishing industry developed rapidly after the Revolutionary War, when fishing rights were granted following the Treaty of Paris. What began as a small operation involving no more than a few families with two-masted schooners eventually grew into the largest ship-building port in the world. At the peak of the shipbuilding era, Duxbury boasted 20 shipyards and produced an average of 10 large sailing vessels every year. Eventually, swift clippers that required deep harbors superseded the brigs built in the shallower waters surrounding Duxbury, and the center of American shipbuilding shifted to Boston. However, several historical monuments to this era remain standing today.

The shift in the shipbuilding industry made way for a new industry to dominate Duxbury's economy—tourism. Thanks to its coastal location and natural beauty, Duxbury soon became a popular summer resort destination. Several area landmarks were built during this period, including the 130-foot Myles Standish Monument. The elegant Standish Hotel, originally built to accommodate the influx of summer visitors, survives today as two private residences.

Duxbury's population further boomed with the construction of Route 3, which made Boston and the surrounding region more accessible. The rapid growth that occurred in subsequent years helped shape Duxbury into the vibrant community it is today.

Mr. Speaker, the 375th anniversary of Duxbury is an opportunity both to reflect on its past accomplishments and look forward to its future. Its long history embodies the richness of American history and the indomitable spirit of the American people. May this remarkable Massachusetts town flourish for many years to come.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Ms. McCOLLUM. Mr. Speaker, my vote on the amendment to H.R. 5855 offered by Congressman TED POE was not recorded due to a technical error. I intended to vote "no."

A TRIBUTE TO THE LIFE OF EVERETT "BUD" RANK, JR.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. COSTA. Mr. Speaker, I rise today to recognize the life of Mr. Everett "Bud" Rank, Jr., lifelong Valley farmer and former Clovis Unified School District Trustee. Mr. Rank left us on the same property along the San Joaquin River in northeast Fresno where he was born in 1921.

Mr. Rank spent much of his life working with the Future Farmers of America, where he helped organize the Clovis chapter of the organization. He was then president of that chapter, as well as a member of many other farming organizations, including the Farm Bureau California Young Farmers and Ranchers, Clovis Young Farmers, the Clovis Grange.

As a Clovis High School graduate, schools and children were his greatest contribution to the local community, as his wife says. He served three terms as head of the Clovis Unified Board of Trustees in the late 60's and early 70's. To honor his work in education, Bud Rank Elementary School in Clovis was named after him in 2006.

Mr. Rank worked two tours of duty within the Agriculture Department, as Western regional director of the Agricultural Stabilization and Conservation Service in the 1970s, and as the head of ASCS and executive vice president of the Commodity Credit Corp. in the 1980s. He also served as a member of both President Nixon and Reagan's administrations' Agricultural Departments, all while being an avid golfer and ardent family man.

He is survived by his wife Evelyn, their three daughters, two grandchildren and one great granddaughter.

I applaud Mr. Rank for his years of tireless work on behalf of agriculture and education.

Mr. Speaker, it is with great appreciation that I ask my colleagues to stand with me in honoring Mr. Rank's remarkable life and his work in advancing our education system and agricultural productivity in the Valley. Please join me today in recognizing the commitment, dedication, and success of Mr. Everett "Bud" Rank, Jr.'s life.

IN RECOGNITION OF THE 90TH AN- NIVERSARY OF THE CAPE COD CHAMBER OF COMMERCE

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the 90th anniversary of the Cape Cod Chamber of Commerce. The Chamber of Commerce plays an essential role in the Cape Cod community, networking local businesses and offering visitors an insider's perspective on much of what the Cape has to offer.

Founded in 1922, the Chamber of Commerce has grown to represent almost 1,400 members. From charities and museums to

banks, churches and wildlife sanctuaries, the Chamber represents a diverse array of organizations on the Cape that help to define its unique character. These businesses provide vital services to both residents and visitors. Without the hard work the Chamber has done over the course of its long history, and without the numerous organizations it represents, the business community on the Cape could never have developed the vitality and ingenuity that makes it so remarkable.

Mr. Speaker, please join me in thanking the Cape Cod Chamber of Commerce and its CEO, Wendy Northcross—as well as the hundreds of business and organizations that make it all possible—for their years of hard work. I am certain the Chamber's and their member organizations' futures will be bright.

UNCERTAINTY DESTROYS JOBS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. WILSON of South Carolina. Mr. Speaker, in Wednesday's Washington Examiner, columnist John Stossel quoted economist John B. Taylor of the Hoover Institution who stated "Unpredictable economic policy—massive fiscal 'stimulus' and ballooning debt, the Federal Reserve's quantitative easing with multiyear near-zero interest rates, and regulatory uncertainty due to Obamacare and the Dodd-Frank financial reforms—is the main cause of persistent high unemployment and our feeble recovery."

Over the past three and a half years, our economy has not improved: our unemployment rate has remained above eight percent, our small business owners have been forced to pay higher taxes, and our government spending continues to spiral out of control, destroying jobs.

The President and his liberal allies in the Senate continue to support legislation that creates more barriers resulting in economic uncertainty. This sense plays a tremendous role in our economy's inability to recover quickly. It is past time for the President and the Senate to work with House Republicans and pass legislation aimed to create jobs through private sector growth.

In conclusion, God bless our troops and we will never forget September 11th in the Global War on Terrorism.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. AKIN. Mr. Speaker, on rollcall Nos. 362, 363, 364, 365, 366, 367, 368, 369, 370, I was delayed and unable to vote. Had I been present, I would have voted "aye" on rollcall No. 362, "aye" on rollcall No. 363, "aye" on rollcall No. 364, "aye" on rollcall No. 365, "aye" on rollcall No. 366, "aye" on rollcall No. 367, "aye" on rollcall No. 368, "no" on rollcall No. 369, and "aye" on rollcall No. 370.

TRIBUTE TO KYLE McCULLOUGH

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Kyle McCullough. Kyle, a 28-year-old Wasco County resident, is a former Army Special Forces soldier who served this country with honor and distinction. In Ramadi in 2006, he fought in one of the toughest engagements our forces encountered during Operation Iraqi Freedom. And now Kyle is currently in the process of reenlisting in the Army.

While at home, his mind is not far from his comrades in harm's way overseas. In recent conversation with his little brother, USMC 1st Lt. Kristoffer "Turf" McCullough, currently serving in Afghanistan, he was asked: "Do people even remember that we're over here?"

Kyle, as ever his nature, jumped into action. In May, Kyle walked a distance of 198 miles over eight days from his home in Dufur to the Oregon coast in Seaside to raise awareness for the troops. That's an average of 24.5 miles every day, or two miles longer than the driving distance between Hood River and The Dalles.

During the trek, Kyle not only raised a few blisters on the bottom of his feet, but he also raised money for the Hood River-based Gorge Heroes Club, which provides care packages to deployed troops in Iraq and Afghanistan. With the money Kyle raised, the Gorge Heroes Club will be able to provide 1,250 soldiers overseas with morale-boosting care packages from home.

Media throughout the northwest covered Kyle's walk—and it was not lost on deployed servicemen and women overseas, either. Oregon National Guard Major Jack Gillentine, stationed in Kabul, said in a recent letter to the Gorge Heroes Club, "Thank you very much for the packages you sent us. Some of the non-perishable food goes on our trucks for missions when we cannot get to a chow hall. I especially wanted to say thank you to Kyle McCullough. I read the article and I appreciate his huge effort. Thank you for all you do."

The Gorge Heroes Club supported more than 5,000 troops last year alone. As a direct result of Kyle's dedication and willingness to persevere through pain and exhaustion, troops deployed around the globe will continue to receive these much needed morale boosting care packages.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Kyle McCullough. He has earned the thanks of a grateful Nation not only for his courage on the battlefield, but for his homefront support of his fellow servicemen and women who every day put their lives on the line for our way of life.

IN RECOGNITION OF THE CAPE VERDEAN HISTORICAL TRUST AND ITS SO SABI! EXHIBIT

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the Cape Verdean Historical Trust, its members and the upcoming So Sabi! exhibit. On June 16th, So Sabi! will open its doors and invite the public to explore Cape Verdean music, art and literature and the influence of the oldest Creole culture in the Commonwealth of Massachusetts.

So Sabi! allows all residents of Massachusetts—those of Cape Verdean descent and those not—to learn and appreciate the impact those first immigrants have had on shaping the modern culture and economy of our Commonwealth, where nearly 300,000 descendants of Cape Verdean immigrants make their home. My district, which includes Cape Cod, the Islands of Martha's Vineyard and Nantucket, and the towns of Southeastern Massachusetts, is home to the fastest growing Cape Verdean populations in the United States. This comes as no surprise, given the stark similarities in lifestyle and resources between the Commonwealth and this island community.

In the mid 19th century, Cape Verdean migrants flocked to New England ports on whaling vessels in pursuit of prosperity and opportunity. Today, many of Massachusetts' fishermen still bear the names of their Cape Verdean grandparents. These settlers easily transitioned into the fishing and agricultural sectors—helping the early whaling, commercial fishing and cranberry industries blossom with their sailing and harvesting expertise. In fact, several Cape Verdean publications and journals live on in Southeastern Massachusetts—allowing Cape Verdean-Americans to keep their culture's stories and traditions alive.

It brings me great pride to note that the opening of So Sabi! coincides with the second Millennium Challenge Corporation compact awarded to the nation of Cape Verde. This historic award marks the first time that the Millennium Challenge Corporation has approved a second compact for any country. This decision was based on Cape Verde's remarkable achievements in reducing poverty through sustainable economic growth and domestic efforts that the nation has made as a result of its first grant. I was proud to support Cape Verde's endorsement for a second compact, and prouder still to recognize the magnitude of Cape Verde's accomplishments in my capacity as a member of the House Foreign Affairs Committee.

Mr. Speaker, as the Cape Verdean Historical Trust proudly unveils its So Sabi! exhibit in honor of Massachusetts' Cape Verdean culture and the nation of Cape Verde welcomes its second compact from the Millennium Challenge Corporation, I urge my colleagues to join me in recognizing the historical and educational significance of the June 16th event.

RECOGNIZING THE OUTSTANDING MILITARY SERVICE OF MAJOR GENERAL ROBERT H. McMAHON ON THE OCCASION OF HIS RETIREMENT

HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today to celebrate the thirty-four year career of Major General Robert H. McMahon, who will retire this month after a distinguished and remarkable career in the Air Force. I commend Major General McMahon's career and offer my sincerest appreciation for his service in defense of our nation.

Major General McMahon led the Warner Robins Air Logistics Center since 2010, where he was responsible for worldwide logistics support for the C-130 and C-5 transport aircraft, the F-15 and other aircraft critical to our nation's defense. The Warner Robins Air Logistics Center is the largest industrial complex in the state of Georgia and is a critical component to the sustainment of our nation's Air Force.

Major General McMahon began his Air Force career in 1978 after graduating from the U.S. Air Force Academy. He was recognized with numerous awards throughout his Air Force career, including the Distinguished Service Medal with oak leaf cluster and the Defense Superior Service Medal.

Over the past several years, Major General McMahon applied tremendous skill and leadership to transform the Warner Robins Air Logistics Center into a world class sustainment and logistics center. As a result, he has distinguished himself as one of the nation's most innovative and effective Air Force commanders. During his tenure, the Warner Robins Air Logistics Center achieved tremendous improvement in its sustainment mission, resulting in a ninety-eight percent on-time delivery rate of aircraft to the warfighter. Major General McMahon consistently demonstrated one of the key tenets of leadership, the ability to inspire and motivate the airmen and workers under his command.

Currently Major General McMahon and his wife Hope reside in the 8th Congressional District which I represent, where they will no doubt remain a pillar of the Middle Georgia community. I extend my warm congratulations and appreciation to Major General McMahon for his tireless service to our nation and wish him well in retirement.

PERSONAL EXPLANATION**HON. RANDY NEUGEBAUER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. NEUGEBAUER. Mr. Speaker, I was unable to vote on rollcall vote Nos. 294–296. Had I been present, I would have voted the following way: rollcall No. 294, H.R. 5651—the Food and Drug Administration Reform Act of 2012 by Rep. UPTON, "yes"; rollcall No. 295,

H.R. 420—the Service Member Family Protection Act by Rep. TURNER, “yes”; rollcall No. 296, H.R. 915—the Jaime Zapata Border Security Task Force Act by Rep. CUELLAR, “yes.”

PERSONAL EXPLANATION

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I was detained and missed rollcall vote No. 362 on Thursday, June 7, 2012. If I had been present, I would have voted “aye” for King Amendment No. 1 to H.R. 5855, the Department of Homeland Security Appropriations Act.

RECOGNIZING ADELITA FIGUEROA-MUNOZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the contributions of Mrs. Adelita Figueroa-Munoz, the County Extension Agent for Family and Consumer Sciences of Hidalgo County.

She has worked tirelessly to educate the community of south Texas for more than forty years, and is deserving of recognition and honor.

Mrs. Adelita Figueroa-Munoz, born and raised in Alice, Texas, earned her bachelor of science in vocational home economics at Texas A&M University in Kingsville and went on to the Pan-American University of Texas to receive a master's degree in counseling.

She joined the Texas Agri-Life Extension Services in 1971, and for much of her career, Mrs. Figueroa-Munoz has promoted healthy habits through programs like Better Living for Texans, which provides education in the areas of nutrition, food safety, and food resource management to food stamp recipients, and multiple cancer awareness campaigns like Put it Out and Cultivando la Salud.

In 2004, Mrs. Figueroa-Munoz became the County Extension Agent for Family and Consumer Sciences and continued to serve south Texas by providing workshops to both youth and adults to teach important skills for success, including the Benefits of Teamwork, Communication Skills, Stress Management, Goal-Setting, and Leadership Development.

Mrs. Figueroa-Munoz has borne the privileges and responsibilities of her position with dedication and excellence for over forty years, and she may take great pride in her work.

Mr. Speaker, I am honored to recognize the commitment to service exhibited by the County Extension Agent for Family and Consumer Sciences, Adelita Figueroa-Munoz.

RECOGNIZING THE NEW HAMPSHIRE LNA OF THE YEAR

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to recognize Talbot Blanchard, a licensed nursing assistant, LNA, from the Upper Connecticut Valley Hospital in Colebrook, New Hampshire. Talbot was recently honored by the New Hampshire Hospital Association as the 13th Annual LNA of the Year Award.

As a medical/surgical LNA, he was previously named “Employee of the Year” at the Upper Connecticut Valley Hospital after his first year on the staff and was chosen for the New Hampshire Hospital Association award from among a dozen finalists from throughout the state.

Blanchard is a “career change” nurse who previously spent 29 years at the Ethan Allen furniture plant in Beecher Falls, Vermont. It was a change that today benefits the residents of Colebrook and the surrounding communities as is evident by the comments made by his peers during the nomination process. Talbot is known for “bringing brightness and energy to his patients during their darkest and sickest hours.”

It is the care and dedication of medical staff like Talbot Blanchard that allows New Hampshire hospitals to be among the finest institutions in the nation. I ask you to join me in recognizing Talbot Blanchard for his accomplishments, along with recognizing the care and service provided by thousands of nurses and medical staff every day in New Hampshire and throughout our country.

IN RECOGNITION OF JUNE AS NATIONAL SCOLIOSIS AWARENESS MONTH

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. KEATING. Mr. Speaker, with respect and admiration I, along with my colleague, Ms. TSONGAS gather today to recognize June as National Scoliosis Awareness Month, and to reaffirm our commitment to fighting a potentially debilitating medical condition that afflicts over 7 million Americans.

National Scoliosis Awareness Month brings together all members of the scoliosis community, including physicians, patients, families, and businesspeople to raise awareness and educate the public about this condition. Diagnosing scoliosis is a simple procedure that takes less than 30 seconds, and early detection allows physicians to monitor the condition and, if necessary, begin treatment before serious complications—including chronic back pain and impacted heart and lung function—even begin. Raising awareness is therefore crucial to the fight against scoliosis.

Between two and three percent of the American population suffers from scoliosis, and the

number of family and friends who are impacted by this condition numbers many millions more. While serious complications of scoliosis are largely preventable, affordable care and public awareness are necessary in order to maximize the effectiveness of treatment. National Scoliosis Awareness Month promotes a positive public awareness message that elevates the visibility of scoliosis and empowers those individuals whose lives have been touched by this condition. It is a time for us to recommit ourselves to reducing its impact in the future.

Mr. Speaker, please join us in recognizing June as National Scoliosis Awareness Month, and in thanking organizations such as the National Scoliosis Foundation and the Scoliosis Research Society, as well as their many supporters, for making it all possible.

JUSTICE FOR OFFICER KEVIN WILL—HOUSTON POLICE OFFICER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. POE of Texas. Mr. Speaker, on an early Sunday morning last May, one of Houston's finest, Officer Kevin Will, was investigating a hit-and-run accident. Suddenly, a different vehicle sped by and blazed past the police barriers at the accident where Officer Will was investigating. Immediately, before being struck, Officer Will yelled at a witness to jump out of the way, saving that citizen's life just before the officer's life was stolen from him. Only 38 years old, Officer Will left behind a pregnant wife and two stepchildren.

The driver of that speeding vehicle was foreign outlaw Johoan Rodriguez. The killer was in the United States illegally, having been deported once for another crime, but came back and committed another crime. This drunk and high driver blew through the safety lights of the police cruiser, striking and killing Officer Will.

Today, justice was served for Officer Kevin Will and his family. Johoan Rodriguez was sentenced to 55 years in prison. Let this be a statement to the lawless that criminal conduct is not accepted by Americans no matter where you are from. Those who wreak havoc on our communities and kill law enforcement officers will always be met by the long arm of American justice.

And that's just the way it is.

IN RECOGNITION OF ST. PAUL MISSIONARY BAPTIST CHURCH AND DR. EPHRAIM WILLIAMS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Ms. MATSUI. Mr. Speaker, I rise today in recognition of St. Paul Missionary Baptist Church and Dr. Ephraim Williams, who has been its Pastor for 41 years. As church members gather together to celebrate the completion of mortgage payments on the church's

Family Life Center and the leadership of Dr. Williams, I ask all my colleagues to join me in honoring St. Paul's important role in the Oak Park neighborhood and the larger Sacramento community.

Since 1971, St. Paul Missionary Baptist Church has been a valuable community resource. Its congregation has grown 50-fold since its founding, and now has over 5,000 members. It has provided healthcare, tutoring, and employment assistance, facilitated charity in the community, established mentorship programs for local youth, and much more. St. Paul's dedication and service to its community has been nothing short of exemplary.

This month, Dr. Williams will welcome congregation and community members in celebrating the completion of mortgage payments on the Family Life Center, a community center promoting active, healthy, and community-centric lifestyles. The facility includes classrooms, space for childcare and the arts, and hosts many community events. I am confident that the Family Life Center will continue to be a shared treasure of the Sacramento area.

Dr. Williams' work in the community has earned him many awards and a great deal of recognition, from the California Legislature, the City of Sacramento, the Black American Political Association, and others. In 2011 he was awarded the Key to the City by the Mayor of Sacramento in recognition of his service as pastor. His leadership has made the St. Paul Missionary Baptist Church a staple in the City of Sacramento.

Mr. Speaker, I am honored to pay tribute to St. Paul Missionary Baptist Church and Dr. Ephraim Williams, as they celebrate their 41st year as a congregation and the completion of mortgage payments on the Family Life Center. I am confident that this church will continue its service to the Sacramento community under his stellar leadership. I ask all my colleagues to join me in honoring St. Paul Missionary Baptist Church's outstanding work in providing the community with invaluable services.

RECOGNIZING MS. JERRELLE FRANCOIS FOR HER DISTINGUISHED SERVICE AS VICE CHAIR OF THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. SARBANES. Mr. Speaker, I rise to pay tribute to Ms. Jerrelle Francois for her years of dedication to the people of Maryland, including her 7 years as Vice Chair of the Baltimore City Board of School Commissioners.

Ms. Francois has a long history of service in Maryland. Beginning as a teacher at Cherry Hill Junior High School, she went on to become a Department Head, Assistant Principal, Principal and Assistant Superintendent. While holding these positions, Ms. Francois worked to establish policies and procedures for improving K-12 curriculum and instruction, as well as system-wide special student support services. Throughout her career, Ms. Francois

has received numerous awards and commendations including the Richard R. Green Award, the nation's highest urban education honor, given in recognition of exceptional contributions to urban schools and students.

In 2006, Ms. Francois was appointed as the Vice Chair of the Baltimore City Board of School Commissioners. Utilizing her decades of experience at every level of the public school system, Ms. Francois has provided a valuable perspective which has opened up many new opportunities to students. Ms. Francois' work in Baltimore City Public Schools has been integral to the education and success of thousands of City school children. Under her leadership and guidance, Baltimore City Public Schools have made significant improvements in the scope and effectiveness of their education programs.

Through all of the promotions, accolades, and awards, Ms. Francois has stayed true to her commitment to educate the youth of Baltimore City. She has dedicated her life to improving public education and has enriched and guided the lives of thousands of children. The State of Maryland is forever grateful for all that she has done. As Ms. Francois retires from Baltimore City Public Schools, I would like to thank her for her unwavering dedication and service.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. GRAVES of Missouri. Mr. Speaker, on Friday, June 2, 2012, I missed a rollcall vote. Had I been present I would have voted "yea" on No. 377.

IN RECOGNITION OF NATIONAL CANCER SURVIVORS DAY

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the National Cancer Survivors Day celebration that will be cosponsored by Falmouth Hospital, Cape Cod Healthcare, and the Falmouth Public Library.

National Cancer Survivors Day is an annual and honored worldwide celebration of life that is held in hundreds of communities across the globe. Participants in these events unite on the first Sunday in June to show that life after a cancer diagnosis can be meaningful and productive. The local Cape Cod event, to be cosponsored by Falmouth Hospital, Cape Cod Healthcare and Falmouth Public Library, is part of a biannual celebration for cancer survivors and caregivers of upper Cape Cod. At the event, the "Survivors Quilt," or the Quilt of Hope, will be unveiled, which is made up of handmade squares contributed by local cancer survivors to celebrate their resilience and determination.

The cosponsors of the Cape's National Cancer Survivors Day event are local leaders who

have led the effort to eradicate cancer and to assist cancer patients, their caregivers, and survivors. Cape Cod Healthcare, which is one of the top ten healthcare systems in the nation, provides the latest diagnostic imaging technology at health facilities throughout the Cape. As for Falmouth Hospital, its cancer program has received significant endorsements from accreditation agencies, such as the Commission on Cancer and the National Accreditation Program for Breast Centers. Falmouth Hospital's Clark Cancer Center provides local access to the latest, most sophisticated, and most reliable cancer therapies available, and is the only hospital in which many Cape Cod residents can receive such treatments. Additionally, the hospital's Seifer Women's Health and Imaging Center, along with the Wilkens Outpatient Medical Complex in Hyannis, are the two Cape Cod Healthcare centers that provide certain types of digital screening and diagnostic services to Cape residents. The work of these organizations is invaluable to the local community, as the American Cancer Society estimates that Massachusetts will see over 38,000 new cancer diagnoses this year.

Mr. Speaker, it brings me great pride to honor these local organizations in their continuous fight against cancer and to commemorate their celebration of National Cancer Survivors Day. I urge my colleagues to join me in recognizing the importance of their work in the local community as well as the significance of National Cancer Survivors Day.

RECOGNIZING NATIONAL MARINA DAY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the significance and contributions of local marinas across the country as we commemorate National Marina Day on June 9, 2012. Every day across this great nation, folks take advantage of waterways for a variety of reasons, including commerce, sport, and recreation. National Marina Day is a special opportunity to highlight the valuable role that marinas play in communities across America as gateways to some of our country's most exceptional waterways.

The First District of Virginia is a region where waterways are an important part of life for many folks, from the Potomac, Rappahannock, and York Rivers to the great Chesapeake Bay itself. For many citizens, marinas serve as gateways to these grand waterways, places where folks can reacquire themselves with nature and learn valuable lessons of environmental stewardship, all while mastering the practical skills and expertise associated with operating a boat. Many of these life lessons were instilled in me during summers on Virginia's Northern Neck, which I have called home for many years, and they are lessons that I have found to be beneficial in all aspects of my life. Marinas have provided the opportunity for folks from all walks of life to experience all of the substance that our natural waterways have to offer, and I am pleased to

recognize their contributions and unique imprint on our communities as we commemorate National Marine Day.

HONORING MONTANA'S WORLD WAR II VETERANS

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. REHBERG. Mr. Speaker, today, it is my distinct privilege to welcome a very special group of men to our nation's Capital. And while it is incumbent upon us to honor them, the truth is, they honor us with their presence here.

On June 15, 2012, nearly 100 veterans of the Second World War will arrive in Washington, D.C. through the Honor Flight program. Since 2005, Honor Flight has worked to bring WWII veterans to visit their war memorial at the foot of the Washington Monument, and a few feet from the White House. In that first year, 137 veterans participated in the program. By last year, that total annual participation has swelled to 18,055.

And while each of the veterans who has participated deserves our thanks and our honor, this particular group is very special to me in particular because it marks the very first time Honor Flight has brought out a group of veterans from Montana.

You won't find a state that's more proud of our veterans than Montana. And we have a lot of them. In fact, you won't find many states that have more as a percentage of our population.

On December 7, 1941 the United States was pulled into the war and Montanans answered the call to service. Within the first year, 40,000 Men and women from the Treasure State enlisted. By the end of the war, 57,000 had served—nearly 10 percent of the state's entire population at the time, one of the highest rates in the country.

They served in every branch and in every theater of the conflict. And too many of them never made it back to Montana, although I think that heaven must be a little something like a peaceful sunset over the Yellowstone River.

But Montana's veterans didn't sacrifice in vain. They bled and died to defeat the greatest threat to freedom the world has ever seen. They fought across the bloody islands of the Pacific and in the frozen forests of Europe. They fought in the air, land and sea. Some even fought below the waves. And they won.

Today, the men and women who fought and won that war are justifiably part of what is called The Greatest Generation. The sacrifices of men who arrive in Washington, D.C. are the reason for this honorable title. It is not something we gave to them, it's something they earned.

As they visit this city and reflect on what it stands for as a beacon of freedom to the world, I think the rest of us should remember that the reason liberty still exists is because good men stood up to tyranny. They are the greatest of the Greatest Generation, and on behalf of all Montanans, I want to thank them.

57,000 Montanans served during World War II. Just under 100 are here this week. Please join me in welcoming and honoring:

Herbert Alvin (Billings, MT); Roy Bloom (Kalispell, MT); William Boyer (Billings, MT); George Brown (Billings, MT); John Bullis (Hardin, MT); William Butler (Billings, MT); Marion Callen (Forsyth, MT); Galen Calvert (Missoula, MT); Murel Clancey (Ennis, MT); Frank Clark (Billings, MT); Paul Creek (Billings, MT); Donald Cullen (Helena, MT); Hubert Cummings (Billings, MT); Irvin Cuthbertson (Billings, MT); Ernest Devries (Joliet, MT); John Donovan (Billings, MT); Thomas Dragoo (Billings, MT); Duane Erickson (Glendive, MT); Allen Fox (Twin Bridges, MT); Arnold Funk (Helena, MT); John Gabelman (Butte, MT); William George (Missoula, MT); Cleburne Gilliland (Billings, MT); Harvey Glover (Billings, MT); Harold Godtland (Butte, MT); Robert Graham (Billings, MT); James Gunnels (Laurel, MT); Francis Gustafson (Billings, MT); Robert Haraden (Bozeman, MT); Delbert Hartford (Alder, MT); Donald Hecox (Bozeman, MT); Jack Henley (Hamilton, MT); Adam Herauf (Billings, MT); Victor Hergett (Laurel, MT); Thomas Hoffman (Billings, MT); Q.P. Hudson (Billings, MT); Frank Jasisko (Great Falls, MT); Herbert Kindsfater (Laurel, MT); Kenneth Kjelstrup (Kalispell, MT); Dale Lamphear (Laurel, MT); Ray Lau (Three Forks, MT); John Liggett (Roundup, MT); Chester Lindblom (Plentywood, MT); Albert Little (Billings, MT); Herbert Livingston (Billings, MT); Louis Loushin (Butte, MT); Phillip Lyons (Butte, MT); Marvin Mackey (Libby, MT); Richard Marshall (Twin Bridges, MT); Arthur Merrick (Helena, MT); Marvin Metzler (Billings, MT); Jack Moriarty (Sheridan, WY); Roy Morrison (Billings, MT); Leo Mullen (Butte, MT); Kenneth Mumme (Sheridan, MT); John Murphy (Anaconda, MT); Donald Nafus (Billings, MT); Robert Noll (Missoula, MT); Vernon O'Leary (Helena, MT); Roland Olijnyk (Billings, MT); Paul Olsen (Billings, MT); Delphine Olson (Billings, MT); Albert Ottolino (Billings, MT); Harlon Owens (Billings, MT); Douglas Parrott (Roundup, MT); Robert Paye (Billings, MT); Russell Peery (Helena, MT); Walter Pfister (Roundup, MT); Drury Phebus (Baker, MT); James Phipps (Emigrant, MT); Walter Popp (Billings, MT); Jimmie Ramsey (Bozeman, MT); John Reamy (Billings, MT); Richard Redle (Columbus, MT); Francis Riebe (Polson, MT); Carl Rivera (Billings, MT); Robert Ruthford (Superior, MT); Gladys Sandborgh (Butte, MT); Ron Scharfe (Missoula, MT); Ferdinand Schell (Lewistown, MT); Paul Schuyler (Roberts, MT); Orval Scow (Helena, MT); Dennis Scranton (Miles City, MT); J. William Smith (Billings, MT); Wade Smith (Butte, MT); James Snider (Forsyth, MT); Otto Staack (Butte, MT); Norman Sulenes (Billings, MT); Harold Van Sickle (Billings, MT); William Van Wieren (Billings, MT); Joseph Wedlake (Butte, MT); Kenneth Williams (Laurel, MT); Paul Winhofer (Glendive, MT); David Wittman (Billings, MT); Margaret Woolston (Billings, MT).

RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF CHARLES AND LUCILLE WARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to recognize Charles and Lucille Ward on the occasion of their 50th wedding anniversary.

On June 9, 1962, Charles and Lucille were married in Brewton, Alabama, a little town just north of the Northwest Florida panhandle, at the East Brewton Baptist Church. Since that day, Charles and Lucille have spent their lives devoted to their family, their faith, and their community. Charles honorably served his country for four years as a member of the United States Air Force until 1956 before beginning his career farming with the Ward Brothers Farm. He retired from the farm in 1998. Lucille, in addition to supporting her family as a mother and homemaker, served her community as an employee of the Santa Rosa County School System, retiring after 20 years of service. Throughout their careers and their fifty years together, their faith and family have remained first in their lives.

Charles and Lucille are proud parents to five children, Michael Ward, Doug Ward, Julie McGowin, Dean Ward, and Tina Fendley; eleven grandchildren, Preston Jernigan, Grayson Jernigan, Ashley Hernandez, Cassie Ward, Jack McGowin, Shawn McGowin, Alex McGowin, Becky Ward, Emily Ward, Madison Fendley, and Andrew Fendley; and one great-grand child, Anna Hernandez.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Mr. and Mrs. Ward on their golden wedding anniversary and thank them for their service to the Northwest Florida community and our great nation. My wife Vicki and I would like to wish all the best to Charles and Lucille, as well as their entire extended family, on this truly special occasion. May God continue to bless them for many years to come.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. BILIRAKIS. Mr. Speaker, on Thursday, June 7th, 2012, I missed rollcall votes 358 370 for unavoidable reasons.

Specifically, I was in Palm Harbor, Florida, in my congressional district, to attend my son's high school graduation.

Had I been present, I would have voted as follows: rollcall no. 358: "yea" (On ordering the previous question), rollcall No. 359: "yea" (Adoption of H. Res. 679, providing for the consideration of H.R. 436—Protect Medical Innovation Act of 2012), rollcall No. 360: "nay" (On motion to recommit H.R. 436 with instructions), rollcall No. 361: "yay" (Passage of H.R. 436—Protect Medical Innovation Act of 2012),

rollcall No. 362: "yay" (First King of Iowa Amendment), rollcall No. 363: "yay" (Second King of Iowa Amendment), rollcall No. 364: "nay" (First Blackburn of Tennessee Amendment), rollcall No. 365: "yay" (Second Blackburn of Tennessee Amendment), rollcall No. 366: "yay" (Sullivan of Oklahoma Amendment), rollcall No. 367: "nay" (Turner of New York Amendment), rollcall No. 368: "nay" (Second Polis of Colorado Amendment), rollcall No. 369: "nay" (On motion to recommit H.R. 5855 with instructions), rollcall No. 370: "yay" (Passage of H.R. 5855—Department of Homeland Security Appropriations Act for FY 2013).

IN REMEMBRANCE OF LIEUTENANT COMMANDER WESLEY A. BROWN

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a truly inspirational man, Lieutenant Commander Wesley Anthony Brown, the first African American to graduate from the U.S. Naval Academy. Sadly, Lt. Cmdr. Brown passed away on Tuesday, May 22, 2012. On Wednesday, June 6, 2012, a public memorial service was held in Annapolis, Maryland, where more than 250 people gathered to honor his life and legacy.

Lt. Cmdr. Brown was born on April 3, 1927 in Baltimore, Maryland to William and Rosetta Brown. During his senior year at Dunbar High School in Washington, D.C., he was Cadet Corps Battalion Commander. He then went on to attend college at Howard University.

In 1945, Lt. Cmdr. Brown entered the U.S. Naval Academy as the sixth African American man admitted in its 100-year history. He would be the first to endure until the end the hazing, the torment, and the hostility bred by racial inequality. He would be the first to hold his head

high and keep true to himself amid the tension. He would be the first to graduate.

Despite the publicity surrounding this great accomplishment, Lt. Cmdr. Brown remained humble throughout his life. He honored those in whose footsteps he had followed and he spoke words of encouragement to those who followed in his footsteps.

Lt. Cmdr. Brown served in the Korean and Vietnam Wars as a Navy civil engineer. He worked on many construction projects all over the world until his retirement in 1969. He then worked as a facilities analyst at Howard University until 1988.

George Washington Carver once said, "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these." Lt. Cmdr. Brown went far in life because he treated people the right way—with dignity, honor and respect even when he was not treated the same way in return. He has been an inspiration to all of us and we are blessed to have had him touch our lives.

Lt. Cmdr. Wesley A. Brown accomplished many things in his life but none of this would have been possible without the enduring love and support of his loving wife, Crystal; his children, Wesley, Jr., Gary, Wiletta, and Carol; and his seven grandchildren.

Mr. Speaker, my wife, Vivian, and I would like to extend our deepest sympathies to Lt. Cmdr. Brown's family during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

PAYCHECK FAIRNESS ACT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2012

Mr. REYES. Mr. Speaker, I rise today in support of the Paycheck Fairness Act, a bill

that strengthens the Equal Pay Act of 1963 and seeks to remedy the discrepancies in the wages of men and women in America.

In 2009, the first bill that President Obama signed into law was the Lilly Ledbetter Fair Pay Act. Creating equal pay for women was one of the top priorities of Congress in 2009 and it was my honor to support this bill. The Lilly Ledbetter act pioneered the first steps at tackling the issue of sex-based discrimination, but our duty to American women in the workforce is not complete. Now more than ever, with women increasingly taking on the role as the breadwinner in many American households, this issue no longer affects just women; it affects entire families. For almost 50 years, we have been combating this issue. In El Paso women make up 45 percent of the labor force, with similar numbers around the country, but women earn only 77 cents on the dollar compared to men. If this gap in earnings is not reduced, everyday expenses, the ability to support their families and retirement funds will be negatively affected.

Continuing his commitment to securing equal pay for women, President Obama is pressing for us to turn this basic right, equal pay for equal effort, into a reality with the Paycheck Fairness Act. With the creation of the National Equal Pay Task Force that is cracking down on any violations of equal pay laws, the President is pressing forward with his efforts. Like President Obama, we must continue to fight for equal payment opportunities for our nation's women and in turn their families. Senate Republicans are blocking passage of the Paycheck Fairness Act which advocates for the fair treatment of almost half of our labor force. I support the Paycheck Fairness Act and its intent to increase penalties against those who participate in gender-based discrimination, and I urge Senate Republicans to stop their resistance on this issue.

SENATE—Monday, June 11, 2012

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God, hear our prayers. You are the source of all our blessings, the author of our liberty, and the guide for our future. Make us a people with reverence for Your Name.

Infuse our lawmakers with the spirit of Your kindness so that they may desire to give rather than to get, to share rather than to keep, to praise rather than to criticize, and to forgive rather than to condemn. May their lives be the reflection of Your goodness and grace, as they commit themselves to enjoy the privilege of working for You.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED—Resumed**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. The Senate is considering the motion to proceed to the farm bill postcloture.

At 4:30, the Senate will proceed to executive session to consider the nomination of Andrew Hurwitz of Arizona to be a United States Circuit Judge for the Ninth Circuit. At 5:30 p.m., there will be a cloture vote on the Hurwitz nomination.

Mr. President, Democrats and Republicans hold a different view on many issues. But the bipartisan work by Senators STABENOW and ROBERTS on the agriculture jobs bill demonstrates, despite our differences, we can still find common ground. I hope their cooperative spirit guides our work on this important legislation this week. American farmers are counting on us, and so is the economy.

Despite the uncertain economic times, America's farms are the most productive in the world, exporting \$136 billion worth of products last year and supporting 16 million private sector jobs. But to keep American farms strong, Congress must pass a strong farm bill.

This legislation creates jobs, cuts subsidies, and reduces the deficit. The bill includes important reforms to farm and food stamp programs. It saves \$23 billion, which will be used to reduce the deficit. And it will give farmers the certainty they need to maintain the largest trade surplus of any sector of our economy.

Helping American farmers thrive is an important part of our work to get the economy on a firm footing again. I commend Senators STABENOW and ROBERTS for their leadership on this issue. We are working now to come up with a list of amendments on this legislation.

It is a shame we are now wasting 30 hours postcloture on this bill. It is a bill that passed by 90 Senators agreeing that we should move forward to debate. But it now appears we are in a situation that we were in last week and the week before and the week before that, when the Republicans have made a decision that they would rather do anything they can to stop jobs from being created, hoping it will help them with the elections come November.

Too often in this Congress the Republican strategy has been to kill job-creating bills in the hopes of harming the economy and hurting President Obama. It forces the Senate to spend weeks passing consensus legislation that once was passed in a matter of minutes. They have held many important jobs measures hostage to extract votes on unrelated, ideological amendments. It appears we are in that same place right here on this bill.

I am disappointed, as I have already said, that they have caused us to waste

30 hours on procedural hurdles on this bill. We shouldn't have to do that. We shouldn't have to run that clock when 90 Senators agree we should move to the bill. That is what happened last week.

I hope my Republican friends will dispense with these delay tactics. This is a bill that creates jobs, cuts subsidies, and protects our working farmers.

We hear the hue and cry from our Republican friends all the time that they want to reduce the deficit. How about one bill, in one fell swoop, with \$23 billion of deficit reduction—a bill that will reduce subsidies, get rid of a lot of waste and abuse, and create jobs.

We are in this position where my friends have said, just as the Republican leader has said, that their only goal is to defeat Obama, not help our country, and that is too bad.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNIS. Mr. President, I come to the floor today to discuss the farm bill that is now before the Senate. I want to say at the outset that this is a reform-minded bill that saves money and continues the evolution of farm policy in our Nation.

I commend the chair and ranking member of the Agriculture Committee for working to craft a farm bill that helps equip producers with improved risk management tools while being mindful of our very challenging budget situation.

This bipartisan bill will reduce the deficit by \$23.6 billion because of changes to every title and the elimination of nearly 100 Federal programs overall. It shifts farm policy further away from dependence on income support and, instead, focuses on risk management.

But to truly appreciate where we are in farm policy today, it is important to spend a minute examining how we got here.

In the 1930s, depression and disaster ravaged our country's farm sector. At

the time a quarter of this country's population lived and worked on farms and ranches, and most of what they produced was consumed relatively close to where it was grown.

When prices collapsed and dust storms swept the Plains, many were forced off their land to look for work in the cities. But oftentimes no work was to be found.

In response to this situation, Congress passed the first farm bill. It was called the Agricultural Adjustment Act of 1933. The act placed the Federal Government in the driver's seat in making farm production decisions. A structure to eliminate crop and livestock surpluses was established—the thought being, if that was done, it would drive up prices. Literally, crops were plowed under and livestock was slaughtered to reduce supply and then, hopefully, to increase farm prices, according to the thinking at the time.

The Agricultural Adjustment Act of 1938 made federally funded price supports mandatory for several crops. That would include corn, cotton, and wheat.

Then another law was passed in 1949. It mandated extensive government intervention to maintain parity with prices prior to World War I.

I am not going to start an argument today about whether all of this was the right farm policy during the 1930s and 1940s. I will leave that for another time. But I can say, with no hesitation whatsoever, it is absolutely the wrong approach for the farm economy today and virtually no one disagrees with that.

Over the past several decades, farm bills have improved from those early laws, and U.S. farm policy has slowly but surely become a more market-oriented policy. For a long time the main goal was to support prices for a list of crops. We set high prices in law which distorted markets and discouraged cultivation of crops that did not benefit from price supports.

In 1996, Congress began to shift away from the distorting farm policies of the past, and direct payments were introduced to temporarily support farmers as they transitioned away from an agricultural economy that was very reliant upon government intervention.

Removing the government from price and supply controls created new risks to farmers, and it created uncertainty from Mother Nature. Congress then responded with ad hoc disaster spending to help farmers and ranchers address losses due to weather and other disasters. In fact, since 1996, USDA's Economic Research Service estimates that \$43 billion has been spent on these ad hoc and emergency programs.

To help manage these risks in a more fiscally responsible way, a crop insurance program has emerged. This highly effective public-private partnership helps farmers customize protection for

their individual operations. Over time, crop insurance has become the risk management tool for farmers.

These are policies sold by private companies for over 100 different crops, and roughly 85 percent of acreage for major crops is now covered by crop insurance.

Last year, in spite of the drought in much of the southern plains and flooding in States such as Nebraska and many other States, farmers and ranchers did not call for emergency relief. In fact, I have heard clearly from farmers in Nebraska that crop insurance is working well.

Today's farmers are certainly some of the most sophisticated and talented businesspeople in our Nation. The fruits of their labor produce an abundance of healthy low-cost food for Americans and, for that matter, people around the world. In fact, trade currently accounts for more than 25 percent of all U.S. farm receipts, and 1 out of every 3 crop acres—1 out of 3—is now exported.

In 2011 agricultural exports reached \$136 billion. Our efficient export system, including handling, processing, and distribution of our food and agricultural products, creates millions of U.S. jobs. Given the projected global population growth of an additional 2.5 billion people by 2050, U.S. agriculture is positioned to experience significant growth in just a few years.

This farm bill ensures that USDA is focused on maintaining current export markets and gaining access to new emerging markets for U.S. farm and food products. This is the first farm bill in recent history that does not pay farmers a specific payment just because they are farmers. You see, farmers have come to realize that risk management is best handled with crop insurance. In fact, in many listening sessions I have had around the State, virtually no one asked for the continuation of direct payments.

The bill actually saves \$15 billion from commodity crop support by eliminating four programs, including direct payments; countercyclical payments; the Average Crop Revenue Election Program, called ACRE; and the Supplemental Revenue Assistance Program, called SURE.

It does not raise loan rates, the price levels that have traditionally triggered the making of payments. It focuses the farm program on revenue, not price—something I proposed as the U.S. Secretary of Agriculture when I served in the Cabinet.

I remind my colleagues that our job in writing a farm bill is not to protect the interests of specific commodity groups. Instead, the farm bill should be about preserving the health of our agricultural economy. This farm bill continues a history of steps in that direction.

It seeks to minimize distortions and allows farmers to respond to market

incentives—not determined by artificial prices set in a Federal statute.

I am also glad to see a step forward on payment limits and changes to ensure that those who receive government payments are actively engaged in farming.

I am especially pleased with the efforts to streamline and simplify the conservation programs. That is an issue I have heard a lot about. This bill actually consolidates 23 conservation programs into 13. In fact, I proposed similar changes as Agriculture Secretary during the last farm bill process. The improvements reduce costs as well as make the programs more farmer friendly.

This bill also provides for the basic research at USDA, universities, and elsewhere that is needed to meet the demand for our farmers to produce more food, and on less land, and it does so in a way that includes new avenues to ensure that important work continues in these times of very tight Federal budgets.

Finally, I am pleased this bill builds on efforts to encourage beginning farmers and ranchers, veterans, and others looking for careers in agriculture.

It is important to me that we keep this farm bill as simple and streamlined as possible. I think we can agree that a bill that eliminates nearly 100 Federal programs does just that.

Given our Nation's daunting budget situation, it is appropriate that this bill saves \$23.6 billion, taking yet another step in the right direction to reforming farm policy for the 21st century.

I hope we can keep this bill moving to help ensure certainty for farmers, ranchers, and others in rural communities where livelihoods are impacted by these policies. But make no mistake, good farm policy does not end with a good farm bill. Our farmers and ranchers also deserve a more constructive regulatory environment and a fairer tax system. So while I support the bill, I hope we can get some amendments pending to make a good bill a better bill.

This is so important that I led a letter with 43 other Senators asking for an open amendment process. I look forward to the debate and to passing a very reform-minded farm bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY and Mr. KYL are printed in today's RECORD under "Executive Session.")

THE ECONOMY

Mr. KYL. Mr. President, I wish to comment on something the President recently said that is very much in the news.

Last Friday, the President of the United States said, "The private sector is doing just fine."

This is not taken out of context. He was talking about economically. His office leader explained what he was really talking about is the comparison between the public sector and the private sector, and I take him at his word there.

The President said:

Where we're seeing weaknesses in our economy have to do with state and local government—oftentimes cuts initiated by governors or mayors who are not getting the kind of help that they have in the past from the federal government and who don't have the same kind of flexibility as the federal government in dealing with fewer revenues coming in.

I think that is generally true. But here are the two key points I would make in response: First, everyone—not just government employees—is suffering. They are struggling in the Obama economy.

Yes, the number of government jobs has decreased during the last 40 months since President Obama took office, but overall employment in government has increased on the whole in recent years, even with the reductions that have occurred in the last couple of years.

For example, according to the Bureau of Labor Statistics, total government employees added up to 21,847,000—rounded off—in January 2006. That is just a little over 6 years ago—21,847,000. By comparison, last month the total amount of government employees added up to 21,969,000. So there are a few more government employees today—State, Federal, and local—than there were just 6 years ago. I would just ask, how on Earth did we get by in this country with only 21,847,000 government workers in 2006? I think we were doing just fine.

The reality is, when a private firm faces financial difficulty, usually the first area the firm looks to in terms of saving money is its workforce. It is too bad, but frequently firms have to lay off workers because they simply can't afford to continue to pay that many workers.

I will just give the experience of a friend of mine in Arizona who said: This recession was probably the best thing that happened to us because it forced us to look at our workforce, how we did business, and whether we could make savings. He said: Today, we are making more money than we ever have, even with a lower workforce, because we found that we could make do and make the improvements that made us more efficient.

We are asking that to be done in government. Government doesn't have a

right to continue to grow and grow. Government should be as efficient as the private sector, including with respect to the number of people it hires to do the work that has to be done. After all, the private sector has to take care of paying both the employees in the private sector and the employees in the government sector. Who pays government employees? All of our constituents, the people in the private sector.

So we in the government have an obligation to run the governments—Federal, State, and local—as efficiently and leanly as we possibly can. If we find we can run the government with just a few more employees today than we had, for example, 6 years ago, then all the better for our economy and all the better for the taxpayers who have to pay their salaries.

So there isn't some right of the Federal Government to continue to grow its workforce at a rate higher than the private sector. Rather, we should be trying to run the government on as few a number of employees as necessary to do the work the American people want us to do. But here is the larger point: As the Wall Street Journal points out, the reason the government workforce has shrunk since January 2009 is not due to smaller budgets or dwindling aid, as the President suggested. As the Wall Street Journal notes, revenues to State and local governments have increased during the last 2 years, according to census data. The main problem is rising health care and pension costs for government workers, and we have seen the experience in a State such as Wisconsin in having to deal with that to make some reductions, which caused a lot of political turmoil in the State. But at the end, the voters of the State said: We agree. We need to cut government cost as it relates to the health care and pension commitments we have made to our government employees.

While government has experienced some job losses, it is important to remember that benefits enjoyed by government workers are far superior to those enjoyed by those employed in the private sector. For example, according to an article in the National Review magazine, on an hourly basis private sector employees' benefits cost their companies \$2.15 an hour. State and local government workers cost taxpayers \$4.72 an hour—219 percent more.

For retirement benefit costs, the private sector figure works out to \$1.02 per hour. The State and local workers sum, \$3.37 an hour—a 330-percent premium.

This is where the extra costs are for government workers. You can't blame State and local governments for trying to provide more efficiency for their operations by conforming their practices for health care and pension benefits more to those in the private sector.

Why do government employees deserve more? I guess that is the ques-

tion. As is a matter of fairness—and especially when compared to people who are paying their salaries—I don't think anyone can argue that government employees should have twice as much or three times as much of a benefit as somebody in the private sector.

The second point I would make is this: At 4.2 percent, according to the latest data from the Bureau of Labor Statistics, the unemployment rate among government workers is also far below that of the private sector. We know the average in the country is 8.2 percent, and that is only the people who are still looking for work. If we took all the people who are out of work, it would be about 11.1 or 11.2 percent. But among government workers, the unemployment rate is 4.2 percent.

Compare that with unemployment in some other sectors. In agriculture, it is 9.5 percent; 8.1 percent in the wholesale and retail trade; 9.7 percent in leisure and hospitality, to name just a few industries. In each of these I named—I think each of them would be thrilled to have unemployment at 4.2 percent. When the President says the real problem is with government employment, the private sector is doing just fine, the facts simply belie that. The President was wrong; he was incorrect.

Finally, let me address his theory of how an economy grows. Unemployment, as I said, is 8.2 percent nationwide. Labor force participation is at historic lows—the number of people actually working or looking for work. GDP growth in the first quarter of 2012 was a very anemic 1.9 percent. This is not enough for this country to grow and prosper and the President wants to borrow or raise taxes from that segment of our society so taxpayers can finance more government workers? That does not make sense.

I think not only is the President wrong on the facts about the private sector doing just fine, he has it wrong as to what the solution would be. The solution to help government workers is to have the private sector do better so it can afford to help—to hire more government workers and to pay them better benefits. Government stimulus spending and aid to States has not grown the economy so far and it is obviously not going to do so in the future.

Rather than divide the country into public versus private sector workers, Federal versus State and local workers, rich versus poor, men versus women, as the President is wont to do, I hope we work hard to represent all Americans. No one benefits in the long run from an enormous government with an appetite to grow more and more, crushing economic growth and crowding out the private sector, a government that drives up costs for job creators and forces companies to lay off private sector workers. None of us benefits from that. Yet that is what we are seeing

playing out right now. The total number of unemployed and underemployed is over 23 million people in the United States. Think of that. That is the number of people who are looking for work who have stopped looking for work or who do not have the kind of work they could be doing. Economic growth last quarter, as I said, was only 1.9 percent; only 69,000 new jobs added. We need more than twice that many jobs added each month in order to keep pace with the new workers coming into the economy, so we are losing ground in terms of jobs created. I don't think the President's solution of more spending on government employees is the answer. I think that is a recipe of another 40 months of 8 percent-plus unemployment. At that rate we are not going to get out of the economic difficulties we are in right now. Let's do things that support the private sector, things that help the private sector. The healthier the economy is, the more growth we have, the more we are able to do for the public sector as well. That is the ultimate answer.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ANDREW DAVID HURWITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination.

The legislative clerk read the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided and controlled between the two leaders or their designees.

Mr. LEAHY. Mr. President, I understand that the intent was to have the vote at 5:30.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I ask unanimous consent that the time be divided in such a way that the vote will occur at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Last week's confirmation of Jeffrey Helmick to a judicial emergency vacancy in the Northern

District of Ohio marked the 150th confirmation of a Federal circuit or district court nominee of President Obama's. I do not say that for self-congratulations because we should acknowledge that we had already confirmed 150 of President Bush's circuit and district court nominees 9 months earlier, in September of his third year in office.

In other words, to have matched what we had done so far for President Obama, we would have had to have had this number late last year. I mention that because it is one measure of how far behind we are in the consideration of President Obama's nominees. Part of that is because a very large number of nominees who went through the Judiciary Committee unanimously last year who would normally be confirmed by voice vote within 1 week or so after they went through Committee were delayed on the Executive Calendar until this year.

I would point out another thing, which is that today is June 11, but by June 15 of President Bush's fourth year in office, the Senate had already confirmed 180 Federal circuit and district court judges—150 for President Obama, 180 for President Bush—30 more judges for President Bush than we have been allowed to consider and confirm during President Obama's administration to date.

There are still more than 70 judicial vacancies around the country. That is more than when President Obama came into office. One of the reasons it is more is that when Democrats were in control, we moved President Bush's nominees much faster than Republicans have allowed us to move President Obama's.

The unprecedented delays in the consideration of President Obama's nominations were confirmed by a recent Congressional Research Service report on judicial nominations. The median number of days President Obama's circuit court nominees have been delayed from Senate consideration after being voted on by the Judiciary Committee has skyrocketed to 132 days. As the report notes, that is "roughly 7.3 times greater than the median number of 18 days for the 61 confirmed circuit nominees of his immediate predecessor, President G.W. Bush." Similarly, district court nominees are being unnecessarily delayed. The median time from Committee vote to Senate vote has gone from 21 days during the George W. Bush presidency to 90 days for President Obama's district nominees.

There are 18 judicial nominees sitting here waiting for final Senate consideration. They have been approved by the Judiciary Committee with bipartisan votes. It is my hope the Senate will be allowed to consider those other nominees and make real progress.

In fact, today the Senate is voting on whether to end a partisan filibuster

against the nomination of Justice Andrew Hurwitz of Arizona to fill a judicial emergency vacancy in the Ninth Circuit. He is supported by both the Senators from Arizona, Mr. KYL, the deputy Republican leader, and Mr. MCCAIN. Last month, the Senate finally began taking actions I have been urging for months. We were finally able to consider and confirm the nominations of Judge Jacqueline Nguyen and Judge Paul Watford of California to judicial emergency vacancies on the United States Court of Appeals for the Ninth Circuit. The delay in the consideration of all these nominees follows the pattern also seen with Judge Morgan Christen of Alaska last December despite the strong support of the senior Senator from Alaska, Senator MURKOWSKI. I commend Senators from both sides of the aisle who rejected the misguided effort to filibuster the nomination of Judge Watford.

Normally, on a nomination such as Justice Hurwitz's, we would not even be having a cloture vote, but we seem to have a new standard that is required for President Obama that was not required of the other Presidents since I have been here. It was not required for President Ford or President Carter or President Reagan or President George H.W. Bush or President Clinton or President George W. Bush.

I mention those because those are the only Presidents with whom I have served. We did not have that standard. Suddenly, we have this brand new standard for President Obama. So for the 28th time, the majority leader has been forced to file for cloture to get an up-or-down vote on one of President Obama's judicial nominations.

By comparison, during the entire 8 years, not 3½ years but 8 years, that President Bush was in office, cloture was filed in connection with 18 of his judicial nominees, most of whom were not confirmed or were not passed out of the Judiciary Committee by a bipartisan majority. Most were opposed as extreme ideologues.

Justice Hurwitz is not a nominee who should be filibustered or require cloture in order to be considered by the Senate. He is a nominee with impeccable legal credentials and qualifications. I urge Senators to see through the specious and unfair attacks from the extreme right and narrow special interest groups. Senator KYL and Senator MCCAIN are right to support his nomination, and this good man and excellent judge should be confirmed. Justice Hurwitz is a respected and experienced jurist on the Arizona Supreme Court. His nomination has the strong support of his home state Senators, Senator JOHN MCCAIN and Senator JON KYL. Justice Hurwitz was reported favorably out of Committee with bipartisan support over three months ago. His nomination received the highest possible rating of the American Bar Association Standing Committee on the

Federal Judiciary after their non-partisan peer review found him to be "well qualified." He has all the credentials anyone could want, has exhibited good judgment on the bench, and has the right judicial temperament. He is the kind of nominee who would at any other time in our history be confirmed unanimously or nearly so by the Senate in an expeditious manner. Not so this year, during this presidential administration. Despite the fact that this President has reached across the aisle to work with Republican home state Senators, Justice Hurwitz faces partisan opposition.

When Senator KYL introduced Justice Hurwitz to the Judiciary Committee at his hearing in January, he underscored what a qualified nominee he is. Senator KYL said:

It is very easy to see and it is obvious to those of us who have been in Arizona a long time why Justice Hurwitz was awarded the ABA's highest rating, unanimous well qualified. So it will be my privilege to support his nomination, and I am honored to be able to introduce him to the panel today.

Justice Hurwitz is an outstanding nominee with impeccable credentials and qualifications. He has had nine years of experience as a judge on Arizona's highest court, and has shown a record of excellence as a jurist. No one has criticized a single decision he has made from the bench in his nine years as justice. Let me repeat that: No one can point to a single decision he has made and be critical. It is because of his record that he has the strong support of both Republican Senators from Arizona as well as many, many others from both sides of the political aisle.

A graduate of Princeton University and Yale Law School, Justice Hurwitz served as the Note and Comment Editor of the Yale Law Journal. Following graduation, he clerked on every level of the Federal judiciary: First for Judge Jon O. Newman, who was then U.S. District Judge on the District of Connecticut. Subsequently, he clerked for Judge Joseph Smith of the U.S. Court of Appeals for the Second Circuit. Then he clerked for Justice Potter Stewart of the U.S. Supreme Court.

He then distinguished himself in private practice, where he spent over 25 years at a law firm in Phoenix, Arizona. While in private practice, Justice Hurwitz tried more than 40 cases to verdict or final decision. He argued numerous times in the Ninth Circuit and other state and Federal appellate courts. One of the Supreme Court cases he argued was *Ring v. Arizona*, a case which he won 7-2, with the votes of Justices Scalia and Thomas.

Justice Hurwitz has also taught classes at Arizona State University's Sandra Day O'Connor College of Law for approximately 15 years on a variety of subjects including ethics, Supreme Court litigation, legislative process, civil procedure, and Federal courts.

By any traditional measure, he is the kind of judicial nominee who should be confirmed by an overwhelming bipartisan vote, and I find it very disappointing that notwithstanding the strong support of Senator KYL and Senator MCCAIN, so many Republican Senators seem eager to oppose this nomination.

An unfair campaign is being mounted by the extreme right against this outstanding nominee. The apparent basis of that campaign is not any decision that Justice Hurwitz made, incidentally. He has never been overturned. So it is not from any decision he made but rather a decision Judge Newman made while Justice Hurwitz was a young law clerk 40 years ago.

Anyone who knows Judge Newman especially knows this was his decision, not that of a clerk. Judge Jon Newman makes his own decisions. He always has. Actually, in this particular case, the decision he made was ultimately accepted by the U.S. Supreme Court as the law of the land.

Why Senators who know better would suggest that somehow, 40 years ago, a law clerk could convince a judge how to vote—law clerks traditionally are asked by the judge to give them what is the law. What is the law for this position, what is the law for the opposite position, give that to me.

But I have never known a judge, certainly no Federal judge, whether appointed by a Republican or Democrat, who did not make up their own mind. No judge had their law clerks make up their mind. Law clerks give them the material on both sides. So the opposition to this nomination marks a new low. I say that in a way that pains me, after 37 years in this body.

Some are attempting to disqualify a nominee who has impeccable credentials, who has the highest possible rating, because a Federal judge, now retired, for whom that nominee clerked some 40 years ago, decided a case with which some Senators disagree, even though that is the law that has been upheld, even by a very conservative Supreme Court.

Come on. They are against *Roe v. Wade*. They oppose the constitutional right for women to have privacy recognized in that case. That is their right. But what is not right is them attributing responsibility for the judge's decision which properly construed the Constitution, to his clerk.

To then say, because this judge properly construed the Constitution the way it has been upheld by the Supreme Court, we have to look at the man who was his clerk 40 years ago and vote him down.

Come on, that is Alice in the Wonderland. If we start doing that sort of thing, then we can vote down anybody for anything. Oh, when they were 11 years old, they stayed out late one night. We can't have a judge on our

court who disobeyed the rules, the laws laid down by their families, and they were out late. What about that time when they were a freshman in college and they stayed out too late? Oh, throw that man out. The fact that Justice Hurwitz served on the Arizona Supreme Court and never had one of his cases overturned—the heck with that. Forty years ago his qualifications were such that he was able to be a law clerk, but out of the thousands of decisions of the judge he clerked for, we disagreed with one—even though that is the law of the land today—therefore, we cannot do anything about that judge, so we will get the guy who clerked for him. I wonder who turned the lights on in that building at that time. Maybe we should make sure they never get a job anywhere else either. Come on.

This opposition follows after we saw the opposition to Judge Paul Watford, who clerked for a very conservative judge, Judge Alex Kozinski, who had been appointed by President Reagan and now serves as chief judge of the Ninth Circuit. Judge Kozinski strongly supported his nomination. But somewhere in the ether, they found something that went against him. The 34 Senate Republicans who voted against the confirmation of Paul Watford did not credit him for having clerked for a conservative judge who wrote conservative opinions with which they agreed. So this is another one-way street, another ratcheting down of the process, another excuse for opposing a highly qualified nominee. And it is wrong.

This also follows a pattern. Senate Republicans have attacked nominees by attributing the position of the nominee's legal client to the judicial nominee. That is something, incidentally, that Chief Justice Roberts strongly condemned at his confirmation hearing, and I agree with him. In fact, I voted for Chief Justice Roberts. The fact is, lawyers are often asked to represent people on one side or the other.

John Adams, who became our President, who worked so hard to have us break free from Britain, defended the British soldiers who were involved in the Boston Massacre because he said we have to show not only our new country but the world that we stand for the rule of law and that everybody in court gets adequate representation. I mention that because when they opposed Judge Helmick, they argued that because he served as a court-appointed lawyer for a defendant in a terrorism case, that means he supports terrorism. Baloney. I represented criminals when I was in private practice, and I prosecuted criminals when I was a prosecutor. Now, what does that mean? It means I followed the law and played the part a lawyer should play in these proceedings. That is why, after what they did with Judge Helmick, I

reminded them of John Adams defending the British soldiers after the Boston Massacre. I had a person ask me: Is it possible that you have Senators who have never read a history book? I said that I never thought so before.

I also looked at how they filibustered Caitlin Halligan, who served as her State's top appellate lawyer. They filibustered her because she defended the constitutionality of her State's law. Let's take a look at what a Hobson's choice we have there. If you are the State's top lawyer and you defend your State's law, we cannot possibly support you. Let's say that she was the State's top lawyer and she opposed the State's law. Then they would say: Oh, we obviously cannot support you. So you are damned if you do and damned if you don't.

They opposed the nomination of Jesse Furman. Why? Well, he wrote something when he was a freshman in college, before he even went to law school. Oh my goodness gracious, let's hope we don't have a judicial nominee who may have written for a college newspaper. Can you imagine? I might ask every Senator to go back and look at some of the papers they wrote in high school and college.

If somebody brought those up today, they would probably say: Who wrote this garbage?

Well, you did, Senator. So following your standards, I assume you are going to retire today and notify the government.

I have seen Senate Republicans grossly distorting a nominee's record to make him out to be a caricature, as with Goodwin Liu.

Now we are seeing Senate Republicans attack a nominee for serving as a law clerk to a distinguished Federal judge. By those standards, does that mean Democrats should oppose anybody who clerked for Justice Scalia or Justice Thomas because we disagree with some of their decisions? Are we saying we won't confirm those clerks? Boy, I have cast some bad votes if we are using that standard because I have voted for people who have been law clerks for judges whose opinions I disagreed with. I was there to vote on the law clerk who may have had a distinguished career in the law, and I look at their career.

I urge Senate Republicans to reject this attack, as Senator KYL and others do, and vote to confirm Justice Hurwitz. Let him be a judge on his own substantial record as a judge. This nominee has been a judge on the Arizona Supreme Court for 9 years. Let's judge him on that record. Let's accept the fact that President Obama did what I urged him to do. He talked to the Senators of the State and got their support for his nominee. It didn't matter whether they were Republicans or Democrats.

In March when the Judiciary Committee voted on Justice Hurwitz's nomination, Senator KYL stated:

[T]he real question is . . . how he has comported himself in the place where you can really judge [him]—on the Arizona Supreme Court. Not once has an opinion that Justice Hurwitz wrote or joined in been overturned by a higher court.

Senator KYL further stated:

[Justice Hurwitz] is a good example of a person who probably has some views personally that are different from mine, but whose opinions obviously carefully adhere to the law. And, after all, I think that is what most of us are looking for in judicial nominations. So I am pleased to support him without reservation and would urge my colleagues to support his nomination as well.

I agree with Senator KYL and commend him.

In direct and express answer to a question from Senator SESSIONS, Justice Hurwitz explained that his personal views would have no role in his decisions as a judge, and that they have never played a role in all his years as a judge. We know from Justice Hurwitz's record that he is a judge's judge. He is a person who meticulously analyzes the law and applies the facts of the case to the law. There is no evidence to contend that Justice Hurwitz would not do the same on the Ninth Circuit.

The Chief Judge of the Ninth Circuit along with the members of the Judicial Council of the Ninth Circuit, wrote to the Senate months ago emphasizing the Ninth Circuit's "desperate need for judges," urging the Senate to "act on judicial nominees without delay," and concluding "we fear that the public will suffer unless our vacancies are filled very promptly." The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly five months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of September 2011, the Ninth Circuit had 14,041 cases pending before it, far more than any other circuit.

When Senate Republicans filibustered the nomination of Caitlin Halligan to the D.C. Circuit for positions she took while representing the State of New York, they contended that their underlying concern was that the caseload of the D.C. Circuit did not justify the appointment of another judge to that Circuit. I disagreed with their treatment of Caitlin Halligan, their shifting standards and their purported caseload argument. But if caseloads were really a concern, Senate Republicans would not have delayed action on the nominations to judicial emergency vacancies on the overburdened Ninth Circuit for months and months.

We are still lagging behind what we accomplished during the first term of President George W. Bush. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became Chairman in the summer of 2001, there were 110 vacancies. As Chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans to confirm President Bush's consensus judicial nominations well into 2004, a presidential election year. At the end of that presidential term, the Senate had acted to confirm 205 circuit and district court nominees. In May 2004, we reduced judicial vacancies to below 50 on the way to 28 that August. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years. At a time of great turmoil and political confrontation, despite the attack on 9/11, the anthrax letters shutting down Senate offices, and the ideologically driven judicial selections of President Bush, we worked together to promptly confirm consensus nominees and significantly reduce judicial vacancies.

In October 2008, another presidential election year, we again worked to reduce judicial vacancies and were able to get back down to 34 vacancies. I accommodated Senate Republicans and continued holding expedited hearings and votes on judicial nominations into September 2008. We lowered vacancy rates more than twice as quickly as Senate Republicans have allowed during President Obama's first term.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President Bush, and has remained near or above 80 for nearly three years. If we could move forward to Senate votes on the 18 judicial nominees ready for final action, the Senate could reduce vacancies below 60 and make progress.

Once the Senate is allowed to vote on this nomination, we need agreement to vote on the 17 other judicial nominees stalled on the Executive Calendar. Another point made by the Congressional Research Service in its recent report is that not a single one of the last three presidents has had judicial vacancies increase after their first term. In order to avoid this, the Senate needs to act on these nominees before adjourning this year.

As the Congressional Research Service report makes clear, in five of the last eight presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when Senate Republicans would not allow confirmations to continue. Otherwise, it has been the rule rather than

the exception. So, for example, the Senate confirmed 32 in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term.

So let us move forward to confirm Justice Hurwitz. We need to work to reduce the vacancies that are burdening the Federal judiciary and the millions of Americans who rely on our Federal courts to seek justice. Let's work in a bipartisan fashion to confirm these qualified judicial nominees. If we do that, we can address the judicial crisis facing this country. We may not only restore the faith of the American people in the Federal judiciary but start restoring their faith in the U.S. Senate, which is a body I love, which the American people see as being far too polarized. I think that is the right thing to do.

Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

HURWITZ NOMINATION

Mr. GRASSLEY. Mr. President, I come to the floor to tell my colleagues why they should not support cloture on the Hurwitz nomination.

On Saturday, December 2, 1989, this 4-year-old boy in the photo, Christopher, was dressed in his favorite clothes by his mother Deborah Milke. She told him James Styers, who shared the apartment with Debra, would take him to the mall to see Santa Claus. After picking up another man, Roger Scott, they stopped at a couple drug stores and then the two men and Christopher had pizza for lunch.

Rather than taking Christopher to see Santa Claus at the mall, they drove him to the desert. Christopher was told they were going to look for snakes. Instead, Christopher was shot three times in the back of the head by Styers, his body left in the desert.

James Styers, 63, was convicted of first-degree murder of the 4-year-old boy, conspiracy to commit first-degree murder, child abuse, and kidnapping—all supposedly at the request of the boy's mother. Debra Milke, James Styers, and Roger Scott were all sentenced to death for the killing.

After years of appeals, the case found itself in Federal Court, making its way to the Ninth Circuit. In 2008, nearly 19 years after the terrible crime took place, the Ninth Circuit sent the Styers case back to Arizona, claiming that the State court did not adequately consider the post-traumatic stress disorder Styers suffered because of his military service in Vietnam.

Just about 1 year ago, in June 2011, some 22 years after this horrific, evil event occurred, the Arizona Supreme

Court heard the appeal. In a 4-to-1 decision, the court acknowledged Styers' post-traumatic stress disorder but nonetheless ruled it didn't outweigh the aggravating factors found during trial. Styers' death sentence was upheld, and he remains on Arizona's death row.

The nominee before the Senate, whom we will be voting on, Justice Andrew Hurwitz, was the lone dissenter in that 4-to-1 decision. He was the sole person on the Arizona Supreme Court who believed that Christopher's murderer should be given another trial.

Another trial would have resulted in another round of delays. If he had his way, the victim in this crime would still be awaiting justice. Arizona taxpayers would be facing unnecessary expenses, and society at large would still be waiting for a resolution to this case.

Today, we are asked by the President and by the majority leader to confirm this judge to be a U.S. circuit judge for the Ninth Circuit. I strongly disagree he should be rewarded with a lifetime appointment to the Federal bench. For reasons I will outline, I oppose this nomination and urge all Senators to do likewise. I urge you to vote no on cloture, and, if it occurs, on any vote on final confirmation.

In the Styers case, Justice Hurwitz acknowledged his position would result in further delay in the case and also conceded it was unlikely a new sentencing proceeding would produce a different result. In his dissent, he cited *Ring v. Arizona*.

Ring v. Arizona was a case Judge Hurwitz had personally argued before the Supreme Court of the United States in 2002, before his appointment to the Arizona Supreme Court. In that case, he argued that Arizona's capital punishment sentence law was unconstitutional, although the Supreme Court had previously upheld the Arizona statute in a 1990 decision.

Let me make this clear: Mr. Hurwitz, as an attorney, advocated against the death penalty. This was not just advocacy for a paying client or as a court-appointed attorney. As I have said before, judicial nominees should not be judged by the clients they represent. But in this case, Mr. Hurwitz volunteered for this case. He did it on a pro bono basis. Then, after advocating in this case in private practice, he used the same case as the basis for dissenting in another Arizona death penalty case.

Timothy Stuart Ring was sentenced to death in 1996 by an Arizona Superior Court judge for the 1994 killing of John Magoch, an armored car driver. Mr. Hurwitz successfully challenged the Arizona death penalty statute. He then argued before the Arizona Supreme Court on behalf of the 29 inmates then on death row in Arizona. Mr. Hurwitz asked the Arizona Supreme Court to either throw out each man's death sen-

tence and order a new trial or to resentence each to life imprisonment with the possibility of parole. According to press accounts at the time, Hurwitz said the next step following the *Arizona v. Ring* ruling should be to resentence the inmates to life in prison, saying that allowing the previous death sentence to stand would be a "dangerous precedent." However, the State's high court refused to overturn the convictions and death sentences on a blanket basis, ruling that the trials were fundamentally fair and that the U.S. Supreme Court's ruling didn't require throwing out all death sentences.

I believe there is strong evidence that Justice Hurwitz is unable to differentiate between his personal views and his responsibility as a judge. I believe Judge Hurwitz's record suggests that he allows his own personal policy preference to seep into his judicial decisionmaking. Others share this view. The fear that political activism would translate into judicial activism once on the bench was expressed in the following quote from a 2003 article summarizing the various candidates for the seat now occupied by Justice Hurwitz:

But the final name on the list, Andrew Hurwitz . . . will be a controversial choice for Napolitano, in some ways. He is considered the most liberal of the candidates, even labeled by some as an ideologue. . . . He wears his passion for the law in the open, and eagerly engaged in debates with the commission members about recent death penalty decisions and his past as a member of the Arizona Board of Regents. . . . In the end, the commission almost didn't include Hurwitz's name on the list; he got just eight votes, barely a majority.

We certainly do not need more of that on the Ninth Circuit.

The Styers case was not the only death penalty case in which Justice Hurwitz was the lone dissenter. In another death case, Donald Beaty was convicted of the May 9, 1984, murder in Tempe of 13-year-old Christy Ann Fornoff. She was abducted, sexually assaulted, and suffocated to death by Beaty while collecting newspaper subscription payments for her Phoenix Gazette newspaper route.

Beaty, who has been on death row since July 1985, was scheduled to die by lethal injection at an Arizona Department of Corrections prison in Florence at 10 a.m. on May 25 last year. Again, the victim's family and Arizona citizens had to wait 27 years for justice to be served, but they would have to wait a few more hours. Beaty's execution was delayed for most of the day as his defense team tried to challenge the Arizona Department of Corrections' decision to substitute one drug for another in the State's execution drug formula. State and Federal courts denied requests by inmate Donald Beaty to block his scheduled execution because of a last-minute replacement of one of three execution drugs. The Arizona Supreme Court ruled 4 to 1 to lift the

stay. The majority held that Beaty's lawyers hadn't proved he was likely to be harmed by the change. Again, there was one dissenter: Justice Hurwitz. If he had his way, the State would have had to start over with the death warrant process, leading to additional delays and pain to the victim's family.

Meanwhile, U.S. district judge Neal Wake, in Phoenix, refused to block the execution, and the Supreme Court declined to consider two stay requests for Beaty. Beaty was pronounced dead at 7:38 p.m., more than 9 hours after his execution had initially been scheduled. Arizona attorney general Tom Horne called the daylong delay a "slap in the face" to the Fornoff family.

These cases are not just anecdotal evidence or isolated incidents taken out of context. A study by court watcher and Albany law school professor Vincent Bonventre validated the prodefendant posture of Justice Hurwitz. Let me summarize his results, which I have borrowed from the Professor's Web site.

In a 2008 study, Professor Bonventre examined the criminal decisions in which the Arizona Supreme Court was divided over the past 5 years. His graph, the graph I have up here, portrays the voting spectrum—the ideological prosecution versus prodefendant spectrum—of the justices. As shown in the graph, the greatest contrast is between the record of then-Chief Justice McGregor and Justice Hurwitz. At one end is her record of taking the more prosecution position in all the divided cases during the 5-year period, and at the other end is Judge Hurwitz's record. According to this professor, Justice Hurwitz sided with the prodefendant position 83 percent of the time. This is well outside the mainstream for other members of this court.

All of this leads me to believe that Justice Hurwitz, who in private practice only devoted about 2 percent of his litigation practice to criminal law, has deeply held views on the criminal justice system in general and the death penalty in particular. We do not need to add another prodefendant, activist judge to the Ninth Circuit or to any other court. Victims such as Christopher and Christy, their families, and society as a whole deserve better.

There is another issue I find extremely troubling regarding Justice Hurwitz. In 2002 he authorized a Law Review article entitled "John O. Newman and the Abortion Decision: A remarkable first year." His article examined two 1972 abortion decisions by Judge Newman, a district court judge for the District of Connecticut. Both of Judge Newman's decisions struck down Connecticut's law restricting abortions.

Justice Hurwitz's article detailed how those two decisions proved to be incredibly influential on the Supreme

Court's *Roe v. Wade* decision less than a year later. In fact, Judge Hurwitz argued that Judge Newman's opinions provided the framework for *Roe*. More specifically, the much criticized viability cutoff point that formed the basis of *Roe* came directly from Judge Newman's opinion.

In his article, Judge Hurwitz noted how influential Judge Newman's opinion was on the Supreme Court's decision to adopt viability as a cutoff point for legal abortion, rather than the first trimester. He stated:

Judge Newman's *Abele II* opinion not only had a profound effect on the United States Supreme Court's reasoning, but on the length of time that a pregnant woman would have the opportunity to seek an abortion.

Justice Hurwitz had a unique perspective and insight into how these events unfolded. As a young lawyer, Justice Hurwitz clerked for Judge Newman in 1972 when he drafted the abortion decisions. Then, in the fall of that year and several weeks after Judge Newman's second abortion decision was released, Justice Hurwitz interviewed for Supreme Court clerkships. At the time, the Supreme Court Justices were considering *Roe*. In fact, they were trading drafts of the Court's opinion which was eventually handed down in January of 1973.

Justice Hurwitz further noted in his article that when he interviewed for Supreme Court clerkships, it became clear to him how influential Judge Newman's opinion was on the Court, meaning the Supreme Court. Justice Hurwitz wrote:

The author received some small inkling of the influence of *Abele II* on the Court's thinking in the fall of 1972, when interviewing for clerkships at the Supreme Court. Justice Powell devoted over an hour of conversation to a discussion of Judge Newman's analysis, while Justice Stewart (my future boss) jokingly referred to me as "the clerk who wrote the Newman opinion."

Now, I recognize that Judge Hurwitz was clerking for a Federal judge. It was Judge Newman who signed those abortion opinions and Judge Newman who was ultimately responsible for them. My primary concern rests on the article Justice Hurwitz wrote 30 years later, in 2002, embracing and celebrating the rationale and framework for *Roe v. Wade*. Justice Hurwitz praised Judge Newman's opinion for its "careful and meticulous analysis of the competing constitutional issues." He called the opinion "striking, even in hindsight." Let me remind everyone that the constitutional issues and analysis he praises are Newman's influence on the Supreme Court's expansion of the "right" to abortion beyond the first trimester of pregnancy. This, Hurwitz wrote, "effectively doubled the period of time in which States were barred from absolutely prohibiting abortions."

Furthermore, Newman's opinion in *Abele II* was even more drastic and far-

reaching than *Roe* turned out to be. He said that the "right" to abortion could be found in the ninth amendment, a theory about unenumerated rights that the Supreme Court rejected in *Roe* and has not endorsed elsewhere.

Hurwitz's article was clearly an attempt to attribute great significance to the decisions in which the judge for whom he had clerked had participated. I think that by any fair measure, it is impossible to read Justice Hurwitz's article and not conclude that he wholeheartedly embraces *Roe* and, importantly, the constitutional arguments that supposedly support *Roe*. He takes this view despite near universal agreement among both liberal and conservative legal scholars that *Roe* is one of the worst examples of judicial activism in our Nation's history. For example, Professor Tribe, a liberal constitutional law scholar, wrote:

One of the most curious things about *Roe* is that behind its own verbal smokescreen, the substantive judgment on which it rests is nowhere to be found.

Stuart Taylor wrote:

Roe v. Wade did considerable violence to the constitutional fabric. When the 7-2 decision came down in 1973, very few scholars thought its result could plausibly be derived from the Constitution; not one that I know of considered Blackman's opinion a respectable piece of constitutional reasoning.

Even Justice Ginsburg has repeatedly criticized *Roe*. She wrote that the Court's "heavy-handed judicial intervention was difficult to justify and appears to have provoked, not resolved, conflict."

We are not talking about an article published shortly after graduating from law school. Mr. Hurwitz published it 30 years after graduating from law school, when he was well established and a seasoned lawyer. In fact, he published this article shortly before joining the Arizona Supreme Court. All of this leads me to question his ability to be objective should this issue come before him if he is confirmed to the Ninth Circuit.

I would note the following groups have expressed opposition to this nomination: the National Right to Life, Heritage Action, Concerned Women for America, Faith and Freedom Coalition, Liberty Counsel Action, Family Research Council, Eagle Forum, Traditional Values Coalition, Americans United for Life, Susan B. Anthony List, American Center for Law and Justice, Judicial Confirmation Network, and Judicial Action Group have written in opposition to this nomination. I ask unanimous consent to have printed in the RECORD a copy of these letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIGHT TO LIFE

COMMITTEE, INC.,

Washington, DC, June 8, 2012.

Re NRLC scorecard advisory in opposition to cloture on the nomination of Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit.

Sen. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On Monday, June 11, the Senate will vote on whether to invoke cloture on the nomination of Andrew D. Hurwitz to the U.S. Court of Appeals for the Ninth Circuit. The National Right to Life Committee (NRLC), the nationwide federation of state right-to-life organizations, urges you to vote against cloture, and reserves the right to include the roll call on cloture in the NRLC scorecard of key right-to-life votes of the 112th Congress.

In 1972, Hurwitz was a clerk to Jon O. Newman, a U.S. District Judge for the District of Connecticut. During the time that Hurwitz was Newman's clerk, Newman issued a sweeping ruling that struck down a recently enacted Connecticut law that prohibited abortion except to save the life of mother. The Newman ruling—styled as *Abele II*—was issued the year before the U.S. Supreme Court handed down *Roe v. Wade*, but after the Supreme Court had conducted the first of two rounds of oral arguments in that case.

In *Abele II*, Newman enunciated a new constitutional doctrine under which state prohibitions on abortion prior to “viability” would be deemed to be violations of a constitutional “right to privacy.” Newman's ruling left it an open question to what extent a state would be permitted to apply limitations on abortion even after “viability.”

In 2002, when Hurwitz was 55 years old and already a justice on the Arizona supreme court, he authored an article titled, “Jon O. Newman and the Abortion Decisions,” which appeared in the *New York Law School Law Review*. In this article, Hurwitz argues that Newman's *Abele II* ruling heavily influenced the then-ongoing deliberations of the U.S. Supreme Court in *Roe v. Wade*. Hurwitz makes a persuasive case for his thesis, citing comments made by Supreme Court justices during the second round of oral arguments in the *Roe* case, information from the now-public archives of some of the justices who were involved, and personal conversations with Justice Stewart (for whom Hurwitz clerked in 1973–74) and others who were directly involved in the crafting of *Roe v. Wade*.

Hurwitz provides particularly detailed and plausible evidence that Newman's opinion was instrumental in persuading Justice Blackmun to abandon a draft opinion that would have limited the “right to abortion” to the first three months of pregnancy, and to adopt instead the more sweeping doctrine laid down in the final *Roe v. Wade* ruling, under which states were barred from placing any meaningful limitation on abortion at any point prior to “viability” (and severely circumscribed from doing so even after “viability”).

Hurwitz wrote: “This viability dictum, first introduced by Justice Blackmun into the *Roe* drafts only after Justice Powell had urged that he follow Judge Newman's lead, effectively doubled the period of time in which states were barred from absolutely prohibiting abortions . . . Judge Newman's *Abele II* opinion not only had a profound effect on the United States Supreme Court's reasoning, but on the length of time that a pregnant woman would have the opportunity to seek an abortion.” The entire tone of

Hurwitz's article leaves no doubt that he considers Newman's role in leading the Supreme Court majority to adopt a much more expansive right to abortion than otherwise might have occurred, to be a major positive achievement of Newman's career.

Roe v. Wade has been critiqued as constitutionally indefensible even by liberal legal scholars who agree with legal abortion as social policy. Many others believe that Newman and the Supreme Court justices who Hurwitz asserts followed Newman's “lead,” were engaged in a super-legislative activity—an exercise memorably denounced by dissenting Justice Byron White as “an exercise in raw judicial power.” Of these critiques, there is no hint in Hurwitz's presentation, which is laudatory from start to finish.

The recasting of the draft *Roe* ruling, which Hurwitz credibly attributes to Newman's influence, had far-reaching consequences. The absolute number of abortions performed nationwide in the fourth, fifth, and sixth months of pregnancy increased greatly after *Roe* was handed down. Abortion methods were refined, under the shield of *Roe*, to more efficiently kill unborn human beings in the fourth month and later. The most common method currently employed is the “D&E,” in which the abortionist twists off the unborn child's individual arms and legs by brute manual force, using a long steel Sopher clamp. (This method is depicted in a technical medical illustration here: <http://www.nrlc.org/abortion/pba/DEabortiongraphic.html>) Well over four million second-trimester abortions have been performed since *Roe* was handed down.

This carnage is in part the legacy of Jon O. Newman—but Judge Hurwitz clearly wants to claim a measure of the credit for himself, as well. In Footnote no. 55 of his article, Hurwitz relates a 1972 interview in which Justice Stewart “jokingly referred to me as ‘the clerk who wrote the Newman opinion’.” Hurwitz remarks that this characterization “I assume . . . was based on Judge Newman's generous letter of recommendation, a medium in which some exaggeration is expected.” It is impossible to read Footnote 55 without concluding that Judge Hurwitz could not resist the opportunity to put on record his personal claim to having played an important role in the development of the expansive abortion right ultimately adopted by the U.S. Supreme Court.

NRLC urges you to oppose cloture on the nomination of Judge Hurwitz, and reserves the right to include the cloture vote in the NRLC scorecard for the 112th Congress.

Respectfully,

DOUGLAS JOHNSON,
Legislative Director.

[From Heritage Action for America, June 8, 2012]

KEY VOTE ALERT: “NO” ON THE NOMINATION
OF ANDREW HURWITZ

On Monday (June 11), the Senate is scheduled to vote on the nomination of Andrew Hurwitz to the Ninth Circuit Court of Appeals. Mr. Hurwitz's previous actions and writings raise serious questions as to whether he'd be able to follow the rule of law from the bench.

In the past, Mr. Hurwitz has encouraged courts to legislate from the bench. In the Supreme Court case of *Ring v. Arizona*, he suggested the Supreme Court change the wording of the Constitution in order to achieve a ruling based on his beliefs, which would have made the state's death penalty sentencing unconstitutional. He believed so strongly in

the cause of this case that he worked pro bono.

His foray into activist-legislating was not limited to that case, though. He has also said that would look to previous Supreme Court decisions on relevant issues before consulting the United States Constitution. He also believes that Judges have the power—and supposedly the better judgment—to bestow rights upon American citizens, outside of the law.

Placing personal beliefs ahead of the law and the Constitution, as Mr. Hurwitz appears to do, is a dangerous subversion of the rule of law. Those who support the rule of law, and the role it plays in civil society, cannot allow such judges to be confirmed.

Heritage Action opposes the nomination of Andrew Hurwitz and will include it as a key vote in our scorecard.

CONCERNED WOMEN FOR AMERICA,

LEGISLATIVE ACTION COMMITTEE,

Washington, DC, February 15, 2012.

SENATOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Concerned Women for America Legislative Action Committee (CWALAC) and its more than half a million members around the country respectfully ask that you oppose the nomination of Andrew David Hurwitz to be a United States Circuit Judge for the Ninth Circuit.

Roe v. Wade represents one of the most blatant disregards for the U.S. Constitution and our founding principles in American history. Nearly every sincere legal scholar, including many committed liberal ones, admit its arguments are not based in law.

Edward Lazarus, for example, who clerked for *Roe*'s author, Justice Blackmun, has said, “As a matter of constitutional interpretation and judicial method, *Roe* borders on the indefensible. . . . Justice Blackmun's opinion provides essentially no reasoning in support of its holding.”

That is why it is inexcusable for Mr. Hurwitz to take pride in helping craft the decision that provided the underlining arguments for it, as he helped craft a similar decision when he clerked for District Judge Jon O. Newman of the District of Connecticut. Hurwitz proudly recounts how he was referred to as “the clerk who wrote the Newman opinion,” the decision that served as the basis for *Roe*, when he went on to apply for clerkships at the Supreme Court.

As a women's organization we simply cannot overlook the pain that Mr. Hurwitz's radical view of the Constitution has brought women. As the Supreme Court finally admitted on its recent partial-birth abortion decision in *Gonzalez v. Carhart*:

“It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull and vacuum the fast-developing brain of her unborn child.”

That grief and anguish are the practical results of Mr. Hurwitz's legal theory refusing to recognize the unborn baby as a “person” until the baby is born. We urge you to oppose this nomination, and we plan to score each and every vote on it.

Sincerely,

PENNY NANCE,
President and Chief Executive Officer.

FRC ACTION,

Washington, DC, February 29, 2012.

SENATOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of Family Research Council Action (FRC), the legislative arm of the Family Research Council, and the families we represent, I want to urge you to vote NO on the confirmation of Andrew Hurwitz to the U.S. Ninth Circuit Court of Appeals. In a 2003 Law Review article entitled John O. Newman and the Abortion Decision, Mr. Hurwitz praises a Connecticut District Judge for the prescient and seminal role he played in informing *Roe v. Wade*. This article revealed, not only his admiration for the Judge (for whom he was clerking at the time), but also a disquieting admiration for *Roe* and its tenuous foundation.

A modicum of privilege can be sensed as Mr. Hurwitz recounts his clerkship during the "remarkable" months of 1972 as *Roe* was being argued. That year he had caught the attention of the Supreme Court while aiding Judge Newman in casting the swing vote in a case ushering abortion into Connecticut. Indeed, in one footnote (55) of his essay, Hurwitz speaks candidly of the reputation he had with Supreme Court Justice Stewart as "the clerk who wrote the Newman Opinion."

It is telling that at a time when many scholars are abandoning the divisive and indefensible position of *Roe*, Hurwitz comes to its defense for reasons that, given his history, cannot be ruled out as personal.

In his article, Mr. Hurwitz commends Judge Newman for his "careful and meticulous analysis of the competing constitutional issues." Hurwitz wrote, "He [Newman] placed primary reliance on the natural implications of *Griswold*: if the capacity of a fetus to be born made it a person endowed with Fourteenth Amendment Rights, the same conclusion would seemingly also apply to the unfertilized ovum, whose potentiality for human life could be terminated under *Griswold*." One can hardly call the analysis that fails to see the difference between an unfertilized ovum and a fetus "meticulous" yet Hurwitz claims its still, "striking after 30 years."

This failure to distinguish a fetus from an unfertilized ovum is part of a larger inability to understand the question of when life begins through a biological lens. Hurwitz recalls a "candid concession" made by Newman (presumably shared by himself) who confided he felt the issue of when life begins was ultimately philosophical rather than legal when, in fact, it is neither.

Finally, Mr. Hurwitz praises Judge Newman on his insight regarding allowing limitations to abortion after viability as opposed to the first trimester. This stance he claims greatly influenced Blackmun in the *Roe* decision to "effectively double the period of time in which states were barred from absolutely prohibiting abortions." This position is one that many state and congressional lawmakers have found morally objectionable due to medical research demonstrating the fetus' ability to feel pain as early as 18 weeks.

Mr. Hurwitz's vaulting regard for *Roe*, his personal involvement in its formulation and his inability to see its shortcomings, offer no assurances he will arbitrate impartially from the bench. For these reasons we urge you to oppose the nomination of Andrew Hurwitz to the Ninth Circuit Court of Appeals.

Sincerely,

THOMAS MCCLUSKY,
Senior Vice President.

Hon. JEFF SESSIONS,
Russell Senate Office Building,
Washington DC.

DEAR SENATOR SESSIONS: Andrew David Hurwitz is the self-titled architect of *Roe v. Wade*, a court decision responsible for the 55 million abortions performed in the United States since 1973 while proudly trumpeting his repeal of the death penalty in Arizona as "the best episode" of his career in private practice.

Babies get the death penalty. But murderers don't? Hurwitz is unqualified to serve on the federal bench.

Not only are Hurwitz's views on justice way beyond the mainstream, Hurwitz's pride—for lack of a better term—over *Roe v. Wade* is simply appalling even to the most jaded observer of American politics. Such is this pride that Hurwitz has gone out of his way to specifically identify himself with the license *Roe v. Wade* introduced into American culture, despite some question as to his actual influence.

Moreover, Hurwitz refuses to do what most members of the legal community have already done, namely back away from the legal premise underlying *Roe v. Wade*.

The confirmation of such a nominee to an already extremely liberal Ninth Circuit court would be an immediate disaster. Anyone who allows Hurwitz a free pass sends an extraordinary clear sign that Senate Republicans would govern no differently than the liberal Senate we have today.

Traditional Values Coalition on behalf of our 43,000 churches and ministries and the millions of Americas we represent will be scoring this critical make-or-break vote. If not on Hurwitz, where will our conservative leaders make a stand?

Sincerely,

ANDREA LAFFERTY,
President, Traditional Values Coalition.

WASHINGTON, DC,
February 27, 2012.

DEAR SENATOR: I am writing today on behalf of Americans United for Life Action (AUL Action)—the legislative arm of Americans United for Life (AUL), the oldest national pro-life public-interest law and policy organization—to express our strong opposition to the nomination of Justice Andrew David Hurwitz to the 9th Circuit Court of Appeals. We respectfully urge you to oppose his nomination.

We believe that it is important to focus on the period of Justice Hurwitz's clerkship for United States District Judge Jon O. Newman, despite the fact that it was four decades ago. His clerkship is important because it reveals Hurwitz to be a supporter both of judicial activism and of extreme pro-abortion views.

Justice Hurwitz clerked for Judge Newman during his first year on the court. During this time, Newman authored opinions in two abortion decisions striking down Connecticut's abortion restrictions, commonly known as *Abele I* and *Abele II*.

It became well known that Hurwitz played a significant role in shaping these decisions. Hurwitz admitted that Supreme Court Justice Potter Stewart, for whom he later clerked, "jokingly referred to me as 'the clerk who wrote [Abele II].'"

Abele II was a radical opinion, the anti-life influence of which is still with us today. Two features of *Abele II* are pillars of *Roe*: the conclusion that a "fetus" is not a "person" under the Fourteenth Amendment, and the singling out of "viability" as the point in time before which the state has no interest in protecting the lives of unborn babies.

Hurwitz has done nothing to distance himself from these extreme positions in the intervening years. To the contrary, he has embraced—and even celebrated—them. In his article from 2002 on Judge Newman, he praised the *Abele II* ruling.

Americans want judges who apply the law, not make policy. As someone who greatly influenced one of the most divisive and constitutionally unfounded Supreme Court decisions in our nation's history, Justice Hurwitz is not qualified to serve on a federal circuit court.

We respectfully ask that you vote against Justice Hurwitz's nomination.

Sincerely,

CHARMAINE YOEST,
President & CEO,
Americans United for Life.

AMERICAN CENTER
FOR LAW & JUSTICE,
Washington, DC, February 27, 2012.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary,
Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, U.S. Senate Committee on the Judiciary,
Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: The American Center for Law and Justice (ACLJ) is writing to express its concerns about the nomination of Andrew D. Hurwitz to the United States Court of Appeals for the Ninth Circuit.

Justice Hurwitz's outspoken defense of *Roe v. Wade* forces us to conclude that he is unable to be a neutral and impartial judge and will likely attempt to legislate from the bench. Not only does he support the holding of *Roe*, but he also adamantly supports its long discredited reasoning. As explained by the law clerk who assisted Justice Blackmun in authoring the *Roe* opinion, "As a matter of constitutional interpretation and judicial method, *Roe* borders on the indefensible" and "Roe must be ranked among the most damaging of judicial decisions."

In a 2002 law review article, Justice Hurwitz praised the reasoning of *Roe* and proudly discussed how he helped author the opinion that influenced the *Roe* decision. In 1972, he was the clerk for Connecticut District Court Judge Jon O. Newman when Judge Newman wrote the opinion in *Abele v. Markum* (commonly known as *Abele II*, which used a "viability" standard in evaluating a right to abortion. *Abele II* was released just three weeks before the Supreme Court heard re-argument in *Roe* and eventually ruled that a woman had a constitutional right to an abortion before viability. Justice Hurwitz states that the reasoning in *Abele II* "was in almost perfect lockstep" with *Roe*, and it "not only had a profound effect on the United States Supreme Court's reasoning, but on the length of time that a pregnant woman would have the opportunity to seek an abortion."

The pride Justice Hurwitz takes in having helped author the opinion that influenced *Roe* reveals the scope and passion of his judicial activism. In his 2002 article he states of his Supreme Court clerkship interviews:

Justice Powell devoted over an hour of conversation to a discussion of Judge Newman's analysis, while Justice Stewart (my future boss) jokingly referred to me as 'the clerk who wrote the Newman opinion.' I assume that the latter was based on Judge Newman's generous letter of recommendation, a medium in which some exaggeration is expected.

Roe and Abele II are two notorious examples of judges legislating from the bench. Given his involvement with Abele II and his pride in its effect on Roe, Justice Hurwitz confirms his admiration for an activist judiciary. Every judge must be neutral, objective, and faithful to the Constitution and our laws. This must be especially true of appellate judges. Because the United States Supreme Court hears very few cases (approximately 100 per year), federal circuit courts have the final say on the vast majority of cases in the federal system. Between April 1, 2010 and March 31, 2011, the Ninth Circuit terminated more than 13,000 appeals. Because of the vast number of cases heard by the federal Courts of Appeals, especially the Ninth Circuit, it is critical that only neutral, impartial judges are elevated to those courts. Justice Hurwitz's support for the long discredited reasoning and activism of Roe and his role in constructing the Abele II opinion that influenced Roe starkly indicate his bias, his comfort with extra-constitutional decision making, and a desire to legislate from the bench.

We urge the Committee to carefully consider the important issues noted above as they review Justice Hurwitz's nomination.

Sincerely,

JAY A. SEKULOW,
Chief Counsel.

JUDICIAL ACTION GROUP,
Washington, DC.

ANDREW DAVID HURWITZ—

NOMINEE TO THE 9TH CIRCUIT COURT OF
APPEALS

HURWITZ: THE "THE ARCHITECT" AND "LONE
REMAINING DEFENDER" OF ROE V. WADE

Action: Contact the Senate Judiciary Committee Members and tell them to vote "no" on Hurwitz on Thursday, 3/1/12.

Hurwitz acted as a key author of abortion court decisions that were eventually relied upon by the Supreme Court in *Roe v. Wade*. As a young law clerk to Judge Jon O. Newman (U.S. District Court Judge for the Dist. of Connecticut) Hurwitz played a key role in authoring two 1972 decisions which the U.S. Supreme Court mimicked and expanded in the majority opinion of *Roe v. Wade*. According to Hurwitz in his law review article dedicated to the 1972 pro-abortion decisions that he helped author, Newman "had an enormously productive and influential first year. Twice confronted . . . with cases challenging the constitutionality of Connecticut's anti-abortion statute, he [we] produced two memorable [pro-abortion] opinions." As Judge Newman's Law Clerk, Hurwitz played a significant role in authoring these opinions. Hurwitz claims that these pro abortion decisions influenced the Supreme Court's decision in *Roe* and Hurwitz makes it clear that he is very proud of his role in these pro-abortion decisions. Hurwitz claims:

"One need no longer speculate on the point: it is now clear that Jon O. Newman [and Hurwitz] had, in words of one historian, 'crucial influence' on both the outcome and the reasoning in the [*Roe v. Wade*] case."

"[I] received some small inkling of the influence of Abele II [Judge Newman's pro-abortion decision] on the [Supreme] Court's thinking [in *Roe v. Wade*] in the fall of 1972, when interviewing for clerkships at the Supreme Court . . . Justice Stewart (my future boss) jokingly referred to me as 'the clerk who wrote the [pro-abortion] Newman opinion.'"

Hurwitz's continued celebration of *Roe* places him far outside the mainstream even

among liberal legal experts. While legal experts on both ends of the Abortion debate have wisely chosen to back away from the indefensibly extrapolative arguments made in the Court's decision in *Roe*, Hurwitz instead chooses to celebrate the patently activist conclusions of this ruling.

Hurwitz continues to take pride in his role crafting the case that had " 'Crucial Influence' on both the outcome and the reasoning in *Roe v. Wade*." *Roe* is not only a constitutional abomination but also a moral abomination that has resulted in judicial sanction of the killing of tens of millions of unborn children. Hurwitz should be ashamed of his role in *Roe*. His pride in his role in *Roe* is expressed not only as a young law clerk in 1972 but as recently as 2003, at the age of 52. Hurwitz's pride in his role in *Roe* is cause for great concern.

Hurwitz refused to answer the questions of Senators Grassley and Sessions regarding his role in the pro abortion decision, even though he previously wrote about and praised it. In response to several questions from Senator Grassley and Senator Sessions, Hurwitz refused to answer, claiming "I do not think it appropriate for a former law clerk to comment on the correctness of an opinion written by a judge during the clerkship term." However, Hurwitz previously commented extensively on the same (Abele) decisions extensively in a law review article, bragging about his role in the decision and even going so far as to praise the decision as a "careful and meticulous analysis of the competing constitutional issues." The decision was not a "careful and meticulous analysis," and reasonable legal scholars (liberal and conservative) do not differ on that point.

Hurwitz celebrates his role in the Supreme Court's activist decision striking down Arizona's death penalty scheme as the best episode of his private practice. Senator Sessions asked Judge Hurwitz to explain his role in *Ring*:

"You served as pro bono as lead counsel in the seminal Supreme Court case of *Ring v. Arizona*, which struck down Arizona's death penalty sentencing scheme as unconstitutional, and also invalidated several other States' statutes as well. You were quoted in an article by the Arizona Attorney newsletter as saying that the experience was 'the best episode in [your] wonderful career in private practice.'"

Hurwitz responded tersely: "I was referring to the experience of arguing before the Supreme Court."

Hurwitz's response fails to acknowledge, however, that he invited and encouraged the Court to legislate from the bench and to effectively change the very wording of the Constitution to arrive at a brand new result. Hurwitz invitation for the court to usurp legislative power is a shameful act and would not be made by any attorney who respects the text of the constitution. Moreover, Hurwitz so believed in the activist cause of the *Ring* case that he performed his legal services for free, i.e., pro bono.

Hurwitz would side with activist judges, even when in conflict with the Constitution. In response to written questions from Senator Jeff Sessions, Hurwitz states: "I do not believe that the Constitution changes from one day to the next, although I recognize that the Supreme Court may effectively produce that result when it overrules a prior decision." Even while recognizing that the Court cannot legislate from the bench and change the meaning of the Constitution, Hurwitz states that he would not look first to the constitution and other laws, but

would only consider the Constitution if other judges had not already addresses an issue in a given case. Hurwitz replied to Senator Sessions: "I would of course look to binding Supreme Court precedent first. If there were none, I would then look to precedents within my circuit. Assuming that neither my circuit nor the Supreme Court had addressed the issue, I would then analyze the language of the statute and the Constitution."

Hurwitz asserts that Constitutional Rights—such as the right to privacy—can be created by judges. Hurwitz believes that rights can be created outside of the law, by judges who decide on their own whether those rights are 'deeply rooted in this Nation's history and tradition.' *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997)." Hurwitz wrote to Senator Grassley: "The Court has held that the due process clauses protect certain fundamental rights and that the right to privacy is one of those rights."

Mr. GRASSLEY. In addition, I ask unanimous consent to have printed in the RECORD a letter signed by a variety of leaders expressing their opposition to this nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 24, 2012.

Re Opposition to Andrew David Hurwitz.

Hon. JON KYL,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: Your long and distinguished career in the Senate has given us many opportunities to agree with each other, particularly on the issues of life and defense of the unborn. In recognition of this legacy, we respectfully ask that you vote "nay" on the question of the confirmation of Andrew David Hurwitz to the United States Court of Appeals for the Ninth Circuit, and that you encourage your Senate colleagues to do the same.

Hurwitz was a key author of two pro-abortion court decisions whose rationale was significantly relied upon by the Supreme Court in *Roe v. Wade*. As a young law clerk to Judge Jon O. Newman (U.S. District Court Judge for the Dist. of Connecticut) Hurwitz played a key role in authoring two 1972 decisions which the U.S. Supreme Court mimicked and expanded in the majority opinion of *Roe v. Wade*. Hurwitz accurately claims that these pro-abortion decisions influenced the Supreme Court's decision in *Roe* and Hurwitz makes it clear that he is proud of his role in these pro-abortion decisions. Hurwitz wrote:

"One need no longer speculate on the point: it is now clear that Jon O. Newman [and Hurwitz] had, in words [sic] of one historian, 'crucial influence' on both the outcome and the reasoning in the [*Roe v. Wade*] case."

Hurwitz continued:

"[I] received some small inkling of the influence of Abele II [Judge Newman's pro-abortion decision] on the [Supreme] Court's thinking [in *Roe v. Wade*] in the fall of 1972, when interviewing for clerkships at the Supreme Court . . . Justice Stewart (my future boss) jokingly referred to me as 'the clerk who wrote the [pro-abortion] Newman opinion.'"

While legal experts on both ends of the abortion debate have wisely chosen to back away from the constitutionally indefensible "reasoning" of the Court's decision in *Roe*, Hurwitz instead chose to celebrate it. Hurwitz's recent and continued celebration

of Roe places him far outside the mainstream of legal thought and demonstrates his fundamental misunderstanding of the Constitutional role of the Judiciary. As such, Hurwitz is one of President Obama's most controversial and dangerous nominees.

Hurwitz's professional record is distinguished by his significant contribution to—and defense of—one of the most activist Supreme Court opinions in history. As such, any vote for Hurwitz would stand as a tacit—if not outright—endorsement of his radical views on abortion and the constitutional role of the judiciary. One of the most enduring legacies of United States Senators is determined by the records of judges that they voted to confirm. In light of your past work to defend life, we ask that you withdraw your support for Hurwitz and that you encourage your colleagues to vote against his confirmation. We respectfully ask for your response to our request.

Respectfully,

Penny Nance, President and CEO, Concerned Women for America;* Tom McClusky, Executive Vice President, Family Research Council Action;* Phyllis Schlafly, President, Eagle Forum;* Dr. Day Gardner, President, National Black Pro-Life Union;* Kristan Hawkins, Executive Director, Students for Life of America;* Troy Newman, President, Operation Rescue;* Rev. Robert Schenck, President, National Clergy Council;* Andrea Lafferty, President, Traditional Values Coalition;* Rev. Rick Scarborough, President, Vision America;* Gary Bauer, President, American Values;* Gary A. Marx, Executive Director, Faith and Freedom Coalition;* Laurie Cardoza-Moor, President, Proclaiming Justice to the Nations;* Janet Porter, President, Faith2Action;* Kyle Ebersole, Editor, Conservative Action Alerts;* Linda Harvey, President, Mission America;* C. Preston Noell III, President, Tradition, Family, Property, Inc.;* Kent Ostrander, The Family Foundation (KY).*

Diane Gramley, President, American Family Association of Pennsylvania;* Rabbi Moshe Bresler, President, Garden State Parents for Moral Values;* Mike Donnelly, Home School Legal Defense Association;* Rabbi Yehuda Levin, Rabbinical Alliance of America;* Rabbi Noson S. Leiter, Executive Director, Torah Jews for Decency; Founder, Rescue Our Children;* Rabbi Jonathan Hausman Chaplain Gordon James Klingenschmitt, PhD, The Pray In Jesus Name Project;* Virginia Armstrong, Ph.D., National Chairman., Eagle Forum's Court Watch;* Keith Wiebe, President, American Association of Christian Schools;* Dr. Carl Herbst, AdvanceUSA;* Brian Burch, President, CatholicVote.org;* Dr. William Greene, President, RightMarch.com;* Dr. Rod D. Martin, President, National Federation of Republican Assemblies;* Rick Needham, President, Alabama Republican Assembly;* Charlotte Reed, President, Arizona Republican Assembly;* Dr. Pat Briney, President, Arkansas Republican Assembly.*

Celeste Greig, President, California Republican Assembly;* Rev. Brian Ward, President, Florida Republican Assembly;* Paul Smith, President, Hawaii Republican Assembly;* Ken Calzavara, President, Illinois Republican Assem-

bly;* Craig Bergman, President, Iowa Republican Assembly;* Mark Gietzen, President, Kansas Republican Assembly;* Sallie Taylor, President, Maryland Republican Assembly;* David Kopacz, President, Massachusetts Republican Assembly;* Chris Brown, President, Missouri Republican Assembly;* Travis Christensen, President, Nevada Republican Assembly;* Nathan Dahm, President, Oklahoma Republican Assembly;* Ray McKay, President, Rhode Island Republican Assembly;* Paula Mabry, President, Tennessee Republican Assembly;* Hon. Bob Gill, President, Texas Republican Assembly;* Patrick Bradley, President, Utah Republican Assembly;* Ryan Nichols, President, Virginia Republican Assembly;* Mark Scott, President, West Virginia Republican Assembly;* Joanne Filiatreau, Board Member, Arkansas T.E.A. Party;* Mandi D. Campbell, Esq., Legal Director, Liberty Center for Law and Policy;* Phillip Jauregui, President, Judicial Action Group.*

*Organizations listed for identification purposes only.

Mr. GRASSLEY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak on a different subject primarily, but in view of my colleague's comments and my disagreement with them, let me just make a note of my position.

Mr. President, I certainly respect my colleague from Iowa. Like him, my views on the issue of abortion are very decidedly pro-life, and I too disagree with the decision in *Roe v. Wade*. I agree with him that many legal scholars believe that decision rests on very shaky legal grounds.

But I would say this about Andrew Hurwitz, the nominee who will be before us: Never in any decision he has rendered as a member of the Arizona Supreme Court has anybody I know believed he let his personal views, his personal philosophic or political views determine his judicial rulings. To the contrary, everyone with whom I have spoken, and to the degree I have been able to study his career of about a decade on the Arizona Supreme Court, it is remarkably free of the kind of politics that sometimes infuses judicial decisionmaking.

His opinions are well considered, based on the law, well written, and generally a part of a consensus court. There are both Republicans and Democrats on the Arizona Supreme Court, and Justice Hurwitz is usually with his other colleagues on the court in deciding these matters.

I think it is unfair to an extent that because he wrote a Law Review article several years ago in which one can assume he expressed a pro-choice point of view that therefore somehow he would be disqualified from serving on the Ninth Circuit Court of Appeals. In fact, here is some breaking news: President

Obama nominates pro-choice candidates to courts. Obviously, I am being facetious.

I suspect most of President Obama's nominees are pro-choice. I don't ask the nominees I consult with, the ones we recommend from the State of Arizona, what their view is on any particular issue, including that issue. But I can assume the nominees of President Obama are probably more liberal—and are pro-choice—on that particular issue than my views. But President Obama is the President. He gets to nominate people. So I have to work with his White House Counsel to try to find the best possible people with two primary qualifications: One, how good a judge would that individual be in intelligence, judicial temperament, the kinds of things that make a good judge?

Secondly—and this is very important to me—will this judge decide cases based on the law, period, the facts of the case and the law, and the U.S. Constitution or will the nominee potentially allow his or her own personal preferences, political points of view, and philosophy to be a part of the decisionmaking process?

If I believe it is the latter, then I will not support a nominee. I have opposed nominees right here on the Senate floor based on that test where I thought that based on the hearing and the record of the nominee that the individual could have a hard time separating out their own political judgments from deciding cases. Then I voted no.

This is a nominee I not only gladly vote yes on, but I am, frankly, asking my colleagues to vote yes because I absolutely, totally believe he will decide cases based upon the merits of the case, the facts, and the law, not based on the politics.

Interestingly, on this one particular issue, to my knowledge there has not been an issue before the Arizona Supreme Court in the last decade, while he has been on the court, which would call on him to decide it one way or the other. So neither side can say, well, he didn't allow it to happen or he did allow it to happen. We have not been able to find any case like that.

There have been other political kinds of issues that have come before the court—issues dealing with the death penalty and things of that sort. As I said, neither my conservative friends back in Arizona nor I have been able to find a case in which Justice Andrew Hurwitz's decisions have been based on anything other than a pretty clear reading of the law as applied to the facts of the case. I have every reason to believe in his honesty and his integrity in continuing that practice, which he has manifested over the last decade, if and when he is confirmed to the Ninth Circuit Court Of Appeals or I would not

have recommended him to the administration, and I would not be recommending him to my colleagues.

So with all due respect to my good friend from Iowa, whose views I share on the question of abortion, I think it would be wrong to oppose this nominee based on that fact.

The PRESIDING OFFICER. The Senator for California.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in strong support of the nomination of Arizona Supreme Court Justice Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit.

The Ninth Circuit is the busiest Federal appellate court in the Nation. It has over 1,400 appeals pending per three-judge panel. This is the most of any circuit, and it is over two times the average of other circuits combined. Think of that: It is twice as heavily busy with cases as the average of the other circuits combined.

The Judicial Conference of the United States has declared each Ninth Circuit vacancy a judicial emergency. So today we are considering a nominee to a judicial emergency vacancy. The nominee is Justice Andrew Hurwitz of the Arizona Supreme Court, and he is very well respected. He is seasoned. He has over 25 years of practical experience and 9 years on the State supreme court. He has the strong support of the two Republican Senators from his home State, JON KYL and JOHN MCCAIN.

Candidly, I am surprised that a cloture vote is necessary. This body should be able to confirm this nominee without controversy. So I urge my colleagues to vote for cloture and to support this nomination.

Justice Hurwitz earned his bachelor's degree from Princeton University, Phi Beta Kappa, in 1968. He earned his law degree from Yale Law School in 1972 where he was note and comment editor of the Yale Law Journal.

Following graduation, Justice Hurwitz clerked for three distinguished Federal judges: Jon O. Newman, then of the District of Connecticut; Joseph Smith of the U.S. Court of Appeals for the Second Circuit; and Potter Stewart of the Supreme Court of the United States.

Following these three clerkships, Justice Hurwitz worked in private practice for over 25 years in Phoenix, AZ, where he represented clients in State courts, Federal courts, and administrative agencies.

Hurwitz's clients have included AT&T, Lucent Technologies, ABC, Clorox, the city of Phoenix, PGA Golf, the Arizona State Compensation Fund, various Native American tribes, the U.S. Conference of Mayors, the National League of Cities, and the Council of State Governments. That is a wide and diverse cross-section of companies in our country.

Hurwitz has tried more than 40 cases to final judgment. That is actually more than most appellate court judges who have been before us. He has argued numerous cases before the Ninth Circuit and other State and Federal appellate courts and argued two cases before the U.S. Supreme Court.

Justice Hurwitz was appointed to the Arizona Supreme Court in 2003, where he has built a reputation as a fair-minded and highly skilled jurist. As Senator KYL said in the Judiciary Committee:

Everyone who has practiced in Arizona before the Arizona Supreme Court on which Justice Hurwitz sits . . . is complimentary of his legal skills, temperament, and he has received widespread support [in Arizona] for his appointment . . . to the ninth circuit.

Justice Hurwitz was appointed by Chief Justice Rehnquist to serve as a member of the Advisory Committee on the Federal Rules of Evidence and was reappointed to that position by Chief Justice Roberts.

In my view, Justice Hurwitz is one of the most qualified circuit court nominees I have seen, and I have served on the Judiciary Committee for 19 years now. There are two areas of dispute I would like to address.

First, some have criticized Justice Hurwitz on the death penalty. As a Democrat who supports the death penalty, I can tell you these charges are simply wrong. On the Arizona Supreme Court, Justice Hurwitz has voted to uphold numerous death sentences. Just this year, in *State v. Cota*, he authored an opinion for the court upholding the death sentence of a man who killed a married couple who had hired him to perform house work. He joined a similar opinion this year in *State v. Nelson* which upheld the death penalty for a man who hit his 14-year-old niece on the head with a mallet. Last year, in *State v. Manuel*, he joined an opinion upholding a death sentence for a man who shot and killed the owner of a pawn shop in Phoenix.

Justice Hurwitz did argue a case in the Supreme Court called *Ring v. Arizona*, which established that a jury, not a judge, must find the facts necessary to make a defendant eligible for the death penalty. The *Ring* decision was 7 to 2. It is part of a line of cases—beginning with *Apprendi v. New Jersey* in 2000—in which Justices Scalia and Thomas have been at the forefront of expanding defendants' rights to have certain facts found by juries, not judges. In fact, Justices Scalia and Thomas concurred in the decision. Justice Breyer dissented. So it is not something that breaks down along ideological lines.

There is simply no question Justice Hurwitz will follow the law on the death penalty if he is confirmed. He has done so for the last 9 years.

The second issue is a Law Review article Hurwitz wrote in 2002 about a de-

cision by a district court judge 40 years ago that may have influenced—I say may have influenced—the Supreme Court's decision in *Roe v. Wade*.

In response, I would first say, as Senator KYL said in the Judiciary Committee, that Justice Hurwitz did not express his personal views on the *Roe* decision. Second, the real question is how Justice Hurwitz has comported himself as a judge because we have long years to look at. By all accounts, his record has been superb. Not once has an opinion he has written been overturned by a higher court. Let me repeat: Not once has he been overturned by a higher court. Yet it is my understanding that 60 votes is hard-pressed to get in this body, and that is hard for me to understand.

As Senator KYL has also said, Justice Hurwitz's "opinions obviously carefully adhere to the law . . . [and] that is what most of us are looking for in judicial nominations." And that is absolutely right.

In the Judiciary Committee I listened to Senator KYL's strong defense of Justice Hurwitz. JON KYL is not a liberal; he is a rock-rib conservative. I said at the time that Senator KYL's statement was "music to my ears" because I thought we finally might be getting away from this effort to find a single statement or speech in someone's background to use to condemn him or her for all time.

In this case, it is a district judge's decision from 40 years ago and a Law Review article. If we have 41 Members who are going to vote against this man because he wrote a Law Review article about a case decided 40 years ago, that is a real problem, particularly because this man is a supreme court justice of the State of Arizona, and particularly because both Republican Senators support him. I, as a Democrat—and Democrats on our side in the Judiciary Committee—also support him. There may be something else that somebody wrote 40 years ago in college—and we have seen some of this too. It goes on and on, and it is wrong.

I agree with Senator KYL that this is a highly qualified nominee for the busiest circuit in the country and a circuit that has a judicial emergency. So I urge my colleagues to vote for cloture to support Justice Hurwitz's nomination by virtue of education, by virtue of training, by virtue of private practice, and by virtue of court record, his record is unimpeachable, and I stand by that.

So I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Mr. President, I rise today to express my opposition to the nomination of Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit. I would first note that this year we have already confirmed 25 of President Obama's judicial nominees.

At this point in 2004, the last Presidential election year during a President's first term, the Senate had confirmed only 11 of President Bush's judicial nominees. At precisely the same point in 1996, during President Clinton's first term, the Senate had confirmed only three judicial nominees. So this year we have confirmed more than twice as many of President Obama's judicial nominees as we did during a comparable period for President Bush and more than eight times as many as we did for President Clinton.

Of the nominees we have already confirmed so far this year, two are now serving as appellate judges on the Ninth Circuit. The Ninth Circuit is an important appellate court in America, with jurisdiction over about 60 million Americans—roughly 20 percent of our country's total population.

Approximately one-third of all reversals handed down by the Supreme Court last term were from the Ninth Circuit. Indeed, the Ninth Circuit has developed something of a reputation for eccentric legal theories and unusual results. As one commentator suggested, "There should be two Supreme Courts, one to reverse the U.S. Court of Appeals for the 9th Circuit, the other to hear all the other cases."

We should therefore exercise some caution in confirming yet another liberal nominee to the Ninth Circuit. But Mr. Hurwitz is not simply another liberal nominee. Mr. Hurwitz has sought to claim credit for one of the most controversial and constitutionally indefensible decisions in Supreme Court history—*Roe v. Wade*.

In 1972, Mr. Hurwitz clerked for Judge Jon Newman on the U.S. District Court for the District of Connecticut. That year, as Mr. Hurwitz later put it: "[t]he abortion issue dominated [Judge Newman's time]," and Mr. Hurwitz helped Judge Newman write two key abortion decisions known as *Abele I* and *Abele II*. These two decisions established the conceptual groundwork for the decision that became known later as *Roe v. Wade*. They relied on a single discredited, historical account to conclude that Connecticut's abortion laws were not in fact passed to protect the life of the fetus; they relied on flawed science to conclude that there was no objective way of knowing when human life begins; and they relied on a fabricated and arbitrary legal framework of viability to analyze the competing rights of the individual and the State.

Given the woefully misguided reasoning behind these decisions, one

would assume that a former law clerk would keep quiet about his personal role in drafting opinions that lack serious constitutional grounding. Indeed, most former law clerks—who have a certain duty not to discuss internal deliberations—would consider themselves ethically bound not to talk about decisionmaking in individual cases, and certainly would not seek to attract public attention to their role in particular decisions. But Mr. Hurwitz did just that.

In a 2002 law review article, Mr. Hurwitz recounted how he received a Supreme Court clerkship partly on the basis of his role in helping draft Judge Newman's 1972 abortion decisions. Mr. Hurwitz wrote that Justice Potter Stewart, who hired Mr. Hurwitz as a clerk at the Supreme Court, "jokingly referred to [Hurwitz] as 'the clerk who wrote the Newman [abortion] opinion.'" And Mr. Hurwitz made clear that the opinion had a "demonstrable effect" on the Supreme Court's approach to abortion.

My concern with respect to Mr. Hurwitz's asserted role in *Roe v. Wade* goes beyond his attempt to take credit for that decision. Mr. Hurwitz has been nominated to serve as a Federal appellate judge, and his endorsement of the reasoning underlying *Roe v. Wade* raises immense concerns about his constitutional jurisprudence. While Mr. Hurwitz continues to write about *Roe* with fondness, nostalgia, and even pride, most legal scholars—including many who hold very liberal political views—concede that *Roe* was an extraordinarily flawed legal decision. For example, Prof. John Hart Ely has written:

[*Roe v. Wade*] is bad because it is bad constitutional law, or rather it is not constitutional law [at all] and gives almost no sense of an obligation to try to be.

Prof. Lawrence Tribe has written:

[B]ehind its own verbal smokescreen, the substantive judgment on which [*Roe*] rests is nowhere to be found.

Prof. Akhil Reed Amar has written:

Roe's main emphasis is neither textual, nor historical, nor structural, nor prudential, nor ethical: it is doctrinal. But here too it is a rather unimpressive effort. As a precedent-follower, *Roe* simply string-cites a series of privacy cases . . . and then abruptly announces with no doctrinal analysis that this privacy right is broad enough to encompass abortion.

Prof. Cass Sunstein likewise has written:

In the Court's first confrontation with the abortion issue, it . . . decided too many issues too quickly. The Court should have allowed the democratic processes of the states to adapt and to generate solutions that might not occur to judges.

Unlike these liberal legal scholars, Mr. Hurwitz fails to appreciate that *Roe* represents exactly the kind of constitutional activism Federal courts must avoid—inventing new rights without any substantive or significant constitutional analysis.

Given the chance at his Senate Judiciary Committee hearing to disassociate himself from *Roe v. Wade*, Mr. Hurwitz did not do so. Instead, his only relevant response—an assertion also unpersuasively made by some of my colleagues—has been that his 2002 law review article was merely descriptive and did not express any personal opinion as to the merits of *Roe*. But to anyone who has reviewed Mr. Hurwitz's article and the laudatory tone with which it discusses the connection between Judge Newman's opinions and *Roe v. Wade* itself, this assertion simply is not credible.

Mr. Hurwitz wrote that Judge Newman's opinions on abortion were "memorable, innovative, careful, and meticulous." He described them as exerting a "profound, critical, immediate, direct, and crucial" influence on *Roe v. Wade*, which he described as a landmark opinion of the Supreme Court.

Mr. Hurwitz cannot have it both ways. He cannot seek credit for his role in developing a jurisprudence that is unmoored from the Constitution and that has fundamentally disrespected human life, and then later claim he was only retelling a story. Mr. Hurwitz's attempts to take credit for, and subsequent refusal to distance himself from, constitutional decisions that lack serious constitutional foundation casts an unacceptable degree of doubt on his ability to serve in the role of a Federal appellate judge.

Of the countless qualified individuals who would make excellent appellate judges to serve on the Ninth Circuit, President Obama chose to nominate the one person who, by his own account, was a key intellectual architect of the profoundly flawed legal arguments in *Roe v. Wade*—someone who fails to appreciate the illegitimacy of constitutional activism and who, even today, looks back on his role in that case with pride.

It is for this reason that I urge all of my colleagues to vote against the nomination of Andrew Hurwitz.

• Mr. VITTER. Mr. President, I oppose the nomination of Andrew Hurwitz to the Ninth Circuit Court of Appeals because I have serious concerns with his capability to serve in the role of a lifetime-tenured Federal appellate judge. His public statements regarding, and past contributions to, previous Supreme Court decisions give serious pause as to whether we should confirm him to serve on a Federal appellate court.

Mr. Hurwitz has effectively taken credit for helping develop the legal architecture for *Roe v. Wade* while serving as a law clerk to then-Judge Jon Newman. Judge Newman, a U.S. District Judge for the District of Connecticut, issued two 1972 decisions which are clearly reflected and expanded upon in the Supreme Court's opinion in *Roe v. Wade*. Mr. Hurwitz

played a key role in authoring these decisions and he has publicly expressed great pride in this fact. He wrote a 2002 law review article praising Roe and bragged that he helped craft Newman's opinion that was reflected in "almost perfect lockstep" in the Supreme Court's decision. This concerns me because not only is Roe a constitutional abomination, but a moral abomination that has resulted in the killing of tens of millions of unborn children.

Mr. Hurwitz has claimed credit for shaping a judicial decision that fundamentally disrespected human life and is completely unfounded in the Constitution. *Roe v. Wade* forever changed the debate about abortion in this country by creating a nationwide policy of abortion-on-demand through one of the worst cases of judicial activism in history. It is so poorly reasoned that both conservative and liberal legal experts and scholars acknowledge that Roe was a deficient opinion that lacks any legitimate legal reasoning in support of its holding.

His willful failure to recognize the legal deficiencies of the Roe opinion and his self-promotion for playing a part in such an unfortunate event in this country's judicial history makes clear that he is not qualified to serve in the role of a Federal appellate judge.

I believe we must support the dignity and sanctity of all human life and defend those who cannot defend themselves. This judicial nominee would do the opposite, which is why I must oppose Andrew Hurwitz's nomination to the Ninth Circuit Court of Appeals.●

Mr. KYL. I support the nomination of Justice Andy Hurwitz to the Ninth Circuit Court of Appeals.

Justice Hurwitz received his undergraduate degree from Princeton University (A.B. 1968) and his law degree from Yale Law School (J.D. 1972), where he was Note and Comment Editor of the Yale Law Journal.

He served as a law clerk to Judge Jon O. Newman of the United States District Court for the District of Connecticut in 1972; to Judge J. Joseph Smith of the United States Court of Appeals for the Second Circuit in 1972–1973; and to Associate Justice Potter Stewart of the Supreme Court of the United States in 1973–1974.

Justice Hurwitz has served on the Arizona Supreme Court since 2003. Before joining the Arizona Supreme Court, Justice Hurwitz was a partner in the Phoenix firm of Osborn Maledon, where his practice focused on appellate and constitutional litigation, administrative law, and civil litigation. He is a member of the bar in Arizona and in Connecticut; he received the highest grade on the Arizona Bar examination in the summer of 1974. He argued two cases before the Supreme Court of the United States. Justice Hurwitz served as chief of staff to two Arizona governors—from 1980 to 1983 and in 1988. He

was a member of the Arizona Board of Regents from 1988 through 1996, and served as president of the Board in 1992–1993.

He has regularly taught at the Arizona State University College of Law, and was in residence at the College of Law as Visiting Professor of Law in 1994–1995 and as a Distinguished Visitor from Practice in 2001. He was appointed by Chief Justice Rehnquist in 2004 as a member of the Advisory Committee on the Federal Rules of Evidence and reappointed to a second term by Chief Justice Roberts in 2007.

His easy to see why Justice Hurwitz was awarded the ABA's highest rating: Unanimous "Well Qualified."

During his 9-year tenure on the Arizona Supreme Court, Justice Hurwitz has consistently demonstrated a commitment to faithfully apply existing law and precedent regardless of his own policy preferences. A few examples are quite telling:

In 2006, he upheld the constitutionality of a 200-year sentence for a man convicted of possessing twenty pictures of child pornography even though Justice Hurwitz personally felt that the sentence was too long. Responding to the dissent in *State v. Berger*, he wrote:

As a policy matter, there is much to commend Justice Berch's suggestion that the cumulative sentence imposed upon Mr. Berger was unnecessarily harsh, and my personal inclination would be to reach such a conclusion. As a judge, however, I cannot conclude under the Supreme Court precedent or even under the alternative test that Justice Berch proposes that Berger's sentences violate the United States Constitution.

In 2005, in *State v. Fell*, Justice Hurwitz, followed Supreme Court precedent and held that "the Sixth Amendment does not require that a jury find an aggravating circumstance before a natural life sentence can be imposed." In so doing, he rejected a position similar to the one he had advocated for at the Supreme Court just 3 years earlier.

Justice Hurwitz repeatedly reiterated his commitment to judicial restraint in his testimony to the Judiciary Committee. To briefly quote him: "Judgments about policy matters are within the province of the legislature, and courts should not second-guess such judgments."

Justice Hurwitz's steadfast commitment to this philosophy is likely the reason that no opinion written or joined by Justice Hurwitz has ever been overturned by the United States Supreme Court.

I support the nomination of Justice Hurwitz to the Ninth Circuit because I believe that his abilities, experience, and commitment to judicial restraint will enable him to serve the residents of the Ninth Circuit as ably as he has served the people of Arizona.

Today, I am very disappointed because a lot of friends of mine in the

pro-life community are, to put it charitably, exaggerating one Law Review article that he wrote attributing to Justice Hurwitz all kinds of views which are not appropriate based upon the facts. It has to do with the pro-life issue.

I want to set the record straight on Justice Hurwitz's article about Judge Jon O. Newman, which has unfortunately been blown out of proportion. About 10 years ago, the New York Law School Law Review solicited Judge Jon O. Newman's former clerks to write articles for a symposium dedicated to Judge Newman's first 30 years on the bench. Five clerks agreed, including Justice Hurwitz, who wrote about the most influential opinion written by Judge Newman while Justice Hurwitz was clerking for him.

Justice Hurwitz wrote the Newman article to "document the historical record about the effect of Judge Newman's decisions on subsequent Supreme Court jurisprudence." [Hurwitz Responses to the Written Questions of Senator JEFF SESSIONS, question 1(a), pg. 1.] He did not express his "personal opinions" on the merits of Judge Newman's reasoning in *Abele I* or *Abele II*, something that Justice Hurwitz believes would be "improper for a law clerk to do, either then or now." [Hurwitz Responses to the Written Questions of Senator JEFF SESSIONS, question 1(a), pg. 1.]

Although Justice Hurwitz "assisted in the research," "Judge Newman wrote the [Abele II] opinion, as he did all opinions which bore his name during the time [Justice Hurwitz] clerked for him." [Hurwitz Responses to the Written Questions of Senator TOM COBURN, question 8, pg. 5.] Further, as a law clerk, Justice Hurwitz was required to implement Judge Newman's preferences, not his own. Thus, Judge Newman's opinion cannot be attributed to Justice Hurwitz.

If someone told me that Justice Hurwitz was pro-choice, I would believe that, though he has never said, and he did not express his personal opinions in the Law Review article about the decision that his previous boss, a federal judge, had written. His boss, Judge Newman, wrote an opinion that was part of the basis for *Roe v. Wade*, a decision with which I wholeheartedly disagree. Andrew Hurwitz wrote about that. Somehow my friends in the pro-life community have turned this into a federal case against him. What do they suggest? That he approved of *Roe v. Wade*. The point is that Andrew Hurwitz has never in his career on the Arizona State Supreme Court evidenced any inability to separate his own personal views from the judging that he is required to do. And I would defy any of these people who think they know more about it than I do to show me a case if they can find one where that is not true.

Justice Andrew Hurwitz is known in Arizona as a very fair jurist who applies the law fairly and without regard to his personal inclinations. That is the kind of judge he will be on the Ninth Circuit of Appeals. If my reputation among my conservative colleagues means anything, I simply say I know the man; I have known him a long time; and my good friends in the conservative community have every confidence in Andrew Hurwitz.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the 9th Circuit.

Harry Reid, Patrick J. Leahy, Al Franken, Daniel K. Inouye, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Michael F. Bennet, Herb Kohl, Patty Murray, Robert P. Casey, Jr., Tom Udall, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Christopher A. Coons, Mark Begich.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 31, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—60

| | | |
|------------|--------------|-------------|
| Akaka | Gillibrand | Murkowski |
| Alexander | Hagan | Murray |
| Baucus | Harkin | Nelson (NE) |
| Begich | Inouye | Nelson (FL) |
| Bennet | Johnson (SD) | Pryor |
| Bingaman | Kerry | Reed |
| Blumenthal | Klobuchar | Reid |
| Boxer | Kohl | Rockefeller |
| Brown (MA) | Kyl | Sanders |
| Brown (OH) | Landrieu | Schumer |
| Cantwell | Lautenberg | Shaheen |
| Cardin | Leahy | Snowe |
| Carper | Levin | Stabenow |
| Casey | Lieberman | Tester |
| Collins | Lugar | Udall (CO) |
| Conrad | McCain | Udall (NM) |
| Coons | McCaskill | Warner |
| Durbin | Menendez | Webb |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |

NAYS—31

| | | |
|----------|--------------|----------|
| Ayotte | Grassley | Paul |
| Barrasso | Heller | Portman |
| Blunt | Hoeven | Risch |
| Boozman | Hutchison | Roberts |
| Coats | Inhofe | Rubio |
| Cochran | Johanns | Sessions |
| Corker | Johnson (WI) | Shelby |
| Cornyn | Lee | Thune |
| Crapo | Manchin | Wicker |
| DeMint | McConnell | |
| Graham | Moran | |

NOT VOTING—9

| | | |
|-----------|---------|--------|
| Burr | Enzi | Kirk |
| Chambliss | Hatch | Toomey |
| Coburn | Isakson | Vitter |

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

• Mr. TOOMEY. Mr. President, I want to submit for the record my views on roll call vote No. 118, the nomination of Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit. I am deeply concerned with Mr. Hurwitz's role in advancing a constitutionally flawed doctrine that would become the framework for *Roe v. Wade*. His actions constitute a brand of judicial activism unfit for the Court. I do not believe Mr. Hurwitz holds the requisite traits necessary to be an objective arbiter of the law. Had I been present, I would have voted "nay." •

The PRESIDING OFFICER. The Senator from Colorado.

125TH ANNIVERSARY OF UNITED WAY

Mr. UDALL of Colorado. Mr. President, I rise tonight to recognize the 125th anniversary of United Way and honor their extraordinary achievements since their founding 125 years ago in Denver, CO.

In 1887, a Denver woman along with local religious leaders recognized the need for community-based action in order to address Denver's growing problem with poverty. In Denver, this group—this initial group—established the first of what would become a worldwide network of organizations called United Way. Their goal was simple: create a community-based organization that would raise funds in order to provide economic relief and counseling

services to neighbors in need. During their first campaign in 1888, this remarkable organization raised today's equivalent of \$650,000.

Now, 125 years after its founding, United Way has become a celebrated worldwide organization committed to improving communities from the bottom up through cooperative action and community support in 41 countries across the globe. United Way forges public-private partnerships with local businesses, labor organizations, and 120 national and global corporations through the Global Corporate Leadership Program that brings an impressive \$1 billion to local communities each year. United Way effectively leverages private donations in order to finance innovative programs and initiatives that profoundly affect communities throughout Colorado, the United States and, dare I say, the world.

The success and strength of these partnerships between United Way and America's workers cannot be overstated. Nearly two-thirds of the funds for United Way come from voluntary worker payroll contributions, and the Labor Letters of Endorsement Program championed by the AFL CIO encourages affiliates and their members to give their time and resources to United Way campaigns.

Just one powerful illustration of this partnership is the National Association of Letter Carriers' National Food Drive, which is a cooperative effort of the U.S. Postal Service, the AFL CIO, and United Way, which has become the world's largest 1-day food drive.

United Way has strengthened bonds and built a foundation of collaboration and partnership in our communities. Its founders could never have imagined the ultimate breadth and reach of this group, growing from a local support organization in little Denver, CO, back in 1887 to a globally recognized force for good.

United Way is an indispensable part of Colorado's social fabric, and I am proud to recognize and honor this historic anniversary.

There are 14 local United Way organizations leaving an indelible mark throughout Colorado. I want to take a moment to recognize each of them for their tremendous role as cornerstones of their communities: Foothills United Way, Boulder; Pikes Peak United Way, Colorado Springs; Moffat County United Way, Craig; Mile High United Way, Inc., Denver; United Way of Southwest Colorado, Durango; United Way of Eagle River Valley, Eagle; United Way of Morgan County, Inc., Fort Morgan; United Way of Mesa County, Grand Junction; United Way of Weld County, Greeley; United Way of Larimer County, Inc., Fort Collins and Loveland; Pueblo County United Way, Inc., Pueblo; United Way of Garfield County, Rifle; Routt County United Way, Steamboat Springs; and Logan County United Way, Sterling.

To all of the employees and partners of United Way, I join my Senate colleagues in recognizing and applauding your legacy and inspirational service. This 125th anniversary is a milestone deserving of celebration, and I commend your tireless pursuit to advance the common good.

BIPARTISAN FARM BILL

Mr. President, I also rise to speak to the important bipartisan legislation we are considering which is commonly known as the farm bill.

This legislation is critical not just to our farmers and ranchers and rural communities but to every segment of our population and our economy. We have heard from others highlighting that this bill supports more than 16 million jobs across our country.

In fact, the Colorado Department of Agriculture estimates that in my home State alone the agricultural-related industry generates approximately \$20 billion in economic activity supporting more than 100,000 jobs. This is a principal reason why I urge the Senate to consider and pass a 2012 farm bill.

This bill will unquestionably strengthen our economy and help to grow jobs that support the livelihood of Coloradans and Americans in both rural and urban communities. That is what our constituents in Pennsylvania, Ohio, and Arkansas are demanding we do—work together across the aisle to pass bills that will help put people back to work.

I want to take a second or two to thank the members of the Senate Agriculture Committee, especially Chairwoman STABENOW and Ranking Member ROBERTS, for their efforts to bring a bipartisan bill to the Senate floor.

As with most of our work in the Senate—and when we are at our best—compromise is key, and it rules the day. I am pleased we are now discussing a bill that will provide certainty to our farmers and ranchers over the next 5 years.

Let me tell you some of the other things the bill will do. It will improve opportunities for farmers and ranchers to enter the agricultural sector, it will streamline and maintain valuable programs that support voluntary conservation practices on the farm, and it will responsibly extend important nutrition programs, all the while reducing our deficit by more than \$23 billion. Yes, you heard that correctly—while reducing our Federal budget deficit by over \$23 billion.

There are many important aspects to each title in the bill, but I want to take a few minutes to speak specifically about the forestry title, particularly given the news of the large wildfires in my State and in New Mexico and other portions of the West. The forestry portion of the farm bill has been of particular interest to me and my constituents because of its bearing on my State's economy and on the public safety of so many Coloradans.

Good stewardship of our forests not only provides private sector opportunities to enhance stewardship of our public lands, it also protects wilderness and roadless areas, all the while sustaining a strong tourism industry. Indeed, activities such as hiking, skiing, shooting, and angling contribute over \$10 billion a year to Colorado's economy, supporting 100,000 Colorado jobs.

The Senate Agriculture Committee did a commendable job in building a responsible approach to addressing forest health. I have a few additional concerns that I hope we can address during the amendment process. But I want to emphasize the importance of this title in particular because of the need to address a growing emergency in our western forests caused by the largest bark beetle outbreak in recorded history.

From the west coast, through the Rocky Mountains, all the way to the Black Hills of the Dakotas, this infestation has killed more than 41 million acres of trees, and it is anticipated to continue to kill millions more in the years to come as it spreads. In my State alone—and it breaks my heart to share this with you—the bark beetle is expected to kill every single lodgepole pine. When that takes effect, when every tree is killed, then 100,000 trees a day are going to fall. I know that number seems impossible to imagine. But 100,000 trees would be falling down daily once the epidemic ends by killing all of these trees.

These falling trees have real and often devastating impacts on the lives of everyday westerners.

I have put up a picture for the viewers to show what it looks like when entire stands of infested trees are blown over because of heavy winds and other conditions.

Massive forest mortality across the West, such as what is shown in this picture, has a wide range of repercussions that affect municipal and agricultural water supplies and tourism economies. It also increases wildfire risk and, of course, it would affect human health and safety.

The Forest Service—our U.S. Forest Service—has sought to prioritize treating affected forests—like this one shown in this picture—where there is a direct and immediate risk to human health and safety, and this legislation will help them to further accomplish needed treatment in our forests.

In Colorado and southern Wyoming, the treatment prioritization includes 215,000 acres of wildland-urban interface that poses the greatest fire risk to urban areas. Treatment prioritization will include thousands of miles of roads and trails, hundreds of miles of power lines, and hundreds of popular recreation sites and multiple skiing areas that are critical to our tourism economy.

This second picture gives us an idea of the real risk of wildfire to critical

infrastructure, such as power lines. In addition, water supplies, without which the West would not know civilization as we see it today, are at risk because of the damage wildfires can cause the watershed and because falling, dead trees can obstruct water infrastructure such as ditches, gates, pipelines, and storage facilities.

Another tool that is permanently reauthorized in the farm bill title which enhances how we manage our forests and would hopefully prevent this kind of a catastrophic fire is called stewardship contracting. Stewardship contract authority is a tool used by the Forest Service and the Bureau of Land Management to contract with local businesses to fell and treat dangerous stands of ailing trees and in so doing improve the health of our forests. These contracts help sustain rural communities, restore and maintain healthy forest ecosystems, and they provide a continuous source of local income and employment. The authority allows for multiple-year contracts, ensuring job stability and a consistent supply of wood products to mills not only across Colorado but, frankly, across our country.

Stewardship contracts have helped clean up more than 545,625 acres nationally through approximately 900 contracts, with more than 80 awarded in Colorado alone. This is a track record of which we can be proud. These stewardship contracts also provide for critical restoration needs in the areas at risk of catastrophic wildfire. Moreover, any receipts retained by forest management activities are available without further appropriations and can be reinvested locally to complete other service work needed.

On the list of successes as well is that the contracts have helped to make productive use of more than 1.8 million green tons of biomass for energy. Stewardship contracting has helped to treat more than 200,000 hazardous acres to reduce the risk of catastrophic fire within the wildland-urban interface areas, where wildfire poses the greatest risk. That is where forests bump up against local communities.

In a time when wildfire can easily become a multimillion-dollar challenge for every level of government and as the bark beetle epidemic continues to present a significant threat to our communities and their livelihood, it is necessary that we pass a farm bill with a robust forestry title.

Just this weekend another wildfire broke out near Fort Collins, CO. This is currently an uncontained wildfire, which is now more than 22 square miles, and it is in an area where stands of lodgepole pines have become damaged by beetle infestation and therefore increasingly susceptible to wildfire.

At home, we are all closely watching the High Park fire, the images of the

flames and the overwhelming smoke and ash clouds. We all share a great concern for the 2,600 families who have been displaced and the devastation this fire could bring to northern Colorado communities. My thoughts go to all the firefighters, in the air and on the ground, and we wish and pray that they will be safe and effective. The fire is currently zero percent contained, which is a reflection of the extreme weather and dry ground conditions. The High Park fire is an unfortunate example of why we need a strong forestry title in the farm bill and why treatment of the affected areas is a must-do priority.

We manage our forests so they are healthy and we reduce fire risk and we protect water supplies and bolster our economy. As we watch the bark beetle epidemic become the largest threat to forest health, now is the time to ensure that we can equip the Forest Service, conservationists, private landowners, and industry with the tools they need to cooperatively address the health of America's forests.

This is a real opportunity for us. This farm bill is a work of bipartisan compromise. We need to do more of that here in the Halls of Congress. Let's get this done because provisions in this bill's forestry title will streamline Forest Service administrative processes and enhance the agency's ability to partner with the private sector so that they can conduct more efficient and effective treatments for insect and disease infestations.

Let's get to work. Let's discuss the merits of the farm bill. Let's work to include a robust forestry title that addresses the critical needs in America's forests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I rise today to speak to the Agriculture Reform, Food, and Jobs Act or the farm bill.

The chair, ranking member, and all of the members of the Senate Agriculture Committee have worked very hard in a bipartisan manner on this legislation and we have certainly come a very long way. But we still have far to go, and I think that with the leadership of the chairwoman and other members of this body that recognize the need for a safety net that meets the needs of all crops and regions that we will eventually get there—and I thank the chair for her strong leadership. The fact that we are discussing this bill on the floor of the Senate right now is a testament to it.

This Nation has a diverse fabric of agriculture with a variety of risks, and writing a farm bill that serves as a safety net for all crops and regions is no easy task. Yet, this is a responsibility we must embrace to ensure that the United States continues to have

the safest, most reliable, and most affordable supply of food and fiber in the world.

Our Nation is at a crossroads and we are in desperate need of fiscal discipline. I am pleased that this farm bill includes important reforms, reduces spending by more than is required of this committee, and eliminates duplicative or obsolete government programs to ensure that we are getting the most out of every dollar we invest in agriculture.

The Forestry title contains important improvements that will benefit Arkansas's forestry industry. The improvements to the USDA Bio-based Markets program in the managers' package will allow forest products to be included in the program. The current USDA Bio-based markets program favors foreign products over our American forest products, which puts American workers at a disadvantage. So I am happy with the progress on this issue, and I appreciate the effort to promote and purchase our renewable, home-grown products.

Crop insurance also contains some improvements, and the provisions for irrigated and non-irrigated enterprise units, supplemental coverage options, and yield plugs will help many producers who may have otherwise been left unprotected by the elimination of direct payments and the counter-cyclical program.

At the same time, this is not a perfect bill and I have serious concerns about the Commodity title and the impact it will have on southern producers and the planting decisions they make. I also have concerns about some missed opportunities in terms of eliminating waste and abuse in the Nutrition title.

The Commodity title, as it is currently written, will have a devastating impact on southern agriculture which relies heavily on irrigation and, therefore, benefits less from crop insurance. Furthermore, the new revenue plan is designed to augment crop insurance, so this new program leaves gaping holes in the Southern Safety Net. Even with a reference price, this revenue plan may not be strong enough for our farmers to get operating loans. For example, most estimates find that rice would lose more than 70 percent of its baseline, far more than their fair share. However, this is not about just one crop. Every farmer in America knows the real threat of multi-year price declines, and we need a Commodity title that treats all crops and regions fairly.

I am very concerned that this proposal is couched in the assumption that we will continue to have these high commodity prices. A revenue plan is attractive when prices are high, but I am not sure there is anything in this plan that protects producers from a multi-year price decline and an untested, one-size-fits-all program, with no producer choice could leave many producers vulnerable.

Throughout this process, I have said that anything that goes too far in any direction can violate the core principles of this effort. I am afraid that this Commodity title does that in its current form.

It is my opinion that we could have done more to eliminate waste and abuse in the Nutrition title and ensure that we are getting the most out of these investments and that they are, in fact, going to the neediest among us. We should fully close the LIHEAP loophole, which artificially inflates benefits for SNAP recipients, and there are other things we can do to save money without reducing benefits and reinvest in other critical nutrition areas and deficit reduction. When we tell Americans that we cannot find more than \$4 billion in savings from programs that account for nearly 80 percent of all agriculture spending, I can not think that they would believe we are trying hard enough.

But just because there is not full agreement, does not mean that our farmers stop needing a safety net. I am committed to continuing the fight for a safety net that works not just for Arkansans—but for all farmers, of all crops, in all regions of the country. With a responsible producer choice, I believe we can build the consensus necessary to usher a farm bill through the entire legislative process and see it signed into law this year.

We can do this while preserving the safety net, making reforms, and achieving deficit reduction. I am confident that we can craft a bill that we are all proud of, and I look forward to continuing to work with the chair, ranking member, and all the members of Congress and seeing this through.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTO MANUFACTURING

Mr. BROWN of Ohio. Mr. President, people in my home State of Ohio know how to make things. We know how to make big things. For decades, Ohio has been a national leader in auto production, in chemicals, in steel, in concrete, in aluminum, and in the aerospace industry and food processing. Now we are a leader in solar power, in wind turbine components and batteries and all the kinds of things that really create middle-class jobs and help us lead the world in manufacturing production. Ohio is the third leading manufacturing State in the country. We make more in Ohio than any State but California, three times our population, and Texas, twice our population.

What Ohio perhaps is best known for in production is the auto industry. The auto rescue did not just save the U.S. auto industry 3, 3½, 4 years ago, it

saved thousands of auto-related jobs in Ohio. Estimates are that some 850,000 jobs in Ohio—a State of 11 million people, only smaller than the Presiding Officer's home State of Pennsylvania—that 800-plus thousand jobs in Ohio are related to the auto industry. It is clear from the auto rescue that the President, the Senate, and the House supported that it saved tens of thousands and created tens of thousands of those jobs.

New data shows manufacturing is at the forefront of the economic recovery, with factories adding 250,000 jobs since early 2010—the first sustained increase in manufacturing employment since 1997.

From 1965 until the late 1990s, America had about the same number of manufacturing jobs in the late nineties as it did in the midsixties—a smaller percent of the workforce, a smaller percent of GDP, but a pretty constant number of manufacturing jobs, with some ups and downs, obviously, during that period. But from 2000 to 2010, during that philosophy of trade agreements that ultimately cost us jobs, tax cuts and tax policy that contributed to outsourcing jobs, and an economic policy of “trickle down” during the Bush years—from 2000 to 2010, America lost one-third, more than 5 million manufacturing jobs. One out of three manufacturing jobs disappeared during those 10 years from 2000 to 2010.

Thousands of factories closed, never to be reopened, as jobs were outsourced, as jobs left our country. But since 2010, almost every single month in Ohio and across the country we see manufacturing jobs increasing. The auto industry has led the rebound, with more than 20,000 jobs at General Motors and Chrysler saved or created thanks to the 2009 auto rescue, and thousands more were saved or created in the auto supply chain.

Too many Ohioans are struggling. Many are still looking for work, while others have seen their wages cut or their hours reduced.

There are also important signs of recovery at our manufacturers, auto suppliers, and small businesses. Just 4 years ago the auto industry, many people thought, was faltering and imploding. But look where we are today. As a result of the auto rescue, we are seeing a healthy turnaround. The Toledo Supplier Park employs 1900 people. The GM assembly and stamping plant in Lordstown employs some 4,500 Ohioans. GM Powertrain in Defiance is home to some 1,200 workers. Following the auto rescue, these facilities all created new jobs due to increased demand.

Some Members of Congress were willing to bail out Wall Street without so much as asking for reasonable executive compensation restrictions on banks that received taxpayer help but then attacked middle-class auto workers. Bonuses and huge salaries have

continued unabated for far too many Wall Street executives. Yet some of my colleagues have said that auto workers' retirement—union and nonunion retirement—and health care and wages were simply too much. Let's be clear. Ohio would be in a depression if these naysayers had their way and let the auto industry collapse or let it “go bankrupt.” It was about rescuing middle-class workers, and it was about fueling the next generation of U.S. automakers and auto manufacturing.

Ohio is home to an almost completely Ohio-made automobile, the Chevy Cruze. Its engine was made in Defiance, the transmission in Toledo, the sound system in Springboro, the steel in Middletown, the underpinning steel in Cleveland, and the aluminum wheels in Cleveland. The car is stamped in Parma, OH. The Chevy Cruze is assembled in Youngstown, OH. The Jeep Wrangler had only 50 percent America-made components 4 years ago. The Jeep Wrangler and the Jeep Liberty are assembled in Toledo, now made with more than 70 percent U.S.-made parts.

When things looked bleak and when nobody wanted to stand with workers or auto companies, we didn't give up on American auto companies or American manufacturing. The decision wasn't popular, and there were clearly some naysayers. But it was the right thing to do.

Our work is far from over. In particular, we have to keep our foot on the gas pedal and fight back against China's unfair trade practices and other new threats to our auto industry. Our trade deficit in auto parts with China—the parts that are obviously used, that you buy at various retail operations to fix your car when something goes wrong—grew from about \$1 billion 10 years ago to about \$10 billion today, fed by unfair subsidies, currency manipulation, and illegal dumping of Chinese products. This is an unlevel, tilted playing field that will cost hundreds of thousands of jobs.

My China currency manipulation bill—the biggest bipartisan jobs bill to have passed the Senate this session—costing taxpayers zero, would level the playing field for American manufacturers when China tries to cheat by manipulating its currency. A recently released report shows that addressing Chinese currency manipulation could support the creation of hundreds of thousands of American jobs—without adding a dime to the deficit. It is time to take bold action and stand up to China, and it is time to put American workers and businesses first. We did it in 2008 and 2009. The Presiding Officer played a role in that, as did so many in this body. We can do it again if our colleagues in the other Chamber take up this currency bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARREST OF JORGE LUIS GARCIA “ANTUNEZ” PEREZ

Mr. MENENDEZ. Mr. President, I come to the floor outraged that following a hearing that I held as chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee entitled “The Path to Freedom: Countering Repression and Supporting Civil Society in Cuba,” after testimony from Cuba of Jorge Luis Garcia Perez, known as “Antunez”—and this is a picture taken from that video feed—he was taken into custody by the Castro regime this weekend, arrested, and beaten unconscious.

This is the account of his wife, Yris Tamara Perez Aguilera, who provided this account to Radio Republic, an independent radio station in Miami that she was able to call so that she could denounce what was taking place and let the world know what was happening. Here is the exact statement that she gave the radio station:

My name is Yris Tamara Perez Aguilera, wife of Jorge Luis Garcia Perez Antunez, a former political prisoner—

—a former political prisoner who spent 17 years of his life in Castro's prison simply because of his peaceful pro-democracy action.

This Saturday, June 9, my husband, together with Loreto Hernandez Garcia and Jonniel Rodriguez Riverol, after a brutal beating by the part of the political police—that is State security—were transferred to the precinct here in Placeta. All this occurred around 3:30 in the afternoon.

After this, at about 4 o'clock in the afternoon, we—Yaite Cruz Sosa, Dora Perez Correa, Arturo Conde Zamora, and myself, Yris Tamara Perez Aguilera, left for the police precinct to bring my husband clothing since he was taken away in shorts, since he stepped outside [of his home] to call Damaris Moya Portieles, who was currently on hunger strike. After leaving about one block away from my house, I was intercepted by a police officer, who arrested me where I was once again beaten by Police Officer Isachi, ordered by the Chief of Confrontation of the municipality of Placetax, better known as Corporal Pantera.

I was handcuffed and driven to the police precinct. Upon arriving to the precinct, once again Officer Isachi, one of the main oppressors here in Placetax—that is a town in Cuba—of the ill-named National Revolutionary Police, strikes my head very strongly, where once again my cervical vertebrae was damaged.

At that point, the screams of my husband, Loreto, Jonniel, and the prisoners there who said, “Stop hitting her. Stop hitting her, you abusers; can't you see she's a woman?” Then a military garrison officer approached the cells where my husband and the other prisoners were pepper-sprayed. When they were pepper-sprayed, my husband lost consciousness due to lack of air. Thanks to the activist Yaite Cruz Sosa, whom stood nearby, emptied a bucket of water on his face and fanned him with a jacket until he regained consciousness.

My husband, around 7 p.m., cried from his cell, "Yris, they're taking me away, Yris, they're taking me away." I was not able to speak because of the terrible headache from all the beatings I took to the head. He said to me, "The special brigade put me on a chain of prisoners to take me from the cell and place me on a bus; I don't know where they are taking me."

She goes on to say:

I am very worried about what may happen to my husband. He has heart problems, and that pepper spray, as many know, is toxic and may bring bad consequences since my husband has a blocked artery and vein, and I am afraid for his life. Furthermore, my husband is currently missing.

I don't know my husband's whereabouts. I was freed yesterday [Sunday, June 10, 2012] in the afternoon, and I was given no information as to where I could find my husband.

I lay the responsibility of what may happen to my husband on the government. I know they took reprisal against him for his participation in congress. In these moments, I am leaving for Santa Clara, and together with me, I have Yaita Cruz Sosa. I am going to the State Security Forces and they must tell me where I can find my husband so I can bring him his affairs.

That is the end of her statement.

Mr. Antunez spent 17 years of his life in Castro's jail simply for fomenting peaceful democracy efforts, an effort to create a civil society. We had asked him to testify before the Senate Foreign Relations Committee Western Hemisphere Subcommittee's hearing on moving toward democracy in Cuba, and at personal risk he traversed from where he lives—a countryside—on foot to make it to the intrasection. We knew that his willingness to testify was a risk, and so we did not put his name on the committee's notice until he arrived at the intrasection, so that we then amended the notice to the public so that he could be safe because we knew that, as others we invited to testify who were stopped and could not make it to the hearing, that if we talked about Mr. Antunez coming before the Senate Foreign Relations Committee via a video feed, he would likely not make it.

He testified before the committee about the Castro regime's abuses and beatings. He told us that day—among many other things—before the hearing that he witnessed the death of Antonio Ruiz in the city of Santa Clara, where prodemocracy peaceful activists had gathered. He said:

I had to walk many kilometers behind trees and bushes, as if I was some type of criminal, to attend an event that in any other free and democratic country in the world would be an everyday occurrence.

He went on to say at the hearing that, at the very moment he was there testifying before us, an Afro-Cuban woman had been on a hunger strike for several days in Santa Clara because state security had threatened to sexually assault and rape her 6-year-old daughter as punishment for her prodemocracy actions.

This is the life inside of Castro's Cuba—not the romanticism some peo-

ple talk about. This is the life of those who struggle as human rights activists and political dissidents simply to create a space for civil society inside of the country. This is the cost paid by one man willing to come forward to put his life on the line, to share his efforts for libertad in Cuba with this institution, the U.S. Senate.

Mr. President, our response must be unparalleled. The arrest and beating of Antunez—clearly as a direct result of his Senate testimony—is further proof of the continuing brutality of the Castro brothers' regime and further evidence of the need for the United States and other democratic nations to stand against tyrants and realize that the nature of this regime won't be altered by increasing tourist travel to the island, expanding agricultural trade, or by providing visas for regime officials to come and tour the United States.

Today I am calling on the U.S. State Department to cease providing any nonessential visas for travel to the United States by Cuban officials.

In the last months, the Department has authorized visas for a stream of Cuban regime officials to visit the United States, starting with Josefina Vidal, Cuba's director for North American affairs in April, whose husband was kicked out of the U.N. mission in New York, and most recently for the daughter of Cuba's dictator Raul Castro, the same dictator that sends these rapid-response brigades, which is state security dressed as civilians, to attack innocent civilians like this.

Mariela Castro Espin comes here to the United States with her friends to attend the Latin-American Studies Association conference. While Cuba holds an American hostage, Allen Gross, and is engaged in what has been described as the "highest monthly number of documented arrests in five decades," when well over 1,000 arrests are made of peaceful activists, Mariela Castro has been parading around the United States on a publicity tour describing herself as a "dissidente." I don't know from what she is a dissident.

Enough is enough. Why should Mariela Castro be allowed to openly spout her Communist vitriol while a real leader of the Cuban people, Mr. Antunez, who sought to convey his message to Americans through the Senate Foreign Relations Committee, is forced to clandestinely make his way to the U.S. Interests Section in Havana to talk and then be beaten and jailed simply because of what he said in an open hearing?

Why should Josefina Vidal be allowed to host meetings with regime sympathizers in the United States while an American citizen, Alan Gross, sits as a hostage in a Cuban jail for doing nothing but trying to assist the island's small Jewish community in creating access to the Internet so they are able to communicate with each other?

I am also calling on the U.N. Commission on Human Rights and the U.N. Committee Against Torture, which last week on its own called on Cuba to answer for its dramatic increase in politically motivated arrests, to immediately investigate this incident. Make no mistake, this was not a random bureaucratic arrest, not a random act of violence by thugs of the regime. It was an in-your-face exercise of the most brutal kind intended to send a message to the United States and the Senate.

During the course of the hearing I chaired, I noticed there were members of the Cuban Interests Section; members of the Castro regime—we are a democracy, so we allow them to come to hearings such as ours—who were taking copious notes of everything that was going on. I made it clear we would be watching for any retribution against any witness from inside Cuba.

Cuba's leaders heard that message loudly and clearly and their beating and arrest of Antunez was their response to the Senate.

This was a deliberate violation of human rights, in my view, ordered at the highest levels of the regime as punishment simply because Antunez had the courage to speak truth to power.

Enough. Enough violent repression in Cuba. Enough beatings of those who seek nothing more than freedom to speak out and tell the truth. Enough abuse. Enough imprisonment.

What more evidence do we need of the tragedies of daily life inside Cuba for those who are peaceful, prodemocracy, human rights advocates, political dissidents, and independent journalists as we saw here? What more evidence do we need? How much more can we forget? I find my friends in Hollywood have all kinds of great things to say about the Castro brothers, but what about this? What about the 1,000 who were arrested and are languishing in Castro's jails? What about those who die on hunger strikes as a result of their peaceful protest for the abuse they are going through? The silence is deafening.

Let's stand for Jorge Luis Garcia Perez, who knew what might happen when he agreed to testify before our committee. His determination to put Cuba on a path to freedom is what gave him the strength and the courage—in the face of what he knew a brutal dictatorship could do and would do—to come forward and tell us his story, which is the story of a repressed people waiting for freedom. The courage of thousands and thousands of men and women on the streets of Havana, in the countryside across the island is what we can never forget in our dealings with the dictatorial, repressive regime that has ruled Cuba since the middle of the last century.

Still today, 23 years after the fall of the Berlin Wall, these Cubans remain trapped in a closed society, cut off

from the advancements of the world—repressed, threatened, fearful of saying or doing something that will land them in prison, often for years—years. Imagine an American citizen, protesting outside the Capitol, thinking that could get them put in a gulag for 10, 15 or 20 years. That is what these people are going through. They land in prison, are beaten until they are unconscious. Yet the silence is deafening. It is unconscionable.

I urge each and every one of us in this institution, if we cherish the ability in this institution to have the free flow of testimony from anyone in the world without reprisal, to be outraged about what happened with the beating of Mr. Antunez and his imprisonment. I urge every American to remember Mr. Antunez today. I urge every American to remember all the victims of the Castro brothers, just as we remember all those around the world who have suffered and died under the iron fist of other repressive dictatorships.

As I have said many times before, the Cuban people are no less deserving of America's support than the millions who were imprisoned and forgotten at other times around the world—lost to their families, left to die for nothing more than a single expression of dissent. I am compelled to ask again today, as I have before, as I did at the hearing, why is there such an obvious double standard when it comes to Cuba?

I am amazed at colleagues who come and talk about repression, brutality, beatings, and the imprisonment of average citizens around the globe. Yet they are silent, silent, silent about Cuba. We are willing to tighten sanctions in other places around the world, but we let a repressive regime in Cuba basically walk away.

It is not time to forget. It is not time to forget Mr. Antunez, who was willing to risk his life to give testimony before the Senate Foreign Relations Committee. It is not time to forget Alan Gross, an American citizen, who for over 2 years—over 2 years—has been sitting in Castro's jail, sick, his mother dying, his wife and family desperately needing him. What was his crime? His crime was trying to help the Jewish people in Havana talk to each other. We can't forget Alan Gross. We can't forget those who suffered and died at the hands of the dictators. We can't forget the arrest and beating of Antunez, clearly as a result of his testimony—proof positive of the continuing brutality of the Castro brothers.

I hope we can shock the conscience of any Member of the Senate who would want to hear any witness, anywhere around the world, give testimony about an oppressive regime, to come forth to speak and give insight about what is happening in their country and to not face retaliation against them. If the

Senate speaks with a powerful voice in this respect, it can maybe save Mr. Antunez's life, and it can send a message to the world that we will not tolerate the beating and imprisonment and near death of those who are willing to come and testify before us.

I think the integrity of the Senate is at stake in terms of how we respond. I hope—I hope—silence will not be the response.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE ROTARY CLUB OF LOUISVILLE

Mr. McCONNELL. Mr. President, today I wish to recognize the Rotary Club of Louisville, which is celebrating its 100th year of service to the Louisville community this year. Chartered on July 22, 1912, it has left Louisville, the State of Kentucky, and our Nation better off thanks to its efforts over the past century.

The Rotary Club of Louisville was the first Rotary Club in Kentucky and the 45th worldwide, welcoming members from 10 regional States. Today, between 450 and 490 Louisville-area residents are members of this organization.

In its early years, the Rotary Club of Louisville engaged in several local service initiatives. One of the club's first major projects was to restore the burial place of President Zachary Taylor, a Louisville native. In 1918, members established a student-loan fund for young men at Male High School and Manual High School during World War I. When radio was in its infancy, a weekly radio program was broadcast by the Louisville Rotary Club in 1922 and 1923. In the flood of 1937, members of the club assisted in cleanup and repair throughout the State.

During the World War II era, the Louisville Rotary Club expanded its outreach to the world, fundraising for the war effort and working with defense-related agencies. Many of the club's members also served in the Armed Forces. After the war, notable

accomplishments included the building of George Rogers Clark Park, as well as founding the Harelip and Cleft Palate Foundation.

In 1953, the Louisville Rotary Club began its time-proven training for new members, or "Yearlings," which is still used today, and the following year, the Club adopted the Rotary International Constitution. In 1987, the historically male club admitted its first female member, Patricia W. Hart, the Club's executive director. Also in 1987, members of the club donated \$137,000 to the Rotary International program to eliminate polio worldwide.

The Rotary Club of Louisville has created several awards to honor its members for their contributions. In 1975, Howard Fitch was recognized as the club's first Paul Harris Fellow for his contribution to the Rotary International Foundation. Today, there are 275 Paul Harris Fellows. In 1991, the Rotarian of the Year Award was started, and in 1999, the "Lifetime Service Award" was established and first awarded to Henry Heuser Sr., posthumously.

In recent years, members of the Louisville Club volunteer locally by providing career guidance for high-school seniors and graduates and a mentoring program for high-school students. Along with this, members regularly work as bell-ringers for the Salvation Army. Internationally, the club works with student-exchange programs and various diverse scholarships, including the Ambassadorial Scholarship Competition, the International Scholarship Competition, and the Kentucky Rotary Youth International Exchange.

In 1996, the "Saving Lives Worldwide Program" was created to collect and deliver U.S. medical supplies to the world's poorest countries. During its first 8 years, this program completed 17 shipments valued at \$4 million to 10 developing countries, including Nicaragua, Latvia, Nepal, Romania, Panama, Ecuador, Belize, and Ghana. Along with this, the Louisville Rotary Club has worked with clubs internationally to open six new dental clinics in Panama, Ecuador, and Nepal.

The Rotary Club of Louisville has created the Rotary Leadership Fellows Program, which identifies individuals early in their careers with the potential to become community leaders. These individuals are then invited to participate in a 3-year Rotary Leadership Development Program.

In honor of the club's centennial celebration, the Promise Scholarship program has been initiated to provide hundreds of high-school graduates with grant money to help pay for college tuition.

The past 100 years have seen the Louisville Rotary Club meet and exceed the Rotary International credo of "Service Above Self." It is an honor to represent here in the U.S. Senate so

many civic-minded Kentuckians of goodwill who understand the value of public service. I would ask my Senate colleagues to join me in recognizing the Rotary Club of Louisville for its 100 years of service to the Louisville community, the Commonwealth of Kentucky, and the world.

EXTENDING FISA AMENDMENTS ACT OF 2008

Mr. WYDEN. Mr. President, the Select Committee on Intelligence has just reported a bill that would extend the FISA Amendments Act of 2008 for 5 more years. I voted against this extension in the Intelligence Committee's markup because I believe that Congress does not have enough information about this law's impact on the privacy of law-abiding American citizens, and because I am concerned about a loophole in the law that could allow the government to effectively conduct warrantless searches for Americans' communications. Consistent with my own longstanding policy and Senate rules, I am announcing with this statement for the CONGRESSIONAL RECORD that it is my intention to object to any request to pass this bill by unanimous consent.

I will also explain my reasoning a bit further, in case it is helpful to any colleagues who are less familiar with this issue. Over a decade ago the intelligence community identified a problem: surveillance laws designed to protect the privacy of people inside the United States were sometimes making it hard to collect the communications of people outside the United States. The Bush administration's solution to this problem was to set up a warrantless wiretapping program, which operated in secret for a number of years. When this program became public several years ago many Americans—myself included—were shocked and appalled. Many Members of Congress denounced the Bush administration for this illegal and unconstitutional act.

However, Members of Congress also wanted to address the original problem that had been identified, so in 2008 Congress passed a law modifying the Foreign Intelligence Surveillance Act, or FISA. The purpose of this 2008 legislation was to give the government new authorities to collect the communications of people who are believed to be foreigners outside the United States, while still preserving the privacy of people inside the United States.

Specifically, the central provision in the FISA Amendments Act of 2008 added a new section to the original FISA statute, now known as section 702. As I said, section 702 was designed to give the government new authorities to collect the communications of people who are reasonably believed to be foreigners outside the United States.

Because section 702 does not involve obtaining individual warrants, it contains language specifically intended to limit the government's ability to use these new authorities to deliberately spy on American citizens.

The bill contained an expiration date of December 2012, and the purpose of this expiration date was to force Members of Congress to come back in a few years and examine whether these new authorities had been interpreted and implemented as intended. Before Congress votes this year to renew these authorities it is important to understand how they are working in practice, so that Members of Congress can decide whether the law needs to be modified or reformed.

In particular, it is important for Congress to better understand how many people inside the United States have had their communications collected or reviewed under the authorities granted by the FISA Amendments Act. If only a handful of people inside the United States have been surveilled in this manner, then that would indicate that Americans' privacy is being protected. On the other hand, if a large number of people inside the United States have had their communications collected or reviewed because of this law, then that would suggest that protections for Americans' privacy need to be strengthened.

Unfortunately, while Senator UDALL of Colorado and I have sought repeatedly to gain an understanding of how many Americans have had their phone calls or e-mails collected and reviewed under this statute, we have not been able to obtain even a rough estimate of this number.

The Office of the Director of National Intelligence told the two of us in July 2011 that "it is not reasonably possible to identify the number of people located in the United States whose communications may have been reviewed" under the FISA Amendments Act. I am prepared to accept that it might be difficult to come up with an exact count of this number, but it is hard for me to believe that it is impossible to even estimate it.

During the committee's markup of this bill Senator UDALL and I offered an amendment that would have directed the inspectors general of the intelligence community and the Department of Justice to produce an estimate of how many Americans have had their communications collected under section 702. Our amendment would have permitted the inspectors general to come up with a rough estimate of this number, using whatever analytical techniques they deemed appropriate. We are disappointed that this amendment was voted down by the committee, but we will continue our efforts to obtain this information.

I am concerned, of course, that if no one has even estimated how many

Americans have had their communications collected under the FISA Amendments Act, then it is possible that this number could be quite large. Since all of the communications collected by the government under section 702 are collected without individual warrants, I believe that there should be clear rules prohibiting the government from searching through these communications in an effort to find the phone calls or e-mails of a particular American, unless the government has obtained a warrant or emergency authorization permitting surveillance of that American.

Section 702, as it is currently written, does not contain adequate protections against warrantless "back door" searches of this nature—even though they are the very thing that many people thought the FISA Amendments Act was intended to prevent. Senator UDALL and I offered an amendment during the committee's markup of this bill that would have clarified the law to prohibit searching through communications collected under section 702 in an effort to find a particular American's communications. Our amendment included exceptions for searches that involved a warrant or an emergency authorization, as well as for searches for the phone calls or e-mails of people who are believed to be in danger or who consent to the search. I am disappointed that this amendment was also voted down by the committee, but I will continue to work with my colleagues to find a way to close this loophole before the FISA Amendments Act is extended.

I recognize that the collection that has taken place under the FISA Amendments Act has produced some useful intelligence, so my preference would be to enact a short-term reauthorization to give Congress time to get more information about the impact of this law on Americans' privacy rights and consider possible modifications. However, I believe that protections against warrantless searches for Americans' communications should be added to the law immediately.

An obvious question that I have not answered here is whether any warrantless searches for Americans' communications have already taken place. I am not suggesting that any warrantless searches have or have not occurred, because Senate and committee rules regarding classified information generally prohibit me from discussing what intelligence agencies are actually doing or not doing. However, I believe that we have an obligation as elected legislators to discuss what these agencies should or should not be doing, and it is my hope that a majority of my Senate colleagues will agree with that searching for Americans' phone calls and e-mails without a warrant is something that these agencies should not do.

ADDITIONAL STATEMENTS

TRIBUTE TO NANCY KEENAN

• Mr. BAUCUS. Mr. President, today I wish to give my warm congratulations to my dear friend and fellow Montanan Nancy Keenan. Nancy announced recently that she would step down as President of NARAL Pro-Choice America to return to her home state of Montana for some well-deserved R & R. Nancy has served as president of NARAL for the past 8 years, devoting her time to protecting the rights of women across the country.

Nancy has a storied career that epitomizes the tough female figures of Montana history. Nancy grew up in the blue-collar town of Anaconda, as one of five children in her Irish Catholic family. Her father was a boilermaker for the Anaconda smelter, and her mother worked as a clerk at the Marcus Daly Hotel and later at Thrifty Drug Store.

Upon entering college, Nancy paid her way by taking a job at the smelter, becoming one of the first women laborers at the smelter. This was a tough and dangerous place to work, shoveling ore and handling big buckets of boiling copper. But Nancy took on the challenge with the tenacity that we friends have gotten to know very well. Her hard work paid off. Nancy became the first in her family to graduate from college. She obtained her bachelor's degree in elementary education from Eastern Montana College. Later she received her master's degree in education administration from the University of Montana. Nancy spent 13 years teaching special education in Anaconda.

Nancy speaks fondly of her time growing up in Anaconda, and her desire to enter public service was shaped early in life. Nancy once told the story of the family discussing public service and political happenings while around the dinner table each night. She said, "I remember my dad often posing problems. When my sisters, brothers, and I would protest, 'But it isn't fair,' my dad would simply reply, 'Then make it fair.'" Nancy did just that.

Nancy was first elected to the Montana House of Representatives in 1983, and she served 6 years as a state legislator. In 1988, she was elected to statewide office as the Montana Superintendent for Public Instruction, a position she held until 2000.

As a public official, she never shied away from the difficult issues. And Nancy's commitment to women's rights has been steadfast in her career. During Nancy's eight years at the helm of NARAL Pro-Choice, she has worked nonstop to protect women's right to choose.

She is a fighter and one of the hardest workers you will ever know. She embodies the tenacity and savvy forged while working at the Anaconda Copper Smelter to pay for college. Nancy has

inspired a new generation of leaders, particularly young women, and her dedication to Montanans throughout her life deserves our thanks and recognition.

I congratulate Nancy as she enters the next chapter of her life and wish her all the best as she returns to Montana. •

OBSERVING NATIONAL CANCER RESEARCH MONTH

• Mr. BLUMENTHAL. Mr. President, today I wish to commemorate National Cancer Research Month, honoring the courageous and determined researchers, clinicians, and patients, who contribute their energy and talent to our Nation's progress in cancer prevention and treatment. In May, we recognized their bravery and unfaltering commitment to fighting a complex, multifarious disease that affects millions of Americans. This year, I particularly acknowledge the prevalence and continuing scourge of tobacco-related cancers and efforts made to combat them through innovative research, prevention measures, and programs for the cessation of tobacco use. Lung cancer is the second-most diagnosed cancer and the most commonly fatal form of cancer for both men and women in our country.

Through comprehensive efforts of leading institutions our Nation teams up in the quest for more information, campaigns for prevention awareness, and researches and disseminates improved treatments. The American Association for Cancer Research, AACR, is the oldest and largest scientific organization in the world dedicated to cancer, and it has led to the creation of several other leading cancer research centers in Connecticut and throughout the nation. The work of these cutting-edge institutions—guided by dedicated leaders in clinical research and education awareness—advance our understanding of cancer treatment and prevention every day. They are improving quality of care, enhancing our ability to reach a larger national audience, and developing personalized treatments.

Connecticut has been on the frontlines of pioneering novel methods of researching and treating tobacco-related cancers. For example, Yale Cancer Center, under the direction of Dr. Roy Herbst—Associate Director for Translational Research and the Chief of Medical Oncology—has focused on lung cancer research and clinical care, spearheading a vast number of anticancer drug studies. He has placed original DNA research into the traditional scientific method and used this framework to discover cancer treatments that are catered to the individual patient. In this way, the type of tumor becomes less important than the underlying genetic driver. He is a role

model for our Nation's researchers and physicians and an inspiration to current and future medical students.

Today, I also commend the bravery of patients who participate in novel clinical trials. By assuming risk and embracing the unknown, these cancer patients help to further medical research and look out for future generations.

Throughout Connecticut and the nation, we have seen the positive effects of national organizations with engaged, local arms, such as the AACR, the American Lung Association, and Tobacco Free Kids. These institutions have shown Americans of all generations the carcinogenic effects of tobacco products. The AACR's Task Force on Tobacco and Cancer drives the message that cancer research and the dissemination of this new information to Americans are equally important in fighting our national cancer epidemic. The American Lung Association creates a forum for Americans and their families, empowering smokers—and those with loved ones who are addicted to tobacco—with the tough truth while offering proactive ways to integrate what we know about tobacco and cancer into daily life. Tobacco Free Kids keeps watch over Federal, State, and local government initiatives against tobacco addiction, building and maintaining momentum for a national tobacco policy and cancer prevention campaign.

These three organizations—as well as a number of other groups—host critically important forums for policy experts, lawmakers, and the public. They explain the science behind tobacco-related cancers and teach Americans how to care for their long-term health and the well-being of our future generations through smoking-cessation techniques and treatments. Today, the National Cancer Policy Forum is hosting a workshop on "Reducing Tobacco-Related Cancer Incidence and Mortality" at the National Academy of Sciences. I applaud this exemplary conference of panel discussions, new ideas, and collaboration—that brings together physicians, administrators, researchers, and organizations to foster proactive measures that inspire healthy futures.

At a time when Federal and State investment into prevention programs is at an unfortunate low, these leading institutions prove we can save lives through education and awareness. We must also continue to support robust medical research funding through the National Institutes of Health, the Centers for Disease Control, the U.S. Department of Health and Human Services, and the Federal Drug Administration, to maintain and continue to improve upon our Nation's comprehensive and effective approach to fighting tobacco-related cancers.

In the face of this truly devastating disease that takes one American per

minute, those that work fastidiously towards prevention and a cure, are true heroes. Their quest for knowledge gives us hope. I am especially proud of the great progress made in Connecticut, and hope my colleagues will join me in supporting these efforts and those around the nation as we unite in the fight against cancer—which continues to be the second leading cause of death in America.●

TRIBUTE TO REVEREND BONITA GRUBBS

● Mr. BLUMENTHAL. Mr. President, today I wish to honor Reverend Bonita Grubbs, a community leader who has given so faithfully and generously to New Haven and Connecticut. Reverend Grubbs has been recently awarded the 11th Annual Reverend Howard Nash Community Leadership Award by Community Mediation, CM, an extraordinary organization that helps individuals and organizations resolve conflict through mediation and dialogue.

Since 1988, Reverend Grubbs has served as Executive Director of Christian Community Action, CCA, leading a set of well-established and crucial programs and social services for the poor and under-privileged in the Greater-New Haven area. CCA prides itself on providing emergency solutions with the underlying intention of proactive education for long-term sustainability and self-sufficiency. In addition to offering emergency services, CCA also runs education, housing, food, mentorship, after-school, and youth summer programs.

However, this role is only one dimension of Reverend Grubbs' contributions to her community. She is a champion of social justice, conscious of laying the foundations of sustainable lifestyles that will last for future generations. Reverend Grubbs has made tremendous impact through the Greater New Haven Community Loan Fund and as President of the Connecticut Coalition to End Homelessness, Co-Chair and member of the Steering Committee of New Haven's Fighting Back Project, columnist for the New Haven Register, Board of Trustee for the Hospital of St. Raphael, and Board Member for both Connecticut Voices for Children and Connecticut Center for School Change.

Very appropriately, Reverend Grubbs has been given an award named after Reverend Howard Nash, who was renowned in New Haven as an omnipresent peacemaker and founder of the Dialogue Project—an interfaith effort by CM and Interfaith Cooperative Ministries, ICM. Although ordained within the American Baptist Church, Reverend Grubbs' public service transcends religion and race.

In addition to this most recent honor, she has been lauded by several community organizations, receiving the Public Citizen Award from the Con-

necticut Chapter of the National Association of Social Workers, the Consultation Center's Prevention Award, the Women Who Make a Difference Award by the Connecticut Women's Education and Legal Fund, and the Greater New Haven Community Loan Fund's Good Egg Award.

Reverend Grubbs' generous spirit and loving care for her community make her a role model for all. I ask my Senate colleagues to join me in thanking Reverend Grubbs for her contributions to humanity.●

REMEMBERING MAURICE SENDAK

● Mr. BLUMENTHAL. Mr. President, today I wish to pay tribute to Maurice Sendak, famed children's book author and illustrator, who passed away on May 8 in Connecticut, where he spent most of his life. He would have turned 84 yesterday.

Tucked away in an 18th century home in Ridgefield, CT, Mr. Sendak drew inspiration for his widely read, uniquely bizarre illustrated stories from his own memories and contemplations. His fantastical realism—experienced by most American families through the eyes of Max, the central character in "Where the Wild Things Are"—changed the way children grew up. Mr. Sendak created a new genre of children's literature full of vestiges and memories of the horrors he and others faced maturing during World War II, the Holocaust, and the Great Depression.

Many of us have read Mr. Sendak's phrases to loved ones and puzzled over his intended meaning. Stories like "Chicken Soup with Rice," "Pierre: A Cautionary Tale," "In the Night Kitchen," "Seven Little Monsters," and "Outside Over There" are now legendary.

He committed himself to being an artist, beginning as a window designer at FAO Schwartz, and from there adding illustrator, author, producer, animator, and costume and set designer to his repertoire. He collaborated with many famed creators, including Jim Henson, Carole King, the Pacific Northwest Ballet, the Houston Grand Opera, the Los Angeles Music Center, the New York City Opera, the Chicago Opera Theatre, and Tony Kushner. Most recently, Mr. Sendak teamed with the Yale Repertory Theatre, in conjunction with the Berkeley Repertory Theatre and the New Victory Theater in New York, to produce a contemporary English version of a 1938 Czech children's opera about the Holocaust called "Brundibar."

Mr. Sendak's emotional intelligence, visual expertise, and way with words have produced over 100 works, some of which have been celebrated with several prestigious literary awards. In 1964, "Where the Wild Things Are" was given the Caldecott Medal from the

American Library Association. In addition, Mr. Sendak received the Hans Christian Andersen award for Illustration in 1970, National Book Award in 1982, Laura Ingalls Wilder Award in 1993, and was presented with a National Medal for the Arts by President Bill Clinton in 1996. The New York Times has selected 22 of his titles as best illustrated books of the year, and an elementary school in North Hollywood, CA was even named in his honor.

Mr. Sendak was a lover of life and forever faithful to the artistic process. In a public and deeply personal National Public Radio interview in 2011, he shared vulnerable emotions, ending simply, but profoundly and quite tellingly with mantralike poetry: "live your life, live your life, live your life."●

SUPPORTING JERRY KRAMER

● Mr. CRAPO: Mr. President, my colleague, Senator JIM RISCH, joins me today in highlighting the career of one of Idaho's most distinguished football players, Jerry Kramer.

Jerry graduated from Sandpoint High School, in the northern part of our State, and attended college at the University of Idaho on a football scholarship. He was a standout player there, garnering selections to both the East-West Shrine Game and College All-Star Game.

After being drafted 39th, he signed on to play for the Green Bay Packers in 1958, and as football fans know, was part of a championship dynasty during his 11 playing years. He was an integral part of the famous "Packer Sweep" as the lead blocker for a running back going around the end.

Jerry Kramer is perhaps most famously known for "The Block" where he led quarterback Bart Starr into the end zone as time ran out in the 1967 NFL Championship game, defeating the Dallas Cowboys in what is known as the "Ice Bowl."

Jerry Kramer was a five-time All-Pro, a member of five championship teams, including the first two Super Bowls, and a member of the NFL's 50th Anniversary All-Time team. He was named to the NFL's All-Decade Team of the 1960s at offensive guard and led the NFL in field goal percentage in 1962.

Surprisingly, Jerry Kramer is the only player selected to the NFL's 50th Anniversary team who has not been inducted into the Pro Football Hall of Fame in Canton, OH.

It is time for this oversight to be corrected. Jerry Kramer is highly regarded. Sixteen current members of the NFL Hall of Fame, many who played against Kramer, have endorsed his nomination and election to the Hall. That list of players includes such greats as Roger Staubach, Frank Gifford, Alan Page, Bob Lilly, Jan

Stenerud, Gino Marchetti and Coach Joe Gibbs, to name just a few.

There is no doubt in my mind, and certainly not in the mind of my colleague, Senator RISCH, who highly favors his native State's Green Bay Packers, that Jerry Kramer's NFL career clearly qualifies him for induction into the Pro Football Hall of Fame.

Besides his contributions on the football field, Jerry is a highly regarded citizen of Idaho who gives his time to worthy causes. Idahoans are very proud of his accomplishments and football fans throughout the state support his induction.

As Idaho's U.S. Senators, we support Jerry Kramer's selection to the Pro Football Hall of Fame.●

RECOGNIZING THE DAVE THOMAS FOUNDATION FOR ADOPTION

● Ms. LANDRIEU. Mr. President, as co-chair of both the Congressional Coalition on Adoption and the Senate Caucus on Foster Youth, I wish to congratulate the Dave Thomas Foundation for Adoption on the occasion of its 20th anniversary.

The foundation was established in 1992 by Dave Thomas as a public charity with one primary goal: to help every child in foster care find a loving, permanent family. Throughout its history, the foundation has set forth on a mission of dramatically increasing the number of adoptions of waiting children.

For 20 years, the Dave Thomas Foundation for Adoption has committed itself to finding permanent families for the more than 100,000 children waiting in the United States foster care system.

The Dave Thomas Foundation for Adoption awards grants to public and private adoption agencies all across the country. Last year, these grants totaled more than \$8 million and focused on supporting adoption professionals who implement proactive, child-focused recruitment programs targeted exclusively on moving the longest waiting children from foster care into adoptive families. This signature program is called Wendy's Wonderful Kids, WWK, and today exists in all 50 States, DC, and four Canadian provinces.

The results from an empirical 5-year case study on WWK were released in October 2011. The research showed that children in the program are up to three times more likely to be adopted.

The foundation also supports employers through the Adoption-Friendly Workplace Program, is a founding member of National Adoption Day, and is a proud partner of the annual television special, "A Home for the Holidays."

The foundation is an accredited charity of the Better Business Bureau Wise Giving Alliance, Standards for Excellence certified, and has received the

highest possible rating on Charity Navigator. The foundation has helped more than 3,000 children find their forever families and provided information and support to tens of thousands of potential adoptive families.

For these reasons, I am proud to applaud the Dave Thomas Foundation for Adoption and its dedicated staff for their extraordinary contributions to the people of my district and throughout the United States for the last 20 years.●

RECOGNIZING FIFE LAKE PUBLIC LIBRARY'S 125TH ANNIVERSARY

● Mr. LEVIN. Mr. President, as they have for generations, libraries across our Nation and my home State of Michigan enable people to gain access to a sea of information and facts. They serve as a gateway for exploration. Libraries allow young people to journey back in time with great authors and experience the world as it was for past generations. They allow them to travel across the globe and experience life in other areas of the world, and they allow them to dream and imagine ways to make our collective future better. These are places where the only limitation is your imagination and your willingness to read and learn.

For the past 125 years, one such library in Fife Lake has played this unmistakably important role, and it is with great pride that I pay tribute to the Fife Lake Public Library on its Quasquicentennial. This wonderful institution has surely helped to cultivate and nurture the interests of individuals seeking to broaden and deepen their understanding of a variety of pursuits.

The Fife Lake Public Library was established in 1887 with a \$17 grant from Grand Traverse County. Since then, this library has been a mainstay of the community and has met the diverse and growing needs of residents of Fife Lake. The library's quaint but much-cherished building was outgrown in 2006. To accommodate this growth, the library's resources were moved to a newer, more modern building. Impressively, the Library's circulation has quadrupled in the last decade. In addition to books, its patrons now have access to DVDs, albums, audiobooks and the Internet by way of several public computers.

In our increasingly technologically advanced world where information and answers are but a click away and devices such as computers and smart phones are a part of many of our lives, it could be easy to undervalue the importance and impact of libraries. The opposite is true. Fife Lake Public Library has transformed with the digital age and continues to hold a central yet evolving role in the lives of residents. One resident aptly stated, "The library is not a quiet place anymore but a social gathering place for the commu-

nity." Residents come to access the Internet and learn computer skills, and through partnerships with local organizations they enjoy activities ranging from fitness classes to grief support to tot-time. There is something for residents from all walks of life.

I am delighted to commend all those affiliated with the Fife Lake Public Library on its 125th anniversary. Through the hard work, collaboration, and financial generosity of many within the Fife Lake community, this library has served the needs of Fife Lake residents for a century and a quarter. With commitment and sustained effort, this piece of living history in Fife Lake will continue to inspire and educate for many years to come.●

TRIBUTE TO KEN FREIBERG

● Mr. PORTMAN. Mr. President, I rise today to honor Mr. Kenneth Freiberg, Deputy General Counsel at the Office of the United States Trade Representative (USTR). Mr. Freiberg is retiring from USTR after more than 24 years of extraordinary service to our country.

Since 1988, Ken Freiberg has passionately promoted US trade interests around the world. His service has improved the lives of countless Americans. During his tenure, Ken served as the chief U.S. lawyer in charge of negotiations on several important trade negotiations. Further, he was the chief negotiator for the General Agreement on Trade in Services during the Uruguay Round.

Ken has worked under eight US Trade Representatives and five Presidential administrations. Ambassador Kirk and several former U.S. Trade Representatives, including myself, recently sent Ken a letter to recognize his achievements. Let me read an excerpt and I quote "each of us benefited greatly from your tireless work ethic, immense knowledge, wise counsel and excellent judgment." I was proud to have Ken on my team at USTR. He was a source of tremendous institutional knowledge at USTR, and was a terrific mentor to many young attorneys on the USTR staff.

Mr. President, I would like to recognize Ken Freiberg, my former colleague, on his retirement from public service and I would like to wish him well in all of his future endeavors.●

TRIBUTE TO ANTONIO POMERLEAU

● Mr. SANDERS. Mr. President, today I wish to celebrate Antonio Pomerleau of Burlington, VT, for his remarkable generosity and for his lifetime of service to the people of Vermont. My wife Jane and I have known Tony for over 30 years, since we all worked together when I was Mayor of Burlington, and he is clearly one of the remarkable people in our State.

Last year, Vermont was badly hit by Tropical Storm Irene, the most damaging storm in a half century. Torrential rains, in combination with Vermont's steep hills and narrow valleys, brought flooding on a vast scale to town after town, wiping out roads and bridges, downtowns and mobile home parks, homes, schools and businesses.

Many brave and generous people, from communities across the State, helped those whose lives were uprooted to deal with their losses. The Vermont National Guard, along with the Guards of other States and private contractors, rapidly repaired and rebuilt washed-out roads and bridges. State officials and Federal officials were quick to provide relief and aid.

There are Federal funds available to help rebuild highways, to assist farmers as they cope with damage to their fields, to help many homeowners. But, as the Governor's "Irene Recovery Report" indicates, mobile home owners are in a category by themselves. Irene particularly devastated mobile home parks, many of which were built close to rivers that endured major flooding. Sixteen mobile home parks in many regions of Vermont were seriously affected by Irene. Hundreds of mobile homes were badly damaged or completely destroyed. As the "Irene Recovery Report" made clear, while mobile homes provide an important affordable ownership option to Vermonters, their construction, location and low resistance to water damage can create additional obstacles to recovery following a disaster. Few of the Vermonters affected had significant discretionary resources with which to secure replacement housing.

Owners and residents of mobile homes faced enormous challenges. Into the breach stepped Antonio Pomerleau.

Tony, who grew up on a small dairy farm in the Northeast Kingdom of Vermont, has never forgotten the working families of Vermont. It should be no surprise, though it is nevertheless remarkable, that in the aftermath of the flooding last year Tony would generously look out for those who live in affordable housing and cannot afford to rebuild when catastrophe strikes.

Today, I want to celebrate Tony for his act of enormous generosity in creating the Pomerleau Cornerstone Fund and giving it \$1 million. This fund has one purpose: to provide direct funding to residents of mobile homes whose residences were destroyed by Tropical Storm Irene.

The Pomerleau Cornerstone Fund will help displaced mobile residents either with full replacement of their homes, or with downpayment assistance for another home. It will provide grants up to \$25,000 so that at least 40 families can move into safe and affordable housing.

Throughout his entire adult life, Tony has been a model of what a good

corporate citizen should be. He has been an excellent employer, and he has devoted a good part of his life and considerable skills toward public service—without remuneration. For many years he served as Police Commissioner of Burlington and did an outstanding job in that role. He has also been extremely generous in donating funds to a wide variety of very worthy causes.

Since I was Mayor of Burlington, and this is going back 31 years, Tony Pomerleau has paid for a holiday party each year for Burlington's low income children and their parents. He also sponsors an annual party for the Vermont National Guard. He was the major contributor of funds to the Pomerleau Alumni Center at St. Michael's College—two of his sons and a granddaughter attended college there. He has provided scholarships to Rice High School and funded renovations to Christ the King School. Tony donated the North Avenue building that became our city's police headquarters, and continues to contribute financial support for policemen and policewomen. And this really is just a very small part of Tony's philanthropic work.

But facts tell only part of the story of Tony Pomerleau. His generosity is matched by his energy, and even though his 94th birthday is in his rear-view mirror, he has the energy of a man half his age. His mind has always been sharp, and time has not dulled it. His deep love for his wife Rita and their children is the rock on which he has built his life. His understanding of Vermont—where it has been, where it is, where it can be going—is, in my view, remarkable.

Tony Pomerleau stands as one of Vermont's outstanding citizens. Today, I celebrate his generosity—it is the habit of lifetime, and a habit we can all learn from.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on June 8, 2012, during the adjournment of the Senate,

received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 5883. An act to make a technical correction in Public Law 112-108.

H.R. 5890. An act to correct a technical error in Public Law 112-122

The enrolled bills were subsequently signed during the session of the Senate by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 436. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

H.R. 5325. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other Purposes.

H.R. 5855. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

H.R. 5882. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3261. An act to allow the Chief of the Forest Service to award certain contracts for large air tankers.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5882. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5325. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

H.R. 5855. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 436. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER (for himself and Mr. BEGICH):

S. 3282. A bill to amend title 38, United States Code, to reauthorize the Veterans' Advisory Committee on Education, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Massachusetts:

S. 3283. A bill to amend the Fair Housing Act to protect servicemembers and veterans from housing discrimination, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM:

S. 3284. A bill to amend the Outer Continental Shelf Lands Act to provide for the inclusion of areas off the coast of South Carolina in the outer Continental Shelf leasing program for fiscal years 2012 through 2017, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 344

At the request of Mr. REID, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 434

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 503

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 503, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon

(Mr. WYDEN) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Maine (Ms. SNOWE), the Senator from Utah (Mr. HATCH), the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1613

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1775

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1775, a bill to promote the development of renewable energy on public lands and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Florida (Mr. RUBIO) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2116

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a co-

sponsor of S. 2116, a bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2134

At the request of Mr. BLUMENTHAL, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2165

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2165, *supra*.

S. 2342

At the request of Mr. JOHANNES, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2346

At the request of Mr. PRYOR, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2346, a bill to amend the Farm Security and Rural Investment Act of 2002 to modify the definition of the term "biobased product".

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2374, a bill to amend the

Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3078

At the request of Mr. PORTMAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3228

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3228, a bill to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Maine (Ms. COLLINS), the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3274

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3274, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

S. RES. 448

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a co-

sponsor of S. Res. 448, a resolution recognizing the 100th anniversary of Haddassah, the Women's Zionist Organization of America, Inc.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2162

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2162 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2202

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2202 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2203

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2203 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2228

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 2228 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2246. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2247. Mr. TOOMEY (for himself, Mr. PRYOR, Mr. INHOFE, Mr. BOOZMAN, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2249. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2250. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2251. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2252. Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. BROWN of Massachusetts, Ms. CANTWELL, Ms. COLLINS, Mr. KERRY, Mr. LIEBERMAN, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. VITTER, Mr. WYDEN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2253. Mr. SANDERS (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2254. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2255. Mr. SANDERS (for himself, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2256. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2257. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2258. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2259. Mr. ENZI (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2260. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2261. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2262. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2263. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2264. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2265. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2266. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2267. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2268. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2269. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2270. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2329. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S.

3240, *supra*; which was ordered to lie on the table.

SA 2330. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2331. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2332. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2333. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2334. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2335. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2336. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2337. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2338. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2339. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2340. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2341. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2342. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

SA 2343. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2246. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 999, strike line 13 and insert the following:

“actions with employees of the Department.

“(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education, or nonprofit organizations for—

“(1) the conduct of regional research on the profitability of small farms;

“(2) the development of educational materials;

“(3) the conduct of workshops, courses, and certified vocational training;

“(4) the conduct of mentoring activities; or

“(5) the provision of internship opportunities.”.

SA 2247. Mr. TOOMEY (for himself, Mr. PRYOR, Mr. INHOFE, Mr. BOOZMAN, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122 . CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) community water systems play an important role in rural United States infrastructure; and

(2) since rural water infrastructure projects are routinely funded under the rural development programs of the Department of Agriculture, Congress should strive to reduce the regulatory and paperwork burdens placed on community water systems.

(b) METHOD OF DELIVERING REPORT.—Section 1414(c)(4)(A) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)(4)(A)) is amended—

(1) in the first sentence, by striking “The Administrator, in consultation” and inserting the following:

“(i) IN GENERAL.—The Administrator, in consultation”;

(2) in clause (i) (as designated by paragraph (1)), in the first sentence, by striking “to mail to each customer” and inserting “to provide, in accordance with clause (ii) or (iii), as applicable, to each customer”;

(3) by adding at the end the following:

“(ii) MAILING REQUIREMENT FOR VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—If a violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to mail a copy of the consumer confidence report to each customer of the system.

“(iii) MAILING REQUIREMENT ABSENT ANY VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—

“(I) IN GENERAL.—If no violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to make the consumer confidence report available by, at the discretion of the community water system—

“(aa) mailing a copy of the consumer confidence report to each customer of the system; or

“(bb) subject to subclause (II), making a copy of the consumer confidence report available on a publicly accessible Internet site of the community water system and by mail, at the request of a customer.

“(II) REQUIREMENTS.—If a community water system elects to provide consumer

confidence reports to consumers under subclause (I)(bb), the community water system shall provide to each customer of the community water system, in plain language and in the same manner (such as in printed or electronic form) in which the customer has elected to pay the bill of the customer, notice that—

“(aa) the community water system has remained in compliance with the maximum contaminant level for each regulated contaminant during the year concerned; and

“(bb) a consumer confidence report is available on a publicly accessible Internet site of the community water system and, on request, by mail.”.

(c) CONFORMING AMENDMENTS.—Section 1414(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)(4)) is amended—

(1) in subparagraph (C), in the matter preceding clause (i), by striking “mailing requirement of subparagraph (A)” and inserting “mailing requirement of clause (ii) or (iii) of subparagraph (A)”;

(2) in subparagraph (D), in the first sentence of the matter preceding clause (i), by striking “mailing requirement of subparagraph (A)” and inserting “mailing requirement of clause (ii) or (iii) of subparagraph (A)”.

(d) APPLICATION; ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—The amendments made by this section take effect on the date that is 90 days after the date of the enactment of this Act.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate any revised regulations and take any other actions necessary to carry out the amendments made by this section.

SA 2248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 10 and all that follows through the end of the amendment and insert the following:

“(3) STATE OPTION FOR CASH EQUIVALENT OF CERTAIN PERCENTAGE OF COMMODITIES FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—For not more than 15 percent of the commodities that a State would otherwise receive for a fiscal year under this Act, the Secretary shall allow the State the option of receiving a cash payment equal to the value of that percentage of the commodities, in lieu of receiving the commodities, to purchase locally produced commodities for use in accordance with this Act.”.

SA 2249. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 2 and all that follows through page 342, line 10, and insert the following:

Subtitle A—Nutrition Assistance Block Grant Program

SEC. 4001. NUTRITION ASSISTANCE BLOCK GRANT PROGRAM.

(a) IN GENERAL.—For each of fiscal years 2014 through 2021, the Secretary shall establish a nutrition assistance block grant program under which the Secretary shall make annual grants to each participating State that establishes a nutrition assistance program in the State and submits to the Secretary annual reports under subsection (d).

(b) REQUIREMENTS.—As a requirement of receiving grants under this section, the Governor of each participating State shall certify that the State nutrition assistance program includes—

- (1) work requirements;
- (2) mandatory drug testing; and

(3) limitations on the eligible uses of benefits that are at least as restrictive as the limitations in place for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) as of May 31, 2012.

(c) AMOUNT OF GRANT.—For each fiscal year, the Secretary shall make a grant to each participating State in an amount equal to the product of—

- (1) the amount made available under section 4002 for the applicable fiscal year; and
- (2) the proportion that—

(A) the number of legal residents in the State whose income does not exceed 100 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size involved; bears to

(B) the number of such individuals in all participating States for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(d) ANNUAL REPORT REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1 of each year, each State that receives a grant under this section shall submit to the Secretary a report that shall include, for the year covered by the report—

(A) a description of the structure and design of the nutrition assistance program of the State, including the manner in which residents of the State qualify for the program;

(B) the cost the State incurs to administer the program;

(C) whether the State has established a rainy day fund for the nutrition assistance program of the State; and

(D) general statistics about participation in the nutrition assistance program.

(2) AUDIT.—Each year, the Comptroller General of the United States shall—

(A) conduct an audit on the effectiveness of the nutritional assistance block grant program and the manner in which each participating State is implementing the program; and

(B) not later than June 30, submit to the appropriate committees of Congress a report describing—

- (i) the results of the audit; and
- (ii) the manner in which the State will carry out the supplemental nutrition assistance program in the State, including eligibility and fraud prevention requirements.

(e) USE OF FUNDS.—

(1) IN GENERAL.—A State that receives a grant under this section may use the grant in any manner determined to be appropriate by the State to provide nutrition assistance to the legal residents of the State.

(2) AVAILABILITY OF FUNDS.—Grant funds made available to a State under this section shall—

(A) remain available to the State for a period of 5 years; and

(B) after that period, shall—

(i) revert to the Federal Government to be deposited in the Treasury and used for Federal budget deficit reduction; or

(ii) if there is no Federal budget deficit, be used to reduce the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SEC. 4002. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

- (1) for fiscal year 2014, \$44,400,000,000;
- (2) for fiscal year 2015, \$45,500,000,000;
- (3) for fiscal year 2016, \$46,600,000,000;
- (4) for fiscal year 2017, \$47,800,000,000;
- (5) for fiscal year 2018, \$49,000,000,000;
- (6) for fiscal year 2019, \$50,200,000,000;
- (7) for fiscal year 2020, \$51,500,000,000; and
- (8) for fiscal year 2021, \$52,800,000,000.

(b) DISCRETIONARY CAP ADJUSTMENT FOR NEW PROGRAM SPENDING.—Section 251A(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

- (1) in subparagraph (B)(ii), by striking the figure and inserting \$554,400,000,000;
- (2) in subparagraph (C)(ii), by striking the figure and inserting \$565,500,000,000;
- (3) in subparagraph (D)(ii), by striking the figure and inserting \$576,600,000,000;
- (4) in subparagraph (E)(ii), by striking the figure and inserting \$588,800,000,000;
- (5) in subparagraph (F)(ii), by striking the figure and inserting \$602,000,000,000;
- (6) in subparagraph (G)(ii), by striking the figure and inserting \$616,200,000,000;
- (7) in subparagraph (H)(ii), by striking the figure and inserting \$629,500,000,000; and
- (8) in subparagraph (I)(ii), by striking the figure and inserting \$642,800,000,000.

SEC. 4003. REPEAL.

(a) IN GENERAL.—Effective September 30, 2013, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) RELATIONSHIP TO OTHER LAW.—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the nutrition assistance block grant program under this subtitle.

SA 2250. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122 . MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

The Administrator of the Environmental Protection Agency shall not propose any new regulation relating to municipal and industrial stormwater discharges under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) until the date on which the Administrator—

- (1) completes the evaluation described in section 122.37 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act); and
- (2) submits to Congress a report detailing the results of that evaluation.

SA 2251. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize

agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. EXEMPTION FROM SPCC REGULATIONS FOR FARMS.

(a) IN GENERAL.—A farm (as defined in section 112.2 of title 40, Code of Federal Regulations (or successor regulations)) with 1 or more diesel or gasoline aboveground storage tanks that have an aggregate storage capacity of less than 12,000 gallons shall be exempt from all spill prevention, control, and countermeasure requirements under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—Notwithstanding any other provision of law, for purposes of any spill prevention, control, and countermeasure plan under part 112 of title 40, Code of Federal Regulations (or successor regulations), the Administrator of the Environmental Protection Agency shall allow an owner of any farm to self-certify the plan, regardless of the aboveground fuel storage capacity on the farm.

SA 2252. Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. BROWN of Massachusetts, Ms. CANTWELL, Ms. COLLINS, Mr. KERRY, Mr. LIEBERMAN, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. VITTER, Mr. WYDEN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, insert the following:

SEC. 122 . UNIFORM NATIONAL STANDARD FOR HOUSING AND TREATMENT OF EGG-LAYING HENS.

(a) SHORT TITLE.—This section may be cited as the “Egg Products Inspection Act Amendments of 2012”.

(b) HEN HOUSING AND TREATMENT STANDARDS.—

(1) DEFINITIONS.—Section 4 of the Egg Products Inspection Act (21 U.S.C. 1033) is amended—

(A) by redesignating subsection (a) as subsection (c);

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (f), (g), (h), (i), (j), and (k), respectively;

(C) by redesignating subsections (h) and (i) as subsections (n) and (o), respectively;

(D) by redesignating subsections (j), (k), and (l) as subsections (r), (s), and (t), respectively;

(E) by redesignating subsections (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z) as subsections (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), and (ii), respectively;

(F) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

“(a) The term ‘adequate environmental enrichments’ means adequate perch space, dust bathing or scratching areas, and nest space, as defined by the Secretary of Agriculture, based on the best available science, including the most recent studies available at the time that the Secretary defines the term. The Secretary shall issue regulations defining this term not later than January 1, 2017, and the final regulations shall go into effect on December 31, 2018.

“(b) The term ‘adequate housing-related labeling’ means a conspicuous, legible marking on the front or top of a package of eggs accurately indicating the type of housing that the egg-laying hens were provided during egg production, in one of the following formats:

“(1) ‘Eggs from free-range hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production—

“(A) not housed in caging devices; and

“(B) provided with outdoor access.

“(2) ‘Eggs from cage-free hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, not housed in caging devices.

“(3) ‘Eggs from enriched cages’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that—

“(A) contain adequate environmental enrichments; and

“(B) provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.

“(4) ‘Eggs from caged hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that either—

“(A) do not contain adequate environmental enrichments; or

“(B) do not provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.”;

(G) by inserting after subsection (c), as redesignated by subparagraph (A), the following new subsections:

“(d) The term ‘brown hen’ means a brown egg-laying hen used for commercial egg production.

“(e) The term ‘caging device’ means any cage, enclosure, or other device used for the housing of egg-laying hens for the production of eggs in commerce, but does not include an open barn or other fixed structure without internal caging devices.”;

(H) by inserting after subsection (k), as redesignated by subparagraph (B), the following new subsections:

“(l) The term ‘egg-laying hen’ means any female domesticated chicken, including white hens and brown hens, used for the commercial production of eggs for human consumption.

“(m) The term ‘existing caging device’ means any caging device that was continuously in use for the production of eggs in commerce up through and including December 31, 2011.”;

(I) by inserting after subsection (o), as redesignated by subparagraph (C), the following new subsections:

“(p) The term ‘feed-withdrawal molting’ means the practice of preventing food intake for the purpose of inducing egg-laying hens to molt.

“(q) The term ‘individual floor space’ means the amount of total floor space in a caging device available to each egg-laying hen in the device, which is calculated by measuring the total floor space of the caging device and dividing by the total number of egg-laying hens in the device.”;

(J) by inserting after subsection (t), as redesignated by subparagraph (D), the following new subsection:

“(u) The term ‘new caging device’ means any caging device that was not continuously in use for the production of eggs in commerce on or before December 31, 2011.”; and

(K) by inserting at the end the following new subsections:

“(jj) The term ‘water-withdrawal molting’ means the practice of preventing water intake for the purpose of inducing egg-laying hens to molt.

“(kk) The term ‘white hen’ means a white egg-laying hen used for commercial egg production.”.

(2) HOUSING AND TREATMENT OF EGG-LAYING HENS.—The Egg Products Inspection Act (21 U.S.C. 1031 et seq.) is amended by inserting after section 7 the following new sections:

“§ 7A. Housing and treatment of egg-laying hens

“(a) ENVIRONMENTAL ENRICHMENTS.—

“(1) EXISTING CAGING DEVICES.—All existing caging devices must provide egg-laying hens housed therein, beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

“(2) NEW CAGING DEVICES.—All new caging devices must provide egg-laying hens housed therein, beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

“(3) CAGING DEVICES IN CALIFORNIA.—All caging devices in California must provide egg-laying hens housed therein, beginning December 31, 2018, adequate environmental enrichments.

“(b) FLOOR SPACE.—

“(1) EXISTING CAGING DEVICES.—All existing cages devices must provide egg-laying hens housed therein—

“(A) beginning four years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 76 square inches of individual floor space per brown hen and 67 square inches of individual floor space per white hen; and

“(B) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(2) NEW CAGING DEVICES.—Except as provided in paragraph (3), all new caging devices must provide egg-laying hens housed therein—

“(A) beginning three years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 90 square inches of individual floor space per brown hen and 78 square inches of individual floor space per white hen;

“(B) beginning six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen;

“(C) beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen;

“(D) beginning 12 years after the date of enactment of the Egg Products Inspection

Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen; and

“(E) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(3) CALIFORNIA CAGING DEVICES.—All caging devices in California must provide egg-laying hens housed therein—

“(A) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

“(B) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(c) AIR QUALITY.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide all egg-laying hens under his ownership or control with acceptable air quality, which does not exceed more than 25 parts per million of ammonia during normal operations.

“(d) FORCED MOLTING.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, no egg handler may subject any egg-laying hen under his ownership or control to feed-withdrawal or water-withdrawal molting.

“(e) EUTHANASIA.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide, when necessary, all egg-laying hens under his ownership or control with euthanasia that is humane and uses a method deemed ‘Acceptable’ by the American Veterinary Medical Association.

“(f) PROHIBITION ON NEW UNENRICHABLE CAGES.—No person shall build, construct, implement, or place into operation any new caging device for the production of eggs to be sold in commerce unless the device—

“(1) provides the egg-laying hens to be contained therein a minimum of 76 square inches of individual floor space per brown hen or 67 square inches of individual floor space per white hen; and

“(2) is capable of being adapted to accommodate adequate environmental enrichments.

“(g) EXEMPTIONS.—

“(1) RECENTLY-INSTALLED EXISTING CAGING DEVICES.—The requirements contained in subsections (a)(1) and (b)(1)(B) shall not apply to any existing caging device that was first placed into operation between January 1, 2008, and December 31, 2011. This exemption shall expire 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at which time the requirements contained in subsections (a)(1) and (b)(1)(B) shall apply to all existing caging devices.

“(2) HENS ALREADY IN PRODUCTION.—The requirements contained in subsections (a)(1), (a)(2), (b)(1)(B), and (b)(2) shall not apply to any caging device containing egg-laying hens who are already in egg production on the date that such requirement takes effect. This exemption shall expire on the date that such egg-laying hens are removed from egg production.

“(3) SMALL PRODUCERS.—Nothing contained in this section shall apply to an egg handler

who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.

“§ 7B. Phase-in conversion requirements

“(a) **FIRST CONVERSION PHASE.**—As of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 25 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen.

“(b) **SECOND CONVERSION PHASE.**—As of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 55 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen.

“(c) **FINAL CONVERSION PHASE.**—As of December 31, 2029, all egg-laying hens confined in caging devices shall be provided adequate environmental enrichments and a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(d) **COMPLIANCE.**—

“(1) At the end of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall determine, after having reviewed and analyzed the results of an independent, national survey of caging devices conducted in 2018, whether the requirements of subsection (a) have been met. If the Secretary finds that the requirements of subsection (a) have not been met, then beginning January 1, 2020, the floor space requirements (irrespective of the date such requirements expire) related to new caging devices contained in subsection (b)(2)(B) of section 7A shall apply to existing caging devices placed into operation prior to January 1, 1995.

“(2) At the end of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, and again after December 31, 2029, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on compliance with subsections (b) and (c).

“(3) Notwithstanding section 12, the remedies provided in this subsection shall be the exclusive remedies for violations of this section.”

(3) **INSPECTIONS.**—Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034) is amended—

(A) in subsection (d), by inserting “(other than requirements with respect to housing, treatment, and house-related labeling)” after “as he deems appropriate to assure compliance with such requirements”; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “and”; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following new subparagraph:

“(B) are derived from egg-laying hens housed and treated in compliance with section 7A; and”; and

(IV) in subparagraph (C), as redesignated by subclause (II), by inserting “adequate housing-related labeling and” after “contain”;

(ii) in paragraph (2), by striking “In the case of a shell egg packer” and inserting “In the cases of an egg handler with a flock of more than 3,000 egg-laying hens and a shell egg packer”;

(iii) in paragraph (3), by inserting “(other than requirements with respect to housing, treatment, and housing-related labeling)” after “to ensure compliance with the requirements of paragraph (1)”; and

(iv) in paragraph (4), by striking “with a flock of not more than 3,000 layers,” and inserting “who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.”

(4) **LABELING.**—Section 7 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1036) is amended in subsection (a) by inserting “adequate housing-related labeling,” after “plant where the products were processed,”

(5) **LIMITATION ON EXEMPTIONS BY SECRETARY.**—Section 15 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1044) is amended in subsection (a) by inserting “, not including subsection (c) of section 8,” after “exempt from specific provisions”.

(6) **IMPORTS.**—Section 17 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1046) is amended in paragraph (2) of subsection (a) by striking “subdivision thereof and are labeled and packaged” and inserting “subdivision thereof; and no eggs or egg products capable of use as human food shall be imported into the United States unless they are produced, labeled, and packaged”.

(c) **ENFORCEMENT OF HEN HOUSING AND TREATMENT STANDARDS.**—

(1) **IN GENERAL.**—Section 8 of the Egg Products Inspection Act (21 U.S.C. 1037) is amended—

(A) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(B) by inserting after subsection (b) the following new subsection:

“(c)(1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens housed or treated in violation of any provision of section 7A.

“(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens unless the container or package, including any immediate container, of the eggs or egg products, beginning one year after the date of enactment of the Egg Products Inspection Act Amendments of 2012, contains adequate housing-related labeling.

“(3) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce, in California, any eggs or egg products derived from egg-laying hens unless the egg-laying hens are—

“(A) provided—

“(i) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

“(ii) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen; and

“(B) provided, beginning December 31, 2018, adequate environmental enrichments.”; and

(C) in subsection (e), as redesignated by subparagraph (A), by inserting “7A,” after “section”.

(2) **LIMITATION ON AUTHORITY OF SECRETARY OF HEALTH AND HUMAN SERVICES.**—Section 13

of the Egg Products Inspection Act of 1970 (21 U.S.C. 1042) is amended by inserting “(with respect to violations other than those related to requirements with respect to housing, treatment, and housing-related labeling) the” after “Before any violation of this chapter is reported by the Secretary of Agriculture or”.

(d) **STATE AND LOCAL AUTHORITY.**—Section 23 of the Egg Products Inspection Act (21 U.S.C. 1052) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following new subsection:

“(c) **PROHIBITION AGAINST ADDITIONAL OR DIFFERENT REQUIREMENTS THAN FEDERAL REQUIREMENTS RELATED TO MINIMUM SPACE ALLOTMENTS FOR HOUSING EGG-LAYING HENS IN COMMERCIAL EGG PRODUCTION.**—Requirements within the scope of this chapter with respect to minimum floor space allotments or enrichments for egg-laying hens housed in commercial egg production which are in addition to or different than those made under this chapter may not be imposed by any State or local jurisdiction. Otherwise the provisions of this chapter shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this chapter.”; and

(3) by inserting after subsection (e), as redesignated by paragraph (1), the following new subsection:

“(f) **ROLE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE.**—With respect to eggs produced, shipped, handled, transported or received in California prior to the date that is 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall delegate to the California Department of Food and Agriculture the authority to enforce sections 7A(a)(3), 7A(b)(3), 8(c)(3), and 11.”.

SA 2253. Mr. SANDERS (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 122. ENERGY MARKETS.

(a) **FINDINGS.**—Congress finds that—

(1) the Commodity Futures Trading Commission was created as an independent agency, in 1974, with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any commodity in interstate commerce;

(2) Congress declared in section 4a of the Commodity Exchange Act (7 U.S.C. 6a) that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(3) title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (and amendments made by that Act) required the Commission to establish position limits “to diminish, eliminate, or prevent excessive speculation” for trading in crude oil, gasoline, heating oil, diesel fuel, jet fuel, and other physical commodity derivatives by January 17, 2011;

(4) the Commission has failed to impose position limits to diminish, eliminate, or prevent excessive oil and gasoline speculation as required by law;

(5) according to an article published in *Forbes* on February 27, 2012, excessive oil speculation “translates out into a premium for gasoline at the pump of \$.56 a gallon” based on a recent report from Goldman Sachs;

(6) on May 25, 2012—

(A) the supply of commercial crude oil in the United States was higher than the supply was on May 22, 2009, when the national average price for a gallon of regular unleaded gasoline was less than \$2.45; and

(B) demand for gasoline in the United States was lower than demand was on May 22, 2009;

(7) on June 6, 2012, the national average price of regular unleaded gasoline was \$3.57 a gallon, more than \$1 per gallon more than 3 years ago when commercial crude oil supplies were lower and demand was higher;

(8) during the last quarter of 2011, according to the International Energy Agency—

(A) the world oil supply rose by 1,300,000 barrels per day while demand only increased by 700,000 barrels per day; but

(B) the price of Texas light sweet crude rose by more than 12 percent;

(9) on November 3, 2011, Gary Gensler, the Chairman of the Commodity Futures Trading Commission testified before the Senate Permanent Subcommittee on Investigations that “80 to 87 percent of the [oil futures] market” is dominated by “financial participants, swap dealers, hedge funds, and other financials,” a figure that has more than doubled over the prior decade;

(10) excessive oil and gasoline speculation is creating major market disturbances that prevent the market from accurately reflecting the forces of supply and demand; and

(11) the Commodity Futures Trading Commission has a responsibility—

(A) to ensure that the price discovery for oil and gasoline accurately reflects the fundamentals of supply and demand; and

(B) to take immediate action to implement strong and meaningful position limits to regulated exchange markets to eliminate excessive oil speculation.

(b) ACTIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall use the authority of the Commission (including emergency powers, if necessary)—

(1) to implement position limits that will diminish, eliminate, or prevent excessive speculation in the trading of crude oil, gasoline, heating oil, diesel fuel, jet fuel, and other physical commodity derivatives as required under title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (and amendments made by that Act); and

(2) to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commission, on or through which energy futures or swaps are traded.

SA 2254. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 914, line 14, strike “Section” and insert the following:

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BIOMASS CONSUMER COOPERATIVE.—The term ‘biomass consumer cooperative’ means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.”.

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) grants of up to \$50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

“(i) the purchase of biomass heating systems;

“(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

“(iii) the delivery and storage of biomass of heating products.”.

(c) MATCHING FUNDS.—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking “A State or local government that receives a grant under subsection (b)” and inserting the following:

“(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)”;

(2) by adding at the end the following:

“(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and non-profit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section

SA 2255. Mr. SANDERS (for himself, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, strike lines 7 through 13 and insert the following:

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively.

On page 195, line 25, strike “and”.

On page 196, strike line 16 and insert the following:

“mined by the Secretary.”; and

(6) in subsection (i)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) ELIGIBILITY REQUIREMENTS.—As a condition of receiving payments under this subsection, a producer shall agree to develop and implement conservation practices for certified organic production that are consistent with the regulations promulgated under the Organic Foods Production Act of

1990 (7 U.S.C. 6501 et seq.) and the purposes of this Act.

“(3) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under this Act.

“(4) PLANNING.—

“(A) IN GENERAL.—The Secretary shall provide planning assistance to producers transitioning to certified organic production consistent with the requirements of the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and the purposes of this Act.

“(B) AVOIDANCE OF DUPLICATION.—The Secretary, to the maximum extent practicable, shall eliminate duplication of planning activities for a producer participating in a contract under this Act and initiating or maintaining organic certification in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).”.

SA 2256. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. CONSUMERS RIGHT TO KNOW ABOUT GENETICALLY ENGINEERED FOOD ACT.

(a) SHORT TITLE.—This section may be cited as the “Consumers Right to Know About Genetically Engineered Food Act”.

(b) FINDINGS.—Congress finds that—

(1) surveys of the American public consistently show that 90 percent or more of the people of the United States want genetically engineered or modified foods to be labeled as such;

(2) a landmark public health study in Canada found that—

(A) 93 percent of pregnant women had detectable toxins from genetically engineered or modified foods in their blood; and

(B) 80 percent of the babies of those women had detectable toxins in their umbilical cords;

(3) the tenth Amendment to the Constitution of the United States clearly reserves powers in the system of Federalism to the States or to the people; and

(4) States have the authority to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered.

(c) DEFINITIONS.—In this section:

(1) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term “genetic engineering” means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) INCLUSIONS.—The term “genetic engineering” includes—

(i) recombinant DNA and RNA techniques;

(ii) cell fusion;

(iii) microencapsulation;

(iv) macroencapsulation;

(v) gene deletion and doubling;

(vi) introduction of a foreign gene; and

(vii) changing the position of genes.

(C) EXCLUSIONS.—The term “genetic engineering” does not include any modification to an organism that consists exclusively of—

(i) breeding;

(ii) conjugation;

- (iii) fermentation;
- (iv) hybridization;
- (v) in vitro fertilization; or
- (vi) tissue culture.

(2) **GENETICALLY ENGINEERED AND GENETICALLY MODIFIED INGREDIENT.**—The term “genetically engineered and genetically modified ingredient” means any ingredient in any food, beverage, or other edible product that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(d) **RIGHT TO KNOW.**—Notwithstanding any other Federal law (including regulations), a State may require that any food, beverage, or other edible product offered for sale in that State have a label on the container or package of the food, beverage, or other edible product, indicating that the food, beverage, or other edible product contains a genetically engineered or genetically modified ingredient.

(e) **REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs and the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall submit a report to Congress detailing the percentage of food and beverages sold in the United States that contain genetically engineered or genetically modified ingredients.

SA 2257. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. AGRICULTURAL PRODUCER PROTECTION ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Farmer Protection Act”.

(b) **DEFINITIONS.**—In this section:

(1) **AGRICULTURAL PRODUCERS OF NON-GENETICALLY ENGINEERED PRODUCTS.**—The term “agricultural producer of nongenetically engineered products” means any agricultural producer who produces seeds, crops, plants, or products without genetically engineered products.

(2) **BIOTECH COMPANY.**—The term “biotech company” means a person—

(A) engaged in the business of genetically engineering a seed, crop, plant, product, or organism; or

(B) that owns the patent rights to a genetically engineered product for the purpose of commercial exploitation of that genetically engineered product.

(3) **CONTAMINATION.**—The term “contamination” means the unwanted trespass, whether through pollination or other means, of a genetically engineered product into the seed, crop, plant, or product of an agricultural producer who does not use genetically engineered products.

(4) **GENETIC ENGINEERING.**—

(A) **IN GENERAL.**—The term “genetic engineering” means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) **INCLUSIONS.**—The term “genetic engineering” includes—

- (i) recombinant DNA and RNA techniques;
- (ii) cell fusion;
- (iii) microencapsulation;
- (iv) macroencapsulation;
- (v) gene deletion and doubling;
- (vi) introduction of a foreign gene; and
- (vii) changing the position of genes.

(C) **EXCLUSIONS.**—The term “genetic engineering” does not include any modification to an organism that consists exclusively of—

- (i) breeding;
- (ii) conjugation;
- (iii) fermentation;
- (iv) hybridization;
- (v) in vitro fertilization; or
- (vi) tissue culture.

(5) **GENETICALLY ENGINEERED PRODUCT.**—The term “genetically engineered product” means any seed, crop, plant, product, or organism that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(c) **LIABILITY OF AGRICULTURAL PRODUCERS OF NON-GENETICALLY ENGINEERED PRODUCTS.**—

(1) **IN GENERAL.**—No agricultural producer shall be liable to a biotech company under any provision of Federal, State, or local law, including for injury, monetary damages, or patent infringement, resulting from the contamination of the seeds, crops, products, or plants of the agricultural producer by a genetically engineered product that is created, produced, or distributed by the biotech company.

(2) **WAIVER.**—The liability described in paragraph (1) shall not be waived or otherwise avoided by contract.

(d) **PRIVATE RIGHT OF ACTION BY AGRICULTURAL PRODUCERS OF NON-GENETICALLY ENGINEERED PRODUCTS.**—Any agricultural producer of nongenetically engineered products whose seeds, crops, plants, or products are contaminated by a genetically engineered product may, in a civil action in a court of competent jurisdiction, bring an action against a biotech company for monetary damages for injury to the agricultural producer caused by the genetically engineered product.

(e) **ATTORNEY'S FEES.**—The court may award a reasonable attorney's fee to the prevailing plaintiff in an action brought under subsection (d).

SA 2258. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, strike line 20.

On page 336, strike line 13 and insert the following:

carry out this section.”; and

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by adding “or” at the end; and

(C) by adding at the end the following:

“(C) maximizing the use of commercial kitchens (such as kitchens operated by schools, food banks, and other public, non-profit, or private entities) for the purpose of light-processing local agricultural products to create additional markets for producers, reduce hunger, and promote nutrition.”.

SA 2259. Mr. ENZI (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 121. LIMITATION ON USE OF ANTI-COMPETITIVE FORWARD CONTRACTS.

(a) **IN GENERAL.**—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by striking “Sec. 202. It shall be” and inserting the following:

“SEC. 202. UNLAWFUL PRACTICES.

“(a) **IN GENERAL.**—It shall be”;

(2) by striking “to:” and inserting “to—”;

(3) by redesignating subsections (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (7), and (8), respectively, and indenting appropriately;

(4) in paragraph (7) (as redesignated by paragraph (3)), by designating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(5) in paragraph (8) (as redesignated by paragraph (3)), by striking “subdivision (a), (b), (c), (d), or (e)” and inserting “paragraph (1), (2), (3), (4), (5), or (6)”;

(6) in each of paragraphs (1), (2), (3), (4), (5), (7), and (8) (as redesignated by paragraph (3)), by striking the first capital letter of the first word in the paragraph and inserting the same letter in the lower case;

(7) in each of paragraphs (1) through (5) (as redesignated by paragraph (3)), by striking “or” at the end;

(8) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

“(6) except as provided in subsection (c), use, in effectuating any sale of livestock, a forward contract that—

“(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into; or

“(B) is based on a formula price.”; and

(9) by adding at the end the following:

“(b) **EXEMPTION FOR COOPERATIVES.**—Subsection (a)(6) shall not apply to—

“(1) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

“(A) own, feed, or control livestock; and

“(B) provide the livestock to the cooperative for slaughter;

“(2) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

“(3) a packer that owns 1 livestock processing plant.”.

(b) **DEFINITIONS.**—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) is amended by adding at the end the following:

“(15) **FIRM BASE PRICE.**—The term ‘firm base price’ means a transaction using a reference price from an external source.

“(16) **FORMULA PRICE.**—

“(A) **IN GENERAL.**—The term ‘formula price’ means any price term that establishes a base from which a purchase price is calculated on the basis of a price that will not be determined or reported until a date after the day the forward price is established.

“(B) **EXCLUSION.**—The term ‘formula price’ does not include—

“(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

“(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

“(17) FORWARD CONTRACT.—The term ‘forward contract’ means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

“(A) a specified lot of livestock; or

“(B) a specified number of livestock over a certain period of time.”.

SA 2260. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 12106. ALTERNATIVE MARKETING ARRANGEMENTS.

(a) DEFINITIONS.—Section 221 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635d) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) ALTERNATIVE MARKETING ARRANGEMENT.—The term ‘alternative marketing arrangement’ means the advance commitment of cattle for slaughter by any means—

“(A) other than a negotiated purchase or forward contract; and

“(B) that does not use a method for calculating price in which the price is determined at a future date.”.

(b) MANDATORY REPORTING FOR LIVE CATTLE.—Section 222(d)(1) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635e(d)(1)) is amended by adding at the end the following:

“(F) The quantity of cattle delivered under an alternative marketing arrangement that were slaughtered.”.

SA 2261. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122 _____. NUMERIC NUTRIENT CRITERIA.

(a) SHORT TITLE.—This section may be cited as the “State Waters Partnership Act of 2012”.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) FLORIDA AMENDED RULE.—The term “Florida amended rule” means chapters 62–302 and 62–303 of the Florida Administrative Code, as approved for adoption by the Florida Environmental Regulation Commission on December 8, 2011, and submitted on December 9, 2011, to the Florida Legislature for ratification.

(3) JANUARY 14, 2009, DETERMINATION.—The term “January 14, 2009, determination” means the determination issued by the Ad-

ministrator on January 14, 2009, under section 303(c)(4)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)(B)), regarding numeric nutrient criteria for the State of Florida.

(4) NUMERIC NUTRIENT CRITERIA.—The term “numeric nutrient criteria” means specific numerical criteria for any species of nitrogen or phosphorus developed to meet the water quality requirements of section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(c) NUMERIC NUTRIENT CRITERIA.—

(1) IN GENERAL.—The Administrator shall not propose, promulgate, or enforce any numeric nutrient criteria for any stream, lake, spring, canal, estuary, or marine water of the State of Florida based on the January 15, 2009, determination until the Administrator makes a final determination in accordance with section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)) regarding the Florida amended rule.

(2) WITHDRAWAL OF REGULATIONS.—If the Administrator determines under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)) that the Florida amended rule meets the requirements of that Act (33 U.S.C. 1251 et seq.)—

(A) the Administrator shall not enforce, and shall withdraw, section 131.43 of title 40, Code of Federal Regulations (or a successor regulation), in its entirety; and

(B) shall not propose or promulgate any numeric nutrient criteria for any stream, lake, spring, canal, estuary, or marine water of the State of Florida based on the January 14, 2009, determination.

SA 2262. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market.

SA 2263. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 770, strike lines 7 through 11 and insert the following:

(7) in subsection (k)(1), by striking “2012” and inserting “2017”; and

SA 2264. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE CONCERNING THE FEDERAL GOVERNMENT GUARANTEEING PROFITS.

It is the sense of the Senate that the Federal Government should not guarantee the profits of any industry.

SA 2265. Mr. DEMINT submitted an amendment intended to be proposed by

him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3101.

SA 2266. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1105.

SA 2267. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RENEWABLE FUEL STANDARD.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SA 2268. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PROVISION OF LOAN GUARANTEES.

Notwithstanding any other provision of this Act, including any amendment made by this Act, no loan guarantee may be provided by the Secretary or any other Federal official or agency for any project or activity carried out by the Secretary.

SA 2269. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111 203; 124 Stat. 1376) is repealed.

SA 2270. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike parts I and II of subtitle D of title I.

SA 2271. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF MANDATORY FUNDING FROM ENERGY PROGRAMS.

Notwithstanding any other provision of this Act or any amendment made by this Act—

(1) section 9002(j) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(j)) (as amended by section 9002(a)(7)) is amended—

(A) in paragraph (3), by striking “\$2,000,000” and inserting “\$5,000,000”; and

(B) by striking paragraph (4);

(2) section 9003(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)) (as amended by section 9003(b)) is amended by striking paragraph (1) and inserting the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), there is authorized to provide for the cost of loan guarantees under this section—

“(i) \$100,000,000 for fiscal year 2013; and

“(ii) \$58,000,000 for each of fiscal years 2014 and 2015.

“(B) BIOBASED PRODUCT MANUFACTURING.—Of the total amount of funds made available for the period of fiscal years 2013 through 2015 under subparagraph (A), the Secretary shall use for the cost of loan guarantees under this section not more than \$25,000,000 to promote biobased product manufacturing.”;

(3) section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) (as amended by section 9006) is amended—

(A) in paragraph (2), by striking “\$1,000,000” and inserting “\$2,000,000”; and

(B) by striking paragraph (3);

(4) section 9007(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)) (as amended by section 9007(b)) is amended—

(A) in paragraph (4), by striking “\$20,000,000” and inserting “\$68,200,000”; and

(B) by striking paragraph (5); and

(5) section 9008(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)) (as amended by section 9008) is amended—

(A) in paragraph (3), by striking “\$30,000,000” and inserting “\$56,000,000”; and

(B) by striking paragraph (4).

SA 2272. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize

agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle —Sugar

SEC. 01. SHORT TITLE.

This subtitle may be cited as the “Free Sugar Act of 2012”.

SEC. 02. SUGAR PROGRAM.

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. 03. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2012 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2012 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar.”

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting “(other than sugar beets and sugarcane)” after “commodities”; and

(B) in paragraph (3), by inserting “(other than sugar beets and sugarcane)” after “commodity”.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting “, sugar beets, and sugarcane” after “tobacco”.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “, and milk”.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. 04. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA TARIFF RATE.

(a) ELIMINATION OF TARIFF ON RAW CANE SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.11 through 1701.11.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.11, as in effect on the day before the date of the enactment of this section:

| | | | | |
|-----------------------------------|------|--|-----------|----|
| “ 1701.11.00 Cane sugar | Free | | 39.85¢/kg | ”. |
|-----------------------------------|------|--|-----------|----|

(b) ELIMINATION OF TARIFF ON BEET SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.12 through 1701.12.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12, as in effect on the day before the date of the enactment of this section:

| | | | | |
|-----------------------------------|------|--|-----------|----|
| “ 1701.12.00 Beet sugar | Free | | 42.05¢/kg | ”. |
|-----------------------------------|------|--|-----------|----|

(c) ELIMINATION OF TARIFF ON CERTAIN REFINED SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking the superior text immediately preceding subheading 1701.91.05 and by striking subheadings 1701.91.05 through 1701.91.30 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.91.05, as in effect on the day before the date of the enactment of this section:

| | | | | |
|--|------|--|-----------|----|
| “ 1701.91.02 Containing added coloring but not containing added flavoring matter | Free | | 42.05¢/kg | ”; |
|--|------|--|-----------|----|

(2) by striking subheadings 1701.99 through 1701.99.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.99, as in effect on the day before the date of the enactment of this section:

| | | | | |
|------------------------------|------|--|-----------|----|
| “ 1701.99.00 Other | Free | | 42.05¢/kg | ”; |
|------------------------------|------|--|-----------|----|

(3) by striking the superior text immediately preceding subheading 1702.90.05 and by striking subheadings 1702.90.05 through 1702.90.20 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1702.90.05, as in effect on the day before the date of the enactment of this section:

| | | | | |
|--|------|--|-----------|----|
| “ 1702.90.02 Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids | Free | | 42.05¢/kg | ”; |
|--|------|--|-----------|----|

and

(4) by striking the superior text immediately preceding subheading 2106.90.42 and

by striking subheadings 2106.90.42 through 2106.90.46 and inserting in numerical sequence the following new subheading, with

the article description for such subheading having the same degree of indentation as the article description for subheading 2106.90.39:

“ 2106.90.40 Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter

Free | | 42.50¢/kg | ”.

(d) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking additional U.S. note 5.

(e) ADMINISTRATION OF TARIFF-RATE QUOTAS.—Section 404(d)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(1)) is amended—

(1) by inserting “or” at the end of subparagraph (B);

(2) by striking “; or” at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 505. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2012 crop of sugar beets and sugarcane.

SA 2273. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 765, strike line 9 and all that follows through page 766, line 16, and insert the following:

“(B) MAXIMUM.—The amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels; and

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education;

“(IV) private entities; and

“(V) philanthropic organizations.”;

SA 2274. Mr. DEMINT (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. PERMANENT ESTATE TAX RELIEF.

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EXCLUSION FROM EGGTRA SUNSET.—Section 901 of the Economic Growth and Tax

Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitle A or E of title V of such Act.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 2275. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 765, strike line 8, insert “that the Secretary determines does not have access to broadband service from any provider of broadband service (including the applicant)” before the period at the end.

SA 2276. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. PROHIBITION ON MANDATORY OR COMPULSORY CHECK OFF PROGRAMS.

No program to promote and provide research and information for a particular agricultural commodity without reference to specific producers or brands (commonly known as a “check-off program”) shall be mandatory or compulsory.

SA 2277. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. SENSE OF SENATE REGARDING DISPLACEMENT OF PRIVATE SECTOR ENTITIES.

It is the sense of the Senate that no provision of this Act (including any amendment made by this Act) should displace any service or product provided by an entity in the private sector.

SA 2278. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike part I of subtitle D of title I.

SA 2279. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6104.

SA 2280. Mr. DEMINT submitted an amendment intended to be proposed by

him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 12205.

SA 2281. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters

SEC. 3301. CONSISTENCY WITH INTERNATIONAL TRADE OBLIGATIONS OF THE UNITED STATES.

The Secretary shall administer this Act, and any amendments made by this Act, in a manner consistent with the obligations of the United States as a member of the World Trade Organization and under trade agreements to which the United States is a party.

SA 2282. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”; and

(3) in subparagraph (C), by adding at the end the following:

“(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 2283. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RENEWABLE FUEL STANDARD.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SEC. ____ . PERMANENT ESTATE TAX RELIEF.

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EXCLUSION FROM EGGTRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitle A or E of title V of such Act.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 2284. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE

It is the sense of the Senate that nothing in this Act should raise the cost of food or products for consumers or the needy.

SA 2285. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 12 ____ . FUNDING.

Notwithstanding any other provision of this Act or any amendment made by this Act, each amount made available by this Act or an amendment made by this Act that is funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c))) shall be considered to be an authorization of appropriations for that amount and purpose.

SA 2286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157)

is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided*, That” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”;

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3)”;

(C) in subsection (f)—

(i) by striking clause (2); and

(ii) by redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 2287. Mr. CARPER (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 805, strike lines 18 through 22 and insert the following:

(43), (47), (48), (51), and (52);

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and

(C) by adding at the end the following:

“(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.”;

SA 2288. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 652, between lines 12 and 13, insert the following:

“SEC. 3707. DISCRETION OF SECRETARY.

“Notwithstanding any other provision of this title, the Secretary may deny an application for a rural development program under this title if the area subject to the application meets the requirements of a rural area under section 3002(28), but is determined by the Secretary to not be rural in character.

SA 2289. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, strike lines 16 through 19, and insert the following:

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “and” after “2005.”; and

(B) by inserting “, and \$160,000,000 for each of fiscal years 2013 through 2017” after “2012.”; and

(2) by adding at the end the following:

“(3) PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES.—None of the funds made available to carry out this subsection shall be used for—

“(A) wine tastings;

“(B) animal spa products;

“(C) reality television shows; or

“(D) cat or dog food.”.

SA 2290. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 7 ____ . REDUCTION OF AMOUNTS FOR RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any amendment made by this Act, the Secretary shall reduce the amounts made available to carry out rural development programs authorized by this title or an amendment made by this title, on a pro rata basis, by an aggregate amount of \$1,000,000,000.

(b) PRIORITIZATION.—Notwithstanding any other provision of this Act or any amendment made by this Act, the Secretary may use any amounts remaining available to carry out the programs described in subsection (a) after the disposition under subsection (a), as determined by the Secretary.

SA 2291. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 864, strike lines 1 through 11 and insert the following:

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704) is repealed.

SA 2292. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike lines 13 through 17 and insert the following:

Section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) is repealed.

SA 2293. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.

Section 1001D(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(2)(A)) is amended—

(1) by striking “LIMITS.” and all that follows through “clause (ii),” and inserting

“LIMITS.—Notwithstanding any other provision of law,”; and

(2) by striking clause (ii).

SA 2294. Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, between lines 3 and 4, insert the following:

SEC. 8303. COLORADO COOPERATIVE CONSERVATION AUTHORITY.

Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 996; 118 Stat. 3102; 123 Stat. 2961), is amended by striking “September 30, 2013” and inserting “September 30, 2017”.

SA 2295. Mr. UDALL of Colorado (for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 866, line 21, strike “\$100,000,000” and insert “\$200,000,000”.

SA 2296. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, between lines 16 and 17, insert the following:

“(e) MICROLOAN PROGRAM.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a microloan program within the operating loan program established under this chapter.

“(2) LOAN AMOUNT.—Each loan issued under the program shall be in an amount of not less than \$500 and not more than \$5,000.

“(3) ELIGIBILITY.—

“(A) DEFINITION OF GLEANER.—In this paragraph, the term ‘gleaner’ means an individual or entity that—

“(i) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

“(ii) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

“(B) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive microloans under this subsection.

“(4) LOAN PROCESSING.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

“(5) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

“(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

SA 2297. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 362, line 11, insert “(which may include obtaining degrees from institutions of higher education in business or agriculture, such as horticulture or agricultural business management degrees)” after “farmer”.

SA 2298. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 12 . ANNUAL REPORTS ON LOANS TO YOUNG AND BEGINNING FARMERS AND RANCHERS.

(a) IN GENERAL.—Part D of title IV of the Farm Credit Act of 1971 (12 U.S.C. 2203 et seq.) is amended by adding at the end the following:

“SEC. 4.22. ANNUAL REPORTS ON LOANS TO YOUNG AND BEGINNING FARMERS AND RANCHERS.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE BORROWER.—The term ‘eligible borrower’ means an agricultural producer who, as determined by the Farm Credit Administration—

“(A) is not more than 35 years old;

“(B)(i) has experience of at least 3 years in operating a farm or ranch; but

“(ii) has not more than 10 years of total farming or ranching experience; and

“(C) for the immediately preceding complete taxable year had an average adjusted gross farm income (as defined in section 1001D of the Farm Security Act of 1985 (7 U.S.C. 1308-3a) of not more than \$250,000.

“(2) FUNDING INSTITUTION.—The term ‘funding institution’ means an entity that, during the immediately preceding taxable year—

“(A) was part of the Farm Credit System;

“(B) was subject to regulation by the Farm Credit Administration; and

“(C) had net income resulting from tax-exempt earnings on real estate lending.

“(b) REPORTS ON LENDING DATA BY FUNDING INSTITUTIONS.—The Farm Credit Administration shall—

“(1) require each funding institution to annually aggregate and report all lending data by individual eligible borrower; and

“(2) annually report this lending activity to the Secretary and Congress.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2299. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 782, between lines 14 and 15, insert the following:

SEC. 6203. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of

the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required under subsection (a).

(d) PERIODIC UPDATES.—The Secretary and the Secretary of Transportation shall publish triennially an updated version of the study described in subsection (a).

SEC. 6204. AGRICULTURAL TRANSPORTATION POLICY.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by striking subsection (j) and inserting the following:

“(j) POLICY DEVELOPMENT PROCEEDINGS.—The Secretary shall participate on behalf of the interests of agriculture and rural America in all policy development proceedings or other proceedings of the Surface Transportation Board that may establish freight rail transportation policy affecting agriculture and rural America.”.

SA 2300. Ms. KLOBUCHAR (for herself, Mr. LUGAR, Mrs. MCCASKILL, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, insert the following:

SEC. 122 . SCIENCE ADVISORY BOARD.

Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365(b)) is amended in the first sentence by inserting “and not more than 3 of whom shall be appointed based on the recommendation of the Secretary of Agriculture,” after “Chairman,”.

SA 2301. Mr. RJSCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment

SA 2232 submitted by Mr. TESTER (for himself and Mr. THUNE) and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

Subtitle C—Restrictions on the Designation of National Monuments

SEC. 13801. RESTRICTIONS ON THE DESIGNATION OF NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the date on which the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of the designation.

(b) RESTRICTIONS.—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period providing for public input, as determined by the Secretary of the Interior.

SA 2302. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XIII—RECREATIONAL FISHING, HUNTING, AND SHOOTING

Subtitle A—Recreational Fishing and Hunting Heritage and Opportunities

SEC. 13001. SHORT TITLE.

This subtitle may be cited as the “Recreational Fishing and Hunting Heritage and Opportunities Act”.

SEC. 13002. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate, safe recreational shooting is a valid use of Federal public lands, including the establishment of safe and convenient shooting ranges on such lands, and participation in recreational

shooting helps recruit and retain hunters and contributes to wildlife conservation;

(7) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and wildlife conservation and funding for important conservation efforts; and

(8) the public interest would be served, and our citizens’ fish and wildlife resources benefited, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order No. 12962, relating to recreational fisheries, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 13003. DEFINITIONS.

In this subtitle:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “Federal public land” means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term “Federal public land” does not include any land or water held in trust for the benefit of Indians or other Native Americans.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “hunting” means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife;

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or

(iii) the training of hunting dogs, including field trials.

(B) EXCLUSION.—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law, including laws applicable to the National Park System).

(3) RECREATIONAL FISHING.—The term “recreational fishing” means the lawful—

(A) pursuit, capture, collection, or killing of fish; or

(B) attempt to capture, collect, or kill fish.

(4) RECREATIONAL SHOOTING.—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 13004. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, Federal public land management officials shall exercise their authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands, including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for fishing, sport hunting, and recreational shooting except as limited by—

(1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands, waters, or units thereof; and

(3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(b) MANAGEMENT.—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

(1) in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(c) PLANNING.—

(1) EFFECTS OF PLANS AND ACTIVITIES.—

(A) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(B) NOT MAJOR FEDERAL ACTION.—No action taken under this subtitle, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), as amended by the National Wildlife Refuge System Improvement Act of 1997, either individually or cumulatively with other actions involving Federal public lands, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(C) OTHER ACTIVITY NOT CONSIDERED.—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(2) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning documents listed in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public lands unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal statutes, why skilled volunteers shall not be used to control overpopulations of wildlife on the land that is the subject of the planning documents.

(d) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LANDS.—

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing

Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law.

(2) **SHOOTING RANGES.**—

(A) **IN GENERAL.**—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act and other applicable law, to—

(i) lease or permit use of lands under the jurisdiction of the agency for shooting ranges; and

(ii) designate specific lands under the jurisdiction of the agency for recreational shooting activities.

(B) **LIMITATION ON LIABILITY.**—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(C) **NECESSITY IN WILDERNESS AREAS AND “WITHIN AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.**—

(1) **MINIMUM REQUIREMENTS FOR ADMINISTRATION.**—The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The term “within and supplemental to” wilderness purposes in section 4(a) of Public Law 88-577, means that any requirements imposed by that Act shall be implemented only insofar as they do not prevent Federal public land management officials and State fish and wildlife officials from carrying out their wildlife conservation responsibilities or providing recreational opportunities on the Federal public lands subject to a wilderness designation.

(3) Paragraphs (1) and (2) are not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use.

(f) **REPORT.**—Not later than October 1 of every other year, beginning with the second October 1 after the date of the enactment of this Act, the head of each Federal agency who has authority to manage Federal public land on which fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any Federal public land administered by the agency head that was closed to recreational fishing, sport hunting, or shooting at any time during the preceding year; and

(2) the reason for the closure.

(g) **CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.**—

(1) **IN GENERAL.**—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly re-

stricts 640 or more contiguous acres of Federal public land to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land—

(A) publishes appropriate notice of the withdrawal or change, respectively;

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(2) **AGGREGATE OR CUMULATIVE EFFECTS.**—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts 1280 or more acres of land or water, such withdrawals and changes shall be treated as a single withdrawal or change for purposes of paragraph (1).

(3) **EMERGENCY CLOSURES.**—Nothing in this Act prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

(4) **NATIONAL WILDLIFE REFUGE SYSTEM.**—Nothing in this Act is intended to amend or modify the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), except as expressly provided herein.

(h) **AREAS NOT AFFECTED.**—Nothing in this subtitle requires the opening of national park or national monuments under the jurisdiction of the National Park Service to hunting or recreational shooting.

(i) **NO PRIORITY.**—Nothing in this subtitle requires a Federal agency to give preference to recreational fishing, hunting, or shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(j) **CONSULTATION WITH COUNCILS.**—In fulfilling the duties set forth in this subtitle, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Order Nos. 12962 and 13443.

(k) **AUTHORITY OF THE STATES.**—

(1) **IN GENERAL.**—Nothing in this subtitle shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) **FEDERAL LICENSES.**—Nothing in this subtitle authorizes the head of a Federal agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

Subtitle B—Recreational Shooting Protection

SEC. 13011. SHORT TITLE.

This subtitle may be cited as the “Recreational Shooting Protection Act”.

SEC. 13012. DEFINITIONS.

In this subtitle:

(1) **DIRECTOR.**—The term “Director” means the Director of the Bureau of Land Management.

(2) **NATIONAL MONUMENT LAND.**—The term “National Monument land” has the meaning given that term in the Act of June 8, 1908 (commonly known as the “Antiquities Act”; 16 U.S.C. 431 et seq.).

(3) **RECREATIONAL SHOOTING.**—The term “recreational shooting” includes any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 13013. RECREATIONAL SHOOTING.

(a) **IN GENERAL.**—Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting, except such closures and restrictions determined by the Director to be necessary and reasonable and supported by facts and evidence for one or more of the following:

(1) Reasons of national security.

(2) Reasons of public safety.

(3) To comply with an applicable Federal statute.

(4) To comply with a law (including regulations) of the State in which the National Monument land is located that is applicable to recreational shooting.

(b) **NOTICE; REPORT.**—

(1) **REQUIREMENT.**—Except as set forth in paragraph (2)(B), before a restriction or closure under subsection (a) is made effective, the Director shall—

(A) publish public notice of such closure or restriction in a newspaper of general circulation in the area where the closure or restriction will be carried out; and

(B) submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction.

(2) **TIMING.**—The Director shall issue the notice and report required under paragraph (1)—

(A) before the closure if practicable without risking national security or public safety; and

(B) in cases where such issuance is not practicable for reasons of national security or public safety, not later than 30 days after the closure.

(c) **CESSATION OF CLOSURE OR RESTRICTION.**—A closure or restriction under paragraph (1) or (2) of subsection (a) shall cease to be effective—

(1) effective on the day after the last day of the six-month period beginning on the date on which the Director submitted the report to Congress under subsection (b)(2) regarding the closure or restriction, unless the closure or restriction has been approved by Federal law; and

(2) 30 days after the date of the enactment of a Federal law disapproving the closure or restriction.

(d) **MANAGEMENT.**—Consistent with subsection (a), the Director shall manage National Monument land under the jurisdiction of the Bureau of Land Management—

(1) in a manner that supports, promotes, and enhances recreational shooting opportunities;

(2) to the extent authorized under State law (including regulations); and

(3) in accordance with applicable Federal law (including regulations).

(e) **LIMITATION ON DUPLICATIVE CLOSURES OR RESTRICTIONS.**—Unless supported by criteria under subsection (a) as a result of a change in circumstances, the Director may not issue a closure or restriction under subsection (a) that is substantially similar to

closure or restriction previously issued that was not approved by Federal law.

(f) **EFFECTIVE DATE FOR PRIOR CLOSURES AND RESTRICTIONS.**—On the date that is 6 months after the date of the enactment of this Act, this subtitle shall apply to closures and restrictions in place on the date of the enactment of this subtitle that relate to access and use for recreational shooting on National Monument land under the jurisdiction of the Bureau of Land Management.

(g) **ANNUAL REPORT.**—Not later than October 1 of each year, the Director shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any National Monument land under the jurisdiction of the Bureau of Land Management that was closed to recreational shooting or on which recreational shooting was restricted at any time during the preceding year; and

(2) the reason for the closure.

(h) **NO PRIORITY.**—Nothing in this subtitle requires the Director to give preference to recreational shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(i) **AUTHORITY OF THE STATES.**—

(1) **SAVINGS.**—Nothing in this subtitle affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land.

(2) **FEDERAL LICENSES.**—Nothing in this subtitle authorizes the Director to require a license for recreational shooting on land or water in a State, including on Federal public land in the State.

(j) **CONTROLLING PROVISIONS.**—In any instance when one or more provisions in title I and in this subtitle may be construed to apply in an inconsistent manner to National Monument land, the provisions in this subtitle shall take precedence and apply.

Subtitle C—Polar Bear Conservation and Fairness

SEC. 13021. SHORT TITLE.

This subtitle may be cited as the “Polar Bear Conservation and Fairness Act of 2012”.

SEC. 13022. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply

to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2012.”

Subtitle D—Hunting, Fishing, and Recreational Shooting Protection

SEC. 13031. SHORT TITLE.

This subtitle may be cited as the “Hunting, Fishing, and Recreational Shooting Protection Act”.

SEC. 13032. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers.”;

(2) in clause (vi) by striking the period at the end and inserting “, and”;

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”

Subtitle E—Hunting in Kisatchie National Forest

SEC. 13041. HUNTING IN KISATCHIE NATIONAL FOREST.

(a) **IN GENERAL.**—Consistent with the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture may not restrict the use of dogs in deer hunting activities in Kisatchie National Forest, unless such restrictions—

(1) apply to the smallest practicable portions of such unit; and

(2) are necessary to reduce or control trespass onto land adjacent to such unit.

(b) **PRIOR RESTRICTIONS VOID.**—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of the enactment of this Act shall be void and have no force or effect.

Subtitle F—Designation of and Restrictions on National Monuments

SEC. 13051. DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS.

(a) **DESIGNATION.**—No national monument designated by presidential proclamation shall be valid until the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of such designation.

(b) **RESTRICTIONS.**—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period (determined by the Secretary of the Interior) providing for public input.

SA 2303. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize

agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 122 . . . SHORT TITLE.

(a) **SHORT TITLE.**—This section may be cited as the “Natchez Trace Parkway Land Conveyance Act of 2012”.

(b) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “Natchez Trace Parkway, Proposed Boundary Change”, numbered 604/105392, and dated November 2010.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Mississippi.

(c) **LAND CONVEYANCE.**—

(1) **CONVEYANCE AUTHORITY.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in paragraph (2).

(B) **COMPATIBLE USE.**—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the “bean field property” shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are the 2 parcels totaling approximately 67 acres generally depicted as “Proposed Conveyance” on the map.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **BOUNDARY ADJUSTMENTS.**—

(1) **EXCLUSION OF CONVEYED LAND.**—On completion of the conveyance to the State of the land described in subsection (c)(2), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(2) **INCLUSION OF ADDITIONAL LAND.**—

(A) **IN GENERAL.**—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as “Proposed Addition” on the map.

(B) **ADMINISTRATION.**—The land added under subparagraph (A) shall be administered by the Secretary as part of the Natchez Trace Parkway.

SA 2304. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 122 . . . TRANSFER OF YELLOW CREEK PORT PROPERTIES.

In accordance with section 4(k) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)), Congress approves the conveyance by the Tennessee Valley Authority, on behalf of the United States, to the State of Mississippi of the Yellow Creek Port properties owned by the United States and in the custody of the Authority at Iuka, Mississippi, as of the date of enactment of this Act.

SA 2305. Mr. CRAPO (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ BUSINESS RISK MITIGATION AND PRICE STABILIZATION.

(a) MARGIN REQUIREMENTS.—

(1) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A) or satisfies the criteria in section 2(h)(7)(D).”.

(2) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).”.

(b) IMPLEMENTATION.—The amendments made by this section to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

SA 2306. Ms. MURKOWSKI (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WHITEHOUSE, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 522, strike line 15 and all that follows through page 523, line 2, and insert the following:

(12) FARM.—The term “farm” means an operation involved in—

“(A) the production of an agricultural commodity;

“(B) ranching;

“(C) aquaculture; or

“(D) in the case of chapter 2 of subtitle A—

“(i) commercial fishing; or

“(ii) the production of shellfish.

“(13) FARMER.—The term ‘farmer’ means an individual or entity engaged primarily and directly in—

“(A) the production of an agricultural commodity;

“(B) ranching;

“(C) aquaculture; or

“(D) in the case of chapter 2 of subtitle A—

“(i) commercial fishing; or

“(ii) the production of shellfish.

SA 2307. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 801, line 6, strike “\$20,000,000” and insert “\$30,000,000”.

SA 2308. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. CHIEF AGRICULTURE COUNSEL; RULES SIGNIFICANTLY AFFECTING AGRICULTURE IN THE UNITED STATES.

(a) DEFINITION OF ADMINISTRATOR.—The term “Administrator” means Administrator of the Environmental Protection Agency.

(b) CHIEF AGRICULTURE COUNSEL.—

(1) IN GENERAL.—There shall be in the Environmental Protection Agency a Chief Agriculture Counsel, who shall be appointed by the President from among persons who—

(A) have been nominated by the Secretary of Agriculture and the Administrator of the Environmental Protection Agency; and

(B) have significant experience in agriculture.

(2) DUTIES.—

(A) IN GENERAL.—The Chief Agriculture Counsel shall perform such functions and duties as the Administrator shall prescribe, consistent with this Act.

(B) REQUIREMENTS.—The duties of the Chief Agriculture Counsel shall include, at a minimum, a review of each rule promulgated by the Administrator of the Environmental Protection Agency to determine whether the rule impacts agriculture in the United States.

(c) RULES SIGNIFICANTLY AFFECTING AGRICULTURE IN THE UNITED STATES.—

(1) IN GENERAL.—If the Chief Agriculture Counsel determines that a rule promulgated by the Administrator will significantly affect agriculture in the United States, the Chief Agriculture Counsel shall submit to the Administrator and include in the official record of the rulemaking a written report that contains—

(A) an impact analysis of the manner in which the rule will impact agriculture in the United States;

(B) any recommendations of the Chief Agriculture Counsel for changes to the rule to ensure that the rule is not unreasonably burdensome on agricultural producers; and

(C) a list of reasons why the rule should or should not become final.

(2) EFFECT.—A rule described in paragraph (1) shall not take effect until the date on which the Administrator publishes in the Federal Register a detailed description of the manner by which the Administrator responded to the report of the Chief Agriculture Counsel.

SA 2309. Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS) submitted an

amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 968, between lines 4 and 5, insert the following:

SEC. 11017. STUDY OF FOOD SAFETY INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11016) is amended by adding at the end the following:

“(19) STUDY OF FOOD SAFETY INSURANCE.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

“(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

“(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

SA 2310. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. CONSUMERS RIGHT TO KNOW ABOUT GENETICALLY ENGINEERED FOOD ACT.

(a) SHORT TITLE.—This section may be cited as the “Consumers Right to Know About Genetically Engineered Food Act”.

(b) FINDINGS.—Congress finds that—

(1) surveys of the American public consistently show that 90 percent or more of the people of the United States want genetically engineered to be labeled as such;

(2) a landmark public health study in Canada found that—

(A) 93 percent of pregnant women had detectable toxins from genetically engineered foods in their blood; and

(B) 80 percent of the babies of those women had detectable toxins in their umbilical cords;

(3) the tenth Amendment to the Constitution of the United States clearly reserves powers in the system of Federalism to the States or to the people; and

(4) States have the authority to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered.

(c) DEFINITIONS.—In this section:

(1) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term “genetic engineering” means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) INCLUSIONS.—The term “genetic engineering” includes—

- (i) recombinant DNA and RNA techniques;
- (ii) cell fusion;
- (iii) microencapsulation;
- (iv) macroencapsulation;
- (v) gene deletion and doubling;
- (vi) introduction of a foreign gene; and
- (vii) changing the position of genes.

(C) EXCLUSIONS.—The term “genetic engineering” does not include any modification to an organism that consists exclusively of—

- (i) breeding;
- (ii) conjugation;
- (iii) fermentation;
- (iv) hybridization;
- (v) in vitro fertilization; or
- (vi) tissue culture.

(2) GENETICALLY ENGINEERED INGREDIENT.—The term “genetically engineered ingredient” means any ingredient in any food, beverage, or other edible product that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(d) RIGHT TO KNOW.—Notwithstanding any other Federal law (including regulations), a State may require that any food, beverage, or other edible product offered for sale in that State have a label on the container or package of the food, beverage, or other edible product, indicating that the food, beverage, or other edible product contains a genetically engineered ingredient.

(e) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs and the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall submit a report to Congress detailing the percentage of food and beverages sold in the United States that contain genetically engineered ingredients.

SA 2311. Mr. BLUMENTHAL (for himself, Mr. KIRK, Ms. CANTWELL, Mr. BROWN of Massachusetts, Ms. LANDRIEU, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.

(a) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking “SPONSORING OR EXHIBITING AN ANIMAL IN” and inserting “SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND”; and

(B) in paragraph (1)—

(i) in the heading, by striking “IN GENERAL” and inserting “SPONSORING OR EXHIBITING”; and

(ii) by striking “paragraph (2)” and inserting “paragraph (3)”; and

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

“(A) knowingly attend an animal fighting venture; or

“(B) knowingly cause a minor to attend an animal fighting venture.”; and

(2) in subsection (g), by adding at the end the following new paragraph:

“(5) the term ‘minor’ means a person under the age of 18 years old.”.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”; and

(2) in subsection (a), as designated by paragraph (1) of this section, by striking “subsection (a),” and inserting “subsection (a)(1).”; and

(3) by adding at the end the following new subsections:

“(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

“(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.”.

SA 2312. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 121. LARGE CARNIVORE DAMAGE PREVENTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to test, evaluate, and deploy tools, technologies, and other nonlethal innovations designed to mitigate or avoid conflict with large carnivores.

(b) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LARGE CARNIVORES.—The term “large carnivores” means predators that are or have been protected or reintroduced by the Federal Government.

(3) LIVESTOCK.—The term “livestock” means cattle, swine, horses, mules, sheep, goats, livestock guard animals, as determined by the Secretary.

(4) PROGRAM.—The term “program” means the program established by subsection (c).

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(c) LARGE CARNIVORE DAMAGE PREVENTION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program, consistent with the purpose described in subsection (a), to provide grants to States and Indian tribes for competitive grants to livestock producers to carry out proactive activities to reduce the risk of predation and decreased livestock productivity due to predation by large carnivores.

(2) CRITERIA AND REQUIREMENTS.—The Secretary shall—

(A) establish criteria and requirements to implement the program; and

(B) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide—

(i) assistance to livestock producers to carry out proactive activities to reduce the risk of livestock loss due to predation by large carnivores; or

(ii) compensation to livestock producers for livestock losses due to predation by large carnivores.

(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a State or Indian tribe shall—

(A) establish an open, competitive process to adjudicate fund applications from livestock producers and partners, including non-governmental organizations, State and local governments, and producer organizations;

(B) follow protocols developed by the Secretary; and

(C) submit to the Secretary—

(i) an annual report that includes—

(I) a summary of expenditures under the program during the year;

(II) an analysis of any measured impact on large carnivore conflicts with livestock; and

(III) any recommendations of grant recipients; and

(ii) any other report the Secretary determines to be necessary to assist the Secretary in determining the effectiveness of the program.

(4) ALLOCATION OF FUNDING.—The Secretary shall allocate funding made available to carry out this section among States and Indian tribes based on—

(A) whether the State or Indian tribe is located in a geographical area that has a high population of large carnivores that have been reintroduced by the Federal Government; or

(B) any other factors that the Secretary determines to be necessary.

(5) ELIGIBLE LAND.—The program described in paragraph (1) may be carried out on Federal, State, or private land, including land that is owned by, or held in trust for the benefit of, an Indian tribe.

(6) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this section shall not exceed 50 percent of the total cost of the activity, including in-kind support by the non-Federal partner.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 2014 and each fiscal year thereafter.

(e) APPLICABILITY.—Nothing in this section affects, modifies, or limits any other Federal law (including regulations) relating to wildlife, including the authority of livestock producers and the Administrator of the Animal and Plant Health Inspection Service, acting through Wildlife Services, to lethally remove a predator carnivore—

(1) in response to livestock predation; or

(2) that is caught in the act of attempting to kill livestock.

SA 2313. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 862, strike line 15 and all that follows through page 863, line 2, and insert the following:

SEC. 8103. FOREST LEGACY PROGRAM.

(a) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2A(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(A) in paragraph (3), by inserting “and” after the semicolon;

(B) in paragraph (4), by striking “; and” and inserting a period; and

(C) by striking paragraph (5).

(2) Section 19(b)(2) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)) is amended—

(A) in subparagraph (B), by inserting “and” after the semicolon;

(B) in subparagraph (C), by striking “; and” and inserting a period; and

(C) by striking subparagraph (D).

SA 2314. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitles A and B of title II and insert the following:

SEC. 2001. REPEAL OF CONSERVATION RESERVE PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is repealed.

SEC. 2101. REPEAL OF CONSERVATION STEWARDSHIP PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

SA 2315. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF INTRASTATE SPECIES.

(a) DEFINITION OF INTRASTATE SPECIES.—In this Act, the term “intrastate species” means any species of plant or fish or wildlife (as those terms are defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)) that is found entirely within the borders of a single State.

(b) TREATMENT.—An intrastate species shall not be—

(1) considered to be in interstate commerce; and

(2) subject to regulation under—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) any other provision of law under which regulatory authority is based on the power of Congress to regulate interstate commerce as enumerated in article I, section 8, clause 3 of the Constitution.

SA 2316. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 897, strike line 16 and all that follows through page 914, line 9 and insert the following:

SEC. 9010. BIOMASS CROP ASSISTANCE PROGRAM.

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is repealed.

SA 2317. Mr. LEE (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REINS ACT.

(a) SHORT TITLE.—This section may be cited as the “Regulations From the Executive in Need of Scrutiny Act of 2011” or the “REINS Act”.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:
(A) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(B) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(C) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(2) PURPOSE.—The purpose of this section is to increase accountability for and transparency in the Federal regulatory process.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—Chapter 8 of title 5, United States Code, is amended to read as follows:

“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

“§ 801. Congressional review

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

“(v) the proposed effective date of the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

“(i) a complete copy of the cost-benefit analysis of the rule, if any;

“(ii) the agency’s actions pursuant to title 5 of the United States Code, sections 603, 604, 605, 607, and 609;

“(iii) the agency’s actions pursuant to title 2 of the United States Code, sections 1532, 1533, 1534, and 1535; and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency’s compliance with procedural steps required by paragraph (1)(B).

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General’s report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report

was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days, or

“(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day, or

“(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

“§ 802. Congressional approval procedure for major rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress approves the rule submitted by the ___ relating to ___.’ (The blank spaces being appropriately filled in).

“(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 legislative days after Congress receives the report referred to in section 801(a)(1)(A).

“(2) In the Senate, the majority leader of the Senate (or his designee) and the minority leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in section 801(a)(1)(A).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2) For purposes of this section, the term ‘submission date’ means the date on which the Congress receives the report submitted under section 801(a)(1).

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the

resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e)(1) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 legislative days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(2)(A) A motion in the House of Representatives to proceed to the consideration of a resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the

resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

“(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

“(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(2) the vote on final passage shall be on the joint resolution of the other House.

“(g) The enactment of a resolution of approval does not serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, does not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“§ 803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the ___ relating to ___, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term ‘submission or publication date’ means the later of the date on which—

“(A) the Congress receives the report submitted under section 801(a)(1); or

“(B) the nonmajor rule is published in the Federal Register, if so published.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution)

at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

“§ 804. Definitions

“For purposes of this chapter—

“(1) the term ‘Federal agency’ means any agency as that term is defined in section 551(1);

“(2) the term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

“(3) the term ‘nonmajor rule’ means any rule that is not a major rule; and

“(4) the term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

“§ 805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“§ 806. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

“§ 807. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.”

SA 2318. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PROMOTION OF EXPORTS BY RURAL SMALL BUSINESSES.

(a) SMALL BUSINESS ADMINISTRATION—UNITED STATES DEPARTMENT OF AGRICULTURE INTERAGENCY COORDINATION.—

(1) EXPORT FINANCING PROGRAMS.—In coordination with the Secretary of Agriculture, the Administrator of the Small Business Administration (in this section referred to as the “Administrator” and the “Administration”, respectively) shall develop a program to cross-train export finance specialists and personnel from the Office of International Trade of the Administration on the export financing programs of the Department of Agriculture and the Foreign Agricultural Service.

(2) EXPORT ASSISTANCE AND BUSINESS COUNSELING PROGRAMS.—In coordination with the Secretary of Agriculture and the Foreign Agricultural Service, the Administrator shall develop a program to cross-train export finance specialists, personnel from the Office of International Trade of the Administration, Small Business Development Centers, women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)), Export Assistance Centers, and other resource partners of the Administration on the export assistance and business counseling programs of the Department of Agriculture.

(b) REPORT ON LENDERS.—Section 7(a)(16)(F) of the Small Business Act (15 U.S.C. 636(a)(16)(F)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(B) by striking “list, have made” and inserting the following: “list—

“(I) have made”;

(C) in item (cc), as so redesignated, by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(II) were located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986, or a nonmetropolitan statistical area and have made—

“(aa) loans guaranteed by the Administration; or

“(bb) loans through the programs offered by the United States Department of Agriculture or the Foreign Agricultural Service.”; and

(2) in clause (ii)(II), by inserting “and by resource partners of the Administration” after “the Administration”.

(c) COOPERATION WITH SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(M) of the Small Business Act (15 U.S.C. 648(c)(3)(M)) is amended by inserting after “the Department of Commerce,” the following: “the Department of Agriculture.”

(d) LIST OF RURAL EXPORT ASSISTANCE RESOURCES.—Section 22(c)(7) of the Small Business Act (15 U.S.C. 649(c)(7)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) publishing an annual list of relevant resources and programs of the district and regional offices of the Administration, other Federal agencies, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector, that—

“(i) are administered or offered by entities located in rural or nonmetropolitan statistical areas; and

“(ii) offer export assistance or business counseling services to rural small businesses concerns; and”.

SA 2319. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . COORDINATION ON ECONOMIC INJURY DISASTER DECLARATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration (in this section referred to as the “Administrator” and the “Administration”, respectively) shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report providing—

(1) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act, based on a natural disaster declaration by the Secretary of Agriculture;

(2) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act based on a fishery resource disaster declaration from the Secretary of Commerce;

(3) information on whether the disaster response plan of the Administration under section 40 of the Small Business Act (15 U.S.C. 657l) adequately addresses coordination with the Secretary of Agriculture and the Secretary of Commerce on economic injury disaster assistance under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2));

(4) recommended legislative changes, if any, for improving agency coordination on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)); and

(5) such additional information as determined necessary by the Administrator.

SA 2320. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle E of title VII, add the following:

SEC. 7515. IMPROVEMENTS TO THE PIONEER BUSINESS RECOVERY PROGRAM.

(a) IN GENERAL.—Section 12085 of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636j) is amended—

(1) in the section heading, by striking “**EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM**” and inserting “**PIONEER BUSINESS RECOVERY PROGRAM**”;

(2) in subsection (a), by striking “expedited disaster assistance business loan program” and inserting “Pioneer Business Recovery Program”;

(3) in subsection (b), by striking by striking “an expedited disaster assistance business loan program” and inserting “a Pioneer Business Recovery Program”; and

(4) in subsection (d)(3)(G)—

(A) in clause (i), by striking “section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))” and inserting “section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E))”; and

(B) in clause (ii), by inserting “child care services,” after “manufactured housing.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 923) is amended by striking the item relating to section 12085 and inserting the following:

“Sec. 12085. Pioneer Business Recovery Program.”.

SA 2321. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, strike lines 13 and 14 and insert the following:

“SEC. 3430. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary may not approve a loan under this subtitle to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water.

“(b) PRIOR ACTIVITY.—Subsection (a) does not apply in the case of—

“(1) an activity related to the maintenance of a previously converted wetland; or

“(2) an activity that had already commenced before November 28, 1990.

“(c) EXCEPTION.—This section shall not apply to a loan made or guaranteed under this subtitle for a utility line.

“SEC. 3431. AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS.

Beginning on page 750, strike line 14 and all that follows through page 751, line 6.

SA 2322. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 996, strike line 21 and all that follows through page 998, line 7, and insert the following:

SEC. 12105. FERAL SWINE ERADICATION PILOT PROGRAM.

(a) IN GENERAL.—To eradicate or control the threat feral swine pose to the domestic swine population, the entire livestock industry, crops, natural plant communities, native habitats, and wetlands, the Secretary, in consultation with the Director of the United States Fish and Wildlife Service, may establish a feral swine eradication pilot program.

(b) PILOT.—Subject to the availability of appropriations under this section, the Secretary may provide financial assistance to States and other qualified entities for the cost of carrying out a pilot program—

(1) to study and assess the nature and extent of damage to the pilot area caused by feral swine;

(2) to develop methods to eradicate or control feral swine in the pilot area; and

(3) to develop methods to restore damage caused by feral swine.

(c) PRIORITY.—For purposes of providing assistance under subsection (b), the Sec-

retary shall give priority to an area of a State in which activities to eradicate other mammalian invasive species have been conducted.

(d) COORDINATION.—The Secretary shall ensure that the Natural Resource Conservation Service and the Animal and Plant Health Inspection Service, in consultation with the States and other appropriate agencies, coordinate to carry out the pilot program.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the pilot program under this section may not exceed 75 percent of the total costs of carrying out the pilot program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the pilot program may be provided in the form of in-kind contributions of materials or services.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2013 through 2017.

SA 2323. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REGIONAL OUTREACH ON DISASTER ASSISTANCE PROGRAMS.

(a) REPORT.—In accordance with sections 7(b)(4) and 40(a) of the Small Business Act (15 U.S.C. 636(b)(4) and 657l(a)) and not later than 60 days after the date of enactment of this Act, the Administrator of the Small Business Administration (referred to in this section as the “Administrator” and the “Administration”, respectively) shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report detailing—

(1) information on the disasters, manmade or natural, most likely to occur in each region of the Administration and likely scenarios for each disaster in each region;

(2) information on plans of the Administration, if any, to conduct annual disaster outreach seminars, including events with resource partners of the Administration, in each region before periods of predictable disasters described in paragraph (1);

(3) information on plans of the Administration for satisfying the requirements under section 40(a) of the Small Business Act not satisfied on the date of enactment of this Act; and

(4) such additional information as determined necessary by the Administrator.

(b) AVAILABILITY OF INFORMATION.—The Administrator shall—

(1) post the disaster information provided under subsection (a) on the website of the Administration; and

(2) make the information provided under subsection (a) available, upon request, at each regional and district office of the Administration.

SA 2324. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for

other purposes; which was ordered to lie on the table; as follows:

On page 345, strike lines 5 through 10 and insert the following:

SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4(b)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) in paragraph (1) (as so designated), by striking “2012” and inserting “2017”; and

(3) by adding at the end the following:

“(2) DEPARTMENT OF DEFENSE PROGRAM OPTION.—A school or service institution described in paragraph (1) may carry out this section by—

“(A) electing to participate in the Department of Defense fresh fruit and vegetable distribution program;

“(B) under such terms and conditions as the Secretary shall establish, purchasing locally and regionally grown fruits and vegetables with amounts that would have been used by the school or service institution to participate in the Department of Defense fresh fruit and vegetable distribution program; or

“(C) carrying out a combination of the activities described in subparagraphs (A) and (B).”.

SA 2325. Mr. CHAMBLISS (for himself, Mr. COCHRAN, Mr. BOOZMAN, Mr. ISAKSON, Mr. PRYOR, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 17, strike “If” and insert “Except as provided in subsection (d), if”.

On page 27, after line 25, add the following:

(d) ALTERNATIVE COUNTER-CYCLICAL PAYMENTS FOR RICE AND PEANUTS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of this section, for the period of crop years 2013 through 2017, producers of rice and peanuts may make a 1-time, irrevocable election to receive counter-cyclical payments for rice and peanuts in accordance with the terms and conditions of section 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8754) (as it existed on the day before the date of enactment of this Act), in lieu of receiving payments for rice and peanuts in accordance with subsections (a) through (c).

(2) ADMINISTRATION.—For purposes of payments made under paragraph (1)—

(A) the target price for peanuts shall be \$534 per ton;

(B) the target price for long grain rice shall be \$13.98 per hundredweight;

(C) the target price for medium grain rice shall be \$13.98 per hundredweight; and

(D) payment acres shall be 100 percent of the acres planted to rice and peanuts, not to exceed eligible acres.

SA 2326. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, between lines 8 and 9, insert the following:

(b) APPLICATION.—The amendments made by this section do not apply until the date the Secretary completes and submits to Congress a study that certifies that the amendments do not adversely affect the eligibility of beginning farmers, farmers with disabilities, and the spouses of those farmers who are eligible for payments under provisions of law covered by the amendments as of the day before the date of enactment of this Act.

SA 2327. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, strike lines 8 and 9 and insert the following:

(B) the cost of production (as defined by the Secretary) for the crop year for the covered commodity.

SA 2328. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 1 through 5 and insert the following:

(A) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section; or

(B) coverage under this section based on the applicable crop reporting district.

Beginning on page 22, strike line 20 and all that follows through page 23, line 2, and insert the following:

(A)(i) in the case of county coverage, the actual average yield for the county for the covered commodity, as determined by the Secretary; or

(ii) in the case of crop reporting district coverage, the actual average yield for the applicable crop reporting district for the covered commodity, as determined by the Secretary; and

Beginning on page 23, strike line 18 and all that follows through page 24, line 6, and insert the following:

(I)(aa) in the case of county coverage, the average historical county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(bb) in the case of crop reporting district coverage, the average historical yield for the applicable crop reporting district, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

On page 24, line 20, insert “established by the Secretary” after “year”.

On page 25, line 2, insert “established by the Secretary” after “year”.

On page 25, line 24, strike “10 percent” and insert “20 percent”.

On page 26, line 10, strike “individual coverage” and insert “county coverage”.

On page 26, line 17, strike “county coverage” and insert “crop reporting district coverage”.

SA 2329. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike lines 9 through 15 and insert the following:

(C) differentiate by type or class the national average price of—

(i) sunflower seeds;

(ii) barley, using malting barley values; and

(iii) wheat;

(D) ensure that a producer that elects to receive county coverage under this section only receives an agriculture risk coverage payment for a crop year if the producer suffers an actual loss on the farm during that crop year, as determined by the Secretary; and

(E) assign a yield for each acre planted or

SA 2330. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 1 through 5 and insert the following:

(A) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section; or

(B) coverage under this section based on the applicable crop reporting district.

Beginning on page 22, strike line 20 and all that follows through page 23, line 2, and insert the following:

(A)(i) in the case of county coverage, the actual average yield for the county for the covered commodity, as determined by the Secretary; or

(ii) in the case of crop reporting district coverage, the actual average yield for the applicable crop reporting district for the covered commodity, as determined by the Secretary; and

On page 23, line 12, strike “89 percent” and insert “85 percent”.

Beginning on page 23, strike line 18 and all that follows through page 24, line 6, and insert the following:

(I)(aa) in the case of county coverage, the average historical county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(bb) in the case of crop reporting district coverage, the average historical yield for the applicable crop reporting district, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

On page 24, line 20, insert “established by the Secretary” after “year”.

On page 25, line 2, insert “established by the Secretary” after “year”.

On page 25, line 24, strike “10 percent” and insert “20 percent”.

On page 26, line 10, strike “individual coverage” and insert “county coverage”.

On page 26, line 17, strike “county coverage” and insert “crop reporting district coverage”.

SA 2331. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 763, strike lines 20 and 21 and insert the following:

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) BROADBAND SERVICE.—The term ‘broadband service’ means any terrestrial

technology identified by the Secretary as having the capacity to transmit data at speeds of at least at least 4 megabits per second downstream and 1 megabit per second upstream.”; and

(B) by striking paragraph (3) and inserting the following:

On page 767 strike lines 8 through 17 and insert the following:

(B) by striking paragraph (2) and inserting the following:

“(2) ELIGIBLE PROJECTS.—Assistance provided under this section may be used to carry out a project in a proposed service territory only if, as of the date on which the application of the eligible entity is submitted, no funds are used to support any project (including for the upgrade of an existing broadband facility) for any proposed award area in which broadband service is available to more than 25 percent of residential households from existing wireless or wireline broadband providers, in the aggregate, other than the applicant.”;

(C) by striking “loan or” each place it appears in paragraphs (3)(A), (4), (5),

SA 2332. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON ADMINISTRATIVE AND OPERATING EXPENSES.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 11010) is amended by adding at the end the following:

“(G) ANNUAL LIMITATION ON ADMINISTRATIVE AND OPERATING EXPENSES.—The amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed—

“(i) for the 2014 reinsurance year, \$900,000,000; and

“(ii) for each subsequent reinsurance year, the amount of administrative and operating costs received for the preceding reinsurance year, adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending the preceding November 30.”.

SA 2333. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. REDUCED RATE OF RETURN.

Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

“(G) REDUCED RATE OF RETURN.—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent of the retained premium, as determined by the Corporation.”.

SA 2334. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. ____ JURISDICTION OF CORPS OF ENGINEERS.

Notwithstanding any other provision of law (including regulations), the Secretary of the Army, acting through the Chief of Engineers, shall not expand the jurisdiction of the Corps of Engineers to include any waters that are not navigable waters (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).

SA 2335. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. ____ PERMITS FOR DREDGED OR FILL MATERIAL.

Section 404(f) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)) is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2) of this subsection, the discharge” and inserting “The discharge”; and

(2) in paragraph (2), by striking “having as its purpose bringing an area of the navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced,” and inserting “having as its purpose bringing an area into a use not described in paragraph (1)”.

SA 2336. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 12 ____ IMPORT PROHIBITIONS ON SPECIFIED FOREIGN PRODUCE.

Section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e 1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by insert “olive oil,” after “clementines.”.

SA 2337. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 12 and 13 and insert the following:

(I) 100 percent of the planted eligible acres of the covered commodity, but not to exceed the base acres (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) of the covered commodity; and

On page 26, strike lines 18 and 19 and insert the following:

(I) 100 percent of the planted eligible acres of the covered commodity, but not to exceed the base acres (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) of the covered commodity; and

SA 2338. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. RENEWABLE FUEL PROGRAM.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SA 2339. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 15 and insert the following:

(2) CERTIFICATES OF QUOTA ELIGIBILITY.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended by adding at the end the following:

“(c) CERTIFICATES OF QUOTA ELIGIBILITY.—Notwithstanding any other provision of law, the President shall permit holders of certificates of quota eligibility for raw cane sugar to freely assign, trade, or transfer the certificates among other such holders to facilitate the use of the certificates to the maximum extent practicable.”.

(3) EFFECTIVE PERIOD.—Section 359l(a) of

SA 2340. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 15 and insert the following:

(2) SUGAR IMPORT QUOTA ADJUSTMENT DATE.—Section 359k(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk(b)) is amended—

(A) by striking “APRIL 1” each place it appears and inserting “FEBRUARY 1”; and

(B) by striking “April 1” each place it appears and inserting “February 1”.

(3) EFFECTIVE PERIOD.—Section 359l(a) of

SA 2341. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters

SEC. 3301. PROHIBITION ON PROPOSAL OR ACCEPTANCE BY UNITED STATES TRADE REPRESENTATIVE DURING TRADE NEGOTIATIONS OF CERTAIN PROVISIONS AUTHORIZING REGULATION OF SPECIFIC AGRICULTURAL PRODUCTS.

In any negotiations for a trade agreement that are initiated after or ongoing on the

date of the enactment of this Act, the United States Trade Representative may not propose or accept for inclusion in the agreement a provision that—

(1) authorizes the regulation of a specific agricultural product in manner that is discriminatory or differential relative to the treatment of all other agricultural products under the agreement; and

(2) provides for treatment (other than tariff treatment) of the specific agricultural product that is less favorable than the treatment provided for that product under the terms of the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

SA 2342. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11 add the following:

SEC. 12207. REDUCTION OF ADMINISTRATIVE PERSONNEL.

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), the Secretary shall reduce the total number of full-time equivalent staff who are assigned to the headquarters programs and activities of the Department of Agriculture by 2 percent during fiscal year 2013.

(b) PROHIBITION.—Employee reductions under this section shall not include employees of the Secretary who—

(1) work for the Farm Service Agency, Natural Resources Conservation Service, Risk Management Agency, or the rural development mission area; and

(2) are responsible for implementing programs of the Department described in this Act or an amendment made by this Act.

SA 2343. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, insert the following:

Subtitle D—HARVEST Act

SEC. 12301. SHORT TITLE.

This title may be cited as the “Helping Agriculture Receive Verifiable Employees Securely and Temporarily Act of 2012” or the “HARVEST Act of 2012”.

SEC. 12302. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) farmers and ranchers in the United States produce the highest quality food and fiber in the world;

(2) abundant harvests in the United States allow this Nation to provide over ½ of the world's food aid donations to help our international neighbors in need;

(3) it is in the best interest of the American people for their agricultural goods to be produced in the United States;

(4) the United States is the world's largest agricultural exporter and is one of the few sectors of the United States economy that produces a trade surplus;

(5) the Secretary of Agriculture announced that the United States exported \$108,700,000,000 worth of agricultural exports during fiscal year 2010;

(6) Americans enjoy the highest quality food at the lowest cost compared to any industrialized nation in the world, spending less than 10 percent of our household income on food;

(7) the continued safety of the agricultural goods produced in the United States is an issue of national security;

(8) the agricultural labor force of the United States is overwhelmingly composed of foreign labor;

(9) due to the importance of food safety, it is critical to know who is handling our Nation's food supply and who is working on our Nation's farms and ranches;

(10) there could be detrimental effects on the United States economy for farms to downsize or close operations due to labor shortages;

(11) decreased agricultural production could have ramifications throughout the farm support industries, such as food processing, fertilizers, and equipment manufacturers;

(12) a shortage of agriculture labor could lead to decreased supply and increased prices for food and fiber; and

(13) this Nation needs both secure borders and an immigration system that allows those who seek legal immigrant status through the proper channels to work in the diverse sectors of the agriculture industry.

SEC. 12303. ADMISSION OF TEMPORARY AGRICULTURAL WORKERS.

(a) DEFINITION.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by striking “, of a temporary or seasonal nature”.

(b) PROCEDURE FOR ADMISSION.—

(1) IN GENERAL.—Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

“SEC. 218. ADMISSION OF TEMPORARY H-2A WORKERS.

“(a) DEFINITIONS.—In this section and in section 218A:

“(1) ADVERSE EFFECT WAGE RATE.—The term ‘adverse effect wage rate’ means 115 percent of the greater of—

“(A) the State minimum wage; or

“(B) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

“(2) AREA OF EMPLOYMENT.—The term ‘area of employment’ means the area within normal commuting distance of the work site or physical location at which the work of the H-2A worker is or will be performed. If such work site or location is within a Metropolitan Statistical Area, any place within such area shall be considered to be within the area of employment.

“(3) DISPLACE.—In the case of an application with respect to an H-2A worker filed by an employer, an employer ‘displaces’ a United States worker from a job if the employer lays off the worker from a job that is essentially equivalent to the job for which the H-2A worker is sought. A job shall be considered essentially equivalent to another job if the job—

“(A) involves essentially the same responsibilities as the other job;

“(B) was held by a United States worker with substantially equivalent qualifications and experience; and

“(C) is located in the same area of employment as the other job.

“(4) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an alien who is not ineligible for an H-2A visa pursuant to subsection (1).

“(5) EMPLOYER.—The term ‘employer’ means an employer who hires workers to perform—

“(A) animal agriculture or agricultural processing;

“(B) agricultural work included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986;

“(C) drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state; or

“(D) dairy or feedyard work.

“(6) H-2A WORKER.—The term ‘H-2A worker’ means a nonimmigrant who—

“(A) continuously maintains a residence and place of abode outside of the United States which the alien has no intention of abandoning; and

“(B)(i) is seeking to work for an employer performing agricultural labor in the United States for not more than 10 months during each calendar year in a job for which United States workers are not available and willing to perform such service or labor; or

“(ii)(I) is seeking to work for an employer performing agricultural labor in the United States in a job for which United States workers are not available and willing to perform such service or labor;

“(II) commutes each business day across the United States international border to work for a qualified United States employer; and

“(III) returns across the United States international border to his or her foreign residence and place of abode at the end of each business day.

“(7) LAY OFF.—

“(A) IN GENERAL.—The term ‘lay off’—

“(i) means to cause a worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in paragraph (3) or (7) of subsection (b)); and

“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under subsection (h), with either employer described in such subsection) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(B) CONSTRUCTION.—Nothing in this paragraph may be construed to limit an employee's rights under a collective bargaining agreement or other employment contract.

“(8) UNITED STATES WORKER.—The term ‘United States worker’ means any worker who is a national of the United States, an alien lawfully admitted for permanent residence, or an alien authorized to work in the relevant job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).

“(b) LABOR ATTESTATION PROCESS.—The Secretary of Agriculture shall utilize the labor attestation process described in this subsection until the Secretary of Labor certifies that, based on State workforce agency data, there is an adequate domestic workforce in the United States to fill agricultural

jobs in the State in which the agricultural employer is seeking H-2A workers. Once the Secretary of Labor certifies that there are adequate authorized workers in a State to fill agricultural jobs (excluding H-2A workers), the Secretary of Agriculture, after consultation with the Secretary of Labor, shall issue regulations describing a labor certification process for agricultural employers seeking H-2A workers. An alien may not be admitted as an H-2A worker unless the employer has filed an application with the Secretary of Agriculture in which the employer attests to the following:

“(1) TEMPORARY WORK OR SERVICES.—

“(A) IN GENERAL.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis and will provide compensation to such workers at a specified wage rate and under specified conditions.

“(B) SKILLED WORKERS.—If the worker is a Level 2 H-2A worker, the employer will recruit the worker separately and the application will delineate separate wage rate and conditions of employment for such worker.

“(C) DEFINED TERM.—In this paragraph and in subsection (h)(6)(B), a worker is considered to be ‘employed on a temporary basis’ if the employer employs the worker for not longer than 10 months in a calendar year.

“(2) BENEFITS, WAGES, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required under subsection (k) to—

“(A) all workers employed in the jobs for which the H-2A worker is sought; and

“(B) all other temporary workers in the same occupation at the same place of employment.

“(3) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not and will not displace a United States worker employed by the employer during the period of employment of the H-2A worker and during the 30-day period immediately preceding such period of employment in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

“(4) RECRUITMENT.—

“(A) IN GENERAL.—The employer will—

“(i) describe previous recruitment efforts made before the filing of the application; and

“(ii) complete adequate recruitment requirements before H-2A workers are issued a visa at an American consulate.

“(B) ADEQUATE RECRUITMENT.—The adequate recruitment requirements under subparagraph (A)(ii) are satisfied if the employer—

“(i) submits a copy of the job offer to the local office of the State workforce agency serving the area of intended employment and authorizes the posting of the job opportunity on the Department of Labor’s electronic registry of job applications for all other occupations in the same manner as other United States employers, except that nothing in this clause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations;

“(ii) advertises the availability of the job opportunities for which the employer is seeking workers in a publication in the local market that is likely to be patronized by potential farm workers; and

“(iii) mails a letter through the United States Postal Service or otherwise contacts any United States worker the employer employed within the past year in the occupation at the place of intended employment for which the employer is seeking H-2A workers that describes available job opportunities, unless the worker was terminated from em-

ployment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

“(C) ADVERTISEMENT REQUIREMENT.—The advertisement requirement under subparagraph (B)(ii) is satisfied if the employer runs an advertisement for 2 consecutive days that—

“(i) names the employer;

“(ii) describes the job or jobs;

“(iii) provides instructions on how to contact the employer to apply for the job;

“(iv) states the duration of employment;

“(v) describes the geographic area with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job;

“(vi) states the rate of pay; and

“(vii) describes working conditions and the availability of housing or the amount of housing allowances.

“(D) END OF RECRUITMENT REQUIREMENT.—The requirement to recruit and hire United States workers for the contract period for which H-2A workers have been hired shall terminate on the first day of such contract period.

“(5) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job for which the nonimmigrant is sought to any eligible United States worker who—

“(A) applies;

“(B) will be available at the time and place of need; and

“(C) is able and willing to complete the period of employment.

“(6) PROVISION OF INSURANCE.—If the job for which the H-2A worker is sought is not covered by State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker’s employment, which will provide benefits at least equal to those provided under the State workers’ compensation law for comparable employment. No employer shall be liable for the provision of health insurance for any H-2A worker.

“(7) STRIKE OR LOCKOUT.—There is not a strike or lockout in the course of a labor dispute that precludes the hiring of H-2A workers.

“(8) PREVIOUS VIOLATIONS.—The employer has not, during the previous 5-year period, employed H-2A workers and knowingly violated a material term or condition of approval with respect to the employment of domestic or nonimmigrant workers, as determined by the Secretary of Agriculture after notice and opportunity for a hearing.

“(c) PUBLIC EXAMINATION.—Not later than 1 working day after the date on which an application is filed under this section, the employer shall make a copy of each such application (and any necessary accompanying documents) available for public examination, at the employer’s work site or principal place of business.

“(d) LIST.—

“(1) IN GENERAL.—The Secretary of Agriculture shall maintain a list of the applications filed under subsection (b), sorted by employer, which shall include—

“(A) the number of H-2A workers sought;

“(B) the wage rate;

“(C) the date work is scheduled to begin; and

“(D) the period of intended employment.

“(2) AVAILABILITY.—The Secretary of Agriculture shall make the list described in paragraph (1) available for public examination.

“(e) APPLYING FOR ADMISSION.—

“(1) IN GENERAL.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H-2A worker shall file an application that includes the attestations described in subsection (b) with the Secretary of Agriculture.

“(2) CONSIDERATION OF APPLICATIONS.—For each application filed under this subsection—

“(A) the Secretary of Agriculture may not require such application to be filed more than 60 days before the first date on which the employer requires the labor or services of the H-2A worker; and

“(B) unless the Secretary of Agriculture determines that the application is incomplete or obviously inaccurate, or the Secretary has probable cause to suspect the application was fraudulently made, the Secretary shall either approve or deny the application not later than 15 days after the date on which such application was filed.

“(3) APPLICATION AGREEMENTS.—By filing an H-2A application, an applicant and each employer consents to allow the Department of Agriculture access to the site where labor is being performed for the purpose of determining compliance with H-2A requirements.

“(4) MULTISTATE EMPLOYERS.—Employers with multiple operations may use H-2A workers in the occupations for which they are sought in all places in which the employer has operations if the employer—

“(A) designates on the application each location at which such workers will be used; and

“(B) performs adequate recruitment efforts in each State in which such workers will be used.

“(f) ROLES OF AGRICULTURAL ASSOCIATIONS.—

“(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—An application to hire an H-2A worker may be filed by an association of agricultural employers which use agricultural labor.

“(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of H-2A workers, such H-2A workers may be transferred among its members to perform agricultural labor of the same nature for which the application was approved.

“(3) TREATMENT OF VIOLATIONS.—

“(A) INDIVIDUAL MEMBER.—If an individual member of a joint employer association violates any condition for approval with respect to the member’s application, the Secretary of Agriculture shall deny such application only with respect to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or had reason to know of the violation.

“(B) ASSOCIATION OF AGRICULTURAL EMPLOYERS.—

“(i) JOINT EMPLOYER.—If an association representing agricultural employers as a joint employer violates any condition for approval with respect to the association’s application, the Secretary of Agriculture shall deny such application only with respect to the association and may not apply the denial to any individual member of the association, unless the Secretary determines that the member participated in, had knowledge of, or had reason to know of the violation.

“(ii) SOLE EMPLOYER.—If an association of agricultural employers approved as a sole employer violates any condition for approval with respect to the association’s application, no individual member of the association may

be the beneficiary of the services of H-2A workers admitted under this section in the occupation in which such H-2A workers were employed by the association which was denied approval during the period such denial is in force.

“(g) EXPEDITED ADMINISTRATIVE APPEALS.—The Secretary of Agriculture, in conjunction with the Secretary of State and the Secretary of Homeland Security, shall issue regulations to provide for an expedited procedure—

“(1) for the review of a denial of an application under this section by any of the Secretaries; or

“(2) at the applicant's request, for a de novo administrative hearing of the denial.

“(h) MISCELLANEOUS PROVISIONS.—

“(1) REQUIREMENTS FOR PLACEMENT OF H 2A WORKERS WITH OTHER EMPLOYERS.—An H-2A worker may be transferred to another employer that has had an application approved under this section. The Secretary of Homeland Security and the Secretary of State shall issue regulations to establish a process for the approval and reissuance of visas for transferred H-2A workers.

“(2) ENDORSEMENT OF DOCUMENTS.—The Secretary of Homeland Security shall provide for the endorsement of entry and exit documents of H-2A workers to carry out this section and to provide notice under section 274A.

“(3) PREEMPTION OF STATE LAWS.—This section and subsections (a) and (c) of section 214 preempt any State or local law regulating admissibility of nonimmigrant workers.

“(4) FEES.—The Secretary of Agriculture may charge a reasonable fee to recover the costs of processing applications under this section. In determining the amount of the fee to be charged under this paragraph, the Secretary shall consider whether the employer is a single employer or an association and the number of H-2A workers intended to be employed.

“(5) E-VERIFY PARTICIPATION BY EMPLOYERS.—The Secretary of Agriculture shall require employers participating in the H-2A program to register with and participate in E Verify, as established under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208).

“(i) FAILURE TO MEET CONDITIONS.—

“(1) IN GENERAL.—The Secretary of Agriculture shall conduct investigations and random audits of employer work sites to ensure employer compliance with the requirements under this section. All monetary fines assessed under this section shall be paid by the violating employer to the Department of Agriculture and used by the Secretary to conduct audits and investigations.

“(2) PENALTIES FOR FAILURE TO MEET CONDITIONS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a failure to meet a material condition under subsection (b), or a material misrepresentation of fact in an application filed under subsection (b), the Secretary—

“(A) shall notify the Secretary of Homeland Security of such finding; and

“(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed \$1,000 per violation, as the Secretary of Agriculture determines to be appropriate.

“(3) PENALTIES FOR WILLFUL FAILURE.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a willful failure to meet a material condition under subsection (b) or a willful misrepresentation of a material fact in an application filed under subsection (b), the Secretary—

“(A) shall notify the Secretary of Homeland Security of such finding;

“(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed \$5,000 per violation, as the Secretary of Agriculture determines to be appropriate;

“(C) may disqualify the employer from the employment of H-2A workers for a period of 2 years;

“(D) for a second violation, may disqualify the employer from the employment of H-2A workers for a period of 5 years; and

“(E) for a third violation, may permanently disqualify the employer from the employment of H-2A workers.

“(4) PENALTIES FOR DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a willful failure to meet a material condition of subsection (b) or a willful misrepresentation of a material fact in an application filed under subsection (b), and the employer displaced a United States worker employed by the employer during the period of employment on the employer's application, or during the 30-day period preceding such period of employment, the Secretary—

“(A) shall notify the Secretary of Homeland Security of such finding;

“(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed \$15,000 per violation, as the Secretary of Agriculture determines to be appropriate;

“(C) may disqualify the employer from the employment of H-2A workers for a period of 5 years; and

“(D) for a second violation, may permanently disqualify the employer from the employment of H-2A workers.

“(5) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Agriculture may not impose total civil money penalties with respect to an application filed under subsection (b) in excess of \$100,000.

“(j) FAILURE TO PAY WAGES OR REQUIRED BENEFITS.—

“(1) IN GENERAL.—The Secretary of Agriculture shall conduct investigations and random audits of employer work sites to ensure employer compliance with the requirements under this section.

“(2) ASSESSMENT.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages or provide the housing allowance, transportation, subsistence requirement, or guarantee of employment attested in the application filed by the employer under subsection (b)(2), the Secretary shall assess payment of back wages, or other required benefits, due any United States worker or H-2A worker employed by the employer in the specific employment in question.

“(3) AMOUNT.—The back wages or other required benefits described in paragraph (2)—

“(A) shall be equal to the difference between the amount that should have been paid and the amount that was paid to such worker; and

“(B) shall be distributed to the worker to whom such wages are due.

“(k) MINIMUM WAGES, BENEFITS, AND WORKING CONDITIONS.—

“(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—

“(A) IN GENERAL.—Each employer seeking to hire United States workers shall offer such workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers in the same occupa-

tion. No job offer may impose any restriction or obligation on United States workers which will not be imposed on the employer's H-2A workers. The benefits, wages, and other terms and conditions of employment described in this subsection shall be provided in connection with employment under this section.

“(B) INTERPRETATION.—Every interpretation and determination made under this section or under any other law, regulation, or interpretative provision regarding the nature, scope, and timing of the provision of these and any other benefits, wages, and other terms and conditions of employment shall be made so that—

“(i) the services of workers to their employers and the employment opportunities afforded to workers by the employers, including those employment opportunities that require United States workers or H-2A workers to travel or relocated in order to accept or perform employment—

“(I) mutually benefit such workers, as well as their families, and employers;

“(II) principally benefit neither employer nor employee; and

“(III) employment opportunities within the United States benefit the United States economy.

“(2) REQUIRED WAGES.—

“(A) IN GENERAL.—Each employer applying for workers under subsection (b) shall pay not less (and is not required to pay more) than the greater of—

“(i) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage;

“(ii) the adverse effect wage rate.

“(B) WAGES FOR LEVEL 2 H-2A WORKERS.—

“(i) IN GENERAL.—Each employer applying for Level 2 H-2A workers under subsection (b) shall pay such workers not less than 140 percent of the adverse effect wage rate for H-2A workers, excluding piece-rate wages.

“(ii) WAGE RATE DATA.—The Secretary of Agriculture shall expand and disaggregate the source of wage rate data used in the survey conducted by the National Agricultural Statistics Service to include—

“(I) first line farming supervisors/managers;

“(II) graders and sorters of agricultural products;

“(III) agricultural equipment operators;

“(IV) crop and nursery farmworkers and laborers;

“(V) ranch and farm animal farmworkers; and

“(VI) all other agricultural workers.

“(iii) STUDY AND REPORT.—

“(I) STUDY.—After the Secretary of Agriculture collects wage rate data for 2 years using the method described in clause (ii), the Secretary of Agriculture, in conjunction with the Secretary of Labor, shall conduct a study to determine if—

“(aa) the wages accurately reflect prevailing wages for similar occupations in the area of employment; and

“(bb) it is necessary to establish a new wage methodology to prevent the depression of United States farmworker wages.

“(II) REPORT.—Not later than 3 years after the date of the enactment of the HARVEST Act of 2012, the Secretary of Agriculture shall submit a final report reflecting the findings of the study conducted under subsection (I) to—

“(aa) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

“(bb) the Committee on the Judiciary of the Senate;

“(cc) the Committee on Agriculture of the House of Representatives; and
 “(dd) the Committee on the Judiciary of the House of Representatives.

“(3) HOUSING REQUIREMENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (F), each employer applying for workers under subsection (b) shall offer to provide housing at no cost to—

“(i) all workers in job opportunities for which the employer has applied under subsection (b); and

“(ii) all other workers in the same occupation at the same place of employment whose place of residence is beyond normal commuting distance.

“(B) COMPLIANCE.—An employer meets the requirement under subparagraph (A) if the employer—

“(i) provides the workers with housing that meets applicable Federal standards for temporary labor camps; or

“(ii) secures housing for the workers that—

“(I) meets applicable local standards for rental or public accommodation housing, or other substantially similar class of habitation; or

“(II) in the absence of applicable local standards, meets State standards for rental or public accommodation housing or other substantially similar class of habitation.

“(C) INSPECTION.—

“(i) REQUEST.—At the time an employer that plans to provide housing described in subparagraph (B) to H-2A workers files an application for H-2A workers with the Secretary of Agriculture, the employer shall request a certificate of inspection by an approved Federal or State agency.

“(ii) INSPECTION; FOLLOW UP.—Not later than 28 days after the receipt of a request under clause (i), the Secretary of Agriculture shall ensure that—

“(I) such an inspection has been conducted; and

“(II) any necessary follow up has been scheduled to ensure compliance with the requirements under this paragraph.

“(iii) DELAY PROHIBITED.—The Secretary of Agriculture may not delay the approval of an application for failing to comply with the deadlines set forth in clause (iii).

“(D) RULEMAKING.—The Secretary of Agriculture shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

“(E) HOUSING ALLOWANCE.—

“(i) AUTHORITY.—If the Governor of a State certifies to the Secretary of Agriculture that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work, an employer in such State may provide a reasonable housing allowance instead of offering housing pursuant to subparagraph (A). An employer who provides a housing allowance to a worker shall not be required to reserve housing accommodations for the worker.

“(ii) ASSISTANCE IN LOCATING HOUSING.—Upon the request of a worker seeking assistance in locating housing, an employer providing a housing allowance under clause (i) shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment.

“(iii) LIMITATION.—A housing allowance may not be used for housing that is owned or controlled by the employer. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies under this subparagraph

shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protect Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance.

“(iv) OTHER REQUIREMENTS.—

“(I) NONMETROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(II) METROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(v) INFORMATION.—If the employer provides a housing allowance to H-2A employees, the employer shall provide a list of the names and local addresses of such workers to the Secretary of Agriculture and the Secretary of Homeland Security once per contract period.

“(4) REIMBURSEMENT OF TRANSPORTATION COSTS.—

“(A) REQUIREMENT FOR REIMBURSEMENT.—A worker who completes 50 percent of the period of employment of the job for which the worker was hired shall be reimbursed by the employer, beginning on the first day of such employment, for the cost of the worker's transportation and subsistence from—

“(i) the place from which the worker was approved to enter the United States to the location at which the work for the employer is performed; or

“(ii) if the worker traveled from a place in the United States at which the worker was last employed, from such place of last employment to the location at which the work for the employer is being performed.

“(B) TIMING OF REIMBURSEMENT.—Reimbursement to the worker of expenses for the cost of the worker's transportation and subsistence to the place of employment under subparagraph (A) shall be considered timely if such reimbursement is made not later than the worker's first regular payday after a worker completes 50 percent of the period of employment of the job opportunity as provided under this paragraph.

“(C) ADDITIONAL REIMBURSEMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the work site to the place where the worker was approved to enter the United States to work for the employer. If the worker has contracted with a subsequent employer, the previous and subsequent employer shall share the cost of the worker's transportation and subsistence from work site to work site.

“(D) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided to a

worker under this paragraph shall be equal to the lesser of—

“(i) the actual cost to the worker of the transportation and subsistence involved; or

“(ii) the most economical and reasonable common carrier transportation and subsistence costs for the distance involved.

“(E) REIMBURSEMENT FOR LAID OFF WORKERS.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (5)(D)) before the anticipated ending date of employment, the employer shall provide—

“(i) the transportation and subsistence required under subparagraph (C); and

“(ii) notwithstanding whether the worker has completed 50 percent of the period of employment, the transportation reimbursement required under subparagraph (A).

“(F) TRANSPORTATION.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker in accordance with applicable laws and regulations.

“(G) CONSTRUCTION.—Nothing in this paragraph may be construed to require an employer to reimburse visa, passport, consular, or international border-crossing fees incurred by the worker or any other fees associated with the worker's lawful admission into the United States to perform employment.

“(5) EMPLOYMENT GUARANTEE.—

“(A) IN GENERAL.—

“(i) REQUIREMENT.—Each employer applying for workers under subsection (b) shall guarantee to offer each such worker employment for the hourly equivalent of not less than 75 percent of the work hours during the total anticipated period of employment beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer.

“(ii) FAILURE TO MEET GUARANTEE.—If the employer affords the United States worker or the H-2A workers less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned if the worker had worked for the guaranteed number of hours.

“(iii) PERIOD OF EMPLOYMENT.—In this subparagraph, the term ‘period of employment’ means the total number of anticipated work hours and work days described in the job offer and shall exclude the worker's Sabbath and Federal holidays.

“(B) CALCULATION OF HOURS.—Any hours which the worker fails to work, up to a maximum number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) LIMITATION.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in subparagraph (A).

“(D) TERMINATION OF EMPLOYMENT.—

“(i) IN GENERAL.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease, pest infestation, regulatory action,

or any other reason beyond the control of the employer before the employment guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment.

“(ii) REQUIREMENTS.—If a worker's employment is terminated under clause (i), the employer shall—

“(I) fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed during the period beginning on the first work day after the arrival of the worker and ending on the date on which such employment is terminated; and

“(II) make efforts to transfer the United States worker to other comparable employment acceptable to the worker.

“(I) DISQUALIFICATION.—

“(1) GROUNDS OF INELIGIBILITY.—

“(A) IN GENERAL.—An alien is ineligible for an H-2A visa if the alien—

“(i) is inadmissible to the United States under section 212(a), except as provided under paragraph (2);

“(ii) is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

“(iii) is described in, or is subject to, section 241(a)(5);

“(iv) has been ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

“(v) has a felony or misdemeanor conviction, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

“(B) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection may be construed to limit the applicability of any ground of inadmissibility under section 212.

“(2) GROUNDS OF INADMISSIBILITY.—

“(A) IN GENERAL.—In determining an alien's admissibility—

“(i) paragraphs (5)(A), (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled), (6)(B), (6)(C), (6)(D), (6)(F), (6)(G), (7), (9)(B), and (9)(C)(i)(I) of section 212(a) shall not apply with respect to conduct occurring or arising before the date of the alien's application for an H-2A visa if associated with obtaining employment;

“(ii) the Secretary of Homeland Security may not waive—

“(I) paragraph (1) or (2) of sections 212(a) (relating to health and safety and criminals);

“(II) section 212(a)(3) (relating to security and related grounds);

“(III) section 212(a)(9)(C)(i)(II); or

“(IV) subparagraph (A), (C), or (D) of section 212(a)(10) (relating to polygamists, child abductors, and unlawful voters).

“(B) CONSTRUCTION.—Nothing in this paragraph may be construed as affecting the authority of the Secretary of Homeland Security, other than under this paragraph, to waive the provisions of section 212(a).

“(3) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted an H-2A visa if—

“(A) the alien has violated any material term or condition of such status granted previously, unless the alien has had such violation waived under paragraph (2)(A);

“(B) the alien is inadmissible as a non-immigrant, except for those grounds previously waived under paragraph (2)(A); or

“(C) the granting of such status would allow the alien to exceed limitations on stay in the United States in H-2A status described in subsection (m).

“(4) PROMPT REMOVAL PROCEEDINGS.—The Secretary of Homeland Security shall

promptly identify, investigate, detain, and initiate removal proceedings against every alien admitted into the United States on an H-2A visa who exceeds the alien's period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

“(5) NUMERICAL LIMITATIONS ON WAIVERS.—The Secretary of Homeland Security may waive any ground of inadmissibility, as authorized under this section, only once for each beneficiary of an application for an H-2A visa filed by an employer after the date of the enactment of the HARVEST Act of 2012. Such waiver authority for the Secretary shall expire 24 months after such date of enactment.

“(6) FINE.—Each alien applying for an H-2A visa under this section who would be inadmissible under section 212(a)(6), if such provision had not been made inapplicable under subsection (1)(2)(A)(i), shall be required to pay a fine in an amount equal to \$500 before being granted such visa.

“(m) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—An H-2A worker approved to enter the United States may not remain in the United States for more than 10 months during any 12-month period, excluding—

“(A) a period of not more than 7 days before the beginning of the period of employment for the purpose of travel to the work site; and

“(B) a period of not more than 14 days after the period of employment for the purpose of departure to complete late work caused by weather or other unforeseen conditions.

“(2) EMPLOYMENT LIMITATION.—An H-2A worker may not be employed during the 14-day period described in paragraph (1)(B) except in the employment for which the alien was previously authorized.

“(3) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary of Homeland Security to extend the stay of an alien under any other provision of this Act.

“(n) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment, which was the basis for such admission or status—

“(A) has failed to maintain nonimmigrant status as an H-2A worker; and

“(B) shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—Not later than 36 hours after the premature abandonment of employment by an H-2A worker, the employer or association acting as an agent for the employer shall notify the Secretary of Homeland Security of such abandonment.

“(3) REMOVAL.—The Secretary of Homeland Security shall ensure the prompt removal from the United States of any H-2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

“(o) REPLACEMENT OF WORKERS.—

“(1) IN GENERAL.—Upon receiving notification under subsection (n)(2) or being notified that a United States worker referred by the Department of Labor or a United States

worker recruited by the employer during the recruitment period has prematurely abandoned employment or has failed to appear for employment—

“(A) the Secretary of State shall promptly issue a visa to an eligible alien designated by the employer to replace a worker who abandons or prematurely terminates employment; and

“(B) the Secretary of Homeland Security shall expeditiously admit such alien into the United States.

“(2) CONSTRUCTION.—Nothing in this subsection may be construed to limit any preference for which United States workers are eligible under this Act.

“(p) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall provide each alien authorized to be an H-2A worker with a single machine-readable, tamper-resistant, and counterfeit-resistant document that—

“(A) authorizes the alien's entry into the United States;

“(B) serves, for the appropriate period, as an employment eligibility document; and

“(C) verifies the identity of the alien through the use of at least 1 biometric identifier.

“(2) REQUIREMENTS.—The document required for all aliens authorized to be an H-2A worker—

“(A) shall be capable of reliably determining whether the individual with the document—

“(i) is eligible for employment as an H-2A worker;

“(ii) is not claiming the identity of another person; and

“(iii) is authorized to be admitted into the United States; and

“(B) shall be compatible with—

“(i) other databases of the Department of Homeland Security to prevent an alien from obtaining benefits for which the alien is not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) law enforcement databases to determine if the alien has been convicted of criminal offenses.

“SEC. 218A. ADMISSION OF CROSS-BORDER H-2A WORKERS.

“(a) DEFINITION.—In this section, the term ‘cross-border H-2A worker’ means a non-immigrant described in section 101(a)(15)(H)(ii)(a) who participates in the cross-border worker program established under this section.

“(b) INCORPORATION BY REFERENCE.—

“(1) IN GENERAL.—Except as specifically provided under paragraph (2), the provisions under section 218 shall apply to cross-border H-2A workers.

“(2) EXCEPTIONS.—Subsections (k)(3), (k)(4), and (m) of section 218 shall not apply to cross-border H-2A workers.

“(c) MANDATORY ENTRY AND EXIT.—A cross-border H-2A worker who complies with the provisions of this section—

“(1) may enter the United States each scheduled work day, in accordance with regulations promulgated by the Secretary of Homeland Security; and

“(2) shall exit the United States before the end of each day of such entrance.

“(d) RECRUITMENT.—Each employer that employs a cross-border H-2A worker under this section shall conduct a recruitment for each position occupied by such H-2A worker that complies with the requirements under section 218(b)(4) at least once every 10 months.”.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality

Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

“Sec. 218. Admission of temporary H-2A workers.

“Sec. 218A. Admission of cross-border H-2A workers.”.

(c) RULEMAKING.—

(1) ISSUANCE OF VISAS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to provide for uniform procedures for the issuance of H-2A visas by United States consulates and consular officials to nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BORDER CROSSINGS.—The Secretary of State shall promulgate regulations to establish a process for cross-border H-2A workers authorized to work in the United States under section 218A of the Immigration and Nationality Act, as added by subsection (b), to ensure that such workers expeditiously enter and exit the United States during each work day.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 12304. LEGAL ASSISTANCE FROM THE LEGAL SERVICES CORPORATION.

Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended—

(1) by striking subsection (b) and inserting the following:

“(b)(1) Upon application by a complainant and in such circumstances as the court determines just, the court may appoint an attorney for such complainant and may authorize the commencement of the action.

“(2) The Legal Services Corporation may not provide legal assistance for, or on behalf of, any alien, and may not provide financial assistance to any person or entity that provides legal assistance for, or on behalf of, any alien, unless the alien—

“(A) is described in subsection (a); and

“(B) is present in the United States at the time the legal assistance is provided.

“(3)(A) No party may bring a civil action for damages or another complaint on behalf of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) (referred to in this subsection as an ‘H-2A worker’) unless—

“(i) the party makes a request to the Federal Mediation and Conciliation Service or an equivalent State program (as defined by the Secretary of Labor) not later than 90 days before bringing the action to assist the parties in reaching a satisfactory resolution of all issues involving parties to the dispute;

“(ii) the party provides written notification of the alleged violation to the agricultural employer, agricultural association, or farm labor contractor; and

“(iii) the parties to the dispute have attempted, in good faith, mediation or other non-binding dispute resolution of all issues involving all such parties.

“(B) If the mediator finds that an agricultural employer, agricultural association, or farm labor contractor has corrected a violation of this Act or a regulation under this Act not later than 14 days after the date on which such agricultural employer, agricultural association, or farm labor contractor received written notification of such viola-

tion, no action may be brought under this section with respect to such violation.

“(C) Any settlement reached through the mediation process described in subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding.

“(D) If no settlement is reached through the mediation process described in subparagraph (A), any offer of settlement or attempts to remedy alleged grievances shall be admissible as evidence.

“(4) An employer of an H-2A worker shall not be required to waive any requirements of any food safety programs, such as sign in requirements, for any recipient of grants or contracts under section 1007 of the Legal Services Corporation Act (42 U.S.C. 1996f), or any employee of such recipient.

“(5) The employer of an H-2A worker shall post the contact information of the Legal Services Corporation in the dwelling and at the work site of each nonimmigrant employee in a language in which all employees can understand.

“(6) There are authorized to be appropriated to the Federal Mediation and Conciliation Service for each fiscal year such sums as may be necessary to carry out the mediation process described in this subsection.”; and

(2) by adding at the end the following:

“(g)(1) If a defendant prevails in an action under this section in which the plaintiff is represented by an attorney who is employed by the Legal Services Corporation or any entity receiving funds from the Legal Services Corporation, such entity or the Legal Services Corporation shall award to the prevailing defendant fees and other expenses incurred by the defendant in connection with the action.

“(2) In this subsection, the term ‘fees and other expenses’ has the meaning given the term in section 514(b)(1)(A) of title 5, United States Code.

“(3) The court shall take whatever steps necessary, including the imposition of sanctions, to ensure compliance with this subsection.”.

SEC. 12305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Homeland Security and the Department of State such sums as may be necessary to adjudicate H-2A applications.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to S. 3276, a bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes, dated June 11, 2012.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on June 14, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “New Tax Burdens on Tribal Self-Determination.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Lillia McFarland, a member of my staff, be granted the privilege of the floor for the remainder of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—H.R. 436

Mr. MENENDEZ. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

Mr. MENENDEZ. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JUNE 12, 2012

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 12; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the first hour be equally divided and controlled between the two leaders or their designees with the majority controlling the first half and the Republicans controlling the final half; and that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings; further, that all time during adjournment, recess, and morning business count postcloture on the Hurwitz nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MENENDEZ. Mr. President, we expect to yield back time and confirm the Hurwitz nomination during Tuesday's session. We are also working on an agreement for amendments to the farm bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MENENDEZ. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Tuesday, June 12, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

CAITLIN JOAN HALLIGAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

SRIKANTH SRINIVASAN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE A. RAYMOND RANDOLPH, RETIRED.

WILLIAM H. ORRICK, III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE CHARLES R. BREYER, RETIRED.

JON S. TIGAR, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE SAUNDRA BROWN ARMSTRONG, RETIRED.

KIMBERLEY SHERRI KNOWLES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ZINORA M. MITCHELL, RETIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 7, 2012 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATION OF MAJ. GEN. MICHAEL S. TUCKER, TO BE LIEUTENANT GENERAL, WHICH WAS SENT TO THE SENATE ON OCTOBER 5, 2011.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 12, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Deborah J. Jeffrey, of the District of Columbia, to be Inspector General, Corporation for National and Community Service, Larry V. Hedges, of Illinois, and Susanna Loeb, of California, both to be a Member of the Board of Directors of the National Board for Education Sciences, and Kamilah Oni Martin-Proctor, of the District of Columbia, and Sara A. Gelser, of Oregon, both to be a Member of the National Council on Disability.

Room to be announced

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine risk management, focusing on JPMorgan Chase and Co.

SD-G50

Environment and Public Works

To hold hearings to examine the nominations of Allison M. Macfarlane, of Maryland, and Kristine L. Svinicki, of Virginia, both to be a Member of the Nuclear Regulatory Commission.

SD-406

Veterans' Affairs

To hold hearings to examine economic opportunity and transition legislation.

SR-418

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Defense.

SD-192

2 p.m.

Aging

To hold hearings to examine empowering patients and honoring individual's choices, focusing on lessons in improving care for individuals with advanced illness.

SD-562

2:45 p.m.

Foreign Relations

To hold hearings to examine the nominations of Richard L. Morningstar, of Massachusetts, to be Ambassador to the Republic of Azerbaijan, Timothy M. Broas, of Maryland, to be Ambassador to the Kingdom of the Netherlands, and Jay Nicholas Anania, of Maryland, to be Ambassador to the Republic of Suriname, all of the Department of State.

SD-419

JUNE 14

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine competitiveness and collaboration between the United States and China on clean energy.

SD-366

10 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine saving taxpayer dollars by curbing waste and fraud in Medicaid.

SD-342

Finance

To hold hearings to examine Medicare physician payment policy, focusing on lessons from the private sector.

SD-215

Foreign Relations

To hold hearings to examine the Law of the Sea Convention (Treaty Doc. 103-39), focusing on perspectives from the United States military.

SH-216

Judiciary

Business meeting to consider S. 250, to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories,

to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, S. 285, for the relief of Sopuruchi Chukwueke, and the nomination of Brian J. Davis, to be United States District Judge for the Middle District of Florida.

SD-226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine new taxes on tribal self-determination.

SD-628

2:30 p.m.

Foreign Relations

To hold hearings to examine the Law of the Sea Convention (Treaty Doc. 103-39).

SD-419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 19

10 a.m.

Judiciary

Constitution, Civil Rights and Human Rights Subcommittee

To hold hearings to examine reassessing solitary confinement, focusing on the human rights, fiscal and public safety consequences.

SD-226

JUNE 21

1:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Universal Music Group/EMI merger and the future of online music.

SD-226

JUNE 27

10 a.m.

Veterans' Affairs

To hold hearings to examine health and benefits legislation.

SR-418

JUNE 28

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.